

The Punjab Security of Land Tenures Act, 1953

HARYANA

India

The Punjab Security of Land Tenures Act, 1953

Act 10 of 1953

- Published on 15 April 1953
- Commenced on 15 April 1953
- [This is the version of this document from 15 April 1953.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Security of Land Tenures Act, 1953 Punjab Act No. 10 of 1953 Statement of Object and Reasons. - The Bill seeks to consolidate and amend the law relating to land tenures in Punjab. It is a consolidating measure repealing the Punjab Tenants (Security of Tenure) Act, 1950, and the President's Act V of 1951, in the light of administrative difficulties and experience gained as a result of the working of the two Acts. Such of the provisions as were considered inexpedient have been removed the others for which provision was considered necessary included. This measure will now apply also to the land allotted under the Administration of Evacuee Property Act, 1950. The Statement of Objects and Reasons of the Punjab Security of Land Tenures Bill, 1952, as published in the Punjab Government Gazette Extraordinary, 1952. Statement of Objects and Reasons - Haryana Act 5 of 1991 - The existing provisions of the Punjab Security of Land Tenures Act, 1953 make the tenant of agricultural land liable to ejectment by the landowner on the grounds, among others, if he fails to pay rent regularly without sufficient cause. If an option is given to the tenant to deposit the arrears of rent and interest at the rate of eight per centum per annum on such arrears together with the costs of the application, if any, on the first date of hearing or within 15 days of the first hearing, the provision would neither operate against the landlord nor the tenant. Those tenants who like to contest the ejectment may do so. But those who fail to pay the arrears of rent on account of genuine reasons, would naturally not be ejected if they make the payment on the day of first hearing or within 15 days of the first hearing. Even in case of those tenants who might have paid the due rent to the landlords but do not want to enter into further litigation with them, this provision will be helpful for such tenants, therefore, if there is a provision which leaves it to the option of the tenant to make payment of arrears of the rent together with the interest and costs, if any, either on the day of first hearing or within 15 days from such date, it would be a great help to the tenant. Haryana Government Gazetted (Extraordinary) dated 14 March, 1991, page 681. Received the assent of the President on the 15th April, 1953; and was first published in the Punjab Government Gazette, Extraordinary of the 15th April, 1953. An Act to provide for the security of land tenure and other incidental matters It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Security of Land Tenures Act, 1953. (2) It shall come into force at once. (3) It shall extend to the whole of the [Principle Territories.] [Substituted for the words 'State of Punjab' by Haryana Adoption of Laws Order 1968.] (4) [Save as elsewhere expressly provided in this Act nothing contained therein shall apply to co-operative garden colonies which were registered before the coming into force of this Act.] [Sub-section (4) substituted vide Punjab Act 11 of 1955, Section 2.]

2. Definitions.

- In this Act, unless the context otherwise requires :-(1) "Landowner" means a person defined as such in the Punjab Land Revenue Act, 1887 (Act XVII of 1887), and shall include an "allottee" and "lessee" as defined in clauses (b) and (c), respectively, of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949 (Act XXXVI of 1949), hereinafter referred to as the "Resettlement Act." Explanation - In respect of land mortgaged with possession, the mortgagee shall be deemed to be the landowner. (2) "Small landowner" means a landowner whose entire land in the State of Punjab does not exceed the "permissible area". Explanation - In computing the area held by any particular landowner, the entire land owned by him in the State of Punjab, as entered in the record of rights, shall be taken into account, and if he is joint owner only his share shall be taken into account. (3) ["Permissible area" in relation to a landowner or a tenant means thirty standard acres and where such thirty standard acres on being converted into ordinary acres exceed sixty acres, such sixty acres : [Substituted by Punjab Act 11 of 1955.] Provided that :-(i) no area under an orchard at the commencement of this Act, shall be taken into account in computing the permissible area ;(ii) for a displaced person :-(a) who has been allotted land in excess of fifty standard acres; the permissible area shall be fifty standard acres or one hundred ordinary acres, as the case may be; (b) who has been allotted land in excess of thirty standard acres, but less than fifty standard acres, the permissible area shall be equal to his allotted area; (c) who has been allotted land less than thirty standard acres, the permissible area shall be thirty standard acres, including any other land or part thereof, if any, that he owns in addition.] [Explanation :- For the purpose of determining the permissible area of a displaced person, the provisions of proviso (ii) shall not apply to the heirs and successors of the displaced person to whom land is allotted.] [Added by Punjab Act 14 of 1962.] (4) "Reserved area" means the area lawfully reserved under the Punjab Tenants (Security of Tenures) Act, 1950 (Act XXII of 1950), as amended by President's Act of 1951, hereinafter referred to as the "1950 Act" or under this Act. (5) "Standard acre" means a measure of area convertible into ordinary acres or any class of land according to the prescribed scale with reference to the quantity of yield and quality of soil. [(5-a) "Surplus area" means the area other than the reserved area, and where no area has been reserved, the area in excess of the permissible area selected [under section 5-B or the area which is deemed to be surplus area under sub-section (1) of Section 5-C] [Clause (5-a) added by Punjab Act 11 of 1955.], [and includes the area in excess of the permissible area selected under section 19-B] [Inserted by Punjab Act No. 14 of 1962 and shall be deemed to have come into force on the 30th July, 1958, - vide section 1(2) of Act *ibid*. Clause (5-a) shall be deemed to have been inserted with effect from the 15th April, 1958, vide section 10 of Act *ibid*.]; but it will not include a tenant's permissible area : Provided that it will include the reserved area, or part

