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THE LAND REFORMS REGULATION, 1972

(II5 of 1972)

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TEXT

[1]THE LAND REFORMS REGULATION, 1972

(115 of 1972)

[11th March, 1972]

PART I
PRELIMINARY

WHEREAS Islam enjoins equitable distribution of wealth and economic powers and abhors their concentration in a few hands;

AND WHEREAS it is in the supreme national interest to improve the economic well-being of the peasantry, by making agriculture a profitable vocation;

NOW, THEREFORE, the Chief Martial Law Administrator is pleased to make the following Regulation:–

1. Short title, extent and commencement.– (1) This Regulation may be called the Land Reforms Regulation, 1972.

(2) It extends to the Provinces of Baluchistan, the North-West Frontier, Punjab, Sind and the Islamabad Capital Territory, but shall not apply to the Centrally Administered Tribal Areas.

(3) It shall come into force at once.

[2][(4) Notwithstanding anything contained in sub-paragraphs (2) and (3), the provisions of this Regulation shall not be applicable, until the 31st day of October, 1972, within the District of Chitral in the North-West Frontier Province.]

2. Definitions.– In this Regulation, unless there is anything repugnant in the subject or context,–

(1) "Commission" means a Land Commission constituted under paragraph 4;

(2) "economic holding" means,–

(a) except for the purposes of paragraphs 22 and 24,–

(i) in the Provinces of Sind and Baluchistan, an area, whether or not within one estate or *mauza* or *deh*, sixty-four acres of land,

(ii) elsewhere, an area, whether or not within one estate or *mauza* or *deh*, two squares or two rectangles or fifty acres, whichever is more; and

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[1]This Regulation was promulgated by the Chief Martial Law Administrator Pakistan on 11th March, 1972, and was published in the Gazette of Pakistan (Extraordinary) dated 11th March 1972, Pages 291-300. By Article 280 of the Interim Constitution of the Islamic Republic of Pakistan, 1972, this Regulation was saved and continued as existing law and having been specified in the Seventh Schedule shall be deemed to have become an Act of the appropriate Legislature.

[2]Add by Martial Law Regulation No. 126.

(b) for the purposes of paragraphs 22 and 24, an area specified in sub-clause (a) comprised within one estate or *mauza* or *deh*;

(3) "Government" means in relation to the Islamabad Capital Territory, the Central Government, and in relation to a Province, the Government of that Province;

(4) "land" means land which is not occupied as the site of a town, village, factory or industrial establishment, and is occupied or has been or can be let for agricultural purposes or for purposes allied or subservient to agriculture, and includes the sites of buildings and other structures on such land;

(5) "orchard" means land under fruit trees planted to a density of twenty-five trees or more per acre grown and maintained by human effort;

(6) "owner" includes a person deemed to be an owner under sub-section (4) of section 184 of the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967);

[3][(7) "person" includes a religious, educational or charitable institution, every trust, whether public or private, a Hindu undivided family, a company or association or body of individuals, and a co–operative or other society, but does not include a local authority, a university established by law, a body incorporated by a Central or Provincial law, [4][a co-operative farming society registered under the Co-operative Farming Ordinance, 1976 (XXII of 1976), or a live-stock farm or an educational institution exempted by the Government] from the operation of this Regulation;]

(8) "prescribed" means prescribed by rules made under this Regulation;

(9) "President" means the President of Pakistan;

(10) "produce index unit" means the measure in terms of which the comparative productivity of an area of land of a particular kind in a particular assessment circle or area is computed and expressed for the purposes of the schemes relating to the resettlement of displaced persons on land, or was determined under the provisions of sub-paragraph (10) of paragraph 2 of the repealed Regulation; and, in respect of an assessment circle or area where no such unit was determined, such measure as may be determined by the Commission for the Province within which such assessment circle or area is situated;

(11) "repealed Regulation" means the West Pakistan Land Reforms Regulation (Regulation 64 of 1959); [5][* * *]

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[3]By Order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Qazalbash Waqf case reported in PLD 1990 SC 99, the provisions of clause (7) of paragraph 2 of the Regulation in so far as they include Islamic Waqf were held repugnant to the Injunctions of Islam and they ceased to have effect prospectively w.e.f. 23rd March, 1990.

[4]Substituted for the words "or an educational institution exempted by Government" by the Land Reforms (Amendment) Act, 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.2.

[5]The word "and" deleted by the Land Reforms Regulation (Punjab Amendment) Ordinance, 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.2.

(12) "subsistence holding" means an area of thirty-two acres of land in the Province of Baluchistan, sixteen acres of land in the Province of Sind, and half a square or half a rectangle or twelve and half acres of land, whichever is more, elsewhere:

Provided that for the purposes of paragraphs 22 and 24, a "subsistence holding" shall mean such holding comprising an area or areas within one estate or *mauza* or *deh* [6][; and]

[7][(13) "tenant' means a person who holds land under another person, and is, or but for a special contact, would be, liable to pay rent for that land to that other person and includes the predecessors and successors-in-interest of such person, but does not include–

(a) a mortgagee of the rights of a land-owner; or

(b) a person holding any land under the Federal Government or a Provincial Government, or under any statutory authority or corporation set up by any such Government as may be notified by it in this behalf; or

(c) a person to whom a holding has been transferred, or an estate or holding has been let in farm, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear; or

(d) a lessee, whether cultivating the land himself or through another person.]

3. Regulation to override other laws, etc.– The provisions of this Regulation, and any rule or order made thereunder, shall have effect notwithstanding anything to the contrary in any other law, or in any order or decree of a Court or Tribunal or other authority, or in any rule of custom or usage, or in any contract, instrument, deed or other document.

