

THE WEST PAKISTAN BOARD OF REVENUE ACT, 1957.

(West Pakistan Act No. XI of 1957)

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THE WEST PAKISTAN BOARD OF REVENUE ACT, 1957

West Pakistan Act No. XI of 1957¹

[28th February, 1957].

An Act to provide for the constitution of a Board of Revenue for West Pakistan

WHEREAS it is expedient to provide for the constitution of a Board of Revenue for West Pakistan; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Board of Revenue Act, 1957. Short title, extent and commencement.

²[(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa] except the Tribal Areas.]

(3) It shall be deemed to have come in to force on and from the 14th day of October, 1955.

2. Unless there is anything repugnant in the subject or context— Definitions.

(i) "Board" means the Board of Revenue established under this Act;

(ii) "Government" means the Government of ⁴[Khyber Pakhtunkhwa]; and

(iii) "Member" means a member of the Board of Revenue established under this Act.

⁵[3. (1) There shall be a Board of Revenue for the ⁶[Khyber Pakhtunkhwa] which shall consist of one or more members as may be appointed by Government from time to time. Constitution of Board of Revenue.

(2) Government may, whenever considered necessary or expedient, appoint or remove a member.

¹ For Statement of Objects and Reasons see Gazette of West Pakistan 1957 Extraordinary pp. 301 and 302.

² Subs, for sub-section (2) by the West Pakistan Ord. No. VII of 1964 2 Sch.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ section 3, subs, by Khyber Pakhtunkhwa Ord. No. 1 of 1970, s.2.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(3) Government may, for specified purposes, appoint an additional member, who shall, during his tenure of appointment as such, exercise all the powers of and would in the like manner be removable as a member.]

4. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, but subject to the provisions of subsection (2), and to any orders of the Government with respect, to the appointments and conditions of service of Revenue Officers, the general superintendence and control over all Revenue Officers and Revenue Courts in West Pakistan shall vest in, and all such officers, in so far as their functions as Revenue Officers are concerned, shall be subordinate to the Board.

Superintendence and control of Revenue Officers and Revenue Courts.

(2) The Board shall be subject to the control of the Government, and in all matters, other than those in which the Board exercises appellate and revisional jurisdiction, the Government shall have power to issue such directions to the Board as may be considered necessary or expedient and the Board shall carry out those directions.

5. (1) The Board shall be the controlling authority in all matters connected with the administration of land, collection of land revenue, preparation of land records and other matters relating thereto.

Powers of the Board.

(2) The Board shall be the highest court of appeal and revision in revenue cases in the Province.

(3) All proceedings relating to any of the matters referred to in subsections (1) and (2) which immediately before the date of coming into force of this Act, were pending before the final appellate or revisional authority of any Province, State or other territory or area which has been included in the Province of West Pakistan, shall stand transferred to the Board.

6. (1) Subject to the approval of the Government, the Board may distribute its business amongst its Members and may, by rules, regulate the procedure of all proceedings before it.

Conduct of business.

(2) Any order made or a decree passed by a Member shall be deemed to be the order or decree of the Board.

(3) Where in a case which the Members of the Board are required to dispose of collectively, in accordance with the rules framed under this Act, there is a difference of opinion amongst the Members as to the decision to be given on any point-

(a) it shall be decided according to the opinion of the majority of Members if there is such a majority; and

(b) if the Members are equally divided, the Members shall state the point on which they differ and the case shall then be heard, on that point, collectively by those Members

who heard it and by another Member, and if there is no such Member, by an additional Member, to be appointed by the Government for the purpose of that case, and then the point on which there is the difference of opinion shall be decided according to the opinion of the majority for all such members.

7. (1) Any order made or a decree passed by a member either on appeal or in revision shall, subject to any order made or decree passed under the provisions of sub-sections (2) and (3) of this section and of section 8, be final. Revision of orders by Board.

(2) Any person considering himself aggrieved by an order made or a decree passed by a member, in such class of cases as may be specified in the rules framed under section 9 of this Act, may apply to the Board for revision of such order or decree, and if the Full Board considers that there are sufficient reasons for doing so, it may revise that order or decree and pass such further order as it may think fit after hearing the applicant:

Provided that no revision shall lie to the Full Board against an order made or a decree passed by a member in exercise of the revisional jurisdiction.

Explanation.—"Full Board" shall mean two or more Members of the Board, as may be determined by the rules.

(3) Every application under sub-section (2) for revision of an order or decree shall be made within a period of ninety days from the date of that order or decree.

8. (1) Any person considering himself aggrieved by a decree passed or order made by the Board and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge could not be produced by him at the time when the decree was passed or the order was made, or on account of some mistake or error apparent on the face of the record ¹[or for any other sufficient reason] desires to obtain a review of the decree passed or order made against him, may apply to the Board for a review of judgment and the Board may, after giving notice to the parties affected thereby and after hearing them, pass such decree or order as the circumstances of the case require. Review of orders by the Board.

(2) Every application for a review of a decree or order under sub-section (1) shall be made within ninety days from the date of that decree or order.

9. (1) The Board may, subject to the prior approval of the Power to make

¹ Ins-. by West Pakistan Act 18 of 1964. s.2.

Government, make rules for the purpose of carrying into effect the provisions of this Act. rules.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Board may make rules for all or any of the following purposes, namely:—

- (i) the procedure to be followed in any proceedings taken before Revenue Officer or Court;
- (ii) to prescribe the forms, manner and subject in, or on which any returns or information about any cases or class of cases or proceedings or other matters shall be submitted by a Revenue Officer or Court to the Board or to any other authority;
- (iii) to prescribe the authorities or the officers by whom any particular cases or class of cases generally, or with respect to any particular locality, shall be dealt with;
- (iv) to provide for the territorial and pecuniary limits of jurisdiction of the various Revenue Courts ; and
- (v) to specify the class of cases in which a revision under subsection (2) of section 7 shall lie to the Board.

10. (1) Notwithstanding the expiry of the West Pakistan (Board of Revenue) Ordinance, 1955, everything done, action taken, obligation, liability, penalty, or punishment incurred, inquiry or proceedings commenced, Member appointed or person authorized, jurisdiction or power conferred, rules made and order issued under any of the provisions of the said Ordinance shall be continued, and, so far as may be , be deemed to have been respectively done, taken, incurred commenced, appointed, authorized, conferred, made or issued under this Act. Savings and validation.

(2) Everything done, action taken, obligation, liability or penalty incurred, inquiry or proceedings commenced, member appointed or person authorized, jurisdiction or power conferred, rules made and order issued after the date of expiry of the West Pakistan (Board of Revenue) Ordinance, 1955, and before the 15th day of August, 1956, which could have been done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under the said Ordinance if it had been in force during the said period shall be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

11. (1) The West Pakistan Board of Revenue Ordinance, 1956, is hereby repealed. Repeal of W.P Ord XII of 1956 and continuance of action taken thereunder.

(2) Notwithstanding the repeal of the West Pakistan Board of

Revenue Ordinance, 1956, or any judgment, decree or order of any Court, Tribunal or other Authority, everything done, action taken obligation, liability or penalty incurred, inquiry or proceedings commenced, member appointed or person authorized, jurisdiction or power conferred, rules made and order issued under any of the provisions of the said Ordinance, shall be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.