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50. Rules and presumptions as to fixity of rent

(1) Where a tenureholder or raiyat and his predecessors in interest have held at a rent or rate of rent which has not been

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changed from the time of the Permanent Settlement, the rent or rate of rent shall not be liable to be increased except on the ground of an alteration in the area of the tenure or holding.

(2) If it is proved in any suit or other proceeding under this Act that either a tenure-holder or raiyat and his predecessors in interest have held at a rent or rate of rent which has not been changed during the twenty years immediately before the Institution of the suit or proceeding, it shall be presumed until the contrary is shown, that they have held at that rent or rate of rent from the time of the Permanent Settlement:

Provided that if it is required by or under any enactment that in any local area tenancies, or any class of tenancies, at fixed rents or rates shall be registered as such on or before, a date specified by or under the enactment the foregoing presumption shall not after that date apply to any tenancy or, as the case may be, to any tenancy of that class in that local area unless the tenancy has been so registered.

(3) The operation of this section, so far as it relates to land held by a raiyat, shall not be affected by the fact of the land having been separated from other land which formed with it a single holding or amalgamated with other land into one holding.

(4) Nothing in this section shall apply to a tenure held for a term of years determinable at the will of the landlord.

**51. Presumption as to amount of rent and conditions of holding**

If a question arises as to the amount of a tenants rent or the conditions under which he holds in any agricultural year he shall be presumed, until the contrary is shown, to hold at the same rent

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and under the same condition as in the last preceding agricultural year. Alteration of rent on alteration of area

**52. Alteration of rent in respect of alteration in area**

(1) Every tenant shall

(a) be liable to pay additional rent for all land proved by measurement to be in excess of the area for which rent has been previously paid him; unless it is proved that the excess is due to the addition to the tenure or holding of land which having previously belonged to the tenure or holding was lost by diluvion or otherwise without any reduction of the rent being made; and

(b) be entitled to a deduction of rent in respect of any deficiency proved by measurement to exist in the area of his tenure or holding as compared with the area for which rent has been previously paid by him unless it is proved that the deficiency is due to the loss of land which was added to the area of the tenure or holding by alluvion or otherwise and that an addition has not been made to the rent in respect of the addition to the area.

(2) In determining the area for which rent has been previously paid, the Court shall, if so required by any party to the suit have regard to.-

(a) the origin and conditions of the tenancy, for Instance whether the rent was a consolidated rent for the entire tenure or holding;

(b) whether the tenant has been allowed to hold additional land in consideration of an addition to his total rent or otherwise with the knowledge and consent of the landlord;

(c) the length of time during which the tenancy has lasted without disputes as to rent or area; and

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(d) the length of the measure used or in local use at the time of the origin of the tenancy as compared with that used or in local use at the time of the Institution of the suit.

(3) In determining the amount to be added to the rent, the Court shall have regard to the rates payable by tenants of the same class for lands of a similar description and with similar advantages in the vicinity, and, in the case of a tenure-holder, to the profits to which he is entitled in respect of the rent of his tenure, and shall not in any case fix any rent which, under the circumstances of the case, is unfair or inequitable.

(4) The amount abated from the rent shall bear the same proportion to the rent previously payable as the diminution of the total yearly value of the tenure or holding bears to the previous total yearly value thereof, or, in default of satisfactory proof of the yearly value of the land lost, shall bear to the rent previously payable the same proportion as the diminution of area bears to the previous area of the tenure or holding.

(5) When in a suit under this section the landlord or tenant is unable to indicate any particular land as held in excess, the rent to be added on account of the excess area may be calculated at the average rate of rent paid on all the lands of the holding exclusive of such excess area.

(6) When in a suit under this section the landlord or tenant proves that at the time the measurement on which the claim is based was made, there existed in respect of the estate or permanent tenure or part thereof in which the tenure or holding is situate, a practice of settlement being made after measurement of the land assessed with rent, it may be presumed that the area of the tenure or holding specified in any patta or kabuliyat or (where there is an entry of area in a counterfoil receipt corresponding to the entry in

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the rent-roll) in any rent roll relating to it, has been entered in such patta, kabuliyat or rent-roll after measurement.

