



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং 459 দিশপুৰ, শুক্ৰবাৰ, 1 অক্টোবৰ, 2021, 9 আহিন, 1943 (শক)  
No. 459 Dispur, Friday, 1st October, 2021, 9th Asvina, 1943 (S. E.)

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

## NOTIFICATION

The 27th September, 2021

No. LGL.94/2021/37.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 23rd September, 2021 is hereby published for general information.

ASSAM ACT NO. XXXI OF 2021  
(Received the assent of the Governor on 23rd September, 2021)

THE ASSAM TENANCY ACT, 2021

## AN ACT

to establish Rent Authority to regulate renting of premises and to protect the interests of landlords and tenants and to provide speedy adjudication mechanism for resolution of disputes and matters connected therewith or incidental thereto.

It is hereby enacted by the state of Assam in the Seventy-second Year of the Republic of India as follows :-

### CHAPTER I PRELIMINARY

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| Short title,<br>extent and<br>commencement | 1. | <p>(1) This Act may be called the Assam Tenancy Act, 2021.</p> <p>(2) It extends to the whole of the State of Assam.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.</p>   |
| Definitions                                | 2. | <p>In this Act, unless the context otherwise requires,—</p> <p>(a) “landlord”, means the landowner or lessor or any other person who receives or is entitled to receive, on his behalf the rent of any premises, on his own account, if the premises were let to a tenant, and shall include —</p> <p style="margin-left: 40px;">(i) his successor-in-interest; and</p> <p style="margin-left: 40px;">(ii) a trustee or guardian or receiver receiving rent for any premises or is entitled to so receive, on account of or on behalf of or for the benefit of, any other person such as minor or person of unsound mind who cannot enter into a contract;</p> <p>(b) “local authority” means a Village Panchayat or Panchayat Samiti or Zila Parishad or a Municipal Corporation or a Municipal Council or a Planning or a Development Authority, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town, constituted under any law for the time being in force;</p> <p>(c) “Notification” means a notification published in the Official Gazette of the State and the expression “notify” with its grammatical variations and cognate expressions shall be construed accordingly;</p> |

Central Act  
41 of 2006

- (d) "premises" means any building or part of a building which is, or is intended to be, let on rent for the purpose of residential or commercial use except for hotel, lodging house, dharamshala, inn and for industrial use but includes—
- (i) garden, garage or closed parking area, vacant land, grounds and out-houses, if any, appertaining to such building or part of the building; and
  - (ii) any fitting to such building or part of the building for the more beneficial enjoyment thereof;
- (e) "prescribed" means prescribed by rules made by the State Government under this Act;
- (f) "property manager" means a person or any legal entity including rental agent who is authorised by the landlord to manage the premises and who represents the landlord in his dealings with the tenant;
- (g) "rental agent" means any person, who negotiates or acts on behalf of landlord or tenant or both in a transaction of renting of any premises and receives remuneration or fees or any other charges for his services whether as a commission or otherwise and includes a person who introduces, through any medium, prospective landlord and tenant to each other for negotiation for renting of premises and includes property dealers, brokers or middlemen, by whatever name called;
- (h) "Rent Authority" means an officer appointed under section 30;
- (i) "Rent Court" means a Rent Court constituted under section 33;
- (j) "Rent payable" in relation to any premises means the rent as specified in section 8;
- (k) "Rent Tribunal" means a Rent Tribunal constituted under section 34;
- (l) "Schedule" means a Schedule annexed to this Act;

- (m) "sub-tenant" means a person to whom the tenant sublets whole or part of the premises held by him or transfers or assigns his rights accrued under the tenancy agreement or any part thereof upon entering into a supplementary agreement to the existing tenancy agreement;
- (n) "tenant", whether called lessee or by any other name, means a person by whom or on whose account or on behalf of whom, the rent of any premises is payable to the landlord under a tenancy agreement and includes any person occupying the premises as a sub-tenant and also, any person continuing in possession after the termination of his tenancy whether before or after the commencement of this Act; but shall not include any person against whom any order or decree for eviction has been made.

Act not to apply  
to certain  
premises

3. (1) Nothing in this Act shall apply to any—

- (a) premises owned or promoted by the Central Government or State Government or local authority or a Government undertaking or enterprise or a statutory body or Cantonment Board;
- (b) premises owned by a company, University or organisation given on rent to its employees as part of service contract;
- (c) premises owned by religious or charitable institutions as may be specified, by notification by the State Government;
- (d) premises owned by Waqf registered under the Waqf Act, 1995 or by any trust registered under the public trust law of the State for the time being in force;
- (e) other building or category of buildings specifically exempted in public interest by notification by the State Government.

Central Act  
No. 43 of  
1995

- (2) Notwithstanding anything contained in sub-section (1), if the owner and tenant of the premises referred to in clause (a) to clause (e) of the said sub-section agrees that the tenancy agreement entered into between such landlord and tenant be regulated under the provisions of this Act, such landlord may inform the Rent Authority of the agreement to do so at the time of information of the tenancy agreement under section 4.

## CHAPTER II

## TENANCY

Tenancy  
agreement

4. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, no person shall, after the commencement of this Act, let or take on rent any premises except by an agreement in writing, which shall be informed to the Rent Authority by the landlord and tenant jointly, in the form specified in the First Schedule within a period of two months from the date of tenancy agreement.
- (2) Where the landlord and the tenant fail to jointly inform the execution of the tenancy agreement referred to in sub-section (1), the landlord and tenant shall separately inform the execution of tenancy agreement to the Rent Authority within a period of one month from the date of expiry of the period specified in sub-section (1).
- (3) The Rent Authority shall, within three months from the date of its appointment, put in place a digital platform in the local vernacular language or the language of the State for enabling submissions of document in such form and manner as may be prescribed.
- (4) The Rent Authority shall, after receiving information about the execution of tenancy agreement along with the documents specified in the First Schedule,—
- (a) provide a unique identification number to the parties; and
- (b) upload the details of the tenancy agreement on its website in local vernacular language or the language of the State, within seven working days from the date of receipt of such information, in such manner along with such documents as it may deem fit.
- (5) The terms of authorisation of the property manager, if any, by the landlord to deal with the tenant shall be such as agreed to by the landlord and tenant in that behalf in the tenancy agreement.

