

THE CENTRAL PROVINCES TENANCY ACT,
1883.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.
 2. Repeal of Acts.
 3. Definitions.
-

CHAPTER II.

OF TENANTS GENERALLY.

A.—Classification of Tenants.

4. Classes of tenants.

B.—Provisions relating to Rent.

5. Presumption as to amount of rent payable.
6. Date from which order fixing rent operates.
7. Time for payment of rents.
8. Rents payable to a number of landlords.
9. Power to deposit rent in certain cases with Revenue-officer.
10. Effect of depositing rent.
11. Penalty for levy of anything in excess of rent by landlord.
12. Penalty for refusing receipt, or giving defective receipt.
13. Enhancement of rent when productive power of holding increased by landlord.
14. Power to alter rent when holding is increased, diminished or deteriorated.
15. Power to alter rent in case of new assessment.
16. Commutation of rent payable in kind.

C.—Of

C.—Of the Landlord's Lien on the Produce of a Holding.

SECTIONS.

17. Definition of produce of a holding.
18. Power of landlord, by notice, to prohibit removal of produce.
19. Contents and service of notice; time for which it remains in force.
20. Right to reap, &c., produce not affected.
21. Effect of instituting suit for rent while notice is in force.
22. Procedure when produce is under attachment.
23. Conflict between rights of superior and inferior landlords.
24. Penalty for illegal distraint by landlord, and for illegal removal of produce.

D.—Commissions for dividing or estimating Crops.

25. Commission for dividing or estimating crops.
26. Appointment of assessors, &c.
27. Remedy for error in division.
28. Procedure when crop has been estimated or appraised.

E.—Of Improvements and Compensation therefor.

29. Right to make improvements.
30. Liability to pay to tenant on ejection compensation for improvements.
31. Assessment of compensation.
32. Avoidance of provisions barring right to make, or be compensated for, improvements.

F.—Miscellaneous.

33. Surrender of holdings.
34. Where land uncultivated and rent unpaid, tenant's right to be deemed surrendered.
35. Tenant taking *ṭhiká* or farm.

CHAPTER III.

OF ABSOLUTE OCCUPANCY-TENANTS.

36. Definition of absolute occupancy-tenant.
37. Rents fixed for period of settlement.
38. Right heritable and transferable after notice to landlord, who may claim to purchase.
39. Absolute occupancy-tenant not liable to ejection.
40. Rent first charge on holding.

CHAPTER IV.

CHAPTER IV.

OF OCCUPANCY-TENANTS.

SECTIONS.

41. Definition of occupancy-tenant.
42. Cases in which ex-proprietors become occupancy-tenants of their sár-land.
43. Devolution and transfer of occupancy-right.
44. Rent of occupancy-tenant to be fixed at settlement.
45. Fixation of rents during currency of settlement in Chánda, Nimár and Sambalpúr.
46. Enhancement during currency of settlement in other districts.
47. Tenant's improvements how treated in fixing rent.
48. Grounds for ejectment.
49. Tenant changing land in accordance with village-custom.
50. Tenant changing land in other cases.

CHAPTER V.

OF SUB-TENANTS.

51. Definition of sub-tenant.
52. Tenure according to agreement.

CHAPTER VI.

OF ORDINARY TENANTS.

53. Definition of ordinary tenant.
54. Rent of ordinary tenant regulated by agreement.
55. Grounds on which an ordinary tenant may be ejected.
56. Notice of enhancement to be served through Civil Court.
57. Liability of tenant to ejectment in default of his agreeing to enhancement.
58. Procedure in ejectment-suit.
59. Conditions on which ejectment-decree is to be executed.
60. Fresh proceedings not to be taken for seven years.
61. Devolution and transfer of ordinary tenancy.
62. Obligation of landlord to confer occupancy-rights on ordinary tenant.

CHAPTER VII.

JURISDICTION AND PROCEDURE.

63. Jurisdiction of Civil Courts barred in certain cases.
64. Procedure on applications to Revenue and Settlement-officers, and appeals from their orders.
65. Jurisdiction

SECTIONS.

65. Jurisdiction of Civil Courts in suits between landlords and tenants.
66. Power to direct that suits between landlords and tenants be entered in separate register.
67. Plaint in such suits.
68. Legal practitioners' fees not allowed, unless for special reasons.
69. Set-off when allowed in suits for arrears.
70. Interest on arrears.
71. No appeal in certain suits for arrears.
72. Ejectment for non-payment of an arrear due under a decree.
73. Power of Court to deal with cases of drought or other calamity in suits for arrears.
74. Relief against forfeitures.
75. Rights of ejected tenant in respect of crops and land prepared for sowing.
76. Payment by tenant for occupation of land under section 75.
77. All claims between landlord and tenant to be determined in ejectment-proceedings.
78. Procedure when, on ejectment, money is due by the landlord to the tenant.
79. Ejectment-decrees and orders to have effect from beginning of agricultural year.
80. Applications to measure or ascertain condition of holdings.
81. Limitation in suits by tenant to recover possession.

CHAPTER VIII.**POWER TO MAKE RULES.**

82. Rules by Chief Commissioner.

SCHEDULE.—ACTS REPEALED.

ACT No. IX OF 1883.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd June, 1883.)

An Act to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

Preamble. **W**HEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This Act may be called the Central Provinces Tenancy Act, 1883: and

Local extent. (2) It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI. XIV of 1883

Commencement. (3) This Act shall come into force on such day as the Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

Nevertheless, any notification, rule, order or appointment to an office may be made under this Act at any time after the passing thereof, but shall not take effect before this Act comes into force.

Repeal of Acts. 2. On and from the day on which this Act comes into force, the Acts mentioned in the schedule hereto annexed shall be repealed.

