

**Assam State Acquisition Of Zamindaris (Amendment) Act,
1953**

06 of 1954

[31 March 1954]

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PREAMBLE

An

Act

to amend the Assam State Acquisition of Zamindaris Act, 1951.

Whereas it is expedient to amend the Assam State Acquisition of Zamindaris Act, 1951 (Assam Act XVIII of 1951) hereinafter called the principal Act, in the manner hereinafter appearing;

It is hereby enacted as follows: --

1. Short title, extent and commencement :-

(1) This Act may be called the Assam State Acquisition of

Zamindaris (Amendment) Act, 1953.

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

(3) It shall come into force on the date of the commencement of the principal Act.

2. Amendment of Section 2 :-

In section 2 of the principal Act--

(a) After item (j) the following new item shall be inserted, namely--
"(ja) encumbrance in relation to estates and rights of proprietors or tenure-holders does not include the rights of a raiyat or non-agricultural tenant".

(b) The Proviso to item (u) shall be deleted.

(c) For item (x) the following shall be substituted, namely--

"(x) rent means whatever is lawfully payable in money or kind on account of the use and occupation of land".

(d) Item (z) shall be deleted and items (za), (zb), (zc), (zd) (ze)- and (zf) shall be renumbered as z, (za), (zb), (zc), (zd), and (ze) respectively.

(e) In item (za) so renumbered for the words "but does not include" occurring in the fourth line, the words "and includes" shall be substituted.

3. Amendment of Section 4 :-

In section 4 of the principal Act--

(a) in sub-section (1), after the words "collection of rent" occurring in the eleventh line the words "of such estate or tenure" and after the words "cease and" occurring in the fourteenth line the words "such estate or tenure including such rights" shall be inserted respectively;

(b) clauses (a) and (b) of sub-section (3) shall be deleted:

(c) clauses (c) shall be renumbered as sub-section (3) and the words "in like manner" occurring in the third line thereof shall be deleted, and

(d) the following new sub-section shall be inserted as sub-section (6), namely: --

"(6) Until further legislation by the State Legislature in this behalf, every raiyat or non-agricultural tenant holding land in any estate or tenure, which has vested in the State, shall hold the same directly under the State on the same terms and conditions as immediately before the date of vesting and all rent., cesses, royalties and other dues accruing in respect of lands comprised in such estate or tenure

alter the date of vesting shall be payable to the State Government and all such dues shall be recoverable as arrears of land revenue: Provided that the State Government shall be entitled to apply the Assam Land and Revenue Regulation 1886 (Regulation I of 1886) in any area if the tenants residing in it apply in writing to exchange their rights under the Goalpara Tenancy Act, 1929 (Assam Act I of 1929), or the Sylhet Tenancy Act 1936, (Assam Act XI of 1936), for corresponding rights under the Assam Land and Revenue Regulation, 1886: Provided further that any such person who was holding any land rent free on at a specially low rent, shall be bound to pay such rent, not exceeding the prevailing rate of rent for similar land in the neighbourhood, as may be fixed

4. Amendment of Section 6 :-

In section 6 of the principal Act--

(1) In sub-section (1)--

(a) In sub-clause (ii) the word "and" occurring at the end shall be deleted.

(b) in sub-clause (iii) after the word proprietor the words "or a tenure-holder" shall be inserted and at the end the colon shall be deleted and the following shall be added namely---

"for a proprietor and 150 big has for a tenure-holder";

(c) in the first proviso to sub-clause (iii) after the word "big has" in the first line the following shall be inserted, namely--

"or 150 big has as the case may be ";

(d) in the second proviso to sub-clause (iii) after the word "big has" in the first line the following shall be inserted, namely--

"or 150 big has as the case may be";

(e) in the third proviso to sub-clause (iii) the words and the figure "of 400 big has" occurring in the fifth line shall be deleted and at the end of the said provision the full stop shall be substituted by a semicolon and the word "and" shall be inserted; and

(g) the following new sub-clause shall be inserted as sub-clause (iv), namely--

"(iv) tea gardens and orchards;

Explanation---Land held for cultivation of tea shall continue to be held under the State under the same terms and conditions as existed before the date of vesting, subject to the provisions of sub-section (6) of Section 4 of this Act".

(2) In sub-section (2) after the word "big has" occurring in the

second line, the words and figures "or 150 big has as the case may be" shall be inserted and the colon at the end shall be deleted and the words and figures "or 150 big has as the case may be" shall be added.

