THE BALOCHISTAN BOARD OF REVENUE ACT, 1957

(W.P. Act XI of 1957)

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[1]THE [2][BALOCHISTAN[3]] BOARD OF REVENUE ACT, 1957

(W.P. Act XI of 1957)

[*28th February, 1957*]

An Act to provide the constitution of a Board of Revenue for [2][Balochistan];

Preamble. WHEREAS it is expedient to provide for the constitution of a Board of Revenue for [2][Balochistan];

Short title, extent and commencement.

1. (1) This Act may be called the [2][Balochistan] Board of Revenue Act, 1957.

[4][(2) It extends to the whole of the Province of [2][Balochistan] except the Tribal Areas.][5]

(3) It shall be deemed to have come into force on and from the 14th day of October, 1955.

Definitions.

2. Unless there is anything repugnant in the subject or context–

(i) "Board" means the Board of Revenue established under this Act;

(ii) "Government" means the Government of [2][Balochistan]; and

(iii) "Member" means a member of the Board of Revenue established under this Act.

Constitution of Board of Revenue.

3. (1) There shall be a Board of Revenue for [2][Balochistan] which shall consist of such Members as may be appointed by the Government from time to time.

(2) The Government may, whenever considered necessary or expedient, appoint or remove a Member.

Superintendence and control of Revenue Officers and Revenue Courts.

4. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, but subject to the provisions of sub-section (2), and to any orders of the Government with respect to the appointments and conditions of service of Revenue Officers, the general

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1 This Act was passed by the W.P. Assembly on 6th February, 1957; assented to by the Governor of W.P. on 23rd February, 1957; and, published in the W.P. Gazette (Extraordinary), dated 28th February, 1957, pages 363 – 67.

2 Subs. by Baln. A.O. of 1975, for "West Pakistan"

3 Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u", as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

4 Subs. by W.P. Ord. VII of 1964.

5 Extended to Tribal Areas of the Province of Balochistan by Baln. Regulation I of 1973.

superintendence and control over all Revenue Officers and Revenue Courts in West Pakistan[6] shall vest in, and all such officers, in so far as their functions as Revenue Officers are concerned, shall be subordinate to the Board.

(2) The Board shall be subject to the control of the Government, and in all matters, other than those in which the Board exercises appellate and revisional jurisdiction, the Government shall have power to issue such directions to the Board as may be considered necessary or expedient and the Board shall carry out those directions.

Powers of the Board.

5. (1) The Board shall be the controlling authority in all matters connected with the administration of land, collection of land revenue, preparation of land records and other matters relating thereto.

(2) The Board shall be the highest court of appeal and revision in revenue cases in the Province.

(3) All proceedings relating to any of the matters referred to in sub-sections (1) and (2) which immediately before the date of coming into force of this Act, were pending before the final appellate or revisional authority of any Province, State or other territory or area which has been included in the Province of West Pakistan[1], shall stand transferred to the Board.

Conduct of business.

6. (1) Subject to the approval of the Government, the Board may distribute its business amongst its Members and may, by rules, regulate the procedure of all proceedings before it.

(2) Any order made or a decree passed by a Member shall be deemed to be the order or decree of the Board.

(3) Where in a case which the Members of the Board are required to dispose of collectively, in accordance with the rules framed under this Act, there is a difference of opinion amongst the Members as to the decision to be given on any point—

(a) it shall be decided according to the opinion of the majority of Members if there is such a majority; and

(b) if the Members are equally divided, the Members shall state the point on which they differ and the case shall then be heard, on that point, collectively by those Members who heard it and by another Member, and if there is no such member, by an additional Member to be appointed by the Government for the purpose of

[6] Now "Balochistan".

that case, and then the point on which there is the difference of opinion shall be decided according to the opinion of the majority of all such members.

Revision of orders by Board.

