

SIND ORDINANCE NO.III OF 1972
THE SIND (AMENDMENT OF LAWS) ORDINANCE, 1972

[17th March, 1972]

An Ordinance to amend certain laws applicable to the Province of Sind.

WHEREAS it is expedient to amend certain laws applicable to the Province of Sind, in the manner hereinafter appearing;

Preamble.

NOW THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of Sind and Martial Law Administrator, Zone 'D' is please to make and promulgate the following Ordinance: -

1. (1) This Ordinance may be called the Sindh (Amendment of Laws) Ordinance, 1972.

Short title and commencement.

(2) It shall come into force on such date, hereinafter referred to as the 'appointed day', as Government may, by notification in official Gazette, appoint.

2. Save as expressly provided the Acts, Ordinances and Order specified in the Schedule shall on and from the appointed day stand amended in the manner indicated in the fourth column thereof and, so far as may be, corresponding amendments in all rules, regulations, bye-laws, notifications and orders, made or issued thereunder shall, until such rules, regulations, bye-laws, notifications and orders are brought by express modification into accord with the Acts, Ordinances and Order so amended, be deemed to have been made.

Amendments.

3. (1) All appeals, review or revision petitions or any other case pending before any Commissioner or Additional Commissioner immediately before the appointed day shall stand transferred to and be disposed of by the Revenue Commissioner to be appointed by Government.

Transfer of appeals, etc.

(2) Subject to control of the Board of Revenue, the Revenue Commissioner appointed under sub-section (1) shall for the purposes of this section exercise the same powers as were exercisable by a Commissioner or Additional Commissioner immediately before the appointed day.

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4. The Sind Mukhtiarkars' Courts Act, 1906 (Sind II of 1906) is hereby extended to Khairpur District and the Bombay Mamlatdars' Courts Act, 1906 (Bom.II of 1906) in its application to Khairpur District is repealed. **Extension and Repeal.**

SCHEDULE

Year.	No.	Short title or subject.	Amendments.
1	2	3	4

CENTRAL ACTS AS APPLICABLE TO SIND.

1861	V	The Police Act, 1861.	<p>In section 15-A, in sub-section (4) <i>omit</i> "the Commissioner of the Division or".</p> <p>In section 33-A, in sub-section (3), for "Commissioner" <i>substitute</i> "Provincial Government".</p>
1873	VIII	The Canal and Drainage Act, 1873.	<p>In section 3, <i>omit</i> clause (5).</p> <p>In section 19, 27 and sub-section (3) of section 35, for "Commissioner" <i>substitute</i> "Board of Revenue".</p> <p>In section 35, <i>omit</i> sub-section (5).</p>
1894	I	The Land Acquisition Act, 1894.	<p>In section 5, <i>omit</i> "land is to be acquired for public purpose, if the Commissioner and where land is to be acquired for company".</p> <p>In section 5-A, 6(3), 7, 17(4), 31(3), 35(1), 36(2), 38(1), 39, 40, 41, 49(2) and 49(3), for "Commissioner" <i>substitute</i> "Provincial Government"</p> <p>In section 6, in sub-section (1), for "the Commissioner", occurring for the first time, <i>substitute</i> "the Provincial Government", and for "the Commissioner", occurring for</p>

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the second time, substitute "a Secretary to such Government".

SCHEDULE			
Year.	No.	Short title or subject.	Amendments.
1	2	3	4
			<p>In section 17—</p> <p>(i) in sub-section (1), omit "whenever the Commissioner so directs,";</p> <p>(ii) for the proviso to sub-section (1), substitute the following:-</p> <p>"Provided that the Collector shall not take possession unless the Department of Government, the Local Authority, or Company as the case may be, for which the land is, being acquired, has first deposited the estimated cost of requisition of such land as determined by him, keeping in view the provisions of sections 23 and 24.";</p> <p>(iii) in sub-section (2), omit "for the Commissioner" and further omit "and with the previous sanction of the Commissioner.";</p> <p>(iv) in sub-section (4), for "he" substitute "it".</p> <p>In section 41, for "he" substitute "it".</p> <p>In section 49, in sub-section (2), for "he" substitute "it".</p>
1896	XX	The Sind Incombered Estates Act, 1896.	Throughout the Act, except as otherwise provided hereunder, for "Revenue Commissioner"

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substitute "Collector".

In section 31—

(i) in sub-section (1), for "Revenue Commissioner" *substitute* "Board of Revenue".

(ii) *omit* sub-section (2).

In section 33, in sub-section (1), for "Revenue Commissioner" *substitute* "Board of Revenue";

1897 X The General Clauses Act, 1897.

In section 3, *omit* clause (13).