(3) In sub-section (3) for the words "the Settlement Officer or any other officer empowered on this behalf by the State Government" the words "Deputy Commissioner or such officer as appointed for the purpose" shall be substituted and after the word "big has" in the sixth line the words "or 150 big has as the case may be" shall be inserted;

(4) In sub-section (4) for the words "as temporarily settled estates within the meaning of the Assam Land and Revenue Regulation, 1886" occurring in the third, fourth and fifth lines the following shall be substituted, namely--

"as a tenant under the State with occupancy rights under the law obtaining in the area" and the following shall be inserted as a proviso to this sub-section, namely:

"Provided that until further legislation is made in this behalf by the State Legislature except for the homestead of the proprietor used as is own residence and not exceeding 50 big has in area the proprietor or the tenure-holder shall be liable to pay such rent, not exceeding the prevailing rate of rent for similar lands in the neighborhoods, as may be fixed";

(5) in sub-section (5) for the words "The Settlement Officer appointed under section 9 below" the words "The Deputy Commissioner or such officer a appointed for the purpose" shall be substituted;

(6) in sub-section (6), for the words "Settlement Officer" the words "Deputy Commissioner or such officer as appointed for the purpose" shall be substituted.

5. Amendment of Section 7 :-

In section 7 of the principal Act, for the words "Settlement Officer" the words "Deputy Commissioner or such officer as appointed for the purpose " shall be substituted.

6. Amendment of Section 8 :-

In section 8 of the principal Act--

(a) the Words Transitional provisions" occurring in the marginal note shall be substituted by the words "Management of estates and tenures vested in the State".

(b) in sub-section (3) for the words "until such time as the estates are finally surveyed and resettled as temporarily-settled estates under the provisions of section 9 below" the words "or according to such rules as the State Government may from time to time make in this behalf" shall be substituted;

(c) in sub-section (4) after the word "manager" in the first line the words "if any" shall be inserted;

(d) sub-section (5) with sub-clauses (a) and (b) shall be substituted by the following, namely--

"After serving a notice in writing on the proprietor or tenure-holder for the production of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure, and if such notice is not complied with within forty-eight hours or such further time as the Deputy Commissioner may allow, it shall be lawful for the Deputy Commissioner or any officer not below the rank of a Sub-Deputy Collector authorised by him in writing in this behalf, to enter upon any land or building with such assistance as he considers necessary and seize and take possession of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure:

Provided that the proprietor or tenure-holder concerned shall have the right to take copy at his own cost of such documents, papers or registers".

7. Amendment of Section 9 :-

For section 9 of the principal Act, the following shall be substituted, namely--

"9 (1) The State Government may, for carrying out the purposes of this Act, make an order directing--

(a) that a record-of-rights be prepared in respect of any area, or

(b) that the record-of-rights already prepared and finally published under the Goalpara Tenancy Act, 1929 (Assam Act I of 1929), the Sylhet Tenancy Act, 1936 (Assam Act XI of 1936) or any other enactment in respect of any area, be revised, by a Revenue Officer in accordance with such rules as may be made in this behalf by the State Government.

(2) A notification in the official Gazette of an order under sub-section (1) of this section shall be conclusive evidence that the order has been duly made".

8. Amendment of Section 10 :-

In Section 10 of the principal Act--

(a) in sub-section (3) the words "and (ii) the arrear of rents, royalties, cesses, fees, interest mentioned in sub-section (3) of section 4", shall be deleted;

(b) sub-clauses (iii) and (iv) shall be renumbered as (ii) and (iii) respectively.

(c) in sub-section (4) for the words "or any other persons having interest in it may be shown under separate appropriate heads as prescribed in the rules occurring in the third, fourth and fifth lines, the words "shall be treated separately as if there were a partition on the date of vesting" shall be substituted.

9. Amendment of Section 11 :-

In section 11 of the principal Act--

(a) in sub-clause (i) after the word "subordinate" in the second line the words "including commuted value of rents in kind of such tenants and all cesses", shall be inserted and for the words "calculated on the basis of average annual rent of 15 agricultural years" the words "for the agricultural years shall be substituted.

(b) in sub-clause (ii) the figure "15" shall be substituted by the figure "5";

(c) in sub-clause (iii) after the words "and fees" occurring in the second line, the words "including dues from mines and minerals" shall be inserted and the words "average gross" occurring in the second line shall be deleted and the figure 15" and the word "years" in the third line shall be substituted by the words "the" and "year" respectively;

(d) in sub-clause (v) the word "average" occurring in the sixth line shall be deleted and the figure "15" and the word "years" shall be substituted by the words "the" and "year" respectively;

(e) in sub-clause (vi) the figure "15" shall be substituted by the figure "5" and in the proviso to the said sub-clause for the words and figure "fisheries, hats, bazars ferries, cesses or fees for 15" the word and figure "for 5" shall be substituted.

