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GOVERNMENT OF BALOCHISTAN
COLONIZATION DEPARTMENT.

NOTIFICATION.

Dated Quetta, the 1st December, 2000.

No. 490-8/86/Rev. Whereas circumstances exist which require thorough revision of Land Lease Policy for its synchronization with the main instruments of poverty alleviation and whereas, a planned and schematic utilization of state land coupled with proper technical and financial support programmes can go a long way in the pursuit of economic development and generation of employment opportunities for the trained but un-employed youth through a well devised mechanism for:

- (i) providing shelter to the shelter less population residing within the limits of revenue estate/Tehsil/District;
- (ii) promotion of commerce and trade in the province by providing scope of gainful utilization of the talent and skills of un-employed youth trained in vocational/technical institutes in the country;
- (iii) promotion of agro-based/small scale cottage industries including poultry dairy and fish farming, establishment of agricultural/fruit processing

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plants by providing gainful employment to graduates including professional/technical graduates.

- (iv) enhancement of agriculture production by promotion of modern means and deployment of skills available with the un-employed graduates.

AND, WHEREAS, it is also considered imperative to supplement the Land Lease Policy so devised with technical assistance through Departments/Agencies in the concerned sectors and financial assistance through the Micro-Credit Banking system, Agricultural Development Bank of Pakistan and other specialized supervised credit /Poverty Alleviation Programmes.

NOW THEREFORE, it has become necessary and expedient to supersede the Land Lease Policy 1988 accordingly and consequently, in exercise of powers conferred by sub-section (2) of Section 10 of the Colonization of Government Lands Act 1912, as applicable to the Province of Balochistan vide notification No.3369/67-198-CL1, dated 7th February, 1968, the Government of Balochistan is pleased to issue the following terms and conditions for the allotment of state land by way of lease and for its development/utilization for residential, commercial and agriculture purposes inclusive of establishment of agro-based and related cottage industries in the province of Balochistan.

1. GENERAL

(1) The Land Lease Policy and terms and conditions contained therein, will be subject to the provisions of the Act and rules made thereunder and shall come into force at once.

(2) State land where located in rural landscape or urban area will be allotted by way of lease as per eligibility criteria and utilization scheme prescribed hereinafter.

2. ELIGIBILITY CRITERIA.

State land will be allotted to a person or group of persons (having common pursuit and background) through Cooperative Societies by way of lease in the following order of preference:

- (a) The order of preference based on permanent residence of the applicant shall be as follows:-
- (i) Resident of the village or revenue estate where the land is situated;
 - (ii) resident of the adjoining village or revenue estate;
 - (iii) resident of a village or revenue estate in the same district where the land is situated.
- (b) The order of preference based on previous land holding is as follows: -
- (i) Landless havis or residents having no interest in a land, commercial or industrial plant in the area;
 - (ii) Heirs or residents in possession of land or interest thereon (through expected inheritance/otherwise), short of 16 acres irrigated and 32 acres of un-irrigated land, who will be provided state land just to supplement the aforesaid ceiling. Similarly such residents who do not own or have no interest in any commercial or residential or industrial plant will be provided state land as per ceiling prescribed for such categories hereinafter.

3. SCOPE OF LEASE

(1) **Rural Areas:** Fifty percent state land in each revenue estate/tehsil will be kept reserved for future utilization and the remaining fifty percent may be allotted/leased out to eligible categories, for public purpose and to landless persons under the policy in the following proportions:

- (a) For Agricultural purposes a total of 25% of the allottable state land (atleast 16 acres irrigated or 32 acres unirrigated land) may be leased out in the name of duly registered Cooperative Societies comprising memberships of unemployed graduates.
- (b) For farming upto ten percent of state land may be allotted for the following purposes in favour of duly registered societies comprising memberships of unemployed graduates.
 - (i) For poultry farming, atleast one and half acre of state land may be leased out subject to feasibility studies/recommendations of the Livestock Department.
 - (ii) For dairy farming, atleast ten acres of land may be leased out

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- (iii) For Fish Farming at least 5 acres of land may be allotted subject to feasibility studies/ recommendations by the Fisheries Department.
 - (c) For establishment of Cottage Industries/agro-based processing plants, state land upto five percent at the rate of 10 acres may be leased in the name of duly registered Cooperative Societies comprising memberships of un-employed youths subject to feasibility studies//recommendations of the Small Industries Department.
 - (d) Agriculture land at the prescribed ceiling to the extent of 15% of state land may be allotted to the duly registered Cooperative Societies comprising membership of other-landless/unemployed persons.
 - (e) Remaining 45% of state land in the rural areas will be leased out for public purposes or through auction or at the market rate to individuals/other categories, as usual.