**52A. Abatement of rent on account of diluvion and re-entry into lands which reform on the old site**

(1) If the land of a holding or a portion thereof is lost by diluvion, the rent of the holding shall abate by an amount which bears to the rent of the entire holding the same proportion as the area lost bears to the area of the entire holding.

(2) (a) Notwithstanding anything to the contrary contained in this Act or in any other law or in any contract, the right, title and interest of the raiyat shall subsist in such land or portion during the period of loss by diluvion and the raiyat shall have the right to immediate possession on the reformation of such land or portion on its old site.

(b) The amount to be added to the rent of the holding on account of lands which have reformed shall, until modified in accordance with the provisions of this Act, be in the same proportion as the area of the lands reformed bears to the total area of the holding.

**52B. Tenant not liable to pay rent of holding for the period of dispossession**

Where a landlord dispossesses a tenant from his holding or part thereof, the landlord shall not be entitled to any rent in respect of the holding or part thereof for the period of such dispossession.

Payment of rent.

1. The word "rent" in ss. 53 to 55, includes also money recoverable under any enactment for the time being in force as if was rent-see s. 3 (5) ante.

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53. Instalments of rent

Subject to agreement or established usage, a money-rent payable by a tenant shall be paid in four equal Instalments falling due on the last day of each quarter of the agricultural year.

54. Time and place for payment of rent

Every tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure shall pay each Installment of rent before sunset of the day on which it falls due.

(2) The payment shall, except in cases where a tenant or the mortgagee of his holding or tenure or of a portion of holding or tenure is allowed under this Act to deposit his rent, be made at the landlords village-office, or at such other convenient place as may be appointed in that behalf by the landlord or by postal money-order:

Provided that if payment of rent or a portion of rent by postal moneyorder is accepted an entry in the postal money-order shall not be evidence of the area of the holding, the amount of rent payable or of the existence of the relationship of landlord and tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure between the persons who are described as such in the postal money-order form.

(3) Where rent or portion of rent is sent by postal money-order, the postal acknowledgment in the case of acceptance and the money-order coupon in the case of refusal duly sealed by the post office shall be admissible in evidence without formal proof and shall be presumed to be a correct-record of acceptance or refusal, as the case may be, by the payee unless the contrary is proved.

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(3a) Where rent or a portion of rent is remitted by postal money-order, an entry in the postal money-order form as to the amount of rent remitted shall operate as an acquittance for the amount of the rent so remitted in the same manner and to the same extent as if the amount of rent had been received by the landlord.

(4) Any Installment or part of an Installment of rent not duly paid at or before the time when it falls due shall be deemed as an arrear: Provided that, where rent is payable to the State Government any Installment or part of an Installment not duly paid at or before the time when it falls due shall be deemed to be an arrear only at the end of the agricultural year.

**55. Appropriation of payments**

When a tenant of the mortgagee of his holding or tenure makes a payment on account of rent, he may declare the year and Installment to which he wishes the payment to be credited.

(2) Notwithstanding any declaration mentioned in sub-section (1), if there is any arrear of rent due by the tenant, the recovery of which is not barred by the law for the time being in force as to limitation of suit for arrears of rent, the payment may, at the option of the landlord, be applied first to such arrear.

Receipts and accounts.

1. The word "rent" in ss. 56 to 60, includes also money recoverable under any enactment for the time being in force as if it was rent-see s. 3 (b) ante.

**56. Tenant making payment to his landlord entitled to a receipt**

(1) Every tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure who makes a payment on account

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of rent to his landlord shall be entitled to obtain forthwith from the landlord a written receipt for the amount paid by him, signed by the landlord.

(2) The landlord shall prepare and retain a counterfoil of the receipt.

(3) The receipt and counterfoil shall specify such of the several particulars shown in the form of receipt given in Schedule II to this Act as can be specified by the landlord at the time of payment: Provided that the Board of Revenue may, from time to time, prescribe or sanction a modified form either generally or for any particular local area or class of cases.

(4) If a receipt does not contain substantially the particulars required by this section it shall be presumed, until the contrary is shown, to be an acquittance in full of all demands for rent up to the date on which the receipt was given.

