

ACT No. XVII OF 1889.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th
October, 1889.)

An Act to amend the Central Provinces
Tenancy Act, 1883.

WHEREAS it is expedient to amend the Central
Provinces Tenancy Act, 1883; It is hereby IX of 1889
enacted as follows:—

Title and
commence-
ment.

1. (1) This Act may be called the Central Pro-
vinces Tenancy Act, 1889; and

(2) It shall come into force at once.

Definition.

2. In this Act, unless there is something repug-
nant in the subject or context, the word "section"
means a section of the Central Provinces Tenancy
Act, 1883.

IX of 1889

Amendment
of section 1,
sub-section
(2).

3. In section 1, sub-section (2), the words and
figures "except those specified in the Scheduled Dis-
tricts Act, 1874, Schedule I, Part VI," are hereby XIV of 1889
repealed.

Amendment
of section 3,
clause (2).

4. For the Explanation to section 3, clause (2),
the following shall be substituted, namely:—

"*Explanation I.*—An inferior proprietor is not, as
such, a tenant.

"*Explanation II.*—The holder of a survey-
number in a village let in farm by the Government,
or held by a gaontia in the Sambalpur district, is a
tenant of the farmer or gaontia for the time being."

5. For

5. For section 3, clause (11), the following shall be substituted, namely:—

Amendment
of section 3,
clause (11).

“(11) ‘sír-land’ means—

- (a) land which was recorded as ‘sír’ in the papers of the last preceding settlement of the local area in which the land is situate;
- (b) land which was not so recorded, but which at the commencement of the Central Provinces Land-revenue Act, 1889, was occupied by, and had 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, except in section forty-two, includes also in the Sambalpur district land which was recorded as ‘bhogra’ in the papers of the last preceding settlement of the local area in which the land is situate.

“*Explanation I.*—Land (other than bhogra) which at the commencement of the Central Provinces Land-revenue Act, 1889, was unoccupied by such proprietor and which had, after the date of such settlement, or the expiration of such period of twelve years, or six years (as the case may be), been so unoccupied for a period of six consecutive years is not sír-land. Land is occupied by the proprietor when it is leased out by him with an express reservation of his sír-rights.

“*Explanation II.*—In this definition the word ‘proprietor’ includes the assignee of proprietary rights, and land is said to be cultivated when it is allowed to lie fallow in accordance with the usual practice of cultivation.

“*Explanation III.*—When by any local custom land is liable to exchange or re-distribution among the cultivators thereof, land which is not sír-land and which is taken in exchange for sír-land becomes sír-land, and the sír-land given in exchange for that land ceases to be sír-land:”

6. For

q 2

New section substituted for section 4.

6. For section 4 the following shall be substituted, namely:—

Classes of tenants.

“4. There shall be five classes of tenants, namely:—

- (1) Absolute occupancy-tenants;
- (2) Occupancy-tenants;
- (3) Village-service tenants;
- (4) Sub-tenants;
- (5) Ordinary tenants.”

Addition to section 33.

7. To section 33 the following sub-section shall be added, namely:—

“(4) A tenant of a survey-number in a village let in farm by the Government, or held by a gaontia in the Sambalpur district, shall be deemed to have surrendered his holding if he refuses to agree to the rent fixed under this Act for the holding, but shall not continue liable under sub-section (2) for the rent of his holding.”

New section inserted after section 35.

8. After section 35 the following shall be inserted, namely:—

Provisions regarding tenant-right not applicable to tenant of land in reserved forest.

“35A. Nothing in this Act regarding the rights of an absolute occupancy-tenant, an occupancy-tenant or an ordinary tenant shall be deemed to apply to the tenant of any land situate within the limits of any forest-land or waste-land which has been declared to be a reserved forest under the Indian Forest Act, 1878.”

VII of 1878

Amendment of section 38.

9. In section 38, sub-section (5), after the words “is sold” the words “or is foreclosed” shall be inserted; and in sub-section (7) of the same section, for the words “shall be void” the words “shall be void as against the landlord” shall be substituted.

Amendment of section 43.

10. For the portion of section 43, sub-section (2), beginning with the words “shall be void” and ending with the words “with his landlord’s consent” the following shall be substituted, namely:—

“shall be void as against his landlord, unless—

(a) it is entered into with the landlord’s consent,”

11. After

11. After section 50 the following shall be inserted, namely:—

New sections inserted after section 50.

“CHAPTER IVA.

“OF VILLAGE-SERVICE TENANTS.

