

# **THE PRISONERS ACT, 1900**

(Act III of 1900)

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## **PRISONERS ACT, 1900** **(Act III of 1900)**

**[2nd February, 1900]**

An Act to consolidate the law relating to Prisoners confined by  
order of a Court

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a  
Court;

It is hereby enacted as follows :—

### **PART 1** **PRELIMINARY**

1. (1) This Act may be called the Prisoners Act, 1900;	Short title and extent.
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2(2) It extends to the whole of Pakistan].

3[(3) \* \* \* \* \* }

2. In this Act., unless there is anything repugnant in the subject or context,

(a) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue Jurisdiction ; and

(b) "prison" includes any place which has been declared by the •'[Provincial Government], by general or special order;' to be, a subsidiary jail.

1. For statement of Objects; and Reasons, 'set Gazette of India, 1899 Pt. V, p. {01 , 101 report of the Select Committee, see *ibid*, 1900, p, 23; for proceedings in Council, see *ibid* 1899 Pt. VI, pp., 102 and 242; *ibid.*, 1900, p. 21.

2. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), 4.3 \*ad 2nd Sen. (with effect from the 14th October, 195S), for the original sub-section (2) as amended by the Repealing and Amending Act, 1914 (X of 1914), A. 0,1949., and the Federal Laws (Re- and Declaration) Act, 19S1 (XXVI of 1951).

3. Sub-section (3) rep, by Act X of 1914, s. 3 aad Scn-II

4. Subs, by A. O., 1937, for "Local

Officers in charge of prisons to detain persons duty committed to their custody.	3. The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or other-wise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course of law,
Officers in charge of prisons to etc, to be construed as a referring also to Reformatory Schools.	4. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than 011 a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order of warrant to the Court by which the same was issued or made, together with a certificate endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

**PART III**

**[Prisoners in Presidency-towns] Omitted.**

*Omitted by A.O.,1949, Sch.*

**PART—IV.**

1(execution of sentences]

References in this Part to Prisons, etc, to be construed as referring also to Reformatory Schools.	14. In this Part ail references to prisons of to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.
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215. [Power of officers in charge of prisons to give effect t<> sentences of certain Courts:-- Officers in charge of prisons may give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal, whether within or without Pakistan, established by law.

Warrant of officer of such Court to be sufficient authority.	16. A warrant under the official signature of an officer of such it Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement* *r ***** ] pursuance of the sentence passed upon him.
Procedure where officer incharge of prison doubts of prison doubts the legality of warrant sent to him for execution under this Part.	17. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is

1. Sifts. by A. O., W49, Sch., for the original heading "Prisoners outside the Presidency- Town.
2. Subs, by Ord No. XXVII of 1981.
3. The words omitted by Ord No.-XX VII of 1981.

1900 : Act IE]

*Prisoners*

affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the

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'[Provincial Government], by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order -

18. (1) Where a -[Court established by the authority of the 5[Federal Government] exercising, in or with respect to territory be- yond the limits of 4[the Pakistan] 5[ \* \* \* ], jurisdiction which 6[the 7[Government] has in such territory,— I

(a) has sentenced any parson to death, and.

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances *for* his execution in a decent and humane manner, be executed in 4[Pakistan] s[\* \* \* ], has issued its warrant for the execution of such sentence to the officer incharge of a prison in 4[Pakistan 5[\* \* \* ],

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898.

"(2) The prisons of which the officers incharge are to execute sentences under any such warrants as aforesaid 8[shall in each Province be such as the Provincial Government] may, by general or special order, direct.

1. Subs, by A. O., 1937, for "Local Government."
2. Subs, by A. O., 1949, Sch. for "British Court".
3. Sub.;; by N. W. P. P., A I. O., 1975.
4. Subs, by Ord. No. XXVII of 1981.
5. The words, "and the [Federal Territory of Karachi]", omitted by A. O., 1964, Art 2 and. Sch. The words in crotchets were subs, by the Repealing and Amending Ordinance, 1961 (J of 1951), s. 3 2nd 2nd Sch., for "Capita! of the Federation".
6. Subs, by A. O., 1937.
7. Subs, by A. O., 1961, Art 2, for "Crown" (with effect from the 23rd March, 1956)
8. Subs, by A. O., 1937.. for "shall be such as the G. G. in C. or a L. G, authorized by

the G.G. in C. in behalf".

*Prisoners*

**[1900 : Ac! III**

(3) A Court shall be l[deemed, for the purposes of this section, to be a Court established by the 2[Federal Government] if the presiding Judge, or if the Court consists of two or more Judges, at least one of the Judges, is an officer of the 3[Government] authorized to act as such Judge by 4[X X X] the Federal Government]:

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the 3[Government] authorized as aforesaid.

*PART-V— persons under sentence of penal servitude].*

*Omitted by the Criminal Law (Extinction of Discriminatory Privileges Act, S949 (II of 1950), Schedule.*

**PART—VI**

removal of prisoners

References in this Part to prisons, etc, to be construed as referring also to Reformatory Schools.	28. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.
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Removal of Prisoners.	5[29. (I) The ^[Provincial Government] may, by general or special order, provide for the removal of any prisoner confined in prison -
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- (a) under sentence of death, or
- (b) under, or in lieu of, a sentence of imprisonment 7[\* \* \*] or
- (c) in default of payment of a fine, or

- 1 Subs, by A. O., 1949. Sch., for "deemed to be a British Court for the purposes of this section",
- 2 Subs, by N. W. F. I. A. L. O. for "Central Government".
- 3 Subs, by A. O., 1961 Art. 2.
- 4 These words omitted by Ord No. XXVII of 1981.
- 5 Subs, by the Amending Act, 1930 (I of 1930), s. 3 and Sch H.
- 6 Subs by A. O., 1937, for "G. G. in C.".
- 7 Omitted by Ord. "so. XXVII of 1981.