thereof, where such area or part has not been brought under self-cultivation within six months of reserving the same or getting possession thereof after ejecting a tenant from it, whichever is later, or if the landowner admits a new tenant, within three years of the expiry of the said six months.](6)"Tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Act XVI of 1887) and includes a sub-tenant and self-cultivating lessee, but shall not include a present holder, as defined in section 2 of the Resettlement Act.(7)"Year" means an agricultural year as defined in section 4 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).(8)"Land" and all other terms used, but not defined in this Act, shall have the same meaning as are assigned to them in the Punjab Tenancy Act, 1887 (Act XVI of 1887).(a)for or on taking up employment outside India; or(b)for carrying on a business or vocation outside India; or(c)for any other purpose, in such circumstances as would indicate his intention to stay outside India for an uncertain period".(9)["Self-cultivation" means cultivation by a landowner either personally or through his wife or children, or through such of his relations as may be prescribed or under his supervision.] [Substituted by Punjab Act 11 of 1955.](10)"Prescribed" means prescribed by rules made under this Act.(11)"Displaced person" has the meaning assigned to it in the East Punjab Displaced Persons (Land Settlement) Act, 1949 (Act XXXVI of 1949).

3. Reservation of land by small landowners.

- Any small landowner, who by virtue of an allotment made after the commencement of this Act under the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), comes to hold more than the permissible area of land, may select out of the entire area held by him as a landowner in the [Principle Territories] [Substituted for the words 'State of Punjab' by Haryana Adoption of Laws Order 1968.], a parcel or parcels of land not exceeding in aggregate the permissible area and reserve it by intimating his reservation in the prescribed form and manner, to the Patwari of the estate in which the land reserved is situate, or to such other authority as may be prescribed, before the expiry of six months from the date of his obtaining possession of the land so allotted:Provided that he shall include in his reservation, to the extent of the permissible area, whatever land he had under self-cultivation immediately before the commencement of this Act.

4. Fresh Reservation of land due to modification of allotment.

- Any landowner, who has made a lawful reservation of land under the 1950 Act, and whose allotment is modified or revised, after the commencement of this Act, under the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), shall be entitled to make a fresh reservation before the expiry of six months from the date of his obtaining possession of the land so allotted:Provided that in making this fresh reservation he shall include to the extent of the permissible area firstly the land he has under self- cultivation and secondly such land out of this previous reservation, as has not passed out of his possession as a result of the said revision or modification of allotment.

5. Reservation of land.

(1)Any reservation before the commencement of this Act, shall cease to have effect and subject to the provisions of sections 3 and 4 any landowner who owns land in excess of the permissible area may

reserve out of the entire land held by him in the [Principle Territories] [Substituted for the words 'State of Punjab' by Haryana Adoption of Laws Order 1968.] as landowner, any parcel or parcels not exceeding the permissible area by intimating his selection in the prescribed form and manner to the patwari of the estate in which the land reserved is situate or to such other authority as may be prescribed :Provided that in making this reservation he shall include his areas owned in the following order -(a)area held in a Co-operative Garden Colony,(b)area under self-cultivation at the commencement of this Act other than the reserved area,(c)reserved area excluding the area under a jhundimar tenant or a tenant who has been in continuous occupation for 20 years or more immediately before such reservation,(d)area or share in a Co-operative Farming Society,(e)any other area owned by him,(f)area under a jhundimar tenant.(2)Where in respect of any land more than one person can be classed as landowners, as in the case of persons one of whom is a landowner in principal and the other in derivative capacity, the aforesaid right of reservation shall be exercised by the landowner who receives or is entitled to receive rent directly from the tenant in actual cultivation of the land.(3)A landowner shall be entitled to intimate a reservation within six months from the date of commencement of this Act, and no reservation so intimated shall be varied subsequently whether by act of parties or by operation of law, save with the consent in writing of the tenant affected by such variation or until such time as the right to eject such tenant otherwise accrues under the provisions of this Act.(4)and (5) Omitted by Punjab Act LVII of 1953.[5A. Declarations supported by affidavits to be furnished by certain landowners and tenants. - Every landowner or tenant, who owns or holds land in excess of the permissible area and where land is situated in more than one Patwar Circle, shall furnish, within a period of six months from the commencement of the Punjab Security of Land Tenures (Amendment) Act, 1957 a declaration supported by an affidavit in respect of the lands owned or held by him in such form and manner and to such authority as may be prescribed.