PART II
CONSTITUTION AND POWERS OF LAND COMMISSIONS

4. Constitution of Land Commissions and their powers.– (1) For carrying out the purposes of this Regulation, there shall be constituted for each Province a Commission to be known as the Land Commission of the Province concerned, consisting of the [8][Chief Minister] of that Province, who shall be its chairman, and not more than three members, to be appointed by the [9][Chief Minister.]

(2) The Commission for the Province of the Punjab shall also be the Commission for the Islamabad Capital Territory.

(3) A Commission of a Province shall have all the powers necessary for the implementation of this Regulation within the Province.

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[6]Substituted *ibid* for the full-stop.

[7]Added *ibid.*

[8]Substituted for the word "Governor" by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.3.

[9]Substituted ibid.

(4) A Commission may nominate one of its members to be the Chief Land Commissioner, who shall, subject to such directions as may from time to time be given by the Commission, be responsible for the implementation of this Regulation.

(5) Each Commission may set up organizations and appoint officers, authorities and persons, and confer powers on, and assign duties to, them.

(6) Where any dispute arises in carrying into effect the provisions of this Regulation, it shall be referred to the Commission for the Province within which such dispute arises, and the decision of the Commission thereon shall be final.

(7) Where any dispute or difference arises between two or more Commissions with respect to any provision of, or any matter connected with, this Regulation, it shall be referred to the [10][Federal Government], whose decision thereon shall be final.

(8) Where any matter is not provided for in this Regulation or any difficulty arises in giving effect to the purposes of this Regulation, a Commission may, with the approval or on the direction of, the [11][Federal Government], make such provisions in respect thereof as it thinks fit, or as may be directed by the [12][Federal Government], and such order shall be deemed to form a part of this Regulation and have effect accordingly.

[13]**[4A. Constitution of Federal Land Commission, etc.–** (1) For the purposes of this Regulation, there shall be constituted a Commission to be known as the Federal Land Commission, consisting of a Federal Minister nominated by the Federal Government, who shall be its Chairman, and not more than three members to be appointed by the Federal Government.

(2) The Federal Land Commission shall exercise and perform all such powers and functions as may be necessary for the implementation of this Regulation throughout the area to which it extends and shall, in particular,–

(i) assist the Federal Government in deciding any dispute or difference referred to in sub-paragraph (7) of paragraph 4 and in giving any approval or direction under sub-paragraph (8) of that paragraph;

(ii) assist the Federal Government in the exercise of its revisional powers under paragraph 29;

(iii) co-ordinate the work of the different Commissions to ensure that a uniform policy is followed in all the Provinces in implementing the provisions of this Regulation; and

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[10]Substituted for the word "President" by the Land Reforms (Amendment) Act, 1973 (Federal Act LXII of 1973); and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.2 (w.e.f. 11.3.1972).

[11]Substituted *Ibid.*

[12]Substituted *ibid.*

[13]Added *ibid., s.3.*Section 11 of the Land Reforms (Amendment) Act, 1973 (Federal Act LXII of 1973) ; and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.2 (w.e.f. 11.3.1972), provides as under:

"**11. Validation.**- The Federal Land Commission in existence at the commencement of this Act shall be deemed to have been constituted under the Land Reforms Regulation, 1972 and every thing done, action taken or order passed by the Federal Land Commission shall be deemed to have been validly done, taken or passed, as if this Act were in force on the day on which the Federal Land Commission was constituted or such thing, action or order was done, taken or passed."

(iv) lay down general guidelines to be observed by the Commissions in carrying out their duties and functions under this Regulation and issue from time to time such instructions as may be considered necessary.

(3) The Federal Land Commission may make rules to regulate its procedure and appoint its own officers and servants and confer powers upon, and assign duties to, them.

(4) The Federal Land Commission may direct that the powers exercisable by it under this paragraph may, subject to such conditions, if any, as may be specified by it, be exercised also by any of its members or officers empowered by it in this behalf.]

5. Delegation of powers.– A Commission may, by notification in the official Gazette, direct that the powers exercisable by it under this Regulation may, subject to such conditions, including provisions as to appeal, revision or review, if any, as may be specified in the notification, be exercised also by any of its members or officers or authorities subordinate to it:

Provided that a Commission shall not delegate its powers under sub–paragraph (2) of paragraph 7 to an officer below the rank of a Commissioner of a Division.

6. Power to make rules.– A Commission may make rules for carrying out the purposes of this Regulation, including rules on matters relating to or connected with the presentation, hearing and determination of appeals from, and applications for the revision and review of, orders made under this Regulation.

PART III
RESTRICTIONS ON OWNERSHIP AND POSSESSION OF LAND

[14]**7. Certain transfers void.–** (1) Save as otherwise provided in this Regulation–

(a) the transfer of any land, and the creation of any right or interest in or encumbrance on any land, made in any manner whatsoever in respect of any area, on or after the twentieth day of December, 1971, by any person holding immediately before that date an area of more than one hundred and fifty acres of irrigated land or three hundred acres of unirrigated land or an area equivalent to fifteen thousand units (calculated on the basis of classification of soil as entered in the Revenue Records for Kharif 1969 and Rabi 1969-1970), whichever shall be greater, shall be and shall be deemed always to have been void, and the land so transferred or encumbered shall be deemed to have been owned or possessed, as the case may be, by the person by whom it was owned or possessed immediately before that date:

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[14]By order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Qazalbash Waqf case reported in PLD 1990 SC 99, the whole of paragraphs 7, 8, 9, 10, 13 and 14 of the Regulation and consequentially paragraph 18 of the Regulation were held repugnant to the Injunctions of Islam and they ceased to have effect prospectively w.e.f. 23rd March, 1990. The interpretation of the relevant provisions of Chapter 3A of the Constitution of the Islamic Republic of Pakistan, 1973 is contained in the judgment of the Supreme Court of Pakistan reported in PLD 1988 SC 287. The effect of self-executory provisions of the Land Reforms law is explained in the judgments of the Supreme Court of Pakistan reported in PLD 1989 SC 550 and PLD 1998 SC 132.

