

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th January, 2020

No. LD/Legis-Act/53-65/2020. The following Act of Assembly received the assent of the President on the 3rd day of January 2020, is hereby published for general information.

(ACT V OF 2020)

An
Act
further to amend the West Pakistan Land Revenue Act, 1967

WHEREAS it is expedient further to amend the West Pakistan

Land Revenue Act, 1967 (XVII of 1967), as in force in Azad Jammu and Kashmir;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the West Pakistan Land Revenue (Amendment) Act, 2019.
(2) It shall come into force at once.

2. Amendment of Section 4, Act XVII_of 1967.- In the West

Pakistan Land Revenue Act, 1967 (XVII of 1967), as in force in Azad Jammu and Kashmir, hereinafter referred to as the said Act, in Section (2), after sub-section (23) following new sub-sections shall be added:-

“(23-A) “Service Centre” means the Computerized Service Centre established by the Board of Revenue;

(23-B) “Service Centre Official” means a person appointed as the Service Centre Official;”

3. Addition of new Sections 41-A and 41-B,Act XVII of 1967.—
In the said Act, after Section 41 following new Sections 41-A and 41-B shall be added:-

“41-A. Preparation of computerized records.— (1) The Board of Revenue shall cause to be prepared, in computerized

form, the latest edition of the periodical record of an estate and if no such record exists, the latest edition of the record-of-rights of the estate.

(2) The Board of Revenue shall, by notification, specify a date for the commencement of the operation of

computerized edition of record-of-rights, of an estate or a group of estates.

(3) The Board of Revenue shall by notification prohibit preparation of prescribed record of an estate under Section 41 from a specified date.

41-B. Computerized edition of periodical records.— (1) The Collector shall cause to be prepared periodically, as the Board of Revenue may direct, a computerized edition of their record-of-rights of an estate or group of estates as amended from time to time in accordance with the provisions of this Chapter, which shall be called periodical record for an estate and shall comprise the statements mentioned in clause (a) of sub-section(2) of Section 39.

(2) The Collector shall cause to be maintained, in computerized form, record of mutations in an estate or group of estates and other documents, as may be Prescribed."

Amendment of Section 42, Act XVII of 1967.-In the said Act, in Section 42, following amendments shall be made:-

(a) In sub-section (1), the words "Any person" occurring in the beginning shall be substituted by the words and comma "Subject to the other provisions of this Chapter, a person;"

(b) after sub-section (1), the following sub-sections (1-A), (1-B) and (1-C) shall be inserted:-

"(1-A) 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, may report his acquisition of such right to the Service Centre Official of the estate, if the report is made within one year or the earlier date as may be notified by the Board of Revenue after the commencement of operation of the Service Centre of the estate.

(1-B) The Service Centre Official shall enter the report in the prescribed manner and supply a copy of the entry to the person making the report, free of cost.

(1-C) The Service Centre Official shall deliver a copy of the report to the Patwari of the estate in the manner as may be prescribed and the Patwari shall record the report in the Roznamicha."

Addition of new Section 42-A, Act XVII of 1967.— In the said Act, after Section 42 following new Section 42-A shall be added:-

“42-A. Report at Service Center of acquisition of rights — (1) After the date specified in sub-section (1-A) of Section 42, 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, make a report to the Service Center Official at the Service Center 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 Centre Official.

(3) The Service Centre Official shall enter the report in the prescribed manner and supply a copy of the entry to the person making the report, free of cost.

(4) The Service Centre Official shall deliver a copy of the report to the Patwari of the estate in the manner as may be prescribed and the Patwari shall, in the prescribed manner, submit the report to the Revenue Officer.

(5) The Revenue Officer shall, after enquiry into the correctness of the entries in the report and any other acquisition of any right in an estate report of which should have been made to the Service Centre Official, make such order as he thinks fit with respect to any entry in the computerized periodical record relating to the right acquired.

(6) Except in cases of inheritance or where the acquisition of the right is by a registered deed or by or under an order or decree of a Court, the Revenue Officer shall make the order under sub-section (5) in the presence of the person whose right has been acquired, after such person has been identified by two respectable persons, preferably from Lambardars or elected members of the local government whose signatures or thumb impressions shall be obtained by the Revenue Officer on the report.

(7) An inquiry or an order under sub-section (5)

shall be made in the common assembly in the estate to which the acquisition of right relates.

(8) Where a Revenue Officer makes an order under sub-section (5), the Service Centre Official shall enter the same in the computerized periodical record.

(9) The Revenue Officer shall, by his electronic signatures, authenticate the entry made by the service Centre Official under sub-section (8).

(10) =‘ The Service Centre Official shall send in the prescribed manner, the gist of an order made by a Revenue Officer under sub-section (9), to the person whose right is acquired.’

Substitution of Section 43, Act XVII of 1967.— In the said Act, for Section 43 following shall be substituted:-

“43,

Making of that part of periodical records which relate_to_other_persons.(1) The acquisition of any interest in land other than a right referred to in sub-section (1) of Section 42 shall,—

(a) if it is undisputed, be recorded by the Patwari in the prescribed manner; and

(b) if it is disputed, be entered by the Patwari in the register of mutations and dealt with, in the manner provided for in sub-sections (6) to (11) of that Section.

