

Arbitration under Land Revenue Act, 1967

Have you ever ever wondered that the **Land Revenue Act, 1967** also contains a complete **Chapter No.XII on Arbitration**. This Chapter has **only 10 Sections** and these **10 Sections contain the entire law of Arbitration** with respect to disputes concerning "any matter of which an entry is to made in any record or register under Chapter VI", "any matter concerning distributon of an assessment under Section 67", "the limits of any estate or of any holding, filed, or other portion of an estate", "the property to be divided at a partition or mode of making partition".

These 10 Sections are much better and much comprehensive than the much complicated and lengthy Arbitration Act, 1940. This Special Law excludes the application of Arbitration Act, 1940.

And do you know important differences, which distinguishes it from other ADR mechanisms? These are the following:

Firstly, it is not subject to the consent of parties before Arbitration. The Collector or any Assistant Collector of the First Grade, may, without the consent of the parties refer to Arbitration the disputes with respect to any matter referred in S.151.

Secondly, this law prescribes the simplest procedure of presentation of Award; procedure on presentation of Award and about the effect of Award, and a right to appeal.

Thirdly, it does not require any lengthy and time taking procedure of 'making an Award Rule of Court'.

Fourthly, it does not prescribe any fee or any cost of Arbitration, which means, it is totally free.

But the worst thing is that this entire Chapter of Arbitration is least considered and least bothered by the Revenue Officials and the lawyers, and the public at large is kept uniformed about this free of cost provision by both the Revenue Officials and the Lawyers in general.

"151. Power to refer to arbitration.- (1) Any Revenue Officer may, with the consent of the parties, refer to arbitration any dispute arising before him in any matter under this Act.

(2) A Collector, or any Assistant Collector of the First Grade may, without the consent of the parties, refer to arbitration any dispute before him with respect to—

(a) any matter of which an entry is to be made in any record or register under Chapter VI;

(b) any matter relating to the distribution of an assessment under section 67;

(c) the limits of any estate or of any holding, field, or other portion of an estate; or

(d) the property to be divided at a partition or the mode of making partition.

152. Order of reference and contents thereof.- (1) In referring a dispute to arbitration, a Revenue Officer shall make an order of reference and specify therein the precise matter submitted to arbitration, the number of arbitrators which each party to the dispute is to nominate, period within which arbitrators are to be nominated, and the period within which the award is to be delivered.

(2) The number of arbitrators which each party may nominate must be the same and must not exceed two.

(3) If from any cause arbitrators are not nominated or an award is not delivered within the period fixed for in the order of reference, the Revenue Officer, may, from time to time, extend that period, or may cancel the order of reference.

Quote of the day:

"When the law requires a thing to be done in a particular manner, it must be done in that manner"

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153. Nomination of arbitrators.- (1) When an order of reference has been made each party may nominate the number of arbitrators specified in the order, and the Revenue Officer shall nominate one other arbitrator.

(2) The Revenue Officer may, for reasons to be recorded by him, make an order disallowing any nomination made by either party and requiring the party to make another nomination within a time to be specified in the order.

(3) An order under sub-section (2) shall be final.

155. Nomination and substitution of arbitrators by Revenue Officers.- In any of the following cases, namely:-

(a) if either of the parties fails to nominate an arbitrator under sub-section (1) of section 153 within the period fixed in the order of reference; or

(b) if the nomination of an arbitrator has been disallowed under sub-section (2) of section 153 and another arbitrator is not nominated within the time specified in the order under that sub-section, or having been so nominated, his nomination is also disallowed; or

(c) if a party entitled to nominate an arbitrator in place of another arbitrator under section 154 fails to nominate him within one week from the date of the communication to him of a notice requiring him to make the nomination; or

(d) if an arbitrator nominated by the Revenue Officer dies, desires to be discharged, or refuses or becomes incapable to act, the Revenue Officer may nominate a person as arbitrator.

157. Award of arbitrators and presentation thereof.-

(1) The arbitrators shall make an award in writing under their hands concerning the matters referred to them for arbitration, and state therein their reasons therefor, and any arbitrator dissenting from the award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the Revenue Officer in person or by agent, or send the same to him by registered post.

159. Effect of award.- (1) The Revenue Officer may accept, modify or reject the award, recording his reasons for doing so in his decision respecting the dispute which was referred to arbitration.

(2) An appeal shall lie from the decision of the Revenue Officer made under sub-section (1) as if arbitrators had not been appointed.

154. Substitution of arbitrators by parties.- If an arbitrator nominated by a party dies, desires to be discharged, or refuses or becomes incapable to act, the party may nominate another person in his stead.

156. Process for appearance before arbitrators.- (1) The Revenue Officer shall, on the application of the arbitrators, issue the same processes to the parties and witnesses whom the arbitrators desire to examine as he may issue in any proceedings under this Act before himself.

(2) Any such party or witness shall be bound to appear before the arbitrators in obedience to a process issued under sub-section (1), either in person or by agent, as the arbitrators may require.

(3) The person attending in obedience to the process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

158. Procedure on presentation of award.- (1) When the award has been received, the Revenue Officer shall fix a date for the consideration of the award.

(2) On the date fixed under sub-section (1) or on any subsequent date to which an adjournment may be made, the Revenue Officer shall hear any objections which the parties may have to make to the award.

160. Arbitration Act not to apply to arbitration under this Chapter.- Nothing in the Arbitration Act, 1940 (Act X of 1940), shall apply to any arbitration under this Chapter.

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