

THE LAND REFORMS (PUNJAB AMENDMENT) ACT, 1973

(Pb Act XI of 1973)

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^{1[1]}THE LAND REFORMS (PUNJAB AMENDMENT) ACT, 1973

(Pb Act XI of 1973)

[21 May 1973]

An Act further to amend the Land Reforms Regulation, 1972

Preamble.— WHEREAS it is expedient further to amend the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115), in the manner hereinafter appearing;

AND WHEREAS the previous sanction of the President as required under clause (3) of Article 280 of the Interim Constitution of the Islamic Republic of Pakistan has been obtained;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Land Reforms (Punjab Amendment) Act, 1973.

(2) It shall extend to the whole of the Province of the Punjab.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the day the Land Reforms (Punjab Amendment) Ordinance, 1972 (Punjab Ordinance No. XV of 1972), ceased to operate in accordance with the provisions of clause (2) (a) of Article 135 of the Interim Constitution of the Islamic Republic of Pakistan.

2. Amendment of paragraph 7 of M.L.R. 115.— In the Land Reforms Regulation, 1972 (M.L.R. No.115), hereinafter referred to as the Regulation, in paragraph 7, in sub-paragraph (1)—

(a) in clause (b), for the proviso, the following shall be substituted, namely:-

“Provided that any transfer of land or creation of any right or interest in or encumbrance on any land by way of gift by a person to whom this clause applies shall, subject to the next succeeding proviso in no case be held by the Commission to be a bona fide transaction:

Provided further that nothing in this clause shall apply to—

(i) any transfer of land or creation of any right or interest in or encumbrance on any land, by way of gift or otherwise, made by a person in favour of his heirs; or

^{1[1]}This Act was passed by the Punjab Assembly on 30th April, 1973; assented to by the Governor of the Punjab on 21st May, 1973; and, was published in the Punjab Gazette (Extraordinary), dated 21st May, 1973, pp. 1345-A to 1345-L.

- (ii) any transfer of land or right or interest therein by way of gift, made by a person in favour of his widowed or unmarried sister, who has not received her due share of inheritance of ancestral land; or
 - (iii) any transaction whereby any land was alienated in exchange for an area of land equivalent to the same or substantially same produce index units, as the land alienated;” and
 - (b) Explanation II shall be omitted.
3. Amendment of paragraph 8 of M.L.R. 115.— In paragraph 8 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added, namely:-
- “(3) Any person, who, at any time before the commencement of this Regulation but not earlier than the twenty-fifth day of December 1971, became the owner of an agricultural tractor certified as provided in clause (i) of sub-paragraph (2) or had installed on his land a tubewell of not less than ten horse-power, or at any time after the commencement of this Regulation becomes the owner of such a tractor or installs on his land such a tubewell, shall, notwithstanding the provisions of sub-paragraph (1), be entitled, after becoming the owner of such tractor or having installed such a tubewell, to acquire, possess or own such additional areas as would bring the total area possessed or owned by him to the equivalent of fourteen thousand produce index units:
- Provided that a person who on the twentieth day of December, 1971, was in possession of an area of land equivalent to more than twelve thousand produce index units shall not be entitled to possess any additional area of land under this sub-paragraph until he has surrendered to Government land in excess of area equivalent to twelve thousand produce index units.”
4. Amendment of paragraph 10 of M.L.R. 115.— In paragraph 10 of the Regulation—
- (a) in sub-paragraph (1)—
 - (i) for the word “Service” the words “Civil Service” shall be substituted; and
 - (ii) the following shall be added at the end, namely:-

