

**ASSAM LAND HOLDING (ADOPTION OF  
RELATIONSHIP UNDER THE ASSAM LAND AND  
REVENUE REGULATION, 1886 IN THE  
AQUIRED PERGMANENTLY SETTLED  
ESTATES) ACTS, 1974**

**[Assam Act I of 1975]**

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# SCHEDULE

*[Received the assent of the President on the 18<sup>th</sup> January, 1975]*

**An Act introduce uniform patterns of land administration in the areas formerly known as permanently settled of Goalpara District and Karimganj Sub-division of Cachar District after abolition Zamindari system**

**Preamble.** Whereas it is expedient to introduce uniform land holding patterns and tenancy system in the areas formerly as permanently settled are 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 Acquire permanently Settled Estates) Act, 1974.

(2) It extends to the area 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.

<p>*Published in the Assam Gazette, Extraordinary, dated 19<sup>th</sup> February 1975.</p>
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**2. Definitions.** In this Act unless there is anything repugnant in the subject or context-

- (1) “Areas” means the area in which the Assam State Acquisition of Zamindari 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 and 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 there under shall respectively have the meanings assigned to them in the Assam Land and Revenue Regulations and rules made there under.

**3. Act to override other laws, etc.** Notwithstanding anything contained any other law and custom or usages or any contract express implied, inconsistent with the provisions of this Act, the provisions of this Act shall have effect.

#### **4. Conferment of landholder's status to person holding land under Government.**

(1) Any person on the commencement of this Act, holding any land directly under the Government in the area under any of the provisions of the Assam State Acquisition of Zamindars Act, 1951 (Assam Act XVIII of 1951), shall continue to hold the same under the Regulation with the status of a landholder subject to payment of such land revenues 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.

(2) Every persons holding any land as 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 further that the rent payable by such tenant shall nor exceed the maximum fixed under the Assam (Temporarily Settled Areas) Tenancy Act, 1971 (Assam Act XXIII of 1971);

Provided further that noting in the 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 in the Area free from payment of land revenue under sub-S. (4) of S. 6 of the Assam State Acquisition of Zamindaris Act, 1951 (Assam Act XVIII of 1951) is also liable to pay land revenues as may be assessed as per provisions under the Regulation.

(2) Any occupancy or non-occupancy tenant of the ex-proprietor or the 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 landholder 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 (Assam Act XXIII of 1971).

(4) Any person holding non-agricultural land under another persons in the areas shall be deemed to be a tenant under the Assam Non-Agricultural Urban Areas Tenancy Act, 1955.

## **COMMENTS**

The existing proviso under sub-S. (1) of S.4 was substituted *vide* Assam Act no. X of 1990.

*Section 4.* The Assam State Acquisition of Zamindaris Act, 1951 extends to (a) the permanently settled areas of the Districts of the Goalpara and Garo Hills and the Karimganj Sub-Division of the Cachar District, and (b) the Lakhiraj estates within the boundaries of a permanently settled estate, and (c) the ‘acknowledged estates’

in the Bijni and Sidli Duars settled with the Rajas of Bijni and Sidli.

**4.A. Power to realise arrear rent by Government.**

Notwithstanding anything contained in any law for the time being in force or in any agreement or contract expressed or implied, the State Government shall be entitled to realize or recover as arrear of land revenues, all arrears of rent royalties, cesses, fees and any other dues of 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 State Acquisition of Zamindaris Act, 1951 (Assam Act No. XVIII of 1951).

## **COMMENTS**

After S.4, S.4-A was inserted *vide* Assam Act no. X of 1990.

**5. Repeal and saving and enforcement of Assam Act XXIII of 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 (Assam Act XXIII of 1971 ) shall come into force in the area.

(2) Notwithstanding such repeal, any rule made, any order issued, any notifications published any proceedings commenced any action taken or anything whats over done under the Acts so repealed, shall continue and be deemed to have continued and have affect as if made, issued, published, commenced, taken or done under the provisions of this Act.

**6. Presumption as to correctness of record.** Until a settlement operation under 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 to jurisdiction.** No Civil Court shall exercise jurisdiction in any matter covered by this Act.

## **SCHEDULE**

1. The Goalpara Tenancy Act, 1929 (Assam Act I of 1929).
2. The Sylhet Tenancy Act, 1936 (Assam Act of 1936).