

THE COLONIZATION OF GOVERNMENT LANDS (PUNJAB) ACT, 1912 (Punjab Act V of 1912)

CONTENTS

SECTIONS

1. Title and local extent.
2. *[Repealed]*
3. Definitions.

CHAPTER I PRELIMINARY

4. Application of the Act.
5. Power to withdraw a colony from the operation of the Act.
6. Applicability of tenancy laws.
7. Applicability of the Punjab Land Revenue Act and Punjab Tenancy Act.
8. *[Repealed]*
9. *[Repealed]*

CHAPTER II PROVISIONS RELATING TO TENANTS

10. Issue of statements of conditions of tenancies.
11. Legal effect of statements of conditions.
12. Temporary absence.
13. Entries in record of rights or in annual record to be equivalent to entries in register issued under Act III of 1893.
14. Position of tenants holding hitherto under Act III of 1893.
15. Purchaser to be tenant pending payment in full of purchase money.
16. False information by a tenant.
17. Exchange.
18. Rights of tenant not to be attached or sold.
19. Transfers of rights to be void.
- 19-A. Succession to the tenancy.
20. Succession to tenants acquiring otherwise than by succession.
21. Succession to tenants acquiring by succession.
22. Acquisition of ownership not to affect nomination of heir.

23. Revocation of nomination.
24. Power of imposing penalties for breaches of conditions.
25. Power of re-entry and provisions as to compensation in certain cases.
26. Provisions for re-entry on and compensation for buildings on sites allotted for residential purposes.
27. Saving of certain tenancies and conditions.
28. Sums due to Government to be recoverable as arrears of land revenue.
29. Power to abrogate conditions.

**CHAPTER III
PROVISIONS RELATING TO PROPRIETORS**

30. Acquisition of proprietary right.
- 30-A. Rights of alienation in respect of and rule of succession to certain proprietary rights acquired by a female.

**CHAPTER IV
SUPPLEMENTARY PROVISIONS**

31. Mares, camels or their progeny maintained under prescribed conditions not to be attached or sold.
32. Power of re-entry in case of squatters and trespassers.
33. Penalties.
34. Additional powers of Collector in regard to offences.
35. Power to levy a cess for administration of common village expenses.
36. Jurisdiction of Civil Court barred as regards matter arising under the Act.
37. Public servants indemnified for acts done under this Act.
38. Legalization of orders passed previous to the Act.

SCHEDULE I

SCHEDULE II

¹THE COLONIZATION OF GOVERNMENT LANDS (PUNJAB) ACT, 1912 (Punjab Act V of 1912)

[21 June 1912]

An Act to make better provision for the Colonization and Administration of Government Lands in the Punjab

WHEREAS it is expedient to make better provision for the colonization and administration of Government lands in the Punjab;

It is hereby enacted as follows:-

1. Title and local extent.— (1) This Act may be called the Colonization of Government Lands (Punjab) Act, 1912.

(2) ²[It extends to the whole of the Province of ³[the Punjab] except the Tribal Areas].

2. Repeal.— The Government Tenants (Punjab) Act, 1893 is hereby repealed.

3. Definitions.— In this Act, unless there is something repugnant in the subject or context,—

“Collector” means the Collector of the district as described in ⁴[West Pakistan Land Revenue Act 1967⁵] and includes (1) any officer appointed by the ⁶[Board of Revenue] to perform all or any of the functions and exercise all or any of the powers of the Collector under this Act, and (2) any Colonization Officer or Assistant Colonization Officer appointed as such before the commencement of this Act, whether or not such officer was by notification appointed to perform all or any of the functions of a Deputy Commissioner under the Act hereby repealed.

⁷[“Executive District Officer (Revenue)”] includes any officer appointed by the ⁸[Board of Revenue] to perform all or any of the functions and exercise all or any of the powers of a ⁹[Executive District Officer (Revenue)] under this Act.

“Colony” means any area to which this Act shall be applied by order of the ¹⁰[Provincial Government] and, unless the ¹¹[Provincial Government] otherwise directs any area to which the Government Tenants (Punjab) Act, 1893, has been applied.

“Prescribed” means sanctioned by ¹²[Board of Revenue] under this Act or under the Act hereby repealed.

¹³[“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 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 reconstruction 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].

“Tenant” means any person holding land in a colony as a tenant of ¹⁴[Government], and includes the predecessors and successors in interest of a tenant.

¹⁵[“Original tenant” means any male, to whom a tenancy is first allotted by the Collector, and includes the male transferee of such a tenant and any male nominated by the Collector in accordance with the provisions of section 21 to succeed a female, to whom a tenancy was first allotted.]

