

The Punjab Land Leasing and Tenancy (Safeguarding Rights and Enforcing Obligations of Lessor and Lessee) Bill, 2021.

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AIMS AND OBJECTS

The issue regarding the giving of agricultural lands on lease in Punjab has engaged the attention of the land owners/lessors and lessees. In the recent years there have been changes in agrarian relations which have changed the concept of traditional tenancy to a primarily commercial one. A booming land leasing market has emerged in Punjab, which covers a quarter of the total cultivated area. The lease of lands at present is mostly oral which is a sign of lack of trust and confidence in the existing laws. The lessors while leasing out their lands generally do not show or reflect the lessee to be in occupation of the land leased to him. This is because the lessor has a strong apprehension that in case it is so recorded, his ownership rights might get adversely affected and he might have to engage in protracted litigation. The lessee also suffers since he is unable to get crop loan and claim relief for any damage to the crops.

The Bill seeks to maintain a balance in the *inter se* relationship of the lessor and lessee, safeguard and enforce their rights and obligations, as also restore the mutual trust and confidence in their dealings.

The Bill also seeks to remove barriers against investment, besides helping adopt new technology on the leased land and introduce cultivation of high-value crops so as to usher in higher productivity and prosperity for sustainable agriculture. The Bill would encourage new forms of organization in agriculture such as cooperatives/group production, self-help groups, farmers' producer organizations and others to make agriculture a viable and sustainable occupation for small and marginal farmers as well.

(ii)

Certain extant Tenancy laws have outlived their utility and now are impediments to improvement in land and crop diversification, resulting in low farm income. It is, therefore, considered imperative to open up the farming and agriculture sector to improve investment and technology by liberalization of tenancy laws. This would promote efficient use of resources, occupational diversification including employment opportunities and equity, and would lead to rapid sustainable rural transformation.

The extant Acts like the Punjab Tenancy Act, 1887 provided for two categories of tenants, that is, occupancy tenants and tenants at will. The occupancy tenants were conferred with proprietary rights by the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952. Almost all the occupancy tenants have been conferred with proprietary rights under the said Act. Other enactments like the Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1954; the Pepsu Tenancy and Agriculture Lands Act, 1953; the Punjab Colonization of Government Lands Act, 1912; the Punjab Security of Land Tenures Act, 1953 which also determined the rights and liabilities of the land owners and tenants have outlived their utility and are, therefore, being repealed.

The Bill also provides a comprehensive enactment for expeditious disposal of disputes between the lessor and lessee.

THE PUNJAB LAND LEASING AND TENANCY (SAFEGUARDING RIGHTS AND ENFORCING OBLIGATIONS OF LESSOR AND LESSEE) BILL, 2021.

(Act No. _____ of 2021)

[Dated: _____ 2021.]

A Bill to consolidate the law relating to the lease and tenancy of land in Punjab.

WHEREAS it is expedient to consolidate the law relating to the land lease and tenancy, besides, safeguard and enforce the rights and obligations of lessor and lessee in Punjab;

Be it enacted by the Legislature of the State of Punjab in the Seventy-first year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. Title, extent and commencement. - (1) This Bill may be called the Punjab Land Leasing and Tenancy (Safeguarding Rights and Enforcing Obligations of Lessor and Lessee) Bill, 2021.

(2) This Act shall extend to the entire State of the Punjab; and

(3) It shall come into force on such date as the Government may by notification in the official gazette appoint in this behalf.

2. Definitions. - In this Act, unless the context otherwise requires or there is something repugnant in the subject or context: -

(1) "Agreement" means a settlement and includes a supplementary or an additional agreement entered into between the lessor and the lessee and signed by at least two witnesses.

(2) "Agriculture and allied activities" mean activities that are connected with and subservient to agriculture such as agro-forestry, dairy farming, animal husbandry, fisheries, floriculture, fruit nursery, fruit-plant and rootstock, horticulture, poly house and green house cultivations, poultry and such other ancillary activities; and as may be notified by the Government.

(3) "Agricultural year" means the year commencing on the first day of June of each Gregorian calendar year, or on such other date as the Government may, by notification specify.

(4) "Arrears of rent" means rent which remains unpaid after the date on which it becomes due and payable.

- (5) "Assistant Collector" means a Revenue Officer appointed by the Government not below the rank of Tehsildar.
- (6) "Collector" means a Revenue Officer appointed by the Government not below the rank of Sub Divisional Magistrate and performing functions of Collector/Assistant Collector 1st Grade under the Punjab Land Revenue Act, 1887 (Act XVII of 1887).
- (7) "Damage" means the wrongdoing done, whether temporary or permanent, by the lessee to the detriment of the lessor so as to reduce the usefulness of the land for cultivation.
- (8) "Decree" means a final order adjudicating the application determining the rights and liabilities of a lessor or a lessee by the Revenue Court or Tribunal under this Act and shall include the rejection of such an application, but shall not include an order of dismissal for default.
- (9) "Decree holder" means any person in whose favour a decree has been passed or an order capable of execution has been made.
- (10) "District" and "Division" mean the area over which the Assistant Collector/Collector and the Tribunal respectively exercise their jurisdiction, which shall correspond to the area of the District and Division under the Punjab Land Revenue Act, 1887 (Act XVII of 1887).
- (11) "Evict" means eviction of the lessee from the leased land and includes his ejection, vacation and dispossession therefrom.
- (12) "Financial Commissioner" means the Financial Commissioner and Administrative Secretary of the Department of Revenue, Rehabilitation and Disaster Management in the Government.
- (13) "Force Majeure" means a case of war, earthquake, diluvion, or any other natural calamity caused by act of God.
- (14) "Government" means the Government of the State of Punjab in the Department of Revenue, Rehabilitation and Disaster Management,
- (15) "Improvement" means any work done on the leased land consistent with the agreement of lease by which the value of the lease increases.