(2) **URBAN AREAS** In the urban areas, where state land is available within the limits of Municipal Corporation/Committee or Town Committee, after catering to the needs of public buildings and other public sector projects, such land shall be transferred to the concerned local body for allotment/leasing for residential and commercial purposes at the rate and in the manner hereinafter mentioned and such land shall be utilized after preparing a proper scheme and by-laws for the same in the prescribed manner such that the ceiling for non-agricultural land in the urban areas will be, as follows:-

- (a) **Residential Plots:** 75% of the residential plot shall be in the size of 200 sq. yards and 25% shall be of 600 sq. yards.
- (b) **Commercial Plots:** The size of commercial plots will be generally 100 sq. yards;

Provided that first preference in the allotment of such plots will be given to persons who do not own or possess any such plot or house in the district in which they are residents.

Provided further that for allotment of commercial plots, preference will be given to those who passed out from a recognized vocational/training institute and intend to establish Ware House, Workshop or other training unit in their technology of specialization. In such cases, the size of the Commercial plots will depend upon the feasibility studies/recommendations of concerned agencies/departments and allotment thereof will be generally given in the name of duly registered Cooperative Societies of the category.

4. RESTRICTION.

(1) No state land shall be allotted by lease to any individual for residential or commercial purpose, available along with National High way within the limits of Local Council.

(2) All state lands falling within 5 miles of the limits of Municipal Committee/Municipal Corporation and within 3 miles of the limit of Town Committee will be reserved for future utilization.

5. MODE OF LEASE.

(1) State land will be leased out to the un-employed youth/land less persons falling in categories under clause 3(1), (a), (b), (c) and (d) for a period of thirty years initially subject to extension on performance basis. No cost will be recovered from such categories for the initial period of five years whereafter the performance in respect of utilization of the land will be evaluated by the following Authorities:-

(a) Commissioner of the Division or such authority who is delegated the powers.

(b) Deputy Commissioner/P. A. or such authority who is delegated the powers.

(c) The representative of the department or agency concerned who are responsible to provide technical assistance during the course of such development.

(2) The rate of lease money per year will be determined by the Committee keeping in view the market value/performance.

(3) In each case the highest standards of transparency will be ensured and Military Inspection Teams will be associated in the process of allotment/leasing after giving due publicity.

(4) 45% of the state land falling under clause 3 (1)(e) available for allotment under the scheme will be leased out for a period of 30 years initially after determining the lease money on per year basis as per market value or through the process of auction.

(5) After expiry of the initial period of lease, extension will be allowed on 10 years basis subject to recovery of lease money in the prescribed manner.

(6) The lease will be terminated in case of violation of one or the other terms and conditions and un-satisfactory performance by the lessee at any time. The lessee may also like to surrender the leased out land to the Government when no longer required for the purpose for which it has been allotted / leased out.

(7) On resumption or termination of the lease, the allottee/lessee will not be entitled to any compensation whatsoever on account of development of the land, erection of building thereon and installation of any device. However he may be allowed to remove such installations which does not in any way damage the land or affect its usage for the specified purpose.

6. LEASING OF STATE LAND TO AGENCIES:

- (1) State land may be allotted to agencies/organizations other than those belonging to the Provincial Government at the rates determined by the Collector or through auction.
- (2) State land may be leased out for public purposes in the manner prescribed under the Balochistan Land Acquisition Act 1894.
- (3) The Government may, in special cases for development of an area, relax eligibility criteria by way of notification in the official gazette.

7. TECHNICAL/FINANCIAL ASSISTANCE:

(1) In cases falling under clause 3 (1) (a), (b), (c), (d) and (2) (b) technical assistance/consultancy services at the stages of formulation as well as implementation of the projects/schemes may be provided by the Agriculture, Livestock, Fisheries and Small Industries Department as applicable, free of cost. For the purpose, the concerned departments may create processing cells for expeditious disposal of such cases.

(2) Similarly, the concerned departments may provide coordination mechanism / arrangements for taking up the cases of grant of loans with the Micro-credit/Agriculture Development Bank of Pakistan and through other sources for early release of loans in favour of the Cooperative Societies, wherever necessary.

