

**Madras Estates Land (Reduction Of Rent) Act, 1947**

**30 of 1947**

**[07 January 1948]**

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PREAMBLE

An Act to provide for the reduction of rents payable by ryots in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood <sup>2</sup>[and for the collection of such rents exclusively by the State Government].

Whereas the rents now payable by ryots in estates governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), are in many

cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood;

And whereas it is expedient to provide for the reduction of such rents approximately to the level of the ryotwari assessments in the neighbourhood; 2[and for the collection of such rents exclusively by the State Government.]

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated 13th September 1947, Part IV-A, page 7.

2. These words were added in the long title and in the second paragraph of the preamble by section 2 of the Madras Estates Land (Reduction of Rent) Amendment Act, 1951 (Madras Act VII of 1951), which section shall be deemed to have come into force on the 7th January 1948.

### **1. Short title and application :-**

(1) This Act may be called the Madras Estates Land (Reduction of Rent) Act, 1947.

(2) It applies to all estates as defined in section 3, clause (2), of the Madras Estates Land Act, 1908 (Madras Act I of 1908).

### **2. Appointment of Special Officer to recommend rates of rent in estates :-**

(1) The <sup>1</sup>[State] Government may appoint a Special Officer for any estate or estates for the purpose of recommending fair and equitable rates of rent for the ryoti lands in such estate or estates.

(2) The Special Officer shall first determine in respect of each village (hereinafter in this section referred to as "principal village") in an estate--

(a) the average rate of cash rent per acre prevailing at the commencement of this Act, for each class of ryoti land in the principal village, such as wet, dry and garden:

Provided that where no cash rents are prevalent in the principal village in respect of any class of land, the Special Officer shall determine the average rate of cash rent per acre prevailing at such commencement for such class of land in the nearest village in the estate in which cash rents are prevalent for such class of land and in which conditions are generally similar to those obtaining in the principal village, or where there is no such village in the estate, in the nearest village in the nearest estate in respect of which village

both the requirements specified above are satisfied;

(b) the average rate of assessment per acre prevailing at such commencement in respect of each of the said classes of land in the nearest ryotwari area which conditions are generally similar to those obtaining in the principal village.

(3) The Special Officer shall then compare the average rates of cash rent as determined under clause (a) of subsection (2) with the average rates of assessment as determined under clause (b) of that sub-section and after making due allowance for any difference in the conditions prevailing in the two cases, and also, in cases falling under the proviso to clause (a) of sub-section (2), for any difference, in the conditions prevailing in the village referred to in that proviso and, in the principal village, determine (i) the extent, if any, to which "the rates" of rent payable for each class of ryoti land in the principal village should, in his opinion, be reduced, and (ii) the rate of rent payable for each such class of lands after such reduction.

Explanation I.--The Special Officer shall have power only to determine that the rents payable for any class of ryoti land in the principal village shall be reduced; and he shall have no power to determine that such rents shall be enhanced.

Explanation II.--The extent of reduction, if any, determined by the Special Officer under this, sub-section shall also apply where rent in the principal village is paid in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash. In every such case the Special Officer shall also determine the rent payable, whether in kind or in cash, or partly in kind and partly in cash as the case may be.

(4) Where the conditions in a group of two or more villages in an estate are generally similar, the Special Officer may perform the functions under sub-sections (2) and (3) in respect of such group of villages as a whole, instead of separately in respect of each village in the group.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

### **3. Power of State Government to reduce rates of rent after considering Officers recommendations :-**

(1) After completing his work in any estate, the Special Officer shall

submit his recommendations to the 1[State] Government, through the Board of Revenue specifying (i) the extent, if any, to which the rents for each class of ryoti land in each village or group of villages in the rent payable for each such class after such reduction:

Provided that, with the approval of the Board of Revenue, recommendations may be made under this sub-section separately, in respect of portions of an estate.

(2) After considering the recommendations of the Special Officer and the remarks of the Board of Revenue there on, the <sup>1</sup>[State] Government shall, by order published in the Fort St. George Gazette, fix the rates of rent payable in respect of each class of ryoti land in each village in the estate:

Provided that where the rate of rent so-fixed in respect of ryoti land of any class exceeds the rate of rent payable in respect thereof at the commencement of this Act, only the latter rate of rent shall be payable in respect of such land.

<sup>2</sup>[(2-A) Notwithstanding anything contained in sub-section (2), where the rate of rent payable in respect of ryoti land of any class, whether in virtue of the first or of the second paragraph of that sub-section; is wholly in kind or partly in kind and partly in cash and the aggregate money value of the rate of rent so payable exceeds the highest rate of ryotwari assessment payable for any land of the flame class in the revenue district in which such ryoti land is situated, then only the latter rate of rent shall be payable in respect of the land.]

(3) An order under sub-section (2) shall take effect from the commencement of the fasli year 1357.

