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SINDH ORDINANCE NO. XXXVIII OF 2002

THE SINDH TENANCY (SECOND AMENDMENT) ORDINANCE, 2002.

[12TH October 2002]

AN ORDINANCE to further amend Sindh Tenancy Act, 1950.

Preamble.

WHEREAS it is expedient to further amend the Sindh Tenancy Act, 1950, 2001 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 (Second Amendment) Ordinance, 2002.

(2) It shall come into force at once.

Insertion of section 25.

2. In the Sindh Tenancy Act after section 24 the following shall be added:-

General Provisions regarding debt.

"25. Notwithstanding any –

a) advance (Peshgi) obtained or a debt incurred by a tenant or any member of his family; or

b) economic consideration received by the tenant or any member of his family; or

c) agreement between the landlord and the tenant; or

d) other claim or demand against the tenant or any member of his family;

no landlord shall-

(i) make any recovery from the tenant from agricultural produce on Betai or from any other property of the tenant, except for (a) any loan advanced to the tenant in accordance with the attested agreement prescribed in the Sindh Tenancy Rules, and (b) expenses to be

borne by the tenant under this Act, provided that is case of dispute on these accounts there shall be a final decision by the tribunal in accordance with the Act, and payment to the tenant of the portion of payment to the tenant of the portion of the account not in dispute shall not be withheld because of the dispute; or

(ii) require the tenant, or any member of his family, to provide free labour or labour against their will for the benefit of the landlord; or

(iii) restrain the tenant or any member of his family, from proceeding beyond circumscribed limits; or

(iv) impose any constraint on the tenant , or any member or his family, to seek work elsewhere; or

(v) transfer, permanently or temporarily, against payment in cash or any other consideration, his tenant or any member of the family of the tenant, to another landlord or any other person.