(3) The assistance programme may include augmentation/development of water sources, provision of water supplies for irrigation and drinking purposes, development/improvement of land, provision of inputs, equipments, implements and machineries associated with farming/related activities through regular PSDP, Poverty Alleviation and supervised credit programmes organized, operated and monitored by the Line Departments in close collaboration with the duly registered cooperative societies formed for different purposes.

(4) In the Agriculture/Livestock sectors, huge investment over a period of time is required before economic returns accrue. It is generally considered that a markup not exceeding 5 to 6 percent per annum is a reasonable rate for smooth growth/development of the sectors in the initial stages. The concerned departments may therefore, work out

strategies for supporting the projects in these sectors by arranging subsidies or special financial support for reducing the burden of markup to the proposed extent. Recoveries development/investment may commence after allowing a grace period of five years. The concerned departments may work out details for investment/recoveries accordingly.

8. ILLEGAL OCCUPATION.

(1) State land can only be occupied and utilized in the manner prescribed under the terms and conditions of lease or allotment. In absence of a lease or allotment order from the competent authority, physical possession of state land is considered illegal and such occupier is liable to penal action as prescribed under the law.

(2) Any person found in possession of a state land without supporting authority and documents shall be charged lease money for the period of such occupation at a penal rate which shall normally be double the rate of market value as determined by the Collector and in addition, he will be liable to be evicted from such land at his own risk and cost.

9. GRANT OF PROPRIETARY RIGHTS.

In case the allottee has developed the land so allotted, he shall be entitled to the grant of ownership/proprietary rights of the leased land on payment of nominal price to be fixed by the Government after the expiry of extended lease period.

10. PROHIBITION AGAINST SUB-LETTING, TRANSFER, ETC. OF LEASED LANDS.

The lessee shall not assign, sublet or mortgage or transfer in any manner the leased land or any part thereof, except that the leased land may be pledged for obtaining loans and advances in the prescribed manner.

11. USE OF ALLOTTED LAND.

The lease shall be exclusively for the allotted purposes and shall not be used for any other purpose or in any other manner.

12. TRANSFER OF LANDS TO HEIRS OF DECEASED LESSEE.

(1) In the event of death of the lessee during continuance of the lease, the Government reserves absolute right either to allot the lease to any legal heir of the deceased

after hearing the heir for the remaining period of lease, provided the deceased lessee has satisfactorily fulfilled the terms and conditions of lease. The other heirs shall have no claim to it. The Government may also terminate the lease forthwith after due notice, if no heir is found fit to succeed the original lessee for whatever reason.

- (2) The lease under this clause, shall, in no case be divisible.

13. SURRENDER FOR PUBLIC PURPOSES.

(1) Where the leased land is required for reclamation or for public purpose for the exercise of mineral right by the Government or for any other public purposes, the lessee on the receipt of a notice issued by the Collector to that effect, shall surrender the whole or any part of such lease land within one month of the receipt of notice and no compensation shall be payable for its development.

(2) The lessee shall also surrender to the Collector the whole or any part of the land which may be found to have been previously allotted/leased or devised for any other purpose.

14. PENALTY

When the Collector is satisfied that lessee in possession of the state land has committed a breach of any of the conditions of the lease, he may, after giving the lessee a notice in writing and an opportunity of being heard,

- (a) Impose on him a penalty not exceeding Rs. ten thousand as determined by the Collector.
- (b) Order the resumption of the tenancy; or
- (c) If the breach is capable of rectification allow the lessee to rectify it within a time period not exceeding two months at his own cost.

15. APPEAL/REVISION

The provisions of sections 161, 162, 163 and 164 of the Land Revenue Act, 1967 shall mutatis - mutandis apply to all cases of grant /extension/termination of lease and matters ancillary thereto under this Policy.

16. AUTHORITY FOR ALLOTMENT/LEASING.

The Collector as defined in the Land Revenue Act, 1967, shall earmark and lease out the land for all categories after observing codal formalities and associating the Inspection/Monitoring Teams/Committees in the process; and, to that extent, the provisions under the second Schedule under Heading "Revenue Department" appended to the West Pakistan Delegation of Powers under the Financial Rules and the powers of Re-appropriation Rules, 1962, as amended from time to time, shall be deemed to have been modified.

**BY ORDER OF
GOVERNOR BALOCHISTAN**

**Syed Abbas Husain
Secretary to
Government of Balochistan
Colonization Department.**

**The Controller
Government Printing Press.**