

The Gazette of West Pakistan

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LAW DEPARTMENT NOTIFICATION

The 28th February 1957

No. Leg. 1(23)/57—The following Act having received the assent of Governor of West Pakistan on the 23rd February, 1957, is hereby published for general information:—

THE WEST PAKISTAN BOARD OF REVENUE ACT, 1957.

WEST PAKISTAN ACT No. XI OF 1957.
(First published, after having received the assent of the Governor of West Pakistan, in the Gazette of West Pakistan on the 28th February, 1957).

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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) It extends to the whole of West Pakistan, except the Capital of the Federation and the Special Areas.

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

2. Unless there is anything repugnant in the subject or context— De-Suavitate

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

(ii) "Government" means the Government of West Pakistan; and

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

3. (1) There shall be a Board of Revenue for West Pakistan which shall consist of such Members as may be appointed by the Government from time to time. Constitution of a Board of Revenue

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

Power to
make rules.

9. (1) The Board may, subject to the prior approval of the Government, make rules for the purpose of carrying into effect the provisions of this Act.

(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 a 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 sub-section (2) of section 7 shall lie to the Board.

Savings and
validation.

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.

(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

Superintendence and control of Revenue Officers and Revenue Courts.

4. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, but subject to the provisions of sub-section (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.

(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.

Powers of the Board.

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.

(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 sub-sections (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.

Conduct of Business.

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.

(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

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.

West Pakistan Ordinance I of 1955.

11. (1) The West Pakistan Board of Revenue Ordinance, 1956, is hereby repealed.

Repeal of West Pakistan Ordinance 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.

MASUD AHMAD

Secretary to Government, West Pakistan,
Law Department.