

13

ASSAM ACT XIII OF 1955

THE ASSAM *ADHIARS* PROTECTION AND REGULATION
(AMENDMENT) ACT, 1955

(Passed by the Assembly)

(Received the assent of the Governor on the 14th July 1955)

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An

Act

further to amend the Assam Adhiars Protection and Regulation Act, 1948.

Preamble.—Whereas it is expedient further to amend the Assam *Adhiars* Protection and Regulation Act, 1948 (Assam Act XII of 1948), hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Assam *Adhiars* Protection and Regulation (Amendment) Act, 1955.

(2) It shall have the like extent as the Principal Act.

(3) It shall come into force at once.

2. Insertion of a new section to Assam Act XII of 1948.—After section 2 of the Principal Act, the following shall be inserted as section 2A, namely:—

“2A. Establishment and constitution of Adhi Conciliation Board.—

(1) The State Government may, by notification in the official Gazette, establish for any local area specified in the notification an *Adhi* Conciliation Board, hereinafter called the Board, consisting of one member from landlords and one member from *adhiars* from the area concerned with the Revenue Officer as Chairman, constituted in the manner prescribed:

Provided that till such Board is constituted, the functions of the Board shall be performed by the Revenue Officer having jurisdiction in the area concerned.

(2) An order of the Board shall be executed by the Revenue Officer in the manner prescribed and the procedure to be followed by the Board shall also be prescribed:

Provided that an order for eviction and restoration of possession shall be executed in the manner prescribed in the Code of Civil Procedure, 1908 (Act V of 1908) subject to such modification as may be prescribed.”

3. Amendment of section 3 of Assam Act XII of 1948.—In subsection (1) of section 3 of the Principal Act, the words “Revenue Officer”, wherever they occur, shall be substituted by the words “*Adhi* Conciliation Board”.

4. Amendment of section 4 of Assam Act XII of 1948.—In section 4 of the Principal Act, for the words “Revenue Officer may put such person”, the following shall be substituted, namely:—

“*Adhi* Conciliation Board may order such person to be put”.

5. Amendment of section 5 of Assam Act XII of 1948.—For section 5 of the Principal Act, the following shall be substituted, namely:—

“5. (1) Subject to the provisions of sub-section (2) below, an *Adhi* Conciliation Board may, on application of a landlord and after due

[Price 1 anna or 1 d.]

notice and enquiry as prescribed, order an *Adhiar*, on one or more of the grounds mentioned below, to cease to cultivate an *Adhi* land and to be evicted therefrom in the manner prescribed:—

- (i) that the land is *bonafide* required by the landlord for personal cultivation either by himself or by members of his family or by servants or hired labourers:

Provided that if the area of the cultivable land held by the landlord in the aggregate amounts to only thirty bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds thirty bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher, subject to an overall maximum of one hundred bighas, including the land already held by him under his personal cultivation at the time of resumption.

Provided further that if the landlord does not cultivate the land within one year or sub-lets it to others within two years from the date he gets possession of the land by virtue of this clause, the evicted *Adhiar* shall be restored to possession in the manner prescribed;

Explanation.—‘Servants and hired labourers’ mean persons working for a fixed remuneration either in cash or in kind but shall not include any person who receives a share of the crop;

- (ii) that an *adhiar* has used the land in a manner which renders it unfit for the purpose of cultivation;
- (iii) that an *adhiar* has failed to deliver within the prescribed time to a landlord such a share or quantity of the produce as he is bound, subject to the provisions of this Act, by an express or implied agreement with the landlord to deliver:

Provided that the order of eviction passed under this clause shall not be executed if the share or quantity of the produce remaining unpaid is delivered to the landlord within such time as may be allowed, and with such compensation, if any, as may be awarded, by the Board;

- (iv) that the *adhiar* kept the land fallow for two consecutive years without reasonable ground or sub-let it to others:

Provided that an *adhiar* who keeps the *adhi* land fallow under this clause shall further be liable to pay to the landlord, for each such year, a sum equal to double the annual land revenue, which is or would have been payable by the landlord to the Government, if such land is or had been assessable to revenue at full rates.

(2) No *adhiar* who has acquired any right of occupancy under any other law shall be evicted except under the provisions of that law, and no *adhiar* who has acquired any other right under any other law shall be deprived of it”.

6. Amendment of section 6 of Assam Act XII of 1948.—In section 6 of the Principal Act,—

- (i) for the word “one-third” against item (a), the word “one-fourth” shall be substituted;
- (ii) for the word “one-fourth” against item (b), the word “one-fifth” shall be substituted;
- (iii) the following new proviso shall be added after the existing proviso, namely:

“Provided further that when more than one crop are grown on a particular plot of land within the same agricultural year, the landlord or the person under whom an *adhiar* holds land shall get his stipulated share only of the major crop”.

7. Insertion of a new section to Assam Act XII of 1948.—After Section 6 of the Principal Act, the following shall be inserted as section 6-A, namely:—

“6. A. Settlement of disputes.—If any dispute arises between a landlord and an *adhiar* (a) as to whether a particular crop is a major crop or not, or (b) as to what share of such crop or its market value is payable by an *adhiar*, or (c) as to any other matter under this Act, it shall be decided by the Board on application of either party.”

8. Amendment of section 11 of Assam Act XII of 1948.—For section 11 of the Principal Act, the following shall be substituted, namely:—

“11. (1) Any person aggrieved by an order of the *Adhi* Conciliation Board or the Revenue Officer under this Act may, within the prescribed time and in the prescribed manner, appeal to the Sub-Judge having jurisdiction over the area concerned and the latter may uphold, modify or set aside the order, or pass such order as he may deem fit.

(2) The order of the *Adhi* Conciliation Board or the Revenue Officer when no appeal is preferred, and the orders of the Sub-Judge when an appeal is preferred, shall be final”.

9. Amendment of section 12 of Assam Act XII of 1948.—(1) In section 12 of the Principal Act, after the words “any matter which” occurring in the third line, the words “an *Adhi* Conciliation Board or” shall be added.

(2) At the end of section 12 of the Principal Act, the full stop shall be deleted and following shall be added, namely:—
“except as provided under this Act.”