**CHAPTER III**

**RENT**

**Rents generally**

12. Respective rights of land-lord and tenant to produce.– (1) The rent for the time being payable in

respect of a tenancy shall be the first charge on the produce thereof.

(2) A tenant shall be entitled to tend, cut and harvest the produce of his tenancy in due course of

husbandry without any interference on the part of his land-lord.

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

possession of the produce.

(4) Where rent is taken by division of the produce:-

(a) the tenant shall be entitled to the exclusive possession of the whole produce until it is divided;

(b) the land-lord shall be entitled to be present at, and take part in, the division of the produce; and

(c) when the produce has been divided, the land-lord shall be entitled to the possession of his share

thereof.

13. Commutation and alteration of rent.– (1) Where rent is taken by any of the following methods,

namely:-

(a) by division or appraisement of the produce,

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

(c) by a rate on a recognised measure of area,

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

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

another or others of them,

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

(2) In the absence of a contract or a decree or order of competent authority to the contrary, a tenant whose

rent is taken by any of the methods specified in clauses (a), (b) and (c) of sub-section (1), or by the methods

specified in clause (d) of that sub-section, shall not be liable to pay for a tenancy rent at any higher amount, as

the case may be, than the rate or amount payable in respect of the tenancy for the preceding agricultural year.

14. Payments for land occupied without consent of land-lord.– Any person in possession of land occupied

without the consent of the land-lord shall be liable to pay for the use or occupation of that land at the rate of rent

payable in the preceding agricultural year, or, if rent was not payable in that year, at such rate as the Court may

determine to be fair and equitable.

15. Collection of rents of undivided property.– When two or more persons are land-lords of a tenant in

respect of the same tenancy, the tenant shall not be bound to pay part of the rent of his tenancy to one of those

persons and part to another.

[27]

[15-A. Rights and liabilities regarding rent and government dues.– Subject to the provisions of

paragraph 25 of the Land Reforms Regulation [28]

[1972], the land-lord and the tenant shall share the produce

in the same ratio in which they used to share it on the 20th day of December, 1971].

Produce rent

16. Presumption with respect to produce removed before division or appraisement.– Where rent is

taken by division or appraisement of the produce, if the tenant removes any portion of the produce at such a

time or in such a manner as to prevent the due division or appraisement thereof, or deals therewith in a

manner contrary to established usage, the produce may be deemed to have been as the fullest crop of the same

description on similar land in the neighbourhood for that harvest.

17. Appointment of referee for division or appraisement.– If either the land-lord or the tenant neglects to

attend, either personally, or by agent, at the proper time for making the division or appraisement of the

produce, or if there is a dispute about the division or appraisement, a revenue officer may, on the application

of either party, appoint such person as he thinks fit to be a referee to divide or appraise the produce.

18. Appointment of assessors and procedure of referee.– (1) When a Revenue Officer appoints referee

under the last foregoing section, he may, in his discretion, give him instructions with respect to the association

with himself of any other persons as assessors, the number, qualifications and selection of those assessors and

the procedure to be followed in making the division or appraisement.

(2) The referee so appointed shall make the division or appraisement in accordance with any instructions

which he may have received from the Revenue Officer under the last foregoing sub-section.

(3) Before making the division or appraisement, the referee shall give notice to the land-lord and the tenant of

the time and place at which the division or appraisement will be made, but if either the land-lord or the tenant fails

to attend either personally or by agent, the referee may proceed ex parte.

(4) For the purpose of making the division or appraisement, the referee, with his assessors, if any, may

enter upon any land on which or into any building in which the produce is.

19. Procedure after division or appraisement.– (1) The result of the division or appraisement shall be

recorded and signed by the referee, and the record shall be submitted to the Revenue Officer.

(2) The Revenue Officer shall consider the record, and, after such further inquiry, if any, as he may deem

necessary, shall make an order either confirming or varying the division or appraisement.

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

(4) The costs may include the remuneration of the referee and of the assessors, if any, and may be levied from the

applicant before the appointment of the referee subject to adjustment at the close of the proceedings.

20. Enhancement of produce rents of occupancy tenants.– Where the rent of a tenant having a right of

occupancy in any land is a share of the produce, or of the appraised value thereof, with or without an addition

in money, or is paid according to rates fixed with reference to the nature of the crops grown, or is a rent in

gross payable in kind, the tenant shall be entitled to occupy the land at that rent:

Provided that, when the land or any part thereof previously not irrigated or flooded becomes irrigated or

flooded, the rent in respect of the land or part may, subject to the provisions of this Act, be enhanced to the

share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right

of occupancy, for irrigated or flooded land of a similar description and with similar advantages.