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*Prisoner?*

- (d) in default of giving security for keeping the peace or for maintaining good behaviour.

to any other prison in 1[the Province, or, which the consent of the Provincial Government concerned, to any prison in 2[the other Province], 3[or, with the consent of the 4[Federal Government] to any prison maintained 5[by it for under its authority] in any part of 6[Pakistan]

7(2) Subject to the orders, and under the control of the Provincial Government the [Inspector-General of Prisons] may in the like manner provide for the removal of any prisoner confined as aforesaid in a prison situate in the area for which he is appointed ro any of the prison in such area.

9[(3)4The Central Government may, by general or special order, provide for the removal of any prisoner or class of prisoners confined in any prison to any other prison in Pakistan maintained by or under the authority of the [Federal] Government or of a Provincial Government with the consent to[ \* \* \* ] of the Provincial Government concerned.]

<p>30. (i) Where it appears to the "[Provincial Government] that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the ^Provincial Government] may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the Province, thereto be kept and treated as the</p>	<p>Lunatic prisoners how to be dealt with.</p>
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1. Subs, by A. O., 1937, for "British India or to any prison in Berar. The words, "or to any prison in Berar" had been added by the Prisoners (Amdt.) Act, 1923 \ Vil of 1923), s. 2.
2. Subs. by A. O.. 1964 Art 2 and Sch.. for "any other Province".
3. Added by the Prisoners (Amilt.) Ordinance, 1942 (X.11 of!942>.
4. Now "Federal Government", .we P.O. of 1975.
5. Subs, by A. O., 1949. for "by dim or under his authority".
6. Subs, by the Federal laws (Revision and Declaration) Act, 1951 (XXVI of 1951) s 4 and III Sch., for "India".
7. Subs. by W. P. Ord- XXV of 1962.
8. Subs, by N. W. F. P Act No. VI of 1977
9. Add. by Act XVII of 1953.
10. The words "where such other prison is situated in a Province not being a Chief Commissioner's Province,", omitted by A. O., 1964, Art, 3 and Such.
11. Subs, by A. O., 1937,

*Prisoners*

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1[Provincial Government] directs during the remainder of the term of which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

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(2) Where it appears to the 1 [Provincial Government] that the prisoner has become of sound mind, the Provincial Government] shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the Province, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 2[31 of Lunacy Act, 1912 (IV of 1912)}] shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

3[(4) In any case in which the '[Provincial Government] is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the i [Provincial Government] may order his removal to any such asylum or place within 4[the other Province] 5[ \* \* \* \* ' \* \* :r] by agreement with the 6[Provincial Government] of such other Province 5[\* \* \* \*]as the case may be; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.]

31. [Removal of prisoners from territories under one Local Government to territories tinder another} Rep. by the Amending Act, 1903 (I of 1903), s. 4 and Sch. Iff.  
7[PART VII]

1. Subs, by A. O. 1937 for "Local Government.
  2. dubs, by Ord. No. XXVII of 1987.
  3. Subs, by the Devolution Act, 197.0 (XXXVIII of 1920)
  4. Subs, by A. O., 1964, for "any other Province".
  5. Omitted by ord. ;no. XXVII. of 198A- ...,\*'-
  6. Subs. by. A. O. 1937.
  7. Part VII Containing section 32 omitted by ord. No. XXVII of 1981]
- 1900 Act:- III** *Prisoners.*

PART VII]  
discharge of prisoners

33 1[A High Court], may, in any case in which it has recommended to a[the President] the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

Release, on recognizance, by order of High Court, of Prisoners recommended

	for pardon.
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PART—IX  
provisions for requiring the attendance of prisoners and  
obtaining their evidence  
*Attendance of Prisoners in Court*

<p>34. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.</p>	<p>References in this Part to Prisons, etc, to be construed as referring also to Reformatory Schools.</p>
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<p>35. Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer incharge of the prison.</p>	<p>Power for Civil Courts to require appearance of Prisoners to give evidence.</p>
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<p>36. (1) Where an order under section 35 is made in any civil matter pending —</p>	<p>District Judge in certain cases to countersign orders made under section 35.</p>
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(a) in a Court subordinate to the District Judge, or  
(b) in a Court of Small Causes 3[ \* \* \* ]

1. Subs .by the Central Laws (Statute Reform) Ordinance, 1960 (XXVI of 1960), s. 3 and 2nd Sen. (with effect from the 14th October, 1955), for "Any Court which is a High Court for **the** purposes of the Government of India Act, 1935", which had been subs, by A. O., 1937, for "Any Court established under the Indian High Courts Act, 1861".  
2.Subs, by A. O., 1961, Art. 2 and Sch., for "Her Majesty" (with effect from the 23rd March

1056).

3. The words “outside a Presidency Town” omitted by A.O, 1949.

**Prisoners.**

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it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by,—

it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by,—

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under subsection (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

<p>Power for certain Criminal Courts to require attendance of Prisoner to give evidence or answer to charge.</p>	<p>37. Subject to the provisions of section 39, any Criminal Court may, if it thinks that the evidence of any person confined in any f prison within the local limits of its appellate jurisdiction, if it is a High £ Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule, as the case may be, directed to the officer in charge of the prison</p>
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Provided that if such Criminal Court is inferior to the Court of a Magistrate of the first class, the orde shall be submitted to, and countersigned by, the J [Session Judge] to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated.