“Explanation— For the purposes of this sub-paragraph and clause (d) of sub-paragraph (1) of paragraph 12, “Civil Service of Pakistan” means any civil service, post or office in connection with the Affairs of the Federation or a Province, and includes a service as a Judge of the Supreme Court or a High Court, Comptroller and Auditor-General, Chief Election Commissioner and Chairman or Member of the Federal or a Provincial Public Service Commission but does not include service, as President, Governor, Minister of State, or as a Speaker, Deputy Speaker or other Member of the National or a Provincial Assembly.”
 - (b) in sub-paragraph (2), for the words, brackets and figure “ as is referred to in sub-paragraph (1)”, the words, brackets and figure “to whom the provisions of sub-paragraph (1) apply” shall be substituted; and
 - (c) in sub-paragraph (3) for the words “any of the Defence Services” the words and comma “the Military, Naval or Air Forces” shall be substituted.
5. Amendment of paragraph 12 of M.L.R. 115.— In paragraph 12 of the Regulation, in sub-paragraph (1), in clause (d), for the word “Service” the words “civil service” shall be substituted.
6. Amendment of paragraph 13 of M.L.R. 115.— In paragraph 13 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added, namely:-
- “(3) Where any person is in possession of land in excess of the area permissible for retention under Part III so much of such excess land as is in his possession as a lessee or mortgagee shall not vest in Government but shall, subject to the other provisions of this Regulation, revert to the lessor or mortgagor, as the case may be.”
7. Amendment of paragraph 18 of M.L.R. 115.— In paragraph 18—
- (a) in sub-paragraph (1), for the words, figures and commas “Rabi 1971-72, and if there be no such tenant, in respect of any such land, to the tenant who is shown in the Revenue Records to be in cultivating possession of it in Kharif 1971”, the words and figures “Kharif 1971 and Rabi 1971-72” shall be substituted;

- (b) in sub-paragraph (3), 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
- (c) in sub-paragraph (4), after the word “orchards”, the words “or to any State land granted on instalments where any instalment in respect of such land remains unpaid” shall be added.
8. Amendment of paragraph 19 of M.L.R. 115.— In paragraph 19 of the Regulation, in the proviso, the words and commas “of the whole or such part of, or area from, such land, as Government may deem fit” shall be added at the end.
9. Amendment of paragraph 21 of M.L.R. 115.— In paragraph 21 of the Regulation in the proviso, the words and commas “of the whole or such part of, or area from, such land, as Government may deem fit” shall be added at the end.
10. Amendment of paragraph 22 of M.L.R. 115.— In paragraph 22 of the Regulation,—
- (a) for sub-paragraph (1) the following shall be substituted, namely:-
- “(1) A joint holding with an area equal to or less than that of a subsistence holding shall not be partitioned except where the joint-holders own, individually or jointly, other land in the same deh or village, and the partition has the effect of every such holder owning, whether individually or jointly, a holding with an area not less than that of a subsistence holding.”
- (b) for sub-paragraph (3), the following shall be substituted, namely:-
- “(3) A joint holding with an area equal to that of an economic holding shall not be partitioned, except where the joint-holders own other land in the same deh or village, and the partition has the effect of such holder owning, whether individually or jointly a holding with an area not less than that of an economic holding”; and
- (c) for sub-paragraph (6), the following shall be substituted, namely:-
- “(6) The provisions of this paragraph shall not apply to holdings jointly owned by—
- (a) evacuees and non-evacuees, required to be partitioned in accordance with the procedure prescribed under any Rehabilitation Settlement Scheme; or
- (b) owners of land and occupancy tenants of Muqarraridar, required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force.”
11. Amendment of paragraph 28 of M.L.R. 115.— In paragraph 28 of the Regulation, the following explanation shall be added at the end, namely:-
- “Explanation— For the purposes of this paragraph, “grantee of land” means—
- (a) a tenant, or a resident of the Baluch area of Dera Ghazi Khan district referred to in the Pakistan (Punjab Boundary) Order, 1950 (G.G.O. No.2 of 1950), to whom land was granted under the Sale scheme prescribed under the repealed Regulation; or
- (b) a tenant or small land-owner of the village concerned to whom land was granted under the Upgrading scheme prescribed under the repealed Regulation.”
12. Repeal and validation.— (1) The Punjab Ordinance Temporary Enactment Act, 1973, in so far as it enacts the provisions of the Land Reforms (Punjab Amendment) Ordinance, 1972 (Punjab Ordinance No. XV of 1972), is hereby repealed.
- (2) Everything done, action taken or order made under the Land Reforms (Punjab Amendment) Ordinance, 1972 (Punjab Ordinance No. XV of 1972), and its provisions as enacted by the Punjab Ordinances Temporary Enactment Act, 1973, on or after the 8th August, 1972 and before the commencement of this Act, shall be deemed to have been validly done, taken or made.
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