

Government of Khyber Pakhtunkhwa
Environment Department

No. B&A/IAN/2009-10/DFO/Buner/
Dated Peshawar the / 6/ 2011

To

The Chief Conservator of Forests
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: INTERNAL AUDIT NOTE ON THE ACCOUNTS OF DFO BUNER
FOR THE YEAR 2003-04 TO 2009-10.

Memo.

I am directed to forward herewith Para-I of the Internal Audit Note on the above noted subject relates to the accounts of DFO Buner regarding loss of Rs. 6.352 Million to Government on purchase of land at higher rates.

You are further requested to obtain views / comments on Para-I of the then DFO Buner (Mr. Hasham Khan) for the appraisal of higher ups.

INTERNAL AUDIT OFFICER
ENVIRONMENT

No. B&A/IAN/2009-10/DFO/Buner/ ^{5459/61} Dated Peshawar the 30 / 6/ 2011

Copy along with a copy of above Audit note is forwarded to:

1. The Conservator of Forests Malakand Circle Shagai Shaidu Sharif Swat.
2. The Divisional Forest Officer Buner Forest Division, Swari.
3. Mr. Hasham Khan DFO Lower Dir at Timargara. Photo copy of Para-I on the above noted subject is enclosed for further necessary action.

INTERNAL AUDIT OFFICER
ENVIRONMENT

Acc th

DFO (L) Dir

ATTESTED

109 114

Para-I

LOSS OF Rs.6.352 (M) TO GOVERNMENT ON PURCHASE OF LAND AT HIGHER RATES.

Funds to the tune of Rs.7,000 million were allocated during the year 2009-10 under the ADP Scheme namely "construction of office building cum residence and staff quarter".

The DFO Buner purchased land measuring 6 kanals and one marla from the following owners of the land as per detail given each:

S.No.	Name of owner	Amount	Cheque No. & date
1.	Sahib Gul S/O Sanab Gul of Daggar	Rs. 5782400/-	246776 of 24.5.2010
2.	Ihsanullah S/O Nasib Gul of Daggar	Rs. 945200/-	246777 of 24.5.2010
3.	Stamp duty etc.	Rs.269604/-	246781 of 25.5.2010
	Total	Rs.69,97,204/-	

Audit has the following observations:

1. According to the approved PC-I Provision, the land for the building would be purchased at Sawari, whereas the land for the building was shown purchased at Daggar. This is clear cut deviation from the PC-I.
2. In the approved PC-I, the purchase of land was five kanals, whereas the purchase was made 6 Kanals and one marla, thus the Government was put to un-necessary loss of Rs. 11,67,600/- (55600x21).
3. The amount of purchase of land was required to have been paid through DOR but contrarily the payment was shown made direct to the land owners as mentioned above.
4. The DFO Buner was required to have been approached the SMIR Peshawar for the land free of cost, but no efforts seems to have been made, which is pre-requisite in accordance with the instructions issued under the land Acquisition Act. The DFO purchased the land for the construction of building etc, on his choice and ignoring the instructions ibid. This point needs proper attention of the higher ups.
5. It is worth mentioning here that the DFO Wildlife Buner has also constructed office building at Daggar, all efforts have been made by the Wildlife Department with the BOR/DOR and land for the construction of building have been purchased free of cost.
6. The map is extremely substandard. The office building has only two rooms. The rest of the office building consists of jirga hall like structure. The DFO Buner violated all the procedures meant for the purchase/ acquiring of Government land. Instead of acquisition of the land and making of payment through Revenue Department, the DFO Buner conducted direct deal with the land owners and make direct payment to the owners. Due to this blunder, the Environment Department Khyber Pakhtunkhwa sustained huge loss of Rs.51,84,765/- in the purchase of 6 kanals and one marla land.
7. The DFO Buner purchased land, in violation of PC-I prescription at Moza Daggar @ Rs.1112000/- whereas per kanals cost was fixed as Rs.255014/- vide case No. 4 dated 5.10.2010 (regarding acquisition of 70- kanals and two marlas land at Moza Daggar for the Police line at Daggar). Kindly elucidate.

The matter is brought into the kind notice, for information and conducting detail enquiry.

ATTESTED

ed to the interested persons of the locality for their to be
Page 2

Ann: XVI

115
74

OFFICE OF THE
DIVISIONAL FOREST OFFICER
UPPER DIR FOREST DIVISION
UPPER DIR



Phone No. 0944-881715
Fax No. 0944-881713

NO: 1139 /G

Dated Dir Upper

17-10-2011

The Conservator of Forests,
Malakand Forest Circle East,
Saidu Sharif Mingora.

Subject:

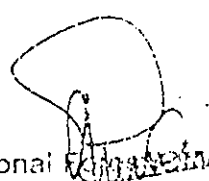
INTERNAL AUDIT NOTE ON THE ACCOUNTS OF DFO BUNER FOR THE
YEAR 2003-04 TO 2009-10

Memo:

In-continuation of Chief Conservator of Forests Khyber Pakhtunkhwa office
No. 32/RA/Audit dated 2.7.2011.

Enclosed please find herewith five (5) copies of the annexed reply to the
Internal Audit Para No.1 for the year, 2009-10 in respect of Buner Forest Division for
favour of information and further necessary action, please.

Encl: As Stated Above.


Divisional Forest Officer,
Upper Dir Forest Division,
Upper Dir.

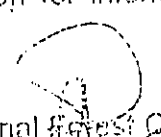
1139-40

NO:

/G,

Copy forwarded :

1. The Chief Conservator of Forests Khyber Pakhtunkhwa Peshawar for favour of information with reference to his letter No. mentioned above please.
2. The Divisional Forest Officer Buner Forest Division for information and further necessary action.


Divisional Forest Officer,
Upper Dir Forest Division,
Upper Dir.

ATTESTED

Case No: 1396 / B.A dt 22/12/2011

12

SMBR Peshawar for the land free of cost, but no efforts seems to have been made, which is pre-requisite in accordance with the instructions issued under the Land Acquisition Act. The DFO purchased the land for the construction of building etc, on his choice and ignoring the instructions abid. This point needs proper attention of the higher-ups.

5. it is worth mentioning here that the DFO Wildlife Buner has also constructed office building at Daggar, all efforts have been made by the Wildlife Department with the BOR/DOR and land for the construction of building have been purchased free of cost.
6. The map is extremely substandard. The office building has only two rooms. The rest of the office building consists of Jirga hall like structure. The DFO Buner violated all the procedures meant for the purchase/acquiring of Government land. Instead of acquisition of the land and making of payment through Revenue Department, the DFO Buner conducted direct deal with the land owners and make direct payment to the owners. Due to this blunder, the Environment Department Khyber Pakhtunkhawa sustained huge loss of Rs. 5184765/- in the purchase of 6 Kanals and one marl's land.
7. The DFO Buner purchased land, in violation of PC-I prescription at Moza Daggar @ Rs. 1112000/- whereas per Kanals cost was fixed as Rs. 255014/- vide case No. 4 dated 5.10.2010 (regarding acquisition of 70 Kanals and two marlas land at Moza Daggar for the Police line at Daggar. Kindly elucidate.

The matter is brought in to the kind notice for information and conducting detail enquiry

Sd/- Internal Audit.

directives of CF office No. 12048-57/P&D, dated 24/6/2010 (See Annex: VI) while 100% funds utilization, was stressed by high up vide DDP No. X-9/5130 dated 18/6/2010 (See Annex:V). so the lone option was to go far purchase of additional land with the consent of CCF. & CF. thus a precious/valued property was added in the Government assets rather than un necessary loss.

3. PROCEDURE.

For land acquisition, the laid down procedure in vogue in Buner, officially furnished by DOR Buner vide his No. 283/2/9/HCR dated 14/2/2010 (Ann. Vi page1-16) vide Sec:1. was followed . The following two ways exist for land acquisition under the procedure.

1. Compulsory land acquisition.
2. Private negotiations.

The procedure at S.No.2 was followed vide DFO Buner office No. 3278/G, dated 6/5/2010 (Annex:VII).

The detail procedure for payment vide Section 41 e 9(Annex:VI) is very much clear about mode of payment as under:

- i). By Direct Payment.
- ii). By order on a treasury.
- iii) By money order.
- iv) By cheque.
- v). By deposit in a treasury.

Due to shortage of time, the direct payment was made to the owners with intimation to DOR vide No. 3455/G, dated 24/5/2010(Ann: Viii).

3.) NOC.

NOC from DOR Buner was obtained vide DFO Buner office No. 2456/2/9/HVC, dated 7/8/2008 (Annex:ix).

ATTESTED

4. LAND ACQUIRED BY W/LIFE.

The acquired land by DFO wild life Buner is only 1 Kanal while the minimum land needed for DFO Buner was 5 Kanal. The DFO Buner has already made request to DOR vide office letter No. 295/G, dated 29/7/2008 but was regretted vide No. 2456/29 HVC dated 7/8/2010 (See Ann:ix)

5. Map of Building:

The map/design of the building depends upon the prevailing climatic condition of the locality while the subject PC-I is silent about any specific map in respect of Buner office. However.

i). The map of DFO Dir Lower was copied/followed and an exemplary and beautiful map was designed within the PC-I provision of 2085 Sft covered area with the help of private Architecture.

ii) The following 4 ordinary rooms are more than sufficient for the available staff.

Nos	Size
2	14x14 ½
2	20x14 ½

iii). One of the spacious room is being used for DFO office which can accommodate maximum visitors/jirgas/staff membes avoiding congestion/obstructions. The 2nd can be used by two or more clerks jointly having an easy personal communication and easy installation of equipments/furniture, besides its use for public, projects and staff meetings.

iv). Due to cost effectively purchase of land far less than the PC-I provision and accomplishment the task in very short time, a total of Rs. 1956400/- was saved for the Government as under:-

1. Purchase of 6 Kanal and 1 Marla land, below the PC-I provision @ Rs, 2,88,000/- per Kanal.

Rs. 1742400/-

ATTESTED

119

(8)

78

3. Avoided Govt. loss regarding rent of DFO office cum annual house rent paid to DFO etc.

Rs. 214000/-

Total.

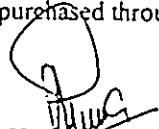
Rs. 1956400

6. Price of land.

- i. The DFO Buner vide his letter No. 367/G, dated 5/8/2008 (See Annex:Viii) had fixed Rs. 1500000/- kanal which was reduced to Rs. 1400000/- in DDWP
- ii. Being a District headquarter, the price of land in Daggar is higher than Sawarai.

As per charsala (See Annex: x) the subject land is situated in commercial area of Daggar Tehsil Colony and land in the same Muzza during 2005 has been sold @ Rs. 1400000/- per Kanal.

iii). The Police Department has purchased non commercial land through compulsory land acquisition mechanism whereas the price is being fixed by the Government. But the subject land is commercial and has been purchased through private negotiation far behind the market rate.


(Mr. Hasham Khan
the then DFO Buner.

ATTESTED

120 79

Government of Khyber Pakhtunkhwa
Environment Department

No.B&A Audit.IAN/Buner/2003-4 to 2009-10/
Dated Peshawar the /01/2012

To
The Chief Conservator of Forests
Khyber Pakhtunkhwa Peshawar.

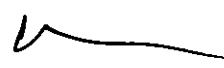
SUBJECT: INTERNAL AUDIT NOTE ON THE ACCOUNT OF DFO BUNER FOR THE YEAR 2003-04 & 2009-10.

Memo.
I am directed to refer to your letter No 1396/RA/Audit/dated 22/12/2011 on the subject noted above.

Further Audit comments are as under:

S.No.	Audit para & Comments
1.	<u>Para-1</u> <u>Loss of Rs. 6,352(M) to Government</u> of <u>purchase of land at higher rates.</u> Justification furnished by the then DFO Buner (Mr. Hasham Khan) which is based on fact. The para is recommended to be settled.
2.	<u>Para No. 2</u> <u>Irregular purchase of Double Cabin Pick up costing Rs.1,900 million.</u> The CF/CCF are requested to record their valuable comments, so that audit para could be reviewed accordingly.
3.	<u>Para No. 3</u> <u>Non surrender of saving amounting to Rs.296377/-</u> The CCF is requested to intimate factual position in light of reply furnished by the DFO Buner.
4.	<u>Para No. 4</u> <u>Excess expenditure of Rs.175341/- over budget allotment.</u> Next audit to verify.
5.	<u>Para No.5</u> <u>Irregular purchase of plants costing Rs.200000/-</u> Reply to the Audit observation at S.No. 1,2 & 3 may be furnished.
6.	<u>Para No.6</u> <u>Irregular construction of building costing Rs. 17,44,000/-</u> Para stand till verification of the observations at S.No. 1 to 5.
7.	<u>Para No.7</u> <u>Non-production of acknowledgement receipt of Rs.690,419- 80% royalty.</u> Next audit to verify.

ATTESTED



8.	<u>Para No.8</u> <u>Irregular payment of Rs.80000/- to advocate/FSC.</u>
	As per remarks recorded by CF Malakand.
9.	<u>Para No.9</u> <u>Irregular purchase of motor cycle-CC 125 amounting to Rs.78624/-</u> <u>Reply of the DFO is not based on fact. Audit para may be read once again and cogent reply thereof may be furnished.</u>
10	<u>Para No.10</u> <u>Irregular purchase of P.bags amounting to Rs.140000/-</u>
	As per comments of CF Malakand.
11.	<u>Para No.11</u> <u>Excess claim of Rs.20600/- on account of purchase of seed.</u>
	As per comments of CF Malakand.
12.	<u>Para-12</u> <u>Non disposal of 8545.68 chir timber involving government revenue amounting to Rs.1059664/-</u>
	As per comments of CF Malakand.
13.	<u>Para No.13</u> <u>Irregular payment of reward amounting to Rs.2,66,300/-</u>
	As per comments of CF Malakand.
14	<u>Para No.14</u> <u>Un-authentic and irregular expenditure of Rs.58693/- and Rs.110756/- on account of purchase of polythene bags and seeds.</u>
	As per comments of CF Malakand.
15	<u>Para No.15</u> <u>Un-authentic payment of Rs. 194990/- on a/c of royalty.</u>
	As per comments of CF Malakand.
16	<u>Para No.16</u> <u>Blockage of Govt. money Rs. 12,91,637/- due to Non disposal of timber.</u> <u>Next audit to verify the auction of lot and its amounts and remittance into the Govt. A/C's.</u>
17	<u>Para No.17</u> <u>Loss of Rs.17000/- due to recovery of compensation at the lesser rate.</u> <u>The CF/CCF is requested to review the reply of the DFO and cogent reply may furnished.</u>
18	<u>Para No.18</u> <u>Non-accountal of revenue/ receiptk Rs.281963/-</u> <u>In future the Revenue targets may be achieved at any cost.</u>
19	<u>Para No.19</u> <u>Non-recovery of Rs.2.450 million on a/c of cutting of 577 timber trees.</u> <u>The DFO should persue the case with PD, FAP C&W Department and the balance amount of Rs. 980,000/- may be recovered and Audit office may be</u>

GL/D/PA/Internal Audit note/Feb.

ATTESTED

[Signature]

84
122
8

	informed of the position.
20	<u>Para No.20</u> <u>Irregular auction of 2944.50 Cft timber.</u> The CF Malakand is requested to read the reply of the DFO and cogent views thereof may be recorded.
21	<u>Para No.21</u> <u>Non-deposit of Rs. 22359/- on accounts of FDI/</u> Next audit to verify.
22	<u>Para No.22</u> <u>Non-recovery of Rs.15200/- due to non renewal licence.</u> Next audit to verify the remittance of Govt. dues into the treasury
23	<u>Para No.23</u> <u>Non-forfeiture of 1/4th of sale value of Rs.200310/-</u> As per comments of CF Malakand.
24	<u>Para No.24</u> <u>Physical verification</u> The verification of store/stock may be shown to next audit.

INTERNAL AUDIT OFFICER
ENVIRONMENT

1092-94
Endst.No.P&A/Audit.IAN/ Buner /2003-04 to 09-10/ Dated Peshawar the 7/01/2012

Copy forwarded for information to the:

1. Conservator of Forests Malakand Circle Mingora.
2. Divisional Forest Officer Buner Forest Division Daggar.
3. Mr. Hashim Khan DFO Upper Dir.

[Signature]
INTERNAL AUDIT OFFICER
ENVIRONMENT

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA

ENVIRONMENT DEPARTMENT

PUC at Page-94-139/C

47-66/A

This case relates to the purchase of land for the office of the DFO. Buner Forest Division by Mr. Hashim Khan, DFO (presently working as DFO Batkhela) and an inquiry made by Revenue Department, previously processed at paras:47-66 of the note sheet. In response to this department letter at page-90, the officer concerned furnished his comments on the inquiry report made by Revenue Department vide page-95-97(F/XX).

From perusal of the above comments approved rate as per PC-I is Rs.1,40,000/- per Kanal while the purchase rate is Rs. 11,12,000/- against the target of 5 Kanal @ Rs. 70,00,000/- 6 Kanal and 1 Marla land was purchased accruing a hefty amount of saving worth @ Rs. 1742400/- to the Government. As per charsala furnished by the Revenue Department, the rate of land in the same area is 1, 40,000/- per Kanal. Further more, the rate of the land settled with the owners in the presence of the CCF and CF Malakand Circle during their visit to the site date 7.1.2010 and 11.5.2010.

It is pointed out that the payment was made to the owners through DOR Buner while a sum of ^{Rs. 2,076,71/-} paid to the Revenue Department. The land was transferred through DOR to the Forest Department. The officer also stated that the subject issue was conducted by Budget & Accounts of Environment Department through Audit Para-1 regarding price, procedure and mode of payment. On his statement the observations were dropped and para was settled.

In view of the above statement/comments of the DFO concerned no financial loss occurred to the Estate, however, before submitting the case for the orders of the competent authority, we may seek comments of the Director Budget & Accounts in the matter.

Submitted please.

Section Officer (Estt)

30/10

Deputy Secretary-I

for comments

Dir: BSA

30/10

The enquiry seems to be one sided.

ATTESTEL

Annex-VIII(B)

The forest dept. or Administrative dept. (Bamhane) should have been consulted.

The comments of the DFO are plausible

Revenue dept. in dist. Panch has not been by passed in the case which was in full picture (order - II, IX of the DFO comments)

It is over, Audit out that inc had also settled the case as no financial loss had occurred to govt.

Pava 271-274/N and
Comments of Div BBA is submitted
for perusal / further order please.

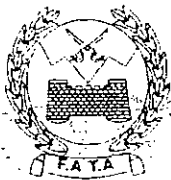
f. Speak Tomly

S-I/Dn (BHA)

Spoken para 277/N is suppressed & l.

Sp. Secy

ATTESTED



FATA Disaster Management Authority

Address: 10-C, Sifyat Ghayoor road Near Railway line, University Town, Peshawar
Telephone (091)9218603, Fax (091)9218573. Exchange (091)9216336
www.fdma.gov.pk



Reference No: FS/FDMA/NAB/2017/ 4979-82 Date: 04.05.2017

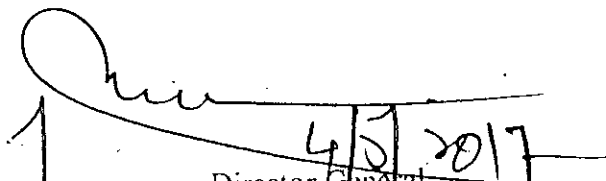
2ND NOTICE

To,
Mr Hasham Khan
Divisional Forest Officer
Forest Department

Subject: ENQUIRY

Reference: Forestry, Environment & Wildlife Department Khyber Pakhtunkhwa Notification NoSO (Estt)/Env/1-31/2k15:371-75 dated 20 March 2017.

You are hereby directed to attend the office of the undersigned situated at 10-C, Sifyat Ghayoor road Near Railway Line, University Town, Peshawar on 10th May 2017 at 1400 hrs along with your response (preferably in writing) to the questions as mentioned in the enclosed questionnaire.


4/5/2017
Director General
FATA Disaster Management Authority
(Enquiry Officer)

Copy for information to:

1. Mr Qazi Muhammad Younis, Conservator of Forest, with the request to kindly attend the above hearing along with all relevant record in the case.
2. Mr. Ahmad Jalil DFO Buner Forest Division at Dagar.
3. Section Officer (Estab), Forest, Environment Department & Wildlife Department KPK

Received on 5/5/2017

ATTESTED


Questionnaire for recording the personal statement of the accused officer

- i. When did you take charge of the office of DFO Buner?
- ii. Who asked you to accomplish the pending task of land procurement for construction of DFO's offices and residences in District Buner within a short span of 2 1/2 months and that too in violation of the relevant notification of the revenue department? Was there any written instructions issued by any high ranking officer in this regard which you could present in your defense?
- iii. How much work your predecessor DFO did in the land procurement case and for how long he had worked over the task?
- iv. Did you initiate the process of the land procurement afresh or carried over the process already undertaken by your predecessor DFO?
- v. Were you aware of the laid down procedure required to be followed for land procurement/acquisition as notified by the Board of Revenue from time to time? If yes; so from where did you obtain advice or guidance and can you present its hard form in your defense? If not, then why you did not deem it necessary to take guidance or advice of the relevant department/office?
- vi. Did you or your predecessor get certificate from DOR Buner for rate/price reasonability of the land being procured as directed in DDWP minutes of the meeting No.5859-62 dated 19-6-2008?
- vii. In your para-wise reply to the statement of allegations, it transpired as if you have claimed that same or similar land procurement cases were also dealt with in Dir (Upper), Dir (Lower), District Swat & District Chitral under the same umbrella ADP Scheme. Do you have any written proof in this regard?
- viii. Can you produce a copy of the DOR Buner's letter bearing No.283/2/9/HCR dated February 2010 which you mentioned in your written reply at Sr.No. e (Payment)?
- ix. Do you have any written consent of the Revenue Department for the agreement entered with the owner of the procured land @ Rs.55600/- Marla?? (Section 6(i), 13,19(i) LAA1894)

ATTESTED



**OFFICE OF THE DIVISIONAL FOREST OFFICER
WORKING UNIT-I ABBOTTABAD**

1278

To

The director General
Fata Disaster Management Authority
Peshawar.

