

**¹[KHYBER PAKHTUNKHWA] LAND
REFORMS (PROCEDURE FOR GRANT OF LAND)
RULES, 1979**

(Gazette ²[Khyber Pakhtunkhwa], Extraordinary, 16th July, 1979)

No. 1928/LC/LR-77.-- In exercise of the powers conferred by section 21 of the Land Reforms Act, 1977 (II of 1977) and in supersession of Notification No. 4502/LC., dated the 23rd July 1977, the ³[Khyber Pakhtunkhwa] Land Commission, with the approval of the Government of the ⁴[Khyber Pakhtunkhwa], is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Land Reforms (Procedure for Grant of Land) Rules, 1979.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless the context otherwise requires-

- (a) "Act" means the Land Reforms Act, 1977 (II of 1977);
- (b) "Assistant Land Commissioner" means the officer notified as such for a sub-division by the Commission and includes the person for the time being performing the functions of the Assistant Land Commissioner;
- (c) "Chief Land Commissioner" means the member of the Commission nominated as such under sub-paragraph (4) of paragraph 4 of the Land Reforms Regulation, 1972 and includes any person for the time being performing the functions of the Chief Land Commissioner;
- (d) "Commission" means the ⁶[Khyber Pakhtunkhwa] Land Commission;
- (e) "Deputy Land Commissioner" means the officer appointed as such for a District and includes a time being performing the functions of the Deputy Land Commissioner;
- (f) "Grantee" means a person who is granted land under these rules and includes his successors-in-interest;
- (g) "Section" means section of the Act; and

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.

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

(h) "Sub-Assistant Land Commissioner" means the officer appointed as such in subdivision by the Commission and includes the person for the time being performing the functions of Sub-Assistant Land Commissioner.

(2) All other terms and expressions used in these rules shall have the same meanings as are assigned to them in the Act.

3. Application for grant of land to sitting tenants.— (1) Tenants eligible for grant of land under sub-section (1) of section 15 shall make application of grant of land in Form LR-III to the Deputy Land Commissioner of the District concerned, who shall pass on the same to the Sub-Assistant Land Commissioner of the Sub-Division concerned for verification.

(2) The office of the Deputy Land Commissioner, where necessary shall assist the tenant in filling in the form.

(3) On receipt of the form duly filled in, the Deputy Land Commissioner shall cause the receipt appended to the form to be signed and issued to the applicant in token of having received the form and shall also cause necessary entries to be made in the remarks column of the form, before forwarding the same to the Sub-Assistant Land Commissioner for verification.

4. Procedure for grant of land. — (1) The Sub-Assistant Land Commissioner shall, after verifying the contents of the form from the original revenue record of the village under his control and, if necessary, by recording other evidence, forward the same in quintuplicate alongwith his remarks recommendations to the Deputy Land Commissioner for orders through the Assistant Land Commissioner concerned who may make his own recommendations.

(2) While forwarding the application and offering remarks or making the recommendations under sub-rule (1), the Sub-Assistant Land Commissioner and the Assistant Land Commissioner shall keep in view the area in the possession of the tenant as shown against his name in Form LR-IV, the choice of the tenant about area and such other instructions as may, from time to time, be issued in this behalf by the Chief Land Commissioner.

(3) On receipt of the form and remarks/ recommendations under sub-rule (1), the Deputy Land Commissioner shall, after hearing the applicant and considering such objections as may be raised against the recommendations make such orders as he deems fit and the order passed shall be recorded in the relevant column of the form. The Deputy Land Commissioner shall also announce the order to the tenant and get his signature or thumb-impression in the relevant column of all copies of the form.

(4) One copy of the form containing the order made under sub-rule (3) shall be retained in the Office of the Deputy Land Commissioner, the second, third and fourth copy shall

respectively be sent to the Sub-Assistant Land Commissioner; the Tehsildar and the applicant, while the fifth copy shall be sent to the Provincial Land Commission Secretariat for checking and record.

(5) On receipt of the copy under sub-rule (4), the Tehsildar shall cause necessary entries to be made in the revenue record.