21. Reduction of rents referred to in the last foregoing section.– When the land, or any part of the land, held

by a tenant having a right of occupancy to whom the last foregoing section applies ceases to be irrigated or

flooded, the rent payable in respect of the land or part may be reduced to the share or rates, or with reference to

the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for unirrigated or

unflooded land of similar description and with similar advantages.

Cash-rents paid by tenants having rights of occupancy

22. Enhancement of cash rents of occupancy tenants.– (1) Where a tenant having a right of occupancy

pays his rent entirely by a cash rate on a recognized measure of area or by a cash rent in gross on his tenancy,

the rent may be enhanced on the ground that after deduction therefrom of the land revenue of, and the rates

and cesses chargeable on the tenancy, it is–

(a) if the tenant belongs to the class specified in clause (a) of sub-section (1) of section 5, less than two

annas per rupee of the amount of the land revenue;

(b) if he belongs to any of the classes specified in clauses (b), (c) and (d) of that sub-section, less than

six annas per rupee of the amount of the land revenue;

(c) if he belongs to the class specified in section 6, or if his right of occupancy is established under

section 8 and his rent is not regulated by contract, less than twelve annas per rupee of the amount of

the land revenue.

(2) In a case to which sub-section (1) applies, the rent may be enhanced to an amount not exceeding two, six

or twelve annas per rupee of the amount of the land revenue, as the case may be, in addition to the amount of the

land revenue of the tenancy and the rates and cesses chargeable thereon.

[29]

[(3) For the purposes of this section, a muqarraridar shall be deemed to be a tenant of the class specified in

clause (a) of sub-section (1) of section 5].

23. Reduction of rent referred to in the last foregoing section.– The rent payable by a tenant to whom the

last foregoing section applies may be reduced on the ground that the productive powers of his tenancy have

been decreased by a cause beyond his control.

General provisions relating to suits

for enhancement or reduction of rent

24. Enhancement and reduction of rent by suit.– (1) A Revenue Court, on the suit of either land-lord or

tenant, may, subject to the provisions of this and other sections of this Act, enhance or reduce the rent of any

tenant having a right of occupancy.

(2) Where a decree for the enhancement of the rent of such a tenant has been passed under the Punjab

Tenancy Act, 1868, a suit for a further enhancement of his rent shall not lie till the expiration of five years

from the date of the decree, unless in the meantime the local area in which the land comprised in the decree, is

situate, has been generally reassessed and the revenue payable in respect of that land has been increased.

(3) Subject to the provisions of sub-section (2), a suit instituted for the enhancement of the rent of a

tenant having a right of occupancy shall not be entertained in either of the following cases, namely:-

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

enhanced under this section;

(b) if within that period a decree has been passed under this Act dismissing on the merits a suit for the

enhancement of his rent;

unless the land or some part of the land comprised in his tenancy, not having been irrigated, or flooded at the

time of such commutation, enhancement or decree, has become irrigated or flooded.

[30]

[(4) For the purposes of this section a muqarraridar shall be deemed to be a tenant having a right of

occupancy].

25. Discretion as to extent of enhancement or reduction.– In enhancing or reducing the rent of any land,

under the foregoing provisions of this Chapter, the Court shall, within the limits prescribed by those provisions,

enhance or reduce the rent to such an amount as it considers fair and equitable, but shall not in any case fix the

rent at a sum less than the amount of the land revenue of the land and the rates and cesses chargeable thereon.

26. Time for enhancement or reduction to take effect.– (1) Unless the Court decreeing an enhancement of

rent otherwise directs, the enhancement shall take effect from the commencement of the agricultural year next

following the date of the decree.

(2) A Court decreeing a reduction of rent shall specify in the decree the date on and from which the

reduction is to take effect.

Adjustment of rents expressed in terms of the land-revenue.

27. Adjustment of rents expressed in terms of the land revenue.– (1) Where the rent of a tenancy is the

whole or a share of the land revenue thereof, with or without an addition in money, kind or service and the

land revenue of the holding in which the tenancy is situate is altered, a Revenue Officer having authority

under section [31]

[67] of the Punjab Land Revenue Act,

[32]

[1967], to determine the land revenue payable in

respect of the several holdings comprised in the estate in which the tenancy is situate shall determine also the

amount of the land revenue of the tenancy, or the proportionate share thereof, payable by the tenant as rent.

(2) Where an addition referred to in sub-section (1) is a percentage fixed with reference to the land revenue

of the tenancy, or the whole or a share of the rates and cesses chargeable thereon, or both, the Revenue Officer

shall in like manner from time to time alter the amount of the addition in proportion to any alteration of such

land revenue or rates and cesses.

(3) The sum or sums determined under the foregoing sub-sections, together with any addition previously payable

other than the additions referred to in sub-section (2), shall be the rent payable in respect of the tenancy until there is

again an alteration of the land revenue thereof or of the rates and cesses chargeable thereon or until the rent is

enhanced by a suit under this Act.