Explanation I– It includes, amongst other things –

- (a) the boring of tube-wells and other works for the storage or supply of water for agricultural purposes;

(b) the construction of works for irrigation, drainage and for protection against floods in such manner that it is not detrimental to land or property of the lessor or others;

(c) the planting of trees, the reclaiming, enclosing, levelling and terracing of land for agricultural purposes and other works of a like nature in such manner that it is not detrimental to land or property of the lessor or others;

(d) the erection of any building or structure required for more convenient or profitable cultivation of the land; and

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

But it does not include such clearances, embankments, levelling, enclosures, temporary wells and water channels as are made by a tenant 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 lessee is not an improvement if it substantially diminishes the value of any other part of the lessor's land or property.

(16) "Judgment debtor" means any person against whom a decree has been passed or an order capable of execution has been made.

(17) "Land" means land which is used for agriculture and allied activities but does not include the sites of buildings and other structures on such land except where these are used for agriculture and allied activities.

(18) "Lease" means an agreement between the lessor and the lessee by which the lessor conveys use and occupation of his land to the lessee for agriculture and allied activities for a specified period for a consideration.

(19) "Lessee" means a person who takes land of a lessor on lease and would be liable to pay rent for the use and occupation of that land and shall include his successor in interest.

(20) "Lessor" means a person who owns land, or is a mortgagee with possession of land from whom a lessee takes land on lease and shall include the successor in interest of the lessor.

(21) "Notification or notified" means a notification issued by the Government and published in the Official Gazette.

(22) "Nuisance" with reference to lessee of the leased land shall include any of the following:

- (i) Using the land for an activity that is prohibited by law or is otherwise hazardous or injurious to health;
- (ii) Causing damage or injury to the rights of another, or public by obstruction of public path or the natural flow of water;
- (iii) Causing material annoyance or discomfort, that is to say, the use of the leased land by the lessee in such manner that it disturbs the rights of the lessor rendering its ordinary use or occupation inconvenient to him or causes damage to the environment;
- (iv) Raising any construction of a permanent nature other than a hutment for tube well;
- (v) Constructing any tank or making excavations on the leased land or its vicinity in such manner that it is dangerous to the public;
- (vi) Any other nuisance as may be notified;

(23) "Order" means the formal expression of any decision of a Revenue Court or the Tribunal, which is not a decree.

(24) "Pay", means "deliver" and "render" payment in cash, cheque, demand draft, electronic mode or any other mode that may be notified.

(25) "Prescribe" means as may be prescribed by Rules made under this Act.

(26) "Record" means any register, index, document, evidence, orders, interim orders or any other document, and includes electronic or digital record in the form of evidence, document, e-mail messages, word processed document, electronic spreadsheets, digital images and databases required by the Act or the Rules made there under to be kept by a Revenue Court or a Tribunal.

Explanation: Electronic record means data record or data generated, image or sound stored, received or sent in an electronic or digital form as notified.

(27) "Rent" means the amount payable as lease money by a lessee to a lessor for the lease of the land.

(28) "Revenue Court", means a Court of Assistant Collector or Collector having jurisdiction under this Act to discharge the functions of a Revenue Court.

(29) "Tenancy" means a lease as defined in clause (18) above.

(30) "Tribunal" means a Revenue Tribunal constituted under Section 8 of this Act.

(31) Words, expressions and phrases not defined in this Act shall carry the meaning as defined in the Punjab Land Revenue Act, 1887 (Act XVII of 1887).

3. Act not to apply to certain lands. - The provisions of this Act shall not apply to: -

(i) land owned by the Central Government, State Government including 'nazool' land, Urban Local Bodies, Panchayati Raj Institutions including land owned by Gram Panchayat;

(ii) land recorded in the record of rights as *Jumla Malkan Wa Digar Haqdarani Arazi Hasab Rasad* or similar nomenclature and reserved for common purposes under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act 50 of 1948);

(iii) land recorded in the record of rights in possession of *Bhoneddar, Butemar, Dohlidar, Insar Miyadi, Mundhimar, Muqarirdar, Panahi Qadeem, Saunjidar, Taraddadkar* or any other similar category as may be notified.

CHAPTER II AGREEMENT FOR LEASE

4. Lease how made. - (1) A lease of land shall be accompanied by delivery of possession and may be made for a period of less than a year, from year to year or for any term exceeding one year; and where it is from year to year or for a term exceeding one year, it shall be by an instrument registered under the Registration Act, 1908 (Act 16 of 1908) executed between the lessor and the lessee.

