

**GOVERNMENT OF <sup>1</sup>[Khyber Pakhtunkhwa]  
REVENUE DEPARTMENT.**

**NOTIFICATION.**

22nd June, 1978

No. 16010/Rev: VI/13.--- In exercise of the powers conferred by section 16 of the <sup>2</sup>[Khyber Pakhtunkhwa] Chashma Right Bank Canal Project (Control and Prevention of Speculation in Land) Ordinance, 1971, (<sup>3</sup>[Khyber Pakhtunkhwa] Ord. V of 1971), the Government of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:---

1. Short title and commencement.--- (1) These rules may be called the Chashma Right Bank Canal (Control and Prevention of Speculation in Land) Rules, 1978.

(2) They shall come into force at once.

2. Definitions.--- In these rules, unless the context otherwise requires.---

(a) "Collector" means Collector appointed under section 3 of the Ordinance;

(b) "Ordinance" means the <sup>5</sup>[Khyber Pakhtunkhwa], Chashma Right Bank Canal Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (<sup>6</sup>[Khyber Pakhtunkhwa] Ord. V of 1971); and

(c) "Section" means a section of the Ordinance.

3. Common Register.--- The Collector shall maintain a common register in which the following particulars of all lands in the project area shall be recorded:---

(a) Serial Number.

(b) Khata No. If any.

(c) Khatuni No. If any.

(d) Khasra No. If any.

<sup>1</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (e) Name of the owner.
- (f) Name of tenant, If any.
- (g) Conditions of the tenancy.
- (h) Area.
- (i) Culturable or not.
- (j) If culturable, quality of the land.
- (k) Average price of the land assessed under section 6 with reference to the file in which the price is assessed.
- (l) The revised value of the land if any fixed under section 7.
- (m) The value of the land fixed under section 8.
- (n) The difference in valuation as provided by section 9.
- (o) Change in the ownership with special reference to mutation or order of the authority by whom the change took place.
- (p) changes in the cultivation column.
- (q) Any other particulars.

4. Penalty for un-authorised alienation of project land.--- Any person alienating the project land in contravention of the provision of section 4, or intentionally avoiding or refusing to pay the debt, which he is liable to pay under section 9, or intentionally refusing to sell the land as provided by section 11, shall be punished with a fine not exceeding one thousand rupees or the amount equivalent to the difference which is found in re-valuation between the first valuation under section 6 or 7 and the second valuation under section 8, whichever is less, in any one case.

5. Authority to impose fine.--- The Collector shall be the authority to impose fine under rule 4, who may conduct, either himself or through some officers subordinate to him, such enquiry as he deems necessary under the circumstances of the case, before imposing the fine.

6. Procedure for payment of debts.--- The payment of debt for which the owner of the land is liable under section 9 shall be made in five equal installments on or before the 30th day of June in each year.

(2) Subject to other provisions of this rules, if any instalment is not paid within fifteen days of the due date, a simple interest on the total of overdue instalments will be charged

at the rate of ten per-cent per annum, unless Government has by special order sanctioned a lower rate of interest:

Provided that where payment of an instalment has been deferred by the Collector, no interest will be charged for the period intervening the due date and the date upto which it has been deferred:

Provided further that the Collector, where he is satisfied that non-payment of an instalment is due to a genuine inability of the defaulter or that the levy of interest would cause undue hardship to him, remit or reduce the interest.

(3) If in the opinion of the Collector it is found that an owner of the land is unable to pay the instalment at the time prescribed in sub-rule (1) due to the failure of crops by hail-storm or any other unforeseen calamity, he may at his discretion extend the time for payment of such instalment by a period not exceeding six months.

7. Liability of Revenue Officers, etc.--- All Revenue Officers, including the Village Patwari and the Field Kanungo, and all public servants, shall be bound to report to the Collector any alienation made in contravention of any of the provisions of the Ordinance. Their willful failure to do so will be deemed to be abetment of obstruction to the execution of the Project within the meaning of section 19.

8. Procedure.--- (1) Every written reply to the notice issued under the Ordinance shall be drawn up and verified in the manner prescribed in the Code of Civil Procedure, 1908 (V of 1908) for written statements in suits.