(4) After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect, from the commencement of the fasli year 1357 as well as the rents which have fallen or may fall due in respect of such lands for any fasli subsequent to fasli 1357 until the common cement of the fasli year in which the estate may be finally taken over by the <sup>3</sup>[State] Government <sup>4</sup>[and any interest payable on such rents under sub-section (6)] shall be recovered by the <sup>3</sup>[State] Government as if such rents <sup>5</sup>[and interest] were arrears of land revenue due to them; And the amount so recovered in respect of each fasli, after deducting there from the cost of such recovery as determined in accordance with such rules as may be made by the <sup>3</sup>[State] Government in that behalf, and also the peshkash, cesses, and other moneys due from the landholder to the

<sup>3</sup>[State]-Government and constituting a charge on the estate shall be paid to the landholder.

<sup>6</sup>[Explanation.--The provisions of this sub-section shall apply to an estate, whether the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), applies to it or not.]

<sup>7</sup>[(5) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall be payable in instalments in that fasli year, according to the kistbandi fixed for the collection of land revenue in the ryotwari areas in the district in which the estate or portion of the estate is situated.

(6) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall, until they are paid, bear simple interest at the rate of six per cent per annum from the commencement of the succeeding fasli year or of the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; and notwithstanding anything contained in the Madras Estates Land Act, 1908 (Madras Act I of 1908), no interest shall be payable in respect of any period before such commencement.

(7) The landholder shall not be entitled to collect, and the provisions of Chapters V and VI of the Madras Estates Madras Act I of 1908 (Madras Act I of 1908).

Land Act, 1908 (Madras Act I of 1908), shall cease to apply to any rents or interest recoverable by the State Government under sub-section (4).

1. This, word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. This sub-section was inserted by section 2 of the Madras Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Madras Act XXXIX of 1951) which section is deemed to have come into force on the 7th January 1948.

3. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

4. These words, brackets and figure were inserted by section 3(i) of the Madras Estates Land (Reduction of Rent) Amendment Act, 1951 (Madras Act VII of 1951), which section shall be deemed to have come into force on the 7th January 1948.

5. These words were inserted by *ibid*.

6. This Explanation was added by sections 3 (ii), *ibid*.

7. Sub-sections (5), (6) and (7) were added after sub-section (4) by section 3 (iii), *ibid.*

**3A. Determination of the question whether any land in an estate is or is not ryoti land :-**

(1) <sup>1</sup>[ Notwithstanding anything contained in the Madras Estates Land Act, 1908 (Madras Act I of 1908), or any other law for the time being in force, if any question arises whether any land in a village is or is not ryoti land it shall be determined by the Collector.]

(2). (a) Any person denying, that any land in a village in respect of which an order under sub-section (2) of section 3 has been published is ryoti land may file an application before the Collector within whose jurisdiction the land is situate for his decision thereon.

(b) Any such application shall be filed, within two months of the date of publication of the order under subsection (2) of section 3, or the date on which the provisions of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956), other than sections 4 and 7 thereof, come into force, whichever is later:

Provided that the Collector may, within such further time not exceeding two months as he may, in his discretion allow, admit any application made after the period of two months aforesaid, if he is satisfied that the applicant had sufficient cause for not filing the application within that period.

(3) On receipt of such application, the Collector shall, after giving notice in the prescribed manner to the applicant and the landholder and if the applicant is the landholder, to the person in occupation of the land and after publishing the notice in the prescribed manner in the village, and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision on the application.

(4) (a) Against any such decision of the Collector an appeal shall lie to the Tribunal having jurisdiction over the village in which the land is situate within two months from the date of the decision:

Provided that the Tribunal may, within such further time not exceeding two months as it may, in its discretion allow, admit an appeal preferred after the period of two months aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(b) the decision of the Tribunal on the appeal shall be final and shall not be liable to be questioned in any Court of Law.

1. Sections 3-A to 3-E were inserted by section 2 of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956).

### **3B. Constitution of Tribunals :-**

(1) The State Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of three members; one of them (who shall be its Chairman) shall be a District Judge or an officer eligible to be appointed, as a District Judge, another shall be a Subordinate Judge or an officer eligible to be appointed as a Subordinate Judge and the third shall be a Revenue Divisional Officer or an officer eligible to be appointed as a Revenue Divisional Officer.

(3) Each Tribunal shall have such jurisdiction and over such villages or groups of villages as the State Government may, by notification, from time to time, determine.

(4) Every Tribunal shall have all the powers of a Civil Court to compel the attendance of witnesses and the production of documents.

### **3C. Disposal of pending applications and suits under Madras Act I of 1908 :-**

(1) Applications pending under section 183 of the Madras Estates Land Act, 1908 (Madras Act I of 1908), on the date on which the provisions of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956), other than sections 4 and 7 thereof, come into force shall be deemed to be applications filed under section 3-A of this Act and be disposed of accordingly.

(2) Suits instituted under the proviso to section 179 of the Madras Estates Land Act, 1908 (Madras Act I of 1908), and pending on the date on which the provisions of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXX of 1956), other than sections 4 and 7 thereof, come into force shall stand transferred to the Tribunal having jurisdiction constituted under section 3-B of this Act and be dealt with by it as if they are appeals preferred under this Act.