<p>Order to be transmitted through Magistrate of the district or sub-division in which person is continued</p>	<p>38. Where any person, for whose attendance an order as in this - Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the is order shall be sent by the Court by which it is made or countersigned to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer incharge of the prison in which the person is confined.</p>
<p>Procedure</p>	<p>39. (1) Where a person is confined 2[ ***] in a prison more</p>

<p>where removal is desired of person confined more than one hundred miles from place where evidence is required.</p>	<p>than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, we the Judge or presiding officer of the Court in which the evidence is So required shall, if he thinks that such person should be removed</p>
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1. Subs. by Ord. No. XXVII of 1981.
2. The words, "in a prison withic a Presidency-town , or", omitted by A.O 1949.

under this Part for the purpose of giving evidence in such Court, and ii the prison is within the local limits of the appellate jurisdiction of the High Court to Mch such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the first schedule, directed to the officer incharge of the prison.

(2) The High Court making an order under sub-section (1) shall send it to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person named therein is confined, i[\* \* \*] and such Magistrate 2[\*\*] shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

<p>40. Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto; apply in writing to the 3[Provincial Government] of the territories within which the prison is situate, and the ^Provincial Government] may, *[ * * *] direct that the person be so removed, subject to such rules regulating the escort of prisoners as the 5/Provincial Government] may prescribe.</p>	<p>Persons contined beyond limits of appellate jurisdiction of High Court.</p>
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<p>41. Upon 'delivery of any order under this Part to the officer in charge of the person in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody i n or near the Court until he has been examined or until the Judge or presiding office or- the Court authorizes him to be taken back to the prison in which of was confined.</p>	<p>Prisoner to be brought up.</p>
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1. The words, "or in the case of a person confined in a prison within Presidency-town to the Commissioner of Police", omitted by A. O. 1949, Sch.
2. The words, "or Commissioner", omitted, *ibid*.
3. Subs. by A. O., 1937, for "Local Government"
4. Omitted by N.W.P.P. Ord. No. III of 1985
5. Subs. *ibid* for "G. G. in C".a

<p>Power to Government to exempt certain prisoners from operation of this part.</p>	<p>42. 1 [ * * * ] The 2[Provincial Government] may, by notification in [.]***]the 4[Official Gazette], 5[***] d[that any person or any class of persons shall not be removed from the prison in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Part, other than those contained in sections 44 to 46, shall not apply to such person or class of persons.</p>
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<p>Officer incharge of prison when to abstain from carrying out order.</p>	<p>43. 1 n any of the following cases, that is to say,—</p>
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(a) where the person named in any order made under section 35. section 37 or section 39 appears to be, from sickness or other infirmity, unfit to be removed, the officer incharge of the prison in which he is confined, shall apply to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or

(b) where the person named in any such order is under committal for trial ; or

(c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation;  
or

(d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which this confined ;

the officer incharge of the prison shall abstain from carrying out the order, and shall send to the Court from which the order has been issued a statement of the reason for so abstaining.

1. The Words "the G. G. in C, or" rep. by the Devolution Act, 1920 (XXXVIII of 1920) S. 2 and Seh.I.
2. Subs, by A. O., 1937, for "Local Government".
3. The words "the Gazette of India or" rep. by Act XXXVIII of 1920, s. 2 and Sch.-I.
4. Subs, by A. O., 1937, "Local Official Gazette".
5. The words "as the case may be", rep. by Act XXXVIII of 1920, s. 1. and Sch.-I.

Provided that such officer as aforesaid shall not so abstain; where—

(i) the order has been made under section 37; and

(ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity unfit to be removed: and

(iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

44. In any of the following cases, that is to say, —

Commissions  
for  
examination  
of Prisoners.

(a) where it appears to any Civil Court that the evidence of person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court which it is subordinate, who, for any of the causes mentioned—

(b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situated and more than ten miles distant from the place at which such Court is held, is material in any such matter : or

(c) where the District Judge declines, under section 36, to countersign an order for removal;

the Court may, if it thinks fit, issue a commission, under the provisions of the [Code of Civil Procedure, 1908, (V of 1908)] for the examination of the person in the prison in which he is confined.

45. Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court

Commissions  
for  
examination

<p>subordinate to it, the High Court may if it thinks fit, issue a commission under the provisions of the '[Code of Civil Procedure 1908 (V of J908)] for the examination of the person in the prison .in which he is confined.</p>	<p>of prisoners beyond limits of appellate jurisdiction of High Court.</p>
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2.Subs, b-Ord. No. XXVT1 of 1981.

46. Every commission for the examination of a person issued under section 44 or section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situated, and the District Judge shall commit the Execution of the commission to the officer incharge of the prison, or to such other person as he may think fit.

*Service of process on prisoners.*

<p>Process how served on prisoners.</p>	<p>47 when any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer incharge of the prison the original of the process and depositing with him a copy thereof.</p>
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<p>Process srved to be transmitted at, Prisoner’s request.</p>	<p>48 (1) Every officer incharge of a prison upon whom service is made under section 47 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as afore said is confined in the prison under his charge and has been shown and had explained to him a copy of the process.</p>
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(2) Such certificate as aforesaid shall be *prima facie* evidence of the service of the process, and, if the person to whom the process is directed requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer incharge of the prison shall cause it to be so sent.