3. In

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land :

(2) "tenant" means a person who holds land of another person, and is, or, but for a special contract, would be, liable to pay rent for that land to that other person. But it does not include a farmer, mortgagee or thikádár of proprietary rights :

Explanation.—An inferior proprietor is not, as such, a tenant :

(3) "landlord" means the person of whom a tenant holds land, and to whom the tenant is, or, but for a special contract, would be, liable to pay rent for that land :

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him :

(5) "pay", "payable", and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery" :

(6) "arrear" means an instalment or part of an instalment of rent which is not paid on or before the date on which it is payable :

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions :

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of the holding, which is suitable to the holding and consistent with the purpose for which it was let, and which, if not executed on the holding, is either executed directly for its benefit, or is, after execution, made directly beneficial to it :

Explanation I.—It includes the reclaiming, enclosing

ing or clearing of lands for agricultural purposes ; but it does not include such embankments, temporary wells and water-channels as are made by tenants in the ordinary course of agriculture ; and no work executed by the tenant of a holding is an improvement if it substantially diminishes the value of any other part of the estate of his landlord :

Explanation II.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement :

(9) “ Revenue-officer ” and “ Settlement-officer ”, in any provision of this Act, mean respectively such Revenue-officer or Settlement-officer appointed under the Central Provinces Land-revenue Act, 1881, as the Chief Commissioner may, from time to time, by notification in the official Gazette, direct by name or by virtue of his office to discharge the functions of a Revenue-officer or Settlement-officer (as the case may be) under that provision :

XVIII of
1881

(10) “ agricultural year ” means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified local area, from time to time, by notification in the official Gazette, appoint :

(11) “ sîr-land ” means—

(a) land recorded as “ sîr ” in the papers of the last preceding settlement of the local area in which the land is situate ;

(b) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years ;

(c) waste land which has been broken up by the proprietor or one of the proprietors thereof, and cultivated by him for a period of not less than six consecutive years ; and

(d) the “ bhogra ” lands of Sambalpûr :

Explanation.—Land which has, after the date of the

the

(Chapter II.—Of Tenants generally.)

the above-mentioned settlement, or the expiration of the above-mentioned period of twelve years or six years (as the case may be), been for a period of six consecutive years unoccupied by the proprietor is not sîr-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sîr-rights :

(12) "village" includes any tract of land which, at the last settlement of the same, has been recognised as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881 : and

(13) "record-of-rights" includes the supplementary administration paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881, came into force.

II of

L.

III of

L.

CHAPTER II.

OF TENANTS GENERALLY.

A.—Classification of Tenants.

4. There shall be four classes of tenants, namely :— Classes of tenants.

- (1) Absolute occupancy-tenants ;
- (2) Occupancy-tenants ;
- (3) Sub-tenants ;
- (4) Ordinary tenants.

B.—Provisions relating to Rent.

5. In all suits and proceedings between landlord and tenant, the rent payable for any agricultural year by a tenant in respect of his holding shall be presumed, until the contrary is proved, to be the rent payable in respect of the holding in the agricultural year immediately preceding that year. Presumption as to amount of rent payable.

6. An order fixing, altering or commuting the rent of a holding on an application under this Act may, as the officer making the order thinks fit, take effect from the commencement of the agricultural year next following the date of the application, or from Date from which order fixing rent operates.

from any subsequent day, or, if it is made on the ground of increase, diminution or deterioration of the holding, from the date of that increase, diminution or deterioration, or from any subsequent day.

Time for
payment of
rents.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by notification in the official Gazette, prescribe, and, in the absence of any such notification applicable to the case, according to the contract between the parties, or, where there is no such contract, according to local usage.

Rents pay-
able to a
number of
landlords.

8. When two or more persons are landlords of a tenant in respect of the same holding, the tenant, subject to any rule which the Chief Commissioner may, from time to time, by notification in the official Gazette, make in this behalf, and to any contract between the parties, shall not be bound to pay part of the rent of his holding to one of those persons and part to another or others; and, subject as aforesaid, those persons shall, if the tenant so desires, appoint one of their number or some other person to receive the rent.

Power to
deposit rent
in certain
cases with
Revenue-
officer.

9. (a) When a landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant,

(b) when a tenant, in the case mentioned in section eight, desires the appointment of a person to receive rent payable in money and the appointment is not made within a reasonable time, and

(c) when a tenant in any case is doubtful as to the person entitled to receive rent payable in money,

the tenant may apply to a Revenue-officer for permission to deposit in his court the amount of rent which he believes to be due; and that officer shall receive the deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application, and that it was made in good faith, and if the applicant pays the fee (if any)

chargeable

(Chapter II.—Of Tenants generally.)

chargeable for the issue of the notice next hereinafter referred to.

10. (1) When a deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due. Effect of depositing rent.

(2) The officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

(3) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing in this clause shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

11. Every tenant from whom, except under any special enactment for the time being in force, anything is levied by his landlord in excess of the rent legally payable, shall be entitled to recover from the landlord such sum as the Court thinks fit, not exceeding five hundred rupees, or, when double the amount or value of what is so levied exceeds five hundred rupees, not exceeding double that amount or value. Penalty for levy of anything in excess of rent by landlord.

12. If a landlord refuses a receipt for rent paid by a tenant, or grants a receipt but refuses or neglects to specify therein the holding, and the period or crop, in respect of which the payment is made, or the amount paid, the tenant shall be entitled to recover from him such sum, not exceeding double the amount or value of the rent so paid, as the Court thinks fit. Penalty for refusing receipt, or giving defective receipt.

13. Notwithstanding anything in the record-of-rights, but subject to any contract in writing between the Enhancement of rent when pro-

ductive power of holding increased by landlord.

the parties, the rent payable in money by any tenant may, on the application of his landlord, be enhanced by a Revenue-officer on the ground that an improvement has been made in accordance with this Act by or at the expense of the landlord whereby the productive power of the holding has been increased.

Power to alter rent when holding is increased, diminished or deteriorated.

