

THE LAND REFORMS (BALOCHISTAN AMENDMENT)
ORDINANCE, 1981

(Baln Ordinance XI of 1981)

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'THE LAND REFORMS ?BALOCHISTAN AMENDMENT)

Preamble

Short title,
commencement and
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Amendment of
Paragraph 2 of the
Land Reforms
Regulation, 1972.

ORDINANCE, 1981

(Baln Ord. XI of 1981)

[16" September, 1981]

An Ordinance further to amend the Land Reforms
Regulation, 1972.

WHEARES it is expedient further to amend the Land
Reforms Regulation, 1972 (MLR-115) for the purpose
hereinafter appearing;

AND WHEREAS the Governor is satisfied that
circumstances exist which render it necessary to take immediate
action;

NOW, THEREFORE, in exercise of the powers
conferred by Article 128 of the Constitution, read with Article 2
of the Provisional Constitution Order, 1981 (C.M.L.A. Order
No. 1 of 1981), the Governor of Balochistan with the previous
sanction of the President is pleased to make and promulgate the
following Ordinance:—

1. (1) This Ordinance may be called the Land Reforms
(Balochistan Amendment Ordinance, 1981.

(2) It shall come into force at once and shall be
deemed to have taken effect in the case of sections 3, 4 and
clauses (a) and (e) of section 5 (excluding clause (iii) on and
with effect from the fifteenth day of March, 1978.

2. In the Land Reforms Regulation, 1972, hereinafter
referred to as the said Regulation, in paragraph 2,—

(i) in clause (11), the word “and” at the end shall be
omitted;

(i1) in clause (12), for the full stop at the end a
semicolon shall be substituted; and

(iii) after clause (12) amended as aforesaid, the following new clause shall be added, namely:—

“(13) *tenant” means a person who holds land

” This Ordinance, which amended The Law Reforms Regulation, 1972 (MLR-115), was promulgated by the Governor of Balochistan on 25th August, 1981; published in the Baluchistan Gazette (Extraordinary) No. 172, dated 16th September, 1981. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

2 Spelling of the word “Baluchistan”, wherever it appears in this Ordinance, is corrected by insertion of letter “o” instead of “u”, Government of Balochistan, S&GAD’s Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

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under another person, and is, or but for a special contract would be, liable to pay rent for that land to that other person and _ includes the predecessors and successors-in-interest of such

person; but does not include.

(a)

(b)

(c)

(d)

Amendment of 3.
Paragraph 22 of the
Land Reforms
Regulation, 1972.

(a)

(b)

(c)

(d)

a mortgagee of the rights of the land
owner, or

a person holding any land under the
Federal Government or a Provincial
Government, or under any such statutory
authority or corporation set up by any
such Government as may be notified by it
in this behalf, or

a person to whom a holding has been
transferred, or an estate or holding has
been let in farm, for the recovery of an
arrear of land revenue or a sum
recoverable as such an arrear, or

a lessee, whether cultivating the land
himself or through another person”.

In the said Regulation, in paragraph 22, for sub-
paragraph (6) the following shall be substituted, namely:-

“(6) Nothing in this paragraph shall apply to—

holding which are jointly owned by evacuees and non-evacuees and are required to be partitioned in accordance with the procedure prescribed under any Rehabilitation or Settlement Scheme;

holding which are jointly owned by owners of land and occupancy tenants or Muaarraridars, required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force;

small strips of land bonafide required for the purpose of building thereon;

joint khatas when the entire area of a village or deh is redistributed amongst various land owners as a result of

consolidation of holdings; or

(e) a joint holding required to be partitioned for the propose of separating the land resumed under this Regulation from the land not so resumed.”

Amendment of 4. In the said Regulation, in paragraph 24,—

paragraph 24 of the .

Land Reforms (1)

Regulation, 1972.

