RETHINKING PHYSICAL LABOUR UNDER TAMIL NADU CULTIVATING TENANT PROTECTION ACT 1955

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CHAPTER 1: INTRODUCTION:

Agriculture is the backbone of Indian economy. But India's agrarian society got exploited by the land revenue system. It is marked as long-standing peasant exploitation under Zamindari system, Mughal and British Revenue system. In a while, British came up with British Permanent Settlement which worsen the Peasants where the Zamindars were intermediaries to the British but then they became a permanent holder of that land and peasants were reduced to tenants cultivator. In 1857, peasants began to revolt, often referred as Sepoy Mutiny against British land revenue policies and to abolish Zamindari system and compelled the British Government to pass Tenancy Occupancy Right Act, 1859. After India got Independence, it launched a development initiative called First-Five Year Plan which aimed at boosting agricultural production, implementing land reforms and abolishing intermediaries and rehabilitate the economy.[1] Land reforms involves redistribution of surplus land from the landlord to landless which aimed to boost agricultural productivity and ensuring social justice.[2] For this purpose, the government followed a six-point approach such as elimination of intermediaries such as zamindars, control over tenancy in favor of improved terms, imposition of ceilings on landholdings to redistribute excess land to the landless, consolidation of fragmented holdings for economy, encouragement of cooperative farming, and institution of a mechanism to resolve tenancy disputes.[3]

The tenancy reforms in India, under land policy were very focused on rent control, protection of tenure and tenant, and transferring the ownership of rented land to tenants to encourage productivity and social justice. Prior to independence, tenants suffered from

[1]Dr. Rajdeep Singh & Dr. Dheeraj Kumar, Land Reforms in India: A Historical Aspect, 4 Int'l J. Applied Rsch. 192 (2018).
[2]Dr. Arun Singh, Agrarian Reforms in India: Problems, Challenges and Solutions, 4(3) Int'l J. Innovative Res. Sci., Eng'g & Tech. 1495 (July 2015).
[3]G. Venkataramani, Land Reform in Tamil Nadu (Sangam Publishers for Madras Inst. of Dev. Studies, Madras 600001).

exploitative rents, insecure tenure, and regular evictions, leading to state-level legislation by limiting rents generally up to one-fourth to one-sixth of gross produce and prohibiting arbitrary eviction of tenants, restoring land to tenant if the landlord unfairly used for his personal cultivation and in certain instances, the tenant can acquire land ownership from the landlord. Notable states like Kerala, Jammu & Kashmir, and West Bengal effectively established tenant rights and ownership, whereas the rest of the states had limited effects owing to inadequate land records, landlord avoidance, poor administration, and political opposition.[4]

RESEARCH PROBLEM

Tamil Nadu government passed an act called Tamil Nadu Cultivating Tenant Protection Act 1955 to protect cultivating tenant from unjust eviction by the landlord and at the same time the act grant certain right to the landlord to evict the cultivating tenant under specific conditions. But, in modern times, as technology developed so many tenant uses farm equipment or agricultural machinery creates the ambiguity in the definition of Cultivating Tenant. And also due to natural calamities or any other reasonable cause impact the tenant in defaulting the payment, subsequently he was evicted which undermine the objective of the act. So, this necessitate a comprehensive analyze on TNCTPA 1955 by balancing the protecting the tenants and landlords right to receive rent.

RESEARCH QUESTIONS

1. Whether the statutory definition of cultivating tenant under Section 2(aa) of the Act is sufficiently clear for modern agricultural practices?

2. Whether non-payment of rent can make void or voidable the tenant protection under the Act?

3. Whether the deposit mechanism under Section 3 (3) effectively shields cultivating tenants from eviction and restoring their possession under section 4 of the Act?

4. Whether late payment of rent as per a Revenue Court direction is treated as a valid ground for eviction?

[4] P.S. Appu, Tenancy Reform in India, 10 Econ. & Pol. Wkly. 1339 (1975).

RESEARCH OBJECTIVES

1. To analyze the statutory definition of cultivating tenant under section 2(aa) of TNCTPA 1955.

2. To examine the non-payment of rent within due time would voidable the tenant protection under the act.

3. To evaluate the effectiveness of the deposit mechanism under section 3(3) protect the cultivating tenant from eviction and enabling the restoration of possession under section 4 of the act.

4. To determine the validity of late payment as a ground for evicting the cultivating tenant.

RESEARCH METHODOLOGY

This research paper follows Doctrinal methodology. This paper collected sources from primary sources such as Legislation, case laws.