**57. Tenant entitled to full discharge of statement of account at close of year**

(1) Where a landlord admits that all rent payable by a tenant to the end of the agricultural year has been paid, the tenant or the mortgagee of his holding or tenure of a portion of his holding or tenure shall be entitled to receive from the landlord, free of charge, within three months after the end of the year, a receipt in full discharge of all rent falling due to the end of the year, signed by the landlord.

(2) Where the landlord does not so admit, the tenant or the mortgagee of his holding or tenure of his holding or tenure shall be entitled, on paying a fee of four annas, to receive, within three months after the end of the year, a statement of account specifying the several particulars shown in the form of account

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given in Schedule II to this Act, or in such form as may from time to time be prescribed by the Board of Revenue either generally or for any particular local area or class of cases.

(3) The landlord shall prepare and retain a copy of the statement containing similar particulars.

**58. Penalties and fine for withholding receipts and statements of accounts and failing to keep counterparts**

(1) If a landlord without reasonable cause refuses or neglects to deliver to a tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure a receipt containing the particulars prescribed by section 56 for any rent paid by the tenant or the mortgagee of his holding or tenure or a portion of his holding or tenure, the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure may, within three months from the date of payment, Institute a suit to recover from him such penalty, not exceeding double the amount or value of that rent, as the Court thinks fit.

(2) If a landlord without reasonable cause refuses or neglects to deliver to a tenant or the mortgagee of the holding or tenure or of a portion of his holding or tenure demanding the same either the receipt in full discharge or if the mortgagee of his holding or tenure or of a portion of his holding or tenure is not entitled to such a receipt, the statement of account for any year prescribed in section 57, the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure may, within the next ensuing agricultural year Institute a suit to recover from him such penalty as the Court thinks fit, not exceeding double the aggregate amount or value of all rent paid by the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure to

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the landlord during the year for which the receipt or account should have been delivered.

(3) If a landlord or his agent, without reasonable cause, fails to deliver to the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure a receipt or statement, or to prepare and retain a counterfoil or copy of a receipt or statement, as required by either of the said section such landlord or agent, as the case may be, shall be liable to a fine not exceeding fifty rupees, to be imposed, after summary inquiry, by the Collector.

(4) The Collector may hold a summary inquiry under sub-section (3) either on his own motion or on information received from a Revenue officer within one year, or upon complaint of the party aggrieved made within three months, from the date of failure, or upon report of a Civil Court.

(5) Where, in any case Instituted under sub-section (3), the Collector discharges any landlord or agent, and is satisfied that the complaint of the tenant or the mortgagee of his holding or tenure of a portion of his holding or tenure or which the proceedings were Instituted is false or vexatious, the Collector may, in his discretion, by his order of discharge, direct the tenant, or tenure to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.

(6) An appeal shall lie to the prescribed authority against any order of the Collector imposing a fine under sub-section (3) or awarding compensation under sub-section (5), and the order passed by such authority in such appeal shall be final.

(7) Any fine imposed or compensation awarded under this section may be recovered in the manner provided by any law for the time being in force for the recovery of a public demand. (8)

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For the purpose of an inquiry under this section, the Collector shall have power to summon, and enforce the attendance of witness and compel the production of documents in the same manner as is provided in the cases of a Court under the Code of Civil Procedure (14 of 1882).

59. State Government to prepare forms of receipt and account

(1) The State Government shall cause to be prepared and kept for sale to landlord at all divisional offices forms of receipts with counterfoils and of statements of account suitable for use under the foregoing sections.

(2) The forms shall be sold in books with the leaves consecutively numbered and no landlord shall use any forms other than the forms aforesaid for granting receipts to tenants: Provided that where such forms are not available for sale at any subdivisional office, a landlord may use forms printed by him after such forms have been consecutively numbered and stamped with the seal of the Collector in the prescribed manner.

(3) Every landlord shall submit returns in the prescribed form to the Collector at the end of the agricultural year showing the numbers of volumes and the serial number of receipts in each volume used in granting receipts for payment of rent in respect of each village during that agricultural year.

(4) If any landlord contravenes the provisions of sub-section (3) or furnishes any false particulars regarding any matter in respect of which he is required under the aforesaid sub-section to furnish returns, he shall be liable to a fine not exceeding five hundred rupees to be imposed, after summary inquiry, by the Collector.

