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... The Baluchistan Gazette
PUBLISHED BY AUTHORITY:

No, 61 QUETTA, TUESDAY, August 13, 1974,

BALUCHISTAN PROVINCIAL ASSEMBLY
SECRETARIAT

NOTIFICATION
The 13th August, 1974.

No. is-X-(22)/74. The Baluchistan Acquisition of Land (Housing and Development Schemes in the Rural Areas) Bill, 1974 having been passed by the Provincial Assembly of Baluchistan on 8th August, 1974 and assented to by the Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly,

THE BALUCHISTAN ACQUISITION OF LAND (HOUSING AND DEVELOPMENT SCHEMES IN THE RURAL AREAS) ACT, 1974,

THE BALUCHISTAN ACT NO. XVIII OF 1974, ‘

AN
ACT

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to provide for acquisition of land for housing and idiosyncratic schemes
in the rural areas of the Province of Punjab ‘

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Preamble.

Short title,
extent and
commencement.

Definitions,

BY

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WHEREAS it is expedient to make provisions for the acquisition of land for housing and development schemes in the rural areas of the Province of Baluchistan and for matters incidental thereto;

It is hereby enacted as follows:—

1, (1) This Act may be called the Baluchistan Acquisition of Land (Housing and Development Schemes in the Rural Areas) Act, 1974,

(2) It shall extend to the whole of the Baluchistan excluding the Municipal limits, Town Committee limits and the Tribal Areas,

(3) It shall come into force at once.

2. (1) In this Act unless there is anything repugnant in the suk or context:—

(a) “Collector” means the Collector of a district and includes any officer specially empowered by the Government or Commissioner of a Division to perform the functions of a Collector under this Act;

(b) “Commissioner” means the Chief Officer Incharge of revenue and general administration of a Division;

(c) “Deputy Commissioner” means the Chief Officer Incharge of the general administration of a District;

(d) “Government” means the Government of Baluchistan;

(e) “Official Development Agency” includes—

(i) autonomous and semi-autonomous bodies established as such under any law for the time being in force; ,

(ii) People’s Local Councils constituted under the Baluchistan People’s Local Government Ordinance, 1972, Municipalities and Town Committees;

(iii) Improvement Trusts constituted under the Town Improvement Act, 1922: and

(iv) Baluchistan Development Authority:

(v) other organizations that the Government may declare to -be Official Development Agency;

(f) "Prescribed" means prescribed by the rules;

(g) "rural area" includes all areas other than urban areas; and

(bh) = "urban area" means an area defined as such under the Baluchistan People's Local Government Ordinance, 1972. a

Liability to
acquisition.

Publication of
Notification and

Land
pend
Collector.

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(2) as otherwise provided in this Act or where the context
otherwise requires all terms and expressions used but not defined

in this Act shall bear the same meanings as they bear in the Land
Acquisition Act, 1894 (Act 1 of 1894),

3. Notwithstanding anything to the contrary contained in the

Land Acquisition Act, 1894 or any other law for the time being

in force, all land within the Province shall be liable to acquisition

at any time under this Act for development and housing schemes

Agency, to empower the Secretary to the Official Development

Agency. The Government may empower by Notification in the
Gazette,

4. When land is proposed to be acquired under this Act, the
Collector shall cause such a notice to be published in the Official
Gazette with details of the property and

land (unless it has already been marked out) to be marked out and

and if no plan has been made thereof a plan shall be made of
the same,

5. (1) The Collector shall then cause the proposed notice to be given at
convenient places on or near the land to
propose thereof inviting objection to the acquisition with the amount
of compensation claimed from interested persons. He shall also
give notice to all persons having an interest in such lands
giving them notice of at least 30 days in advance before
upon the acquisition proceedings. ~ ~ a

(2) Such notice shall state the particulars of the land so need-
ed and shall require all persons interested in the land to

appear personally or by agent before the Collector at a date, time and place
therein mentioned (such period not being earlier than 13 days
after the date of publication of the notice), and to state the nature

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein of to be entitled to act for persons so interested,

6. On the day so fixed or on any other subsequent days to

which the inquiry has been adjourned, the Collector shall

enquire into the objections, if any, whether interested persons

claimants are present or not after service of due notice and shall inquire:

(i) the correct area of the land;

ii) compensation, which in his opinion, having regard to the provisions of the Act, is reasonable; and

iii) if such compensation is

satisfied by the claimants on conditions known or believed to be interested in the land whether or not they have appeared before him,