NO.

697 /WP-I, Dated 09.05.2017

Subject:

ENQUIRY

Memo:

Reference to your office No. 4979-82 dated 04-05-2017.

The para wise reply of the questionnaire is enclosed herewith *from page 1*

To 31 for f/o consideration please.



Hashim Khan
Divisional Forest Officer
Working plan Unit-I
Abbottabad

ATTACHED



PARAWISE REPLY/COMMENTS

- i):- The undersigned had taken over charge of Buner Forest Division on 19-04- 2010.
- ii):- A PC-I title "Construction of Office cum Residential Building in NWFP" was approved for a period of 3 years i.e. 7/2007 to 6/2010, envisages purchase of 5 Kanal land for the construction of DFO Buner Officer/residence which could not effected till my taking over charge of Buner.

After assuming charge of Buner Forest Division, the then CCF Peshawar and CF/MKD stressed hard to accomplish the task immediately. The CCF letter No. 2376-79 dated 30-03-2010 (Ann-I page 5) and Deputy Chief Conservator Peshawar letter No. 102 dated 2-04-2010 (Ann-II page 6) were lying intact in my office.

The CCF Peshawar vide his letter No. 2989 dated 12-05-2010 further directed to finalize the land procurement before 30-06-2010 (Ann-III page 7).

Besides this the then CCF & CF/MKD were enquiring the progress phonically regularly.

- iii):- My predecessor Mr. Mir Wali Khan DFO had made no progress in respect of land procurement.
- iv):- The acquisition process of the subject land was initiated afresh by myself with association of the SDFO Dggar and other staff.
- v):- The undersigned was not aware of the laid-down land acquisition procedure. The L.A 1894 and amendment made there on was neither available in my office nor provided by Revenue Department or Forest Department but we followed guidance of the Revenue Department as;
 - a. After selection of the site and verbally fixing the rate, the Revenue Department was asked to examine the site and its suitability. They visited the site and appreciated it. Thereafter, they made assessment of

ATTESTED

129

- the land, verified the ownership and determined the Khasra number etc.
- b. The Revenue Department provided specimen of agreement deed and draft Section-4 to be followed which were prepared and submitted to DOR/Buner vide No. 3278/G dated 06-05-2010 in original with the request for its further processing.
 - c. The DOR/Buner notified Section-4 vide his No. 1045-51/G dated 06-05-2010 (Ann-IV page 8) and got its gazette notification from Peshawar. Afterward the Revenue Department measured the land and demarcated it.
 - d. The undersigned held a meeting with DOR/Buner on 20-05-2010 and discussed mode of payment. Due to short left over time, it was suggested by DOR to make direct payment under section: 41-A of L.A. 1894 and practice in vogue, like Health & Education Department.
 - e. As per advice of Revenue Department, 4% local Govt Tax worth Rs. 269,604/- vide letter No. 3481/G dated 25-05-2010 was paid to Revenue Department.
 - f. The Revenue Department transferred the land to Forest Department vide notification No. 3808, 3809.


So the entire process was completed by the Revenue Department and we acted upon their advices.

Generally the parent Department follow their procedure and the acquiring agency act upto their guidance/directives.

- vi):- The undersigned get the rate reasonability certificate from the Revenue Department (Ann-V page 9) as asked vide DDP No. 5859-62 dated 19-06-2008.
- vii):- The land procurement was earmarked in the PC-I both for Buner and Chitral. The Chitral Forest Division acquired state land while in Buner it was purchased.

But other activity of building construction was common in Chitral, Dir upper, Dir lower, Swat and Buner, for which nobody get technical sanction as pre-requisite while the undersigned was held guilty for non-acquiring of approval from administrative Department for permission

ATTESTED





of Pvt negotiation which was actually and formally accorded in DDWP, sanction of PC-I and accord of Administrative approval.

viii):- After completion of the land procurement process the L.A: 1894 was provided by DOR/Buner vide his No. 283/2/9/HCR dated 14-02-2011 (Ann VI page 10).

ix):- The agreement deed and revenue record in original along with draft section-4 clearly mentioned the rate of Rs. 55600/- per marla was submitted to DOR/Buner vide No. 3278/G dated 05-06-2010 (Ann VII page 27) which they agreed upon and further processed the case till its logical end and transferred the land in revenue record.

The L.A 1894 VIDE SECTIONS 6(i), 13 and 19(i) stresse to follow the prevailing market rate under section as,

Section 6 of L.A: 1894:- The estimate should represent as accurate as possible, the market price of the property to be acquired, especial care being taken to avoid under valuation.

Section 13(a) of L.A: 1894:- The market value of the land can be estimated via;

a) The price paid for land recently acquired in that or neighbor village.

b) The price paid as private transaction.

Section 19(i) of L.A: 1894: The chief matter for determination is the market value of the land at the date of publication of the notification under section 4 subsection-1. The officer acquiring the land may consider the price paid for the land if any, recently acquired under the Act in the same neighborhood or price paid in private transaction.

ATTESTED




It is further added that in the subject case the undersigned was reverted from BS-18 to BS-17 for two years and attached for 14 months with CCF/Peshawar vide Govt notification No. SO(Estt)Env/1-50(87) 2012/139-46 dated 31-12-2014(Ann viii page 30) and re-instated vide No. SO(Estt)FE&WD/1-50(87)2012 dated 26-12-2016 (Ann ix page 31).

As the undersigned is on the verge of promotion and will get retire on 31-12-2017, so the case may be consider under sec:111 Forest Ordinance, 2002 please.

HASHIM KHAN
DIVISIONAL FOREST OFFICER
Environment Department

ATTESTED

Ann-I

Chief Conservator of Forests NWFP		Shami Road Peshawar Phone # 091-9212177 Fax # 9211478
No. 3374-79/P&D/ADP:2009-10		Dated Peshawar 30/03/2010

132

Most Immediate
By Name

Fax

To
✓ Mr. Mir Wali Khan
Divisional Forest Officer
Buncer Forest Division

Subject: PURCHASE OF LAND UNDER DEVELOPMENTAL SCHEME TITLED
"CONSTRUCTION OF OFFICE & RESIDENTIAL BUILDINGS IN
NWFP" ADP # 600

Ref: this office Endst: No.436-38/P&D/PC-1 Resi Buildings dated 19.08.2009 &
series of verbal directives.

Please refer to the letter under reference vide which the required amount of Rs.7.000 million has
been allotted to you for the purchase of land for construction of office-cum-residence of DFO
Buncer Forest Division during the CFY, under the subject noted scheme. But it is noticed with
grave concern that the matter regarding purchase of land has not yet been materialized.

You are therefore, directed to gear up the pace of work in this regard and ensure purchase of land
within a week time most positively, because a very short time is left for closure of the current
financial year.

You are hereby also called upon to explain your position within a week time that as to why a
disciplinary action should not be taken against you under the Rules.

Handwritten signature
CCF NWFP Peshawar
CC

1. PS to Secretary Environment GoNWFP, Peshawar, for information.
2. DDP, Govt: of NWFP Environment Department, for information.
3. Conservator of Forests Malakand Forest Circle Mingora, for information and similar
necessary action. He should also explain as he was also repeatedly directed.

Handwritten notes:
Recd
job is under process and will be
put up for my comments/sign
21/4/2010

Handwritten signature
17/12

ALLETED

DEPUTY CHIEF CONSERVATOR
OF FORESTS NWFP



Shami Road Peshawar
Phone No. 091-9212239
Fax No. 091-9211478
E-Mail: chiefforests@gmail.com

No. 182 /Dy.CCF Dated Peshawar the 02/04/2010

133

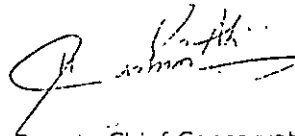
Mr. Mir Wali Khan
DFO Buner at Sowari

Subject: PURCHASE OF LAND.

Reference: Telephonic discussion with your Head Clerk on 30.3.2010.

A huge amount had been allotted and released in the scheme " *Construction of office and Residential buildings in NWFP*" very less expenditure carried out due to non-purchase of land for office and residential buildings.

Therefore, you are directed to arrange purchase of land for the construction of infrastructure as per scheme provision on emergency and priority basis to achieve the target and facilitate the organization in the best interest of the public and Government.


Deputy Chief Conservator of Forests
NWFP, Peshawar.

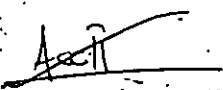
Endst.No. _____/P&D

Copy forwarded to:

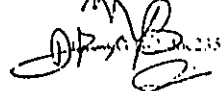
1. The Chief Conservator of Forests NWFP, Peshawar.
2. The DFO P&D Section Head Office Peshawar

For information and appropriate action please.

Deputy Chief Conservator of Forests
NWFP, Peshawar.

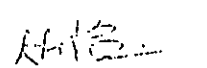

This job is under process.

Take dictation



7/4

ATTESTED


12/12/10

134

Chief Conservator of Forests
KPKP

Shami Road Peshawar
Phone # 091-9212177 Fax # 091-9211478
E-mail: ccfnwsp f@gmail.com

No. 2989 RA/RK/Land Dated 12/5/2010

To
The Divisional Forest Officer
Buner Forest Division
At Swari.

Subject:- NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT : 1984

Memo:

Enclosed please find herewith a photo copy of District Officer Revenue and Estate Buner letter No. 1045-51/G, dated 6.5.2010 which is self explanatory.

You are therefore directed to finalize the issue and take possession of the land well before the closing of current financial year, 2009-10 after fulfillment of all codal formalities.

Encl: As above.

[Signature]
Chief Conservator of Forests
KPK, Peshawar.

No. _____/RA/RK/Land,
Copy forwarded to the Conservator of Forests Malakand Forest Circle at Shogai Saidu Sharif, Swat for information with reference to District Officer Revenue and Estate Buner letter No. cited above.

Chief Conservator of Forests
KPK, Peshawar.

Accell
[Signature]
70 put up on relevant file
[Signature]
245

ATTESTED

1000 : 1000

1000



1000

131
8
135

Annex IV (39) - 8

OFFICE OF THE DISTRICT OFFICER REVENUE AND ESTATE COLLECTOR
BUNER

NOTIFICATION UNDER SECTION 4 OF THE LAND
ACQUISITION ACT 1894

No. / Dated Dagger the /5/2010.

Whereas it appears to the District Officer Revenue and Estate/Collector, District Buner that the land is likely to be required to be taken by the government at the public expenses for a public purpose namely for the construction of Divisional forest officer office cum residence and staff quarters at Dagger District Buner as earmarked by the committee in Moza_Dagger_Tehsil Dagger District Buner. It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

- 1) The notification is made under the provision of section 04 of the land Acquisition Act, 1894 to all whom it may concern.
- 2) In exercise of the powers conferred by the aforesaid section, the District Officer Revenue and Estate/Collector, District Buner is pleased to authorize the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey land in the locality and do all the other acts required or permitted by that section.
- 3) Any person who has any objection to the acquisition of any land in the locality may report within thirty (30) days of the publication of this notification in writing before the Collector, District Buner.

SPECIFICATION.

District	Tehsil	Location	Khasra No.	Kanal	Marla
Buner	Dagger	Dagger	2905, 2907, 2908	6	01

Divisional Forest Officer
Buner Forest Divn. Swari..

District Officer
Revenue and Estate Buner.

No. 1045-51 /G Dated Dagger the 06/05/2010

Copy forwarded to:-

- 1) The Senior Member Board of Revenue NWFP, Peshawar.
- 2) The Commissioner Malakand Division at Saidu Sharif Swat.
- 3) Chief Conseravator of Forests, NWFP Peshawar.
- 4) Conservator of Forests Malakand Circle at Saidu Sharif Swat.
- 5) District Coordination Officer Buner.
- 6) The Manager Govt. Printing Prerss NWFP, Peshawar for publication in the Govt. Gazette.
- 7) Tehsildar Dagger.

[Signature]

District Officer
Revenue & Estate Buner.

[Signature]

Divisional Forest Officer,
Buner Forest Divn. Swari..

ATTESTED

151

1

00

62

18

180

1

بمباراتی قیمت وند تحویل مالوفی حصہ تحویل ڈکٹر علی انیس

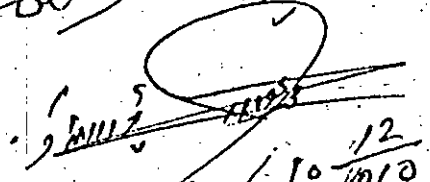
بروید سال قیمت حصہ ڈکٹر فی سال چھ لاکھ پانچ ہزار روپے بنتی ہے

605000/-

قیمت تحویل مالوفی سے انتقال 3007 فی سال لیکچر فی سال 3007
22.11.05
1112000/-
3808-3809 فی سال لاکھ چار ہزار روپے ضرورت شدہ
26.5.010

جو نقد یہ مقدمہ جو تحویل مالوفی اور کمیشن ایریا میں ہوتی وہ سے زمین خرید
ضرورت نہ ہونے کی بنا پر اس میں وجہ سے ہزار قیمت تقریباً فی سال کی
قیمت 11 لاکھ 14 لاکھ ہے

ڈاکٹر علی انیس



12/10/10
22/12/2010

مناظرہ کارروائی ارسال ہوئی ہے

ڈاکٹر علی انیس
ڈاکٹر علی انیس
ڈاکٹر علی انیس

22/12/2010

ATTESTED

Ann: 12

Dated Daggat the 14/2 /2011.

253 2/9/HCR

137


From, District Officer,
Revenue & Estate/Collector Buner.

To, The Divisional Forest Officer, Buner,
Forest Division at Swat.

Subject: PURCHASE OF LAND FOR CONSTRUCTION OF DFO OFFICE /
RESIDENCE AND STAFF QUARTERS.

Reference your memo No.68/G Dated 03-09-2010, on the subject noted.

Land acquisition through private negotiation can take place under the
procedure notified vide Govt; of N.W.F.P Revenue Department N
Circular No.54 Land Acquisition which is enclosed herewith.


DISTRICT OFFICER,
REVENUE & ESTATE/COLLECTOR
BUNER.

ATTESTED



138^u



139

NORTH-WEST FRONTIER PROVINCE.

REVENUE CIRCULAR No. 54

LAND ACQUISITION.

Date of original issue - 6th May 1912.
First reprint, dated - 24th March 1936.

TABLE OF CONTENTS.

PARA	Paragraphs
A.—Preliminary Estimates ...	1-6
B.—Compulsory Acquisition ...	8-9A
I. Issue of notification under section 4 or declaration under section 6 of the Act.	10-15
II. Procedure after issue of declaration under section 6 of the Act ...	16
III. Rules to be observed by acquiring officers other than Deputy Commissioners.	17-22
IV. Enquiry by acquiring officer, after receipt of report ...	23-30
V. The award ...	31-35
VI. Reference to a Court ...	36-40
VII. Taking possession ...	41-49
VIII. Payment of compensation after award by the acquiring officer ...	50
IX. Payment of compensation after an award by the Court ...	51-55
C.—Acquisition by private negotiation ...	56
D.—Cases of acquisition to which the provision of the Land Acquisition Act (1 of 1894) are not applicable.	57-60
E.—Reduction of land revenue on acquisition ...	61-64
F.—Temporary occupation ...	65-69
G.—Abandonment of land taken up permanently or temporarily ...	70-72
H.—Disputes as to boundaries of land permanently or temporarily taken up for public purposes.	73-75
I.—Registers and returns ...	76-77
J.—Special rules relating to the acquisition of land for railways ...	

ALTESTED

LAND ACQUISITION.

A.—PRELIMINARY ESTIMATES.

139
139

Two methods of acquisition.

1. Land may be acquired by Government in one of two ways :—

- (a) by private negotiation,
- (b) by compulsory acquisition under the provisions of the Land Acquisition Act (1 of 1894).

Preliminary estimates in either case necessary.

Whichever of these two methods is eventually employed, it will be necessary in the first instance to frame preliminary estimates of the cost of acquisition, and in both cases the provisions of sections 4 and 5 of the Act may be utilized, if required. Preliminary estimates, however can usually be framed without recourse to those sections.

Memorandum and plans to be prepared by departmental officer.

2. When land is required for any public purpose the departmental officer concerned should prepare a memorandum showing, as near as possible, the area, situation and extent of the land of which he considers the acquisition necessary. In the case of works destined to traverse more than one district this memorandum should be sent to the Revenue Commissioner, in other cases to the Deputy Commissioner concerned. In the case of railways, canals and other important works there should be sent, with the memorandum, a separate sketch map for each district, showing the exact course of the centre line of the lands to be taken up with reference to villages and towns. The scale of the map shall ordinarily be one inch to the mile; and it shall show :—

- (1) village boundaries, where they have been surveyed,
- (2) the distances traversed by the work.

For land near towns, or land which for other reasons is likely to have a specially high value, a map of a sufficiently large scale shall be prepared showing the approximate boundaries of the land likely to be required, with a note of any valuable trees, buildings or other property for which compensation will have to be paid in addition to the price of the land itself. In the case of petty works less detailed plans will suffice.

Assistance of patwari.

3. If a departmental officer requires the services of a patwari for any length of time in order to point out boundaries, etc., the Deputy Commissioner will make the necessary arrangements, charging the departmental officer with the pay of a substitute when one has to be appointed.

Land acquired for the Military Department.

4. All applications to the civil authorities for the acquisition of land for the military department are required to be accompanied by a copy of the order of the Government of India sanctioning acquisition.

Deputy Commissioner's opinion and preliminary estimate of cost.

5. Upon receipt of the memorandum and plans the Deputy Commissioner shall consider, making such enquiry for the purpose as he deems necessary, the objections to which the proposal is liable on grounds other than those which are the concern of the department existing the acquisition, and shall return them with his opinion. The Revenue Commissioner should be consulted with regard to all important proposals for the acquisition of land before an opinion is expressed by the Deputy Commissioner. If in the face of an adverse opinion from the Deputy Commissioner the departmental officer still wishes to pursue the scheme of acquisition, he shall refer the case through his official superior to the Revenue Commissioner. If the Deputy Commissioner is in favour of the scheme, he shall, when returning the memorandum send with it a preliminary estimate of the probable cost of acquisition stating whether acquisition by private negotiation is preferable and if not, why not, and giving rates per acre and calculation of any special compensation for trees, buildings, etc., which may be payable.

The following procedure should invariably be observed in regard to the acquisition of land containing religious buildings or tombs :—

- (a) When land is selected for acquisition every endeavour should be made to avoid religious buildings or tombs if this can be done by a slight alteration of the alignment or site chosen. The fact that the land contains religious buildings or tombs should be specifically noted in the application.
- (b) When the draft notification under Section 4 or Section 6 is submitted, it should be accompanied by a statement giving full particulars of any religious buildings, tombs and graveyards on the land. The Collector should also prepare and submit confidentially to Government, through his official superior, a note dealing with the nature of, and weight to be attached to, objections which have already been raised or are likely to be raised by persons directly or indirectly interested or by any section of the public if no objections have been raised or are anticipated, the fact should be

ATTESTED

stated, and it should at the same time be explained whether, in the event of acquisition, the demolition of the buildings or obliteration of the tombs will be necessary.

(c) After acquisition proceedings have been initiated, the Collector may himself dispose of any objections raised if they can be settled amicably. If, however, they cannot be settled amicably or if for any reason the Collector apprehends that the local settlement of such objections may not be accepted by the public, he should refer the matter to his official superior, who will, if necessary, submit it to the Local Government for orders. This procedure should be observed with special care when land is acquired for street improvements or for the removal of congested areas as in such cases the proceedings are more public than in ordinary cases and agitation may be fomented more easily.

(d) The procedure outlined in (b) above may be dispensed with under the orders of Local Government in any case in which, owing to the large area involved or any other cause, the preparation of the necessary statements would cause excessive delay.

6. The estimate should represent, as accurately as possible, the market price of the property to be acquired, special care being taken to avoid under-valuation. In preparing the estimate the 15 per cent. allowed by Section 23 (2) of the Act for compulsory acquisition need not be shown item by item but can, if the acquisition is to be compulsory, be calculated once for all on the total.

Under-valuation to be avoided in preliminary estimates.

7. Cancelled.

B.—COMPULSORY ACQUISITION.

1.—Issue of notification under Section 4 or declaration under Section 6 of the Act.

8. A notification under Section 4 must issue whether a preliminary survey or other act provided for in Section 4 is necessary or not. A copy of this notification shall be posted at the Collector's Office and at the Tahsil and shall be served on all persons known to be interested in the land. Those persons only are to be considered as 'interested' who would be entitled to claim an interest of the land acquired under the Act. (See the appendix to this circular for form of notification under Section 4.)

Normal procedure.

Note.—All owners, mortgagees and tenants, whether occupiers or not, should ordinarily be included in the term 'persons interested' for the purposes of this rule.

Before the issue of a notification under Section 4 or a declaration under Section 6, the Deputy Commissioner should be given an opportunity to check, and, if necessary, correct the description of the land under acquisition, which description is to be given in the draft notification or declaration. This in no way relieves the departmental officer concerned of responsibility for preparing an accurate description. (See the appendix to this circular for form of declaration under Section 6.)

