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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

NOTIFICATIONS

Gilgit, the 10th July, 2023

GILGIT BALTISTAN VILLAGE HEADMAN (LAMBARDAR) RULES 2021

S. R. O. 1054(I)/2023.—In exercise of the powers conferred upon it under section 36 of the West Pakistan Land Revenue Act, 1967 (W.P ordinance No. XXXVII of 1967) extended to Gilgit Baltistan vide Notification No. LA-Com-9(7)/81 dated 30th May, 1985, and with the prior approval of Government of Gilgit-Baltistan, the Board of Revenue Gilgit-Baltistan is pleased to make following rules:

PART-I

PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called Village Headman (LAMBARDAR) RULES 2021.

Price : Rs. 40.00

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(2) They shall come into force at once.

(3) They shall be extended to whole of Gilgit-Baltistan.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context:

(a) "Act" means West Pakistan Land Revenue Act, 1967.

(b) Government Means Provincial Government of Gilgit-Baltistan.

(c) Lambardar means a person appointed by District Collector under section 36 Land Revenue Act, 1967 called Headman/Lambardar.

PART-2

3. **Number of headmen.** —(1) A sufficient number of headmen shall be appointed to every estate, and this number when once fixed shall not be increased or reduced except by or under the order of the Revenue Board.

(2) Except as provided in rule 8, if an estate or a considerable portion thereof is owned by Government, the headman may be appointed from among the tenants and in other estates he shall be appointed from among the land-owners.

(3) The lessee of an uncultivated or forest estate owned by Government, shall, during the currency of his lease, be the headman thereof'.

(4) The appointment of additional Lambardar made by the District Collector without Formal approval of the concerned Revenue Commissioner, will be held as null and void after enforced of these rules.

(5) Creation of post of Additional Lambardar in Gilgit-Baltistan will be made after formal approval of Cabinet by Board of Revenue.

4. **Matters to be considered in the first appointment.**—(1) In all first appointment of a headman (Lambardar), regard shall be had among other matters to:

(a) Hereditary claims of the candidate.

(b) Extent of property in the estate, if there are no Sub-division of the estate, and in case there be Sub-division of the estate, the extent of the property in the Sub-division for which appointments is to be made possessed by the candidate.

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(c) Services rendered to the Government by him or by his family.

(d) His personal influence, character, ability and freedom from indebtedness.

(e) The strength and importance of the community from which selection of a headman is to be made.

(f) His ability to undergo training in civil defense in the case of headman in Tehsils situated along the Border.

5. **Dismissal of headmen.**—(1) A headman shall be dismissed when:

(a) He has been, on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term of not less than six months; or

(b) In an estate owned altogether or chiefly by Government, he ceases to possess the interest which led to his appointment; or

(c) In any other estate, he ceases to be a land-owner in the estate or sub-division of the estate, in respect of which he holds office; or

(d) He has mortgaged his holding and has delivered possession of the holding to the mortgagee; provided that in special cases the Collector may, with the Commissioner's sanction, retain him in his office, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties; or

(e) His holding has been transferred under section 84 or the assessment thereof has been annulled under section 86.

(2) A headman may be dismissed when—

(a) Any criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of a headman; or

(b) He is seriously embarrassed by debt, or if his unencumbered holding is so small as to disqualify him, in the Collector's opinion, for the responsibilities of a headman; or

(c) Owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge his duties; or

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(d) There is reason to believe that he has taken part in, or concealed illicit distillation, or the smuggling of food grains, cocaine, opium or charas; or

(e) He takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order; or

(f) He neglects to discharge his duties, or is otherwise shown to be incompetent; or

(g) The estate or sub-division thereof, in respect of which he holds office; or his own holding is attached, either for an arrear of land revenue or by order of any Court.

(3) A headman shall not be dismissed unless an opportunity has been afforded to him of showing cause against the proposed action.

6. **Matters to be considered in appointment of successor.**—(1) In an estate or sub-division thereof, owned chiefly or altogether by Government, the successor to the office of headman shall be selected, with due regard to all the considerations, other than hereditary claims, stated in rule 4, Provided that in such an estate or sub-division thereof, notified for the purpose by the Board of Revenue, the selection shall, as for as possible, be made in the manner prescribed by Sub-rule (2) if a suitable heir is forthcoming.