Provided that: -

(i) the maximum period of lease provided for in an agreement shall not exceed fifteen years at a time;

- (ii) in a case where there is a sale, mortgage, redemption of mortgage, succession, gift, or alienation or transfer in any manner including partition amongst the co-owners of the land under lease, the lessee shall continue to be in possession of the leased land till the expiry of the lease and shall be deemed to be the lessee of the right holder in whose favour the interest in the land is transferred.
- (iii) the execution and registration of an agreement of lease or any other instrument by which the lessor and the lessee agree to give and take, as the case may be, the land on lease shall notwithstanding anything to the contrary in any other law for the time being in force be without any stamp duty, and a registration fee of rupees one hundred only shall be leviable.
- (iv) subject to the provisions of Sub Section (2) (iii) of Section 38 of this Act, a lease or a tenancy prior to coming into force of this Act, where no term of lease is mentioned in the revenue record, shall be deemed to be a lease ending on the expiry of the ongoing agricultural year.

(2) A written lease agreement shall *inter alia* contain the following details, terms and conditions, namely: -

- (i) the name of the lessor and the lessee with the name of their father or spouse, whichever is applicable, and complete address with contact details;
- (ii) the share of the lessor in the land, if applicable, with description mentioning the field numbers;
- (iii) any defect in the nature of land, pending litigation, or default on the part of the lessor, of which he is aware and which affects or is likely to affect his rights in the land;
- (iv) the rent with annual increase, if any, and the due date by which it would be payable by the lessee to the lessor;
- (v) in the event of the lessors being more than one, it shall be specified to whom the rent shall be paid;

Provided that the failure to incorporate the conditions as mentioned in (iv) and (v) above would not invalidate the agreement but would affect its evidentiary value in respect of the condition so omitted.

- (vi) the duration of the lease expressed in months or years including the starting and ending dates of the lease;

Provided that in absence of an agreement, the period of lease shall be deemed to be for eleven months.

- (vii) any other mutually agreed terms, consistent with the provisions of this Act.

(3) The parties may at any time by mutual consent terminate the lease in the manner prescribed.

(4) The agreement between the parties in whole or in part shall be deemed to be terminated if due to *force majeure* it becomes incapable of being enforced.

5. Rights and Obligations of the Lessor. - (1) The lessor shall have a right to give on lease, the land in his possession as owner or as mortgagee in possession to any person on payment of rent.

(2) The lessor shall be entitled to receive possession of the leased land and occupy it, without encumbrances from the lessee, on the termination or expiry of the lease.

Provided that the lessor shall not be responsible for the discharge of any liability or interest created by the lessee during the period of lease.

Explanation: On the termination or expiry of the lease, the revenue records shall reflect possession of the lessor.

(3) In the event of any damage caused by the lessee to the land during the period of lease, the lessor shall be entitled to compensation as may be determined by the Assistant Collector in accordance with the procedure as prescribed.

(4) The leasing of land by the lessor to the lessee shall not in any manner affect or impact the ownership rights or the mortgagee rights, if any, of the lessor.

(5) The lessor shall be bound to disclose to the lessee, any material defect in the land with the reference to his title, or any pending litigation affecting his rights, or any encumbrance on the land, of which he is aware.

(6) The lessor shall be bound to put the lessee in possession of the leased land on the commencement of the lease and shall not interfere with the use and occupation of the lease land except as may be provided for in the agreement.

(7) Whenever payment of rent is made by cash, cheque, demand draft or banker's cheque, the lessor shall be liable to give to the lessee a receipt with his signatures or of his authorized representative thereon.

6. Rights and Obligations of Lessee. - (1) The lessee shall be entitled to cultivate the leased land during the period of the lease without interruption or interference from the lessor subject to the provisions of Sub Section (6) of Section 5 of this Act.

Provided that the lessor may from time to time oversee that the leased land is being used in accordance with the agreement.

(2) The lessee shall during the period of lease be entitled to benefits accruing from improvements that he has made on the land, and which enhanced the value and utility thereof.

Provided that in the absence of a written lease agreement, the lessee shall not be entitled to claim compensation for any improvements he may have made on the leased land.

(3) Notwithstanding anything to the contrary contained in any other enactment or law, the lessee shall be entitled to take land on lease from one or more than one lessor and cultivate any extent of land.

(4) The failure on the part of the lessor to make disclosure, if any, as mentioned in Sub Section (5) of Section 5 of this Act, shall entitle the lessee to terminate the lease and claim compensation from the lessor.

(5) In the event of death of the lessee, the heir or successor of the lessee shall be the lessee, and in the case of sole lessee, his heir or successor shall have the option to opt out of the lease agreement by giving a notice of thirty days and subject to payment of lease money till the end of the agricultural year during which the death of the lessee has occurred.

(6) The lessee shall during the period of lease pay the rent to the lessor as agreed in terms of Clause (iv) of Sub Section (2) of Section 4 of this Act, and in the absence of an agreement to the contrary it shall be paid in two equal instalments by First of June and First of December of the Gregorian calendar months.

Provided that in case there arises a dispute about the person entitled to receive rent, the lessee shall deposit it with the Assistant Collector in the manner prescribed.

(7) The lessee shall not during the continuance of the lease create any encumbrance such as a mortgage on the land, which affects the right of the lessor.

