

THE PUNJAB PROTECTION AND RESTORATION OF TENANCY RIGHTS ACT, 1950

(XIII of 1950)

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TEXT

**¹THE PUNJAB PROTECTION AND RESTORATION OF TENANCY RIGHTS
ACT, 1950**

(XIII of 1950)

[2 May 1950]

Preamble.— **WHEREAS** it is necessary to protect and to restore the rights of certain tenants of land in respect of their tenancies;

AND WHEREAS the Governor of the Punjab has in pursuance of a proclamation issued² by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed on behalf of the Governor-General all powers vested in or exercisable by the Provincial Legislature under the said Act;

NOW, THEREFORE, in exercise of the powers so assumed the Governor is hereby pleased to enact as follows:—

1. Short title, commencement and extent.— (1) This Act may be called the Punjab Protection and Restoration of Tenancy Rights Act, 1950.

(2) It shall come into force³ in such areas and at such time as may be notified by the Provincial Government in the official Gazette⁴[:]

⁵[* * * * *]
⁶[* * * * *]

Provided⁷[*] that nothing in this Act shall apply to the case of⁸[* * *] a tenant of holding any land under the Provincial or the⁹[Federal Government], or under any¹⁰[Local Government], or any other authority as may be notified¹ by the Provincial Government in this behalf.

¹This Act was assented to by the Governor of the Punjab on May 2, 1950, published in the Punjab Gazette (Extraordinary), dated May 2, 1950, pp. 91-93.

²It was issued on January 24, 1949 and stood revoked on April 4, 1951.

³Came into force on May 4, 1950, vide Notification No. 843-R, dated May 3, 1950, published in the Punjab Gazette (Extraordinary), 1950, p. 89.

⁴Substituted for the comma by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Act, 1952 (VIII of 1952), published in the Punjab Gazette (Extraordinary), dated February 4, 1952, pp.93-95, s. 2(i).

⁵Deleted by the Act *ibid*.

⁶*Ibid.*, s. 2(ii).

⁷Deleted the word "further" by the Act *ibid*.

⁸Deleted the words "a tenant of evacuee property, or" by the Act *ibid*.

⁹Substituted for the words "Central Government" by the Punjab Laws (Adaptation) Order, 1974 (I of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp.1425-A-1425-PP, Article 2(1) read with Schedule.

¹⁰Substituted for the words and commas "District Board, Municipal Committee or Notified Area Committee" by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Ordinance, 2001 (LI of 2001), published in the Punjab Gazette (Extraordinary), pp. 1969-1970, s. 2, which was protected and continued under the Provisional Constitutional Order, 1999 (Chief Executive's Order 1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order 9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.

2. Definitions.— In this Act unless there is anything repugnant in the subject or context—

- (i) “evacuee property” shall have the same meaning as may be assigned to it by any law for the time being in force;
- (ii) “land” and other terms used but not defined in this Act and defined in the Punjab Tenancy Act, 1887², shall have the meanings assigned to them in that Act;
- (iii) “revenue officer” means a revenue officer as defined in the Punjab Land Revenue Act, ³[1967 (XVII of 1967)], and there shall be the same classes of revenue officers with similar powers including powers of superintendence, control, distribution of business, and withdrawal and transfer of cases under this Act as there are under that Act;
- (iv) “tenant” means a tenant not having a right of occupancy, and not holding for a fixed term under a contract or a decree or order of a competent authority, and includes a person, who while in possession of any land as a tenant has been ejected.

3. Grounds necessary for ejectment of the tenants and procedure.— (1) Notwithstanding any provision contained in any other law for the time being in force to the contrary, a tenant shall not be ejected from his tenancy unless it is established that he has—

- (i) failed to pay the rent in accordance with the terms of the tenancy; or
- ⁴[(ii) * * * * *]
- (iii) used the land comprised in the tenancy in a manner which renders it unfit for the purpose for which he held it; or

¹For exemptions see Notification No. 1024.R, dated June 7, 1950, issued by the Revenue Department wherein Governor of the Punjab is pleased to notify that nothing in the said Act shall apply to the cases of tenants holding any land under the Lahore Improvement Trust, published in the Punjab Gazette, Part I, dated June 16, 1950, p. 275.

Also see Notification No. 1410-R, dated August 26, 1950, published in the Punjab Gazette, Part I, dated September 1, 1950, p. 372, issued by the Revenue Department wherein Governor of the Punjab is pleased to notify that nothing in the said Act shall apply to the cases of tenants holding any land under the:

- 1. Kasur Improvement Trust;
- 2. Sialkot Improvement Trust;
- 3. Rawalpindi Improvement Trust;
- 4. Sargodha Improvement Trust; and
- 5. Multan Improvement Trust.

