**CHAPTER-III**

**APPOINTMENT AND POWERS OF REVENUE OFFICERS**

**Appointment**

7. (1) There shall be the following classes of Revenue Officers, namely:— Classes of

Revenue officers.

(a) the Board of Revenue;

(b) the 1

[Commissioner;]

(c) the Collector;

2

[(cc) Assistant Commissioner;]

(d) the Assistant Collector of the first grade;

(e) the Assistant Collector of the second grade.

(2) The Deputy Commissioner of the District or the officer performing

for the time being functions as such, shall be the Collector thereof.

3

[(3) The Assistant Commissioner shall be the in charge of the SubDivision of the District.]

4

[8. Appointment of Commissioner and Collector.— For each Division there

shall be a Commissioner and in each District there shall be a Collector, who

shall be appointed by Government, and who shall exercise throughout the

Division or District, as the case may be, all the powers, and discharge all the

duties of the Commissioner or Collector, as the case may be, under this Act.]

Appointment

of Commissioner

and Collector.

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[9. Appointment of Additional Commissioners and Additional Collectors.—

Government may appoint in any Division one or more Additional

Commissioners or in any District one or more Additional Collectors, who shall

exercise throughout the Division or District concerned all or any of the powers

and discharge all or any of the duties conferred or imposed on a Commissioner

or Collectors, as the case may, by or under this Act, subject to the general

supervision and control of the Commissioner of the Division.]

Appointment

of Additional

Commissioners

and Additional

Collectors.

10. (1) Government may appoint to each District as many Assistant

Collectors of the first and second grade as it may deem expedient.

Assistant

collectors.

(2) Government, may place the revenue administration of a SubDivision in a District in the charge of any Assistant Collector of the first grade

1

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

2

Inserted vide Khyber Pakhtunkhwa Act No. III of 2009.

3 Added vide Khyber Pakhtunkhwa Act No. III of 2009.

4

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

5

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

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appointed to that District and confer all or any of the powers of the Collector on

such officer under sub-section (1) of section 16.

(3) If any of the powers of a Collector, under this Act are conferred on

an Assistant Collector they shall be exercised by him subject to the control of

the Collector.

11. The chief officer entrusted with the local revenue administration of a

Tehsil shall be called the Tehsildar (which also includes a Mukhtiarkar), who

shall exercise such powers and discharge such duties of an Assistant Collector

as may be expressly conferred or imposed on him by or under this Act.

Tehsildars etc.

12. The appointment of all officers under this chapter shall be by

notification.

Certain

appointments

to be notified.

Administrative Control

13. (1) The Board of Revenue shall be subject to the control of Government.

(2) The general superintendence and control over all other Revenue

Officers shall be vested in, and all such Officers shall be subordinate to, the

Board of Revenue.

Superintendence

and control of

Revenue officers.

(3) Subject to the general control of the Board of Revenue a

1

[Commissioner] shall control all other Revenue Officers in his Division.

(4) Subject as aforesaid and to the control of the 2

[Commissioner], a

Collector shall control all other Revenue Officers in his District.

14. (1) The Board of Revenue may, by written order distribute, in such

manner as may be deemed fit, and business cognizable by any Revenue Officer

under its control, and by like order, withdraw any case pending before any such

Officer.

Power to

distribute business

and withdraw and

transfer cases.

(2) The powers exercisable by the Board of Revenue under sub-section

(1) may, by like order and in like manner be exercised by a 3

[Commissioner] or

Collector in respect of any business cognizable by, or any case pending before,

other Revenue Officers under their respective control.

(3) Where a case is withdrawn by the Board of Revenue under subsection (1), the Board may dispose of it itself, or by written order, refer it for

disposal to any Revenue Officer; and where a case is withdrawn by a

1

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

2

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

3

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

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[Commissioner] or Collector under sub-section (2) the 2

[Commissioner] or

Collector, as the case may be, may dispose of it himself, or by like order, refer it

to any other Revenue Officer under his control

(4) No order under this section shall empower any Revenue Officer to

exercise any powers or deal with any business which would not be competent to

exercise or deal with within the local limits of his own jurisdiction.

15. It shall be lawful for Government to appoint one and the same person,

being otherwise competent according to law, to any two or more of the officers

provided for in this Chapter.

Combination

of Offices.

16. (1) Government may, by notification confer on any person all or any of

the powers of a 3

[Commissioner] or collector under this Act, and may, in like

manner, withdraw, such powers.