Draft notification or declaration.

9. After check by the Deputy Commissioner the draft notification or declaration should be forwarded by the departmental officer concerned for the approval of the Local Government and publication in the gazette. It should be accompanied by an explanation showing:—

- (1) whether budget provision exists;
- (2) why compulsory acquisition, (which is usually the more expensive course), is preferable to private negotiation. This statement is not necessary in the case of land to be acquired for railways.

The channel prescribed for the submission of such draft notifications and declarations is:—

(a) Those relating to—

- (1) Works under the management and control of P. W. D., including the Irrigation Branch;
- (2) Railways;
- (3) Military Works;
- (4) The Army Military Supply, Post Office and Telegraph Departments;

the Secretary to the Government, North-West Frontier Province, Public Works Department.

(b) Those relating to—

- (1) Volunteer ranges;
- (2) Encamping grounds;
- (3) Purposes of district boards and municipal committees;
- (4) Other objects;

the Revenue Commissioner.

Departments to whom notifications etc., are to be sent.

140

ATTESTED

[Signature]

REVENUE CIRCULARS

Land Acquisition--No. 54

But acquisition of land for minor canals is governed by Sections 44 (3) and 45 of the Punjab Minor Canals Act (Punjab Act III of 1905) and the draft notification or declaration should be sent to the Revenue Commissioner.

9-A. (a) Any person interested (see paragraph 8 *ante*) in any land which has been notified under Section 4, sub-section (i), may within thirty days after the issue of the notification object to the acquisition of the land or of any land in the locality as the case may be. Every such objection must be made to the Collector in writing: and the following procedure is to be observed for the disposal thereof:—

(i) When the Collector receives an objection, he shall fix a date for hearing, it and shall give notice of the date to the objector and to the officer of the department, or to the local body, on whose application the notification under Section 4 has been issued.

It will generally be convenient to hear all objections after the limit of thirty days has expired.

(ii) On the date fixed for hearing if the objector fails to appear in person or by pleader, the Collector may, if he thinks fit, make an *ex-parte* enquiry regarding the objection, or he may at once report to the Local Government the fact of the objector's failure to appear. In either case he shall, without unnecessary delay, report his opinion as to the validity of each ground of the objection.

(iii) The Collector shall forward his report together with the record of his proceedings direct to the Secretary to Government in the Revenue Department.

(iv) No costs shall be allowed.

(b) If the Local Government, after consideration of the report of the Collector, decides to withdraw from the acquisition proceeding, the notification under Section 4 of the Act shall be cancelled without delay.

II.—Procedure after issue of declaration under Section 6 of the Act.

10. When the declaration under Section 6 has been published in the gazette, all further proceedings rest with the Deputy Commissioner or other officer specially empowered by Government to perform the functions of a Collector under Section 3 (c) of the Act.

11. When the area of land to be thus acquired is so considerable that the appointment of a special officer for the work seems advisable, the Deputy Commissioner should apply to the Revenue Commissioner who will take such steps as seem to him necessary. The special rules applicable to the special officer will be found in paragraph 16 below.

12. Cancelled.

13. As soon as the declaration has issued, to facilitate the enquiry into the value of the land and into the claims of persons interested, the Deputy Commissioner or the officer entrusted with the acquisition will cause to be prepared two statements in the forms given in the appendix.

The officer by whom these statements are prepared shall at the time of their preparation, as required by Section 8 of the Act, mark out the land to be acquired and shall submit with the statements a report, in which he will give in detail all the data from which the market value of the land can be estimated, *viz.*—

- (a) the prices paid for land recently acquired in that or neighbouring villages;
- (b) the prices paid in private transactions as discoverable from the register of mutations, and the records of the Registration Department;
- (c) the capital value of the land in terms of the annual land revenue demand, as calculated at settlement;
- (d) all other information available, especially with regard to the points referred to in Section 23 of the Act.

A copy of the portion of the settlement field map showing the land to be taken up, with the boundaries marked on it, should be filed with the report.

14. When the land is being marked out, an officer of the department for which the land is to be acquired should, if possible, be present, and see that the boundaries are correctly aligned.

Proceeding should not, however, be stayed merely because it is found that there is some discrepancy between the area of the land to be acquired and the description or measurements of it given in the notification or declaration, unless this discrepancy is so great as to create a reasonable doubt as to what may be the intention of Government.

ATTESTED

REVENUE CIRCULARS

(Land Acquisition—No. 5)

Form of notice under Section 9.

15. After the land has been marked out and the report required by paragraph 13 above has been submitted to the acquiring officer notice to persons interested in it is required to be served by that officer under Section 9 of the Act. The notice shall be in the form given in the appendix.

A copy of this notice should always be sent to the departmental officer concerned, together with an intimation that the records of the proceedings are open to his inspection.

III—Rules to be observed by acquiring officers other than Deputy Commissioners.

16. In paragraph 11 above it has been explained when the services of a special officer should be applied for. Generally the procedure of the special officer is exactly the same as the procedure of the Deputy Commissioner. But—

(1) the Deputy Commissioner may require all cases to be referred to him before an award is given, whether it is proposed to exceed the original estimate or not, and the special officer shall make his final award according to the instructions received from the Deputy Commissioner;

(2) the special officer will in any case report every award made by him to the Deputy Commissioner;

(3) in any case in which the special officer proposes to award 10 per cent. or more in excess of the original estimate or in which the original estimate would be exceeded by more than Rs. 10,000 he must, before announcing his award, report the circumstances to the Collector of the district in which the land, the subject of the award, is situated. If it is proposed to exceed the original estimate by 25 per cent. or more, the Collector of the district must report the case to the Revenue Commissioner and if the excess is more than 50 per cent. or than a lakh of rupees, the orders of the Local Government in the Department concerned with finding funds for the acquisition of the land must be taken before the award is announced.

(4) The rules for the payment of compensation by special officers are given in Part VIII below.

IV—Enquiry by acquiring officer, after receipt of report.

17. The acquiring officer should remember that in making his enquiry he is acting as an agent of Government and not as a judicial officer. It has been held that the enquiry and valuation in land acquisition cases are departmental in their character, for the purpose of enabling Government to make a tender to the persons interested and that it is open to the officer making the enquiry as to the compensation to be offered, to consider all available information on the question. He need not, therefore, be reluctant to receive any evidence not brought before him judicially.

18. On the date fixed in the notice issued under Section 9 of the Act the acquiring officer will cause those persons who are interested in the land to be acquired to appear before him. He will then prepare two lists, the one showing the names of persons present, the other the names of the absentees. Unless it appears to him that there is sufficient reason for adjourning proceedings to a later date, the case will be conducted *ex-parte* so far as absentees are concerned.

The statements of the persons interested shall then be recorded as to whether they accept the measurements given in the report furnished under paragraph 13 above and agree to the rates of compensation proposed for the various qualities of land, for trees, houses, standing crops, etc., and to the apportionment thereof. If a holding or a field is jointly owned, or is mortgaged, or held by occupancy tenants, the officer acquiring the land will also enquire as to the shares of the compensation to be paid to the several owners, to mortgagor and mortgagee, and to owner and tenant, respectively. He will also have to decide as to compensation to be paid to the superior landlord (if any). These points are important, and the officer should in no case fail to take them into consideration. Where compensation is payable on account of standing crops, the amount of compensation awarded should be the market value of the crops less the amount of land revenue and cesses payable on the land, since under paragraph 6a below the land revenue will be reduced from the harvest during which the land has been taken up.

19. 1.—The Collector will pay special attention to the directions given in Sections 23 and 24 of the Land Acquisition Act. The chief matter for determination is the market value of the land at the date of the publication of the notification under Section 4, sub-section (1). The officer acquiring the land may consider the prices paid for land, if any, recently acquired under the Act in the same neighbourhood, or prices paid in private transactions and recorded in registered deeds or judicial proceedings, or the letting value of the land, and the amount of the Government revenue, if any. In the case of private transactions he will recollect that the recorded price may be misleading from the indebtedness of the vendor, or from overstatement in order to avoid pre-emption claims. It will always be open to him to consult respectable people who are disinterested.

Procedure of the special officer.

Deputy Commissioner's power to require cases to be referred to him before award.

Special officer to report award to the Deputy Commissioner.

Proposed award in excess of original estimate.

Rules for the payment of compensation.

Acquiring officer, an agent of Government, not a Judicial Officer.

Procedure of acquiring officer on hearing claims for compensation.

Matters to be considered by the acquiring officer in compensation.

Price how to be fixed.

142

ALLENSTE

REVENUE CIRCULARS.

Land Acquisition No 34

His main data, however, will be, of course, the original estimate framed by the Collector of the district in accordance with paragraph 13 of this Revenue Circular. He is not bound to follow this estimate closely, but the reasons which lead him to make any important departure from it must be carefully weighed.

11.—In regard to house property it may be found convenient to consult the following authorities:—L. L. R. 15 D.C., 279; L. L. R. 2 Calc., 103; L. L. R. 236.

111.—In all cases, however, when the point arises he will do well to take into view the third head in Section 21 (1) of the Act. Compensation for damage in consequence of crossings at considerable distances, the compensation may often be unavoidably high. If land upon acquisition will be severed from its source of irrigation, and that department acquiring the land does not undertake to grant irrigation facilities equal to those previously enjoyed, the difference between the market value of irrigable and unirrigable land must be taken into consideration in estimating the value of the land so severed. The provisions of sub-section (2) of Section 11 of the Act should, however, be borne in mind in cases in which exorbitant claims are made on account of severance (see also paragraph 478 of the Land Administration Manual).

Process and legal notification.

20. Separate proceedings must be taken as to land required under separate notifications; and separate awards should be drawn up on account of each village in which land is acquired.

Compensation for assignments of land revenue.

21. Where jagir or *malgi* land is acquired the jagirdar or *malgi* must be compensated:—
(a) by the grant of an equivalent, i.e. other land in exchange, or the remission of land revenue on other lands held under the same title under Section 31 (3) of the Land Acquisition Act (1 of 1894). This requires the previous sanction of the Local Government (e.g. Government of India, Foreign and Political Department, memo. No. 501-P, dated the 18th April 1925, on Revenue Commissioner's File No. XIII-C-38).
(b) by a cash payment.
The last is usually more appropriate in petty cases.

Calculation of compensation.

In shared villages reductions in revenue due to the acquisition of land for the State should be made from the *khalsa* rent unless this course is impossible owing to the method of the division of the shares, or for other sufficient reason.

22. In cases where cash compensation is awarded, the following rules shall be observed:—
If the assignment is for more than one life, or in perpetuity, the compensation is to be calculated at 20 years' purchase of the Government revenue assessable on the land. If the assignment be only for life, the value is to be calculated (excluding months and days) according to the scale laid down by Government for buying out pensions by which a fixed graduated value is given with reference to ages. The amount thus calculated is to be paid to the encumbrancer, and his right is thus extinguished. Where *nasarana* is paid annually by the jagirdar, this is really a deduction from the revenue of the jagir. In such a case a proportionable amount of the *nasarana* should be remitted, and the amount of the compensation must be calculated after deducting the *nasarana* proportionable to the amount of the assignment extinguished. If the assignment be for the term of settlement, compensation must be calculated with reference to the number of years for which the settlement has yet to run, provided that in no case more than twenty years' purchase—the limit for perpetual grants—be allowed.

V.—The Award.

How the award is to be drawn up.

23. When all statements have been recorded, the acquiring officer shall draw up an award, which will state the total area of the various qualities of land taken up, the total amount of compensation to be paid on account of crops, trees, houses, &c., the proportion of the compensation to be paid on account of mortgagees and by occupancy tenants, and a decision on any objections that have been raised by persons interested. The extra 15 per cent. awarded under Section 23 (2) of the Act on account of compulsory acquisition should not be included in the rates awarded per acre but should be added on to the total compensation and separately shown. It should be noted that Section 23 (2) provides for the grant of 15 per cent. compensation on the market value of the land acquired and not on the

Years.	Rs. a.	Value of life annuity of one rupee per annum.	Years.
Under 10	13 0	25 to 30	60 to 64
10 to 19	12 8	30 to 44	65 to 69
20 to 24	11 8	45 to 54	70 or above

The Director



Possession before the award when permissible

143

39. At the same time, though legal possession cannot be taken save as described above, a Deputy Commissioner or other civil officer acquiring land by agreement with the owners, enter into possession of land after the issue of the notification or declaration but before the announcement of the award. Such action should only be taken in cases where early possession is of great importance and the officer is satisfied that no exorbitant demand for compensation for the land acquired will be raised by the persons interested. In every case in which possession is taken before the declaration of the award efforts should be made to conclude the award as soon as possible. At the time of taking possession an accurate note should be made of the existing standing on the land and their estimated value.

40. In cases where departmental officers desire to enter upon land to be acquired, before the issue of any formal notification or declaration or declaration under Section 6 they should not be permitted to do so, if—

- (1) the written request of the persons interested or a considerable majority of them and
- (2) the authority in writing of the Deputy Commissioner.

Possession before issue of notification or declaration

VIII—Payment of compensation after award by the acquiring officer.

41. As soon as the award has been announced the acquiring officer will proceed to tender the compensation awarded to those persons who accept the award, making a note of the names of those who refuse to accept the amount awarded or accept it under protest.

Payment of compensation when made

There are five methods of making payments:—

- (1) By direct payment,
- (2) By order on a treasury,
- (3) By money order,
- (4) By cheque,
- (5) By deposit in a treasury.

Methods of making payments

All these methods alike require that action should be taken beforehand to ensure that payment may be made as soon as the award is announced. Payment should always be so made, if possible, to save the recipients from unnecessary attendance. The action necessary in each case is described in paragraphs 43 to 47 below.

42. When an award is made under Section 11 of the Act, the acquiring officer shall have a statement prepared in the form marked A in the appendix showing the amounts payable to each person under the award, and shall, on the day the award is made, forward a copy of the statement signed by himself to the Comptroller, North-West Frontier Province or other audit officer concerned, see paragraph 48 below.

Statement to be forwarded to the audit Officer concerned

A subsidiary statement in form AA, giving particulars regarding the acceptance, by the persons concerned, of the amounts entered in column 6 of the award statement, should also be furnished to the auditing office as soon as possible. If the subsidiary statement is not complete on the day that the award is made, the necessary entries in column 7 of statement in form A will be made in the auditing office on receipt of the statement in form AA.

43. For making direct payments the acquiring officers should draw in advance a sum sufficient to cover the probable amount of the award and make payments against this. This advance may be drawn from the District Treasury in the manner laid down in Article 1636 of the P. W. D. Code, Volume I, which is reproduced under Article 32 of the Civil Account Code, Volume I (8th edition), read with Article 440 of the Civil Account Code, Volume II (8th edition).

Direct payments

Note. The attention of disbursing officers is invited to Articles 84 and 84-A, of the Civil Account Code. Money should not be drawn from the treasury until it is required for immediate disbursement. When giving notice of the award, the Land Acquisition Officer should fix a period one month or such longer period as may seem necessary) ahead for the representatives to appear and receive payment of the compensation due to them. Money due to those who fail to appear on the day fixed for disbursement should be deposited in the Treasury without delay unless the acquisition officer has reason to believe that these persons are likely to appear to receive it at an early date. The deposit of such sums in the treasury in no way prejudices the claims of the payees and it relieves the acquisition officer of responsibility for the custody of the sums in question.

In making the payments the acquiring officer shall take the receipt of each person to whom money is paid on a separate voucher in the form marked C in the appendix. Each voucher shall contain a reference to the item showing the amount due to that person in Statement A. In cases where payments are made to a number of persons under a single award, an acquittance roll in form CC (see the appendix) may be substituted for separate receipts in form C.

If the acquiring officer be not specially appointed for this work (see paragraph 11 above) he shall send the receipts or acquittance roll to the Local Treasury Officer.

ATTESTED

Vertical text on the left margin, partially obscured and difficult to read, possibly containing administrative notes or references.

REVENUE CIRCULARS

By appointed acquisition officers should send them to the accounts officer of the Government concerned. This rule applies whichever method of payment be adopted.

By order on Treasury.

44. The second method of payment, i. e., by order on a treasury, is only admissible in the case of officers not specially appointed for the acquisition of land. In this case the officer should countersign the receipt in form C, and make it payable at the Treasury to the payee, altering the words, "Paid in my presence in cash/by cheque" to "Pay." An advice list of the orders passed for payment should be sent to the Treasury Officer, who in turn should return weekly an advice of orders paid.

Rules concerning payments by money order.

45. In the case of petty payments if the payees do not appear on the day fixed for payment and do not apply for a reference to the civil court under Section 18, the officer shall issue notices to them informing them that, if they do not attend by a certain date, the compensation awarded them will be remitted by money order, the amount of money order fee being deducted. The following rules must be observed in making such payments by money order :-

- (i) No sums exceeding Rs. 50 in each separate case may be paid by money order.
- (ii) No compensation due on account of land which is owned jointly by the proprietors of a village or sub-division of a village may be paid by money order.
- (iii) In each money order so issued, the purpose of the remittance should be briefly stated in the acknowledgment portion thereof in continuation of the printed entry - "Received the sum specified above on space being left below the manuscript entry thus made for the signature or thumb impression of the payee."

On receipt of the money order acknowledgment, duly signed by the payee, it should be attached to the usual receipt in form C in which the full amount of the compensation and the deduction made therefrom on account of the money order fee should be clearly shown; the receipt will then be disposed of in the usual way. The account department will accept such voucher with the money order acknowledgments as a valid receipt for the full amount entered therein.

(iv) For the words "paid in my presence by cash/by cheque" in form C the words "paid by money order" shall be substituted. The Comptroller will accept, in the case of compensation paid by money order, a receipt for the amount entered in the award statement less the amount of the money order fee as a valid receipt for the full amount entered in the award statement.

Payment by cheque.

46. Payment by cheque. - This procedure requires the special sanction of the local Government. The acquiring officer should observe the provisions of Article 17 of the Civil Account Code.

By deposits Treasury

47. Payment by treasury deposits. - In giving notice of the award under Section 12 (2) of the Act, and tendering payment under Section 31 (1) to such of the persons interested as were not present personally or by their representatives when the award was made, the officer shall require them to appear personally or by representatives by a certain date to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them if they fail to appear. If they do not appear, and do not apply for a reference to the Civil Court under Section 18 of the Act, the officer shall, after any further enquiry to secure their attendance that may seem desirable, cause the amounts due to be paid into the Treasury as revenue deposits payable to the persons to whom they are respectively due, and vouched for in the forms marked E in the appendix. The officer shall also give notice to the payees of such deposits, specifying the Treasury in which the deposits have been made. When the payees ultimately claim payment of sums placed in deposit, the amounts will be paid to them in the same manner as ordinary revenue deposits. The officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong, in order that the number of undischarged sums to be placed in deposit on account of non-attendance may be reduced to a minimum. Whenever payment is claimed through a representative, who appears before or after deposit of the amount awarded, such representative must show his authority for receiving the compensation on behalf of his principal. The following form of receipt should be printed on form E :-

"Paid by cheque No. _____, dated _____, on the _____ Treasury."

Audit by Account Officer.

Audit

48. (1) The Account Officers charged with the audit of expenditure on account of land acquisition are :-

Cum. Dy. Ac. Officer, _____, District _____

award. Land as defined in Section 3 (a) of the Act would include land, trees and buildings. But 15 per cent. is not to be added to compensation awarded in consideration of any of the matters specified in clauses 2 to 6 of Section 23 (1). Nor is it to be added to the capitalized value of jagir revenue granted under paragraphs 21 and 22.

The award must in all cases be made by the acquiring officer himself and recorded with his own hand.

24. Below the general award he shall have drawn up a statement in English showing the compensation awarded on account of each holding. This will be in the form given in the appendix.

25. If the amount given as compensation in the award exceeds the original estimate by 25 per cent. or more, the Deputy Commissioner before announcing his award must report the case to the Revenue Commissioner.

26. The Deputy Commissioner is also required, if the award, as finally settled after objection petitions have been heard, exceeds by more than 20 per cent. his preliminary estimate of the cost of acquisition, or if the evidence is conflicting and such as to indicate the possibility that a civil court may award a sum similarly exceeding that estimate, before announcing the award to inform the departmental officer of the facts. Further action must be then postponed until the proper authority has decided whether the acquisition should be proceeded with or not, see paragraph 21 below.

27. The award shall then, subject to the above instructions, be announced and explained to the persons present. Those interested in cash holding shall be informed of the amount of compensation to which they are entitled. Notice of the award shall also be sent to all persons interested in the land who are not present. It will be noted that the Act requires immediate notice to be sent. The notice should be in the form given in the appendix.

28. In all cases an award of cash compensation must be made. It, however, not infrequently happens that either (a) the person, from whom the land is being acquired, asks that Government land no longer required for public purposes may be given to him in lieu of cash compensation, or (b) it would be convenient to Government to award compensation in the form of land instead of cash. This latter case would occur chiefly when a new cut is being made on a canal, and the land under the old cut is no longer required. All land no longer required must, however, be disposed of in accordance with the provisions of Part G. below. It follows, firstly, that no land to which any person has any claim under that part can be awarded to other persons as compensation for land acquired from them; and secondly, that no departmental officer can by private negotiation or otherwise acquire land for a public purpose and give in exchange for it other land no longer required. All land not required must be handed over to the Deputy Commissioner. If it is proposed by any departmental officer to relinquish land and to acquire other land in the neighbourhood, he must treat the two transactions as entirely separate. All he can do is to hand over the land to the Deputy Commissioner and represent to him that, if possible, the land should be given as compensation for the other land to be acquired. If the acquiring officer, after having satisfied himself that no person has any claim to the land under the provisions of Part G. below, proposes to award it as compensation, he will award cash compensation as usual, but will record in the award and in the award statements a note to the effect that it is proposed to give land in lieu of cash. The question of the land to be awarded will then be dealt with in a separate file.

