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THE PUNJAB TENANCY ACT, 1887
ACT NO. 16 OF 1887
PASSEDBY THE GOVERNOR GENERALOF INDIA IN COUNCIL.
(*Received the assent of the Governor General on the 23rd September, 1887*.)

An Act to amend the Law relating to the Tenancy of Land in the Punjab.

WHEREAS it is expedient to amend the law relating to the tenancy of land in the Punjab; It is hereby enacted as follows: —

CHAPTER I
PRELIMINARY

1. Title, extent and commencement.—(*1*)This Act may be called the Punjab Tenancy Act, 1887.

(*2*) It extent to the whole of the territories (including the pargana of Spiti) for the time being administered by the Lieutenant – Governor of the Punjab, expect the Hazara district; and

(*3*) It shall come into force on such day as the Local Government, with the previous sanction of the Governor General in Council, may by notification appointment in this behalf.

2. Power to make rules in anticipation of commencement.— Any power conferred by this Act on the Financial Commissioner to make rules, and on the Local Government to sanction them, may be exercised at any time after the passing of this Act, but a rule so made shall not take effect till the commencement of this Act.

3. Repeal.—The enactments mentioned in the schedule are repealed to the extent specified in the third column thereof.

4. Definitions.—In this Act, unless there is something repugnant in the subject or context,— (*1*) "Land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land;

(*2*) "pay", with its grammatical variations and cognate expressions, includes, when used with reference to rent, "deliver" and "render", with their grammatical variations and cognate expressions:

(*3*) "rent" means whatever is payable to a land-lord in money, kind or service by a tenant on account of the use or occupation of land held by him :

(*4*) "arrear of rent" means rent which remains unpaid after the date on which it becomes payable: (*5*) "tenant" means a person who holds land under another person, and is, or put for a special contract would be, liable to pay rent for that land to that other person ; but it does not include—

(*a*) an inferior landowner, or

(*b*) a mortgagee of the rights of landowner, or

(*c*) a person to whom a holding has been transferred, or an estate or holding has been let in farm, under the Punjab Land-revenue Act, 1887 (XVII of 1887), for the recovery of an arrear of land-revenue or of a sum recoverable as such an arrear, or

(*d*) a person who takes from the Government a lease of unoccupied land for the purpose of subletting it:

(*6*) "landlord" means a person under whom a tenant holds land, and to whom the tenant is, or but for a special contract would be, liable to pay rent for that land:

(*7*) "tenant" and "landlord" include the predecessors and successors in interest of a tenant and landlord respectively:

(*8*) "tenancy" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions:

(*9*) "estate". "landowner" and "holding" have the meanings respectively assigned to those words in the Punjab Land-revenue Act, 1887 (XVII of 1887):

(*10*) "land-revenue" means land-revenue assessed under any law for the time being in force or assessable under the Punjab Land-revenue Act, 1887, and includes.—

(*a*) any rate imposed in respect of the increased value of land due to irrigation, and

(*b*) any sum payable in respect of land, by way of quit-rent or of commutation for service, to the Government or to a person to whom the Government has assigned the right to receive the payment:

(*11*) " rates and cesses" means rates and cesses which are primarily payable by landowners, and includes—

(*a*) the local rate, if any, payable under the Punjab Local Rates Act, 1878 (v of 1878);

(*b*) the local rate, if any, payable under the Punjab District Boards Act, 1883 (XX of 1883), and any fee leviable under section 33 of that Act from landowners for the use of or benefits derived from such works as are referred to in section 20, clauses (*i*) and (*j*), of that Act;

(*c*) any annual rate chargeable on owners of lands under section 59 of the Northern India Canal and Drainage Act, 1873 (VIII of 1873);

(*d*) the zaildari and village-officers' cesses; and

(*e*) sums payable on account of village-expenses:

(*12*) "village-cess" includes any cess, contribution or due which is customarily leviable within an estate and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force:

(*13*) "village-officer" means a chief -headman, headman or patwari:

(*14*) "Revenue-officer" or "Revenue Court", in any provision of this Act, means a Revenue-officer or Revenue Court having authority under this Act to discharge the functions of a Revenue-officer or Revenue Court, as the case may be, under that provision:

(*15*) "jagirdar" includes any person, other than a village-servant, to whom the land-revenue of any land has been assigned in whole or in part by the Government or by an officer of the Government:

(*16)* "legal practitioner" means any legal practitioner within the meaning of the Legal Practitioners Act 1879 (XVIII of 1879) except a mukhtar:

(*17*) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the Local Government may by notification appoint for any local area;

(*19*) "improvement" means, with reference to a tenancy, any work which is suitable to the tenancy and consistent with the conditions on which it is held, by which it is held, by which the value of the tenancy has been and continues to be increased, and which, if not executed on the tenancy, is either executed directly for its benefit, or is, after execution, made directly beneficial to it;

Explanation I.— It includes, among other things,

(*a*) The construction of wells and other works for the storage or supply of water for agricultural purposes;

(*b*) the construction of works for drainage and for protection against floods ;

(*c*) the planting of trees, the reclaiming, enclosing, levelling and terracing of land for agricultural purposes and other works of a like nature;

(*d*) the erection of buildings required for the more convenient or profitable cultivation of a tenancy; and

(*e*) the renewal or re-construction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of mere repairs and as durably increase their value;

But it does not include such clearances, embankments, levellings, enclosures, temporary wells and water-channels as are made by tenants in the ordinary course of cultivation and without any special expenditure, or any other benefit accruing to land from the ordinary operations of husbandry;

Explanation II.—A work which benefits several tenancies may be deemed to be. with respect to each of them, an improvement;

Explanation III.—A work executed by a tenant is not an improvement if it substantially diminishes the value of any other part of his landlord's property.

CHAPTER II.

RIGHT OF OCCUPANCY.

5. Tenants having right of occupancy.—(*1*) A tenant—

(*a*) who at the commencement of this Act has for more than two generations in the male line of descent through a grandfather or grand-uncle and for a period of not less than twenty years been occupying land paying no rent thereof beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, or

(*b*) who having owned land, and having ceased to be landowner thereof otherwise than by forfeiture to the Government or than by any voluntary act, has, since he ceased to be landowner, continuously occupied the land, or

(*c*) who, in a village or estate in which he settled along with, or was settled by, the founder thereof as a cultivator therein, occupied land on the twenty-first day of October, 1868, and has continuously occupied the land since that date, or

(*d*) who, being jagirdar of the estate or any part of the estate in which the land occupied by him is situate, has continuously occupied the land for not less than twenty years, or , having been such jagirdar, occupied the land while he was jagirdar and has continuously occupied it for not less than twenty years,

Has a right of occupancy in the land so occupied, unless, in the case of a tenant belonging to the class specified in clause (*c*), the landlord proves that the tenant was settled on land previously cleared and brought under cultivation by, or at the expense of, the founder.

(*2*) If a tenant proves that he has continuously occupied land for thirty years and paid no rent there for beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, it may be presumed that he has fulfilled the conditions of clause (*a*) of sub-section (*1*).

(*3*) the words in that clause denoting natural relationship denote also relationship by adoption, including therein the customary appointment of an heir, and relationship by the usage of a religious community.

6. Right of occupancy of other tenants recorded as having the right before passing of Punjab Tenancy Act, 1868.—A tenant recorded in a record-of-rights sanctioned by the Local Government before the twenty first day of October, 1868, as a tenant having a right of occupancy in land which he has continuously occupied from the time of the preparation of that record, shall be deemed to have a right of occupancy in that land unless the contrary has been established by a decree of a competent Court in a suit instituted before the passing of this Act.

7**. Right of occupancy in land taken in exchange**.— If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him for other land belonging to the same landlord, the land taken in exchange shall be held to be subject to the same right of occupancy as that to which the land given in exchange would have been subject if the exchange had not taken place.

8. Establishment of right of occupancy on grounds other than those expressly stated in Act.—Nothing in the foregoing sections of this Chapter shall preclude any person from establishing a right of occupancy on any ground other than the grounds speci

9. Right of occupancy not to be acquired by mere lapse of time.—No tenant shall acquire a right of occupancy by mere lapse of time.

10. Right of occupancy not to be acquired by joint owner in land held in joint ownership.— In the absence of a custom to the contrary no one of several joint owners of land shall acquire a right of occupancy under this Chapter in land jointly owned by them.

11. Continuance of exciting occupancy rights.— Notwithstanding anything in the foregoing sections of this Chapter, a tenant who immediately before the commencement of this Act has a right of occupancy in any land under an enactment specified in any line of the first column of the following table shall, when this Act comes into force, be held to have, for all the purposes of this Act, a right of occupancy in that land under the enactment specified in the same line of the second column of the table :—

PUNJAB TENANCY ACT, 1868 (XXVIII 1868)	THIS ACT.

FIRST COLUMN		SECOND COLUMN		
Section.	Clause.	Section.	Sub-Section.	Clause.
5	(1)	5	(*1*)	(*a*)
5	(2)	5	(*1*)	(*b*)
5	(3)	5	(*1*)	(*c*)
5	(4)	5	(*1*)	(*d*)
6	...	6	...	...
8	...	8	...	...

