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PART 1

GOVERNMENT OF SINDH

LAND UTILIZATION DEPARTMENT

NOTIFICATION

Hyderabad, the 8th July, 1997

No. SB-III/1-403.P/82/1997,- In exercise of the power conferred by sub-section (2) of section 10 of the Colonization of Government Lands Act 1912 and in supersession of all previous statements of conditions issued in this behalf, the Government of Sindh are pleased to issue the following Statement of Conditions for the grant of Katcha State Land for agricultural purpose to hairs, small Kahtedars and Mohagdars in Katcha area:-

1. (1) This Statement of Conditions is issued subjects to the provisions of the Colonization of Government Lands Act, 1912.
(2) It shall come into force at once.
2. DEFINATION: In This Statement of Conditions, unless there is anything repugnant in the subject of context :-
 - (a) "ACT" means the Colonization of Government Land Act. 1912;
 - (b) "allottee" means the person to whom land granted under these conditions and includes the term "grantee";

(c) "darya Khurdi right" means the right to hold the Katcha State Land in lieu of Kabuli land eroded or lost in river action;

(d) "Government" means the Government of Sindh;

(e) "hari" means the person who does not hold the land or holds less than sixteen acres of land had been residing for ten years in the deh or in the adjoining deh or tapa or in the taluka in which the land applied for is situated and has been cultivating the land of Zamindars, Government or that of his own holding personally or through any member of his family which shall include his father, son, wife, brother or adult grandson.

(f) "ijazat nama" means the special authorization granted by the Collector or Board of Revenue to cultivate the land,

(g) "Khasmokal right holder/lessee" means the person who has remained lessee on khasmokal rights and is in continued possession of the land since at least 1973;

(h) "land" means the Katcha State Land located in between the flood protective bunds of river Indus known as riverine Katcha area but does not include the land reserved for public purposes, including forest land or the land situated within the prohibited limits of villages, towns or cities specified by the Collector;

(i) "Mohagdar" means the person holding Kabuli Land contiguous to State Land;

(j) "Small Khatedar" means a person who holds less than sixteen acres of land and has been residing for ten years in the same deh or in the adjoining deh in which the land applied for is situated;

(k) "village" means the settlement or habitation of not less than ten houses in Katcha area including authorized village of not less than one hundred houses established on Government land.

3. No person shall, as of right, be entitled to the grant of land under these conditions.

4. The land shall be granted by the Collector subject to these conditions and the provisions of the Act.

5. DARYA KHURDI RIGHTS

(a) Darya Khurdi right holder shall be granted land by way of compensation from such encroachments of land as may be caused by river action in the same deh, proportionate to the loss of kabuli land but in no case the land granted to him shall exceed thirty two acres,

(b) The land so granted shall vest in the Darya Khurdi right holder without payment of malkano and the land lost in lieu of which land is granted shall vest in Government. Darya Khurdi claim in respect of land in other Dehs shall not be entertained,

(c) All land granted in satisfaction of Darya Khurdi rights shall be at par with the proprietary rights and so recorded in the Record of Rights.

6. KHASHMOKAL & LEASE HOLDERS / LESSEE.

Khashmokal right holders / lessee shall have right to get their grants not exceeding a total thirty two acres converted into proprietary rights against payment of a rate of Rs, 750/- per acre.

7. HARIS:

After satisfying the darya khurdi, khashmokal and lease hold rights all available land shall subject to the conditions be granted on ownership bases to a hari not exceeding sixteen acres on payment of Rs, 100/- per acre.

8. (1) The hairs shall be granted land in a descending order of priority as follows:-

- (a) the hari who for not less than ten years has been residing in the village near the land applied for;
- (b) the hari belonging to this same deh in which the land applied for is situated;
- (c) the hari belonging to adjoining deh in the same taluka in which the land applied for is situated;
- (d) the hari belonging to the same tappa in which the land applied for is situated;
- (e) the hari belonging to the adjoining tappa in the same taluka in which the land applied for is situated;
- (f) the hari belonging to the same taluka in which the land applied for is situated;

Provided that the order of priority in respect of the above hairs shall be as under:-

- (i) landless hairs;
- (ii) hairs holding less than five acres of land;
- (iii) hairs holding five acres of land or more but less than ten acres;
- (iv) hairs holding ten acres of land or more but not more than sixteen acre;

(2) Where claims of hairs are equal, the selection of hairs shall be made by drawing of lots on open katchery.