29. Under the provisions of sub-section (4) of Section 31 of the Act the Deputy Commissioner may come to any agreement with the parties as to the method of payment; but, except in the cases provided for by sub-section (3) of that section, the Deputy Commissioner cannot force a party to take land in lieu of cash. Where, however, the interest of a party is so limited, as in the case of a trustee of waqf property, or a Hindu widow, as to make it extremely difficult, if not impossible, to arrive at an adequate cash estimate of its value, or where from the circumstances of the case, it is impossible to place the parties concerned, by a cash compensation, in the same or nearly the same position as before acquisition, sub-section (3) enables the Deputy Commissioner to arrange to award land (subject to the same limitation of interest) in lieu of cash.

30. When land is acquired for a body financially independent of Government the value of Government land given in exchange and the capitalized value of the abated land revenue should be charged against advances of funds made by that body. (see paragraph 19).

Statement showing compensation for each holding.

Deputy Commissioner to report the case to Revenue Commissioner if his award exceeds the original estimate by 25% or more.

Opportunity of withdrawal to be given to acquiring department.

Announcement of the award.

Compensation in form of land in lieu of cash.

Treatment of such cases.

Deputy Commissioner's power to award land in lieu of cash.

Value of such land to be adjusted.

Collector not bound important

the following

into view sequence of canals with high department previously and must be relations of as in which the Land

arate noti- which land

t be com-

misation of 31 (3) of anction. of al Depart- Revenue

the State ng to the

es shall be

compensation on the land, months and by which calculated. is asarana. is e of the jagir, mitted, and the as proportionable the term of settle- ers for which the purchase—the

shall draw up taken up, the ral ch quality, the to- the proporti- tenants, and The extra 15% acquisition shor the total compou ides for the gran not on the

late the be ation land, and which ted is, na, is jagir, d the onable settle- hich the ce—the

it up the ra the top portle and in rn 15% on shor compen to gran the b

144

ALIEJEL

VI - Reference to a Court

Government or Company cannot require a reference to Court.

31. Government or a company, in cases where land is being acquired for a company may under Section 48 (1) of the Act withdraw from the acquisition at any time unless possession has actually been taken. But neither government nor the acquiring company can as a person interested, require the reference of an award to the Court under Section 18 of the Act. So far as they are concerned, save for their right to withdraw from the acquisition, the award is final.

Reference under Section 19, how made.

32. See Section 19 of the Act. - Objections by different persons interested based upon different grounds should generally be referred separately to the Court. Those based upon the same ground may be referred together. The sections of the Code of Civil Procedure on the subject of misjoinder of causes of action and of parties should be consulted in this connection. In all cases there must be a separate reference on account of each village.

Departmental officer to be informed.

33. The acquiring officer should at once inform the departmental officer concerned of any reference to the Court made under Section 19 of the Act, and should forward to him a copy of the grounds on which the objection to the award is taken. Section 18 (2). When a notice is served under Section 20 (e) of the Act, the acquiring officer should immediately forward a copy to the departmental officer concerned.

Representation of Government in Court.

34. The proceedings before the Court under Part III of the Act are of a regular judicial kind, and the provisions of the Civil Procedure Code and of the Indian Evidence Act are applicable. The Deputy Commissioner should arrange for the defence of the award as if the case were a suit by the Government, and should be represented at the hearing before the judge by the Government Pleader. Facts must be proved in a legal manner, and all evidence, whether oral or documentary, on which the case is to be decided, must be produced in Court. If the Deputy Commissioner is not represented before the Court, the case will be decided *ex parte*, and Government will be prejudiced if it is found necessary to present an appeal.

Appeal Report to Revenue Commissioner.

35. When a departmental officer is of opinion that an appeal should be filed under Section 54 of the Act, he will report the case to his departmental superiors. The report should be drawn up in accordance with the Government suit rules published in Circular No. 38 (Government Litigation) and should contain in addition an abstract of all the evidence, oral or documentary, produced on behalf of either side in the lower court. A similar report must be submitted, if the opposite party files an appeal.

Costs or interest on moneys to whom charged.

If the court orders the acquiring officer to pay costs under Section 27 of the Act, or to pay interest under Section 28, such costs or interest shall be charged to the department for which the land has been acquired as part of the costs of acquisition.

VII - Taking possession.

Deputy Commissioner alone may take possession.

36. Under sections 16 and 17 of the Act, the Deputy Commissioner, or officer appointed by him, alone is entitled to take possession of land acquired. Having taken possession the Deputy Commissioner shall make over the land to the departmental officer concerned, who is responsible for reporting delivery of possession to the accounts officer concerned. See paragraph 48 (11) below.

Termination of right to withdraw.

37. Once possession has been taken, acquisition is complete, and the acquiring department, body or company can no longer exercise the power to withdraw. It is therefore very important that where the terms of the award differ materially from those of the preliminary estimate, or where there is ground for supposing that the Court, on a reference under Section 18 of the Act, would adjudicate in compensation a sum materially larger than that calculated in the preliminary estimate, the acquiring department, body or company should be given an opportunity to withdraw from the acquisition under Section 48 (1) of the Act.

When possession may be taken.

38. Possession must not ordinarily be taken until after the lapse of the periods named in Section 18 (2) of the Act unless the immediate acquisition of the land appears to be absolutely necessary. Cases of special urgency are dealt with in Section 17 of the Act, and it is to be noted that proceedings under that section can be taken only in the case of waste or arable land, and not of building sites, and that it is necessary even when proceeding under that section,

- (1) that notice under Section 17 (1) has been issued,
- (2) that the previous sanction of the Local Government should be obtained before the Deputy Commissioner takes possession of the land, and
- (3) that compensation for the same should be offered at the time of taking possession.

for a w
any li
by com
Secti
law nc
28. h
rest. tra
The
mu
islon in
in w
be l
uc
ha
ra
be
a
niale
31
inclu
Al De
Ra
the
28
31-11
ompe
on the
mont
ons by
calcul
of the
propo
term
rs for
purch
shall d
ken d
ch qual
c. the
tenn
The
acqu
the re
idea
not
before

REVENUE CIRCULARS

[Land Acquisition No. 54]

21

Controller of Military Accounts.—If the land is acquired for the Military Engineer services or for the Military Department.

Chief Auditor, North-Western Railway.—If the land is acquired for the North-Western Railway.

Accountant-General of Post Offices and Telegraphs.—If the land is acquired for the Post Offices and Telegraph Departments.

Comptroller, North-West Frontier Province.—If the land is acquired for the Civil Government or for any local land or other body financially independent of Government.

(ii) Whether the payment is made by a special officer or by the Collector of a district or other civil officer, the audit of the accounts officer shall consist in seeing that the payment is supported by a receipt in Form C, C.C., D, or E. (see paragraph 50) and that the amount paid on such receipt is the amount payable under the award as shown in the Statement of which he will have received copies under the preceding orders. The accounts officer will also note in the last column of Form D the date on which possession is taken as reported to him by departmental officer concerned.

(iii) The accounts officer concerned will, when all the vouchers showing either payment to the payee or payment into deposit and the reports of possession have been received, forward the completed Statement in Forms A, B and C, see paragraph 50 to the Revenue Commissioner.

Audit, adjustment and recovery of payments on behalf of bodies financially independent of Government.

9. In any case in which land is acquired for a municipality or other body financially independent of Government, the Local Government may direct that the payments, if of being made and audited in the same manner as the ordinary payments of such body shall be made and audited as if the land were being acquired for Government. If the Local Government issues such an order, the Deputy Commissioner or other officer will make payments on account of the land acquired shall draw funds from the Treasury and pay the payments in the manner laid down in these rules, using the forms prescribed, and render his accounts to the Comptroller. The municipality or other body will estimate the cost of the compensation as the Local Government may direct, further payment to be estimated and in such instalments as the Comptroller reports that the payments made are being required as soon as the Comptroller will deal with the accounts and the amount received in advance. The Comptroller will debit the accounts with the payments as prescribed in these rules, debiting the payments against the advances received from the municipality or other body.

Procedure where Government directs payment to be made in the same manner as if the land were being acquired for Government.

IX—Payment of compensation after an award by the Court.

10. The general rules for payment of compensation, after an award by the Deputy Commissioner or special acquiring officer has been made, apply also to payment after an award by a Court. The following further provisions must also be observed:—

(i) In cases where an award has been made by a Court under Section 26 of the Act and award statement should be prepared in the form marked B in the appendix by the officer acquiring the land as soon as the decision of the Court is communicated to him. A copy thereof shall be forwarded to the accounts officer concerned. On receipt of this statement the audit officer will proceed to check the entries in columns 1 to 4 with the original of the officer.

(ii) Any change in apportionment of the officer's award made by a Court under Section 30 of the Act should similarly be communicated to the Comptroller for the necessary alterations in the award statement and if under Section 31 (2) of the Act, it has been decided to grant compensation otherwise than in cash, the nature of such compensation should be clearly specified in the column of remarks in the award statement.

(iii) All payments into Court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the Court, payable by order of the Court to the credit of Civil Court Deposits. The cheques should be accompanied with receipts in duplicate, in Form D given in the appendix duly filled up, of which one will be retained by the Court for record, and the other two returned, duly signed, to the Deputy Commissioner, who will keep one copy and forward the other to the audit officer with the accounts of the Court in which the payments are made. Payments of the amounts deposited shall be made in accordance with the rules for the payments of Civil Court Deposits.

(iv) When a Court has awarded any compensation in excess of the officer's award, the further payment due, as entered in column 6 of the award statement in Form B, should be made into the Court by means of a cheque, and the procedure described in the preceding paragraphs should be followed, Form D being used with the necessary changes in the full particulars of the order of the Court.

General rules.

Payment of compensation after award by the Court.

Communication of change in apportionment.

Payments into Court how made.

Compensation in excess to be paid into Court.

145

ALLEGED.

REVENUE CIRCULARS

Land Acquisition—No. 44]

50. Dynamic after of the Department of Revenue, regarding the awarding of the award. The Deputy Commissioner will observe the same procedure as if the reference to the Civil Court had been made by himself, as prescribed above.

C.—ACQUISITION BY PRIVATE NEGOTIATION.

51. Negotiations for the acquisition of land by private agreement may be conducted by the officers of any department desiring to acquire the land, but preliminary notification under Section 4 is essential, and in every case the permission of the Head of the department must be obtained both to the opening and concluding of the negotiations.

52. Officers acquiring land by private negotiation should bear in mind the necessity of thoroughly examining the vendor's title during the period of limitation, i.e., twelve years. Documents supporting the title should be examined in original. In all cases where the title is in any way open to doubt the land should be acquired under the Act.

53. No agricultural land can be acquired by private negotiation for any department of Government without the Revenue Commissioner's sanction.

54. When acquiring land by private negotiation the acquiring officer should install on the vendor—

- (1) handing over all title deeds relating to the land,
- (2) executing and registering a deed of sale, on stamped paper, in favour of Government.

55. On compliance with these terms payment may be made. At the time of making payment the acquiring officer should prepare and send to the account officer concerned a Statement in the form given in the Appendix.

The Statement required by paragraph 21 in cases of compulsory acquisition, is also necessary in cases of acquisition by private negotiation.

In order to avoid any possible claims for interest, payments must be made, before or immediately after taking possession. If, for any reason, this course is impracticable the circumstances of the case are to be reported through the Revenue Commissioner for the information of the Local Government.

D.—CASES OF ACQUISITION TO WHICH THE PROVISIONS OF THE LAND ACQUISITION ACT (I OF 1894) ARE NOT APPLICABLE.

56. The provisions of the Act do not apply to—
(1) land already owned by any Department of Government;

(2) lands owned by a municipal committee or a local authority, or by a Government officer, in the former cases the matter would be arranged by inter-departmental correspondence. In the latter case, if the land had been reserved in the Municipal Act, it would be under the provisions of Section 7 of the Punjab Municipal Act (XX of 1891) proceeding under the Act might be restored to the ordinary course. It would be to ask the municipal committee to proceed under Section 75 of the Punjab Municipal Act and the amount of compensation would be settled by private negotiation.

E.—REDUCTION OF LAND REVENUE ON ACQUISITION.

57. Every Deputy Commissioner should before the 1st May in each year submit to the Revenue Commissioner a statement, in the form given in the Appendix, showing the amount of reduction of land revenue due on account of land acquired during the past official year. This statement should be accompanied by the annual Statements prescribed in Paragraphs 24 and 25 above containing the entries in respect of which sanction to the reduction of revenue is applied for. These Statements will be returned when orders on the reduction Statement have been passed. This statement must be submitted in respect of land acquired by private negotiation as well as of land acquired under the Act.

58. The reduction of land revenue to be granted must be calculated according to the amount actually paid to Government as land revenue on the lands taken up, or if no specific amount is assessed on them, the settlement rate of the village for the particular class of land should be applied.

paid for from central or provincial revenues.

(II) With regard to revenue paying lands acquired for local bodies the rule is—

- (a) land appropriated to objects from which an income is raised will continue to pay revenue and cesses,
- (b) lands taken up for roads, avenues, sites of hospitals, dispensaries, schools and the like, which yield no return to local bodies and are devoted to public purposes will be exempted from the payment of land revenue and cesses so long as the condition on which the exemption is made is fulfilled.

60. The reduction in the rent roll will be effected from the kharif harvest following the date of submission of the Statement prescribed in paragraph 57. Pending orders on the reduction Statement the Deputy Commissioner should in cases where remission is recommended, suspend the land revenue demand from the date of taking possession. The total amount so suspended annually should be entered in the remarks column of the Statement. Previous harvests in the heading of columns 14 and 15 means harvests previous to incorporation in the revenue roll.

Reduction from which crop to be reckoned.

F.—TEMPORARY OCCUPATION.

61. The law regarding temporary occupation of land is contained in Part VI of the Act. Under Section 35 (1) only waste or arable land can be temporarily acquired.

Temporary occupation.

62. The Deputy Commissioner is not required to conduct negotiations for the temporary occupation by private agreement, of land for other departments, but will give such reasonable assistance as may be needed. The departmental officer concerned should send the Deputy Commissioner a copy of any agreement made by him with the owners and occupiers of land of which possession has by private negotiation been temporarily ceded to him.

Assistance to be given by Deputy Commissioner.

63. For land temporarily occupied a yearly rent will ordinarily be paid. Such rent should be paid through the Deputy Commissioner and not by the departmental officer direct, whether the land has been occupied under Part VI of the Act or by private agreement.

How paid for.

64. The temporary occupation will not interfere with the liability of the owners or occupiers to pay land revenue, and no reduction of revenue will be sanctioned.

Land revenue how.

G.—ABANDONMENT OF LAND TAKEN UP PERMANENTLY OR TEMPORARILY.

65. Sections 36 and 37 of the Act provide for the procedure to be followed when lands temporarily occupied are abandoned.

Abandonment of land temporarily occupied.

66. When agricultural or pastoral land has been permanently acquired for public purposes by any department of Government, and is no longer required for such purposes, the disposal of it shall be guided by the following considerations:—

Procedure for abandonment of agricultural land and pastoral land acquired permanently.

(1) Agricultural or pastoral land should ordinarily in the first instance be offered to the original owners, or their heirs, at the price of acquisition, less the 15 per cent. allowed for compulsory acquisition, unless there has been any material alteration in the value of the land since acquisition. To justify the demand of an enhanced price at restoration there must have been an improvement in the quality of the land. The fact that land, irrigated when acquired, can at restoration be watered from a canal, is not an improvement of this nature.

Agricultural and pastoral land.

(2) If surrender at the price of acquisition is refused by the original owners or their heirs, or if it is obviously inequitable either to them or to Government, the market value of the land should be ascertained and the plot to be surrendered should be offered at the market price to—

Market value when to be ascertained.

- (a) the original owners or their heirs,
- (b) the owners or occupiers of adjoining lands,
- (c) to other persons.

(3) In the case of plots which in their size or shape are practically of no value to anyone but the owners of the adjoining fields, the option of purchasing at the market value should be given to them. The mere fact that an outsider is prepared to outbid them should not deter the Deputy Commissioner from accepting any fair offer which they may

Case in which option should be given to adjoining owners.

ALLEGED

Land Acquisition, No. 41.

action when the heirs and neighbors of the proprietors do not wish to purchase.

Report to Revenue Commissioner.

Deputy Commissioner responsible for disposal.

Re-assessment of land abandoned.

Sums realized, of which also, etc., how dealt with.

Boundaries of Government land to be demarcated and checked.

Disputes as to boundaries, how to be settled.

Who should institute suits against encroachers.

(4) If the heirs of the original owners cannot be traced, or if they or the proprietors decline to accept the terms offered to them, by the Deputy Commissioner the land may be put up to auction or dealt with as may appear advisable, under the orders of the Revenue Commissioner.

(5) In negotiations for the disposal of land no longer required by the Government, the Deputy Commissioner must make it plain that any terms he proposes are not binding on the Government until they have been sanctioned by the Revenue Commissioner. In ordinary cases it is enough for him to note his proposals in the last column of the statement proposing the addition to the land revenue roll which will follow on the reversion of the land to private ownership. But if the area relinquished is large, or if any doubtful questions arise in connection with its disposal, it is better to deal with the cases in a separate report.

67. The department by which the land is surrendered should be given an opportunity of criticising the rendition price to be demanded and of commenting upon any bid, or tender before it is accepted. When a building and site are sold together the sale should be conducted in consultation with the Deputy Commissioner of the district, though the actual sale may be effected by the Public Works Department (or the departmental officer concerned).

68. In every case the Deputy Commissioner should report for the orders of the Revenue Commissioner in the form given in the appendix, the assessment which he proposes to impose on the land.

69. Sums realized by the lease or sale of lands in accordance with these instructions will be credited by the Deputy Commissioner to the department on account of which they were acquired. Deputy Commissioners are directed to bring to the notice of the Revenue Commissioner any case in which land previously occupied for public purposes is restored by the public officer, or by the company in charge thereof, otherwise than in the manner prescribed in these orders.

II.—DISPUTES AS TO BOUNDARIES OF LAND PERMANENTLY OR TEMPORARILY TAKEN UP FOR PUBLIC PURPOSES.

70. Officers in charge of lands acquired for Government are primarily responsible that boundaries of all land belonging to Government are properly demarcated; that land plans are maintained; and that the boundaries and the land plans are periodically checked to test their accuracy. In the case of land occupied by the Public Works Department, Government has ordered that land plans should be prepared in consultation with the Deputy Commissioner, the plans being prepared from the revenue records, any records in possession of the Public Works Department being also consulted. Executive Engineers have also been ordered to verify boundaries from land plans once every two years.

71. When a dispute or doubt arises as to the correct limits of land owned by Government or occupied for public purposes, local officers should bear in mind that questions of this nature cannot be decided by them of their own authority. An officer cannot surrender land of which he is in charge unless he has first obtained the proper departmental sanction to the surrender, or is acting in obedience to the order of competent authority; nor can he take possession of land merely because, in his opinion, the records of his office show that Government is entitled to it. When an officer has grounds for believing that an encroachment has been made on land of which he has charge, or for other reasons has doubt concerning the boundaries of such land, he should (after such reference to higher authority as may be required by the circumstances of each case) apply to the Deputy Commissioner who will then cause the land to be demarcated according to the map contained in the revenue records.

72. If any encroachment is found to have taken place, the Deputy Commissioner should warn the people guilty of it that proceedings will be taken against them if they do not vacate. It rests, however, for the department in charge of the land and not for the Deputy Commissioner to take action under Sub-Rule 8, published with Circular No. 118 (Government Litigation). The Deputy Commissioner should at the same time request the officers of other departments all reasonable assistance in the preparation of the report required by that rule.

I.—REGISTERS AND RETURNS.

73. A register shall be kept up in every district office, in which should be entered the names of all land occupied for public purposes, whether taken up by private negotiation or otherwise, and will be in the form...

Record of land in possession of Railway.

74. A record of all lands in the possession of any railway, whether State or Company, must be kept up in each district through which the railway runs. The form of the register differs according as the railway is a State Railway or a Company. The forms for the two kinds of railway are given in the appendix. There must be a separate register for each line.

Returns to be submitted by Deputy Commissioners of district.

75. The following returns have to be submitted by Deputy Commissioners:—
- (i) An annual Statement comprising all the entries in the district register in such form as may be directed from time to time by the Revenue Commissioner (vide form XIII, Land Revenue Report).
 - (ii) On the first working day of the year registers of lands in the occupation of Railways, vide preceding paragraph, shall be balanced up to December 31st, and a copy of the record of the year shall be submitted to the Engineer-in-Chief of the North Western Railway. The returns of each year will show in detail all the transactions of the year then concluded, and an abstract balanced and corrected up to date.

147

SPECIAL RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS.

Acquisition of land for railways.

76. The ordinary rules with regard to the acquisition of land apply also to land to be acquired for railways. Certain additional directions in cases of acquisition of this class are to be found in the Government of India, Railway Board Circular No. 889-P-16, dated the 30th August 1918, and Circular No. 412-P-18, dated the 15th May 1919, and Circular No. 456-P-17, dated the 4th August 1919, and Government of India, Foreign and Political Department, Resolution No. 493-L, dated the 30th March 1926.