(2) In other estates, the nearest eligible heir, according to the rules of primogeniture shall be appointed unless some custom or succession to the office be distinctly proved but subject, in every case, to the following provisions:—

(a) The claim of a collateral of the last incumbent to succeed, shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant, in the male line, of the paternal-great-grandfather.

(b) Where a headman has been dismissed in accordance with the provision of Rule 5, the Collector may refuse to appoint any of his heirs;

(i) If the circumstances of the offence, dereliction of duty or disqualification, for which the headman was dismissed, make it probable that he would be unsuitable as a headman;

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(ii) If there is reason to believe that he has connived at the offence or dereliction of duty for which the headman has been dismissed;

(iii) If any disqualification for which the headman has been dismissed, attaches to him;

(iv) If he may reasonably be supposed to be under the influence of the dismissed headman or his family to an undesirable extent.

7. **Appointment of revenue farmers and mortgagees as headmen.**— (1) Where an office of headman becomes vacant in consequence of any proceedings taken for the recovery of an arrear of land revenue, under section 84, 85 or 86, the transferee, agent, or farmer who, under those proceedings, obtains possession of the land on which the arrears were due may, in the discretion of the Collector, be appointed a headman.

(2) Where a headman, who is personally responsible for more than half the land revenue of an estate or of the sub-division thereof, in respect of which he holds office, has mortgaged his holding and has delivered possession thereof to the mortgagee, and the office of headman has become vacant in consequence thereof, the mortgagee may at the discretion of Collector, be appointed as headman.

(3) On the termination of any such transfer, farm or attachment, as is referred to in sub-rule(1) or on the release of any such mortgage as is referred to in sub-rule (2), a headman appointed under this rule shall cease to hold office, and a new headman shall be appointed with reference to the considerations enumerated in rule 4.

8. **Appointment of officiating headmen in place of absentees.**— Where a headman has abandoned the estate, a temporary headman may be appointed by the Collector, in place of the absentee headman, till a permanent headman is appointed, keeping in view the following principles.—

(i) In estates wholly abandoned by the proprietors, or in which a major area or the whole of a Patti has been abandoned, appointment shall be made from among the persons who have been resettled on the land in the estate, and if no such persons are available, selection should be made from among other persons who have been resettled on the land in the estate in accordance with the provisions of rules 3 and 4. However in estate where a settler has purchase property will not be considered.

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(ii) In estates which are wholly or mostly owned by Government, appointment shall be made in the manner provided in rule 3(2), preference being given to those who have previously been headmen.

(iii) In estates where only a small portion of land has been abandoned by the proprietors, the appointment may be made from among the land-owners. However, can be considered if temporary abandoned by the proprietors.

9. **Duties of headmen.**—In addition to the duties imposed upon headmen under any other law, a headman shall—

(i) Collect, by due date, the land revenue and all sums recoverable as land revenue, from the estate, or sub-division of an estate in which he holds office, and pay the same personally or by revenue money order or by remittance of currency notes through the post or at place where treasury business is conducted by the State Bank of Pakistan, or any other Bank, by cheque, on a local bank, at the place and time appointed in that behalf, to the *Tehsildar* concerned;

(ii) Collect the rents and other income of the common land, and account for the se to the persons entitled thereto;

(iii) Issue receipts in Form I to the land-owners and others, in token of having recovered the Government dues from them;

(iv) Report, to the *Tehsildar*, all encroachments on roads (including village roads) or on Government waste lands and injuries to, or appropriation of Government property situated within the estate;

(v) Report any injury to public buildings in the estate;

(vi) Implement, to the best of his ability, any orders that he may receive from the Collector, requiring him to furnish information or to assist in providing, on payment, supplies or means of transport, for troops or for officers of Government on duty;

(vii) Assist, in such manner as .the Collector may from time to time direct, at all crop inspections, recording of mutations, surveys, preparation of records-of rights or other revenue business within the estate;

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(viii) If not contrary to rules, a Lambardar can verify permanent settlers or abandon of proprietors, Nikah Nama, National Identity Cards, Births and deaths, character verification, verification of Legal Heirs and selection of right persons in the conciliative committee;

(ix) In local Government and ruler development, GBRSP, Municipal Committee, Union Council, District Council and in other social organizations, Lambardar should be made project committee leader or member to utilize the development funds properly;

