

THE PUNJAB LAND REFORMS RULES, 1972

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THE PUNJAB LAND REFORMS RULES, 1972

In exercise of the powers conferred on it by paragraph 6 of the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115 of 1972) and in supersession of Punjab Land Commission's Notification No. DSH-595/72/1857-LC (II), dated 23rd May, 1972, the Land Commission of the Punjab is pleased to make the following Rules:-

CHAPTER I – PRELIMINARY

1. Short title, extent and commencement.- (1) These Rules may be called the Punjab Land Reforms Rules, 1972.

(2) They extend to the whole of the Punjab and Islamabad Capital Territory.

(3) They shall come into force at once.

2. Definitions.- (1) In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "Chief Land Commissioner" means a member of the Commission nominated to be Chief Land Commissioner by the Commission under sub-paragraph (4) of paragraph 4 of the Regulation and shall include any person for the time being functioning as such;

(b) "Commission" means Land Commission of the Punjab constituted under sub-paragraph (1) of paragraph 4 of the Regulation;

(c) "days" include holidays;

(d) "Legal Adviser" means a Legal Adviser appointed by the Commission;

(e) "Member, Board of Revenue" means a Member of the Board of Revenue, Punjab, appointed under section 2 of the West Pakistan Board of Revenue Act, 1957;

(f) "officer" means an officer appointed by the Commission and includes serving or retired Judge of a High Court entrusted with disposal of appeals and revisions, an Additional Chief Land Commissioner, a Member, Board of Revenue, a Legal Adviser, a Land Commissioner, a Deputy Land Commissioner, a Sub-Assistant Land Commissioner; and

(g) "Regulation" means the Land Reforms Regulation, 1972 (Martial Law Regulation No.115) and all amending Regulations, Ordinances, and Orders, and notifications issued thereunder.

(2) Words and expressions used but not defined in the Rules and defined in the Regulation, shall have the same meanings as assigned to them in the Regulation.

CHAPTER II - POWERS

3. Powers of the Chief Land Commissioner.- (1) Subject to the general superintendence and control of the Commission, the Chief Land Commissioner may make such general or special orders, not inconsistent with the provisions of the Regulation and the Rules, as he may consider necessary or expedient for giving effect to the provisions and purposes of the Regulation and / or for the proper discharge of functions by all the authorities and the officers appointed under the Regulation, including himself.

(2) Subject to the provisions of the Regulation and the Rules, the general superintendence, control and direction of all officers and staff appointed for, or entrusted with the duty of, implementing the provisions of the Regulation, shall vest in the Chief Land Commissioner.

(3) The Chief Land Commissioner may, by special or general order, provide for the distribution and allocation of work to be done by all or any such officers and staff.

4. Power to transfer cases for enquiry and report.- (1) Chief Land Commissioner, a Land Commissioner, or a Deputy Land Commissioner, may refer any matter which he is empowered or is required to dispose of under the provisions of the Regulation to any officer or authority subordinate to him for enquiry and report.

(2) When any matter mentioned in sub-rule (1) is referred by any superior Land Commission authority to a subordinate authority, or officer, the latter shall have the power to summon persons as witnesses and to receive relevant oral and documentary evidence, as the case may be.

5. Power to transfer cases.- (1) The Chief Land Commissioner may, at any stage, for reasons to be recorded in writing, transfer any case pending before any officer exercising any function for purposes of implementation of the Regulation, to himself or to any other officer authorized to deal with the case and the officer to whom the case is transferred may, subject to any special directions contained in the order transferring the case, proceed with it from the stage at which it was transferred to him.

(2) The Chief Land Commissioner may transfer any appeal or revision pending before him—

- (a) to an officer not lower in rank than a serving or retired Judge of a High Court or a Member, Board of Revenue or Additional Chief Land Commissioner for final disposal and such officer shall have all the necessary powers to hear and dispose of such appeals or revisions; or
- (b) to the Legal Adviser for final disposal and the Legal Adviser shall have all the necessary powers to hear and dispose of such appeals or revisions:

Provided that no appeal or revision involving any question referred to in sub-paragraph (2) of paragraph 7 of the Regulation shall be transferred to the Legal Adviser, and he shall not be competent to hear and dispose of such appeal or revision, except as provided for under Rule 4.

(3) A Land Commissioner may, for reasons to be recorded in writing and subject to any order under sub-rule (1), transfer any case pending before a Deputy Land Commissioner, Assistant Land Commissioner or Sub-Assistant Land Commissioner, as the case may be to himself or to any other officer subordinate to him, and the officer to whom any such case is so transferred may, subject to any special direction contained in the order transferring the case, proceed with it from the stage at which the case was transferred to him.