Paragraph VIII of the Resolution runs as under:—

"Where land outside the regular land widths, as prescribed in Sections VII and VIII and Appendix A in the rules for the acquisition of land for railways (enclosure to Railway Board's Circular No. 889-P-16, dated the 30th August 1918), is required for temporary occupation, the procedure in British India will be under Part VI of the Land Acquisition Act, and in States in which a law on the same lines is in force, under that law. In cases where there is no such law, the terms of occupation and use will be settled by mutual agreement; and in case of dispute as to the terms, by arbitration in the manner prescribed in clause IV".

The remainder of the Resolution of the 30th March 1926 is not reprinted as it deals with the procedure in the case of lands situated in Indian States.

(A) Possession of the land will be made over by the Collector or his representative, and will be taken over by a representative, not lower in status than an Assistant Engineer, of the Engineering Department of the Railway.

The area on the ground will be carefully checked with that on the plan and, if found correct, the permanent boundary marks will be affixed as soon as possible hereafter.

A certificate, at least in duplicate, to the effect that the land has been on that day correctly taken over, will then be signed by both parties and recorded by the Revenue and Railway authorities, respectively.

(B) When boundary marks have been erected for the demarcation of Railway Land, the position and corresponding number of every detached mark must be inserted in the Land Plans, and on each Land Plan the number of each detached mark shown thereon is to be tabulated, with the magnetic bearing and distance in feet to the next mark.

77. When land in the possession of a Railway Company is no longer required either temporarily or permanently, the following rules are to be followed:—

Land no longer required railway.

(i) Land which is likely to be again required by the Railway in the near future should remain in the custody of the Railway authorities and the Railway should not be called upon to relinquish it; the term "near future" should be liberally interpreted with reference to the probable requirements of the Railway. Where there is any uncertainty, the benefit of the doubt should be given to the Railway in favour of retention.

(ii) Land which may probably be required in the distant future should not be relinquished, but should be made over to the revenue authorities for safe custody. Lands so transferred are not to be let or sold by the revenue authorities except on such terms of temporary occupation as will not interfere with their being made available for railway purposes, these conditions may best be attained by the concurrence of the Railway authorities is first obtained to any proposals that may be made.

ATTESTED

REVENUE CIRCULARS

16

Land Acquisition—No. 54]

(iii) Land for which the Railway is not likely to have any further use either in the present or the future, should be relinquished outright to the revenue authorities and the sale proceeds should be credited to the Railway. There is, however, no objection to the revenue authorities retaining the lands after relinquishment till an offer is obtained more commensurate with their value than the amount likely to be realised by an early sale. The revenue authorities should retain and treat such lands as "land revenue" and rent which may be realised by the temporary use of such lands. In such cases all that is necessary to ensure is that, until sold, the land continues to appear in the revenue registers as belonging to the Railway, and that its subsequent sale is not delayed for a period which is incommensurate with the enhanced price which it is likely to fetch.

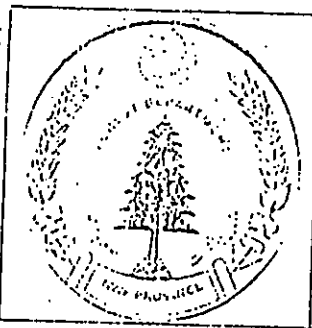
515

515

148

(2)

Annex - IV (35)



OFFICE OF THE DIVISIONAL FOREST OFFICER
BUNER FOREST DIVISION SWARI

Ph: 0939-555504

Fax: 0939-555504

No. 3278 /G, Dated Swari the 26/8/2010

To

The District officer Revenue,
Buner

Subject:- PURCHASE OF LAND FOR THE CONSTRUCTION OF OFFICE
CUM RESIDENCE.

Memorandum:

This office intend to acquire/purchase land measuring six (6) kanals and one (1) Marla situated in Moza Dagger for the construction of Divisional forest Officer office cum residence and staff quarters. Necessary revenue record/documents pertaining to the aforesaid land are enclosed herewith along with section 4 of the Land Acquisition Act 1984 and agreement deed executed with the owner of the land. As this office has settled the price of the land with the land owner privately through negotiation. It is therefore, requested that the notification under section 4 of the land Acquisition Act 1984 may please be signed and further proceedings initiated for the acquisition of the land in question.

Divisional Forest Officer
Buner Forest Division Swari

No. 3279 /G.

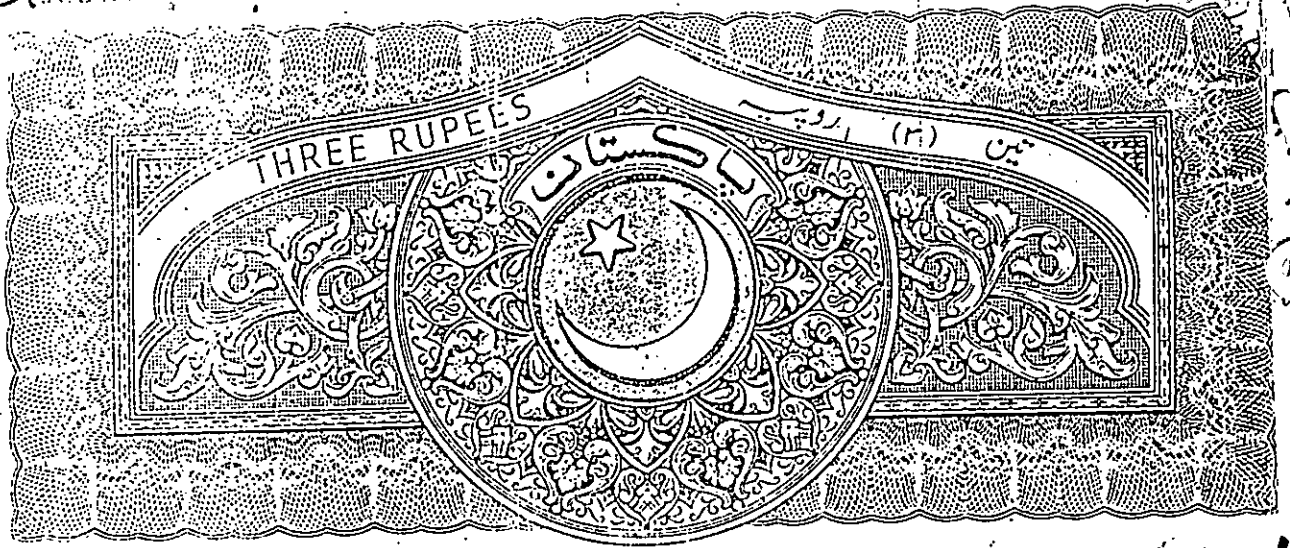
Copy forwarded to:-

- 1 The Chief Conservator of Forests, NWFP, Peshawar.
- 2 The Conservator of Forests-Malakand circle at Saidu Sharif Swat.

For favour of information please.

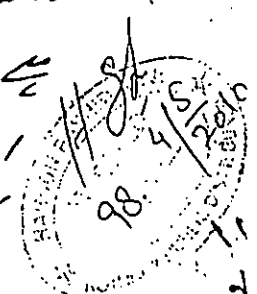
Divisional Forest Officer
Buner Forest Division Swari

ATTESTED



150

فریاد اول پٹن سٹریٹ اینٹی عام سٹریٹ تک راستہ بارہ فٹ چھوڑا دستہ نہ
 راستہ ہوگا۔ جبکہ ایک سر لم پوسٹ روڈ فریاد دوم نے بیچ قلمی حدید ایسا
 ہے۔ راستہ دونوں فریقوں کو صرف و آفد کیلئے دستہ نہ راستہ عام ہوگا۔
 اور دونوں فریقوں کسی قسم سے ایک راستہ تو راستہ میں کوئی رکاوٹ
 نہیں ڈالیں گی۔ اور نہ ہٹنے کے لیے۔ اور حقیقتہً آرائی کل سالم را-
 ہم فریاد اول پٹن سٹریٹ سے ٹول یا تا ضلع فریاد دوم کے نام بند و سب
 حال میں طلبہ پتوار کیا کہ اشتغال کریں جس سے تمام تر زخم دوری
 سم فریاد اول کا ہے۔ حقیقتہً آرائی جہہ حقوق عدلیت کے ساتھ
 حوالہ فریاد دوم ہے۔ آرائی ہڈرہ بالا براڈ ٹیری دفعتہً فریاد
 دراپسین کیا دیا ہے۔ کھنڈ گوریان اور نہ بیچ نہ راستہ آرائی ہوگی۔
 صاحب



Handwritten text and a signature on the right side of the page, including the number '98' and a date '15/10/1946'.

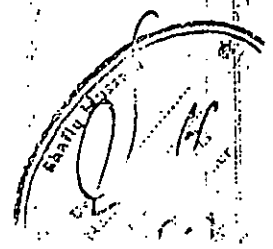
Muhammad
 (3-194641-194016) رتہ (15101-8512991)

صاحب گل و درخت باگل احسان اللہ ولد نصیب گل

Divisional Forest Officer,
 Quater Forest Division, Rawal.

حکمہ فارسٹ ڈویژن
 بنالہ DFDO نوٹہ

ALLIESTED




Ann: III

485 P. 01
151

FRI, 22-DEC-34 2:34

DFC BUNER

2092939510188

	OFFICE OF THE DIVISIONAL FOREST OFFICER BUNER FOREST DIVISION SWARI Ph: 0939-555504 Fax: 0939-555503	
	No. <u>362</u> /G,	Dated Swari the <u>25</u> /08 /2008.

To

The Divisional Forest Officer,
Upper Dir Forest Division at Dir.

Lex

Subject:-

MINUTES OF THE SPECIAL DDWP MEETING.

Memo:

Reference your No. 376-79/G, dated 24-7-2008.

As desired, cost estimates of the following buildings according to the schedule rate per Sft are sent herewith:-

- | | | | |
|------|---|---|-----------------|
| i- | Cost estimate of DFO Office. | = | Rs.29,54,445/- |
| ii- | Cost estimate of DFO Residence. | = | Rs.28,97,765/- |
| iii- | Cost estimate of two staff quarters | = | Rs.29,47,360/- |
| iv- | Cost estimate of Boundry wall
@ Rs.550/- per Rft. | = | Rs. 4,50,450/- |
| v- | Cost estimate of purchase of land
@ Rs.75,00,000/- per kanal for 6 kanals= | = | Rs. 90,00,000/- |

The case has been taken up with District Officer Revenue Buner for issue of necessary non-availability and cost reasonability certificates to justify the cost quoted above. However, the rate has been fixed in anticipation of approved rate by District Officer Revenue Buner. To avoid further delay in the case, information may kindly be included in the PC-I. The detail cost estimate of the above buildings will also be submitted to your office shortly.

3
2wd
DIVISIONAL FOREST OFFICER
BUNER FOREST DIVN: SWARI

No. _____ /G.

Copy forwarded to the Conservator of Forests, Malakad Circle Saidu Sharif for favour of information and necessary action, please.

DIVISIONAL FORES OFFICER
BUNER FOREST DIVN: SWARI

ATTESTED
[Signature]

NO. 2456 / 12/9/HVC,

Dated Dagar the 07/08/2008.

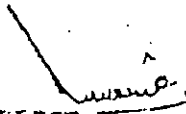
From:- The District Officer,
Revenue and Estate Buner.


To: The Divisional Forest Officer,
Buner Forest Division Swari.

Sub:- PURCHASE OF LAND FOR CONSTRUCTION OF BUILDING
THEREOF.

Memo:- Kindly refer to your office memo No: 295/G dated
29-07-2008, on the subject noted above.

In this regard it is stated that no state land
is available in the vicinity of Swari area of Sub-Tehsil Dagar.


DISTRICT OFFICER, REVENUE
& ESTATE BUNER.

ATTESTED


GOVERNMENT OF NWFP
ENVIRONMENT DEPARTMENT
(PLANNING CELL)

NO. DDP (ENVT) x6 PAF/5859-62
DATED PESHAWAR THE 19/6/2008.

153

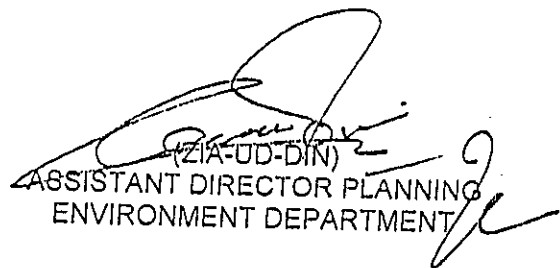
To

1. The Chief (Agri & Envt),
P&D Deptt: Govt. of NWFP, Peshawar.
2. The Section Officer (Dev-III),
Finance Deptt: Govt. of NWFP, Peshawar.
3. The Chief Conservator of Forests,
NWFP, Peshawar.
4. The Director General,
EPA, NWFP, Peshawar.

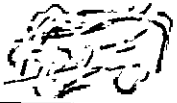
Subject: MINUTES OF THE SPECIAL DDWP MEETING HELD ON 14/6/2008 UNDER
THE CHAIRMANSHIP OF SECRETARY ENVIRONMENT NWFP

I am directed to enclose herewith a copy of the subject minutes duly approved by
the Secretary Environment for further necessary action & record please.

Encl: As above


(ZIA-UD-DIN)
ASSISTANT DIRECTOR PLANNING
ENVIRONMENT DEPARTMENT

ATTESTED

MINUTES OF THE SPECIAL DDWP MEETING HELD ON 14/06/2008
UNDER THE CHAIRMANSHIP OF SECRETARY ENVIRONMENT NWFP

A special DDWP meeting was held on 14/6/2008 at 12:00 hours under the chairmanship of Secretary Environment in his office to discuss the schemes of EPA (Non ADP-CM Directives) and Forestry sectors (Revision) as per detail given below:-

The list of participants is attached.

A. ENVIRONMENT / EPA

1. CHIEF MINISTER'S DIRECTIVE (GRANTS IN AID FOR PAKISTAN ENVIRONMENTAL PROTECTION FOUNDATION, PESHAWAR).

The above mentioned scheme was approved by Chief Minister NWFP as a Non ADP scheme on a summary moved to him by Finance Department on 15/3/2008. Subsequently Finance Department vide his letter No. SO(Dev-III)8-87/2007-2008/FD/ Releases, dated 27/3/2008 released and amount of Rs.1.000 million to Secretary to Government of NWFP, Environment Department with a copy to Director General, EPA, NWFP and others, to incur expenditure subject to fulfillment of codal formalities required under the rules during CFY 2007-08. Further it was also instructed that the expenditure shall be met in accordance with the described procedure and shall incurred only on the items / activities mentioned in the approved PC-1 / administrative approval and shall not exceed the allocation / approval for any particular item / activities.

Thereafter Director General, EPA, NWFP asked Honorary President PEPF to provide the details of activities to be undertaken under the said scheme. In view of information provided DG EPA, prepared PC-1 of said scheme and submitted to administrative department to convene DDWP meeting for necessary approval.

As such, the said scheme was discussed in DDWP meeting and approved at a total cost of Rs.1.000 million as a Non-ADP scheme for period of one year i.e. 2007-08.

ATTESTED

155



B. FORESTRY

2. CONSTRUCTION OF OFFICE & RESIDENTIAL BUILDINGS IN NWFP (REVISION)

The said scheme was approved earlier in DDWP held on 18/8/2007 at a total cost of Rs.25.000 million for period of two years. Now Chief Conservator of Forests NWFP submitted revised PC-1 amounting to Rs.39.635 million for a period of three years 2007-08 to 2009-10.

After threadbare discussion the scheme was deferred due to following reasons / observations.

1. The various annexures of PC-1 pertaining to detail cost estimates were not signed by DFO concerned.
2. Comparative statements showing item-wise comparison of original cost and revised cost was not provided in PC-1.
3. As per third quarter review ending on 31st March 2008 the expenditure already incurred under the said scheme is 4.103 million. The Forest Department should justify that how and why this expenditure incurred while no government or private contractor was ready to undertake the construction work on approved low rates as mentioned at Page-8 of PC-1.
4. The copy of tender and subsequently quotation received from contractor, besides other supporting documents, should be made part of PC-1.
5. As there is provision for purchase of land in the scheme therefore, certificate from DOR concerned should be provided in PC-1.
6. It was also noticed that under various items the premium is over and above from approved rates. The same needs to be rationalized.
7. Forest Department will immediately surrender non-utilized amount. Finance Department representative agreed to accept the surrender as a special case.

Forest Department will submit amended / corrected PC-1 within two weeks to administrative department, so that the scheme should be considered in next DDWP meeting.

The meeting was ended with mutual thanks.

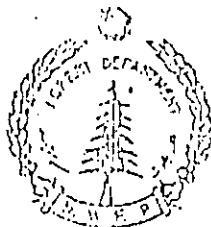
ATTESTED

Annex - III



156

GOVERNMENT OF NWFP
ENVIRONMENT DEPARTMENT



ADP No. 606

Scheme Code: 70609

PC-I

CONSTRUCTION
OF
OFFICE-*Annex* - RESIDENTIAL BUILDINGS
IN
NWFP

(REVISED)

Project Period July 2007-08 to 2009-10

(3 Years)

(Approved by DDWP = 6.11.2008)

NWFP FOREST DEPARTMENT

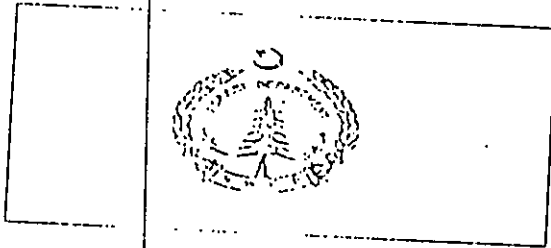
October, 2008

ATTESTED

~~70609~~ 703, 123

[Handwritten signatures and initials]

157



PC-1 (REVISED)

1. Name of the Project: Construction of office ~~and~~ residence buildings in NWFP (Upper Dir, Buner, Kabal and Booni of Malakand Circle. Scheme Code: 70609)

2. Location: The building will be constructed on the following places as per detail below:

S.No.	Name of Division	Particulars of Building	Location
1	Lower Dir	Boundary wall of the Forest Colony Laram Rest House and DFO residence.	Jimergara Lower Dir.
2	Upper Dir	DFO office com-Residences & Boundary Wall	Dodbah Upper Dir
3	Buner	-do-	Swari Buner
4	Swat	RFO office-cum-Residence.	Kabal Swat
5	Chitral	-do-	Booni, Chitral.

6. Construction of 8 Nos Ministerial Staff Quarters:

i.	DFO D/Upper	Construction of 2 Nos Ministerial quarter	Dodbah
ii.	DFO Buner	--do--	Buner
iii.	RFO Kabal (Swat)	--do--	Kabal
iv.	RFO Booni(DFO Chitral)	--do--	Booni

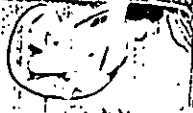
The location Map of the Project is available at Annex-I

Authority responsible for Sponsoring Execution:

Government of NWFP, through Provincial ADP
 NWFP Forest Department, through CF Malakand and DFO Lower Dir, Upper Dir, Buner, Swat & Chitral Forest Divisions.

ATTESTED
[Signature]

158



ii. Operation and Management

iv. Concerned Federal Ministry:

NWFP Forest Department, through DFO Lower Dir, Upper Dir, Huner, Swat & Chitral Forest Divisions, & overall supervision of the Conservator of Forests Malakand Forest Circle, Ministry of Environment, Government of Pakistan.

4. Plan provisions

a. Plan provision

If the project is included in the medium term/five year plan specify actual allocation.

Afforestation and Environmental rehabilitation are an integral part of the Five year's Development Plan priorities in the Environment Sector of Governments of Pakistan and NWFP. Hence the project forms part of the overall development priorities.

If not included in current plan, what warrants its inclusion and how it is now proposed to be accommodated.

Inter/intra-sectoral adjustments in allocation or other resources may be indicated.

The project was included in the Annual Development Program (ADP) of NWFP Forest Department for the year, 2007-08 at the total cost of Rs.25.000 million, for a period of two years, at S.No.758 with an allocation of Rs.10.000 million during the year, 2007-08.

Now the PC-I is being revised for a period of three(3) years with a total cost of Rs.39.635 million with an allocation of Rs.12.300 million for the year, 2008-09.

If the project is proposed to be financed out of block allocation for a program, indicate.

Provision in the current year PSDP/ADP

The project has already been included in the development portfolio of Government of NWFP in the Forestry Sector with a total cost Rs.39.635 millions expanding over three year's period from 2007-08 to 2009-10. An allocation of Rs.12.300 millions has been made for the project during the financial year, 2008-09 in ADP vide S.No.606. The project is now being revised keeping in view the unprecedented rise in prevailing market rates. The PC-I stand approved (Item #5) by the DDWP in its meeting held on 6.11.2008 (Annex-XXIV).

Necessary provisions for the project have been made in the Annual Development Program (ADP) of Forestry Sector. An amount of Rs.39.635 millions has been earmarked for this new project in the Forestry Sector with an allocation of Rs.12.300 million for the financial year, 2008-09.

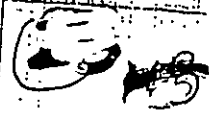
An allocation of Rs.12.300 million has been made for the project in the ADP of Forestry Sector during 2008-09 at S #606 with scheme code 70609.

Project Objectives and its relationship with other Sector Objectives.

The overall objectives of the project are to contribute to the socio economic development of the local population, province and country and to improve the natural resource base and environmental conservation. To protect, conserve & develop the forestry and other allied natural resources in the Malakand Circle, in order to meet the demand of timber, firewood and wood based industries.

