

THE BALOCHISTAN LAND DISPOSITIONS
(SAVING OF SHAMILAT) ORDINANCE, 1959

(W.P. Ord. I of 1959)

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(W.P. Ord. I of 1959)

[27th January, 1959]

An Ordinance to provide for a uniform interpretation of
general expressions with regard to disposition of "Shamilat"
lands in the Province of *[Balochistan).

WHEREAS it is expedient to provide for a uniform
interpretation of general expressions with regard to disposition
of "Shamilat" lands in the Province of ?[Balochistan);

Now, THEREFORE, in pursuance of the Presidential
Proclamation of the seventh day of October, 1958, and in
exercise of all powers enabling him in that behalf, the Governor
of West Pakistan is pleased to make and promulgate the
following Ordinance:—

1. (1) This Ordinance may be called the *[Balochistan]
Land Dispositions (Saving of Shamilat) Ordinance, 1959.

4((2) It extends to the whole of the Province of
[Balochistan] except the Tribal Areas].

2. In this Ordinance, unless there is anything repugnant in the
subject or context, the expression "Shamilat" means land
described as such in the Record of Rights, and the land so
described, shall be deemed to be Shamilat, notwithstanding that
the whole or a part of it is in the possession of one or more of
the proprietors in the estate, or of any other person.

3. (1) Notwithstanding any law, usage or custom to the
contrary, in any disposition of land, whether testamentary or
otherwise, effected by the maker by means of a writing or orally

This Ordinance was promulgated by the Governor of W.P. on 23" January, 1959; published In the W.P. Gazette (Extraordinary
27" January, 1959. pages 455-456; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic

Pakistan (1962).

2 Subs. by Baln. A.O. of 1975. for "West Pakistan".

3 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 18" June, 1989.

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Subs. by W.P. Ord. VII of 1964.

land unless
specifically
mentioned as
subject matter
of the
disposition.

Repeal.

1 ie. Punjab. Act IV of 1951.

and whether made before or after the commencement of this Ordinance, words or the phrases of a general nature, purporting to convey rights or interests incidental, contingent, or collateral, to that land, shall not be so construed as to include therein the Shamilat or any portion thereof appurtenant to such land, unless such Shamilat or a portion thereof has been specifically mentioned as the subject matter of the disposition.

(2) This section shall not affect any decision of a competent court or authority given before the commencement of this Ordinance:—

(a) if it is not open to review, appeal or revision, or

(b) if it is so open, no- such proceedings have been taken, and the decision has consequently become conclusive between the parties.

4. The Punjab Land Dispositions (Saving of Shamilat) Act, 1951', is hereby repealed.