

EXTRAORDINARY
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G A Z E T T E

North-West Frontier Province

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PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 4th February, 2009.

No.PA/NWFP/Bills/2009/4062. The North-West Frontier Province Land Laws (Second Amendment) Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 21st January, 2009 and assented to by the Governor of the North-West Frontier Province on 29th January, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE
LAND LAWS (SECOND AMENDMENT) ACT, 2009.

(N.-W.F.P. ACT NO. III OF 2009)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary), Dated the 4th February, 2009).

AN
ACT

to repeal the North-West Frontier Province Land Laws (Amendment) Ordinance, 2008 and further to amend certain land laws.

Preamble.---WHEREAS it is expedient to repeal the North-West Frontier Province Land Laws (Amendment) Ordinance, 2008 (N.-W.F.P. Ord. No. XV of 2008), and further to amend certain land laws:

It is hereby enacted as follows:-

1. **Short title and commencement.**--- (1) This Act may be called the North-West Frontier Province Land Laws (Second Amendment) Act, 2009.

(2) It shall come into force at once and shall be deemed to have taken effect on the 7th October, 2008.

2. **Repeal of N.-W.F.P. Ord. No. XV of 2008.**--- The North-West Frontier Province Land Laws (Amendment) Ordinance, 2008 (N.-W.F.P. Ord. No. XV of 2008) is hereby repealed and shall be deemed to have been so repealed with effect from the 7th October, 2008, as if it had never come into force.

3. **Amendment of certain land laws.**--- The laws specified in column 3 of the Schedule appended to this Act shall be amended to the extent and in the manner specified against each in column 4 of the said Schedule.

4. **Repeal.**- The North-West Frontier Province Land Laws (Second Amendment) Ordinance, 2008 (N.-W.F.P. Ordinance No. XX of 2008) is hereby repealed.

“SCHEDULE
(See section 3)

S.No.	Number and year of the enactment	Short title	Amendments
1	2	3	4

- | | | | |
|----|-----------------------|-----------------------------------|--|
| 1. | Act No. VIII of 1873. | The Canal and Drainage Act, 1873. | <p>1. In section 3,-</p> <p>(a) in sub-section (5)-</p> <p style="padding-left: 40px;">(i) the word “Commissioner” shall be inserted as marginal heading; and</p> <p style="padding-left: 40px;">(ii) for the words and brackets “District Officer (Revenue and Estate)”, occurring twice, the word “Commissioner” shall be substituted; and</p> <p>(b) clause (5-A) shall be deleted.</p> <p>2. In sections 19 and 27, for the words and brackets “District Officer (Revenue and Estate)”, wherever occurring, the word “Commissioner” shall be substituted.</p> <p>3. In section 35, in sub-sections (3) and (5), for the words “Revenue Appellate Court”, wherever occurring, the word “Commissioner” shall be substituted.</p> |
|----|-----------------------|-----------------------------------|--|

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|----|---------------------------|--|---|
| 2. | Act No. I of 1894. | The Land Acquisition Act, 1894. | <p>1. In section 3,-</p> <p>(a) for clause (c), the following shall be substituted, namely:</p> <p style="padding-left: 40px;">“(c) the expression “Collector” means the Collector of a District and includes any officer specially appointed by the Board of Revenue or Commissioner to perform the functions of the Collector of a District under this Act.”; and</p> <p>(b) clause (h) shall be deleted.</p> <p>2. In sections 5, 5A, 6, 7, 18-B, 35, 36, 38, 39, 40, 41, 48 and 49 for the words “Revenue Appellate Court”, wherever occurring, the word “Commissioner” shall be substituted.</p> |
| 3. | Act No. XXV of 1950. | The North-West Frontier Province Tenancy Act, 1950. | <p>1. In sections 36, 47, 50, 51 (1), 77, 78 and 80, for the words and brackets “District Officer (Revenue and Estate)”, the word “Commissioner” shall be substituted.</p> <p>2. In section 47 (5) and section 50 (2), for the word “district”, wherever occurring, the word “division” shall be substituted.</p> <p>3. In sections 49, 51(2), 52, 53 and 56, for the words “Revenue Appellate Court” wherever occurring, the word “Commissioner” shall be substituted.</p> <p>4. Section 77A shall be deleted.</p> |
| 4. | W.P. Act No. XIX of 1964. | West Pakistan Redemption and Restitution of Mortgaged Lands Act, 1964. | <p>1. In section 2,-</p> <p>(a) in clause (c), for the words “District Officer (Revenue and Estate)”, occurring thrice, the word “Commissioner”, and for the word “District”, the word “Division”, shall be substituted; and</p> <p>(b) in clause (g), the semi-colon occurring at the end shall be replaced by a full-stop and thereafter clause (h) shall be deleted.</p> <p>2. In sections 14, 15 and 16, for the words “Revenue Appellate Court”, wherever occurring, the word “Commissioner” shall be substituted.</p> |

5. W.P. Act No. West Pakistan 1. For section 5, the following shall be substituted,
XVII of 1967. Land Revenue Act, 1967. namely:

"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."

2. For section 6, the following shall be substituted, namely:

"6. Divisions to be divided into Districts and Districts 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 Sub-Tehsils and having such limits, as Government may by notification, direct.

(2) Government may by notification vary the number and limits of Divisions, Districts, Sub-Divisions, Tehsils and Sub-Tehsils in the Province."

3. In section 7,-

- (i) in sub-section (1), after clause (c), the following new clause shall be inserted namely:

"(cc) Assistant Commissioner;" and

- (ii) after sub-section (2), the following new sub-section shall be added namely:

"(3) The Assistant Commissioner shall be the incharge of the Sub-Division of the District."

4. For section 8, the following shall be substituted, namely:

"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."

5. For section 9, the following shall be substituted, namely:

“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.”

6. Section 18A shall be deleted.

7. In sections 7, 13, 14, 16, 60, 63, 69, 84, 89, 92, 101, 102, 103, 104, 107 and 108, for the words “District Officer (Revenue and Estate)”, wherever occurring, the word “Commissioner” shall be substituted.

8. In sections 161, 162, 163 and 164, for the words “Revenue Appellate Court”, wherever occurring, the word “Commissioner” shall be substituted.”

**BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE**

MUHAMMAD SALIM KHAN
Secretary,
Provincial Assembly of NWFP