In point of revenue administration, Assam under British rule may be divided into two main zones vis, predominately temporarily settled areas which covered Kamrup, Nowgong, Sivasagar, Lakhimpur and Darrang, and predominantly permanently settled areas viz., Goalpara and Sylhet. For quite sometime the British government did not pay attention to the vexed question like the rights over land in the state. But having setting the revenue affairs on a sound footing, it gradually took up the question of rights over land. Despite the general tendency of the Board of Revenue to create a landed gentry on the model of Bengal system, *rayotary* tenure system was introduced in the Brahmaputra Valley. The Bengal government which at that time administered the newly annexed territories of the state, took the final decision in 1867 with the approval of the government of India to the effect that the actual occupant of the soil was to be given as secure a tenure as can be conferred upon him, subject to the payment of revenue at the rates fixed for long period. Such decision led the British government to frame the settlement Rules of 1870. Under these rules, all the cultivated
lands were divided into 'fixed cultivation' land and 'fluctuating cultivation' land. Rupit and Basti lands were included in the former group and land where mustard, pulse and highland paddy were grown, called 'fluctuating land'. The cultivators of fixed cultivation land were initially given settlement on lease for a period not exceeding ten years. And 'fluctuating cultivation' land were given settlement on annual lease.

The first decennial settlement Rules were framed in 1883. The periodic leases issued under the Decennial settlement Rules of 1892 was to expire in 1893. Hence in 1832, a new set of rules were framed known as Revenue Settlement Rules. The Resettlement Rules of 1892 were concerned with the principles of assessment only. While the term of periodic leases issued in 1893 came to an end in 1903, another periodic lease was issued for a longer term of 20 years. This twenty years lease was to be expired in 1932. Therefore, a series of resettlement operations were carried out from 1923 to 1934 to issue new leases. This time, new leases were issued for a period of thirty years. It also laid down the basic principles for detailed land classification, assessment of revenue, limits of enhancement of revenue and procedure of resettlement operation. In the process, following the provisions of the Assam Land Revenue Reassessment Act of 1936, the Independent government of the state also
carried out a new series of the resettlement operations during the period from 1956 to 1968.

It is important to note that in Assam 'temporarily settled estate', periodically settled estate' or annually settled estate ' and rayotary estate are all synonymous and are used to denote the same thing. So far as the settlement rules of 1870 were concerned, the periodic leases were made more lengthy. But the annual lease remained unchanged from 1870. On the other hand land tenure system in different parts of the province was not uniform. Different types of land tenures sprang up haphazardly sometimes according to exigencies of the administration. In the district of Kamrup itself, the land tenures were not common, such as :-

(i) Lakhiraj estates granted by Assam Rajas and recognized by the British with full right of occupancy, inheritance and transfer.

(ii) Fee Simple Estates under Rules of 1862 and 1874 with full right of occupancy, inheritance and transfer.

(iii) Nisfkhiraj estates with full rights of occupancy, inheritance and transfer.
(iv) 99 years grants under Rules of 1854 with full rights of occupancy, inheritances and transfer.

(v) 45 years grants under Rules of 1838 with full rights of occupancy, inheritance and transfer.

(vi) Periodically leased land for ordinary cultivation with full occupancy right for ordinary cultivation and inheritance, but right of transfer existed subject to restriction.

(vii) Periodically leased land for special cultivation i.e., tea.

(viii) Annually leased land with the right of occupation limited to one year of lease as well as the right of inheritance. But the right of transfer did not exist.

(ix) Chamuas and Khats.

Such multiplicity of tenures created tangle of rights and interests and also stood in the way of efficient administration. A.J. Mafet Mills also put the subject in his ‘Report of Assam’ of 1853. The alien government, though earlier maintained a go-slow method in land tenure system, yet with the passage of time it was compelled to encourage assured source of revenue, because large areas of land chiefly in the inundated tracts were relinquished by the cultivators. As a result, the government also felt the
need of protecting the interests of the rayots. In fact, the settlement Rules of 1870 was guided by this sentiment of the government.

