

Assam Land Holding (Adoption of Relationship Under the Assam Land and Revenue Regulation, 1886 in the Acquired Permanently Settled Estates) Act, 1974

ASSAM

India

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Act 1 of 1975

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Assam Land Holding (Adoption of Relationship Under the Assam Land and Revenue Regulation, 1886 in the Acquired Permanently Settled Estates) Act, 1974(Assam Act 1 of 1975)Last Updated 13th February, 2020Received the assent of the President on the 18th January, 1975(Published in the Assam Gazette Extraordinary, dated 19th February, 1975).An Act to introduce uniform pattern of land revenue administration in the areas formerly known as permanently settled areas of Goalpara District and Karimganj Sub-division of Cachar District after abolition of Zamindari 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 Sub-division of Cachar District ;It is hereby enacted in the Twenty-fifth year of the Republic of India as follows ;-

1. Short title extent and commencement.

(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 Sub-division of Cachar District.(3)It shall come into force at once.

2. Definition.

- 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 Zamindaries Act, 1951, (Assam Act-XVIII of 1951) is applicable ;(2)"Land" includes both agricultural and non-agricultural lands ;(3)"Notification" means notification published in the official Gazette ;(4)"Regulation" means the Assam Land Revenue Regulation, 1886 and the Rules made there under ;(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.

3. Act to over-ride other laws etc.

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

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

(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, (Assam Act-XVIII of 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.[Provided that till the assessment of land revenue is made the person holding land under Government shall continue to pay the amount which he earlier paid as rent or the amount which he was liable to pay before the commencement of this Act.] [Substituted vide Amendment Act, 1990 (Assam Act, No. X of 1990).](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 ;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, (Assam Act, XVIII of 1951). is also liable to pay land revenue as may be assessed as per provisions under the Regulation.(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 (Assam Act, XVIII of 1951). shall acquire the status of a land holder under the Regulation.(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.(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.

4A. [[Inserted vide Amendment Act., 1990 (Assam Act. No. X of 1990).]

Notwithstanding anything contained in Law for the time being in-force or in any agreement or contract expressed or implied the State Government shall be entitled to realise or recover as arrear of land revenue, all arrears of rent, royalties, cesses, fees and any other dues or amount which are payable to Government by any person for holding the land directly under the Government under any of the provisions of the Assam Acquisition of Zamindaris Act, 1951.]

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

(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.(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 under the provisions of this Act.

6. Presumption as to the correctness of record.

- Until a settlement operation muier 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.

7. Immunity.

- No suit shall lie against any officer for anything done by him in good faith under this Act.

8. Bar of jurisdiction.

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

Schedule

1. The Goalpara Tenancy Act, 1929 (Assam Act 1 of 1929).

2. The Sylhet Tenancy Act, 1936 (Assam Act XI of 1936).