APPENDICES
APPENDIX - I

After the British occupied Assam, such a Pike System was abolished and a revenue system in the form of poll tax was introduced. For administrative convenience, each district was divided into a number of ‘Mouzas’ in which the duty of collecting taxes was entrusted to ‘Mouzadars’ as commission agents. Subsequent to poll tax, plough and hoe taxes were also imposed by the British. These taxes did not properly constitute a scientific land revenue system. Later on, the revenue system was reorganized and taxation was imposed in proportion to the extent of landholdings. He brought to an end the system of poll taxes in relation to land. Land revenue was different and the rate variation was framed in accordance with varying uses of land. For this purpose, each landholding was divided into four classes, viz., (a) Basti, (b) Rupit, (c) Bao Tali and (d) Faringati, meaning homestead land, summer paddy land, winter paddy land and high crop land respectively.

The lands held by temples, priests and noblemen and so far enjoying revenue-free status were brought to the fold of reorganised revenue system. The government subjected these lands to full revenue rates in modification of concessional rates enjoyed by them during the few initial years of British administration in Assam.

Temporarily settled lands of the Brahmaputra Valley were subjected to annual leases. Periodic lease was not preferred by the cultivators themselves because they wanted to keep open the scope of moving from less fertile to more fertile lands. Obviously, the practice was not
administratively convenient and was not feasible in the face of growing population in the province. Therefore, the government preferred periodic leases. To encourage this, lands under periodic leases were declared to be heritable and transferable in 1870. A ten-year settlement system was introduced in 1883. However, annual lease system also remained side by side.

In order to encourage settlement of waste land with tea cultivators, one-fourth of the occupied land was made revenue-free. A further encouragement provided in 1862 was that land revenue in respect of the three-fourths of occupied estates would cease to remain applicable if twenty times the existing revenue was paid as a price of the land. In such a case, the land is considered purchased and a revenue-free private asset.
APPENDIX - II

TENANCY REFORM LAWS IN ASSAM

The tenancy reform law in Assam began with the enactment of Goalpara Tenancy Act. After the independence various legislations relating to the security of tenure among tenants and fair rent payable by tenants were put on the statute book. The first step in this direction was enactment of Goalpara Tenancy Act in 1929 which extended to the Goalpara district alone but it marked an important milestone in the history of Land Reforms in the State.

The act was governing the relations between the landlord and tenant in the permanently settled areas of the erstwhile Goalpara district. It aimed to improve the conditions of the tenant class by conferring upon the occupancy raiyats permanent, heritable and transferable rights. Further, it conferred the right of use and occupancy on the subtenants and under tenants. Under this act protection was accorded to the tenants against illegal ejectment and enhancement of land rent. This act was in force even after the abolition of the Zamindari system in 1956-57 and was amended in 1970 to include provisions of Adhiaar Tenant Protection Act 1948. The Goalpara Tenancy Act was finally, repealed in 1974 when the Assam (Temporarily Settled Areas) Tenancy Act, 1971 was extended to the hitherto permanently settled areas of the Goalpara district. In 1935 came the Assam (Temporary-settled district) Tenancy Act which recognized 4 classes of tenants privileged raiyat, occupancy raiyat, non-occupancy and under raiyat. This
act was amended in 1953 giving permanent, heritable and transferable rights to the first two classes of tenants i.e. privileged raiyat and occupancy raiyat while conferring subordinate rights of use and occupancy with suitable protection against illegal ejectment upon the last two classes of tenants i.e. non-occupancy and under raiyat.

In 1948, the Assam Adhiaar Protection and Regulation Ad was passed to regulate the share of crop-rent payable by a cultivator to the landlord and to give him protection against indiscriminate eviction. Under this Act the cultivator was entitled to get three-fourths (3/4th) of the crop if the landlord supplied plough cattle or else four-fifths. As mentioned earlier, the provisions of this act was incorporated in the Goalpara Tenancy Act 1929 when it was amended in 1970.

