

Agriculture And Land Issues In The Post-Colonial State Of Assam: Policy Concerns

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ABSTRACT:

The issue of land holding has always been a matter of concern in Assam for researchers, academicians and politicians. For this particular study, the period of 1946-57 has been chosen as it was the period of transition and the period of First General Election . Apart from that , this was the period when Assam witnessed the growth of population due to the massive influx of Refugees to the state. In this context, the Assam Land and Revenue Regulation, 1886 can be considered a landmark legislation. Several important Acts and Amendments were made during this period on the issue of land and agriculture. For example The Assam Land and Revenue Act, Assam Adhiars Protection and Regulation Act, Assam Land Acquisition and Requisition Act, Assam State Acquisition of Zamindari Act etc. The paper tries to discuss the acts and the debates from the theoretical perspective of Representation in connection with the Acts. Therefore the paper will try to focus on the discussions that took place in the Assam Legislative Assembly to analyse the nature of debate and several crucial Amendment Acts on Land in Assam. Besides this , the paper is also an attempt to see the nature of Representation of people's demands and the execution of policies.

Keywords: Amendment, Act, Assam, Legislative Assembly, Land, Representation.

Introduction

The present study is significant in several forms. It chooses the period from 1946 to 1957 which covers 11 years. The year 1946 has been chosen because general elections were held in Assam in 1946. The election of 1946 was significant for the Congress party. It won 58 seats and the Muslim League won 38. The year also witnessed the coming of a huge number of outsiders to the state of Assam. After the end of the World War II, following the Shimla Conference, the Viceroy Lord Wavell announced that the Central and Provincial Legislature elections would be held in the winter of 1945-46, after which a constitution-making body would be set up.

Elections were held between 26 January and 14 February based on the 1935 Act. The result of all the constituencies was out by 18 February 1946 (Ahmed et al., 2014). It was a period of transition. This transitional era had to witness many ups and downs that specifically impacted Assam. In 1948, Sadullah declared in the Assam State Assembly that the Muslim League in the house would not exist anymore and a formal announcement was made in the house. Therefore, Sadullah was not called as the leader of Muslim League anymore, rather he was called the leader of the opposition. The study also investigates the nature of the relationship between the centre and the state, especially with references to the refugee rehabilitation challenge. It highlights the role of the representatives by revealing how they debate over crucial issues while concerning representing the wishes of the represented. The study holds significance as it attempts at exploring the nature of internal and external securities of Assam and allied issues of maintaining peace and order.

Methodology

Historical method has been applied in studying this particular topic. Primary sources for this study mainly consist of official records preserved in the Assam State Archives, Assembly Proceedings from the Assam Assembly Library. Secondary sources have also been consulted. The study is an empirical investigation, primarily based on archival materials and the debates of the Assam Legislative Assembly during 1946–1957. Memoirs, leaflets, communication among the leaders, biographies etc have been used extensively in this research. The study is a qualitative study. Literature, books, articles written during that period have also been analyzed. The particular study follows the content analysis method among the other qualitative methods. This method is about analyzing the content of written documents, books, newspapers etc.

Results:

Land and Agriculture: A Critical Perspective on Representation

While trying to analyse the debates over the particular issue of Land, it can be stated that some leaders did it with the actual aim of representing the concerned people. Every aspect of the proposed bills was extensively debated and discussed in the Assembly. Representation is a complex concept which cannot be understood with one or two definitions. It has several aspects. Although it seems like most of the issues concerning common people were taken up and debated within the Assembly, those problems and conflicts continue. It can be expected that once an

issue is solved, it would never create disturbances further in society. The land question is very important in this context. Land tenure systems in the country are not the same everywhere. Even some kind of land tenure system continued from the period of Ahom rule, which was, of course, different depending on the time of native kings. The Ahom Kings used to have their own method of revenue collection. At the time of independence of the country, certain land tenure systems were present in Assam. Those were:

- Permanently settled estates;
- Revenue-free estates;
- Waste-land settlement grants; and
- Temporarily settled estates (Goswami, 1969, pp. 1-3)

Apart from this, several other pieces of legislation, which were enacted by the government to give protection especially to the tenants, include:

- The Assam Adhiars Protection and Regulation Act, 1948;
- The Assam State Acquisition of Zamindari Act, 1951;
- The Fixation of Ceiling on Land Holding Act, 1956;
- The Assam State Acquisition of Land Belonging to Religious and Charitable Institutions of Public Nature Act, 1959;
- The Assam Consolidation of Holding Act of 1960.

Though these acts were enacted, there were always some lacunae in implementing them. Proper implementation was disappointing many times and it led to the failure of reaching goals. Narendra Chandra Dutta in his book *Land Problems and Land Reforms in Assam* discusses this fact. Despite the protection granted by the amendments, the exploitation of tenants continued because it was not at all easy for the poor tenants to involve in legal battles with the landlord class. Although the Zamindari Acquisition Bill was of tremendous significance regarding the protection of the rights of the tenants, in practice Zamindari abolition was not that successful in protecting the rights of the original peasants. Even the situation was such that the peasants sometimes required to pay more as land revenue under the direct settlement with the government after the abolition of the Zamindari system (Goswami, 1969). Another critical point was that the Zamindars were promised to be given compensation after the enactment of Assam Zamindari Acquisition Bill, but the Zamindars had to suffer because of delaying of the compensation giving procedure. There

were some landlords which were just landlords only in the name. These low-income landlords had to suffer the most.