1952 XI The Land Control (Karachi Division) Act, 1952.

In section 2—

(a) in clause (ii), for "Commissioner" *substitute* "Provincial Government";

(b) *omit* clause (iiia);

(c) in clause (vii), for "Commissioner" *substitute* "Deputy Commissioner".

For section 17, *substitute* the following: -

"17. An appeal, if presented within fifteen days from the date of the order appealed against, shall lie to the Provincial Government against every order made by an Authorised Officer, under section 5, 6, 7, 8, 9 or 11 and the decision of the Provincial Government on such appeal shall be final and shall not be called in question in any Civil Court. when an appeal has been presented, the Provincial Government may make such

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			orders pending the disposal of the appeal as it may think fit.”.
			In section 19, <i>omit</i> “against the Commissioner or”.
1953	XXVII	The Karachi Essential Articles (Price Control and Hoarding) Act, 1953.	Throughout the Act, for Commissioner” <i>substitute</i> “Provincial Government”. In section 2, <i>omit</i> clause (a). In section 14 for “him” <i>substitute</i> “it”.
1958	IV	The Control of Orphanages (Karachi Division) Ordinance, 1958.	In section 2, <i>omit</i> clause (a). In section 6 and 15, for “Commissioner” <i>substitute</i> “Government”.
SIND ACTS.			
1868	II	The Sind Ferries Act, 1868.	In section 17, <i>omit</i> “Revenue Commissioner”.
1878	V	The Sind Abkari Act, 1878.	In section 3— (a) in clause (2), for “a Commissioner” <i>substitute</i> “the Director-General”; (b) for clause (3), <i>substitute</i> the following:- “(3) ‘Director-General’ means the Director-General, Excise and Taxation, Sind;”.
			In section 4, 5, 8A, 14(2), 15, 16(2), 19A, 30, 32(2), 35(2) (a), 35A, 49A and 60, for “Commissioner” <i>substitute</i> “Director-General”.
			In sections 6 and 8, for “Commissioners” <i>substitute</i> “Director-General”.
			In section 6, paragraph 2, for

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“they” substitute “he”.

In section 8, for “them” substitute “him”.

In section 32-C, for “the Revenue Commissioner for Sind” substitute “the Director-General”.

In section 36, 37, 38-A, 40 and 55A, for “Any Commissioner” substitute “The Director-General”.

1879 Vii The Sindh Irrigation Act, 1879.

In section 60, *omit* “for the information of the Revenue Commissioner”.

In sections 67, 91(2) (iii), 92 (6) and 92-A (3), for “Revenue Commissioner” substitute “Provincial Government”.

1905 I The Sind Court of Wards Act, 1905.

For section 3, substitute the following: -

“3. Subject to the provisions of section 12 the Board of Revenue, Sind shall be the Court of Wards for the Province:

Provided that the Provincial Government may, if it thinks fit, by notification in the official Gazette, appoint a special officer or a Board of Officers to be the Court of Wards for such area as may be specified, and thereupon the Provincial Government may direct that the area for which such Court of Wards is appointed, be excluded from the jurisdiction of the Court of Wards for the Province.”.

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In section 43, for sub-section (1), substitute the following: -

“(1) An appeal shall lie from every order, other than an order of the District Court, passed under this Act, whether original or on appeal—

(a) where the order is that of a Court of Wards to the Provincial Government;

(b) where the order is that of the Collector to the Court of Wards;

(c) in all other cases to the Collector.”.

1906	II	The Sind Mukhtiarkars' Courts Act, 1906.	In section 4, in sub-section (3), for “the Revenue Commissioner” substitute “any officer subordinate to it”.
1915	I	The Sind Town-Planning Act, 1915.	In section 45B, in sub-section (5), omit “and Revenue Commissioner”.
1925	VII	The Co-operative Societies Act, 1925.	In section 59-P, in sub-section (2), for “Revenue Commissioner” substitute “Board of Revenue, Sind”.
1940	IV	The Sind Consumption of Intoxicants Restriction Act, 1940.	Throughout the Act, for “a Commissioner” or “the Commissioner” substitute “the Director-General”.
1947	XLIX	The Sind Rural Credit and Land Transfer Act, 1947.	In section 26, for “Commissioner” substitute “Board of Revenue”. In section 28, omit “or the Revenue Commissioner”.