5B. Selection of permissible area and consequence of failure to select.

(1)A landowner who has not exercised his right of reservation under this Act, may select his permissible area and intimate the selection to the prescribed authority within the period specified in section 5-A and in such form and manner as may be prescribed:Provided that a landowner who is required to furnish a declaration under section 5-A shall intimate his selection along with that declaration.(2)If a landowner fails of select his permissible area in accordance with the provisions of sub-section (1), the prescribed authority may, subject to the provisions of section 5-C, select the parcel or parcels of land which such person is entitled to retain under the provisions of this Act:Provided that the prescribed authority shall not make the selection without giving the landowner concerned an opportunity of being heard.

5C. Penalty for failure to furnish declaration.

(1)If a landowner or tenant fails to furnish the declaration supported by an affidavit as required by section 5-A, the prescribed authority not below the rank of Collector may, by order, direct that the whole or part of the land of such landowner or tenant in excess of 10 standard acres to be specified by such authority shall be deemed to be the surplus area of such landowner or tenant and shall be utilized by the State Government for the purpose mentioned in section 10-A :Provided that no such

order shall be made without giving the landowner or tenant concerned an opportunity of being heard.(2)Where a landowner or tenant who is required to furnish a declaration under section 5-A fails so to do, the prescribed authority may in respect of him obtain the information required to be shown in the declaration through such agency as it may deem fit.] [Sections 5A, 5B and 5C inserted by Punjab Act No. 46 of 1957, section 3.][6. Certain previous transfers of land not to affect rights of tenants. - No transfer of land, except a bona-fide sale or mortgage with possession or a transfer resulting from inheritance, made after the 15th August, 1947, and before the 2nd February, 1955, shall affect the rights of the tenant on such land under this Act.] [Substituted by Punjab Act No. 14 of 1962, section 3.]

7.

(Omitted by Punjab Act 11 of 1955)[8. Continuity of tenancies. - The continuity of a tenancy shall not be affected by-(a)the death of the landlord, or(b)the death of the tenant except when the tenant leaves no male lineal descendants or mother or widow, and(c)any change therein under the same landowner; and for the purposes of sections 17 and 18 of this Act, such tenancy shall be the last area so held.][9. Liability of tenant to be ejected. - (1) Notwithstanding anything contained in any other law for the time being in force, no land-owner shall be competent to eject a tenant except when such tenant -(i)is a tenant on the area reserved under this Act or is a tenant of a small landowner; or(ii)fails to pay rent regularly without sufficient cause; or(iii)is in arrears of rent at the commencement of this Act; or(iv)has failed, or fails, without sufficient cause, to cultivate the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situate; or(v)has used, or uses, the land comprised in his tenancy in a manner which has rendered, or renders, it unfit for the purpose for which he holds it; or(vi)has sublet the tenancy or a part thereof; provided that where only a part of the tenancy has been sublet, the tenant shall be liable to be ejected only from such part: or(vii)refuses to execute a Qabuliyat or a Patta, in the form prescribed, in respect of his tenancy on being called upon to do so by an Assistant Collector on an application made to him for this purpose by the landowner.Explanation. - For the purposes of clause (iii), a tenant shall be deemed to be in arrears of rent at the commencement of this Act, only if the payment of arrears is not made by the tenant within a period of two months from the date of notice of the execution of decree or order, directing him to pay such arrears of rent.(2)Notwithstanding anything contained hereinbefore a tenant shall also be liable to be ejected from any area which he is holding in any capacity whatever in excess of the permissible area.Provided that the portion of the tenancy from which such tenant can be ejected shall be determined at his option only if the area of his tenancy under the landowner concerned is in excess of the area from which he can be ejected by the said landowner.Provided further that if the tenant holds land of several landowners and more than one landowner seeks his ejectment, the right to ejectment shall be exercised in the order in which the applications have been made or suits have been filed by the landowners concerned, and in case of simultaneous applications or suits the priority for ejectment shall commence serially from the smallest landowner.Explanation.- Where a tenant holds land jointly with other tenants only his share in the joint tenancy shall be taken into account in computing the area held by him.] [Substituted for sub-sections (1) and (2) of section 9 by Punjab Act No. 11 of 1955 and existing sub-section (3) renumbered as sub-section (2).][9A. Accommodation of tenants on surplus area. - No tenant liable to ejectment under clause (i) of sub- section (1) of the section next preceding shall

be dispossessed of his tenancy unless he is accommodated on a surplus area in accordance with the provisions of section 10-A or otherwise on some other land by the State Government: Provided that if the tenant concerned is the tenant of a small landowner he shall be allowed to retain possession of his tenancy to the extent of five standard acres, including any other land which he may hold as tenant or owner, until he is so accommodated on a surplus area or otherwise: Provided further that if a tenancy commences after the commencement of this Act, and the tenant is also an owner and is related to his landlord in the manner prescribed, he shall not be entitled to the benefit of this section.] [Section 9A added by Punjab Act 11 of 1955.]