“50A. A tenant of a holding who has been recorded at the last preceding settlement of the area in which the holding is comprised as holding his land rent-free or on favourable terms on condition of rendering village-service is a village-service tenant.

Definition of village-service tenant.

“50B. (1) When a village-service tenant dies, his right in his village-service holding shall pass to his successor in office.

Devolution and transfer of village-service tenant's right.

“(2) A transaction by which a village-service tenant attempts to effect a transfer of property in respect of his village-service holding by sale, gift, mortgage, sub-lease or otherwise except by a sub-lease from year to year shall be void, and the village-service tenant shall be liable to be ejected for such attempt.

“(3) The right of a village-service tenant shall not be sold in execution of a decree.

“50C. If a village-service tenant is unable to render the service which he is bound to render, he shall provide a competent person to render it for him.

Obligation of village-service tenant to provide substitute. Grounds on which a village-service tenant may be ejected.

“50D. A village-service tenant shall not be ejected from his holding except in execution of an order for ejectment passed by a Revenue-officer on one of the following grounds, namely:—

- (a) that the tenant has attempted to effect a transfer of his holding in contravention of section fifty B, sub-section (2);
- (b) that the tenant has ceased to render the service which he is bound to render, or has failed to render it properly, or, being unable to render it himself, has failed to provide a competent person to render it as required by section fifty C;

(c) that

(c) that the tenant has diverted his land to non-agricultural purposes or is chargeable with some other act or omission which by local custom or the provisions of the village *wajib-ul-arz* renders him liable to be dismissed from office."

New section substituted for section 51.

12. For section 51 the following shall be substituted, namely:—

Definition of sub-tenant.

"51. (1) A tenant who is not an absolute occupancy-tenant or an occupancy-tenant and who holds land from another tenant, or from a *málik-makbúza*, or from the holder of a survey-number, is a sub-tenant of that land.

"(2) In sub-section (1) the expressions '*málik-makbúza*' and 'survey-number' have the meanings respectively assigned to them in section 4, clauses (6a) and (10), of the Central Provinces Land-revenue Act, 1881, as amended by the Central Provinces Land-revenue Act, 1889."

XVIII of 1881.

New section substituted for section 53.

13. For section 53 the following shall be substituted, namely:—

Definition of ordinary tenant.

"53. (1) Every tenant who is not an absolute occupancy-tenant, or an occupancy-tenant, or a village-service tenant or a sub-tenant, is an ordinary tenant.

"(2) In any local area in which the Local Government declares by notification in the official Gazette that this sub-section is in force, where a person cultivates land not being *sír-land* under an agreement made with the proprietor of the land and purporting to be an agreement for the cultivation of the land by such person and such proprietor in partnership, such person is an ordinary tenant of the land so cultivated by him, and, notwithstanding any contract to the contrary, the rent payable by him for the land shall be fixed by a Revenue-officer on application made by him or his landlord."

Amendment of section 54.

14. In section 54, for the words "sections fourteen and

and fifteen" the words "sections thirteen, fourteen, fifteen and fifty-four A" shall be substituted.

15. After section 54 the following shall be inserted, namely:—

New section inserted after section 54.

"54A. (1) A Settlement-officer may for the purposes of the land-revenue assessment determine the rents payable by the ordinary tenants of a mahál, and, when he has based the assessment on those rents, the landlord shall be entitled to recover the same on and from the date on which the assessment takes effect.

Landlord's right to recover rents determined at settlement as payable by ordinary tenants.

"(2) The rents determined under sub-section (1) shall be recorded in the proceedings of the Settlement-officer, and a copy of the record shall be granted free of expense to the landlord.

"(3) When under this section the rent of a tenant has been enhanced by the Settlement-officer, it shall not be enhanced under this Act by the landlord for a period of seven years from the date of the order of the Settlement-officer making the enhancement."

16. In section 61, sub-section (2), for the words "shall be void, unless it is entered into with his landlord's consent" the words "shall be void as against his landlord, unless it is entered into with the landlord's consent" shall be substituted.

Amendment of section 61.

17. After section 63, clause (f), the following shall be inserted, namely:—

New clause inserted after section 63, clause (f).

"(ff) applications for an order to eject a village-service tenant (section fifty D);".

18. The provisions of section 7 of the General Clauses Act, 1887, shall apply to the Central Provinces Tenancy Act, 1883, as amended by this Act.

Application of section 7, Act I of 1887.

I of 1887.

IX of 1883.