

The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956

Act 24 of 1956

Keyword(s):

Added Territories, Cultivating Tenant, Fair Rent, Garden Land, Landowner, Normal Gross Produce in Respect of any Land, Rent Court

Amendments appended: 7 of 1980, 17 of 1980

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(*Payment of Fair Rent*)

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¹[TAMIL NADU] ACT No. XXIV OF 1956.²

[THE ¹[TAMIL NADU] CULTIVATING TENANTS (PAYMENT OF FAIR RENT) ACT, 1956.]

(Received the assent of the President on the 29th October, 1956; first published in the Fort St George Gazette on the 31st October 1956.)

1. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2. For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 21st December 1955, page 257.

This Act was extended to the Shencottah taluk of the Tirunelveli district by section 2 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Shencottah taluk) Act, 1959 (Tamil Nadu Act 28 of 1959) repealing the corresponding law in force in that taluk.

This Act was extended to the added territories by section 5 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963), repealing the corresponding law in force in those territories.

This Act was extended to the Kanyakumari district by section 4 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976) repealing the corresponding law in force in that district.

Notwithstanding anything contained in this Act the provisions of this Act shall apply to any *mattuvaramdar* under a landowner, who owns more than ten acres of wet land and such a *mattuvaramdar* shall be deemed to be a cultivating tenant within the meaning of this Act by virtue of section 7 (a) of the Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958 (Tamil Nadu Act XXXVI of 1958).

This Act shall, in its application to a cultivating tenant in respect of any land held by him under a public trust, stand repealed on and from the date of the commencement of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) by virtue of section 62 of that Act.

This Act shall, except in so far as it is inconsistent with any of the provisions of Chapter VIII of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), continue in force by virtue of section 71 of that Act.

An Act to provide for the payment of Fair Rent by Cultivating Tenants in certain areas in the ¹[State of Tamil Nadu].

WHEREAS it is expedient to provide for the payment of fair rent by cultivating tenants in certain areas in the ¹[State of Tamil Nadu].

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the ²[Tamil Nadu] Cultivating Tenants (Payment of Fair Rent) Act, 1956.

(2) It extends to the whole of the ¹[State of Tamil Nadu] other than the areas to which the Malabar Tenancy Act, 1929 (²[Tamil Nadu] Act XIV of 1930), extends.

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

³[Provided that in the Shencottah taluk of the Tirunelveli district, it shall come into force on the 2nd March 1960.]

⁴[Provided further that in the added territories, it shall come into force on the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 is first published in the *Fort *St. George Gazette.*]

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ This proviso was added by section 3(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

⁴ This proviso was added by section 4(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

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¹[Provided also that in the Kanyakumari district, it shall come into force on the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*.

2. (1) In this Act, unless the context otherwise re-interpretation. quires—

³[(a) 'added territories' means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)];

³[(aa)] "agricultural year" means the year commencing on the 1st day of April, or, in respect of the whole or any part of any district in such other date as the Collector of the district may specify in that behalf by notification in the District Gazette ;

⁴[(b) 'cultivating tenant'—

(i) means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied ; and

(ii) includes—

(a) any such person who continues in possession of the land after the determination of the tenancy agreement ;

(b) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land ;

¹This proviso was added by section 3(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976.)

²These words were substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³Clause (a) of sub-section (1) of section 2 was re-lettered as clause (2a) of that sub-section and this clause was inserted by section 4(ii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

⁴This clause was substituted for the original clause (b) by section 3 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1969 (Tamil Nadu Act 9 of 1969.)

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(c) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land; or

(d) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land; but

(iii) does not include a mere intermediary or his heir ;]

(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" include "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.

Rights and liabilities of every cultivating tenant and landowner. 3. (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 1956.

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¹[*Explanation I.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions, '1st day of October 1956', and 'month of September in the year 1956' occurring in this sub-section shall be construed respectively as referring to '2nd March 1960' and 'months of January and February in the year 1960'].

²[*Explanation II.*—In relation to the added territories,—

(i) the expression '1st day of October 1956' occurring in this sub-section except in *Explanation I* shall be construed as referring to 'date on which the ³[Tamil Nadu] *Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963*, is first published in the *Fort St. George Gazette**; and

(ii) the proviso to this sub-section shall be deemed to have been omitted.]

⁴[*Explanation III.*—In relation to the Kanyakumar district,—

(i) the expression 'first day of October 1956' occurring in this sub-section except in *Explanations I and II* shall be construed as referring to 'date on which the ³[Tamil Nadu] *Cultivating Tenants Protection and Payment of Fair rent (Extension to Kanyakumari District) Act, 1972* is first published in the *Tamil Nadu Government Gazette*'; and

¹This Explanation which was added by section 3(ii)(a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), with effect on and from the 2nd March 1960, was numbered as *Explanation I* thereof by section 4(iii)(a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

²This Explanation was added by section 4(iii)(a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

³These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969

⁴This Explanation was added by section 3(ii)(a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976)

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(ii) the proviso to this sub-section shall be deemed to have been omitted.]

