

**West Pakistan Land and Water Development Board Reclamation
(Fee) Rules, 1965**

[9th December 1965]

No. Admn.-10(1)65/3928.--- In exercise of the powers conferred by sub-section (4) of Sec. 38 of the Soil Reclamation Act, 1952 (Punjab Act, XXI of 1952), the Governor of West Pakistan is pleased to frame the following rules for the levy and recovery of reclamation fee:--

1. Short title, extent and commencement.---(1) These rules may be called the West Pakistan Land and Water Development Board (Reclamation Fee) Rules, 1965.

(2) They shall apply to land comprised in such Schemes, sanctioned under the Soil Reclamation Act, 1952, as may be notified by Government from time to time.

(3) They shall come into force at once.

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

- (i) "Act" means the Soil Reclamation Act, 1952 (Punjab Act XXI of 1952);
- (ii) "culturable commanded area" means the area within a canal system which can be irrigated by gravity from the canals;
- (iii) "date of commencement of the scheme" means such date as may be fixed by the Board in this behalf;
- (iv) "Divisional Canal Officer" means an officer exercising control over a Division of a Canal and Drainage Act, 1873 or the Sindh Irrigation Act, 1879 to exercise all or any of the powers of a Divisional Canal Officer.
- (v) "Land revenue" means land revenue assessed under the law applicable to the area;
- (iv) "Owner of land" includes a lessee, a tenant of Government land when has not acquired proprietary rights therein and an allottee, whether provisional or permanent of land under the law for the rehabilitation of refugees for the time being in for;
- (vii) "Project Director" means an officer appointed by the Board who is overall incharge of operations under the scheme and authority the Superintending Engineer Irrigation & Department and P.D West Pakistan, WAPDA.
- (viii) "Statement of the demand" means a statement of demand prepared under rule 5.

3. A reclamation fee shall be levied on all such land included in the scheme the value of which is expected to be increased by Government from time to time.

4. The reclamation fee should be paid by the owner of the land:

Provided that when the land is mortgaged with possession, the reclamation fee shall be paid by the mortgagee and the fee so paid shall be deemed to be part of the mortgage money but shall carry no interest.

5. The Divisional Canal Officer shall prepare a statement of demand in Form L & WDB (RF) No. 1, showing the name, parentage, caste and residence of the assessee, full particulars of the land in respect of which the reclamation fee has been levied and the amount which he is liable to pay.

6. (1) A copy of the statement of demand together with a notice of the place where its original or authentic copy may be inspected and of the date or dates (which shall not be earlier than thirty days from the date of such notice) and the place at which objections thereto will be heard, shall be displayed for a period of not less than thirty days on a conspicuous place in the offices of the Divisional Canal Officer, the Project Director, the Tehsildar Mukhtiyakar and the Union Council within whose jurisdiction the land to which the statement pertains is situated.

(2) A copy of the notice referred to in sub-rule (1) shall be published—

- (a) by beat of drums in the locality where the land to which the statement of demand pertains is situated, and
- (b) in at least one English and one Vernacular daily newspaper having adequate circulation in the area where the land to which the statement of demand pertains is situated.

(3) The statement shall be open to inspection by the owner of the land included in the statement of his duly authorised agent at the office of the Divisional Canal Officer during office hours and he shall be permitted to make extracts from it.

(4) No fee shall be charged for any such inspection.

7. (1) Any person feeling aggrieved by a statement of demand may, within thirty days from the date of Publication thereof, prefer objection thereto to the Divisional Canal Officer, who may, after hearing the objections and making such enquiry as he may consider necessary, reject the objections or accept them and cancel or modify the statement of demand:

Provided that the Divisional Canal Officer may extend the period with which objections may be filed by a period not exceeding thirty days, if person making the objections satisfied him that he was prevented by reason beyond his control, from making the objections within the prescribed period.

(2) The objections under sub-rule (1) shall be preferred by means of a writer memorandum, on plain judicial paper, stating briefly the grounds of objection.

(3) The objection filled under sub-rule (1) shall be entered in a register in Form L & WDB (RF) No. 2 maintained for the purpose.

8. (1) On the date or dates fixed for the hearing of objections made under rule 7 on dates to which the proceedings may be adjourned, the Divisional Canal Officer shall proceed to dispose of the objections as expeditiously as possible.

