

**Madras Cultivating Tenants (Payment Of Fair Rent) Act,
1956**

24 of 1956

[31 October 1956]

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PREAMBLE

An Act to provide for the payment of Fair Rent by Cultivating Tenants in certain areas in the State of Madras.

Whereas it is expedient to provide for the payment of fair rent by cultivating tenants in certain areas in the State of Madras:

Be it enacted in the Seventh Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

(2) It extends to the whole of the State of Madras other than the areas to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.

(3) It shall be deemed to have come into force on the 1st day of October 1956.

2. Interpretation :-

(1) In this Act, unless the context otherwise requires --

(a) " agricultural year " means the year commencing on the 1st day of April, or, in respect of the whole or any part of any district on such other date as the Collector of the district may specify in that behalf by notification in the District Gazette;

(b) "cultivating tenant" means a person who contributes his own physical labour or that of the members of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied, and includes any such person who continues in possession of the land after the determination of the tenancy agreement or the heirs of such person but shall not include a mere intermediary or his heirs;

(c) "fair rent" means the rent payable under this Act;

(d) " garden land " means dry land irrigated by lifting water from wells or other sources;

(e) " Government " means the State Government;

(f) " landowner " means the owner of the land let for cultivation by a cultivating tenant and includes the heirs, assignees, legal representatives of such owner, or person deriving rights through him;

(g) "normal gross produce in respect of any land" means the produce which would be obtained, if the rainfall and the seasons were of a normal character, from lands of the same class as the land in question, similarly situated and possessing similar advantages.;

(h) "paid" includes "delivered";

(i) "Rent Court" and "Rent Tribunal" means in relation to any area the Rent Court and the Rent Tribunal respectively constituted under this Act for such area.

(2) If any question arises whether any land is wet, or dry or garden land, the question shall be decided on the actual facts on the date with reference to which the question arises.

3. Rights and liabilities of cultivating tenant and landowner :-

(1) With effect from the, 1st day of October 1956, every cultivating tenant shall be bound to pay to the landowner and every landowner shall be entitled to collect from the cultivating tenant fair rent payable under this Act:

Provided that the provisions in respect of fair rent shall apply also in respect of crops which are normally due for harvest during the month of September in the year 1966.

(2) Where the irrigation of any land is irregular the landowner may, at his option, either take his share of the produce and bear the excess water-cess in respect of the irregular irrigation proportionate to his share or take the share of the produce which would have been obtained but for the irregular irrigation in which case the entire excess water-cess shall be borne by the cultivating tenant.

(3) Notwithstanding any neglect or failure on the part of the cultivating tenant to raise any crop, the landowner shall be entitled to collect fair rent.

(4) Subject to the proviso to sub-section (2) of section 4, all the cultivation expenses inclusive of cost of seed, ploughing, manuring, harvesting and threshing shall be borne by the cultivating tenant.

(5) The landowner shall be responsible for the payment of all dues payable to the Government and local authorities in respect of the land subject to his right to recover from the cultivating tenant the public charges which are expressly made payable by the cultivating tenant by this Act.

(6) The landowner shall bear all capital expenditure necessary to maintain the land and wells in a state of proper repair.

(7) Subject to the provisions of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), no landowner shall, after the commencement of this Act, claim or stipulate for--

(i) payment of any amount by the cultivating tenant in excess of the fair rent or in excess of the public charges which are expressly made payable by the cultivating tenant by this Act;

(ii) the delivery by the cultivating tenant of any article or thing in addition to fair rent; or

(iii) any service by the cultivating tenant or the free use of his cattle.

Explanation I.--Nothing contained in this section shall affect the right of the landowner to claim from the cultivating tenant compensation for damages to the land or to anything that stood on the land at the time of lease.

Explanation II.--Where a cultivating tenant pays, a contract rent lower than the fair rent payable, under this Act clause (iii) of sub-section (1) shall not apply.

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(9) any landowner, the rent receivable by whom from any cultivating tenant in respect of any land suffers a reduction as a result of the provisions of this Act shall, if he is himself a tenant in respect of that land under another person, be entitled to surrender the lease of that land as from a date specified by him by notice given to his " landlord.

(10) A landowner may advance to his cultivating tenant who is not a member of any co-operative society for better farming such loan as may be necessary for manuring his land. The loan so advanced shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Act.

(11) Notwithstanding anything contained in sub-sections (4) and (10), the landowner may with the consent of the tenant in the case of any wet land or garden land attend to the manuring of the land by chemical manures and oil cakes up to a sum equivalent to ten per cent of the normal gross produce and recover the same from the cultivating tenant. The amount payable by the cultivating tenant under this sub-section shall be in addition to the fair rent payable under this Act.

1. Sub-section 8 was omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order. 1957.

4. What is fair rent :-

(1) Subject to the revisions of sub-section (2), fair rent shall be--

(i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land where the irrigation is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money;

(iii) in the case of any other class of land $33\frac{1}{3}$ per cent of the normal gross produce or its value in money;

Explanation.--In every harvest the landowner shall be entitled to one-fifth of the straw or stalk of all the crops.

(2) In the case of lands in items (ii) and. (iii) of subsection (1) in which water is lifted by pump sets installed at the cost of the landowner the fair rent specified in subsection (1) shall be increased to 40 per cent:

Provided that the cultivating tenant shall bear all the maintenance charges and the landowner shall bear the charges for repairing the pump sets. The installation of a pump set shall be at the option of the landowner.

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent alone shall be payable during the contract period.