In 1971, the Assam (Temporary Settled areas) Tenancy Act was passed. The broad features of the act are as follows:

i. Share-croppers will be treated as tenants.

ii. Rights of occupancy will accrue on occupation for 3 years as against 12 years prescribed in the earlier Act (1935).

iii. The number of classes of tenants has been reduced from four of the 1935 act to two by merging the class of privileged raiyat with that of occupancy tenancy and abolishing the class of under-tenant. Thus, we now have only two classes of tenants - occupancy tenant and non-occupancy tenant.

iv. The Government has been given the power to acquire the right of ownership and the intermediary rights in favour of
occupancy tenants. An enabling right has been conferred on the tenants cultivating their own loans to acquire them by depositing the compensation.

v. Illegally ejected tenants will be restored possession through Revenue Officers.

vi. A limited right to mortgage has been given to non-occupancy tenants to obtain credit from the recognized financial institutions for agriculture, whereas the occupancy tenant has been given permanent, heritable and transferable right of use and occupancy in the land of his holding.

The abolition of intermediary system with the enactment of Assam State Acquisition of Zamindari Act 1955 removed the intermediaries and established direct relations between the state and tenants. This act had a particular significance for the erstwhile districts of Goalapara and Cachar. Besides this, the enactment of the Land Ceiling Act and Religious or Charitable of Public Nature Act 1959 also incorporated the preference of the tenants to be allotted the surplus ceiling lands.
PREPARATION AND MAINTENANCE OF RECORD-OF-RIGHTS OF TENANTS

(1) *Preparation of records along with resettlement operation or otherwise:*

Where a Resettlement Operation under Chapter III of Assam Land and Revenue Regulation is being carried out, the record-of-rights of tenant is also generally prepared during such resettlement Operation. The procedure then followed is as laid down in Section V of Chapter I of the Rules framed under the Regulation.

But where no such operation is in progress, record-of-rights of tenants may be prepared under Chapter X of Assam Temporarily Settled Areas Tenancy Act, 1971.

(2) *Particulars to be recorded:*

A notification ordering such preparation is to be issued in the Gazette. The particulars to be recorded include (among other things):

(a) the name of tenant,
(b) the class of the tenant,
(c) the area and the situation of the land,
(d) The name of the landlord,
(e) the rent payable,
(f) whether the rent has been fixed by contract, or order of a Court of otherwise.
(g) if the rent is a gradually increasing rent, the time at which it increases.

(h) the special conditions and incidents, if any, of the tenancy,

(i) any-right-of-way or other easement attaching to the land.

(3) Procedure for preparation and publication of draft records:

The preparation and publication of the draft records consist of the following processes:

(i) Preliminary survey and record-writing: At this stage a daft chitha is prepared on the basis of the actual possession.

(ii) Record attestation and local explanation: At this stage, draft Khatians prepared from the chitha are distributed to the tenants, and then local explanations of entries are made and disputes decided on the spot by the Settlement Officer. He attests the correctness of all entries, and makes correction where necessary.

(iii) Preliminary publication and disposal of objections: The Settlement Officer publishers the draft record by placing it for public inspection, free of charge, for a period of at least one month at a convenient place. The last date of filing objections is proclaimed. Objections received within due date are disposed of after giving hearing to the objectors at the place and the date fixed by notice.

(iv) Preparation of final record: After disposing objections and correcting the draft record where necessary, the Settlement
Officer prepares the final record on the basis of the corrected draft record.

(v) Publication of the final record: The Settlement Officer then publishes the final record placing it in the same place where the draft record, was published. The period of publication is not less than one month.

(4) Certificate of final publication:

The Settlement Officer, or in his absence, the Deputy Commissioner will then make a certificate stating the fact of such final publication and the date thereof, and such certificate shall be conclusive proof of such publication.

Alternatively, a notification issued by the State Government to the same effect will also be conclusive proof of the publication.

(5) Presumption of correctness of records:

Every entry in the record-of-rights so published shall be presumed to be correct unless proved to the country.

(6) Appeal:

(1) Appeal lies to the Director of Land Records or other authorized officer against an order of the Settlement Officer passed before the final publication of the record-of-right. It has to be presented within two months of the order.

(2) The State Government may, on its own motion or on application, direct revision of any record-of-rights in any
particular case. Before such direction is given, the parties concerned should be given notice and hear.

(7) Maintenance of records:

Records-of-rights prepared in this manner are to be maintained up-to-date by following the same procedure as is laid down for registration of proprietor's and landholder's rights under Chapter IV of the Assam Land & Revenue Regulation including the procedure for chitha-mutation.

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