

EXTRA ORDINARY REGISTERED NO. §-2771

The Baluchistan Gazette
PUBLISHED BY AUTHORITY

No. 34 QUBTTA MONDAY, AUGUST 30, 1976

GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.

NOTIFICATION,

Dated Queia, the 30th August, 1976,

No. Legis:1-74/Law/72. The to lowing Ordinance made by the

y Governor of
"aluchistan on the 28th of August, 1976, is h. reby publis

hed for general information:-

BALUCHISTAN ORDINANCE No. VII OF 1976,

THE LAND REFORMS (BALUCHISTAN PAT FEEDER CANAL)
(AMENDMENT) ORDINANCE, 1976.

AN
ORDINANCE
further to amend the Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.

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—_— tation with the Federal Government, determine;
Gi) the farhiliçs of tic members of the

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the Land Reforms (Baluchistan Pat Feeder Canal)
pearing;]

Wuereas it is expedient further to amend
Regulation, 1972, for the Purposes hereinafter a;

AND WHEREAS the Provincial
Province is satisfied that ci

conferred on him by clause (1) of Articte 128 of the
id with the previous sanction of the President as
itption, the Governorof Baluchistan Province is

pleased to make and prom:

1. Short title and comm ce may becalled the Lend Reforms (Baluch-
istan Pat Feeder Canal) (Amendment) Ordinance, 1976,
(2) Tt BANDIT ADR VAS He SPN section 2 as relates to the
omission of su! +P jad (Dee peyagraph Sepuby Parsgraph (i) of Paragraph (d) of
clause(1) of section 4 and section 8, be deemed to have taken effect om the day on which the Land

ticn, 1972, hereinafter referred to as the Regulation,
OMe intofere. TH UA YYAQVIOM ~~ ATTaUD ba" Lo

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3. Insertion of new paragraph SA iif the Régwlatibn' "In the Regulation,

after Paragraph S amended
as aforesaid, the following new Paragraph shall be inserted, namely:—

4, Amendment of paragraph 6 of the Regviation—In the Regulation, in Paragraph 6,—
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(a) forthe word "The" the words, figure, letterand comma "Subject to Paragraph SA,
athe" bell he, subpritmteds: nano vara tan
AR), forstguse (a) Ue fol in Hall be subatinated namely iT
baad aay AAIAD TAIMAKIIVA)
"(a) dit drew of hin thousand woren te beearmarked in such manner as may be de-
termined by the Board of Rév¥enue, shall be reserved for grant, on such conditi

and in such manner 4s.the Government may, after consultation with the Federal
Government, direct, to

following forces who laid down their lives
in any military operation or as a result of enemy action during the year
1971, namely;—

Defence Services of Pakistan, Police Force, and such other Armed Forces as the Government may, after consultation with the Federal Government, determine;

(iii) the members of the Defence Services of Pakistan recommended by the General Headquarters.”; Pr %

(c) in clause (b),—

i) for the word ‘demarcation’ the word ‘earmarking’ shall be substituted; and be for the semi-colon and word”; and the following shall be substituted, namely:

- “subject to the maximum area specified in sub-paragraph (3):

Provided that, where any such land cannot be granted to any such tenant by reason of its having been utilised or reserved for any other purpose or under any other provision of this Regulation, the Board of Revenue may,— :

(i) if land is available elsewhere and the person concerned wishes to have land, grant him such land equal in area to his entitlement as it may deem fit; and

(ii) if no land is available or the person concerned does not wish to have land, arrange for payment to him in cash of the compensation to which he would have been entitled had the land to the grant of which he was entitled been acquired under the Land Acquisition Act, 1894 (I of 1894); and” and

(d) in clause (c),—

the commas, words, brackets and figures‘ subject to sub-paragraph (5) of ad paragraph 5, “shall be omitted: and ms

(ii) after the word and figure “paragraph 7”, the comma and words”, to such extent as the Government may determine” shall be added;

(2) for sub-paragraph (3) the following shall be substituted, namely;—

“(3) The land granted to —

(a) a tenant or a landless person shall not exceed sixteen acres; and
(b) joint tenants shall not exceed thirty-two acres”; and

(3) in sub-paragraph (6),— ; 4 ? each j

words “as to payment of price and mode of recovery of such price” theecm-
* @) or words “*, including conditions as to payment of price and mode of recovery of
each price, ” shall be substituted; and

for the full stop at the end a colon shall be substituted and thereafter the following
bad provisos shall be added, namely:—

“Provided that no price shall be charged from the tenant:
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direct after consultation with the Federal Government.”.

