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SINDH ORDINANCE NO. XXXII OF 2002

THE SINDH TENANCY (AMENDMENT) ORDINANCE, 2002.

[21st September, 2002]

AN ORDINANCE to amend the Sindh Tenancy Act, 1950.

Preamble.

WHEREAS it is expedient to amend the Sindh Tenancy Act, 1950, In the manner hereinafter appearing.

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provincial Constitution Order No. 1 of 1999.

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Tenancy (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

Amendment of section 2 of Act No. XX of 1950.

2. In the Sindh Tenancy Act, 1950, hereinafter referred to as the said Act, in section 2-

(i) For clause (3) except the Explanation, the following shall be substituted:-

"(3)" Landlord" ("Zaminder") means a person under whom a tenant holds land for cultivation, or a lessee of such landlord.".

(ii) Clauses (6), (7) and (8) shall be omitted;

(iii) In clause (16) for the words "Sind Land Revenue Code, 1879" the words "Sindh Land Revenue Act, 1967" shall be substituted.

Amendment of section 3 of Act No. XX of 1950.

3. In the said Act, for section 3, the following shall be substituted:-

"3. There shall be, for the purposes of this Act, only one class of tenant namely, permanent tenants."

Amendment of section 4 Act No. XX of 1950.

4. In the said Act, in section 4, in clause (i) for the word "three the word "two" shall be substituted.

5. In the said Act, in section 6- **Amendment of section 6 of Act no. XX of 1950.**

(i) In sub section (1), for the word "three" the word "two" and for the figure "1948" the figure "2002" shall be substituted;

(ii) Sub section (2) shall be omitted.

6. In the said Act, sections 8, 14 and 16 shall be omitted. **Omission of section 8, 14 and 16 of Act No. XX of 1950.**

7. In the said Act, after section 15, the heading "CHAPTER III" and sub heading "Tenants generally" shall be omitted. **Omission of heading after section 15 of Act No. XX of 1950.**

8. In the said Act, in section 22, in sub section (1), for the words "commonly known as "Begar" from any of his tenants" the words "or beggar from his tenant or any member of the family of the tenant" shall be substituted. **Amendment of section 22 of Act No. XX of 1950.**

9. In the said Act, in section 23- **Amendment of section 23 of Act No. XX of 1950.**

(i) In clause (a), for the comma and the words "manual labour and the implements of husbandry" the words "and manual lobour" shall be substituted and the semi colon at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

"Provided that in case of use of mechanical equipment or machinery for ploughing, leveling, weeding, harvesting, threshing or other work including carriage or transport of farm inputs and produce, the expenses shall be calculated at the prevalent market rates and shall be borne equally by the landlord and the tenant.".

(ii) Clauses (e) and (f) shall be omitted.

10. In the said Act, in section 24- **Amendment of section 24 of Act No. XX of 1950.**

(i) In clause (a), for the words "feed the tenant at his own cost", the words "adequately compensate the tenant in cash" shall be substituted;

(ii) In clause (b), between the word "water" and the word "to" the words "including lift and tube-well" shall be inserted;

(iii) For clause (c), the following shall be substituted:-

"(c) he shall be responsible for payment of land revenue, water rate, zaket, ushr and other taxes, cess, surcharge and levies in respect of the land and for providing seed, and the cost of fertilizer and pesticides shall be borne equally by the landlord and the tenant but the landlord shall not take any free labour from the tenant or a member of his family against his will.

11. In the said Act, section 25 shall be omitted.

Omission of section 25 of Act No. XX of 1950.

12. In the said Act, in section 27, for the words "Mukhtiarkar" or "Mahalhari" the words "Deputy District Officer (Revenue)", shall be substituted.

Amendment of section 27 of Act no. XX of 1950.

13. In the said Act, in sections 29, in sub section (1), for the words "Deputy District Officer (Revenue)" the words "District Officer (Revenue)" shall be substituted and the words "as the case may be" shall be omitted.

Amendment of section 29 of Act No. XX of 1950.

14. In the said Act, in section 30, 31, 32 and 33, for the words "Deputy District Officer (Revenue)", the words "District Officer (Revenue)" and for the words "District Officer (Revenue)", the words "Executive District Officer (Revenue)" shall be substituted.

Amendment of section 30,31,32, and 33 of Act No. XX of 1950.

15. In the said Act, in section 36, for the words "Assistant Collectors, Deputy Collectors and Mukhtiarkar", the words "Executive District Officers (Revenue), District Officer (Revenue) and Deputy District Officers (Revenue)" shall be substituted.

Amendment of section 36 of Act No. XX of 1950.