

ASSAM ACT XI OF 1936  
THE SYLHET TENANCY ACT, 1936.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

- 1 Short title, commencement and local extent.
- 2 Repeal and amendment.
- 3 Definitions.

CHAPTER II.

TENANCIES.

- 4 Classes of tenants.
- 5 Meaning of 'tenure-holder,' 'raiyat' and 'under-raiyat.'

CHAPTER III.

PERMANENT TENURE-HOLDERS AND RAIYATS AT FIXED RATES.

- 6 Transfer of permanent tenure.
- 7 Procedure of transfer.  
— Voluntary transfer of permanent tenure.
- 8 Transfer of permanent tenure by sale in execution of decree other than decree for rent.
- 9 Succession to permanent tenure.
- 10 Bar to recovery of rent pending notice of succession.
- 11 Interpretation.
- 12 Transfer of, and succession to, share in permanent tenure.
- 13 Previous transfers not affected.
- 14 Tenure held since permanent settlement liable to enhancement only in certain cases.
- 15 Limit of enhancement and progressive enhancement.
- 16 Intervals between enhancements.
- 17 Permanent tenure-holder not liable to ejection.
- 18 Transfer of the holding of a raiyat at fixed rates.
- 19 Grounds on which a raiyat holding at fixed rates may be ejected.

## Sections.

- 20 Permanent tenure-holders and raiyats at fixed rates not to be ejected for arrears of rent.
- 21 Rights to trees of a permanent tenure-holder or a raiyat at fixed rates.
- 22 Provisions regarding transfer of occupancy holdings not to apply in the case of raiyats at fixed rates with occupancy rights.
- 23 Rule and Presumption as to fixity of rent.

## CHAPTER IV.

## OCCUPANCY RAIYAT.

- 24 Continuance of existing occupancy rights.
- 25 Acquisition of occupancy rights by raiyats.
- 26 Exception.
- 27 Devolution of occupancy right on death.
- 28 Sections applicable to transfer of occupancy holdings.
- 29 Holdings of occupancy raiyats with occupancy rights transferable.
- 30 Manner of transfer and notice to landlord.
- 31 Scale of landlord's transfer fee.
- 32 Procedure on sale in execution of a decree, certificate or foreclosure of mortgage.
- 33 Power of immediate landlord to purchase (Right of pre-emption).
- 34 What kind of usufructuary mortgage occupancy tenant may execute.
- 35 Landlord's transfer fee with compensation in certain cases of transfer.
- 36 Interpretation.
- 37 Effect on landlord of acceptance of occupancy transfer fee.
- 38 Liability of arrears of rent on transfer.
- 39 Previous transfers not affected.
- 40 Sub-letting.
- 41 Rights of an occupancy raiyat in respect of use of land.
- 42 Rights of occupancy raiyats in trees.
- 43 Obligation to pay rent.
- 44 No ejectment for arrears of rent.
- 45 Protection from eviction except on specified grounds.

## ENHANCEMENT OR REDUCTION OF RENT.

- 46 Presumption as to fair and equitable rent.
- 47 Enhancement of rent by contract.
- 48 Enhancement of rent by suit.

## Sections.

- 49 Reduction of rent of occupancy raiyats.  
 50 Regard to be had to rules in determining enhancement or reduction.  
 51 Intervals between enhancements.  
     — Power to order progressive enhancement.  
 52 Price-lists of staple agricultural produce.

## CHAPTER V.

## NON-OCCUPANCY RAIYATS.

- 53 Application of chapter.  
 54 Transfer of the holding of a non-occupancy raiyat.  
 55 —Initial rent.  
 56 —Condition of enhancement of rent.  
 57 Grounds on which non-occupancy raiyats may be ejected.  
 58 Court shall allow time.  
 59 Explanation of 'admitted to occupation'.  
 60 Sub-letting.  
 61 Rights to trees.  
 62 Saving as to proprietor's private lands.

## CHAPTER VI.

## UNDER-RAIYATS.

- 63 Liability of under-raiyat to pay rent.  
 64 Incidents of such tenancies.  
     —Transfer.  
 65 Ejectment.  
 66 Court shall allow time.  
 67 Rights to trees.  
 68 Sub-letting.

## CHAPTER VII.

## RENT.

- 69 Instalments of rent.  
 70 Payment of rent.  
 71 Appropriation of payments.  
 72 Rent receipts.  
 73 Tenant may demand statement of account.  
 74 Penalty for omission to deliver receipt or statement of account ;  
     appeal and revision.  
 75 Effect of receipt of registered proprietor, landholder, manager or  
     mortgagee.  
 76 Deposit of rent in Court.

