

ASSAM ACT VII OF 1944

THE ASSAM DADANS ACT, 1944.

[Passed by the Assam Legislature]

(Received the assent of the Governor on the 8th April 1944.)

[Published in the Assam Gazette of the 12th April 1944]

An Act to gather information about, and settle claims in respect of, dadans or advances to cultivators on crops

Preamble.

WHEREAS it is expedient to provide by law that information be furnished to Government in respect of certain advances made to cultivators and receivers of rent in kind, and for the method of disbursement of the price of certain food-grains purchased or requisitioned from such persons ;

It is hereby enacted as follows :—

Title,
extent,
commence-
ment and
duration.

1. (1) This Act may be called the Assam Dadans Act, 1944.
- (2) It extends to the whole of Assam, and, save as provided in section 3, shall come into force at once.
- (3) It shall remain in force for two years ;

Provided that the Provincial Government may, with the approval of the Legislature, by notification in the official Gazette, extend its duration from time to time, for a period not exceeding one year on each occasion.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context,—
(a) “cultivator” means a person who has land which he cultivates either himself or through labourers.

Explanation.—A person who has a share in land which he cultivates either himself or through labourers is a cultivator within the above definition.

(b) “dadān” means any sum of money advanced under an agreement, in writing or as customary between the parties that such sum of money will be repaid by delivery of food-grains or adjusted against the price of food-grains to be delivered later.

(c) “Deputy Commissioner” means the Deputy Commissioner of the district in which a cultivator or receiver of rent in kind has his land.

Explanation.—For the purposes of this Act, Deputy Commissioner shall also mean and include the Subdivisional Officer, where there is a Subdivisional Officer.

(d) “food-grain licensee” means a person in whose favour a licence issued under the Food-Grains Control Order, 1942 is in force.

(e) “food-grains” means any of the food-grains specified in the First Schedule to this Act.

(f) “land” means agricultural land.

(g) “prescribed” means prescribed by rules made under this Act.

(h) “receiver of rent in kind” means a person who, having let out to one or more persons land or a share in land for which rent in kind is payable to him, either has or may reasonably expect to have as such rent not less than one hundred maunds of food-grains in one year.

(i) “rent in kind” means rent payable in food-grains.

Application.

3. The provision of this Act shall not apply to food-grains other than rice in the husk and rice husked unless the Provincial Government, by notification in the official Gazette, extends its application to other food-grains.

Statements to be furnished by food-grain licensees and money-lenders.

4. Every person who, being a food-grain licensee, or a money-lender registered under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), has given any *dādan* to a cultivator or receiver of rent in kind shall, if such *dādan* was given before the date on which this Act comes into force, within one month from such date, and, where such *dādan* has been given after the date on which this Act comes into force, within ten days from the date on which it is given, furnish, in Form No. 1 in the Second Schedule to this Act, the information therein required.

Power to require other persons to furnish statements.

5. The Deputy Commissioner shall, by publication of notice in such manner as he may determine (which notice need not be personally served on any person), require persons other than food-grain licensees or money-lenders registered under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), who have given *dādan* to a cultivator or receiver of rent in kind whether before or since the commencement of this Act, to furnish within such time as he may by such notice appoint, in Form No. 1 in the Second Schedule to this Act, the information therein required.

Statements to be furnished by cultivators and receivers of rent in kind.

6. Every person who, being a cultivator or a receiver of rent in kind, has received any *dādan* from any food-grain licensee or a money-lender registered under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), or other person, shall, if such *dādan* was received before the date on which this Act comes into force, within one month from such date, and, where such *dādan* has been received after the date on which this Act comes into force, within ten days from the date on which it is received, furnish in Form No. 2 in the Second Schedule to this Act, the information therein required.

Explanation.—For the purposes of sections 4, 5 and 6, any money paid as consideration for the transfer of land or of any interest in land shall be deemed to be a *dādan*, where the transferor, being a cultivator or receiver of rent in kind, has remained in possession of the land.

Furnishing and rejection of statement.

7. (1) Any statement required by this Act to be furnished by any person shall be furnished to such officer as may be prescribed, and, subject to the provisions of subsection (2), a statement furnished after the expiry of the time within which it is due shall be rejected.

(2) Where any such statement is furnished after the expiry of the time within which it is due, such officer may nevertheless accept it if he is satisfied that the default was not wilful or that it has been sufficiently explained, and his orders in this behalf shall be final.