See Notification No.1308-R, dated August 4, 1950, issued by the Revenue Department wherein Governor of the Punjab is pleased to notify that nothing in the said Act shall apply to the cases of tenants holding any land under the Thal Development Authority, published in the Punjab Gazette, Part I, dated August 11, 1950, p. 347.

For tenants of Co-operative Model Town Society, Lahore, see Notification No. 1763-R, dated July 24, 1950, published in the Punjab Gazette, Part I, dated July 28, 1950, p. 732.

²XVI of 1887.

³Substituted for the figure “1887” by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Ordinance, 2001 (LI of 2001), published in the Punjab Gazette (Extraordinary), pp. 1969-1970, s. 3, which was protected and continued under the Provisional Constitutional Order, 1999 (Chief Executive’s Order 1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive’s Order 9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.

⁴Deleted by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Act, 1952 (VIII of 1952), published in the Punjab Gazette (Extraordinary), dated February 4, 1952, pp. 93-95, s. 3(1)(a).

- (iv) failed to cultivate or arrange for the cultivation of the land comprised in the tenancy in accordance with the terms thereof, or if there are no express terms in this behalf, in accordance with the customary manner of cultivation in the locality:

Provided that where a landlord, his son, or grand-son does not have under his personal cultivation (including cultivation through a servant or hired labour) jointly or severally or in partnership with anyone else, out of the culturable land owned by the landlord an area equal to 25 acres, his right to eject any tenant from such portion of his tenancy, as with the area already in the possession of such landlord, his son or grand-son whether jointly or severally or in partnership with any one else will take 25 acres, will not be affected ¹[, and that in the case of a landlord owning more than 100 acres of land, the minimum of 25 acres shall be deemed to have been raised to 50 acres,]

Provided further that for the purposes of the first proviso an acre of unirrigated culturable land shall be counted as half an acre ²[, and the classification of land made and the ratio between the irrigated and other categories of land fixed for purposes of determining the area for personal cultivation under the Punjab Tenancy Act, 1887, shall *mutatis mutandis* apply for purposes of determining the area for personal cultivation under this Act]:

³[Provided further that for the purposes of this subsection subletting of the tenancy or any portion thereof shall not be treated as arrangement for the cultivation of the land comprised in the tenancy, except where the tenant is incapacitated bodily from cultivating the land himself.]

(2) An application for the ejectment of a tenant on any one or more of the grounds mentioned in subsection (1) may be made by the landlord to a revenue officer of any grade having jurisdiction in the area where the tenancy is situated.

⁴[(2A) Where a landlord has in exercise of the right reserved by the first proviso to subsection (1) once secured an area for personal cultivation, he shall not thereafter have the right to claim any other area in lieu of the said area or any part thereof even though he may have lost that land through alienation:

Provided that he shall have the right of exchanging the said area of 25 acres or any part thereof with any land in which he may acquire proprietary rights by inheritance after having secured the said area:

Provided further that if the land secured by the landlord for personal cultivation or any portion thereof is compulsorily acquired by the Provincial or ⁵[Federal Government], or is rendered *darya burd*, or if 50 per centum or more thereof

¹Substituted and added by the Act *ibid.*, s. 3(1)(b).

²*Ibid.*, s. 3(1)(c).

³Added by the Act *ibid.*, s. 3(1)(d).

⁴Inserted subsections (2A), (2B), (2C) and (2D) by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Act, 1952 (VIII of 1952), published in the Punjab Gazette (Extraordinary), dated February 4, 1952, pp. 93-95, s. 3(2).

⁵Substituted for the words "Central Government" by the Punjab Laws (Adaptation) Order, 1974 (I of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule.

is rendered totally unculturable on account of the action of Sem or Thur, the landlord shall be entitled to so much additional area, as with the area, if any, still in his possession, and in the last mentioned case, the area fit for cultivation, will make up 25 acres, and for this purpose he may eject any tenant.

(2B) Where a person has, under the provisions of this Act or of any other law for the time being in force, secured or retained any land for personal cultivation, he may let out the whole or any part of such land to tenants, and such tenants shall not have the protection of this Act in respect of ejectment from the land so let out to them.

(2C) When any land, not secured or retained by any person owning land for personal cultivation under this Act or under any other law for the time being in force, is transferred by sale, exchange, gift, will, mortgage or any other means, whether permanently or temporarily, the transferee shall not have the right to eject the tenant thereof on any ground on which he could not be ejected by the transferer:

Provided that the prohibition imposed by this subsection shall not apply where any sale of such land is effected with the sanction of the Collector under subsection (2D).