**Sections.**

- 77 Form of application.
- 78 Court to grant receipt.
- 79 Procedure of Court on receiving deposit.
- 80 Further procedure in certain cases.
- 81 Penalty for refusing to receive rent tendered by postal money-order or deposited.
- 82 Interest on arrears.
- 83 Power to award damages on rent withheld without reasonable cause, or to defendant improperly sued for rent.
- 84 Alteration of rent on alteration of area.
- 85 Rules for assessment of rent of excess land.
- 86 Reduction of rent.
- 87 Alteration of rent on alteration of land revenue in temporarily-settled areas.
- 88 Tenant not liable to transferee of landlord's interest for rent paid to former landlord without notice of the transfer.

**ILLEGAL CASSES, ETC.**

- 89 Illegal cesses prohibited—Penalty.

**CHAPTER VIII.**

**MISCELLANEOUS PROVISIONS AS TO LANDLORDS AND TENANTS.**

**EJECTMENT PROCEDURE.**

- 90 No ejectment except in execution of a decree.
- 91 Procedure in certain cases (Relief against forfeitures).
- 92 When plaintiff may claim alternative relief.

**IMPROVEMENTS.**

- 93 Definition of "improvement."
- 94 Right of landlord and tenant to make improvements.
- 95 Deputy Commissioner to decide question as to right to make improvement.
- 96 Registration of landlord's improvements.

**COMPENSATION.**

- 97 Compensation for tenants' improvements.
- 98 Principles on which compensation is to be estimated.

**ACQUISITION OF LAND BY LANDLORD.**

- 99 Acquisition of land by landlord.

## Sections.

## SURRENDER AND ABANDONMENT.

- 100 Surrender.
- 101 Effect of exemption from payment of rent or abatement of rent on account of diluvion.
- 102 Abandonment.

## SUBDIVISION OF TENANCY.

- 103 Division of tenancy.
- 104 Civil Court empowered to effect division or distribution.

## COMMON MANAGER AND COMMON AGENTS.

- 105 Power to call upon co-owners to shew cause why they should not appoint a common manager.
- 106 Power of District Judge to make order when no cause shewn.
- 107 Alternative powers of District Judge.
- 108 Local Government may nominate manager for local area.
- 109 Applicability of Court of Wards Act in certain cases.
- 110 Provisions applicable to manager.
- 111 Power to restore management to co-owners.
- 112 High Court may define manager's duties by rules.
- 113 Appointment of common agent.

## MEASUREMENTS BY LANDLORDS.

- 114 Right to measure land by landlords.
- 115 Power of Civil Court to order tenant to attend and point out boundaries.
- 116 Tenants' right to have the land measured in certain circumstances.

## CHAPTER IX.

## PART I.

## SURVEY AND PREPARATION OF RECORD-OF-RIGHTS.

- 117 Power to order survey and preparation of record-of-rights.
- 118 Particulars to be recorded in record-of-rights.
- 119 Preliminary publication, amendment and final publication of record-of-rights.
- 120 Certificate of, and presumption as to, final publication, and presumption as to correctness, of record-of-rights.
- 121 Settlement of rents.

otions,

- 122 Decision of issues arising during settlement of rents.
- 123 Institution of suit before a Revenue Officer.
- 124 Limitation.
- 125 Procedure to be adopted by Revenue Officer.
- 126 Revision of certain orders by Revenue Officer.
- 127 Correction of record by Revenue Officer.
- 128 Bar to jurisdiction of Civil Court.
- 129 Appeal from order or decision of Revenue Officer.
- 130 Power of Revenue Officer to give effect to agreement or compromise.
- 131 Entry of decisions and orders in record.
- 132 Stay of Civil Court proceedings during preparation of records.
- 133 Limitation of Civil Court's jurisdiction in certain matters.
- 134 Stay of suits in which certain issues arise.
- 135 Date from which settlement of rent to take effect.
- 136 Period for which rents settled are to remain unaltered.
- 137 Recovery of expenses.
- 138 No presumption as to fixity of rent after record-of-rights has been prepared.
- 139 Unit of survey.

## PART II.

### RECORD OF PROPRIETOR'S PRIVATE LANDS.

- 140 Survey and record of proprietor's private lands.
- 141 Application by proprietor or tenant.
- 142 Procedure.
- 143 What lands to be recorded as proprietor's private lands.

## PART III.

### SPECIAL PROVISIONS REGARDING MAINTENANCE OF RECORDS OF TENANTS' RIGHTS IN TEMPORARILY-SETTLED AREAS.

- 144 Maintenance of record of tenants' rights in temporarily-settled areas.
- 145 Procedure on application for registration or on information received otherwise.
- 146 Application to set aside order directing the registration.

