

ASSAM ACT XI OF 1957

THE ASSAM ADHIARS PROTECTION AND REGULATION
(AMENDMENT) ACT, 1957

Received the assent of the Governor on the 21st August 1957

[Published in the *Assam Gazette*, dated the 28th August 1957]An
Actfurther to amend the Assam Adhiars Protection and Regulation Act, 1948
(Assam Act XII of 1948)

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

It is hereby enacted in the Eighth 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, 1957.

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

(3) It shall be deemed to have come into force from the date of commencement of the Principal Act.

2. **Amendment of Section 2 of the Assam Act XII of 1948.**—Below Clause (6) of Section 2, the following new definition shall be inserted as Clause (7), and the remaining clauses renumbered :—

“(7) “Personal cultivation” means cultivation by the person himself, or by any member of his family or by his servants or hired labourers on fixed remuneration payable in cash or kind but not in crop share, under personal supervision of the person himself or any member of his family, provided it is accompanied by the bearing of risks of cultivation by the owner and by residence in the village in which the land is situate or in a nearby village within a distance of five miles during the greater part of the agricultural season :

Provided that in the case of a person who is a widow or a minor, or is subject to any physical or mental disability or is a member of the Military, Naval or Air Forces of the Union, or is a student below the age of twenty-five years of any educational institution recognised by the State Government, the land shall be deemed to be under personal cultivation even in the absence of such personal supervision”.

3. **Amendment of Section 5 of Assam Act XII of 1948.**—The entire Clause (i), including the Explanation below it, of sub-section (1) of Section 5 shall be substituted by the following, namely :—

“(i) that the land is *bonafide* required by the landlord for his personal cultivation ;

Provided that,—

(a) if the aggregate area of lands in actual occupation of an **adhiar** does not exceed 10 bighas, then he shall not be evicted therefrom, until he has been provided with land of equivalent value in the locality ;

(b) if the aggregate area of lands in actual occupation of an **adhiar** exceeds 10 bighas, then the **adhiar** shall not be evicted from a minimum area of 10 bighas as selected by him (**adhiar**), until he has been provided with land of equivalent value in the locality, but the landlord shall be entitled to resume for his personal cultivation any area in excess of these 10 bighas. In no case, however, the aggregate area of lands so resumed from all his

adhiars taken together, along with any other land already held under personal cultivation by the landlord or any member of his family on the date of resumption, shall exceed an overall limit of 100 bighas ;

(c) if the landlord is a minor, or a widow, or a person subjected to any physical or mental disability or a member of the Military, Naval or Air Forces of the Union, then it shall not be obligatory on him to leave a minimum area with the **adhiar** as provided for in (a) or (b) above ;

(d) if the landlord does not cultivate the land within one year or sublets 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."

4. **Amendment of Section 6 of Assam Act XII of 1948.**—The existing Section 6 shall be numbered as sub-section (1) of Section 6, and the following shall be added as a new sub-section (2) under the same section, namely,—

"(2) Notwithstanding anything to the contrary in any law, custom or agreement, it shall be lawful for an **adhiar**, if he so elects, to pay, in lieu of the share of crop as provided for in sub-section (1) above, the money value of such crop computed in the manner prescribed."