

ORDINANCE, 1962

(W.P. Ordinance XLII of 1962)

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'THE WEST PAKISTAN ABOLITION OF CESSES (HABUBS)

Preamble.

Short title and extent.

Definitions.

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ORDINANCE, 1962

(W.P. Ordinance XLII of 1962)

[7" June, 1962]

An Ordinance to abolish cesses (Habubs) leviable in cash or in kind in the Kalat Division.

WHEREAS it is expedient to abolish all cesses (Habubs) leviable in cash or in kind in the Kalat Division;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. () This Ordinance may be called the *West Pakistan Abolition of Cesses (Habubs) Ordinance, 1962.

(2) It shall extend to the Kalat Division.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "cess (Habub)" means any kind of levy, prerequisite or exaction, other than land revenue or, any rate, tax or fee leviable under any law for the time being in force, recovered in kind or charged in cash—

(i) by Government from the land owners 3[* KR OK ok *] and

(ii) by land owners from their tenants 4[* * * * *]

(b) "Government" means the Government of >West Pakistan;

(c) "land owner" shall have the meaning assigned to it in the Punjab Land Revenue Act, 1887°, as

This Ord. was promulgated by the Governor of West Pakistan on 7" June, 1962; published in the W.P. Gazette (Extraordinary) June, 1962, pages 2335-36; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

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Now Balochistan.

The words "in the Land Revenue paying areas" omitted by W.P. Ord. No. XVII of 1963, s. 2.

The words "in the Non-Land Revenue paying areas" omitted ibid.

Now Balochistan.

Abolition of cesses
(Habubs).

Saving in regard to
rent.

Penalty for
contravention
of the
provisions of

this Ordinance.

applicable in Kalat Division;

(d) "tenant" means a person who holds land under another person, and is, or but for a special contract would be liable to pay rent for that land to that other person, and includes the predecessors and successors in-interest of such persons; but does not include—

(i) a mortgagee of the rights of a land owner;
or

(ii) a person to whom a holding has been transferred or an estate or holding has been let in farm under the law for the time being in force for the recovery of an arrear of land revenue or for a sum recoverable as such an arrear; or

(iii) a person who takes land from Government for the purposes of subletting.

3. Notwithstanding any agreement, usage or custom, all cesses (Habubs) as defined in this Ordinance, are hereby abolished.

4. Nothing in this Ordinance shall be deemed to prevent a landlord from recovering from a tenant to whom he has let any land, any rent for the use and occupation of such land.

5. If any person levies or collects any cess (Habub) abolished under the provisions of this Ordinance, he shall on conviction before a Magistrate be liable to simple imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or with both.

6 Repealed by W.P. Act XVII of 1967, now Balochistan Land Revenue Act, 1967 as adopted by the Balochistan Laws (Adaptation) Act, 1975; published in Balochistan Gazette (Extraordinary) No.17, dated 9th May, 1975.

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