

THE PUNJAB CONFERMENT OF PROPRIETARY RIGHTS ON NON-PROPRIETORS IN ABADI DEH ACT, 1995

(I of 1995)

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TEXT

**¹THE PUNJAB CONFERMENT OF PROPRIETARY RIGHTS ON NON-
PROPRIETORS IN ABADI DEH ACT, 1995**

(I of 1995)

[13th February, 1995]

**An
Act**

to provide for the conferment of proprietary rights on non-proprietors in the abadi deh.

Whereas, it is expedient to confer proprietary rights on non-proprietors in the abadi deh in conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Punjab Conferment of Proprietary Rights on Non-proprietors in Abadi Deh Act, 1995.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

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

(1) “abadi deh” means and includes an area which is recorded as abadi deh in the record of rights prepared under the Punjab Land Revenue Act, 1967(XVII of 1967) but does not include an urban area;

²[(2) “Collector” means the Collector of a District appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an officer authorized by the Government to exercise the powers of the Collector;]

³[(3) “Commissioner” means a Commissioner of a Division appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an Additional Commissioner;]

¹This Act was passed by the Punjab Assembly on 2nd February, 1995; assented to by the Governor of the Punjab on 12th February, 1995; and, was published in the Punjab Gazette (Extraordinary), dated 13th February, 1995, pages 1 to 3.

²Substituted by the Punjab Laws (Amendment) Act 2011 (VI of 2011), w.e.f. 20.4.2011 (notification published in the Punjab Gazette (Extraordinary), dated 16.4.2011, page 4081), s.15; and published in the Punjab Gazette (Extraordinary), dated 14.4.2011, pages 4043-4047, which earlier substituted for the words “an Assistant Commissioner or a Collector of a subdivision” by the Punjab Conferment of Proprietary Rights on Non-Proprietors in Abadi Deh (Amendment) Ordinance, 2001 (LVII of 2001), w.e.f. 14.8.2001, s.2; and published in the Punjab Gazette (Extraordinary), dated 22.12.2001, pages 2317-2318, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

³Substituted by the Punjab Laws (Amendment) Act 2011 (VI of 2011), w.e.f. 20.4.2011 (notification published in the Punjab Gazette (Extraordinary), dated 16.4.2011, page 4081), s.15; and published in the Punjab Gazette (Extraordinary), dated 14.4.2011, pages 4043-4047, which earlier substituted by the Punjab Conferment of Proprietary Rights on Non-Proprietors in Abadi Deh (Amendment) Ordinance, 2001 (LVII of 2001), w.e.f. 14.8.2001, s.2; and published in the Punjab Gazette (Extraordinary), dated 22.12.2001, pages 2317-2318 which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan..

⁴[(4) * * * * *]

- (5) “house” means building or structure used for residential purposes and includes a court-yard;
- (6) “land” means and includes an area under a house in the abadi deh, but does not include any area reserved for a street, a lane, a playground, a school, a mosque or other place of worship, a graveyard, a drinking well or a pond meant for the village community;
- (7) “non-proprietor” means an inhabitant of a village who ordinarily resides in the abadi deh of that village and who under any law or custom or usage having the force of law, in force immediately before the commencement of this Act, is not a co-sharer in the abadi deh in which his house is situated; and
- (8) “Urban area” means urban area as defined in clause (iii) of sub-section (1) of section 3 of the Punjab Local Government Ordinance, 1979 (VI of 1979).

3. Conferment of Proprietary rights in land on non-proprietors.— Notwithstanding anything to the contrary contained in any law for the time being in force or in any agreement, instrument, custom or usage or in any decree or order of any court or other authority, all rights, title and interest whatever, in the land which is situated within the abadi deh and which is under a house owned by a non-proprietor, shall on the commencement of this Act, vest in the non-proprietor under whose house it is situate, free of charge, and no compensation shall be claimed by or paid to any person or Government affected by the vesture of proprietary rights in a non-proprietor under this section.

4. Resolution of disputes.— Where any dispute arises from giving effect to the provisions of this Act, the Collector of the area in which the land is situated may, on the application of any aggrieved party made within a reasonable period, take cognizance of the dispute and decide the matter.

5. Appeal.— ⁵[(1) An appeal against the order made by a Collector shall lie to the Commissioner].

(2) The limitation for filing an appeal under this section shall be thirty days from the date of the impugned order excluding the period duly spent in obtaining certified copy of the impugned order and the provisions of section 5 of the Limitation Act, 1908 (IX of 1908) shall apply to an appeal under this section.

(3) No order in appeal adversely affecting any person shall be passed without affording to the affected party an opportunity of being heard.

⁴Omitted by the Punjab Conferment of Proprietary Rights on Non-Proprietors in Abadi Deh (Amendment) Ordinance, 2001 (LVII of 2001), w.e.f. 14.8.2001, s.2; and published in the Punjab Gazette (Extraordinary), dated 22.12.2001, pages 2317-2318, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵Substituted by the Punjab Laws (Amendment) Act 2011 (VI of 2011), w.e.f. 20.4.2011 (notification published in the Punjab Gazette (Extraordinary), dated 16.4.2011, page 4081), s.15; and published in the Punjab Gazette (Extraordinary), dated 14.4.2011, pages 4043-4047, which earlier substituted by the Punjab Conferment of Proprietary Rights on Non-Proprietors in Abadi Deh (Amendment) Ordinance, 2001 (LVII of 2001), w.e.f. 14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 22.12.2001, pages 2317-2318 which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(4) The appeal filed under this section shall be disposed of within ninety days.

(5) An order passed in appeal under this section shall be final.

6. Removal of difficulties.— If any difficulty arises in giving effect to any provision of this Act, the Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for purposes of removing the difficulty.

7. Rules.— The Government may make rules for the purposes of this Act.

8. Bar of jurisdiction.— No order passed or proceedings taken by the Collector or the Commissioner or the Government under this Act shall be called in question in any Civil Court.

9. Repeal.— The Punjab Conferment of Proprietary Rights on Non-Proprietors in Abadi Deh Ordinance, 1994 (XV of 1994) is hereby repealed.