

**THE PUNJAB JINNAH ABADIS FOR NON-PROPRIETORS
IN RURAL AREAS ACT, 1986**

(III of 1986)

CONTENTS

- 1. Short title, extent and commencement**
- 2. Definitions**
- 3. Grant of land**
- 4. Allotment**
- 5. Proprietary rights**
- 6. Cancellation of allotment**
- 7. Re-entry**
- 8. Liability of acquisition**
- 9. Appeal**
- 10. Power of Government**
- 11. Rules**
- 12. Repeal of Act V of 1975**
- 13. Repeal of Ordinance II of 1986**

TEXT

**'THE PUNJAB JINNAH ABADIS FOR NON-PROPRIETORS IN
RURAL AREAS ACT, 1986
(III of 1986)**

[31st May, 1986]

**An
Act**

to amend for housing facilities to non-proprietors in the rural areas of the Punjab.

Preamble.— Whereas it is expedient to make provisions for providing housing facilities to non-proprietors in the rural areas of the Punjab and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Punjab Jinnah Abadis for Non-proprietors in Rural Areas Act, 1986.

(2) It shall apply to all rural areas in the Punjab except such rural areas as may be excluded from the operation of this Act through a notification by the Government.

(3) It shall come into force at once.

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

(a) “Abadi-deh” means an area recorded as such in the record of rights and is a rural area;

(b) “Allotment Committee” means a Committee which may be set up as prescribed for a revenue estate for the purposes of this Act;

²[(c) “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[(d) “Commissioner” means a Commissioner of a Division appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an Additional Commissioner;]

⁴[(e) * * * * *]

¹This Act was passed by the Punjab Assembly on 26th May, 1986; assented to by the Governor of the Punjab on 31st May, 1986; and, was published in the Punjab Gazette (Extraordinary), dated 31st May, 1986, Pages 1235-1239.

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.14; and published in the Punjab Gazette (Extraordinary), dated 14.4.2011, pages 4043-4047.

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.14; and published in the Punjab Gazette (Extraordinary), dated 14.4.2011, pages 4043-4047, which were earlier substituted by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f. 14.8.2001, s.2; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

- (f) “Government” means the Government of the Punjab;
- (g) “Non-proprietor” means a person who is permanently residing in a rural area and who or any member of whose family does not own any agricultural land or other immovable property anywhere in Pakistan;
- (h) “Prescribed” means prescribed by rules made, instructions issued, or schemes sanctioned, by the Government under this Act;
- (i) “Rural Area” means an area other than the area defined as urban area by or under any law relating to Local Government for the time being in force.

Explanation.— For the purpose of Clause (g)—

- (i) “family” means husband, wife and their unmarried children; and
- (ii) “immovable property” shall not include the structure raised by a non-proprietor on land not owned by him.

3. Grant of land.— The Government may grant land, free of cost not exceeding seven marlas in a rural area, on such terms and conditions as may be prescribed, to a non-proprietor in the revenue estates in the Union Council in which he ordinarily resides, for the construction of a house by him for his residence.

4. Allotment.— To give effect to the provisions of section 3, the Collector may, on the recommendation of the Allotment Committee, allot land to non-proprietors.

5. Proprietary rights.— On the completion of the construction of a house on the land allotted to him and subject to the condition that neither the house nor the land shall be alienated during a period of ten years from the date of allotment, the Government may grant proprietary rights to an allottee in such manner as may be prescribed.

Explanation.— If, before the commencement of this Act, an allottee had constructed a house on the land allotted to him under this Act, it shall be deemed as sufficient compliance of the provisions of sections 3 and 5.

6. Cancellation of allotment.— Notwithstanding the grant of proprietary rights to an allottee, the Collector shall, after giving the allottee an opportunity of being heard, cancel the allotment and resume the land if he is satisfied that the allottee—

- (a) furnished wrong information for securing allotment in his favour; or
- (b) has committed a breach of the conditions of allotment provided for by this Act, or by the rules made, instructions issued, or the schemes framed, under this Act:

Provided that the allottee may be given reasonable time to rectify a breach mentioned in clause (b).