14. When the area of a holding the rent of which is payable in money is increased or diminished by the encroachment of the tenant or the landlord, or by fluvial action or otherwise, or the soil of a holding is, without the fault of the tenant, permanently deteriorated by a deposit of sand or other like calamity, a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to that increase, diminution or deterioration.

Power to alter rent in case of new assessment.

15. When a landlord grants a lease, or makes any other contract fixing the rent of any holding, and, while the lease or contract is in force,—

(a) land-revenue is for the first time made payable in respect of the holding, or

(b) land-revenue having been previously payable in respect of it, the revenue payable when the lease or other contract was granted or made is increased or diminished,

a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to the revenue.

Commutation of rent payable in kind.

16. (1) In all cases in which an absolute occupancy-tenant or occupancy-tenant pays rent for a holding in kind, or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of those ways and partly in another or others, the landlord or tenant may, notwithstanding anything in the record-of-rights or any contract between the parties, other than a contract whereby waste-land is

let

(Chapter II.—Of Tenants generally.)

let for the purpose of reclamation, apply during the progress of a settlement to a Settlement-officer, or at any other time, if the Chief Commissioner thinks fit to appoint a Revenue-officer in this behalf, to that officer, to commute the rent to a fixed money-rent.

(2) On the receipt of the application, the officer shall determine the sum to be paid as money-rent, and shall order that the tenant shall, in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.

(3) If the application is opposed, the officer may, for reasons to be recorded by him in writing, refuse to grant the same.

C.—Of the Landlord's Lien on the Produce of a Holding.

17. In sections eighteen to twenty-four (both inclusive) the produce of a holding means—

Definition of produce of a holding.

- (a) crops and other products of the earth standing or ungathered on the holding;
- (b) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing-ground, or are stored, by a tenant of the land on which they have been grown, within the village in which the holding is situate or the tenant resides.

18. Where an arrear is due in respect of a holding, the landlord may, by notice served as hereinafter provided, prohibit the removal of the produce of the holding:

Power of landlord, by notice, to prohibit removal of produce.

Provided that—

first, such a prohibition shall not be made on account of an arrear which has been due for a longer period than one year, or in respect of any produce which is under attachment by order of any Court; and

secondly, such a prohibition shall not be made more than once in respect of the same produce on account of the same arrear.

19. (1) Every

Contents and service of notice; time for which it remains in force.

19. (1) Every notice under section eighteen shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is claimed, and, when an amount in excess of the rent payable by the tenant in the last preceding agricultural year is claimed, the decree, order or agreement, as the case may be, for the payment of that amount.

(2) The notice shall be served on the person in charge of the produce, and shall remain in force until the rent specified in the notice is paid, or, if that rent is not previously paid, until the expiration of thirty-five days from the date of service of the notice.

Right to reap, &c., produce not affected.

20. A notice under section eighteen shall not prevent any person from reaping, gathering or storing any produce, or doing any other act necessary for its due preservation.

Effect of instituting suit for rent while notice is in force.

21. If, while the notice is in force, the landlord institutes a suit for the recovery of the rent, the notice shall continue in force until the Court trying the suit otherwise directs; and, if the landlord obtains a decree in the suit, the amount of that decree shall be the first charge upon the produce.

Procedure when produce is under attachment.

22. (1) If the produce of the holding on which the arrear is due is under attachment by order of a Court, the landlord may apply to the Court to sell the produce and pay to him out of the proceeds of the sale thereof the amount or value of—

- (a) any rent which has fallen due to him in respect of the holding within the year immediately preceding the application; and
- (b) the instalment of rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

And the Court, if on inquiry it finds the landlord's claim to the whole or any part of the rent to be proved, shall sell the produce or such portion thereof as it may deem necessary, and shall apply the proceeds.

(Chapter II.—Of Tenants generally.)

ceeds of the sale in the first instance to satisfy the claim.

(2) The finding of a Court on an inquiry under this section shall have the force of a decision in a suit between the parties.

23. Where land is sublet and any conflict arises under sections eighteen to twenty-two (both inclusive) between the rights of a superior and of an inferior landlord, the right of the superior landlord shall prevail.

Conflict between rights of superior and inferior landlord.

24. (1) Any landlord of a holding who distrains or attempts to distrain the produce of the holding, or prevents or attempts to prevent, otherwise than in accordance with this Act, any person from reaping, gathering, storing, removing or otherwise dealing with any produce of the holding, and

Penalty for illegal distraint by landlord, and for illegal removal of produce.

where a notice in respect of the produce of a holding has been served under section nineteen and is in force, any person who, knowing or having reason to believe that the notice is in force, removes, attempts to remove or abets the removal of the produce, except for any of the purposes mentioned in section twenty,

shall be punished with fine which may extend to five hundred rupees.

f 1882. (2) Nothing in this section, and, except as provided in section 546 of the Code of Criminal Procedure, no proceeding under this section, shall affect the right of any person to recover compensation in a civil suit.

D.—Commissions for dividing or estimating Crops.

25. Whenever rent is taken by division of the produce, or by estimate or appraisal of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division, estimate or appraisal, or if there is a dispute about the division of the produce or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a com-

Commission for dividing or estimating crops.

mission

mission to such person as the officer thinks fit, directing him to divide, estimate or appraise the crop.

Appointment
of assessors,
&c.

26. (1) When a Revenue-officer appoints a Commissioner for any of the purposes mentioned in section twenty-five, the officer may, in his discretion, direct the Commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting those assessors (if any), and the procedure to be followed in making the division, estimate or appraisement.

(2) The Commissioner so appointed shall make the division, estimate or appraisement in accordance with those instructions.

Remedy for
error in
division.

27. (1) If in any division under the foregoing provisions either party receives less than the share to which he is entitled, he may, within three months from the date on which the division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him at the price which prevailed on that date.

(2) If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed as between the parties thereto to have been rightly made.

Procedure
when crop
has been
estimated or
appraised.

