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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT  
Islamabad, the 19th April, 1976

The following Acts of Parliament received the assent of the President on the 15th April, 1976, and are hereby published for general information :—

ACT No. XII of 1976

An Act further to amend the Baluchistan Land Revenue Act, 1967

WHEREAS it is expedient further to amend the Baluchistan Land Revenue Act, 1967 (W. P. Act No. XVII of 1967), for the purposes hereinafter appearing ;

AND WHEREAS, by virtue of the declaration made in the Proclamation issued by the President under Article 234 of the Constitution on the 31st December, 1975, in respect of the Province of Baluchistan, the powers of the Provincial Assembly of that Province are exercisable by, or under the authority of, Parliament :

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Baluchistan Land Revenue (Amendment) Act, 1976.

(2) It extends to the whole of the Province of Baluchistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the tenth day of November, 1975.

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2. Amendment of section 4, W.P. Act No. XVH of 1967.--In the Baluchis-'  
tan Land Revenue Act, 1967 (W.P. Act No. XVI of 1967), hereinafter referred  
to as the said Act, in section 4,—

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

“ (10-A) ‘irrigated land’ means land irrigated by a canal, tube-well,  
well, Jhalar, Karez, spring or by any other artificial means of  
irrigation ;” ; and

(ii) after clause (27), the following new clause shall be inserted, namely :—

“ (27-A) ‘unirrigated land’ means land other than irrigated Jand,  
and includes land fed by rain, flood, hill torrents, uncultivable  
and waste Jand ;”.

3. Insertion of new section 54A, W.P. Act No. XVII of 1967.—In the said  
Act, after section 54, the following new section shall be inserted, namely :—

\* 54A. Power to call for information—(1) The Board of Revenue may, by  
notification, require a land-owner or a class of land-owners to furnish  
such information as to the extert 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-section (1) or furnishes information which he  
‘mows, 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, or with both.

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

4. Amendment of section 56 (W. P.) Act No. XVII of 1967.—In the said Act,  
in section 56, clause (f) shall be omitted.

5. Insertion of new section 56A W.P. Act No. XVII of 1967.—In the said  
Act, after section 56, the following new section shall be inserted. namely :—

“56A. 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:

(b) 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 ”.

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

“0A. Increase in land revenue —(1) Notwithstanding anything 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 revenue at the enhanced rate mentioned against each category :—

{a) a land-owner owning—

(i) irrigated land exceeding twenty-five acres } 50 per cent increase but not exceeding fifty acres ; or ; on land revenue de-

Gi) unirrigated land exceeding one hundred terminated under the acres ; or \ provisions of sec-

(iii) irrigated and unirrigated land the aggre- | tion 57 and section gate area of which does not exceed fifty | 70.

acres of irrigated land. J

(5) a land-owner owning—

(®) irrigated land exceeding fifty acres ; or ) 100 per cent increase

(ii) unirrigated land exceeding one hundred | on land-revenue cc- acres ; or \ terminated unccr the

(iii) irrigated and unirrigated land the aggre- | provisions of sec- gate area of which exceeds fifty acres tion 57 and section of irrigated land. J 70.

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

70B. Determination of land ownership—For the purposes of sections 56A and 70A—

(a) one acre of irrigated Jand shall be reckoned as equivalent to two acres of unirrigated 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 namely :—

Gi) 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—

(a) who is an allottee or a grantee of any land under any scheme of the Government, under which such allotment or grant is to mature into ownership ;

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

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

70C. Information about increase in the extent of 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 and in such manner and form as the Board of Revenue may by a notification specify in this behalf.

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

70D. Application by land-owner entitled to exemption, etc.—(1) Any land-owner entitled to exemption under section 56 or section 56A from the payment of land-revenue or to 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 stating his reasons therefor.

(3) Without prejudice to the provisions of sub-section (1) 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 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 a final order, he shall afford the

Person likely to be affected by such order an opportunity of being  
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(4) 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; and

(b) follow, subject to the other provisions of this section, such 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 sub-section (3) may prefer an appeal as provided in Chapter XIII.

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. ".

7. Repeal—The West Pakistan Land Revenue (Baluchistan Amendment) Ordinance, 1976 (Baluchistan Ordinance No. I of 1976), is hereby repealed.

ACT No. XIII of 1976

An Act further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of section 491, Act V of 1898.—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the Code, in section 491, in sub-section (3), after the words, comma and figure " Security of Pakistan Act, 1952" at the end, the comma and words ", or any other law providing for preventive detention" shall be added.

3. Amendment of section 497, Act V of 1898.—In the Code, in section 497, in sub-section (1), in the second proviso, the comma, words and figure ", without prejudice to the provisions of section 498" shall be omitted.

4. Insertion of new section 498A, Act V of 1898.—In the Code, after section 498, the following new section shall be inserted, namely :—



“498A. No bail to be granted to a person not in custody, in court or against whom no case is registered, etc—Nothing in section 497 or section 498 shall be deemed to require or authorise a Court to release on bail, or