**Miscellaneous**

49. *[Application of Pan in certain cases]. Omitted by A. O.. 1949, Schedule.*

<p>Deposit of coste.</p>	<p>50. No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges Of the execution of such order (to be determined by the Court) is deposited in such Court:</p>
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Provided that, if upon any application for such order it appears / "to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the [Provincial Government] from any person ordered by the Court to pay the same, as if it were costs in a suit recoverable under the 2[Code of Civil Procedure. 1908 (Act V of 1908).

1. Subs, by A. O., 1937. for "Govt."
2. Subs. by Ord ^o. XXVII of 1982.

51. (1) 1[The [Provincial Government] 2[ * * *] may make rules—	Power to make rules under this part.
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- (a) for regulating the escort of prisoners to and from Courts in which their attendance is required and for their custody during the period of such attendance;
- (b) for regulating the amount to be allowed for the costs and charges of such escort; and
- (c) for the guidance of officers in all other matters connected with the enforcement of this Part.
- (2) All rules made under sub-section (1) shall be published in the 3[official Gazette] 4[ \*\*\*] and shall, from the date of such publication, have- the same force" as if enacted by this Act.

52. The Provincial Government] may declare what officer shall, for the purposes of this Part, be deemed to be the officer incharge of a prison.	Power to declare who shall be
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53. [Repeals]. Rep by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Schedule II.

**THE FIRST SCHEDULE**

(See sections 35 and 37)

Court of

To the officer incharge of (State name of Prison),

You are hereby required to produce ..... , now a prisoner in .....

under safe and sure conduct before the Court of at on

the day of next by of the clock

in the forenoon of the same day, there to give evidence in a mutter now pending before the said Court, and after the said has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The \_\_\_\_\_ day of \_\_\_\_\_ A. B.

(Countersigned) C. D.

1. Subs, by A. O., for "local Government"
2. The words, " and in cases arising under section 40, the G. O. in C". rep. *ibid*.
3. Subs, *ibid*, for "Local official Gazette".
4. The words, "or the Gazette of India, as the case may be", rep. &U.

## THE SECOND SCHEDULE

(See – section 37)

Court of

To the officer incharge of the \_\_\_\_\_ (State name of Prison.)

You are hereby required to produce \_\_\_\_\_ now a Prisoner in

Under safe and sure conduct before the Court of \_\_\_\_\_ at \_\_\_\_\_ on

The \_\_\_\_\_ day of \_\_\_\_\_ next by \_\_\_\_\_ of the

Clock in the forenoon of the same day, there to answer a charge now pending before the said Court, and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

The \_\_\_\_\_ day of

A. B.

(Countersigned) C.D.

[THE THIRD SCHEDULE]. Rep. by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Schedule II

## THE PUNJAB ALIENATION OF LAND ACT, 1900.

[ACT NO. XIII OF 1900].

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THE PUNJAB ALIENATION OF LAND ACTr 1900,

1[ACT NO. XIII OF 1900].

[19th October, 1900].

An Act to amend the Law relating to Agricultural Land in the

2 [North-West Frontier Province].

WHEREAS it is expedient to amend the law relating to agricultural land in the 2[North West Frontier Province]: It is hereby enacted as follows:—

*Preliminary*

1. (1) This Act may be called the 3[West Punjab] Alienation of Land Act, 4[ \* \* \* \* ]  
5[(2) It extends to "[the -Punjab] and the "[North-West Frontier 9[ \* \* \* ].  
(3) It shall come into force on such day as the [Provincial Government] may, by notification in  
the 12[Official Gazette] direct:

1. For Statement of Objects and Reasons *see* Gazette of India, 1899, Pt. V, p. 135, for Report of the Select Committee *see ibid.*, 1900 Pt. V. p. 91: and for further Report *\*see ibid.*, p. 107 for Proceeding in Council, *see ibid.*, 1899 Pt. VI, p. 216: and *ibid.*, 1900, pp. 168. 177 and 193].
2. Subs., for the word "Punjab" *see* North-West Frontier Province Law and Justice Regulation, 1901 (VII of 1901) ss. 6 (1); to be construed as referring to the Districts of Bannu, Dera Ismail Khan, Hazara, Mardan, Kohat and Peshawar, *see* W. P. Act XVI of 1957, s. 3, Sch-I.
3. Subs, for the word "Punjab" by G. G. O. 4 of 1949; to be construed as referring to the districts of Campbellpur, Dera Ghazi Khan, Gujranwala, Gujrat, Jhelum, Jhang, Lahore, Lyallpur, Mianwali, Multan, Muzafargarh, Rawaipindi. Shahpur. Sheikhpura and Sialkot *see* W. P. Act XVI of 1957, s. 3, Sch. I.
4. The figure "1900" omitted by G. G. O., 4 of 1949.
5. Subs, for the word subsection (2) as amended by the A. O.. 1937, by G. G.O. 4 of 194v
6. Subs, for "West Punjab" by the Federal Law. (Revision and Declaration) Act, 1951 (XXVI of 1951), Ss. 8.
7. Now to be construed as referring to the Districts of Carcpbellpur, Dera Ghazi Khan Guiranwala, Gujrat, Jhelum, Jhang. Lahore, Lyallpur, Mianwali, Montgomery, Multan, Muzaffr- garh, Rawalpindi, Shahpur, Sheikhpura and Sialkot, *see* W. P. Act -XVI of-1957, s. 3 and Sch-I.
8. Now to be construed as referring to the Districts of Bannu, Dera Ismail Khan Kohat Hazara, Mardan and Peshawar *see* W. P. Act XVI of 1957, s. 3 and Sch-I.
9. The word "Province" omitted by the Central Laws (Statute Reform) Ordinance, 1960 (2.1 of 1960), s. 3 and 2nd Sch. (with effect from 14th October, 1955).
10. The Act came into force on the 8th June, 1901 *see* Gazette of India 1901, Pt. I. p. 382.
11. Subs, for "Governor-Genera! in Council" by the A O., 1937.
12. Subs, *ibid!*., for "Gazette of India".

