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~ GOVERNMENT OF BALUCHISTAN /

LAW DEPARTMENT. vA

' NOTIFICATION. ™

Dated Quetta, the.31st Decembre, 1979.

No. Legis. 2-21/Law/74. The following Ordinance made by the
Governor of Baluchistan on the 31st December, 1979 is hereby

published 'for general information:—

. BALUCHISTAN ORDINANCE NO. XVII OF 1979.

THE QUETTA ACQUISITION OF. LAND (HOUSING AND
DEVELOPMENT SCHEMES) ORDINANCE, 1979. -

: AN

ORDINANCE

: ; : to provide for acquisition of land for housing
and development schemes in certain parts of Quetta District.

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Preamble. .

Short title,
_extent and
commencement.

Definitions.

2

WHEREAS - it is expedient to make

provisions for the acquisition of land for housing
and Sovelcnee en in certain parts. of
Quetta Distset:of. Province of Baluchistan
and for magests . Hredittental thereto:

AND WHE! "AS the Governor is satisfied
that cippumatdneces exist which render it
necessaty: %0 take immediate action;

NOW, THEREFORE, in pursuance of
the Proclamation of the ies fale of July, eee

read with, tha Laws (er) Force)

reer, 7977 OMA Meroe Wot oPrs and in
exercise of all powers enabling him in that be-
half; the Governor of Batuchistan is s plaeat to

make and promulgate the follawing. Ordinance:-

4... 42). The Qdimance maybe: called: thei.
Quetta Acquisition of Land (Housi and, |

Development Schemes) Ordinance,

: Erte It.shall ax tend to the whole of
Quetta "District excluding sub—Tehsil Panjpai
and the. area, within. the jurisdiction | of Quetta
Cantonment Board.

2 C1 In this Ordinance, unless there is
_ anything repygnant in the subject ar cantent:—

(a) * 'Collectar' tueans the Cotlector of |

Quetta district and includes any offiter
_ gaecially. empawerad:-by 'the Govern-

mant to perform tha functions of a
- cotecter unter "this. 'Ordinance;

(b) "Commissioner means the Chief

_Offimer Incharge of revenue and general

administration of ee Divisicn;

{ce} "Boverment™: means the, Government
"of Baluchistan; i

{@):,"Official Development: vagency'*

tincludeg—

(i) autonomous and semi-sutono-
mous bodies established as such
under any law for the time being
in force;

Liability to
acquisition.

Publication. of
Notification and
Land.to-be
marked: out.and
measured...

3

(ii) Local Councils constituted under
the Baluchistan Local Government
Ordinance, 1979 (Ordinance No.
IX of 1979). — .

(iii) Quetta Development Avthcricity
constituted under the Quetta

Development Authority Ordinance,
1978.

(iv). Baluchistan Development Autho-
rity; and

(v) other organizetiecs thet the
Government may declore to be
Official Development Acercy;

(e) "Prescribed" means prescribed by
the rules;

(f) "rural area" includes alt areas other
than urban.areas; and

(g). "urban area" means the area within
the jurisdiction. of Quetta Municipal
Committee and includes any other area
declared to-be an urban area by a
Notification in the official Gezette.

(2) Save as otherwise provided in this
Ordinance or where the context otherwise re-
quires all terms and expressions used but not

; defined in this. Ordinance shall bear the same

meanings as they bear in the Land Acquisition

Act, 1894 (Act | of 1894).

(3) Not withstanding anything tothe cont-
tary. contained in the Land Acquisitien Act, 1894
ot any. other law for the time being in force, -all
land to which this Ordinance applies shall be
liable to acquisition at any time under this
Ordinance for development and housing schemes

approved and notified by Government or by an Official Development Agency, so empowered by the Government by Notification in the Official Gazette.

4. Whenever land is proposed to be acquired under this Ordinance, the Collector shall cause such a notice to be published in the Official Gazette with details of the property and thereafter shall cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof, a plan shall be made of the same.

Notice to persons interested.

Inquiry and
Award by
Collector.

4

5. (1). The Collector shall then cause public notice to be given at convenient places on or near the land to be acquired stating the purpose thereof inviting objections to the acquisition with the amount of compensation

. Claimed from interested persons. He shall also

give notice to all owners 'and claimants of interests in such lands by giving them notice of at least 10 days in advance before entering upon the acquisition proceedings.

(2) Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a date, time and place therein mentioned (such period not being earlier than 15 days after the date of publication of the notice), and to state the nature

_of their respective interests in the land and the

amount and particulars of their claims to come compensation for. such interests, and their objections, if any, to the measurements made under section 4. The Collector may require any such Statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice

"to the same effect on the occupier, if any , of

such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested.

6. On the day so fixed or on any other subsequent days to which the inquiry has been adjourned, the Collector shall proceed to enquire into the objections, if any, whether interested persons or claimants are present or not after service of due notice and shall

determine:

(i) the correct area of the land;
(ii) compensation, which in his opinion, >
having regard to the provisions of
this Ordinance, is reasonable: and

(iii) apportionment of such compen-

i sation among all the claimants
or persons known or be lieved
to be interested in the land
whether or not they have appeared
before him.