(2) Where the irrigation of any land is irregular the land owner 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 ¹[Tamil Nadu] Cultivating Tenants Protection Act, 1955 (Tamil Nadu 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 ;

¹These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(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 (7) shall not apply.

¹[*Explanation III.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression 'commencement of this Act' occurring in this sub-section shall be construed as referring to '2nd March 1960.']

²[*Explanation IV.*—In relation to the added territories, the expression 'commencement of this Act' occurring in this sub-section except in Explanation III shall be construed as referring to 'date on which the ³[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 is first published in the *Fort St. George Gazette.*']

⁴[*Explanation V.*—In relation to the Kanyakumari district, the expression 'commencement of this Act' occurring in this sub-section except in *Explanations III and IV* shall

¹This Explanation was added by section 3 (ii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

²This Explanation was added by section 4(iii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

³These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴This Explanation was added by section 3 (ii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976).

* Now the *Tamil Nadu Government Gazette*.

be construed as referring to 'date on which the ¹[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazettee.*']

²[(8)

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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.

What is fair rent. 4. (1) Subject to the provisions 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 ;

¹. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

². Sub-section 8 was omitted by clause 3 of, and the Schedule to the Madras Adaptation of Laws Order, 1957.

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(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 33-1/3 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 pumpsets 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 pumpsets. The installation of a pumpset 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. (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:

Fair rent
may be in
cash or in
kind.

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 afore said, 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.

* *Now the Tamil Nadu Government Gazette*

¹[*Explanation I*].—In relation to the Shencottah taluk of the Tirunelveli district, the expression ‘the date on which this Act is first published in the *Fort St. George Gazette*’* occurring in the first proviso to this sub-section shall be construed as referring to ‘the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 is first published in the **Fort St. George Gazette*’.]

²[*Explanation II*].—In relation to the added territories, the expression ‘the date on which this Act is first published in the **Fort St. George Gazette*’ occurring in the first proviso to this sub-section shall be construed as referring to ‘the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963, is first published in the **Fort St. George Gazette*’.]

⁴[*Explanation III*].—In relation to the Kanyakumari district, the expression ‘the date on which this Act is first published in the **Fort St. George Gazette*’, occurring in the first proviso to this sub-section shall be construed as referring to ‘the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*’.]

¹ This Explanation was added by section 3 (iii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

² These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ The Explanation to sub-section (1) of section 5 was numbered as Explanation I of that sub-section and Explanation II was added by section 4 (iv) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

⁴ This Explanation was added by section 3 (iii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1972).

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(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. Where in respect of any land fair rent has been determined under this Act, it shall continue in force for five years : **Alteration or revision of fair rent.**

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. 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. **Sharing of produce.**

8. (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. **Constitution of Rent Courts and Rent Tribunals**

(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.

Application to Rent Courts and appeals to Rent Tribunals. 9. (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.

Costs. 10. 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.

Revision by High Court. 11. 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.

Collector to publish list of prices. 12. (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.

Act to override contract and other laws etc. 13. 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.

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14. (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.

Surrender
of land in
excess of
certain
extent.

(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.

¹[*Explanation I.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression 'the agricultural year ending in 1957, in both places where it occurs in this sub-section shall be construed as referring to 'the agricultural year ending in 1962'.]

²[*Explanation II.*—In relation to the added territories the expression 'the agricultural year ending in 1957' wherever it occurs in this sub-section except in Explanation I shall be construed as referring to 'the agricultural year ending in 1964'.]

³[*Explanation III.*—In relation to Kanyakumari district, the expression 'the agricultural year ending in

¹This Explanation which was added by section 3 (iv) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961) with effect on and from the 2nd March 1960 was numbered as Explanation I thereof by section 4 (v) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

²This Explanation was added by section 4(v) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to the Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

³This Explanation was added by section 3(iv) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976).

1957' wherever it occurs in this sub-section except in Explanations I and II shall be construed as referring to 'the agricultural year ending in ¹[1979].'

(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 1½ acres of garden land shall be taken as equivalent to one acre of wet land.

Exemption. 15. 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 a ny kind.

Act to override [Tamil Nadu] Act XIV of 1852. 16. If any provision contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952(²[Tamil Nadu] 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.

Power to make rules. 17. (1) The Government may, ³[], 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 ;

¹These figures were substituted for the figures "1973" by section 2 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Act, 1978 (Tamil Nadu Act 43 of 1978) which was deemed to have come into force on the 8th March 1976.