(4) An alteration of rent under this section shall not be deemed an enhancement or reduction of rent

within the meaning of this Act.

[33]

[(5) For the purposes of this section a muqarraridar shall be deemed to be a tenant having a right of

occupancy].

[34]

[Adjustment of rents paid by occupancy tenants in Attock District.

27-A. Adjustment of rents paid by occupancy tenants in Attock District.– (1) Where a tenant having a

right of occupancy in land in the Attock District pays wholly or partly in cash a rent not falling within the

scope of section 27 and the land revenue of the holding in which the tenancy is situate is altered–

a Revenue Officer having authority under section

[35]

[67] of the Punjab Land Revenue Act,

[36]

[1967], to

determine the land revenue payable in respect of the several holdings comprised in the estate in which the

tenancy is situate may, by written order, and whether the rent was fixed by agreement or otherwise; and

either upon the application of such tenant, or his land-lord, or of his own motion increase or diminish such

rent if wholly payable in cash, or such portion thereof as is payable in cash, to such extent as appears to the

Revenue Officer to be proper having regard to the matters specified in sub-section (2).

(2) In increasing or diminishing the rent of a tenancy under the provisions of sub-section (1) the Revenue

Officer shall, for the purpose of deciding the extent of such increase or diminution, take into consideration only–

(i) the land revenue of, and the rates and cesses chargeable on, the tenancy before the land revenue

of the holding in which it is situated was altered;

(ii) the land revenue of, and the rates and cesses chargeable on, the tenancy after such alteration;

and

(iii) the methods by which the assessments of the land revenue in force before and after such

alteration were calculated and distributed over the several holdings comprised in the estate in

which the tenancy is situated.

(3) The rent determined as aforesaid shall be the rent payable in respect of the tenancy until there is again

an alteration of the land revenue thereof or of the rates or cesses chargeable thereon, or until the rent is

enhanced or reduced by a suit under this Act.

(4) For the purposes of this section a muqarraridar shall be deemed to be a tenant having a right of

occupancy.

(5) An alteration of rent under this section shall not be deemed as an enhancement or reduction of rent

within the meaning of this Act].

Alteration of rent on alteration of area

28. Alteration of rent on alteration of area.– (1) Every tenant shall–

(a) be liable to pay additional rent for all land proved to be in excess of the area for which rent has been

previously paid by him, unless it is proved that the excess is due to the addition to his tenancy of land which,

having previously belonged to the tenancy, was lost by diluvion or otherwise without any reduction of the

rent being made; and

(b) be entitled to an abatement of rent in respect of any deficiency proved to exist in the area of his

tenancy as compared with the area for which rent has been previously paid by him, unless it is proved

that the deficiency is due to the loss of land which was added to the area of the tenancy by alluvion or

otherwise, and that an addition has not been made to the rent in respect of the addition to the area.

(2) In determining the area for which rent has been previously paid, the Court shall have regard to the

following among other matters, namely:-

(a) the origin and conditions of the tenant’s occupancy, for instance whether the rent was a rent in gross

or the entire tenancy;

(b) whether the tenant has been allowed to hold additional land in consideration of an addition to his

total rent or otherwise with the knowledge and consent of the land-lord; and

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

(3) In adding to or abating rent under this section, the Court shall add to or abate the rent to such an

amount as it deems to be fair and equitable, and shall specify in its decree the date on and from which the

addition or abatement is to take effect.

(4) An addition to or abatement of rent under this section shall not be deemed an enhancement or reduction of

rent within the meaning of this Act.

Remission

29. Remission of rent by Courts decreeing arrears.– Notwithstanding anything in the foregoing sections of

this Chapter, if it appears to a Court making a decree for an arrear of rent that the area of a tenancy has been so

diminished by diluvion or otherwise, or that the produce thereof has been so diminished by drought, hail,

deposit of sand or other like calamity, that the full amount of rent payable by the tenant cannot be equitably

decreed, the Court may, with the previous sanction of the Collector, allow such remission from the rent payable

by the tenant as may appear to it to be just.

30. Remission and suspension of rent consequent on like treatment of land revenue.–

[37]

[(1) Whenever

the payment of the whole or any part of the land revenue payable in respect of any land is remitted or

suspended, a Revenue Officer may, if the rent be payable in cash or be rent payable in kind of which the

amount is fixed, by order, remit or suspend, as the case may be, the payment of the rent of that land to an

amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land

revenue of which payment has been remitted or suspended bears to the whole land revenue payable in respect

of land:

Provided that in the case of an occupancy tenant, whose rent is of the nature hereinbefore in this subsection described, the remission or suspension of the land revenue payable in respect of the land shall, in the

absence of a written order by a Revenue Officer to the contrary carry with it a proportionate remission or

suspension, as the case may be, of his rent.

