

THE BALOCHISTAN LAND REFORMS
REGULATION (AMENDMENT) ACT, 1973

(Baln Act VI of 1973)

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Preamble.

Short title, extent
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t.

Amendment of
paragraph 7 of
MLR 115.

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(Balochistan Act VI of 1973)

[S" February, 1973]

An Act to amend the Land Reforms Regulation, 1972?
(M.L.R. 115) in its application to the Province of Balochistan.

WHEREAS it is necessary and expedient to amend the
Land Reforms Regulation, 1972 (M.L.R. 115) in its application
to the Province of Balochistan;

It is hereby enacted as follows: —

1. (1) This Act may be called the Balochistan Land
Reforms Regulation (Amendment) Act, 1973.

(2) It shall come into force at once.

2. In clause (b) of sub-paragraph (1) of paragraph 7 of the
Land Reforms Regulation, 1972? (M.L.R. 115) (hereinafter
referred to as the Regulation): —

(a) for the proviso the following two provisos shall
be substituted and shall be deemed always to
have been so substituted, namely: —

"Provided that any transfer of land or creation of
any right or interest in or encumbrance on any
land by way of gift by a person to whom this
clause applies shall, subject to the next
succeeding proviso in no case be held by the
Commission to be a bonafide transaction:

Provided further that nothing in this clause shall

apply to: —

(i) any transfer of land or creation of any

right or interest in or encumbrance on
any land; by way of gift or otherwise,

This Act, which amended Land Reforms Regulation, 1972 (M.L.R. 115), was passed by the Balochistan Assembly on 10%
January, 1973; assented to by the Governor of Balochistan on 31" January, 1973; published in the Balochistan Gazette
(Extraordinary) No. 11, dated 8" February, 1973.

2 Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u"; as per
Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

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A Regulation made by the Chief Martial Law Administrator; published in the Gazette of Pakistan Extraordinary, dated 11"
March, 1972; and validated by Article 269 of the Constitution of the Islamic Republic of Pakistan, 1973.

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Amendment of

Paragraph 8 of

MLR 115.

Amendment of
paragraph 10

3.

made by a person in favour of his heirs;
or

(i1) any transfer of land or right or interest
therein by way of gift, made by a person
in favour of his widowed or un-married
sister, who has not received her due share
of inheritance or ancestral land; or

(iii) | any transaction whereby any land was
alienated in exchange of an area of land
equivalent to the same or substantially
same produce index units as the land
alienated"; and

(b) Explanation II shall be omitted and shall be
deemed always to have been so omitted.

In paragraph 8 of the Regulation, after sub- paragraph

(2), the following new sub-paragraph shall be added and shall

be deemed always to have been so added, namely: —

4.

"(3) Any person, who, at anytime before the
commencement of this Regulation but not earlier than the
twenty-first day of December, 1971, became the owner of an
agricultural tractor certified in the manner required by clause
(1) of sub-paragraph (2), or had installed on his land a tube
well of not less than ten horse-power, or at any time after the
commencement of this Regulation becomes the owner of
such a tractor or installs on his land such a tubewell, shall,
notwithstanding the provisions of sub-paragraph (1), be
entitled after becoming the owner of such tractor or having
installed such a tube-well, to acquire, possess or own such
additional area as would bring the total area possessed or
owned by him to the equivalent of fourteen thousand produce
index units:

Provided that a person who on the twentyeth day of December, 1971, was in possession of an area of land equivalent to more than twelve thousand produce index units shall not be entitled to possess any additional area of land under this sub-paragraph until he has surrendered to Government land in excess of area equivalent to twelve thousand Produce Index Units.".

(1) In sub-paragraph (1) of paragraph 10 of the

Regulation: —

of MLR 115.

Amendment of
paragraph 12
of MLR 115.

Amendment of
paragraph 13
of MLR 115.

(a) for the word "Service" the word "civil service" shall be substituted; and shall be deemed always to have been so substituted; and

(b) — the following explanation shall be added at the end and shall be deemed always to have been so added, namely: —

"Explanation: — For the purposes of this sub-paragraph and clause (d) of sub-paragraph (1) of paragraph 12, "civil service of Pakistan" means any civil service, post or office in connection with the affairs of the Federation or of a Province, and includes a service as a Judge of the Supreme Court or a High Court, Comptroller and Auditor General, Chief Election Commissioner and Chairman or Member of the Federal or of a Provincial Public Service Commission, but does not include service as President, Governor, Minister, Minister of State or a Speaker, Deputy Speaker or other member of the National or of a Provincial Assembly".