CHAPTER III
RENT.

Rents generally.

12. Respective rights of landlord and tenant to produce.—(*1*) The rent for the time being payable in respect of a tenancy shall be the first charge on the produce thereof.

(*2*) A tenant shall be entitled to tend, cut and harvest the produce of his tenancy in due course of husbandry without any interference on the part of his landlord.

(*3*) Except where rent is taken by division of the produce, the tenant shall be entitled to the exclusive possession of the produce.

(*4*) Where rent is taken by division of the produce.—

(*a*) the tenanat shall be entitled to the exclusive possession of the whole produce until it is divided: (*b*) the landlord shall be entitled to be present at, and take part in, the division of the produce; and (*c*) when the produce has been divided, the landlord shall be entitled to the possession or his share thereof.

13. Commutation and alteration of rent.—(*1*) Where rent is taken by any of the following methods, namely:—

(*a*) by division or appraisement of the produce,

(*b*) by rates fixed with reference to the nature of the crops grown,

(*c*) by a rate on a recognized measure of area,

(*d*) by a rent in gross on the tenency, or

(*e*) partly by one of the methods specified in clauses (*a*), (*b*) and (*c*) of this sub-section and partly by another or others of them,

One of those methods shall not be commuted in whole or in part into another without the consent of both landlord and tenant.

(*2*) In the absence of a contract or a decree or order of competent authority to the contrary, a tenant whose rent is taken by any of the methods specified in clauses (*a*), (*b*) and (*c*) of sub-section (*1*), or by the method specified in clause (*d*) of that sub-section, shall not be liable to pay for a tenancy rent at any higher rate, or of a higher amount, as the case may be, than the rate or amount payable in respect of the tenancy for the preceding agricultural year.

14. Payments for land occupied without consent of landlord.— Any person in possession of land occupied without the consent of the landlord shall be liable to pay for the use or occupation of that land at the rate of rent payable in the preceding agricultural year, or, if rent was not payable in that year, at such rate as the Court may determine to be fair and equitable.

15. Collection of rents of undivided property. — When two or more persons are landlord of a tenant in respect of the same tenancy, the tenant shall not be bound to pay part of the rent of his tenancy to one of those persons and part to another

16. Presumption with respect to produce remove before division of appraisement.— Where rent is taken by division or appraisement of the produce, if the tenant removes any portion of the produce at such a time or in such a manner as to prevent the due division or appraisement thereof ,or deals therewith in a manners contrary to established usage the produce may be deemed to have been as full as the fullest crop of the same description on similar lands in the neighborhood for that harvest.

17. Appointment of referee for division or appraisement.—If either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division or appraisement of the produce, or if there is a dispute about the division or appraisement, a Revenue-officer may, on the application of either party, appoint such person as he thinks fit to be a referee to divide or appraise the produce.

18. Appointment of assessors and procedure of referee.—(*1*) When a Revenue-officer appoints referee under the last forgoing section, he may, in his discretion, give him instructions with respect to the association with himself of any other persons as assessors, the number, qualification and selection of those assessor, and the procedure to be followed in making the division or appraisement.

(2) The referee so appointed shall make the division or appraisement in accordance with any instructions which he may have received from the Revenue-officer under the last foregoing sub-section.

(*3*) Before making the division or appraisement the referee shall give notice to the landlord and the tenant of the time and place at which the division or appraisement will be made, but, of either the landlord or the tenant fails to attend either personally or by agent, the referee may proceed *exparte.*

(*4*) For the purpose of making the division or appraisement, the referee, with his assessors, if any, may enter upon any land on which or into any building in which the produce is.

19. Procedure after division or appraisement.—(*1*) The result of the division or appraisement shall be recorded and signed by the referee, and the record shall be submitted to the Revenue-officer.

(*2*) The Revenue-officer shall consider the record, and, after such further inquiry, if any, as he may deem necessary, shall make an order either confirming or varying the division or appraisement.

(*3)* The Revenue-officer shall also make such order as to the costs of the reference as he thinks fit.

(*4*) The costs may include the remuneration of the referee and of the assessors, if any, and may be levied from the applicant before the appointment of the referee subject to adjustment at the close of the proceedings.

20. Enhancement of produce-rents of occupancy tenants. —Where the rent of a tenant having a right of occupancy in any land is a share of the produce, or of the appraised value thereof, with or without an addition in money, or is paid according to rates fixed with reference to the nature of the crops grown, or is a rent in gross payable in kind, the tenant shall be entitled to occupy the land at that rent :

Provided that, when the land or any part thereof previously not irrigated or flooded becomes irrigated or flooded, the rent payable in respect of the land or part may, subject to the provisions of this Act, be enhanced to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for irrigated or flooded land of a similar description and with similar advantages.

21. Reduction of rents refereed to in the last foregoing section.— When the land, or any part of the land, held by a tenant having a right of occupancy to whom the last foregoing section applies ceases to be irrigated or flooded, the rent payable in respect of the land or part may be reduced to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy for unirrigated or unflooded land of a similar description and with similar advantages.

Cash-rents paid by Tenants having right of Occupancy.

22. Enhancement of cash rents of occupancy tenants.—(*1*) Where a tenant having a right of occupancy pays his rent entirely by a cash-rate on a recognized measure of area or by a cash-rent in gross

on his tenancy, the rent may be enhanced on the ground that, after deduction therefrom of the land revenue of, and the rates and cesses chargeable on, the tenancy, it is—

(*a*) if the tenant belongs to the class specified in clause (*a*) of sub-section (*1*) of section 5, less than two annas per rupee of the amount of the land-revenue;

(*b*) if he belongs to any of the classes specified in clauses (*b*) , (*c*) and (*d*) of that sub-section less than six annas per rupee of the amount of the land-revenue ;

(*c*) if he belongs to the class specified in section 6, or if his right of occupancy is established under section 8 and his rent is not regulated by contract, less than twelve annas per rupee of the amount of the land-revenue.

(*2*) In a case to which sub-section (*1*) applies, the rent may be enhanced to an amount not exceeding two, six or twelve annas per rupee of the amount of the land-revenue as the case may be, in addition to the amount of the land-revenue of the tenancy and the rates and cessers chargeable thereon.

23. Reduction of rents referred to in the last foregoing section.—The rent payable buy a tenant to whom the last foregoing section applies may be reduced on the ground that the productive powers of his tenancy have been decreased by a cause beyond his control.

General Provisions relating to Suits for Enhancement or Reduction of Rent.

24. Enhancement and reduction of rent by suit.—(*1*) A Revenue Court, on the suit of either landlord or tenant, may, subject to the provisions of this and other sections of this Act, enhance or reduce the rent of any tenant having a right of occupancy.

(*2*) Where a decree for the enhancement of the rent of such a tenant has been passed under the Punjab Tenancy Act, 1868, (XXVIII of 1868) a suit for a further enhancement of his rent shall not lie till the expiration of five years from the date of the decree, unless in the meantime the local area in which the land comprised in the decree is situate has been generally reassessed and the revenue payable in respect of that land has been increased.

(*3*) Subject to the provisions of sub-section *(2*), a suit instituted for the enhancement of the rent of a tenant having a right of occupancy shall not be entertained in either of the following cases, namely:—

(*a*) if within the ten years next preceding its institution his rent has been commuted under section 13 or enhanced under this section,

(*b*) if within that period a decree has been passed under this Act dismissing on the merits a suit for the enhancement of his rent, unless the land or some part of the land comprised in his tenancy, not having been irrigated or flooded at the time of such commutation, enhancement or decree, has become irrigated or flooded.

25. Discretion as to extent of enhancement or reduction.—In enhancing or reducing the rent of any land under the foregoing provisions of this chapter, the Court shall within the limits prescribed by those provisions, enhance or reduce the rent to such an amount as it considers fair and equitable, but shall not in any case fix the rent at a sum less than the amount of the land-revenue of the land and the rates and cesses chargeable thereon.

26. Time for enhancement or reduction to take effect.—(*1*) Unless the Court decreeing an enhancement of rent otherwise directs, the enhancement shall take effect from the commencement of the agricultural year next following the date of the decree.

(*2*) A Court decreeing a reduction of rent shall specify in the decree the date on from which the reduction is to take effect.

Adjustment of Rents expressed in terms of the Land-revenue.

27. Adjustment of rents expressed in terms of the land-revenue.—(*1*) Where the rent of a tenancy is the whole or a share of the land-revenue thereof, with or without an addition in money, kind or service, and the land-revenue of the holding in which the tenancy is situate is altered, a Revenue-officer having authority under section 56 of the Punjab Land-revenue Act, 1887 (XVII of 1887), to determine the land-revenue payable in respect of the several holdings comprised in the estate in which the tenancy is situate shall determine also the amount of the land-revenue of the tenancy, or the proportionate share thereof, payable by the tenant as rent.

