

Province to discharge as his Agent, either generally or in any particular case, such functions in, and in relation to, such portion of the areas situated in the Federation of Pakistan which are not included in any of the Provinces or in the Chief Commissioner's Province of Baluchistan or in any of the acceding States, as may be specified in the direction."

REGULATION III OF 1950 REFUGEES (REGISTRATION OF LAND CLAIMS) (BALUCHISTAN) REGULATION, 1950

A Regulation to provide for the registration of land claims of persons who have taken refuge in Baluchistan

No. D. 5756-B/50, 29th September 1950, (Gazette, 10th October 1950).—In pursuance of the provisions of subsection (3) of section 95 of the Government of India Act, 1935, as applied to Pakistan, the Governor-General is pleased to promulgate the following Regulation which has been made by him in exercise of the powers conferred by the said subsection :—

Whereas it is expedient to make provision for the registration of land claims of persons who have taken refuge in Baluchistan ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Regulation may be called the Refugees (Registration of Land Claims) (Baluchistan) Regulation, 1950.

(2) It extends to the whole of Baluchistan.

(3) It shall come into force at once.

2. *Interpretation.*—In this Regulation unless there is anything repugnant in the subject or context :—

(a) "claims" means a statement of loss or damage suffered by a refugee since the first day of March 1947, in respect of his land within the territory now comprised in the States in India known as the Punjab, Himachal Pradesh, Delhi, the Patiala and East Punjab States Union, or what are formerly the States of Alwar, Bharatpur and Bikaner;

(b) "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agricultural or for pasture, and includes—

(i) the sites of building and other structures on such lands ;
(ii) a share in the profits of an estate or holdings ;
(iii) any dues or any fixed percentage of land revenue payable by an inferior landowner to a superior landowner ;

(iv) a right to receive rent ; and

(v) any right of occupancy ;

(c) "landholder" means a person in whom a right to hold land is vested, whether solely on his own account, or wholly in trust for another person, or for a class of persons or for the public, and includes a mortgagee in whom a right to possession is vested ;

(d) "refugee" means a landholder who being previously domiciled in the territory now comprised in the States in India known as the Punjab, Himachal Pradesh, Delhi, the Patiala and East Punjab States Union, or what are formerly the States of Alwar, Bharatpur and Bikaner, has since the first day of March 1947, abandoned or been made to abandon

his land in the said territory by reason of the disturbances arising out of the setting up of the Dominions of Pakistan and India ;

(e) "Registering Officer" means a Settlement Officer or an Assistant Settlement Officer appointed under this Regulation and includes every officer named in section 6 of the Punjab Revenue Act, 1887 (XVII of 1887), as applied to Baluchistan, within the area of his jurisdiction ; and

(f) "prescribed" means prescribed by rules made under this Regulation.

3. *Power to appoint Settlement Officer.*—For the purpose of registering claims under this Regulation the Chief Commissioner and Agent to the Governor-General may, by notification in the Official Gazette, appoint one or more Settlement Officers and Assistant Settlement Officers and may specify the local limits of their jurisdiction.

4. *Registering of land claims.*—(1) A refugee may submit to the Registering Officer an application in the prescribed form, supported by an affidavit, for the registration of his claim in respect of the land abandoned by him, or which he has been made to abandon :

Provided that a refugee who has previously submitted a claim to a Registering Officer or any officer exercising the like functions in any part of Pakistan shall not submit another claim in respect of the same land to any Registering Officer.

(2) On presentation of an application under subsection (1) the Registering Officer shall register the claim.

5. *Power of Registering Officer to attest affidavit.*—The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Regulation.

6. *Protection of action taken under this Ordinance.*—No suit, prosecution or other legal proceedings shall lie against the Provincial Government or the Registering Officer or any person acting under his direction in respect of anything done or intended to be done under this Regulation.

7. *Offences and penalties.*—(a) Any person who gives any information with regard to the claim under the regulation which he knows to be false or does not believe to be true ; or

(b) submits a claim in respect of the same land to more than one Registering Officer or who having already submitted a claim in respect of land to an officer exercising in any other part of Pakistan, the penalties of Registering Officer as specified in this Regulation, makes a further claim in respect of same land to a Registering Officer ; or

(c) being a public servant as defined in section 21 of the Pakistan Penal Code, abets the commission of an offence under clause (a) or (b) of this section—shall be punishable with rigorous imprisonment which may extend to 5 years or with fine which may extend to five thousand rupees, or with both.

8. *Procedure.*—No prosecution of any offence punishable under this Regulation shall be instituted except on a complaint in writing made by the Settlement Officer of the area in which that offence has been committed.

9. *Rules.*—The Chief Commissioner and Agent to the Governor-General may by notification in the Official Gazette make rules for carrying into effect the provisions of this Regulation.

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