Provided that the lessee shall without creating any encumbrance on the land, have the right to raise crop loan or any loan from a Bank, Co-operative Society or any other financial institution for carrying out agriculture and allied activities.

(8) The lessee on the commencement and during the period of lease shall not be entitled to sublet or in any manner part with the possession of the land in favour of any person except the lessor.

Explanation: The engagement of employees in any capacity or labour for cultivation of land, shall not be construed as subletting, under letting or parting with possession of the leased land.

(9) The lessee on the expiry of the period of lease or in the event of the lease being otherwise determined shall forthwith be liable to deliver back to the lessor the possession of leased land along with any permanent improvements thereon, and free from any damage or encumbrance.

(10) The lessor on the expiry of the lease shall be deemed to be in possession of the leased land and in the event of the failure of the lessee to hand over possession to the lessor, it shall be an act of holding over and the lessee shall be liable to pay penalty, which may extend to the amount of rent payable but shall not be less than one-half of this amount.

Explanation: The mere payment of rent or any money by the lessee to the lessor after the expiry of the lease shall by itself not be taken as renewal or continuation of the lease.

(11) The lessee shall not use the land for purposes other than for agriculture and allied activities.

CHAPTER III
ESTABLISHMENT OF REVENUE COURTS, TRIBUNALS AND THEIR
POWERS AND JURISDICTION.

7. Appointment, Classes and Jurisdiction of Revenue Courts. - (1) The Government shall appoint Assistant Collector and Collector under this Act.

(2) The Revenue Court shall consist of the Assistant Collector and the Collector so appointed who shall exercise powers and jurisdiction under this Act within the limits of the district in which they are serving or as may be notified.

(3) The Assistant Collector shall have the jurisdiction to decide disputes between the lessor and lessee in relation to the lease agreement and the lease otherwise, and shall have the jurisdiction to pass orders in respect thereof including an order evicting the lessee, determining the rent payable by the lessee to the lessor, assessing the extent of damage done to the land or the value of improvements made thereon and also determining the compensation and penalty, if any, payable by the lessee to the lessor or the lessor to the lessee, as the case may be, and the amount payable by either of them to the other for the same.

(4) The Assistant Collector shall also wherever required determine the dispute in relation to the lessee opting out of the lease on the death of his predecessor-in-interest and pass such order as may be deemed appropriate in the facts and circumstances of the case.

(5) The Collector shall have the jurisdiction to adjudicate and decide appeals against the final order of the Assistant Collector that resulted in the passing of a decree.

(6) In the determination and adjudication of the dispute between the lessor and the lessee, the Assistant Collector or the Collector, as the case may be, shall pass a decree, which shall be the formal expression of the adjudication by which the Court conclusively determines the rights of the parties with regard to the dispute between them.

Provided that the adjudication by an order shall not be treated as final where an appeal, revision or review has been filed and, in such case, the order passed in appeal, revision or review shall constitute the decree.

8. Establishment of Revenue Tribunals. - (1) The Government shall constitute Revenue Tribunals, to be known by that name to exercise jurisdiction, powers and authority conferred on the said Tribunal by or under this Act.

<u>Section 8 (2) as recommended by the Commission.</u>	<u>Changes proposed by the Government in Section 8 (2).</u>
(2) A Tribunal shall consist of a retired member of the Superior Judicial Service appointed by the Government.	(2) A Tribunal shall consist of a retired member of the Superior Judicial Service, or any other officer not below the rank of Commissioner of the division or Secretary of the Government, serving or retired, appointed by the Government. Provided that the tenure of a serving officer of the Government functioning as Tribunal shall be co-terminus with his posting as such or superannuation, whichever is earlier.

(3) The Presiding Officer of the Tribunal shall hold office for a period of five years from the date of his appointment or till he attains the age of 70 years, whichever is earlier.

(4) The Tribunal shall exercise powers and jurisdiction under this Act, which shall extend to the area within the Division.

(5) The Presiding Officer of the Tribunal shall during the period of his service be liable for transfer from one Division to another as may be considered necessary for administrative or other exigencies by the Government.

9. Removal and Resignation of Presiding Officer of the Tribunal. - (1) The Government may remove the Presiding Officer of the Tribunal from service on one or more of the following grounds:

- (a) that he has been declared an insolvent by a Court of law of competent jurisdiction;
- (b) has been declared to be of unsound mind by a competent Court;

- (c) has become physically incapacitated or has been found to be suffering from mental illness of such nature that he is incapable of acting as Presiding Officer;
- (d) has been convicted of an offence involving moral turpitude;
- (e) has conducted himself in a manner unbecoming of the office he is holding or has so abused his position as to render his continuance in office prejudicial to the public interest;

Proviso below Clause (e) as recommended by Commission.	Proviso as proposed by the Govt. in view of change in Section 8 (2).
Provided that the Presiding Officer shall not be removed from his office on the ground specified under clause (e) of sub-section (1) above except by an order made by the Government after an inquiry conducted in accordance with the Punjab Civil Services (Punishment and Appeal) Rules, 1970.	Provided that the Presiding Officer shall not be removed from his office on the ground specified under clause (e) of sub-section (1) above except by an order made by the Government after an inquiry conducted in accordance with procedure prescribed by law.