## ALIENATION OF LAND

[1900 Act XHI

1. In this Act, unless there is anything repugnant in the subject, or context,—

1[\* \* \* \* \* \* \* \*]

(2) all expressions which are defined by section 4 of the 2[Punjab Tenancy Act, 1887], or by section 3 of the 3 [Punjab Land Revenue. Act, 1887], shall, subject to the provisions of this Act, have the meanings assigned to them in the said sections respectively; and the expressions "record-of-rights" and "annual record" shall have the meanings assigned to them respectively in Chapter TV of the said last-mentioned Act;

(3) the expression "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes—

(a) the sites of buildings and other structures on such land;

4[(aa) any right of occupancy acquired under the 2 [Punjab Tenancy Act, 1887], the 5[Hazara Tenancy Regulation, 1887]or6[the Agro Valley Regulation, 1891], as the case may be];

(b) a share in the profits of an estate or holding;

(c) any dues or any fixed percentage of the land revenue payable by an inferior land owner to a superior landowner,

(d) a right to receive rent;

(e) any right to water enjoyed by the owner or occupier of land as such; 7[ \* \* \* \* ]

1. Clause (1) of section 2 and the proviso repeal" by the North-West Frontier Reg. I of 1904 s. 7. (i).

2. Rep. in the North-West Frontier Province by the North-West Province Tenancy Act XXV of 1950.

3. Repealed by the West Pakistan Land Revenue Act, 1967, (XVII of 19CT), s. S4 and sch.

4. Sub-clause (aa) inserted by Reg. I of 1904, s. I (if).

5. Rep by North-West Frontier Province, Tenancy Act, XXV Of 1950.

6. Obsolete. The Estate has been handed over to the Khan of Agror by an Executive Order

7. The word "and" omitted by North West Frontier Province Act No. V of 1937 s.2 (i).

### 1900 Act XIII ALIENATION OK LAND

1[(f) any right of occupancy] ; 2[and]

3[(g) All fruit-bearing trees Standing on such land].

4[(4)the expression "permanent alienation" includes sales, exchanges, gifts, wills and grants of occupancy rights:

(5) the expression "usufructuary mortgage" means a mortgage by which the mortgagor delivers possession of the mortgage land to the mortgagee and authorizes him to retain such . possession until payment of the mortgage-money, and to receive the rents and profits of the land and to appropriate them in lieu of interest or in payment of the mortgage-money or partly in lieu of interest and partly in payment of the mortgage-money: and

(6) the expression "conditional sale" includes any agreement whereby in default of payment of the mortgage-money or interest at a certain time the land will be absolutely transferred to the mortgagee.

5[2-A. Notwithstanding anything contained in sections 53 and 54 of the 6[Punjab Tenancy Act, 1887], when 'a landlord makes s: a claim to exercise the rights thereby conferred upon him the provisions of this Act
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Application of Act to sections 53
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shall apply thereto].	and 54 Act XVI, 1887.
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3. (T) A person who desires to make a permanent alienation & of his land shall be at liberty to makes such alienation where— (a) the alienor is not a member of an agricultural tribe ; or	Sanction of Deputy Commissioner required to certain permanent alienations.
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1. Sub-clause (/) was added t>y the Punjab Alienation of Land Amendment Act, 1907 (Punjab Act I of 1907), s. 2 (2). This Act was extended to North-West Frontier Province under the Scheduled Districts Act, 1874, *se\** Gazette of India 1908, Pt. II p. 947: North-West Frontier Province Gazette, 1921. Pt. I-A, p. 1152, and *ibid*, 1922, Pt. I-A, p. 229.
2. Colon at the end of clause (/) replaced by semin-colon and the word "and" inserted by North-West Frontier Province Act V of W7, s. 229.
3. Added *ibid*, s 2. (hi)-
4. Subs, for sub-section (4) by the Punjab Alienation of Land Amendment Act, 1907 (Punjab Act I of 1907! s.2 (3)
5. Section 2-A inserted *ibid*, s. 3.

6. Repealed in N.W. F P. by the N.W.F.P Tenancy Act (XXV) of! 950.  
**ALIENATION OF LAND [1900 Act Xfl]**

1[(b) \* \* \* \*]

(c) the alienor is a member of an agricultural tribe and the alienee is a member of the same tribe or of a tribe in the same group.

1[\* \* \* \*]

(2) Except in the cases 2provided for sub-section (1), a permanent alienation of land shall not take effect as such unless and until sanction is given thereto by a Deputy Commissioner:

2(Provided that-

- (1) sanction may be given after the act of alienation is otherwise completed, and
- (2) sanction shall not be necessary in the case of—
  - (a) a sale of a right of occupancy by a tenant to his landlord, or
  - (b) u gift made in good faith for a religious or charitable purpose, whether *inter vivos* or by will].

