



THE LAND REFORMS ACT, 1977



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THE LAND REFORMS ACT, 1977
ACT No.II OF 1977

[9th January, 1977]

An Act to provide for further land reforms

WHEREAS it is in the supreme national interest to bring about a more equitable distribution of wealth by carrying out further land reforms;

AND WHEREAS clause (i) of Article 253 of the Constitution of the Islamic Republic of Pakistan provides that Parliament may by law prescribe the maximum limits as to property or any class thereof which may be owned, held, possessed or controlled by any person;

It is hereby enacted as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Land Reforms Act, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this, Act, unless there is anything repugnant in the subject or context,—

(1) "Commission" means a Federal or a Provincial Land Commission constituted under the Land Reforms Regulation, 1972;

(2) "Government" means, in relation to the Islamabad Capital Territory, the Federal Government, and in relation to a Province, the Government of that Province;

(3) "irrigated land" means land irrigated by a canal, tubewell, well, lift, spring, tank or by any other artificial means of irrigation;

(4) "land" means land which is occupied or has been and can be let for agricultural purposes or for purposes allied or subservient to agriculture, and includes the sites of buildings on such land but does not include land occupied as the site of a village, town, factory or industrial establishment;

(5) "orchard", means land under fruit trees planted to a density of twenty-five trees or more per acre grown and maintained by human effort;

(6) "owner" includes a person deemed to be an owner under sub-section (4) of section 184 of the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967);

(7) "person" includes a religious, educational or charitable institution, every trust whether public or private, a Hindu undivided family, a company or association or body of individuals, and a cooperative or other society, but does not include a local authority, a university established by law, a joint stock company which is directly or indirectly held or controlled by Federal Government or a Provincial Government or by both or any other body in which the Government holds majority interest;

(8) "public dues" include dues payable by a person to the Federal Government, or a Provincial Government or to a body directly or indirectly controlled by such Governments;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "President" means the President of the Islamic Republic of Pakistan;

(11) "produce index unit" means the measure in terms of which the comparative productivity of an area of land of a particular kind in a particular assessment circle or area was computed and expressed for the purposes of the schemes relating to the resettlement of displaced persons on land or was determined under the provisions of the repealed Land Reforms Regulation, 1959 and the Land Reforms Regulation, 1972 and in respect of the assessment circle or area where no such unit was determined, such measure as may be determined by the Commission for the Province within which such assessment circle or area is situate;

(12) "tenant" means a person who holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that other person and includes the predecessors and successors-in-interest of such person; but does not include—

(a) a mortgagee of the rights of a landowner, or

¹[(b) a person holding any land under the Federal Government or a Provincial Government or under any such statutory authority corporation set up by any such Government as may be notified by it in this behalf, or;

(c) a person to whom a holding has been transferred, or an estate or holding has been let in farm under the West Pakistan Land Revenue Act, 1967, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear ²[,or]

²[(d) a lessee cultivating the land, either himself or through another person;

(13) "unirrigated land" means land other than irrigated land and includes land fed by rains, floods, hill torrents, and uncultivable or wasteland.

¹ Subs. by the Land Reforms (Amdt.) Order, 1979 (PO. 16 of 1979), Art. 2.

² Subs. and added, *ibid.*,

CHAPTER II

RESTRICTION ON OWNERSHIP AND POSSESSION OF LAND

***3. Limits on individual holding.** ¹[Save as otherwise provided in this Act, no] person shall after the commencement of this Act, own or possess land, including his share in Shamilat, if any, in excess of one hundred acres of irrigated land or two hundred acres of unirrigated land, or irrigated and unirrigated land the aggregate of which exceeds one hundred acres of irrigated land (one acre of irrigated land being reckoned as equivalent to two acres of unirrigated land) or an area equivalent to eight thousand produce index units of land calculated on the basis of classification of soil as entered in the Revenue Records for *Kharif* 1976, whichever shall be greater:

Provided that in determining the entitlement of a person any improvement made by him on his land after the commencement of this Act, shall not be taken into account.

4. Choice and exchange of land. Save as otherwise provided in this Act—

(1) a person who owns or possesses land including his Share in Shamilat, if any, in excess to his entitlement under this Act shall, out of such land, select in compact blocks as large as possible, the area which he is entitled to retain;

(2) a person who is required to surrender land under this Act, before doing so, may, it allowed by an officer of the district concerned who is authorized by a Commission in this behalf, exchange the whole or any part of such land with land owned or possessed within the same district by any member of his family for the purpose of consolidation on the basis of equality of produce index value of the land proposed to be exchanged ;

(3) no appeal shall lie in any court or before any authority whatsoever against an exchange of land allowed or disallowed under sub-section (2).

Explanation.—For the purpose of sub-section (2) "family" shall mean father, mother, brothers, sisters, husband, wife or wives, sons and daughters.

5. Partitioning of Joint holdings and undivided Shamilat. Notwithstanding anything contained in any other law for the time being in force, a joint holding or an undivided Shamilat shall, for the purposes of this Act, be subject to partition to the extent of the share of a person who elects to surrender the whole or part of his share in such joint holding or such undivided Shamilat.

¹Subs. by the Land reforms (Amdt.) Ordinance, 1979 (37 of 1979), s. 2.

*The whole of sections 3,4,5,6,7 (5),8,9,10 and 11 to 17 of the Land Reforms Act, 1977 cease to have effect from 23-3-1990 as declared repugnant to the Injunctions of Islam by the Shariat Appellate Bench, See P.L.D. 1990,SC-99.