CHAPTER I PRELIMINARY

4. Application of the Act.— This Act shall, unless the ¹⁶[Provincial Government] otherwise directs, apply to land to which the provisions of the Government Tenants (Punjab) Act 1893¹⁷, have been applied and to any other land to which the ¹⁸[Provincial Government] may by notification in the Official Gazette apply it and which at the time of the notification was the ¹⁹[property of the ²⁰[Provincial Government]]:

Provided that ²¹[unless the ²²[Provincial Government] by general or special order otherwise directs] nothing in sections 20, 21, 22 and 23, or in the proviso to section 14, of this Act shall, ²³[* * *] apply to tenancies specified in Schedule I of this Act, or to any class of tenancies created hereafter which the ²⁴[Provincial Government] may declare to be scheduled tenancies under this section.

5. Power to withdraw a colony from the operation of the Act.— The ²⁵[Provincial Government] may, at any time by notification in the Official Gazette, withdraw a colony or any part of a colony from the operation of all or any of the provisions of this Act.

²⁶**6. Applicability of tenancy laws.**— Except as provided in section 7, the Punjab Tenancy Act, 1887²⁷, or any other law relating to tenancy for the time being in force in any part of the ²⁸[Punjab] shall not be applicable to tenancies under this Act.]

²⁹**7. Applicability of the Punjab Land Revenue Act and Punjab Tenancy Act.**— (1) Subject to the provisions of this Act, the ³⁰[Punjab] Land Revenue Act, 1967³¹, Chapter VII of the Punjab Tenancy Act, 1887³² or the corresponding provisions of any other law relating to tenancy for the time being in force in the area where proceedings under this Act are to be taken, and the rules thereunder, shall apply to all proceedings under this Act:

Provided that nothing in the ³³[Punjab] Land Revenue Act, 1967, the Punjab Tenancy Act, 1887, or any other law relating to tenancy for the time being in force in the ³⁴[Punjab] shall be so construed as to vary or invalidate any condition entered in any statement of conditions issued by the Provincial Government.

(2) Nothing in section 6 shall affect the application of the Punjab Tenancy Act, 1887³⁵, or any other law relating to tenancy for the time being in force, to any matter or dispute arising between Government tenants and their sub-tenants to which Government is not a party].

³⁶[8. **Amendment to section 136(1) of the Punjab Land Revenue Act.- ***]**

³⁷[9. **Application of Chapter IV of Land Revenue Act, 1887, to certain village sites.- *****]**

CHAPTER II PROVISIONS RELATING TO TENANTS

10. Issue of statements of conditions of tenancies.— (1) The ³⁸[Board of Revenue subject to the general approval of the Government] may grant land in a colony to any person on such conditions as it thinks fit.

(2) The ³⁹[Provincial Government] may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

(3) Where such statements of conditions have been issued, the Collector may, subject to the control of the ⁴⁰[Board of Revenue], allot land to any person, to be held subject to such statement or conditions issued under sub-section (2) of this section, as the Collector may by written order declare to be applicable to the case.

(4) No person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector. After possession has been so taken, the grant shall be held subject to the conditions declared applicable thereto.

11. Legal effect of statements of conditions.— Subject to the provisions of this Act, the grant of any tenancy in accordance with any statements of conditions which have been or may hereafter be issued by the ⁴¹[Provincial Government] under the Government Tenants (Punjab) Act, 1893⁴², or under this Act shall be deemed to be transfer of a land within the meaning of the ⁴³[Crown] Grants Act, 1895, and shall be governed by the provisions of the said Act.

12. Temporary absence.— Any condition included in any statement of conditions which imposes an obligation of residence shall not be deemed to have been infringed by reason only of the temporary absence of a tenant who has established a permanent residence in the estate in which his holding is situated.

13. Entries in record of rights or in annual record to be equivalent to entries in register issued under Act III of 1893.— Where in any statement of conditions issued before the commencement of this Act reference is made to any register prescribed under the Government Tenants (Punjab) Act, 1893⁴⁴, then the record-of-rights or the annual record shall, so far as may be, be deemed to be such a register.

14. Position of tenants holding hitherto under Act III of 1893.— Any person who at any time before the commencement of this Act was a tenant from ⁴⁵[Government] of land to which the Government Tenants (Punjab) Act, 1893⁴⁶, applied and for which a statement of conditions was issued under that Act, shall, notwithstanding any previous agreement or anything contained in the Punjab Tenancy Act, 1887⁴⁷, or any other enactment now in force, be deemed to have accepted and to hold the lands of which he is a tenant in accordance with such statement of conditions:

Provided that unless such tenant ⁴⁸[not being a Muslim] shall, by deed executed and registered within twelve months from the date on which this Act comes into force, declare that the succession to his tenancy shall be in accordance with the statement of conditions applicable thereto, the succession to his tenancy shall be regulated by the provisions of sections 20, 21, 22, and 23 of this Act.

