

# [TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

## A

### BILL

to provide measures for an equitable distributive agricultural land

**WHEREAS** it is expedient to provide measures for the eradication of the hereditary skewed ownership of the agriculture land and its redistribution amongst the tillers of the soil;

**WHEREAS** land is a free bounty of nature and the State has been recognized owner, both by Hindu and Muslim jurists;

**WHEREAS** the inherent right of the occupant to cultivate the land and State's right to collect rent, in the form of *maiguzari* or *lagan* or *dhal*, from the occupant-cultivator, is embedded in history from times immemorial;

**WHEREAS** the replacement of the ancient customary law of temporary or life-time occupancy, by hereditary ownership with introduction of *zamindari*, *ryotwari* and *jagirdari* system by the British colonial Government created a perpetuating socio-political disequilibrium in the society;

**WHEREAS** the colonization through Lloyd Barrage, Kotri Barrage and Guddu Barrage in Sindh and the Jinnah Barrage, Chasma Barrage and Taunsa Barrage in Punjab by grant of most fertile large tracts of land measuring 100 to 200 acres to influential absent *zamindars*, *jagirdars*, civil and military bureaucrats at a throw-away price of Rs. 500 per acre created a new class of overlords to earn windfall profits through the sweat and labour of the poverty ridden *haris*, and *muzaareen* [cultivators];

**WHEREAS** the three land reforms introduced in 1959, 1972 and 1977 failed to reduce the size of large-estates and did not benefit more than eight per *haris* and *muzuareen*;

**WHEREAS** the political and bureaucratic interventions over the past seventy years to establish and support large estates, at the expense of the local peasantry, has amply demonstrated lack of the legitimacy for the prevailing pattern of land ownership;

**WHEREAS** sharing the produce by a tenant, in return for his labour, from the land owned by a landowner who does not physically participate in the cultivation is "*mutlaq haram*" in the words of Hazarat Imam Abu Hanifa, one of the greatest Islamic jurist;

**WHEREAS** Islam enjoins equitable distribution of wealth and resources but abhors the concentration in few hands and;

**WHEREAS** the usurpation of the national resources by a few feudal lords. causing annoyance and discontentment amongst the overwhelming majority of the poor cultivators warrants intervention by the Majlis-e-Shoora (Parliament) under Article 253 (1)(a) of the Constitution.

1. **Short title, extent and commencement.**- (1) This Act may be called the Redistributive Land Reforms Act 2017.

(2) It extends to the Provinces of Balochistan, Khyber Pakhtunkhwa, Punjab, Sindh, Islamabad Capital Territory and Federally Administered Areas.

(3) It shall come into force at once.

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

(a) “Commission” means a Land Commission constituted under Section 8:

(b) “Cooperative Farming Society” means a society formed on voluntary basis by families owning land for intensive cultivation and maximizing output by optimal use of scarce resources;

(c) “Economic holding” means an area in one estate, *mouza, deh* or *taluka* or district or in any one or more than one province, not exceeding thirty six acres irrigated or fifty four acres un-irrigated land owned, and occupied by a family;

(d) “Family” means husband, wife, minor children and unmarried daughter(s):

(e) “Government” means in relation to the Islamabad Capital Territory, the Federal Government, and in relation to a province, the Government of that Province;

(f) “Irrigated” means land irrigated by a canal, tube-well, well, Lift, spring, and includes kutchra land within the flood protection bunds;

(g) “Land” means land which is occupied or has been or may be let for agricultural purposes or for purposes allied or subservient to agriculture and includes fish farm, livestock farm, forest land, the sites of building and installations on such land but does not include State land, and land occupied as the site of a village, town, factory or industrial establishment;

(h) “Landlord” includes an occupant under whom a tenant or a lessee holds land and to whom the tenant or lessee is or but for a special contract in written or verbal, shall be liable to pay rent for that land;

(i) “Land Revenue” includes *malguzari*, or *khiraj*, or *lagan*, or *dhal*, for each crop payable to the Government by an owner or occupant in such manner and at such rates as may be prescribed;

(j) “Person” includes educational institution, trust, whether public or private, a Hindu undivided family, a company and a cooperative or other society but does not include a local authority, a university established by law, and a registered charitable trust or religious *waqf*;

(k) “Prescribed” means prescribed by rules under this Act;

(l) “Self cultivation” means cultivation by the owner himself or by a member of his family but does not include cultivation by a labourer or worker who cultivates the land on daily monthly or yearly wages;

(m) “Tenant” includes a lessee who holds land under a verbal or written contract under an owner of land and liable to pay rent, occupancy charges or lease of land money in cash or kind; and

(n) "Worker" includes a labourer who cultivates land of a landlord on fixed wages.

3. **The Act to override other laws etc.-** The provision of this Act and any rules or orders made thereunder, shall have effect notwithstanding anything to the contrary contained in any law for the time being in force, or in any order in decree of a Court or Tribunal or other authority or in any rule for custom or usage or in any contract, instrument deed or other document.

4. **Resumption of land.-** (1) Notwithstanding anything to the contrary contained in any law or usage any grant, settlement, *sanad* or other instrument or any decree or order of any Court or authority, all land within the territorial limits of one or more than one Province, owned or leased or occupied or tenanted or encumbered or mortgaged with or without possession, by any person shall on and from the commencement of this Act, be resumed in the name of the Provincial Government:

Provided the land that falls under the definition of "economic holding" and the land held by the registered charitable trusts and *waqf* shall be exempt from resumption.

