

# THE PUNJAB LAND RECORDS AUTHORITY ORDINANCE 2016

(XVIII OF 2016)

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## TEXT

### **<sup>1</sup>THE PUNJAB LAND RECORDS AUTHORITY ORDINANCE 2016**

**(XVIII of 2016)**

*[11 November 2016]*

**An**

#### **Ordinance**

*to provide for the establishment of the Punjab Land Records Authority for reform and modernization of the system of land records.*

It is necessary to establish the Punjab Land Records Authority to reform and modernize the system of land records, to improve the land records service delivery; to contribute to long lasting tenure security; and, to deal with ancillary matters.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

#### **CHAPTER I**

##### **PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Ordinance may be cited as the Punjab Land Records Authority Ordinance 2016.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

**2. Definitions.**— (1) In this Ordinance:

- (a) “Arazi Record Center” means an office, service center or facility established or notified in terms of section 17 of the Ordinance;
- (b) “Assistant Commissioner” means an officer of the Government appointed as Assistant Commissioner under section 10 of the Punjab Land Revenue Act, 1967 (*XVII of 1967*);
- (c) “Assistant Director Land Records” means an employee of the Authority designated as such at an Arazi Record Center and includes such other employee as the Director General may designate to act as Assistant Director Land Records;
- (d) “Authority” means Punjab Land Records Authority established under section 3 of the Ordinance;
- (e) “Board” means the Board constituted under section 6 of the Ordinance;

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<sup>1</sup>This Ordinance was promulgated by the Governor of the Punjab on 11 November 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 11 November 2016, pp. 2615-2622.

- (f) "Board of Revenue" means Punjab Board of Revenue established under the Punjab Board of Revenue Act, 1957 (*XI of 1957*);
- (g) "Chairperson" means the Chairperson of the Board;
- (h) "Commissioner" means an officer of the Government appointed as Commissioner under section 8 of the Punjab Land Revenue Act, 1967 (*XVII of 1967*);
- (i) "Director General" means a person appointed as Director General under section 9 of the Ordinance;
- (j) "District Collector" means an officer of the Government appointed as the Collector of the District under section 8 of the Punjab Land Revenue Act, 1967 (*XVII of 1967*);
- (k) "employee" means any person in the employment and service of the Authority;
- (l) "Fund" means the Punjab Land Records Authority Fund established under section 21 of the Ordinance;
- (m) "Government" means Government of the Punjab;
- (n) "Land records" includes any information in electronic, digital or computerized form in relation to land or buildings;
- (o) "Land Record Officer" means an employee of the Authority designated as such for an Arazi Record Center and includes such other employee as the Director General may designate to act as Land Record Officer;
- (p) "member" means a member of the Board;
- (q) "prescribed" means prescribed by the rules or regulations;
- (r) "PMU" means the Project Management Unit, Land Records Management and Information Systems, Board of Revenue, Punjab;
- (s) "regulations" mean the regulations made under the Ordinance; and
- (t) "rules" mean the rules made under the Ordinance.

(2) A word or expression used in the Ordinance but not defined shall have the same meaning as assigned to it under the Punjab Land Revenue Act, 1967 (*XVII of 1967*) or the rules made under that Act.

## CHAPTER II

### PUNJAB LAND RECORDS AUTHORITY

**3. The Authority.**— (1) The Government shall, by notification, establish an Authority to be called the Punjab Land Records Authority for carrying out purposes of the Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into agreements, acquire and hold property, both moveable and immoveable, and may, by the said name, sue and be sued.

**4. Principal Office.**— The principal office of the Authority shall be at Lahore, and it may establish regional offices at such other place or places in the Punjab as it deems appropriate.