ATTESTED

159



ii. Project objectives

- i. For safety/better protection of the Govt. servants residing at the Forestry colony at Lower Dir (Timergara).
- ii To provide office-cum Residential Buildings for than newly created Forest Division at Upper Dir for better supervision, protection and conservation of the forest resources in the area.
- iii. To provide office-cum-Residential building for DFO, Buner Forest Division, who's office is presently working in a rented buildings. For better protection and conservation of the Forest resources in the area.
- iv To provide office-cum-residential building for the RFO's & their staff, of two newly created ranges at Kabal (Swat) and Booni (Chitral), for better protection and conservation of the Forest resources in the area.

iii. Long Term Objectives.

The long terms objectives of the project to provide better environment, safe accommodation and good atmosphere to the staff to work in the area, so that the available forest resources can be better secured & protected by close watch and ward and to provide the sustainable source of income to the national exchequer and have balanced bio diversity in the area.

6. Description, justification, technical parameters and technology transfer aspects.

a. DESCRIPTION.

- i). The Forest Colony of former Dir Forest Division is located far away from the urban area, but without any boundary wall, due to which the life of the Govt. servants residing in the colony is always at stake. Therefore, it was felt to construct a boundary wall around the Forest colony in the Lower Dir Forest Division?
- ii). In the past the area under the administrative control of the Former DFO Dir, stationed at Timergara, was very large and it was very difficult to control it effectively, therefore the Govt. of NWFP divided/bifurcated the jurisdiction of the district in two independent forest Divisions came into being and an independent office of the DFO, Upper Dir along with ministerial staff was established, with head quarter at Dodbah (Dir) vide Govt. of NWFP Environment Department notification No. SO(Est)Env/2k3/6309 dated 20.8.2003.
- iii). The Buner Forest Division has been created since long, but the DFO and his staff are still working in the rented building. Therefore, it has been considered feasible to construct an independent office for the DFO Buner and his staff at Swari (Buner). Land measuring five Kanals @ Rs. 1.6 million per Kanal will be purchased at Swari, for construction of office-cum residence for the DFO Buner and Two (2) Nos. Ministerial

ATTESTED

160



ii. JUSTIFICATION.

quarters for Forester and 170 guards.
iv). Two (2) new ranges have been created at Kabal (Swat) and Booni(Chitral). Now for the better supervision, protection, conservation of the available forest resources in the area one building each at Kabal and Booni is needed for the RFO office-cum-residence and residential quarters for his staff i.e Forester and Forest Guard etc.

The project is aimed to Construct the much required following buildings in the Malakand Circle of the NWFP Forest Department, for which the DDWP in its meeting held on 18.8.2007 approved the scheme at a total cost of Rs. 25.000 million, with the rates as under:-

Rate as per Original PC-I

#No.	Particulars of activities	Unit	PC-I target	Unit cost	Total cost
1	Const. of boundary walls	Rft	2133	800	1,706
2	Const. of Residence(DFO) 1/Dir	SN	2500	800	2,000
3	Const. of office cum-Residence(DFO) 1/Dir at Dadbah	SN	5184	900	4,666
4	Const. of office cum-Residence(DFO) 1/mer at Swat	SN	5184	800	4,147
5	Const. of office cum-Residence for RFO Kabal Swat	SN	2234	800	1,784
6	Const. of office cum-Residence for RFO Booni Chitral.	SN	2234	1000	2,230
7	Const. of 3 ministerial staff quarters at : Upper Dir Booni Swat Baner	SN SN SN SN	2080 2080 2080 2080	900 1000 800 800	1,870 2,080 1,660 1,660
8	Miscellaneous/others	LS	LS	800	1,640
	Total.				25,000

Accordingly on releases of the funds allocated for the year, 2007-08, the tenders Annexe-XXIX floated in the Newspapers, but no Govt. or Private Contractor was ready to under take the constructions works on the above mentioned low rates, as the same were far below the prevailing market rates.

ii Justification for Revision.

Therefore, keeping in view the unavoidable circumstances arisen, due to sky rocketing market prices the NWFP Forest Department decided to get revised the PC-I, which will help to start the physical works immediately. The new proposed per unit rates are based on the schedule rates of works and services department adding 75% premium to chase and match the current market rates, The new proposed rates for above mentioned construction works are :-

ATTESTED

161

Construction of
Office cum
Residence Kabal
(Swat) 2/9/04

# No.	Particulars of activities	Unit	PC-1 target	Unit cost	Total cost
1.	Const: of boundary walls I/Dir	Rft	2395	1056	2,528
2.	Const: Boundary walls (DFO Upper Dir)	Rft	995	1267	1,260
3.	Const: of office cum Residence (DFO U?Dir) at Dodbah	Sft	4130	1400	5,782
4.	Const: of office Cum Residence (DFO Bunder at ASwari)	Sft	4130	1300	5,369
5.	Const: of office cum Residence for FRO Booni Chitral.	Sft	2234	1500	3,351
6.	Purchase of land for Bunder	Kanal	5	1.4	7,000
7.	Const: of office cum Residence for FRO Kabal (Swat).	Sft	2234	300	2,904
8.	Const: of 8 ministerial staff Quarters.	Sft	8320		11,44
	Total				39,635

8. Construction of Eight (8) Ministerial quarters at Booni, Swabi, Dodbah & Kabal @ of Rs. 1500/- Rs. 1300 1400/- respectively).

i). To construct the B/Wall around the DFO's residence, Forest Colony and farm Rest House, situated at Timergara lower Dir.
 ii). The newly created Forest Division (Without any infrastructure facilities and physically functioning since 2003, with head quarter at Dodbah in Upper Dir. Like wise construction of DFO Bunder office cum residence (Established since long and presently working in a rented building) is also direly required.
 iii) Two (2) newly created Ranges i.e Kabal (Swat) and Booni (Chitral) to construct FRO office cum residences.
 iv) Construction of 8 Nos ministerial staff quarters. Land for Booni Range office cum residence and 2 ministerial staff quarters has already been provided by Revenue board vide Notification NO. 15103-07 dated 16.6.2008 (Annex-III) which five (5) Kanal land for DFO Bunder office cum residence and ministerial quarters will be purchased by vide DFO Bunder office letter No.473/G dated 21.8.2008 (Annex-X) provided that the available land under Bunder Watershed Division was not acquired.

i) Construction of Boundary Wall around I/Colony.
 The Boundary wall will be constructed around the Forest Colony, Laram Rest House and DFO Residence at cost estimates available at Annex-V (1-6)

ii) Construction of office cum residence for DFO Upper Dir at Dodbah.

PROJECT
ACTIVITIES
(Technical
parameters).

ATTESTED

6

162



The building will be constructed at Dodbah, Upper Dir at the rates of Rs.1400/- per unit, for the Upper Dir Area. Detailed cost estimates of construction is available at Annexure-VI(1-6)& VII(1-6).

iii) Construction of office-cum-Residence for DFO Buner at Sawari (Distt: Buner).

The building will be constructed at Swari Buner, at the rates of Rs. 1300/- per unit, Detailed cost estimate of construction is available at Annex-VII(1-6) and VIII(1-5) The land - 5 Kanals, @ Rs. 1.1 million per Kanal will be purchased by DOR vide DFO : Buner office letter No. 423/G dated 21-8-2008 at Annex-VIII, if Buner Watershed Division land was not transferred to Buner Forest Division..

iv) Construction of office-cum-Residence for RFO Kabal (Distt: Swat) & Booni (Distt: Chitral).

The once building each for RFO office cum-residence at Booni (Chitral) @ Rs.1500/- per unit and Kabal Swat @ Rs.1300/- per unit. Detailed cost estimates are available at Annex: XVI(1-4)

v) Construction of Ministerial staff quarter at Booni and Kabal Buner and Upper Dir.

Two quarters each at Buner, Upper Dir, Booni (Chitral & Kabal Swat will be constructed. 8 Nos. quarter will be constructed. Cost estimates are available at Annex: X (1-9) XI (1-6), XII(1-8) and XIII(1-11).

vi) Boundary wall of DFO office-cum-residence Dir Upper

The Boundary Wall around the building will be constructed @ Rs.1267/- per Rft (Annex- XIV)

vii) Purchase of Land.

5 Kanal land for the office-cum-residence of the DFO Buner has been proposed to be purchased from the local market. The DDWP has decided to construct the said building on the land available with the Buner Watershed, but the said land is not feasible for the construction, as already by the CCF NWFP to Secretary Env't. Therefore an amount of Rs.7.000 million has been proposed for the said activity.

Spital cost estimates.

On Revision of the PC-1, the total cost of the project is

ATTESTED

163

estimated to be Rs.39.635 million. Summary/Annual phasing is available at Annex- I&II Details of item wise cost are given as under:

S.No.	Particulars	Unit (Revised)	PC-I Target (Revised)	Unit cost (Revised)	Total cost (Revised)
1	Construction of Boundary wall Lower Dir.	Rft	2395	1056	2,5288
2	Construction of office-cum-Residence for DFO Dir Upper at Dodbah	Sft	4130	1400	5,782
3	Construction of office-cum-Residence for DFO Buner at Swari (Buner).	Sft	4130	1300	5,369
4	Construction of office-cum-Residence for RFO Kabal (Swat).	Sft	2234	1300	2,904
5	Construction of office-cum-Residence for RFO Booni (Chitral).	Sft	2234	1500	3,351
6	Construction of 8 ministerial staff quarters at				
	i. Upper Dir.	Sft	2080	1400	2,912
	ii. Booni (Chitral).	Sft	2080	1500	3,120
	iii. Kabal (Swat)	Sft	2080	1300	2,704
	iv. Swari (Buner).	Sft	2080	1300	2,704
7	Purchased of land for DFO Bunner	Kanal	5 Kanal	1.4	7,000
8	Boundary walls at Dodbah DFO office/cum-residence	Rft	995	1.267	1,260
Grand total (Rs.39 million).					
				G.Total	39.635

The unit cost of each item has been approved by the DDVP in its meeting dated 6.11.2008.

Annual Operating and maintenance cost on the project.

The expected annual recurring expenditure on average basis on operation and maintenance i.e. annual and special repair will be Rs.0.250 million. The expenses will be met out of annual allocation for repair and maintenance under normal funds/FDP.

Fixed and variable cost be included separately.

Almost all the costs are fixed costs and therefore, will not vary with the scope of work to be under-taken under the project.

Demand and supply

N.A.

Financial plan & Mode of funding.

Year wise Financial plan is available at Annex- I&II. The project will be funded by the Provincial Government through its Provincial Annual Development Program (ADP) 2008-09.

Project benefits and analysis financial.

The people of the area in particular and staff of the NWFP Forest Department in general will be benefited from the project. The problems of the local communities will be solved at their door steps, due to this project.

ATTESTED

164



Handwritten notes on the right margin.

Economic life of component of	<p>Building = 50 years. Equipments = 15 years.</p>
Benefits with indicators.	<p>The capacity of Govt. servants, in social, technical management and inter personal skills will be improved. This will enhance their self-confidence and their income earning abilities by providing job opportunities at their door step.</p>
Employment generation (direct &	<p>This is a labor intensive project and will provide numerous employment generation opportunities in the area. It is however, hoped that a sizeable job opportunities will be provided to the local communities, in the project's construction sites.</p>
Environmental impact.	<p>The construction of building would not lead to any negative environmental effect, but will increase the scenic beauty of the area.</p>
Effect of delay on project cost stability.	<ul style="list-style-type: none"> - The cost of the project will go up due to inflation. - The likely impact of delay will be only increase the cost overlay, but will also result in loss of confidence over the implementers.
Implementation Schedule (date starting and completion of the project.)	<p>The project duration will be 36 months from the dates of its start. It was expected that the project will be approved on priority basis and will start from July, 2007, but the approved rates were far below the prevailing market rate and the PC-I was get revised. The year, 2007-08 will be carry over to 2008-09 and up-to 6/2010 it could be completed.</p> <ul style="list-style-type: none"> - July 2007 to June 2010 (36 months). In case of late start, the end dates will be accordingly changed. - Annual phasing of the achievement of project targets is given in the Annexure-I&II
Structure and manpower requirements including Specialized during construction and final phases.	<ul style="list-style-type: none"> - The project will be implemented by the DFO's of the concerned Forest Divisions, under the supervision of the Conservator of Forests Malakand Circle, who will also work as the PD of the project and look after/monitor the project activities on regularly basis. - The Assistant Forest Engineer of Head office, Peshawar will be assigned the monitoring role of the construction works of the project at different sites. - The P&M directorate will carry out external monitoring on quarter basis, years basis, as per their mandate.
Additional Projects/Decisions taken to maximize socio economic benefits from the proposed project.	<p>The people of the area in particular and staff of the government in general will be benefited from the project.</p>
Justification for Enhancement Rates.	<p>Due to high priced market and current inflation as well as instruction for revision of the PC-I vide the Conservator of Forests Malakand Circle Mingora office letter No. 8439-</p>

ATTESTED



10/P&D, dated 25/3/2008, the financial target/annual phasing are revised in accordance with the prevailing market rates the schedule of Works Deptt: with addition of 75% premium allowed for various zones i.e. Buner and Swat (zone-3), Dir Lower/Upper Dir (Zone-4) and Chitral (zone-5) with regard to unit cost of Rs. 1300/- (zone-3), Rs.1400/- (zone-4) and Rs.1500/- (zone-5) respectively has been followed. As per Special DDWP meeting held on 1-1.6.2008, certain observation has been made endorsed vide DFO P&D Peshawar vide No. 2902/P&D dated 2-1/6/2008 which was endorsed by CF Malakand vide No. 63-67/G, dated 3/7/2008 and all the observation have been settled vide this office letter No. 508/G, dated 30.8.2008. Annexure-XV(1-8).

In view of the above revision , revised financial allocation as under :

2007-08 =	Nil
2008-09 =	12.300 million
2009-10 =	<u>27.335 "</u>
Total. =	<u>39.635 "</u>

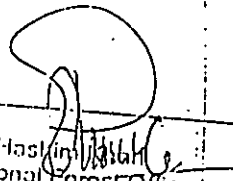
The PC-1 was again put up in DDWP dated 6-11-2008 and not approved with the condition that land under possession of Buner Watershed will be acquired for of DFO Buner Office cum Residence and ministerial quarters. However in case of any problem, the DFO Buner will go for purchase of land as a second option.

ATTESTED

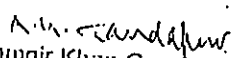
166

16. Certificate. Certified that, the project proposal has been prepared as per guidance provided by the Planning Commission, for the preparation of PC-I for Environment Sector.


Prepared by:


Mr. Hashim
Divisional Forest Officer,
Upper Dir Forest Division,
Dir Upper.
Phone-0944-881715

Checked by:

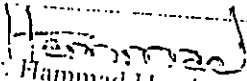

Mr. Alamgir Khan Gankapur
Conservator of Forest,
Malakand Circle, Mingora
Phone # 0946-9240281

Countersigned by:


Mr. Nazir Muhammad
Chief Conservator of Forests
NWFP, Peshawar
PH:# 091-9212177

Approved by:

Approved by


(Dr. Hammad Uvais Agha)
Secretary to Govt. of NWFP
Environment Department.
Phone # 091-9210333

ATTESTED



PARA WISE COMMENTS AGAINST THE FINDING

167

Dnm. XXIV

289

GOVERNMENT OF NWFP
ENVIRONMENT DEPARTMENT
(PLANNING CELL)

NO. DPP (ENVT) (E-203)/1337
DATE: PESHAWAR THE 24/1/2009.

To

The Chief Conservator of Forests,
NWFP, Peshawar.

Subject:

ADMINISTRATIVE APPROVAL OF THE SCHEME TITLED "CONSTRUCTION OF OFFICE & RESIDENTIAL BUILDINGS IN NWFP" ADP NO.606 (REVISED)

In exercise of the powers delegated vide para-1 second schedule's S.No.6 of the NWFP Delegation of Powers under Financial Rules and the powers of Re-appropriation Rules 2001, the Government of NWFP is pleased to accord Administrative Approval of the ADP scheme titled "Construction of Office & Residential Buildings in NWFP" ADP No.606 at a total cost of Rs.39.635 million (Rupees Thirty nine million six lacs & thirty five thousand only) for a period of 3 years (2007-08 TO 2009-10) as per details given below:

		(Rs. In million)	
S#	Item of work.	Unit Cost	Amount
(i) 2007-08			
	Sub Total 2007-08		Nil
(ii) 2008-09			
1	Construction of office cum residence and ministerial staff quarter building DFO Dir Upper Dir Forest Division (Partial)	1400	6.710
2	Construction of office cum residence and ministerial staff quarter building DFO Buner Forest Division	1300	--
3	Construction of office cum residence and ministerial staff quarter building RFO Booni Chitral Forest Division (Partial)	1500	0.971
4	Construction of office cum residence and ministerial staff quarter building RFO Kabal Swat Forest Division (Partial)	1300	0.337
5	Construction of Boundary wall by DFO Lower Dir at Timergara (Partial)	1056	0.282
6	Purchase of land for DFO Buner		4.000
	Sub-Total 2008-09		12.300
(iii) 2009-10			
1	Construction of office cum residence and ministerial staff quarter building DFO Dir Upper Dir Forest Division	1400	3.245
2	Construction of office cum residence and ministerial staff quarter building DFO Buner Forest Division	1300	11.073
3	Construction of office cum residence and ministerial staff quarter building RFO Booni Chitral Forest Division	1500	5.5
4	Construction of office cum residence and ministerial staff quarter building RFO Kabal Swat Forest Division	1300	5.271
5	Construction of Boundary wall DFO Timorgara	1056	2.246
	Sub-Total 2008-09		27.335
	Grand Total		39.635

ATTESTED

The scheme was revised in the 3rd DDWP meeting held on 06/11/2008 under the chairmanship of Secretary Environment NWFP.

The expenditure involved will be met out from the sanctioned budget grant under the function cum-object classification under demand No.45, NC 12058 (Capital) & NC 22058 (Revenue) during the respective years.

168

OFFICE OF THE DISTRICT OFFICER REVENUE AND ESTATE COLLECTOR
BUNER

NOTIFICATION UNDER SECTION 4 OF THE LAND
ACQUISITION ACT 1894

No. / Dated Dagger the /5/2010.
Whereas it appears to the District Officer Revenue and Estate/Collector, District Buner that the land is likely to be required to be taken by the government at the public expenses for a public purpose namely for the construction of Divisional forest officer office cum residence and staff quarters at Dagger District Buner as earmarked by the committee in Moza Dagger Tehsil Dagger District Buner. It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

- 1) The notification is made under the provision of section 04 of the land Acquisition Act, 1894 to all whom it may concern.
- 2) In exercise of the powers conferred by the aforesaid section, the District Officer Revenue and Estate/Collector, District Buner is pleased to authorize the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey land in the locality and do all the other acts required or permitted by that section.
- 3) Any person who has any objection to the acquisition of any land in the locality may report within thirty (30) days of the publication of this notification in writing before the Collector, District Buner.

SPECIFICATION

District	Tehsil	Location	Khasra No.	Kanal	Mafla
Buner	Dagger	Dagger	2905, 2907, 2908	6	01

Divisional Forest Officer
Buner Forest Divn. Swari.

District Officer
Revenue and Estate Buner.

No. 1045-51 /G Dated Dagger the 06/05/2010

Copy forwarded to:-

- 1) The Senior Member Board of Revenue NWFP, Peshawar.
- 2) The Commissioner Malakand Division at Saidu Sharif Swat.
- 3) Chief Conseravator of Forests, NWFP Peshawar.
- 4) Conservator of Forests Malakand Circle at Saidu Sharif Swat.
- 5) District Coordination Officer Buner.
- 6) The Manager Govt. Printing Preress NWFP, Peshawar for publication in the Govt. Gazette.
- 7) Tehsildar Dagger.

[Signature]

District Officer
Revenue & Estate Buner.

Divisional Forest Officer
Buner Forest Divn. Swari.

ATTESTED

[Signature]

52

1

2

3

4

5

6



بازاری قیمت وند تحویل کالونی حوض در تحویل در سال ۱۳۸۹

بروید سال قیمت حوض در فی سال چو لو مانع هزار روید به بی بی

605000/-

4000000/-

3007

22.11.05

1112000/-

3808-3809

26.5.010

این عدد انتقال نامی 3808-3809 در باره باره هزار روید فروخت شده

حوض در حوض تحویل کالونی / در کالونی و در حوض فروخت شده

دو روز و یک ماهه در حوض

[Signature]

12/10/10
22/12/2010

صاحب مال
روید در حوض
بازاری قیمت
22/12/2010

ATTESTED

[Signature]

172



OFFICE OF THE DIVISIONAL FOREST OFFICER BUNER FOREST DIVISION SWARI.

To

The District Revenue Officer,
Buner at Daggar.

No 633 /G, Dated Buner the 03-09 /2010

Subject: PURCHASE OF LAND FOR CONSTRUCTION OF DFO OFFICE/RESIDENCE AND STAFF QUARTERS.

Memo:

Reference this office No. 3435/G, dated 25/5/2010.

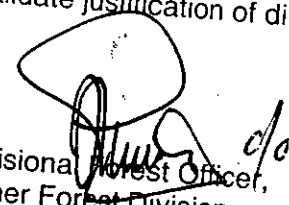
Submitted that a piece of land measuring 0-6-1(A-K-M) has been purchased through private negotiation for the construction of subject Govt. building.

After completing the codal formalities, direct payment has been made to the owners as per laid down mechanism in vogue in Buner.

The high ups raised objection in respect of direct payment and in response reply vide No. 33829/G, dated 16/6/2010 (copy attached) was furnished.