9B. [Benefits to the members of the Armed Forces. [Inserted by Haryana Act No. 24 of 1984.]

- A person who is a tenant of a landlord who -(a) was a member of the Armed Forces of the Union of India and stands retired or discharged from the Armed Forces; or (b) is a widow or minor child of a member of the Armed forces who died while in service; shall not be entitled to the benefit under the proviso to Section 9-A : Provided that the application for ejectment is made within a period of one year from the date of his retirement, discharge or death, or from the date of the commencement of the Punjab Security of Land Tenures (Haryana Amendment) Ordinance 1984, whichever is later.] [Section 8 substituted by Punjab Act 11 of 1955.]

10. Restoration of tenant ejected after the 15th of August, 1947.

(1) Where a tenant has been ejected from any land in excess of the permissible area on grounds other than those mentioned in section 9, before the commencement of this Act, and after the 15th August, 1947, and such land is under self-cultivation, such tenant shall, subject to the provisions of this Act be entitled to be restored to his tenancy in the manner prescribed on the same terms and conditions on which it was held by him at the time of his ejectment on an application made to an Assistant Collector of the First Grade having jurisdiction, within one year from the date of intimation of reservation after the commencement of this Act, or if, no such reservation is made within the period specified in sub-section (3) of section 5, two years from the date of commencement of this Act : Provided that if more tenants than one have been ejected from the same tenancy, the right of application for restoration shall be exercisable in serial order of priority commencing from the tenant first ejected and to the extent in each case of the permissible area, after taking into account any other tenancy or land which the ejected tenant holds at the time of his application for restoration. (2) On receipt of an application the Assistant Collector shall, after giving to the parties notice in writing and a reasonable opportunity to be heard, determine the dispute summarily, and shall keep a memorandum of evidence and a gist of his final order with brief reasons therefor. (3) When an application has been made, any proceedings in relation to the same matter pending in any other court or before any other authority shall be stayed on receipt of information by that court or authority from such Assistant Collector of the fact of having received the application, and all such proceedings in a court or before any authority shall lapse when the dispute has been determined by the Assistant Collector acting under this Act. (4) A landowner or any other person in actual possession of land at the time of restoration shall be entitled to such compensation as may be determined by the Assistant Collector, from the tenant intended to be restored for any loss suffered

in consideration of anything done prior to the date of his first receiving information of the application: Provided that no ejected tenant shall be restored to his tenancy as provided hereinbefore unless he has paid compensation as determined by the Assistant Collector to the landowner or other person, if any, as the case may be. [10A. Surplus area for resettlement of ejected tenants. - (a) The State Government or any officer empowered by it in this behalf, shall be competent to utilize any surplus area for the resettlement of tenants ejected, or to be ejected, under clause (i) of sub-section (1) of Section 9. (b) Notwithstanding anything contained in any other law for the time being in force [and save in the case of land acquired by the State Government under any law for the time being in force or by an heir by inheritance] no transfer or other disposition of land which is comprised in a surplus area at the commencement of this Act, shall affect the utilization thereof in clause (a). Explanation. - Such utilization of any surplus area will not affect the right of the land-owner to receive rent from the tenant so settled.] [Section 10-A added by Punjab Act 11 of 1955 and shall always be deemed to have been inserted with effect from the 15th April, 1953 - vide section 10 of Punjab Act No. 14 of 1962.] (c) [For the purposes of determining the surplus area of any person under this section, any judgment, decree or order of a court or other authority, obtained after the commencement of this Act and having the effect of diminishing the area of such person which could have been declared as his surplus area shall be ignored.] [Clause (c) added with effect from the 15th April, 1953, by Punjab Act No. 14 of 1962, section 1(2) and 10.] [10B. Saving by inheritance not to apply after utilization of surplus area. - Where succession has opened after the surplus area or any part thereof has been utilized under clause (a) of section 10-A, the saving specified in favour of an heir by inheritance under clause (b) of that section shall not apply in respect of the area so utilized.] [Section 10-B inserted with effect from the 15th April, 1953, by Punjab Act 14 of 1962, sections 5 and 1(2).]

11. Tenant's right to water.

- Save in proportion to a reduction in the tenancy, if any, a landowner shall not be competent to curtail or terminate the supply of canal or use of well water enjoyed by a tenant immediately before the commencement of this Act, and a breach of this provision shall constitute a cognizable offence punishable with imprisonment which may extend to six months and shall be triable by a court not below the rank of a Second Class Magistrate.