“Although the Adhiars Act provided for one-fifth share of produce to the landlord, in majority of the cases the tenant farmers were still paying 50 percent of the produce. Only a few landlords had supplied seeds and /or plough cattle on consideration of a still higher share of the produce. The majority of landlords leased out only single-cropped land where multiple crops were grown by tenants, the landlord took a part of the subsidiary crop also” (Goswami, 1969). Inefficient and defective legislation sometimes creates dissatisfaction among the low-income landlords, the tenants and Adhiars as it could not fully satisfy their wishes. Narendra Chandra Dutta blames the inefficient government machinery as well as the utopian nature of legislation for the failure.

It is also worth pointing out that there was perhaps some gap of communication between the national and the provincial leaders which led to the deepening of the land problems in Assam. Hiren Gohain, in his article “Little Nationalism turned Chauvinist” published in EPW in 1981 states that the tendency to dominate the aspirations of small national group was there among the national leadership. He linked it with the idea of chauvinism. On several instances, it occurred that the Assamese leaders failed to agree with the views of the national leaders. But at the same time, the national leaders were also unable to appreciate the difficulties of the neglected and backward small group (Gohain, 1981). Such factors led to the sharpening of the tensions over the land question in Assam. The national context cannot be ignored to understand the whole scenario. Independence brought such kind of consequences that the whole political system was under strain, facing an increasing loss of vitality. There was disarray, a deterioration in political institutions. These were not able to respond adequately to the challenges posed by economic development and social change and the growing political awakening among the people and their rising expectations as well as the refusal of the oppressed and the disadvantaged to accept their social conditions (Chandra et al., 2017, pp. 667). Regarding land, it is a fact that colonialism had a devastating effect over the whole land and agriculture question; it had shattered the basis of Indian traditional agriculture. The major problem in the land reform agenda, by which the government wanted to secure rights of the tenants, was that it gained only limited or partial success. A substantial proportion among them did acquire security while a large number remained unprotected (Chandra et al., 2017). The

cause of this was unplanned agenda or policy by the administrative institutions. These partial success stories created the worst results, leading to massive protests among the peasantry section. In anticipation of independence and the accompanying changes in agrarian relations, the period after independence witnessed a sharp increase in agrarian struggles. A basic component of a democracy is its political institutions. Institutions work in a manner responsive to the needs of people to represent their cause. There were certain limitations in setting up the administrative machinery in place which created unexpected results, hampering the country's fledgling democracy. The massive reconstructions of polity and economy following independence actually created hurdles in the ways of attaining the primary goals of democracy.

Discussion:

Importance of the Issue of Land in the History of Assam

Issue of land carries immense importance in the history of Assam. As the crucial issues of the concerned period, i.e. 1946–1957, land and agriculture has been selected for this study to understand the politics of representation and, therefore, it has been attempted here to give a detailed account of some policy documents and the debates occurred within the assembly. Assam witnessed the growth of population and the progress of land reclamation which contributed to the change of circumstances from time to time. According to the changes, the settlement policy in respects of agricultural land in Assam had to be adopted which may be suited to the conditions prevailing from time to time. The permanent settlement was introduced in most of the areas in the Goalpara district and Karimganj sub-divisions.

While analyzing the issue of land in Assam, The Assam Land and Revenue Regulation, 1886 cannot be ignored as it is considered as landmark legislation in this regard. The law can be considered as the basic law of the land in Assam, as it granted land rights to the occupant cultivators. But the provisions of this Act do not apply to the land included in any forest constituted a reserved forest under the law for the time being in force. The government also exempted some land from the operation of this act. This regulation became applicable in Cachar, Goalpara, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur with effect from 1 July 1886. The regulation specifically defined three kinds of rights. Those are a) rights of proprietors b) rights of landlords c) rights of the settlement holders (The Assam Land and Revenue Regulation, 1886) The regulation also mentions about some permanent,

heritable and transferable rights which the landlord should possess subject to the payment of all revenue, taxes, and rates from time to time legally assessed and imposed in respect of land (The Assam Land and Revenue Regulation, 1886)

The act also states some conditions based on which any person can acquire the status. First, when any land held by one person has come immediately by transfer or succession to be held by another, then the holding shall be deemed to have been continuous and the latter person may add the holding of the former of his own. Second, when any revenue has been paid in respect of land by any person holding the land under another, that revenue shall for the said clause, be deemed to have been paid by the latter person (The Assam Land and Revenue Regulation, 1886). Thus, the clause (1) (b) of Section 8 of Regulation 1 of 1886 applies to a case in which person has acquired land not merely because it has been directly settled with him by the government but also because he has obtained it from the original grantee by transfer, succession or otherwise. It includes a case in which a person before the commencement of the Regulation acquired the land by inheritance from a person with whom it had been settled by the government under a lease for a term not less than ten years (The Assam Land and Revenue Regulation, 1886).

