

EXTRAORDINARY

REGISTERED No. S-2771



The Baluchistan Gazette

PUBLISHED BY AUTHORITY

No. 61 QUETTA, TUESDAY, AUGUST 13, 1974.

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION

The 13th August, 1974.

No. Legis-X-(22)/74. The Baluchistan Acquisition of Land (Housing and Development Schemes in the Rural Areas) Bill, 1974 having been passed by the Provincial Assembly of Baluchistan on 5th August, 1974 and assented to by the Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly.

THE BALUCHISTAN ACQUISITION OF LAND (HOUSING AND DEVELOPMENT SCHEMES IN THE RURAL AREAS) ACT, 1974.

THE BALUCHISTAN ACT NO. XVIII OF 1974.

AN
ACT

to provide for acquisition of land for housing and development schemes in the rural areas of the Province of Baluchistan.

*Act repealed by Ordinance
XVII of 1975*

Preamble.

WHEREAS it is expedient to make provisions for the acquisition of land for housing and development schemes in the rural areas of the Province of Baluchistan and for matters incidental thereto;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Baluchistan Acquisition of Land (Housing and Development Schemes in the Rural Areas) Act, 1974.

(2) It shall extend to the whole of the Baluchistan excluding the Municipal limits, Town Committee limits and the Tribal Areas.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act unless there is anything repugnant in the substance or context:—

- (a) "Collector" means the Collector of a district and includes any officer specially empowered by the Government or Commissioner of a Division to perform the functions of a Collector under this Act;
- (b) "Commissioner" means the Chief Officer Incharge of revenue and general administration of a Division;
- (c) "Deputy Commissioner" means the Chief Officer Incharge of the general administration of a District;
- (d) "Government" means the Government of Baluchistan;
- (e) "Official Development Agency" includes—
 - (i) autonomous and semi-autonomous bodies established as such under any law for the time being in force;
 - (ii) People's Local Councils constituted under the Baluchistan People's Local Government Ordinance, 1972, Municipalities and Town Committees;
 - (iii) Improvement Trusts constituted under the Town Improvement Act, 1922; and
 - (iv) Baluchistan Development Authority;
 - (v) other organizations that the Government may declare to be Official Development Agency;
- (f) "Prescribed" means prescribed by the rules;
- (g) "rural area" includes all areas other than urban areas; and
- (h) "urban area" means an area defined as such under the Baluchistan People's Local Government Ordinance, 1972.

- (2) Save as otherwise provided in this Act or where the context otherwise requires all terms and expressions used but not defined in this Act shall bear the same meanings as they bear in the Land Acquisition Act, 1894 (Act 1 of 1894).
- Liability to acquisition.** 3. Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or any other law for the time being in force, all land within the Province shall be liable to acquisition at any time under this Act for development and housing schemes approved and notified by Government or by an Official Development Agency, so empowered by the Government by Notification in the Official Gazette.
- Publication of Notification and Land to be marked out and measured.** 4. When any land is proposed to be acquired under this Act, the Collector shall cause such a notice to be published in the Official Gazette with details of the property and thereafter shall cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof a plan shall be made of the same.
- Notice to persons interested.** 5. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be acquired stating the purpose thereof inviting objection to the acquisition with the amount of compensation claimed from interested persons. He shall also give notice to all owners and claimants of interests in such lands by giving them notice of at least 10 days in advance before entering upon the acquisition proceedings.
- (2) Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a date, time and place therein mentioned (such period not being earlier than 15 days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 4. The Collector may require any such statement to be made in writing and signed by the party or his agent.
- (3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested.
- Inquiry and Award by Collector.** 6. On the day so fixed or on any other subsequent days to which the inquiry has been adjourned, the Collector shall proceed to enquire into the objections, if any, whether interested persons or claimant are present or not after service of due notice and shall determine:
- (i) the correct area of the land;
 - (ii) compensation, which in his opinion, having regard to the provisions of this Act, is reasonable; and
 - (iii) apportionment of such compensation among all the claimants or persons known or believed to be interested in the land whether or not they have appeared before him.