(3) The Deputy Commissioner shall inquire into the circumstances of the alienation and shall have discretion to grant or refuse the sanction required by sub-section (2).

4. 3[(a)All Muslims ordinarily residing, or holding land, in the 4[North-West Frontier Province] shall be deemed to be members of an Agricultural tribe and constituting one group for the purposes of this Act.

(b) The Provincial Government may, by notification in the official Gazette, determine what bodies of persons, other than Muslims, in any District or group of Districts, are to be deemed Agricultural tribes or a group of Agricultural tribes for the purposes of this Act.]

1. Clause (b) and the proviso to clause C. rep; by Punjab Act I of 1907- S. 4 (1).
2. Subs, *ibids.* 4 (2)
3. Subs, for the original section by North-West Frontier Province Act VIII of 1948, a. 2.
4. To be construed as referring to the Districts of Bannu, Dera Istnail Khan, Hazaia, Martian, Kohat and Peshawar; *see* W. P. Act No. XVI of 1957, s. 3 Sch. I.

1900 Act XIII]

ALIENATION OF LAND

5. When a Deputy Commissioner sanctions a permanent alienation of land, his order shall not be taken to decide or affect any question of title, or any question relating to any reversionary right or right of pre-emption.	Saving for rights in land alienated.
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*Temporary Alienations of Land,*

6. (1) If a member of an agricultural tribe mortgages his land and the mortgagee is not a member of the same tribe, or of a tribe in the same group, the mortgage shall be made in one of the following forms:-	Forms of mortgage permitted in certain cases.
---	---

(a) in the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee and authorizes him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal, on condition that after the expiry of the term agreed on or (if no term is agreed on, or if the term agreed on exceeds twenty years), after the expiry of twenty years, the land shall be redelivered to the mortgagor ;  
or

(b) in the form of a mortgage without possession, subject to the condition that, if the mortgagor fails to pay principal and interest according to his contract, the mortgagee may apply to the Deputy Commissioner to place him in possession for such term not exceeding twenty years as the Deputy Commissioner may consider to be equitable, the mortgage to be treated as a

usufructuary mortgage for the term of the mortgage possession and for such sum as may be due to the mortgage on account of the balance of principal due and of interest due not exceeding the amount claimable as simple interest at such rate and for such period as the Deputy Commissioner thinks reasonable; or

(c) in the form of a written usufructuary mortgage by which the mortgagor recognizes the mortgage as a landlord and himself remains in cultivating occupancy of the land as a tenant subject to the payment of rent at such rate as may be agreed upon not exceeding sixteen annas per rupee of the amount of the land-revenue in addition to the amount of the land revenue of the tenancy and the rates and cesses chargeable thereon and for such term as may be agreed on, the mortgagor having no right to alienate his right of cultivating occupancy and the mortgage

### ALIENATION OF LAND

### 1900 Act XIX

having no right to eject the mortgagor unless on the grounds mentioned in section 39 of the ' [Punjab Tenancy Act, 1887];,or

(d) in any form which foe 2[Provincial Government] may, by-general or special ; fader, permit to be used.

(2) If in the case of a mortgage in form (c) the mortgagor is ejected or relinquishes or abandons cultivating occupancy of the land, the mortgage shall take effect as a usufructuary mortgage in form (a) for such term not exceeding, twenty years from the date of adjustment, relinquishment or abandonment, and for such sum of money as the Deputy Commissioner considers to be reasonable.

3[ (3) The Deputy Commissioner, if he accepts the application of a mortgage under sub-section (1) (b), shall have power to eject the mortgagor, and as against the mortgagor to place the mortgage in possession.]

Rules applying to permitted mortgages.
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7. In the case of mortgages made under section 6—
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(1) no interest shall accrue during the period for which the mortgage is in possession of the land or in receipt of rent;

(2) if the mortgage is in form (a) or form (b), then at the end of such period of possession the mortgage debt shall be extinguished;

(3) the mortgagor may redeem his land at any time during the currency of the mortgage, on payment of the mortgage debt or, in the case of a mortgage in form (a) or form (b), of such proportion of the mortgage debt as the Deputy Commissioner determines to be equitable; and

(4) in the case of a usufructuary mortgage, the mortgagor shall not be deemed to bind himself personally to repay the mortgage-money.

4[(5) if a mortgagor who has applied to the Deputy Commissioner under sub-section (3) proves to the satisfaction of the Deputy Commissioner that he has paid.

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### ALIENATION OF LAND

the mortgage debt or such proportion of the mortgage debt as the Deputy Commissioner has determined to be equitable, or deposits with the Deputy Commissioner the amount of such mortgage/debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the Deputy Commissioner shall have power to eject the mortgage, if in possession, and as against the mortgage to place the mortgagor in possession.]

8. (1) In a mortgage made under section 6, the following conditions may be added by agreement between the parties: -

Condition in permitted mortgages.

(a) a condition fixing the time of the agricultural year at which a mortgagor redeeming his land may resume possession thereof;

(b) conditions limiting the right of a mortgagor or mortgagee in possession to cut, sell or mortgage trees or to do any act affecting the permanent value of the land; and

(c) any condition which the [Provincial Government] by general or special order may declare to be admissible.

(2) [In mortgages made under section 6 any condition not permitted by or under this Act shall be null and void.