Provided that in the case of a person to whom the provisions of sub-paragraph (2) of paragraph 8 apply, no such transfer or creation of any right or interest or encumbrance shall be void unless he was holding on the said date an area more than [15][fourteen thousand produce index units];

(b) save in cases where the Commission is satisfied that it was a bona fide transaction, the transfer of any land and the creation of any right or interest in or encumbrance on any land, made in any manner whatsoever, by any person holding [16][at any time during the period from the first day of March, 1967, to the nineteenth day of December, 1971 (both days inclusive] an area equivalent to more than [17][twelve thousand produce index units] (calculated on the basis of classification of soil as entered in the Revenue Records for Kharif 1966 and Rabi 1966–67), shall be and shall be deemed always to have been void, and the land so transferred or the land on which the right, interest or encumbrance was so created shall be, and shall be deemed always to have been, owned or possessed, as the case may be, by the person by whom it was owned or possessed immediately before that date:

[18][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

(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;]

Explanation I.– For the purposes of this sub-paragraph and paragraph 10, an heir shall mean the owner's wife or wives, sons, daughters, father, mother and sons and daughters of a deceased son or daughter.

[19]**[Explanation II.–** * * * * * * * * * *]

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[15]Substituted for the words "eighteen thousand produce index units" by the Land Reforms (Limits on Individual Holdings) Order, 1972; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[16]Substituted for the words, comma and figure "on first March, 1967" by Martial Law Regulation No. 121

[17]Substituted for the words "fifteen thousand produce index units" by the Land Reforms (Limits on Individual Holdings) Order, 1972; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[18]Substituted by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.2.

[19]Deleted by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.2.

Explanation III.– In determining whether a transaction referred to in clause (b) of paragraph (1) was bona fide or otherwise, the Commission shall, among other matters, take into consideration the following factors:–

(i) whether adequate consideration has been paid by or on behalf of the person in whose favour the transfer has been made or any right, interest or encumbrance has been created;

(ii) under whose management the land has remained which is claimed to have been transferred or in respect of which any right, interest or encumbrance has been created;

(iii) who has been paying the land revenue and other charges in respect of such land;

(iv) who has been receiving the rent for or batai share from such land.

(2) If any question arises whether any transfer or other transaction is or is not void under sub-paragraph (1), the decision of the Commission thereon shall, subject to the provisions of paragraph 29, be final.

(3) Nothing in sub-paragraph (1) shall apply to any transfer of land or the creation of any interest or right or encumbrance on any land made by a person who held on twentieth December 1971, land in excess of the permissible limits under paragraph 8, after he has surrendered to Government, in accordance with the provisions of this Regulation, the land in excess of such limits

[20]**8. Limits on individual holdings.–** (1) Save as otherwise provided in this Regulation, no person shall, at any time, own or in any capacity possess land in excess of one hundred and fifty acres of irrigated land or three hundred acres of unirrigated land, or irrigated and unirrigated land the aggregate area of which exceeds one hundred and fifty acres of irrigated land (one acre of irrigated land being reckoned as equivalent to two acres of unirrigated land), or an area equivalent to [21][twelve thousand produce index units] of land, whichever shall be greater.

(2) Notwithstanding the provisions of sub-paragraph (1), an owner may retain, out of the area of land he was holding immediately before the commencement of this Regulation, such additional area, if any, which would bring the total area retained by him to the equivalent of [22][fourteen thousand produce index units], if on the twentieth of December 1971,–

(i) he owned an agricultural tractor, certified to be in good working order by an officer authorized by the Commission in this behalf; or

(ii) there was installed on his land a tube-well, of not less than ten horse-power.

[23][(3) Any person, who at any time before the commencement of this Regulation but not earlier than the twenty-five day of December, 1971, became the

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[20]Footnote 14 explains the position.

[21]Substituted for the words “fifteen thousand produce index units” by the Land Reforms (Limits on Individual Holdings) Order, 1972; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[22]Substituted for the words “eighteen thousand produce index units” by the Land Reforms (Limits on Individual Holdings) Order, 1972; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[23]Added by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.3.

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 area 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.

[24]**9. Share in Shamilat.–** (1) A person owning or possessing a share in shamilat shall not be entitled to own or possess any such share if, after surrender of any land under this Regulation, he owns or possesses outside that shamilat, the maximum permissible area of land under paragraph 8.

(2) In case the area owned or possessed by such person, outside the shamilat, after surrender of any land under this Regulation, is less than the maximum area of land that can be owned or possessed under paragraph 8, he shall be entitled to so much share in the shamilat as, together with the other area owned or possessed by him, does not exceed such maximum area.]

[25]**10. Acquisition of land by Government servants.–** (1) No person who is or has been in the [26][civil service] of Pakistan and has at any time between the first January, 1959, and two years of his ceasing to be in [27][civil service], acquired any land or any right or interest therein, by any means whatever, either in his own name or in the name of any of his heirs or any other person, shall own or possess any land exceeding one hundred acres:

Provided that subject to the other provisions of this Regulation, any such person may, in addition to one hundred acres of land, own or possess any land which has devolved on him by inheritance or any other land, not exceeding the area of the land so inherited, which has been acquired by him, in lieu of the land so inherited, whether by exchange or sale, either in his own name or in the name of any other person.

