

APPENDIX V.

THE CHAMPARAN AGRARIAN BILL, 1917.

(AS PASSED IN COUNCIL)

A
BILL
To

Settle and determine certain Agrarian disputes in the district of Champaran.

WHEREAS it is expedient to settle and determine disputes subsisting in the district of Champaran between landlords and tenants holding under them regarding certain matters.

AND WHEREAS the previous sanction of the Government of India has been obtained under section 4 & 5 Geo., 5, c. 61. 79 of the Government of India Act, 1915, to the passing of this Act :—

It is hereby enacted as follows :—

1. (1) This Act may be called the Champaran Agrarian Act, 1918.
Short title and extent.

(2) It extends to the district of Champaran.

2. In this Act all words and expressions defined in the Bengal Tenancy Act, 1885, shall have the meanings assigned to them respectively in that Act, and the expression “record-of-rights” shall mean the record-of-rights finally published under sub-section (2) of section 103 of the Bengal Tenancy Act, 1885.
Interpretation clause.

3. (1) On and after the commencement of this Act any agreement, lease or other contract between a landlord and a tenant holding under him which contains a condition to set apart the land of his tenancy or any portion thereof for the cultivation of a particular crop shall be void to the extent of such condition :
Abolition of certain conditions and incidents.

Provided that if the tenant has in consideration of such condition received any advance under an agreement, lease or contract

¹. Land Revenue—A—Proceeding Nos. 25—59 of 1918. See Nos. 218 and 242 *ante*.

entered into prior to the commencement of this Act, he shall be bound to refund such advance or if the condition has been partially fulfilled, such proportion of that advance as represents the unfulfilled portion of the condition, and the amount of the said advance or proportion thereof which he is bound to refund shall be determined by an authority to be prescribed by the Local Government and the order of such authority shall be final and shall, on application to a civil court, be enforceable as a decree for rent payable in respect of the said tenancy.

(2) On and after the commencement of this Act a special condition or incident of a tenancy to set apart the land of the tenancy or any portion thereof for the cultivation of a particular crop shall not be valid to any extent.

4. (1)(a) Where, in consideration of the release of a tenant from a condition, special condition or incident of the nature described in section 3, the rent payable by such tenant has, prior to the first day of October, 1917, been enhanced, the amount of such enhancement shall, with effect from the said date, be reduced by twenty per centum in the case of rent payable to Turkaulia, Limited, and by twenty-six per centum in all other cases ;

Alteration of rent in view of such abolition and note of the resulting rent in the record-of-rights.

(b) Where a special condition or incident of the nature described in sub-section (2) of section 3 has been entered in the record-of-rights in respect of a tenancy, the entry of such special condition or incident shall be cancelled and the rent of the tenancy shall, with effect from the first day of October 1917, be enhanced to an extent proportionate to the reduced enhancement allowed under clause (a) in respect of tenancies in the same village or in neighbouring villages belonging to the same landlord.

(2) A note of the rent of a tenancy resulting from reduction under clause (a) or enhancement under clause (b) of sub-section (1) of the cancellation under clause (b) of that sub-section of an entry and of a special condition or incident shall be made in the record-of-rights and such note shall, with effect from the 1st day of October, 1917, be deemed part of the record-of-rights and be conclusive evidence of the amount of such rent.

(3) The Local Government may by rule prescribe—

(a) the authority by whom the proper amount of reduction and of enhancement under the provisions of sub-section (1) and the resulting rent of the tenancy shall be determined in each case ;

(b) the authority by whom the note referred to in sub-section (2) shall be made ;

(c) the procedure to be followed by any such authority,

(4) The decision of the authority prescribed under clause (a) of sub-section (3) shall be final as regards—

(a) whether the rent payable by a tenant has been enhanced in consideration of the release of the tenant from a condition, special condition or incident of the nature described in section 3, and the amount of such enhancement;

(b) whether any entry in the record-of-rights is an entry of a special condition or incident of the nature described in sub-section (2) of section 3;

(c) the amount of rent to be noted in the record-of-rights under the provisions of sub-section (2);

and the correctness of any such decision shall not be contested in any suit or proceeding in any court.

(5) In the case of any tenant referred to in clause (a) of sub-section, (1), the finally-published entry in the record-of-rights of the rent of his tenancy shall, in any suit or proceeding for the recovery of an arrear or rent which accrued due thereon prior to the first day of October 1917, be conclusive evidence of the amount of the yearly rent payable in respect of such tenancy from the date from which the enhancement took effect to the end of the Fasli year, 1324:

This sub-section shall also apply to such suits and proceedings pending at the commencement of this Act.

5. Nothing in this Act shall prevent a tenant from contracting to deliver to his landlord a specified weight of a particular crop to be grown on the land of his tenancy or any portion thereof:

Saving of certain short-term contracts to deliver a specified weight of a particular crop.

Provided

(1) that any claim for damages for the breach of such contract shall be based on a failure to deliver the specified weight and not on a failure to cultivate any portion of land:

(2) that the term of such contract shall not exceed three years; and

(3) that the value of the produce to be supplied shall be determined by weightment thereof or by appraisal by arbitrators of the weight thereof.

6. The provisions of this Act shall have effect notwithstanding anything contained in any other enactment.

Provisions to have effect notwithstanding any other enactment.