12. Amount of maximum rent.

(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Act XVI of 1887), or in any agreement or usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the prescribed manner, and where the customary rent is less than one-third, the maximum rent shall be such customary rent. (2) In computing the maximum rent payable by a tenant, such portion of the rent, if any, as represents the consideration for services or facilities provided by the landowner in relation to the land shall not be taken into account.

13. Assessment of charge for services or facilities provided by the landowner.

- Unless the charges payable for services or facilities provided by the landowner in relation to the land have been specifically provided for in an agreement between the parties, such charges shall be determined by the Assistant Collector, First Grade, having jurisdiction, who shall give due regard to the usage of the locality and if there is no such usage, he shall give regard, amongst other matters, to - (a) the direct advantage gained by the land by the provision of such services or facilities; (b) the condition or nature of the services or facilities and the probable duration of their effects; (c) the labour or capital required for the provision of such services or facilities.

14. Duty of landowner to furnish receipt for rent received from tenant.

(1) Every landowner shall give or cause to be given a valid receipt to the tenant in the form prescribed for the rent received by him or on his behalf. (2) Any landowner who fails to give or cause to be given such receipt, shall on conviction be punishable with a fine which may extend to one hundred rupees. [14A. Procedure for ejectment and recovery of arrears of rents etc. - Notwithstanding anything to the contrary contained in any other law for the time being in force, and subject to the provisions of Section 9A - (i) a landowner desiring to eject a tenant under this Act shall apply in writing to the Assistant Collector First Grade, having jurisdiction, who shall thereafter proceed as provided for in sub-section (2) of section 10 of this Act, and the provisions of sub-section (3) of the said section shall also apply in relation to such application, provided that the tenant's rights to compensation, and acquisition of occupancy rights, if any, under the Punjab Tenancy Act, 1887 (XVI of 1887), shall not be affected: [Provided that if the tenant makes payment of arrears of rent and interest, to be calculated by the Assistant Collector, First Grade, at eight per centum per annum on such arrears together with such costs of the application, if any, as may be allowed by the Assistant Collector, First Grade, either on the day of first hearing or within fifteen days from the date of such hearing, he shall not be ejected.] [Section 14-A, added by Punjab Act, 11 of 1955.] (ii) a landowner desiring to recover arrears of rent from a tenant shall apply in writing to the Assistant Collector, Second Grade, having jurisdiction, who shall thereupon send a notice in the form prescribed to the tenant either to deposit the rent or value thereof, if payable in kind, or give proof of having paid it or of the fact that he is not liable to pay the whole or part of the rent or of the fact of the landlord's refusal to receive the same or to give a receipt, within the period specified in the notice. Where, after summary determination, as provided for in sub-section (2) of section 10 of this Act, the Assistant Collector finds that the tenant has not paid or deposited the rent, he shall eject the tenant summarily and put the landowner in possession of the land concerned; (iii) (a) if a landlord refuses to accept rent from his tenant or demands rent in excess of what he is entitled to under this Act, or refuses to give a receipt, the tenant may in writing inform the Assistant Collector, Second Grade, having jurisdiction of the fact; (b) on receiving such application the Assistant Collector shall by a written notice require the landlord to accept the rent payable in accordance with this Act, or to give a receipt, as the case may be, or both, within 60 days of the receipt of the notice.]

15.

(Omitted by Punjab Act 32 of 1958).[16. Saving of tenancies from effect of mala fide transfers. - Save in the case of land acquired by the State Government under any law for the time being in force, or by an heir by inheritance, no transfer or other disposition of land effected after the 1st February, 1955, shall affect the rights of the tenant thereon under this Act.] [Substituted by Punjab Act 11 of 1955.]

