ASSAM DADANS ACT, 1944.

Preamble. Title, exte nt , commence. ment and duration. Definition. ASSAM ACT VII OF 1944 THE ASSAM DADANS ACT, 1944. t Passed by the Assam Legislature] (Received the assent of the Governor on the 8th April 1944.) [Published in the Assam Gdzette of the 12th April 19141 An Act to gather information about, and settle claims in respect of, dadans or advances to cultiva- lots on crops WHEREAS it is expedient to provide by law that information be furnished to Govern- ment in respect of' certain advances made to cultivators and receivers of rent in kind, and for the method of disbursement of the price of certain ibod-grains purchased or requisitioned ft orn such persons ; It is hereby enacted as follows l. This Act may be called the; Assam Dådans Act, 1944. (2) It extends to the whole of Assam, and, save as provided in section 3, shall come into force at once. (3) It shall remain in force for two years ; Provided that the Provincial Government may, with the approval of the Legisla- ture, by notification in the official Gazette, extend its duration from time to time, for a period not- exceeding one year on each occasion

2. In this Act, unless there is anything repugnant in the subject or context,—(a) 'C c.ulqvator" means a person who has land which he cultivates either himself or through labourers. Explanation.—A person who has a share in land which he cultivates ei_ther himself or through labourers is a cultivator within the above definition. (b) "dådan" means any sum of money advanced under an agreement, in writing or as customary between the parties that such sum of money will be repaid by delivery of food-grams or adjusted against the price of food-grains to be delivered later. (c) C 'Deputy Commissioner" means the Deputy Commissioner of the district in which a cultivator or receiver of rent in kind has his land. Explanation.—For the purposes of this Act, Deputy Commissioner shall also mean and include the Subdivisional Officer, where there is a Subdivisional Officer. (d) "food-grain licensee" means a- person in whose favour a licence issued under the Food-Grains ContrOl Order, 1942 is in force. (e) "food-grains" means any of thc food-grains specified in the First Schedule to this Act. (f) "land" means agricultural land. (g) "prescribed" means prescribed by rules made under this Act. (h) "receiver of rent in kind" means a person who, having let out to one or more persons land or a share in land for which rent in kind is payable to him, either has or may reasonably expect to have as such rent not less than one hundred maunds of food. grains in one year. (i) "rent in kind" means rent payable im food-grains. Price I anna or d. 2 3. The provision of this Act shall not apply to ibod-grains other . than rice the Application. hukk and rice husked unless the Provincial Government, by notification in the official Gazette, extends its application to other iöod-grains

4. Evely person who, being a food-grain licensee, or money-lender registered Statements to be furnished under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), has given any.by food- dådan to a cultivator or receiver of rent in kind shall, if such dådan was given before grai n licensees and the date on which this Act comes into forx:e, within one month from such date, money - lende IS. Power to require ot her per- sons to fur- nish state- ments. Statements to be fur- nished • by cultivators and, where such dådan has been given after the date on which this IAct comes into förce, within ten days from the date on which it is given, furnish, in Form NOZI in the Second Schedule.to this Act, the information therein required

5. The Deputy Commissioner shall, by publicati n of notice in such manner as he may determine (which notice need not be personally served on any person), require persons other than food-grain licensees or money-lenders registered under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), who have given dådan to a cultivator or receiver of rent in kind whether befbre or since the.comrnencernent of this Act, to furnish within such time as he may by such notice appoint, in

6. Every person who, being a cultivator or a receiver of rent in kind, has received any dådan from any food-grain licensee or a money-lender registered under the Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934), or other person, shall, if such dådan and receivers was received before the date on which this Act comes into lörce, within one month Of rent ira kind.from such date, and, where such dådan has been received after the date on which this Act comes into force,' within ten days from the date on which it is received, furnish in

Form No. 2 in the Second Schedule to this Act, the information therein required. Explanation.—For the purposes of sections 4, 5 and 6, any money paid as considera- tion for the transfer of land or of any interest in land shall be deemed to be a dådan, Where the being a cultivator or receiver of rent in kind, has remained in possession of the land. 7. (1) Any statement required by this Act to be furnished by any person shall be Furnishing and rejection furnished to such officer as may be prescribed, and, subject to the provisions of sub- of statement Disburse- ment Of price Of food- grams pure chased or requisitioned by Govern- ment. Boards of Arbitrators. • section (2), a statement furnished after the expiry of the time within which it is due shall be rejected. (2) Where any such Statement is furnished after the expiry of the time within which it is due, such officer may nevertheless accept it if he is satisfied that the delåult was not Wilful or that it has been sufficiently explained, and his orders in this behalf shall be final

