

WEST PAKISTAN CONSOLIDATION OF HOLDINGS
RULES, 1960

[Gazette of West Pakistan, Extraordinary 22nd August 1960]

No. 1691-60/1042-CH(P).—In exercise of the powers conferred on it by section 29 of the West Pakistan Consolidation of Holdings Ordinance, 1960 (Ordinance No. VI of 1960), and in supersession of the Punjab Consolidation of Holdings Rules, 1937, the Board of Revenue is pleased to make the following rules, a draft of which was published in the Gazette of West Pakistan, dated the 28th May 1960, under Notification No. 922-60/710-CH(P) dated 28th May 1960:-

PART I—PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the West Pakistan Consolidation of Holdings Rules, 1960.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise required, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "applicants" means the land owners who have applied for the consolidation of their holdings under subsection (2) of section 3 ;

(b) "consolidation" means consolidation of holdings in accordance with the provisions of the Ordinance

(c) "Form" means a form appended to these rules ;

(d) "Ordinance" means the West Pakistan Consolidation of Holdings Ordinance, 1960, and

(e) "Section" means the respective section of the Ordinance.

PART II—APPLICATION FOR CONSOLIDATION

3. *Copy of application to be sent to Collector.*—A copy of every application for consolidation received by the Consolidation Officer shall be sent by him to the Collector for information.

4. *Minimum area required for making an application.*—(1) No application for consolidation of holdings under subsection (2) of section 3 shall be considered unless the land-owners making the application hold together not less than two squares or two rectangles or fifty acres of land, whichever is more.

(2) An application for consolidation shall be in form "A".

5. *Examination of the application*— On the receipt of an application for consolidation, the Consolidation Officer shall examine the application and see whether it complies with the provisions of the Ordinance and of these rules, and if it is not in order, or if, for any other reason, the consolidation Officer considers that the application should not be entertained, he shall recommend to the Collector that the application should be rejected :

Provided that no such recommendation shall be made unless the applicant have been given an opportunity of being heard, and where necessary, to amend their application.

PART III—PRELIMINARY ENQUIRY

6. *Formal order of admission*—If the Consolidation Officer admits the application or the Collector, after considering the recommendation of the Consolidation Officer under section 7 allows the application, the Consolidation Officer shall record a formal order of its admission.

7. *Proclamation*—(1) If the application is admitted, or a motion under subsection (1) of section 3 is received, the Consolidation Officer shall cause a proclamation to be made in the estate or sub-division of the estate in which the holdings referred to in the application or motion are situate informing all land-owners of the receipt of the application or motion and of the date, time and place when and where he will meet them and examine the application or motion. Such place shall be in the estate concerned or in proximity thereof. The proclamation shall be in Form "B" and shall be made by beat of drum or other customary mode prevalent in the tract.

(2) The date fixed for the examination of the application shall not be less than fifteen days from the date on which the proclamation is made.

8. *Enquiry from land-owners and other persons present*.---(1) On the date so fixed, the Consolidation Officer shall, where an application for consolidation has been made under the provisions of subsection (2) of section 3, enquire from such land-owners, other than the applicants, as are present and whose holdings are situate in the estate or sub-division to which the application relates, whether they wish to join in the application or whether they have any objection, and may make such other enquiry from the land-owners present as he may think fit.

(2) In respect of an estate or sub-division for which a motion for consolidation has been received under subsection (1) of section 3, the Consolidation Officer shall make such enquiry from the land-owners present as he deems proper.

(3) Any objections or representations made at this stage of the enquiry shall be recorded by the Consolidation Officer.

(4) The Consolidation Officer may, for the purpose of facilitating an agreement being reduced to writing or for any other sufficient reason, postpone the proceedings.

9. *Conclusion of the enquiry.*—(1) At the conclusion of the preliminary enquiry, the consolidation Officer, if he does not make a recommendation to the Collector under section 7, or if the Collector directs him to do so, shall make an order directing that consolidation shall proceed.

(2) A copy of every order directing consolidation to proceed shall be sent to the Collector, as well as to the Registrar and the Sub-Registrar exercising jurisdiction under the Registration Act, 1908, over the area concerned, and the substance of every such order shall be proclaimed in the estate or sub-division of the estate to which it relates in the manner provided in sub-rule (1) of rule 7.

PART IV—ADVISORY COMMITTEES

10. *Appointment*—(1) When an order has been made directing that consolidation should proceed, the Consolidation Officer may, if he thinks fit, constitute an Advisory Committee consisting of not less than three and not more than nine persons, as may be determined by him, to assist him in the preparation of a scheme for consolidation.

(2) The members of the Advisory Committee shall, in the cases falling under subsection (2) of section 3 and clause (c) of subsection (2) of section 4, be chosen by the majority of the land-owners making or joining in the application ; and in the cases falling under sub-section (1) of section 3, by the majority of the land-owners who are present at the place and time specified in the proclamation under rule 7 and who are likely to be affected by the consolidation proceedings.

