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ASSAM ACT XXVII OF 1953

THE ASSAM (TEMPORARY-SETTLED DISTRICTS) TENANCY (AMENDMENT) ACT, 1953

(Passed by the Assembly)

(Received the assent of the President on the 10th September 1953)

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An

Act further to amend the Assam (Temporarily-Settled Districts) Tenancy Act, 1935

Preamble.

WHEREAS it is expedient to amend further the Assam (Temporarily-Settled Districts) Tenancy Act, 1935, hereinafter called the principal Act, in the manner hereinafter appearing.

Assam Act III of 1935.

It is hereby enacted as follows—

Short title,
extent and
commence-
ment,

1. (1) This Act may be called the Assam (Temporarily-Settled Districts) Tenancy (Amendment) Act, 1953.

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

(3) It shall come into force at once.

Amendment
of section 2 of
Assam Act III
of 1935.

2. In section 2 of the principal Act—

(1) In the explanation to clause (g) of sub-section (1) after the words "the New Lease Rules", the words "though now assessed with full revenue", shall be inserted.

(2) In clause (a) of sub-section (2) the bracket and the words "excluding the Mikir Hills Tracts, as notified from time to time" shall be deleted.

(3) In sub-section (3) the word "other" shall be inserted after the word "any" appearing for the second time in the second line and the words "or to any temporarily-settled area in the excluded portions of the districts mentioned in sub-section (2) above" shall be deleted.

(4) In the proviso (i) to sub-section (3)—

(a) the number (i) before the proviso shall be deleted;

(b) a "full stop" shall be put after the word "manner" occurring in the last line, and the word "and" occurring thereafter shall be deleted.

(5) In the proviso to sub-section (3), item (ii) shall be deleted.

[Price annas 2 or 2d.]

Amendment
of section 3 of
Assam Act III
of 1935.

3. For sub-section (17) of section 3 of the principal Act, the following shall be substituted, namely—

“(17) ‘Maximum rent or rate of rent’ of agricultural holdings or part thereof, held on cash rent means a sum representing three times the revenue rate. Where agricultural holdings or part thereof are held on produce rent, “maximum rent” means one-fourth of the actual produce thereof.”

Amendment
of section 5 of
Assam Act III
of 1935.

4. In section 5 of the principal Act—

(1) In sub-section (1) the figure “20” shall be substituted by the figure “12”.

(2) In sub-section (3) the figure “20” and the words “this Act” shall be substituted by the figure “12” and the words “the Assam (Temporary-Settled Districts) Tenancy (Amendment) Act, 1953” respectively.

Substitution
of section 11 of
Assam Act III
of 1935.

5. For section 11 of the principal Act, the following shall be substituted, namely—

‘Right of
transfer.

11. A privileged raiyat shall have an unrestricted right of transfer in respect of his holding, but no transfer shall be binding on the landlord until a written notice thereof has been given to the landlord :

Provided that the right of a privileged raiyat holding under a religious institution such as a temple, Satra or mosque shall be restricted to transfer to persons belonging to the same religion as the institution in which the ownership of the land is vested.”

Amendment
of section 13 of
Assam Act III
of 1935.

6. In section 13 of the principal Act—

(1) clause (a) of sub-section (1) shall be deleted.

(2) In clause (b) of sub-section (1) the words “in all other cases” shall be deleted.

(3) In sub-section (2) the words “30 years and” and the word “respectively” occurring in the first line shall be deleted and the words “this Act” occurring in the last line shall be substituted by the words “the Assam (Temporary-Settled Districts) Tenancy (Amendment) Act, 1953”.

(4) For the illustration after the proviso to sub-section (6), the following shall be substituted, namely—

“*Illustration.*—When a person holds land as a raiyat, say, for seven years, then under the system mentioned in this sub-clause for four years, and thereafter again for a further term as a raiyat, occupancy right shall not accrue unless such further term extends to a period of not less than five years.”

Substitution of sections 19 and 20 of Assam Act III of 1935. 7. For sections 19 and 20 of the principal Act, the following shall be substituted, namely—

“Right of transfer. 19. An occupancy raiyat shall have unrestricted right of transfer in respect of his holding but no transfer shall be binding on the landlord until a written notice thereof has been given to the landlord :

Provided that the right of an occupancy raiyat holding under a religious institution such as temple, Satra or mosque shall be restricted to transfer to persons belonging to the same religion as the institution in which the ownership of the land is vested.

