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SINDH ACT NO.III OF 2012

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) (SECOND AMENDMENT) ACT, 2011.

[6th February, 2012]

An Act further to amend the Sindh Public Property (Removal of Encroachment) Act, 2010.

Preamble.

WHEREAS it is expedient further to amend the Sindh Public Property (Removal of Encroachment) Act, 2010, in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement.

1. (1) This Act may be called the Sindh Public Property (Removal of Encroachment) (Second Amendment) Act, 2011.

(2) It shall come into force at once.

Amendment of section 12 of Act No. XVIII of 2010.

2. In the Sindh Public Property (Removal of Encroachment) Act, 2010, hereinafter referred to as the said Act, for section 12, the following shall be substituted:-

"12 (1) Composition and Appointment of Presiding Officers of Tribunals:- Government may, by Notification in the official Gazette, establish a Tribunal for each District.

(2) A Tribunal shall consist of a Presiding Officer, being a person who-

(i) is or has been District Judge or an additional District Judge; or

(ii) has for a period of not less than ten years been an advocate of the High Court.

(3) Government shall, after consultation with the Chief Justice of the High Court, appoint a Presiding Officer of the Tribunal.

(4) A Presiding Officer shall hold office for a period of two and half years but may be appointed for such further term or part of term as Government may determine.

(5) A Presiding Officer may be removed from his office prior to the completion of the period for which he has been appointed after consultation with the Chief Justice of the High Court.".

Amendment of section 23 of Act No.XVIII of 2010.

3. In the said Act, in section 23, sub-section (4) shall be omitted and thereafter sub-section (5) shall be renumbered as sub-section (4).

Amendment of section 26 of Act No.XVIII of 2010.

4. In the said Act, for section 26, the following shall be substituted:-

"26. (1) **Composition and Appointment of Presiding Officers of Special Courts:-** A Special Court shall consist of a Presiding Officer, being a person who-

(i) is or has been Sessions Judge or an Additional Sessions Judge; or

(ii) has for a period of not less than ten years been an advocate of the High Court.

(2) Government shall, after consultation with the Chief Justice of the High Court, appoint a Judge for each Special Court.

(3) A Judge shall hold office for a period of two and half years but may be appointed for such further term or part of term as Government may determine.

(4) A Judge may be removed from his office prior to the completion of the period for which he has been appointed after consultation with the Chief Justice of the High Court.

(5) No Court other than the Special Court constituted under section 25 shall take cognizance of an offence punishable under this Act except upon complaint in writing made by a person authorized in this behalf by the Director General or the Director.".

Repeal.

5. The Sindh Public Property (Removal of Encroachment) (Second Amendment) Ordinance, 2011 is hereby repealed.