

**¹[Khyber Pakhtunkhwa] TENANCY
(Fixation of compensation to the Landlords)
Rules, 1981**

[Gazette ²[Khyber Pakhtunkhwa], Part 7, 7th July, 1982]

No. 28771.Rev.IV/168-A.--- In exercise of the powers conferred by Section 84 of the ³[Khyber Pakhtunkhwa] Tenancy Act, 1950, and after taking into consideration the draft rules previously polished, vide Government of ⁴[Khyber Pakhtunkhwa], Revenue Department's Notification No. 3154/Rev. IV/168, dated 7th December, 1981 in the Government Gazette of 8th April, 1981 (Part I), as required by Section 79 of the said Act, the Government of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules:-

1. Short title and commencement.---(1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Tenancy (Fixation of Compensation to the Landlords) Rules, 1981.

(2) They shall come into force at once.

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

(a) "Act" means the ⁷[Khyber Pakhtunkhwa] Tenancy Act, 1950 (⁸[Khyber Pakhtunkhwa] Act XXV of 1950).

(b) "Collector" means a person appointed as Collector under Section 47 of the Act.

3. Fixation of compensation payable by tenant to his landlord.--In the case of an occupancy tenant paying rent both in cash as well as in kind to his landlord, ten times the amount of such consolidated rent, exclusive of landlord, for the purpose of clause (c) of sub-section (1) of Section 4 of the Act.

4. Occupancy tenant to become owner on payment of compensation.---Any person, who at the commencement of the Act, is entered as an occupancy tenant in the revenue records paying rent both in cash as well as in kind shall become absolute owner of the land on payment of compensation fixed under rule 3.

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.

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

⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

Explanation I--- For the purpose of payment of compensation under rule 3, produce (rent) payable in kind shall be converted into cash rent on the basis of the early average of the previous five years produce of that kind of land, circle in which the land is situated, multiplied by the average price of each types of produce for the same period.

Explanation II---For the purpose of Explanation I, the previous five years shall be calculated from the date on which rights of ownership are transferred to the occupancy tenant.

5. The compensation shall be payable either in lump sum or (sic) by instalment the total amount shall be payable within 18 (eighteen) months.

6. Extinguishment of landlord's rights in land.-- When compensation in full has been paid by the occupancy tenant as provided in rule 5, the right of the landlord in the holding shall be extinguished forthwith.

7. Entries in revenue records to be rectified.-- The Collector shall, on extinguishment of the right of the landlord, order that necessary entries be made in the regime records.

8. Maintenance of register.—The Collector shall maintain common register giving the following particulars all the lands covered under the Act--

1. Serial No.
2. Khata No. (if any).
3. Khatuni No. (if any).
4. Khasra No.
5. Name of the landlord.
6. Name of the occupancy tenant.
7. Conditions of the tenancy,
8. Area.
9. Culturable, or not.
10. If culturable, quality of the land.
11. Changes in the ownership with special reference to mutation or order or prescribed authority by which the change took place.
12. Amount of the equal instalments fixed.

13. Date of payment of the instalment by the occupancy tenants.
14. Signature of the Revenue of Officer.
15. Date of payment of the amount to landlord.
16. Signature of the Revenue Officer.

9. Procedure for payment of compensation by the tenant.--- The procedure to be followed in respect of payment of the compensation money the occupancy tenant will be as follows--

- (a) The Village Officer will collect the amount of compensation alongwith the land revenue, etc., and deposit the same into the Government Treasury under head "Fixed Revenue Deposits". The Village Officer is bound to issue a receipt for the amount in question to the occupancy tenant.
- (b) The amount will be deposited on the regular challan Form (to be provided by for the Tehsil Accountant) a duplicate copy of which will be passed on to the Tehsil Authorities by the Treasury or Sub-Treasure Officer, for making the necessary entries in the Register mentioned in Section 8.
- (c) The Village Officer will not be entitled to receive any Punjotra on this account.

10. Procedure for pay of compensation money to the landlord.---The procedure with regard to the payment of the compensation money the landlord will be as follows--

- (a) As soon as an instalment is credit under the head "Fixed Revenue Deposit" and entries made in the register prescribed in Section 8, the Revenue Officer will issue a written notice to the landlord to come and draw the amount in question on a Refund Voucher.
- (b) Any entry to this effect will be made in the said Register.