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GOVERNMENT OF BALUCHISTAN.

LAW DEPARTMENT, J

NOTIFICATION

the 21st January, 1976.

No. Legis 1-47/Law/72. The following Ordinance made by the Governor of Baluchistan on 5th January, 1976, is hereby published for General information.

BALUCHISTAN ORDINANCE NO. 1 OF 1976.  
THE WEST PAKISTAN LAND REVENUE (BALUCHISTAN AMENDMENT)  
ORDINANCE, 1976.  
AN  
ORDINANCE,

to further amend the Baluchistan Land Revenue Act, 1967, in its application to the Province of Baluchistan.

WHEREAS it is expedient to further amend the Baluchistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), in its application to the Province of Baluchistan.

AND. WHEREAS the Provincial Assembly of Baluchistan is not in session and the Governor of Baluchistan is satisfied that circumstances exist which require immediate legislation necessary ;

G.P.Q 562-350-1-76. " Wim \

Now, THEREFORE, in exercise of powers conferred by Clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Baluchistan is pleased to make and promulgate the following Ordinance :—

1. Short title, extent, and commencement:— (I) This Ordinance may be called the West Pakistan Land Revenue (Baluchistan Amendment) Ordinance, 1976,

(2) It extends to the whole of the Province of Baluchistan except Tribal Areas,

(3) It shall come into force at Once and shall be deemed to have taken effect on and from the

S. tenth day of November, 1975,

. Amendment of Section 4 of W.P. Act No. XVII of 1967:— In the West Pakistan Land Revenue Act, 1967 (Act XVII of 1967) herein-after referred to-as the said Act, in Section 4,

(i) after clause (10), the following new clause shall be inserted, namely:—

of OT easted Land “means land irrigated by a canal, tube-well, well, Jhalar, Karez, J, spring or by any other artificial Means or irrigation;” and  
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(iy after clause (27), the following new clause shall be inserted namely:—

27 A) “Unirrigated land means land other than irrigated land, and include land fed by rain, flood, hill-torrents, uncultivable & waste land’,

3. Insertion of section 54 A, in Act XVII of 1967:— In the principal Act, after section 54, the following new section shall be inserted, namely:—

‘54 A: Power to call for information-(1) The: Board of Revenue may by a notification, require a land owner or a class of land owners to furnish such information as to the extent of his or their ownership of land, whether such land is situated wholly within the province or partly within the province and partly outside the province, in such form and manner, within such time and to such person or authority as may be specified in the notification.

(2) Whoever fails, without reasonable cause, to furnish the information required under sub-sec-

tion (I) or furnishes information which he knows, or has reason to believe, to be false or omits to give any information material for the purpose for which it is required, shall be punished with simple imprisonment for a term which may extend to one year, or with fine,

@) No court shall take cognizance of any offence punishable under this section, except on a complaint in writing by a Revenue Officer especially or generally empowered in this behalf by the Board of Revenue.” :

TM Amendment of section 56 of (W. P. Act No. XVII of 1967:— Section 56 (f) inserted vide Baluchistan Finance Act, 1972 (Act V of 1972) shall be deleted.

5. Insertion of section 56 A, Act No. XVI of 1967:— in the said Act, after section 56, the following new section shall be inserted namely ;— .

‘56 A. Exemption of Land Revenue: — Notwithstanding anything to the contrary

contained in this Act, from Rabi 1975—76, no land-owner shall be liable to pay land revenue, or any rate or cess chargeable under the provisions of this Act, if he owns:—

(a) irrigated. land not exceeding twelve acres:

(6) unirrigated land not exceeding twenty-five acres: or

(c) irrigated and unirrigated land the aggregate area of which does not exceed twelve acres of irrigated land.

insertion of new section 70A, 70B, 70C, and 70E in W.P. Act No. XVII of 1967:— In Principal Act, after section 70, the following new sections shall be inserted, namely:—

70 A. Increase in Land Revenue. —(1) Notwithstanding any-thing to the contrary contained in this Act, from Rabi 1975—76, every land-owner of the categories mentioned below shall in addition to the land-revenue assessed under the provisions of section 57 and section 70 be liable to pay land-Tevenue at the enhanced rate mentioned against each category:—

(a) a land-owner. owning—

(i) irrigated land exceeding twenty-five acres but not }  
exceeding fifty acres; or.

