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THE BALUCHISTAN GAZETTE

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BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Quetta, the 6th November, 1985.

No. LEGIS-III (13)/85. The Land Acquisition (Baluchistan Amendment) Bill, 1985 having been passed by the Provincial Assembly of Baluchistan on 9th October, 1985 and assented to by the Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly.

THE LAND ACQUISITION (BALUCHISTAN AMENDMENT) ACT, 1985.

BALUCHISTAN ACT NO. XIII OF 1985.

(First published after having received the assent of the Governor of Baluchistan in the Baluchistan Gazette (Extra-ordinary) dated 6th November, 1985).

**AN
ACT**

further to amend the Land Acquisition Act, 1894, (I of 1894), in its application to the Province of Baluchistan.

Preamble.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, in its application to the Province of Baluchistan, in the manner hereinafter appearing.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Land Acquisition (Baluchistan Amendment) Act, 1985.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of October, 1984.

Amendment of section 5 of Act I of 1894.

2. In the Land Acquisition Act, 1894, in its application to the Province of Baluchistan, hereinafter referred to as the said Act, the existing section 5, shall be numbered as sub-section (1) of that section and after sub-section (1), as so numbered, the following new sub-section shall be added :—

“(2) The notification under sub-section (1) shall be issued not later than one year from the date of publication of the notification under section 4:

Provided that the time, if any spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed by Government before the issue of the notification under this section shall be computed to the said period of one year.

(3) If the notification under sub-section (2) is not issued within the specified time, the acquisition proceedings shall be deemed to have come to an end.”

Amendment of section 5—A of Act I of 1894.

3. In the said Act, in section 5—A, after sub-section (3), the following new sub-section shall be inserted, namely:—

“(3-A) The report under sub-section (2) or recommendations under sub-section (3), as the case may be, shall be forwarded to the Commissioner within a period of ninety days from the date of publication of the notification under section 5 and the Commissioner shall within ninety days of the receipt of the report or the recommendations, as the case may be, announce the decision and if the report or recommendations, as the case may be, is not forwarded or decision announced within the specified period, the objections shall be deemed to have been carried out and the acquisition proceedings shall come to an end.”

Amendment of
section 6 of
Act I of 1894.

4. In the said Act, in section 6, after sub-section (1), the following new sub-section shall be inserted; namely:—

“(1-A) The declaration shall be made within six months of the publication of the notification under section 5 and if the declaration is not issued within that period, the acquisition proceedings shall be deemed to have come to an end.”

Provided that the time, if any, spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed after the issue of the notification under section 5 and before making the declaration under this section shall be computed to the said period of six months.”

Amendment of
section 11 of
Act I of 1894.

5. In the said Act, the existing section 11 shall be numbered as sub-section (1) of that section and —

(i) in sub-section (1) as so numbered :—

(a) in clause (ii), the word “and” shall be omitted;

(b) in clause (iii), for the fullstop appearing at the end, a semi-colon and the word “and” shall be substituted;

(c) after clause (iii), the following new clause shall be added, namely:—

“(iv) the cost or a part of such cost actually and reasonably incurred for preparing the claim and putting the case before him for compensation which in his opinion should be allowed.”

(ii) after sub-section (1) as so numbered, the following new sub-section shall be added, namely:—

“(2) The award shall be announced by the Collector within six months of the publication of declaration under section 6, failing which the officials or officers found guilty for the inordinate delay by such authority and after such enquiry as may be prescribed by rules shall, reimburse the Provincial Government the amount of the additional compensation assessed under section 28-A for the period of delay.”

Amendment of
section 18 of
Act I of 1894.

6. In the said Act, in section 18, in sub-section (1):—

(a) the word “or” shall be omitted; and

(b) before the fullstop appearing at the end, a comma and the words “, or the amount of costs allowed” shall be added.

Amendment of
section 19 of
Act I of 1894.

7. In the said Act, in section 19, in sub-section (1), in clause (c), between the word “compensation” and the word “awarded” the words and commas “and of costs, if any,” shall be inserted.

Amendment of section 20 of Act I of 1894.

8. In the said Act, in section 20, in clause (c) for the word "compensation" the word "compensation or costs" shall be substituted.

Amendment of section 28 of Act I of 1894.

9. In the said Act, for section 28, the following shall be substituted:-

"28. Additional compensation. In addition to the compensation fixed on the basis of market value as prevailing on the date of notification under section 4, an additional amount of fifteen percent per annum of the compensation so fixed shall be paid from the date of the notification under section 4 to the date of payment of compensation."

Amendment of section 31 of Act I of 1894.

10. In the said Act, in section 31 :-

(a) in clause (a), of sub-section (1), between the word "compensation" and the word "awarded" the words and commas "and costs, if any" shall be inserted.

(b) in sub-section (2) between the word "compensation" and the word "or" the words and commas "and the costs, if any," shall be inserted.

Omission of section 34 of Act I of 1894

11. In the said Act, section 34, shall be omitted:

Saving.

12. Anything done, action taken, order passed, or any decision made after the lapse of the Land Acquisition (Baluchistan Amendment) Ordinance, 1985 (XVIII of 1985), under the provisions of the said Ordinance shall be deemed to have been validly done, taken, passed or made, as if this Act was in force on the day on which such thing was done, action taken, order passed or decision made.

AZHAR SAEED KHAN
Secretary,
Provincial Assembly of Baluchistan.