8. The price of any food-grains purchased from a cultivator or a receiver of rent in kind by the Provincial (Government either through its officers or through agents appointed for the purpose, as well as of any food-grains requisitioned from such persons by the Provincial Government under any provision of the Defence of India Rules, shall, where the food-grains are encumbered by any dådan bc disbursed in the follow- ing manner (a) One-half of the price shall, upon delivery of the food-grains, be paid to the cultivator or the receiver of rent in kind from whom it is purchased or requisitioned.(b) Out of the remaining half of the price, all persons who , have any claim against the cultivator or the receiver of rent in kind on account of any dådan shall be reimbursed to the extent 01' the amount advanced, and, where the surplus is not suffi- cient the purpose of such reimbursement, it shall be rateably distributed amongst the claimants if more than one in number : Provided that no portion of the surplus Shai] be paid to any person who, being liable to furnish a statement under the provisions of section or section 5, has failed to fürnish such statement. (c) The balance, if any, after all such disbursements shall be paid to the cultivator or receiver of rent in kind from whom the tood-grains are purchased or requisitioned. 9. (l) Notwithstanding anything contained in section 8, any person claiming the A ; surplus or any portion thereof, as well as any person disputing such claim, may, withi:t. 3 such time and in such manner as may be prescribed, apply for the appointnuent of a Board of Arbitrators ; Provided that no such application shall be entertained from any person who, being liable to furnish a statement under the provisions of section 4, section 5, or section 6, has failed to furnish such statement. Explanation.—For the purposes of this sub-section and of section 8, any person whose statement has been rejected under section 7 shall be deemed to have failed to furnish such statement. (2) On such application being made, the surplus shall not be disbursed, and a Board of Arbitrators shall be appointed and shall function in the manner prescribed. (3) Subject to the provisions of seetion IO, thc decision of the Board of Arbi- trators shall be final and conclusive between the parties, and the surplus shall, upon such decision being made, be disbursed in accordance therewith. Appeals from 10. (1) An apéeal, if filed within the prescribed period and in the prescribed Board Of manner, shall lie against the decision of thc Board of Arbitrators— Arbitrators. (a) to the Deputy Commissioner, where the amount Of the surplus exceeds one thousand but does not exceed two thousand rupees, and K) to the Commissioner of Divisions, where the amount of the surplus exceeds two ousand rupees. (2) The appellate authority may pass such orders on the appeal as he thinks fit ; and such orders shall • be final and conclusive between the parties

11. Whoever, being liable to furnish a statement under section or section 5, Punishment for failure has wilfully failed within the time therein laid down to furnish such statement, • shall be to • furnish punished with fine which may extend to two hundred rupees.statement

12. Whoever furnishes u a statement as required by section 4, section 5, Or section for false 6, which he knows or has reason to believe to be false, shall be punished with impri- Statement.sonment .of either description for a term which may extend to one year, • or with fine which may extend to one thousand rupees, or with both

13. The Provincial Government may make rules carrying into effect tbc provi- Power to make rules.sions of this Act

14. No civil court shall during the period for which this Act is in force entertain Bar Of civil suits.any suit— (a). against the Provincial Government or their agents or against a cultivator or a receiver of rent in kind, for any claim in respect of the disbursement of the price of food- grains under section 8, or for any damages resulting from such disbursement, or for the recovery of any dådan; or (b) questioning the

decision of any Board of Arbitrators appointed under this Act or any orders passed on appeal from such decision

15. No court shall take cogninnce of an Offence under this Act except on a com- Cognizance.plaint in writing made by the Deputy Commissioner. THE FIRST SCHEDULE [See Section 2(e) Ricc in the husk (paddy) Rice husked 2

3. Arhar (village)......

4. Masg.{

5. Mati*alai 6.Mustard seed THE SECOND SCHEDULE (See sections 4, 5 and 6) To Name 1,..... w hom advanced F0RM No. i Amoun t advanced Rs. a. p. Food-grains to be delivered Name son of ....,,, Remarks Quantity .....declare that the above is a true and complete statement of all advances made by me. Date By whom advanced FORM No .2 Amount a dvanced Signature (or thumb impression). Food-grains to be delivered No. Name (village) Address Rs. a. p. son or.... Name Remarks Quantity . .....declare that the above is a true and complete statement of ali advances tcceived by me. Date A.G.P. (L.c.) Signature (or thumb impression)