Legislation on Land and Agriculture: Core Objectives

The title of The Assam Land and Revenue Regulation Act of 1886 was changed into the Assam Land and Revenue Amendment Act in the 1946 amendment. The amendment incorporated provisions such as when an arrear has accrued in respect of any estate pertaining to a religious institution, the deputy commissioner after consultation, attach such estate and may take it under his own management or may let it out in farm. Another provision regarding the income of every estate attached is to the defraying of the costs of attachment, management and collection in respect of all the estates so attached (The Assam Land and Revenue (Amendment) Act, 1946) The Assam Land and Revenue Regulation (Amendment) Act, 1947 included several provisions for the protection of the backward classes. One of the provisions is that the provincial government may adopt such measures which are considered to be appropriate for the protection of those classes who on account of their primitive condition and lack of education or material advantages are incapable of looking after their welfare in so far as such welfare depends on their having sufficient land for their maintenance (The Assam Land and Revenue Regulation (Amendment) Act, 1947) The Assam Land (Requisition and Acquisition) Act of 1948, published in the Assam Gazette of the

24th November 1948, contains certain important provisions. If in the opinion of the provincial government or any person authorized in this behalf by the provincial government if is necessary to do so, the provincial government or the person so authorized, may requisition any land and may make such further orders, for maintaining supplies and services essential to the life of the community, transport, communication etc (The Assam Land (Requisition and acquisition) Act, 1948)

The Adhiars Protection and Regulation Act, 1948 includes the provision that any person who during the agricultural year cultivates any land as Adhiarshall have the right to remain in occupation and cultivate the land until he either voluntarily relinquishes the land or is ordered by a revenue officer to cease to cultivate and vacate the land or is evicted therefrom in the execution of a valid order of the revenue officer. The objective of this act is to protect and promote the interest of the Adhiars (The Assam Adhiar Protection and Regulation Act, 1948).

If in the opinion of the provincial government or any person authorized in this behalf by the provincial government, it is necessary so to do for maintaining supplies and services essential to the life of the community or for providing proper facilities for accommodation, transport, communication, irrigation or drainage, the provincial government or the person so authorized, may make such orders as appear to it or to him to be necessary or expedient in connection with the requisitioning.

Provided that no land used for religious worship and no building wherein the owner, landlord or tenant has resided for a continuous period of one year, shall be requisitioned. The salient feature of the bill is that only those houses which lie vacant for one year will be requisitioned and no house that is used for religious purposes will be requisitioned and provisions have also been made for appeal against such requisition. The prime aim of this legislation is to increase government activities in the field of development.

The Assam Land (Requisition and Acquisition) (Amendment) Act of 1949, defines 'Displaced Person' as

- Any person, who on account of the setting up of two dominions of India and Pakistan or account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been compelled to leave his place of residence in such area after the 1st day of March 1947 and who has subsequently been residing in India and is in distress

or,

- A person who has been displaced due to various acquisition proceedings relating to land in Assam since 1943 (Assam Land (Requisition and Acquisition) (Amendment) Act, 1949)

The Assam Agricultural Income-Tax (Amendment) Act, 1950, received the assent of the governor on 11th of December, 1950.

The Assam Land (Requisition and Acquisition) (Second Amendment) Act, 1950, received the assent of the president on the 22nd of May, 1950. This Act included an amendment of section 3 (1), Assam Act XXV of 1948. The Amended provision recommends that under sub-section (1) of section 3 of the principal Act the following shall be substituted,

Provided that no land used for the purpose of religious worship or for charitable purposes and no building or part thereof wherein the owner has actually resided for a continuous period of one year immediately preceding the date of the order shall be requisitioned under this section.

Here the term 'charitable purpose' implies relief of the poor, education and medical relief as well as the advancement of any other object of general public utility (The Assam Land (Requisition and Acquisition) (Second Amendment) Act, 1950)

The Assam Adhiars Protection and Regulation (Amendment) Act of 1952, received the assent of the governor on 17 October 1952. This amended Act included provisions within it such as if any Adhiar, cultivating any land during the preceding agriculture year is prevented by a landlord from cultivating the land claiming superior interest, in the subsequent year, then the Revenue Officer may put such person or Adhiar in possession of the land and also may award compensation realizable from that landlord. Compensation not exceeding Rs 200 in any individual case may be prescribed according to the provision of this particular Act (The Assam Adhiars Protection and Regulation (Amendment) Act, 1952)

The Assam Adhiars Protection and Regulation (Amendment) Act of 1955 received the assent of the governor on 14 July 1955. This amended act recommend for insertion of a new section to Assam Act XII of 1948. This new section is inserted as section 2A and it deals with the establishment and constitution of an Adhi conciliation board (The Assam Adhiars Protection and Regulation (Amendment) Act, 1955)

Legislation on Agriculture and Land: Debates in the Assam Legislative Assembly

The Assam Land and Revenue Regulation (Amendment) Bill, 1947

This Bill incorporated some provisions specifically for the advantages and upliftment of the tribal people. The Bill itself contained the provision that the provincial government may adopt measures for the protection of those people or those classes who because of their primitive condition and lack of education as well as material advantages are incapable of looking after their welfare. The provision of this Bill was debated within the assembly and the bill was asked to send for public opinion by some of the Muslim League members. Maulavi Mahammad Roufiqui asked that the Bill should go for public opinion. But the tribal leaders opposed it and wanted it to be enacted as soon as possible. Whenever a bill is reserved for public opinion, it takes a lot of time and, therefore, it was argued that as because the Bill was very important for the upliftment and development of the Tribal people, it should not be sent for public discussion. Rather, it should get passed as soon as possible. While arguing, it was debated that the government programme often include provisions to advance the progress of the backward classes. But unfortunately, it does not get executed. Politically immature Tribal people often become the victim of those who are mature enough in the game of power and politics. Not much land is available for the tribal people, especially in the Nagaon district. There is every possibility of unavailability of land in certain areas, because of the settlement of outsiders. The debate focused on the issue of unavailability of land and this is not only because of the immigrant people but also the indigenous people are also trying to harm the rights of the tribal. In other words, they are exploited by the local people too. Because of delaying no such legislation has been passed which can be meaningful for the development of such people. The bill made arrangements of allotting land among the tribal people, only in those areas where they are the majority.