6. Power of the Land Commission officers as a Civil Court.- (1) Every officer exercising his functions under the Regulation shall, for the purpose of making an inquiry or hearing an appeal, revision or review under the Rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of following matters, namely:-

- (a) summoning and enforcing the attendance of any person other than a pardanashin lady and examining him on oath or affirmation;
- (b) requiring the discovery or production of any document;
- (c) requisitioning any public record from any court or office;
- (d) issuing commissions for the examination of witnesses;
- (e) appointing guardians ad litem or next friend of persons who are minors or are of unsound mind;
- (f) adding legal representatives of deceased applicants;
- ¹[(g) dismissal in default of appearance and setting aside such dismissals;]
- (h) consolidation of cases;
- (i) any other matter connected with the holding of any inquiry or hearing of an appeal, revision or review.

(2) Every officer exercising the powers and performing the functions under the Regulation shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 and any proceeding before any such officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code and for the purposes of sections 196, 199 and 200 thereof.

7. Officers appointed under these Rules to be Public Servants.- Every officer appointed under the Regulation and in accordance with the Rules shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

CHAPTER III. - PLEADINGS AND APPEARANCES

8. Verification of applications.- Every application or written statement filed by an applicant in any proceeding under the Regulation shall be drawn up and verified in the manner provided for the drawing up and verification of a plaint or written statements in the Code of Civil Procedure, 1908, in respect of civil suits.

9. Persons who may appear before the Land Officer.- Appearance before an officer exercising his functions under the Regulation and all applications in that behalf may be made or done by—

- (a) the applicant himself; or
- (b) his representative or recognized agent, duly authorized by him in writing in that behalf; or
- (c) his counsel:

Provided that the employment of duly authorized representative, recognized agent or counsel shall not excuse the personal attendance of an applicant, other than a pardanashin lady, in any proceeding in which his personal appearance is specially required by an order of the officer before whom any such application is pending.

CHAPTER IV.- APPEALS, REVIEW AND REVISION

10. Form of appeal.- (1) Every appeal shall be preferred in the form of a memorandum and shall be authenticated by the signature of the appellant or his duly authorized representative, recognized agent or counsel.

(2) The memorandum shall be accompanied by a certified copy of the order appealed against and of all the documents on which reliance has been placed in the memorandum.

(3) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the order appealed against and shall not contain any narrative. All such grounds shall be numbered consecutively.

11. Forum of appeal.- (1) Any person aggrieved by an order made under the provisions of the Regulation may file an appeal to—

- (a) the Deputy Land Commissioner, when the order has been made by an Assistant Land Commissioner, or a Sub-Assistant Land Commissioner;
- (b) the Land Commissioner, when the order has been made by the Deputy Land Commissioner; and
- (c) the Chief Land Commissioner, when the order has been made by the Land Commissioner:

Provided that –

- (i) when any such order is modified or reversed on appeal by the Deputy Land Commissioner, the order made by the Land Commissioner on further appeal to him shall be final; and
- (ii) when an original order is confirmed on first appeal, a further appeal shall not lie.

(2) All appeals shall be presented within twenty days from the date of the order appealed against.

12. Review.- (1) The Chief Land Commissioner, the officer to whom the case was transferred for final disposal under rule 5(2) (a), a Land Commissioner, Legal Adviser, a Deputy Land Commissioner, an Assistant Land Commissioner or a Sub-Assistant Land Commissioner, may at any time of his own motion or within twenty days from the date of the impugned order, on an application of any party interested therein made to him in that behalf, review, and on so reviewing modify, reverse, or confirm, any order made by himself or by any of his predecessors-in-office²,³ on the following grounds:-

- (a) discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him at the time when order was made; or
- (b) on account of some mistake or error apparent on the face of the record; or
- (c) for any other sufficient reason;]

Provided that:

- (a) ⁴[the officer to whom the case is transferred under sub-rule 5(2)(a)], a Land Commissioner and a Legal Adviser shall not review an order made by his predecessor-in-office without first obtaining the sanction of the Chief Land Commissioner;
- (b) a Deputy Land Commissioner shall not review any order whether made by himself or by any of his predecessors-in-office without first obtaining the sanction of the Land Commissioner of the area concerned ⁵[:]

⁶[Provided that if any such order relates to grant of land under paragraph 18 or paragraph 32(4) of the Regulation, an Additional Chief Land Commissioner may, for reasons to be recorded in writing, authorize a Deputy Land Commissioner to review that order;]

- (c) an Assistant Land Commissioner shall not review any order whether made by himself or by any of his predecessors-in-office without first obtaining the sanction of the Deputy Land Commissioner of the district;
- (d) a Sub-Assistant Land Commissioner shall not review any order whether made by him-self or by any of his predecessors-in-office, without first obtaining the sanction of the Deputy Land Commissioner;
- (e) an order shall not be modified or reversed unless a reasonable notice has been given to the parties affected thereby to appear and be heard; and
- (f) an order against which an appeal or a petition for revision has been preferred shall not be reviewed unless specifically or by a general order directed by the Chief Land Commissioner:

⁷[Provided further that the power of review under this sub-rule shall come to an end on the 30th day of April, 1975.]