(2) A Presiding Officer may during the period of his tenure resign from his office by giving a notice for a period of three months or in lieu thereof deposit three months' salary.

10. Powers and Procedure of the Tribunal and Revenue Court. - (1) The Tribunal and the Revenue Court shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

(2) The procedure of the Tribunal and the Revenue Court shall be regulated in the manner as prescribed.

(3) Subject to the provisions of this Act, the Tribunal and the Revenue Courts shall have, for the purposes of discharging their functions, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;

- (c) receiving evidence on affidavit;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decision;
- (g) dismissing an application for default or deciding it *ex parte*;
- (h) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (i) passing an order for interim measures after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;
- (j) imposing costs on a party during or at the conclusion of proceedings.
- (k) any other matter which may be prescribed.

11. Rights and Liabilities under this Act. – A lessor or lessee seeking the enforcement of rights and liabilities under this Act shall file an application in this regard before the Assistant Collector in the form as prescribed;

Provided that such application shall be filed by the applicant within a period of ninety days from the accrual of cause of action to him, which period on sufficient cause being shown may, for reasons to be recorded, be extended by the Assistant Collector.

CHAPTER IV EVICTION OF LESSEE, RECOVERY OF RENT, DAMAGES OR COMPENSATION.

12. Eviction of lessee or recovery of rent, damages or compensation. -

(1) A lessor who seeks to evict his lessee or seek recovery of rent, damages or compensation shall apply to the Assistant Collector for a direction or order in that behalf in the manner as prescribed.

(2) The Assistant Collector, after affording the lessee a reasonable opportunity of showing cause against his eviction, on being satisfied that the lessee is liable to be evicted from the leased land on one or any of the following grounds: -

- (a) the period of lease as had been agreed between the lessor and the lessee has expired;
- (b) the lessee has not paid the rent as agreed upon between them, and in the absence of an agreement to the contrary has not paid the rent by the First day of June and First day of December of the agricultural year of the lease;

Provided that: -

- (i) where the lessee is ready and willing to pay the rent and the lessor is avoiding the receipt of rent with a view to create a ground for eviction, the lessee may by an application in writing deposit the rent with the Assistant Collector who shall after notice to the lessor pay the rent to him and in case of his refusal to accept it, retain it as prescribed for payment to the person so entitled;
- (ii) if the lessee pays or tenders the arrears of rent with interest at the rate as may be prescribed on the date fixed by the Assistant Collector for this purpose, the lessee shall be deemed to have duly paid the rent within time.
- (c) the leased land has been used by the lessee for purposes other than agriculture and allied activities;
- (d) the lessee has caused damage to the leased land so as to render it either permanently or temporarily unfit for cultivation for agriculture and allied activities;
- (e) the lessee has transferred his leased rights or sublet the leased land or any part or portion thereof in favour of any other person;
- (f) the lessee has conducted himself in such manner which causes a nuisance to the lessor or occupiers of land in the vicinity and neighbourhood;

shall pass a decree directing the lessee to vacate the leased land and put the lessor in possession of the same irrespective of any sown or standing crop and the expenditure incurred on such crop shall be determined and paid to the lessee in the manner prescribed and shall be adjustable against dues, if any, that remain unpaid.

Provided that in case the Assistant Collector is not so satisfied, he shall make an order rejecting the application of the lessor.

13. Entitlement for Damages and Compensation. - (1) A lessor or lessee under this Act shall be entitled to seek damages or compensation against the other, for violation of any of the provisions of this Act or of the agreement.

Provided that no damages or compensation shall be payable where the damage is caused by or the compensation is claimed for an act of Force Majeure.

(2) The Assistant Collector, after affording the parties a reasonable opportunity of showing cause for the damages or compensation claimed, and on being satisfied that the claimant is entitled for the damages or compensation shall determine the amount of damages or compensation payable and pass a decree directing the judgment debtor to pay the damages and compensation as determined to the decree holder, which shall be adjustable against dues, if any, that remain unpaid.

Provided that in case the Assistant Collector is not so satisfied, he shall make an order rejecting the application of the claimant.

14. Special procedure for specified categories. - The Government may consistent with the provisions of this Act prescribe special procedure for settlement of disputes in case;

(1) any lessor is:

- (i) a member of the armed forces of the Union of India, or
- (ii) a member of the Central Armed Police Forces, or
- (iii) a Non-resident Indian or an Overseas Citizen of India; and

(2) any lessor or lessee is:

- (i) a woman, or
- (ii) a member of the Scheduled Castes, or
- (iii) a person with disability or a senior citizen as notified.

CHAPTER V

RELIEF FOR WRONGFUL DISPOSSESSION

15. Relief for wrongful dispossession. - (1) Where any lessee is dispossessed from the leased land or any part thereof without his consent otherwise than in execution of a decree or order passed under this Act, he may

within thirty days of his wrongful dispossession make an application to the Assistant Collector for restoration of possession or for compensation or both.

(2) Where any such application is made, the Assistant Collector shall proceed to adjudicate upon the application.

(3) The Assistant Collector upon an application made in this regard shall pass a decree allowing the application directing that the applicant be put into the possession of the land, or pass an order for the payment of compensation, or both; or dismiss the application.