Matters to be considered in determining compensation.

7. In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration:—

- (i) the market value of the land to be determined on the basis of two years average sale price of land similarly situated and put to similar use;
 Provided that the maximum rate of compensation so determined by the Collector shall not exceed Rupees Twenty five thousand per acre;
- (ii) the damage sustained by the claimant by reason of dispossession of any standing crops or trees which may be on the land;
- (iii) the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of severing such land from the other land;
- (iv) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;
- (v) if, in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

Payment of Compensation

8. (1) The payment of compensation shall be in cash upto Rs. 5,00,000.

(2) For amount of compensation above Rs. 5,00,000, instalments shall be fixed and the annual instalment shall not be less than Rs. 5,00,000. The claimant shall be entitled to interest at 6% per annum on the amount of compensation remaining unpaid:

Provided that the period of payment of compensation shall not exceed 10 years.

Power to take possession.

9. When the Collector has made the award and objections and claims to compensation have been decided, the Government or the Official Development Authority take possession of the land which thereupon shall vest absolutely in Government or, as the case may be, in the Official Development Agency:

Provided that possession shall not be taken of any land under this section without giving to the occupier thereof at least 24 hours notice, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property without unnecessary inconvenience.

Appeal.

10. (1) The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be,

may accept the award and intimate their acceptance in writing to the Collector within 15 days of making the award.

(2) The Government, or the Official Development Agency or any person aggrieved by an award of the Collector may within one month of giving such award may file an appeal to the Commissioner. The Commissioner may after giving the Government or as the case may be, the Official Development Agency and the person affected by the award or their agents an opportunity of being heard, make such order as he may deem fit.

Revision.

11. The Government, the Official Development Agency or any person aggrieved by the order of the Commissioner, may file a revision petition to the Member, Board of Revenue, who after giving notice to all concerned, shall make such order as he deems fit.

Review.

12. (1) The Member, Board of Revenue either of his own motion or on an application made in this behalf by the Government or the Official Development Agency or any affected person may, at any time, review an order made by him or his predecessor, in so far as it corrects an arithmetical, clerical or patent error or mistake on the face of the record.

(2) Any amount paid to any person which is found for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award shall be recoverable as arrears of land revenue and the Collector shall call upon such person to refund it.

Period for payment of cash compensation.

13. The compensation payable in cash shall be paid in the prescribed manner within ninety days from the date of announcement of the award.

Power of the Collector.

14. When acquiring any land or determining any compensation therefor or carrying out any other purpose of this Act the Collector may-

- (a) require any person by order in writing to furnish such information in his possession pertaining to any land as may be specified in the order; and
- (b) enter or authorise any person to enter upon land and take such action as may be necessary.

Collector and Commissioner to have powers of Civil Courts.

15. The Collector making an enquiry or conducting any proceedings under this Act or the Commissioner exercising the powers in appeal or the Member, Board of Revenue deciding a revision or review petitions under this Act shall have the same powers in respect of the following matters as are vested in a civil court, when trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908) namely:-

- (a) summoning and enforcing attendance of any person, examining him on oath or affirmation;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any record from any court or office;
- (d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;

- (e) appointing guardians ad litem or next friends;
- (f) adding or substituting representatives of deceased parties to proceedings;
- (g) adding or dropping parties from pending proceedings;
- (h) any other matter connected with the holding of an inquiry or hearing of an appeal.

Powers to withdraw from acquisition proceedings.

16. The Deputy Commissioner with the approval of the Government can leave out from acquisition proceedings any land, notified under this Act, of which possession has not been taken.

Powers to make rules.

17. The Government may make rules to give effect to the provisions of this Act.

Muhammad Athar
Secretary,
Provincial Assembly of Baluchistan.