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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 30th April, 1974

The following Acts of Parliament received the assent of the President on the 24th April, 1974, and are hereby published for general information :—

ACT No. XXX OF 1974

An Act further to amend certain Regulations

WHEREAS it is expedient further to amend certain Regulations for the purposes hereinafter appearing :

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution 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, 1974.

(2) It shall come into force at once.

2. Certain power exercisable by Federal Government.—The powers respectively conferred on the Federal Government by paragraph 3 of the Dir and Swat (Devolution and Distribution of Property) Regulation, 1972, and sub-paragraph (2) of paragraph 3 of the Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972, as amended by the Land Reforms (Amendment) Act, 1973 (LXII of 1973), shall, as from the 14th day of August, 1973, continue to be exercisable by the Federal Government.

3. Amendment of the Land Reforms Regulation, 1972.—In the Land Reforms Regulation, 1972,—

(1) in paragraph 4, in sub-paragraph (1), for the word "Governor" the words "Chief Minister" shall be substituted ;

(2) in paragraph 12, in sub-paragraph (1), after clause (e), the following new clause shall be inserted, namely :—

"(ee) declarations by persons who, at any time after the commencement of this Regulation, have come, or come, to own or possess land in excess of the area permissible for retention under Part III ;"

(3) in paragraph 15, after the words "Regulation shall", the commas and words ", whether or not the areas are held by the persons who held them at the commencement of that Regulation or by those to whom leases were granted thereunder or any other law," shall be inserted and shall be deemed always to have been so inserted ;

(4) in paragraph 18,—

(a) in sub-paragraph (1).—

(i) as that sub-paragraph is in force in the Federal Capital, for the words, figures and commas beginning with the word "Rabi" and ending with the figure "1971" the words and figures "Kharif 1971 and Rabi 1971-72" shall be substituted and shall be deemed always to have been so substituted ;

(ii) in that sub-paragraph amended as aforesaid and as in force in all the territories to which it extends, after the figure "1972" at the end, the words, commas, brackets, letters and figures "or, in the case of land vesting in Government on the basis of a declaration made pursuant to clause (ee) of

sub-paragraph (i) of paragraph 12, to the tenant who is shown in the Revenue Records to be in cultivating possession of it in the year immediately preceding such declaration" shall be added; and

- (iii) in that sub-paragraph amended as aforesaid and as in force in all the territories to which it extends, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“ Provided that no land shall be granted to tenants who, but for the making of this Regulation, would have been entitled to inherit land from any of the persons from whom land has been resumed under this Regulation.”; and

- (b) in sub-paragraph (3),—

(i) as that sub-paragraph is in force in the Federal Capital, for the 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; and

(ii) in that sub-paragraph amended as aforesaid and as in force in all the territories to which it extends, for the full-stop at the end a colon shall be substituted and shall be deemed always to have been so substituted and thereafter the following proviso shall be added and shall be deemed always to have been so added, namely:—

“ Provided that Government may utilize any such land for such public purpose as it may deem fit.”;

- (5) in paragraph 29, in the third proviso, in clause (a), for the words, figures and comma “ 14th Day of August, 1974 ” the words, figures and comma “ 31st day of March, 1975 ” shall be substituted; and

- (6) in paragraph 32, after sub-paragraph (3), the following new sub-paragraph shall be added and shall be deemed always to have been so added, namely:—

“(4) Land vesting in Government under the repealed Regulation and not granted to any person before the repeal thereof shall be disposed of or utilized by Government as far as may be in accordance with the provisions of Part V.”.

4. Amendment of the Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.—In the Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972,—

- (1) paragraph 3 shall be renumbered as sub-paragraph (1) of that paragraph and, after sub-paragraph (1) renumbered as aforesaid, the following new sub-paragraph shall be added, namely:—

“(2) In the performance of their functions under this Regulation, the Board of Revenue and other authorities shall be subject to the supervision and control of the Federal Government and shall comply with any general or special directions issued by it.”;

- (2) in paragraph 16, for the word “ President ”, twice occurring, the words “ Federal Government ” shall be substituted; and

(3) for paragraph 17 the following shall be substituted, namely :—

“ 17. **Powers of Federal Government.**—The Federal Government or any person authorised by it in that behalf may at any time, of its or his own motion or otherwise, call for the record of any case or proceeding under this Regulation which is pending or in which the Board of Revenue or any other authority has passed an order and may pass such order in relation thereto as the Federal Government or, as the case may be, such person thinks fit :

Provided that the Federal Government may, from time to time, specify the cases or class of cases in which it desires to pass final orders :

Provided further 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 proceeding in which the Board of Revenue or other authority has passed an order shall not be called for under this paragraph by the Federal Government or the person authorised by it—

- (a) of its or his own motion, after the 31st day of March, 1975, or
- (b) on the application of any aggrieved person made after the expiration of sixty days from the date of such order or from the enactment of the Land Reforms (Amendment) Act, 1973 (LXII of 1973), whichever is later, excluding the time requisite for obtaining a copy of such order.”