- 5. Functions of the Authority.**— (1) The Authority shall:
- (a) frame policies for implementing the Ordinance;
  - (b) manage, update and maintain land records;
  - (c) formulate strategies, policies and plans for the management of land records;
  - (d) provide efficient and prompt services to the public;
  - (e) develop a human resource management system for effective discharge of the functions under the Ordinance;
  - (f) advise the Government on matters relating to improvement and modernization of land records management;
  - (g) manage technical cooperation and coordination with other Government departments, including foreign organizations and international inter-governmental organizations, on its own or on behalf of the Government;
  - (h) lay down the administrative, financial, legal and technical framework including the information technology based land records management and related services;
  - (i) recommend to the Government draft policies and procedures for coordination with all other Government departments, including the Board of Revenue, for smooth operation of the activities under the Ordinance;
  - (j) explore new revenue models and sources of revenue for provision of services under the Ordinance;
  - (k) provide for the computerization of the record-of-rights or part thereof or any other land related document, preparation of the computerized land record and its maintenance, in respect of each estate, in collaboration with the Board of Revenue;
  - (l) establish Arazi Record Centers, maintain and operate such Centres and provide for monitoring the performance of Arazi Record Centers;
  - (m) co-ordinate with the Board of Revenue for preparation of computerized land record of any area in respect of which no record-of-rights exist or the existing records-of-rights require special revision;
  - (n) prescribe, receive, deposit, utilize and refund fees and charges;
  - (o) execute, administer and monitor contracts of any nature;
  - (p) pass its annual budget containing the estimated receipts and expenditures;
  - (q) appoint independent auditors to undertake the audit of accounts of the Authority;
  - (r) enter into public private partnership arrangements for purposes of carrying out any of its functions and activities;
  - (s) designate any place or facility for provision of land records or part thereof; and
    - (t) perform such other functions as are incidental or consequential to any of the aforesaid functions.

### **CHAPTER III**

#### **ADMINISTRATION OF AUTHORITY**

- 6. The Board.**— (1) The management and administration of the Authority shall

vest in the Board and the Board may perform functions of the Authority by itself or through the employees of the Authority as may be prescribed.

(2) The Board shall consist of the Chairperson who shall be appointed by the Chief Minister and the following members:

- |     |   |         |
|-----|---|---------|
| (a) | Senior Member, Board of Revenue;                    | Member  |
| (b) | Member (Taxes), Board of Revenue;                   | Member  |
| (c) | all Commissioners;                                  | Members |
| (d) | Director General; and                               | Member  |
| (e) | five members to be nominated by the Chief Minister; | Members |

(3) The Director General shall act as Secretary of the Board.

(4) The tenure of members, other than *ex officio* members, shall be three years, unless sooner terminated under section 8 of the Ordinance.

(5) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy or defect in the constitution of the Board.

(6) The Chief Minister may alter or modify the composition of the Board.

**7. Meetings of the Board.**— (1) The meetings of the Board shall be presided over by the Chairperson or in his absence by a member nominated by the Chairperson, or if no such nomination is made, by a member elected for that meeting by the members present.

(2) Seven members of the Board shall constitute the quorum for a meeting of the Board.

(3) Subject to subsection (4), the meetings of the Board shall be held at such time and place as the Chairperson may determine.

(4) The Director General shall call a meeting of the Board as and when directed by the Chairperson or on a request in writing by at least one third of the members of the Board or on receipt of any reference from the Government for placing the matter before the Board.

(5) The Board shall take decision by majority of its members present and voting and, in case of a tie, the person presiding the meeting shall have a casting vote.

(6) The Director General shall maintain a record of the minutes of all the meetings highlighting the proceedings and the decisions taken by the Board.

(7) The Director General shall submit the minutes of a meeting to the person who presided that meeting for approval.

**8. Removal of members.**— (1) The Chief Minister may remove a member, other than *ex officio* member, if he:

- (a) is declared by the court as an insane person; or
- (b) is found guilty of misconduct or found acting against the interest of the Authority; or
- (c) is convicted by a court on charges of corrupt practice, moral turpitude or misuse of power or authority under any law; or
- (d) is absent from three consecutive meetings of the Board and is unable

- to justify his absence; or
- (e) is recommended to be removed by at least three fourth of the total members of the Board.
- (2) A member may resign by tendering resignation in writing to the Board.

**9. Director General.**– (1) There shall be a Director General of the Authority who shall be appointed by the Chief Minister.

(2) The Director General shall, unless sooner removed or repatriated in the prescribed manner, hold office for three years or for such further period as the Chief Minister may, on the recommendations of the Board, determine.

(3) The Director General shall be paid such remuneration and allowances and shall be entitled to such privileges and facilities as the Board may determine but which shall not be less favourable than his emoluments in the basic pay scale prior to his appointment, and the same shall not be varied to his disadvantage during his term of office.

