

The Punjab Tenancy Rules

PUNJAB

India

The Punjab Tenancy Rules

Rule THE-PUNJAB-TENANCY-RULES of 1881

- Published on 1 March 1881
- Commenced on 1 March 1881
- [This is the version of this document from 1 March 1881.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Tenancy Rules Published vide Financial Commissioner's notifications Nos. 78 and 79 of Punjab Gazette (Extraordinary), dated 1st March, 1881, pages 91 and 66 respectively Limitation of Jurisdiction of Assistant Collector of the 2nd Grade

1. (i) Limitation of powers of Naib-Tahsildars.

- A Naib-Tahsildar invested with the powers of an Assistant Collector of the 2nd grade shall not hear and determine a suit of any description mentioned in the 3rd group of sub-section (3) of section 77 in which the rent or sum claimed exceeds Rs. [500] [Substituted by *ibid.*] in amount. (ii) Limitation of powers of other Assistant Collectors of 2nd grade. - Other Assistant Collectors of the 2nd grade shall not hear and determine a suit of any description mentioned in the 3rd group of sub-section (3) of section 77 in which the rent or sum claimed exceeds Rs. [1,000] [Substituted by *ibid.*] in amount. Procedure of Revenue Officers

2. Statements and pleadings to be brief.

- The statements and pleadings made by or on behalf of parties to a revenue proceedings, whether oral or written, shall be as brief as the nature of the case admits ; and shall not be argumentative but shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case, and which he either admits or believes that he will be able to prove. Verification of applications. - Every written application or statement filed by a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.

3. Proceeding not to abate on death or marriage of party.

- The death of one of the parties to a revenue proceeding, or in a proceeding to which a female is a party, her marriage shall not cause the proceeding to abate. And the revenue officer before whom

the proceeding is held shall have power to make the successor in interest of the deceased person or of the married female a party thereto.

4. In fixing dates, etc., revenue officer to follow procedure of Revenue Court Commission.

- In fixing dates for the hearing of parties and their witnesses in adjourning proceedings, and in dismissing applications on default or for other sufficient reason, a revenue officer will, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure for the time being in force in revenue courts.

5.

The provisions of Sections 75 - 78 of the Civil Procedure Code and of Schedule, I Order XXVI, annexed to the said Code in respect of commissions shall apply in the case of proceedings before a revenue officer.

6. Expenses of witnesses.

- (i) A revenue Officer may at his discretion award to a witness attending on summons a sum on account of his expenses not exceeding the sum to which the witness would have been entitled for a like attendance in a civil court.(ii)The sum so awarded shall be costs in the proceeding.

7. Record of other proceedings under Tenancy Act.

- In proceedings before a revenue officer under the Punjab Tenancy Act, 1887, the revenue officer shall make with his own hand a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

8. Contents of orders.

- In every proceeding in which an order is passed on the merits after inquiry, the revenue officer making the order shall also record a brief statement of the reasons on which it is founded.

9. Apportionment and recovery of costs.

- (i) In proceedings in which costs have been incurred the final order shall apportion the costs between the parties to the proceeding.(ii)Costs thus apportioned shall be recoverable by the revenue officer by attachment and sale of the movable property of the person liable for the same in the manner prescribed in Section 70 of the Land Revenue Act.

10. Execution of order of ejectment etc.

- (i) Orders of ejectment from, and delivery of possession of immovable property shall be enforced in the manner provided in the Code of Civil Procedure for the time being in force in respect of the execution of a decree whereby a Civil Court has adjudged ejectment from, or delivery of, possession of such property. (ii) And in the enforcing of these orders a revenue officer shall have all the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-section (1).

11. Arbitration.

- The provisions of the Punjab Land Revenue Act, 1887, with respect to arbitration shall apply to proceedings before a revenue officer in respect of any matter described in the 1st and 2nd groups of Section 76 of the Punjab Tenancy Act, 1887. Language of Revenue Offices and Courts

12. [Language of Revenue Courts and Offices. [As amended by Financial Commissioner's notification No. 145, dated 13th November, 1909, and substituted for rules 12 and 13 by Financial Commissioner's notification No. A.R.I. (IV)-61/3667, dated 30th October, 1961, and rule 12 so substituted has further been substituted by Punjab Government Notification No. G.S.R. 193/PA 16/87/5106/62, dated the 28th September, 1962.]