(2) The death of any party to the proceedings under the Ordinance shall not cause the proceedings to abate and the Officer before whom the proceedings are held shall have the power to make the successor-in-interest of the deceased person a party thereto.

(3) In fixing dates for hearing of the parties and their witnesses, in adjourning proceedings and in taking ex-parte proceedings or in setting aside the ex-parte proceedings for sufficient reasons shown, the Collector shall, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure in force in revenue courts.

9. Powers of Collector.--- Every Collector shall, for the purpose of making an inquiry under the Ordinance have the same powers as are vested in Civil Courts constituted under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:---

- (a) summoning and enforcing the attendance of any person other than a pardanashin lady and examining him on oath or solemn affirmation;
- (b) requiring the discovery and production of documents or other material objects producible as evidence;

- (c) requisitioning any public record from any Court or Office;
- (d) issuing commissions for examination of witnesses;
- (e) appointing guardian adlitem or next friends of the parties who are minors or of unsound mind; and
- (f) any other matter connected with the holding of an enquiry under the Ordinance.

10. Summoning of persons.--- (1) The Collector may summon any person whose attendance he considers necessary for the purpose of any business before him under the Ordinance.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or if summons so allowed by him recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements and to produce such document and other things relating to any such matter as the Collector may require.

11. Mode of Services.--- (1) A summon issued by the Collector shall, if practicable, be served personally on the person to whom it is addressed or failing him on his recognised agent or on an adult male member of his family usually with him.

(2) If service cannot be so made, or if acceptance of service so made is refused, the summon may be served by pasting or copy thereof at the usual or last known place of residence of that person to whom it is addressed, or, if that person does not reside in the district where the property is situated then by pasting a copy of summons on some conspicuous place in or near the estate where in the land is situated.

(3) A summon may, if the Collector so directs, be served on the person named therein, either in addition to, or in substitution of, any other mode of service, by registered post.

(4) Where a summons is so forwarded and it is proved that the letter was properly addressed and duly posted and registered, the Collector may presume that the summon was served at the time when it would be delivered in the ordinary course of post.

(5) A notice issued by the Collector for service on any person shall be served in the same manner as is provided in this rule for the service of a summon.

(6) When a proclamation relating to any land is issued by the Collector, it shall, in addition to any other mode of publication, be made by the beat of drum or other customary method and by pasting of a copy thereof on a conspicuous place in or near the land to which it relates.

(7) Service of summons shall be made by delivering or tendering a copy thereof signed by the Collector or Officer as he may appoint in this behalf and sealed with the seal of the Collector.

12. Appearance before the Collector.--- Appearance before the Collector or any application or reply to the notice in that behalf may be made or done by:

- (a) the applicant himself; or
- (b) his representative or agent, duly authorised by him in writing in that behalf; or
- (c) his counsel:

Provided that the employment of duly authorised representative, recognized agent, or counsel shall not excuse the personal attendance of the person to whom notice is given other than a pardanashin lady in any proceedings in which his personal appearance is specially required by an order of the Collector before whom such enquiry is pending.

13. Revision.--- (1) Any person aggrieved by an order of the Collector may, within thirty days of the passing of the order, apply to the Commissioner for revision of the order passed by the Collector.

(2) The order passed by the Commissioner in revision shall, subject to the provisions of section 13, be final and binding.

Explanation.--- In computing the period for presentation of revision petition, the period spent in obtaining certified copies of the order against which revision is preferred shall be excluded.

14. Expenses of witnesses.--- The collector may at his discretion award to a witness attending on summons a sum on account of his expenses not exceeding the sum to which the witness would have been entitled for like attendance in a civil court.

15. Maintenance of records.--- (1) In the proceedings under the Ordinance, the Collector shall record the statements of the party and the witnesses and keep a record of the statements so recorded at the time when each statement is made.

(2) In every proceedings in which an order is passed on merits after enquiry, the Collector while making the order shall also record the statement of reasons on which it is founded.

ZAFAR ALI KHAN,  
Secretary to Government of <sup>7</sup>[Khyber Pakhtunkhwa],  
Revenue Department.

---

<sup>7</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.