17. Right of certain tenants to pre-empt sale etc. of land.

- Notwithstanding anything to the contrary contained in any law, usage or contract, and subject to the provisions of Section 18, a tenant of a landowner other than a small landowner, -(i)who has been in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of the sale of the land or foreclosure of the right to redeem the land, or(ii)in case of a sale or foreclosure that has taken place or shall take place within a period of three years from the commencement of this Act and there is no tenant who has acquired a right under clause (i) -(a)who was ejected from tenancy after the 14th day of August, 1947, and before the commencement of this Act on grounds other than those mentioned in section 9 and was in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of his ejectment, or(b)who has been restored to his tenancy under the provisions of this Act and whose period of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceeds four years.shall, in preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Act I of 1913), except the descendants of vendor's grand-father, be entitled to pre-empt the sale or foreclosure of the land other than the land comprised in the reserved area of the landowner in the manner prescribed in that Act within one year from the date of sale or foreclosure, as the case may be:Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof, if he had sublet the land or the portion, as the case may be, to any other person unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried.[17A. Certain sales of tenancy land not pre-emptible. - Notwithstanding anything to the contrary contained in this Act or the Punjab Pre-emption Act, 1913, a sale of land comprising the tenancy of a tenant made to him by the landowner shall not be pre-emptible under the Punjab Pre-emption Act, 1913, and no decree of pre-emption passed after the commencement of this Act, in respect of any such sale of land shall be executed by any court:Provided that for the purpose of this sub-section the expression 'tenant' includes a joint tenant to whom whole or part of the land comprising the joint tenancy is sold by landowner.(2)Where, after the commencement of this Act, a tenant, to whom the land comprising his tenancy is sold by the landowner, has been dispossessed of such land by a pre-emptor in execution of a decree for pre-emption or otherwise, the tenant so dispossessed shall in the prescribed manner have the option either to purchase the land from the pre emptor on payment of the price paid to the tenant by the pre-emptor or to be restored to his tenancy under the pre-emptor on the same terms and conditions on which it was held by him immediately before the sale, on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958.(3)An application received under sub-section (2) shall be disposed of by the

Assistant Collector of the first grade in the manner laid down in sub-section (2) of section 10.

17B. Certain mortgagees to be deemed as tenants under the Act.

(1)Where, after the commencement of this Act, land comprising the tenancy of a tenant is mortgaged to him with possession by the landowner and such land is subsequently redeemed by the landowner, the tenant shall, notwithstanding such redemption or any other law for the time being in force, be deemed to be the tenant of the landowner in respect of such land on the same terms and conditions on which it was held by him immediately before the execution of the mortgage as if the mortgage had never been executed.(2)Where a tenant referred to in sub-section (1) has been dispossessed by the landowner in execution of a decree or order of redemption, he shall be entitled to be restored to his tenancy in the prescribed manner on the same terms and conditions on which it was held by him immediately before the execution of the mortgage on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958.(3)An application received under sub-section (2) shall be disposed of by the Assistant Collector of the first grade in the manner laid down in sub-section (2) of section 10.] [Sections 17-A and 17-B, inserted by Punjab Act No. 4 of 1959, section 3.]

18. Rights of certain tenants to purchase land.

(1)Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant of a landowner other than a small landowner -(i)who has been in continuous occupation of the land comprised in his tenancy for [a minimum period of six years] [Substituted by Punjab Act 11 of 1955 for the words 'a period of twelve years'.], or(ii)who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together [amount to six years or more] [Substituted by Punjab Act 11 of 1955, for the words 'exceed twelve years'.], or(iii)who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of this Act, and who was in continuous occupation of the land comprised in his tenancy for a period [of six years or more immediately before his ejectment] [Substituted by Punjab Act 11 of 1955, for 'exceeding twelve years, on the date of his ejectment'.],shall be entitled to purchase from the landowner the land so held by him but not included in the reserved area of the landowner, in the case of a tenant falling within clause (i) or clause (ii) at any time, and in the case of a tenant falling within clause (iii) within a period of one year from the date of commencement of this Act :Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion, thereof, if he had sublet the land or the portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried:Provided further that if the land intended to be purchased is held by another tenant who is entitled to pre-empt the sale under the next preceding section, and who is not accepted by the purchasing tenant, the tenant in actual occupation shall have the right to pre-empt the sale.(2)A tenant desirous of purchasing land under sub-section (1) shall make an application in writing to an Assistant Collector of First Grade having jurisdiction over the land concerned, [-]

[The words 'for determining the value of such land', omitted by Punjab Act 11 of 1955.] and the Assistant Collector, after giving notice to the landowner and to all other persons interested in the land and after making such inquiry as he thinks fit, shall [determine] [Substituted for the word 'fix' by Punjab Act 11 of 1955.] the value of the land which shall be the average of the prices obtaining for similar land in the locality during 10 years immediately preceding the date on which the application is made.(3)[The purchase price shall be three-fourths of the value of land as so determined.(4)(a)The tenant shall be competent to pay the purchase price either in a lump sum or in six monthly instalments not exceeding ten in the manner prescribed.(b)On the purchase price or the first instalment thereof, as the case may be, being deposited, the tenant shall be deemed to have become the owner of the land, and the Assistant Collector shall, where the tenant is not already in possession, and subject to the provisions of the Punjab Tenancy Act (XVI of 1887) put him in possession thereof.(c)If a default is committed in the payment of any of the instalments, the entire outstanding balance shall, on application by the person entitled to receive it, be recoverable as arrears of land revenue.](5)If the land is subject to a mortgage at the time of the purchase, the land shall pass to the tenant unencumbered by the mortgage, but the mortgage debt shall be a charge on the purchase money.(6)If there is no such charge as aforesaid the Assistant Collector, shall, subject to any directions which he may receive from any Court, pay the purchase money to the landowner.(7)If there is such a charge, the Assistant Collector, shall, subject as aforesaid, apply in the discharge of the mortgage debt so much of the purchase money as is required for that purpose and pay the balance, if any, to the landowner, or retain the purchase money pending the decision of a civil court as to the person or persons entitled thereto.

