

**THE BALOCHISTAN PROTECTION OF COMMUNAL PROPERTY
OF MINORITIES ACT, 2018**

(Baln. Act XI of 2018)

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**¹THE BALOCHISTAN PROTECTION OF COMMUNAL PROPERTY
OF MINORITIES ACT, 2018**

(Balochistan Act No. XI of 2018)

[13th June, 2018]

An Act to protect the Property of Minority Community of the Province of Balochistan meant for their communal use.

Preamble.

WHEREAS, in view of prevailing circumstances, it is the demand of the minority communities to protect their properties meant for their communal use;

It is hereby enacted as follows: –

Short title,

Commencement
and application.

1. (1) This Act may be called the Balochistan Protection of Communal Property of Minorities Act, 2018.

2. It extends to the whole of Balochistan, except the Tribal Areas.

3. It shall come into force at once.

4. It applies to properties belonging to the minority communities of Balochistan meant for their communal use.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context: —

(a) “Act” means the Balochistan Protection of Property of Minorities Act, 2018.

(b) “Government” means the Government of Balochistan;

(c) “Property” means places of worship, monasteries, seminaries, vicarages, dharamshalas, goashalas, health and recreational institution meant for communal use of minority communities and includes adjacent buildings, vacant places, lands residential places, offices annexed to the said properties; *and*

¹ This Act was passed by the Provincial Assembly of Balochistan on 31st May, 2018; assented to by the Governor of Balochistan on 13th June, 2018; and first published in the Balochistan Gazette (Extraordinary) No. 145, dated 13th June, 2018.

(d) "Rules" means rules made under this Act.

- Ban on sale or transfer of Minority Communities Property.
3. No Property of a minority community meant for its communal use shall be bought, sold or transferred by any person.
- Provided that nothing contained herein shall apply to a property bought, sold or transferred for a Housing Scheme, meant for a minority community, approved by the Government.
- Act not apply to evacuee trust property.
4. Nothing in this Act shall apply to the evacuee trust properties forming party of trust and vested in the Provincial Government.
- Punishment.
5. Whoever buys sells or transfers any property belonging to a minority community meant for its communal use in violation of section 3, shall be punishable with imprisonment of either description which may extend to seven years and shall also be liable to fine which not be less than one hundred thousand rupees and the sale or transfer transaction shall have no legal effect.
- Explanation.** **Illegal occupant/encroacher** means a person who is in illegal occupation of or encroaches upon a communal property of a minority community or a part thereof.
- Eviction of Unauthorized Occupant.
6. (1) If Government is satisfied after making such inquiry as it deems fit that a person is an illegal occupant/encroachers of a communal property, it may, by order in writing, direct such person to vacate the property within a week time period.
- (2) If any person refuses or fails to vacate any communal property as directed by an order made under sub section (1) the Deputy Manager Auqaf or District Administrator Auqaf of the District or any officer not below the rank of B-18, after getting assistance from the civil administration, or police, may, notwithstanding anything contained in any other law for the time being in force, enter upon such property and recover possession of the same by evicting such person and may also demolish and remove the structures, if any, erected/built by that person (s).
- Mode of recovery of Possession.
7. For the purpose of recovering officer so mentioned in sub section (2) of Section 6, may use or cause to be used such force as

may be necessary.

Requisition of Assistance from Police or Services.

8. If any officer mentioned in sub-section (2) of section 6 which shall take action under this Act requires Police or Levies assistance in the exercise of his powers there under, he may send requisition to Assistant Commissioner of the sub Division or officer in-charge of the Police Station who shall on such requisition render the required assistance.

Jurisdiction of Civil Court Barred.

9. No Civil Court shall pass an order in any suit or proceeding granting a temporary or interim injunction restraining government, or an officer so authorized and mentioned in sub section (2) of section 6, from taking possession of communal property under this Act.

Removal of Difficulties.

10. If any difficulty arises in giving effect to any of the provision of this Act, the Provincial government may make such order not inconsistent with the provisions of this Act as may appear to be necessary for removing any difficulty.

Power to make rules.

11. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