15. Purchaser to be tenant pending payment in full of purchase money.— A purchaser from ⁴⁹[Government] of land who has been placed in possession of the land by order of the Collector shall be deemed to be a tenant of such land until the full amount of the purchase money with any interest due thereon has been paid and the other conditions set forth in the statement of the conditions of sale issued by the Collector have been fulfilled.

16. False information by a tenant.— If any person who after the commencement of this Act has been put in possession of land in a colony as a tenant shall have given false information intending or having reason to believe that any ⁵⁰[Servant of the State] may be thereby deceived regarding his qualifications to become a tenant, he shall be deemed to have committed a breach of the conditions of his tenancy:

⁵¹[* * * * *]

17. Exchange.— Subject to any orders that he may receive from the ⁵²[Executive District Officer (Revenue)], the Collector may allow any tenant to exchange the whole or any part of his tenancy for other land in the colony, and the land so taken in exchange shall, in the absence of any special condition to the contrary recorded in writing by the Collector, be deemed to be held on the same conditions and subject to the same obligations as the surrendered land was held.

18. Rights of tenant not to be attached or sold.— None of the rights or interests vested in a tenant from Government of land to which this Act applies shall be attached or sold in execution of a decree or order of any court or in any insolvency proceedings.

19. Transfers of rights to be void.— Except as provided in section 17, none of the rights or interests vested in a tenant by or under the Government Tenants (Punjab) Act, 1893⁵³, or this Act, shall, without the consent in writing of the ⁵⁴[Executive District Officer (Revenue)], or of such officer as he may by written order empower in this behalf, be transferred or charged by any sale, exchange, gift, will, mortgage or other private contract, other than a sub-lease for not more than one year in the case of a tenant who has not acquired a right of occupancy, and seven years in the case of a tenant who has acquired a right of occupancy. Any such transfer or charge made without such consent in writing shall be void, and if (after the commencement of this Act) the transferee has obtained possession, he shall be ejected under the orders of the Collector:

Provided that the right of sub-letting conferred by this section shall not release any tenant from a condition requiring him to reside in the state in which his tenancy is situated.

⁵⁵**19-A. Succession to the tenancy.**— When after the coming into force of the Colonization of Government Lands (Punjab) (Amendment) Act, 1951, any Muslim tenant dies, succession to the tenancy shall devolve on his heirs in accordance with the Muslim Personal Law (Shariat), and nothing contained in sections 20 to 23 of this Act shall be applicable to his case:

Provided that when the tenancy rights are held by a female as a limited owner under this Act, succession shall open out on the termination of her limited interest to all persons who would have been entitled to inherit the property at the time of the death of the last full owner had the Muslim Personal Law (Shariat) been applicable at the time of such death, and in the event of the death of any of such persons before the termination of the limited interest mentioned above,

succession shall devolve on his heirs and successors existing at the time of the termination of the limited interest of the female as if the aforesaid such person had died at the termination of the limited interest of the female and had been governed by the Muslim Personal Law (Shariat):

Provided further that the share, which the female limited owner would have inherited had the Muslim Personal Law (Shariat) been applicable at the time of the death of the last full owner shall devolve on her if she loses her limited interest in the property on account of her marriage or remarriage and on her heirs under the Muslim Personal Law (Shariat) if her limited interest terminates because of her death].

⁵⁶**[20. Succession to tenants acquiring otherwise than by succession.**— Subject to the proviso to section 14, when after the commencement of this Act, any original tenant dies the succession to the tenancy shall devolve in the following order upon—

- (a) the male lineal descendants of the tenant in the male line of descent. (The term 'lineal descendants' shall include an adopted son whose adoption has been ratified by a registered deed);
- (b) the widow of the tenant until she dies, or remarries or loses her rights under the provisions of this Act;
- (c) the unmarried daughters of the tenant until they die or marry, or use their rights under the provisions of this Act;
- (d) the successor or successors nominated by the tenant by registered deed from among the following persons, that is to say, his mother, ⁵⁷[his pre-deceased son's widow, his pre-deceased grandson's widow], his married daughter, his daughter's son, his sister, his sister's son, and the male agnate members of his family; and
- (e) the successor or successors nominated by the Collector from among the persons enumerated in clause (d) of this section.

