

# The Gazette of West Pakistan

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, DECEMBER 14, 1965

GOVERNMENT OF WEST PAKISTAN

## LAND AND WATER DEVELOPMENT DEPARTMENT

## NOTIFICATION

The 7th December 1965

No. Admn-10(1)65/3928—In exercise of the powers conferred by sub section (4) of section 38 of the Soil Reclamation Act, 1952 (Punjab Act XXI of 1952), the Governor of West Pakistan is pleased to frame the following rules for the levy and recovery of reclamation fee:—

## WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD RECLAMATION (FEE) RULES, 1965

1. *Short title, extent and commencement*—(1) These rules may be called the West Pakistan Land and Water Development Board (Reclamation Fee) Rules, 1965.

(2) They shall apply to land comprised in such Schemes, sanctioned under the Soil Reclamation Act, 1952, as may be notified by Government from time to time.

(3) They shall come into force at once.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

- (i) "Act" means the Soil Reclamation Act, 1952 (Punjab Act XXI of 1952);
- (ii) "culturable commanded area" means the area within a canal system which can be irrigated by gravity from the canals;
- (iii) "date of commencement of the scheme" means such date as may be fixed by the Board in this behalf;
- (iv) "Divisional Canal Officer" means an officer exercising control over a Division of a Canal and includes an officer appointed under the canal and Drainage Act, 1873 or the Sind Irrigation Act, 1879 to exercise all or any of the powers of a Divisional Canal Officer;
- (v) "Land revenue" means land Revenue assessed under the law applicable to the area;
- (vi) "Owner of land" includes a lessee, a tenant of Government land who has not acquired proprietary rights therein and an allottee, whether provisional or permanent of land under the law for the rehabilitation of refugees for the time being in force;
- (vii) "Project Director" means an Officer appointed by the Board who is overall incharge of operations under the scheme;
- (viii) "Statement of demand" means a statement of demand prepared under rule 5.

3. A reclamation fee shall be levied on all culturable commanded area at such rates as may be notified by Government from time to time.

4. The reclamation fee shall be paid by the owner of the land;

(6047)

Provided that when the land is mortgaged with possession, the reclamation fee shall be paid by the mortgagee and the fee so paid shall be deemed to be part of the mortgage money but shall carry no interest.

5. The Divisional Canal Officer shall prepare a statement of demand in Form L&WDB (RF) No. 1, showing the name, parentage, caste and residence of the assessee, full particulars of the land in respect of which the reclamation fee has been levied and the amount which he is liable to pay.

6. (1) A copy of the statement of demand together with a notice of the place where its original or authentic copy may be inspected and of the date or dates (which shall not be earlier than thirty days from the date of such notice) and the place at which objections thereto will be heard, shall be displayed for a period of not less than thirty days on a conspicuous place in the offices of the Divisional Canal Officer, the Project Director, the Tehsildar /Mukhtiarkar and the Union Councils within whose jurisdiction the land to which the statement pertains is situated.

(2) A copy of the notice referred to in sub-rule (1) shall be published-

(a) by beat of drums in the locality where the land to which the statement of demand pertains is situated, and

(b) in at least one English and one Vernacular daily newspaper having adequate circulation in the area where the land to which the statement of demand pertains is situated.

(3) The statement shall be open to inspection by the owner of the land included in this statement or his duly authorized agent at the office of the Divisional Canal Officer during office hours and he shall be permitted to make extracts from it.

(4) No fee shall be charged for any such inspection.

7. (1) Any person feeling aggrieved by a statement of demand may, within thirty days from the date of publication thereof, prefer objection thereto to the Divisional Canal Officer, who may, after hearing the objections and making such enquiry as he may consider necessary, reject the objections or accept them and cancel or modify the statement of demand:

Provided that the Divisional Canal Officer may extend the period with which objections may be filed by a period not exceeding thirty days, if the person making the objections satisfies him that he was prevented by reasons beyond his control, from making the objections within the prescribed period.

(2) The objections under sub-rule (1) shall be preferred by means of a written memorandum, on plain judicial paper, stating briefly the grounds of objection.

(3) The objections filed under sub-rule (1) shall be entered in a register in Form L&WDB (RF) No. 2 maintained for the purpose.

8. (1) On the date or dates fixed for the hearing of objections made under rule 7 on dates to which the proceedings may be adjourned, the Divisional Canal Officer shall proceed to dispose of the objections as expeditiously as possible.

(2) The Divisional Canal Officer shall allow to the objector and any other person, who in his opinion, is likely to be directly interested in the result of the objection, an opportunity of being heard in person or through his authorised agent.

(3) The Divisional Canal Officer may, at his discretion, hear and record such oral or documentary evidence as he may consider relevant to the enquiry or necessary for the disposal of objections.

(4) When an objection has been disposed of, the order passed thereon shall be recorded together with the date of such order in the register in Form L&WDB(RF) No. 2.

9. (1) The decision of the Divisional Canal Officer on the objections made under rule 7 shall be incorporated in the statement of demand which shall be authenticated by the said officer.