When the payment of the rent of any kind has been suspended under this clause it shall remain under

suspension until the Collector orders the revenue of that land to be realized].

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

(3) A suit shall not lie for the recovery of any rent of which the payment has been remitted or during the

period of suspension, of any rent of which the payment has been suspended.

(4) Where the payment of rent has been suspended, the period during which the suspension has continued

shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of the

rent.

[38]

[(5) If the land-lord collects from a tenant any rent of which the payment has been remitted, or is under

suspension, the Revenue Officer may recover from the land-lord the amount or value of the rent so collected,

and may also recover by way of penalty a further sum not exceeding such amount or value, and may cause to

be refunded to the tenant the amount or value of the rent so collected from him].

(6) The provisions of this section relating to the remission and suspension of the payment of rent may be applied,

so far as they can be made applicable, to land of which the land revenue has been released, compounded for or

redeemed in any case in which if the land revenue in respect of the land had not been released, compounded for, or

redeemed, the whole or any part of it might, in the opinion of the Revenue Officer, be remitted or suspended under the

rulesfor the time being in force for regulating the remission and suspension of land revenue.

[39]

[(7) Any sum of which the recovery is ordered under sub-section (5) on account of rent or penalty may

be recovered by the Collector as if it were an arrear of land revenue].

Deposits

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

(a) when a land-lord refuses to receive or grant a receipt for, any rent payable in money when tendered to

him by a tenant;

(b) when a tenant is in doubt as to the person entitled to receive rent payable in money,

the tenant may apply to a Revenue Officer for leave to deposit the rent in his office, and the Revenue Officer

shall receive the deposit, if, after examining the applicant, he is satisfied that there is sufficient ground for the

application and if the applicant pays the fee, if any, chargeable for the issue of the notice next hereinafter

referred to.

32. Effect of depositing rent.– (1) When a deposit has been so received it shall be deemed to be a payment

made by the tenant to his land-lord in respect of rent due.

(2) The Revenue Officer receiving the deposit shall give notice of the receipt thereof to every person who, he

has reason to believe, claims or is entitled to the deposit, and may pay the amount thereof to any person appearing

to him to be entitled thereto, or may, if he thinks fit, retain the deposit pending the decision of a competent Court as

to the person so entitled.

(3) No suit or other proceeding shall be instituted against the

[40]

[Government], or against

[41]

[any servant of the

State], in respect of anything done by a Revenue Officer under this section, but nothing in this sub-section shall

prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it

has paid by a Revenue Officer.

Recovery of rent from attached produce

33. Recovery of rent from attached produce.– (1) If an order is made by any Court for the attachment of

the produce of a tenancy, or of any part of a tenancy, the land-lord may apply to the Revenue Officer by

whom the attachment is to be or has been made to sell the produce and pay to him out of the proceeds of the

sale thereof the amount or value of–

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

the application, and

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

(2) The Revenue Officer shall give the person at whose instance the attachment was made an opportunity of

showing cause why the application of the land-lord should not be granted, and, if he finds the land-lord’s claim

to the whole or any part of the rent to be proved, he shall cause the produce or such portion thereof as he may

deem necessary to be sold, and shall apply the proceeds of the sale in the first instance to satisfy the claim.

(3) The finding of the Revenue Officer under sub-section (2) shall have the force of a decree in a suit

between the land-lord and the tenant.

Leases for period exceeding term of assessment of land revenue

34. Treatment of leases for period exceeding or equal to term of assessment of land revenue.– (1)

Where a lease has been granted, or an agreement has been entered into, by a land-owner in respect of any land

assessed to land revenue fixing for a period exceeding the term for which the land revenue has been assessed,

the rent or other sum payable in respect of the land under the lease or agreement, and that term has expired,

the lease or agreement shall be voidable–

(a) at the option of the land-owner if the land revenue of the land has been enhanced and the person to

whom the lease has been granted or with whom the agreement has been entered into refuses to pay such

rent or other sum, as a Revenue Court, on the suit of the land-owner determines to be fair and

equitable

[42]

[or a Revenue Officer under the provisions of section 27-A has determined to be proper];

and

where the relation of land-lord and tenant exists between the grantor and grantee of the lease or between the

persons who entered into the agreement–

(b) at the option of the tenant if the land revenue of the land has been reduced and the land-lord refuses to

accept such rent as a Revenue Court, on the suit of the tenant, determines to be fair and equitable [43]

[or a Revenue Officer under the provisions of section 27-A has determined to be proper].

(2) Any agreement relative to the occupation, rent, profits or produce of any land which has been entered

into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the

agreement or the agreement is terminated by consent of parties or course of law, continue in force until a

revised assessment takes effect.