

**GOVERNMENT OF ¹[Khyber Pakhtunkhwa]
REVENUE DEPARTMENT.**

NOTIFICATION.

31st May, 1980

No. 10637/Rev: IV/2-80.--- In exercise of the powers conferred by paragraph 7 of the Martial Law Order No. 66, issued by the Chief Martial Law Administrator, the Governor of the ²[Khyber Pakhtunkhwa] is pleased to make the following rules, namely;

The ³[Khyber Pakhtunkhwa] Settlement of Land Disputes Rules, 1980.

1. (1) These rules may be called the ⁴[Khyber Pakhtunkhwa] Settlement of Land Disputes Rules, 1980.
- (2) They shall come into force at once.
2. The Council of Elders, to be nominated by the Commissioner, shall consist of---
 - (a) four members, two each to represent each party, nominated from amongst the Tribal or Local Elders of Malakand and Dera Ismail Khan Divisions or Agencies or Districts of Peshawar Division, other than those involved in the dispute, subject to their being acceptable to the parties concerned; and
 - (b) one Chairman, who shall be Magistrate 1st Class.
3. (1) For the purpose of appointing the Council of Elders under rules 29 the Commissioner shall issue a notice to the parties requiring them to appear before him on specified date, time and place, when he shall proceed to appoint the members of the Council of Elders.
- (2) On the date and time and the place specified in the notice of the Commissioner shall, unless he fixes some other date, time and place (of which he shall give notice to the parties), proceed to select in the presence of such parties as are present four persons for appointment as members of Council of Elders.
- (3) Where the parties or such of them as are present do not object to the persons selected by the Commissioner under sub-rules (2) above, the persons so selected shall be appointed as members of the said Council.

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.

(4) If any party objects to the appointment of any person as member of the said Council, the Commissioner shall record such objections, and after considering the same, may, in his discretion either accept or reject the objection.

(5) The Chairman shall also be appointed by the Commissioner.

4. (1) After the appointment of the Council of Elders, the Commissioner shall direct the Chairmen by an order in writing to convene the first meeting within fifteen days of such order or within such longer period as the Commissioner, may, in special circumstances of a particular case; specify.

(2) On receipt of the direction mentioned in sub-rule (1), the Chairmen shall, by a notice in writing, convene the first meeting of the Council on the date and time and at the place specified in the said notice.

(3) The Council shall hold its subsequent sitting and on such dates as it may determine from time to time.

5. If any member of the Council is absent on two consecutive meetings, he shall be deemed to have been removed from the Council and the Commissioner shall appoint other person of the same party to fill up the vacancy thus caused.

6. The Commissioner may be order in writing remove any member of the Council if in his opinion such member is indulging in subversive activities against the State, or his activities are prejudicial to the interest of the State or he is otherwise undersirable. In such a case the Commissioner shall appoint another person of the same party to fill up the vacancy.

7. The Chairman and members of the Council shall take oath on the day of the first meeting to the effect that they shall perform their functions honestly and to the best of their ability, that they shall not allow their personal interest or extraneous consideration to influence their conduct or decision and that in all matters connected with the reference before the Council, they shall act justly, without fear, favour or prejudice. They oath shall be administered by the Commissioner.

8. The Council may call upon any person, or a Government servant, whose evidence in its opinion is necessary or of some material benefit for the decision of the dispute, to testify before it.

9. The Council may, in presence of parties, make any other enquiry including an enquiry at the spot, as it deems necessary.

10. The Council shall keep a record of the evidence produced before it.

11. The parties to the dispute may also produce evidence, oral as well as documentary, before the Council.

12. The parties shall have the right to examine and cross-examine the witnesses.

13. A decree passed shall have the same effect as a decree of a Civil Court of ultimate resort and be enforced by the Commissioner in the same manner as a decree of such court may be enforced.

14. The Commissioner may hear the parties before passing the decree, and may remand the case to the same or another Council of Elders or pass such other orders as the may deem fit.

15. The period of limitation for an appeal against an order or decree passed by the Commissioner shall be three months from the date of such order or decree.

Sd/- X..X..X..X.
Secretary to Government of
⁵[Khyber Pakhtunkhwa],
Revenue Department.

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