⁵⁸**[21. Succession to tenants acquiring by succession.**— When, after the commencement of this Act any male tenant, who is not an original tenant, dies, or any female tenant dies, marries or re-marries, the succession to the tenancy shall devolve—

- (a) in the case of a female, to whom the tenancy has been first allotted, on the successor nominated by the Collector from the issue of such female tenant, or from the male agnates of the person, on account of whose services the tenancy was allotted to her;
- (b) in all other cases, on the person or persons, who would succeed if the tenancy were agricultural land acquired by the original tenant.

22. Acquisition of ownership not to affect nomination of heir.— When a tenant has nominated a successor to his tenancy under section 20 (d) and subsequently acquires a right of ownership in the tenancy, the right of succession of the persons so nominated shall, unless the deed of nomination expressly provides to the contrary, be unaffected by such acquisition of ownership.

23. Revocation of nomination.— When a tenant has, under section 20 (d) of this Act, nominated a successor, he may at any time, whether before or after acquiring ownership, revoke such nomination, but not otherwise than by registered deed.

24. Power of imposing penalties for breaches of conditions.— When the Collector is satisfied that tenant in possession of land has committed a breach of the conditions of his tenancy, he may, after giving the tenant an opportunity to appear and state his objections—

- (a) impose on the tenant a penalty not exceeding ⁵⁹[ten thousand rupees]; or
- (b) order the resumption of the tenancy:

Provided that if the breach is capable of rectification, the Collector shall not impose any penalty or order the resumption of the tenancy unless he has issued a written notice requiring the tenant to rectify the breach within a reasonable time, not being less than one month, to be stated in the notice and the tenant has failed to comply with such notice.

25. Power of re-entry and provisions as to compensation in certain cases.— Where an order resuming the tenancy has been passed under the last preceding section, the Collector may forthwith re-enter upon the land and resume possession of it, subject to the payment of compensation, to be fixed by the Collector, for uncut and ungathered crops and for the improvements, if any, that may have been made by the tenant:

Provided that if the tenancy be allotted to any other person, the amount of the compensation, if any, paid to the out-going tenant shall be recoverable by the Collector from the incoming tenant.

26. Provisions for re-entry on and compensation for buildings on sites allotted for residential purposes.— In any case where a tenant has been allotted a site for residential purposes in consideration of his tenancy, and such tenancy has been resumed under the provisions of sections 24 and 25 of this Act, the Collector may re-enter and take possession of such site:

Provided that the Collector shall fix and pay to the said tenant reasonable compensation for, or permit him to remove, any buildings or improvements made by him on such site.

27. Saving of certain tenancies and conditions.— (1) Nothing in sections 24, 25 or 26 shall apply to—

- (a) the case of land irrigated by the Rakh and Mia Ali Branches of the Chenab Canal allotted before the twelfth day of August 1896, or
 - (b) any breach of a condition regarding arboriculture included in any statement of conditions other than a statement pertaining to tree-planting tenants,⁶⁰[or]
 - ⁶¹[(c) any tenancy scheduled under the proviso to section 4, except to such extent as may be specified in the statement of conditions applicable to such tenancy].
- ⁶²[(2) * * * * *]

28. Sums due to⁶³[Government] to be recoverable as arrears of land revenue.— All sums due to⁶⁴[Government] in respect of a tenancy granted in pursuance of the Government Tenants (Punjab) Act, 1893⁶⁵, or under the provisions of this Act or of the rules and conditions issued thereunder, and all sums due on account of fines, confiscations, costs and penalties, shall be recoverable as if they were arrears of land revenue.

29. Power to abrogate conditions.— The⁶⁶[Board of Revenue subject to the general approval of the Government] may, at any time by notification in the Official Gazette, abrogate any of the limitations and obligations imposed upon tenants as part of the conditions of their tenure.

CHAPTER III PROVISIONS RELATING TO PROPRIETORS

30. Acquisition of proprietary right.—⁶⁷[(1)] Notwithstanding anything entered in any statement of conditions issued under the Government Tenants (Punjab) Act, 1893⁶⁸, a tenant who, either in pursuance of any such condition or otherwise by agreements with, or under rules issued by the⁶⁹[Provincial Government], has acquired proprietary right in any land included in his tenancy

shall in respect of such land cease to be subject to any statement of conditions issued under the above-mentioned Act; provided always that he shall in respect of such land be bound by the conditions set out in Schedule II of this Act and be bound by the other provisions of this Act applicable to proprietors of land.