[28]**[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 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

[24]Footnote 14 explains the position.

[25]Footnote 14 explains the position.

[26]Substituted for the word "Service" by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.4.

[27]Substituted i*bid.*

[28]Added *ibid.*

Federal or a Provincial Public Service Commission, but does not include service as President, Governor, Minister, Minister of State, or as a Speaker, Deputy Speaker or other Member of the National or a Provincial Assembly.]

(2) Where any person [29][to whom the provisions of sub-paragraph (1) apply] has, within the period specified therein, transferred in favour of any of his heirs or has acquired in the name of any of them any land, and such land continues to be owned or possessed by his heirs, he shall for the purposes of that sub-paragraph be deemed to be the owner of such land.

(3) Nothing in this paragraph shall apply to a person who is serving or has retired as a member of [30][the Military, Naval, or Air Forces] of Pakistan.

11. Choice and exchange of areas.– (1) If a person owns or possesses an area of land exceeding the area permitted under this Part, he shall select out of his holding the area which he is entitled to retain, and, in doing so, shall, as far as possible, select compact blocks of not less than the size of an economic holding.

(2) If a person owns or possesses an area of land exceeding the area permitted under this Part, he may be allowed to interchange the whole or any part of such area with an area owned or possessed by any member of his family, for the purposes of consolidation on the basis of equality of the produce index value of the area proposed to be interchanged.

[31][**Explanation.–** For the purpose of this sub-paragraph 'family' shall mean husband, wife, parents, children, brothers and sisters.]

PART IV
OBTAINING OF DECLARATIONS AND VESTING OF EXCESS LAND IN GOVERNMENT

12. Declarations.– (1) A Commission may, by order published in the official Gazette, direct the following classes of persons to submit to such authority, in such manner and form and by such date, as may be specified in the order, the following declarations:–

(a) declarations by persons who on first March, 1967, owned or possessed land in excess of an area equivalent to [32][twelve thousand produce index units] calculated on the basis of classification of soil as entered in the revenue records for Kharif 1966 and Rabi 1966-67;

(b) declarations by persons who on twentieth December, 1971, owned or possessed an area in excess of [33][twelve thousand produce index units] calculated on the basis of classification of soil as entered in the

[29]Substituted i*bid* for the words "as is referred to in sub-paragraph (1)".

[30]Substituted for the words "any of the Defence Services" by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.4.

[31]Substituted by the Land Reforms (Amendment) Act, 1973 (Federal Act LXII of 1973); and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.4.

[32]Substituted for the words "fifteen thousand produce index units" by the Land Reforms (Limits on Individual Holdings) Order, 1972 ; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[33]Substituted *ibid*.

revenue records for Kharif 1969 and Rabi 1969-70, or irrigated land in excess of one hundred and fifty acres, whichever shall be greater;

[34][(bb) declarations by persons who at any time during the period intervening between first March, 1967, and twentieth December, 1971, owned or possessed an area of land in excess of [35][twelve thousand produce index units] calculated on the basis of soil classification as entered in the revenue records for Kharif 1966 and Rabi 1966-67, but did not own or possess an area of land in excess of such limits on first March, 1967, or twentieth December, 1971;]

(c) declarations by persons who have been granted land under the West Pakistan Border Area Regulation, 1959 (Regulation 9 of Zone B) and have exchanged the whole or any part of such land with any other land;

(d) declarations by persons in the [36][civil service] of Pakistan and other persons to whom the provisions of paragraph 10 apply, who own or possess land in excess of the permissible limits laid down in the said para-graph;

(e) declarations by persons who were allowed to retain or were granted lease of any stud or live-stock farms under the repealed Regulation;

[37][(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;]

(f) such other declarations as may be required by the Commission.

(2) Where a person who is required to make a declaration under this paragraph owns or possesses land in more than one Province, he shall make the declaration to the Commission for the Province where he permanently resides, and the said Commission shall have the authority to call for any information concerning the said declaration from any other Province where the declarant owns or possesses land, and to pass orders thereon.

[38]**13. Vesting in Government of excess land.–** (1) Land in excess of the area permissible for retention under Part III shall vest absolutely in Government free from any encumbrance or charge and without payment of any compensation.

(2) Any encumbrance or charge existing on land surrendered by a person, which vests in Government under sub-paragraph (1), shall be deemed to have been transferred to the land retained by such person under Part III.

[39][(3) Where any person is in possession of, or is holding, land in excess of the area permissible for retention under Part III, so much of such excess land as is in

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[34]Inserted by Martial Law Regulation No. 121.

[35]Substituted for the words “fifteen thousand produce index units” by the Land Reforms (Limits on Individual Holdings) Order, 1972; and published in the Gazette of Pakistan (Extraordinary), dated 26.4.1972, s.3

[36]Substituted for the word “Service” by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.5.

[37]Inserted by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.3.

[38]Footnote 14 explains the position.

his possession as a lessee or mortgagee or is held by him as the landlord of an occupancy tenant or a Muqarraridar or as an Ala Malik shall not vest in Government but shall, subject to the other provisions of this Regulation, revert to the lessor, mortgagor, occupancy tenant, Muqarraridar or Adna Malik, as the case may be, and shall be deemed to have so reverted at the commencement of this Regulation.]

[40]**14. Resumption in case of exchange of land allotted in the border areas.–** Where any person to whom any land has been granted under the West Pakistan Border Area Regulation, 1959 (Regulation 9 of Zone B), has exchanged the said land with any other land outside the "border area", as defined in the said Regulation, the land so obtained in exchange by such person shall vest absolutely in Government free from any encumbrance or charge, and without payment of any compensation.