10. Amendment of Section 12 :-

(1) In section 12 of the principal Act, the existing section shall be re-numbered as sub-section (1) of the said section and--

(a) in sub-clause (i) for the words "calculated on the basis of an average of such revenue or cesses payable for the 15 agricultural years" the words "for the agricultural year" shall be substituted;

(b) in sub-clause (ii) for the word "calculated on the basis of an average of such rent payable for 15 agricultural years" the words "for the agricultural year" shall be substituted;

(c) in sub clause (iv) the words "an average of" occurring in the third line and the word "five" occurring in the fourth line shall be deleted and the word "years" occurring in the fifth line shall be substituted by the word "year";

(d) in sub-clause (v) for the words "calculated on the basis of an average of such income tax payable for 15 agricultural years" the words "for agricultural year" shall be substituted;

(e) sub-clauses (vii) and (viii) shall be deleted.

(f) the proviso to sub-clause (viii) shall be made proviso to sub-clause (vi) and in the said proviso, the words "and cost of beneficial works referred to in clause (vi) and (vii)" occurring in the second and third lines, and the words "each of the said clauses" occurring in the fifth line as well as in the eighth line shall be substituted by the words "above" and the words "of this clause" respectively;

(g) the illustration shall be substituted by the following, namely: --
On the other hand a proprietor or tenure holder whose gross income is Rs. 10,100 after deduction of cost of management at the rate of 12½ per cent, will have a net income of Rs. 8,737-8-0.
Under the terms, of the proviso his net income shall not be less than Rs. 9,000.

(2) After subsection (1) of section 12 of the principal Act, so renumbered, the following new sub-section shall be inserted as sub-section (2) of the said section, namely:--

"(2) In the case of a proprietor of a temporarily-settled estate getting malikana, the malikana received by such proprietor in respect of the previous agricultural year shall be deemed to be the net income of such proprietor."

11. Amendment of Section 13 :-

In section 13 of the principal Act--

(1) In sub-section (1)--

(a) in item (j) for the words "Four times such net income or the maximum amount under (i) above whichever is greater but subject in any case to a maximum of ten lakhs" the words "Three times such net income or the maximum amount under (i) above, whichever is greater" shall be substituted;

(b) in item (k) for the words "Three times such net income or the maximum amount under (j) above, whichever is greater but

subject in any case to a maximum of ten lakhs" the words "Two times such net income or the maximum amount under (i) above, whichever is greater," shall be substituted.

(2) Sub-section (2) shall be deleted and the sub-sections thereafter shall be renumbered accordingly.

12. Insertion of new sections 22A and 22B :-

After section 22 of the principal Act, the following new sections shall be inserted as sections 22A and 22B, namely; --

"22A (1) Subject to the provisions of sections 6 whenever the State Government is of opinion that for effecting land reforms it is expedient in public interest to fix an upper limit of land which an individual may hold, the State Government may by notification declare that no individual shall be entitled to settlement or possession of more than 150 big has of agricultural land in the aggregate and that the land above this limit, shall vest in Government free from all encumbrances:

Provided that the limit of 150 big has may be relaxed--

(i) in the case of a Co-operative Society formed for the purposes of large scale farming, or

(ii) in the case of any individual taking up large scale cultivation by mechanical appliances;

Provided further that the limit of 150 big has shall apply again whenever such large scale farming or cultivation ceases to exist, and the Government may by notification, resume the excess.

Explanation.--The upper limit of 150 big has mentioned above is for a family.

(2) The provisions of sub-sections (2) and (3) of section 6, in respect of selection of the 150 big has and other provisions of this Act so far as they are applicable shall apply in this matter

(3) Every raiyat, under-raiyat or non-occupancy raiyat, whose land vests in the State under sub-section (1) of this section shall be entitled to compensation in accordance with principles laid down in sections 23(1) and 24 of the Land Acquisition Act, 1894 (Act 1 of 1894) so far they may be applicable until further legislation is made in this behalf:

Provided that the State Government shall be entitled to pay the compensation in one instalment or in ten equal annual instalments

(4) A Revenue Officer, specially authorised in this behalf by Government or the Deputy Commissioner of the district, may at any time enter upon any land with such officers or other persons as

he considers necessary, and make a survey of the land of take measurement thereof or do any other acts which he considers to be necessary for carrying out any of his duties under this Act or any rules made thereunder

22B. The State Government shall distribute and allot the land, which vests in it under sub-section (1) of section 22A, among landless tillers of the soil, preference being given to the landless tillers in occupation immediately before the date of resting and as premium may realise in one or more instalments, the whole or part of the compensation paid by it to the owners and may frame rules to regulate it".

13. Amendment of Section 26 :-

In section 26 of the principal Act, subsection (2) and the proviso thereto shall be deleted and sub-section (1) shall be renumbered as section 26.

14. Amendment of Section 29 :-

In section 29 of the principal Act, for the words to tenants during the transitional period of the management of the estates and tenures under the Deputy Commissioner as provided for in section 8 of this Act" the words "and those provisions which are repugnant to the provisions of this Act shall be considered as repealed" shall be substituted.

15. Amendment of Section 31 :-

In section 31 of the principal Act, sub-clause (i) of sub-section (ii) shall be deleted and the subsequent sub-clauses renumbered accordingly.