⁷⁰[2] If, at any time, the Board of Revenue is satisfied that any person had acquired under this Act tenancy rights in respect of any land by means of fraud or misrepresentation or was not eligible to have such rights for any reason whatsoever then notwithstanding the acquisition of proprietary rights by such person in such land or the terms and conditions of any agreement with or rules issued by the Provincial Government and without prejudice to any other liability or penalty to which such person may be liable under any law for the time being in force, the Board of Revenue may, after giving such person a reasonable opportunity of showing cause pass an order resuming the land in respect of which proprietary rights have been acquired or reduce the area of such land or pass such order as it may deem fit].

⁷¹[30-A. **Rights of alienation in respect of and rule of succession to certain proprietary rights acquired by a female.**— (1) Notwithstanding any custom and the provisions of any law to the contrary, when after the commencement of the Colonization of Government Lands (Punjab) (Amendment) Act, 1944, proprietary rights in any land are acquired by a female tenant, her rights of alienation of any such land shall be the same—

- (a) if she succeeded to the tenancy directly or indirectly from a male tenant, as if the proprietary rights had been acquired by the last male tenant, and she had succeeded to such rights as his heir; and
- (b) if the tenancy was first allotted on account of some male person, either to her, or to another female to whom she succeeded either directly or in a continuous line of female succession, as if the proprietary rights had been acquired by such male persons and she had succeeded to such rights as his heir,

and in cases falling under clause (a) or clause (b) in the event of such female proprietor dying while in possession of the proprietary rights in question, the said rights shall devolve upon the persons who would be entitled to succeed, if such rights had been acquired by the last male tenant, or the male person on whose account the tenancy was first allotted as the case may be.

(2) Nothing herein contained shall be construed to alter the law of succession applicable to any female tenant, in respect of proprietary rights in land acquired by her, if the tenancy in such land was acquired by or accrued to her in circumstances other than those specified in sub-section (1).

(3) For the purposes of this section the expression “any such land” shall be deemed to include any land obtained in exchange for part or all of the land in which proprietary rights have been acquired].

CHAPTER IV SUPPLEMENTARY PROVISIONS

31. Mares, camels or their progeny maintained under prescribed conditions not to be attached or sold.— No mare or camel or other animal maintained in accordance with any prescribed statement of conditions and no progeny, if less than eighteen months old, of any mare or camel so maintained, shall be liable to attachment or sale in execution of any decree.

32. Power of re-entry in case of squatters and trespassers.— When the Collector is satisfied that any person has taken or is in possession of land in a colony to which he has no right or title, the Collector may, in addition to any other powers he may possess, forthwith re-enter upon the land and resume possession of it and take possession of all crops, trees and buildings thereon on behalf of ⁷²[Government] without payment of any compensation whatsoever.

33. Penalties.— If any person, without permission of a Revenue Officer of a grade to be specified by the ⁷³[Board of Revenue]—

- (a) clears or breaks up for cultivation, or cultivates any land which is owned by, or is in the possession of ⁷⁴[Government] and is not included in any tenancy or allotted residential enclosure or which has been entered for the common purposes of a town or village community or section of the same or for a road, canal or water-course; or
- (b) erects any building on any such land; or
- (c) fells or otherwise destroys standing trees on such land; or
- (d) otherwise encroaches on any such land; or
- (e) makes an excavation or constructs a water channel on any such land;

he shall, on complaint made by order of or under authority from the Collector, be punished on conviction by any Magistrate with a fine not exceeding ⁷⁵[two hundred thousand rupees or with rigorous imprisonment not exceeding six months or with both].

Explanation— The felling of trees planted by an owner or tenant on any village road or water-course traversing his holding is not an offence under this section.

34. Additional powers of Collector in regard to offences.— When the Collector is satisfied that an act punishable under section 33 has been committed, he may in lieu of proceeding against the offender under that section or after conviction of the offender under that section—

- (i) in the case of an offence under section 33 (a), confiscate the crops growing on any land cultivated in contravention of this Act or, if the crops have been cut, recover such sums as he may assess as the value thereof from the offender;
- (ii) in the case of an offence under section 33 (c), recover such sum as he may assess as the value of the trees or tree destroyed;
- (iii) in the case of an offence under section 33 (b), (d) or (e), cause the building or other encroachment to be demolished or removed or the excavation or channels to be filled up, and levy the costs of so doing from the person responsible for such act.

35. Power to levy a cess for administration of common village expenses.— (1) If in any estate the majority of the tenants and owners of the estate shall apply for the levy of a cess for village purposes, the Collector may order the payment of such a cess from the proprietors, tenants and inhabitants of the village in such way and at such rates as he holds to be suitable.

⁷⁶[(2) Any cess leviable in any estate under this section shall be recoverable as arrears of land revenue].