Conferment

powers of

Revenue Officers.

(2) The Board of Revenue may by notification, confer on any person all

or any of the powers of an assistant Collector under this Act, and may, in like

manner withdraw such powers.

(3) A person on whom powers are conferred under this section shall

exercise those powers within such local limits and in such classes of cases as

Government or the Board of Revenue, as the case may be, may direct and,

except as otherwise so directed, such person shall, for all purposes connected

with the exercise thereof, be deemed to be the 4

[Commissioner], Collector or

Assistant Collector, as the case may be.

17. Except where the class of Revenue Officers by whom any function is to

be performed is specified in this Act, the Board of Revenue may, by

notification, determine the functions to be performed under this Act by any class

of Revenue Officers.

Functions of

revenue Officers.

18. When a Revenue Officer of any class who has, under the provisions of

this Act, any powers to be exercised in any local area to another as a Revenue

Officer of the same or a higher class, he shall continue to exercise those powers

in that other local area unless Government or the Board of Revenue, as the case

may be, otherwise directs or has directed

Retention of

powers by

Revenue Officers

on transfer.

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1

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

2

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

3

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

4

Substituted vide Khyber Pakhtunkhwa Act No. III of 2009.

5 Deleted vide Khyber Pakhtunkhwa Act No. III of 2009.

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CHAPTER-IV

PROCEDURE OF REVENUE OFFICERS

19. In all official acts and proceedings, a Revenue Officer shall, in the

absence of any express provision of law to the contrary, be subject as to the

place, time and manner of performing his functions, to the direction and control

of the officer to whom he is subordinate.

Subordination of

Revenue Officers.

20. (1) The Board of Revenue may, with the previous approval of

Government make rules, not inconsistent with this Act, for regulating the

procedure of Revenue Officers in cases in which a procedure has not been

provided for by this Act.

Powers to make

rules as to

procedure.

(2) The rules may provide, among other matters, for the mode of

enforcing orders of ejectment under this Act from, and delivery of possession

of, immovable property and rules providing for those matters may confer on any

Revenue Officer all or any of the powers in regard to contempts, resistance, and

the like, which a Civil Court may exercise in the execution of a decree whereby

it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to the rules made under this section, a Revenue Officer may

refer any case which he is empowered to dispose of under this Act to another

Revenue Officer subordinate to him for investigation and report, and may

decide the case upon such report after giving the parties concerned an

opportunity of being heard.

21. (1) Appearance before a Revenue Officer, and applications to, and acts to

be done before him, under this Act may be made or done—

(a) by the parties themselves; or

(b) by their authorised agents or legal practitioners;

Persons by whom

appearance and

applications may

be made before

and to Revenue

Officers.

Provided that the employment of an authorised agent or legal

practitioner shall not excuse the personal attendance of a party to any case in

which personal attendance is specially required by an order of the Revenue

Officer.

(2) The fees of a legal practitioner shall not be allowed as costs in any

proceedings before a Revenue Officer under this Act unless that Officer

considers, for reasons to be recorded by him in writing, that the fees should be

allowed.

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22. (1) A Revenue Officer may summon any parson whose attendance he

considers necessary for the purpose of any business before him as a Revenue

Officer.

(2) A person so summoned shall be bound to appear at the time and place

mentioned in the summons in person or, if the summons so allows, by his

authorised agent or a legal practitioner;

Powers of

Revenue Officers

to summon

persons to give

evidence and

produce

documents.

Provided that the exemptions under sections 132 and 133 of the Code of

Civil Procedure, 1908 (Act No. V of 1908), shall be applicable to requisitions

for attendance under this section.

(3) The person attending in obedience to the summons shall be bound to

state the truth upon any matter respecting which he is examined or makes

statements, and to produce such documents and other things relating to any such

matter as the Revenue Officer may require.

23. Every summons shall be in writing, in duplicate and shall state the

purpose for which it is issued, and shall be signed by the Revenue Officer

issuing it, and if he has a seal, shall also bear his seal.

Summons to be

in writing signed

and sealed.

24. (1) A summons issued by a Revenue Officer shall if practicable, be

served (a) personally on the person to whom it is addressed or, failing him, (b)

on his authorised agent or (c) an adult male member of his family usually

residing with him.

Mode of service

of summons.