The Sadullah government initially supported the creation of Tribal belt, as the Tribal were economically poor and educationally backward therefore the creation of Tribal Belt was considered important for those people. But interestingly, they opposed it later. It was considered that Tribal would become the majority as a result of creating Tribal Belt. Dharanidhar Basumatari, who belonged to the tribal group, opposed the argument of the Muslim League by pointing out the fact that during Grow More Food campaign, a huge number of immigrants were given the

opportunity of settling in Tribal majority areas. They were settled in the wastelands among tribal people (Assam Legislative Assembly proceedings on The Assam Land and Revenue Regulation (Amendment) Bill, 1947)

The Assam Adhiars Protection and Regulation Act, 1948

The preamble of this Act states that it is expedient to provide for the protection of tenants of agricultural lands paying rent in the province of Assam. By notification, the provincial government can extend all or any of the provision of this act to agricultural lands in any district, local area or class of estates in the province of Assam where the Goalpara tenancy Act, 1929, or the Assam (Temporary Settled Districts) Act 1935 or the Sylhet Tenancy Act, 1936 is applicable.

“Adhiar” means a person who under the system generally known as Adhi, cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person.

Any person who during the agricultural year immediately preceding the date on which the provincial government extend the provisions of this Act to any district, local area or class of estates, cultivates any land as Adhiar shall have the right to remain in occupation and cultivate land until he either voluntarily relinquishes the land or is ordered by a revenue officer to cease to cultivate and vacate the land or is evicted therefrom in the execution of a valid order of the revenue officer.

The prime objective of the Adhiars Protection and Regulation Bill, 1948 was to give protection to the tenants as argued in the Assam Legislative Assembly while debating the bill. But some drawbacks were discussed and it was found from the debates that an exorbitant rate of rent is realized from the tenants and on refusal to pay they are evicted. It was brought to the notice that the amount of rent is taken to such an extent that very little is left to the actual cultivator for his maintenance. The bill mainly aimed at protecting the interests of the tenants to reduce the rent in kind. It was argued that the increase in the price of agricultural products mainly benefited the landlords instead of benefiting the tenants. Simply by owning the land the landlords took away half of the produce and it created hardship for the person, i.e. the cultivator or the tenant who toils all day long. Another important point to be identified in this case was that the landlords used to pay very little to the government whereas they were deriving very much more revenue from the tenants. Therefore, to cure such problems associated with the cultivators as well as to give more relief to the

Adhiars so that they cannot be unreasonably evicted by the landlords and to give them the security of tenancy, The Adhiars Protection and Regulation bill was requested to accept in the House.

The debate over the bill continued and the Muslim League member Sadullah debated it by raising some points. His argument led to the assertion that the Bill had ignored the interest of the landlords where two parties were involved – the landlords and the tenants. The landlords were in distress under the prevailing communist agitation. It was claimed by Maulavi Syed Muhammad Sadullah that the concerned bill tried to reduce the share of the landlords to 25% and also he made it clear that the bill included various penalties for the landlords but contained no penal clause against the tenants even if they fail to implement the provisions of the Bill. Problems emerged regarding the issue of division of crops. The same system and the same formula could not be applied to all kinds of land in case of ascertaining the total produce. Because there is certain land which is 'Dufasli' or double cropper, and there are certain other lands which are very poor producers. There should be a different gradation of land. Ultimately, it was opined that the Bill would only lead to increasing tensions and would create discord among the landlords and the tenants. However, with the continuation of the debate over the Bill, certain positive points were added expressing the utility of the concerned bill. It was expected to be an important step to uproot the whole landlordism from the country. The Bill was brought so that the existing discord might not spread.

It is an important point to be noticed here that the Adhiars Protection and Regulation Bill while focusing too much on the sorrow of the tenants, has ignored the interests of those who possess small plots of land and who cannot be called Zamindars in the accepted sense of the term. It was debated that the law should be administered equally without any distinction or without giving any special privilege to a certain party or group. The Bill intended to improve the conditions of the toiling masses and also to give relief to them. But while giving relief to certain aggrieved persons, it should not result in the creation of another class of people who will be aggrieved or oppressed in turn. It meant the landlords or the pattadars or peasant proprietors who are holding only some bighas of land will also be badly affected by this Bill. The Bill certainly included some provisions which are for the protection of the landlords. In the case of withholding of payment on the part of the Adhiars, the landlords have the right to evict such tenants and get their lands cultivated by their own labors and plough

cattle. If there is any failure on the part of the Adhiar to deliver the landlord his due then the landlord can go to the officer and demand eviction of such defaulting Adhiar. Reference can be made to Clause 5, sub-clause (iii) which says: " That an Adhiar has failed to deliver to a landlord such share or quantity of the produced as he is bound, subject to the provisions of this act, by any express or implied agreement with the landlord to deliver" (Assam Legislative Assembly proceedings on The Assam Adhiars Protection and Regulation Bill, 1848)