(*2*) Where an addition referred to in sub-section (*1*) is a percentage fixed with reference to the land-revenue of the tenancy, or the whole or a share of the rates and cesses chargeable thereon, or both, the Revenue-officer shall in like manner from time to time alter the amount of the addition in proportion to any alteration of such land-revenue or rates and cesses.

(*3*) The sum or sums determined under the foregoing sub-sections, together with any addition previously payable other than the additions referred to in sub-section (*2*), shall be the rent payable in respect of the tenancy until there is again an alterations of the land-revenue thereof or of the rates and cesses chargeable thereon or until the rent is enhanced by a suit under this Act.

(*4*) An alteration of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act.

Alteration of Rent on Alteration of Area.

28. Alteration of rent on alteration of area.—(*1*) Every tenant shall-

(*a*) be liable to pay additional rent for all land proved to be in excess of the area for which rent has been preciously paid by him, unless it is proved that the excess is due to the addition to his tenancy of land which, having previously belonged to the tenancy, was lost by alluvion or otherwise without any reduction of the rent being made; and

(*b*) be entitled to and abatement of rent in respect of any deficiency proved to exist in the area of his tenancy as compared with the area for which rent has been previously paid by him, unless it is proved that the deficiency is due to the loss of land which was added to the area of the tenancy by alluvion or otherwise, and that an addition has not been made to the rent in respect of the addition to the area.

(*2*) In determining the area for which rent has been previously paid, the Court shall have regard to the following, among other matters, namely:—

(*a*) the origin and conditions of the tenant's occupancy, for instance whether the rent was a rent in gross for the entire tenancy;

(*b*) whether the tenant has been allowed to hold additional land in consideration of and addition to his total rent or otherwise with the knowledge and consent of the landlord; and

(*c*) the length of time during which there has been no dispute as to rent or area.

(*3*) In adding to or abating rent under this section, the Court shall add to or abate the rent to such an amount as it deems to be fair and equitable, and shall specify in its decree the date on and from which the addition or abatement is to take effect.

(*4*) An addition to or abatement of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act.

Remission

29. Remission of rent by Courts decreeing arrears.—Notwithstanding anything in the foregoing sections of this Chapter, if it appears to a Court making a decree for and arrear of rent that the area of a tenancy has been so diminished by diluvion or otherwise, or that the produce thereof has been so

diminished by drought, hail, deposit of sand or other like calamity, that the full amount of rent payable by the tenant cannot be equitably decreed, the Court may, with the previous sanction of the Collector, allow such remission from the rent payable by the tenant as may appear to it to be just.

30. Remission and suspension of rent consequent on like treatment of land revenue.—(*1*) Wherever from any cause the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or suspended, a Revenue-officer may, by order, remit or suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which the payment has been remitted or suspended bears to the whole of the land-revenue in respect of the land.

(*2*) An order passed under sub-section (*1*) shall not be liable to be contested by suit in any Court.

(*3*) A suit shall not lie for the recovery of any rent of which the payment has been remitted, or, during the period of suspension, of any rent of which the payment has been suspended.

(*4*) Where the payment of rent has been suspended, the period during which the suspension has continued shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of the rent.

(*5*) If the landlord collects any rent of which the payment has been remitted, or before the expiration of the period of suspension collects any rent of which the payment has been suspended, the whole of the land-revenue remitted or suspended in his favour shall become immediately payable by him.

(*6*) The provisions of this section relating to the remission and suspension of the payment of rent may be applied, so far as they can be made applicable, to land if which the land-revenue has been released, compounded for or redeemed, in any case in which, if the land-revenue in respect of the land had not been released, compounded for or redeemed, the whole or any part of it might, in the opinion or the Revenue-officer, be remitted or suspended under the rules for the time being in force for regulating the remission and suspension of land-revenue.

Deposits.

31. Power to deposit rent in certain cases with Revenue-officer.—In either of the following cases, namely:—

(*a*) when a landlord refuses to receive, or grant a receipt for, any rent payable in money when tendered to him by a tenant,

(*b*) when a tenant is in doubt as to the person entitled to receive rent payable in money, the tenant may apply to a Revenue-officer for leave to deposit the rent in his office, and the Revenue-officer shall receive the deposit if, after examining the applicant, he is satisfied that there is sufficient ground for the application and if the applicant pays the fee, if any, chargeable for the issue of the notice next hereinafter referred to.

32. Effect of depositing rent.—(*1*) When a deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due.

(*2*) The Revenue-officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled thereto, or may, if he thinks fit, retain the deposit pending the decision of a competent Court as to the person so entitled.

(*3*) No suit or other proceeding shall be instituted against the Secretary of State of India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section, but noting in this sub-section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue-officer.

Recovery of Rent form attached Produce.

33. Recovery of Rent from attached produce.—(*1*) If an order is made by any Court for the attachment of the produce of a tenancy or of any part of a tenancy, the landlord may apply to the Revenue-officer by whom the attachment is to be or has been made to sell the produce and pay to him out of the proceeds of the sale thereof the amount or value of —

(*a*) any rent which has fallen due to him in respect of the tenancy within the year immediately preceding the application and

(*b*) the rent which will be falling due after the harvesting of the produce and is chargeable against it.

(*2*) The Revenue-officer shall give the person at whose instance the attachment was made an opportunity of showing cause why the application of the landlord should not be granted, and, if he finds the landlord's claim to the whole or any part of the rent to be proved, he shall cause the produce or such portion thereof as he may deem necessary to be sold, and shall apply the proceeds of the sale in the first instance to satisfy the claim.

(*3*) The finding of the Revenue-officer under sub-section (*2*) shall have the force of a decree in a suit between the landlord and the tenant.

Leases for period exceeding term of Assessment of Land-revenue.

34. Treatment of leases for period exceeding or equal to term of assessment of land-revenue.—

(*1*) Where a lease has been granted, or an agreement has been entered into, by a landowner in respect of any land assessed to land-revenue, fixing for a period exceeding the term for which the land-revenue has been assessed the rent or other sum payable in respect of the land under the lease or agreement, and that term has expired, the lease or agreement shall be voidable—

(*a)* at the option of the landowner if the land-revenue of the land has been enhanced and the person to whom the lease has been granted or with whom the agreement has been entered into refuses to pay such rent or other sum as a Revenue Court, on the suit of the landowner, determines to be fair and equitable; and

where the relation of landlord and tenant exists between the grantor and grantee of the lease or between the persons who entered into the agreement—

(*b*) at the option of the tenant if the land-revenue of the land has been reduced and the landlord refuses to accept such rent as a Revenue Court, on the suit of the tenant, determines to be fair and equitable.

(*2*) Any agreement relative to the occupation, rent, profits or produce of any land which has been entered into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the agreement or the agreement is terminatedby consent of parties or course of law, continue in force until a revised assessment takes effect.

CHAPTER IV

RELINQUISHMENT, ABANDONMENTAND EJECTMENT.

Relinquishment.

35. Relinquishment by tenant for a fixed term.—A tenant holding for a fixed term under a contract or a decree or order of competent authority may relinquish his tenancy without notice at the end of that term.

36. Relinquishment by any other tenant.—(*1*) Any other tenant may relinquish his tenancy by giving verbally or in writing to his landlord, or to his landlord's agent, on or before the fifteenth day of January in any year, notice of his intention to relinquish the tenancy at the end of the agricultural year then current.

(*2*) The tenant may, instead of, or in addition to giving the notice in the manner mentioned in sub-section (*1*), apply to a Revenue-officer on or before the date aforesaid to cause the notice to be served on the landlord, and the Revenue-officer, on receiving the cost of service from the tenant, shall cause the notice to be served as soon as may be.

(*3*) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the rent of his tenancy for any part of the ensuing agricultural year during which the tenancy is not let by the landlord to some other person or is not cultivated by the landlord himself.

37. Relinquishment of part only of tenancy.—A tenant cannot, without the consent of his landlord, relinquish a part only of his tenancy.

Abandonment.

38. Abandonment of tenancy be occupancy tenant.—If a tenant having a right of occupancy fails for more than one year without sufficient cause to cultivate his tenancy, either by himself or some other person, and to arrange for payment of the rent thereof as it falls due, the right of occupancy shall be extinguished from the end of that year.

Ejectment.

LIABILITY TO EJECTMENT.

39. Grounds of ejectment of occupancy tenant.—A tenant having a right of occupancy shall be liable to be ejected from his tenancy on any of the following grounds, namely:—

(*a*) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it;

(*b*) where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner or to the extent customary in the locality in which the land is situate;

(*c*) that a decree for an arrear of rent in respect of the tenancy has been passed him and remains unsatisfied.

40. Grounds of ejectment of tenant for a fixed term.—A tenant not having a right of occupancy by holding for a fixed term under a contract or a decree or order of competent authority, shall be liable to be ejected from his tenancy at the expiration of that term, and, on any of the following grounds, before the expiration thereof, namely:—

(*a*) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it ;

(*b*) where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner or to the extent customary in the locality in which the land is situate;

(c) on any ground which would justify ejectment under the contract, decree or order.

