

EXTRAORDINARY

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# THE BALOCHISTAN GAZETTE

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GOVERNMENT OF BALOCHISTAN,  
COLONIZATION DEPARTMENT.

NOTIFICATION.

Dated Quetta, the 15th March, 1988.

No. 940-8/86-Rev. Whereas there exists a ban on the allotment of state land under order No. 326-8/77-Rew/4697-4714, dated 5th September, 1977, and it has been decided by the Government to lift the ban on the allotment of state land:-

copy of  
the same

And whereas the statement of conditions are necessary to be laid down for the purpose of allotment of state land in the Province of Balochistan:-

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 10 of the Colonization of Government lands (Punjab) Act, 1912, as applicable to the Province of Balochistan vide Notification No. 3369/67-198-CL.1 dated 7th February, 1968. The Government of Balochistan is pleased to issue the following statement of conditions for the allotment of state land by lease, except Dairy farming, live stock farming and other industries for which a separate policy will be prepared:-

Colonization

1. General (1) This statement of conditions is issued subject to the Provisions of the Act and the rules made thereunder and shall come into effect at once.

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2. The Government has decided to allot state land both cultivated/ cultivable and waste for agricultural and non- agricultural purposes to persons on application on the conditions indicated below provided that no person shall be entitled as of right to receive a lease.
- (3) The Government retains absolute discretion in the allotment of state land by lease and the selection of lessess.

Rural Lands Allotment.

2. Eligibility. A person shall be eligible for allotment of state agricultural land by lease under these conditions before or at the time of the grant of such lease if:-

- (a) he actually cultivates or has been cultivating any state land himself and can produce evidence to this effect to the satisfaction to the Collector of a district; and
- (b) he has no land of his own or possesses land which is less than sixteen acres of irrigated or thirty two acres of un-irrigated land; or
- (c) he is already in possession of state land, but less than sixteen acres of irrigated or thirty two acres of un-irrigated land.

3. Scope of allotment.

(1) 70% of the rural state land shall be reserved to cater the requirements of Government and other public projects, and such lands shall not be available for allotment to private persons.

(2) The area of rural land to be leased out to a person shall not be larger than thirty two acres of un-irrigated or sixteen acres of irrigated land;

Provided that if in a village or revenue estate the available land is less than 16 acres of irrigated or 32 acres of un-irrigated it may be allotted;

Provided further that the allotted land when added to the land already possessed by the lessee, shall not exceed the limit fixed under the land reforms.

(3) The state land shall be allotted after wide publicity, in the following order :-

- (a) Firstly, to those eligible persons who have been residents of the village or revenue estate where the land is situated;

- (b) Secondly, to those eligible persons who are residents of the adjoining village or revenue estate where the land is available;
- (c) Thirdly, to those eligible persons residing in any other village or revenue estate;

Provided that he resides or belongs to a district where the lands is available.

4. Period of lease and its renewal. The state land shall be leased out for a period of thirty years. The lease under these conditions may be renewed for another period of fifteen years subject to the conditions laid down in clause 8. 15 year
5. 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.
6. Leased lands. The state land already under cultivation including those leased out under temporary cultivation conditions on yearly tender basis may, henceforth, be leased out under these conditions on the expiry of earlier lease/contract period.
7. Use of allotted lands. The lease shall be exclusively for the purpose of agriculture and the land so leased out, shall not be used for any other purpose other than the agriculture during the lease period.
8. Termination/cancellation of lease. (1) In case any lessee fails to develop the entire land so allotted within a period of six years from the date of allotment, the lease shall be liable to termination without any claim for compensation after giving a notice.
- (2) If a lessee violates any terms and conditions of the lease at anytime his lease shall also be liable to cancellation after giving a notice.
9. Compensation. The lessee shall not, on the expiry or earlier termination/cancellation of the lease, for breach of any of the condition or for any other reasons, be entitled to any compensation whatsoever for un-cut and un-gathered crops, buildings, and tube-wells standing on the lease land and these shall become the property of Government, if not removed within a period three months from the expiry of termination cancellation of the lease. The Collector may, in his discretion, allow an extension of this period not exceeding three months in deserving case

10. Disposal of reserved land. The reserved land may be allotted to the eligible persons under these conditions provided the land is not required for public purposes by Government.