[41]**15. Stud and live-stock farms.–** (1) All areas under stud or live-stock farms, whether state land or otherwise, allowed to be retained under the provisions of paragraph 9 of the repealed Regulation shall [42][, 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] be resumed and vest in Government free from any encumbrance or charge whatsoever:

Provided that where any compensation in respect of any such farm has already been calculated and sanctioned under the provisions of paragraph 17 of the repealed Regulation, the said compensation shall be payable to the owners of the said farms.

[43]**16. Shikargahs.–** All areas under shikargahs in the possession or under the management of any person shall be resumed and vest in Government free from any encumbrance or charge whatsoever, and without payment of any compensation.

[44]**17. Religious, charitable and educational societies, institutions and trusts.–** The provisions of paragraph 8 shall apply to every religious, charitable or educational society or institution and to every trust or wakf, whether public or private:

Provided that nothing in this Part shall apply to–

(i) universities established by law;

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[39]Substituted by the land Reforms (Amendment) Act, 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.3. Earlier added by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.5.

[40]Footnote 14 explains the position.

[41]By Order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Qazalbash Waqf case reported in PLD 1990 SC 99, it was held that paragraphs 15, 16, 19 and 20 of the Regulation in so far as they ignore the rights and obligations, the terms and conditions of the grant license or lease, as the case may be, in resuming the stud and live-stock farms, shikargahs and orchards and dealing further with them under paragraphs 19 and 20 thereof were repugnant to the Injunction of Islam.

[42]Inserted by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.3.

[43]Footnote 42 explains the position.

[44]By order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Qazalbash Waqf case reported in PLD 1990 SC 99, it was held that paragraph 17 of the Regulation in so far as it relates to Wakf and all other institutions which can validly fall within the definition of Islamic Wakf and consequential to that extent paragraph 21 also were repugnant to the Injunctions of Islam.

(ii) educational institutions, exempted by Government from the operation of this Regulation.

PART V
UTILIZATION OF SURRENDERED AND RESUMED LAND

18. Grant of land to tenants.– (1) Land which vests in Government under the provisions of paragraph 13 or paragraph 14 shall, subject to the other provisions of this paragraph, be granted free of charge to the tenants who are shown in the Revenue Records to be in cultivating possession of it in [45][Kharif 1971 and Rabi 1971-72] [46][or, in the case of land vesting in Government on the basis of a declaration made pursuant to clause (ee) of sub-paragraph (1) 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] [47][:]

[48][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.]

(2) Where a tenant who is entitled to the grant of land under sub-paragraph (1) already owns any land, he shall be granted only so much land under the said sub-paragraph which together with the land already owned by him equals an area of a subsistence holding.

(3) Where any land is not shown in the Revenue Records to be in cultivating possession of any tenant, during [49][Kharif 1971 and Rabi 1971-72], it shall be granted to such tenant or other persons, owning less than a subsistence holding, and on such terms and conditions, as the Government may determine [50][:]

[51][Provided that Government may utilize any such land for such public purpose as it may deem fit.]

(4) Nothing in this paragraph shall apply to orchards [52][or to any state land, granted on instalments where any instalment in respect of such land remains unpaid.]

[53]**19. Utilization of land under orchards, studs or live-stock farms.–** Land under orchards, studs or live-stock farms which is resumed and vests in Government under

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[45]Substituted by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.7.

[46]Added by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.4.

[47]Substituted *ibid., for the full-stop.*

[48]Added *ibid.*

[49]Substituted by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.7.

[50]Substituted for the full-stop, by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.4.

[51]Added *ibid.*

[52]Inserted by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.7.

[53]Footnote 42 explains the position.

the provisions of paragraph 15 may be utilized by Government in such manner as it deems fit:

Provided that if in the public interest Government decides to lease out any such land, the person from whom it was resumed shall have the right of first option to the grant of lease [54][of the land resumed from him or of such portion thereof as the Government may determine:]

[55][Provided further that if, in the opinion of Government, the performance of such person before the resumption of such land was not satisfactory, the Government may not grant lease of such land or any portion thereof to such person and may lease it out to any other person; and the decision of the Government in this behalf shall be final.]

[56]**20. Utilization of land under resumed shikargahs.–** Land under shikargahs resumed under paragraph 16 shall be utilized in such manner as the Government may determine.

[57]**21. Utilization of land resumed from religious, charitable and educational societies.–** Land resumed under the provisions of paragraph 17 shall be utilized in such manner as may be prescribed:

Provided that if in the public interest Government decides to lease out any such land, the person from whom it is resumed shall have the right of first option to the grant of the lease [58][of the land resumed from him or of such portion thereof as the Government may determine.]

PART VI
IMPARTIBILITY AND RESTRICTIONS ON ALIENATION OF HOLDINGS

[59]**22. Restrictions on partition of joint holdings.–** (1) [60][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

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[54]Added by the Land Reforms (Amendment) Act, 1973 (Federal Act LXII of 1973); and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.5. Earlier the words and commas "of the whole of such part of, or area from, such land, as Government may deem fit:" were added in this proviso by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.8.

[55]Added by the Land Reforms (Amendment) Order, 1984 (P.O.6 of 1984), Article 3 of which provides as under:

"**3. Bar of jurisdiction.–** A decision of the Government under second proviso to paragraph 19 of the Land Reforms Regulation, 1972, as amended by this Order, shall not be called in question before any court, including the Supreme Court and a High Court, on any ground whatsoever."

[56]Footnote 42 explains the position.

