

ASSAM ACT IV OF 1971

THE GOALPARA TENANCY (AMENDMENT) ACT, 1970

(Received the assent of the Governor on the 19th January, 1971)

[Published in the Assam Gazette Extraordinary,] dated the 25th
January, 1971]

An

Act

further to amend the Goalpara Tenancy Act, 1929

Preamble. Whereas it is expedient further to amend the Assam Act I of 1929.
Goalpara Tenancy Act, 1929, hereinafter called the principal 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 Goalpara 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 4
of Assam
Act I of 1929.

2. In section 4 of the principal Act,—

(1) In clause (17),—

(a) after the word “tenant” the punctuation “;” shall be deleted and the following shall be added, namely:—

“and shall include the share of crop deliverable by a tenant;”

(b) For the second paragraph, the following shall be substituted, namely:—

“Provided that where Government is a landlord, rent shall be paid in cash and not in kind.”

- (c) After the second paragraph as so substituted following shall be added as the third paragraph, namely:—

“Share of crop shall mean the share of the principal crop grown in each agricultural year and will be determined by mutual agreement between the landlord and the tenant, subject to the maximum of one-fifth of the produce of principal crop grown in each agricultural year, but shall not exceed fair rent :

Provided that landlord's share shall not exceed fair rent.”

- (2) in clause (20),—

- (a) the punctuation “,” occurring between the words “person” and “but” shall be deleted and the following shall be inserted followed by the punctuation “,”, namely:—

“and includes a person who, under the system generally known as ‘adhi (whether Guchiadhi or gutiadhi) ‘barga’, ‘bhag’, ‘chukti’ or ‘chukani’, cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person.”

- (b) the following proviso shall be added, namely:—

“Provided that the labourers employed for personal cultivation shall not be deemed to be tenant within the meaning of this clause.”

- (c) the explanation (2) shall be deleted.

- (3) After clause (21) the following shall be inserted as clauses (22), (23), (24) and (25), namely:—

“(22) ‘Principal crop’ shall be 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 Goalpara—Sali or such local name generally used in respect of 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,

(23) 'Money rent' in relation to rent payable in crop share for purpose of deposit into court and or 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.

(24) '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 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 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.

(25) '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 6 of Assam Act I of 1929. 3. In section 6 of the principal Act, in clause (4) the punctuation " , " occurring between the words "raiyat" and "but" shall be deleted and the following shall be inserted followed by the punctuation " , ".

"and includes a person who, under the system generally known as 'adhi' (whether guchiadhi or Gutiadhi), 'barga', 'bhag', 'chukti' or 'chukani', cultivates the land or another person on condition of delivering a share or quantity of the produce of such land to that person."

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

[Published in the *Assam Gazette* Extraordinary, dated the 9th February 1971]

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 ;