(2) The Divisional Canal Officer shall allow to the objector and any other person, who in his opinion, is likely to be directly interested in the result of the objection, an opportunity of being heard in person or through his authoised agent.

(3) The Divisional Canal Officer may, at his discretion, hear and record such oral or documentary evidence as he may consider elevant to the enquiry or necessary for the disposal of objections.

(4) When an objection has been disposed of, the order passed thereon shall be recorded together with the date of such order in the register in Form L & WDB (FR) No. 2.

9. (1) The decision of the Divisional Canal Officer on the Objections made under rule 7 shall be incorporated in the statement of demand which shall be authenticated by the said officer.

(2) The Divisional Canal Officer shall also append a certificate to the statement to the effect that it has been duly amended so far as it was necessary to do so in the light of the orders passed under rule 8.

10. (1) Any person feeling aggrieved by an order passed by the Divisional Canal Officer under rule 8, may, within thirty days from the date of such order, prefer an appeal to the Project Director, who may, after hearing the applicant, pass such order as he may deem fit.

(2) An appeal under sub-rule (1) shall be preferred by means of a memorandum, shall be accompanied by a certified copy of the order appealed against and be presented by the appellant in person, or through his duly authoised agent or be sent by registered post.

(3) The appeal shall be decided after due notice to the Divisional Canal Officer and consideration of any representation that may be made by him, and after an opportunity has been given to the appellant and such other persons as in the opinion of the Project Director may directly be interested in the result of the appeal, of being heard in person or through a duly authoised agent.

(4) The statement of demand shall be modified by the Divisional Canal Officer, if necessary, in the light of the order passed by the Project Director, under sub-rule (3).

11. (1) After expiry of the period fixed for the receipt of objections, or where objections or an appeal has been preferred after the final disposal thereof, a statement of accounts in Form L & WEB (RF) No. 3 shall be prepared in respect of each person from whom the reclamation fee is due and shall be served on him in the manner prescribed in Section 54 of the Act,

(2) The Divisional Canal Officer shall forward a certified copy of the statement of demand as modified under sub-rule (1) of rule 9 and sub-rule (4) of rule 10 to the Collector of the district for recovery as arrears of land revenue.

12. (1) The reclamation fee shall be payable in such number of half-yearly and yearly instalments commencing from such date as may be fixed by the Land & water Development Board from time to time.

Provided that no recovery shall be made during the first two years from the date of commencement of the scheme.

(2) If any instalment is not paid on the date on which it becomes due, simple interest on the amount of that instalment at the rate of six per cent. per annum shall be charged:

Provided that no interest shall be levied on any instalment the payment where of has been deferred by the Board.

13. The Board may exempt any particular site or class of sites from the operation of these rules having regard to the character of the soil, size also of the holding or the purpose for which it is being or is likely to be used.

Sd/-
A H. QURAIISHI,
*Secretary to Government of West Pakistan,
Land and Water Development Department.*

FORM LAND W.D.B. (R.F.) NO. 1

[See Rule 5]

WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD

STATEMENT OF DEMAND OF RECLAMATION FEE

Village/Deh, _____, Tehsil/Taluka _____, District _____,

Serial No.	Name, parentage, caste and residence of the owner	Khasra Survey No.	*Culturable commanded Area	Total area of the owner	Rate of reclamation fee per acre	Total reclamation fee payable	No. of instalments	Dates when instalments due	Amount of each instalment	Remarks
			Area							
1	2	3	4	5	6	7	8	9	10	11

* See rule 2(ii)

FORM L AND W.D.B. (R.F.) NO. 2

[See Rules 7(3) and 8(4)]

WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD

Register of objection applications on the statement of demand

Village/Deh _____, Tehsil/Taluka _____, District _____

Serial No.	Name of applicant	Date of receipt	Gist of objection	Date of decision	Gist of decision	Remarks.
1	2	3	4	5	6	7

FORM L AND W.D.B. (R.F.) No. 3**[See Rule 11(1)]****WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD****Statement of Account**

Serial No.	Name of and parentage of owner	Name of Village/Deh Tehsil, Taluka and	*Area	Total amount of reclamation fee payable	No. of instalments	Date when instalments due	Amount of each instalment	Remarks
1	2	3	4	5	6	7	8	9

* See Rule 2(ii)