5. Amendment of the Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.—In the Dir and Swat (Devolution and Distribution of Property) Regulation, 1972, for paragraph 6 the following shall be substituted, namely :—

“ 6. The Federal Government or any person authorised by it in that behalf may at any time, of its or his own motion or otherwise, call for the record of any case or proceeding under this Regulation which is pending or in which the Provincial Government has passed an order and may pass such order in relation thereto as the Federal Government or, as the case may be, such person thinks fit :

Provided that the Federal Government may, from time to time, specify the cases or class of cases in which it desires to pass final orders :

Provided further 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 proceeding in which the Provincial Government has passed an order shall not be called for under this paragraph by the Federal Government or the person authorised by it—

- (a) of its or his own motion, after the 31st day of March, 1975, or

- (b) on the application of any aggrieved person made after the expiration of sixty days from the date of such order or from the enactment of the Land Reforms (Amendment) Act, 1973 (LXII of 1973) whichever is later, excluding the time requisite for obtaining a copy of such order.
- 6A. The Federal Government or any person authorised by it in that behalf may, by special or general order, suspend the implementation or operation of any order of the Provincial Government under this Regulation for such period as the Federal Government or, as the case may be, such person deems fit.
- 6B. (1) No land in respect of which an order has been made by the Provincial Government under this Regulation shall be transferred by sale, gift or otherwise, nor shall any right or interest in such land be created or its nature be changed, until the expiration of a period of twelve months from the commencement of the Land Reforms (Amendment) Act, 1974, or such shorter period as the Federal Government may specify in this behalf.
- (2) The transfer of any land or the creation of any interest in any land in contravention of sub-paragraph (1) shall be void."

6. Amendment of the Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972.—In the Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972,—

- (1) paragraph 5 shall be renumbered as sub-paragraph (1) of that paragraph and,—
- (a) in sub-paragraph (1) renumbered as aforesaid, for the provisos the following shall be substituted, namely :—

"Provided that the Federal Government, or any person authorised by it in that behalf, may at any time, of its or his own motion or otherwise call for the record of any case or proceeding under this Regulation which is pending or in which the Provincial Government or the officer authorised by it has taken a decision and may pass such order in relation thereto as the Federal Government or, as the case may be, such person thinks fit :

Provided further that the Federal Government may, from time to time, specify the cases or class of cases in which it desires to pass final orders :

Provided further 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." ; and

- (b) after sub-paragraph (1) renumbered and amended as aforesaid, the following new sub-paragraph shall be added, namely :—

"(2) The record of any case or proceeding in which the Provincial Government or the officer authorised by it has passed an order shall not be called for under sub-paragraph (1) by the Federal Government or the person authorised by it—

- (a) of its or his own motion, after the 31st day of March, 1975, or

- (b) on the application of any aggrieved person made after the expiration of sixty days from the date of such order or from the enactment of the Land Reforms (Amendment) Act, 1973 (LXII of 1973), whichever is later, excluding the time requisite for obtaining a copy of such order." ; and
- (2) after paragraph 5 amended as aforesaid, the following new paragraphs shall be inserted, namely :—
- "5A. The Federal Government or any person authorised by it in that behalf may, by special or general order, suspend the implementation or operation of any order of the Provincial Government or an officer authorised by it for such period as the Federal Government or, as the case may be, such person deems fit.
- 5B (1) No immovable property referred to in sub-paragraph (1) of paragraph 3 shall be transferred by sale, gift or otherwise, nor shall any right or interest in such property be created or its nature be changed or the person in whose possession it is be ejected therefrom, until the expiration of a period of twelve months from the commencement of the Land Reforms (Amendment) Act, 1974, or such shorter period as the Federal Government may specify in this behalf.
- (2) The transfer of any immovable property or the creation of any interest therein in contravention of sub-paragraph (1) shall be void."

MUHAMMAD ILYAS,
Joint Secretary.