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No. 60 QUETTA "SUNDAY APRIL 26, '1987.

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BALUCHISTAN. PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION. * * <

Quetta, the 26th April, 1987.

No. LEGIS :I1I(20)/87. The Bolan Abadies for Non-Proprietors in Rural Areas. Bill, 1987 having. been passed by the Provincial Assembly of Baluchistan on 16th March, 1987 and assented to by the Governor of Baluchistan, is hereby Published as an Act of the Provincial Assembly.

THE BOLAN ABADIES FOR NON-PROPRIETORS IN RURAL' AREAS ACT, 1987.

BALUCHISTAN ACT NO.I OF 1987.

(First Published after having received the assent of the Governor of Baluchistan in the Baluchistan Gazette (Extra- -ordinary) Dated 26th

April, 1987).

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Preamble.

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Short 'title,
extent and

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Definitions,

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to regulate for housing facilities to non-proprietors

in the rural areas of Baluchistan.

WHEREAS it expedient to make provisions for providing
housing _facilities to non-proprietors in the rural areas of
Baluchistan under Seven Marla Scheme and to provide for

matters connected therewith or ancillary thereto. |
'It is hereby enacted as follows:- ~y

1s (1) This Act may be called the Bolan Abadies for Non-
commericements proprietors in Rural Areas Act, 1987.

(2) It shall apply to all rural areas in Baluchistan except
such rural areas as may be excluded from the operation of this
Act through a notification by the Government.

(3) It shall come into force at once.

2. 'In this Act, unless there is anything repugTM, t in
the subject of context-

(a) ."Abadi-deh"" means an area recorded as such in

the record of rights and is a rural area;

(b) "Allotment Committee" means a Committee which
may be set up as prescribed for a revenue estate

for the purpose of this Act;

(ce) "Collector" means a Collector of the District and
includes an Assistant Commissioner ora Collector
of a sub-Division or any Officer specially. empowered
by the Government to perform the functions of
a Collector under this Act;

(d) "Commissioner" means the Chief Officer—in-Charge

of the revenue and general administration of a Division and includes an additional Commissioner of

such Division;

(e) "Deputy Commissioner" means the Chief Officer-in-charge of the revenue and general administration

Grant of
land.

Allotment.

Proprietary
rights.

3

of a District and includes an' Officer notified as such by the Government for the purpose of this Act; tay

(f) "Government" means the Government of Baluchistan;

(g) "Non-proprietor" means person who is permanently residing in a rural area and who or any member of whose family does not own any agricultural land or other immoveable property anywhere in Pakistan;

(h) "Prescribed" means prescribed by rules made, instructions issued, or schemes sanctioned, by the

sw t
Government under this Act; and ae

(i) "Rural Area* means an area other than the area defined as urban area by or under any law relating to Local Government for the time being inforce.

Explanation:- For the purpose of Clause (g)

(i) "family" means husband, wife and their unmarried children; and

(ii) "Immovable property" shall not include the structure raised by a non-proprietor on land not owned by him.

3. The Government may grant land, free of cost not exceeding seven marlas in a rural area, on such terms and conditions as may be prescribed, to a- non-proprietor in the revenue estates in the Union Council in which he/she ordinarily resides, for the construction of a

house by him for his ,residence.

4. To give effect to the provisions of section 3, the Collector may, on the recommendations, of the Allotment Committee, allot land to non-proprietors .

5. On the completion of the construction of a house

on the land allotted to him and subject to the condition |.
that neither the house nor the land shall be alienated

Cancellation
of
allotment.

Re-Entry.

4

during a period of ten years from the date of allotment,
the Government may grant proprietary rights to an

allottee in such manner as may be prescribed.

Explanation- If, before the commencement of this Act,
an allottee had constructed a house on the land -loted
to him under this Act, it shall be deemed as sufficient

compliance of the provisions of section 3 and 5.

6. Notwithstanding the grant of proprietary rights to an
allottee, the Collector shall, after giving the allottee an
opportunity of being heard, cancel the allotment and resume .

the land if he is satisfied that the allottee-

(a) has furnished wrong information for securing allot
ment in his favour; or.

(b) has committed a breach of the conditions of allotment
provided for by this Act, or by the rules made, ~
instructions issued, or the schemes prepared, under
this Act;

Provided that the allottee may be given reasonable

time to rectify a breach mentioned in Clause (b).

7. (1) Where land has been resumed under the provisions
of section 6, the Collector may issue - an order requiring
the allottee to remove all buildings, structures and other
property belonging to him from the site and to deliver vacant
possession of the site to the Collector within a period not

exceeding one month from the date of the order.

(2) If the allottee fails to comply with the order issued
under sub-section (1), the Collector may re-enter, take poss
ession of the land and execute the order under sub-section
(1).

(3) In case of re-entry under sub-section (2), the

building, structure and other property mentioned in sub-

Liability
of
acquisition.

Appeal.

section (1) shall be sold.

(4) The cost of execution under sub-section (2) and

. (3) shall be recovered from the sale proceeds accuring under
sub-section (3).

8. Notwithstanding anything to the contrary contained |
in the Land Acquisition Act, 1894 or in any other Law for

the time being in force, land in rural areas including such_
residential sites in the village shamlat and abadi-deh in posses-
sion of non-proprietors whereupon the non-proprietors have
built residential houses for permanent residence shall be liable
to acquisition by Government at any time under this Act for
the purpose of providing housing facilities and ancillary uses
to non-proprietors under this Act.

Provided that land on which there is an orchard, a
well, a tubewell or on which there is a building constructed by
the owner shall not be acquired for the purpose of this Act.

Explanation- Acquisition of land for the purposes of this
Act shall be deemed as "public purpose" within the meaning
of the land Acquisition Act, 1894.

9. An appeal shall lie to the "nepathy Commissioner against
every order made by the Collector under this Act and the

decision of the Deputy Commissioner thereon shall be final.

Provided that “-

(i) Where the order is made by the Collector of a District,
the appeal shall lie to the Commissioner whose deci-
sion thereon shall be final;

Gi) No order in any appeal unde this section be passed
wihtout providing to the person to be affected there-
by an opportunity of being. heard; and

Gii) the Ktmitation for filing an apeal under this section
shall be thirty days from the date of impugned
order and the provisions of section 5 of the Limitation
Act, 1908 (1X of 1908) shall apply to an appeal under

Power of

Government.

~ Rules.

this section.

Government may, prepare schemes and issue
instructions consistent with this Act and the rules framed

thereunder, relating to all matters to which the provisions
of this Act apply.

(2) If the Government considers that anything done
or intended to be done by or on behalf of any officer or
authority exercising any power under this Act, is not in
conformity with law or is, in any way, against public interest,
it may, by order, quash the proceedings, suspend, the execu-
tion of any order, or prohibit the doing of anything proposed
to be done or require such officer or authority to take such
action as may be specified.

(3) The Government may delegate any of its powers
and functions under sub-section (2) to any officer not below

the: rank of a Commissioner.

11. The Government may by notification in the pential Gazette,
make rules for the purposes: of this Act.

AKHTAR HUSAIN KHANS
Secretary,
Provincial -Assémbly of Baluchistan.