CHAPTER 2: MEANING AND SCOPE IN DEFINITION OF CULTIVATING TENANT: MODERN AGRICULTURE CONTEXT:

The Tamil Nadu Cultivating Tenants Protection Act 1955 was enacted to benefit and granting security of tenure to cultivating tenants of agricultural land. Under this act "Cultivating Tenant" was defined under section 2 (aa) refers to an individual who contributes his own physical labor or that of any member of his family on someone else's land (Landlord) in cultivation under a tenancy arrangement either express or implied. This definition also covers if the tenant retains the possession of the land after the termination of the tenancy or the heirs of the tenant or a sub tenant who contribute his physical labor, additionally even the sub tenant can be a cultivating tenant who continuous his possession perhaps the primary tenant loses their right. But this definition excludes such person who is intermediaries and also their heirs. Under section 2(b) Cultivation means using the land for either agricultural or horticultural purpose. [5]

As technology developing, Modern machineries were prevalently used in all fields. As

[5] Tamil Nadu Cultivating Tenants Protection Act, 1955, Section 2(aa) No. 25 of 1955, Acts of Tamil Nadu.

in agricultural field, farmers have been using tractors, reapers, threshers, seed drilling machines and etc. The TNCTPA main aim is to protect cultivating tenant from unjust eviction by the landlord, but the definition of cultivating tenant is vague regarding modern context of agricultural practices because the definition insist the individual or any of his family members should contribute physical labor to cultivating in landlords land.

In the case of ***Somasundaram vs. Rangarajan Madras HC, 2019***. The court ruled that the defendant school lunch organizer did not qualify as a cultivating tenant since he contributed no personal or family physical effort towards the cultivation of the land. Without the critical statutory criterion being met, he could not be afforded the benefits of the Act.[6]

In the case of ***Govindaraja Vanniar & Ors. vs. Thirusangu Vanniar & Ors. 1980.*** The Court ruling in this case stressed that supervision or attending to plantations without actual physical labor like planting, pruning, or safeguarding crops does not qualify as "physical labor". The claimants were, therefore, disqualified from being declared cultivating tenants since no such evidence was produced.[7]

The case of ***Nachayee Ammal & M. Sundaram vs. Sri Venugopalakrishnaswamy Temple 2003,*** where the court held that a right to harvest fruits (usufruct) when combined with the right to till the land under a lease, is a lease of immovable property and not a license. Therefore, the plaintiffs were cultivating tenants under Section 2(aa) based on actual cultivation combined with usufructuary rights.[8]

In the case of ***Balu Pillai @ Balasubramania Pillai vs. Mahadevan 2009***, the court rules that legal heirs did not prove any physical involvement in cultivation. Therefore, they were not legally considered as cultivating tenants, and their occupation was considered unauthorized possession and should make mesne profits payable to the owner for wrongful possession.[9]

In the case of ***Ramaswamy Gounder v. Kalliappa Gounder 1964,*** it was held that tenants brought in by court-appointed receivers or guardians do not fall under Cultivating

[6]Somasundaram v. Rangarajan, Second Appeal No. 940 of 2009 (Madras H.C. Mar. 20, 2019), https://indiankanoon.org/doc/43594035/.
[7](1988) 1MLJ501.
[8] (2003)2MLJ212.
[9]Balu Pillai @ Balasubramania Pillai v. Mahadevan, S.A. No. 384 of 1995 (Madras H.C. Jan. 8, 2009), https://indiankanoon.org/doc/1313736/

tenant, unless the court expressly extends such benefit in leasing out the land.[10]

In the case of ***Sudalaimuthu v. Palaniyandavan 1966***, The Supreme Court ruled that if any one member of a joint family is involved in physical labor in cultivation, the whole family becomes "cultivating tenants" under the Act. One member's involvement in labor is enough.[11]

In the case of ***Chandrasekaran v. Kunju Vanniar & Ors. 1974***, the court held that tenants brought in by a usufructuary mortgagee continue to be "cultivating tenants" within the meaning of the TNCTPA even after redemption of the mortgage if they continue to cultivate the land. Such tenants cannot, therefore, be ejected by the mortgagor without adhering to the safeguards of the Act against eviction engendering a statutory tenancy beyond contract termination.[12]