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WEST PAKISTAN ACTS AND ORDINANCES.			
1956	VI	The West Pakistan General Clauses Act, 1956.	In section, 2, omit clause (17).
1958	V	The Sindh Urban Immovable Property Tax Act, 1958.	In section 2, for clause (c), <i>substitute</i> the following: - “(c) ‘Director-General’ means the Director-General, Excise and Taxation, Sind, or any other officer appointed by Government to discharge the functions and to perform the duties of the Director-General under this Act in any specified area;”.
1958	X	The West Pakistan Entertainments Duty Act, 1958.	In section 10, in sub-section (2), for “Commissioner” substitute “Director-General”. In section 2, for clause (c), <i>substitute</i> the following: - “(c) ‘Director-General’ means the Director-General, Excise and Taxation Sind, or any other officer appointed by Government to discharge the functions and to perform the duties of the Director-General under this Act in any specified area;”.
1958	XXXVIII	The West Pakistan	In section 15, in sub-section (1), for “Commissioner” substitute “Director-General”. In section 2, for clause (b),

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		Tobacco Vend Act, 1958.	substitute the following: - “(b) ‘Director-General’ means the Director-General, Excise and Taxation Sind, or any other officer appointed by Government to discharge the functions and to perform the duties of the Director-General under this Act in any specified area;”.
			In section 4, in clause (b) sub-section (2), for “Commissioner” substitute “Director-General”.
			In section 12, in sub-section (3), for “Commissioner” substitute “Director-General”.
1958	XXVII	The West Pakistan Vaccination Ordinance, 1958.	In section 3— (i) in sub-section (4), for “the Commissioner” substitute “Government”; (ii) Omit sub-section (5); (iii) for the proviso, substitute the following: - “Provided that no order shall be passed by the Deputy Commissioner or Government without giving the local authority a reasonable opportunity of showing cause against such order.”.
1959	XXXV	The West Pakistan Control of Goondas Ordinance, 1959.	Throughout the Ordinance, for “the Commissioner” substitute “Government”. In section 18, in sub-section (1), for “the Commissioner of the Division” substitute “Government”.

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1960	VI	The West Pakistan Consolidation of Holdings Ordinance, 1960.	<p>In section 2, omit clause (d).</p> <p>In section 11, for "Commissioner" substitute "Board of Revenue".</p> <p>In section 13—</p> <p>(i) in sub-section (2), for "A Commissioner" substitute "The";</p> <p>(ii) in sub-section (3), for "Commissioner" substitute "Board of Revenue";</p> <p>(iii) for sub-section (4), except the proviso, substitute the following: -</p> <p>"(4) The Board of Revenue may, in any case called for under sub-section (1) or reported under sub-section (3), pass such orders as it thinks fit."</p>
1960	VII	The West Pakistan Pure Food Ordinance, 1960.	<p>In section 35—</p> <p>(i) in sub-section (3), for "the Commissioner" substitute "Government";</p> <p>(ii) omit sub-section (4);</p> <p>(iii) for the proviso, substitute the following: -</p> <p>"provided that no order shall be passed by the Deputy Commissioner or Government without giving the local authority a reasonable opportunity of showing cause against such order."</p>
1960	XIV	The West Pakistan Benevolent Fund Ordinance, 1960.	<p>In section 6—</p> <p>(i) in sub-section (1), omit clause (c);</p>

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			(ii) in sub-section (2), omit clause (c).
1960	XXIV	The West Pakistan Money Lenders Ordinance, 1960.	In section 2, omit clause (e). In section 8, for "Commissioner" substitute "District Judge".
1962	VIII	The West Pakistan Tolls on Roads and Bridges Ordinance, 1962.	In section 8, in sub-section (3), for "the Commissioner" substitute "Government".
1962	XXIX	The West Pakistan Primary Education ordinance, 1962.	In section 8, for "the Commissioner" substitute "Government". In section 22, omit sub-section (2).
1964	XIX	The West Pakistan Redemption and Restitution of Mortgaged Lands Act, 1964.	In section 2, omit clause (c) For sections 14, 15 and 16, substitute the following:- "14. Save as otherwise provided by this Act, an appeal shall lie from an original order of the Collector to the Board of Revenue. 15. The Board of Revenue may at any time call for the record of any case pending before, or disposed of, by any Revenue Officer and may pass such orders as it may think fit; Provided that no order shall be passed under this section reversing or modifying any proceedings or order of such Revenue Officer and affecting any question of rights between private persons without giving those persons an opportunity of being heard.

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16. (1) The period of limitation for an appeal under section 14 shall be ninety days from the date of the order appealed against.

(2) The provisions of section 5 of the Limitation Act, 1908 (Act IX of 1908), shall apply to appeals under this Chapter."

1964 III The Ghulam Muhammad Barrage Betterment Tax Ordinance, 1964.

In section 7, for "The Commissioner" substitute "Government" and for "he" substitute "it".

In section 11, omit "the Commissioner" or occurring twice.

1967 XVII The West Pakistan Land Revenue Act, 1967.

In section 5, for "Division" substitute "Districts".