(6) An upto date record showing grant of land under sub-section (1) of section 15 shall be maintained village-wise in the offices of the Deputy Land Commissioner and the Sub-Assistant Land Commissioner, in Form LR-V.

5. Grant to be free of charge. — (1) The land available for grant under sub-section (3) of Section 15 shall be granted free of charge to land-less tenants or persons owning less than twelve acres of land in the following order of priority:--

- (a) landless tenants in the village;
- (b) tenants and self-cultivating owners in the village owning less than five acres of land;
- (c) tenants and self-cultivating owners in the village owning five acres or more but less than twelve acres of land.
- (d) persons who own less than twelve acres of land in the village, but are not self-cultivator;
- (e) landless tenants in the adjoining village;
- (f) tenants and self-cultivating owners in the adjoining village who own less than five acres of land;
- (g) tenants and other persons of the adjoining villages who own five acres or more but less than twelve acres of land:

Provided that where a tenant and other person fall in the same category, each tenant or person who owns lesser area shall be given preference:

Provided further that where two tenants or persons have equal rights, resort shall be had to ballot.

(2) A tenant or other person shall be granted only so much land which together with the land already owned by him does not exceed twelve acres.

6. Preparation of Schedule of land to be granted. — A schedule of land available for grant under sub-section (3) of section 15 in each village shall be prepared by the Office of the

Deputy Land Commissioner, copies whereof shall be pasted at conspicuous places in the village concerned and on Notice Boards at Tehsil and District Head-quarters.

7. Grant of land to tenants other than sitting tenants — (1) Applications for grant of land to the persons falling in categories (a) to (d) of sub-rule (1) of rule 5 shall be invited by the Deputy Land Commissioner by a date to be specified by him and given wide publicity through Press and by beat of drum in the village concerned for a period of at least seven days.

(2) An applicant shall *inter alia* furnish the following particulars:--

(i) Name, parentage, caste, and present address of the applicant:--

(ii) whether the applicant is a person who, but for the coming into force of the Act, would have been entitled to inherit land from any person who is required to surrender land under the Act;

(iii) particulars of the land (area with survey number/s) and name of village/Tehsil/District being owned by the applicant and requested to be granted.

(3) Applications shall be sent either by registered post, acknowledgement due, or presented in person against a receipt to the Deputy Land Commissioner.

(4) All applications received by the Deputy Land Commissioner shall be passed on to the Sub-Assistant Land Commissioner concerned for necessary verification and proposals.

(5) The provisions of rule 4 shall *mutatis mutandis* apply to the disposal of applications received under sub-rule (4) of this rule:

Provided that the proposals of the Sub-Assistant Land Commissioner, shall be made in Form LR-VI and an up-to-date record of the land granted to persons falling in categories (a) to (d) of sub-rule (1) of rule 5 shall be maintained in the offices of the Deputy Land Commissioner and Sub-Assistant Land Commissioner in Part I of the Register in Form LR-VIII.

(6) If after satisfying all applications for grant of land in pursuance of sub-rule (1) some land is left for grant, its Schedule shall be prepared by the Office of the Deputy Land Commissioner for inviting applications from the persons falling in the categories (e) to (g) of sub-rule (1) of rule 5 for grant of land in the manner as is given in sub-rules (1) and (2) and be dealt with in the manner provided in the subsequent sub-rules.

(7) An up-to-date record of the land granted to persons falling in categories (e) to (g) of sub-rule (1) of rule 5 shall be maintained in the offices of the Deputy Land Commissioner and Sub-Assistant Land Commissioner in Part II of the Register in Form LR-VII.

8. Conditions for the grant of land. — (1) The grantee shall:—

(a) maintain the land in a proper state of cultivation and productivity, and shall use the whole of the land for agricultural purposes, except such portion thereof for building purposes, which in the opinion of the Deputy Land (Commissioner is necessary for agricultural purposes;

(b) observe the crop pattern in vogue in the area or such other pattern and subject to such restriction in respect of crops as Government or the Chief Land Commissioner, may, from time to time direct;

(c) join such association or co-operative societies of farmers as the Chief Land Commissioner may direct;

(d) pay to Government promptly when due, in respect of land or any part thereof all charges imposed under any law for the time being in force;

