GILGIT-BALTISTAN LAND ACQUISITION RULES, 2022

Gilgit, the 10th July, 2023

S. R. O. 1055(I)/2023.— In exercise of the powers conferred by sub-section (i) of section 55 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Gilgit-Baltistan is pleased to make the following rules:

PART-I

GENERAL

1. **Short title and commencement.**—(1) These rules may be called the Gilgit-Baltistan Land Acquisition Rules, 2022.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules unless the context otherwise requires;

(i) "**Act**" means the Land Acquisition Act 1894 (Act 1 of 1894) as extended to Gilgit-Baltistan under Adaption & Extension Order No. Reg-HC-NTF-6/73 dated 12-03-1973;

(ii) "**Government**" means the Government of Gilgit-Baltistan;

(iii) "**Acquiring Agency**" means the Department, the local authority or the Company for which land is being acquired under the Act;

(iv) "**Company**" means a company registered under the Companies Act, 2017(Act XIX of 2017) or any other law for the time being in force relating to registration of companies and includes both public and private company;

(v) "**Board of Revenue**" means Gilgit-Baltistan Board of Revenue established under Gilgit-Baltistan Board of Revenue Act, 2011.

(2) The words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

PART-II

COMPULSORY ACQUISITION

3. **Application for Acquisition.**—The acquiring agency shall submit an application to the Collector of the District concerned for acquisition of land under the Act, giving full justification of the public purpose involved and the minimum area required by it with full details of all other area owned by it in the same locality.

Scanned with CamScanner

CamScanner

Scanned with CamScanner

4. **Procedure on Application.**—On receipt of the application under rule 3 the Collector of the district shall examine its feasibility taking into consideration the genuineness of the public purpose involved, the minimum requirements of the acquiring agency and suitability of the area proposed for acquisition keeping in view its alternate uses, if any. The Collector may ask the acquiring agency to propose alternate land(s) or change in dimension of proposed land(s) and acquiring agency shall submit revised proposal after reviewing previous proposal.

5. **Procedure for issuance of Notification under section of the Act.**—(1) Where after the examination of feasibility under Rule 4, the Collector of district, is of the view that the land be acquired for the acquiring agency, he shall issue a notification, under section 4 of the Act stating clearly the name of the revenue estate/village or locality, tehsil, broad details of the dimensions and boundaries of squares or rectangles, field numbers and the approximate area to be acquired.

(2) After the issue of a Notification under Section 4 of the Act, the Collector shall take immediate necessary steps to have the area surveyed and submit his report to the Commissioner not later than sixty days from the date of publication of the Notification under section 4.

6. **Procedure for issuance of Notification under section 5 of the Act.**—Where the land is to be acquired for a public purpose the Commissioner shall issue a Notification under section 5 of the Act not later than thirty days (30) from the date of the submission of Collector's report to the Commissioner. If no Notification is issued under section 5 of the Act within the period specified in this rule, the Commissioner shall immediately report the matter to the Board of Revenue, for extension in time.

(2) The Board of Revenue may, in its discretion, extend the time for the issue of a Notification under Section 5, which shall not be more than sixty days.

(3) If the Board of Revenue declines to grant the extension applied for or if the Commissioner fails to issue a Notification under section 5 within the extended period, the acquisition proceedings shall be deemed to have come to an end.

However, any time spent in the litigation of a judicial remedy or any delay caused by unavoidable circumstances shall stand excluded from the said period.

7. **Requirements of Notification under section 5 of the Act.**—The Commissioner of the . Division while issuing a Notification under section 5 or 17 of the Act shall ensure that:—

(1) Full description of the village, Tehsil and district, square and rectangle/ Kishtawar, field numbers and area of the land is mentioned in the Notification;

Scanned with CamScanner

CamScanner

Scanned with CamScanner

(2) A note is given at the bottom of the Notification to exclude state and evacuee lands, tombs, graveyards and places of religious character;

(3) The Collector of the district has given a certificate that the land under acquisition is free from any encumbrance;

(4) The Collector of the district has carefully and prudently calculated the estimated price of the land sought to be acquired keeping in view:—

(a) The factors laid down in sections 23 and 24 of the Act;

(b) The classification of the land to be acquired and its location; and

(c) The average market price of similar kind of land similarly located, on the basis of the price prevalent during the period of twelve months preceding the date - of publication of Notification under section 4.