For the existing proviso to sub-para (i) the following shall be substituted, namely:-

“Provided that he may alienate the entire holding or, in

(ii)

(iii)

“(6)

(a)

(b)

(d)

the case of holding which is less than a subsistence holding, he may alienate, any part of his holding by way of gift to any of his presumptive heirs or exchange with, or mortgage or otherwise alienate to, other owners or landless tenants of same village, deh or mauza.”

In sub-paragraph (5), after the word “void” occurring at the end, the words and commas ““to the extent by which economic holding or, as the case may be, subsistence holding is reduced” shall be added; and

For sub-paragraph (6) the following shall be substituted, namely:—

Nothing in this paragraph shall apply to—

land, whether cultivable or other which is bonafide required for the purpose of building thereon and any tenant in possession of such land who refuses to quite after notice may

be evicted under the orders of the Deputy Commissioner;

mortgages of land, without possession, in favour of Government or an institution owned, managed or controlled by Government;

the holder of a pre-emption decree in respect of an area less than a subsistence holding;

any land or part of any land situated within the jurisdiction of a Municipality, a Cantonment Board or an Improvement Trust and included in a House Building Scheme prepared or approved

by such body.”

Amendment of 5. In the said Regulation, in paragraph 25,—
h 25 of th

Land Refowns © (i) In sub-paragraph (1), for the letter “A”, the
Regulation, 1972. words and comma “Subject to the other
provisions of this Regulation, a” shall be
substituted.

(ii) After sub-paragraph (1) the following sub-
paragraphs shall be inserted, namely:-

“(1-A) A tenant who has been ejected or
dispossessed from his tenancy, with-out due
process of law, may apply for the restoration of
his tenancy in accordance with the procedure
prescribed by the Commission.

(1-B) (a) At the time of payment of rent
by a tenant to his landlord, the
latter shall issue to the former
a receipt in that behalf.

(b) All receipts issued under
clause (a) shall be exempt
from the stamp duty.”

(iii) After sub-paragraph (4) the following sub-
paragraphs and Explanation shall be added,
namely:—

“(4-A) Where any owner of land or any other
person in possession of the land levies any cess
on or takes free labour from him tenant, the
tenant may have the levy refunded or, as the case
may be, charges for the labour recovered in
accordance with the procedure prescribed by the
Commission.

(5) All suits for enforcing the right of pre-
emption in respect of land comprised in a
tenancy shall be exclusively entertained, heard
and decided by the Collector within whose
jurisdiction the land in respect of which the right
or pre-emption has been claimed is situated, and
all such suits which may be pending in any court
immediately before the commencement of the
Land Reforms (Amendment) Ordinance, 1976,
shall on such commencement, stand transferred

to the Collector concerned.

(6) Any person aggrieved by an order passed by a Collector under the preceding sub-paragraph may, within thirty days of such order, prefer an appeal to Commissioner.

(7) The Board of Revenue may at any time of its own motion or otherwise call for the record of any case or proceeding under this paragraph which is pending or in which a Collector or Commissioner has passed an order, for the purpose of satisfying itself as to the correctness legality or propriety of such proceedings or order, and may pass such order in relation thereto as it thinks fit;

Provide that no order shall be passed under this sub-paragraph revising or modifying an order effecting any person unless such person has been afforded as opportunity of being heard;

Provided further that the record of any case or proceeding in which a Collector or Commissioner has passed an order shall not be called for under this sub-paragraph on_ the application of any aggrieved person made after the expiration of thirty days from the date of such order.

(8) For the purposes of this paragraph a Collector, a Commissioner and the Board of Revenue shall be deemed to be Civil Court and shall have all powers of a Civil Court under any law for the time being in force and the final order passed in such suits shall be deemed to be a decree of a Civil Court and shall be executed as such.

(9) In computing the limitation provided for in sub-paragraph (6) or sub-paragraph (7), the provisions of section 5 and section 12 of the Limitation Act, 1908 (IX of 1908), shall apply.

EXPLANATION— in this paragraph, “Collector”, “Commissioner” and “Board of Revenue” have the meaning assigned to them in the West Pakistan Land Revenue Act, 1967

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(W.P. Act XVII of 1967).”

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