

**West Pakistan Border Area Regulation 1959 (Punjab  
Amendment) Ordinance, 1981**

**3 of 1981**

**[01 February 1981]**

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An Ordinance further to amend the West Pakistan Border Area Regulation 1959 (MLR-9 of 1959) Preamble.- WHEREAS it is expedient further to amend the West Pakistan Border Area Regulation 1959 (MLR-9 of 1959) in its application to the Province of the Punjab, in the manner hereinafter appearing; NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order 1977 (C.M.L.A. Order 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:--

**1. Short Title, Extent And Commencement :-**

- (1) This Ordinance may be called the West Pakistan Border Area Regulation 1959 (Punjab Amendment) Ordinance, 1981.
- (2) It shall extend to the whole of the Province of the Punjab.

(3) It shall come into force at once.

## **2. Amendment Of Paragraph 3 Of Mlr-9 Of 1959 :-**

In the West Pakistan Border Area Regulation, 1959 (MLR-9 of 1959) (hereinafter referred to as the Regulation), in paragraph 3,-

(i) in sub-paragraph (a), for the words "West Pakistan" the words "the Province of the Punjab shall be substituted;

(ii) after sub-paragraph (a), the following new sub-paragraph shall be added:-

"(aa) "Board of Revenue" means the Board of Revenue established under the Board of Revenue Act, 1957 (XI of 1957)."

(iii) for sub-paragraph (b) the following shall be substituted:-

"Boarder Scheme means the scheme as was referred to in paragraph 55-A of the West Pakistan Rehabilitation Settlement Scheme framed under the Pakistan Rehabilitation Act, 1956 (XLII of 1956);"

(iv) sub-paragraph (d) shall be substituted by the following:-

"Evacuee property means the property which was defined as evacuee property in the Pakistan Rehabilitation Act, 1956 (XLII of 1956);"

(v) after sub-paragraph (d), the following new sub-paragraph shall be added:-

"(dd) "State land" means the State land placed at the disposal of the Committee by the Board of Revenue;" and

(vi) for sub-paragraph (e), the following shall be substituted:-

"(e) "West Pakistan Rehabilitation Settlement Scheme" means the scheme as was prepared by the Rehabilitation Commissioner, West Pakistan under section 6 of the Pakistan Rehabilitation Act, 1956 (XLII of 1956).

## **3. Amendment Of Paragraph 4 Of Mlr-9 Of 1959 :-**

In the Regulation, in paragraph 4,-

(i) in sub-paragraph (b), for the words "one being a representative of the Rehabilitation Commissioner and the other a representative of the Pakistan Army", the words "one to be appointed by the Board of Revenue and the other a representative of the Pakistan Army to be nominated by the General Headquarters" shall be substituted;

(ii) after sub-paragraph (b) the following new sub-paragraphs shall be added:-

"(c) The member of the Committee from the Pakistan Army shall be

incharge of the office of the Committee.

(d) Any one of the members of the Committee present at the headquarters may dispose of any routine matter relating to the functions of the Committee other than the allotment or cancellation of land and hearing of cases.

#### **4. Amendment Of Paragraph 5 Of Mlr-9 Of 1959 :-**

In the Regulation, in paragraph 6, sub-para (a) shall be substituted by the following:-

"(a) A Committee may, by order in writing, direct an undesirable person to surrender to the Deputy Commissioner of the district or an officer authorized by the committee, within such time as may be specified in the order, all immovable property within a border area of which he is the owner, or has, in any other capacity the possession or control thereof:

Provided that no such order shall be made in respect of any owner or occupancy tenant of agricultural land, or any allotment of such land under the West Pakistan Rehabilitation Settlement Scheme, other than the Border Scheme, unless such compensation as is provided in sub-paragraph (b) of paragraph 8 has been offered."

#### **5. Amendment Of Paragraph 7 Of Mlr-9 Of 1959 :-**

In the Regulation, in paragraph 7, for the words "or the Deputy Rehabilitation Commissioner as the case may be", shall be omitted.