9. (1) If a member of an agricultural tribe makes a mortgage of his land in any manner or form not permitted by or under this Act, the Deputy Commissioner shall have authority to revise and alter the terms of the mortgage so as to bring it into accordance with such form of mortgage permitted by or under this Act as the mortgage appears to him to be equitably entitled to claim.

Power to revise mortgage made in form not permitted.

(2) If a member of an agricultural tribe has before the commencement of this Act made a mortgage of his land in which there is a condition intended to operate by way of conditional sale, the Deputy Commissioner shall be empowered at any time during the currency of the mortgage to put the mortgage to his election whether he will agree to the said condition being struck out, or to accept in lieu of the said mortgage a mortgage which may be at the mortgagee's option be either in form (a) or in form (b) as permitted by section 6 and which shall be made for such period not exceeding the period permitted by the said section and for such sum of money as the Deputy Commissioner considers to be reasonable.

1. Subs, for "Local Government" by the A. O.

**ALIEN A'LION OF LAND [1900 : Act XIII**

(3) If proceedings for the enforcement of a condition intended to operate by way of conditional sale are instituted or are pending at the commencement of this Act in any Civil Court, or if a suit is instituted in any Civil Court on a mortgage to which sub-section (1) or sub-section (2) applies, the Court shall refer the case to the Deputy Commissioner with a view to the exercise of the power conferred by the sub-section applying thereto.

1[(4) When a mortgage put to his election under sub-section (2) agrees to accept in lieu of his mortgage, a mortgage in form (a) or in form (b) as permitted by section 6 for the period and for the sum of money considered by the Deputy Commissioner to be reasonable, and the mortgagor cannot be found, or fails to appear when duty served with notice to do so, or refuses or neglects to execute such" mortgage, the Deputy Commissioner shall have authority to execute such mortgage on such terms as to costs as he may fix and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The Deputy Commissioner may for any reason which he deems sufficient set aside any *ex-part* proceedings taken under this sub-section .]

Future mortgage by way of conditional sale not permitted.	10. In any mortgage of land made after the commencement of this Act any condition which is intended to operate by way of conditional sale shall be null and void.
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Lease and Farms.	11. Any member of an agricultural tribe may make a lease or farm of his land for any term not exceeding twenty years, and any lease or farm made by a member of an agricultural tribe for a longer term than twenty years shall if the lessee or farmer is not a member of the same tribe or of a tribe in the same group, be deemed to be a lease or farm for the term permitted by this section.
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Restriction on power to make further temporary alienation.	12. (1) During the currency of a mortgage made under section 6 in form (a) or form (b) or of a lease or farm under this Act, the owner shall be at liberty to make a further temporary alienation of the same land for such term as together with the term of the current mortgage, lease or farm will make up a term not exceeding the full term of twenty years.
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(2) Any such further temporary alienation if made for a longer term than is permitted by this section, shall be deemed to be a temporary alienation for the term permitted by this section.

Adjustment of	13. If a mortgage, lessee or farmer holding possession under a mortgage made under section 6 or under a lease or farm made under 11 or
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mortgage, lessee or farmer remaining in possession after term.	under a mortgage, lease or farm made under section 12
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1 Sub-section (4) inserted by the **Punjab Alienation of Land Amendment Act, 1107** Punjab Act of 1907),s. 8.

1900 : **Act XIII]** ALIENATION OF LAND

remains in possession after the expiry of the term for which he is entitled to hold under his mortgage, lease or farm, the Deputy Commissioner may, of his own motion or on the application of the person entitled to possession, eject such mortgage, lessee or farmer and place the person so entitled in possession.

*General Provisions.*

14. Any permanent alienation which under section 3 is not to take effect as such until the sanction of a Deputy Commissioner is given thereto shall until such sanction is given or if such sanction has been refused, take effect as a usufructuary mortgage in form (a) permitted by section 6 for such term not exceeding twenty years and on such conditions as the Deputy Commissioner considers to be reasonable.	Effect of permanent alienation made with out sanction.
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15. Every agreement whereby a member of an agricultural tribe purports to alienate or charge the produce of his land or any pa- of, or share in such produce for more than one year shall not take effect for more than one year from the date of the agreement unless the sanction of a Deputy Commissioner is given there to, and shall, until such sanction is given or if such sanction is refused, take effect as if it had been made for one year.	Sanction of Deputy Commissioner required to certain alienations of or charges on produce of land.
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*Explanation.-* The produce of land means-

- (a) crops and other products of the earth standing or uugut hered on the holding;
- (b) crops and other products of the earth which have been grown on the land during the past year and have been reaped or gathered.

16. (1) No land belonging to a member of an agricultural tribe shall be	Execution
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sold in execution of any decree or order of any Civil of Revenue Court. whether made before or after the commencement of this Act	sale of land forbidden.
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(2) Nothing in this-section shall affect the right of '[any Government] to recover arrears of land-revenue, or any dues which are recoverable as arrears of land revenue, in any manner now permitted by law.

17. Notwithstanding anything in the Indian Registration Act, 1877,2 or in any rule made under section 69 of that Act,—

1. Subs, for "Government" by the A. O., 1937.

2. Set now the Registration Act, 1908, XVI of 1908), Pakistan Code Vol: V.

**ALIENATION OF LAND 1900 : Act XIII**

(1) an instrument which contravenes any provision of this Act shall not be admitted to registration ;

(2) an instrument which records or gives effect to any transaction which requires the sanction of a Deputy Commissioner shall not be admitted to registration until a certified copy of the order giving such sanction is produced to the officer empowered to register such instrument.