- The language of revenue offices and courts before district level shall be Hindi in Devnagri Script in Hindi Region and Punjabi in Gurmukhi script in the Punjabi Region; and English and Urdu in Chandigarh Capital. Provided that the order, on judgment against which an appeal or revision lies under the law for the time being in force, may be written by the Presiding officer in English. Explanation. - The expression 'Hindi Region' and 'Punjabi Region' shall have the meanings assigned to them in the Punjabi Regional Committees Order, 1957.][Processes and Notices issued under the Tenancy Act] [Financial Commissioner's notification No. 145, dated 13th November, 1909.]

14. Processes of arrest not to be issued between certain dates.

- A revenue officer or revenue court shall not, except for reasons of urgency, to be recorded, issue any process of arrest against a tenant or against a landowner who cultivates his own land between the 1st day of April, and the 31st day of May, or between the 15th day of September and the 15th day of November.

15. Contents of application for issue of notices of ejectment etc.

(a) Every application for the issue of a notice of relinquishment, or of intended transfer of a tenancy, or for the issue of notice of ejectment from a tenancy, shall be accompanied by a true copy of the

entries in the last detailed jamabandi relating to the Khata Khatauni in which the fields to which the application relates are included.(b)Where, however, such copy would be irrelevant owing to changes in tenancy subsequent to the date of preparation of the jamabandi, true copies of the entries in the last khasra girdawari relating to the particular fields to which the application relates shall be substituted therefor.Copies filed under (a) or (b) shall be certified as correct under his own signature by the patwari or any other official acting under section 76 of the Evidence Act, I of 1872, or Section 151(2) of the Punjab Land Revenue Act, XVII of 1887.[Pleaders and Mukhtars] [Financial Commissioner's notification No. 145, dated 13th November, 1909.]

16. Appearances of Pleaders and Mukhtars in proceedings before the Financial Commissioner.

- Whereas by Schedule I, Order, III, clause 4(1), annexed to the Code of Civil Procedure every Pleader is required to be appointed by an instrument in writing, and by Punjab Government notifications Nos. 728 and 729, dated 1st November, 1887, every certified Mukhtar is required to hold a special power-of-attorney, and no such Pleader or Mukhtar can be recognised, in the absence of a written authority as aforesaid, is empowered to appear, plead, or act for any person in any proceeding governed by the Punjab Tenancy Act, XVI of 1887 and the Land Revenue Act, XVII of 1887, and it is expedient to provide for ascertaining that every such Pleader or Mukhtar is duly authorised to appear, plead, or act in any such proceeding before the Financial Commissioner, the following rules are made by the Financial Commissioner :- (a)Contents of appointments. - Every appointment of a Pleader and every power-of-attorney to a certificated Mukhtar presented to the court shall contain in full the name of the person or Pleader or Mukhtar to appear or act on his behalf and shall be executed by every such person.(b)Proof of agent's power to act on behalf of his principal. - When such appointment or power is not executed by the principal himself, but by some person claiming to appoint or give authority on his behalf, the Pleader or Mukhtar will not be recognised by the court without proof that such person was duly authorised by the Principal to execute such appointment or power.[Applications for Revision] [Financial Commissioner's notification No. 145, dated 13th November, 1909.]

17. Contents of applications for revision.

- (i) An application that the Financial Commissioner should exercise the powers conferred by section 84 of the Punjab Tenancy Act, 1887, drawn or supported by an Advocate or Pleader or by a Revenue Agent admitted to practise in the Financial Commissioner's Court, shall specify the particular ground on which the aid of the Financial Commissioner's Court is invoked.(a)If the ground be that the court which decided the case exercise a jurisdiction not vested in it by law, the application shall set out clearly the particular exercise of jurisdiction complained of;(b)if it be that the court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought in the applicant's opinion, to have, but has not, been exercised, shall be clearly set out;(c)if it be that the court acted in the exercise of its jurisdiction with material irregularity the particular irregularity or irregularities complained of shall be similarly set out.(ii)The clerk of court is hereby authorized to return for amendment, within a time to be specified in an order to be recorded by him on the application, any application, not drawn up in conformity with the foregoing directions.

8. [A tenant exempted from production of certified copies of revenue records in suits instituted by him under the pre-existing rule 88 inserted by Punjab Government notification No. 8722, R-53-Spl., dated 31st December, 1953, shall be similarly exempted from producing such certified copies in appeals, applications for review or revisions filed or to be filed by him from orders or decrees passed in such suits. Such copies may be obtained by the court concerned itself.] [Substituted by Punjab Government notification No. 2439-R-55/1988, dated the 6th July, 1955.]