9. After disposal of land under condition No.8, the remaining land shall be granted, in the following order of preference to;

- (a) the small Khatedar;
- (b) mohagdars, on mohag basis:

Provided that the mohagdar can be granted land only once on mohag basis to the extent of four acres at the rate of Rs. 750/- per acre.

10. No hari or small khatedar shall have more than sixteen acres of land including the land granted under these conditions.

11. Government shall make arrangements for essential rural services such as credit facilities, seed, fertilizer, tube well and modern farm technology including infrastructure for the development of the area for economic uplift of the grantees.
12. PROCEDURE OF GRANT.
 - (i) All grants shall be made through open Katcheries.
 - (ii) A schedule of land available for grant shall come to be prepared by the Collector, as may be directed by the Government in lots each containing land not exceeding sixteen acres. Every page of the schedule shall be authenticated by the Collector under his signature and a copy thereof shall, amongst others, be forwarded to the Board of Revenue Commissioners and the Deputy Commissioners.
 - (iii) The schedule shall be widely Publicized at least ten days before the scheduled date of Katchery,
 - (iv) An application for grant of land shall be made in form appended to these conditions, in Duplicate, on or before the date of Katchery,
 - (v) On receipt of the application, it shall be entered in a register to be prescribed by the Board of Revenue, and its duplicate copy shall be returned to the applicant with an acknowledgement of receipt, including the serial number as entered in the register,
 - (vi) The Collector shall after inspecting the original revenue record personally and making such enquiries as desired necessary, decide the eligibility of the applicant for the grant of land under these conditions,
 - (vii) If the applicant is found eligible a certificate of eligibility shall be recorded on the application and in the remarks column of the register,
 - (viii) If the applicant is found Ineligible the reasons for the same shall be recorded on the application and in the remarks column of the said register.
 - (ix) The grant shall be made in open Katchery which shall be held after widely publicity in the dehs where the land available for allotment is situated,
 - (x) The Collector shall before holding Katchery satisfy himself that the proper publicity has been made and shall record a certificate to that effect in the register of Katchery.
 - (xi) Katchery shall be held in the deh where the available land is to be disposed of,
 - (xii) The grant shall be made after taking into consideration objections, if any, raised in respect of the applicants at the time of holding of Katchery,
 - (xiii) The applications received on the day of Katchery shall be entertained and disposed of in the Katchery, after observing the prescribed formalities.
 - (xiv) No grant shall be made in the name of more than one person,

- (xv) If the applicant, his father, husband, wife, or child has previously received any grant of land under these conditions or under any other condition, he / she shall disclosed the fact in writing it the Collector **along with** the application or in any case prior to the date of Katchery,
- (xvi) The grantee, his father, brother (s), son (s), or her husband (in case the grantee is a women); that is, adult member of his/her family can each have only one lot not exceeding sixteen acres under these conditions,
- (xvii) The grant shall be issued under these conditions and the grantee shall execute Kabuliat / agreement containing inter alia, the terms and conditions on the grant and the date and the place of Katchery,
13. (I) A hari holding BSc (Agricultural) degree shall be granted land not exceeding thirty two acres,
14. (i) The Collector may for the settlement of group of grantees, reserve land for village site where ever necessary,
- (ii) The plots not exceeding four hundred sq.; yards for residential purpose, in such village shall be granted free of cost to the grantees,
- (iii) The layout plan of the village shall be approved by the Collector.
15. No land laying within twenty chains of established village or within the limits of the area prohibited by the Collector from time to time shall be allotted.
16. A grant under these conditions shall be subject to all rights of way, water and easements, if any, subsisting thereon.
17. A hari who has been granted land under these conditions, shall reside on the land or nearby and cultivate the land by his own exertion or by the exertion of any member of his family.
18. (i) The grantee or kabuli owner, or holder of Darya Khurdi or Khasmokal rights, shall agree to have his land **rectangulated** whenever required by the Collector,
- (ii) The grantee shall not use land or any part thereof granted under these conditions for the purpose unconnected with agriculture: provided that the grantee may erect farm, building, well or tank or make any other similar improvement for better cultivation of land or it's more convenient use.
19. (i) The grantee (Hari) shall pay the interest free price of the land at the rate of one hundred rupees per acre payable in equal yearly **installments**, spread over a period of ten years, first **installment** being payable at the time of grant,
- (ii) The grantee who has paid the first installment as mentioned above shall be delivered possession of the land granted to him.
20. The installments by grantees shall be paid in the month of June of calendar year but no grantee, except the mohagadars shall be entitled to complete the payment of the price of the land before the expiry of ten years from date of grant.
21. If at any time, it is found that the grantee has failed to cultivate the land for two years out of the last five years without any reasonable cause or has violated the conditions of grant or has

