

A
BILL
further to amend the West Pakistan
Land Revenue Act, 1967.

WHEREAS it is expedient further to amend the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVIII of 1967), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act, may be called Khyber Pakhtunkhwa Land Revenue (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 4 of the Act No. XVII of 1967.---In the Khyber Pakhtunkhwa Land Revenue Act, 1967 (Act No. XVII of 1967), hereinafter referred to as the said Act, in section 4,-

(a) after clause (23), the following new clauses shall be inserted, namely:

“(23A) “Service Delivery Centre” means the Service Delivery Centre established by the Board of Revenue to update or amend land records through digitized processes, and provide digitized land records to general public;

(23B) “service delivery centre official” means an official, who provides services in the Service Delivery Centre.”; and

(b) in clause (28), after the word and comma “Patwari,” the words and comma “service delivery centre official,” shall be inserted.

3. Insertion of new section in the Act No. XVII of 1967.---In the said Act, after section 41, the following new section shall be inserted, namely:

“**41A. Digitized periodical records.**---(1) After the commencement of the Khyber Pakhtunkhwa Land Revenue (Amendment) Act, 2014, the Board of Revenue shall, by notification in the official Gazette, specify a date for the commencement of the operation of digitized edition of record-of-rights of an estate or a group of estates in a District.

(2) The Collector shall cause to be prepared periodically by the service delivery centre official, as the Board of Revenue may direct, a digitized edition of the record-of-rights of an estate or a group of estates.

(3) The digitized edition of record-of-rights shall be called the digitized periodical record for an estate and shall comprise the statements mentioned in clause (a) of sub-section (2) of section 39.

(4) The Collector shall cause to be maintained by the service delivery centre official, in digitized form, record of mutations in an estate and other documents, as may be prescribed.

(5) The Board of Revenue shall, by notification in the official Gazette, prohibit manual preparation of periodical record of an estate or group of estates in a District, under section 41 from a specified date.

(6) The Board of Revenue shall cause to be prepared, in digitized form, the latest edition of the periodical record of an estate, if no such record exists.”.

4. Amendment of section 42 of Act No. XVII of 1967.---In the said Act, in section 42, in sub-section (1),-

- (a) for the words “Any person”, the words “Subject to other provisions of this Chapter, a person” shall be substituted;
- (b) in clause (c), for the words “Union Committee, Town Committee or Union Council”, the words “respective local council” shall be substituted;
- (c) in sub-section (5), for the words “the Chairman of Tehsil Council, Town Council, Village Council”, the words “the Nazim of the Village Council or Nazim of the Neighbourhood Council, as the case may be” shall be substituted; and
- (d) in sub-section (11), for the words “Union Administration” the words “Village Council or Neighbourhood Council, as the case may be” shall be substituted.

5. Insertion of section 42A of the Act No. XVII of 1967.---In the said Act, after section 42, the following new section shall be inserted, namely:

“42A. Report of acquisition of rights.---(1)After Notification by Board of Revenue regarding operationalization of the service delivery centre in an estate, a person, acquiring a right in an estate by inheritance, purchase, mortgage, gift or otherwise as a land owner or a tenant for a fixed term exceeding one year, shall, within three months from the date of the acquisition, report his acquisition of the right to the service delivery centre official of the estate.

(2) If the person acquiring the right is a minor or is otherwise unable to report, his guardian or other person having charge of his property, shall make the report to the service delivery centre official.

(3) The service delivery centre official shall enter the particular of the report and the prescribed document identity in the computerized system, and shall also obtain the signatures or thumb impression and computerized national identity card number of the person making the report.

(4) The service delivery centre official shall, in the prescribed manner, inform the person making the report, about the particulars of the mutation requested, and other documents required for processing the

mutation, fee or tax payable, any other prescribed requirements, and the date on which the parties shall appear in the service delivery centre official for enquiry and order on the requested mutation by the Revenue Officer.

(5) The service delivery centre official shall publish a copy of the report and other particulars in such manner as may be prescribed.

(6) On the date specified by the service delivery centre official, the Revenue Officer shall, in the prescribed manner, hold enquiry into the correctness of the entries in the report and make such order as he thinks fit with respect to any entry in the digitized periodical record relating to the right acquired.

(7) The Revenue Officer shall hold such enquiry in the immediate presence of the person whose right has been acquired and keep photographic evidence thereof unless the person whose right has been acquired is a legal person or unable personally to attend the enquiry because of the prescribed circumstances, or if the right has been acquired through inheritance, registered deed, or by an order of a Court or any other competent authority.

(8) If the person, whose right has been acquired, is a legal person or a person, who is personally unable to attend the enquiry because of the prescribed circumstances, the Revenue Officer shall hold the enquiry in the immediate presence of an authorized agent of such person and shall obtain his signatures or thumb impression and computerized national identity card number as token of correctness and keep photographic evidence thereof.”.

6. Amendment of section 43 of the Act No. XVII of 1967.---In the said Act, in section 43,-

(a) in clause (a), after the word “patwari”, the words “or service delivery centre official, as the case may be” shall be inserted;

(b) for clause (b), the following shall be substituted, namely:

“(b) if it is disputed, be entered by the patwari or service delivery centre official, in the register of mutation or generate report in digitized record, as the case may be, and dealt with in the manner provided in sub-sections (6) to (11) of section 42.”.

7. Amendment of section 47 of the Act No. XVIII of 1967.---In the said Act, in section 47, in sub-sections (1) and (2), after the word “patwari”, wherever occurring, the words “or service delivery centre official” shall respectively be inserted.

8. Amendment of section 48 of the Act No. XVII of 1967.---In the said Act, for section 48, the following shall be substituted, namely:

“48. Penalty.---(1) A person, who neglects to make the report required to be made, within three months from the date of his acquisition of a right referred to in section 42 or section 42A or who fails to furnish the

information or produce the documents required under section 47, shall be liable, at the discretion of the Collector, to a fine not exceeding ten thousand rupees.”.

9. Amendment of section 55 of the Act No. XVII of 1967.---In the said Act, in section 55,-

- (a) in clause (d), the word “and” appearing at the end shall be deleted;
- (b) in clause (e), the “full-stop”, appearing at the end shall be replaced by “semi-colon” and after the semi-colon the word “and” shall be added; and
- (c) after clause (e), as so amended the following new clause shall be added, namely:
 - “(f) for reporting, preparation, authentication, revision and correction of digitized land records.”.

10. Amendment of section 177 of the Act No. XVII of 1967.---In the said Act, in section 177, the “full-stop”, appearing at the end shall be replaced by “colon” and thereafter the following proviso shall be added, namely:

“Provided that a service delivery centre official or an officer authorized by the Board of Revenue, shall issue a copy or an extract of the digitized land record in the prescribed manner and the Patwari of an estate shall not, after the expiry of the date under sub-section (1) of section 42A, issue a copy or an extract of a land record which has been digitized.”.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Land Revenue Act, 1967, so as to allow digitization of land records, improve its quality, reduce malpractices and make transfer of land in a transparent manner through digitized processes. Hence, this Bill.

MINISTER-IN-CHARGE.