### **3D. Presumption in respect of ryoti land :-**

Any land in respect of which an application has not been filed within the time prescribed under clause (b) of sub-section (2) of section 3-A or in respect of which an application is not admitted under the proviso to that clause shall be deemed to be ryoti land.

### **3E. Modification, etc, of order made under section 3(2) :-**

(1) If the State Government are satisfied that in any order made by them under sub-section (2) of section 3, there is any error, including any clerical or arithmetical error or error arising from any accidental slip or omission, or that any such order is vitiated by any mistake, they may, by order published in the Fort St. George Gazette, correct such error or cancel such order, as the case may require; and the correction or cancellation shall, unless the State Government otherwise direct, be deemed to have taken effect from the commencement of the fasli year 1357.

(2) Any amount by way of rent which becomes payable in respect of any land in consequence of an order issued under sub-section (1) shall, if it is not paid before the commencement of the fasli year immediately succeeding that in which the order is issued, bear simple interest at six per cent per annum from such commencement up to the date of payment.

(3) Where the State Government issue an order under sub-section (1), they shall have power whether by the same or by a subsequent order, to make such supplemental, incidental and consequential orders as they may deem necessary or proper; and in particular any such order may, notwithstanding any law or contract to the contrary, provide for the extension of the period of limitation for the recovery of any rent.]

### **4. Ryot to pay the rent fixed by State Government :-**

Where an order is published under section 3, subsection (2), in respect of any estate or portion of an estate, a ryot shall not be bound to pay rent for any ryoti land held by him in such estate or portion <sup>1</sup>[at a rate exceeding that payable under that sub-section, or under section 3, sub-section (2-A), as the case may be] notwithstanding anything contained in the Madras Estates Land Act, 1908:

<sup>2</sup>[Provided that nothing contained in this section shall be deemed to affect in any way the operation of section 3-E.]



1. These words, figures, brackets and letter were substituted for the words "at a rate exceeding that fixed in the order" by section 3 of the Madras Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Madras Act XXXIX of 1951), deemed to have come into force on the 7th January 1948.

2. This proviso was added by section 3 of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956), *ibid*.

#### **4A. Rent payable in respect of lands which are not ryoti or private :-**

<sup>1</sup>[ No Person in an estate cultivating any land which is not ryoti land or which has not been decided to be private land under some prior proceedings or under the Madras Estates Land (Reduction of Rent) Act, 1947, as Amended by the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX 1956), shall be bound to pay as rent in respect of that land at a rate exceeding that payable in respect of similar land which is ryoti land in the neighbourhood.]

1. Section 4-A was inserted by section 8 of Madras Act XXIX of 1956, *ibid*

#### **5. State Government to make good income lost by religious, educational charitable or institution :-**

(1) <sup>1</sup>[ Where, by reason of the foregoing provisions, the net income derived by any religious, educational or charitable institution from any estate or part of an estate belonging to it, in the fasli year 1357 or in any subsequent fasli year until the commencement of the fasli year in which the estate may finally be taken over by the State Government becomes less than the net income which the institution would have derived in such fasli year if the rates of rent had not been reduced under this Act, the State Government shall pay the difference to the institution at the end of the fasli year in question.

(2) The net income derived in each of the fasli years beginning with the fasli year 1357 and the net income which the institution would have derived in each fasli year as aforesaid shall, for the purposes of sub-section (1), be determined by such authority, and in such manner, as may be laid down in the rules made by the State

Government.

(3) In determining the net income in both the cases aforesaid, all amounts which accrued due to the institution concerned during the relevant fasli year shall be taken into account whether the amounts were actually collected or not.]

1. This section was substituted by section 4 of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956), deemed to have come into force on the 7th January 1948, for the original section 5 as amended by Madras Acts XXXIX of 1949 and XXVIII of 1954.

## **6. Lessees of religious, educational Or charitable institutions not to have their rents reduced :-**

Notwithstanding anything contained in any other law for the time being in force, in any inam village belonging to a religious, educational or charitable institution which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), but became an estate by virtue of that Act, the lessee of any land situated in the estate shall not be entitled to the benefit of any reduction of rent under this Act, if the lease was executed after the 1st November 1933.

## **7. Power to make rules :-**

The <sup>1</sup>[State] Government may make rules to carry out the purposes of this Act.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

## **8. Validity of certain orders and proceedings not to be questioned :-**

The validity of the following orders and proceedings shall not be liable to be questioned in any Court of Law:--

(i) any order made under section-3, sub-section (2);

(ii) any recovery of rent effected by the <sup>1</sup>[State] Government under section 3, sub-section (4), or any payment made by them to the landholder under the same sub-section;

<sup>2</sup>[(iii) any order made under section 3-E;

(iv) any determination of net income made under section 5, sub section (2).]

1. This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

2. Clauses (iii) and (iv) were substituted for the original clause (iii) by Section 5 of the Madras Estates Land (Reduction of Rent) Amendment Act, 1956 (Madras Act XXIX of 1956).

## **9. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the <sup>1</sup>[State] Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

1. This word was substituted for the word " Provincial " by the Adaptation Order of 1950.