

EXTRAORDINARY

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BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Quetta, the 26th April, 1987.

No. LEGIS :III(20)/87. The Bolan Abadies for Non-Proprietors in Rural Areas Bill, 1987 having been passed by the Provincial Assembly of Baluchistan on 16th March, 1987 and assented to by the Governor of Baluchistan, is hereby Published as an Act of the Provincial Assembly.

THE BOLAN ABADIES FOR NON-PROPRIETORS IN RURAL
AREAS ACT, 1987.

BALUCHISTAN ACT NO. I OF 1987.

(First Published after having received the assent of the Governor of Baluchistan in the Baluchistan Gazette (Extra-ordinary) Dated 26th April, 1987).

AN
ACT

to regulate for housing facilities to non-proprietors in the rural areas of Baluchistan.

Preamble.

WHEREAS it ^{is} expedient to make provisions for providing housing facilities to non-proprietors in the rural areas of Baluchistan under Seven Marla Scheme and to provide for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:-

Short title,
extent and
commencement.

1. (1) This Act may be called the Bolan Abadies for Non-proprietors in Rural Areas Act, 1987.

(2) It shall apply to all rural areas in Baluchistan except such rural areas as may be excluded from the operation of this Act through a notification by the Government.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject of context-

(a) "Abadi-deh" means an area recorded as such in the record of rights and is a rural area;

(b) "Allotment Committee" means a Committee which may be set up as prescribed for a revenue estate for the purpose of this Act;

(c) "Collector" means a Collector of the District and includes an Assistant Commissioner or a Collector of a sub-Division or any Officer specially empowered by the Government to perform the functions of a Collector under this Act;

(d) "Commissioner" means the Chief Officer-in-Charge of the revenue and general administration of a Division and includes an additional Commissioner of such Division;

(e) "Deputy Commissioner" means the Chief Officer-in-charge of the revenue and general administration

of a District and includes an Officer notified as such by the Government for the purpose of this Act;

- (f) "Government" means the Government of Baluchistan;
- (g) "Non-proprietor" means person who is permanently residing in a rural area and who or any member of whose family does not own any agricultural land or other immovable property anywhere in Pakistan;
- (h) "Prescribed" means prescribed by rules made, instructions issued, or schemes sanctioned, by the Government under this Act; and
- (i) "Rural Area" means an area other than the area defined as urban area by or under any law relating to Local Government for the time being in force.

Explanation:- For the purpose of Clause (g)

- (i) "family" means husband, wife and their unmarried children; and
- (ii) "Immovable property" shall not include the structure raised by a non-proprietor on land not owned by him.

Grant of
land.

3. The Government may grant land, free of cost not exceeding seven marlas in a rural area, on such terms and conditions as may be prescribed, to a non-proprietor in the revenue estates in the Union Council in which he/she ordinarily resides, for the construction of a house by him for his residence.

Allotment.

4. To give effect to the provisions of section 3, the Collector may, on the recommendations, of the Allotment Committee, allot land to non-proprietors.

Proprietary
rights.

5. On the completion of the construction of a house on the land allotted to him and subject to the condition that neither the house nor the land shall be alienated

during a period of ten years from the date of allotment, the Government may grant proprietary rights to an allottee in such manner as may be prescribed.

Explanation- If, before the commencement of this Act, an allottee had constructed a house on the land allotted to him under this Act, it shall be deemed as sufficient compliance of the provisions of section 3 and 5.

**Cancellation
of
allotment.**

6. Notwithstanding the grant of proprietary rights to an allottee, the Collector shall, after giving the allottee an opportunity of being heard, cancel the allotment and resume the land if he is satisfied that the allottee-

(a) has furnished wrong information for securing allotment in his favour; or

(b) has committed a breach of the conditions of allotment provided for by this Act, or by the rules made, instructions issued, or the schemes prepared, under this Act;

Provided that the allottee may be given reasonable time to rectify a breach mentioned in Clause (b).

Re-Entry.

7. (1) Where land has been resumed under the provisions of section 6, the Collector may issue an order requiring the allottee to remove all buildings, structures and other property belonging to him from the site and to deliver vacant possession of the site to the Collector within a period not exceeding one month from the date of the order.

(2) If the allottee fails to comply with the order issued under sub-section (1), the Collector may re-enter, take possession of the land and execute the order under sub-section (1).

(3) In case of re-entry under sub-section (2), the building, structure and other property mentioned in sub-

section (1) shall be sold.

(4) The cost of execution under sub-section (2) and (3) shall be recovered from the sale proceeds accruing under sub-section (3).

Liability
of
acquisition.

8. Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or in any other Law for the time being in force, land in rural areas including such residential sites in the village shamat and abadi-deh in possession of non-proprietors whereupon the non-proprietors have built residential houses for permanent residence shall be liable to acquisition by Government at any time under this Act for the purpose of providing housing facilities and ancillary uses to non-proprietors under this Act.

Provided that land on which there is an orchard, a well, a tubewell or on which there is a building constructed by the owner shall not be acquired for the purpose of this Act.

Explanation- Acquisition of land for the purposes of this Act shall be deemed as "public purpose" within the meaning of the land Acquisition Act, 1894.

Appeal.

9. An appeal shall lie to the Deputy Commissioner against every order made by the Collector under this Act and the decision of the Deputy Commissioner thereon shall be final.

Provided that -

(i) Where the order is made by the Collector of a District, the appeal shall lie to the Commissioner whose decision thereon shall be final;

(ii) No order in any appeal under this section be passed without providing to the person to be affected thereby an opportunity of being heard; and

(iii) the limitation for filing an appeal under this section shall be thirty days from the date of impugned order and the provisions of section 5 of the Limitation Act, 1908 (IX of 1908) shall apply to an appeal under

this section.

Power of
Government.

10. (1) The Government may prepare schemes and issue instructions consistent with this Act and the rules framed thereunder, relating to all matters to which the provisions of this Act apply.

(2) If the Government considers that anything done or intended to be done by or on behalf of any officer or authority exercising any power under this Act, is not in conformity with law or is, in any way, against public interest, it may, by order, quash the proceedings, suspend the execution of any order, or prohibit the doing of anything proposed to be done or require such officer or authority to take such action as may be specified.

(3) The Government may delegate any of its powers and functions under sub-section (2) to any officer not below the rank of a Commissioner.

Rules.

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

AKHTAR HUSAIN KHAN,
Secretary,
Provincial Assembly of Baluchistan.