(2) If service cannot be effected in the manner provided in sub-section

(1) or if acceptance of service is refused, the summons may be served by

affixing a copy thereof at the usual or last known place of residence of the

person to whom it is addressed or, if that person does not reside in the District in

which the Revenue Officer is employed and the case to which the summons

relates has reference to land in that District, the summons may be served by—

(a) sending it by post to the Collector of the District in which that

person has his usual residence who shall cause it to be served in

accordance with the provisions contained in sub-section (1); and

(b) affixing a copy of the summons on some conspicuous place in

or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same

interest are so numerous that personal service on all of them is not reasonable

practicably it may, if the Revenue Officer so directs, be served by delivery of a

copy there of to such of those persons as the Revenue Officer nominates in this

behalf, and by proclamation of the contents thereof for the information of the

other person interested.

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(4) A summons may, if the Revenue Officer so directs be served on the

person named therein, either in addition to, or in substitution for, any other

mode of service by forwarding the summons by registered post to the person

concerned.

(5) When a summons is forwarded as aforesaid, the revenue Officer

may presume that the summons was served at the time when the letter would be

delivered in the ordinary course of post.

25. (1) A notice, order or proclamation, or a copy of any such document,

issued by a Revenue Officer for service on any person, shall be served in the

manner provided in section 24 for the service of a summons.

Mode of service

of notice, order or

proclamation, or

copy thereof.

(2) No such notice, order or proclamation or copy thereof shall be

deemed void on account of any error in the name or designation of any person

referred to therein, unless such error has occasioned substantial injustice.

26. When a proclamation is issued by a Revenue Officer, it shall, in addition

to any other mode of publication which may be prescribed by or under this Act,

be made by beat of drum or other customary method and by affixing a copy

thereof on a conspicuous place in or near the land to which it relates.

Mode of making

proclamation.

27. (1) Every inquiry under this Act shall be deemed to be a “judicial

proceeding” within the meaning of sections 193,219 and 228 of the Pakistan

Penal Code 1860 (Act No. XLV of 1860) and the Revenue Officer holding an

inquiry shall be deemed to be a Court for the purposes of such inquiry.

Inquiries under

the Act to be

deemed judicial

proceedings.

(2) Every hearing and decision in such inquiry shall be in public, and

the parties or their authorised agents shall have due notice to attend.

28. Government may by notification, declare what shall for the purposes of

this Act, be deemed to be the language in ordinary use in any specified part of

the Province.

Language of

Revenue Officers.

29. Whenever it is provided by this Act that a defaulter maybe be arrested,

such arrest shall be made upon a warrant issued by the Revenue officer

competent to direct such person’s arrest.

Arrest of defaulter

to be made upon

warrant.

30. It shall be lawful for any Revenue Officer, and any person acting, under

the orders of a Revenue Officer, at any time to enter, when necessary for the

purpose of measurement, demarcation, fixation or inspection of boundaries or

boundary marks, classification of soil, or assessment, or for any other purpose

connected with the lawful exercise of this office under the provisions of this

Act, or any other law for the time being in force relating to land-revenue, upon

any lands or premises, whether belonging to Government or to private

individuals;

Power of Revenue

Officer to enter

upon any lands

or premises for

purpose of

measurements etc.

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Provided that no premises used as human dwelling shall be entered upon

except with the consent of the occupier thereof, or without serving on the

occupier a notice of not less than seven days in the prescribed form.

Provided further that due regard shall always be paid to the social and

religious prejudices of the occupiers.

31 (1) A Revenue Officer, other than an Assistant Collector of the first

grade, may exercise his powers under this Act at any place within the limits of

his jurisdiction.

Place of sitting.

(2) An Assistant Collector of the first grade may exercise his powers at

any place within the District in which he is employed.

32. Any proceedings held before a Revenue Officer under this Act on a day

notified as a holiday, shall not be invalid by reason of such proceedings having

been held on that day.

Proceedings held

on holidays.

33. Government may from time to time by notification, prescribe what

Revenue Officers shall use a seal and what size and description of seal shall be

used by each of such Officers.

Seals.

34. A Revenue Officer may give and apportion the costs of any proceedings

under this Act in any manner he thinks fit.

Costs.

Provided that if he orders that the cost of any such proceedings shall not

follow the event, he shall record his reasons for the order.

35. If a person required by summons, notice, order or proclamation

proceeding from a Revenue Officer to attend at a certain time and place within

the limits of the estate in which he ordinarily resides or in which he holds or

cultivates land, fails to comply with the requisition, he shall be liable at the

discretion of the Revenue Officer to a fine which may extend to fifty rupees.