5. Amendment of paragraph 7 of the Regulation.—In the Regulation, in paragraph 7,—

(1) for the marginal heading the following shall be substituted, namely :—

“Procedure for verification of claims to land of sanad holders.”;

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(2). in sub-paragraph (4), for the words "an urea equivalent to fifteen thousand produce index units" the words, commas and figure " the maximum area issible for retention undet the provisions ofthe Land Reforms Regulation, 1972," shall be substituted: and

(3). the Explanation shall be omitted.

6. o of paragraph 8 ofthe Regulation.— In the Regulation, in paragraph 8, in sv t-pes-graph (1), —

(1) the words, brackets and figures“and no land referred to in sub-y ragraph (2) of raragrath) Paha be omitted; and poe i renee

(2) forthe full stop at the end acolon shall be substituted and thereafterthe following proviso shall be added, namely:—

"Provided that the Board of Revenue may allowexchange of landsfor the purpose of consolidation of lands granted under this Regulation.",

7. Amendment ofparagraph 15 ofthe Regulation —In the Regulation, in paragrph 15, in sub-parc-graph (2), —

(1) in clause (a), the words, brackets and figures "or referred to in sub-paragraph (2) of paragraph 5" shall be omitted; and

®, in clause (e), for the words "applications and representations for the reconsideration and rview of" the words and commas "appeals against, or applications for the review or revision of," shall be substituted,

8. _ Validation and sayings.—(1) Notwithstanding the omission by this Ordinece cf sub-peregraph (3) of paragraph 5 of the Regulation,—

'a) applications made underthe said sub-paragraph shallbe deemed to be applications ba made under clause (b) of sub-paragraph (1) of paragraph 6 of the Regulation;

(b) inthecase of applications made under the said sub-paragraph which have already been disposed of thereunder by a competent authoirty—

(i) anapplication which has been rejected shall be deemed to. have been rejected under the provisions of clause (b) cf sub-paregragh (1) of paragraph 6of the Regulation:

(ii) an application which hasbeen accepted and in which permission to nisin land hasbeen givenforan area of a not more than sixteen acres, \hat per- missions shall be decmed to be a grant cf that lind ticerdieusc (byor sub-paragraph (1) of paragraph 6 cf the Regulatice; ard

(iii) where an application has been accepted and permission has been given iot pass toretain anareaof morethan sixteen acres,that person:hallbe 4b wedtoretain not more than sixteenacresofiagd of his choice out ofthat permitted arcaand such land shallbe deemed iohave been grecidio him underclause(b) of sub-paragraph (1)of paragraph 6ofihe Regulationand the

Jand in excess of such land shall revert to the Board of Revenue:

Provided that the area to be retained shall be, as far as possible, in a compact block; and a

(c) applications made under the said sub-paragraph which have not been disposed of before the promulgation of this Ordinance shall be disposed of as follows:— ,

(@) an application made by a person with respect to land on which he claims cultivating possession shall be decided according to the provisions of clause (b) of sub-paragraph (1) of paragraph 6 of the Regulation; and =

(ii) an application made by a person with respect to land which he does not claim cultivating possession shall be decided according to the provisions of the said sub-paragraph; and, if the application is accepted, the land with respect to which the application has been made shall be granted to such person or, if an application made or deemed to have been made under clause (b) of sub-paragraph (1) of paragraph 6 of the Regulation with respect to that land has been accepted, pane J and equal in area to his entitlement as the Board of

Revenue may deem fit shall be granted to him.

(2) Any appeal, revision or review pending before any authority under any provision of the Regulation immediately before the promulgation of this Ordinance shall be disposed of as if this Ordinance had not come into force, but the order passed on such appeal, revision or review, as the case may be, shall be acted upon according to the provisions of the Regulation as amended by this Ordinance.

- (3) Subject to the provisions of the Regulation, any action taken, thing done, order passed, made or purporting to have been taken, done, passed or made under the Regulation or the rules made thereunder, before the promulgation of this Ordinance, shall be deemed to have been validly taken, done, passed or made.

(4) Any action taken, thing done or order passed by a Land Reforms Officer at any time during the period between the seventeenth day of January, 1974, and the commencement of the Land Reforms (Baluchistan Amendment) Act, 1974 (Baluchistan Act No. XI of 1974), shall be deemed to have been validly taken, done or passed as if the said Act had come into force on the said seventeenth day of January, 1974,

AHMAD YAR KHAN BALUCH,
GOVERNOR, BALUCHISTAN.

Dated Quetta, the 28th August, 1976.

7 FAKHRUDDIN H. SHAIKH,
Secretary to Government of
Baluchistan, Law Department.