19. Sections 17 and 18 not to apply to certain property and tenants.

- Nothing contained in section 17 or section 18 shall affect any land which is evacuee property, as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), [-] [The words 'at the commencement of this Act' omitted by Punjab Act No. 32 of 1959, section 4.] or any other land which may at any time be acquired by the Central Government for the resettlement of displaced persons.

19A. [Bar of future acquisition of land in excess of permissible area. [Section 19-A, 19-B, 19-C and 19-D inserted by Punjab Act No. 4 of 1959, section 4.]

(1)Notwithstanding anything to the contrary in any law, custom, usage, contract or agreement, from and after the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958, no person, whether as landowner or tenant, shall acquire or possess by transfer, exchange, lease, agreement or settlement any land, which with or without the land already owned or held by him, shall in the aggregate exceed the permissible area:Provided that nothing in this section shall apply to lands belonging to registered co-operative societies formed for purposes of co-operative farming, if the land owned by an individual member of the society does not exceed the permissible area.(2)Any transfer, exchange, lease, agreement or settlement made in contravention of the provisions of sub-section (1) shall be null and void.

19B. Future acquisitions of land by inheritance in excess of permissible area.

(1) Subject to the provisions of section 10-A, if after the commencement of this Act, any person, whether as landowner or tenant acquires by inheritance or by bequest or gift from a person to whom he is an heir any land or if after the commencement of this Act and before the 30th July, 1958, any person has acquired by transfer, exchange, lease, agreement or settlement any land, or if after such commencement any person acquires in any other manner any land, which with or without the lands already owned or held by him, exceeds in the aggregate the permissible area then he shall, within the period prescribed, furnish to the Collector, a return in the prescribed form and manner giving the particulars of all lands and selecting the land not exceeding in the aggregate the permissible area which he desires to retain, and if the land of such person is situated in more than one patwar circle, he shall also furnish a declaration required by section 5-A. (2) If he fails to furnish the return and select his land within the prescribed period, then the Collector may in respect of him obtain the information required to be shown in the return through such agency as he may deem fit [and select the land for him in the manner specified in sub-section (2) of section 5-B.] [Added by Punjab Act No. 14 of 1962, with effect from the 30th July, 1958, vide section 6(2) and 1(2).] (3) If such person fails to furnish the declaration, the provisions of section 5-C shall apply. (4) The excess land of such person shall be at the disposal of the State Government for utilization as surplus area under clause (a) of section 10-A or for such other purposes as the State Government may by notification direct.

19C. Power to cause delivery of possession of surplus area.

(1) The Collector may from time to time by order in writing direct the landowner or the tenant to deliver possession of land in his surplus area to the person resettled on such land by the State Government or any officer empowered by it within ten days of the service of the order on him. (2) If the landowner or the tenant refuses or fails without reasonable cause to comply with an order made under sub-section (1), the Collector may cause the possession of the land in the surplus area to be delivered to the person resettled on it and may for that purpose use such force as may be necessary.

19D. Exemption of certain land.

- The provisions of this Act shall not apply to lands granted to any member of the Armed Forces of the Union for gallantry.] [Sub-sections (3) and (4) substituted by Punjab Act 11 of 1955.]

19DD. [Further exemption of certain lands. [Inserted by Haryana Act No. 12 of 1967.]

- Notwithstanding anything contained in this Act, where any land is granted for gallantry, at any time before the 26th day January, 1950 to any member of the armed forces, whether maintained by the Central Government or by any Indian State, then so long as such land, or any portion thereof, as the case may be, has not passed from the original grantee into more than three successive hands by inheritance or bequest, and is held by the grantee, or any of such hands, such land or portion, as the case may be, shall not be taken into account in computing the surplus area under this Act, nor shall

any tenant of such land or portion have the right to purchase it under section 18; Provided that where such land or portion as the case may be, has passed into more than three such hands and the person holding such land or portion, immediately before the commencement of The Punjab Security of Land Tenures (Haryana Amendment) Act 1967, is a person to whom it has passed by inheritance or bequest, the exemption under this section shall apply, to such land or portion thereof, as the case may be, during the life time of such person.][19E. Land owned by Hindu undivided family to be deemed land of one landowner. - Notwithstanding anything contained in this Act or in any other law for the time being in force, -(a) where immediately before the commencement of this Act, a landowner and his descendants constitute a Hindu undivided family, the land owned by such family shall, for the purposes of this Act, be deemed to be the land of that landowner and no descendant shall, as member of such family, be entitled to claim that in respect of his share of such land he is a landowner in his own right; and (b) a partition of land owned by a Hindu undivided family referred to in clause (a) shall be deemed to be a disposition of land for the purposes of sections 10-A and 16. Explanation. - In this section the expression "descendant" includes an adopted son.