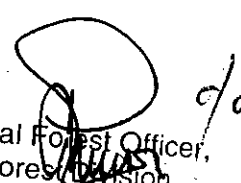
So it is requested to kindly provide detail of laid down procedure and reference of other departments routed in the same way to validate justification of direct payment to the owners.

Encl:As Above.


Divisional Forest Officer,
Buner Forest Division,
At Swarai.

No 634 /G,

Copy forwarded to SDFO Daggar for information and pursue the case.


Divisional Forest Officer,
Buner Forest Division,
At Swarai

ATTESTED

173

GOVERNMENT OF NWFP
REVENUE DEPARTMENT

Dated Peshawar the 17/8/2006.

NOTIFICATION.

NO.REV.V/4/2006/NOTIFICATION/LA 10973 With the approval of the Competent Authority, the following Amendments made in the Land Acquisition Act 1984 as Published in Extra Ordinary Gazette Notification No.Legis:1((2)71/III/4258 dated 22nd August, 2001 are hereby notified alongwith instructions/directions for information and implementation by all concerned:-

"Insertion of new sections 11-A and 11-B to Act I of 1894,--- In the said Act, after section 11, the following new sections shall be inserted, namely :

"11-A. Acquisition through private negotiations,---(1) There should be no private negotiation for acquiring land under this Act, except as provided in sub-section (2).

(2) The head of the Department concerned of Government or the Ministry concerned of the Federal Government, as the case may be, may, where expedient, request the Collector of the District concerned in writing to acquire land through private negotiations which shall be subject to such instructions or directions as Government may, from time to time, issue in this behalf.

11-B Process of acquisition,--- The whole process of acquisition of land should be completed within a period of six months from the date of notification under section 4, or where it is not completed within the stipulated period, the reason for delay shall be explained by the Collector in his award, which, if not satisfactory, may hold him personally responsible for the delay and may result in disciplinary proceedings against him".

The following instructions/directions are therefore issued :-

- 1) The acquiring agency shall submit an application to the Collector of the District concerned for the acquisition of land under the Act giving full justification of the public purpose involved and the minimum area required by it with full details of all other area owned by it in the same locality.
2. On receipt of the application under Para-1, the Collector of the district shall examine its feasibility taking into consideration, the genuineness of the public purpose involved, the minimum requirements of the acquiring agency and suitability of the area proposed for acquisition keeping in view its alternate uses, if any.
- 3 After the examination of feasibility under Para-2, if the Collector of the District is of the view that the land be acquired for the acquiring agency, he shall issue a notification, under Section 4, of the Land Acquisition Act 1894, stating clearly the name

ATTESTED

(131)

131

5/7/78

174

174

174

174

4. The acquiring Department in the application given under Para-1 shall also inform the District Collector that permission for entering into private negotiation for the acquisition of land has been obtained from the Head of the Administrative Department.

5. (1) The Collector will then notify the following Committee for assessment and determination of the price and verification of title of ownership: -

- a. District Collector Convener.
- b. EDO (Finance & Planning)..... Member.
- c. EDO of the Acquiring Department..... Member.
- d. Revenue Officer/Tehsildar Circle..... Member.
- e. Nazim of the Union Council Member.

(2) This committee while determining the price shall take into consideration the following data from which the market value can be assessed: -

- i. The price paid for land recently acquired in that estate or its neighborhood;
- ii. The price paid in private transaction as discoverable from the register of mutations and the record of registration department;
- iii. All other information available especially with regard to the points referred to in section 23 of the Land Acquisition Act,
- iv. It will always be open to the Committee to consult respectable people who are dis-interested with regard to the value of the land.

6. The Committee will complete the process of valuation of land within a period of Sixty (60) days from the start of process of negotiation and if the Committee is of the opinion that the land owner and the representative of acquiring department have agreed to the price of land then it shall submit its report and recommendation to the Head of the Acquiring Department for getting his approval.

7. In case the Head of the Administrative Department agrees to the recommendations of the Committee, he shall intimate to the Collector his approval. The Collector shall then draft a summary of the entire proceedings and direct the parties for executing and registering a deed of sale on stamp paper in favour of the acquiring department.

8. In case of refusal of the approval the Head of Acquiring Department may inform the Collector, within one month, either to drop the acquisition of the said land and opt for alternate site or initiate compulsory acquisition process under the Land Acquisition Act.

9. When the land is acquired through compulsory acquisition under the Land Acquisition Act the price of land shall be determined by the Committee as mentioned in

ATTESTED

[Signature]

3

174

35
4/1

1

Endst: No. Rev: V/4/2006/Notification/J.A/10974-11053 Dated 17/08/2006.

Copy forwarded to the:-

1. All Administrative Secretaries in NWFP.
2. All Presiding Officers Revenue Appellate Courts in NWFP.
3. PSO to Chief Minister, NWFP, Peshawar.
4. P.S to Chief Secretary, NWFP, Peshawar.
5. P.S to Additional Chief Secretary, NWFP, Peshawar.
6. P.S to Additional Chief Secretary, FATA, Peshawar.
7. Director General, National Highway Authorities, Islamabad.
8. Director (IS & LM) National Highway Authorities, Peshawar.
9. Director, WAPDA, WAPDA House Lahore.
10. All Districts Nazmin in NWFP.
11. All District Coordination Officers, in NWFP.
12. All District Officers (Revenue & Estate)/Collectors in NWFP.
13. All Head of attached Departments, in NWFP.
14. Land Acquisition Collector, NTDC, WAPDA Peshawar.
15. Land Acquisition Collector, National Highway Authorities Bara Banda Nowshera.
16. Land Acquisition Collector, CRBC, D.I. Khan.
17. Land Acquisition Collector, Sui Northern Gas Pipeline NWFP, Peshawar.
18. Land Acquisition Collector, Kohat Tunnel Project National Highway Authorities Kohat.
19. Land Acquisition Collector, Lowari Tunnel Project, Dir Upper.
20. Manager, Government Printing Press Peshawar. He is requested to publish the notification in the Government Gazette and supply 200 copies to this office.

DEPUTY SECRETARY TO GOVERNMENT OF NWFP.
REVENUE DEPARTMENT.

ATTESTED

4

175

INSPECTION NOTE BY MR. NAZIR MOHAMMAD, CHIEF CONSERVATOR OF FORESTS, KHYBER PUKHTOONKHWA from 25TH TO 28TH APRIL, 2010.

On way to Malakand Forest Circle inspected some parts of Peshawar and Mardan Forest Divisions of Southern Circle but no officer/ official was seen during traveling may be due to holiday.

1. At Dargai met with Conservator of Forests Malakand, DFO Malakand and Sub-Divisional Forest Officer, Dargai and directed them to be vigilant against smuggling of forest produce and plug all routes connecting Malakand, Mardan and Peshawar Forest Divisions and to keep an open eye on all legal timber coming to down districts via Malakand from Malakand Circle and Indus Kohistan Hazara including FDC timber.

2. At Chakdara FDC timber market held a meeting with CF Malakand, DFO Malakand, DFO Upper and Lower Dir and Dy Forest Manager Marketing, Chakdara. It was observed that the timber price is increasing but neither the concerned DFO nor JFMC members are participating in the auction process of FDC which is necessary as per provision of 10 Draft. The Forest staff was directed to check the in and out flow of timber of FDC timber market, Chakdara as well as at the transit / roadside depots. All the forests should be regularly inspected/ checked particularly FDC lots and surrounding compartments and other hot spots, by DFO personally and if any irregularity is found in time action may be taken accordingly.

3. Alongwith CF Malakand, DFO Upper and Lower Dir paid a surprise visit to Timergarah, Summer Bagh, Shahi, Barawal, Dir etc. Some scattered fresh illicit cut timber was visible in the jurisdiction of DFO Upper Dir. On query the DFO and his staff has no convincing reply. The CF and DFO were directed to take appropriate action and to seek the help of the local Administration and Law Enforcing Agencies to curb the illegal damage in the forests and its smuggling. During the discussion with DFO Upper Dir it was noticed that some damage has occurred under the shadow of FDC but no action has been taken by the DFO and his staff. Neither the DFO has personally inspected the site. He was directed to immediately inspect the sites and take appropriate necessary action.

4. No suitable accommodation was arranged for the night stay by DFO Upper Dir, thus took the risk and proceeded to Mingora for the night stay in the late night hours.

5. On the next day held a meeting with CF Malakand, MFO Malakand, DFO Swat, DFO Patrol Squad at Shagai and it was observed that none of the concerned DFO, JFMC and FDC staff are playing their notified role which is highly regretted. They were directed in clear terms that now the situation is normal and all concerned should play their positive role in the public interest.

ATTESTED

Dr. evidence to...
ujfatu
DFO Malakand

853
11-6-2010

Conservator of Forests
Malakand Circle Swat

6. Then proceeded to Buner alongwith DFO Patrol Squad and DFO Swat. At Buner alongwith DFO Buner inspected a piece of land selected by DFO Buner to purchase the land for construction of office and residential buildings. During discussion with DFO Buner it was also observed that chir timber cut years back is deteriorating day by day but so far no disposal made by his predecessor. It was also brought to my notice that damage has occurred in Buner Forest Division but no remedial action was taken so far. The DFO Buner and CF is directed to immediately sale out the cut timber, finalize purchase of land at suitable place and thoroughly check the various forests of Buner through a Committee at the earliest and submit the report upto end of May. Positively.

7. On way from Buner to Peshawar via Rustam- Mardan no Forest Officer / Official was seen except one Forest Guard available at Forest Check Post.

8. All concerned are directed and requested to actively perform their duties in the best public interest as indicted above which is their responsibility. Further necessary action may be taken without loss of time under intimation to this office.

Sd/-
(Nazir Mohammad)
Chief Conservator of Forests,
Khyber Pukhtoonkhwa, Peshawar.

No. 3669-53/03 Dated the 11th May 2010

Copy forwarded to:

1. The PS to Secretary Environment, KPK Peshawar for information.
2. MD FDC, Hayatabad Peshawar for information & necessary action.

3. CF Malakand Circle, Mingora. For information. They are directed to proceed further as above and also to achieve the targets of ADP both qualitatively and quantitatively as already discussed and directed.

4. CF Southern Circle, Pesh

5. All DFO concerned

(Nazir Mohammad)
Chief Conservator of Forests,
Khyber Pukhtoonkhwa, Peshawar.

DFO Malakand Baitkela

le.
Enclmt to SDOs Dargai/Rlo BTA
SDO Malak

779
18-5-2010

853
11-6-2010

Conservator of Forests
Malakand Circle Swat

ATTESTED

To envelope to SDOs Dargai
SDO Malak

177

OFFICE OF THE CONSERVATOR OF FORESTS MALAKAND CIRCLE SHAGAI SWAT.

To: The Chief Conservator of Forests, KPK Province Peshawar.

No. /G&L, Dated Saidu Sharif the 03/6/2010.

Sub: INSPECTION NOTE BY MR. NAZIR MUHAMMAD CHIEF CONSERVATOR OF FORESTS KHYBER PUKHTOONKHWA FROM 25TH TO 28TH APRIL 2010.

Memo: Reference your endst: No.3991-92/GB, dated 24/5/2010.

Para wise reply/report pertaining to the subject inspection note are as under please :-

- 1) The directives have already been endorsed to all DFOs including DFO Malakand for strict compliance. However, the staff of Dargai Forest Check Post are performing their duties in better protection of timber smuggling from Malakand Forest Circle as well as from Kohistan Districts.
- 2) Extract copy of the instructions/directives of para-2 of the subject inspection note has been communicated to all concerned DFOs for strict compliance vide this office letter No.10631-36/G&L, dated 21/5/2010 with copy endorsed to your good office. The said issue was also discussed in FDC Price Committee meeting held on 13/7/2009 wherein as per para-3(i) it has been decided that in future the DFO or a Forest Officer not less than the rank of SDFO will participate/conduct the auction proceedings with FDC officers in its timber market Chakdara and Goharabad. A circular to this effect was issued to all concerned DFOs with copies to your office as well as MFO FDC Swat vide this office No.2055-62/G&L, dated 7/9/2009. The DFOs are complying with the said directives accordingly. As far as the participation of JFMCs is concerned, the DFOs have been advised to comply with it in letter and spirit in future.
- 3-4) Extract copy of para 3 & 4 has been sent to DFO Upper Dir vide this office letter No.10639-40/G&L, dated 21/5/2010 with copy endorsed to your good office wherein the DFO has been called upon to explain his position regarding illegal damage so noticed during the course of inspection of your goodself as well as action taken against the offenders and forest staff which is awaited. The same will be sent to your office on receipt from DFO Upper Dir, who is being directed for its early submission.
- 5) The directives have been issued to all DFOs for compliance. However, the situation in the area became normal, therefore, all the groups i.e. Forest Department, JFMCs and FDC are playing their roles smoothly.
- 6) It has been confirmed from DFO Buner that an amount of Rs.7.000 million was allocated during the current financial year 2009-10 which has been spent on the purchase of land for construction of office and residential building. Accordingly a piece of land measuring 6 Kanal and one Marla has been purchased at Daggar for the purpose. As far as the sale of cut timber is concerned, necessary approvals have been accorded by DFO and are in process for lifting by the purchasers. Moreover, two different committees consisting of DFO Demarcation and his staff and DFO Patrol Squad and his staff have been constituted for checking the forests of Daggar Sub Division and Chamla Forest Range respectively vide this office order No.79, dated 26/5/2010 with copy endorsed to your good office. Finding/reports are awaited and will be sent after receipt from the said committees.
- 7) Not concern.
- 8) Directives have been communicated to all DFOs for compliance.

Conservator of Forests Malakand Circle Swat.

No. 11/22-30 /G&L

Copy forwarded to All Divisional Forest Officers, in Malakand Forest Circle for information and further necessary action in continuation of this office endst: No.10641-48/G&L, dated 21/5/2010, No.10631-36/G&L, dated 21/5/2010, No.10639/G&L, dated 21/5/2010 and No.10806-9/G&L, dated 26/5/2010.

DFO Upper Dir should submit the required report/reply as mentioned under para 3 & 4 above forth with for onward submission to high ups explaining the cause of delay.

DFOs Demarcation and Patrol Squad should submit their facts finding reports as mentioned in para 6 above without any further delay.

Handwritten notes: For enclosure to DFO Dargai, DFO Malakand

853
11-6-2010

Conservator of Forests Malakand Circle Swat

ATTESTED

Monthly Tour Diary of Mr. Mohammad Ikram Khan Conservator
of Forests Malakand Forest Circle for the month of MAY, 2010

178

178

- 01.05.2010 Closed day.
02.05.2010 Sunday.
03.05.2010 Attended office of the Chief Conservator of Forest and persuaded various pending cases. Also attended office of the Director Community & GAD and discussed the ways and means to strengthen the existing village development committees and women organizations in Malakand Forest Circle. Stayed at Peshawar.
04.05.2010 Attended briefing session held in the NAB headquarter along with Chief Conservator of Forest and others Conservators on smuggling of timber from Upper Kohistan through river Indus and mitigation measures. Briefing was given by C.F upper Hazara. Stayed at Peshawar.
05.05.2010 Peshawar to Saidu Sharif.
Attended office and did office work.
Time : 0700 1030hrs.
Distance; 180 kms.
06.05.2010 Attended office and did office work .Also conducted personal hearings in various appeal cases of the staff of Alpuri Forest Division. In the evening proceeded to Peshawar. Stayed at Peshawar.
Time: 1700 2100Hrs.
Distance 180 kms.
07.05.2010 At Peshawar. Attended office of the Chief Conservator of Forests and Secretary to Government of Khyber Pakhtunkhwa Environment Department and discussed various issues of Malakand Circle including checking of Bunir Forests, posting transfers etc. Returned back to Headquarter in the evening.
Time: 1500 1900hrs.
Distance: 175 Kms.
08.05.2010 Closed Day.
09.05.2010 Sunday.
10.05.2010 Attended office and did office work.
11.05.2010 Saidu Sharif to Bunir and back.
At Swari held meeting with DFO Bunir and RFOs and discussed various issues concerning protection of forest wealth in Bunir. Also inspected the site of purchase of land selected for construction of office and residential

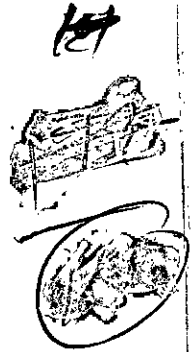
ATTESTED

building .On return inspected Karakar inspection hut which sustained damages during insurgency.

Time: 0900 1700hrs.

Distance: 144 Kms

179



12.05.2010

Saidu Sharif to Peshawar.

Attended office in the morning and did office work. In the evening proceeded to Peshawar. Stayed at Peshawar.

Time: 1500 1900hrs.

Distance: 170 Kms.

13.05.2010

Attended meeting held in the office of the Chief Conservator of forest under the chairmanship of Deputy secretary Environment . Various issues specially enhancement of royalty from 60 to 80% prosecution cases ways and means to strengthen the litigation cell besides other agenda items were deliberated upon. Stayed at Peshawar.

14.05.2010

Attended office of the Conservator of forest P&M circle and discussed monitoring of the activities in the Circle. Returned back to Headquarter in the evening.

Time :1500 1900hrs.

Distance: 210 Kms

15.05.2010

Closed day.

16.05.2010

Sunday

17.05.2010

Saidu Sharif to Malakand and back. .

At DFO office held discussion with the staff and afterward inspected the timber depot as well as nursery located in the premises of divisional office. Issued instruction for disposal of the timber through open auction .

Time: 0900 1600 hrs.

Distance 124 kms.

18.05.2010

Attended office and did office work.

19.05.2010

Attended office and did office work.

ATTESTED

Handwritten signature or mark.

20.05.2010 Saidu Sharif to Bunir Totali.
Attended office in the morning, did office work. In the afternoon proceeded to Totali with a view to exercise control over the field staff. Nothing regarding illicit transportation was brought in my knowledge. Stayed at Swabi.

Time: 1500 1900hrs.
Distance: 180 Kms.

180



21.05.2010 Swabi to Dargai, Peshawar.
Early in the morning conducted raid/surprise checking at Dargal. No illicit movement was noticed. Returned to Peshawar.

Time: 0400 1100hrs.
Distance: 190 Kms.

22.05.2010 Closed day.

23.05.2010 Sunday.

24.05.2010 At Peshawar attended office of the Conservator of Forest P&M Circle. Held meeting on Chitral working plan under the chairmanship of D.C.C.F.

25.05.2010 Peshawar to Saidu Sharif.
Attended office of the Chief Conservator of Forests in the morning and persuaded various pending cases and then returned back to Headquarter.
Time: 1100 1500hrs.
Distance: 170 Kms.

26.05.2010 Attended office and did office work.

27.05.2010 Attended office and did office work.

28.05.2010 Attended office and did office work.

29.05.2010 Closed day.

30.05.2010 Saidu Sharif to Peshawar. Halt at Peshawar.

Time: 1100 1400hrs.
Distance: 175 Kms.

31.05.2010 At Peshawar. Attended meeting held in the office of the Chief Conservator of Forests under his Chairmanship on devolution strategy in the wake of 18th amendment.

ATTESTED

ABSTRACT

181

1. No. of days spent on tour	16 Nos.
2. No. of nights spent on tour	10 Nos.
3. No. of days to and fro journey	02 Nos.
4. No. of Casual Leave/Sundays	08 Nos.
5. No. of days attended office		07 Nos.




Sd/-

(MOHAMMAD IKRAM KHAN)
CONSERVATOR OF FORESTS
MALAKAND CIRCLE SHAGAI,

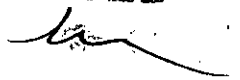
No. 265 /PA,

Dated Saidu Sharif the 25 /June, 2010.

Copy forwarded to the Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar for favour of Information please.


CONSERVATOR OF FORESTS
MALAKAND CIRCLE SHAGAI.

ATTESTED



182

OFFICE OF THE DIVISIONAL FOREST OFFICER BUNER FOREST DIVISION AT SWARI

To

The Conservator of Forests
Malakand Circle at Saidu Sharif Swat

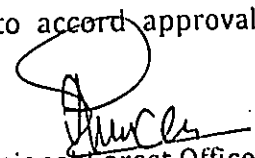
NO. 3470/G, DATED 18/5/2010

SUBJECT PURCHASE OF LAND FOR THE CONSTRUCTION OF DFO OFFICE
RESIDENCE & STAFF QUARTERS

Memo: Reference in CCF KPK Peshawar office No. 2989/RA, dated 12.5.2010.

As already discussed during your spot visit on 11.5.2010, a piece of land measuring 6 Kanal 1 has been purchased in Daggar Tehsil Colony Though private negotiated at the rate of Rs. 55600/- marla.

The high-ups may kindly be approach to accord approval if deems necessary please.


Divisional Forest Officer
Buner Forest Division Swari

ATTESTED


183



OFFICE OF THE CONSERVATOR OF FORESTS MALAKAND FORESTS CIRCLE SAIDU SHARIF
(SHAGAI) SWAT.

To The Divisional Forest Officer,
Lower Dir Forest Division, Timergara.

No. 9538 /P&D, DATED SAIDU SHARIF THE 20/4 /2010.

Subject: ACCORD OF TECHNICAL SANCTION FOR CONSTRUCTION OF BOUNDARY WALL OF DFO RESIDENCE AND FOREST COLONY.

Memorandum: Reference your letter No. 2150/G, dated 17-03-2010.

The works so reported for technical sanction are already available in the approved PC-I titled "Construction of office and Residential Buildings in NWFP" for which your office must have received technical sanction alongwith the administrative approval from the Administrative Department. Please follow the provision of PC-I accordingly.