(4) The Director General shall be the Chief Executive Officer of the Authority and shall be responsible for the day to day administration of the affairs of the Authority and shall exercise such powers and functions as may be prescribed or assigned to him by the Authority.

**10. Appointment of officers and staff.**– (1) The Authority may appoint such employees as it considers necessary for the performance of its functions on such terms and conditions as may be prescribed.

(2) Subject to the terms and conditions of appointment, the Authority may, at any time, terminate the services of an employee by serving thirty days' prior notice or on payment of thirty days salary in lieu of the notice.

**11. Appointment by transfer.**– (1) The Government may, on the request of the Authority, transfer the services of an employee to the Authority on the terms and conditions which shall not be less favourable than those admissible to him immediately before his transfer to the Authority.

(2) An employee transferred under subsection (1) shall continue to be the employee of the Government, liable to be transferred back to the Government unless, with the consent of the employee and approval of the Government, he is absorbed in the service of the Authority in such manner and on such terms and conditions as may be prescribed.

**12. Delegation.**– The Board may, on such conditions and limitations as it may deem fit to impose, delegate any of the functions or powers of the Authority to a member, the Director General, or any of the employees of the Authority except the power to:

- (a) approve audited accounts of the Authority;
- (b) make, amend or repeal Regulations;
- (c) recommend the proposed rules;
- (d) approve the annual budget;
- (e) determine the terms and conditions of service of the Director General and other employees of the Authority; and

(f) appoint Directors and Additional Directors.

**13. Assignment of functions.**– The Authority may assign such functions and responsibilities to the Commissioners, District Collectors and Assistant Commissioners as it may deem necessary to fulfill the purposes of this Ordinance.

## CHAPTER IV

### LAND RECORDS AND ARAZI RECORD CENTERS

**14. Preparation of land record.**– The Authority shall, in the prescribed manner, prepare, amend and keep the land record.

**15. Documents included in land records.**– The Authority shall specify the documents forming part of record-of-rights which are to be computerized, and such computerization shall be done in such form and manner as may be prescribed.

**16. Presumption in favour of land records.**– The land records including the computerized land records managed and maintained by the Authority shall be presumed to be true until the contrary is proved or a new entry lawfully substituted thereof.

**17. Arazi Record Centres.**– (1) The Authority shall establish one or more Arazi Record Centres in each tehsil and may also designate any place or facility notified as such to provide such services as may be prescribed.

(2) The Authority may establish offices or deploy human resource for the transmission of land records maintained by any other body established under law.

**18. Mutation Fee and Charges.**– (1) The Authority may levy such fee or charges for provision of services as may be prescribed.

(2) The Authority may collect on behalf of the Government, authorities or other entities, such fee and charges as may be prescribed and shall transfer the amount so recovered to the Government, or as the case may be to the authorities or other entities.

## CHAPTER V

### APPEAL, REVIEW AND REVISION

**19. Appeal, Review and Revision.** The provisions of Chapter XIII of the Punjab Land Revenue Act, 1967 shall *mutatis mutandis* apply to an appeal, review or revision filed in respect of the Land Records prepared under this Ordinance.

**20. Correction and Updation of the Land Records.**– Any correction or updation required to be incorporated in the Land Records shall be made and incorporated under the orders of relevant authorities and in the manner provided under different enactments, rules and regulations relating to the correction and updation of the land records promulgated, approved and issued by the Competent Authorities as envisaged under the relevant provisions of the law, rules and regulations related to Land Records.



## CHAPTER VI

### FINANCIAL PROVISIONS

**21. Fund.**— (1) The Authority shall establish a Fund to be known as the Punjab Land Records Authority Fund which shall vest in the Authority.

(2) The Fund shall consist of:

(a) budgetary releases from the Government;

(b) grants made by the Government;

(c) moneys received from the Federal Government or any other agency by way of grants;

(d) donations by persons or association of persons;

(e) fees or charges collected and profits earned by the Authority;

(f) all other sums which may in any manner become payable to or vested in the Authority; and

(g) revenue from any other source.

(3) The Authority shall keep, maintain and spend the Fund in the prescribed manner.