CHAPTER VI APPEAL, REVIEW AND REVISION

16. Appeal. – (1) Save as otherwise provided by this Act, an appeal shall lie to the Collector from the decree passed by the Assistant Collector determining the rights and liabilities of lessor and lessee.

Provided that –

- (i) when such a decree is confirmed by the Collector, a further appeal shall not lie;
- (ii) when such a decree is modified or reversed on appeal by the Collector, an appeal shall lie against the order to the Tribunal and the order made by the Tribunal, on such appeal shall be final;
- (iii) notwithstanding anything contained in sub-Section (5) of Section 7 no appeal shall lie against an interim order passed by a Revenue Court under this Act;
- (iv) no order of remand shall be passed by the appellate authority except where it is established from the record that an adverse order had been passed against a necessary party who was not duly served.

(2) In the case of an appeal against an order for payment of arrears of rent, or damages or compensation or both or any of them, the appeal shall not be entertained without the appellant first having deposited with the Collector hundred per cent of the amount in case of arrears of rent, or twenty per cent of the amount so determined in case of damages or compensation, as may be the case, and in case the appeal of the appellant is allowed the amount so

deposited by the appellant, subject to order as may be passed by the appellate court, shall be refunded to him.

17. Limitation for appeal. - Save as otherwise provided by this Act, the period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against, and shall be thirty days when the appeal lies to the Collector or the Tribunal.

18. Review by Revenue Court and Tribunal. - A Revenue Court or Tribunal may within thirty days of the order sought to be reviewed either of its 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 predecessor in office.

Provided that: -

- (i) when an Assistant Collector or Collector finds it necessary to review any order, the Assistant Collector shall first obtain the sanction of the Collector and the Collector of the Tribunal, as the case may be;
- (ii) when any such order is modified or reversed on review by the Assistant Collector or the Collector, an appeal shall lie against the order of the Assistant Collector to the Collector and against the order of the Collector to the Tribunal, as the case be, and the order on such appeal shall be final;
- (iii) an order against which an appeal or a revision has been preferred shall not be reviewed;
- (iv) an appeal shall not lie from an order refusing or granting permission to review or confirming on review a previous order;

19. Revision by Revenue Tribunal. - The Tribunal may within sixty days of the passing of an order or proceedings taken by the Revenue Court under this Act, either on its own motion or on an application of an aggrieved party, call for and examine the records relating to such order or proceedings taken by the Revenue Court for the purpose of satisfying itself as to its legality or propriety; and may modify, reverse or confirm any such order or proceedings as it may deem fit.

20. Distribution of Work and Transfer of Cases. - (1) The Financial Commissioner shall distribute and assign business and work amongst the

Tribunals and Revenue Courts under the Act in the manner as may be prescribed.

Provided that the work and business amongst the Tribunals and the Revenue Courts shall be distributed keeping in view the Divisions and Districts in which the Tribunals and the Revenue Courts exercise jurisdiction;

(2) The Financial Commissioner may, however, for just and sufficient cause and for reasons to be recorded in writing withdraw any case pending before a Tribunal and transfer it to any other Tribunal.

(3) The Tribunal may, for just and sufficient cause and for reasons to be recorded in writing withdraw any case pending before a Revenue Court and transfer it to any other Revenue Court of concurrent jurisdiction within the Division.

(4) An application for transfer of a case from a Revenue Court or Tribunal shall be disposed of by the Tribunal or the Financial Commissioner, as the case may be, within sixty days of its filing.

(5) Where any case has been transferred or withdrawn from the Assistant Collector, Collector or Tribunal under sub-sections (2) and (3) above, the Assistant Collector, the Collector or the Tribunal, as the case may be, to whom the case is transferred shall decide and dispose of such case, subject to any special directions in the order transferring the case, from the stage at which it was transferred or withdrawn.

CHAPTER VII

CONCILIATION AND MEDIATION

21. Settlement of disputes outside the Revenue Court and Tribunal. -

(1) Before proceeding to adjudicate the dispute between the parties, the Assistant Collector shall make an effort in the first instance, to settle it by mediation and conciliation and for this purpose he may either refer it to the Mediation and Conciliation Centre in the District or to a panel of three respectable persons out of whom one each shall be nominated by the applicant and the respondent respectively and the third shall be nominated by the Assistant Collector.

Provided that where parties agree for mediation the proceedings in pursuance thereof shall be concluded by the mediators within thirty days of

entering the reference and such period may with the mutual consent of the parties be extended by another fifteen days.

(2) The settlement, if any, arrived at in the mediation with regard to the dispute shall be submitted to the Assistant Collector who referred the dispute for mediation, who shall confirm it and pass a decree on its basis.

(3) In case the parties do not agree for mediation or in the event of failure to resolve the dispute by mediation and conciliation, the Assistant Collector shall record a finding to this effect and proceed to decide the dispute between the parties.

(4) The Collector or Tribunal, before whom the matter is taken up or is pending, after satisfying itself of there being a likelihood for a settlement of the dispute between the parties by mediation and conciliation may in the manner as provided for in Sub Section (1) above refer the dispute for mediation, which shall be decided in the same manner.