The Assam Land Acquisition and Requisition Bill, 1948

This is another important Bill tabled in 1948. Its salient features include that only those houses which lie vacant for one year will be requisitioned, no house that is used for religious purposes will be requisitioned. Provisions were made regarding an appeal against the acquisition. Provisions for adequate compensation was also there in the Bill. The Bill was moved in the House concerning the fact that as the government activities in the field of development were daily increasing, therefore, it was felt that for the want of proper accommodation the officers of the government had not been able to discharge their duties properly. Some apprehensions were raised regarding the Bill while it was being discussed in the Assembly. It was recognized that the Bill would create some kind of serious infringements of the rights of the citizen. The government was fully supported in providing additional accommodation for the government employees and in constructing buildings for storage of essential commodities. But in most of the cases, it was argued, the action of the government in acquiring property which was being utilized by a private person was bound to cause serious hardship to the general public. There are some safeguards regarding the fact that the government will not requisition a property which is in the occupation of the owner or has been occupied by the tenant for more than one a year. Even it was argued that these powers of the government are entirely unnecessary. The Land Acquisition Act has given the government very extensive but limited powers for taking possession of the private property. The Act mentioned about certain safeguards such as rights of the persons concerned to file objections and Government is bound to consider the grounds on which they object. The debates over the bill clearly mentioned about the acute shortage of accommodation in the in the towns of Assam for Government employees. It may be mentioned that if the government exercises these powers under the Act, it is obvious that very little property will be available for the general public. Mr J.S. Hardman mentioned that the government had already made

an extensive demand on private accommodation and he asked the government to consider the desirability of not taking over more private property but of relinquishing private buildings in their occupation to relieve the very difficult housing problem. Therefore, the main objection raised against the principles of this Bill was that it is not in the best interest of public. Government should undertake a vigorous programme to improve housing (Assam Legislative Assembly proceedings on the Assam Land (Requisition and Acquisition) Bill, 1948)

The Assam State Acquisition of Zamindaris Bill, 1948

This bill was introduced within the Assembly and the basic elements and features of the bill were debated and discussed accordingly. It aimed to withdraw certain interest and acquire the title from the holders of the land. It wanted to do away with the Zamindari system and other intermediaries but with adequate compensation by settling the lands with the actual tillers of the soil accompanied by fully transferable and heritable rights. It was considered that the Zamindari system was responsible for creating several evil consequences. For example, the absentee landlordism which was a direct offshoot of the system created a class of irresponsible landlords which stood on the way of development and growth of the raiyats. The term 'raiyyat' refers to those tenants and cultivators who served as hired labors. Under this system, a raiyyat acquires a right to hold land to cultivate as hired labors. It also referred to succession rights. The Ryotwari system was prevalent during the British rule. This system was introduced by Thomas Munro. It allowed the government to directly deal with the cultivator for revenue collection. It gave the peasants the freedom to give up or acquire new land for cultivation. Under this system, undifferentiated land revenue was collected from the cultivators. The system where the land revenue was imposed directly on the raiyyats was known as the Ryotwari system. Where the land revenue was imposed indirectly and through the agreement made with the Zamindars, the system of assessment was known as Zamindari. Since India attained independence, the oppressive Zamindari system started losing popularity among people and therefore the government decided for the acquisition of the Zamindari system. The Assam State Acquisition of Zamindari Bill, 1948 was proposed to extend to the permanently settled areas of Goalpara, Garo Hills and Cachar. The Bill contemplated the abolition of all intermediaries standing between the state and the tillers of the soil. It also clarified that the Zamindari system would be replaced by the Ryotwari system. Through this amendment, it would try to abolish all the superior interests

above the actual cultivators. While converting into the Ryotwari from the Zamindari system, the focus was given at certain important provisions. The Clause 9 (2) of the particular Bill included the provision of giving the status of the landholder to a peasant who has been in possession for ten years or more and of settlement holder when the possession is for a lesser period. Another provision declared it that any land or part of the land could be taken away by the provincial government without any compensation except the cost of improvement effected on the land as well as the cost of removal of houses and buildings whenever it was deemed necessary. The government could take over the land for certain purposes like co-operative farming, consolidation of holdings or any other agrarian reforms approved by the provincial government. Moreover, the leaseholder shall have a right to become a member of any society formed for co-operative farming, consolidation of holdings or any other agrarian reforms approved by the provincial government.

It is clear from the debates over the Bill that it had some limitations and they needed to be improved for its effective implementation. Therefore, a selecting committee was formed and the Bill was referred to it. The committee was comprised of representatives of all classes and interests. The Muslim League member Sadullah pointed out a very important fact while debating. He said that one of its major limitations was that it was responsible for extinguishment of rights, interests and the privileges enjoyed by the raiyats and the under-raiyats of the permanently settled areas. The raiyats and the under raiyats would be adversely affected by the various clauses of the Bill. Clauses 4 and 9 said that all the rights of the raiyats would be vested absolutely in the Crown. That meant that the rights which were earlier enjoyed by the raiyats would be extinguished. Apart from that, Clause 9 of the Bill made it clear that the raiyats would be given the status of the settlement holder as it was defined in the Assam Land and Revenue Regulation, 1886. The Bill also included one amendment that no cultivator would have the power to transfer his land or his right to possess the land to a non-cultivator (Assam Legislative Assembly proceedings on the Assam State Acquisition of Zamindaris Bill, 1948)

The Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949

This Bill proposed to widen the scope and operation of the old bill concerning the urgent necessity of providing land to a large number of flood-affected people and landless cultivators and refugees. It aimed to make clear provisions for providing land for

these classes of people who identify their interest with those of the province and persons displaced in connection with various land acquisition proceedings since 1943. To afford them the facility for rehabilitation and to speeding up the Grow More Food campaign, it was necessary to amend Sections 2 and 3 (1) of the Assam Land (Acquisition and Requisition) Act, 1948.

