

The Champaran Agrarian Act, 1918

BIHAR

India

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Act 1 of 1918

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The Champaran Agrarian Act, 1918 Bihar and Orissa Act 1 of 1918 [Dated 1st May, 1918] For Statement of Objects and Reasons, see B. & O. Gazette, 1917, Part V, pages 4 and 5; for Report of the Select Committee, see *ibid*, 1918, Part V, pages 12 and 13; for Proceedings in Council see *ibid*, 1917, Part VI, pages 303-323, and also see *ibid*, 1918, Part VI. pages 141-191. An Act to settle and determine certain agrarian disputes in the district of Champaran. Whereas it is expedient to settle and determine disputes subsisting in the district of Champaran between landlords and tenants holding under them regarding certain matters: And whereas the previous sanction of the Government of India has been obtained under Section 79 of the Government of India Act, 1915, to the passing of this Act. It is hereby enacted as follows :-

1. Short title and extent.

(1) This Act may be called the Champaran Agrarian Act, 1918. (2) It extends to the district of Champaran.

2. Interpretation clause.

- In this Act, all words and expressions defined in the [Bihar] [Substituted for 'Bengal' by the Champaran Agrarian (Amendment) Act, 1938 (Bihar Act 10 of 1938), Section 2.] Tenancy Act, 1885, shall have the meanings assigned to them respectively in that Act, and the expression "record-of-rights" shall mean the record-of-rights finally published under sub-section (2) of [Section 103A] [Substituted for the word and figures 'Section 103' by the Champaran Agrarian (Amendment) Act, 1938 (Bihar Act 10 of 1938), Section 2.] of the [Bihar] [Substituted for 'Bengal' by the Champaran Agrarian (Amendment) Act, 1938 (Bihar Act 10 of 1938), Section 2.] Tenancy Act, 1885.

3. Abolition of certain conditions and incidents.

(1) On and after the commencement of this Act, any agreement, lease or other contract between a landlord and a tenant holding under him which contains a condition to set apart the land of his tenancy or any portion thereof for the cultivation of a particular crop shall be void to the extent of such condition: Provided that if the tenant has in consideration of such condition received any advance under an agreement, lease or contract entered into prior to the commencement of this Act, he shall be bound to refund such advance or if the condition has been partially fulfilled, such proportion of that advance as represents the unfulfilled portion of the condition, and the amount of the said advance or proportion thereof which he is bound to refund shall be determined by an authority to be prescribed by the [State] [Substituted by para 4(1) of the A.L.O. for 'Provincial'.] Government and the order of such authority shall be final and shall, on application to a civil court, be enforceable as a decree for rent payable in respect of the said tenancy. (2) On and after the commencement of this Act, a special condition or incident of a tenancy to set apart the land of the tenancy or any portion thereof for the cultivation of a particular crop shall not be valid to any extent.

4. [Alteration of rent in view of such abolition and not of the resulting rent in the record-of-rights. [Substituted for the original section by the Champaran Agraian (Amendment) Act, 1938 (Bihar Act 10 of 1938), Section 3.]

(1) Where, in consideration of the release of a tenant from the condition, special condition or incident of the nature described in Section 3, the rent payable by the tenant in respect of his tenancy was—(a) enhanced, whether under any contract between the tenant and his landlord or the provisions of any Act, for the time being in force when such enhancement was made, the amount of such enhancement shall stand cancelled, or (b) settled under Section 109 C of the [Bengal Tenancy Act, 1885], at an amount in excess of the rent which was payable for the tenancy prior to the date of such settlement, the amount so in excess shall stand cancelled. (2) Where any tenancy referred to in sub-section (1) has been partitioned or any portion of such tenancy has been transferred and the rent payable for the tenancy has, with the consent of the landlord of such tenancy, been distributed between the parties to the partition or between the transferor and the transferee, as the case may be, the rent payable for each of the portions of the tenancy shall be deemed to have been reduced to an amount which shall bear to the original rent of the entire tenancy the same proportion as the existing rent payable for such portion bears to the enhanced or, as the case may be, settled rent of the entire tenancy. Explanation. - In this sub-section the expression 'original rent' means the rent which was payable for the tenancy prior to the enhancement of the rent referred to in clause (a) of sub-section (1) or the settlement of rent referred to in clause (b) of the said sub-section, as the case may be.]

5. Saving of certain short-term contracts to deliver a specified weight of a particular crop.

- Nothing in this Act, shall prevent a tenant from contracting to deliver to his landlord a specified weight of a particular crop to be grown on the land of his tenancy or any portion thereof: Provided

(1) that any claim for damages for the breach of such contract shall be based on a failure to deliver the specified weight and not on a failure to cultivate any portion of land;(2)that the term of such contract shall not exceed three years; and(3)that the value of the produce to be supplied shall be determined by weighment thereof or by appraisement by arbitrators of the weight thereof.

6. Provisions to have effect notwithstanding any other enactment.

- The provisions of this Act, shall have effect notwithstanding anything contained in any other enactment.