Record-of right and annual record,	18. (1) Where, by reason of any transaction which under e" this Act requires the sanction of a Deputy Commissioner, a person claims to have acquired a right the acquisition whereof he is bound to report under section 34 of the [Punjab Land Revenue Act, 1887], such person shall, in making his report, state whether the sanction required has been obtained or not, and his right so acquired shall not be entered in the record-of-rights or in any annual record until he produces such evidence of the order by which such sanction is given as may be required by any rules made under this Act.
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(2) No right claimed by reason of any transaction or condition which is declared by this Act to be null and void shall be entered in the record-of-rights or in any annual record.

Application of certain provisions of the 2(Punjab land-revenue Act, 1887)	19. Subject to the provisions of this Act, the provisions of Chapter-II of the 3[Punjab Land Revenue Act, 1887], shall in so far as they are applicable, apply to the proceedings of Revenue-officers under this Act.
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Appearance of legal	20. No legal practitioner shall appear on behalf of any party interested in any proceeding before a Revenue-officer under this
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practitioners forbidden.	
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*Explanation.* -The term "Legal practitioner" includes a mukhtar.

Jurisdiction of Civil Courts excluded,	21. (1) A Civil Court shall not have jurisdiction in any matter which the "[Provincial Government] or a Revenue-officer is empowered by this Act to dispose of.
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1. Since repealed and replaced by W. P. Land Revenue Act, 1967 (Act XVII of 1967).
2. For rules to be read as added to Chap. V of rules made under Act XVII of 1887, *see Punjab Gazette Extraordinary*, dated 25th May, 1901, p. 4.
3. Since repealed and replaced by the W. P. Land Revenue Act, 1967 (Act XVII of 1967)
4. Subs, for "Local Government" by the A O., 1937.

1900 : Act **XIII**]

#### ALIENATION OF LAND

(2) No Civil Court shall take cognizance of the manner in which the Provincial Government] or any Revenue-officer exercise any power vested in it or in him by or under this Act.

2[21-A. (1) Notwithstanding anything contained in the of Civil Procedure) or in any other Act for the time being in force every Civil Court which passes a decree or order involving (1) the permanent alienation of his land by a member of an agricultural tribe or (2) the mortgage by a member of an agricultural tribe of his land when the mortgage is not a member of the same tribe or of a tribe in the same group, shall send to the Deputy Commissioner a copy of such decree or order.	Civil Court to send copy of decree or order to Deputy Commissioner.
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(2) When it appears to the Deputy Commissioner that any Civil Court has either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the Deputy Commissioner may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed or in any other case to the 5[High Court].And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act. Such application shall be made within two months of the date upon which the Deputy Commissioner is informed of such decree or order.	Action to be taken by Deputy Commissioner when decree or order passed contrary to Act.
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(3) When any such Appellate Court passes an order, rejecting such application, the Deputy Commissioner may, within two months after the date upon which he is informed of such order apply to the 4[High Court] for revision thereof.

(4) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the Deputy Commissioner.

(5) No stamp shall be required, upon; such applications, and the provisions of the Code of Civil Procedure as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application:

1. Sub by A. O. 1937.
2. Section 21-A, inserted by the Punjab Alienation of Land Amendment Act, 1907 (Punjab Act 1 of 1907) s. 9.
3. See now the Code of Civil Procedure, 1908 (V of 1938).
4. Subs, for the words "Chief Court" by the Repealing and Amending Act, 1919 (XVIII of 1919).
5. See now the Code of Civil Procedure. 1908 (V of 1908).

ALIENATION OF LAND

**[1900 : Act XIII**

Provided that no appearance by or on behalf of the Deputy Commissioner shall be deemed necessary for the disposal of the application.]

22. [Addition to section 77 of Act XVI of mi] Rep by the Repealing Act, 1938 (1 of \ 938), sections 2 and Sch 1

Exercise of Powers of Deputy Commissioners.	23. The powers conferred by this Act upon a Deputy Commissioner may be exercised by a Revenue-officer of higher rank, or by any officer authorized by the 4[Provincial Government] in this behalf..
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Exemption.	24. The 1[Provincial Government], 2*** may, by notification 3in the [official Gazette], exempt any district or part of district or any person or class of persons from the operation of this Act or of any of the provisions thereof.
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Power to make rules.	25. (1) The Provincial Government] may make rules2 [for carrying into effect the purposes of this Act.
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(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government] may make 5rules prescribing the Revenue officers to whom applications may be made and the manner and form in which such applications shall be made and disposed of.

- 1 Subs, for "Local Government" by the A. O., 1937.
2. The words "with the previous sanction of the Governor General in Council" were  
*Prisoners Act* [1900: Act III]

omitted by the Devolution Act, 1920 (XXXVITI of 1920) s). 2, and Sch). I.

3. For district exempted under this section, *see Punjab Gazette*, 1901, Pt. 1, p. 1096 *ibid* 1902, Pt) I p) 418 and for notification exemption every area included in Cantonment or Municipality from the operation of the provisions of the Act, except s. 1., s, 2 (1), (2), (3), and (5). . ss. 4, 10, 16, and 18 (2) and ss 21 (2) and 24 *see ibid*

4. Subs., for Local Official Gazette" by the A. O., 1937.

5. For the rules under this section, *see Punjab Gazette*, .1901, Pt. 1, p. 1176; *Gazette of India*, 1904, Pt II,PP, 827-828 and *North West Frontier Province Gazette* 12th November 1915, Page 970.

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