[57]Footnote 45 explains the position.

[58]Added by the Land Reforms (Amendment) Act 1973 (Federal Act LXII of 1973); and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.6. Earlier the words and commas "of the whole or such part of, or area from, such land, as Government may deem fit." were added in this proviso by the Land Reforms (Punjab Amendment) Act, 1973 (XI of 1973; and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.9.

[59]By Order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Haji Muhammad Anwar's case reported in 1994 SCMR 899, the provision of paragraphs 22, 23 and 24 of the Regulation were held repugnant to the Injunction of Islam and they ceased to have effect on 28th February, 1994.

[60]Substituted by the Land Reforms (Punjab Amendment) Act 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.10.

individually or jointly, a holding with an area not less than that of a subsistence holding.]

(2) A joint holding larger than a subsistence holding but smaller than an economic holding shall not be partitioned, if partition has the effect of dividing the holding into such parts that any one part added to the area already owned or possessed by the individual co–sharer to whom that part would go becomes less than the area of a subsistence holding.

[61][(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.]

(4) A joint holding with an area greater than that of an economic holding shall not be partitioned in such a way as to leave no individual holding taken together with the area which the owner may already possess equal to an economic holding, or to leave the individual holding of any one of the joint owners less than the area of a subsistence holding.

(5) Partition of land in contravention of the provisions of this paragraph shall be void.

[62][(6) Nothing in this paragraph shall apply to–

(a) holdings which are jointly owned by evacuees and non–evacuees and are required to be partitioned in accordance with the procedure prescribed under any Rehabilitation or Settlement Scheme;

(b) holdings which are jointly owned by owners of land and occupancy tenants or Muqarraridars required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force;

(c) small strips of land bona fide required for the purpose of building thereon;

(d) joint khatas when the entire area of a village or deh is redistributed amongst various land owners as a result of consolidation of holdings; or

(e) a joint holding required to be partitioned for the purpose of separating the land resumed by Government under any of the Land Reforms Laws from the land not so resumed.]

[63]**23. Management of impartible joint holdings.–** (1) A joint holding the partition of which is not permissible under paragraph 22 shall continue to be managed as a single unit.

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[61]Substituted by the Land Reforms (Punjab Amendment) Act 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.10.

[62]Substituted by the Land Reforms Regulation (Punjab Amendment) Ordinance 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.3 (w.e.f. 15.3.1978). Earlier substituted by the Land Reforms (Amendment) Act 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.4, however, the same have ceased to be in forced by the Ordinance V of 1982.

[63]Footnote 60 explains the position.

(2) In the event of a dispute regarding the management of any such joint holding as aforesaid,–

(a) the co-sharers may select one of themselves by drawing of lots or otherwise, who will manage, on their behalf, the holding, and from whom they will receive their shares of the income; or

(b) if the co-sharers cannot so select, they may request the Collector of the District in which such holding is situated to nominate one of the co-sharers to manage as aforesaid.

(3) If in the opinion of the Commission, no arrangement for joint management between the co-sharers is possible, the Commission may acquire the holding on payment of such compensation as may be determined in the prescribed manner.

Explanation.– If a co-sharer is for the time being a minor or lunatic, his guardian shall be treated as a co-sharer for the purpose of this paragraph.

[64]**24. Restrictions on alienation of holdings.–** (1) No person owning more than the area of an economic holding shall be allowed to alienate by sale, mortgage, gift or otherwise any portion of his holding which may reduce the size of his holding to an area below the limit of an economic holding:

Provided that such a person may alienate his entire holding.

(2) No person owning an economic holding should be allowed to alienate by sale, mortgage, gift or otherwise any portion of his holding:

Provided that such a person may alienate his entire holding.

(3) No person owning more than the area of a subsistence holding but less than an economic holding shall be allowed to alienate by sale, mortgage, gift or otherwise any portion of his holding which may reduce the size of his holding to an area less than the area of subsistence holding:

Provided that such a person may alienate his entire holding.

(4) No person owning an area equal to or less than a subsistence holding shall be allowed to alienate by sale, mortgage, gift or otherwise any part of his holding:

[65][Provided that he may alienate the entire holding or, in the case of a holding which is less than a subsistence holding, he may alienate any part of his holding by way of gift to any of his presumptive heirs or exchange with, or mortgage or otherwise alienate to, other owners or landless tenants of the same village, D*eh* or M*auza*.]

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[64]Footnote 60 explains the position.

[65]Substituted by the Land Reforms Regulation (Punjab Amendment) Ordinance 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.4 (w.e.f. 15.3.1978). Earlier substituted by the Land Reforms (Amendment) Act 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.4, however, the same have ceased to be in forced by the Ordinance V of 1982.

(5) Any alienation made in contravention of the provisions of this paragraph shall be void [66][to the extent by which the economic holding or, as the case may be, subsistence holding is reduced.]

[67][(6) Nothing in this paragraph shall apply to–

(a) land, whether cultivable or otherwise, which is bona fide required for the purpose of building thereon and any tenant in possession of such land who refuses to quit after notice, may be evicted under the orders of the Deputy Commissioner;

(b) mortgage of land, without possession, in favour of Government or an institution owned, managed or controlled by Government;

(c) the holder of a pre-emption decree in respect of an area less than a subsistence holding;

(d) any land, or part of any land situated within the jurisdiction of a Municipality, a Cantonment Board or an Improvement Trust and included in a House Building Scheme prepared or approved by such body; or

(d) the alienation of land in the Districts of Attock, Rawalpindi and Jhelum in favour of a person certified by the Deputy Commissioner concerned to have been displaced from Hazara District or Mardan District in consequence of the construction of Tarbela Dam.]