41. Ejectment of tenant from year to year.—A tenant who has not a right of occupancy, and does not hold for a fixed term under a contract or a decree or order of competent authority, may be ejected at the end of any agricultural year.

PROCEDURE ON EJECTMENT.

42. Restriction on ejectment.—A tenant shall not be ejected otherwise than in execution of a decree for ejectment except in the following cases, namely:—

(a) when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains unsatisfied;

(b) when the tenant has not a right of occupancy and does not hold for a fixed term under a contract or a decree or order of competent authority.

43. Application to Revenue-officer for ejectment.—In any such case as is mentioned in clause (*a*) or clause (*b*) of the last foregoing section, the landlord may apply to a Revenue-officer for the ejectrment of the tenant in the case mentioned in the former clause or for the service on the tenant of a notice of ejectment in the case mentioned in the latter clause.

44. Ejectment for failure to satisfy decree for arrear of rent.—(*1*) On receiving the application in any such case as is mentioned in clause (*a*) of section 42 the Revenue-officer shall, after such inquiry with respect to the existence of the arrear as he deems necessary, cause a notice to be served on the tenant, stating the date of the decree and the amount due there under, and informing his that if he does not pay that amount to the Revenue-officer within fifteen days from receipt of the notice he will be ejected from the land.

(*2*) If the amount is not so paid, the Revenue-officer shall, subject to the provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant unless good cause is shown to the contrary.

45. Ejectment of tenant from year to year by notice.—(*1*) On receiving the application of the landlord in any such case as is mentioned in clause (*b*) of section 42, the Revenue-officer shall, if the application is in order and not open to objection on the face of it, cause a notice of ejectment to be served on the tenant.

(*2*) A notice under sub-section (*1*) shall not be served after the fifteenth day of November in any year.

(*3*) The notice shall specify the name of the landlord on whose application it is issued, and describe the land to which it relates, and shall inform the tenant that he must vacate the land before the first day of May next following, or that, if he intends to contest his liability to ejectment, be must institute a suit for that purpose in a Revenue Court within two months from the date of the service of the notice.

(*4*) The notice shall also inform the tenant that if he does not intend to contest his liability to be ejected and he has any claim for compensation on ejectment he should, within two months from the date of the, service of the notice, prefer his claim to the Revenue-officer having authority under the next following sub-section to order his ejectment in the circumstances described in that sub-section.

(*5*) If within two months from the date of the service of the notice the tenant does not institute a suit to contest his liability to be ejected, a Revenue-officer, on the application of the landlord, shall, subject to the provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant:

Provided that the Revenue-officer shall not make the order until he is satisfied that the notice was duly served on the tenant.

(*6*) If within those two months the tenant institutes a suit to contest his liability to be ejected and fails in the suit, the Court by which the suit is determined shall by its decree direct the ejectment of the tenant.

46. Power to make rules.—The Financial Commissioner may make rules prescribing—

(*a*) the form and language of applications and notices under the two last foregoing sections ; and

(*b*) the manner in which those applications and notices are to be signed and attested.

GENERAL PROVISIONS RESPECTING EJECTMENT.

47. Time for ejectment.—A decree or order for the ejectment of a tenant shall not be executed at any other time than between the first day of May and the fifteenth day of June (both days inclusive), unless the Court making the decree or, where the order is made under section 44, the officer making the order otherwise directs.

48. Relief against forfeiture.—*(1)* If in a suit for the ejectment of a tenant on either of the grounds mentioned in clauses (*a)* and (*b*) of section 39 or of section 40 it appears to the Court that the injury caused by the act or omission on which the suit is based is capable of being remedied, or that an award of compensation will be sufficient satisfaction to the landlord therefore, the Court may, instead of making a decree for the ejectment of the tenant, order him to remedy the injury within a period to be fixed in the order, or order him to pay into Court, within such a period, such compensation as the Court thinks fit.

(*2*) The Court may from time to time, for special reasons, extend a period fixed by it under sub-section (*1*).

(*3*) If within the period, or extended period, as the case may be, fixed by the Court under this section, the injury is remedied or the compensation is paid, a decree for the ejectment of the tenant shall not be made.

49. Rights of ejected tenants in respect of crops and land prepared for sowing.—(*1*) Where at the time of the proposed ejectment of a tenant from any land his uncut or ungathered crops are standing on any part thereof, he shall not be ejected from that part until the crops have ripened and he has been allowed a reasonable time to harvest them.

(*2*) The Court or Revenue-officer decreeing or ordering the ejectment of the tenant may, on the application of the landlord, determine any dispute arising in consequence of the provisions of sub-section (*1*) between the landlord and the tenant or between the landlord and any person entitled to harvest discretion—

(*a*) direct that the tenant pay for the longer occupation of the land secured to him under sub-section (*1*) such rent as may be fair and equitable, or

(*b*) determine the value of the tenant's uncut and ungathered crops, and, on payment thereof by the landlord to the Court or Revenue-officer, forthwith eject the tenant.

(*3*) When a tenant for whose ejectment proceedings have been taken has, comfortably with local usage, prepared for sowing any land comprised in his tenancy, but has not sown or planted crops on that land, he shall be entitled to receive from the landlord before ejectment a fair equivalent in money for the labour and capital expended by him in so preparing the land, and the Court or Revenue-officer before which or whom proceedings, are pending shall, on the application of the tenant, determine the sum payable to the tenant under this sub-section and stay his ejectment until that sum has been paid to him.

RELIEF FOR WRONGFUL DISPOSSESSION.

50. Relief for wrongful dispossession or ejectment.—In either of the following cases, namely:—

(*a*) if a tenant has been dispossessed without his consent of his tenancy or any part thereof otherwise than in execution of a decree or than in pursuance of an order under section 44 or section 45,

(*b*) If a tenant who, not having instituted a suit under section 45, has been ejected from his tenancy or any part thereof in pursuance of an order under that section denies his liability to be ejected,

The tenant may, within one year from the date of his dispossession or ejectment, institute a suit for recovery of possession or occupancy, or for compensation, or for both.

51. Bar of relief by under section 9, Act I, 1877.—Possession of a tenancy or of any land comprised in a tenancy shall not be recoverable under section 9 of the Specific Relief Act, 1877, (I of 1877) by a tenant dispossessed thereof

Power to vary Dates prescribed by this Chapter.

52. Power for Local Government to fix dates for certain purposes.—(*1*) The Local Government may, for all or any of the territories under its administration, by notification fix for the purposes of sections 36, 45 and 47, or of any of those sections, any other dates instead of those specified therein.

(*2*) A notification under this section shall not take effect till after the expiration of six months from the date of the publication thereof.

CHAPTER V.

ALIENATIONOF, AND SUCCESSION TO, RIGHT OF OCCUPANCY.

53. Private transfer of right of occupancy under section 5 by tenant.—(*1*) A tenant having a right of occupancy under section 5 may transfer that right by sale, gift or mortgage, subject to the conditions mentioned in this section.

(*2*) If he intends to transfer the right by sale, gift, mortgage by conditional sale or usufructuary mortgage, he shall cause notice of his intention to be served on his landlord through a Revenue-officer, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is served.

(*3*) Within that period of one month the landlord may claim to purchase the right at such value as a Revenue-officer may, on application made to him in this behalf, fix.

(*4*) when the application to the Revenue-officer is to fix the value of a right of occupancy which is already mortgaged, he shall fix the value of the right as if it were not mortgaged.

(*5*) The landlord shall be deemed to have purchased the right if he pays the value to the revenue-officer within such time as that officer appoints.

(*6*) On the value being so paid, the right of occupancy shall be extinct, and the Revenue-officer shall, on the application of the landlord, put the landlord in possession of the tenancy.

(*7*) If the right of occupancy was already mortgaged, the tenancy shall pass to the landlord, unencumbered by the mortgage, but the mortgage-debt shall be a charge on the purchase-money.

(*8*) If there is no such charge as aforesaid, the Revenue-officer shall, subject to any directions which he may receive from any Court, pay the purchase-money to the tenant.

(*9*) If there is such a charge, the Revenue-officer shall, subject as aforesaid, either apply in discharge of the purchase-money as the mortgage-debt so much of the purchase-money as is required for that purpose and pay the balance, if any, to the tenant, or retain the purchase-money pending the decision of a Civil Court as to the person or persons entitled thereto.

(*10*) Where there are several landlords of a tenancy, any one of them pay be deemed to be the landlord for the purposes of this section.

(*11*) No suit or other preceding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under the two last foregoing sub-sections, but nothing in this sub-section shall prevent any person entitled to receive the whole or any part of the purchase-money from recovering it from a person to whom it has been paid by a Revenue-officer.

54. Procedure on foreclosure of mortgage of right of occupancy under section 5.—Where a mortgagee of a right of occupancy under section 5 proposes to foreclose his mortgage, or otherwise enforce his lien on the land subject to the right, the provisions of the last foregoing section shall, so far as they can be made applicable, apply as if the mortgagee were the tenant.