²These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³The words "by notification" were omitted by section 3(v)(a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961) which was deemed to have come into force on the 2nd March 1960.

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(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.

¹[(3) (a) All rules made under this Act shall be published in the *Fort St. George Gazette** and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.]

18. 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.

¹These sub-sections were substituted for the original sub-section (3) by section 3(v)(b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

* Now the Tamil Nadu Government Gazette.

TAMIL NADU ACT NO. 7 OF 1980***THE TAMIL NADU CULTIVATING TENANTS
PROTECTION AND PAYMENT OF FAIR RENT
(AMENDMENT) ACT, 1979.**

[Received the assent of the President on the 7th March 1980,
first published in the Tamil Nadu Government
Gazette Extraordinary on the 10th March 1980
(Masi 27, Chitharthi-2011-Thiruvalluvar Aandu).]

*An Act further to amend the Tamil Nadu Cultivating Tenants
Protection Act, 1955 and the Tamil Nadu Cultivating
Tenants (Payment of Fair Rent) Act, 1956.*

BE it enacted by the Legislature of the State of Tamil Nadu in
the Thirtieth Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Cultivating
Tenants Protection and Payment of Fair Rent
(Amendment) Act, 1979. Short title.

2. In the Tamil Nadu Cultivating Tenants Protection
Act, 1955 (Tamil Nadu Act XXV of 1955), after section 7,
the following section shall be and shall be deemed always to
have been added, namely:— Amendment of
Tamil Nadu
Act XXV of
1955.

“8. Act not to apply to lands owned by Central Govern-
ment, State Governments, etc.—Nothing contained in
this Act shall apply to any land owned or taken on lease
by,—

(i) the Central Government or any State Govern-
ment or any local authority; or

(ii) any company or corporation owned or contro-
lled by the Central Government or any State Government;
or

(iii) any University constituted by any law.”

* For Statement of Objects and Reasons, see *Tamil Nadu Govern-
ment Gazette*, dated the 27th October 1979, Part IV—Section 1,
page 368.

8 *Cultivating Tenants Protection and Payment of Fair Rent (Amendment)* [1980 : T. N. Act 7]

Amendment of
Tamil Nadu Act
XXIV of 1956.

3. In the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), after section 18, the following section shall be and shall be deemed always to have been added, namely:—

“19. *Act not to apply to lands owned by Central Government, State Governments, etc.*—Nothing contained in this Act shall apply to any land owned or taken on lease by,—

(i) the Central Government or any State Government or any local authority ; or

(ii) any company or corporation owned or controlled by the Central Government or any State Government ; or

(iii) any University constituted by any law.”

1980: T.N. Act 17] *Cultivating Tenants (Payment of Fair Rent) Amendment* 71

TAMIL NADU ACT NO. 17 OF 1980.*

**THE TAMIL NADU CULTIVATING TENANTS
(PAYMENT OF FAIR RENT) AMENDMENT
ACT, 1980.**

[Received the assent of the President on the 22nd April 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 26th April 1980 (Chithirai 14, Rowthiri-2011-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Act, 1980. Short title.

2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in Part IV, and in particular clause (c) of Article 39, and Article 46 of the Constitution. Declaration.

3. In sub-section (4) of section 3 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956) (hereinafter referred to as the principal Act), for the expression "Subject to the proviso to sub-section (2) of section 4, all the cultivation expenses", the expression "All the cultivation expenses" shall be substituted. Amendment of section 3, Tamil Nadu Act XXIV of 1956.

4. In section 4 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Fair rent shall be 25 per cent of the normal gross produce or its value in money.";

(2) sub-section (2) shall be omitted.

5. Section 6 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) of that section, the following sub-section shall be inserted, namely:— Amendment of section 6, Tamil Nadu Act XXIV of 1956.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 7th February 1980, Part IV—Section 1, Page 66.

72 *Cultivating Tenants (Payment of Fair Rent) Amendment* [1980: T.N. Act 17]

(1) as so renumbered, the following sub-section shall be added, namely :—

“(2) Where fair rent has been determined under this Act, in respect of any land before the date of the publication of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Act, 1980, in the *Tamil Nadu Government Gazette*, and such fair rent is in excess of the fair rent specified in section 4, as amended by the said Amendment Act, then, notwithstanding anything contained in sub-section (1), on and from the said date, the fair rent so determined shall, in respect of that date and any period after that date, stand reduced to the fair rent specified in the said section 4, as amended by that Amendment Act.”.

Amendment of
section 15,
Tamil Nadu Act
XXIV of 1956.

6. In section 15 of the principal Act, the word “sugarcane” shall be omitted.



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