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SIND ACT NO XXI OF 1972.

THE LAND REFORMS REGULATION (SIND SECOND AMENDMENT) ACT, 1972.

[28TH December 1972]

An Act further to amend the Land Reforms Regulation, 1972.

Preamble.

WHEREAS it is expedient further to amend the Land Reforms Regulation , 1972 (MLR No. 115), for the purpose hereinafter appearing;

AND, WHEREAS, proviso to clause (3) of Article 280 of the Interim Constitution provides that no Bill to amend or to repeal the said Regulation shall be introduced or moved without the previous sanction of the President;

AND, WHREAS, the President has been please to accord the requisite sanction.

It is hereby enacted as follows :-

Short title, extent and commence-ment.

1. (1) This Act may be called the Land Reforms Regulation (Sind Second Amendment) Act, 1972.

(2) It extends to the Province of Sind.

(3) It shall come into force at once and shall be deemed to have taken effect on the 11th of March, 1972.

Amendment of paragraph 7 of M.L.R 115.

2. In the Land Reforms Regulation, 1972 (MLR 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 and shall be deemed always to have been so 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 or any land, by way of gift or otherwise, made by a person in favour of his heir; 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"; and

(b) Explanation **II** shall be omitted and shall be deemed always to have been so omitted.

Amendment of paragraph 8 of M.L.R 115.

3. In paragraph 8 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added and shall be deemed always to have been so added namely :-

"(3) Any person, who at any time before the commencement of this Regulation but not earlier than the twenty-first day of December, 1972, became the owner of an agricultural tractor certified as provided in clause (i) of sub-paragraph (2) or had installed on his land a tube-well 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 tube-well, shall, notwithstanding the provisions of sub-paragraph (1), be entitled, after becoming the owner of such tractor or having installed such a tube-well, to acquire, posses or own such additional area as would bring the total area possessed or owned by him to the equivalent of fourteen thousand index units :

Provided that 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. In paragraph10 of the regulation :- **Amendment of paragraph 10 of M.L.R 115.**

(a) in sub-paragraph (1)---

(i) for the word "Service", the words "civil service" shall be substituted and shall be deemed always to have been so substituted; and

(ii) the following shall be added at the end and shall be deemed always to have been so added, 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 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, 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 shall be deemed always to have been so substituted; and

(c) in sub-paragraph (3), for the words "any of the Defence Services", the words and comma "the Military, Naval or Air Force" shall be substituted and shall be deemed always to have been so substituted.

5. In paragraph 12 of the Regulation, in sub-paragraph (1), in clause (d), for the word "Service", the words "civil service" shall be substituted and shall be deemed always to have been so substituted. **Amendment of paragraph 12 of M.L.R 115.**

Amendment of paragraph 13 of M.L.R 115.

6. In paragraph 13 of the Regulation, after sub-paragraph (2), the following new sub-paragraph shall be added and shall be deemed always to have been so 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 in his possession as a lessee of 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."

Amendment of paragraph 18 of M.L.R 115.

7. In paragraph 18 of the Regulation---

(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 and shall be deemed always to have been so 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 shall be deemed always to have been so substituted, and

(c) in sub-paragraph (4), after the word "orchards", the words "or to any State land granted on installments where any installment where any installment in respect of such land remains unpaid" shall be added and shall be deemed always to have been so added.

Amendment of paragraph 19 and 21 of M.L.R. 115

8. In paragraphs 19 and 21 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 and shall be deemed always to have been so added.

Amendment of paragraph 22 of M.L.R 115

9. In paragraph 22 of the Regulation—

(a) for sub-paragraph (1), the following shall be substituted and shall be deemed always to have been so substituted namely:-

"(1) A joint holding with as area equal to or less

than that of a subsistence holding shall not be partitioned, except where the joint holding 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 and shall be deemed always to have been so 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 and shall be deemed always to have seen so substituted, namely:--

"(6) The provisions of this paragraph shall not apply to holding 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 or Muqarraridars required to be partitioned in accordance with the procedure prescribed by or under any law for the time being in force.".

Amendment of paragraph 23 of M.L.R 115.

10. In paragraph 23 of the Regulation, the following Explanation shall be added at the end and shall be deemed always to have been so added, namely:-

Explanation:- For the purpose of this paragraph, grantee of land' means—

(a) a tenant 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.".

11. The Land Reforms Regulation (Sind Amendment) Ordinance, 1972, is hereby repealed. **Repeal of Sind Ordinance XIV of 1972.**