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NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 25th April 1951:—

Issue No.	No. and Date	Issued by	Subject
55	S. R. O. 577, dated the 19th April 1951.	Ministry of Commerce and Industry.	Fixation of maximum prices for certain varieties of caustic soda.
	S. R. O. 578, dated the 19th April 1951.	Ditto.	Amendment made in the Notification No. S R. O. 66, dated the 15th January 1951.
56	S. R. O. 579, dated the 21st April 1951.	Ditto.	Fixation of maximum price of certain goods specified in the Schedule.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st April 1951

S.R.O. 582.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends the Punjab Tenants (Security of Tenure) Act, 1950 (Punjab Act XXII of 1950) to the State of Delhi (Excluding the territory specified in Schedule I to the Delhi Laws Act, 1915), subject to the following modifications, namely:—

In the said Act—

(1) For the words 'the Punjab' or 'the State of Punjab' wherever they occur, the words 'the State of Delhi' shall be substituted and for the words 'State Government' wherever they occur the words 'Chief Commissioner' shall be substituted.

(2) References to any enactment shall be construed as references to that enactment as applied to the State of Delhi.

(3) Sub-section (3) of section 1 shall be omitted.

- (4) In section 2:—
- (a) in clause (1) the words, brackets letters and figures 'and shall include an "allottee" and "Lessee" as defined in clauses (d) and (e) respectively of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949' shall be omitted;
 - (b) after clause (4) the following clause shall be inserted, namely:—
(4A) 'State of Delhi' does not include the territories specified in Schedule I to the Delhi Laws Act, 1915;
 - (c) in clause (5), sub-clause (iii) shall be omitted.
- (5) In sub-section (2) of section 5, for the word and figures '16th June, 1950' the word and figures '16th April, 1951' shall be substituted.
- (6) In section 6,—
- (a) in clause (ii) for the word and figures '30th October, 1950' the word and figures '16th November, 1951' shall be substituted;
 - (b) in clauses (iv) and (v) for the word and figures '15th June, 1950' the word and figures '15th May, 1951', shall be substituted.
- (7) In section 10, for the word and figures '1st May, 1950' the word and figures '16th April, 1951' shall be substituted.
- (8) For section 14, the following section shall be substituted, namely:—
- '14. Where a tenant who was ejected before the commencement of this Act on any grounds other than those specified in section 6 had made an application against the decree or order of ejection within a period of 30 days from such decree or order to the court or officer passing the decree or order of ejection and such application is pending at the commencement of this Act, the tenant shall, subject to the provisions of this Act, be put in possession of the land on the same terms and conditions on which he held the land at the time of his ejection.'
- (9) In sub-section (2) of section 16,—
- (a) the words 'Custodian of Evacuee Property' shall be omitted;
 - (b) for the word 'their' the word 'its' shall be substituted.
- (10) Section 18 shall be omitted.
2. The text of the said Act as modified is published as an annexure to this notification.

ANNEXURE

THE PUNJAB TENANTS (SECURITY OF TENURE) ACT, 1950

(Act XXII of 1950)

An Act to provide for the security of tenure to tenants.

It is hereby enacted as follows—

1. **Short title, commencement, extent and application.**—(1) This Act may be called the Punjab Tenants (Security of Tenure) Act, 1950.
- (2) It shall come into force at once.
- (4) It shall apply to the entire land held in Delhi by a landowner, except—
- (i) the land held by an occupancy tenant;
 - (ii) the land reserved under the provisions of this Act; or
 - (iii) if such land, excluding the land held by an occupancy tenant, in aggregate area, does not exceed the permissible limit.
2. **Definitions.**—In this Act, unless there is anything repugnant to the subject or context,—
- (1) "landowner" means a person defined as such in the Punjab Land Revenue Act, 1887, as applied to Delhi;
 - (2) "prescribed" means prescribed by rules made by the Chief Commissioner under this Act;
 - (3) "permissible limit" means 100 standard acres of land other than the land occupied by an occupancy tenant, and, where such 100 standard acres on being converted into ordinary acres, exceed 200 acres, such 200 ordinary acres;

Explanation.—For the purpose of ascertaining the permissible limit, it is immaterial whether land is entered in the record of rights in the name of a landowner

as an individual or as a shareholder in a joint holding, so long as the area which he is entitled to hold can be ascertained on the basis of the record aforesaid.