28. (1) When a crop has been estimated or appraised under the foregoing provisions, the estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued.

(2) The Revenue-officer shall consider the Commissioner's report, and, after such hearing and inquiry (if any) as he may think necessary, shall pass an order thereon either confirming or varying the estimate or appraisement, and that order shall be final.

E.—Of Improvements and Compensation therefor.

Right to
make im-
provements.

29. (1) In respect of the holding of an absolute
occupancy-

(Chapter II.—Of Tenants generally.)

occupancy-tenant, or occupancy-tenant, the tenant, and in respect of the holding of an ordinary tenant, the landlord, shall be entitled to make improvements.

(2) If an ordinary tenant whose holding does not consist entirely of sîr-land, or the landlord of an absolute occupancy-tenant or of an occupancy-tenant, desires that any improvement be made in respect of the holding, he may deliver, or cause to be delivered, to his landlord or tenant, as the case may be, a request in writing calling upon him to make the improvement within a reasonable time, and, if he is unable or neglects to comply with that request, may, subject to such rules of procedure as the Chief Commissioner from time to time, by notification in the official Gazette, prescribes in this behalf, make the improvement himself.

30. (1) If an absolute occupancy-tenant, occupancy-tenant or ordinary tenant is ejected from his holding, he shall be entitled to compensation for improvements which he or the persons under whom he claims may have made in accordance with this Act or with the landlord's consent otherwise than in accordance with this Act, and for which compensation has not already been made.

Liability to pay to tenant on ejection compensation for improvements.

(2) Whenever a Court makes a decree or order for the ejection of a tenant, it shall determine the amount of compensation (if any) due under this section to the tenant for improvements, and shall make the decree or order of ejection conditional on the payment of that amount to the tenant.

(3) No compensation shall be claimable under this section for an improvement where the tenant has made the improvement in pursuance of a contract binding him, in consideration of some substantial advantage to be obtained by him, to make the improvement without compensation, and has obtained that advantage.

(4) Improvements made by a tenant before this Act comes into force, in lands other than sîr-land, shall

shall be deemed to have been made in accordance with this Act, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself.

Assessment
of compen-
sation.

31. (1) The Chief Commissioner may, from time to time, by notification in the official Gazette, make rules requiring the Court to associate with itself, for the purpose of estimating the compensation to be awarded under section thirty for an improvement, such number of assessors as the Chief Commissioner thinks fit, and determining the qualifications of those assessors and the mode of selecting them.

(2) In estimating the compensation to be awarded under section thirty for an improvement, regard shall be had—

(a) to the amount by which the letting value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(b) to the labour and capital required for the making of such an improvement; and

(c) to any reduction or remission of rent or other advantage given by the landlord to the tenant in consideration of the improvement.

(3) When the amount of the compensation has been assessed, the landlord and tenant may, if they think fit, agree that, instead of being paid wholly in money, it shall be made wholly or partly in some other way.

Avoidance of
provisions
barring right
to make, or be
compensated
for, improve-
ments.

32. An entry in the record-of-rights of any village or a stipulation in a contract providing—

(a) that a landlord shall be entitled to prevent a tenant from making, or to eject him for making, such improvements on his holding as he is entitled to make under this Act, or

(b) that a tenant ejected from his holding shall not be entitled to compensation for improvements in any case in which he would, under this Act, be entitled

(Chapter II.—Of Tenants generally.)

entitled to such compensation,
shall be void.

F.—Miscellaneous.

33. (1) Any tenant not bound by a lease or other agreement for a fixed period may, at the end of any agricultural year, surrender his holding. Surrender of holdings.

(2) But notwithstanding the surrender, the tenant shall continue to be liable for the agricultural year next following the date of the surrender for the rent of the holding, unless he gives to his landlord, at least thirty days before he surrenders, notice of his intention to surrender.

(3) In the following cases, the Court shall presume that such notice was so given, that is to say:—

- (a) if the tenant takes a new holding in the same village from the same landlord during the agricultural year next following the surrender;
- (b) if the tenant ceases, at least thirty days before the end of the agricultural year at the end of which the surrender is made, to reside in the village in which the surrendered holding is situate; and
- (c) if the landlord himself, at any time during the agricultural year next following the surrender, cultivates or lets to another tenant the holding or any part thereof.

34. Any tenant other than an absolute occupancy-tenant who leaves his holding uncultivated and the rent of it unpaid for a period of two years shall, at the expiration of that period, be deemed to have surrendered the holding: Where land uncultivated and rent unpaid, tenant's right to be deemed surrendered.

Provided that, in reckoning that period, any time during which, owing to an inundation or any other accident to the land beyond the tenant's control, it may have been impossible to cultivate the land, shall be excluded.

35. When

Tenant taking thiká or farm.

35. When a person, at the time of taking a thiká or farm, is a tenant of any land comprised therein, his interest as tenant shall not be affected by reason only of his taking the thiká or farm

CHAPTER III.

OF ABSOLUTE OCCUPANCY-TENANTS.

Definition of absolute occupancy-tenant.

36. Every person who, on the day when this Act comes into force, is the tenant of any holding in respect of which he, or a person whose rights he has acquired, has been recorded in any record-of-rights made before that day as an "absolute occupancy-raiyat", or in terms equivalent thereto, shall, unless he has parted with his rights, be deemed to be an absolute occupancy-tenant of that holding.

Rents fixed for period of settlement.

37. (1) The rent of the holding of every absolute occupancy-tenant shall be fixed by the Settlement-officer at each settlement of the area in which the holding is comprised, and the rent so fixed shall not be altered during the currency of the settlements, except under the provisions of section thirteen, section fourteen or section sixteen.

(2) The rent payable by any such tenant in respect of his holding when this Act comes into force shall be deemed to have been fixed at the last preceding settlement of the area in which his holding is comprised.

Right heritable and transferable after notice to landlord, who may claim to purchase.

