



# KHYBER PAKHTUNKHWA

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## OFFICE OF THE DIRECTOR GENERAL PROVINCIAL HOUSING AUTHORITY

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### NOTIFICATION

Dated the Peshawar 16<sup>th</sup> May, 2014

No.DG/PHA/Admn/LA&R.R 2014/420.—Where under Section 4 (2) (xi) (a) (b) (c) of PHA, Amendment Act, 2014 read with Section 42 of PHA Act, 2005 and decision taken in 10<sup>th</sup> Authority meeting held on 06/05/2014, it considered expedient to formulate efficient, transparent and equitable Land Acquisition Regulation on Land Sharing basis with land owners, and for rehabilitation of genuine Landless Dwellers or genuine Landless affectees of the acquired land, It is hereby formulated as under:

1. **Short title, Commencement and Application:-** This Regulation may be called the Provincial Housing Authority Land Acquisition and Rehabilitation Regulation, 2014 (Land Sharing Basis).

- (i) It shall come into force at once.
- (ii) It will also apply to issues pertaining to rehabilitation and settlement of landless dwellers of acquired lands.

2. **Definitions.—** In this Regulation, unless there is anything repugnant in the subject or context.—

- (i) **"Regulation"** means the Provincial Housing Authority Land Acquisition and Rehabilitation Regulation, 2014 (Land Sharing Basis).
- (ii) **"Government"** means the Provincial Government of Khyber Pakhtunkhwa.
- (iii) **"Authority"** means the Provincial Housing Authority, Khyber Pakhtunkhwa constituted under the Khyber Pakhtunkhwa Housing Authority Act, 2005 with subsequent amendments from time to time.
- (iv) **"Affectee"** means a person whose land has been acquired under this Regulation read with the Khyber Pakhtunkhwa Housing Authority Act, 2005 on or after 15/07/2013. But does not include non-proprietor or a Landless person whose Dwelling House has been acquired, and which is located on land being acquired under this Regulation on Land Sharing basis.
- (v) **"Land Owner"** means a person who is owner of land acquired by Provincial Housing Authority, as per revenue record maintained by the revenue authorities of Khyber Pakhtunkhwa Province, or declared owner of such land by the court of law.
- (vi) **"Landless Affectee or Landless Dweller"** means a person who has built up property in form of dwelling house on piece of land being acquired, and such land does not belong to him or is not eligible for allotment of plot under Land Sharing Formula otherwise:

Provided that, he is a bona fide resident of the village being acquired, to be confirmed by any one of the following documents:

- (a) Holder of Computerized National Identity Card (CNIC) issued by National Database and Registration Authority (NADRA).
  - (b) Entry in the current Voter List of the village being acquired.
  - (c) Entry of his or his ancestor's name as tenant in the land record of the village on or before 15/07/ 2013 for the last four consecutive Khasra Girdawari's.
  - (d) Proof of two year old electricity connection in his or his parents name, confirming the residence in the village from he or she is being dislodged.
- (i) **"Built up Property"** for the purposes of this regulation means a "Dwelling House", brick kiln, shops, buildings, structures etc.
  - (ii) **"Dwelling House"** means a residential unit with constructed covered area of not less than 1000 sq feet, and having all the features of a composite residential unit.
  - (iii) **"Family Unit"** means collective nomenclature for a landless dweller, his or her spouse (or spouses), his or her minor children, including his or her major unmarried daughter (s) residing with him/her at the time of acquisition.
  - (iv) **"Person"** means and includes both a natural person and a legal person created by or under any law or statute enacted in Pakistan allowing formation of association of persons, e.g. Companies Ordinance, Cooperative Societies Act or any other similar enactment.

#### PART-I

**3. Land Sharing Regulation.**— Land will be acquired on land sharing basis, meaning a one developed plot of 500 sq yards, or two developed plots of measuring 35x70 feet, or four developed plots of measuring 25x50 feet will be allotted to the affectee /landowner for every four kanals of land acquired from him. There would be no upper limit on quantum of land sharing. Furthermore:-

- (i) The Regulation will be applied uniformly irrespective of the type of land being acquired, meaning there would be no difference whether land is cultivated or uncultivated.
- (ii) The development charges, at prescribed rates, will be paid by the owners/affectees within specified period after allotment of plots.
- (iii) All land owners irrespective of being minors will qualify for compensation under this Regulation.

**Illustration:** If 100 kanals cultivated or uncultivated land has been acquired from a landowner/affectee for a particular sector, he will be allotted 25 developed plots of 500 sq yards, or equivalent as decided by the competent authority.

**4. Minimum Quantum of land for land sharing.** The minimum basic unit to qualify for land sharing Regulation will be 01 Kanal against which 25'x50' size plot will be given.

**5. Pooling of Land:-** The land owners/affectees with land holdings of less than one kanals, or more than multiples of one kanals may pool their land for land sharing Regulation, subject to the following conditions:

- (i) Minimum quantum of land belonging to one land owner should not be less than five Marlas.
- (ii) Land Owner having land which is more than multiples of one kanal, can only pool up with land owners having less than one kanals of land.
- (iii) Only one pooling will be allowed.



