

Insertion of new sections 183 and 184 in Assam Act I of 1929.

4. After section 182 of the principal Act, the following new sections shall be inserted, namely:—

“183. (1) The Assam Adhiars Protection and Regulation Act, 1948, so far as it applies to the areas in which the principal Act (The Goalpara Tenancy Act, 1929) is applicable, is hereby repealed.

(2) On such repeal, all the provisions of this Act shall be applicable to the Adhiars within the meaning of the Assam Adhiars Protection and Regulation Act, 1948 hereby repealed and such Adhiars will acquire the status of an under-raiyat with or without a limited right of occupancy as the case may be, under this Act.

184. On the repeal of the Assam Adhiars Protection and Regulation Act, 1948.

(1) The Adhi Conciliation Board shall be deemed to have been abolished and all the members thereof and the officers working therein shall be deemed to have relinquished their posts as members of officers, as the case may be, of the Board.

(2) All the proceedings pending before the Adhi Conciliation Board shall stand transferred to the Civil Court competent to entertain and dispose of the matter as if the proceedings were rent suits between the parties and the Court shall proceed to dispose of the same as rent suit.”

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ASSAM ACT V OF 1971

(Received the assent of the Governor on the 3rd February 1971)

THE SYLHET TENANCY (AMENDMENT) ACT
1970

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An

Act

further to amend the Sylhet Tenancy Act, 1936.

Preamble. Whereas it is expedient further to amend the Sylhet ^{Assam Act} Tenancy Act, 1936, hereinafter called the principal ^{Assam Act} XI of 1936, Act, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Sylhet Tenancy (Amendment) Act, 1970.

(2) It shall have the like extent as the principal Act,

(3) It shall come into force at once.

Amendment
of section 1
of Assam
Act XI
1936.

2. In section 1 of the principal Act, the Explanation shall be substituted as follows:—

“Explanation:—Purposes ancillary to special cultivation shall mean the following:—

(i) land used for factory buildings ;

(ii) land used for staff buildings including labour lines ;

(iii) land used for roads, bridges and drain within the tea estates ;

(iv) land used for nurseries including shade trees ;

(v) land used for hospitals, dispensaries, creche and recreation club ;

(vi) land used for any other buildings made by the management under other law in force ;

(vii) land used for seed bari^{es}.

Amendment
of section 3
of Assam
Act XI of
1936.

3. In section 3 of the principal Act,—

(1) In sub-section (16),—

(a) after the words "to that person" occurring at the end, the following shall be added namely:—

"and also includes a person who cultivates the land of another person under the system generally known as 'Adhi' (whether Guchiadhi or Gutiadhi), 'Barga', or 'Bhag', 'Chukti' or 'Chukani', on condition of delivering a share of the produce of such land to that person."

(b) The Explanation shall be deleted and the following shall be inserted as second proviso, namely:—

"Provided further that labourers employed for personal cultivation shall not be deemed to be tenant."

(2) in sub-section (18),—

(a) after the word "tenant" occurring at the end, the following shall be added, namely:—

"and shall include the share of crop deliverable by a tenant."

(b) The following shall be inserted as explanation, namely:—

"Explanation.—Share of crop will be determined by mutual agreement between landlord and the tenant:

Provided that the landlord's share shall not exceed one-fifth of the principal crop."

(3) after sub-section (28), the following shall be inserted as sub-sections (29), (30), (31) and (32), namely:—

"(29) 'Principal crop' shall mean only one crop for each agricultural year as may be agreed upon mutually between the landlord and the tenant:

Provided that where there is no agreement, the principal crop shall be only one agricultural crop grown in each agricultural year in the local area specified as follows:—

In the district of Cachar—Sali or such local name generally used in respect for paddy known as winter paddy, the harvesting of which is done in the months of December, January and February corresponding to Pausa, Magha and Phalguna.”

“(30) ‘Money rent’ in relation to rent payable in crop share for purpose of deposit into Court and for calculation of arrear rent is the money value of the crop deliverable by a tenant to a landlord and such money value shall be computed on the basis of the market value of that crop prevailing at the time of harvesting in the locality concerned.”

“(31) ‘Personal cultivation’ means cultivation by the person himself, or by member of his family or by his hired labourers on fixed remuneration payable in cash or kind but not in crop share, under personal supervisions 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 situated or nearby village or town within a distance of 5 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 Defence forces of the Indian Union or is a student below the age of 21 years of an educational Institution recognised by the State Government, the land shall be deemed under personal cultivation even in the absence of such personal supervision.”

“(32) ‘Fair rent in relation to rent payable in crop share’ means the rate of rent not exceeding one-fifth of the produce of the principal crop grown in each agricultural year:

Provided that where the crop fails due to natural calamities and the payment of crop share is not possible due to circumstances beyond the control of the tenant, a sum equal to double the annual land revenue or rent payable by his immediate land lord for such holding shall be fair rent.”

Amendment of section 5 of Assam Act XI of 1936. 4. In section 5 of the principal Act, in sub-section (2), the full-stop at the end shall be deleted and the following words followed by a full-stop shall be added, namely:—

“and further includes a person who cultivates the land of another persons under the system generally known as ‘Adhi’ (whether Guchiadhi or Gutiadhi), ‘Barga’, ‘Bhag’, ‘Chukti’ or ‘Chukani’ on condition of delivering a share of the produce of such land to that person.”

Addition of sections. 5. After section 210 of the principal Act, the following sections shall be inserted, namely:—

“Repeal and Saving. 210A. (1) The Assam Adhiars Protection and Regulation Act, 1948, so far it applies to the Sub-division of Karimganj in the District of Cachar is hereby repealed.

(2) On such repeal, all the provisions of this Act, shall be applicable to the adhiars within the meaning of the Assam Adhiars Protection and Regulation Act, 1948 hereby repealed and such adhiars will acquire the status of occupancy and non-occupancy tenants, as the case may be, under this Act.

Abolition of the Adhi Conciliation Board and disposal of pending cases. 210B. On the repeal of the Assam Adhiars Protection and Regulation Act, 1948, — Assam Act. XII of 1948.

(1) the Adhi Conciliation Board shall be deemed to have been abolished; and all the members thereof and the offices working therein shall be deemed to have relinquished their posts as members or officers as the case may be, of the Board.

(2) all the proceedings pending before the Adhi Conciliation Board shall stand transferred to the Civil Court competent to entertain and dispose of the matter as if the proceedings were rent suits between the parties and the Court shall proceed to dispose of the same as a rent suit.”