#### **6. Amendment Of Paragraph 8 Of Mlr-9 Of 1959 :-**

In the Regulation, in paragraph 8,-

(i) in sub-paragraph (b), for the words "as determined in the case of property other than evacuee property by the Deputy Commissioner, and in the case of evacuee property by the Deputy Rehabilitation Commissioner", the words "as determined by the Deputy Commissioner of the district" shall be substituted;

(ii) for sub-paragraph (c) the following shall be substituted:-

"(c) Any person aggrieved by the decision of the Committee regarding compensation may appeal, within thirty days of the date on which the decision of the Committee is communicated to him, to the Divisional Commissioner concerned and the decision of the Divisional Commissioner shall be final."

#### **7. Amendment Of Paragraph 9 Of Mlr-9 Of 1959 :-**

In the Regulation, for paragraph 9, the following shall be substituted:-

"9. A Committee may scrutinize any case of unauthorised occupation of any State land or immovable evacuee property in any border area and after giving an opportunity of being heard to the person likely to be affected, direct the person in unauthorized occupation of such property to surrender such property to the Deputy Commissioner within whose jurisdiction such property is situated failing which the Deputy Commissioner or the Committee may take possession of the property by evicting the person in possession therefrom with such force as may be necessary for the purpose."

#### **8. Amendment Of Paragraph 10 Of Mlr-9 Of 1959 :-**

In the Regulation, for paragraph 10, the following shall be substituted:-

"10. (a) A Committee may scrutinize allotment of any State land or immovable evacuee property within any border area and may, on being satisfied that any allotment was made to a person not eligible for allotment, cancel such allotment and direct the allottee to surrender forthwith the property to the Deputy Commissioner within whose jurisdiction the property is situated, failing which the Deputy Commissioner or the Committee may take possession of the property by evicting any person therefrom with such force as may be necessary for the purpose:

Provided that no such order shall be made unless the person likely to be affected thereby is given an opportunity of being heard before the order is passed.

(b) The decision of the Committee under sub-paragraph (a), shall be final."

#### **9. Amendment Of Paragraph 13 Of Mlr-9 Of 1959 :-**

In the Regulation, in paragraph 13 , for sub-paragraph (a), the following shall be substituted:-

"(a) The property surrendered or taken possession of in pursuance of this Regulation shall be allotted by the Committee in such manner and on such terms and conditions as are prescribed in the Schedules annexed to this Regulation."

#### **10. Addition Of New Paragraph 18 In Mlr-9 Of 1959 :-**

In the Regulation, after paragraph 17, the following new paragraph shall be added:-

"18 Notwithstanding any judgment, decree or order of any court, an order passed at any time before the commencement of this Ordinance by the Committee or any of its members, in exercise of the authority conferred on the Committee or its members by the Regulation, shall not be invalid merely because of any defect in the constitution of the Committee or the incompetence of the person making the order or the repeal of evacuee laws by the Evacuee Property and Displaced Persons Laws (Repeal) Act, 1975 (XIV of 1975), provided any such order was passed with the approval of the General Headquarters, and all such orders shall be deemed to have been validly passed and shall have, and shall be deemed always to have had, effect accordingly."

### **11. Amendments Of Schedule Of Mr,9 Of 1959 :-**

In the Regulation,-

(a) (i) in Schedule I, for the words "evacuee land/ property" the word "land" shall be substituted;

(ii) In Schedule II, in sub-paragraph (2), in clause (b), the brackets and words "(one officer in each Patwar circle)" shall be omitted;

(iii) In Schedule III,-

(a) condition No. 10 shall be substituted by the following:-

"10. The allotment shall be liable to be cancelled for breach of any of the conditions mentioned in this Schedule provided the allottee is given an opportunity of being heard before the allotment is cancelled."

(b) after condition No. 10, the following new condition shall be added:-

"11. The allotment shall be liable to be cancelled if the land is transferred by the allottee to any person without the permission of the General Headquarters."