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SINDH ORDINANCE NO. IX OF 1974

THE WEST PAKISTAN LAND REVENUE (SIND AMENDMENT) ORDINANCE, 1974

[13th August, 1974]

An Ordinance to further amend the West Pakistan Land Revenue Act, 1967, in its application to the Province of Sind.

Preamble.

WHEREAS it is expedient to further amend the West Pakistan Land Revenue Act, 1967, in its application to the Province of Sind, in the manner hereinafter appearing;

AND WHEREAS The Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the West Pakistan Land Revenue (Sind Amendment) Ordinance, 1974.

(2) It shall come into force at once.

Amendment of section 5 of West Pakistan Act XVII of 1967.

2. In the West Pakistan Land Revenue Act, 1967, in its application to the Province of Sind, hereinafter called as the said Act, in section 5, for the word "Districts", the word "Divisions" shall be substituted.

Amendment of section 6 of Wes Pakistan Act, XVII of 1967.

3. In the said Act, in section 6—

(a) in sub-section (1) for the words "each District", the words and comma "each Division shall be divided into such Districts, and each District" shall be substituted; and

(b) in sub-section (2), between the word "of" and the word "Districts", the word and comma "Divisions," shall be inserted.

Amendment of section 7 of West Pakistan Act XVII of 1967.

4. In the said Act, in sub-section (1) of section 7, after clause (a), the following clause shall be inserted:-

"(b) the Commissioner;".

5. In the said Act, for sections 8 & 9, the following shall be substituted:-- **Substitution of sections 8 and 9 of West Pakistan Act XVII of 1967.**

Appointment of Commissioners and Collectors.

"8. For each Division there shall be a Commissioner, and in each District there shall be a Collector, who shall be appointed by Government, and who shall exercise throughout the Division or District, as the case may be, all the power and discharge all the duties, of the Commissioner or Collector, as the case may be, under this Act.

Additional Commissioners and Additional Collectors.

"9. Government may appoint in any Division an Additional Commissioner or in any District an Additional Collector, who shall exercise, throughout the Division or District concerned all or any of the powers and discharge all or any of the duties conferred or imposed on a Commissioner or Collector, as the case may be, by or under this Act, subject to the general supervision and control of the Commissioner of the Division in the case of Additional Commissioner, and he Collector of the District in the case of Additional Collector.".

6. In the said Act, in section 13, for sub-section (3), the following sub-sections shall be substituted:- **Amendment of section 13 of West Pakistan Act XVII of 1967.**

"(3) Subject to the general control of the Board of Revenue, a Commissioner shall control all other Revenue Officers in his Division.

(4) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other Revenue Officers in his District.".

7. In the said Act, in section 14— **Amendment of section 14 of West Pakistan Act XVII of 1967.**

(a) in sub-section (2)—

(i) between the article "a" and the word "Collector", the words "Commissioner or" shall be inserted; and

(ii) for the word "his", the words "their respective" shall be substituted; and

(b) in sub-section (3), for the words, brackets and figure "a Collector under sub-section (2)", the words, brackets, figure and commas "a commissioner or Collector under sub-section (2), the Commissioner or Collector, as the case may be," shall be substituted.

Amendment of section 16 of West Pakistan Act XVII of 1967.

8. In the said Act, in section 16—

(a) in sub-section (1), between the article "a" and the word "Collector", the words "Commissioner or" shall be inserted; and

(b) in sub-section (3), between the article "the" and the word "Collector", the word and comma "Commissioner", shall be substituted.

Amendment of section 63 of West Pakistan Act XVII of 1967.

9. In the said Act, in section 63—

(a) in sub-section (2), for the words "Board of Revenue", the words "Commissioner or Board of Revenue" shall be substituted; and

(b) in sub-section (3)—

(i) for the words "the Board of Revenue", occurring for the first time, the words and commas "Commissioner or Board of Revenue, as the case may be, shall be substituted; and

(ii) for the words "the Board of Revenue" occurring for the second time, the words "the Commissioner or Board of Revenue", shall be substituted.

Amendment of section 69 of West Pakistan Act XVII of 1967.

10. In the said Act, in section 69, between the word "to and the words "the Board of Revenue", the words and comma "the Commissioner and from the Appellate order of the Commissioner, to" shall be inserted.

11. In the said Act, in sections 84, 89, 92,101, 102, 103, 104, 107, 108 and 161, for the words "Board of Revenue", the word Commissioner" shall be substituted. **Amendment of sections 84, 89, 92,101, 102, 103, 104, 107, 108 and 161 of West Pakistan Act, XVII of 1967.**

12. In the said Act, in sub-section (3) of section 84, for the word "it" the word "he" shall be substituted. **Amendment of section 84 of West Pakistan Act XVII of 1967.**

13. In the said Act, in sub-section (1) of section 161— **Amendment of section 161 of West Pakistan Act XVII of 1967.**

(i) after clause (b) and before the proviso, the following clause shall be inserted:-

"(c) to the Board of Revenue only on a point of law, when the order is made by a Commissioner;"; and

(ii) In clause (ii) of the proviso—

(a) for the words "Board of Revenue", the word "Commissioner" shall be substituted; and

(b) for the word "it", the word "him" shall be substituted.

14. In the said Act, in section 162, after clause (a), the following clause shall be inserted:- **Amendment of section 162 of West Pakistan Act XVII of 1967**

"(b) Sixty days, where the appeal lies to the Commissioner,".

15. In the said Act, in section 163— **Amendment of section 162 of West Pakistan Act XVII of 1967**

(a) in sub-section (1), between the article "A" and the word "Collector", the word and comma "Commissioner," shall be inserted.

(b) in sub –section (2)—

(i) between the article "a" and the word "Collector", the word and comma "Commissioner," shall be inserted;

(ii) between the article "the" and the word "Collector", the word an comma "Commissioner." Shall be inserted; and

(c) in the proviso after sub-section (2), for clause (a), the following shall be substituted:-

"(a) an order passed by his predecessor in office shall not be reviewed under sub-section (1) or sub-section (2) by the –

(i) Commissioner, without first obtaining the sanction of the Board of Revenue.

(ii) Collector, without first obtaining the sanction of the Commissioner, and no order shall be reviewed by any other Revenue Officer, without first obtaining the sanction of the Revenue Officer to whose control he is immediately subject,".

Amendment of section 164 of West Pakistan Act XVII of 1967.

16. In the said Act, in section 164—

(a) In sub-section (2), between the article "A" and the word "Collector", the word "Commissioner or" shall be inserted;

(b) In sub-section (3), for the word "Board of Revenue", the word "Commissioner" shall be substituted; and

(c) For sub-section (4), the following shall be substituted:-

"(4) The Board of Revenue may in any case called for under sub-section (1) and a Commissioner may in any case called for under sub-section (2) or reported to him under sub-section (3), pass such orders as it or he thinks fit:".