In ***L.R. Ganapathi Thevar v. Sri Navaneethaswaraswami Devasthanam 1968,*** The court clarified that mere supervision of the work of the hired labor would not fall under the definition of Cultivating tenant, it goes beyond that the tenant must carry on personal cultivation, he should actively contribute their own physical effort or any of his family member in cultivating the land.[13]

In the case of ***Nachayee Ammal and M.Sundaram vs Sri Venugopalakrishnaswamy Temple, 2003***, where the Court ruled that plaintiff with long standing lease deeds over temple land, permitted to raise the crops in that land and were entitle to usufructs such as coconuts and mango and the defendant attempted to lease out the land via public auction. The plaintiff claiming protection under TNCTPA saying they were cultivating tenant. The court affirmed that such usufructs rights are granted with cultivation access elevate the holder to the status of cultivating tenant. It also rules that that usufruct rights with cultivation access constitute a lease of immovable property, not a mere license.[14]

In the case of ***Venkataswami Reddiar v. Sundaramurthy 1971,*** the Court ruled that the legal representatives of a deceased cultivating tenant can get protection only if they personally

[10] 1964 1MLJ368.
[11] 1966 AIR 469.
[12] 1975 AIR MAD227.
[13] 1969 AIR 764
[14] 2003 2MLJ212.

cultivate the land.[15]

CHAPTER 3: EFFECT OF NON-PAYMENT OF RENT UNDER TNCTPA, 1955:

Tenant protection under this act is not absolute right which follows with certain exception. Under sub-section (1) of Section 3, a cultivating tenant entitles protection against eviction and cannot be dispossessed from that land either by the landlord or through the court decree or otherwise. However, the act also provided certain circumstances where a cultivating tenant can be evicted if he fails to pay the rent amount within prescribed time set by the landlord. Under this act, the arrear can be counted differently for Tanjore where if the cultivating tenant fails to clear the arrear amount within six weeks existing before 1956 after the commencement of the act can be evicted and for other areas in Tamil Nadu the due time to clear the arrear is within 1 month after 31st march 1954 and for both areas if the tenant fails to clear arrears for future events within 1 month will be evicted. If the tenant damages the land or crops or cease the cultivation through their negligence, or using the land for non-agricultural purposes, or willfully denies the landlord's ownership can be evicted under this act only if the tenant denies due to bona fide mistake of fact cannot be considered as willful denial and not fall under the ground for eviction.[16]

In the case of ***G. Ponniah Thevar v. Nalleyam Perumal Pillai,*** the court held that statutory protection of cultivating tenants under the TNCTP Act also extend on the death of a life-estate lessor. A tenant cannot be evicted simply because the lessor's estate terminated, as statutory rights take precedence over personal law.[17]

The case of ***Rethinam v. Kuppuswami Odayar***, where the Court held that raising a single crop in double crop land lowers land value and harms the land itself. Such dereliction warrants eviction, since tenant protection is subject to sound cultivation.[18] In the case of ***Chinnamarkathian v. Ayyavoo,*** the court ruled that even if the tenant partially paid the amount despite time limit does not amount to full payment, the RDO grant time to deposit under section 3(4). Default can be followed by eviction, but no prior "conditional eviction" order holds.[19] In the case of ***R. Seshier v. T. Ayyachi Ambalam***, The Court held that RDO cannot lower or alter

[15] AIR 1972 Mad 171.
[16] Tamil Nadu Cultivating Tenants Protection Act, 1955, Section 3 No. 25 of 1955, Acts of Tamil Nadu (India).
[17] AIR 1977 SC 244.
[18] AIR 1981 Mad 170.
[19] AIR 1982 SC 137.

fair rent previously fixed, even in case of damage to crops due to rain or insects. Rent, once fixed, is binding and must be paid by the tenant.[20]

K. Chinnammal (Died) Thr. Lrs. vs L.R. Eknath, 2023,the court clarified that if the tenant paid even the full amount but does not strict to the time bound set by the RDO, will be considered as late payment and leads to eviction and tenant cannot hold excuse for pandemic or any other reason to avoid eviction only if they were given extension directed by the RDO, if not fulfill within time frame then landlord can evict him lawfully.[21] In the case of ***Ramaswamy Gounder v. Perianna Moopan***, The Madras High Court ruled that Revenue Courts under the Act cannot remit rent payable due to crop failure. Tenant is liable to pay rent regardless of agricultural risks.[22]