(4) In case of any surplus amount in the Fund, the Board may invest any amount in such manner as may be prescribed.

**22. Budget.**— The Director General shall prepare or cause to be prepared the annual budget consisting of the expected income and expense for the ensuing financial year and submit it to the Board, in such form and manner as may be prescribed, for approval.

**23. Accounts and Audit.**— (1) The Authority shall maintain proper accounts and other records relating to its financial affairs including, its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(2) After the end of a financial year, the Authority shall prepare the statements of account which shall include a balance-sheet and an account of income and expenditure during the last financial year.

(3) The Authority shall maintain on regular basis a list of all its assets till the date of closing of the financial year.

(4) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(5) The Government may, in addition to the audit under subsection (4), cause the accounts of the Authority to be annually audited by a Chartered Accountant or a firm of Chartered Accountants and, at any time, appoint a Chartered Accountant or a firm of Chartered Accountants, to conduct an additional external audit of the accounts of the Authority and submit its report to the Government.

(6) The Authority shall produce all books of accounts and documents and furnish such explanation and information as an auditor may require for purposes of audit.

**24. Bank Accounts.**— The Authority may open and maintain its accounts in a scheduled bank as may be prescribed, and until so prescribed, as the Authority may

determine.

## CHAPTER VII

### MISCELLANEOUS

**25. Public servants.**— The Chairperson, members, Director General, Additional Directors General, employees and other persons authorized to perform any function under the Ordinance or render services to the Authority as agents, advisors or consultants shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

**26. Indemnity.**— No prosecution, suit or other legal proceeding shall lie against the Authority, Chairperson, members, Director General, employees and other persons authorized to perform any function under the Ordinance or render services to the Authority as agents, advisors or consultants for anything done in good faith for carrying out the purposes of the Ordinance, rules or regulations.

**27. Directions by the Government.**— The Government may, from time to time, give such directions relating to policy matters to the Authority and the Authority shall implement the directions.

**28. Ordinance to override other laws.**— The provisions of the Ordinance shall have effect notwithstanding anything to the contrary contained in any other law.

**29. Rules.**— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Ordinance.

**30. Regulations.**— Subject to the Ordinance and the rules, the Authority may frame regulations to give effect to the provisions of the Ordinance.

**31. Succession.**— (1) On notification of the Authority;

- (a) All assets and properties in possession of the PMU shall stand transferred to the Authority;
- (b) All the Arazi Record Centers established for the land records by the PMU shall be deemed to have been established as Arazi Record Centers under the Ordinance;
- (c) The land records prepared and maintained by the PMU shall be deemed to have been prepared and maintained under the Ordinance;
- (d) all suits and other legal proceedings instituted by or against the PMU before its dissolution shall be deemed to be suits and proceedings by or against the Authority; and
- (e) notwithstanding anything contained in any other law or policy for the time being in force, all persons presently working in the PMU and at all Arazi Record Centers shall be deemed to be the employees of the Authority on the terms and conditions contained in their contracts, and shall be adjusted against positions created in the Authority, in the manner prescribed; and

(f) Assistant Director Land Records and Land Records Officer sanctioned in the Directorate of Land Records, Punjab shall stand transferred to the Authority on the same terms and conditions as envisaged in their contracts and shall be deemed to be adjusted against the positions created in the Authority and shall be eligible for all benefits in Authority available for similar or equal posts in the manner prescribed by the Rules.

(2) All orders, notifications, instructions or standard operating procedures in force pertaining to or in any way concerned with or affecting the PMU immediately before the establishment of the Authority, shall, so far as they are not inconsistent with any of the provisions of the Ordinance, continue to be in force until superseded by the rules or regulations.

(3) Notwithstanding the provisions of Punjab Rented Premises Act, 2009 (VII of 2009), all the immoveable properties including any site or building obtained on rent for purposes of the PMU shall be deemed to have been obtained in the name of the Authority, and the Authority shall be deemed to be the tenant of such premises and shall be liable to make payment of the agreed rent in terms of the relevant agreement.

**32. Removal of difficulties.**— If any difficulty arises in giving effect to or applying the provisions of the Ordinance or the rules, the Government may, within two years, make such order, not inconsistent with the Ordinance or the rules, as may be necessary for removal of such difficulty.