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(5) Any landlord aggrieved by any order of the Collector under subsection (4) may appeal to the prescribed authority within such period as may be prescribed.

(6) If any person who is not a tenant or who is not, under any law for the time being in force, entitled to pay the rent of any holding remits rent to the landlord, such rent shall not be refundable to such person and may at the option of the landlord be appropriated by him.

60. Effect of receipt by registered proprietor, manager or mortgagee

Where rent is due to the proprietor, manager or mortgagee of an estate the receipt of the person registered under the Land Registration Act, 1876 (Ben. Act 7 of 1876) as proprietor, manager or mortgagee of that estate, or of his agent authorized in that behalf shall be a sufficient discharge for the rent: and the person liable for the rent shall not be entitled to plead in defence to a claim by the person so registered that the rent is due to any third person. But nothing in this section shall affect any remedy which any such third person may have against the registered proprietor, manager or mortgagee.

61. Application to deposit rent in Court

- (1) In any of the following cases, namely:.-
 - (a) when a tenant or the mortgagee of his holding or of a portion of his holding or tenure tenders money on account of rent and the landlord refuses to receive it or refuses to grant a receipt for it;
 - (b) when a tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure to pay money on account of rent has reason to believe, owing to a tender having been refused

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or a receipt withheld on a previous occasion, that the person to whom his rent is payable will not be willing to receive it and to grant him a receipt for it;

(c) when the rent is payable to co-sharers jointly, and the tenant or the mortgagee of this holding or tenure or of a portion of his holding or tenure is unable to obtain the joint receipt of the co-sharers for the money and no person has been empowered to receive the rent on their behalf; or

(d) when the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure entertains a doubt as to who is entitled to receive the rent; the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure may present to the Court having jurisdiction to entertain a suit for the rent of his tenure or holding an application in writing for permission to deposit in the Court the full amount of the money then due or which will be come due at the end of the agricultural year in which the deposit is made.

(2) The application shall contain a statement of the grounds on which it is made; shall state.-

in case (a) and (b), the name of the person to whose credit the deposit is to be entered, in case (c), the names of the sharers to whom the rent is due, or of so many of them as the tenant or the mortgagee or his holding or tenure or of a portion of his holding or tenure may be able to specify, and in case (d), the names of the person to whom the rent was last paid and of the person or persons now claiming it; shall be signed and verified, in the manner prescribed in section 52 of the Code of Civil Procedure 14 of 1882, by the tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure or where he is not personally cognizant of the facts of the case, by some person so

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cognizant; and shall be accompanied by a fee of such amount as the State Government, from time to time, by rule, directs.

62. Receipt granted by Court for rent deposited to be a valid acquittance

(1) If it appears to the Court to which an application is made under the last foregoing section that the applicant is entitled under that section to deposit the rent, it shall receive the rent and give a receipt for it under the seal of the Court.

(2) A receipt given under this section shall operate as an acquittance for the amount of the rent payable by the tenant and deposited as aforesaid, in the same manner and to the same extent as if that amount of rent had been received.-

in cases (a) and (b) of the last foregoing section, by the person specified in the application as the person to whose credit the deposit was to be entered; in case (c) of that section, by the co-sharers to whom the rent is due: and in case (d) of that section by the person entitled to the rent.

63. Notification of receipt of deposit

(1) The Court receiving the deposit shall forthwith cause to be affixed in a conspicuous place at the Court house a notification of the receipt thereof, containing a statement of all material particulars.

(2) If the amount of the deposit is not paid away under the next following section, within the period of fifteen days next following the date on which the notification is so affixed, the Court shall forthwith.-in cases (a) and (b) of section 61, cause a notice of the receipt of the deposit to be served, free of charge, on the person specified in the application as the person to whose

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credit the deposit was to be entered; in case (c) of that section, cause a notice of the receipt of the deposit to be posted at the landlords village office or in some conspicuous place in the village in which the holding is situate; and in case (d) of that section, cause a like notice to be served, free of charge, on every person whom it has reason to believe claims or is entitled to the deposit.

