

**A  
Bill**

(1)

*to provide for the regulated use of Agricultural lands in Khyber Pakhtunkhwa and for the purposes hereinafter appearing;*

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

**1. Short title, extent and commencement.**—(1) This Act may be called as the Khyber Pakhtunkhwa Protection of Agricultural Lands Act, 2021.

(2) It shall extend to whole of the Khyber Pakhtunkhwa Province.

(3) It shall come into force at once.

**2. Definitions.**—In this Act:

(a) “Act” means the Khyber Pakhtunkhwa Protection of Agricultural Lands Act, 2021;

(b) “Administration” means Tehsil Local Administration as defined by the Local Government Act, 2013;

(c) “agricultural area” means land outside the peri-urban area which is predominantly used for the cultivation of crops and includes cropland, pastureland, orchards, nurseries and dairy farms;

(d) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);

(e) “commercial land development” means the dividing of land into two or more plots, the amalgamation of plots, the carrying out of any building operation including erection, construction, redevelopment, alteration or repair the making of any material change in the use or appearance of any structure on land and includes-

(i) a change on the type of use of a structure or land;

(ii) a change in the intensity of use of land, such as an increase in the number of business, manufacturing establishments, offices, or dwelling units in a structure or on land;

(iii) commencement of excavation and levelling of land;

(iv) demolition of a structure or removal of trees;

(v) deposit of refuse, solid or liquid waste or filling of land; and

(vi) for the purposes of establishing a housing scheme, an apartment building, a market comprising more than 10 shops, an industry or any other establishment as notified by the Government;

(f) “Department” means the Local Government, Elections and Rural Development Department;

(g) “Government” means Government of the Khyber Pakhtunkhwa;

(h) “Land” means and includes earth, water and air above, below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of land and things attached to earth or permanently fastened to earth; and

(i) “No Objection Certificate” means the certificate of approval of land development and land use granted by Administration.

**3. Administrative approval for the commercial development of agricultural land.**—(1) No person may commercially develop a piece of agricultural land without approval of the Administration.

(2) The Administration may, subject to the prescribed conditions, grant a No Objection Certificate for the development of Agricultural Land. (2)

(3) The decision on an application for No Objection Certificate shall be taken within thirty days from the receipt of the application for the purpose and the decision shall be conveyed to the applicant.

**4. Appeal against decision of the Administration.**—(1) Any person aggrieved by the decision of the Administration may, within thirty days from the date of communication of the decision, prefer an appeal to the Secretary of the Department.

(2) The Secretary of the Department shall decide the appeal within 30 days of the receipt of the appeal.

**5. Prohibition on issuing Non-Objection Certificate.**—The Administration shall not grant a No-Objection Certificate to an applicant under Section 3 unless it is satisfied that the criteria prescribed by or under this Act has been fulfilled and all the information necessary for the scrutiny of the application has been provided.

**6. Prohibition on the commercial development of Agricultural Land.**—The Administration shall not issue No-Objection Certificates for commercial land development. The issuance of No-Objection Certificates shall remain limited to the permitted and permissible use of agricultural land as provided in the Schedule.

**7. Offence and punishments.**—(1) A person who commercially develops lands without a valid No Objection Certificate under the Act shall be liable to be punished with imprisonment for a term which may extend to five years but which shall not be less than three years and with fine which may extend to five million rupees but which shall not be less than one million rupees.

(2) Any domicile bearer of the district where a violation of this Act is alleged, can file a complaint to report the commercial development before the Administration or the relevant Deputy Commissioner.

(3) The Administration or the Deputy Commissioners, before whom the complaint under sub-section (2) has been made, will decide the complaint within 15 days of its receipt and inform the complainant with his reasons in writing of whether a case is being reported to the police, or the complaint is rejected.

(4) The Administration or the Deputy Commissioner upon deciding that the complaint warrants reporting to the police shall report a case within 5 days of the decision of the complaint made under sub-section (3).

**8. Cognizance of offence.**—(1) The offences specified in sub-section (1) of section 7 shall be cognizable and information in this regard shall be reported to the respective police station for registration of a case against the accused.

(2) The offences specified in sub-section (1) of section 7 shall be tried in a summary manner in accordance with the provisions of section 260 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898), but the limit of punishment mentioned in sub-section (2) of section 262 thereof shall not be applicable.

**9. Act to have overriding effect.**—The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law.

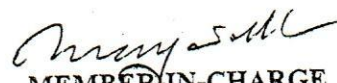
**10. Power to make rules.**—The Department may, by notification, make rules for carrying out purposes of the Act.

**11. Power to frame regulations.**—(1) Subject to the Act and the rules, the Department may, by notification, frame regulations for the matters not provided in the rules and for which provision is necessary for carrying out the purposes of the Act.

(2) The Government may, by notification in the official Gazette, repeal or amend the regulations framed by the Department.

#### STATEMENT OF OBJECTS AND REASONS.

In order to secure agricultural land and to provide for the regulated use of Agricultural lands in Khyber Pakhtunkhwa, hence, this Bill.

  
MEMBER-IN-CHARGE  
(INAYATULLAH)  
MPA