36. Jurisdiction of Civil Court barred as regards matter arising under the Act.—

A Civil Court shall not have jurisdiction in any matter of which the Collector is empowered by this Act to dispose and shall not take cognizance of the manner in which the ⁷⁷[Provincial Government], ⁷⁸[Board of Revenue] or Collector or any other Revenue Officer exercises any power vested in it or in him by or under this Act.

37. Public servants indemnified for acts done under this Act.— No suit shall lie against any public servant for anything done by him in good faith under this Act.

38. Legalization of orders passed previous to the Act.— (1) Any act hitherto done or order passed by the ⁷⁹[Provincial Government] or by an officer holding the post of Colonization Officer, Assistant Colonization Officer or Settlement Commissioner, or exercising the powers of an Assistant Collector or of a Revenue Officer of higher class within any area to which the Government Tenants (Punjab) Act, 1893⁸⁰, has been applied or to which this Act may hereafter be applied, which is not contrary to the provisions of this Act, shall be deemed to have been done or passed under this Act.

(2) In particular and without prejudice to the generality of the foregoing sub-section, no right of occupancy or right of ownership and no condition applicable thereto shall be invalidated by reasons of—

- (i) the right having been granted before the particulars regarding it have been entered in a prescribed register; or
- (ii) the prescribed register not having been signed by the tenant; or
- (iii) the prescribed statement of conditions having been affixed to the prescribed register instead of being prefixed thereto:

Provided that if the register has not been signed by the tenant, the statement of conditions applicable to the tenancy shall be deemed to be that which was in force for tenancies of the same description at the time when the land was allotted.

SCHEDULE I LIST OF EXCEPTED TENANCIES REFERRED TO IN SECTION 4

A.— In the Lower Chenab Colony the tenancies of tenants holding the conditions applicable to—

- (1) Camel-owning tenants.
- (2) Camel-owning Chaudhries.
- (3) Village headmen, ordinary.
- (4) Village headmen, mule-breeding.
- (5) Tree-planting tenants.
- (6) Village menials.

B.— In the Lower Jhelum Colony the tenancies of tenants holding on the conditions applicable to—

- (1) Horse-breeding tenants.
- (2) Horse-breeding nazrana-paying tenants.
- (3) Village headmen.
- (4) Tree-planting tenants.
- (5) Village menials.

C.— In the Lower Sohag Para Colony the tenancies of tenants holding on the conditions applicable to—

Village headmen.

SCHEDULE II (REFERRED TO IN SECTION 30)

Conditions applicable to grantees who acquire proprietary right

1. Exceptions of channels, rights to minerals, etc.— The ⁸¹[Government] does not grant to grantee but hereby absolutely excepts and reserves to itself out of and in respect of the said lands (1) all grounds situate in the said lands or any part thereof already marked out, excavated or otherwise utilized for the distributary channels, and (2) all existing rights to and over all mines and minerals, coals, gold-washing, earth-oil and quarries in or under the said lands or any part thereof, together with all easements heretofore enjoyed by the ⁸²[Government] in respect of the said lands or any part thereof. And it likewise excepts and reserves the right of the public to use existing thoroughfares traversing the said lands or any part thereof including a width of $1\frac{1}{2}$ *kadams* on either side of survey base line, and also any lines of road which, though not yet made, have been marked out upon the ground.

2. Power of the ⁸³[Government] entry to search for minerals, etc.— The grantee shall at all times permit the ⁸⁴[servant of the State] to enter and do all acts and things that may be necessary and expedient for the purpose of searching for, working, getting or carrying away any such mines and minerals, coals, gold-washing, earth-oil and quarries, and for the full enjoyment of the ground and of the rights here-in-before reserved to the ⁸⁵[Government] to and over all mines and coals, gold-washing, earth-oil, quarries and easements in or minerals, under the said lands and all parts thereof.

3. Compensation for damage by entry.— The ⁸⁶[Government] agrees to pay the grantees compensation for all damage occasioned by the exercise of the rights reserved to itself in clauses 1 and 2. Such compensation shall be assessed by the Collector, and if the grantee is not satisfied with the finding of the Collector, he may appeal to the ⁸⁷[Executive District Officer (Revenue)].

4. Demarcation of boundaries.— The grantee shall duly comply with such directions as the Collector shall from time to time issue requiring him to construct boundary marks on the limits of the said lands or any part thereof, and shall keep them when erected in good repairs to the satisfaction of the Collector.

5. Arbitration.— In the event of any dispute arising between the ⁸⁸[Provincial Government] and the grantee as to the property and rights hereby reserved to ⁸⁹[Government], or as to any matter in any way relating thereto, or as to any of the conditions of the grant, or as to any matter or thing any wise connected therewith, the said dispute shall be referred for the opinion of the ⁹⁰[Executive District Officer (Revenue)] whose decision shall be final and conclusive between the ⁹¹[Provincial Government] and the grantee.