(2) In sub-paragraph (2) of paragraph 10 of the Regulation for the words, brackets and figure "as is referred to in sub-paragraph (1)", the words, brackets and figure "to whom the provisions of sub- paragraph (1) apply" shall be substituted and shall be deemed always to have been so substituted.

(3) In sub-paragraph (3) of paragraph 10 of the Regulation, for the words "any of the Defence Service" the words and comma "the Military, Naval or Air Forces" shall be substituted and shall be deemed always to have been so substituted.

5. In paragraph 12 of the Regulation, in sub- paragraph (1) clause (d) for the words "Service" the words "civil service"

shall be substituted and shall be deemed always to have been so substituted.

6. In paragraph 13 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added and shall be deemed always to have been so added, namely: —

Amendment of
paragraph 18
of MLR 115.

Amendment of
paragraph 19
of MLR 115.

Amendment of
paragraph 21
of MLR 115.

Amendment of
paragraph 22
of MLR 115.

"(3) | Where any person is in possession of land in excess of the area permissible for retention under Part HI, so much of such excess land as is in his possession as a lessee or mortgagee shall not vest in Government, but shall, subject to other provisions of this Regulation, revert to the lessor or mortgagor, as the case may be.".

7. (1) In paragraph 18 of the Regulation, in sub-paragraph (1), for the words, figures and commas "Rabi 1971-72, and there be no such tenant, in respect of any such land, to the tenant which is shown in the Revenue Records to be in cultivating possession of it in Kharif 1971" the words and figures "Kharif 1971 and Rabi 1971-72" shall be substituted and shall be deemed always to have been so substituted.

(2) In sub-paragraph (3) of paragraph 18 of the Regulation, for words and figures "Rabi 1971- 72 or Kharif 1971" the words and figures "Kharif 1971 and Rabi 1971-72" shall be substituted and shall be deemed always to have been so substituted.

(3) In sub-paragraph (4) of paragraph 18 of the Regulation the fullstop after the word "orchards" shall be omitted and the words "or to any State land granted on instalments where any instalment in respect of such land remains unpaid" shall be added and shall be deemed always to have been so added.

8. In paragraph 19 of the Regulation, in the proviso, the full stop at the end shall be omitted and the words and commas "of the whole of such part of, or area from, such land, as Government may deem fit," shall be added at the end and shall be deemed always to have been so added.

9. In paragraph 21 of the Regulation, in the proviso the full

stop at the end shall be omitted and words and commas "of the whole or such part of, or area from, such land, as Government may deem fit." shall be added at the end and shall be deemed always to have been so added.

10. (1) In paragraph 22 of the Regulation, for sub-paragraphs (1), (3) and (6) the following paragraphs shall be substituted and shall be deemed always to have been so substituted, namely: —

"(1) A joint holding with an area equal to or less than that of a subsistence holding shall not be partitioned, except

Substitution of
paragraph 28
of MLR 115.

Repeal.

where the joint holders own, individually or jointly, other land in the same deh or village, and the partition has the effect of every such holder owning, whether individually or jointly, a holding with an area not less than that of a subsistence holding.";

"(3) A joint holding with an area equal to that of an economic holding shall not be partitioned, except where the joint holders own other land in the same deh or village, and the partition has the effect of such holder owning, whether individually or jointly, a holding with an area not less than that of an economic holding,"; and

"(6) | The provisions of this paragraph shall not apply to holdings jointly owned by: —

(a) evacuees and non-evacuees, required to be partitioned in accordance with the procedure prescribed under any Rehabilitation Settlement Scheme; and

(b) owners of land and occupancy tenants or Muaarrarridars, required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force.".

11. For paragraph 28 of the Regulation, the following paragraph shall be substituted: —

"28. The following categories of grantees of resumed land under the Repealed Regulation shall be discharged from all liabilities in respect of any instalments payable by them under paragraph 19 of the said Regulation: —

(i) Tenants under the Sale Scheme;
(i1) Tenants under the Upgrading Scheme; and
(iii) Small land owners of the village concerned under the Upgrading Scheme.".

12. The Land Reforms Regulation (Amendment) Ordinance, 1972 (Balochistan Ordinance No. VIII of 1972), and the Land Reforms (Balochistan Second Amendment) Ordinance, 1972 (Balochistan Ordinance No. X of 1972), are hereby repealed.

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