55. Sale of right of occupancy under section 5 in execution of decree.—(*1*) A right of occupancy under section 5 may be sold in execution of a decree or order of a Court ;

(*2*) But notice of an intended sale of any such right shall be given by the Court to the landlord, and if at any time before the close of the day on which the sale takes place the landlord pays to the Court or to the officer conducting the sale a deposit of twenty-five per centum on the highest bid made at the sale, he shall be declared to be the purchaser instead of the person who made that bid.

56. Transfer of right of occupancy under any other section than section 5.—A right of occupancy under any other section than section 5 shall not be attached or sold in execution of a decree or order of any Court or, without the previous consent in writing of the landlord, be transferred by private contract.

57. Rights and liabilities of transferee of right of occupancy.—When a right of occupancy has been transferred by sale, gift or usufructuary mortgage to a person other than the landlord, that person shall, in respect of the land in which the right subsists, have the same rights, and be subject to the same liabilities, as the tenant to whom before the transfer the right belonged had and was subject to.

58. Subletting.—(*1*) A tenant having a right of occupancy in land may, subject to the provisions of this Act and to the conditions of any written contract between him and his landlord, sublet the land or any part thereof for any term not exceeding seven years.

(*2*) A person to whom land is sublet by a tenant having a right of occupancy therein shall, in respect of that land, and so far as regards the landlord, be, jointly with the tenant, subject to all the liabilities of the tenant under this Act.

Succession.

59. Succession to right of occupancy.—(*1*) When a tenant having a right of occupancy in any land dies, the right shall devolve.—

(*a*) on his male lineal descendants, if any, in the male line of descent, and,

(*b*) failing such descendants, on his widow, if any until she dies or re-marries or abandons the land or is under the provisions of this Act ejected therefrom, and,

(*c*) failing such descendants and widow, or, if the deceased tenant left a widow, then when her interest terminates under clause (*b*) of this sub-section, on his male collateral relatives in the male line of descent from the common ancestor of the deceased tenant and those relatives :

Provided, with respect to clause (*c*) of this sub-section, that the common ancestor occupied the land.

(*2*) As among descendants and collateral relatives claiming under sub-section (*1*), the right shall, subject to the provisions of that sub-section, devolve as if it were land left by the deceased in the village in which the land subject to the right is situate.

(*3*) When the widow of a deceased tenant succeeds to a right of occupancy, she shall not transfer the right by sale, gift or mortgage, or by sub-lease for a term exceeding one year.

(*4)* If the deceased tenant has left no such persons as are mentioned in sub-section (*1*) on whom his right of occupancy may devolve under that sub-section, the right shall be extinguished.

Irregular Transfers.

60. Irregular transfer of right of occupancy.—Any transfer made of a right of occupancy in contravention of the foregoing provisions of this Chapter shall be avoidable at the instance of the landlord.

CHAPTER VI.

IMPROVEMENTS AND COMPENSATION.

Improvements by Landlords.

61. Improvements by landlords on tenancies of occupancy-tenants.—(*1*) Without the previous permission of the Collector a landlord shall not make an improvement on the tenancy of a tenant having a right of occupancy.

(*2*) If a landlord desires to make such an improvement he may apply to the Collector for permission to make it, and the Collector shall, before making an order on the application, hear the objection, if any, of the tenant.

(*3*) In making an order on an application under sub-section (*2*) the Collector shall, be guided by such rules, if any, as the Local Government may, with the previous sanction of the Governor General in Council, make in this behalf.

62. Enhancement of rent in consideration of an improvement made by a landlord on the tenancy of an occupancy-tenant.—(*1*) When a landlord has, with the permission mentioned in the last foregoing section, made an improvement on the tenancy of a tenant having a right of occupancy, he may apply to the Collector fir an enhancement of the rent of the tenant.

(*2*) If the tenant is a tenant to whom section 20 applies, the Collector shall enhance his rent to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for land of a similar description and with similar advantages.

(*3*) If the tenant is a tenant to whom section 22 applies, the Collector shall enhance his rent to such amount as the tenant would be liable to pay under that section if the land-revenue were re-assessed.

(*4)* When the improvement ceases to exist, the Collector may, on the application of the tenant, reduce the tenant's rent,—

(*a*) in the case of a tenant to whom sub-section (*2*) applies, to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for land of a similar description and with similar advantages, and

(*b*) in the case of a tenant to whom sub-section (*3*) applies, to such an amount as the tenant would be liable to pay if the land revenue were re-assessed.

(*5*) Sections 25 and 26 shall be construed as applying to an application under this section, and a suit shall not lie in any Court for any purpose for which an application might be made under this section.

Improvements by Tenants.

63. Title of occupancy-tenant to make improvements.—A tenant having a right of occupancy is entitled to make improvements on his tenancy.

64. Title of tenants not having right of occupancy to make improvements.—(*1*) A tenant not having a right of occupancy may make improvements on his tenancy with the assent of his landlord.

(*2*) If at any time the question arises whether or not the landlord assented to the making of an improvement by a tenant not having a right of occupancy, the assent may be inferred from circumstances.

65. Improvements made before commencement of this Act.—Improvements made by a tenant before the commencement of this Act shall be deemed to have been made in accordance with this Act, unless in the case of a tenant not having a right of occupancy it is shown that the improvement was made in contravention of a written agreement between him and his landlord.

66. Improvements begun in anticipation of ejectment.—A tenant ejected in execution of a decree, or in pursuance of a notice of a notice of ejectment, shall not be entitled to compensation for any improvement begun by him after the institution of the suit, or service of the notice, which resulted in his ejectment.

67. Tender of lease for twenty years to tenant to be a bar to right to compensation.—If a landlord tenders to a tenant a lease of his tenancy for a term of not less than twenty years from the date of the tender at the rent then paid by the tenant, or at such other rent as may be agreed on, the tender if, accepted by the tenant, shall bar any claim by him to compensation in respect of improvements previously made on the tenancy.

68. Liability to pay compensation for improvements to tenant on ejectment or on enhancement of his rent.—Subject to the foregoing provisions of this Chapter, a tenant who has made an improvement on his tenancy in accordance with this Act shall not be ejected, and the rent payable by him shall not be enhanced, until he has received compensation for the improvement.

Compensation for Disturbance of Clearing Tenants.

69. Compensation for disturbance of clearing tenants.—(*1*) A tenant who has cleared and brought under cultivation waste-land in which he has not a right of occupancy shall, if ejected from that land, be entitled to receive from the landlord as compensation for disturbance, in addition to any compensation for improvements, a sum to be determined by a Revenue Court or Revenue-officer in accordance with the merits of the case, but not exceeding five years' rent of the land:

Provided that a tenant who is a joint owner of land to which this section applies shall not be entitled to compensation for disturbance on ejectment from the land or any part thereof.

(*2*) If rent has been paid for the land by division or appraisement of the produce, or by rates fixed with reference to the nature of the crops grown, or if not rent, or no rent other than the land revenue of the land and the rates and cesses chargeable thereon, has been paid therefor, the compensation may be computed as if double the amount of the land-revenue of the land were the annual rent thereof.

Procedure in determining Compensation.

70. Determination of compensation by Revenue Courts.—(*1*) In every suit by a tenant to contest his liability to ejectment or by a landlord to eject a tenant or to enhance his rent, the Court shall direct the tenant to file a statement of his claim, if any, to compensation for improvements or for disturbance and of the grounds thereof.

(*2*) If the Court decrees the ejectment of the tenant or the enhancement of his rent, it shall determine the amount of compensation, if any, due to the tenant, and shall stay execution of the decree until the landlord pays into Court that amount less any arrears of rent or costs proved to the satisfaction f the Court to be due to him from the tenant.

71. Determination of compensation by Revenue-officers.—In either of the following cases, namely—

(*a*) when a notice has been served on a tenant under section 44,

(*b*) when a notice of ejectment has been served on a tenant under section 45 and the tenant has not instituted a suit to contest his liability to be ejected, the tenant may apply to the Revenue-officer having authority to order his ejectment under section 44 or section 45, as the case may be, to determine the amount of compensation due to him for improvements or for disturbance, or for both, and the Revenue-officer shall determine the amount, if any, accordingly and stay the ejectment of the tenant until the landlord pays to the Revenue-officer the amount so determined less any arrears of rent or costs proved to the satisfaction of the Revenue-officer to be due to the landlord from the tenant.

72. Matters to be regarded in assessment of compensation for improvements.—In estimating the compensation to be awarded under this Chapter to a tenant for an improvement, the Court or Revenue-officer shall have regard to—

(*a*) the amount by which the value or the produce of the tenancy, or the value of that produce, is increased by the improvement;

(*b*) the condition of the improvement and the probable duration of its effects;

(*c*) the labour and capital required for the making of such an improvement;

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement; and

(*e*) in the case of a reclamation, or of the conversion of unirrigated into irrigated land the length of time during which the tenant has had the benefit of the improvement.

73. Form of compensation.—(*1*) the compensation shall be made by payment in money, unless the parties agree that it be made in whole or in part by the grant of a beneficial lease of land or in some other way.