Handwritten signature and date: 22/4

Handwritten signature
CONSERVATOR OF FORESTS
MALAKAND FORESTS CIRCLE
SAIDU SHARIF

LOWER DIR FOREST DIVISION
Timergara

ATTESTED
Handwritten signature

184

Annex-XVI

53

IN THE COURT OF DISTRICT OFFICER, REVENUE AND ESTATE/COLLECTOR,
DISTRICT BUNER.

Case No. 4

Date of institution 16-08-2008

Date of Decision 05-10-2010

F-6
1-11

AWARD UNDER SECTION 14 OF THE LAND ACQUISITION ACT,
1894 FOR THE ACQUISITION OF ~~UNDEVELOPED~~ LAND AT MUAZA
DAGGAR FOR POLICE LINE DAGGAR (70 KANALS AND 2 MARLAS)

O R D E R / A W A R D.

The Acquiring Deptt: initiated the subject case vide District Police Officer, Buner letter No: 5524/GB dated 16-08-2008. In continuation of the said letter the Acquiring Deptt: submitted the draft Notification U/S-4 of the Land Acquisition Act 1894 with his letter No: 5955/GB dated 30-09-2009. The draft Notification U/S-4 was signed, issued and published vide this office order No: 2986-92/2/0/HVC, dated 02-10-2008 with the following specification:-

<u>District</u>	<u>Tehsil</u>	<u>Locality</u>	<u>Khasra No:</u>	<u>Area</u>	<u>M</u>
Buner	Daggar	Daggar	3381	30	10
			3382	15	12
			3383	03	01
			3384	03	14
			3385	03	14
			3385	08	11
Total:-				70	02

The Acquiring Deptt: was in need to acquire land measuring 70 kanals and 02 marlas, therefore the acquisition was confined to the actual required area.

Preliminary estimated cost was worked out at the cost of one year average price. According to the Revenue Deptt: KPK, instructions, Committee for determination of price was also constituted who convened its meeting on 24-12-2009 and majority of the members of the committee including the government agreed upon the one year average price. The Acquiring Deptt: was then asked to release funds for the purpose. The Acquiring Deptt: forwarded a Cheque of Rs: 2,15,81,000/- (Rupees Two Crores Thirteen Lacs and Eighty One Thousand only) with his letter No: 1679/SDSP/4/20 dated 18-06-2010 which was deposited into the District Treasury under the head "Revenue Deposites" vide challan No: 45 dated 30-06-2010.

Draft Notifications Under section 5 and 6, 7 of the Land Acquisition Act, 1894 were submitted by the Acquiring Deptt: which were signed and issued by the ~~DISTRICT OFFICER, BUNER~~ (Commissioner Malakand Division, vide his order No: 484-c-52/5/3-Buner/1/v and 4854-58/4/3-Buner/Re/ dated 14-07-2010 respectively.

Notice under section 9 of the aforesaid Act was sent to the interested persons of the locality for submitting their objections.

ATTESTED

185

149

... if any, regarding the measurement/cost of the land. In response to said notice no one objected.

Alongwith the concerned Revenue Staff inspected the spot, the plot and under acquisition is Agricultural in nature and is situated within the limits of Bazar. Therefore I feel that the one year rate i.e Rs:2,55,014/-per kanal is reasonable for the present acquisition I therefore fix and allow the same rate alongwith 15% compulsory acquisition charges. The detail break-up of the compensation is as under:-

Price of land measuring 70 kanals @ the rate of Rs:2,55,014/-per kanal.....	Rs:1,78,76,902/-
15% compulsory Acquisition Charges :-	Rs: 26,81,555/-
Total:-	Rs:2,05,58,457/-
Stamp duty 2% :-	Rs: 4,11,169/-
TMA Fee 2% :-	Rs: 4,11,169/-
Mutation Fee:-	Rs: 500/-
Grand Total:-	Rs:2,13,81,275/-

Therefore, pass an award for Rs:2,13,81,275/-(Rupees Two Crores Thirteen Lacs and Eighty One Thousand Two hundred and Seventy Five only). The land revenue over the acquired land stands abated from the date of taking over possession by the acquiring Deptt. Compensation amount may be paid to the ownership column of Register Bagdaran-e-Zamin (Jamabandi). The mutation of the acquired land should be attested in the name of the Govt of Khyber Pakhtunkhawa through Police Deptt: Peshawar free from all encumbrances. The award is filed under section 12(11) of the land Acquisition Act, 1894 in the office of the undersigned.

DISTRICT OFFICER,
REVENUE AND ESTATE/COLLECTOR, BUNER.

OFFICER IN CHARGE

NO. 6556 2014-18 /2/9/HC(R), dated Daggar the 05/10/2010.

Copy forwarded to:-

1. The Commissioner, Malakand Division Saidu Sharif Swat.
2. The Secretary Board of Revenue Khyber Pakhtunkhawa Peshawar.
3. The District Coordination Officer, Buner.
4. The District Police Officer, Buner.
5. The Tehsildar, Daggar for information and necessary action. He is directed to mutate land in the name of Acquiring Deptt: i.e Police Deptt: Khyber Pakhtunkhawa at an early date and to submit attested copy of mutation at an early date.

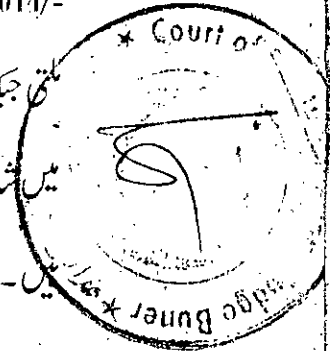
DISTRICT OFFICER,
REVENUE AND ESTATE/COLLECTOR, BUNER.

ATTESTED

60

صفحہ نمبر..... (2)

کیلے کل 70 کنال 2 مرلے اراضی مختص کی اور بروئے میہ ایوارڈ مورخہ 05-10-2010 انتہائی کم قیمت بہ شرح
255014/- روپے علاوہ اضافی لازمی ٹیکس لگائی جو کہ انتہائی کم ہے۔ اس شرح قیمت پر تو پہاڑوں کی زمین بھی نہیں
ملتی جبکہ اراضیات حاصل شدہ زبردفعہ 4 لینڈ ایکویزیشن ایکٹ 1891 زرعی ہموار اراضیات ہیں۔ جس کے شمال
میں شاہراہ عام، جنوب میں ضلعی جیل، مشرق کی جانب زرعی اراضیات جبکہ مغرب کی طرف زراعت کے دفاتر
ہیں۔ علاوہ ازیں حاصل شدہ اراضیات ہر لحاظ سے قیمتی اراضیات ہیں جس کے آس پاس دیگر اراضیات خانگی بیع
نامہ جات اور منتقلات کے ذریعے فروخت ہو چکے ہیں۔ جن کی تناظر میں اراضی حاصل شدہ کی قیمت 15 لاکھ فی
کنال سے زیادہ ہے۔ جبکہ مسؤل الہیم نے درخواست گزار کو بنیاد بنا کر کم قیمت لگائی ہے۔ مسؤل الہیم
سے دادرسی کیلئے بار بار کہا گیا جو کہ بے سود رہی۔ لہذا عذر داری ہذا دائر کرنا پڑا جو کہ اندر المیعاد اور عدالت حضور کے
اختیار سماعت میں ہے۔



(۲) عدالت نے مسؤل الہیم کو حسب ضابطہ طلب کیا۔ مسؤل الہیم نے بذریعہ نمائندہ حاضر ہو کر
مورخہ 07-04-2011 کو جواب عذرات بوساطت گورنمنٹ پلینڈر داخل کیئے۔ اور اپنے جواب عذرات میں
سائنان کے موقف سے مکمل طور پر انکار کیا ہے۔

(۳) عدالت نے تصفیہ مقدمہ کی نسبت ہر دو فریقین کے موقف ہا کے موازنہ کے بعد ذیل تحقیقات

14/12/2011
J. J. CIVIL JUDGE
BUNER

تحقیقات:

- ۱- کیا سائیلان کو برخلاف مسؤل الہیم بنائے درخواست حاصل ہے؟
- ۲- کیا درخواست سائیلان زائد المیعاد ہے؟
- ۳- کیا درخواست سائیلان بوجہ شامل کرنے غیر ضروری فریق و شامل نہ کرنے ضروری فریق قابل
اخراج ہے؟ OPD
- ۴- کیا سائیلان بوجہ قول و فعل مانع از درخواست ہذا ہے؟ OPD
- ۵- کیا مسؤل الہیم نے جائیداد متدعوہ درنمبرات خبرہ عنوان درخواست بروئے ایوارڈ مصدرہ

14/12/2011

Registered under Act No. 18 of 1907

33

187

صفحہ نمبر..... (3)

05-10-2010 کل رقبہ تعدادی 70 کنال 2 مرلے بغرض پولیس لائن حاصل کر کے نہایت کم

ریٹ مقرر کی ہے۔ جو کہ سراسر خلاف قانون و انصاف ہے OPP؟

۶۔ کیا اراضی مندرجہ ذیل کی فی کنال قیمت بمطابق بازاری قیمت مبلغ -/1500000 روپے ہے مگر

مسؤل الہیم نے اپنی من مانی سے کم ریٹ مقرر کر کے نوٹیفیکیشن جاری کیا ہے اسلئے ایوارڈ شدہ

قیمت قابل منسوخی ہے اور اصل بازاری قیمت قابل بحالی ہے OPP؟

کیا سائیلان ڈگری مشدعیہ کے حقداران ہیں۔

اداری۔

(۳) تنقیحات وضع ہو کر حسب ضابطہ فریقین مقدمہ کو اپنا موقف ثابت کرنے کے لیے حسب منشاء

شہادت پیش کرنے کی ہدایت کی گئی۔ سائیلان کی جانب سے کل 6 گواہان بطور Pw1 تا Pw6 بالترتیب اشرف

الدین OK بطور PW-1 جس نے نقل انتقال نمبر 3007 محررہ 22-11-2005 بطور Ex.PW-1/1، نقل انتقال

نمبر 3808 و 3809 محررہ 26-05-2010 بطور Ex.PW-1/2، Ex.PW-1/3 اور انتقال نمبر 3999 محررہ

28-03-2011 بطور Ex.PW-1/4 پیش کی، حلقہ پٹواری موضع ڈگر بطور PW-3 پیش ہو کر نقشہ تصویری

بطور Ex.PW-2/1 اور گوشوارہ انتقالات در و نڈ حاصل شدہ اراضیات بطور Ex.PW-2/2 پیش کیئے۔ صداقت

نمبر 3808 و 3809 محررہ 26-05-2010 بطور PW-3 پیش ہو کر مبینہ ایوارڈ کی نقل بطور Ex.PW-3/1 پیش کیا۔ میان بخت ولی مختار سائیلان

، حبیب گل اور یاسین خان بالترتیب بطور PW-1 تا PW-6 پیش ہو کر موقف سائیلان کے تائید کی۔ جبکہ مسؤل

الہیم کی جانب سے شیر علی سینئر کلرک دفتر DOR & E ضلع بونیر کا بیان بطور Dw.1 قلمبند ہو کر جس نے اپنا

نمائندہ خط بطور Ex.DW-1/1 حصولی اراضی کیلئے DPO کی جانب سے دفتری چھٹی بطور Ex.DW-1/2، نوٹیفیکیشن

زیر دفعہ 4 از دفتر DOR بطور Ex.DW-1/3 گوشوارہ اوسط یکسالہ بطور Ex.DW-1/4 شرح قیمت معلوم کرنے کیلئے

مقرر کردہ کمیٹی کے اجلاس کا حلاصہ بطور Ex.DW-1/5، سند معقول قیمت بطور Ex.Dw-1/6، نوٹیفیکیشن زیر دفعہ 5

بطور Ex.DW-1/7، نوٹیفیکیشن زیر دفعات 7.6 بطور Ex.Dw-1/8 نوٹس زیر دفعہ 9 بطور Ex.DW-1/9 اور ایوارڈ

زیر دفعہ 11 بطور Ex.DW-1/10 پیش کیئے۔

RECEIVED
under Section 10
P.O. No. 15 of 1983

ATTESTED

صفحہ نمبر (4)

(۵) شہادت فریقین مکمل ہونے کے بعد سائیلان کی جانب سے فاضل غلام مصطفی ایڈووکیٹ جبکہ مسول الہیم کی جانب سے فاضل سرکاری وکیل محکمہ جمال عبدالناصر AGP نے روبرو عدالت بحث کی۔ وکیل سائیلان نے بتایا کہ ایک جانب تو سائیلان کو قیمتی اراضی سے محروم کیا گیا۔ اور دوسری طرف انکی انتہائی کم قیمت لگائی گئی۔ حالانکہ اسی موضع میں اور انتقالات اور نئی بیج نامہ جات ہو چکے ہیں جس میں اراضیات کی قیمت بہت زیادہ ہے وکیل موصوف نے خصوصی طور پر انتقال نمبر 3007 محررہ 22-11-2005 بطور Ex.PW-1/1 کا حوالہ دیا جسکی رو سے 1 کنال اراضی بعوض مبلغ 11 لاکھ روپے یون کی ٹاور کیلئے خریدی گئی۔ اس طرح بزوئے انتقالات نمبر 3308, 3309 محررہ 26-05-2010 بطور Ex.PW-1/2 اور Ex.PW-1/3 محکمہ جنگلات نے اراضیات بشرح 1112000/- روپے اور بزوئے انتقال نمبر 3999 مورخہ 28-03-2011 نور عالم شاہ وغیرہ نے 1 کنال اراضی بعوض 1619047/- روپے خریدی ہے۔ جو کہ اراضیات حاصل شدہ سے اہم نہیں تھے۔ جبکہ مسول الہیم نے سائیلان کے اراضیات کی قیمت فی کنال 255014/- روپے علاوہ 15% لازمی ٹیکس لگائی ہے۔ جو کہ یکسالہ کی بنیاد پر انتہائی کم قیمت مقرر کی گئی ہے۔ وکیل سائیلان نے نظائر مروجہ

- (1) CLC 2009 Peshawar P 79
- (2) CIC 2004 Peshawar P 1086
- (3) PLD 2001 SC P 405.
- (4) CLC 2001 Lahore P 1746.
- (5) CLC 2001 Peshawar p 33
- (6) MLD 2011 SC: AJ&K P 204
- (7) PLD 2001 Lahore P 357
- (8) SCMR 2000 P 870

کا حوالہ دیتے ہوئے بتایا کہ یکسالہ کے بنیاد پر اراضیات کے شرح قیمت صحیح نہیں ہیں۔ بلکہ اراضیات کی محل وقوع اور افادیت کے ساتھ ساتھ دیگر امور کو ملحوظ حاضر رکھ کر کی جاتی ہے۔ وکیل موصوف نے عدالت جناب ایڈیشنل ڈسٹرکٹ جج ضلع بونیر کی ہجمنٹن قسم کا مفصل فیصلہ محررہ 22-06-2007 پیش کیا جس میں جوڈیشنل کالونی کیلئے حاصل کی گئی اراضیات کی قیمت 170000/- روپے سے بڑھا کر 400000/- روپے مقرر کی گئی تھی۔ اس نے عذر داری منظور کرنے کی استدعا کی۔ فاضل وکیل محکمہ نے تردید کرتے ہوئے بتایا کہ مسول الہیم نے جملہ کاروائی قانونی کے

14/12/2011

14/12/2011

14/12/2011

14/12/2011

14/12/2011

مطابق کی ہے۔ سائیلان کو نوٹس دیا گیا تھا جو کہ انجان رہے۔ سائیلان نے مقرر شدہ قیمت کی رقم مسول الیم سے وصول کی ہے جو کہ بیان مختار سائیلان بطور PW-1 سے ثابت ہے۔ علاوہ ازیں سائیلان نمبر 22.21 نے دلاور خان نامی شخص پر نے ان ہی خسرات میں اراضیات مورخہ 15-08-2008 کو 1 کنال 14 مرلے اراضی بلوغت مبلغ 140000/- روپے فروخت کی ہے۔ جس کے تسلسل میں دلاور خان مذکور نے مورخہ 20-11-2008 کو عدالت سے ڈگری بھی حاصل کی ہے۔ نظائر مریجہ (a) 1523 SCMR p 2010 اور (g) 545 SCMR P 1992 پر انحصار کرتے ہوئے عذر داری خارج کرنے کی استدعا کی۔ وکیل سائیلان نے دفاع کرتے ہوئے بتایا کہ مبینہ بیع نامہ مابین سائیلان نمبر 22.21 مورخہ 15-08-08 بے بنیاد تھی۔ جبکہ مبینہ ڈگری مورخہ 20-11-2008 کے خلاف دائر درخواست زبردفعہ CPC 12(2) گو کہ اس عدالت نے مورخہ 15-02-2011 کو خارج کی تھی لیکن فاضل ڈسٹرکٹ جج صاحب بونیر نے مورخہ 11-11-2011 کو اپیل منظور کرتے ہوئے مبینہ ڈگری مذکور کو منسوخ کی ہے۔

6: دلائل وکلاء فریقین اور مسل پر موجود مواد کی روشنی میں وضع شدہ تحقیقات پر میرا تفصیل وار بحث حسب ذیل ہیں۔

نتیجہ نمبر 1:

پیش کردہ فردات کاغذات مال میں بابت اراضی حاصل شدہ سال 1977-78، سال 2002-03 اور سال 2006-07 میں سائیلان کی باخانہ ملکیت اندراج موجود ہے۔ جس کی نسبت نوٹیفیکیشن زبردفعہ 4 لینڈ ایکوزیشن ایکٹ بطور Ex. Dw-1/2 مورخہ 16-08-08 کو جاری کیا گیا جبکہ اراضی مذکور کی نسبت مبینہ ایوارڈ بطور Ex. Dw-1/10 مورخہ 05-10-2010 کو جاری کیا گیا۔ جس میں اراضی کی قیمت -/255014 روپے علاوہ 15% لازمی ٹیکس فی کنال مقرر کیا گیا ہے جبکہ سائیلان نے اراضی کی قیمت فی کنال 15 لاکھ روپے بتائی۔ اس طرح سائیلان کو بنائے دعویٰ حاصل پایا گیا۔ نتیجہ مثبت میں فیصلہ شد۔

نتیجہ نمبر 2:

گو کہ اراضی حاصل شدہ کے بابت زبردفعہ 4 نوٹیفیکیشن بطور Ex. DW-1/3 مورخہ 16-08-2008 کو جاری کیا گیا ہے۔ اور نوٹس زبردفعہ 9 لیڈ ایکوزیشن ایکٹ بطور Ex. DW-1/9 مورخہ 14-09-2010 کو جاری کیا گیا ہے۔

ATTESTED

صفحہ نمبر (6)

کیا گیا ہے۔ نوٹس مذکور کی تعمیل سائیلان پر تو قطعاً ہوئی ہی نہیں۔ البتہ اس کی چسپاگی بر موقع بہ نفس ہی بوجہ عدم اندراج حدودات، تعین وقت اور تعمیل روبرو گواہان نہ کر کے مشکوک ہے۔ جبکہ مبینہ ایوارڈ بطور Ex.DW-1/10 مورخہ 05-10-2010 کو جاری کیا گیا ہے جس کے خلاف سائیلان نے DOR ضلع بونیر کے روبرو موجودہ

reference مورخہ 27-01-2011 کو پیش کی ہے۔ جس نے بروئے دفتری چھٹی نمبر 33/2/9/HC(R) dated 01-02-2011 Daggar ریفرنس مذکور عدالت جناب ڈسٹرکٹ جج بونیر بھیجی گئی ہے۔ چونکہ سائیلان پر نوٹس کی تعمیل

نہیں ہوئی ہے۔ اس طرح دفعہ 18 لینڈ ایکوزیشن کے تحت سائیلان نے 6 ماہ کے اندر ریفرنس داخل کرنا تھا جو کہ انہوں نے اندر 1 ماہ داخل کی ہے۔ لہذا تنقیح نفی میں فیصلہ شد۔

تنقیح نمبر 3:

بارثوت مسول الیہم پر تھا۔ اراضی کے مالکان کو سائیلان کے ذمے میں شامل کیے گئے ہیں۔ اراضی برائے پولیس لائن بذریعہ محکمہ مال ضلع بونیر حاصل کی گئی ہے۔ اس طرح مسول الیہم کو صحیح طور پر بذمہ مسول الیہم فریق بنائے گئے ہیں۔ اشتہال غیر ضروری فریق یا عدم اشتہال ضروری فریق کے نشاندہی نہیں کی گئی ہے۔ لہذا تنقیح

تنقیح نمبر 4:

سائیلان کے ملکیتی اراضی میں سے 70 کنال 2 مرلے بروئے مبینہ نوٹیفیکیشن بطور Ex. DW-1/2 حاصل کی گئی ہے جس کی بابت مورخہ 05-10-2010 کو مبینہ ایوارڈ بطور Ex.DW-1/10 جاری کیا گیا ہے۔ جس کی رو سے سائیلان کے نام مبلغ 21381000/- روپے کی چیک جاری کی گئی ہے۔ جس کی وصولی مختار سائیلان میان بخت ولی نے اپنے جرح بطور PW-1 میں تسلیم کی ہے۔ لیکن ساتھ کہا ہے کہ وصولی مذکور زیر احتجاج کی گئی ہے۔ جو کہ قانون اشاپل کے ذمے میں نہیں آتا۔ مسول الیہم دیگر امتناع ثابت کرنے میں ناکام رہے۔ لہذا تنقیح نفی میں فیصلہ شد۔