

**THE BALOCHISTAN LAND REFORMS
REGULATION (AMENDMENT) ACT, 1973**

(Baln Act VI of 1973)

CONTENTS

SECTIONS

- Preamble.
- 1. Short title, extent and commencement.
- 2. Amendment of paragraph 7 of MLR 115.
- 3. Amendment of Paragraph 8 of MLR 115.
- 4. Amendment of paragraph 10 of MLR 115.
- 5. Amendment of paragraph 12 of MLR 115.
- 6. Amendment of paragraph 13 of MLR 115.
- 7. Amendment of paragraph 18 of MLR 115.
- 8. Amendment of paragraph 19 of MLR 115.
- 9. Amendment of paragraph 21 of MLR 115.
- 10. Amendment of paragraph 22 of MLR 115.
- 11. Substitution of paragraph 28 of MLR 115.
- 12. Repeal.

**¹THE BALOCHISTAN² LAND REFORMS
REGULATION (AMENDMENT) ACT, 1973**

(Balochistan Act VI of 1973)

[8th February, 1973]

An Act to amend the Land Reforms Regulation, 1972³
(M.L.R. 115) in its application to the Province of Balochistan.

Preamble.

WHEREAS it is necessary and expedient to amend the Land Reforms Regulation, 1972 (M.L.R. 115) in its application to the Province of Balochistan;

It is hereby enacted as follows: —

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Land Reforms Regulation (Amendment) Act, 1973.
- (2) It shall come into force at once.

Amendment of paragraph 7 of MLR 115.

2. In clause (b) of sub-paragraph (1) of paragraph 7 of the Land Reforms Regulation, 1972³ (M.L.R. 115) (hereinafter referred to as the Regulation): —

- (a) for the proviso the following two provisos shall be substituted and shall be deemed always to have been so substituted, namely: —

"Provided that any transfer of land or creation of any right or interest in or encumbrance on any land by way of gift by a person to whom this clause applies shall, subject to the next succeeding proviso in no case be held by the Commission to be a *bonafide* transaction:

Provided further that nothing in this clause shall apply to: —

- (i) any transfer of land or creation of any right or interest in or encumbrance on any land; by way of gift or otherwise,

¹ This Act, which amended Land Reforms Regulation, 1972 (M.L.R. 115), was passed by the Balochistan Assembly on 10th January, 1973; assented to by the Governor of Balochistan on 31st January, 1973; published in the Balochistan Gazette (Extraordinary) No. 11, dated 8th February, 1973.

² Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

³ A Regulation made by the Chief Martial Law Administrator; published in the Gazette of Pakistan Extraordinary, dated 11th March, 1972; and validated by Article 269 of the Constitution of the Islamic Republic of Pakistan, 1973.

made by a person in favour of his heirs;
or

(ii) any transfer of land or right or interest therein by way of gift, made by a person in favour of his widowed or un-married sister, who has not received her due share of inheritance or ancestral land; *or*

(iii) any transaction whereby any land was alienated in exchange of an area of land equivalent to the same or substantially same produce index units as the land alienated"; *and*

(b) Explanation II shall be omitted and shall be deemed always to have been so omitted.

Amendment of
Paragraph 8 of
MLR 115.

3. In paragraph 8 of the Regulation, after sub- paragraph (2), the following new sub-paragraph shall be added and shall be deemed always to have been so added, namely: —

"(3) Any person, who, at anytime before the commencement of this Regulation but not earlier than the twenty-first day of December, 1971, became the owner of an agricultural tractor certified in the manner required by clause (1) of sub-paragraph (2), or had installed on his land a tube well of not less than ten horse-power, or at any time after the commencement of this Regulation becomes the owner of such a tractor or instals on his land such a tubewell, shall, notwithstanding the provisions of sub-paragraph (1), be entitled after becoming the owner of such tractor or having installed such a tube-well, to acquire, possess or own such additional area as would bring the total area possessed or owned by him to the equivalent of fourteen thousand produce index units:

Provided that a person who on the twentieth day of December, 1971, was in possession of an area of land equivalent to more than twelve thousand produce index units shall not be entitled to possess any additional area of land under this sub-paragraph until he has surrendered to Government land in excess of area equivalent to twelve thousand Produce Index Units."

Amendment of
paragraph 10

4. (1) In sub-paragraph (1) of paragraph 10 of the Regulation: —

of MLR 115.

- (a) for the word "Service" the word "civil service" shall be substituted; and shall be deemed always to have been so substituted; *and*
- (b) the following explanation shall be added at the end and shall be deemed always to have been so added, namely: —

"Explanation: — For the purposes of this sub-paragraph and clause (d) of sub-paragraph (1) of paragraph 12, "civil service of Pakistan" means any civil service, post or office in connection with the affairs of the Federation or of a Province, and includes a service as a Judge of the Supreme Court or a High Court, Comptroller and Auditor General, Chief Election Commissioner and Chairman or Member of the Federal or of a Provincial Public Service Commission, but does not include service as President, Governor, Minister, Minister of State or a Speaker, Deputy Speaker or other member of the National or of a Provincial Assembly.".