- (iv) The affectee having any surplus land over and above the multiples of one kanal will have the option to pool the same as per Regulation or receive payment at market rate basis, to be determined by Deputy Commissioner/PHA.
6. **Land Beneath Built Up Property.** The Land beneath the Built up property will be compensated as per land sharing Regulation. Plots in lieu of such land will be allotted to Land Owners as per revenue record.
7. **Compensation for Built up Property.** The cost of Built up Property is to be paid on the basis of quality and type of the construction to be determined by the Deputy Commissioner/ PHA/C&W department per prevailing rules/ schedule of the government. No other benefit or compensation will be given for acquisition of such Built up Property to affectees who qualify for a plot individually or on pooling basis, under the Land Sharing Regulation.
8. **Land Acquisition on payment at Market rates.** The land owners and affectees, not willing to accept land sharing formula individually or on pooling basis, will be compensated on market rate basis, as determined by the Deputy Commissioner /PHA.
9. **Shamlat and other types of Land:** The shamlat land will be acquired as per following conditions:
- (i) The divisible shamlat land being acquired, will be compensated as given in the Para-iii of this Regulation, after apportionment of the shares of the land by the District Collector.
  - (ii) The thoroughfares and water-ponds under ownership will also be compensated as per Para -iii of this Regulation.
  - (iii) The water channels under ownership will be compensated through cash compensation on market rate to be determined by Deputy Commissioner/ PHA.
  - (iv) Non-divisible shamlat land where ownership cannot be established including grave yards, shrines, thoroughfares, water ponds, water channels, mosques, Eid-Gahs, common wells etc. will be acquired without compensation whatsoever.
10. **Compensation to landless affectees/ Landless Dwellers:** The compensation and rehabilitation of Landless Affectees or Landless Dwellers will be dealt by second part of this Regulation called compensation and Rehabilitation of landless Affectees/ Landless Dwellers.

## PART-II

11. **Compensation and Rehabilitation of Landless Affectees/ Landless Dwellers.**—A Land affectee or Landless Dweller, whose Dwelling House has been acquired, will be allotted one residential plot of size, 25 ft x 50 ft, at the rate prescribed by PHA, in the Sector reserved for affectees and not necessarily in the sector from where his/her Dwelling House has been acquired. Such allotment will be subject to the following conditions:
- (i) Only one Dwelling House one by a land less affectee will qualify for the above compensation, and no other built up property (BUP) will qualify for the above mentioned benefit. Other BUP will be compensated through cash payment as per PHA Regulation.
  - (ii) Only one residential plot will be allotted to a family unit of Landless affectee/Landless Dweller. If any member of family unit being a Land Owner and affectee is eligible for compensation under the land sharing Regulation, all members of such family unit will be disqualified for benefit under section 11, even if they are landless dwellers.
12. **Compensation and Rehabilitation of Land Owner/ Dweller.**— An Affectee from whom PHA has acquired land measuring 5Marlas or more, but not more than 01 Kanal along with a dwelling house, will have any one of the following options to opt:
- (i) He may receive cash compensation against his land and dwelling house as per award and Regulation, OR
  - (ii) He may receive cash compensation against his dwelling house and pool his land for allotment of residential plot, OR

- (ii) He may receive cash compensation against his Dwelling House and may opt for allotment of residential plot of size 25 x 50 in a Sector reserved for affectees.

**13. Rehabilitation and Land Acquisition benefits for previous Land Acquisitions.**— The fact that any land owner, whose land is being acquired under this Regulation, has been compensated or rehabilitated for land acquired previously will not affect his entitlement under the present Regulation.

**14. General Conditions.**— The above Regulation will be applied to future land acquisition subject to following conditions.

- (i) The land sharing Regulation and transactions sub-ordinate to it will be affected and carried out between PHA and the affectee/Land Owners, subject to establishment of proper ownership title of the affectees/Land Owner and handing over of the peaceful possession, free of all encumbrances, to the PHA.
- (ii) Applications for availing the compensation under this Regulation, will be submitted by the affectees/Land less affectees/Land less Dwellers in person or through their authorized agents, along with a pay order or draft of Rupees one thousand (none refundable) per application payable in favour of the Authority.
- (iii) Where an affectee or Land Owner or Landless affectee or Landless Dweller dies before availing any benefit under this Regulation. The benefit will be available to the surviving members of his or her family or the legal heirs, as the case may be, as per Regulation. Acquisition of property by inheritance will, have no adverse effect on the claim of the surviving members or the legal heirs, as the case may be, for rehabilitation benefits' which they may be otherwise entitled to.
- (iv) If an affectee or Land Owner has land which falls in different villages or sectors being acquired under this Regulation, may pool his land for the purpose of compensation under this Regulation.
- (v) The Authority, in its discretion, will notify the areas in which this land sharing Regulation will be applied or otherwise.
- (vi) This Regulation shall not bar the Authority from exercising its discretion to enter into an agreement with any party for the purpose of acquisition under any provision of the PHA Regulations, 2008 or any other law to meet the purposes of the PHA Act, 2005.

Director General  
(Member/Secretary)  
Provincial Housing Authority