7. Re-entry.— (1) Where land had been resumed under the provisions of section 6, the Collector may issue an order requiring the allottee to remove all buildings,

⁴Omitted by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.2; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

structures and other property belonging to him from the site and to deliver vacant possession of the site to the Collector within a period not exceeding one month from the date of the order.

(2) If the allottee fails to comply with the order issued under sub-section (1), the Collector may re-enter, take possession of the land and execute the order under sub-section (1).

(3) In case of re-entry under sub-section (2), the building, structure and other property mentioned in sub-section (1) shall be sold.

(4) The cost of execution under sub-sections (2) and (3) shall be recovered from the sale proceeds accruing under sub-section (3).

8. Liability of acquisition.— Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or in any other law for the time being in force, land in rural areas including such residential sites in the village Shamlat and abadi deh in possession of non-proprietors whereupon the non-proprietors have built residential houses for permanent residence shall be liable to acquisition by Government at any time under that Act for the purpose of providing housing facilities and ancillary uses to non-proprietors under this Act:

Provided that land on which there is an orchard, a well, a tubewell or on which there is a building constructed by the owner shall not be acquired for the purposes of this Act.

Explanation.— Acquisition of land for purposes of this Act shall be deemed as “public purpose” within the meaning of the Land Acquisition Act, 1894.

9. Appeal.— An appeal shall lie to the ⁵[Commissioner] against every order made by the Collector under this Act and the decision of the ⁶[Commissioner] thereon shall be final:

Provided that—

⁷[* * * * *]

⁸[(i)] no order in any appeal under this section shall be passed without providing to the person to be affected thereby an opportunity of being heard; and

⁵Substituted for the words and brackets “Executive District Officer (Revenue) of the District” 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.14; and published in the Punjab Gazette (Extraordinary),dated 14.4.2011,pages 4043-4047, which were earlier substituted for the words “Deputy Commissioner” by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

⁶Substituted for the words and brackets “Executive District Officer (Revenue) of the District” 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.14; and published in the Punjab Gazette (Extraordinary),dated 14.4.2011,pages 4043-4047, which were earlier substituted for the words “Deputy Commissioner” by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

⁷Omitted by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

⁸Re-numbered by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

⁹[(ii)] the limitation for filing an appeal under this section shall be thirty days from the date of the impugned order and the provisions of section 5 of the Limitation Act, 1908 (Federal Act IX of 1908) shall apply to an appeal under this section.

10. Power of Government.— (1) The Government may frame schemes and issue instructions consistent with this Act and the rules framed thereunder, relating to all matters to which the provisions of this Act apply.

(2) If the Government considers that anything done or intended to be done by or on behalf of any Officer or authority exercising any powers under this Act, is not in conformity with law or is, in any way, against public interest, it may, by order, quash the proceedings, suspend the execution of any order, or prohibit the doing of anything proposed to be done or require such Officer or authority to take such action as may be specified.

(3) The Government may delegate any of its powers and functions under subsection (2) to any Officer not below the rank of ¹⁰[a Commissioner].

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

12. Repeal of Act V of 1975.— The Punjab Housing Facilities for Non-proprietors in Rural Areas Act, 1975 (V of 1975) is repealed.

13. Repeal of Ordinance II of 1986.— The Punjab Jinnah Abadis for Non-proprietors in Rural Areas Ordinance, 1986 (Ordinance II of 1986) is hereby repealed.

⁹Re-numbered by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w.e.f.14.8.2001, s.3; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.

¹⁰Substituted for the words and brackets “an Executive District Officer (Revenue) of the District” 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.14; and published in the Punjab Gazette (Extraordinary),dated 14.4.2011,pages 4043-4047, w hich were earlier substituted for the words “a Commissioner” by the Punjab Jinnah Abadis for Non-proprietors in Rural Areas (Amendment) Ordinance, 2001 (XLIV of 2001), w .e.f.14.8.2001, s.4; and published in the Punjab Gazette (Extraordinary), dated 14.11.2001, pages 1807-1808.