50 per cent increase on

(ii) unirrigated land exceeding fifty acres but not excee- land-revenue determined under  
ding one hundred acres; or the provisions of section 57  
| and section 70.

(iii) irrigated and unirrigated land the aggregate area of  
which does not exceed fifty acres of irrigated land. J

(b) a land-owner owning—

(i) irrigated land exceeding fifty acres; or

100 per cent increase on land-

(ii) unirrigated land exceeding one hundred revenue determined under the  
acres; or provisions of section 57 and  
section 70. :

(ii) irrigated and unirrigated land the aggre-  
gate area of which exceeds fifty acres of  
irrigated land.

(2) A: land owner owning irrigated land exceeding twelve acres but not exceeding twenty-five acres or unirrigated land exceeding twenty-five acres but not exceeding fifty acres or irrigaggd and unirrigated land the aggregate area of which does not exceed twenty-five acres of ifrigated land, shall continue to pay the land-revenue in accordance with the. assessment for the/time being in force”,

‘0B. Determination of land ownership. For the purposes of section 56A and 70A:—

(@) one acre of irrigated land shall be reckoned as equivalent two acres of unirri-  
gated land, provided that in calculating the aggregate area of a land-owner the  
conversion is made from unirrigated to irrigated land.

(b) land owned by a land-owner shall include all land owned by him, whether such  
land is situated wholly within the province or partly within and partly outside  
the province, except the following :— -

(i) land described in clauses (b), (c) and (d) of section 56; and

(ii) share in.shamlat of a village where the total area of such shamlat does  
not exceed 25 acres; and

(c) “Land-owner” shall include a person—

{i) who is an allottee or a grantee of any land under any scheme of the Gover-

Nn nment, under which such allotment or grant is to mature into ownership;

/ (ii) who has mortgaged his land, or any portion thereof with possession; or

J (iii) who has permanent rights and interest in land.

“70C. Information about increase in the extent ownership.—

(1) A person who after the tenth day of November, 1975, acquires land or increases the extent of his ownership of land, -and by such acquisition owns land in more than one patwar Circle, whether such land is situated within the province or partly within and partly outside the province, shall inform such authority within such time, in such manner and form as the Board of Revenue may by a notification specify in this behalf.

(2) A land-owner who fails without reasonable cause to comply with the provision of sub-section (1) or the rules or orders made thereunder or wilfully . furnishes incomplete or false information shall be deemed to have committed an offence under the provisions of sub-section (J) of section 54 A". . .

0-D (1) Any land-owner entitled to exemption under section 56 or section 56 A from the payment of land-revenue or reduction in land-revenue chargeable under section 70A, who has not been granted such exemption or reduction, or any land-owner aggrieved by the categorization of his land under section 70A, may at any time, Make an application, in such form and manner as may be specified by the Board of Revenue, to the Assistant Collector of the area in which his land or any part thereof is situated.

(2) On receipt of such application, the Assistant Collector shall cause a notice of the application to be served on the person on whom the liability to pay the land-revenue may devolve as a result of the transfer of land and after holding such inquiry as he considers necessary, shall pass orders setting his reasons therefore, ‘

(3) Without prejudice to the provisions of sub-sections (i) and (2), the Assistant Collector shall have the power to hold an inquiry and pass appropriate orders if on receipt of any information or otherwise he is of the opinion that any land-owner who is liable to pay land-revenue,

is not paying such land-revenue or Paying less than the amount of the Land -revenue which he is liable to pay; .

provided that before passing final order he shall afford the person likely to be affected by such order an opportunity of being heard.

) In exercising his powers under sub-section (2) or sub-section (3) the Assistant Collector shall—

(a) not question the correctness or validity of a registered deed or any mutation sanctioned in accordance with law, relating to transfer of land;

(b) follow, subject to the other provisions of this section the procedure as may be laid down by the Board of Revenue by notified instructions in this behalf.

(5) Any person aggrieved by an order passed under sub-section (2) or (3) may prefer an appeal as provided in chapter XI of West Pakistan Land Revenue Act, 1967.

70-E. Exemption or assessment of land revenue:—Notwithstanding anything to the contrary contained in this Act, Government may, at any time, by notification, prescribe the principle or the method or the procedure by which, and the manner in which exemption under section 56A or assessment under section 70A shall be determined or announced”,

the 15th January, 1976. GOVERNOR OF BALUCHISTAN

. Ghulam Sarwar Malik  
i Joint Secretary Law