(5) The acquiring agency has placed funds, equivalent to the estimated cost assessed by the Collector under sub-rules (4) of rule 7 at the disposal of the Land Acquisition Collector who shall deposit the same in Treasury or National Bank of Pakistan (NBP) under the relevant head as security for payment of compensation.

8. **Disposal of Objections.**—(1) Every objection received by the Collector under section 5-A of the Act, shall be disposed of by Collector with the least possible delay and his report under sub-section (2) thereof or recommendations under sub-section (3), as the case may be shall be forwarded to the Commissioner within a period of ninety clays (90) from the date of publication of the Notification under section 5 of the Act.

(2) The decision of Commissioner on these objections shall be announced by him within a period of thirty (30) days from the date of receipt of the report or the recommendations of the Collector, as the case may be.

(3) If the report of the Collector or his recommendations, as the case may be, is not forwarded to the Commissioner, or if the decision of the Commissioners is not announced within the period specified in this rule, the objection(s) shall be deemed to have been carried and the acquisition proceedings shall come to an end.

9. **Declaration under section 6 of the Act.**—After the publication of Notification under section 5, the Commissioner shall within five months issue declaration under section 6, of the Act, and if no Notification is issued within the said prescribed period, the acquisition proceedings shall be deemed to have come to an end:

Scanned with CamScanner

CamScanner

Scanned with CamScanner

Provided the Board of Revenue may, in its discretion, extend the time for the issuance of Notification under section 6 of the Act which shall not be more than 30 days. However, any time spent in the litigation of judicial remedy shall stand excluded from the said period.

10. **Procedure for Award of Compensation.**—(1) After the publication of declaration under section 6 of the Act, the Land Acquisition Collector shall announce the award within a period of six months, failing which the entire responsibility towards the payments of compound interest shall fall on the officers / official found guilty for inordinate delay.

(2) The Acquiring Agency shall be bound to appraise the Commissioner or Collector concerned, as the case may be, of the time limit so that the aspect of willful delay on the part of Collector concerned or any other functionary is avoided. This condition shall also apply to preceding or following rules concerning time limit.

(3) The Commissioner shall ascertain the officer/ official involved in the inordinate delay and recommend the case to Board of Revenue for deduction / recovery of 8% compound interest.

(4) An Appeal against the findings of the Commissioner, under sub-rule 3 of rule 10, shall lie to SMBR/Member BoR. Appeal against the decision of SMBR/Member BoR shall lie to Full Board whose decision shall be final.

11. **Acquisition for Companies.**—(1) Where the land is to be acquired for a Company the Commissioner immediately on receipt of the survey report of the Collector under Rule 4, forward the same to the Board of Revenue under section 5 of the Act within a period of two months from the date of receipt of Collector's report.

(2) The Board of Revenue shall issue Notification under section-5 of the Act within a period of sixty (60) days from the date of receipts of Commissioner's report. If no Notification is issued within the specified time period the acquisition proceedings shall be deemed to have come to an end.

(3) Where the Company makes an urgent request for invoking the provisions of section 17 of the Act for the acquisition of land, the Commissioner shall depute District Collector or any other officer who shall hold an inquiry and make specific recommendations regarding the matters mentioned in section 4 of the Act, particularly about the aspect that the area proposed to be acquired is reasonable for the purpose and is not excessive.

(4) This report along with other justification, if any, given by the Collector of the district or the Industries Department of Government or any other department of the Government or the Company, shall be carefully considered before deciding whether the provisions of Section 17 of the Act are attracted in the case or not.