ASSAM LAND AND REVENUE REGULATION, 1886:

As referred to, in 1870, the government sanctioned a set of rules called Settlement Rules of 1870 which encouraged ten years settlement. The settlement Rules of 1870 can be looked upon as the origin of true land rights for the tenants of the province. Prior to 1870, all rayotary land were held on annual lease or leases for short period. But the settlement Rules of 1870 remained largely imperative till 1883 when a general system of ten years settlement was introduced in all parts of the Brahmaputra velley. Afterwards the principles of these rules were embodied in the Assam Land and Revenue Regulations, as the alien government tried to simplify the tenures. This Regulation contained ten chapters. Only the chapters II and X deal with substansive rights over land. The remaining eight chapters are basically procedural provisions. Chapter II declares that only the rights of proprietors, landholders and settlement holders other than landholders and rights legally derived from them would be recognized. It describes the rights of the landholders but not of the proprietors and settlement holder

210
other than landholders. All other land was proposed to be at the disposal of the government. Provision was made that-

(i) the government may give grants or issue leases for such land, or,
(ii) reserve them for grazing, or
(iii) declare fisheries

On the other hand, Chapter X is a new addition of 1947. This Chapter imposes certain restrictions over the rights of the landholders and settlement holders for the protection of scheduled caste and tribes.

The procedural provisions of the Regulations of 1886 served its purpose well, but the provisions about the substantive rights failed to be satisfactory.¹ The Regulation declares that — "No right of any description shall be deemed to have been or shall be acquired by any person over any land to which this chapter (i.e., chapter II), applies except the following —

(a) rights of proprietors, landholders and settlement holders other than landholders as defined in this Regulation and

¹ A study of the land system of North Eastern Region, vol.1- Assam Law Research Institute, Gauhati, p.52.
other rights acquired in manner provided by this Regulation;

(b) rights legally derived from any right mentioned in clause (a) i.e., the rights under clause (a) are the basic rights;

(c) Rights acquired under sections 26 and 27 of the Limitation Act;

(d) rights acquired by any person or tenant under the Rent Law for the time being in force.

The result of such declaration was that all the tenures which prevailed at the time of enactment of Assam Land and Revenue Regulation, 1886, had to be squeezed into three main divisions namely the rights of proprietors, landholders and settlement holders other than landholders. No doubt, from the point of simplification of tenures, this Regulation advanced a step, but it was not to the complete satisfaction.

In the section 3(f) of the Regulation, the definition of 'Propreitor' is given. According to this definition, 'proprietor' means the owner of any estate permanently settled or entered into the Deputy Commissioners Register of revenue free estates. This definition, therefore, has been put with the permanently settled estates in to the same category. But both by
historical origin and by their characteristic features, they were very different. Permanently settled estates was the creation of the British while the lakhiraj estates has a long history referred to. On the other hand permanently settled estate had to pay nominal land revenue, but the lakhiraj estates did not pay any revenue except the local rate. Likewise the lakhiraj estates had a different history and purpose from those of the Fee Simple estates which were held for cultivation of tea by purely private owners. This condition excluded the nisfkhirajdars from the class of proprietors. But the nisfkhiraj estates had the same origin with the lakhiraj estates, referred to, and paid revenue at concessional rates like the permanently settled estates.

Thus it appears that the composition of the class of proprietors, defined by the Regulation was anomalous. So far as the question of proprietary rights was concerned, the Assam land and Revevue Regulation of 1886 did not affirm that the proprietors had permanent, heritable and transferable rights of use and occupancy in his land. Those had to derive from the analysis of the Permanent Settlement Regulation and the Fee Simple rules and the condition of the lakhiraj estates.
Second is the tenure of landholder, a large number of apparently incompatiable tenures have been included in. As per definition of the term 'landholder', mentioned in the section 8 of the regulation,

"a landholder is a person who holds land under lease, the term of which is not less than 10 years." It clearly defined the rights of the landholder. Section 9 of the Regulation states that – "a landholder shall have a permanent, heritable and transferable right of use and occupancy in his land subject to –

(i) the payment of all revenue taxes, cases and rates from time to time legally assessed or imposed in respect of land;

(ii) the reservation in favour of the government of all quarries or of all mines, minerals and mineral oils and of all buried treasures with full liberty to search for and the same, paying to the landholder only compensation for the surface damage as estimated by the Deputy Commissioner;

(iii) the special condition of any engagement into which the landholder may have entered with the government.