Some Congress members raised the issue of the tea industry in this regard. The issue was about the land lying fallow in the tea gardens. The industry was likely to be severely affected by indiscriminate requisition and acquisition of land. Wasteland was required for the expansion of tea cultivation. Opposing this view, it was argued by Srijut Nilmani Phookan almost lakh of acres of lands were lying fallow in different tea gardens which were not even fit for tea cultivation but suitable for growing paddy and other types of cultivation. Therefore, those pieces of lands could be certainly given to needy people. For the sake of justice and equity, the tea industry should not object to part with such lands. Certainly, indiscriminate acquisition and requisition would not at all be conducive to the development of the tea industry. But the fact that the industry had no right to keep its land fallow which was not considered necessary for the growth of the tea industry (Assam Legislative Assembly proceedings on the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949)

The Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950.

The bill was published in the Assam Gazette Extraordinary on the 18th of September, 1950. The Assam State Acquisition of Zamindari Act, passed in 1951, can be considered as one of the most important legislation while analyzing the issue of land. The Act begins with providing meanings of several terminologies. The preamble of states: 'Whereas it is expedient to provide for the acquisition by the State of the interests of proprietors and tenure holders and certain other interests in the permanently settled areas and certain other estates in the districts of Goalpara, Garo Hills and Cachar in the State of Assam including their interests in forests, fisheries, huts, bazars and ferries, mines and minerals.' (Assam State Acquisition of Zamindari Act, 1951). The main aim of enacting the legislation was to provide security to the tenants and to abolish any kind of third party interruption between the tenants and the government. The abolition of the Zamindari system was a step closer toward the abolition of the intermediaries who were earlier there to collect revenue from the tenants. After the independence of the country, it was felt to be redundant. All these were done to provide proper security and the

rights to the tenants. Regarding the amendment of the Zamindari Acquisition Bill, debates were going on within the Assembly and to some extent, it can be considered that these debates delayed the procedure of bringing the Bill into operation. In this context, it is important to refer to the speech of Srijut Sarat Chandra Sinha, he said in the House” “Madam, the Bill was passed long ago and then it was sent to the President for his assent, but the President was not pleased to give his assent and returned it recommending certain amendments, and, naturally, we may hope that before long it will be enforced. People expect that the old Zamindari system will be put an end to after the passing of this Bill... Madam Deputy Speaker, it was expected that the Zamindari system which was devised to exploit the peasants will be done away with after passing of the Bill and then it will be quite possible for this Government to materialize the various schemes of land reforms, but to our utter disappointment, our hopes have been frustrated and doubts have crept in our minds and, I think, signs are not wanting that the bill even after it has been passed, assented to, and has been an Act, will not be in force as law. Given the state affairs that have recently developed about the abolition of Zamindari in India, it is now clear that the Zamindari will go on merrily for some years more and possibly a revolution will be necessary and I am not surprised if that revolution is coming.”(Assam Legislative Assembly proceedings on Assam State Acquisition of Zamindaris Bill, 1948)

Assam Adhiars Protection and Regulation (Amendment) Act, 1952

In this amendment act Shri Gaurishankar Bhattacharyya moved an amendment by referring to a Select Committee consisting of

1. Shri Motiram Borah
2. Shri Hareswar Das
3. Shri Nilamani Phookan
4. Shri Radhika Ram Das
5. Maulavi Muhammad Umaruddin and
6. The mover of this amendment himself

The aim of the move was that the objects and reason shown for the proposed amendment would be better fulfilled if the Bill was prepared with greater care. Shri Gaurisankar Bhattacharyya mentioned that the government should protect the interest of Adhiars and lease-holders from frivolous and arduous eviction by landlords by the enactment of a comprehensively amended

legislation. The amendment Act included another resolution in the form that the Government of Assam should take steps to amend the Assam Adhiars Protection and Regulation Act of 1948 in such a way to give the tenants occupancy rights as well as the incentive for cultivators to improve the land belonging to landlords. It should be mentioned that there is a distinct difference between a tenant and an Adhiars. A 'tenant' means a person who holds land that is under another person, but for a special contract would be liable to pay rent for that land to that person. A tenant shall not lose his right as such. On the other hand, a person who under the system generally known as 'adhi' or 'bhag' cultivates the land of another person on condition of delivering a proportion of crop to that person (Assam Legislative Assembly proceedings on the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952)

The Assam Adhiars Protection and Regulation (Amendment) Act of 1953

This piece of legislation focuses on one important point that if an Adhiar continues the possession of a piece of land and cultivates it regularly and pays his dues regularly, after 6 years there should be some permanency, some fixity of tenure because otherwise, he will not have the urge or desire to grow more food or improving the land and thereby the society will not improve. If it is necessary to have the security of employment then obviously it is also equally necessary to have the security of cultivation. This Act, based on the Directive Principles of state policy that envisages an egalitarian society, includes the point that if the landlord owns more than 30 bighas of land, the Adhiar should not be evicted from his possession because the landlord has got 30 bighas of other agricultural lands. In that case, if the landlord is given the power to evict an Adhiar, it will increase inequity. This amendment was followed by the argument that the state at that time was suffering from food shortage. It was a good outcome if the required quota could be grown within the state itself. Moving this amendment, Shri Hareswar Goswami referred to the statement made by Jawaharlal Nehru that "even if we are self-sufficient in food in our country still we should try for producing more food so that we can better our exchange position." Agricultural production meant dal, rice and other such things, which were to be produced more and therefore it became necessary that the land utilized for this purpose should be kept for this purpose only. If the Act allowed the landlord to convert the land from agriculture to other purposes, it would be detrimental to the country's food security. The amendment stated that the land should go to the actual cultivator; the actual tillers should be the owner of the land.