¹ For Statement of Objects and Reasons, see *Punjab Gazette*, 1910, Part V, page 176; for Report of the Select Committee, see *Punjab Gazette*, 1911, Part V, page 429, and *ibid.*, 1912, Part V, page 85; for Proceedings in Council, see *ibid.*, 1910, Part V, page 188, *ibid.*, 1911, Part V, page 420, and *ibid.*, Part V, pages 50 and 135.

² Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

³ Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A. O. 1 of 1974).

⁴ Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

⁵ Now the Punjab Land Revenue Act, 1967.

⁶ Substituted, for the words “Financial Commissioner”, by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III.

⁷ Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001) which was protected and continued to remain in force under the Provisional Constitution Order, 1999 (Chief Executive’s Order No.1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive’s Order No.9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.

⁸ Substituted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III [as amended by the West Pakistan (Adaptation and Repeal of Laws) (Amendment) Ordinance, 1961 (XXXI of 1961)], for the words “Provincial Government” which were previously Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁹ Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001) which was protected and continued to remain in force under the Provisional Constitution Order, 1999 (Chief Executive’s Order No.1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive’s Order No.9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.

¹⁰ Substituted, for the words, “the Crown”, by West Pakistan Laws (Adaptation) Order, 1964, section 2 (1), Schedule, Part II.

¹¹ *Ibid.*

¹² Substituted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III [as amended by the West Pakistan (Adaptation and Repeal of Laws) (Amendment) Ordinance, 1961 (XXXI of 1961)], for the words “Provincial Government” which were previously Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order,1937.

¹³ Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

¹⁴ Substituted by West Pakistan Laws (Adaptation) Order, 1964, for “the Crown”.

¹⁵ Added by section 2 of the Colonization of Government Lands (Punjab) (Amendment) Act, 1920 (III of 1920).

¹⁶ Substituted for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order,1937.

¹⁷ III of 1893.

¹⁸ Substituted for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937

¹⁹ Substituted *ibid.*, for the words “property of Government”.

²⁰ Substituted, for the “Crown for the purposes of the Province”, by West Pakistan Laws (Adaptation) Order 1964, section 2 (I), Schedule Pt. II.

²¹ Inserted by the Devolution Act, 1929 (XXXVIII of 1929).

²² Substituted for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order,1937.

²³ The words “without the previous sanction of the Governor-General in Council” omitted by the Devolution Act, 1929 (XXXVIII of 1929).

²⁴ Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order,1937.

²⁵ *Ibid*

²⁶ Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

²⁷ XVI of 1887.

²⁸ Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A. O. 1 of 1974), for “West Pakistan”.

²⁹ Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

³⁰ Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A. O. 1 of 1974), for “West Pakistan”.

³¹ XVII of 1967.

³² XVI of 1887.

³³ Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A. O. 1 of 1974), for “West Pakistan”.

³⁴ Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A. O. 1 of 1974), for “West Pakistan”.

³⁵ XVII of 1887.

³⁶ Deleted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

³⁷ *Ibid.*

³⁸ Substituted by W.P. Act XVI of 1957, section 3, Schedule III (as amended by W.P. Ordinance XXXI of 1961), for the words “Provincial Government” which were previously Substituted, for the words “Local Government”, by the

Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

³⁹ Substituted, for the word “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁴⁰ Substituted, for the words “Financial Commissioner”, by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule II.

⁴¹ Substituted, for the word “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁴² III of 1893.

⁴³ “Government” w.e.f. 23rd March, 1956.

⁴⁴ *Ibid.*

⁴⁵ Substituted, for the words “the Crown” by West Pakistan Laws (Adaptation) Order, 1964, section 2 (1), Schedule Pt. II.

⁴⁶ III of 1893.

⁴⁷ XVI of 1887.

⁴⁸ Inserted by Colonization of Government Lands (Punjab) (Amendment) Act, 1951 (III of 1951), section 2.

⁴⁹ Substituted, for the words “the Crown” by West Pakistan Laws (Adaptation) Order, 1964, section 2 (1), Schedule Pt. II.

⁵⁰ Substituted, for the words “officers of the Crown”, by West Pakistan Laws (Adaptation) Order, 1964, section 2 (1) Schedule Pt. II.

⁵¹ Proviso deleted by the Colonization of Government Lands (Punjab Amendment) Ordinance, 1978 (XII of 1978).

⁵² Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵³ III of 1893.

⁵⁴ Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵⁵ Added by Colonization of Government Lands (Punjab) (Amendment) Act, 1951 (III of 1951).

