

# THE PUNJAB LAND DISPOSITION (SAVING OF SHAMILAT) ORDINANCE, 1959

(I of 1959)

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**TEXT**

**<sup>1</sup>THE <sup>2</sup>[PUNJAB] LAND DISPOSITION (SAVING OF SHAMILAT)  
ORDINANCE, 1959**

**(I of 1959)**

*[27<sup>th</sup> January, 1959]*

**An  
Ordinance**

*to provide for a uniform interpretation of general expressions with regard to  
disposition of "Shamilat" lands in the Province of <sup>3</sup>[the Punjab].*

**Preamble.— WHEREAS** it is expedient to provide for a uniform interpretation of general expressions with regard to disposition of "Shamilat" lands in the Province of the <sup>4</sup>[the Punjab];

**NOW, THEREFORE,** in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

**1. Short title and extent.—** (1) This Ordinance may be called the <sup>5</sup>[Punjab] Land Dispositions (Saving of Shamilat) Ordinance, 1959.

<sup>6</sup>[(2) It extends to the whole of the Province of <sup>7</sup>[the Punjab], except the Tribal Areas.]

**2. Definition.—** In this Ordinance, unless there is anything repugnant in the subject or context, the expression "Shamilat" means land described as such in the Record of Rights, and the land so described, shall be deemed to be Shamilat, notwithstanding that the whole or a part of it is in the possession of one or more of the proprietors in the estate, or of any other person.

**3. Shamilat not included in disposition of land unless specifically mentioned as subject matter of the disposition.—** (1) Notwithstanding any law,

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<sup>1</sup>This Ordinance was promulgated by the Governor of West Pakistan on 23rd January, 1959; published in the West Pakistan Gazette (Extraordinary), dated 27th January, 1959, pages 455-456; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

<sup>2</sup>Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.19 (w.e.f. 14.8.1973)

<sup>3</sup>Substituted *ibid*

<sup>4</sup>Substituted *ibid*

<sup>5</sup>Substituted *ibid*

<sup>6</sup>Substituted by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (VII of 1964); and published in the Gazette of West Pakistan (Extraordinary), dated 10.6.1964, pages 1911-1920, see s.2 and Schedule, at serial No.18.

<sup>7</sup>Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.19 (w.e.f. 14.8.1973).

usage or custom to the contrary, in any disposition of land, whether testamentary or otherwise, effected by the maker by means of a writing or orally and whether made before or after the commencement of this Ordinance, words or phrases of a general nature, purporting to convey rights or interests, incidental, contingent, or collateral, to that land, shall not be so construed as to include therein the Shamilat or any portion thereof appurtenant to such land, unless such Shamilat or a portion thereof has been specifically mentioned as the subject matter of the disposition.

(2) This section shall not affect any decision of a competent court or authority given before the commencement of this Ordinance:—

- (a) if it is not open to review, appeal or revision or
- (b) if it is so open, no such proceedings have been taken, and the decision has consequently become conclusive between the parties.

**4. Repeal.**— The Punjab Land Dispositions (Saving of Shamilat) Act, 1951<sup>8</sup> is hereby repealed.

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<sup>8</sup>Pb. Act IV of 1951.