The Adhiars Protection Act was criticized from the point that the amending Bill did not aim to improve the conditions of the Adhiars but to serve own party interests. That the House, for the amelioration of the conditions of the tenants, had enacted acts after acts such as the Assam Tenancy Act, the Assam Zamindari Abolition Act, the Assam Money Lender's Act etc. It was even argued that the amendment was moved to influence the election (Assam Legislative Assembly proceedings on the Assam Adhiars Protection and Regulation (Amendment) Bill, 1953)

The Assam Agricultural Income Tax (Amendment) Bill, 1954

The main purpose of this Bill was to oppose the provision of the Assam Agricultural Income Tax Act of 1939. The 1939 act restricted the power of the government to impose a rate of tax higher than the rate fixed for the central income tax. But 1954 Act considers this kind of restrictions unnecessary, as it can hamper the realization of more revenue for the developmental purpose. The matter of the tea industry got entangled with the debate concerning this particular act. It was argued that certain tea industries started earning much income and therefore a portion of their income should go to the state exchequer because, at the time of their crisis, the government had paid enough. It is also true that the tea market is always liable to fluctuation and it cannot be exactly said that the so-called prospect of the rising price will continue for a longer period. It was unclear whether the tea industry had recovered or not. Accordingly, it was argued that it was necessary to consider the tea industry as a permanent source of income and therefore should not be burdened with enhanced taxation (Assam Legislative Assembly proceedings on the Assam Agricultural Income Tax (Amendment) Bill, 1954)

The 1954 Assam State Acquisition of Zamindari (Amendment) Bill

This Bill included three important clauses. The first clause amended a definition of 'permanently settled estates'. The original act provided its definition as "any estate in the district of Cachar, Garo Hills and Goalpara included in the decennial settlement of the Lower Provinces of Bengal and etc." (Assam Legislative Assembly proceedings on the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954)

Issues of Land, Immigration and Identity: Impacts on the Future Course of Assam

Understanding the Assam Assembly debates that took place in the floor of the House is very crucial here as these debates reflect the nature of conversation and nature of the opposition that took

place even within the Muslim League about the issue of immigration. The land question in Assam was always linked with the immigration question. It also had serious repercussions in the future course of the country as well as Assam. The land and the immigration issues were debated extensively on the floor of the Assam Legislative Assembly. It must be mentioned here that the Congress-led by Gopinath Bordoloi, and the immigrant lobby led by Syed Saadulla, Mulana Hamid Khan Bhasani and the Muslim League, were at odds regarding the issue of immigration. Conflict of opinion occurred even within the Muslim League, between Syed Saadulla and Maulana Hamid Khan Bhasani as Bhasani thought that the Muslim League was not doing enough for the immigrants and therefore he criticized Syed Saadulla several times (Misra, 2017).

‘Land to the landless peasants’ was the most frequently used slogan since the formation of the Assam Legislative Assembly. In 1939, the Congress ministry in Assam led by Gopinath Bordoloi adopted a resolution on the question of land settlement. According to the resolution, the government decided to deny the permission for settlement in grazing reserves and declared that it would regulate the settlement of landless peasant of the province, including immigrant peasants on the available wastelands (Saikia, 2013, p. 10).

Regarding the land issue, Amalendu Guha observed:

During the six years preceding 1936, as many as 59 grazing, forest and village reserves had been thrown open in Nowgong under the Colonisation Scheme for settling the immigrants. Out of the district’s total occupied area of 5,41,160 acres-sown and fallow - in 1936, 2,04,078 acres or 37.7 percent were under immigrants’ occupation, as against 62.3 per cent still in the hands of indigenous people... The land hungry Muslim immigrants, segregated and pitted against all odds, never appreciated the Assamese point of view. If all men were equal in the eyes of Allah, why should thousands of acres of land remain waste, particularly when men in search of a livelihood and lebensraum were available to turn them into smiling fields?... They wanted the Line system to go. If only it would concede them the right to a new home, they would even follow the Congress flag (Guha, 2006, pp. 209-210).

The issue of land became a sensitive issue at that period for the indigenous Assamese people. The year 1946 was crucial regarding the land issue. The Congress came to power after the interim election in February 1946. The government spelt out the need for a re-examination of the Assam Land Revenue Manual so that the

local peasants as well as the pre-1938 immigrants could be protected. In that year, the Assam Land Revenue Regulation Manual (Amendment) Bill was placed in the immediate post election session of the Legislative Assembly. In 1947, the then Revenue Minister Bishnuram Medhi decided to make a distinction between the migrant question and the problem of Assamese landless peasantry. He tried to explain that the problem by saying that the migrant question of Bengal should not be a burden on the Assamese landless population. He focused upon the fact that the Bengal government should try to distribute the available wasteland among the Bengal peasantry (Saikia, 2013, pp. 4).

While discussing the matter of land, the role played by Syed Saadulla is crucial to discuss here. He played a particular kind of role in this regard which was a bit different from that of the other members of the Muslim League. He many times tried to make the settlement of immigrants easier in the lands of the province. He also adopted some kind of measures for the benefit of the immigrants. For example, reference can be made to a conference of 1944, in which it was accepted that year 1938 would be decided as the cut-off year for the immigrants' settlement.

Saadulla referred to the agreement reached at the Conference of 1944. He said that although he was aware of the needs for safeguards for the indigenous people, his government had decided to open some reserves in 1943. Accordingly three PGRs in Nowgong district were de-reserved for those who came after 1937. He justified his government's decision by asserting that those who were settled in these reserves were people affected by floods and erosion or whose land had been taken over for military occupation (Misra, 2017, pp. 57).