(x) Lambardar will supervise cleaning of water channels (Bal Safai) once in the year and the distribute water rights among the residents and to ensure water rights for faraway population in the estate and also to depute a Chowkidar. In case of non-compliance regarding Bal Safai campaign, fine should be impose not exceeding 5000/-;

(xi) In every estate a Zaito Committee/ Charbo Committee will be made under a Lambardar that will propose ban on open grazing, illegal cutting of forest and shares retarding utilization of five wood, ban on hunting of wildlife, tax on transportation of constructional materials, distribution of mining tax, ban on fishing, ban on eating of non-ripened fruits, ban on walking through fields and plough fields and other matters relating to crops damages and their compensations that has been later declared by the Collector. In ease of violation fine can be imposed up to 5000/-.

(xii) Attend the summons of all authorities having jurisdiction in the estate; assist, when so required by them, all officers of the Government in the discharge of their duties, furnish all relevant information in this behalf and generally act for the land-owners, tenants and other residents of the estate or sub-division of the estate, in which he holds office in regard to their responsibilities to the Government;

(xiii) Persuade the residents of the estate to adopt modern technique of farming, enhance productivity and send their children / wards to school.

(xiv) Report to the *Patwari* any outbreak of disease among human beings or cattle in the estate or sub-division of an estate in which he holds office;

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(xv) Report to the *Patwari* the deaths of any right-holders in the estate, or sub-division of the estate, in which he holds office;

(xvi) Report any breach or cut in a Government Irrigation canal or channel, to the nearest Officer concerned or *Patwari*;

(xvii) Under the general or special directions of the Collector, to use his good offices to assist all officers of Government and other persons duly authorized by the Collector, in the enrolment of military personnel;

(xviii) To coordinate with Lambardars on part of departments for better implementation of their projects dedicated for a clean & pollution free environment;

(xix) In matters like sale and purchase of lands, transactions, mutations, sales, hissaraseedi, inheritance, mortgage and registrations, verification of Lambardar should be mandatory;

(xx) For any government purpose land has to be acquired then during selection of land presence of Lambardar should be necessary;

(xxi) Lambardar will keep an eye and report about the persons who are collecting finances for terrorism.

10. **Role of Lambardar in formal Committees.**—(1) In addition to the duties imposed upon the Lambardars under rule 9, a Lambardar/ Lambardars shall play his role as per terms of reference (TORS) of following committees:

(a) District Committee.

(b) Sub-Division / Tehsil committee.

(2) **DISTRICT COMMITTEE**

Composition

Deputy Commissioner/District Collector.	*Chairman*
Superintendent of Police.	*Member*
Concerned Chairman District Council.	*Member*
Concerned Chairman Municipal corporation / Committee	*Member*
Concerned Government Officers.	*Member*
Lambardar / Lambardars selected by District Collector.	*Member(s)*
Any other person(s) opted as member(s).	*Member(s)*

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(3) SUB-DIVISIONAL/TEHSIL COMMITTEE

Composition

Assistant Commissioner/ Assistant Collector 1st grade or *Tehsildar*/ Assistant Collector 1st grade.	*Chairman*
Concerned SDPO / SHO	*Member*
Concerned Lambardar/Lambardars	*Member(s)*
Concerned Chairman Municipal Committee or Union Concerned Member Municipal Committee or Union Council.	*Member(s)*
Any member(s) nominated by Assistant Commissioner/ Assistant Collector or *Tehsildar*.	*Member(s)*

Terms of Reference (TORs)

(i) Maintenance of law and order in the district.

(ii) Intervention to control any violent situation amicably.

(iii) Implementation of Government policies.

(iv) Coordination with Ulema and Mashaikh.

(v) Prevention of offensive/hate speeches.

(vi) Interfaith harmony.

(vii) To discourage provocative use of social media/media that may lead to social disruption.

(viii) To keep an eye on the people and NGOs funds coming from outside.

(ix) To remain aware/inform about the work and funds of NGOs dedicated for specific projects.

(x) To monitor Government projects quality.

(xi) To organize any religious, social and cultural event.

(xii) Social mobilization in disaster risk mitigation, response and rehabilitation activities.

(xiii) Arbitration/Formation of Sub-Committee for Arbitration.