(2) An appeal shall not lie from an order refusing to review or confirming on review a previous order:

Provided that this sub-rule shall not apply to an order duly made reviewing a previous order consequent upon an amendment in the provisions of the Regulation.

(3) Clerical or arithmetical mistakes in any order made by an officer in pursuance of the provisions of the Regulation and the Rules may, at any time, be corrected by such officer or his successor-in-office as soon as any such error has come to or is brought to his notice.

13. Revision.- (1) The Chief Land Commissioner may at any time, of his own motion or within twenty days of the date of impugned order, on an application made to him in that behalf, call for the record of any case or proceeding under the Regulation which is pending before ⁸[any officer / Legal Adviser / person,] or in which any officer / Legal Adviser / person has made any order, for the purpose of satisfying himself about the correctness, legality or propriety of any such order, and may make such fresh order in relation thereto as he thinks fit, or transfer the same for final disposal under rule 5 to such other officer / person as he may deem fit.

⁹[(1-A) An Additional Chief Land Commissioner may, either of his own motion or on an application made to him in that behalf, within twenty days of making of an order pertaining to grant of land under paragraph 18 or paragraph 32(4) of the Regulation, call for the record of any case or proceeding under the Regulation, in which a Land Commissioner or a Deputy Land Commissioner has made an order pertaining to grant of land under the said paragraph for the purpose of satisfying himself about the correctness, legality or propriety of such an order and may make such order in relation thereto as he thinks fit.]

(2) A Land Commissioner may, either of his own motion or on an application made to him in that behalf, within twenty days of the making of an order, call for the record of any case or proceeding under the Regulation, in which a Deputy Land Commissioner, Assistant Land Commissioner or a Sub-Assistant Land Commissioner, under his jurisdiction, has made an order, for the purpose of satisfying himself about the correctness, legality or propriety of such an order and may make such order in relation thereto as he thinks fit.

(3) The Chief Land Commissioner ¹⁰[, an Additional Chief Land Commissioner], a Land Commissioner or any officer / person to whom the case may be transferred, as the case may be, shall not make any order under this rule revising or modifying an order affecting any person without affording such person an opportunity of being heard.

14. Exclusion of period spent in obtaining copies.- In computing the period prescribed under sub-rule (2) of rule 11, sub-rule (1) of rule 12 and sub-rules (1) and (2) of rule

13, for the presentation of appeals and applications for review or revision respectively, the period duly spent in obtaining certified copies of the order against which appeal, review or revision, as the case may be, is preferred, shall be excluded.

15. Finality of orders.- Subject to the foregoing provisions of this Chapter, any order made under the Regulation shall be final and shall not be questioned in any Court.

¹ Substituted by Punjab Land Commission notification No. DSH-4/73/258-LC(II), dated 23rd January, 1973, published in the Gazette of Punjab, Part I, dated 2.2.1973.

² Substituted by Punjab Land Commission notification No.DSH-86-74/4030-LC(II), dated 12th July, 1974, for colon.

³ Inserted *ibid*.

⁴ Added *ibid*.

⁵ Substituted by Punjab Land Commission notification No. P-I-2/75/479-A-LC(II), dated 31st January, 1975, published in the Gazette of Punjab Extraordinary dated 3.5.1975, for semicolon.

⁶ Added *ibid*.

⁷ Added by Punjab Land Commission notification No. P-I-7/75/1275-LC(II), dated 29th March, 1975, published in the Gazette of Punjab, Extraordinary dated 10th August, 1977.

⁸ Substituted by Punjab Land Commission notification No. DSH-86-74/4030-LC(II), dated 12th July, 1974, for the words "a Land Commission or a Deputy Land Commissioner or Legal Advisor".

⁹ Added by Punjab Land Commission notification No. P-I-2/75/479-A-LC(II), dated 31st January, 1975, published in the Gazette of Punjab Extraordinary dated 3.5.1975.

¹⁰ Inserted *ibid*.