

ASSAM ACT I OF 1975

[Received the assent of the President on the 18th January 1975]

THE ASSAM LAND HOLDING (ADOPTION OF RELATIONSHIP UNDER THE ASSAM LAND AND REVENUE REGULATION, 1886 IN THE ACQUIRED PERMANENTLY SETTLED ESTATES) ACT, 1974

(Published in the Assam Gazette Extraordinary, dated 19th February 1975)

As

Act

to introduce uniform pattern of land revenue administration in the areas formerly known as permanently settled areas of Goalpara District and Karimganj Subdivision of Cachar District after abolition of Zamindary system.

Preamble. Whereas it is expedient to introduce uniform land holding pattern and tenancy system in the areas formerly known as permanently settled areas of Goalpara District and Karimganj Subdivision of Cachar District ;

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

Short title,
extent and
commence-
ment

1. (1) This Act may be called the Assam Land Holding (Adoption of Relationship under the Assam Land and Revenue Regulation, 1886 in the acquired permanently Settled Estates) Act, 1974.

(2) It extends to the areas known as permanently settled areas of the District of Goalpara inclusive of the areas known as "acknowledged estates" covered by erstwhile Bijni and Sidli Estates and the permanently settled areas of Karimganj Subdivision of Cachar District.

(3) It shall come into force at once.

Definition.

2. In this Act unless there is anything repugnant in the subject or context—

(1) "Area" means the area in which the Assam State Acquisition of Zamindaris Act, XVIII of 1951 is applicable ;

Assam Act
XVIII of
1951.

(2) "Land" includes both agricultural and non-agricultural lands;

(3) "Notification" means notification published in the official Gazette;

(4) "Regulation" means the Assam Land and Revenue Regulation, 1886 and the Rules made thereunder;

(5) "Schedule" means the schedule appended to this Act;

(6) All words and expressions used and not defined herein but defined in the Assam Land and Revenue Regulation, 1886 and the rules made thereunder shall respectively have the meanings assigned to them in the Assam Land and Revenue Regulation and the rules made thereunder.

Act to override other laws etc.

3. Notwithstanding anything contained in any other law or any custom or usage or any contract express or implied, inconsistent with the provisions of this Act, the provisions of this Act shall have effect.

Conferment of land-holder's status to persons holding land under Government.

4. (1) Any person, on the commencement of this Act, holding any land directly under Government in the area under any of the provisions of the Assam State Acquisition of zamindaris Act, 1951, shall continue to hold the same under the Regulation with the status of a land-holder subject to payment of such land revenue as may be assessed as per provision under the Regulation:

Assam Act XVIII of 1951

Provided that the land revenue assessable shall not exceed the amount paid or payable as rent for such land in respect of the area for a period of 25 years or till the terminal year of assessment made during the last Resettlement operation of temporarily settled estates of that area.

(2) Every person holding any land as a tenant of another person in the area shall continue to hold the same with the status of a tenant as per provisions of the Assam (Temporarily Settled Areas) Tenancy Act, 1971;

Assam Act XXIII of 1971.

Provided that the rent payable by such tenant shall not exceed the maximum fixed under the Assam (Temporarily Settled Areas) Tenancy Act, 1971 :

Assam Act XXIII of 1971.

Provided further that nothing in this section shall be deemed to affect any right already acquired by such tenant to his disadvantage.

Explanation.

(1) Any *ex*-proprietor or *ex*-tenure holder holding any land or holding any homestead land in the Area free from payment of land revenue under sub-section (4) of section 6 of the Assam State Acquisition of Zamindaris Act, 1951 is also liable to pay land revenue as may be assessed as per provisions under the Regulation.

Assam Act XVIII of 1951.

(2) Any occupancy or non-occupancy tenant of the *ex*-proprietor or *ex*-tenure holder holding land in the areas after the acquisition under the Assam State Acquisition of Zamindaris Act, 1951 shall acquire the status of a land-holder under the Regulation.

Assam Act XVIII of 1951.

(3) Any person holding land under another person in the area shall be deemed to be a tenant under the provisions of the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

Assam Act XXIII of 1971.

(4) Any person holding non-agricultural land under another person in the areas shall be deemed to be a tenant under the Assam Non-Agricultural Urban Areas Tenancy Act, 1955.

Assam Act XII of 1955.

Repeal and saving and enforcement of Assam Act XXIII of 1971.

5. (1) On and from the date of commencement of this Act, the Acts mentioned in the Schedule shall be repealed and on such repeal the Assam (Temporarily Settled Areas) Tenancy Act, 1971 shall come into force in the area.

Assam Act XXIII of 1971.

(2) Notwithstanding such repeal.

any rule made, any order issued, any notification published, any proceedings commenced, any action taken or anything whatsoever done under the Acts so repealed, shall continue and be deemed to have continued and have effect as if made, issued, published, commenced, taken, or done under the provisions of this Act.

Presumption as to the correctness of record.

6. Until a settlement operation under the Regulation is completed in the area, any records prepared under the Acts mentioned in the schedule, or revised under any other Act, shall be deemed to be correct unless contrary is proved.

Immunity.

7. Not suit shall lie against any officer for anything done by him in good faith under this Act.

Bar to Jurisdiction.

8. No Civil Court shall exercise jurisdiction in any matter covered by this Act.