Provided that, if such land-owners fail to appoint the members of the Advisory Committee or any number of them, the Consolidation Officer shall nominate such members or such remaining number of members from among persons of integrity and influence, who have evinced keen interest in the work of consolidation.

(3) When the members of the Advisory Committee have been chosen or nominated, as the case may be, the Consolidation Officer shall record a formal order in writing confirming their appointment and shall explain to the members of the Advisory Committee the nature of their functions.

(4) Where anything is required under these rules to be done by or in the presence of the Advisory Committee it shall be a sufficient compliance with the rules if such thing is done by or in the presence of the majority of the members of the Advisory Committee.

11. *Removal*--- The Consolidation Officers may, for reasons to be recorded in writing, remove any member of the Advisory Committee if he refuses to act, becomes incapable of acting or taking any part in the examination or preparation of the scheme of consolidation, or if his continuance on the Advisory Committee is deemed to be undesirable in the interest of the Scheme.

12. *Vacancies.*—Any vacancy caused by the removal of a member of the Advisory Committee or otherwise shall be filled in the manner provided in sub-rule (2) of rule 10.

13. *President.*—The Consolidation Officer shall be the President of every Advisory Committee constituted for the Schemes relating to the estates or sub-divisions within the local limits of his jurisdiction.

PART V—SCHEMES OF CONSOLIDATION.

14. *Examination of an agreed Schemes*—(1) In examining a scheme mutually agreed to by the applicants the Consolidation Officer, assisted by the Advisory Committee in the cases where one has been appointed, shall satisfy himself that all the applicants, understand it and that their agreement is genuine and had not been induced by fraud, misrepresentation or undue influence.

(2) If the Consolidation Officer decides to modify any Scheme mutually agreed to by the applicants, he shall proceed so far as possible, in the manner prescribed for the preparation by himself of a scheme of consolidation.

15. *Preparation of Scheme.*—(1) In preparing a scheme of consolidation himself the Consolidation Officer shall decide, in consultation with the land-owners who have agreed to consolidation under clause (c) of subsection (2) of section 4, the Advisory Committee in cases where one has been appointed, and the applicants, where an application for consolidation has been made under subsection (2) of section 3, the general lines on which consolidation shall proceed and, in particular, he shall determine if any land should be excluded from the Scheme for common purposes, such as grazing ground, school, hospital or pond, the disposal of sullage water or for any other special reason.

(2) The Consolidation Officer shall then draw up a memorandum dealing with the matter specified in sub-rule (1) for the guidance of his staff.

16. *Explanation of the Scheme* .—(1) when the scheme of consolidation has been prepared, the Consolidation Officer shall cause it to be published in the estate or sub-division thereof in which the holdings are situate by beat of durm or in the customary mode prevalent in the tract.

(2) The Consolidation Officer shall, after the scheme for consolidation has been published in the manner provided in sub-rule (1), visit the estate or sub-division in which the holdings are situate, and explain the scheme, including proposals for the disposal of the encumbrances, to all concerned. Such explanation shall, where an Advisory Committee has been constituted, be in the presence of the members thereof. The Consolidation Officer shall also demarcate the boundaries of the proposed new holdings.

(3) The Consolidation Officer shall invite suggestions or objections to the scheme and, after considering them, shall, so far as possible, remove the objections and if, necessary, modify the scheme.

17. *Acceptance of the Scheme*—(1) As soon as a scheme of consolidation has been prepared by the Consolidation Officer, it shall be exhibited by means of a map and a register of the scheme of consolidation.

(2) The land-owners who agree to the scheme as prepared shall sign or affix their thumb-marks in the register of the scheme in token of their acceptance of the scheme.

PART VI—COMPENSATION

18. *List of owners affected*—(1) When a scheme of consolidation has been prepared and an agreement has been obtained, the Consolidation Officer shall draw up a list showing—

(a) all land-owners to whom it is proposed to allot land the value whereof exceeds the value of the land which it is proposed that they should surrender ; and

(b) all land-owners to whom it is proposed to allot land the value whereof is less than the value of the land which it is proposed that they should surrender.

(2) The Consolidation Officer shall estimate the amount of compensation to be paid to persons mentioned in clause (b) of sub-rule (1) and shall similarly determine how the amount of such compensation should be assessed upon each of the persons mentioned in clause (a) of the said sub-rule, and how payments should be made to avoid the necessity for recovery thereof as arrears of Land Revenue as a last resort.

19. *Provision of compensation to be made in the Scheme.*—Provision shall be made in the scheme as to the persons to whom compensation is to be paid, if any, the amount of the compensation and the persons by whom it is, to be paid before the final Assent of the land-owners is taken under rule 17.

20. *Determination of compensation*—(1) The market value of the different holdings and lands comprised in the scheme and the compensation to be paid under section 12 shall be determined in consultation with the Advisory Committee where one has been appointed.

(2) if such procedure fails, or if no Advisory Committee exists, it shall be determined by the Consolidation Officer, as nearly as may be, in accordance with the provisions of the law relating to the acquisition of land for public purposes for the time being in force.