38. (1) The right of an absolute occupancy-tenant in his holding shall on his death devolve as if it were land, and shall be transferable subject to the conditions contained in this section.

(2) If an absolute occupancy-tenant intends to transfer any right in his holding by sale or gift, or by mortgaging the same for a sum which, together with the interest payable thereon during the five years immediately succeeding the mortgage and
the

the previous sums (if any) secured by mortgage of it, would exceed eight times the annual rent of the holding, or by sub-letting the same in consideration of a fine or premium exceeding five times that rent, he shall give to his landlord a written notice of his intention, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is given.

(3) If the intended transfer is by sale or gift, the landlord may, within the said period of one month—

(a) claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix; or

(b) permit the sale or gift, in which case he shall be entitled to a sum equal to the rent for one year, and that sum shall be a first charge on the holding.

(4) If the intended transfer is by mortgage or sub-lease, the landlord may, within the said period of one month, claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix.

(5) When the right of an absolute occupancy-tenant in his holding is sold by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall have the same right of pre-emption as is given in the case of a sale by sub-section (3), clause (a).

(6) When an application is made to a Revenue-officer under this section to fix the value of an absolute occupancy-right which is already mortgaged, he shall fix the value of the right as if it were not mortgaged; and if the landlord purchases the right, the mortgage-debt shall be a charge on the purchase-money in exoneration of the land.

(7) Any transfer made in contravention of this section shall be void.

39. Notwithstanding

Absolute
occupancy-
tenant not
liable to
ejectment.

Rent first
charge on
holding.

39. Notwithstanding any contract to the contrary, or any provision of a record-of-rights, an absolute occupancy-tenant shall not be ejected from his holding by his landlord as such for any cause.

40. The rent of the holding of an absolute occupancy-tenant shall be a first charge on that holding.

CHAPTER IV.

OF OCCUPANCY-TENANTS.

Definition of
occupancy-
tenant.

41. Every tenant who, when this Act comes into force, has held the same land continuously for twelve years, otherwise than as an absolute occupancy-tenant or a sub-tenant, and every person who is, when this Act comes into force, or thereafter becomes, a tenant (not being an absolute occupancy-tenant or a sub-tenant) of land in the districts of Chánda, Nimár and Sambalpúr, shall be deemed to be an occupancy-tenant of that land :

Provided that the land is not—

(a) sír-land, or

(b) held in lieu of wages, or

(c) held, in any district other than Sambalpúr, under a written lease in which it is expressly agreed that a right of occupancy in the land shall not be acquired, or that the tenant shall quit the land at the termination of the lease.

Explanation I.—The occupation of any person from whom the tenant inherited his holding is, for the purposes of this section, deemed to be the occupation of the tenant.

Explanation II.—Where, by the custom of any village, the holdings of tenants are, or have been, liable to periodical redistribution, land which a tenant or any person under whom he claims has, in accordance with that custom, from time to time, received in exchange for land previously held by him is, for the purpose of calculating, under this section,

(Chapter IV.—Of Occupancy-tenants.)

section, the period of twelve years, deemed to be the same land as the land which he held before the exchange.

42. Every person whose proprietary rights in land comprising sîr-land are, after this Act comes into force, transferred in any of the following cases, namely :—

- (a) when he sells those rights without expressly agreeing to transfer his right to cultivate the sîr-land,
- (b) when those rights are sold for an arrear of land-revenue,
- (c) when those rights are sold in execution of any decree which does not expressly direct the sale of his rights in the sîr-land,

Cases in which ex-proprietors become occupancy-tenants of their sîr-land.

shall become an occupancy-tenant of that sîr-land, and the rent payable by him as such shall be fixed by a Revenue-officer on application made by him or by his landlord.

43. (1) When an occupancy-tenant dies his right in his holding shall devolve as if it were land: Provided that, except in the districts of Chánda, Nimár and Sambalpúr, a collateral relative of the tenant shall not be entitled to inherit that right, unless at the death of the tenant he was a co-sharer in the holding.

Devolution and transfer of occupancy-right.

(2) A transaction by which an occupancy-tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise shall be void, unless—

- (a) it is entered into with his landlord's consent, or
- (b) the transfer is one to a person who, if he survived the tenant, would inherit the right of occupancy, or between persons in favour of whom, as co-sharers, the right of occupancy originally arose, or who have become, by succession, co-sharers therein;

(3) The

(3) The right of an occupancy-tenant shall not be sold in execution of a decree.

Rent of occupancy-tenant to be fixed at settlement.

44. The rent of the holding of every occupancy-tenant shall be fixed by the Settlement-officer at each settlement of the area in which the holding is comprised.

Fixation of rents during currency of settlement in Chánda, Nimár and Sambalpúr.

45. (1) In the districts of Chánda, Nimár and Sambalpúr, the rent fixed under section forty-four shall not be altered during the currency of any settlement except under section thirteen, section fourteen or section sixteen.

(2) The rent payable in respect of his holding by a tenant in any of those districts when this Act comes into force shall be deemed to have been fixed at the last preceding settlement of the area in which that holding is comprised.

(3) Subject to the provisions of sections thirteen, fourteen and sixteen, the rent payable by any such tenant in respect of a holding acquired by him after this Act comes into force shall, pending the recurrence of the settlement of the area in which that holding is comprised, be the rent fixed by agreement between him and his landlord at the time he acquires that holding, or, in the absence of any such agreement, or on the expiration of the term for which any such agreement has been made, a rent fixed by a Revenue-officer on the application of either party at the following rate, that is to say :—

- (a) in the districts of Chánda and Nimár, the rate which the Chief Commissioner has prescribed for occupancy-tenants and caused to be entered in the record-of-rights at the last settlement ;
- (b) in the district of Sambalpúr, the average rate at which at the last settlement the rents of other lands in the same village of similar quality and possessing similar advantages were fixed.