In section 6—

(i) in sub-section (1), omit "Each Division shall be divided into such Districts, and";

(ii) in sub-section (2), omit "Division,".

In section 7, omit clause (b) of sub-section (1).

For sections 8 and 9, substitute the following: -

"8. *Appointment of Collectors*— For each District there shall be a Collector who shall be appointed by Government, and who shall exercise throughout the District all the powers, and discharge all the duties conferred or imposed on a Collector by or under this Act.

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9. *Appointment of Additional Collectors*— Government may appoint in any District an Additional Collector, who shall exercise all or any of the powers and discharge all or any of the duties conferred or imposed on a Collector by or under this Act subject to the general supervision and control of the Collector of the District.”.

In section 13, for sub-sections (3) and (4), substitute the following:-

“(3) Subject to the general control of the Board of Revenue, a Collector shall control all other Revenue Officers in his District.”.

In section 14—

(a) in sub-section (2)—

(i) omit “Commissioner or”;
(ii) for “their respective” substitute “his”;

(b) in sub-section (3), for “Commissioner or Collector, under sub-section (2), the Commissioner or Collector, as the case may be,” substitute “Collector under sub-section (2),”.

In section 16—

(a) in sub-section (1), omit “Commissioner” or”;
(b) in sub-section (3), omit “Commissioner,”.

In section 63—

(i) omit “Commissioner” or;

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(ii) in sub-section (3 |), omit, "as the case may be,"

In section 69, omit "the Commissioner and from the appellate orders of the Commissioner, to".

In sections 84, 89, 92, 101, 102, 103, 104, 107, 108 and 161, for "Commissioner" substitute "Board of Revenue".

In section 84, in sub-section (3), for "he" substitute "it".

In section 161, in sub-section (1)—
(i) omit clause (c);
(ii) in clause (ii) of the proviso, for "him" substitute "it".

In section 162, omit clause (b).

In section 163—
(i) omit "Commissioner,";
(ii) for clause (a) of the proviso to sub-section (2), substitute the following:-

"(a) an order passed by his predecessor-in-office shall not be reviewed under sub-section (1) or sub-section (2) by the Collector without first obtaining the sanction of the Board of Revenue, 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;"

In section 164—

(i) in sub-section (2), omit "Commissioner";

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			(ii) in sub-section (4), for "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" substitute "or reported to it under sub-section (2), pass such orders as it".
1967	IX	The West Pakistan Pat Feeder Canal (Control and Prevention of Alienation of Land) Ordinance, 1967.	<p>In section 4, in sub-section (3), omit "or the Commissioner".</p> <p>In section 5, in sub-section (4)—</p> <p>(i) for "Commissioner under section 6, or in revision by the Board of Revenue under section 7" substitute "Board of Revenue under section 6";</p> <p>(ii) in the Explanation—</p> <p>(a) for "sections 6 and 7" substitute "section 6";</p> <p>(b) omit "the Commissioner".</p> <p>In section 6, for "Commissioner" substitute "Board of Revenue" and for "he" substitute "it".</p> <p>Omit section 7.</p> <p>In section 7-B, for "sections 6 and 7(b)" substitute "section 6".</p> <p>In sections 8 and 9, omit "the Commissioner".</p>
1970	XIII	The West Pakistan Requisitioning of Stage Carriages (Temporary Powers) Ordinance, 1970.	In section 4, for "Commissioner" substitute "Board of Revenue"
KHAIRPUR ACTS.			
1905	III	The Khairpur Management of Minor's	In section 2, for "Commissioner" substitute "Board of Revenue".

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Property Act, 1905.

1954	VI	The Khairpur Livestock Control, Act, 1954.	In section 8, for "Commissioner" substitute "Provincial Government".
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PUNJAB ACTS.

1912	V	The Colonization of Government Lands (Punjab) Act, 1912.	In section 3, omit the definition of "Commissioner". In sections 17 and 19, for "Commissioner" substitute "Board of Revenue". In section 19, for "he" occurring for the first time, substitute "it".
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1939	V	The Agricultural Produce Markets Act, 1939.	In section 6, in sub-section (3), for "Commissioner" substitute "Government". In section 21-A, in sub-section (2), for "Commissioner" substitute "Government". In section 32, for "a Commissioner" substitute "any officer".
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N.—W.F.P. ACT.

1950	XXII	The Sugar Factories Control Act, 1950.	In sections 10 and 14, for "Commissioner of the Division" substitute "Provincial Government".
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PRESIDENT'S ORDER.

1957	5	The Karachi Development Authority Order, 1957.	In Article 5, in clause (3), for "Commissioner" substitute "Deputy Commissioner".
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