(*2*) If the parties so agree, the Court or Revenue-officer shall, make an order accordingly.

Relief in case of ejectment before Determination of Compensation.

74. Relief in case of ejectment before determination of compensation.—(*1*) If from any cause the amount of compensation payable to a tenant—

(*a*) under this Chapter for improvements or disturbance, or

(*b*) under section 49 for the value of uncut or ungathered crops or the preparation of land for sowing, has not been determined before the tenant is ejected, the ejectment shall not be invalidated by reason of

the omission, but the Court or Revenue-officer which decreed or who ordered the ejectment may, on application made by the tenant within one year from the date of the ejectment, correct the omission by making in favour of the tenant an order for the payment to him by the landlord of such compensation as the Court or officer may determine the tenant to be entitled to.

(*2*) An order made under sub-section (*1*) may be executed in the same manner as a decree for money may be executed by a Revenue Court.

CHAPTER VII

JURISDICTION AND PROCEDURE.

Jurisdiction.

75. Revenue-officers.—(*1*) There shall be the same classes of Revenue-officers under this Act as under the Punjab Land-revenue Act, 1887 (XVII of 1887) and, in the absence of any order of the Local Government to the contrary, a Revenue-officer of any class having jurisdiction within any local limits under that Act shall be a Revenue-officer of the same class having jurisdiction within the same local limits under this Act.

(*2*) the expressions "Collector" and "Financial Commissioner" have the same meaning in this Act as in the Punjab Land-Revenue Act, 1887.

76. Applications and proceedings cognizable by Revenue-officers.—(*1*) the following applications and proceedings shall be disposed of by Revenue-officers as such, and no Court shall take cognizance of any dispute or matter with respect to which any such application or proceeding might be made or had:—

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(a) proceedings under section 27 for the adjustment of rents expressed in terms of the land-revenue; (*b*) proceedings relating to the remission and suspension of rent under section 30;

(*c*) applications under section 43 for the ejectment of a tenant against whom a decree for an arrear of rent in respect of his tenancy has been passed and remains unsatisfied;

(*d*) applications under section 45, sub-section (*5*) for the ejectment of a tenant on whom a notice of ejectment has been served and who has not instituted a suit to contest his liability to be ejected but has claimed compensation under section 71;

(*e*) applications under section 53 or section 54 for the fixing of the value of a right of occupancy; (*f*) applications under section 53 or section 54 by landlords for possession of land, the right of occupancy in which has become extinct;

(*g*) proceedings under Chapter VI with respect to the award of compensation for improvements or disturbance;

SECOND GROUP

(*h*) application under section 17 with respect to the division or appraisement of produce;

(*i)* applications under section 45, sub-section (*5*), for the ejectment of a tenant on whom a notice of ejectment has been served and notice of ejetment has been served and who has not instituted a suit to contest his liability to be ejected and has not claimed compensation under section 71;

(*j)* applications for the determination.—

(*i*) under section 49 of the rent payable for land occupied by crops uncut or ungathered at the time of an order being made for the ejectment of a tenant; or

(*ii*) under section 49 or section 74 of then value of such crops or of the sum payable to the tenant for labour and capital expended by him in preparing land for sowing.

THIRD GROUP

(*k*) applications under section 31 by tenants to deposit rent;

(*l*) applications under section 36 for service of notice of relinquishment;

(*m*) applications under section 43 for service of notice of ejectment;

(*n*) applications under section 53 or section 54 for service of notice of intended transfer or of intended foreclosure or other enforcement of lien;

(*2*) Except as otherwise provided by ial Commissioner in this behalf,— (*a*) a

Collector or an Assistant Collector of the first grade may dispose of any of the applications and proceedings mentioned in sub-section (*1*);

(*b*) an Assistant Collector of the second grade, not being a Naib-Tehsildar, may dispose of any of the applications mentioned in the second and third groups of that sub-section; and

(*c)* a Naib-Tehsildar, when invested with the powers of an Assistant Collector of the second grade, may dispose of any of the applications mentioned in the third group of that sub-section.

77. Revenue Court an suit cognizable by them.—(*1*) When a Revenue-officer is exercising jurisdiction with respect to any such suit as is described in sub-section (3), or with respect to an appeal or other proceeding arising out of any such suit, he shall be called a Revenue Court.

(*2*) There shall be the same classes of Revenue Courts as of Revenue-officers under this Act, and, in the absence of any order of the Local Government to the contrary, a Revenue-officer of any class having jurisdiction within any local limits under this Act shall be a Revenue Court of the same class having jurisdiction within the same local limits.

(*3*) The following suits shall be Instituted in and heard and determined by Revenue Courts, and no other Court shall take cognizance of any dispute or matter with respect to which any such suit might be instituted:—

FIRST GROUP.

(*a*) Suits between landlord and tenant for enhancement or reduction of rent under section 24; (*b*) Suits between landlord and tenant for addition to or abatement of rent under section 28 or for commutation of rent;

(*c*) Suits under section 34 for the determination of rent or other sum on the expiration of the term of an assessment of land-revenue;

SECOND GROUP.

(*d*) suits by a tenant to establish a claim to a right of occupancy, or by a landlord to prove that a tenant has not such a right;

(*e*) suits by a landlord to eject a tenant;

(*f*) suits by a tenant under section 45 to contest liability to ejectment, when notice of ejectment has been served ;

(*g*) suits by a tenant under section 50 for recovery of possession or occupancy, or for compensation, or for both;

(*h*) suits by a landlord to set aside a transfer made of a right of occupancy, or to dispossess a person to whom such a transfer has been made, or for both purposes;

(*i*) any other suit between landlord and tenant arising out of a lease or conditions on which a tenancy is held;

(*j*) suits for sums payable on account of village cesses or village-expenses;

(*k*) suits by a co-sharer in an estate or holding for a share of the profits thereof or for a settlement of accounts;

(*l)* suits for the recovery of over-payments of rent or land-revenue or of any other demand for which a suit lies in a Revenue Court under this sub-section:

(*m*) Suits relating to the emoluments of kanungos, zaildars, inamdars or village-officers;

THIRD GROUP.

(*n*) Suits by a landlord for arrears of rent or the money-equivalent of rent, or for sums recoverable under section 14;

(*o*) Suits by a landowner to recover moneys claimed as due for the enjoyment of rights in or over land or in water, including rights of irrigation, rights over fisheries, rights of pasturage and forest-rights;

(*p*) Suits for sums payable on account of land-revenue or of any other demand recoverable as an arrear of land-revenue under any enactment for the time being in force, and by a superior landowner for other sums due to him as such.

(*4*) Except as otherwise provided by any rule made by the Financial Commissioner in this behalf,—

(*a*) a Collector may near and determi d in sub-section (*3*) ;

(*b*) an Assistant Collector of the first grade may hear and determine any of the suits mentioned in the second and third groups of that sub-section, and, if he has by name been specially empowered in this behalf by the Local Government, any of the suits mentioned in the first group; and

(*c*) an Assistant Collector of the second grade may hear determine any of the suits mentioned in the third group.

Administrative Control.

78. Superintendence and control of Revenue-officers and Revenue Courts.—(*1*) The general superintendence and control over all other Revenue-officers and Revenue Courts shall be vested in, and all such officers and Courts shall be subordinate to, the Financial Commissioner.

(2) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers and Revenue Courts in his division.

(*3*) Subject as aforesaid and to the control of the Commissioner a Collector shall control all other Revenue-officers and Revenue Courts in his district.

79. Power to distribute business and withdraw and transfer cases.—(*1*) The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinksfit, any business cognizable by any Revenue-officer or Revenue Court under his control.

(*2*) the Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any Revenue-officer or Revenue Court under his control, and either dispose of it himself or by written order refer it for disposal to any other Revenue-officer or Revenue Court under his control.

(*3*) An order under sub-section (*1*) or sub-section (*2*) shall not empower any Revenue-officer or Revenue Court to exercise any powers or deal with any business which he or it would not be competent to exercise or deal with within the local limits of his or its own jurisdiction.

Appeal, Review and Revision.

80. Appeals.—Subject to the provisions of this Act and the rules thereunder, an appeal shall lie from an original or appellate order or decree made under this Act by a Revenue-officer or Revenue Court; as follows, namely :—

(*a*) to the Collector when the order or decree is made by an Assistant Collector of either grade;

(*b*) to the Commissioner when the order or decree is made by a Collector;

(*c*) to the Financial Commissioner when the order or decree is made by a Commissioner:

Provided that —

(i) an appeal from an order or decree made by an Assistant Collector of the first grade specially empowered by name in that behalf by the Local Government in a suit mentioned in the first group of sub-section (*3*) of section 77 shall lie to the Commissioner and not to the Collector;

(*ii*) when an original order or decree is confirmed on first appeal, a further appeal shall not lie; (*iii*) when any such order or decree is modified or reversed on appeal by the Collector, the order or decree made by the Commissioner on further appeal, if any, to him shall be final.