(2) Each owner of the land shall make a declaration, to such Authority in manner and form as notified by the Commission, of the total land owned or held by him and his family in any area of Pakistan on or before 30<sup>th</sup> day from this law coming into force.

(3) Land resumed under sub-section (1) shall vest in Government free of any encumbrance or charge whatsoever.

5. **Compensation.-** On resumption of land under Section 4, the owner of the land shall be paid compensation at such rates per acre as may be determined by the Commission.

6. **Certain transfer to be void.-**The transfer of any land and the creation of any right or interest in, or encumbrances on any land, made in any manner whatsoever in respect of any area by any person, after 1<sup>st</sup> July, 2016, shall be deemed to have been void and the land so transferred or encumbered shall be deemed to have been owned or possessed, as the case may be, by the person by whom it was owned or possessed immediately before that date.

7. **Redistribution of Land.-** (1) Each landless family of the cultivator or tenant or small owner shall be granted land out of the land resumed under Section 4, subject to availability, in the following order of priority:

- (a) family of the owner of the land resumed;
- (b) landless family of the cultivator or worker;
- (c) tenant's family; and
- (d) small landowner's family.

(2) Land shall not be granted to a family that exceeds the size and area of ' economic holding whether situated in one or more than one province.

(3) The grant to the families as at sub-clauses (a), (b), (c) and (d) of sub-section (1) shall be made by the Government, at such rates per acre and on such terms and conditions, as may be determined by the Provincial Land Commission.

8. **Constitution and Powers of the Land Commission.**- (1) For carrying out the purposes of this Act, a Land Commission for each province shall be constituted to be known as Land Commission of the Province concerned, by the Government in consultation with the Chief Justice of High Court of that Province.

(2) The Commission shall consist of three members:-

- (a) A retired Justice of High Court who shall also be its Chairman,
- (b) The Ombudsman of the Province and
- (c) The Senior Member Board of Revenue, appointed under Section 3 of the Punjab or Sindh or Khyber Pukhtun Khawa or Balochistan Board of Revenue Act, 1957.

(3) The Commission for the Province of Punjab shall be the Commission for the Islamabad Capital Territory.

(4) A Commission of a Province shall have all the powers necessary for the implementation of this Act within the province.

(5) Where any dispute or difference arises between two or more Commissions with respect to any province or any matter connected with this Act it shall be referred to the Supreme Court whose decision shall be final.

9. **Cooperative and Corporate Farming.**- (1) Families granted land under Section 7 may form Cooperative Farming Societies, of land adjoining, without any intervention by the Government and without surrendering title over their land, to effectuate internal and external economies for optimal output.

Provided that a cooperative farming society shall be formed by not less than three families, in a *deh mauza* or estate.

(2) Corporate farming on State land not exceeding 75 acres irrigated land and 100 acres un-irrigated land on public-private ownership basis is not barred under this Act.

10. **Punishment and Procedure.**- (1) Whosoever:-

- (a) fails to make declaration or fails to make incomplete or false declaration under sub-section (2) of section 4 of this Act; or
- (b) fails or resists resumption of land as provided under section 4; or
- (c) contravenes or fails to comply with any provision of the Act, shall be punishable with either fine not exceeding 15% of the value of the land to

be resumed or with simple imprisonment which may extend to three years or both.

11. **Appeal.-** An appeal against a final order of the Commission may be made by an aggrieved party to the High Court of the respective Province within thirty days from the date of such order.

12. **Bar on Jurisdiction.-** No Court shall call in question or permit to be called in question any provision of the Act or of any rule or order made or anything done or any action taken there under.

(2) No Court shall grant any injunction or makes any order, or entertain any proceeding, in relation to anything done or need to be done under this Act.

13. **Indemnity.-** No suit, prosecution or other legal proceeding shall lie against the Commission or any other person for anything done in good faith under this Act or any rule made thereunder.

14. **Power to make rules.-** The Commission may prescribe rules for carrying out the purposes of this Act.

15. **Repeal and Savings.-** (1) On the commencement of this Act:-

(a) The Land Reforms Regulation 1972 [Martial Law Regulation 115] shall be repealed;

(b) The Land Reforms Act 1977 (Act II of 1977) shall be repealed.

(2) Notwithstanding the repeal of the above Regulation or Act 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 or person authorized, jurisdiction or power conferred, rules made and order issued under any of the provisions of the repealed Regulation or Act, 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, till new rules are made under this Act.

### **STATEMENT OF OBJECTS AND REASON**

The Redistribute Land Reforms Bill, 2017 provides resumption of large estate-holdings on payment of compensation to the owner of the land and the grant of such resumed land to the landless cultivators, tenants and those owners holding less than size of economic holding.

The object is to reduce the wide disparity of income and opportunity between the rich landlords and the poor tillers of the soil and to maximize the output by intensive cultivation and

optimal use of water, through cooperative farming without let or hindrance by government or bureaucracy. Corporate farming, on state land on public-private partnership basis will not be barred so long as the State remains the absolute owner of the land. The Act also seeks to pave away for the empowerment of sixty three percent people living in rural areas and for the establishment of a welfare and prosperous state, as visualized by Quaid-e-Azam Mohammad Ali Jinnah the founding father of Pakistan.

Sd/-

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