

(2) Whoever as aforesaid—

- (a) taps or draws tari from any tari producing tree ; or
- (b) bottles any tari or pachwai for purposes of sale ; or
- (c) imports, exports, transports, manufactures, possesses or sells any tari or pachwai ;

shall be punished with imprisonment which may extend to six months or with fine or with both.”

ASSAM ACT XVI OF 1952

THE ASSAM *ADHIARS* PROTECTION AND REGULATION (AMENDMENT) ACT, 1952

(Passed by the Assembly)

(Received the assent of the Governor on the 17th October, 1952)

[Published in the *Assam Gazette*, dated the 29th October 1952]

An

Act to amend the Assam Adhiars Protection and Regulation Act, 1948

Preamble. Whereas it is expedient to amend the Assam *Adhiars* Assam Act Protection and Regulation Act, 1948, hereinafter called the XII of 1948. Principal Act, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Assam *Adhiars* Protection and Regulation (Amendment) Act, 1952.

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

(3) It shall come into force at once.

Substitution of sub-section (1) of section 3 of Assam Act XII of 1948. 2. In section 3 of the principal Act—
(a) for sub-section (1) the following sub-section shall be substituted, namely—

“(1) Notwithstanding anything to the contrary contained in any law for the time being in force or any contract or agreement, express or implied, any person who during the preceding agricultural year cultivates any land as *adhiar* shall have a right to remain in occupation and cultivate the land for subsequent years until he either voluntarily relinquishes the land or is ordered by a Revenue Officer under section 5 to cease to cultivate and vacate the land or is evicted therefrom in execution of a valid order of the Revenue Officer.” ;

Amendment of sub-section (2) of section 3 of Assam Act XII of 1948. (b) in sub-section (2), the words "or to let it out for cultivation to some other person" shall be deleted.

Substitution of section 4 of Assam Act XII of 1948. 3. For section 4 of the principal Act, the following shall be substituted, namely—

"Power to put *adhiar* in possession of the land if illegally ousted and to award compensation. 4. If any person cultivating any land as an *adhiar* during the preceding agricultural year is prevented by a landlord or any person claiming superior interest from cultivating such land in the subsequent year, the Revenue Officer may put such person in possession of the land and may also award compensation realisable from the landlord or the person claiming superior interest, as the case may be, not exceeding Rs.200 in any individual case in the manner prescribed."

Insertion of new sections to Assam Act XII of 1948. 4. (1) After section 6 of the principal Act, the following shall be inserted as sections 7 and 8, namely—

"Receipt for the crop. 7. (i) Every *adhiar*, on delivery to the landlord, the latter's share of the crop shall be entitled to obtain forthwith from the landlord a written receipt for the quantity of the crop delivered by him, signed by the landlord or his duly authorised agent.

(ii) The landlord should prepare and retain a counterfoil of the receipt signed by the *adhiar* or his duly authorised agent.

(iii) The receipt and the counterfoil shall contain a description of the land for which crop is delivered, the total quantity of the crop due from the *adhiar*, the quantity delivered and the year for which the crop is delivered.

(iv) If a receipt does not contain substantially the above particulars, it shall be presumed, until the contrary is shown to be an acquittance in full of the landlord's share of the crop due from the *adhiar* up to the date on which the receipt is given.

Penalty for omission to deliver receipt. 8. When a landlord or his agent, without reasonable cause, fails to deliver to the *adhiar* a receipt as required by section 7, a Revenue Officer, on proceedings under this section, after making such enquiry as he may deem necessary, order the landlord to pay as penalty a sum not exceeding fifty rupees for each default, and may, in his discretion award to the *adhiar* as compensation such portion of the penalty as he thinks fit."

(2) The existing sections 7, 8, 9, 10, 11 and 12 shall be renumbered as sections 9, 10, 11, 12, 13 and 14 respectively.