Matters to be
considered 'in

Payment of
Compensation

; Power to take
_ Possession,

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7s In determining the amount of compensation to be awarded
for land acquired under this Act, the Collector shall take into consi-

(i) the market value of the land to be determined
on the basis of two years average sale price
of and similarly situated and put to similar use:

Provided that the maximum rate of com-
pensation so determined by the Collector
shall not exceed Rupees Twenty five thousand

per acre;

(ii) the damage sustained by the claimant by rea-
son of dispossession of any standing crops
or trees which may be on the :

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(iii) the damage, if any, sustained by the person
interested at the time of taking possession of
the land by reason of severing such land from
the other land;

(iv) the damage, if any, sustained by the person
interested at the time of taking possession
of the land, by reason of the acquisition in-
jurious affecting his other property, movable
or immovable, in any other manner, or his
earnings;

(v) if, in consequence of the acquisition of the
land the person interested is compelled to
change his residence or place of business, the
expenses, if any, incidental to such
change,

8. (1) The payment of compensation shall be in cash upto Rs.
5,00,000. >™ .

(2) For amount of compensation above Rs. 5,00,000, instalments
shall be fixed and the annual instalment shall not be less than
Rs. 5,00,000. The claimant shall be entitled to interest at 6% per

annum on the amount of compensation remaining unpaid;

Provided that the period of payment of compensation shall not exceed 10 years,

9, When the Collector has made the award and objections and claims to compensation have been decided, the Government or the Official Development Authority take possession of the land which thereupon shall vest absolutely in Government or, as the case may be, in the Official Development Agency:

Provided that possession shall not be taken of any land under this section without giving to the occupier thereof at least 24 hours notice, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property without unnecessary inconvenience,

= (1) The person entitled to compensation under the award and

Government or the Official Development Agency, as the case may be,

Revision,

Revnw.

period for pay.
ment of cash
compensation.

Power of the
Collector,

Collector and
Commissioner
to have powers
of Civil Courts.

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may accept the award and intimate their acceptance in writing to
the Collector within 15 days of making the award.

(2) The Government, or the Official Development Agency or
any person aggrieved by an award of the Collector may within one
month of giving such award may file an appeal to the Commissioner,

Commissioner may after giving the Government or as the case
may be, the Official Development Agency and the person affected
by the award or their agents an opportunity of being heard, make
such order as he may deem fit,

1, The Government, the Official Development Agency or any
Person aggrieved by the order of the Commissioner, may file a re-
vision petition to the Member, Board of Revenue, who after giving
notice to all concerned, shall make such order as he deems fit.

12, (1) The Member, Board of Revenue either of his own motion
or On an application made in this behalf by the Government or the
Official Development Agency or any affected person may, at any time,
review an order made by him or his predecessor, in so far as it cor-
rects an arithmetical, clerical or patent error or mistake on the face
of the record,

(2) Any amount paid to any person which is found for any rea-
son including fraud or misrepresentation, not to be due or in excess
of the amount he is entitled to under the award shall be recoverable as
arrears of land revenue and the Collector shall call upon such per-
son to refund it,

13, The compensation payable in cash shall be paid in the pre-
scribed manner within ninety days from the date of announcement
of the award.

14, When acquiring any land or determining any compensation
therefor or carrying out any other purpose of this Act the Collector
may~

(a) require any person by order in writing to furnish such information in his possession pertaining to any land as may be specified in the order; and

(b) enter or authorise any person to enter upon land and take such action as may be necessary.

13: The Collector making an enquiry or conducting any proceedings under this Act or the Commissioner exercising the powers in appeal or the Member, Board of Revenue deciding a revision or review petitions under this Act shall have the same powers in respect of the following matters as are vested in a civil court, when trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908) namely:-

(a) summoning and enforcing attendance of any person, examining him on oath or affirmation;

(b) requiring the discovery and production of any document;

(c) requisitioning any record from any court or office;

(d) issuing commissions for examination of witnesses,

inspection of property or making any local investigations;

(e) appointing guardians ad litem or next friends;

(f) adding or substituting representatives of deceased parties to proceedings;

(g) sises or dropping parties from pending proceedings,

(h) any other matter connected with the holding of an inquiry or hearing of an appeal.

Powers to with- 16, The Deputy Commissioner with the approval of the Govern-

draw from ment can leave out from acquisition proceedings any land, notified acquisition under this Act, of which possession has not been taken. proceedings.

Powers to 17. The Government may make rules to give effect to the p;.

make rules. visions of this Act. ee

Muhammad Athar

Provincial Assembly ef Baluchistan.

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