⁵⁶ Substituted by the Colonization of Government Lands (Punjab) (Amendment) Act, 1920 (III of 1920).

⁵⁷ Inserted by the Colonization of Government Lands (Punjab Amendment) Act, 1941 (XIII of 1941), section 2.

⁵⁸ Substituted by the Colonization of Government Lands (Punjab) (Amendment) Act, 1920 (III of 1920), section 4.

⁵⁹ Substituted for the words “five thousand rupees” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 1999 (XLVIII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁶⁰ Added by the Colonization of Government Lands (Punjab Amendment) Act, 1944 (VI of 1944), section 2 (a).

⁶¹ *Ibid.*

⁶² Sub-section (2) omitted by the Colonization of Government Lands (Punjab Amendment) Act, 1944 (VI of 1944), section 2 (b).

⁶³ Substituted, for the word “Crown”, by West Pakistan Laws (Adaptation) Order, 1964 section 2(I) Schedule Part II.

⁶⁴ Substituted *ibid.*, for the words “the Crown”.

⁶⁵ III of 1893.

⁶⁶ Substituted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III [as amended by the West Pakistan (Adaptation and Repeal of Laws) (Amendment) Ordinance, 1961 (XXXI of 1961)], for the words “Provincial Government”, which were previously substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁶⁷ Section 30 renumbered as sub-section (1) by the Colonization of Government Lands (Punjab Amendment) Ordinance, 1978 (XII of 1978).

⁶⁸ III of 1893.

⁶⁹ Substituted, for the word “Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁷⁰ Added by the Colonization of Government Lands (Punjab Amendment) Ordinance, 1978 (XII of 1978).

⁷¹ Inserted by the Colonization of Government Lands (Punjab Amendment) Act, 1944 (VI of 1944), section 3.

⁷² Substituted, for the words “the Crown”, by the West Pakistan Laws (Adaptation) Order, 1964, section 2 (1), Schedule, Pt. II.

⁷³ Substituted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III [as amended by the West Pakistan (Adaptation and Repeal of Laws) (Amendment) Ordinance, 1961 (XXXI of 1961)], for the words “Provincial Government”, which were previously Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁷⁴ Substituted, for the words “the Crown”, by the West Pakistan Laws (Adaptation) Order, 1964, section 2 (1), Schedule, Pt. II.

⁷⁵ Substituted for the words “five thousand rupees” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 1999 (XLVIII of 1999) which was protected and continued to remain in force under the Provisional Constitution Order, 1999 (Chief Executive’s Order No.1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive’s Order No.9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010. Earlier the words “five thousand rupees” were substituted by the Colonization of Government Lands (Punjab) Act (Amendment) Ordinance, 1983 (II of 1983) for the letters and figure “Rs.200”.

⁷⁶ Substituted by the Colonization of Government Lands (Punjab) (West Pakistan Amendment) Ordinance, 1969 (XXXVI of 1969).

⁷⁷ Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁷⁸ Inserted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957), section 3, Schedule III, as amended by the West Pakistan (Adaptation and Repeal of Laws) (Amendment) Ordinance, 1961 (XXXI of 1961).

⁷⁹ Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁸⁰ III of 1893.

⁸¹ Substituted, for the words “the Crown”, by West Pakistan Laws (Adaptation) Order 1964, section 2 (1), Schedule Pt. II.

⁸² Substituted, for the words “the Crown”, by West Pakistan Laws (Adaptation) Order 1964, section 2 (1), Schedule Pt. II.

⁸³ Substituted, *ibid.*, for the words “the Crown”.

⁸⁴ Substituted by the West Pakistan Laws (Adaptation) Order, 1964, for the words “Officer of the Crown”.

⁸⁵ Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁸⁶ Substituted, *ibid.*, for the words “the Crown”.

⁸⁷ Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁸⁸ Substituted, for the words “the Crown”, by the West Pakistan Laws (Adaptation) Order, 1964.

⁸⁹ Substituted *ibid.*, for the words “Officer of the Crown”.

⁹⁰ Substituted for the word “Commissioner” by the Colonization of Government Lands (Punjab) (Amendment) Ordinance, 2001 (XXXII of 2001) which was protected and continued to remain in force under the Provisional Constitution Order, 1999 (Chief Executive’s Order No.1 of 1999) as amended by the Provisional Constitution (Amendment) Order, 1999 (Chief Executive’s Order No.9 of 1999) and Article 270AA of the Constitution of the Islamic Republic of Pakistan as substituted by the Constitution (Eighteenth Amendment) Act, 2010.

⁹¹ Substituted, *ibid.*, for the words “the Crown”.