

THE LAND ACQUISITION (BALOCHISTAN AMENDMENT)
ACT, 1985

(Baln. Act XIII of 1985)

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'THE LAND ACQUISITION ?BALOCHISTAN AMENDMENT)
ACT, 1985

1 This Act has been passed by the Provincial Assembly of Balochistan on 9" October, 1985; assented to by the Governor of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 278, dated 6" November, 1985.

Preamble.

Short title and
commencemen
t.

Amendment of
section 5 of
Act I of 1894.

Amendment of
section 5-A of
Act I of 1894.

(Balochistan Act XIII of 1985)

[6" November, 1985]

An Act further to amend the Land Acquisition Act, 1894, (I of 1894), in its application to the Province of Balochistan.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, in its application to the Province of Balochistan, in the manner hereinafter appearing.

It is hereby enacted as follows: —

1. qd) This Act may be called the Land Acquisition (Balochistan Amendment) Act, 1985.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1' day of October, 1984.

2. In the Land Acquisition Act, 1894, in its application to the Province of Balochistan, hereinafter referred to as the said Act, the existing section 5, shall be numbered as sub-section (1) of that section and after sub-section (1), as so numbered, the following new sub-section shall be added: —

"(2) The notification under sub-section (1) shall be issued not later than one year from the date of publication of the notification under section 4:

Provided that the time, if any spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed by Government before the issue of the notification under this section shall be computed to the said period of one year.

(3) If the notification under sub-section (2) is not issued within the specified time, the acquisition proceedings shall be deemed to have come to an end."

3. In the said Act, in section 5-A, after sub-section (3), the

following new sub-section shall be inserted, namely: —

“(3-A) The report under sub-section (2) or

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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Amendment of
section 6 of

Act I of 1894.

Amendment of
section 11 of

Act I of 1894.

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4.

recommendations under sub-section (3), as the case may be, shall be forwarded to the Commissioner within a period of ninety days from the date of publication of the notification under section 5 and the Commissioner shall within ninety days of the receipt of the report or the recommendations, as the case may be, announce the decision and if the report or recommendations, as the case may be, is not forwarded or decision announced within the specified period, the objections shall be deemed to have been carried out and the acquisition proceedings shall come to an end."

In the said Act, in section 6, after sub-section (1), the following new sub-section shall be inserted; namely: —

5.

"(1-A) The declaration shall be made within six months of the publication of the notification under section 5 and if the declaration is not issued within that period, the acquisition proceedings shall be deemed to have come to an end:

Provided that the time, if any, spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed after the issue of the notification under section 5 and before making the declaration under this section shall be computed to the said period of six months."

In the said Act, the existing section 11 shall be numbered as sub-section (1) of that section and—

(i) in sub-section (1) as so numbered: —

(a) in clause (ii), the word "and" shall be omitted;

(b) in clause (iii), for the fullstop appearing at the end, a semi-colon and the word "and" shall be substituted;

(c) after clause (iii), the following new clause shall be added, namely: —

"(iv) the cost or a part of such cost actually and reasonably incurred for preparing

Amendment of
section 18 of

Act I of 1894.

Amendment of
section 19 of

Act I of 1894.

Amendment of
section 20 of

Act I of 1894.

Amendment of
section 28 of

Act I of 1894.

the claim and putting the case before
him for compensation which in his
opinion should be allowed.”

(ii) after sub-section (1) as so numbered, the
following new sub-section shall be added,
namely: —

“(2) The award shall be announced by the
Collector within six months of the publication of
declaration under section 6, failing which the
officials or officers found guilty for the
inordinate delay by such authority and after such
enquiry as may be prescribed by the rules shall,
reimburse the Provincial Government the
amount of the additional compensation assessed
under section 28-A for the period of delay.”

6. In the said Act, in section 18, in sub-section (1): —
(a) the word “or” shall be omitted; and

(b) before the fullstop appearing at the end, a comma
and the words, “or the amount of costs allowed”
shall be added.

7. In the said Act, in section 19, in sub-section (1), in
clause (c), between the word “compensation” and the word
“awarded” the words and commas “and of costs, if any,” shall
be inserted.

8. In the said Act, in section 20, in clause (c), for the words
“compensation” the word “compensation or costs” shall be
substituted.

9. In the said Act, for section 28, the following shall be substituted: —

“28. Additional compensation. In addition

to the compensation fixed on the basis of market value as prevailing on the date of notification under section 4, an additional amount of fifteen percent per annum of the compensation so fixed shall be paid from the date of the notification under section 4 to the date of payment of

Amendment of
section 31 of
Act I of 1894.

Amendment of
section 34 of
Act I of 1894.

Saving.

10.

11.

12.

compensation."

In the said Act, in section 31: —

(a) in clause (a), of sub-section (1), between the word "compensation" and the word "awarded" the words and commas "and costs, if any" shall be inserted.

(b) in sub-section (2) between the word "compensation" and the word "or" the words and commas "and the costs, if any," shall be inserted.

In the said Act, section 34, shall be omitted.

Anything done, action taken, order passed, or any

decision made after the lapse of the Land Acquisition (Balochistan Amendment) Ordinance, 1985 (XVIII of 1985), under the provisions of the said Ordinance shall be deemed to have been validly done, taken, passed or made, as if this Act was in force on the day on which such thing has done, action

taken, order passed or decision made.