PART VII
TENANTS

25. Rights of tenants.– [68][(1) [69][Subject to the other provisions of this Regulation], a tenant shall not be ejected from his tenancy unless it is established in a revenue court that he has–

(a) failed to pay the rent in accordance with the terms of his tenancy; or

(b) used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it; or

(c) failed to cultivate or arrange for the cultivation of the land comprised in the tenancy in accordance with the terms thereof, or if there are no express terms in this behalf, in accordance with the customary manner of cultivation in the locality; or

(d) sub-let his tenancy.]

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[66]Added by the Land Reforms Regulation (Punjab Amendment) Ordinance 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.4 (w.e.f. 15.3.1978). Earlier substituted by the Land Reforms (Amendment) Act 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.4, however, the same have ceased to be in forced by the Ordinance V of 1982.

[67]Substituted *ibid.*

[68]By Order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Qazalbash Waqf case reported in PLD 1990 SC 99, it was held that paragraph 25(1) of the Regulation in so far as it does not give sanctity to the grounds of ejectment available in a valid contract between the landlord and the tenant, entered into in accordance with the Injunction of Islam, was repugnant to the Injunction of Islam.

[69]Substituted for the letter 'A' by the Land Reforms Regulation (Punjab Amendment) Ordinance 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.4 (w.e.f. 15.3.1978). Earlier substituted by the Land Reforms (Amendment) Act 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.4, however, the same have ceased to be in forced by the Ordinance V of 1982.

(2) The crop grown at any time during Rabi 1971–72 on any land comprised in a tenancy shall, on its maturing, be apportioned between the tenant and the land-lord in accordance with the law for the time being in force.

(3) As from Kharif 1972–

(a) land revenue and other taxes, cesses, surcharge and levies on land shall be payable by the owner;

(b) the liability for payment of water-rate, and providing seed for any land shall be that of the owner or other person in possession thereof, other than the tenant;

(c) the cost of fertilizers and pesticides required for the land comprised in a tenancy shall be shared equally between the owner and the tenant;

[70][(d) subject to the other provisions of this Regulation, a tenant shall have the first right of pre-emption in respect of the land comprised in his tenancy.]

(4) No owner or person in possession of any land shall levy any cess on, or take any free labour from, any of his tenants.

[71][[72][(5)All suits for enforcing the right of pre-emption in respect of land comprised in a tenancy shall be exclusively entertained, heard and decided by the Collector within whose jurisdiction the land in respect of which the right of pre-emption has been claimed is situated.

(6) Any person aggrieved by an order passed by a Collector under the preceding sub-paragraph may, within thirty days of such order, prefer an appeal to Commissioner.]

(7) The Board of Revenue may at any time, of its own motion or otherwise call for the record of any case or proceedings under this paragraph which is pending or in which a Collector or Commissioner has passed an order, for the purpose of satisfying itself as to the correctness, legality or propriety of such proceedings or order, and may pass such order in relation thereto as it thinks fit:

Provided 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 proceedings in which a Collector or Commissioner has passed an order shall not be called for under this sub-paragraph on the application of any aggrieved person made after the expiration of thirty days from the date of such order.

(8) For the purposes of this paragraph a Collector, a Commissioner and the Board of Revenue shall be deemed to be a Civil Court and shall have all powers

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[70]By judgment / Order of the Shariat Appellate Bench of the Supreme Court of Pakistan in Said Kamal's case reported in PLD 1986 SC 360, the provisions of paragraph 25(3)(d) of the Regulation were held repugnant to the Injunctions of Islam and they ceased to have effect on 31.7.1986.

[71]Added by the Land Reforms Regulation (Punjab Amendment) Ordinance 1982 (V of 1982); and published in the Punjab Gazette (Extraordinary), dated 26.4.1982, s.4 (w.e.f. 15.3.1978). Earlier substituted by the Land Reforms (Amendment) Act 1976 (Federal Act XLVIII of 1976); and published in the Gazette of Pakistan (Extraordinary), dated 19.7.1976, pages 415-419, s.4, however, the same have ceased to be in forced by the Ordinance V of 1982.

[72]Footnote 70 explains the position.

of a Civil Court under any law for the time being in force and the final order passed in such suits shall be deemed to be a decree of a Civil Court and shall be executed as such.

(9) In computing the limitation provided for in sub-paragraph (6) or sub-paragraph (7), the provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908) shall apply.

Explanation.– In this paragraph, "Collector", "Commissioner" and "Board of Revenue" have the meaning assigned to them in the Punjab Land Revenue Act, 1967 (West Pakistan Act XVII of 1967).]

PART VIII
MISCELLANEOUS

26. Bar of jurisdiction.– (1) No provision of this Regulation or of any rules or orders made thereunder shall be called in question in any court, including the High Court and the Supreme Court, or before any authority other than an authority appointed under this Regulation, and no such court or authority shall have jurisdiction in respect of any matter which the Commission is empowered to determine.

(2) No such court or authority as aforesaid shall be competent to grant any injunction or other order in relation to any proceeding before the Commissions or before any officer exercising any power or discharging any function under this Regulation or the rules or orders made thereunder, or in relation to anything done or intended to be done by or at the instance of the Commission or such officer.

27. Indemnity.– No suit or other legal proceedings shall lie against Government or against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

28. Grantees of land under the repealed Regulation not to pay instalments.– A grantee of land under the repealed Regulation shall be discharged from all liability in respect of any instalments payable by him under paragraph 19 of the said Regulation.

[73]**[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.]

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[73]Added by the Land Reforms (Punjab Amendment) Act 1973 (XI of 1973); and published in the Punjab Gazette (Extraordinary), dated 215.1973, pages 757-D to 757-I, s.11.

