**CHAPTER-I**

**PRELIMINARY**

1. (1) This Act may be called the West Pakistan Land- Revenue Act, 1967.

(2) It extends to the whole of the 1

[Province of the Khyber

Pakhtunkhwa]

(3) It or any specified provision thereof shall come into operation in

such area or areas and on such date or dates as Government may, by

notification, appoint in this behalf.

Short title, extent

and

commencement.

2. (1) Should the circumstances of any area in which this Act, or any

specified provision thereof, has been brought into force be such that, in the

opinion of Government, that provision, or any other provision of the Act, is

unsuited thereto, Government may, by notification, except that area from the

operation of such provisions and thereupon those provisions shall not apply to

such area until the notification is rescinded.

Power to except

any area from

provisions

unsuited thereto.

(2) While such exception as aforesaid remains in force, Government

may frame rules for the regulation of the matters so excepted. So far as may be,

the rules shall be consistent with the provisions of this Act and shall specify the

period for which such exception shall remain in force.

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Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

3. (1) Except so far as may be necessary for the record, recovery and

administration of village-cess, or for purposes of survey, nothing in this Act

applies to land which is occupied as the site of a town or village, and is not

assessed to land-revenue.

Exclusion of

certain land

from operation

of this Act.

(2) It shall be lawful for the Collector acting under the general or special

orders of the Board of Revenue, to determine, for the purposes of this Act, what

lands are included within the site of a town or village, and to fix and from time

to time to vary the limits of the same, regard being had to all the subsisting right

of the landowners.

4. In this Act, unless there is anything repugnant in the subject or

context:—

Definitions.

(1) “agricultural year” means the year commencing on the first day of

July, or on such other date as the Board of Revenue, with the previous approval

of Government, may by notification, appoint for any specified area;

(2) “arrears of land-revenue” means land-revenue which remains unpaid

after the date on which it becomes payable;

(3) “assessment circle” means a group of estates which in the opinion of

the Board of Revenue, to be recorded in an order in writing, are sufficiently

homogeneous to admit of a common set of rates being used as a general guide in

calculating the land- revenue to be assessed upon them;

(4) “Board of Revenue” means the Board of Revenue established under

the West Pakistan Board of Revenue Act, 1957 (West Pakistan Act No. XI of

1957);

(5) “boundary mark” means any erection, whether of earth stone, or

other material, any hedge, unploughed ridge, or strip of ground, or other object

or mark, whether natural or artificial, set up, employed or specified by a

Revenue Officer having authority in that behalf in order to designate the

boundary of any division of land;

(6) “commencement” shall mean the day on which this Act or any

provision thereof, as the case may be comes into operation;

(7) “defaulter” means a person liable for an arrear of land revenue, and

includes a person who is responsible as surety for payment of the arrear;

(8) “encumbrance” means a charge upon or claim against land arising

out of a private grant or contract;

(9) “estate” means any area.—

(i) for which a separate record-of-rights has been made; or

(ii) which has been separately assessed to land-revenue; or

(iii) which the Board of Revenue may, by general rule or special

order, declare to be an estate;

(10) “holding” means a share or portion of an estate held by one landowner or jointly by two or more land-owners;

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[(10A) “irrigated land” means land irrigated by a canal, tubewell, well,

jhalar, karez, spring or by any other artificial means of irrigation;

(11) “Kanungo” shall be deemed to include a supervision Tapedar;

(12) “land-lord” means a person under whom a tenant holds land, and to

whom the tenant is, or but for a, special contract, would be liable to pay rent for

that land, and shall include a lessee of such person, and the predecessors and

successor-in-interest of such person;

(13) “land-owner” includes a person to whom a holding has been

transferred, or an estate or holding has been let in farm, under this Act, for the

recovery of an arrear of land-revenue or of a sum recoverable as such an arrear

and any other person who is in possession of an estate or any share or portion

thereof, or in the enjoyment of any part of the profits of an estate, but does not

include a tenant;

(14) “land-revenue” means land-revenue assessed or assessable under

this Act, or under any other law for the time being in force relating to landrevenue, and includes any rates imposed on account of increase in the value of

and due to irrigation;

(15) “legal practitioner” means any legal practitioner within the meaning

of the Legal Practitioners Act, 1879 (Act No. XVIII of 1879), except a Mukhtar:

(16) “net assets” of an estate or group of estates means the estimated

average annual surplus produce of such estate or group of estates remaining

after deduction of the ordinary expenses of cultivation as ascertained or

estimated.