## CHAPTER X.

## PART I.

## JUDICIAL PROCEDURE.

## Sections.

- 147 Application to determine incidents of tenancy in the Civil Court.
- 148 Power to modify Civil Procedure Code in its application to suits under Act.
- 149 Jurisdiction in suits and proceedings under Act.
- 150 Special Register of suits under Act to be kept.
- 151 Institution of successive rent suits.
- 152 Plaint in rent suits to contain certain particulars.
- 153 Naib, Tahsildar or Gumasta recognised agent of landlord.
- 154 Summons in rent suit.
- 155 Appointment of guardians.
- 156 Evidence in suit under Act.
- 157 When one rent suit may be instituted for several tenancies.
- 158 Co-sharer tenants jointly and severally liable for rent.  
— decree for rent valid against entire tenancy when defendants represent entire body of tenants.  
— criterion for representation.
- 159 Right of co-tenant to be joined as defendant.
- 160 Regard to be had to entries in record-of-rights.
- 161 Agreement or compromise not to be confirmed.  
— when illegal.  
— when rights of third parties are prejudiced.
- 162 Procedure in suit for rent by co-sharer landlords.
- 163 Payment into Court of money admitted to be due to third person.
- 164 Payment into Court of money admitted to be due to landlord.
- 165 Payment of portion of admitted amount.
- 166 Effect of receipt of such payment by Court.
- 167 Execution to issue on oral application.
- 168 No copy of decree or fresh Vakalatnama required.  
— Assignee of decree may not apply.
- 169 Bar to certain provisions of Civil Procedure Code.
- 170 Procedure in case of appeals against the order of Revenue Court and Revenue Office.  
— appeals.  
— limitation of appeals.  
— Procedure of appellate Court on appeal.  
— Suspension of order appealed against.

## Sections.

- 171 Bar to appeals in certain cases.
- 172 Deposit on application to set aside *ex-parte* decree.
- 173 Date from which order fixing or altering rent takes effect.
- 174 Matters exempted from cognizance of Civil Court.
- 175 Jurisdiction of Civil Court.

## PART II.

SUMMARY PROCEDURE FOR THE RECOVERY OF RENTS UNDER THE  
BENGAL PUBLIC DEMANDS RECOVERY ACT, 1913.

- 176 Recovery of arrears of rent under the Certificate Procedure in certain cases.

## PART III.

## SALES FOR ARREARS UNDER DECREE.

- 177 Passing of tenancy sold in execution of decree or certificate.
- 178 General power of purchaser to avoid incumbrances.
- 179 Protected interests.
- 180 Meaning of 'incumbrance' and 'registered and notified incumbrance.'
- 181 Application for sale of tenancy.
- 182 Combined order of attachment and proclamation of sale to issue.
- 183 Sale of tenure or holding at fixed rates subject to registered and notified incumbrances and effect thereof.
- 184 Sale of tenure or holding at fixed rates with power to avoid all incumbrances and effect thereof.
- 185 Sale of holding of occupancy raiyat with power to avoid all incumbrances.
- 186 Procedure for annulling incumbrances under the foregoing sections.
- 187 Power to direct that holdings of occupancy raiyats be dealt with under foregoing sections as tenures.
- 188 Rules for disposal of sale-proceeds.
- 189 Tenancy to be released from attachment only on payment into Court of amount of decree with cost or on confession of satisfaction by decree-holder.
- 190 Amount paid into the Court to prevent sale to be in certain cases a mortgage-debt on the tenancy.
- 191 Inferior tenant paying into Court may deduct from rent.
- 192 Decree-holder may bid at sale, Judgment-debtor may not.
- 193 Application by Judgment-debtor or other person whose interests are affected, to set aside sale.
- 194 Sale when to become absolute or be set aside and return of purchase money in certain cases.  
— Purchase to take effect from the date of confirmation of the sale.



## Sections.

- 195 Registration of certain instruments creating incumbrances.  
 196 Notification of incumbrances to landlord.  
 197 Power to create incumbrances not extended.

## CHAPTER XI.

## SPECIAL PROVISIONS.

## CONTRACT AND CUSTOM.

- 198 Restriction on exclusion of Act by agreement (contracts).  
 199 Saving as to permanent mukarrari lease.  
 200 Saving of custom.

## HOMESTEADS.

- 201 Homesteads.

## CO-SHARER LANDLORDS.

- 202 Action to be taken collectively by co-sharer landlords or by their common agents except in certain cases.

## AGENTS AND REPRESENTATIVES OF LANDLORDS.

- 203 Power of landlord to act through agent.

## DAMAGES FOR DENIAL OF LANDLORD'S TITLE.

- 204 Damages for denial of landlord's title.

## MERGER.

- 205 Merger.

## RECOVERY OF CERTAIN DUES.

- 206 Rights of pasturage, forest rights, etc.  
 207 Recovery of fines and compensation by Deputy Commissioner.

## LIMITATION.

- 208 Limitation.

— Portions of Indian Limitation Act not applicable to such suits, etc.

## RULES UNDER ACT.

- 209 Power to make rules.

## SAVING FOR SPECIAL ENACTMENTS.

- 210 Saving for special enactments.

## CHAPTER XII.

## SUPPLEMENTAL.

- 211 Penalty for illegal interference with produce.  
 212 Tenant not enabled by Act to violate conditions binding on landlords.  
 213 Sale of holding of occupancy raiyat in temporarily-settled areas for recovery of loan granted under Land Improvement Loans Act, 1888, etc.  
 214 Forfeiture of unclaimed landlord's fees.