81. Limitation for appeals.—the period of limitation for an appeal under the last foregoing section shall run from the date of the order or decree appealed against, and shall be as follows, that is to say:— (*a*) when the appeal lies to the Collector—thirty days;

(*b)* when the appeal lies to the Commissioner—sixty days;

(*c*) when the appeal lies to the Financial Commissioner—ninety days;

82. Review by Revenue-officers.—(*1*) A Revenue-officer, as such, may either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office :

Provided as follows: —

(*a*) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed and when a Revenue-officer of a class below that of Collector proposes to review any order whether passed by himself or by any of his predecessors in officer he shall first obtain the sanction of the Revenue-officer to whose control he is immediately subject;

(*b*) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within that period;

(*c*) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected there by to appear and be heard in support of the order;

(*d*) an order against which an appeal has been preferred shall not be reviewed.

(*2*) For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue-officer of a lower class who has left the district or has ceased to exercise powers as a Revenue-officer and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review, or confirming on review, a previous order.

83. Computation of periods limited for appeals and applications for review.—In the computation of the period for an appeal from, or an application for the review of, an order under this Act, the limitation therefore shall be governed by the Indian Limitation Act, 1877, (XV of 1877).

84. Power to call for examine and revise proceedings of Revenue-officers and Revenue Courts.—(*1*) The Financial Commissioner may at any time call for the record of any case pending before or disposed of by, any Revenue-officer or Revenue Courts subordinate to him.

(*2*) A Commissioner or Collector may call for the record of any case pending before or disposed of by, any Revenue-officer or Revenue Court under his control.

(*3*) If in any case in which a Commissioner or Collector has called for a record he is of opinion that the proceedings taken or the order or decree made should be modified or reversed he shall submit the record with his opinion on the case for the orders of the Financial Commissioner.

(*4*) If, after examining a record called for by himself under sub-section (*1*) or submitted to him under sub-section *(3*), the Financial Commissioner is of opinion that it is inexpedient to interfere with the proceedings or the order or decree, he shall pass an order accordingly.

(*5*) If, after examining the record the Financial Commissioner is of opinion that it is expedient to interfere with the proceedings or the order or decree on any ground on which the Chief Court in the exercise of its revisional jurisdiction may under the law fir the time being in force interfere with the proceedings or an order or decree of a Civil Court, he shall fix a day for hearing the case, and may, on that or any subsequent day to which he may adjourn the hearing on which he may appoint in this behalf, pass such order as he thinks fit in the case.

(*6*) Except when the Financial Commissioner fixes under sub-section (*5*) a day for hearing the case, no party has any right to be heard before the Financial Commissioner when exercising his powers under this section.

Procedure.

85. Procedure of Revenue-officers.—(*1*) The Local Government may make rules 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.

(*2*) The rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of, immoveable property, and rules providing for those 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, such property.

(*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, 1887, (XVII of 1887) 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.

86. Persons by whom appearance, may be made before Revenue-officers as such and not as Revenue Courts.—(*1*) Appearances before a Revenue-officer as such, and application to and acts to be done before him, under this Act may be made or done.

(*a*) by the parties themselves, or

(*b*) by their recognized agents or a legal practitioner :

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer.

(*2*) For the purposes of sub-section (*1*), recognized agents shall be such persons as the Local Government may by notification declare in this behalf.

(*3*) The fees of a legal practitioner shall not be allowed as cost in any proceeding before a Revenue-officer under this Act, unless that officer considers, for reasons to be recorded by him in writing, that the fees should be allowed.

87. Costs.—(*1*) A Revenue-officer may give and apportion the costs of any proceeding under this Act in any manner he thinks fit ;

(*2*) But if he orders that the costs of any such proceeding shall not follow the event, he shall record his reasons for the order.

88. Procedure of Revenue-Courts.—(*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this Act for which a procedure is not prescribed thereby, and may by any such rule direct that any provisions of the Code of Civil Procedure shall apply with or without modification to all or any classes of cases before those Courts.

(*2*) Until rules are made under sub-section (*1*), and subject to those rules when made and to the provisions of this Act,—

(*a*) the Code of Civil Procedure shall, so far as it is applicable, apply to all proceedings in Revenue Courts whether before or after decree; and

(*b*) the Financial Commissioner shall, in respect of those proceedings be deemed to be the High Court within the meaning of that Code, and shall, subject to the provisions of this Act, exercise, as regards the Courts under his control, all the powers of a High Court under the Code.

89. Power of Revenue, officer or Revenue Court to summon persons.—(*1*) A Revenue-officer or Revenue Court may summon any person whose attendance he or it considers necessary for the purpose of any application, suit or other business before him or it as a Revenue-officer or Revenue Court.

(*2*) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(*3*) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements and to produce such documents and other things relating to any such matter as the Revenue-officer or Revenue Court may require.

90. Mode of service of summons.—(*1*) A summons issued by a Revenue-officer or Revenue Court shall, if practicable, be served (*a)* personally on the person to whom it is addressed, or failing him on *(b*) his recognized agent or (*c*) an adult male member of his family who is residing with him.

(*2*) If service cannot be made, or if acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the district in which the Revenue-officer is employed or the Revenue Court is held, and the case to which the summons relates has reference to land in that district,
then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue-officer or Revenue Court so directs, be served by delivery of a copy thereof to such of those persons as the officer or Court nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(*4*) A summons may if, the Revenue-officer or Revenue Court so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act 1866 (XIV of 1866).

(5) When a summons is so forwarded in a letter and it is proved that the letter was properly addressed and duly posted and registered, the officer or Court may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.

91. Mode of service of notice, order or proclamation or copy thereof.—A notice, order or proclamation, or copy of any such document, issued by a Revenue-officer or Revenue Court for service on any person shall be Served in the manner provided in the last foregoing section for the service of a summons.

92. mode of making proclamation.—When a proclamation relating to any land is issued by a Revenue-officer or Revenue Court, it shall in addition to any other mode of publication which may be prescribed by any enactment for the time being in force, be made by beat of drum or other customary method, and by the posting of a copy thereof on a conspicuous place in or near the land to which it relates.

93. Joinder of tenants as parties to proceedings relating to rent.—(*1*) Any number of tenants cultivating in the same estate may, in the discretion of the Revenue-officer or Revenue Court and subject to any rules which the Local Government may make in this behalf, be made parties to any proceeding under Chapter III ;

(*2*) But a decree or order shall not be made in any such proceeding unless the Revenue-officer or Revenue Courts is satisfied that all the parties thereto have had an opportunity of appearing and being heard.

(*3*) A decree or order made in any such proceeding shall specify the extent to which each of the tenants is affected thereby.

94. Exception of suits under this Act from operation of certain enactments.—Nothing in section 424 of the Code of Civil Procedure (XIV OF 1882) or in section 36 of the Punjab Municipal Act 1884, (XIII of 1884) shall be construed to apply to a suit of a class mentioned in section 77 of this Act.

95. Payment into Court of money admitted to be due to third person.—(*1*) When a defendant admits that money is due from him on account of rent, but pleads that it is due not to the plaintiff but to a third person, the Court shall, except for special reasons to be recorded by it, refuse to take cognizance of the plea unless the defendant pays into Court the ue.

(*2*) Where such a payment is made the Court shall forthwith cause notice of the payment to be served on the third person.

(3) Unless the third person within three months from the receipt of the notice institutes a suit against the plaintiff and therein obtains and order restraining payment of the money it shall be paid to the plaintiff on his application to the Court therefor.

(*4*) Nothing in this section shall affect the right of any person to recover from the plaintiff money paid to him under sub-section (*3*).

(*5*) When a defendant pays money into Court under this section, the Court shall give the defendant a receipt, and the receipt so given shall operate as, an acquittance in the same manner and to the same extent as if it had been given by the plaintiff or the third person, as the case may be.

96. Execution of decrees for arrears of rent.—A Court passing a decree for an arrear of rent may, on the oral application of the decree-holder, order execution thereof against the moveable property of the tenant, and against any uncut or ungathered crops on the tenancy in respect of which the arrear is decreed.

97. Prohibition of imprisonment of tenants in execution of decrees for arrear of rent.—A tenant shall not during the continuance of his occupancy be liable to imprisonment on the application of his landlord in execution of a decree for an arrear of rent.

98. Power to refer party to Civil Court.—(*1*) If, in any proceeding pending before a Revenue Court exercising original, appellate or revisional jurisdiction, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Court, if any, to the control of which it is immediately subject, require, by order in writing, any party to the proceeding to institute, within such time as it may fix in this behalf, a suit in the Civil Court for the purpose of obtaining a decision on the question, and, if he fails to comply with the requisition, may decide the question as it thinks fit.

(*2*) If the party institutes the suit in compliance with the requisition, the Revenue Court shall dispose of the proceeding pending before it in accordance with the final decision of the Civil Court of first instance or appeal, as the case may be.

99. Power to refer to Chief Court questions as to jurisdiction.—(*1*) If the presiding officer of a Civil or Revenue Court in which a suit has been instituted doubts whether he is precluded from taking cognizance of the suit, he may refer the matter through the Divisional Judge or Commissioner, or, if he is a Divisional Judge or Commissioner, directly to the Chief Court.

