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THE WEST BENGAL EVACUEE PROPERTY (TRIPURA AMENDMENT) ACT, 1952

No. LXXV OF 1952



[26th December, 1952]

An Act further to amend the West Bengal Evacuee Property Act, 1951, as extended to Tripura.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the West Bengal Evacuee Property (Tripura Amendment) Act, 1952.

2. Amendment of section 2, West Bengal Act V of 1951, as extended to Tripura.—In clause (b) of section 2 of the West Bengal Evacuee Property Act, 1951, as extended to the State of Tripura by the notification of the Government of India in the Ministry of States, No. 101-R.C., dated the 9th May, 1951 (hereinafter referred to as the principal Act), for the words and figures "the 15th day of June" the words and figure "the 9th day of July" shall be substituted and shall be deemed always to have been substituted.

3. Insertion of new section 5A in West Bengal Act V of 1951, as extended to Tripura.—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. Special provision in respect of bargadars.—(1) Where an evacuee who, as a bargadar, was in actual possession of any agricultural land on or after the 15th day of August, 1947, has returned to Tripura before the appointed day and has, before the 6th day of November, 1952, made an application in writing to the Collector for being restored to the possession of that land as a bargadar, then, notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, the applicant shall be, and shall be deemed to have been, entitled to be restored to actual possession of that land as a bargadar, at the beginning of the next crop season which would be available after the application, on the same terms and conditions, as far as may be, as were applicable to him as such bargadar when he left Tripura.

(2) On any such application as is referred to in sub-section (1), the Collector shall, after making such summary inquiry as he thinks fit and if satisfied that the applicant should be restored to the possession of any agricultural land as a bargadar, place the applicant or empower any officer subordinate to him to place the applicant in the

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possession of that land on the same terms and conditions, as far as may be, as were applicable to him when he left Tripura, and for such purpose, the Collector or the officer, as the case may be, may use or cause to be used such force as may be necessary.

Explanation.—For the purposes of this section, a 'bargadar' means a person who, under the system generally known as *adhi, barga* or *bhag*, cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person."

4. *Repeal.*—(1) The West Bengal Evacuee Property (Tripura Amendment) Ordinance, 1952 (VI of 1952), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.