The mode of acquisition of the rights of a landholder was so general that almost every tenure other than the lakhiraj fee simple and permanently
settled, came under its purview. The only condition required was a lease for a period of ten years or more. Therefore all periodically leased estates like estates under 46 years lease, 99 years lease, the new lease Rule Grants, Nisfkhiraj grants, Acknowledged estates, *Jangal bari* lease lands, *chamuas, khats* and all special estates estates came under this category.

Thirdly, the settlement holder other than landholder has been defined by the Regulation of 1886 in section 3(h). The settlement holder other than landholder is synonymous with annual lease holders. Because the definition of landholder does not cover the annual lease holders. So far as rights of settlement holder other than landholder is concerned like the proprietors, their rights are not specified in the Assam land and Revenue Regulation, 1886. Section II of the Regulation states –"A settlement holder other than landholder shall have no rights in land hold by him beyond such as are expressed in his settlement lease." Thus the settlement holder other than land holder was thrown at the mercy of the Executive which decided the terms of the lease.
Tenures after 1886.

Therefore, after the passing of the Regulation of 1886, different tenures existing in the state including Kamrup may be classified under three broad divisions i.e., proprietors, landholders and settlement holders other than landholders. Tenures under these three broad divisions were as follows-

(1) Proprietory Tenures-
   (i) *lakhiraj* Estates.
   (ii) Fee Simple Estates.
   (iii) Permanently Settled Estates.

(2) Landholders Tenure
   (i) *Nisfkhiraj* Estates
   (ii) Periodic *Khiraj* Estates for Special Cultivation.
   (iii) Periodic *Khiraj* estates for ordinary cultivation.
   (iv) 45 years grants for tea cultivation.
   (v) 99 years grant for tea cultivation.
   (vi) N. L. R. Grants for tea cultivation.
   (vii) Special Settlements.
   (viii) Town lands.
Settlement holder other than landholder Tenures-

(i) Annual Estates for ordinary cultivation

(ii) Annual Estates for special cultivation.

IMPACT OF THE REGULATION OF 1886:

But in spite of such efforts under the British, land reform did not target the improvement of the conditions of the tillers of the soil. Whatever reforms were made till 1886, connected with the administration of land and the rayots were by and large remained untouched. The Regulation of 1886 conferred occupancy right on those rayots and under rayots who had been in possession of any land for twelve consecutive years. The occupancy rights included the rights of inheritance, transfer and mortgage. Ejectment of occupancy tenants at the sweet will of the landlord was prohibited even for the non-payment of rent except in due process of law. Under the British, therefore, land reform did not get priority. Reforms were mainly made with a view to improve land administration and to enhance the revenue. The condition of the tillers of the soil was indeed bad. Meanwhile occurrences of famines broke the backbone of the rayots. Getting no chance to redress their grievances they began to revolt all over the state.

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2 Report of the Assam Land Reform commission, 1981, Government of Assam, (Department of Revenue), Directorate of Land Requisition Acquisition and Reform, Gauhati, Assam, p 6
Rayot Sabhas came up to ventilate their grievances. Meanwhile leftist ideology started introducing into the state and young and student intelligentsia got attracted to it. As a result, the oppressed rayots could gather courage to demand for remedy. Such peasant discontentment had, however, made the rulers to realize that some sort of land reform was becoming imperative. Till 1929 there was no tenancy Act to protect the interestes of the tenants.³

Accordingly, getting inspiration from the Bengal Tenancy Act of 1885, the alien government passed the Goalpara Tenancy Act in 1929. In 1935 the Assam (Temporarily Settled Areas) Tenancy Act was Passed to regulate tenancy in the temporarily settled areas of the province. Subsequently, in 1936, the Sylhet Tenancy Act was passed.

The Tenancy Acts defined the status and rights of the tenants. According to the Acts, the ‘tenant’ is a person who holds land under another person to whom he is liable to pay rent. Different classes of tenants as well as their rights and privileges were recognized. Accordingly, occupancy right was given to those rayots and under rayots who had been in the possession of land for twelve consecutive years.

³ Government of Assam, Memorandum on land Reforms submitted to the planning commission 1964, Directorate of Land Requisition Acquisition and Reforms, Gauhati, P.U
But the fact is that even after the promulgation of the Tenancy Acts, the *rayots* could not get absolute protection from the harassment of the big landlords. Because the ordinary *rayots* could hardly continue the possession of land for twelve consecutive years.⁴ Thus, the Tenancy Acts left out share croppers who constituted the bulk of the peasantry. Thus inspite of the introduction of the Tenancy Acts, the agrarian structure of the Brahmaputra valley including Kamrup continued to be characterized by landlord domination.