11. Authority for allotment. The authority for allotment of state land for agriculture purpose shall be the same as provided in the delegation of powers. Rules under heading Revenue Department' to bring in conformity with the Statement of conditions.

12. 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.

#### ALLOTMENT OR URBAN LANDS.

13. Scope of allotment.

(1) 70% of the urban state land shall be reserved to cater the requirements of public buildings and implementation of other projects and shall not be available for allotment to private persons except the land earmarked for allotment to individuals in accordance with the prescribed procedure:

Provided that the Commissioner of a Division may seek an exemption of this condition from the Government may grant such exemption to the extent it may deem fit.

(2) Where-ever the state lands are available within the limits of a Municipal Corporation/Municipal Committee/Town Committee after catering to the requirements of lands in sub clause (1) above for public purpose, such lands shall be transferred to the concerned local body for residential commercial purposes at the prevailing market price to be recovered in a manner from the transferee as the Government may decide:

Provided that no such land would be utilized by the local body without preparing a proper scheme and by-laws for its allotment duly approved by the Government;

Provided further that 75% percent plots would be of size 200 square yards or less in the Housing scheme and no residential plot would be more than six hundred square yards and a commercial plot more than 100 square yards.

(3) In the housing scheme so prepared and approved or which have already been approved by the Government, the area of plots would not be more than the area prescribed under these conditions.

(4) No state land available along a provincial/national highway within the limits of a local council shall be allotted by lease to any private individual for residential or commercial purpose.

(5) All state lands falling within 5 miles of the limits of M.C/M.E. and within 3 miles of limits of Town Committee would be reserved for future expansion of the town, and will be available for Housing and commercial purposes after taking case of public purposes according to the schemes approved by the Government;

14. Period of lease. The Period of lease for urban land shall be ninety nine years or as many be determined by te Government.

✓ 15. 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.

16. Authority for allotment. The authority for allotment shall be the same as laid down under the Delegation of Powers Rules, 1962, under the Heading Revenue Department.

17. Un-authorized occupations.

(1) All allotment made by any authority whatsoever after the imposition of ban, shall be deemed to have been made un-authorizedly and shall stand cancelled. Such cases shall be reported to the Board of Revenue for decision in the light of law and rules.

(2) Where the state land has been encroached upon by un-authorized occupants they would be allowed to retain such land, in case valid reasons exist to the satisfaction of the Collector of the District, no exceeding 600 square yards at a price determined by the Collector keeping in view the market price, only for residential purpose, provided, it is not required for any public purposes and reserved as such under clause 12 (1). The rest of land as the Collector may indicate shall be resumed free from all encumbrance by the Government.

18. Lease money. The lessee shall pay such lease money annually as may be fixed by Government from time to time.

19. 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.

20. Surrender for public purposes.

(1) Where the leased land is required for reclamation or for public purposes for the exercise of mineral right by the Government or for any other public purposes before the front of owner-ship rights, 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, no compensation shall be payable for its development, excluding the cost of physical assets created viz., farm, house allied buildings, wells/tuberwells, trees or Ungathered crops, as the case may be.

(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 demised for any other purpose.

21. 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. 2000/- or may be determined;

(b) order the resumption of the tenancy or

(c) if the breach is capable of rectification allow the lessee to rectify if within a time not more than two months and at his own cost.

✓ 22. Appeal/Revision.

- (1) The lessee may file an appeal against the order of Collector to the Commissioner within a period of one month.
- (2) The Member, Board of Revenue, on an application or at his own motion, any call for record of any case and pass such orders as he may deem fit, which shall be final and shall not be called in question in any Court.

23. Authority for allotment.

The authorities for lease/disposal of State land will be the same as specified in 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.

BY ORDER OF  
GOVERNOR BALOCHISTAN.

M. Ashique Siddique,  
Secretary to  
Government of Balochistan,  
Colonization Department.