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GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT

NOTIFICATION.
Quetta, the 14th April, 1977.

; No. Legis: 1-37/Law/76. The following Ordinance made by the Governor of Baluchistan on the 14th April, 1977, is hereby published for general information:-

BALUCHISTAN ORDINANCE NO. V OF 1977.

THE EXPEDITIOUS CORRECTION OF RECORD-OF-RIGHTS IN BALUCHISTAN
ORDINANCE, 1977.

AN
ORDINANCE

Preamble. to provide a simple procedure for the speedy correction in the Record-of-Rights for the inhabitants of certain areas of Baluchistan keeping in view the present complicated and costly procedure and the property of the people;

Enacted by the Governor of Baluchistan
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Short title, extent
and Commence
ment.

Definitions.

Appointment.
of Tribunal.

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WHEREAS numerous complaints have been made, by, persons

+ hidving fightsin the lands of some areas of Baluchistan' that 'entirés made”
in the record-of- rights under the land revenue laws are incorrect and that
the procedure laid down for correction thereof in Revenue Laws is very
lengthy and costly, which the poor people of Baluchistan cannot afford;

AND WHEREAS it is expedient to provide for speedy redress
of their grievances.

NOW THEREFORE, in exercise of \the powers conferred on him
under Article 128 of the Constitution of the Islamic Republic of Pakistan,

the Governor of Baluchistan is pleased to make and promulgate the following
Ordinance :—

de (1) This Ordinance may be called the Expeditious Correction of Re-
cord of-Rights in Baluchistan Ordinance, 1977 (No. V of 1977).

2)" It shall apply to. 'such | parts of theProvince of Baluchistan
as may be notified by the Government in the official Gazette.

2. (1) In this Ordinance, the following “expressions shall have the
meaning -hereby..respectively assigned to 1

(i) “Claimant” means a person who had preferred a claim to:
any land under ‘the provisions of section 4.

iy “Government” means the provincial Government of
Baluchistan.

(iii)' “Person” means a person whose name has been entered
in any capacity, in the Record-of-Rights or;

who has preferred a claim of having an interest in land.

(iy) “Record-of-Rights” means the record of rights prepared,
during the Settlement' Operations from 1962 .onwards
in the areas to which this Ordinance, applies, under the
Provisions of Punjab Land Revenue Act, 1887 (Act
XVII of 1887)'and the Baluchistan Land Revenue Act,
1967 (Act XVII of 1967).

(v) "Tribunal" means the Tribunal appointed under Section 4 of this Ordinance.

(2) Other expressions used in this Ordinance shall have the same

meanings assigned to them in the Baluchistan Land Revenue Act, 1967
"(Act XVII of 1967). and *

3. For the purposes of considering and adjudicating any claim

preferred under Section 5 of this Ordinance the Government shall appoint

a single member Tribunal by notification in the official Gazette.

(2). The Tribunal shall consist of a single member who is or has been, a Judge of the High Court or a person qualified to be appointed as a Judge of the High Court.

(3) The term of the Tribunal will be such as may be determined by the Government.

Claims.

Procedure.

Review.

Powers of the
Tribunal.

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4. Any person who claims any right, title or interest in land or any part thereof may, within 30 days from the date the Tribunal takes upon himself the duties of his office, prefer his claim to the Tribunal.

5... The Tribunal, after making such enquires as may be deemed fit, and after giving an opportunity of being heard to the persons whose names are already entered, in any capacity, in the record of rights, with respect to lands under that claim, shall pass such orders, as may be deemed fit.

6.. A person considering himself aggrieved by the order of the Tribunal, determining the claim of a claimant, may, within 15 days of the passing of such order, apply for review of such order, and the Tribunal may make

, Such order as it thinks fit.

7...» (i) 'The Tribunal shall have the power of a Civil Court trying a suit under the Code of Civil Procedure 1908 (Act V of 1908) in respect of the following matters:- \$

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any documents;
(c) receiving evidence on affidavits; and

(d) requisitioning any public record or copy thereof, from any court, office or any person.

(2) The Tribunal may require any person, subject to any privilege which such person may claim under any law for the time being, in force, to furnish such information as in the opinion of the Tribunal may be of assistance to it in the adjudication of claim preferred before it under this Ordinance. : ,

(3) The Tribunal shall be deemed to be a Court of Magistrate of the area for the purposes of offences as are described under Section 175, Section 178, Section 179, Section 180 or Section 228 of the Pakistan Penal Code, 1860 (Act XLV of 1860), when committed in the view or in the presence of the Tribunal. The Tribunal may, on the commission of such offences before it, proceed to try and sentence the offenders with punishment provided under the Law. This power shall be exercised by the Tribunal notwithstanding anything contained in Section 480 and 482 of

the Code of Criminal Procedure (Act V of 1898).

. (4) Notwithstanding anything provided in any other law for the time being in force, an appeal against an order of conviction passed under Sub-Section (3) would lie to the High Court,

___.G) Every proceeding before the Tribunal shall be deemed to be judicial proceeding within the meanings of Sections 193 and 228 of the Pakistan Penal Code, 1860 (Act XIV of 1860).

(6) The order of the Tribunal shall be deemed to be an order of the Civil Court entries in the record-of-rights shall be corrected accordingly.

Framing' of
Rules,

Bar of jurisdi-
cation,

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(7) When any matter is not provided for in this Ordinance, or any: difficulty arises in giving effect to the purposes of this Ordinance, the Tribunal, with) the approval, or on the direction, of the Government may make such provisions. in respect thereof as it thinks fit or may be directed by the Government and such order shall be deemed to form a part of this Ordinance and have effect accordingly.

8. The Government shall make rules for carrying out the purposes of this Ordinance.

9. (1), No provision of this Ordinance or of any rules or orders made

thereunder shall be called in question in any court, including the High Court or the 'Supreme Court, or before any authority other than an authority appointed under this Ordinance and no such Court or authority shall have jurisdiction in respect of any matter which the Tribunal is empowered to determine,

(2) No such Court or authority as aforesaid shall be competent to grant any injunction or other order in relation to any proceeding before the Tribunal or before any officer exercising any power or discharging any function under this Ordinance or the Rules or Orders made thereunder, or in relation to anything done or intended to be done by or at the instance of the Tribunal or such officer.

AHMED YAR KHAN BALUCH,
Governor of Baluchistan.

Dated Quetta, the 14th April, 1977, FAKHRUDDIN H. SHAH,

Secretary, Law.