Meanwhile the Congress ministry of the state started promising of a pro-peasant programme. But nothing happened in practice. As a result, peasants' restlessness was surfaced in society, which was characterized by militant approach. Peasant organisations like *Kishan Sabhas, Khet majdoor sangh* were sprang up and peasant agitation assumed a radical turn. Under such circumstances, it was becoming increasingly difficult for the government to ignore the demands of the peasantry. If the aim of introduction of the *rayotary* system was to prevent the emergence of intermediaries and to bring the man behind the plough directly in contact with the government, then it was an utter failure. Because, intermediaries emerged in the *rayotary* area also. The unregulated share tenancy system

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lowered farmers living standard and stood in the way of long term productivity. Virtually, on the eve of independence, a great need was felt to bring about reforms in the agrarian sector as speedily as possible for the all round development of the agrarian economy. Because tenancy legislation introduced by the British administration could not really protect the interests of the tenants.

**Tenancy Legislation of Post Independence Period:**

Apparently it seems that the alien government tried to simplify the land tenures in the district as well as the province. The Regulations of 1886 was the fore runner in this aspect. In case of Kamrup, the Tenancy Act of 1935 moved a step further to simplify the tenure system of the *rayotary* districts. But inspite of such effort of the alien government, in actual practice tenures continued almost as they had existed before the enactment of the Regulations of 1886. The tenures were broadly classified into three groups, referred to. But such classification was not perfect. As a result the question of simplification of tenure system caught the attention of the nationalist governments. The persistent pressures of the peasant organizations compelled the government to take measure to redress the grievances of the peasantry. As a result, the nationalist government had to

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5 Dutta, N. C Land problem and land Reform in Assam, New Delhi, 1968, P. 29.
follow the new concept of land reform i.e. land reform measures should mean for reorganization of socio-economic relationship between different classes of persons having interests in land, for transferring rights in land to the actual tillers of soil and for increasing productivity of agriculture. Thus the nationalist governments of Assam passed the following legislations at different times-

(1) The Assam Adhia Protection and Regulation Act, 1948.
(3) State Acquisition of Zamindaries Act, 1951.
(5) Fixation of Ceiling on Land Holdings Act, 1956
(6) The Assam Gramdan Act 1961

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6 A study of the Land System of North East Region vol. 1, Law Research Institute, Gauhati, P. 68
All the proprietary tenures was affected primarily by three legislations, viz.,

(i) The Assam Assessment of Revenue Free waste land grants Act, 1948,

(ii) The state Acquisition of Zamindaris Act, 1951, and


(i) Under the Assam Assessment of Revenue Free Waste Land Grants, 1948 the Fee Simple Estates and one fourth parts of 45 years grant and 99 years grant were made liable to assessment from 1st April, 1948. Accordingly, the Fee Simple Estates ceased to be revenue free estates and therefore in term of law they no longer remained as proprietary estates.7

(ii) As a result of the state Acquisition of Zamindari Act, 1951, all the permanently settled estates of Goalpara and Karimganj had been acquired during the period

7 Ibid, P. 69
from 1956 to 1966 and all rights of the proprietors of permanently settled estates completely disappeared.

(iii) Another class of proprietors was formed by the owners of Lakhiraj estates, referred to. Now under the Assam State Acquisition of lands Belonging to Religious and Charitable Institution of public Nature Act, 1959, government have acquired almost all the lands of this tenure. Under section 4 of the Act, all rights in such land have now vested in the state free from all encumbrances.

As a result, almost all the lakhiraj proprietary estates ceased to exist in the land system, except perhaps a few minor ones belonging to private owners.8

ASSAM ADHIAR PROTECTION AND REGULATIONS ACT, 1948:

In Assam, share cropping was a common feature. Even now it is not uncommon. The Lakhirajdars, nisfkhirajdars and the non-cultivating owners used to lease their land on adhi system. Some owners disinclined to take up cultivation by themselves and used to lease out land. On the otherhand land was leased in by owner of dwarf holdings, owners of medium size holdings with surplus manpower and landless people.