7. (1) Any order made or a decree passed by a Member either on appeal or in revision shall, subject to any order made or decree passed under the provisions of sub-sections (2) and (3) of this section and of section 8, be final.

(2) Any person considering himself aggrieved by an order made or a decree passed by a Member, in such class of cases as may be specified in the rules framed under section 9 of this Act, may apply to the Board for revision of such order or decree, and if the Full Board considers that there are sufficient reasons for doing so, it may revise that order or decree and pass such further order as it may think fit after hearing the applicant:

Provided that no revision shall lie to the Full Board against an order made or a decree passed by a Member in exercise of the revisional jurisdiction.

Explanation— "Full Board" shall mean two or more Members of the Board, as may be determined by the rules.

(3) Every application under sub-section (2) for revision of an order or decree shall be made within a period of ninety days from the date of that order or decree.

Review of orders by the Board.

8. (1) Any person considering himself aggrieved by a decree passed or order made by the Board and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order was made, or on account of some mistake or error apparent on the face of the record [1][or for any other sufficient reason] desires to obtain a review of the decree passed or order made against him, may apply to the Board for a review of judgment and the Board may, after giving notice to the parties affected thereby and after hearing them, pass such decree or order as the circumstances of the case require.

(2) Every application for a review of a decree or order under sub-section (1) shall be made within ninety days from the date of that decree or order.

Power to make rules.

9. (1) The Board may, subject to the prior approval of the Government, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Board may make rules for all

[1] Ins. by W.P. Act XVIII of 1964.

or any of the following purposes, namely:-

(i) the procedure to be followed in any proceedings taken before a Revenue Officer or Court;

(ii) to prescribe the forms, manner and subject in, or on which any returns or information about any cases or class of cases or proceedings or other matters shall be submitted by a Revenue Officer or Court to the Board or to any other authority;

(iii) to prescribe the authorities or the officers by whom any particular cases or class of cases generally, or with respect to any particular locality, shall be dealt with;

(iv) to provide for the territorial and pecuniary limits of jurisdiction of the various Revenue Courts; and

(v) to specify the class of cases in which a revision under sub-section (2) of section 7 shall lie to the Board.

Savings and validation.

10. (1) Notwithstanding the expiry of the West Pakistan (Board of Revenue) Ordinance, 1955[1], everything done, action taken, obligation, liability, penalty, or punishment incurred, inquiry or proceedings commenced, Member appointed or person authorized, jurisdiction or power conferred, rules made and order issued under any of the provisions of the said Ordinance shall be continued, and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

(2) Everything done, action taken, obligation, liability or penalty incurred, inquiry or proceedings commenced, Member appointed or person authorized, jurisdiction or power conferred, rules made and order issued after the date of expiry of the West Pakistan (Board of Revenue) Ordinance 1955[1], and before the 15th day of August, 1956, which could have been done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under the said Ordinance if it had been in force during the said period shall be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

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[1] i.e. W.P. Ord. I of 1955.

Repeal of W.P. Ord. XII of 1956 and continuance of action taken thereunder.

11. (1) The West Pakistan Board of Revenue Ordnance, 1956, is hereby repealed.

(2) Notwithstanding the repeal of the West Pakistan Board of Revenue Ordinance, 1956, or any judgment, decree or order of any Court, Tribunal or other Authority, everything done, action taken, obligation, liability or penalty incurred, inquiry or proceedings commenced, Member appointed or person authorized, jurisdiction or power conferred, rules made and order issued under any of the provisions of the said Ordinance, shall be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

Extension of West Pakistan Act XI of 1957 and Act XVII of 1967, to Tribal Areas of the Province of Balochistan.

[1][The West Pakistan Board of Revenue Act, 1957 and the West Pakistan Land Revenue Act, 1967, and so far as may be, all rules, notifications, orders and instructions made or issued from time to time thereunder, shall extend to the Tribal Areas of the Province of Balochistan.]

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[1] See Balochistan Regulation I of 1973.