In the case of ***Thirumathi Jayam v. A.M. Mohammed Sabair 1992***, held that the Revenue Courts had found that only one crop was raised because of scarcity of water and it is not the tenant's negligence. But the High Court reversed this, held that cropping second crop on double crop land diminish the value of land, so valid to evict the tenant. However, the SC ruled that if the cultivating tenant's failure to sow second crops on double-crop land does not amount to "injury or destructing the value of the land" under Section 3(2)(b). Thus, mere inability to raise a second crop due to factors beyond the tenant's control does not justify eviction.[23]

So the effectiveness of nonpayment of rent is eviction, courts are strict with timelines and must pay the entire due amount. But, also though the act intent to protect tenant from eviction, it also gives relief to the tenant to retain the possession even he got evicted. Under section 4 a cultivating tenant can restore his possession where he was in possession on 1st December 1953 but lost it prior to the commencement of the Act if he makes an application to the RDO within 30 days , could be extendable only if there is a reasonable cause. But restoration is not permitted if (i) the tenant already possesses or holds land in excess of 6⅔ acres of wet land or was liable to sales tax, profession tax or income tax in 1953–54/1954–55, (ii) the landlord himself personally cultivated within the specified limit and was not so assessed, or (iii) the landlord bona fide admitted another cultivating tenant who already began cultivation

[20] AIR 1982 Mad 270.
[21] 2023 INSC 518.
[22] 1959 I Mad LJ 122.
[23] Civil Appeal No. 4265 of 1984.

prior to the Act. Even then, priority is given to the evicted tenant if the new tenant has surplus land and the evicted tenant has none or minimal. On granting restoration, the RDO may impose reasonable terms such as payment of up to one year's arrear rent or compensation to landlord/new tenant for standing crops, or deferment of possession until harvest. Additionally, Section 4(5) safeguards tenants who were illegally evicted subsequent to the commencement of the Act, they can approach the RDO within 2 months to be reinstated with all tenant rights.[24]

CHAPTER 4: EFFECTIVENESS OF DEPOSIT MECHANISM IN SHIELDING CULTIVAITNG TENANT PROTECTION:

As discussed earlier, the act is intent to protect the cultivating tenant from eviction, so the act under section 3(3) came up with deposit mechanism to mitigate the process of eviction if there is delay in payment or any other reason based on nonpayment of rent , he can deposit the arrear amount or in kind in court, if the tenant paid within time frame he can protect from eviction. The cultivating tenant can seek the Revenue Court for depositing the arrear amount, then the court will issue a notice to the landlord to verify the deposit amount, thereafter if there is no conflict on this deposited amount, tenant will be protected and deemed considered as timely payment, if conflict arise then the court will conduct summary enquiry. If the tenant owes any due, the court will grant addition time to deposit. If deposited, he will not get evicted, if not then can be legally evicted from the land.[25] Under section 3(4), the landlord can file application to the revenue court for evicting the tenant, then the court will conduct summary enquiry and decides accordingly either dismiss or allow for eviction process. However, if the tenant hasn't used the deposit mechanism, then the court can allow for extra time to deposit, if deposited then he will be protected and if not then will be evicted. [26]

The case of **Chinnamuthu Gounder & Ors. v. P.A.S. Perumal Chettiar, 1970**. The Court made it clear that where a cultivating tenant knowingly disclaims landlord's title, so under section 3(2) (d) will be evicted as a valid ground for eviction and as consequently the tenant forfeited his protection under section 3(1). The Court further held that a civil court is required to direct any suit for possession against a cultivating tenant to the Revenue Divisional Officer under Section 6-A, but only where the tenant is a cultivating tenant and is entitled to

[24] Id. Section 4.
[25] Id. Section 3(3).
[26] Id. Section 3(4).

the protections of the Act.[27]

In this case, ***Rajangam vs A.S.Mothilal (Died) 2023,*** the tenant made default in paying rent for several fasli years, so the Revenue court ordered him to pay the amount equal to 8 bags and 24 bags of paddy within fixed time. The tenant sent the demand draft(dd) to the landlord, but lesser amount than the due amount. So the landlord refused, however tenant used the deposit mechanism under subsection 3(3) to deposit balance amount. But the court affirms the eviction process because it was held even if the tenant paid the arrear amount partially, but not in time limit directed by the court, he got evicted from the land.[28]

In the ***case of R. Seshier vs. T. Ayyachi Ambalam***, where the court interpreted that the power of RDO under section 3(3) is only to order the arrear payment not to reduce the rent in any case.[29] ***Ramaswamy Gounder vs. Perianna Moopan, 1959,*** in this case, the court strictly held that crop failure is not a justification for remission or reduction of rent, so the tenant have to pay the entire arrears that he liable to pay to the landlord then only can entitle protection.[30]

