

Punjab Tenants (Security of Tenure) Act, 1950

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Punjab Tenants (Security of Tenure) Act, 1950

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An Act to provide for the security of tenure to tenants. It is hereby enacted as follows

1. Short tide, commencement, extent and application :-

(1) This Act may be called the Punjab Tenants (Security of Tenure) Act, 1950.

(2) It shall come into force at once.

(3) It shall apply to the entire land held in Delhi by a landowner, except

(i) the land held by an occupancy tenant;

- (ii) the land reserved under the provisions of this Act; or
- (iii) if such land, excluding the land held by an occupancy tenant, in aggregate area, does not exceed the permissible limit.

2. Definitions :-

In this Act, unless there is anything repugnant to the subject or context,

(1) "landowner" means a person defined as such in the Punjab Land Revenue Act, 1887, as applied to Delhi;

(2) "prescribed" means prescribed by rules made by the Chief Commissioner under this Act;

(3) "permissible limit" means 100 standard acres of land other than the land occupied by an occupancy tenant, and, where such 100 standard acres on being converted into ordinary acres, exceed 200 acres, such 200 ordinary acres;

Explanation. For the purpose of ascertaining the permissible limit, it is immaterial whether land is entered in the record of rights in the name of a landowner as an individual or as a shareholder in a joint holding, so long as the area which he is entitled to hold can be ascertained on the basis of the record aforesaid.

(4) "standard acre" is a measure of area convertible, with reference to the quantity of yield and quality of soil, into ordinary acre of any class of land, according to the prescribed scale;

(4-A) "State of Delhi" does not include territories specified in Schedule I to the Delhi Laws Act, 1915.

(5) "tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi, but does not include

- (i) a person having a right of occupancy;
- (ii) a person who holds land for a fixed term of not less than 4 years under a contract or a decree or an order of competent authority, while such contract, decree or order is in force; and

(6) "year" means agricultural year as defined in section 4 of the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi.

(7) "land" and other terms used and not defined in this Act shall have the meaning assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi or the Punjab Land

Revenue Act, 1887 (XVII of 1887), as applied to Delhi.

3. Reservation of land :-

(1) Any landowner who has land in excess of the permissible limit may select for self-cultivation, out of his entire land in the State of Delhi held by him as landowner, any parcel or parcels not exceeding, in aggregate area, the permissible limit and reserve it 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 selection, he shall include to the extent of the permissible limit, whatever self-cultivated land he has in his possession.

(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 a 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) The right to reserve shall cease if it is not exercised within a year from the date of commencement of this Act; and no selection intimated under sub-section (1) shall be varied subsequently or the right to reserve be exercised subsequent to the commencement of the tenancy, 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) If the landlord who has made his reservation under sub-section (1) fails, without sufficient cause, to bring the land under self-cultivation within one year from the date of intimation, the ejected tenant, if any, shall, on application, be restored to possession of the land on the same terms and conditions on which it was held by him at the time of ejectment.

4. Restrictions pending reservation :-

Where the whole or any portion of the land intended to be reserved under section 3 under a tenant such tenant shall not, save in accordance with or under the provisions of this Act, be ejected therefrom until the landowner intimates to the patwari or the prescribed authority the reservation by him of such land.

5. Minimum period of tenancy :-

(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887, as applied to Delhi, or in any law, for the time being in force, and except as provided in section 6, no tenancy in respect of any land shall be for a period of less than four years.

(2) Such period in the case of a tenant already in possession and not liable to ejectment, or to whom possession is restored under section 14, shall, in the first instance, commence from the 16th April, 1951.

6. Exceptions :-

Nothing contained in sections shall apply in the case of a tenant

(i) who fails to pay rent regularly without sufficient cause; or

(ii) who is in arrear of rent at the commencement of this Act and does not pay such arrear, as is legally recoverable, before the 16th November, 1951 : or

(iii) who, where the rent is payable in kind, has failed or fails without sufficient cause, to cultivate or arrange for cultivation of the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situate; or

(iv) who, after the 15th May, 1951 has used the land comprised in his tenancy in a manner which has rendered, or renders, if unfit for the purpose for which he holds it; or

(v) who after the 15th May, 1951, sublets the holding or a part thereof without the consent in writing Of the landowner; or

(vi) who, refused to execute a Kabuliyat in respect of land he desires to hold under the provisions of this Act, agreeing to pay rent at a rate settled between him and the landowner, or the customary rent prevalent in respect of such land in the Tehsil in which the land is situate.

Explanation. For the purpose of clause (i), a tenant shall be deemed to pay or to have paid rent regularly

(a) where rent is payable in kind; if he pays it either at the thrashing floor or where, according to nature of the crop or custom of the locality, it is payable on any other date; or

(b) where rent is payable in cash if he pays it on or before the date

on which it falls due.