While looking at the Assam Assembly debates, it is clear that the budget sessions of 1946, 1947 years were mainly dominated by the discussions over the land issue. The situation of Assam was such that the issues concerning land and occupation or encroachment overgrazing reserves were given priority than any other issues like development etc.

Based on this, the Assembly was divided into two sides –

- One against immigration and calling for measures to stop it,
- Other openly espousing the cause of immigration.

Even in this session of the Assam Legislative Assembly, Beli Ram Das directly accused the Muslim League of attempting to turn Assam into a Muslim majority province. He also added that "Jinnah's demand for the inclusion of Assam in the Eastern zone

of his proposed Pakistan has been to great extent responsible for the complication of the land problem in Assam” (Misra, 2017)

To analyse the land issue, one must go into the details of the nature of peasant struggles and the various reasons for these struggles. During that period, a strong wave of agrarian unrest emerged, hugely influencing the future of Assam. The immediate post-independence era in Assam witnessed massive peasant unrest and struggle and the reason behind it was that the peasant section had to witness several ups and downs. The unrest was such that it inundated almost the whole of rural Assam.

In this chapter, a detailed discussion is given regarding the Assam Adhiars Protection and Regulation Act. First, the Assam Adhiars Protection and Regulation Act was passed in the year 1948. It was because, in 1947, the peasant movement took a new turn. It got more violent when the peasants and the Adhiars organized a protest in the Guwahati city by engaging in street demonstrations. They demanded that they wanted to give only one-fourth of their produce to the landlords. Adhiars were also known as sharecroppers. The Adhiars or the sharecroppers sometimes denied giving any share of their produce to the landlords, and as a reaction to this, some Adhiars were evicted from the land by the landlords. Therefore, they started protesting in the streets. They felt oppressed by the persisting rule of giving a huge amount of the produce to the landlords, which they produced with hard work.

The next couple of harvesting seasons would witness a reception of the similar situation. There was an undeclared war in the countryside against Assamese landowners and landlords. Many violent cases were reported in the countryside of Assam during that period. The rural unrest was not only confined to only to the conflict between the sharecroppers and the landlords. As the clashes between Adhiars and landlords expanded to new areas, giving new fillip to insurgency by the struggling sharecroppers, the landless Assamese and tribal peasants also infiltrated the government-owned forested lands and tea gardens. They reclaimed patches of land for cultivation, and invited no effective resistance from the government (Saikia, 2013, pp. 14).

Revolutionist Communist Party of India (RCPI) and Its Contributions to Peasants’ Upsurge

Most of the leaders behind these peasant struggles belonged to the Communist peasant organizations. In this context, reference must be made to the RCPI (Revolutionary Communist Party of India) as well as the CPI (Communist Party of India). In 1954, RCPI

raised two slogans depicting the conditions of the peasants and the Adhiars. These slogans were “Nangal jar mati tar” (land to the tillers) and “Tin bhag” (one-third share). Both these slogans became very popular at that time as it reflected the demands of the Adhiars and the peasants. The final aim of these slogans and all land reforms was that the man who handles the plough on the land must also own it. Only under these circumstances, he would be enabled to secure the full fruits of his own efforts, and such a tenure would provide for both maximum production and social justice (Patil, 1955, pp. 374). Some tribal leaders in Assam such as Aniram Basumatary and Daben Khaklari became RCPI members in the mid-1940s. Their presence in the party helped it to make inroads amongst the tribals in Assam (Saikia, 2013, pp. 168).

In this context, reference must be made to the 1952 general election. The results of the 1952 election was such that the socialists, the Krishak Mazdoor Praja party and the CPI secured between themselves six seats (the house then had 108 seats) and got some 22 percent of the total votes. In the 1957 elections, the vote share went up to 24 percent and the Praja Socialist Party, the CPI and the RCPI between themselves secured 13 seats. The PSP won eight seats, with the CPI having four and the RCPI one. The proceedings of the Assam Assembly were dominated by the communists and the socialists and they added much to raise the standard of the debates. Legislators like Gaurisankar Bhattacharyya of the CPI and Hareswar Goswami of the PSP are still remembered for their sharpness of argument and knowledge of politics. In the 1957 Lok Sabha elections, the CPI won two out of the 12 Parliamentary seats, including the prestigious Guwahati seat. Up to the 1967 polls, either the CPI, the SP or the PSP was at least represented in the Lok Sabha. However, in the 1971, 1977, 1983 and 1985 polls, there was no representative of the left from Assam in the Lok Sabha. It was only in the 1991 polls that the CPI(M) candidate, Uddhav Barman, won from the Barpeta constituency (Misra, 2001, pp. 2023).

It is not easy to analyse the issues concerning land and peasantry class only by concerning a particular period of history. The causes of such problems and issues are rooted in the colonial period itself. Therefore, it sustained and even emerged with new dimensions in the post-colonial period too. To trace their origins, it is important to understand the causes linked with it. Among the causes, the changing economic pattern as well as the colonial government was very much responsible for the rising agrarian crisis in the state. To some extent, the environmental and ecological conditions and their consequences also contributed to the further

deepening of the situation. “The rivers, running across the valley, continuously caused soil erosion and also helped in the formation of new land. The newly formed land was, however, not suitable for permanent cultivation. Recurrent natural calamities added to the growing scarcity of land for cultivation to a considerable extent” (Saikia, 2013, pp. 14-15)

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