

¹[Khyber Pakhtunkhwa] LAND REFORMS (APPOINTMENT OF MANAGERS OF IMPARTIBLE JOINT HOLDING) RULES, 1975

(Gazette of ²[Khyber Pakhtunkhwa], Extraordinary, 26th September, 1975)

No. 1927/LC.--- In exercise of the powers conferred by paragraph 6 of the Land Reforms Regulation, 1972 (MLR 115) the Land Commission of the ³[Khyber Pakhtunkhwa] is pleased to frame the following rules for carrying out the purposes of paragraph 23 of the said Regulation:--

1. Short title, extent and commencement. (1) These rules may be called the ⁴[Khyber Pakhtunkhwa] Land Reforms (Appointment of Manager of Impartible Joint Holdings) Rules, 1975.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules, unless there is anything repugnant in the subject or context the following terms and expressions shall have the meaning hereby respectively assigned to them, that is to say:--

- (a) "Chief Land Commissioner" means a member of the Commission nominated to be Chief Land Commissioner by the Commission under the sub-paragraph (4) of paragraph 4 of the Regulation and shall include any person for the time being functioning as such;
- (b) "Commission" means Land Commission of the ⁵[Khyber Pakhtunkhwa] constituted under sub-paragraph (1) of paragraph 4 of the Regulation;
- (c) "Collector" means the Chief Officer-in-Charge of the Revenue Administration of a District, and includes a Deputy Land Commissioner and the other officer specially empowered by the Chief Land Commissioner to perform the functions of a Collector under these rules;
- (d) "Commissioner" means the Chief Officer-in-Charge of the Revenue Administration of a Division, and includes a Land Commissioner, any Revenue Officer specially empowered by the Chief Land Commissioner to perform the functions of a Commission under these rules;
- (e) "Deputy Land Commissioner" means an Officer appointed as such under the Regulation and includes an officer for the time being functioning as such;

1 Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

2 Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

3 Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

4 Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

5 Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (f) "Land Commissioner" means an Officer appointed as such under the Regulation and shall include any person for the time being functioning as such;
- (g) "Regulation" means the Land Reforms Regulation, 1972 (Martial Law Regulation 115 of 1972); and
- (h) Any other term or expression used in these rules but not herein defined shall have the meaning respectively assigned to it in the Regulation.

3. Application for appointment of a Manager.— (1) The co-sharers of an impartible joint holding or any one of them, may make an application under paragraph (b) of sub-paragraph (2) of paragraph 23 of the Regulation to the Collector of the District in which the joint holding is situate to nominate one of the co-sharers as Manager of the said joint holding.

(2) On receipt of such an application, the Collector shall issue a notice to the co-sharers and give them an opportunity to be heard in person.

(3) If there is a dispute regarding the management of any such joint holding but the co-sharers neither select a Manager nor do they make an application to the Collector of the District under sub-rule (2), the Collector may in such cases, of his own motion, take action with regard to appointment of a Manager of such joint holding or other joint holding shall be leased, out to the highest bidder in the presence of the co-sharer of a period of one year (likely to be renewed if there is no attachment during the year) and the bid money distributed among them according to their respective shares recorded in the Jamabandi.

4. Qualification of the Manager. — The Collector, while nominating the Manager, shall have regard, among other matters, to the following factors:-

- (a) The Collector may nominate a Manager of an Impartible Joint Holding out of the co-sharers;
- (b) While nominating a Manager, the Collector shall have regard, among other matters, to the following--
- (c) the co-sharer proposed to be appointed as Manager should be in cultivating possession of his share;
- (d) he should be a resident of the Revenue Estate in which the joint holding is situated;
- (e) an outsider will be appointed only if a suitable heir is not available or is not acceptable to the parties;
- (f) he should not be of doubtful integrity or a previous convict;

- (g) he should not be seriously embarrassed by debt;
- (h) he should not owing to age or physical or mental incapacity, be disabled from discharging duties as Manager;
- (i) he should be able and willing to discharge his duties as Manager.

5. Term of appointment. — Subject to the provisions of rule 7 the term of office of a Manager shall be three years, but a person appointed as Manager shall be eligible for re-appointment for a second or subsequent term.

6. Maintenance of accounts of produce.—The Manager shall--

- (a) Maintain an account of the produce received from the joint holding;
- (b) be responsible for the payment of all Government dues chargeable on the holding;
- (c) distribute the produce or income from the joint holding among other co-sharers in accordance with their shares in the joint holding and obtain proper receipts from them;
- (d) if so required by the Collector, produce the receipts of the co-sharers, and render accounts to the Collector or any other officer appointed by him in this behalf.

7. Removal of Manager. — The Collector may remove a Manager if—

- (a) he ceases to be co-sharer in the joint holdings; or
- (b) he mortgages his share in the joint holding or a substantial portion thereof to anyone, except the Agricultural Development Bank of Pakistan, the Agricultural Development Finance Corporation or any other Government sponsored institution for the Development of his holding; or
- (c) there is reason to believe that he is seriously embarrassed in debt, or
- (d) owing to age or physical or mental incapacity or absence from the Estate he is unable to discharge the duties of his office ; or
- (e) his conduct has been unsatisfactory; or
- (f) he has been convicted of an offence involving moral turpitude,
- (g) he has otherwise failed to manage the holding satisfactorily.

8. Appeals. — Any person aggrieved by an order passed under rule 4, 5 or 7 may, within 30 days of the passing of such order, appeal against the order of the Collector to the Commissioner of the Division who may modify, reverse or confirm the same.

9. Revision. — The Chief Land Commissioner may, on his own motion or the application of an aggrieved party made within 30 days, revise an order passed by the Commissioner under rule 8.

10. Review. — (1) A Commissioner or a Collector may, either of his own motion or on an application made to him by any person interested in that behalf, within 30 days from the date of passing of an order, review any order passed by himself or by his predecessor-in-office, and on so reviewing modify revise or confirm the same.

(2) An order shall not be modified or reversed under this rule unless reasonable notice has been given to the persons affected thereby to appear and to be heard.

(3) An order against which an appeal has been preferred shall not be reviewed.

(4) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

11. Subject to the provisions of rules 8, 9 and 10, an order made under these rules shall be final.