(2) In sub-paragraph (2) of paragraph 10 of the Regulation for the words, brackets and figure "as is referred to in sub-paragraph (1)", the words, brackets and figure "to whom the provisions of sub- paragraph (1) apply" shall be substituted and shall be deemed always to have been so substituted.

(3) In sub-paragraph (3) of paragraph 10 of the Regulation, for the words "any of the Defence Service" the words and comma "the Military, Naval or Air Forces" shall be substituted and shall be deemed always to have been so substituted.

Amendment of paragraph 12 of MLR 115.

5. In paragraph 12 of the Regulation, in sub- paragraph (1) clause (d) for the words "Service" the words "civil service" shall be substituted and shall be deemed always to have been so substituted.

Amendment of paragraph 13 of MLR 115.

6. In paragraph 13 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added and shall be deemed always to have been so added, namely: —

"(3) Where any person is in possession of land in excess of the area permissible for retention under Part III, so much of such excess land as is in his possession as a lessee or mortgagee shall not vest in Government, but shall, subject to other provisions of this Regulation, revert to the lessor or mortgagor, as the case may be."

Amendment of paragraph 18 of MLR 115.

7. (1) In paragraph 18 of the Regulation, in sub-paragraph (1), for the words, figures and commas "Rabi 1971-72, and there be no such tenant, in respect of any such land, to the tenant which is shown in the Revenue Records to be in cultivating possession of it in Kharif 1971" the words and figures "Kharif 1971 and Rabi 1971-72" shall be substituted and shall be deemed always to have been so substituted.

(2) In sub-paragraph (3) of paragraph 18 of the Regulation, for words and figures "Rabi 1971- 72 or Kharif 1971" the words and figures "Kharif 1971 and Rabi 1971-72" shall be substituted and shall be deemed always to have been so substituted.

(3) In sub-paragraph (4) of paragraph 18 of the Regulation the fullstop after the word "orchards" shall be omitted and the words "or to any State land granted on instalments where any instalment in respect of such land remains unpaid" shall be added and shall be deemed always to have been so added.

Amendment of paragraph 19 of MLR 115.

8. In paragraph 19 of the Regulation, in the proviso, the full stop at the end shall be omitted and the words and commas "of the whole of such part of, or area from, such land, as Government may deem fit," shall be added at the end and shall be deemed always to have been so added.

Amendment of paragraph 21 of MLR 115.

9. In paragraph 21 of the Regulation, in the proviso the full stop at the end shall be omitted and words and commas "of the whole or such part of, or area from, such land, as Government may deem fit." shall be added at the end and shall be deemed always to have been so added.

Amendment of paragraph 22 of MLR 115.

10. (1) In paragraph 22 of the Regulation, for sub-paragraphs (1), (3) and (6) the following paragraphs shall be substituted and shall be deemed always to have been so substituted, namely:—

"(1) A joint holding with an area equal to or less than that of a subsistence holding shall not be partitioned, except

where the joint holders own, individually or jointly, other land in the same deh or village, and the partition has the effect of every such holder owning, whether individually or jointly, a holding with an area not less than that of a subsistence holding.";

"(3) A joint holding with an area equal to that of an economic holding shall not be partitioned, except where the joint holders own other land in the same deh or village, and the partition has the effect of such holder owning, whether individually or jointly, a holding with an area not less than that of an economic holding,"; *and*

"(6) The provisions of this paragraph shall not apply to holdings jointly owned by: —

- (a) evacuees and non-evacuees, required to be partitioned in accordance with the procedure prescribed under any Rehabilitation Settlement Scheme; *and*
- (b) owners of land and occupancy tenants or Muqarraridars, required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force."

Substitution of paragraph 28 of MLR 115.

11. For paragraph 28 of the Regulation, the following paragraph shall be substituted: —

"28. The following categories of grantees of resumed land under the Repealed Regulation shall be discharged from all liabilities in respect of any instalments payable by them under paragraph 19 of the said Regulation: —

- (i) Tenants under the Sale Scheme;
- (ii) Tenants under the Upgrading Scheme; *and*
- (iii) Small land owners of the village concerned under the Upgrading Scheme."

Repeal.

12. The Land Reforms Regulation (Amendment) Ordinance, 1972 (Balochistan Ordinance No. VIII of 1972), and the Land Reforms (Balochistan Second Amendment) Ordinance, 1972 (Balochistan Ordinance No. X of 1972), are hereby repealed.
