

THE BALOCHISTAN SYSTEM OF SARDARI (ABOLITION)
ORDINANCE, 1978

(Bal Ordinance XII of 1978)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.

2. Definitions.

3. Abolition of system of Sardari.

4. Saving.

5. Penalty.

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Preamble.

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Definitions.

ORDINANCE, 1978

(Balochistan Ordinance XII of 1978)

[11 April, 1978]

An Ordinance to provide for the abolition of system of Sardari and for matters ancillary thereto.

WHEREAS the system of Sardari, prevalent in certain parts of Balochistan, is the worst remnant of the oppressive feudal and tribal system which, being derogatory to human dignity and freedom, is repugnant to the spirit of democracy and equality as annunciated by Islam and enshrined in the Constitution of the Islamic Republic of Pakistan? and opposed to the economic advancement of the people;

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

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 19774, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977)^o and exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance: —

1. () This Ordinance may be called the Balochistan System of Sardari (Abolition) Ordinance, 1978.

(2) It extends[®] to the whole of Province of Balochistan.

(3) It shall come into force at once and shall be deemed to have taken effect from 15th day of March, 1978.

2. In this Ordinance, unless there is anything repugnant in

This Ordinance was promulgated by the Governor of Balochistan on 2TM April, 1978; published in the Balochistan Gazette (Extraordinary) No. 29, dated 11" April, 1978. Saved and validated by Article 270-A of the Constitution of the Islamic- Republic of Pakistan (1973).

Spelling of the word "Baluchistan", wherever it appears in this ordinance, 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.

That is the Constitution of Islamic Republic of Pakistan, 1973.

Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.

Chief Martial Law Administrator Order I of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977 Extended to the Provincially Administered Tribal Areas of Balochistan; see Balochistan Gazette (Extraordinary)No. 62, dated 1

August, 1978.

Abolition of system
of Sardari.

Saving.

Penalty.

the subject or context, "Sardar" means a person who is recognised as a Sardar, Tumandar or Chief of the tribe or who, under any custom or usage or otherwise, exercises any of the powers or enjoys any of the privileges as mentioned in Section 3 of this Ordinance.

3. Notwithstanding any custom or usage, as from the commencement of Ordinance, the system of Sardari shall stand abolished and no persons shall: —

(a) exercise any judicial powers not expressly conferred on him by or under any law for the time being in force; or

(b) maintain any private jail; or

(c) save as provided in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, arrest or keep in custody any person; or

(d) take free labour from any person or compel any person to labour against his will; or

(e) demand or receive, by reason of being or having been a Sardar, any tribute or any other payment, whether in cash or in kind.

4. Notwithstanding anything contained in the Ordinance, Government may grant to any person such individual service allowance as it may deem fit and require such person to discharge such duties and perform such functions as Government may from time to time, direct.

5. Whoever contravenes any provision of this Ordinance shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.