Right of sub-letting. 20. An occupancy raiyat shall have right of subletting his holding or any part of it to persons to whom he could validly transfer it under section 19.”

Amendment of section 22 of Assam Act III of 1935. 8. In clause (b) of section 22 of the principal Act, for the words “four annas” the words “three annas” shall be substituted.

Substitution of section 30 of Assam Act III of 1935. 9. For section 30 of the principal Act, the following shall be substituted, namely :—

“30 This chapter applies to raiyats who have not acquired the rights either of a privileged raiyat or of an occupancy raiyat and who are in this Act referred to as non-occupancy raiyats”.

Amendment of section 33 of Assam Act III of 1935. 10. In the proviso to section 33 of the principal Act, for the words “this Act” and “ten years” the words “the Assam (Temporary-Settled Districts) Tenancy (Amendment) Act, 1953” and “five years” shall respectively be substituted.

Amendment of section 35 of Assam Act III of 1935. 11. In section 35 of the principal Act, for the words “three years” the words “two years” shall be substituted.

Amendment of section 38 of Assam Act III of 1935. 12. In section 38 of the principal Act, the “full stop” at the end shall be deleted and the following shall be added, namely :—

“but it shall not exceed, in any case, the rent paid by his immediate landlord to the latter’s landlord by more than 50 per cent”.

Amendment of section 39 of Assam Act III of 1935. 13. In the proviso to section 39 of the principal Act,

(i) for the words 'this Act' and 'ten years' the words 'the Assam (Temporary-Settled Districts) Tenancy (Amendment) Act, 1953 and 'five years' shall respectively be substituted.

(ii) the words "under a privileged raiyat" shall be omitted.

Amendment of section 42 of Assam Act III of 1935. 14. In the proviso to section 42 of the principal Act, the words "held under a privileged raiyat" shall be deleted.

Amendment of section 63 of Assam Act III of 1935. 15. In the proviso to section 63 of the principal Act, the words "of a privileged raiyat's rights" shall be deleted.

Amendment of section 109 of Assam Act III of 1935. 16. In section 109 of the principal Act —

(1) in sub-section (1) the words "if the tenant be a privileged raiyat or an occupancy raiyat" shall be deleted.

(2) for the proviso to sub-section (1) the following shall be substituted, namely :—

"Provided that in the case of a holding in an estate pertaining to a religious institution, if the highest bid be that of a member of a different religion from the one to which the institution belongs the landlord shall have the option, to be declared in writing to the Court within 30 days of the sale, of purchasing the holding at the highest bid."

(3) for sub-section (2) the following shall be substituted, namely :—

"(2) Notwithstanding anything contained in sub-section (1) above, the Court may, on the application of the landlord, proceed to execute the decree against the person or any other property of the defaulter."

Amendment of section 114 of Assam Act III of 1935. 17. (1) After sub-section (1) of section 114 of the principal Act, the following shall be inserted as sub-section (2), namely :—

"(2) Notwithstanding anything contained in sub-rule (2) of Rule 66 of Order XXI in Schedule I to the said Code it shall not be necessary for the Court to draw up the sale proclamation after notice to the judgment-debtor in the case of lands ordered to be sold for arrears of rent due in respect thereof."

(2) Existing sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) respectively and at the end of clause (b) of sub-section (3), so renumbered the 'full-stop' shall be substituted by a 'comma' and the word "and" and the following shall be inserted as clause (c) namely :—

"(c) by sending in the prescribed form by registered post to the judgment-debtor a concise statement of the order of attachment and proclamation at the time of issue of the order of attachment and proclamation."

Amendment
of section 121
of Assam Act
III of 1935.

18. In sub-section (3) of section 121 of the principal Act, for the words 'six months' the words 'ninety days' shall be substituted.

Amendment
of section 123
of Assam Act
III of 1935.

19. In sub-section (1) of section 123 of the principal Act,

(1) for clause (d) the following shall be substituted namely :—

"(d) shall increase the rate of interest payable on arrears of rent as laid down in section 59."

(2) In clause (g) for the words and brackets "half (or in the case of jute, one-third)" the words "one-fourth" shall be substituted.