46. The

(Chapter IV.—Of Occupancy-tenants.)

46. The rate of rent payable in money by an occupancy-tenant in any other district may, during the currency of a settlement, on the application of the landlord to a Revenue-officer, be enhanced subject to the rules made under section eighty-two and for the time being in force :

Enhance-
ment during
currency of
settlement
in other dis-
tricts.

Provided that—

- (a) an application under this section shall not be entertained when the rent of the holding has within the ten years immediately preceding the application been fixed under any provision of this Act except section thirteen or section fourteen, or under any Act hereby repealed ; and
- (b) no order shall be made on any such application which is inconsistent with any contract made after the last preceding settlement and still in force.

47. When the land in respect of which an application is made under section forty-five or section forty-six has been improved in accordance with this Act by the agency or at the expense of the tenant, the quality and advantages of the land shall, notwithstanding anything contained in any contract or record-of-rights, be deemed, for the purposes of that section, to be the quality and advantages which the land would have had and enjoyed if the improvements had not been made.

Tenant's im-
provements
how treated
in fixing rent.

48. Notwithstanding any contract to the contrary or any provision of a record-of-rights, an occupancy-tenant shall not be ejected from his holding by his landlord as such except,—

Grounds for
ejection.

- (a) as hereinafter provided, for arrears of rent ;
or
- (b) in execution of a decree of a Civil Court passed on the ground of his having diverted the land to non-agricultural purposes, or being chargeable with some other act or omission which, by custom not inconsistent
with

with this Act or with any other enactment for the time being in force, renders him liable to be ejected.

Tenant changing land in accordance with village-custom.

49. A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical redistribution, and exchanging that land in accordance with the custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange.

Tenant changing land in other cases.

50. If a tenant having a right of occupancy in any land ceases to hold that land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that the tenant has accepted that other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold.

CHAPTER V.

OF SUB-TENANTS.

Definition of sub-tenant.

51. A tenant who holds land from another tenant is a sub-tenant of that land.

Tenure according to agreement.

52. A sub-tenant shall, subject to the provisions of sections seven, fourteen and fifteen, hold on such terms as may be agreed upon between him and his landlord.

CHAPTER VI.

OF ORDINARY TENANTS.

Definition of ordinary tenant.

53. Every tenant who is not an absolute occupancy-tenant, or an occupancy-tenant or a sub-tenant, is an ordinary tenant.

Rent of ordinary tenant regulated by agreement.

54. An ordinary tenant shall, subject to the provisions of sections fourteen and fifteen, pay such rent

as

(Chapter VI.—Of Ordinary Tenants.)

as may, from time to time, be fixed by agreement between him and his landlord.

55. Notwithstanding any contract to the contrary or any provision of a record-of-rights, an ordinary tenant shall not be ejected from his holding by his landlord as such except—

Grounds on which an ordinary tenant may be ejected.

- (a) as provided in the case of an occupancy-tenant in section forty-eight ;
- (b) in execution of a decree for ejectment passed on the ground that he has refused to agree to an enhancement of rent demanded by his landlord in accordance with the provisions next hereinafter contained, or that the holding consists entirely of sir-land.

56. When a landlord wishes to enhance the rent of an ordinary tenant whose holding does not consist entirely of sir-land and whose rent is not fixed by an agreement in writing, and the tenant does not agree to the enhancement, the landlord may cause to be served on the tenant through the Civil Court a notice of the enhancement not less than six months before the commencement of the agricultural year in which the landlord desires the enhancement to take effect.

Notice of enhancement to be served through Civil Court.

57. (1) If, within the period of one month from the service of a notice under section fifty-six, the tenant on whom the notice has been served presents to the Court issuing the notice a statement in writing declaring his willingness to pay the enhanced rent, he shall be deemed to have agreed to pay that rent from the commencement of the agricultural year next following.

Liability of tenant to ejectment in default of his agreeing to enhancement.

(2) If the tenant does not, within the said period of one month, present to the Court a statement as aforesaid, the landlord may, not less than ten weeks before the commencement of the agricultural year next following, institute a suit to eject the tenant.

58. (1) If in any suit instituted under section fifty-seven the defendant appears and agrees to pay the enhanced rent demanded, his agreement shall thereupon

Procedure in ejectment-suit.

thereupon be recorded, and he shall not be ejected, but shall be liable to pay that rent from the commencement of the agricultural year next following the date of the agreement.

(2) If the defendant does not appear, or if, on appearing, he does not agree to pay the enhanced rent demanded, the Court may pass a decree for his ejectment on condition that, within fifteen days from the date of the decree, the landlord deposits in Court—

- (a) such sum (if any) as may be declared by the decree to be payable to the tenant as compensation for improvements ; and
- (b) a further sum as compensation for disturbance equal to seven times the yearly increase of rent demanded.

Conditions on which ejectment-decree is to be executed.

59. (1) If these sums are so deposited, the decree shall be made absolute, and the sums deposited shall be paid to the tenant.

(2) If these sums are not so deposited, the decree shall become void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

Fresh proceedings not to be taken for seven years.

60. When a tenant has agreed, under section fifty-seven or section fifty-eight, to pay an enhanced rent for his holding, or a decree to eject him from that holding has become void under section fifty-nine, no notice shall be served on him under section fifty-six in respect of that holding during the seven years next following the date on which he has so agreed, or the decree has become void, as the case may be.

Devolution and transfer of ordinary tenancy.

61. (1) When an ordinary tenant dies, his right in his holding shall devolve as if it were land :

Provided that a collateral relative of the tenant shall not be entitled to inherit his right unless at the death of the tenant he was a co-sharer in the holding.

(2) A transaction by which an ordinary tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise

(Chapter VI.—Of Ordinary Tenants.)

otherwise shall be void, unless it is entered into with his landlord's consent.

(3) The right of an ordinary tenant shall not be sold in execution of a decree.