- (4) "standard acre" is a measure of area convertible, with reference to the quantity of yield and quality of soil, into ordinary acre of any class of land, according to the prescribed scale;
- (4A) "State of Delhi" does not include territories specified in Schedule I to the Delhi Laws Act, 1915.
- (5) "tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi, but does not include—
 - (i) a person having a right of occupancy;
 - (ii) a person who holds land for a fixed term of not less than 4 years under a contract or a decree or an order of competent authority, while such contract, decree or order is in force; and
- (6) "year" means agricultural year as defined in section 4 of the Punjab Tenancy Act, 1887 (XVI of 1887), as applied to Delhi.
- (7) "land" and other terms used and not defined in this Act shall have the meaning assigned to them in the Punjab Tenancy Act, 1887, as applied to Delhi or the Punjab Land Revenue Act, 1887 (XVI of 1887, XVII of 1887), as applied to Delhi.

3. Resolution of land.—(1) Any landowner who has land in excess of the permissible limit may select for self cultivation, out of his entire land in the State of Delhi held by him as landowner, any parcel or parcels not exceeding, in aggregate area, the permissible limit and reserve it by intimating his selection in the prescribed form and manner to the patwari of the estate in which the land reserved is situate or to such other authority as may be prescribed:

Provided that in making this selection, he shall include, to the extent of the permissible limit, whatever self cultivated land he has in his possession.

(2) Where in respect of any land more than one person can be classed as landowners, as in the case of persons one of whom is a landowner in principal and the other in a derivative capacity, the aforesaid right of reservation shall be exercised by the landowner who receives or is entitled to receive rent directly from the tenant in actual cultivation of the land.

(3) The right to reserve shall cease if it is not exercised within a year from the date of commencement of this Act; and no selection intimated under sub-section (1) shall be varied subsequently or the right to reserve be exercised subsequent to the commencement of the tenancy, whether by act of parties or by operation of law, save with the consent in writing of the tenant affected by such variation or until such time as the right to eject such tenant otherwise accrues under the provisions of this Act.

(4) If the landlord who has made his reservation under sub-section (1) fails, without sufficient cause, to bring the land under self-cultivation within one year from the date of intimation, the ejected tenant, if any, shall, on application, be restored to possession of the land on the same terms and conditions on which it was held by him at the time of ejection.

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

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

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

6. Exceptions.—Nothing contained in section 5 shall apply in the case of a tenant—

- (i) who fails to pay rent regularly without sufficient cause; or
- (ii) who is in arrear of rent at the commencement of this Act and does not pay such arrear, as is legally recoverable, before the 16th November 1951; or

- (iii) who, where the rent is payable in kind, has failed or fails, without sufficient cause, to cultivate or arrange for cultivation of the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situate; or
- (iv) who, after the 15th May, 1951, has used the land comprised in his tenancy in a manner which has rendered, or renders, it unfit for the purpose for which he holds it; or
- (v) who, after the 15th May, 1951, sublets the holding or a part thereof without the consent in writing of the landowner; or
- (vi) who, refuses to execute a Kabullyat in respect of land he desires to hold under the provisions of this Act, agreeing to pay rent at a rate settled between him and the landowner, or the customary rent prevalent in respect of such land in the Tehsil in which the land is situate.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Notwithstanding the receipt by a tenant of any compensation payable under sub-section (4), the tenant shall be entitled to retain for the unexpired portion of this tenancy possession of—

- (i) where the vendee owned more than 50 standard acres prior to such sale, the entire area sold;
- (ii) where the area of the land sold together with that owned by the vendee prior to the sale exceeds 50 standard acres, the area so exceeding; and
- (iii) where the area of the land sold exceeds 50 standard acres and the vendee owns no land, that area which is in excess of 50 standard acres.

NOTE.—In cases arising under (ii) and (iii) above, the vendee shall have the right to select the area to be retained by the tenant.

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

14. Restoration of certain dispossessed tenants.—A tenant, who was ejected between the 1st and the 13th of May 1950, on one or more grounds other than those specified in section 6 and had applied within 30 days of the last date aforesaid to the court or officer passing the decree or order of ejectment and such application is pending shall, subject to the provisions of this Act, be put in possession of the land on the same terms and conditions on which he held the land at the time of his ejectment.

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

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

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

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

[No. 20/1/51-Judicial.]

New Delhi, the 24th April 1951

S.R.O. 583.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, and in supersession of the notification of the Government of India in the late Home Department No. 202/37-1, dated the 8th November 1939, the President hereby entrusts to the Governments of Part A States specified in column 1 of the Schedule hereto annexed, with their consent, the functions of the Central Government under—

- (a) sections 4, 5, 17 to 21, and 30 of the official Trustees Act, 1913 (II of 1913), and
- (b) sections 3, 4, 27, 32, 42 to 47, and 50 of the Administrator General's Act, 1913 (III of 1913),