

## THE PUNJAB LAND REFORMS RULES, 1977

In exercise of the powers conferred by Section 21 of the Land Reforms Act, 1977 (Act No. II of 1977) and with the approval of the Government, the Punjab Land Commission 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, 1977.

(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 meaning hereby respectively assigned to them, that is to say:-

(a) "Act" means the Land Reforms Act, 1977 (Act No. II of 1977);

(b) "Chief Land Commissioner" means a member of the Commission nominated to be Chief Land Commissioner by the Commission under subparagraph (4) of paragraph 4 of the Land Reforms Regulation, 1972 and shall include any person for the time being functioning as such;

(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; and

(f) "Officer" means an officer appointed by the Commission and includes a 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, an Assistant Land Commissioner, and a Sub-Assistant Land Commissioner.

(2) Words and expressions used but not defined shall bear the same meanings as are assigned to them in the Act.

### 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 Act and the Rules, as he may consider necessary or expedient for giving effect to the provisions and purposes of the Act and / or for the proper discharge of functions by all the authorities and the officers appointed under the Act, including himself.

(2) Subject to the provisions of the Act and these 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 Act, 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 Act 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 the purposes of implementation of the Act, to himself or 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 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.

(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. Powers of the Land Commission Officers as a Civil Court.-** (1) Every officer exercising his functions under the Act 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;
- (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 Act 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 Act and in accordance with these 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 Act shall be drawn up and certified 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 Officers.-** Appearance before an officer exercising his functions under the Act 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 pardanshin 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) Unless otherwise provided in the Act, any person aggrieved by an order made under the provisions of the Act, 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 Commission 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.

<sup>1</sup>[**12. Review.-** (1) Except in a case or class of cases where direction for review under Section 24 of the Act is received from the Federal Government, or where it is necessary to correct an arithmetical or clerical mistake or an accidental slip or omission apparent on the face of record in his own order, no officer of the Commission shall exercise the power of review.

(2) An order shall not be modified or reversed on review under sub-rule (1) unless a reasonable notice has been given to the parties affected thereby to appear and be heard.

(3) No appeal shall lie against an order passed on review.]

**13. Revision.-** (1) The Chief Land Commissioner may, at any time, of his own motion or on an application made to him in that behalf within twenty days from the date of the impugned order call for the record of any case or proceeding under the Act which is pending

<sup>1</sup> Substituted by Punjab Land Commission Notification No.LH-1-2278-77/2169-LC, dated 21<sup>st</sup> June, 1977.

before any officer or in which any officer 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 as he may deem fit.

(2) An Additional Chief Land Commissioner may, at any time, 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 Sections 15 and 16 of the Act call for the record of any case or proceeding under the Act in which a Land Commissioner or Deputy Land Commissioner has made an order pertaining to grant of land under the said Sections 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) A Land Commissioner may, at any time, 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 Act 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.

(4) The Chief Land Commissioner, an Additional Chief Land Commissioner, a Land Commissioner or any officer 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), (2) and (3) 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 and the Act, any order made under the Act shall be final and shall not be questioned in any court.

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