(2) The Divisional Canal Officer shall also append a certificate to the statement to the effect that it has been duly amended so far as it was necessary to do so in the light of the orders passed under rule 8.

10. (1) Any person feeling aggrieved by an order passed by the Divisional Canal Officer under rule 8, may, within thirty days from the date of such order, prefer an appeal to the Project Director, who may, after hearing the appellant, pass such order as he may deem fit.

(2) An appeal under sub-rule (1) shall be preferred by means of a memorandum, shall be accompanied by a certified copy of the order appealed against, and be presented by the appellant in person, or through his duly authorised agent or be sent by registered post.

(3) The appeal shall be decided after due notice to the Divisional Canal Officer and consideration of any representation that may be made by him, and after an opportunity has been given to the appellant and such other persons as in the opinion of the Project Director may directly be interested in the result of the appeal, of being heard in person or through a duly authorised agent.

(4) The statement of demand shall be modified by the Divisional Canal Officer, if necessary, in the light of the order passed by the Project Director, under sub-rule (3).

11. (1) After expiry of the period fixed for the receipt of objections, or where objections or an appeal has been preferred after the final disposal thereof, a statement of accounts in Form L&WDB (RF) No. 3 shall be prepared in respect of each person from whom the reclamation fee is due and shall be served on him in the manner prescribed in section 54 of the Act.

(2) The Divisional Canal Officer shall forward a certified copy of the statement of demand as modified under sub-rule (1) of rule 9 and sub-rule (4) of rule 10 to the Collector of the district for recovery as arrears of land revenue.

12. (1) The reclamation fee shall be payable in eight equal half-yearly instalments commencing from such date as may be fixed by the Project Director :

Provided that no recovery shall be made during the first two years from the date of commencement of the scheme.

(2) If any instalment is not paid on the date on which it becomes due, simple interest on the amount of that instalment at the rate of six per cent per annum shall be charged :

Provided that no interest shall be levied on any instalment the payment whereof has been deferred by the Board.

13. The Board may exempt any particular site or class of sites from the operation of these rules having regard to the character of the soil, the size of the holding or the purpose for which it is being or is likely to be used.

A. H. QURAISHI

Secretary to Government of West Pakistan,  
Land and Water Development Department.

FORM L. AND W. D. B. (RF) NO. 1

[See RULE 5]

WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD

STATEMENT OF DEMAND OF RECLAMATION FEE

Village/Deh \_\_\_\_\_, Tehsil, Taluka \_\_\_\_\_ District \_\_\_\_\_

| Serial<br>No. | Name, parentage, caste<br>and residence of the<br>owner | *CULTURABLE COM-<br>MANDED AREA |      | Total area<br>of the<br>owner | Rate of recla-<br>mation fee<br>per acre | Total recla-<br>mation fee<br>payable | No. of<br>instalments | Dates when<br>instalments<br>due | Amount of<br>each<br>instalment | REMARKS |
|---------------|---------------------------------------------------------|---------------------------------|------|-------------------------------|------------------------------------------|---------------------------------------|-----------------------|----------------------------------|---------------------------------|---------|
|               |                                                         | Khasra                          | Area |                               |                                          |                                       |                       |                                  |                                 |         |
|               |                                                         | Survey<br>No.                   |      |                               |                                          |                                       |                       |                                  |                                 |         |
| 1             | 2                                                       | 3                               | 4    | 5                             | 6                                        | 7                                     | 8                     | 9                                | 10                              | 11      |

\*See rule 2 (ii).

FOR W. AND D. W. D. B. (F) NO. 2

[See Rule 7 (3) AND 8 (4)]

WEST PAKISAN LAND AND WATER DEVELOPMENT BOARD

REGISTER OF OBJECTION APPLICATIONS ON THE STATEMENT OF DEMAND

Village/Deh-----, Tehsil/Taluka-----, District-----.

| Serial<br>No. | Name of applicant | Date of receipt | Gist of objections | Date of decision | Gist of decision | REMARKS |
|---------------|-------------------|-----------------|--------------------|------------------|------------------|---------|
| 1             | 2                 | 3               | 4                  | 5                | 6                | 7       |

THE GAZ. OF WEST PAK. (EXTNRY.), 1965, 14, 1965 0051

FORM L AND W. D. P. (RF) NO. 3

[See Rule II (1)]

## WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD

## STATEMENT OF ACCOUNT

| Serial No. | Name and parentage of assessee | Name of Village/Dob, Tehsil/Talukha and District | Area | Total amount of reclamations fee payable | No. of instalments | Dates when instalments due | Amount of each instalment | Remarks |
|------------|--------------------------------|--------------------------------------------------|------|------------------------------------------|--------------------|----------------------------|---------------------------|---------|
| 1          | 2                              | 3                                                | 4    | 5                                        | 6                  | 7                          | 8                         | 9       |
|            |                                |                                                  |      |                                          |                    |                            |                           |         |