62. (1) Notwithstanding any contract to the contrary, the landlord of any holding held by an ordinary tenant shall, at the request of the tenant and on the tender by the tenant to him of a sum equal to twice and one-half the annual rent payable in respect to the holding, together with the cost of preparing any instrument required for this purpose, confer upon the tenant the rights of an occupancy-tenant in respect of the holding; and when those rights have been so conferred, the rent of the tenant shall be deemed to be fixed under this Act, within the meaning of section forty-six, at the rate at which rent was payable by the tenant at the date of the request and tender :

Obligation of landlord to confer occupancy-rights on ordinary tenant.

Provided that the landlord may, upon any such request and tender being made to him, apply to a Revenue-officer to fix the rent of the holding for the purposes of this section; and if he proves to the satisfaction of the officer that the rate of rent payable in respect of the holding is less than the rate usually paid by ordinary tenants of holdings situate in the same or adjoining tahsils for land of similar quality with like advantages, the officer shall fix the rent at the latter rate, and the rent so fixed shall, for the purposes of this section, be deemed to be, and to have been at the date of the request and tender, the rent payable by the tenant.

(2) If a landlord, to whom a request and tender is made by a tenant under sub-section (1), refuses or neglects for a period of one month to confer the rights of an occupancy-tenant on the tenant, the tenant may deposit the sum aforesaid in the court of a Revenue-officer, and apply to that officer to confer upon him the rights of an occupancy-tenant in respect of the holding.

(3) The officer, after giving notice of the application to the landlord and hearing him if he appears,
and

and making such inquiry as he thinks necessary, may execute any instrument required for conferring those rights upon the tenant, and the execution shall have the same effect as an execution by the landlord.

(4) A person upon whom the rights of an occupancy-tenant are conferred under this section shall be deemed to be an occupancy-tenant for the purposes of this Act.

(5) Nothing in this section shall apply to a holding consisting entirely of sîr-land.

CHAPTER VII.

JURISDICTION AND PROCEDURE.

Jurisdiction
of Civil
Courts barred in cer-
tain cases.

63. No Court other than the Court of a Revenue-officer or Settlement-officer shall fix any rent or call in question any rent fixed by a Revenue-officer or Settlement-officer, or shall take cognizance of any dispute or matter in which any of the following applications might be made, namely:—

(a) applications for permission to deposit rent in Court (section nine);

(b) applications to enhance rent on account of improvements made by, or at the expense of, the landlord (section thirteen);

(c) applications to alter the rent of a holding on account of increase or diminution or deterioration of the holding, or of a new assessment of revenue (sections fourteen and fifteen);

(d) applications for the commutation of rents paid in kind (section sixteen);

(e) applications for a commission to divide, estimate or appraise a crop (section twenty-five);

(f) applications to fix the price at which a landlord may purchase in case of an intended transfer (section thirty-eight);

(g) applications to fix rent or confer occupancy-rights (section sixty-two);

(h) applications

(h) applications to measure or ascertain the condition of holdings (section eighty); and

(i) applications relating to such other matters as Revenue-officers or Settlement-officers are empowered to deal with under this Act or the rules made under this Act.

64. (1) In fixing rents and disposing of the matters referred to in section sixty-three, Revenue-officers and Settlement-officers shall, as nearly as may be practicable, subject to the provisions of this Act, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.

Procedure on applications to Revenue and Settlement-officers, and appeals from their orders.

VIII of 81.

(2) From every decision or order of a Revenue-officer or Settlement-officer fixing rent or disposing of any matter referred to in section sixty-three, an appeal shall lie as if that decision or order had been passed by that officer under the said Land-revenue Act.

VIII of 81.

65. Except as provided in section sixty-three, the Civil Courts shall have jurisdiction in all suits between landlords and tenants as such :

Jurisdiction of Civil Courts in suits between landlords and tenants.

Provided that—

(a) a Judge of a Civil Court of original jurisdiction shall not, unless he is also a Revenue-officer or Settlement-officer, hear any such suit ; and

(b) the Chief Commissioner may, from time to time, subject to the provisions of this Act, direct that all or any class of such suits shall be heard and determined only in such Courts competent to try the same as he thinks fit, and not otherwise.

66. The Chief Commissioner may, from time to time, direct that all suits, or any specified class of suits, between landlords and tenants as such, shall not be registered in the registers of civil suits kept under the Code of Civil Procedure, but in such other registers as he may prescribe.

Power to direct that suits between landlords and tenants be entered in separate register.

IV of 1882.

67. (1) In

Plaint in such suits.

67. (1) In suits between landlords and tenants as such, the plaintiff shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure, specify the area of the land to which the suit relates, and, where the fields comprised in that land have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which it is payable. XIV of 1882.

(2) When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of the land and its boundaries shall be given in the plaint.

Legal practitioners' fees not allowed, unless for special reasons.

68. In suits between landlords and tenants as such, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that those fees ought to be allowed.

Set-off when allowed in suits for arrears.

69. No set-off shall be allowed in any suit for arrears unless the amount claimed as a set-off has been determined by a decree or order of a competent Court or of a Revenue-officer or Settlement-officer.

Interest on arrears.

70. In suits for arrears, interest on the arrears may be allowed up to the date of institution, at such rate, not exceeding twelve per cent. per annum, as the Court thinks fit.

No appeal in certain suits for arrears.

71. A decree or order passed in a suit for arrears, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Courts Act, 1865, shall not be subject to appeal, unless— XIV of 1866

(a) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(b) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

72. (1) If

72. (1) If a decree for an arrear is passed against a tenant other than an absolute occupancy-tenant and remains unsatisfied, the landlord may, at any time before the execution of the decree is barred by limitation, apply to the Court having authority to execute the decree to cause a notice to be served on the tenant, directing him either to pay the amount due under the decree not later than the expiration of the agricultural year, or to surrender his holding not later than that time.