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8 Ibid, 70

223
Till the enactment of the Assam Adhia Protection and Regulation Act, 1948, the share croppers had no legal protection against reck renting and insecurity of tenure. As a result, the unregulated share tenancy encouraged the non-cultivating owners to lease out their land. In the legislative Assembly in 1948, on the occasion of introducing the Assam Adhia Protection and Regulations Bill, the then Revenue Minister Sri Bishnu Ram Medhi pointed out: "We have received large number of complaints and on enquiry we have found that exorbitant rate of rent in kind is realised from the tenants and on refusal they are evicted and hardship is caused. It has been brought to our notice that the amount of rent in kind is taken to such an extent that very little is left for the actual cultivator for his maintenance. As a matter of fact the government moved only after getting much pressure from different quarter. This Act of 1948 was preceded by a fairly wide movement in the state against the adhi system initiated by the left parties particularly the Revolutionary Communist party, referred to. The revenue minister therefore pointed out: "Not only do the landlords pay very little revenue to the government even in the rayotary areas but also they take away half the produce simply because they own land, causing great hardship to the man who toil the whole day. The Bill sought to give protection to the tenants on the one

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9 Report of the Assam Legislative Assembly Debate, vol.1, No 3, 1948, State Archives, Dispur, P-128
hand and on the other reduce the rent. On the other hand statement within the Assembly on behalf of the landlords was also not uncommon. For instance M. Sadullah said before the passing of the Bill “this Bill is entirely ignoring the interests of the landlords who are in distress during the present time of communist agitation.” In fact, Sadullah voiced the apprehension of the landlords who wanted to avoid change. Because any change would disrupt the status quo and dislodge the landlords. Hence, a number of delegations had come from the landlords in protest against the proposed Bill. Meanwhile a good number of members within the Congress party also became unhappy which enabled Mr. Sadullah to “appeal to the Congress party to raise above the party discipline and give out their own opinion which has been expressed to me in private by many and advise the ministry to make equiatable settlement between landlords and the tenants.”

Thus, it seems that there was sufficient debate for and against the Bill and at last it was passed. The Revenue Minister declared that the Bill was essentially and urgently necessary. The Assam Adhiar Protection

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10 Ibid, Vol I, No 2, 1948, P. 128
11 Mr. M. S. Sadullah, Assam Legislative Assembly Debate Vol.1, No. 2., State Archives, Dispur, P 128
12 Ibid, P 130

225
and Regulations Act, 1948 received the assent of the Governor on June 3, 1948. Its important provisions are as follows-

(i) Rent was fixed at \( \frac{1}{4} \) of the produce but when landlord supplied the plough cattle it was to be \( \frac{1}{3} \) rd. of the produce.

(ii) The Adhiar was to get cultivation right on the *adhi* land until he willingly left it. He had to leave the land in following circumstances:

(a) if he voluntarily relinquishes

(b) if he is ordered by the Adhi Conciliation Board to vacate the land

(c) if he is evicted from the land in execution of a valid order of the Adhi Conciliation Board.

The Adhi conciliation Board may however order an *adhiar* to vacate the land on the following grounds:

(a) if the land is bonafide required by the landlord for personal cultivation,

(b) if an *adhiar* has used the land in a manner which renders it unfit for the purpose of cultivation,
(c) if an adhiar has failed to deliver within the prescribed time to a landlord such a share or quantity of the produce as he is bound to deliver,

(d) if the adhiar kept land fallow for two consecutive years without remarkable ground or sublet it to others.

The State Government was to set up the Adhi Conciliation Board. It was to consist of one member from the landlords, one member from the Adhiars with the Revenue officer as chairman. The Board was to settle any dispute arising between a landlord and an adhiar. The State Government may dissolve the Adhiar conciliation Board at any time.

The Act provides that if the total area of land in actual occupation of an adhiar was not more than 10 bighas then he could not be evicted on the ground of personal cultivation unless and until he was given land of equivalent value in the locality. If the landlord is a minor or widow or mentally or physically handicapped or member of any armed forces, then it is not obligatory for that landlord to leave a minimum area with the adhiar.

Provision was also made that if the landlord did not cultivate the land within one year or sublet it to another person within two years from the
date he got possession of the land, the evicted adhiar was to be restored to the possession of the land. The adhiar who is illegally evicted from land will be compensated realizable from the landlord.