Matte sto be.
considered in
determining

-compensetion..

re

Payment of

compensation. .

x

7... In determining. the.amount of compen-
sation to be awarded for land acquired under
this Ordinance, the Collector shall take into
consideration: -

"." (i). the market value of the land to be
' determined on the basis of two

- years average sale price of land
_ similarly situated and~~ put to
... similar use:

Provided that the maximum
rate of compensation so deter-
mined by the Collector shall
not exceed Rupees fifty thousand

3 er acre in sural areas. and
upees. One hundred thousand
per acre in urban areas:

. (ii) 'the 'damage.. sustained by the
"claimant by reason of dispos-
'session of any standing crops or

trees which may be on the tand;

(lii) the damage, if any, sustained
by the parson interested at the
"time of taking possession of the
_ Jand'by feason of severing such
.land fram the other land:

{iv) the damage, if any, sustained
by the person interested at the
time of taking possession of the
land, by teasan of the acquisition
-injuriously affecting his other pro-

, perty, movable or immovable, in

3! any other 'manner, or his earnings;

(v) if, in consequence of the acqui-

" sition of the land the person

. interested is compelled to change

his teaidance or place of business,

_, Riva fegsonable expenses, if any,

. inefdental_ to such change.

8. The. payment of compensation shall

"bev in: cash

Power to take possession.

Appeal.

Revision..

Review. .

6

9. When the Collector has made the award and objections and 'claims to _compensation have been decided, the Government or the Official Development -Authotity, take possession of the land which thereupon' shall vest absolutely in Government or, as the case may be, in the Official Development Agency:

Provided that possession shall not be taken of any land under this section without giving to. the occupier thereof at least 24 hours notice, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property without unnecessary inconvenience.

10. (1). The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be, may _ accept the award and intimate their acceptance in writing to the Collector within 15 days of making' the award.

(2) The Government, or the Official Development. Agency or any person aggrieved by an award, of the Collector may within one month of giving such award may file an appeal to. the Commissioner. The Commissioner may after giving the Government or as the case may be, the Official Development Agency, and the Person affected by the award or their agents, an opportunity of being heard, make such order as he may deem fit.

1A. The. Government, the Official Development Agency or .any person aggrieved by the order of the Commissioner, may file a revision petition to the Member, Board of Revenue, who

after giving, notice to all concerned, shall make such order as he deems fit.

12... (1) The Member, Board of Revenue, either of his own motion or on an application made in this behalf by the Government or the Official Development Agency or any affected person may, at any time, review an order made by him or his predecessor, in so far as it corrects an arithmetical, clerical or patent error or mistake apparent on the face of the record.

Period for
payment of cash
compensation.

Power of the
Collector.

Collector and
Commissioner to
have powers of
Civil Courts. .

7

(2) Any amount paid to any person which is found, for any reason including fraud or misrepresentation, not to be due or in excess of the amount:he is entitled to under the award, shall be recoverable as arrears of land revenue and the Collector shall call upon such person to refund it.

13. The compensation payable in cash shall be paid within ninety days from the date of announcement-of the award, or from the date of final order passed in appeal, revision and review as the case may be.

14. When acquiring any land or determining 'any compensation therefor or carrying out any other purpose of this Ordinance the Collector may— :

' (a) require any person by order in" writing to furnish such information in his possession pertaining to any land as may be specified in the order; and

(b) enter or authorise any person to enter upon land and take-such action as may be necessary.

15. _The Collector making an enquiry or conducting any proceedings under this Ordinance orthe Commissioner exercising the powers in

vappeal or the Member, Board of Revenue decid-

ing. a:revision.or review petition under this Ordinance, shall have the same powers in respect of the following matters as are vested in a civil court, when trying a suit, under the Code of Civil Procedure, 1908(Act V of 1908) namely:—

(a) summoning and enforcing attendance of any person for examining him on oath or affirmation;

(b) requiring the — discovery and production of any document:

(c) requisitioning any record from any court or office;

(d) issuing commissions for examination of witnesses, inspection of Property or making any local Investigation;

(e) appointing guardians ad litem or next friends;

(f) 'adding or substituting representatives of deceased parties to Proceedings; .

(g) adding or dropping parties from pending proceedings;

(h) any other matter connected with the holding of an inquiry or hearing of an appeal.

Power to make rules. 16. The Government may make rules to give effect to the provisions of this Ordinance. Repeal. >, 17. The Baluchistan Acquisition of Land

(Housing and Development Schemes in the Rural Areas) Act, 1974 (Act XVIII of 1974) is hereby repealed.

Quetta, dated Lt. Gen. Rahim Uddin Khan, the 31st December, 1979. Governor Baluchistan.

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FAKHRUDDIN H. SHAIKH,
SECRETARY,

GOVERNMENT OF BALUCHISTAN,
LAW DEPARTMENT.