(xiv) Provision of information about any local person, required in a case pertaining to maintenance of law and order and breach of peace.

(xv) Steering community policing.

(xvi) Dispute resolution.

(xvii) Social mobilization for implementing government initiative

(xviii) To assist in arresting offenders and to convince proclaimed offenders regarding their arrest.

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Any other roles / responsibilities can be included in the TOR as deemed appropriate by the Assistant Commissioner/Assistant Collector 1st grade/ *Tehsildar*.

11. **Village Officers' cesses.**—(1) since land revenue, water rates and other land related fee and cess are not imposed in Gilgit-Baltistan, therefore the Lambardars will be remunerated as under:

(a) Honoraria to Lambardars will be on the discretion of Collector upon services rendered by the Lambardars that will not exceed Rs, 5000/- However if Deputy Commissioner/ Collector deems appropriate he will propose/ recommend for Honorary Certificate or prize to Government through Commissioner. Rs.5000 honoraria per month to every Lambardar.

(b) For Special Honoraria District Collector can select Lambardars from the District and nominate/recommend case for prize / honoraria and forward to the Revenue Commissioner that will decide on the basis of District Collectors recommendation to award prize/honoraria to Lambardar / Lambardars or reject otherwise. The board of revenue may revise the rates of remuneration and honoraria for Lambardars after ten years, with the prior approval of the government.

12. **Punishments.**—Where a headman commits a breach of or neglects, the duties imposed on him, by or under these rules or by or under any other law for the time being in force, the Collector may after giving him an opportunity of showing cause against the proposed action, by order direct that—

(a) the emoluments of his office be withheld and forfeited to Government, for a term, not exceeding one year; or

(b) he may be suspended from office, for a term not exceeding one year.

Explanation.—In the case of suspension, the Collector may appoint a substitute.

13. **Appointment of substitutes for non-resident headmen:**—(1) Where an estate is owned by a non-resident land-owner, he may nominate for the Collector's approval, a substitute (*Surbrah*) from among the residents in the estate to discharge the duties of headman. If the owner fails to nominate a fit person, the Collector may appoint a substitute from among the resident's tenants.

(2) Where, in an estate owned by more land-owners than one, a non-resident headman is liable for more than half the land revenue of the estate, a substitute for such headman may be appointed from among the resident land-owners or tenants. In making such appointment, the Collector shall consult the wishes of the non-resident headman.

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14. **Appointment of other substitutes and their position.**—(1) Where, by reason of absence from his circle or estate, with the permission of the District Collector, or for any other good cause, a headman is unable to perform the duties of his office in person, a substitute may be appointed for the purpose.

(2) A substitute appointed under this rule or rule 15 shall be deemed to be the headman and shall be responsible, equally with the person in whose behalf he is appointed, provided that the Collector may, in each such case direct, from time to time, whether the duties shall be performed by the headman (*Lambardar*) himself or by the Sarbrah or by both.

15. **Determination of office of substitute.** —(1) When the person on whose behalf the substitute was appointed vacates his office, the tenure of office by the substitute shall also abate, thereon.

. (2) In other cases, an order appointing a substitute shall remain in force until it is revoked, or until the substitute dies or is dismissed or resigns the appointment.

16. **Rules governing appointment and removal of substitute.**—(1) In making substitute appointments under rule 16, the District Collector shall consult the substantive headman (*Lambardar*).

(2) Any resident land-owner in the estate or circle or any resident tenant in cases falling under rule 3(2) shall be eligible for appointment as a substitute.

(3) A substitute may be removed at any time by the District Collector either on his own motion, or at the request of the person for whom the substitute was appointed, for any reason which would justify the removal of the headman (*Lambardar*).

17. **Remuneration of substitute.** —(1) For special reason to be recorded in the order appointing a substitute, the person in whose stead a substitute is appointed may be permitted to enjoy a portion not exceeding one-half of the *Lambardari* remuneration.

(2) In the absence of any such order, a substitute is entitled to the whole fee.

[No. ALA-1(1)/2023-GBA.]

SENIOR MEMBER BOARD OF REVENUE GB

(MUHAMMAD TARIQ),
Secretary Board of Revenue,
Gilgit-Baltistan.

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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.

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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;

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(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:

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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.

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(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.

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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.

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(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.

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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.]

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GB Board of Revenue.

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