1 Added vide Khyber Pakhtunkhwa Act, No. I of 1976.

Explanation— Ordinary expenses of cultivation include payments, if

any, which the land-owner customarily bears, whether in kind or in cash, and

whether in whole or in part in respect of—

(a) water rates.

(b) maintenance of means of irrigation,

(c) Maintenance of embankments

(d) supply of seed,

(e) supply of manure,

(f) improved implements of husbandry,

(g) concessions with regard to fodder,

(h) special abatements made for fallow or bad harvests,

(i) cost of collection of rent.

(j) allowance for shortage in collection of rent,

(k) interest charges payable in respect of advances made in cash, free of

interest, to tenants for the purpose of cultivation,

(l) wages or customary dues paid to village auxiliaries whose products

or labour are utilized for the purposes of cultivation and harvesting;

and the share that would be retainable by a tenant if the land were

let to a tenant paying rent, whether in cash or in kind, at the normal

rate actually prevalent in the estate or group of estates;

(17) “Patwari” shall be deemed to include a Tapedar and a Special or

Additional Tapedar;

(18) “pay” with its grammatical variations and cognate expressions,

includes, when used with reference to rent, deliver and render, with their

grammatical variations and cognate expressions;

(19) “prescribed” mean prescribed by rules made under this, Act;

(20) “rates and cesses” means rates and cesses which are primarily

payable by land-owners, and include—

(a) the local rate, if any, payable under any law for the time being

in force, and any fee similarly leviable from land-owners for

the use of, or benefit derived from, embankments and works

for supply or storage of water for agricultural purposes and for

the preservation and reclamation of soil and drainage and

reclamation of swamps;

(b) any annual rate chargeable on owners o land under any law

for the time being in force for the benefit-derived from

drainage works carried on for the public health, or for the

improvement of land or for the proper cultivation or irrigation

thereof, or for the protection from floods or other

accumulations of water, or from erosion by a river:

(c) village officers cess; and

(d) any sum payable on account of village expenses;

(21) “rent” means whatever is payable to a land-lord in money or kind

by a tenant on account of the use or occupation of land held by him, but shall

not include any cess, or other contribution or due or any free personal service;

(22) “Revenue Court” means a Court constituted as such under the law

relating to tenancy as in force for the time being;

(23) “Revenue Officer” means a Revenue Officer having authority under

this Act to discharge the function of a Revenue Officer;

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[(23A.) “Service Delivery Centre” means the Service Delivery Centre

establishment by the Board of Revenue to update or amend land records through

digitized processes, and provide digitized land records to general public;

(23B.) “service delivery centre official” means an official, who provides

services in the Service Delivery Centre]

(24) “survey mark” means any mark set up by the Department of Survey

of Pakistan;

(25) “survey number” or “Khasra number” means a portion of land of

which the area, is separately entered under an indicative number in the recordof-rights;

(26) “tenant” means a person who holds land under another person, and

is, or but for a special contract would be, liable to pay rent for that land to that

other person, and includes the predecessors and successors-in-interest of such

person, but does not include—

(a) a mortgage of the rights of a land-owner :

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Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

(b) a person to whom a holding has been transferred, or an estate

or holding has been let in farm, under the provisions of this

Act, for the recovery of an arrear of land-revenue or of a sum

recoverable as such an arrear; or

(c) a person who takes from Government a lease of unoccupied

land for the purpose of subletting it;

(27) “tenancy” means a parcel of land held by a tenant under one lease

or one set of conditions;

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[(27-A) “unirrigated land” means land other than irrigated land, and

includes land fed by rains, floods, hill torrents and uncultivable or waste land;]

(28) “Village Officer means any person appointed under this Act whose

duty it is to collect or to supervise the collection of the revenue of an estate, and

includes Kanungos, Patwaries, 2

[“Service Delivery Centre official,”] Zabits

kotars or Tapedars, Peons, Arbabs, Rais and Headmen (Lambardars).

**CHAPTER-II**

**DIVISIONS AND DISTRICTS.**

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[5. Province to be divided into Divisions.— There shall be as many

Divisions in the Province, with such limits and such areas, as Government may,

by notification, direct.]

Province to be

divided into

Divisions.

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[6. Divisions to be divided into Districts and District into Sub-divisions

,etc.— (1) Each Division shall be divided into such Districts, and each District

may be divided into such Sub-Divisions or Tehsils as Government may by

notification specify and each sub-Division may consist of such Tehsils and subTehsils and having such limits, as Government may by notification, direct.

Divisions to

be divided into

Districts and

Districts into

Sub-divisions

,etc.

(2) Government may by notification vary the number and limits of

Divisions, Districts, Sub-Divisions, Tehsils and sub-Tehsils in the Province.]