(e) comply with such directions regarding constructions of boundary marks on the land or any part thereof as the Collector may, from time to time issued and shall keep them, when erected, in good repair to the satisfaction of the Collector;

(f) maintain in proper state of repair and clearance the water-course irrigating the land and shall not construct or alter any canal, watercourse, drainage or channel upon the land without the permission of the Canal Officer having jurisdiction in the area;

(g) permit, without let or hinderance, all officers and servants of Government or of the ⁷[Khyber Pakhtunkhwa] Land Commission and all other persons duly authorised by the said Commission to enter on the land at all times and to do all acts and things necessary for or incidental to--

(i) the purpose of enforcing compliance with any of the provisions of the grant or ascertaining whether these have been duly performed or observed;

(ii) any purpose connected with the full enjoyment, discovery and use of the rights reserved to Government;

(h) not interfere with the lawful use by the public of any thoroughfare on the land or with the exercise of any rights and easement existing thereon at the time of grant or which the grantee is required by the Deputy Land Commissioner or the Collector to create or allow; and

(i) not sublet the grant, but shall cultivate it himself, provided that if, for to any physical infirmity, the grantee is unable to cultivate, the land may be cultivated through his relative, or if no relative is available or willing, through any other person with prior permission of the Deputy Land Commissioner.

⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

(2) When the Deputy Land Commissioner, or an Assistant Land Commissioner specially empowered in this behalf, is satisfied that the grantee has committed a breach of any of the conditions at clauses (a) to (i) of sub-rule (1), or the conditions laid down in section 16 of the Act, he may, after giving the grantee an opportunity to show cause, cancel the grant and resume the land or impose a penalty not exceeding one thousand rupees, which may be recovered from the grantee as arrears of land revenue:

Provided that if the breach is capable of rectification, no order of resumption shall be passed unless a reasonable time not exceeding thirty days is given and the grantee or his heir has failed to rectify the breach within that time.

(3) The grantee shall, within thirty days of becoming the order of resumption passed under sub-rule (2) final, surrender the land peacefully to the Deputy Land Commissioner. If so required, the grantee shall pull down and remove any structure standing on the land and deliver the possession of the land in a level state or in the condition in which the land was granted. If the grantee fails to deliver the possession of the land within the period specified above, the Deputy Land Commissioner shall eject him with such force, including police force as may be necessary:

Provided that reasonable compensation for standing crop may be assessed and paid to the grantee.

9. Entries in the revenue records. — (1) An order made under these rules sanctioning grant of land in favour of any person or cancelling such grant shall be deemed to be a decree of the civil Court for purposes of sanctioning mutations and preparation of revenue records.

(2) As soon as an order of the Deputy Land Commissioner sanctioning grant of land in favour of any person is received by the Patwari, he shall prepare a mutation in respect of the land grant and the Tehsildar shall sanction the mutation, transferring the land from the Provincial Government to the grantee, as follows:--

(i) If the grant has been made under sub-section (1) of section 15, the grantee shall be described in the column of ownership as:

علیہ دار زیر دفعہ (۱) ۱۵ زرعی اصلاحات ایکٹ II
مجرہ ۱۹۷۷

(ii) If the grant has been made under sub-section (3) of section 15, the grantee shall be described in the column of ownership as:

عظیہ دار زبیر دفعہ (۳) ۱۵ زرعی اصلاحات ایکٹ ۱۹۶۸

10. Resumption of land.— If at any time it is found that the grantee was not eligible for the grant of land, the Deputy Land Commissioner shall henceforth resume the land without paying any compensation therefor.

⁸**[11. Appeal.** — Any person aggrieved by an order made by a Deputy Land Commissioner, under these rules may file an appeal or revision in accordance with the provisions of the ⁹[Khyber Pakhtunkhwa] Land Reforms Rules, 1977, published under Notification No. 2997/LA/LR-77, dated 24th May, 1977.]

12. Power to issue instructions. — The Chief Land Commissioner may at any time issue special or general instructions, not inconsistent with the provisions of the Act and these rules, as he may deem necessary.

⁸ Repealed by No. 1099/LC/LR-77, dated 7-5-1980.

⁹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.