Scanned with CamSc

CamScanner

Scanned with CamScanner

(5) For the location of industries units all concerned Departments of Government including Health, Industries and Agriculture and EPA shall be consulted to ensure that no hazards to public health or agriculture economy or environment would be involved, in case of such an acquisition.

PART-III

ACQUISITION THROUGH PRIVATE NEGATIONS

12. **Procedure for acquisition though private negotiations.**—Any government agency or company may, whenever expedient may acquire land as provided for in the Act through private negotiations communicating to the Collector in writing that it intends a particular land through private negotiations.

(2) For entering into private negotiations, the Acquiring Agency shall ensure that prior permission in writing, for acquisition of land through private negotiation has been duly obtained from the head of Administrative Department/Agency or Company as the case may be.

13. **Cost of Land.**—In case of acquisition of land for any government department, or local authority constituted under law, the Acquiring Agency shall negotiate the rates of compensation with the land owner(s) and submit the rates so negotiated to Collector concerned for approval. The Collector shall examine the rates of compensation and ensure that the rates agreed upon are not excessive and the conditions laid down under sub-rule (4) of rule-7 have been complied with. The Collector shall also ascertain the ownership rights of the subject land as claimed by the land owner(s) and shall ensure that conditions laid down in sub-rule (1)(2)(3) of rule 7 have been complied with.

14. **Acquiring Agency to identify the land.**—(1) The identification of the land shall be the responsibility of Acquiring Agency to whom the Collector shall provide the revenue documents of such land.

(2) The Agreement between the Acquiring Agency and the owner(s) shall be reduced to writing on stamp paper duly attested at least by two witnesses, the Notary Public and certified by the Collector or Assistant Collector 1st Grade.

15. **Notification under section 4 of the Act.**— The Collector shall, if the private negotiations between land owner(s) and Acquiring Agency are successful, issue notification under section 4 of the Act, and shall thereupon start surveying the land and shall send the survey report to the Commissioner within seven (7) days.

Scanned with CamScanner

CamScanner

Scanned with CamScanner

16. **Time for completion of Acquisition through private negotiations.**— (1) The whole process of acquisition of land shall be completed within a period of six (6) months from the date of notification under section 4 till issuance of award under section 12 of the Act or where it is not completed within the stipulated period the reasons for delay shall be explained by the Collector in his award, which, if not satisfactory, may hold him personally responsible for the delay and may result in disciplinary proceedings against him.

17. **Delivery of Possession.**—The Collector shall deliver possession of the land to the Acquiring Agency after award under section 12 of the Act where after it shall be the responsibility of the Acquiring Agency to retain its possession over the acquired land.

18. **Disbursement of Compensation.** —The Collector shall disburse the amount of compensation to the land owners through the concerned revenue officer. In determining the compensation, the assessment of cost of trees, orchards and buildings, if any, shall be carried out by the Collector through the concerned department.

PART-IV

SUPPLEMENTAL

19. **Authority for approving the cost.**— (1) the estimated cost of the land worked out under sub-rule (4) of rule 7 shall be approved by the following:—

(i) Up to Rs.10 Million per Kanal by the Collector;

(ii) Up to Rs.20 Million per Kanal by the Commissioner; and

(iii) Above Rs.20 Million per Kanal by the Board of Revenue.

(2) The Board of Revenue may revise the ceilings of the forums under sub-rule (1) as and when required.

20. **Placement of funds in advance.**—The Collector shall not deliver possession of land sought to be acquired by any Department or agency concerned unless sufficient funds for the payment of compensation are placed at the disposal of the Collector in advance.

21. **Procedure when the acquired land is no more required.**—(1) Where any land has been acquired for any Department of the Government or a local authority for a public purpose and the land is no longer required by that department for the said purpose or for any other public purpose, it shall be handed over to the Collector who shall be responsible for further utilization or disposal of the same in accordance with the orders of Government.