(2) If a person acquires an interest in land other than a right referred to in sub-section (1) of Section 42-A,-

(a) the Patwari shall record the interest and send the record to the Service Centre Official in the prescribed manner; and

(b) the Service Centre Official shall enter the record in the computerized land records in the manner, as may be prescribed.”

Substitution of Section 45, Act XVII of 1967.- In the said Act,

for Section 45 following shall be substituted:-

“45.

Restriction on variations of entries in record.- Entries in a record-of-rights or in a periodical record, except

entries made in periodical records with respect to
undisputed acquisition of interest under Section 43, shall
not be varied in subsequent records otherwise than by,-

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(a) making entries in accordance with facts proved or admitted to have occurred;

(b) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties; and

(c) making new maps where it is necessary to make them.”

Substitution of Section 48, Act XVII of 1967.- In the said Act, for Section 48 following shall be substituted:-

“48. Penalty.- (1) Subject to sub-section (2), a person who neglects to make, within three months from the date of his acquisition of a right referred to in Section 42 or Section 42-A, the report required to be made or who fails 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 five hundred rupees.

(2) If a person acquires the right through a registered document, the registering authority shall, in the prescribed manner, make a report of the acquisition of the right to the Patwari or the Service Centre Official.”

Amendment of Section 55, Act XVII of 1967.-In the said Act, in Section 55,-

(a) in clause (d), the word “and” occurring at the end shall be omitted;

(b) in clause (e), the full stop at the end shall be substituted by the semi colon and the word “and” shall be inserted thereafter; and

(c) after clause (e), the following clause (f) shall be inserted:-

“(f) for reporting, preparation, authentication, revision and correction of computerized land records.”

Addition of new Sections 142-A, 142-B & 142-C, Act XVII of 1967.— In the said Act, after Section 142, the following new Sections 142-A, 142-B & 142-C shall be added:-

“142-A. Time limit for decision of partition cases— (1) The Revenue Officer shall decide the case of partition within

a period of one hundred and eighty days from the date of application for partition.

(2) If the Revenue Officer, for reasons beyond his control, is unable to decide the case of partition within the time stipulated in sub-section (1), he shall submit the case, with reasons, to the District Collector, fifteen days prior the expiry of that period, for extension of the period.

(3) The District Collector may, in an exceptional case and for reasons to be recorded, grant one time extension of time for decision of a partition case for a period not exceeding sixty days subject to such conditions as he may deem appropriate to impose for expeditious disposal of the case.

(4) In case the Revenue Officer is required to decide the question of title in the partition proceedings under Section 141, an additional period of ninety days shall be deemed to have been added to the period mentioned in sub-section (1).

(5) If the Revenue Officer fails to decide a partition case within the period specified in this Section or contravenes any condition imposed by the District Collector, he shall be liable to disciplinary action in accordance with law.

(6) Where application for partition of land is allowed, subject to other provisions of this chapter, instrument of partition shall be issued within a period of ninety days from the date of decision of the partition.

Limitation for disposal of appeal, review or revision regarding partition cases.— (1) Every appeal, review or revision filed against any order passed by Revenue officer in his original jurisdiction for partition of land under this chapter shall be disposed of within a period of one hundred and twenty days from the date of institution thereof.

(2) In case an appeal or review or revision petition is not disposed of within the period as stipulated under the preceding sub-section, Board of Revenue shall have power to extend the limitation for a maximum period of forty-five days which shall be observed stringently by the presiding officer.

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142-C. Time limit for pending cases.— (1) The Revenue Officer shall decide the case of partition of land holding pending adjudication with him at the time of commencement of this Section within one hundred and eighty days reckoned from the date of commencement of this Section.

(2) All other provisions of Section 142-A and 142-B of the said Act, shall, as far as possible, apply to the pending cases of partition mentioned in sub-section (1)."

Omission of Section 150-A, Act XVII of 1967.-In the said Act, Section 150-A shall be omitted.

Amendment of Section 176, Act XVII of 1967.- In the said Act, in Section 176, for sub-section (2) following shall be substituted:-

"Q) A Village Officer shall, with respect to any record or paper in his custody be deemed, for the purposes of the Qanun-e-Shahadat Order, 1984 (P.O. No. X of 1984), as in forced in Azad Jammu and Kashmir, to be public officer having the custody of a public document which any person has a right to inspect."

Amendment of Section 177, Act XVII of 1967.- In the said Act, in Section 177, the full stop at the end shall be substituted by a colon and thereafter the following proviso shall be inserted:-

"Provided that the Board of Revenue, a Service Centre Official, or an officer authorized by the Board of Revenue, shall issue a copy or an extract of the computerized land record in the prescribed manner and the Patwari of an estate shall not, after the expiry of the date under sub-section (1-A) of Section 42, issue a copy or an extract of a land record which has _ been computerized."

Sd/-

(Gulfraz Ahmed Khan)
Section Officer (Legislation)