Provided that in case the matter is referred to a panel, the third mediator shall be nominated by the Collector or Tribunal as the case may be.

(5) The settlement, if any, arrived at in the mediation with regard to the dispute shall be submitted to the Collector or the Tribunal who referred the dispute for mediation, who shall confirm it and pass a decree on its basis.

(6) In the event of failure to resolve the dispute by conciliation and mediation within thirty days, the Collector or the Tribunal, which made the reference, shall record a finding to this effect and proceed to decide the dispute between the parties.

CHAPTER VIII **MISCELLANEOUS**

22. Interim measures by Revenue Court and Tribunal. – (1) A party may, during the proceedings under this Act, apply to a Revenue Court or Tribunal, seized of the case, in respect of proceedings or things that are subject matter under this Act, for: -

- a. the appointment of a guardian for a minor or a person of unsound mind for the purposes of proceedings under this Act;
- b. an interim measure for the protection in respect of the following matters, namely: -

- (i) stay of an order pending an appeal or revision before the Collector or Tribunal, as the case may be;
- (ii) the preservation of land and custody of crop and produce;
- (iii) the securing of any amount under dispute;
- (iv) the inspection of any land or thing, which may be necessary for arriving at a fair and just decision;
- (v) such other measures for and in respect of sub-clauses (i) to (iv) of clause (b) of Sub Section (1) above, as may appear to be necessary to the Revenue Court or Tribunal;

and the Revenue Court or the Tribunal, seized of the matter, shall have the same power for making orders as it has for the purpose of, and in relation to, any proceedings before it.

23. Mode of service of summons, notice, order of proclamation, or copy thereof. – (1) A summons issued by a Revenue Court or Tribunal shall be served: -

- (i) personally, on the person to whom it is addressed, or failing him
- (ii) his recognized agent or
- (iii) an adult member of his family usually residing with him.

(2) The summons may also be served by pasting a copy thereof at the address mentioned in the agreement; and in the absence of such agreement, at the usual or last known place of residence of the person to whom it is addressed.

(3) A summons may, if the Revenue Court or Tribunal 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 Chapter VI of the Indian Post Office Act, 1898 (Act VI of 1898), or sent through a reputed courier agency notified by the Government in this regard.

(4) 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 Revenue Court or Tribunal may presume that the summons was served at the time when receipt of its delivery is furnished.

Provided that in case of a letter sent through registered post, its delivery may be presumed after thirty days if it is not received back undelivered within this period.

(5) A summons may also be served on the person named therein by publication of the contents thereof in a daily Punjabi newspaper having wide circulation.

Provided that 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 in the first instance and if the Revenue Court or Tribunal so direct, be served by delivery of a copy thereof to such of those persons as the Revenue Court or Tribunal nominates in this behalf, and by publication of the contents thereof in a daily Punjabi newspaper having wide circulation, for the information of the other persons interested.

(6) The summons may also be served through Short Message Service, email, or through other electronic modes at the phone number or email id mentioned in the agreement or otherwise known, or made known, to the Revenue Court or Tribunal.

Provided that if service is effected through any of the above modes, a printout of the summons shall be placed on the record.

(7) A notice, order of proclamation or copy of any such document, issued by a Revenue Court or Tribunal for service on any person shall be served in the manner provided in this Section for the service of a summons.

(8) Any of the modes of service provided in Sub Sections (2), (3), (5) or (6) may be adopted simultaneously in addition to the mode provided in Sub Section (1) of this Section.

24. Computation of period of limitation for appeals, application for review and revision. - In the computation of period for an appeal from, or an application for review of, or revision of, an order under this Act, the limitation therefor shall be governed by the Limitation Act, 1963 (Act 36 of 1963).

25. Right of hearing. - A party to a proceeding under this Act shall be given a reasonable opportunity of hearing and no order affecting the rights of a party shall be passed in the original proceedings, appeal, review or revision unless

the affected party has been given a notice and a reasonable opportunity of hearing.

26. Summary disposal and application of Indian Evidence Act, 1872. –

The Revenue Court and Tribunal shall follow summary procedure for disposal of cases before it and they may receive as evidence any statement, document, report, information or matter that may, in their opinion, assist them to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872 (Act 1 of 1872).

27. Maintenance, inspection of record and supply of copies. – (1) Record of the cases before a Revenue Court and Tribunal shall be maintained in the manner prescribed or notified from time to time.

(2) The record shall be allowed to be inspected and copy given to any person in the manner as may be notified from time to time.

28. Recording of evidence through video conferencing. – Where the Revenue Court or Tribunal is satisfied that the proceedings would be delayed for the non-appearance of a party and facility for recording evidence through video conferencing is available, it may order the recording of evidence through video conferencing in the manner as notified.

29. Correction of clerical errors and arithmetical mistakes. – Clerical errors and arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Revenue Courts and Tribunal either of its own motion or on the application of any of the parties.

30. Act to have overriding effect. – The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith in any other law for the time being in force.

31. The Presiding Officer of the Tribunal, the Revenue Courts and their staff to be public servants. – The Presiding Officer of the Tribunal, the Revenue Courts and their staff shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Act 45 of 1860) and Section 2 (c) of the Prevention of Corruption Act, 1988 (Act 49 of 1988).