PART VII—TRANSFER OF ENCUMBRANCES

21. *Principles*— In deciding to what part of a new holding an encumbrance under section 17 shall be attached, the Consolidation Officer shall have due regard to the following considerations :—

(a) the market value of the properties concerned; and

(b) the feasibility of demarcating the new area to which the encumbrance is to be attached.

22. *Provision to be made in the Scheme for transfer of encumbrances.*— Provision for the transfer of encumbrances shall be included in the scheme and the area to which an encumbrance is transferred shall be shown in a plan attached to the scheme.

23. *Record of transfer of an encumbrance*—(1) In every case in which a lease, mortgage or other encumbrance has been transferred from the original holding of a land-owner to his new holding or to any part thereof, the Consolidation Officer shall, on confirmation of the scheme, record a formal order stating the manner in which the transfer has been effected.

(2) Any person interested in the transfer shall be entitled to obtain, on application made in that behalf to the Consolidation Officer, free of cost for the first time, a true copy of the order so recorded.

(3) If the deed of lease or mortgage or other instrument of encumbrance is produced before him, the Consolidation Officer shall cause the substance of the order made under sub-rub (1) to be endorsed on such document.

(4) If the encumbrance is created by a registered deed, notice of the change shall be sent to the Registrar or Sub-Registrar appointed under the Registration Act, 1908 with whom the deed as registered.

(5) The provisions of every such order shall be included in the record of rights prepared under section 15.

PART VIII—CONFIRMATION OF SCHEME

24. *“Record of Confirmation”*--- When a scheme of consolidation has been finally confirmed, the Consolidation Officer shall record an order in writing to that effect, and shall proceed in the manner laid down in section 115.

(2) A copy of the order shall be sent to the Collector, who shall take necessary steps for the re-distribution of the assessment in accordance with the law relating to land revenue for the time being in force.

PART IX—GENERAL PROCEDURE

25. *Minors.*—Where a land-owner whose holding is likely to be affected by a scheme of consolidation is a minor, the Consolidation Officer may, after making such enquiries as may be necessary, by order in writing, appoint a suitable person, whose interest is not adverse to that of the minor, as guardian *ad-litem* of such minor.

26. *Cost of proceedings.*—The cost of consolidation proceedings shall be assessed by the Collector at a rate not exceeding Rs. 5 (five) per cultivated consolidated acre and Rupee 1 (one) per uncultivated consolidated acre ;

Provided that the total amount so assessed shall not exceed the actual cost incurred by Government on the consolidation proceedings of the estate or sub-division concerned.

27. *Transfer of property during consolidation proceedings.*—If any document relating to the transfer of land or any interest in or over land in respect of which consolidation proceedings under the Ordinance are pending is presented for registration under the provisions of the Registration Act, 1908, the Registrar or the Sub-Registrar concerned shall refuse its registration unless the document is accompanied by a written permission from the Consolidation Officer allowing the said transfer.

28. *Execution of order of ejectment, etc. under section 19.*—An order passed by the Revenue Officer under the provisions of section 19 forbidding the repetition of any encroachment on any way or path shall be published by beat of drum or other customary mode prevalent in the tract and by affixing a copy of the order in a conspicuous place in or near the land to Which it relates.

FORM 'A'

[See Rule 4 (2)]

FORM OF APPLICATION UNDER SECTION 3

To

The Consolidation Officer,

Tehsil.....

District.....

Division.....

Sir,

We.....(here state name, father's name and caste) land-owners of.....estate/sub-division of estate....., Tehsil.....District..... apply that our holdings situated in the aforesaid.....may be consolidated as provided under the West Pakistan Consolidation of Holdings Ordinance, 1960 (VI of 1960). The area of land we hold together is.....acres/squares/rectangles and is not less than that required by sub-rule (1) of rule 4 of the West Pakistan Consolidation of Holdings Rules, 1960.

2. (To be scored out if not applicable). We submit herewith a scheme of consolidation mutually agreed to by us for examination in accordance with sub-section (1) of Section 9 of the said Ordinance.

(Signatures or thumb-marks of the applicants).

FORM 'B'

[See Rule 7]

FORM OF PROCLAMATION

Whereas an application/a motion for the consolidation of holdings under the West Pakistan Consolidation of Holdings Ordinance, 1960 (VI of 1960) has been received from certain land-owners of-----estate-----/

sub-division of-----estate, tehsil-----district-----/the Board of Revenue under sub-section (1) of Section 3 of the said Ordinance for the consolidation of holdings in-----estate-----sub-division of/estate, -----tehsil-----district-----;

All land-owners in the aforesaid-----estate/sub-division----- are hereby informed that the undersigned will examine the application/motion at------(specify the place) in the said estate/proximity of the said estate at------(specify the time) on the----- (specify date). Any person who has any representation to make or any objection to prefer against the application/motion should do so at the place, date and time aforesaid.

Dated-----Tehsil-----District-----
The-----

Consolidation Officer,

*Strike out the portion not applicable.