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] GOVERNMENT OF BALUCAISTAN
LAW DEPARTMENT.

NOTIFICATION.

Dated Quetta, the 26th February, 1977.

No. Legis: 1-47/72-Law. Tae following Ordinance made by the Governor of
Baluchistan on the 26th of February, 1977, is hereby published for general information:-

BALUCHISTAN ORDINANCE No. I OF 1977.

THE LAND REFORMS (BALUCHISTAN PAT FEEDER CANAL)
(AMENDMENT) ORDINANCE, 1977.

AN
ORDINANCE

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

Whereas it is expedient further to amend the Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972, for the purposes hereinafter appearing;

And whereas the Provincial Assembly is not in session and the Governor, of Baluchistan Province is satisfied that circumstances exist which render it necessary to take immediate "action";

Now, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, and with the previous sanction of the President as required by clause (2) of Article 268 of the Constitution, the Governor of Baluchistan Province is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Land Reforms (Baluchistan Pat Feeder Canal) (Amendment) Ordinance, 1977.

(2) It shall come into force at once and shall, except so much of section 2 as relates to the omission of sub-paragraphs (4), (5) and (6) of paragraph 5, sub-paragraph (i) of paragraph (d) of clause (1) of section 4 and section 8, be deemed to have taken effect on the day on which the Land

Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972, hereinafter referred to as the @ Regulation, came into force.

2. Amendment of paragraph 5 of the Regulation.—In the Regulation, in paragraphs (3), (4), (5) and (6) shall be omitted. /

3. Insertion of new paragraph SA in the Regulation.— In the Regulation, after paragraph 5S amended as aforesaid, the following new paragraph shall be inserted, namely:—

"5A. Disposal of State land for public purposes.—The Board of Revenue may, at any time, reserve, allot, transfer or sell any land for any public purpose or for providing public facilities or for a scheme or project to be executed by Government or the Federal

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Government or an Agency thereof."

4. Amendment of paragraph 6 of the Regulation.—In the Regulation, in paragraph 6,—
(1) — in sub-paragraph (1),—

(a) for the word "The" the words, figure, letter and comma "Subject to paragraph SA, the" shall be substituted;

(b) — for clause (a) the following shall be substituted, namely:—

"(a) an area of thirty thousand acres, to be earmarked in such manner as may be determined by the Board of Revenue, shall be reserved for grant, on such conditions and in such manner as the Government may, after consultation with the Federal Government, direct, to

(i) such persons, or category of persons, as the Government may, after consultation with the Federal Government, determine;

(ii) the families of the members of the following forces who laid "dean" 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." ;

(c) in clause (b),—

(i) for the word 'demarcation' the word 'earmarking' shall be substituted; and
(ii) 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"

(d) in clause (c),—

(i) the commas, words, brackets and figures, "subject to sub-paragraph (5) of paragraph 5," shall be omitted; and

(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),—

(a) for the words "as to payment of price and mode of recovery of such price' the commas and words, "including conditions as to payment of price and mode of recovery of such price," shall be substituted; and

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

"Provided that no price shall be charged from the tenant:

Provided further that the conditions to which grants of any land under clause (a) of sub-paragraph (1) shall be subject shall be such as Government may 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.”*;

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

(3). the Explanation shall be omitted.

6. Amendment of paragraph 8 of the Regulation.—In the Regulation, in paragraph 8, in sub-paragraph (1), —

(1) the words, brackets and figures "and no land referred to in sub-paragraph (2) of paragraph 5" shall be omitted; and

(2) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that the Board of Revenue may allow exchange of lands for the purpose of consolidation of lands granted under this Regulation.".

7. Amendment of paragraph 15 of the Regulation.—In the Regulation, in paragraph 15, in sub-paragraph (2), —

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

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

8. Validation and savings.—(1) Notwithstanding the omission by this Ordinance of sub-paragraph (3) of paragraph 5 of the Regulation,—

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

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

(an application which has been rejected shall be deemed to have been rejected under the provisions of clause (b) of sub-paragraph (1) of paragraph 6 of

(ii) an application which has been accepted and in which permission to retain land has been given for an area of not more than sixteen acres, that permission shall be deemed to be a grant of that land under clause (b) of sub-paragraph (1) of paragraph 6 of the Regulation; and

(iii) where an application has been accepted and permission has been given to a person to retain an area of more than sixteen acres, that person shall be allowed to retain not more than sixteen acres of land of his choice out of that permitted area and such land shall be deemed to have been granted to him under clause (b) of sub-paragraph (1) of paragraph 60 of the Regulation and the land 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

(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:—

(i) 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 subparagraph (1) of paragraph 6 of the Regulation; and

Gi) an application made by a person with respect to land on 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, such land 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, rules 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. .

9. The Land Reforms (Baluchistan Pat Feeder Canal) (Second Amendment) Ordinance, 1976 (Baluchistan Ordinance No. XIE of 1976) is hereby repealed

AHMAD YAR KHAN BALUCH,
GOVERNOR, BALUCHISTAN.

Dated Quetta, the 26th February, 1977.

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