64. Payment of refund of deposit

(1) The Court may pay the amount of the deposit to any person appearing to it to be entitled to the same, or may, if it thinks fit, retain the amount pending the decision of a Civil Court as to the person so entitled.

(2) The payment may, if the State Government so direct, be made by postal money-order.

(3) If no payment is made under this section before the expiration of three years from the date on which a deposit is made, the amount deposited may, in the absence of any order of a Civil Court, to the contrary, be repaid to the depositor upon his application and on his returning the receipt given by the Court with which the rent was deposited.

(4) No suit or other proceeding shall be Instituted against the Government or against any officer of the Government, in respect of any thing done by a Court receiving a deposit under the foregoing sections; but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person in whom it has been paid under the section.

Arrears of Rent

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1. The word "rent" in ss. 65-68 includes also money recoverable under any enactment for the time being in force as if it was not rent.-- see s. 3 (5) ante.

65. Liability to sale for arrears in case of permanent tenure, holding at fixed rates or occupancy-holding

Where a tenant is a permanent tenure-holder, a raiyat holding at fixed rates or an occupancy-raiyat, he shall not be liable to ejectment for arrears of rent, but his tenure or holding or part of his holding, shall be liable to sale in execution of a decree for the rent of the tenure or holding, and the rent shall be a first charge on the tenure or holding.

66. Ejectment for arrears in other cases

(1) When an arrear of rent remains due from a tenant not being a permanent tenure holder, a raiyat holding at fixed rates or an occupancy-raiyat, at the end of the Bengali year where that year prevails, or at the end of the month of jeth where the Fasli or Amlī year prevails; the landlord may, whether he has obtained a decree for the recovery of the arrear or not and whether he is entitled by the terms of any contract to eject the tenant for arrears or not, institute a suit to eject the tenant.

(2) In a suit for ejectment for an arrear of rent a decree or rent a decree passed in favour of the plaintiff shall specify the amount of the arrear and of the interest (if any) due thereon, and the decree shall not be executed if that amount and the costs of the suit are paid into Court within fifteen days from the date of the decree, or, when the Court is closed on the fifteenth day, on the day upon which the Court re-opens.

(3) The court may for special reasons extend the period of fifteen days mentioned in this section.

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**67. Interest on arrear**

(1) An arrear of rent shall bear simple interest at the rate of six and a quarter per centum per annum.

(2) Such interest shall be payable, in the case of a money rent from the expiry of that quarter of the agricultural year in which the instalment falls due, and, in the case of a rent payable in any of the ways mentioned in sub-section (1) of section 40, from the end of the agricultural year in which the payment falls due and shall in either case be payable up to the date of payment or of the institution of suit, whichever date is earlier.

**69. Order for dividing produce**

(1) Where rent is taken by division of the produce.-

(a) if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division; or

(b) if there is a dispute about the division of the produce, the Collector may on the application of either the landlord, if made within such period as may be prescribed, or the tenant, and on his depositing such sum account of expenses as the Collector may require, make an order appointing such officer as he thinks fit to divide the produce.

(2) The Collector may, without such an application, make the like order in any case where in the opinion of the District or Subdivisional Magistrate the making of the order would be likely to prevent a breach of the peace.

(3) Where a Collector makes an order under this section, he may, by order, prohibit the removal of the produce until the division has been effected; but an order made by the Collector under this

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sub-section shall not prevent the execution of any order passed by the Court for the distraint of the tenants crops.

(4) Every officer appointed by the Collector under sub-section (1) to divide the produce shall for the purposes of the Indian Penal Code (45 of 1860), be deemed to be a public servant.

70. Procedure where officer appointed

(1) When a Collector appoints an officer under the last foregoing section, the Collector may, in his discretion, direct the officer to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selection of those assessors (if any), and the procedure to be followed in making the division; and the officer shall conform to the instruction so given.

(2) The officer shall, before making a division, give notice to the landlord and tenant of the time and place at which the division will be made; but if either the landlord or, the tenant fails to attend either personally or by agent, he may proceed ex-parte.

(3) When the officer has made the division he shall submit a report of his proceedings to the Collector.