On the other hand, the Act provides that if an Adhiar keeps the land fallow will be liable to pay to the landlord for each year a sum equal to double the annual land revenue.

The immediate effect of the legislation was that the share cropping system got legal recognition. But contrary to what the government claimed, the Act had not really improved the conditions of the adhiars. In the absence of an effective implementing and enforcing agency the rates of rent could not really be brought down. As a result it was found that not a single share cropper paid the statutory rate of rent. This Act was amended several times i.e., in 1952, 1955 and 1957. But even after amendments, conditions did not improve. Gauri Shankar Bhattacharyya, the Member of legislative Assembly opined that the amendment too were not revolutionary enough. He therefore suggested. "under the circumstances when we cannot take basically revolutionary measure, we should at least do something whereby the poorer section of the people

those who actually work are given some amount of protection, some shelter and incentive for their work.\footnote{Bhattacharyya, Gauri Shankar, Assam Legislative Assemblty Debate, March- April, 1963, Vol 1, No 21, State Archives, Dispur, p. 1305}

It therefore appears that the Assam Adhiar Protection and Regulation Act of 1948 is an ineffective piece of land reform legislation. This Act could neither reduce rent nor assure the Adhiars of a minimum area in the event of eviction. This Act was subjected to a number of changes over the years, partly because the Government wanted to better the conditions of the share croppers and partly because they were compelled to do so from various forces in the state. But the government failed to go all the way and implementation of the Act was far from satisfactory.

**FIXATION OF CEILING ON LAND HOLDINGS ACT, 1950**

Some of the serious defects of the agrarian structure of Assam were the uneconomic size of the great majority of landholdings, inequality in the ownership and use of land and landlessness of a considerable portion of the population. According to the National Sample Survey Report on Land Holding (1953-54), in Assam 41.7 percent of the household are either
landless or own less than .005 acre and another 40.02 percent households own holdings below 5 acres. In Kamrup district 17.06 percent people are without any land and 54.9 percent people have less than 10 bighas. Such extent of landlessness and uneconomic character of landholding in the state created wide discontentment. In the Kamrup district, as referred to, organized opposition came from the peasant society under the banner of the communists. Only redistribution of land can bring about a change in the structure of ownership holdings and landless cultivators. The congress Agrarian Reform Committee also recommended the fixation of ceiling on landholdings and the Planning Commission accepted the principle that there should be an absolute limit to the amount of land which any individual may hold.

The Assam Fixation of ceiling on Land Holdings Act, 1956 received the assent of the President of India on December 7, 1956. The main purpose of this Act was to impose limits on the amounts of land that can be held by a person i.e., a family, a company and a body of corporate. It was extended to the districts of Kamrup, Goalpara, Lakhimpur, Darrang, Nowgong Sivasagar, Cachar. The Act was amended in 1971 and 1976.

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16 Report of the Assam Legislative Assembly Debate Vol 1, No 20 (1957), State Archives, Dispur, P, 1506
17 Report on Assam Legislative Assembly Debates, Vol 1, No. 20 (1967), State Archives, Dispur, P 1506
The level of ceiling was originally 150 bighas (49.05 acres) plus allowable area for orchard up to 30 bighas. This level of ceiling was brought down to 75 bighas plus 30 bighas for orchard by amending the Act with effect from 27-3-71. Subsequently, the level of ceiling was again lowered to 50 bighas plus 4 bighas for orchard with effect from 13-10-72.

The acquired ceiling surplus land is settled with the cultivating tenants in occupation and where land is not under occupation of tenant such lands are available for disposal by government in accordance with land settlement policy or the preferences prescribed in the law itself.

The compensation shall be an amount equal to 25 times the full rate of annual land revenue payable for acquired land if such land is fallow. In case of other land, the amount inclusive of value of tree shall be equal to 50 times of annual land revenue payable for such land. There are provisions for apportionment of compensation between the landholder and tenant at the ratio of 30:70 in respect of land under an occupancy tenant and that of 40:60 for land under category of tenant.

The Act deburs all kinds of transfer which is intended to defeat the provisions of the Act and if a transfer takes place in contravention of the
restrictions, there is a provision for acquiring the excess areas from the possession of both transferer and transferee.