7. Amount of rent :-

Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi, the rent payable under the provisions of this Act shall be such as has been agreed to in writing between the landowner and the tenant and, in the absence of any such agreement, the customary rent prevalent in the Tehsil in which the land is situate.

8. Furnishing of receipts :-

(1) Every landowner shall, on demand, give or cause to be given, a valid receipt for the rent received by him or on his behalf.

(2) Any landowner who fails to comply with the provisions of sub-section (1), shall on conviction, be punished with fine which may extend to one hundred rupees.

9. Holding over :-

Where any tenant has, at the expiration of the period of tenancy as specified in section 5, been allowed to holdover, his tenancy shall be deemed to have been renewed for a further period of four years commencing from the date of its expiration, on the same terms and conditions as were attached to the tenancy of which the period has expired.

10. Effect of transfer :-

Subject to the provisions of sections 11 and 12, and save in the case of lands acquired under any law for the time being in force, every transfer or other disposition of land, whether by act of parties or by operation of law or by or in execution of a decree, unless duly completed or deemed to have been completed before the 16th April, 1951, shall be void and unenforceable in so far as it tends to reduce or has the effect of reducing the minimum period of tenancy hereinbefore specified.

11. Saving of bonafide sale :-

Nothing contained in section 10 shall apply to a sale made, or intended to be made, in good faith; and any tenant of the land which is the subject matter of such sale shall, unless the unexpired period of his tenancy fixed by or under the provisions of this Act is accepted by the vendee, be liable to ejectment under the provisions of the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi, as if he were a tenant from year to year:

Provided that, where the tenant is not accepted by the vendee, the tenant shall, subject to the rights of other preemptors as provided in the Punjab Preemption Act, 1913, as applied to Delhi, be entitled to pre-empt the sale in the manner prescribed therein, and Section 15 of the said Act shall be deemed to be amended accordingly.

12. Alternative Procedure In case of intended sale :-

(1) Where, under the provisions of Section 11, a landowner seeks to have his tenant ejected before the completion of a sale he may, at any time, intimate in writing to the Revenue Officer, within whose jurisdiction the land is situated and who is competent to order ejection of the tenant, his intention to sell, giving full particulars of the land, the name of the intending purchaser, the price offered and a copy of the agreement to sell.

(2) The intimation referred to in sub-section (1) shall, subject to the proviso to section 11 aforesaid, be treated as an application for ejection and disposed of accordingly.

(3) Where the landowner who has secured ejection of a tenant for the purpose mentioned in Sub-section (1) fails to get the sale completed by the 15th of August following the date of ejection, he shall, on conviction, be punished with fine which may extend to two hundred rupees per acre of the land from which the tenant has been ejected.

(4) The court shall, when passing sentence of fine under sub-section (3), order the whole or any part of the fine recovered to be paid as compensation to the tenant so ejected.

(5) Notwithstanding the receipt by a tenant of any compensation payable under subsection (4), the tenant shall be entitled to retain for the unexpired portion of his tenancy possession of

(i) where the vendee owned more than 50 standard acres prior to such sale, the entire area sold;

(ii) where the area of the land sold together with that owned by the vendee prior to the sale, exceeds 50 standard acres, the area so exceeding; and

(iii) where the area of the land sold exceeds 50 standard acres and the vendee owns no land, that area which is in excess of 50 standard acres.

13. Operation of pending decrees and notices of ejectment

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No decree passed in favour, or notice of ejectment issued at the instance, of a landowner, which remains unexecuted or uncomplied with before the commencement of this Act, shall be executed or complied with save to the extent to which such execution or compliance is not inconsistent with or is in furtherance of the provisions of this Act.

14. Restoration of certain dispossessed tenants :-

A tenant, who was ejected between the 13th of May, 1950, on one or more grounds other than those specified in section 6 and had applied within 30 days of the last date aforesaid to the court or officer passing the decree or order of ejectment and such application is pending shall, subject to the provisions of this Act, be put in possession of the land on the same terms and conditions on which he held the land at the time of his ejectment.

15. Procedure :-

Subject to the provisions, and for the purposes, of this Act, the procedure for ejectment of a tenant shall be the same as provided in the Punjab Tenancy Act, 1887 (XVI of 1887) as applied to Delhi, for ejectment of a tenant from year to year, and the provisions of sections 80 to 84 of that Act in the matters of appeals, review and revision shall, in so far as they are applicable apply to such proceedings under or in relation to this Act.

16. Bar of Jurisdiction :-

(1) Except, as provided in this Act or in the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi, or the Code of Criminal Procedure, 1898 (V of 1898) no proceedings or order taken or made under this Act shall be called in question by any court or before any officer or authority.

(2) No suit, prosecution or other legal proceedings shall lie against the Government or any person acting under its directions in respect of anything done or purported to have been done in pursuance of this Act.

17. Rules :-

The Chief Commissioner may, by notification, make rules for carrying out the purposes of this Act.