(2) The Provincial Government may utilize the land surrendered by a department for any other public purpose

Scanned with CamScanner

CamScanner

Scanned with CamScanner

(3) If the land is no longer required for any other public purpose, the Provincial Government may give option to the previous land owners or legal heirs to purchase the land on payment of its present market value to be assessed by the Collector and approved by the Board of Revenue.

(4) If the previous land owners or their legal heirs do not exercise their option to purchase the land under sub-rule (3) on the terms offered to them, within six (06) months of service of notice or summon on them by the Collector, the land shall be disposed of by open auction by the Collector by obtaining prior approval in writing of the Board of Revenue.

(5) Where any land, permanently acquired for a specific public purpose by a local authority or anybody corporate set up by a provincial law, is no longer required for that purpose, the local authority or body corporate may utilize that land for any other public purpose or dispose of the land in accordance with the law regulating immovable property vesting in such local authority or body corporate.

(6) If a Company for which any land has been acquired makes an application to Government for permission to sell or otherwise dispose of the acquired land or any part thereof, and in case the required permission is declined, then the following procedure shall be followed:—

(i) In case where compensation to the original owners or their, heirs has not been paid the land shall be resumed and restored to the original owners or their heirs.

(ii) In a case where compensation has been paid fully or partly, the land shall be resumed and offered for sale to the original landowners or their heirs, in lieu of reimbursement of the amounts of compensation with interest at the Government rate prevalent during the period the land remained out of their possession.

(iii) If the original landowners or their heirs have been provided alternate land in lieu of their acquired land, or if the original owners or their heirs are not prepared to accept their restoration of land under clause (ii), the land shall be resumed in lieu of reimbursement of the amount of compensation with interest at the Government rate prevalent during the period the land remained in possession of the company. The land shall just be utilized and disposed of by the Board of Revenue in accordance with the policy of the Government regarding disposal of lands.

(iv) In a case where any improvement has been made or any structure has been raised by the company on the land proposed to be disposed of, the permission to sell land may be granted by Government subject to the condition that the difference in the market value of the land at the time of the sale and the amount of the acquisition shall be payable to the original landowners or their heirs.

Scanned with CamScanner

CamScanner

Scanned with CamScanner

22. **Mutation in favor of Acquiring Agency.**—(1) The District Collector shall ensure attestation of mutation or registered deeds, as the case may be, in favour of Acquiring Agency within one month after issuance of award and disbursement of compensation.

(2) The acquired land shall be mutated in the name of Provincial Government or Federal Government as the case may be, and the name of acquiring agency or company, as the case may be, shall be entered in the column of cultivation.

23. **Award to be exempted from stamp duty.**— (1) An award under the Act shall be exempted from stamp duty in terms of section 51 of the Act. A person who claims under such award or agreement shall also be exempted from payment of any kind of fee levied on obtaining a copy of such award or agreement.

(2) Notwithstanding anything contained in sub-rule (1) no Acquiring Agency or company whether public or private shall be exempted from any other provincial taxes, fees and duties, except the one mentioned in the rules.

24. **Notice to owner on award.** — After the announcement of the award, the Collector or Land Acquisition Collector as the case may be, shall give notice to the land owner(s) through a registered post, courier or any electronic media.

25. **Additional value in case of compulsory acquisition.**— In assessing the cost of land, 15% of the value of the land shall be added on account of compulsory acquisition charges, where the land is needed for public purposes and in case of acquisition for a company the value to be added shall be 25%.

26. **Reference to Court under section 18 of the Act.**— A matter referred to the Court under section 18 of the Act may be decided by the Court preferably within a time period of six months from the date of filing of the reference in the Court.

[No. Admin.7(4)(CSTC)/ BOR/2020/619-21.]

(WALI KHAN),
Senior Member,
GB Board of Revenue.

(MUHAMMAD TARIQ),
Secretary,
GB Board of Revenue.

Scanned with CamScanner

CamScanner

Scanned with CamScanner