The Fixation of Ceiling Act on land holdings was expected to reduce the disparities in the ownership of land which might increase the size of uneconomic holdings by redistribution of land. It was also expected to satisfy the wide spread desire to possess land. In fact, the ceiling legislation was considered to be the radical land reform measure. But it proved to be less effective.\(^{18}\) Till 30-6-82 an area of 5,68,87.05 acres was acquired on ceiling surplus land of which 3,22,015.19 acres were distributed to 2,75,617 beneficiaries and 112 institutions.\(^{19}\) It was estimated that the distribution of approximately 76,000 acres of acquired ceiling surplus land was held up due to stay orders issued by High Court. On the other hand, out of the acquired ceiling surplus land, an area of 66,000 acres were identified as unfit for distribution. Government decided to utilize such area either for a forestation or for pisciculture Furthermore, it also earmarked about 75,000 acres of land for its own purpose.\(^{20}\)

\(^{18}\) Dutta, N C., op cit., P. 99
\(^{19}\) Barua, B N., Agrarian Reforms in India, Assam, A Case Study (Seminar paper), Directorate of Land Requisition Acquisition And Reforms, Gauhati, P. 17
\(^{20}\) Ibid, P. 18
The shortcomings in the legislation on the one hand and slow and ineffective implementation on the other reduced the importance of the Fixation of Ceiling on Land Holdings Act. This was reflected in different speeches of the members of the Legislative Assembly. For instance, on 17th. March, 1960, Tarun Sen Deka pointed out in the floor of the Assembly that when the original Act was in the Bill stage it was seen that some of the landlords got an opportunity to transfer their lands by *benami* transfers through gifts, sale, mortgages etc. But the government did not come forward to take steps to verify the *Benami* transfers. In fact, there were many landless *adhiars* who were not competent to go to court and they were the worst sufferers.21

THE ASSAM CONSOLIDATION OF HOLDINGS ACT, 1960:

The landholdings in Assam are small and fragmented. Each holding is split into a number of separate pieces often situated at a distance from each other. Therefore, for consolidation and prevention of fragmentation of agricultural holdings, the Assam Consolidation of Holdings Act, 1960 was passed. It received the assent of the President of India on June 25, 1960.

21 Deka Tarun Sen, Assam Legislative Assembly Debates, Vol 1, No 15, 17th March 1960, State Archives, Dispur, PP 87-88
However, due to dearth of trained personnel the scheme was taken for implementation in 1967.

The Act provides that the state government may at anytime on a representation of owners during consolidation of land in area or on its own motion, declare by notification in the official gazette that a scheme for consolidation of holdings will be prepared for the area specified in the notification. The state government is to constitute a Consolidation Advisory Committee in the specified area. It will advise and assist the consolidation officer in preparing the scheme which is to be guided by the following principles-

(i) Consolidation will be made as far as possible by way of exchange or amalgamation if the owners voluntarily agree to it.

(ii) Allotment of a consolidated plot will be made to the owner who holds the largest area in the plot.

(iii) Owners belonging to the same family will, as far as possible, be allotted adjacent plots.

(iv) Proximity to owners permanent homestead or improvement made by the owner in the plot, will be taken into the consideration in allotting the plots.
(v) Where the market value of the allotted plots is less than that of the original plot of an owner, compensation will be payable to him for the deficiency.

(vi) Homestead including courtyard will not be included in the scheme.

A scheme for consolidation of 10,000 bighas (3,306 acres) of cultivable land in Kamrup was taken up.22 This experimental scheme covered 41 villages in the Rani Anchalik Panchayat of Palashbari circle of Kamrup district. But the scheme was abandoned due to the lack of public interest for consolidation of holdings. Government also was of the opinion that consolidation of holdings would not be meaningful without conferring the right of ownership to the cultivating tenants. Because, without the right of ownership to the cultivating tenants, it would have been a programme nearly for consolidation of lands belonging to non-cultivating landlords. As a result, the scheme has been kept in abeyance.