PART IX
REVISION, PUNISHMENT AND PROCEDURE

[74]**[29. Revisional powers of the Federal Government.–** The Federal Government, or any person authorized 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 proceedings under this Regulation [75][or under the repealed Regulation] which is pending or in which a Commission or any other authority appointed under this Regulation [76][or under the repealed Regulation], other than the Federal Land Commission constituted under paragraph 4-A,] has passed an order, for the purpose of satisfying itself or himself about the correctness, legality or propriety of such 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 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 proceedings in which a Commission or other authority has passed an order shall not be called for under this paragraph by the Federal Government or the person authorized by it–

(a) of its or his own motion, after the [77][30th day of November, 1976] 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, whichever is later, excluding the time requisite for obtaining a copy of such order.]

[78][**29A .Additional powers of the President.**- (1) If it shall appear to the President necessary or expedient in the public interest so to do, he may make an Order, to be notified in the official Gazette–

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[74]1Substituted by the Land Reforms (Amendment) Act, 1973 (Federal Act LXII of 1973); and published in the Gazette of Pakistan (Extraordinary), dated 13.8.1973, pages589-592, s.7 (w.e.f. 11.3.1972).

2Section 2 of the Land Reforms Regulation (Validation of Orders) Ordinance, 1978 (Federal Ordinance XXIX of 1978); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 25.6.1978, provides as under:

"2. Validation.- Notwithstanding any order or decision of any Court, any order passed by the Chairman or by a Member of the Federal Land Commission at any time before the commencement of this Ordinance and purporting to be in exercise of the authority conferred on the Chairman and Members of the Commission by an order of the Federal Government under paragraph 29 of the Land Reforms Regulation, 1972, shall be deemed to have been validly passed and shall have, and shall be deemed always to have had, effect accordingly."

[75]Inserted by the Land Reforms (Amendment) Act, 1975 (Federal Act XXXIX of 1975); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 18.4.1975, s.2

[76]Inserted *ibid.*

[77]Substituted for the words and figures "30th day of September, 1976" by the Land Reforms (Second Amendment) Act 1976 (Federal Act LXXIV of 1976); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 8.12.1972, s.2. Earlier substituted for the words and figures "31st day of March 1975" by the Land Reforms (Amendment) Act, 1975 (Federal Act XXXIX of 1975); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 18.4.1975, s.3. Earlier substituted for the words and figures "14th day of August, 1974" by the Land Reforms (Amendment) Act, 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.3.

[78]Added by Martial Law Regulation No. 128.

(a) reducing the area of land permitted to be possessed or owned under paragraph 8, so however that–

(i) such area shall in no case be equivalent to less than twelve thousand produce index units, or less than one hundred and fifty acres of irrigated land, or three hundred acres of unirrigated land, or irrigated and unirrigated land the aggregate area of which is less than one hundred and fifty acres of irrigated land (one acre of irrigated land being equivalent to two acres of unirrigated land);

(ii) such area in the case of a person to whom the provisions of clause (2) of paragraph 8 apply shall in no case be equivalent to less than fourteen thousand produce index units;

(b) making such omissions from, addition to, modifications of or amendments to this Regulation, as may be necessary in consequence of such Order.

(2) When any Order is made by the President under clause (1), the Provincial Commissions shall prescribe the form in which declarations may be filed by persons owning land in excess of the area permitted by the said Order, and shall specify the period within which such declaration may be filed:

Provided that no such declaration shall he required from a person who has previously submitted a declaration under sub-clause (a) of clause (1) of paragraph 12.

(3) No Order shall be made under clause (1) of this Article after the thirty-first day of October, 1972.]

30. Offences and penalties.– Whoever contravenes or fails to comply with any of the provisions of this Regulation or the rules or orders made thereunder, or fails to make any declaration or furnish any information required by such provisions, or willfully furnishes incomplete or false declaration or information, or tampers with any record relevant to the purposes of such provisions, or obstructs any person in the discharge of his duties or functions under such provisions shall be punished with rigorous imprisonment which may extend to seven years, and where a person has been convicted under this paragraph of willfully making or furnishing a false declaration, the court convicting him may order that all or any immovable property of such person be forfeited to Government.

31. Cognizance of offences.– No court shall take cognizance of an offence under this Regulation except on a complaint in writing made by order of, or under authority from, the Commission.

32. Repeal and saving.– (1) The West Pakistan Land Reforms Regulation (Regulation 64 of 1959), hereinafter referred to as the said Regulation, is hereby repealed.

(2) Subject to the other provisions of this Regulation, the repeal of the said Regulation shall not affect–

(a) the previous operation of the said Regulation or the validity, invalidity, effect or consequences of anything already done or suffered thereunder;

(b) any right, title, privilege, obligation or liability, acquired, accrued or incurred thereunder; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the said Regulation; or

(d) any investigation, legal proceedings or remedy in respect of any such right, title, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment, may be imposed as if this Regulation had not been made.

(3) Any proceedings pending before an authority constituted or appointed under the said Regulation, immediately before the coming into force of this Regulation, shall stand transferred to such authority constituted or appointed under this Regulation as the Commission may, by order published in the official Gazette, specify in this behalf, and the authority to which such proceedings are transferred shall, in such proceedings, act in accordance with the provisions of the said Regulation, as if it had been appointed under the said Regulation.

[79][(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.]

[79]Added by the Land Reforms (Amendment) Act 1974 (Federal Act XXX of 1974); and published in the Gazette of Pakistan (Extraordinary), dated 30.4.1974, pages171-175, s.4.