(*2)* On any such reference being made the Chief Court may order the presiding officer either to proceed with the suit or to return the plaint for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit.

(*3*) The order of the Chief Court on any such reference shall be conclusive as against persons who are not parties to the suit as well as against persons who are parties thereto.

100. Power of Chief Court to validate proceedings held under mistake as to jurisdiction.—*(1*) In either of the following cases, namely :—

(*a*) if it appears to a Civil Court that a Court under its control has determined a suit of a class mentioned in section 77 which under the provisions of that section should have been heard and determined by a Revenue Court, or

(*b*) if it appears to a Revenue Court that a Court under its control has determined a suit which should have been heard by a Civil Court the Civil Court or Revenue Court, as the case may be, shall submit the record of the suit to the Chief Court.

(*2*) If on perusal of the record it appears to the Chief Court that the suit was so determined in god faith, and that the parties have not been prejudiced by the mistake as to jurisdiction, the Chief Court may order that the decree be registered in the Court which had jurisdiction.

(*3*) If it appears to the Chief Court, otherwise than on submission of a record under subsection (*1*), that a Civil Court under its control has determined a suit of a class mentioned in section 77 which under the provisions of that section should have been heard and determined by a Revenue Court, the Chief Court may pass any order which it might have passed if the record had been submitted to it under that sub-section.

(*4*) With respect to any proceeding subsequent to decree, the Chief Court may make such order for its registration in a Revenue court or Civil Court as in the circumstances appears to be just and proper.

(*5*) An order of the Chief Court under this section shall be conclusive as against persons who were not parties to the suit or proceeding as well as against persons who were parties thereto, and the decree or proceeding to which the order relates shall have effect as if it had been made or had by the Court in which the order has required it to be registered.

(*6)* The provisions of this section shall apply to any suit instituted on or after the first day of November, 1884 and to proceedings arising out or any such suit.

Miscellaneous.

101. Place of sitting.—(*1*) An Assistant Collector may exercise his powers under this Act at any place within the limits of the district in which he is employed.

(*2*) Any other Revenue-officer or Revenue court may only exercise his or its powers under this Act within the local limits of his or its jurisdiction.

102. Holidays.—(*1*) The Financial Commissioner, with the approval of the Local Government, shall publish in the local Official Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers and Revenue Courts.

(*2*) A Proceeding had before a Revenue-officer or Revenue court on a day specified in the list as a day to be observed by the officer or Court as a holiday shall not be invalid by reason only of its having been had on that day.

103. Discharge of duties of Collector dying or being disabled.—When a Collector dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Collector under this Act.

104. Retention of powers by Revenue-officer on transfer.—When a Revenue-officer of any class who, either as such or as a Revenue Court, has under the foregoing provisions of this Act any powers to be exercised in any local area is transferred from that local area to another as a Revenue-officer or Revenue Court of the same or a higher, class, he shall continue to exercise those powers in that other local area, unless the Local Government otherwise directs or has otherwise directed.

105. Conferment of power of Revenue-officer or Revenue Court.—*(1*) The Local Government may by notification confer on any person.—

(*a*) all or any of the powers of a Financial Commissioner, Commissioner or Collector under this Act, or

(*b*) all or any of the powers with which an Assistant Collector of either grade is, or may be, invested thereunder,

and may by notification withdraw any powers as conferred.

(*2*) A person on whom powers are conferred under sub-section (*1*) shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed

by the Local Government, shall for all purposes connected with the exercise thereof be deemed a Financial Commissioner, Commissioner, Collector or Assistant Collector, as the case may be.

(*3*) Before conferring powers on the Judge of a Civil Court under sub-section (*1*), the Local Government shall consult the Chief Court.

(*4)* If any of the powers of a Collector under section 78, section 79, section 80 or section 82 are conferred on an Assistant Collector, they shall, unless the Local Government by special order otherwise directs, be exercised by him subject to the control of the Collector.

106. Power for Financial Commissioner to make rules.—(*1*) The Financial Commissioner may, in addition to the other rules which may be made by him under this Act, make rules consistent with this Act and any other enactment for the time being in force—

(*a*) determining, notwithstanding anything in any record-or-rights, the number and amount of the instalments and the times by and at which rent is to be paid;

(*b*) for the guidance of Revenue-officers in determining, for the purposes of this Act, the amount of the land-revenue of any land;

(c) prescribing, for all or any of the territories to which this Act extends the periods during which in proceedings held under this Act, a Revenue-officer or Revenue Court is not, except for reasons of urgency to be recorded, to issue any process of arrest against, tenant or against a landowner who cultivates his own land;

(*d*) regulating the procedure in cases where persons are entitled to inspect records of Revenue-officer or Revenue Courts, or to obtain copies of the same, and prescribing the fees payable for searches and copies ;

(e) prescribing forms for such books, entries, statistics and accounts as the Financial Commissioner thinks necessary to be kept, made or compiled in Revenue-officers or Revenue Courts or submitted to any authority;

(f) declaring what shall be the language of any of those offices and Courts, and determining in what cases persons practising in those officers and Courts shall be permitted to address the presiding officers thereof in English; and

(*g*) generally for the guidance of Revenue-officers and other persons in matters connected with the enforcement of this Act.

(2) Until rules are made under clause *(a*) of sub-section (*1*), rent shall be payable by the instalments and at the times by and at which it is now payable.

(*3*) Rules made by the Financial Commissioner under this or any other section of this Act shall not take effect until they have been sanctioned by the Local Government.

107. Rules to be made after previous publication.—The power to make any rules under this Act is subject to the control of the Governor General in council, and to the condition of the rules being made after precious publication.

108. Powers exercisable by Financial Commissioner from time to time.—all powers conferred by this Act on the Financial Commissioner may be exercised from time to time as occasion requires.

CHAPTER VIII.

EFFECT OFTHIS ACTON RECORD-OF-RIGHTSAND AGREEMENTS.

109. Nullity of certain entries in records-of-rights.—An entry in any record-of-rights providing.—

(*a*) that a landlord may prevent a tenant from making, or eject him for making, such improvements on his tenancy as he is entitled to make under this Act, or

(*b*) that a tenant ejected form his tenancy shall not be entitled to compensation for improvements or for disturbance in any case in which he would under this Act be entitled to compensation therefor, or

(*c*) that a landlord may eject a tenant otherwise than in accordance with the provisions of this Act,

shall be void to that extent.

110. Nullity of certain agreements contrary to the Act.—(*1*) Nothing in any agreement made between a landlord and a tenant after the passing of this Act shall.—

(*a*) override any of the provisions of this Act with respect to the acquisition of a right of occupancy, or the reduction, remission or suspension of rent, or the enhancement of the rent of a tenant having a right of occupancy under section 5 or section 6, or

(*b*) take away or limit the right of a tenant as determined by this Act to make improvements and claim compensation therefor, or, where compensation for disturbance can be claimed under this Act, to claim such compensation, or

(*c*) entitle a landlord to eject a tenant otherwise than in accordance with the provisions of this Act.

(*2*) Nothing in clause *(a*) of sub-section (*1*) shall apply to an agreement by which a tenant binds himself to pay an enhanced rent in consideration of an improvement which has been, or is to be, made in respect of his tenancy by, or at expense of, his landlord, and to the benefit of which the tenant is not otherwise entitled.

111. Saving of other agreements when in writing.—Save as expressly provided in this Act, nothing in this Act shall affect the operation of any agreement between a landlord and a tenant, when the agreement either is in writing or has been recorded in a record-of-rights before the passing of the Punjab Land-Revenue Act, 1887, (XVII of 1887) or been entered by order of a Revenue-officer in a record-of- rights or annual record under the provisions of that Act.

112. Effect of certain entries made in records-of-rights before November 1871.—An entry made with respect to any of the following matters before the eighteenth day of November, 1871 and attested by the proper officer, in the record of a regular settlement sanctioned by the local Government, namely :

(*a*) the enhancement or abatement of the rent of a tenant having a right of occupancy, or the commutation of rent in kind into rent in money or of rent in money into rent in kind, or the taking of rent in kind by division or appraisement of the produce or other procedure of a like nature, or

(*b*) the letting or under-letting of land in which there is a right of occupancy by the tenant having that right, or the alienation of or succession to land in which such a right subsists;

shall be deemed to be an agreement within the meaning of the last foregoing section.

THE SCHEDULE.

SeeSection 2.

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of repeal.
1	2	3
Act of the Governor General in Council.		
XXVIII of 1868.	Punjab Tenancy Act.	The whole.
VIII of 1873.	Northern India Canal and Drainage Act.	Section 40 to 43, both inclusive
XIV of 1875.	Punjab Judicial Administration Act.	So much as has not been repealed.
XVIII of 1884.	Punjab Courts Act.	Section 3, clauses (1), (2), (4), (5), (6) and (7); the whole of Chapter V; the last seventeen words of sub-section (1) of section 67; section 70 so far as regards Revenue Courts; and section 75.