Ejectment for non-payment of an arrear due under a decree.

(2) If that amount is not so paid, and the holding is not so surrendered, the Court may in its discretion, but subject to the provisions of this Act, make an order to eject the tenant from the holding.

73. (1) Where, in answer to a suit for an arrear, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period in respect of which the arrear is claimed has been diminished or destroyed by drought, hail or other extraordinary calamity beyond his control, the Court in its discretion may, notwithstanding any contract to the contrary, allow in its decree any deduction from the arrear, and direct payment of the amount decreed (if any) in such instalments (if any) as it thinks fit.

Power of Court to deal with cases of drought or other calamity in suits for arrears.

(2) In any such case the Court may order that the provisions of section seventy-two shall not apply to the decree.

(3) In making a decree under this section the Court shall have regard to—

(a) the value of the produce of the holding for the whole agricultural year in respect of which the arrear accrued; and

(b) the proportion which the amount of rent payable for that year by the tenant bears to that value.

(4) If in any such suit it appears that the land-revenue of the village in which the holding is situate has been suspended or remitted on account of drought,

drought, hail or other extraordinary calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that the diminution or destruction alleged by the tenant has taken place.

Relief
against for-
feitures.

74. (1) A suit for the ejection of a tenant on the ground that he has done or omitted to do something for doing or omitting to do which he is liable to ejection, or that he has broken a condition on breach of which he is, under the terms of a contract between him and the landlord, liable to ejection, shall not be entertained unless the landlord has requested the tenant, where the damage or breach is capable of remedy, to remedy the same, and, in any case, to pay reasonable compensation for the damage or breach, and the tenant has failed to comply within a reasonable time with that request.

(2) A decree passed in favour of a landlord in any such suit shall declare the amount of compensation which would reasonably be payable to the plaintiff for the damage or breach, and whether, in the opinion of the Court, the damage or breach is capable of remedy, and shall fix a period during which it shall be open to the defendant to pay that amount to the plaintiff, and, where the damage or breach is declared to be capable of remedy, to remedy the same.

(3) The Court may, from time to time, extend a period fixed by it under sub-section (2) for remedying a damage or breach.

(4) If the defendant, within the period or extended period (as the case may be) fixed by the Court under this section, pays the compensation mentioned in the decree, and, where the damage or breach is declared by the Court to be capable of remedy, remedies the damage or breach to the satisfaction of the Court, the decree shall not be executed.

Rights of
ejected
tenant in
respect of

75. The following rules shall be applicable in the case of every tenant ejected from a holding:—

(a) When the tenant has, before the date of his ejection,

ejection, sown or planted crops in any land comprised in the holding, he shall be entitled, at the option of the landlord, either to retain possession of that land and to use it for the purpose of tending and gathering in the crops, or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing the land and sowing, planting and tending the crops, together with reasonable interest thereon.

crops and land prepared for sowing.

(b) When the tenant has, before the date of his ejection, prepared for sowing any land comprised in his holding, but has not sown or planted crops in that land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing the land, together with reasonable interest thereon :

Provided that a tenant shall not be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after the commencement of proceedings by the landlord for his ejection, he has cultivated or prepared the land contrary to local usage.

76. When a landlord elects, under section seventy-five, clause (a), to allow a tenant to retain possession of any land for the purpose specified in that clause, the tenant shall pay to the landlord, for the use and occupation of the land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

Payment by tenant for occupation of land under section 75.

77. In all suits and proceedings for ejection, the Court shall inquire into and determine all claims under this Act by the landlord against the tenant as such, or by the tenant against the landlord as such.

All claims between landlord and tenant to be determined in ejection-proceedings.

78. (1) When it appears to a Court making an inquiry under section seventy-seven that the amount payable by the landlord to the tenant as such exceeds the amount payable by the tenant to the landlord as such, the decree or order for ejection (if any) shall,

Procedure when, on ejection, money is due by the landlord to the tenant.

unless

unless the landlord and tenant come to an arrangement regarding the payment of the excess sum, specify a time within which it must be paid into Court.

(2) If it is so paid within the time specified the Court shall eject the tenant ; and

if it is not so paid, the Court shall refuse to eject the tenant.

Ejectment-decrees and orders to have effect from beginning of agricultural year.

79. All decrees and orders for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the decree or order.

Applications to measure or ascertain condition of holdings.

80. (1) If any landlord or tenant of a holding desires that the extent of that holding be ascertained, or that evidence relating to any improvement made in respect thereof, or to the state of the holding at any specified time, be recorded, he may apply to a Revenue-officer; and that officer shall thereupon, in presence of the parties,—

(a) make, or cause to be made, such inquiry as he thinks fit, with a view to ascertaining the extent of the holding, and record his finding thereon, or

(b) (where the applicant seeks to have evidence recorded) record that evidence :

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

(2) When any matter has been recorded under this section, the record thereof shall be admissible in evidence in any subsequent proceedings between the landlord and tenant or any persons claiming under them.

Limitation in suits by tenant to

81. The period of limitation for a suit instituted by a tenant other than an absolute occupancy-tenant

to

to recover possession of land from which he has been ejected shall be two years from the date on which he is ejected. recover possession.

In other respects the limitation of every such suit shall be governed by the Indian Limitation Act, 1877.

CHAPTER VIII.

POWER TO MAKE RULES.

82. The Chief Commissioner may, from time to time, by notification in the official Gazette, make rules consistent with the provisions of this Act— Rules by Chief Commissioner.

- (a) for the guidance of Revenue-officers and Settlement-officers in fixing, altering and commuting rents; and
- (b) for the guidance of all other persons in matters connected with the enforcement of this Act.

SCHEDULE.

(See section 2.)

ACTS REPEALED.

Number and year of Act.	Title.
Act X of 1859	... To amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.
Act XIV of 1863	... To amend Act X of 1859.
Act XXII of 1872	... To explain and amend Act X of 1859.