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**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**NATIONAL ASSEMBLY SECRETARIAT**

*Islamabad, the 19th July, 1976*

The following Acts of Parliament received the assent of the President on the 14th and 15th July, 1976, respectively, and are hereby published for general information :—

ACT No. XLVIII OF 1976

*An Act further to amend the Land Reforms Regulation, 1972*

WHEREAS it is expedient further to amend the Land Reforms Regulation, 1972, for the purposes hereinafter appearing ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan is in force ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Land Reforms (Amendment) Act, 1976.

(2) It shall come into force at once.

2. **Amendment of paragraph 2 of the Land Reforms Regulation, 1972.**—In the Land Reforms Regulation, 1972, hereinafter referred to as the said Regulation, in paragraph 2, in clause (7), for the words “or an educational institution exempted by Government” the words, commas, figures and brackets “a cooperative farming society registered under the Co-operative Farming Ordinance 1976 (XXII of 1976), or a live-stock farm or an educational institution exempted by the Government” may be substituted.

3. **Amendment of paragraph 13 of the Land Reforms Regulation, 1972.**—In the said Regulation, in paragraph 13, for sub-paragraph (3) the following shall be substituted, namely :—

“(3) where any person is in possession of, or is holding, land in excess of the area permissible for retention under Part III, so much of such

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excess land as is in his possession as a lessee or mortgagee or is held by him as the landlord of an occupancy tenant or a *Muqarraridar* or as an *Ala Malik* shall not vest in Government but shall, subject to the other provisions of this Regulation, revert to the lessor, mortgagor, occupancy tenant, *Muqarraridar* or *Adna Malik*, as the case may be, and shall be deemed to have so reverted at the commencement of this Regulation.”

**4. Amendment of paragraph 22 of the Land Reforms Regulation, 1972.**—In the said Regulation, in paragraph 22, for sub-paragraph (6) the following shall be substituted, namely :—

“(6) Nothing in this paragraph shall apply to—

- (a) holdings which are jointly owned by evacuees and non-evacuees and are required to be partitioned in accordance with the procedure prescribed under any Rehabilitation or Settlement Scheme ;
- (b) holdings which are jointly owned by 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 ;
- (c) small strips of land *bona fide* required for the purpose of building thereon ;
- (d) joint khatahs when the entire area of a village or deh is redistributed amongst various land owners as a result of consolidation of holdings ; or
- (e) a joint holding required to be partitioned for the purpose of separating the land resumed under this Regulation from the land not so resumed.

**5. Amendment of paragraph 24 of the Land Reforms Regulation, 1972.**—In the said Regulation in paragraph 24,—

- (a) in sub-paragraph (4), for the proviso the following shall be substituted, namely :—

“Provided that he may alienate the entire holding or, in the case of a holding which is less than a subsistence holding, he may alienate any part of his holding by way of gift to any of his presumptive heirs or exchange with, or mortgage or otherwise alienate to, other owners or landless tenants of the same village, deh or mauza.”

- (b) in sub-paragraph (5), after the word “void” occurring at the end, the words and commas “to the extent by which the economic holding or, as the case may be, subsistence holding is reduced” shall be added ; and
- (c) for sub-paragraph (6) the following shall be substituted, namely :—

“(6) Nothing in this paragraph shall apply to—

- (a) land, whether cultivable or other, which is *bona fide* required for the purpose of building thereon, and any tenant in possession of such land who refuses to quit after notice may be evicted under the orders of the Deputy Commissioner ;

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- (b) mortgages of land, without possession, in favour of Government or an institution owned, managed or controlled by Government ;
- (c) the holder of a pre-emption decree in respect of an area less than a subsistence holding ;
- (d) any land or part of any land situated within the jurisdiction of a Municipality, a Cantonment Board or an Improvement Trust and included in a House Building Scheme prepared or approved by such body ; or
- (e) the alienation of land in the districts of Campbellpur, Rawalpindi and Jhelum in favour of a person certified by the Deputy Commissioner concerned to have been displaced from the Hazara District or Mardan District in consequence of the construction of the Tarbela Dam.”.

**6. Amendment of paragraph 25 of the Land Reforms Regulation, 1972.—In the said Regulation, in paragraph 25,—**

- (a) in sub-paragraph (1), for the word “A” the words and comma “Subject to the other provisions of this Regulation, a” a shall be substituted, and
- (b) after sub-paragraph (4), the following new sub-paragraphs shall be added, namely :—
  - “(5) All suits for enforcing the right of pre-emption in respect of land comprised in a tenancy shall be exclusively entertained, heard and decided by the Collector within whose jurisdiction the land in respect of which the right of pre-emption has been claimed is situated, and all such suits which may be pending in any court immediately before the commencement of the Land Reforms (Amendment) Ordinance, 1976, shall, on such commencement, stand transferred to the Collector concerned.
  - (6) Any person aggrieved by an order passed by a Collector under the preceding sub-paragraph may, within thirty days of such order, prefer an appeal to Commissioner.
  - (7) The Board of Revenue may at any time of its own motion or otherwise call for the record of any case or proceedings under this paragraph which is pending or in which a Collector or Commissioner has passed an order, for the purpose of satisfying itself as to the correctness, legality or propriety of such proceedings or order, and may pass such order in relation thereto as it thinks fit :

Provided that no order shall be passed under this sub-paragraph revising or modifying an order affecting any person unless such person has been afforded an opportunity of being heard :

Provided further that the record of any case or proceedings in which a Collector or Commissioner has passed an order shall not be called for under this sub-paragraph on the application of any aggrieved person made after the expiration of thirty days from the date of such order.

- (8) For the purposes of this paragraph a Collector, a Commissioner and the Board of Revenue shall be deemed to be a Civil Court and shall have all powers of a Civil Court under any law for the time being in force and the final order passed in such suits shall be deemed to be a decree of a Civil Court and shall be executed as such.
- (9) In computing the limitation provided for in sub-paragraph (6) or sub-paragraph (7), the provisions of section 5 and section 12 of the Limitation Act, 1908 (IX of 1908), shall apply.

*Explanation.*—In this paragraph, “Collector”, “Commissioner” and “Board of Revenue” have the meaning assigned to them in the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967).”

**7. Amendment of paragraph 29 of the Land Reforms Regulation, 1972.**—In the said Regulation, in paragraph 29, in the third proviso, in clause (a), for the figures, letters, words and comma “31st day of March, 1976” the figures, letters, words and comma “30th day of September, 1976” shall be substituted and shall be deemed to have been so substituted on the first day of April, 1976.

**8. Repeal.**—The Land Reforms (Amendment) Ordinance, 1976 (XX of 1976), is hereby repealed.