32. Protection of action taken in good faith. – No suit, prosecution or other legal proceedings shall lie against the Presiding Officer of the Revenue

Court or the Tribunal or the Financial Commissioner or their employees for anything which is in good faith done or intended to be done under the provisions of this Act or any rule made thereunder.

33. Power to remove difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the Governor.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

34. Bar of Civil Courts. - No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Revenue Court or the Tribunal is empowered by this Act to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

35. Execution of Decree. - (1) The Assistant Collector shall after the passing of a decree fix a date before himself for the purpose of its execution, and the Collector or Tribunal after the passing of a decree shall fix a date for appearance of the parties before the Assistant Collector which shall be deemed notice to the parties for its execution.

(2) An appeal or revision shall not operate as a stay of proceedings under a decree appealed from or under revision, nor shall execution of a decree be stayed by reason only of an appeal having been preferred from the decree; but the Appellate or Revisional Court may for sufficient cause order stay of execution of such decree.

(3) In case a decree for possession passed under this Act is not complied with by the judgment debtor, it shall be got executed by the Assistant Collector by issuance of a warrant of possession, which shall nominate a person authorizing him to visit the spot during the period specified therein and deliver possession to the decree-holder in the manner as prescribed.

Provided that any crop standing on the land shall not affect the execution of the warrant of possession.

Explanation: – The presence of the occupant of land shall not be necessary to effectuate the taking of possession although he shall be informed that possession would be taken at a particular date and time.

(4) In the execution of the warrant for possession, if any obstruction is raised, or is likely to be raised, the Assistant Collector may obtain adequate police assistance for this purpose.

Provided that where a warrant of possession is not executed for want of police assistance within a period of sixty days, the Assistant Collector shall report the matter to the District Magistrate who shall ensure police assistance.

(5) In case a decree passed under this Act for arrears of rent, compensation, damages, penalty or recovery of any amount is not complied with by the judgment debtor, it shall be got executed by the Assistant Collector in the manner prescribed including by way of recovery as arrears of land revenue under the Punjab Land Revenue Act, 1887 except for ordering the arrest or detention of the judgement debtor.

36. Proceedings under this Act not to abate on the death of a party. –

The death of a party to a proceeding shall not result in the proceedings to abate and the Revenue Court or Tribunal before whom the proceedings are pending shall have power to make the successor in interest of the deceased person a party thereto.

37. Power of Government to make rules. – (1) The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters under this Act, namely: –

(a) The form by which an agreement may be entered into between the lessor and the lessee.

(b) The procedure and modalities for determining and assessing the damages that are caused to the land or produce.

- (c) The place of sitting of the Tribunal and the number of Tribunals in a Division.
- (d) The salary, allowances and facilities admissible to the Presiding Officer of the Tribunal.
- (e) The distribution and assigning of work to the Tribunal, Collector and Assistant Collector.
- (f) The procedure for regulating the work and functioning of the Revenue Court and Tribunal.
- (g) The form of pleadings of the parties.
- (h) The procedure and manner for deposit and retention of rent by the Assistant Collector.
- (i) The forms of the decree, notice, summons and warrants under this Act may be issued.
- (j) The manner in which the warrant of possession shall be executed.
- (k) The procedure to be followed for deciding matters relating to eviction of lessee, claims for recovery of rent, damages, compensation, penalty and wrongful dispossession from land under lease, compensation, costs and interest payable in this regard.
- (l) To provide for special procedure for disposal of petitions in respect of categories specified in Section 14 of this Act.
- (m) For the maintenance of record of the Revenue Courts and Tribunals including maintenance of records in an electronic or digital format.
- (n) For the inspection of case files and records of the Revenue Courts and Tribunals.
- (o) For issuing of copies and certified copies, including digitized copies, of the records, pleadings, orders and documents filed with the Revenue Courts and Tribunals.
- (p) For the purpose of filing of appeal, review and revision before the Revenue Court and Tribunal.

38. Repeals and Savings. – (1) The following Acts shall with the commencement and enforcement of this Act shall stand repealed: -

- (i) The Punjab Tenancy Act, 1887 (Act 16 Of 1887);

- (ii) The Punjab Colonization of Government Lands Act, 1912;
 - (iii) The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952 (Act 8 of 1953);
 - (iv) The Punjab Security of Land Tenures Act, 1953 (Act 10 of 1953);
 - (v) The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1954 (Act 18 of 1954).
 - (vi) The Pepsu Tenancy and Agriculture Lands Act, 1955 (Act 13 of 1955).
- (2) Notwithstanding such repeal: -
- (i) any order, rule, notification or scheme made or anything done or any action taken in pursuance of any of the Acts repealed shall be deemed to have been made, done or taken under the provision of the Act so repealed;
 - (ii) any proceeding pending under the provisions of any of the Acts so repealed shall continue in the same manner as if that Act had not been repealed;
 - (iii) the provisions of this Act shall not apply for a period of five years from enforcement of this Act to such lessee or tenant who or whose predecessor-in-interest has been recorded as having been in occupation of land in such capacity for a period of at least twenty years before the coming into force of this Act; and such tenancies shall for this period of five years be governed by the existing laws including the Acts mentioned above.
