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The 12th November 1957

No.LJL.30/57/46.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

(Received the assent of the President on the 8th November 1957)

ASSAM ACT XVII OF 1957

**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS
(AMENDMENT) ACT, 1957**

(Passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary, dated the 13th November 1957]

An

Act

to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956.

Preamble.—WHEREAS it is expedient to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act - I of 1957), 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, commencement.**—(1) This Act may be called the Assam Fixation of Ceiling on Land Holdings (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 Assam Act I of 1957.—

- (i) Clause (d) of section 2 of the principal Act shall be deleted.
 (ii) The existing clause (e) of section 2 of the principal Act shall be re-numbered as clause (d) and substituted by the following, namely:—
 “(d) Lands utilised by efficiently managed farms on which heavy investments or permanent structural improvements have been made and whose break up is likely to lead to a fall in production”.
 (iii) After clause (d) of section 2, the following shall be added as new clause (e), namely,—
 “(e) lands held by a sugar factory or a co-operative farming society, for cultivation of sugarcane for the purpose of such factory.”

3. Amendment of Section 3 of Assam Act I of 1957.—(i) In clause (k) (iii) of section 3 of the principal Act, the “comma” after the word “village” occurring in the seventh line shall be deleted and the words “within a distance of five miles” shall be inserted before the words “during the greater part of the agricultural season.”

- (ii) In clause (o) of section 3, the full-stop at the end of the clause shall be deleted and the following shall be added, namely,—
 “and includes a person who cultivates the land of another person on condition of delivering a share of the produce”.

4. Amendment of Section 4 of Assam Act I of 1957.—(i) At the end of sub-section (1) of section 4, the following shall be added as a proviso, namely,—

“Provided that where the person holds orchard lands, the afore-mentioned limit shall be increased by the actual area of the orchard, subject to a maximum of 30 bighas”.

(ii) The following shall be added as sub-section (2) of section 4 of the principal Act, namely:—

“(2) The Ceiling of a Co-operative farming society shall be the aggregate of the ceilings of its individual members or their families under sub-section (1) above.

Provided that lands held outside the society by a member of a Co-operative Society or any member of his family shall also be taken into account for determining his ceiling”.

(iii) The existing sub-section (2) of section 4 of the principal Act shall be re-numbered as sub-section (3) and substituted by the following, namely:—

“(3) No *benami* transfer made after the twelfth day of November, 1955, shall be taken into account in determining the limit upto which the transferor shall be entitled to hold lands under sub-section (1) above, and in such case the limit and the excess land of the transferor shall be determined as if the transfer has not taken place”.

5. Amendment of Section 12 of Assam Act I of 1957.—(i) After the clause (a) (2), (ii) of section 12, and before the Explanation thereunder, a new clause (3) shall be inserted, namely,—

“(3) Where there is a sub-tenant in the excess land acquired, an amount equal to 50 per cent of the compensation payable under (1) or (2) above to the tenant under whom he holds shall be paid out of it to the sub-tenant.”

(ii) In clause (c) of section 12, after the words “owner or tenant.” the words “or the sub-tenant” shall be inserted.

6. Amendment of Section 23 of Assam Act I of 1957.—(i) The existing clauses (a) and (b) of section 23 shall be substituted by the following, namely,—

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

(ii) At the end of the existing proviso to section 23, the following shall be added as a second proviso, namely,—

“Provided further that if the landlord is a minor, or a widow, or a person subject 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 tenant under the provisions of clause (a) or (b) above.”

P. C. DAS,

for Secy. to the Govt. of Assam, Leg. & Judl. Deptts.