5. Fair rent may be in cash or in kind :-

(1) The fair rent in respect of any land may be paid : either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract between the landowner and the cultivating tenant; in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways:

Provided that the option shall be exercised in the case of a tenancy in force on the date on which this Act is first published in the Fort St. George Gazette, within three months from that date and in any other case within three months from the date on which the tenancy agreement takes effect; and if the cultivating tenant does not exercise the option, within the period aforesaid, the landowner shall, by notice in writing given to the cultivating tenant, specify the way in which the fair rent shall be paid by the cultivating tenant:

Provided further that the option once exercised or the way once specified shall not be changed except by mutual agreement:

Provided further that where the crop raised is paddy, the landowner shall have the right to insist that the rent shall be paid in kind.

(2) Whenever adverse seasonal conditions result in the reduction of the gross produce from any particular crop to the extent of more than 25 per cent, the landowner shall be bound to remit a proportionate part of the fair rent due to him from his cultivating tenant in respect of that land for that period:

Provided that before admitting or inquiring into an application made by a cultivating tenant for remission of fair rent under this section, the Rent Court may impose such conditions as it considers reasonable in the circumstances of the case including conditions as to deposit of admitted rent which has become due.

6. Alteration or revision, of fair rent :-

Where in respect of any land fair rent has been determined under this Act, it shall continue in force for five years:

Provided that the Rent Court may, on an application made by the cultivating tenant, reduce the fair rent if it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the cultivating tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation:

Provided further that the Rent Court may, on an application made by the landowner, enhance the fair rent if it is satisfied that on account of any improvements made in the land by or at the expense of the landowner, the produce of the land has increased.

7. Sharing of produce :-

Where the produce to be shared is grain the sharing shall be done at the threshing floor on which the threshing took place; and no portion of the produce shall be removed therefrom at such time or in such manner as to prevent the due division thereof at the proper time.

8. Constitution of Rent Courts and Rents Tribunal :-

(1) The Government may, by notification, constitute Rent Courts and Rent Tribunals for the purposes of this Act, with jurisdiction over such areas as may be specified in the notification.

(2) Every Rent Court shall be presided over by an officer not below the rank of Tahsildar and every Rent Tribunal shall be presided over by an officer not below the rank of District Munsif.

9. Application to Rent Courts and appeals to Rent Tribunals :-

(1) Notwithstanding any agreement between a landowner and the cultivating tenant, or any decree or order of a Court, either party may apply to the Rent Court for fixation of fair rent or for deciding any dispute arising under this Act.

(2) From every decision of a Rent Court, an appeal shall, within such time as may be prescribed, lie to the Rent Tribunal whose decision shall be final, subject to revision, if any, under section 11.

10. Costs :-

The costs of and incident to all proceedings before the authorities referred to in sections 8 and 9 shall be in the discretion of the respective authority.

11. Revision by High Court :-

The Rent Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section.

12. Collector to publish list of prices :-

(1) The Collector of the district shall publish in the months of January, April, July and October every year in the District Gazette the average market price during the immediately preceding three months at the headquarters of each taluk of the main crops of the district.

(2) Where, for the payment of fair rent by a cultivating tenant to whom the provisions of this Act apply, the cash value of any crop has to be fixed, such value shall be fixed--

(a) in the case of any of the crops referred to in sub-section (1), the market price at the taluk headquarters last published under sub-section (1) before the date when such fair rent became payable;

(b) in the case of any other crop as may be agreed upon between the landowner and the cultivating tenant and in the case of disagreement, as may be deemed fair and reasonable by the Rent Court.

13. Act to override contract and other laws, etc. :-

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court.

14. Surrender of land in excess of certain extent :-

(1) The provisions of this Act shall not apply to any cultivating tenant who owns, or who cultivates either as tenant or as owner or as both, an extent of land in excess of one veli (6-2/3 acres) of wet land.

(2) Any cultivating tenant who owns, or who cultivates either as tenant or as owner or as both, an extent of land exceeding that specified in sub-section (1) but not exceeding 10 acres of wet land may, by notice in writing addressed to the landowner, relinquish at the end of the agricultural year ending in 1957 the tenancy, in respect of such portion of the land aforesaid, as may be necessary to entitle him to all the benefits of a cultivating tenant under this Act. Such cultivating tenant shall be entitled to all the benefits of this Act till the end of the agricultural year ending in 1957 and shall thereafter be entitled to all the rights of a cultivating tenant under this Act only on such relinquishment.

(3) For the purpose of computing the land owned or cultivated by a person all the lands owned or cultivated by him whether wet, dry or garden shall be taken into account, and 3 acres of dry land or 11/2 acres of garden land shall be taken as equivalent to one acre of wet land.

15. Exemption :-

Nothing in this Act shall apply to any land during the period when such land is used for raising as main crop, sugarcane, plantain or betel vines or any crop which does not give any yield for a continuous period of two years or more from the time of cultivation or to any contract merely for collection or harvesting of the produce

of any kind.

16. Act to override Madras Act XIV of 1952 :-

If any provision, contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

17. Power to make rules :-

(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for--

(a) the procedure to be followed by Rent Courts and Rent Tribunals;

(b) the matters to be taken into account in determining normal gross produce;

(c) the fees to be paid in respect of applications and appeals under this Act;

(d) the time within which appeals may be presented under this Act;

(e) the notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House

actually sits either in the same session or in more than one session.

18. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty. A copy of every order passed under this section shall be laid before each House of the Legislature.