failed to maintain good behavior and peace in his area, shall be liable to resumption after giving thirty days notice to the grantee and in the event of resumption the amount paid towards the price of land or otherwise shall be forfeited.

22. If the resumed land is not granted to any other person, the earlier grantee from whom the land may resumed may apply for restoration of the grant on payment of entire arrears for a period of four years of the date of resumption and the Commissioner may restore the grant on such terms and conditions as may be determined by him,
23. The grant other than the grant made to mohagadars, shall be non-transferable and shall be deemed to be held on restricted tenure and the right title and the interest of such grantee shall not be transferred or changed by sale, gift, mortgage, lease or otherwise;
Provided that the grantee may, for the purpose of raising loans from Agricultural Development Bank of Pakistan or any other land giving agency, hypothecate or mortgage the land with such Bank or loan giving agency.
24. No grantee shall execute any power of attorney whether revocable or irrecoverable, special or general in favor of any person envisaging management, cultivation or alienation of land granted to him under these conditions.
25. In the event of the death of a grantee, the Collector shall mutate the land among the legal heirs of deceased for the un-expired period of grant.
26. (i) All payments under these conditions shall be made at the office of the Mukhtiarkar of the Taluka in which the land is situated.
(ii) If, any time during the currency of the grant in the opinion of the Collector, no sufficient river rise has taken place in the District or any part thereof where land is situated and cultivation thereon is solely raised by rise of water, no recovery of malkano shall be made from the grantee for such period as may be specified by the Collector provided that the grantee solely rises the cultivation by rise of river water,
(iii) The grantee shall pay all land revenue, usher, assessment, cesses and other charges at the prescribed rates to the concerned authorities,
(iv) The grantee shall also repay to ADBP/loaning agency the amount of loan within stipulated period and where he fails to repay the due amount after the expiry of one year from the stipulated date of repayment, such portion of land on the application of ADBP/loaning agency, as will be sufficient to satisfy the claim of the ADBP/loaning agency, shall stand transferred with full proprietary rights to the ADBP or any other loaning agency as the case may be. The ADBP/loaning agency will have the right to auction, dispose of, Sell this land at any price and to any person at its discretion for adjustment of its dues.
27. The grantee shall not cut any tree grown on the land without permission of the Collector and without payment of price thereof as estimated by the Collector.
28. The grantee shall not remove sand, earth or any minerals from the area under the grant.

29. (i) If the land or any portion thereof is required for any public purpose, the grantee shall , on demand the Collector on 30 days' notice, surrender the whole or so much of the land as many is required,
- (ii) If the land is surrendered under clause (i), the grantee shall be entitled to the payment of the price of the land at the market rate as determined by the Collector in accordance with the general principles applicable to the acquisition of land for public purpose under the Land Acquisition Act, 1894,
30. After the grantee has paid the full price of the land and fulfilled all the terms and conditions of the grant to the satisfaction of the Collector, a deed of conveyance shall be executed immediately in the form prescribe by the Board of Revenue, conferring full ownership rights on such grantee. The deed shall be executed, stamped and registered at the cost of the grantee.

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Land Utilization Department.

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