Disbursement of price of food-grains purchased or requisitioned by Government.

8. The price of any food-grains purchased from a cultivator or a receiver of rent in kind by the Provincial Government either through its officers or through agents appointed for the purpose, as well as of any food-grains requisitioned from such persons by the Provincial Government under any provision of the Defence of India Rules, shall, where the food-grains are encumbered by any *dādan* be disbursed in the following manner:—

(a) One-half of the price shall, upon delivery of the food-grains, be paid to the cultivator or the receiver of rent in kind from whom it is purchased or requisitioned.

(b) Out of the remaining half of the price, all persons who have any claim against the cultivator or the receiver of rent in kind on account of any *dādan* shall be reimbursed to the extent of the amount advanced, and, where the surplus is not sufficient for the purpose of such reimbursement, it shall be rateably distributed amongst the claimants if more than one in number:

Provided that no portion of the surplus shall be paid to any person who, being liable to furnish a statement under the provisions of section 4 or section 5, has failed to furnish such statement.

(c) The balance, if any, after all such disbursements shall be paid to the cultivator or receiver of rent in kind from whom the food-grains are purchased or requisitioned.

Boards of Arbitrators.

9. (1) Notwithstanding anything contained in section 8, any person claiming the surplus or any portion thereof, as well as any person disputing such claim, may, withi-

such time and in such manner as may be prescribed, apply for the appointment of a Board of Arbitrators ;

Provided that no such application shall be entertained from any person who, being liable to furnish a statement under the provisions of section 4, section 5, or section 6, has failed to furnish such statement.

Explanation.—For the purposes of this sub-section and of section 8, any person whose statement has been rejected under section 7 shall be deemed to have failed to furnish such statement.

(2) On such application being made, the surplus shall not be disbursed, and a Board of Arbitrators shall be appointed and shall function in the manner prescribed.

(3) Subject to the provisions of section 10, the decision of the Board of Arbitrators shall be final and conclusive between the parties, and the surplus shall, upon such decision being made, be disbursed in accordance therewith.

Appeals from Board of Arbitrators. 10. (1) An appeal, if filed within the prescribed period and in the prescribed manner, shall lie against the decision of the Board of Arbitrators—

(a) to the Deputy Commissioner, where the amount of the surplus exceeds one thousand but does not exceed two thousand rupees, and

(b) to the Commissioner of Divisions, where the amount of the surplus exceeds two thousand rupees.

(2) The appellate authority may pass such orders on the appeal as he thinks fit ; and such orders shall be final and conclusive between the parties.

Punishment for failure to furnish statement. 11. Whoever, being liable to furnish a statement under section 4 or section 5, has wilfully failed within the time therein laid down to furnish such statement, shall be punished with fine which may extend to two hundred rupees.

Punishment for false statement. 12. Whoever furnishes a statement as required by section 4, section 5, or section 6, which he knows or has reason to believe to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Power to make rules. 13. The Provincial Government may make rules for carrying into effect the provisions of this Act.

Bar of civil suits. 14. No civil court shall during the period for which this Act is in force entertain any suit—

(a) against the Provincial Government or their agents or against a cultivator or a receiver of rent in kind, for any claim in respect of the disbursement of the price of food-grains under section 8, or for any damages resulting from such disbursement, or for the recovery of any *dádan*; or

(b) questioning the decision of any Board of Arbitrators appointed under this Act or any orders passed on appeal from such decision.

Cognizance. 15. No court shall take cognizance of an offence under this Act except on a complaint in writing made by the Deputy Commissioner.

THE FIRST SCHEDULE

[See Section 2(e)]

1. Rice in the husk (paddy)
2. Rice husked
3. Arhar
4. Masur
5. Matikalai
6. Mustard seed

THE SECOND SCHEDULE

(See sections 4, 5 and 6)

FORM No.1

No.	To whom advanced		Amount advanced	Food-grains to be delivered		Remarks
	Name	Address		Name	Quantity	
			Rs. a. p.			

I, son of of
(village) P. S. declare
that the above is a true and complete statement of all advances made by me.

Signature (or thumb impression).

Date

FORM No.2

No.	By whom advanced		Amount advanced	Food-grains to be delivered		Remarks
	Name	Address		Name	Quantity	
			Rs. a. p.			

I, son of of
(village) P. S. declare
that the above is a true and complete statement of all advances received by me.

Signature (or thumb impression)

Date

A.G.P. (L.C.) No.31-500+30-22-8-1944.

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