(4) The Collector shall consider the report, and, after giving the parties an opportunity of being heard and making such inquiry (if any) as he may think necessary, shall pass such order thereon as he thinks just,

(5) (a) If the Collector is satisfied that an application made under section 69 by either party was rendered necessary by the negligence, delay, obstruction, or other unlawful conduct of the other party, he may make an order directing that the amount deposited for expenses under sub-section (1) of the said section,

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shall be returned to the applicant and shall be paid by the other party, and may, in addition, require the other party to pay to the applicant such compensation as he thinks fit.

(b) If the Collector is satisfied that an application made by either party under section 69 was made without adequate and sufficient reasons, he may make an order directing that the applicant shall pay to the other party such compensation as he thinks fit.

(6) The Collector may, if he thinks fit, refer any question in dispute between the parties for the decision of a Civil Court, but, subject as aforesaid, his order shall be final and shall, on application to a Civil Court by the landlord or tenant, be enforceable as a decree.

71. Rights and liabilities as to possession of crop

(1) Where rent is taken by division of the produce, the tenant shall be entitled to the exclusive possession of the whole produce until it is divided, but shall not be entitled to remove any portion of the produce from the threshing-floor at such a time or in such a manner as to prevent the due division thereof at the proper time.

(2) Where rent is taken by division of the produce, the tenant shall be entitled to cut and harvest the produce in due course of husbandary without any interference on the part of the landlord.

(3) If the tenant removes any portion of the produce at such a time or in such a manner as to prevent the due division thereof at the proper time, the produce may at the discretion of the Collector be presumed to have been as full as the fullest crop of the same description divided in the neighbourhood on similar land for that harvest.

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Liability for rent on change of landlord or after transfer of tenure or holding

1. The word " rent" in ss. 72, 73, 74 and 75 includes also Money recoverable under any enactment for the time being in force as if it was rent-see s. 3 (5), ante.

**72. Tenant not liable to transferee of landlords interest for rent paid to former landlord without notice of the transfer**

(1) A tenant shall not, when his landlords interest is transferred, be liable to the transferee for rent which became due after the transfer and was paid to the landlord whose interest was so transferred, unless the transferee has before the payment given notice of the transfer to the tenant.

(2) Where there is more than one tenant paying rent to the landlord whose interest is transferred a general notice from the transferee to the tenants published in the prescribed manner shall be a sufficient notice for the purposes of this section.

**73. Liability for arrear of rent on transfer of whole or part of holding**

(1) When an occupancy holding has been transferred in whole or in part, whether before or after the commencement of the Bihar Tenancy (Amendment) Act, 1938 (Bihar Act 11 of 1938), by sale, exchange or gift, or by sale in execution of a decree or of a certificate filed under the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act 4 of 1914) other than a decree for a certificate for arrears of rent due in respect of the holding-

(a) all arrears of rent due in respect of the holding before the date of the transfer shall be a first charge on the holding;

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(b) the transferor shall be liable for all arrears due before the date of the transfer; and

(c) the transfer or and the transferee shall be jointly and severally liable for all arrears falling due between the date of the transfer and the date of the distribution of the rent.

(2) In this section the expression " date of the transfer" means,-

(a) in the case of transfer by sale, exchange or gift--the date of the execution of the instrument of transfer on the date on which the transaction was completed, as the case may be; and

(b) in the case of a sale in execution of a decree or certificate filed under the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act 4 of 1914)--the date of the sale.

74. Abwab, etc., illegal

All impositions upon tenants under the denomination of abwab, mathat other like appellations in addition to the actual rent, shall be illegal, and all stipulations and reservations for the payment of such shall be void.

75. Penalty for illegal exactions by landlord or agent of landlord

(a) If a landlord or his agent levies, except under any special enactment for the time being in force, from a tenant of such landlord any sum of money or anything in kind in excess of the rent or local cess lawfully payable by such tenant and the interest payable on an arrear of such rent or cess, such landlord or agent, as the case may be, shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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(b) An offence under sub-section (a) shall be bailable, and shall be compoundable with the consent of the person against whom the offence was committed.

(c) Any order of conviction passed under this section shall be appealable to the Court to which appeal ordinarily lies under the Code of Criminal Procedure, 1898 (5 of 1898)

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