19F. Removal of certain doubts.

- For the removal of doubts it is hereby declared, -(a) that the State Government or any officer empowered in this behalf shall be competent and shall be deemed always to have been competent, to determine in the prescribed manner the surplus area referred to in section 10-A of a landowner out of the lands owned by such landowner immediately before the commencement of this Act; and (b) that for evaluating the land of any person at any time under this Act, the land owned by him immediately before the commencement of this Act, or the land acquired by him after such commencement by inheritance or by bequest or gift from a person to whom he is an heir, shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such commencement and that the land acquired by him after such commencement in any other manner shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such acquisition.]

20. Restrictions on tenants.

- Nothing contained in this Act shall entitle a tenant to purchase land in excess of the permissible area including the land which he may already own.

21. Savings of tenants and lessees under Government.

- [(1) Nothing contained in this Act shall affect any land held by a tenant or lessee under Government, or local bodies in the State, or any unallotted evacuee land. (2) The provisions of sections 9, 9-A and 18 shall not apply to land leased out by the Punjab State Co-operative Land Mortgage Bank Limited established under the Punjab Co-operative Land Mortgage Banks Act, 1957.] [Section 21 renumbered as sub-section (1) of that section and after sub-section (1) so renumbered a new sub-section (2) added by Punjab by Punjab Act No. 14 of 1962, section 8.][21A. Power to remove difficulties by modification of provisions in certain cases. - (1) The State Government may, for the purpose of preventing or removing any hardship or difficulty, by a special

or general order, to be notified in Official Gazette, direct that any of the provisions of this Act shall apply to any class of tenants or owners with such modifications as may be specified in that order.(2)Any order made under sub-section (1) shall be laid before [-] [Section 21-A, added by Punjab Act 11 of 1955.] Legislature during the session next following after the making of such order and unless the said order is approved by the [House] [The words 'both the Houses of' omitted by the Adaptation of Laws Order, Haryana, 1968.] of Legislature, with or without modification, it shall cease to have effect.] [Inserted by Punjab Act No. 14 of 1962, with effect from the 15th April, 1953 vide section 7 and 1(2).][22. Procedure for ejectment. - Any dispute relating to rent payable by a tenant or any objection relating to the permissible area not otherwise expressly provided for in this Act shall be determined in a summary manner as provided for in section 14-A provided that the order of the Commissioner in appeal or revision in the ordinary course, shall be final.] [Substituted by Punjab Act 11 of 1955.]

23. Abrogation of pending decrees, orders and notices.

- No decree or order of any court or authority and no notice of ejectment shall be valid, save to the extent to which it is consistent without the provisions of this Act.

24. Appeal, review and revision.

- The provision in regard to appeal, review and revision under this Act shall, so far as may be, be the same as provided in sections 80, 81, 82, 83 and 84 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).[24A. Power to separate share of landowners in joint lands. - (1) Where a landowner owns land jointly with other landowners and his share of such land or part thereof, as ascertained from the record of rights, has been or is to be declared as surplus area, the officer competent to declare such area, or, where such area has been declared, the officer competent to utilize it, may on his own motion, after summary enquiry and affording to the persons interested in such land an opportunity of being heard, separate his share of such land or part thereof in the land owned by him jointly with other landowners.(2)Where after the declaration of the surplus area of any person and before the utilization thereof, his land has been subjected to the process of consolidation, the officers referred to in sub-section (1) shall be competent to separate the surplus area of such person out of the area of land obtained by him after consolidation.] [Section 24-A inserted by Punjab Act 14 of 1962, section 9.]

25. Exclusion of courts and authorities.

- Except in accordance with the provisions of this Act, the validity of any proceedings or order taken or made under this Act shall not be called in question in any court or before any other authority.

26. Indemnity.

- No suit or other legal proceedings shall lie against any authorities in respect of anything done in good faith in pursuance of the provisions of this Act.

27. Power to make rules.

- The State Government may by notification in the Official Gazette make rules for carrying out the purpose of this Act.

28. Repeal and savings.

- The Punjab Tenants (Security of Tenures) Act, 1950 (Act XII of 1950), and the Punjab Tenants (Security of Tenures) Amendment Act, 1951, (President's Act V of 1951), are hereby repealed but, notwithstanding such repeal and notwithstanding the expiry of the Prevention of Ejectment (Temporary Powers) Ordinance, 1952, anything done or any action taken in the exercise of any power conferred by or under the said Acts or the said Ordinance to the extent of its being consistent with the provisions of this Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action taken.