N. Sreedharan Thampi vs. Velayadhan Pillai, Court ruled that jurisdiction to adjudicate arrears and eviction cases under TNCTPA vests exclusively with the Revenue Court. A decree of a civil court is not competent to override tenant protection through deposit. This protects the mechanism by subjecting it to exclusive jurisdiction of the Revenue Court.[31]

Muthiah Nattar vs. Ibrahim Rowther 1967, in this case it was ruled that CPC principles govern unless excluded, and thus summons and deposit procedures should adhere to fair process in the Revenue Court. This makes sure the right of the tenant to deposit is not stifled without due process, making the mechanism transparent and equitable.[32]

In the case of ***Kandaswamy Gounder vs. Vannimuthu Gounder,*** The Court reaffirmed that CPC procedure governs Revenue Court proceedings, such as service of notice and deposit deadlines. This improves the deposit mechanism by ensuring tenants are given adequate notice and a chance to comply before eviction.[33]

[27] 1970 AIR 1197
[28] CRP(MD). 2103/2021 (Mad.)
[29] AIR 1982 Mad 270.
[30] I Mad LJ 122.
[31] AIR 1984 Mad 100.
[32] 80 Mad LW 419.
[33] AIR 1976 Mad 269.

***N. Janardhanam vs. Tiruchirapalli Cooperative Building Society, (2003*)**, the Court emphasized that procedure under statute has to be strictly adhered to deposits or compliance outside the statute do not save tenants from eviction. This shows that the mechanism would be effective only when tenants comply with the precise statutory conditions.[34]

CHAPTER 5: VALIDITY OF EVICTION FOR NON- COMPLIANCE OF REVENUE COURT DIRECTIONS:

As per the act, there are only 4 grounds where the tenant has no exception to rescue him from eviction, if he defaulted in anyone of these grounds, he will be evicted. Under section 3(4), if the tenant made a delay in payment he has option to deposit or if he hasn't use the statutory right under section 3(3) option, only after the application for eviction made by the landlord, the RDO at discretion may give time to the tenant to deposit the arrear amount within fixed time. If the tenant paid within time limit, the RDO dismiss the eviction process, if not then the process will upheld. If the tenant made the payment fully but after the expiry of RDO fixed time limit, he will be evicted from the land. As it would be a valid ground for evicting the tenant.

Anjalai vs. K. Komagan, 2019, This case where the court established the tenants had to exercise their right to the depositing of arrears prior to eviction and cannot keep delaying proceedings indefinitely. The ruling underscores that the eviction system established in the Act, constructed from statutory definitions, needs to be followed.[35]

K. Chinnammal (D) thr. LRs v. L.R. Eknath, The Supreme Court held that the eviction was valid because the tenant though paid the full arrear amount but he didn't complied with time frame so he got evicted. And also held that his rights on restoration of land under section 4 got restricted since the act made this only for a period of one year default if beyond that, his rights forfeited.[36]

In the case of ***A.K. Kothandarama Rao v. Venkatachala Udayar, 1994,*** where the issue was whether the landlord can claim arrear amount beyond 3 years under section 3 (4)(b) proviso which provided that RDO cannot direct the tenant to deposit due amount which is time

[34] 2 MLJ 423.
[35] AIR 2018 (NOC) 797 (MAD.).
[36] Civil Appeal No. 3626 of 2023 (SC).

barred and landlord cannot evict the tenant for default rent where which is time barred. So in this case, it was held that the tenant have paid the due amount for 3 years though he defaulted more than 3 years, he is liable to pay only 3 years, since according to limitation act 1963, Article 52 of Schedule 1 says for arrears of rent, the limitation period is three years from the date of due begins.[37] So, the tenant cannot be evicted. [38]

In this case ***M. Palani Gounder vs S.P. Thangavel Gounder 1988***, the High court held that time barred arrears cannot form the basis of eviction. The tenant have paid the arrear rent for 3 years, no due remained, so cannot evicted and this not form a ground for eviction. The RDO directed the tenant to pay arrear rent for 9 years and fixed Rupees 2000 rent, so the court set aside the order from revenue court and upheld the principle that only 3 years arrears are enforceable beyond that whether paid or not cannot form basis for eviction.[39]

CONCLUSION:

To conclude chapter 2, though the TNCTPA aims to protect and safeguard cultivating tenant from unjust eviction but it does not adequately cover the modern cultivating individual (farmers) because the act requires cultivating tenant under section 2(aa) must be an individual who puts their own bodily effort or any of his family members or their heirs in land belongs to someone (landlord) for cultivating. So the individual must do the actual cultivation in the landlord's land, even using machines with actively contributing bodily effort in the land will not comes under cultivating tenant definition and cannot claim protection under this act. In the third chapter**,** if the tenant defaults in payment of rent within prescribed time, the land lord can evict him, nonpayment of rent is a valid ground for eviction. However, this act is aim to protect the tenant from eviction where the eviction is not immediate and automatic so under Section 3(3) of the act gives time relief to the Cultivating Tenant and under section 4 they can retain the possession with certain condition and also he can pay the arrear amount as per RDO (Revenue Divisional Officer) direction. Therefore, though nonpayment of rent is a valid ground for eviction but not immediate and cannot void the tenancy, instead the protection is voidable. So if payments are made within the statutory time limit, the tenant retains protection; otherwise, eviction follows lawfully. Thus the act tries to balance the rights of landlord and protection to the tenant from eviction. In chapter 4, the deposit mechanism under section 3(3) is core

[37] Limitation Act, No. 36 of 1963, art. 52, sched. I
[38] AIR 1994 Mad.
[39] 1988 (1) Mad. L. W. 499 (Mad.)

safeguard to the tenant because it makes the arrear clearance in court into a valid payment, deemed to be timely bound payment. So the mechanism is effective but only with stricter statutory compliance, if late deposit beyond the said time by RDO will considered as ground for eviction. But while the system shields against arbitrary eviction, its effectiveness is undermined when courts rigidly apply timelines without considering agricultural realities like crop failure or unforeseen delays. In the last chapter, judicial precedents affirmed that failure to comply with RDO direction on time bound arrear considered as valid ground for eviction. Once the tenant got evicted, he will not get back the land he cultivating, cannot seek restoration under section 4 since the eviction is valid. Lastly, the protection given to the cultivating tenant is not absolute, it is conditional upon complying the rules and mechanism.

SUGGESTIONS:

Though the act intention is to protect the cultivating tenant from unjust eviction but the act not applicable to the tenant who are cultivating the using agricultural machineries, though they have put bodily effort but with assist of machines. So the legislative should focus to include these modern cultivating tenants under the act or judicial re-interpretation is needed to bring the definition into line with current realities, so that protection under the Act still extends to those who effectively involved in cultivation, whether by hand or by advanced technology**.** The court have to interpret the term physical labor not only the bodily effort but also to include operation of machineries by the cultivating tenant under section 2(aa) So, we can achieve and sustain the objective of the act even in modern era.

Under section 3, where generally the cultivating tenant should not be evicted excepted under certain grounds such as nonpayment of rent, damage to the land, using land for non-agricultural purpose, willfully deny the ownership of landlord. The enactment of this act is only to protect the cultivating tenant, though nonpayment of rent is a valid ground for eviction, but due to natural calamities the tenant unable to pay the rent despite statutory mechanism available, imposing to pay full arrear amount without considering the situation of the tenant undermine the act's objectives. So the judiciary needs to consider the natural act behind the nonpayment of rent and to allow the tenant who paid the partial amount within due date.

In section 3(3) which gives statutory right to the tenant to deposit the arrear amount in the revenue court within 1 month before the landlord initiate for eviction process, section 3(4) which gives landlord can file eviction proceeding against the tenant and as well gives chance

to the tenant to deposit the due amount but only at RDO discretion and grand time accordingly. Since the time limit under section 3(4) is at discretionary to RDO where they can give just and reasonable time but which is subjective term, so the law should fix minimum guaranteed period despite RDO discretionary power. With that minimum period the RDO have to give extension, so that tenant cannot be evicted just because of short period of time. The law should be amended to allow the digital facilitation to deposit the arrear rent to the RDO so, the procedural mishaps would not happen and reduce the default.

The law should allow the late payment as exceptional ground for eviction if it is for natural cause beyond the willful default or delay on cultivating tenant. The law should clarify that delayed payment due to natural causes, despite substantial compliance with RDO's order, shall not constitute a ground for eviction. While the act aim to protect the cultivating tenant, the landlord rights should not be undermined and compromised, therefore, the protection should extend only to the tenants who have complied with statutory requirements and RDO directions, and also for tenant prevented from eviction if the payment delayed beyond their control. In all other cases, eviction would remain lawful.

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