(2D) Where any person wishes to sell any land which has not been secured or retained by him for personal cultivation, he may make an application in writing to the Collector of the District where the land is situate, and the Collector may, after such inquiry as he may consider necessary, either grant the necessary sanction in writing or reject the application.]

(3) On receiving the application of a landlord under subsection (2) the revenue officer shall, if the application is in order and not open to objection on the face of it, cause a notice to be served on the tenant to show cause why he should not be ejected from his tenancy or such portion thereof as is referred to in the application:

Provided that no notice under this subsection shall be served after the 15th day of November in any year.

(4) The notice shall specify the name of the landlord on whose application it has been issued and describe the land to which it relates and the ground or grounds on which it is based.

(5) The revenue officer, after hearing both the parties, if present, on a date fixed for the purpose, and making such further enquiries as he may consider necessary, shall pass an order directing the tenant to be ejected or the notice to be cancelled, as the case may be:

Provided that no order for the ejectment of a tenant shall be executed before the first day of May in any year, and in no case shall a tenant be ejected without paying such compensation to him, as he may be entitled to under the law, for the standing crop, if any, or for preparing the land for sowing, if it has been so prepared, as may be determined by the revenue officer.

¹[* * * * *]

¹Deleted the subsections (6 & 7) by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Act, 1952 (VIII of 1952), published in the Punjab Gazette (Extraordinary), dated February 4, 1952, pp. 93-95, s. 3(3).

4. Notices and proceedings to be invalid.— Notwithstanding anything to the contrary contained in any other law for the time being in force, all notices issued against a tenant under sections 44 or 45 of the Punjab Tenancy Act, 1887¹, on or after the 15th day of June, 1949, and all proceedings taken in pursuance of such notices before the date of the enforcement of this Act in any area shall be deemed to be invalid and of no effect.

5. Restoration of tenancies.— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, a tenant who was ejected or dispossessed at any time between the 15th day of June, 1949, and the date of the enforcement of this Act by process of law or otherwise from his tenancy, in any area to which this Act applies may within two months from the date of the enforcement of this Act apply, for the restoration of his tenancy, to a revenue officer of any grade having jurisdiction in the said area.

(2) On receiving an application under subsection (1) and on being satisfied after such enquiry as he may consider necessary that the facts mentioned therein are correct the revenue officer shall serve an order on the land-lord and any other person in possession of the tenancy to restore possession thereof to the applicant immediately:

Provided that the tenant to whom the tenancy has been restored shall be liable to pay such compensation to the person evicted for the standing crop, if any, and for preparing the land for sowing, if it has been so prepared, as may be determined by the Revenue Officer on the latter's application in this behalf:

Provided further that if the compensation is not paid within one month of the date of the order made by the Revenue Officer in this behalf the tenant to whom the tenancy was restored shall be ejected therefrom and the land shall be restored to the person who was evicted under the orders of the Revenue Officer.

6. Appeal, Revision and Review.— An order passed by a Revenue Officer of any grade under this Act shall for purposes of appeal, revision and review, be treated as an order of a Revenue Officer of the same grade under the Punjab Tenancy Act, 1887², and shall be subject to the provisions of the latter Act with respect to appeal, revision and review.

7. Bar of Courts Jurisdiction.— (1) Notwithstanding anything contained in any other law for the time being in force, no Court shall have any jurisdiction in any matter which a Revenue Officer is empowered by this Act to dispose of.

(2) No Court shall take cognizance of the manner in which any Revenue Officer exercises any power vested in him under this Act.

8. Rules.— (1) The Provincial Government may make rules³ consistent with this Act for regulating the procedure of Revenue Officers under this Act in cases in which a procedure is not prescribed by this Act.

¹XVI of 1887.

²XVI of 1887.

³The Punjab Protection and Restoration of Tenancy Rights Rules, 1950, issued by the Revenue Department, vide Notification No.1101-R, dated June 23, 1950, published in the Punjab Gazette (Extraordinary), dated June 24, 1950, pp. 153-154.

(2) The rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of land, and rules providing for these matters may confer on a Revenue Officer all or any of the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of land.

(3) The rules may also provide for the mode of executing orders as to costs, and may adapt to proceedings under this Act all or any of the provisions of the Punjab Land Revenue Act, ¹[1967 (XVII of 1967)], with respect to arbitration.

(4) Subject to the rules under this section, a Revenue Officer may refer any case which he is empowered to dispose of under this Act to another Revenue Officer for investigation and report, and may decide the case upon the report.

¹Substituted for the figure "1887" by the Punjab Protection and Restoration of Tenancy Rights (Amendment) Ordinance, 2001 (LI of 2001), published in the Punjab Gazette (Extraordinary), pp. 1969-1970, s. 3, which was protected and continued under the Provisional Constitutional Order, 1999 (Chief Executive's Order 1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order 9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.