**The Assam (Temporarily Settled Areas) Tenancy Act, (1971):**

As referred to, in the pre-independence period, the relationship between landlord and tenant were guided and governed by various tenancy Acts. The passing of the Assam (Temporarily Settled Areas)

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22 Baruah, B N op.cit., P. 20
Tenancy Act, 1935 was an important event in the history of land relation. But it had certain drawbacks. The Act was amended in 1953. This amendment sought to confer more substantial rights on the occupancy, non-occupancy and under tenants. But soon after independence, the concept of agrarian reforms assumed a new dimension which compelled the government to repeal it. It was under such a background that the Assam (Temporarily Settled Areas) Tenancy Act, 1971 was passed. The Tenancy Act was made applicable even to the tenants and share croppers of the erstwhile permanently settled areas of Goalpara and Karimganj. Thus the Assam (Temporarily Settled Areas) Act, 1971 was able to introduce a uniform pattern of tenancy in the state.

The broad features of this Act are as follows23-

(1) Share-croppers will be treated as tenants. Right of occupancy will accrue on occupation for 3 years as against 12 years prescribed in earlier laws.

(3) There will be only two classes of tenants i.e. occupancy and non-occupancy, as against 5 classes under previous law.

23 Ibid, P. 21
(4) Government has been given the power to acquire the rights in favour of occupancy and non-occupancy tenants cultivating the holdings on payment of compensation. An optional right has also been given to the occupancy tenant to acquire such right by depositing the compensation till government do so.

(5) Maximum of rent both in cash and kind has been provided.

(6) Occupancy tenants are completely protected against eviction where as the non-occupancy tenants can be evicted on breach of specified condition through due process of law. Illegally ejected tenants will be restored for possession through revenue officers.

(7) Unauthorised eviction in the form of voluntary surrender has been prohibited.
(8) A limited right to mortgage has been given to non-occupancy tenants to obtain credit from the recognised Financial Institution for agriculture whereas the occupancy tenant has been given permanent, heritable and transferable rights of use and occupancy in the land of his holdings.

As a matter of fact, the Assam (Temporarily Settled Areas) Tenancy Act 1971 was the outcome of different types of pressure that the government outwardly faced. Besides this, there was a good deal of debate and discussion in the legislative Assembly before the enactment of the Tenancy Act. No doubt the passing of this Act created a spirit of progress and brought about a revolutionary change in land reform in the state. It was a determined step not only for confirming the rights of the tenants over land but also for elimination of the intermediaries between the state and the tenants by making legal provisions for acquisition of the right of ownership of landlords by tenants. But inspite of a progressive character, the Act lacked 'political will' to implement the same. Most of the provisions of the Act remain in paper only.24

24 Bargohain, R, Politics and Land Reforms in Assam, New Delhi, 1992, P 135
The Assam Gramdan Act, 1961 and the Assam Bhudan Act, 1965 aim at facilitating donation of land as gramdan and Bhudan in pursuance to the movement initiated by Acharyya Binova Bhave.

The objects of these Acts are-

(i) re-distribution by the state Bhudan Board of the lands donated by the landholder to the landless people in case of Bhudan, and

(ii) all round development in the gramdan village under the areas of the Goan Sabhas.

The work is to be done primarily by non-official agency under Sarboday Mandal. For the purpose the state Bhudan Board and Sub Divisional Bhudan Boards were constituted. Government extended financial assistance to the state Bhudan Board annually for implementation of the Act.

Out of 1471 villages reported to have been received as gramdani villages, 262 villages in different districts have been declared as Gramdan.
villages according to the provision of the Act. About 11,935 acres of land have been donated of which 854 acres have been distributed.25

It thus appears that one can't say that substantial achievements have not been made in land reform in the state. But the fact is that unless there is a firm resolute political will, proper progress in land reform will prove futile. Speaking on the subject, Sri Gauri Shankar Bhattacharyya had rightly pointed out that "Assam was a pioneer in passing Land Reform Legislations and great in non-implementation".26 It is to be noted that the alien government passed different Rules and regulations of land simply to derive benefit in terms of land revenue. Till 1929, Assam did not have a Tenancy Act. Tenures were not simplified and landlordism practically remained unchecked. After independence, the land reform measures taken by the government simplified the tenure system, but the law remained the same. Thus were the complications in matters of revenue administration.27

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25 Baruah, B. N., op.cit., P. 24
26 Bhattacharyya G. S., Assam Legislative Assembly Debates, 20th March, 1973, State Archives, Dispur
27 A study of the Land system of North Eastern Region Vol I, Assam, Law Research Institute, Gauhati High Court, P. 251