SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
www.sindhlaws.gov.pk

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]

SINDH ACT NO. V OF 1912

CONTENTS

Preamble
Sections

1. Title and local extent.
2. Repeal.
3. Definitions.

CHAPTER I.
PRELIMINARY.

4. Application of the Act.
5. Power to withdraw a Colony from the operation of the Act.
6. Applicability of tenancy Laws.
7. Applicability of the Sindh Land Revenue Act, 1967, etc.
8. [Omitted.]
9. [Omitted.]

CHAPTER II.
PROVISIONS RELATING TO TENANTS.

10. Issue of Statements of conditions of tenancies.
11. Legal effect of statements of conditions.
12. Temporary absence.
13. [Omitted.]
14. [Omitted.]
15. Purchaser to be tenant pending payment in full of purchase money.
16. False information by a tenant.
17. Exchange.
18. Rights of tenant not to be attached or sold.
19. Transfers of rights to be void.
19A. Succession to the tenancy.
20. Succession to tenants acquiring otherwise than by succession.
21. Succession to tenants acquiring by Succession.
22. Acquisition of ownership not to affect nomination of heir.
23. Revocation of nomination.
24. Power of imposing penalties for breaches of conditions.
24-A.
25. Power of re-entry and provisions as to compensation in certain cases.
26. Provisions for re-entry on and compensation for buildings on sites allotted for residential purposes.
27. Saving of certain tenancies and conditions.
28. Sums due to Government to be recoverable as arrears of Land revenue.
29. Power to abrogate conditions.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]

SINDH ACT NO. V OF 1912

CHAPTER III.

PROVISIONS RELATING TO PROPRIETORS.

30. [Omitted.]
30A. Rights of alienation in respect of and rule of succession to certain proprietory rights acquired by a female.

CHAPTER IV.

SUPPLYMENTARY PROVISIONS.

31. Mares, camels or their progeny maintained under prescribed conditions not to be attached or sold.
32. Power of re-entry in case of squatters and trespassers.
33. Penalties.
34. Additional powers of Collector in regard to offences.
35. Power to levy a cess for administration of common village expenses.
36. Jurisdiction of Civil Court barred as regards matters arising under the Act.
37. Public servants under notified for acts done under this Act.
38. Legalization of orders passed previous to the Act.

SCHEDULE I. [OMITTED]

SCHEDULE II. [OMITTED]

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]

SINDH ACT NO. V OF 1912

[21st June, 1912.]

An Act make better provision for the Colonization and administration of Government Lands in [2][Sindh].

WHEREAS it is expedient to make better provision for the colonization and administration of Government lands in [2][Sindh];

It is hereby enacted as follows—

1. (1) This Act may be called the Colonization of Government Lands [3]**** Act, 1912. **Title and local extent.**

[4][(2) It extends to the whole of the Province of Sindh.]

2. [Repeal of Act III of 1893.] *Omitted by the Sindh Repealing and Amending Act, 1975 (Sindh Act XVII of 1975) S.3, Sch. II.* **Repeal.**

3. In this Act, unless there is something repugnant in the subject or context. **Definitions.**

"Collector" means the Collector of the district as described in the [5][Sindh Land Revenue Act, 1967] and includes (1) any officer appointed by the [6][Board of Revenue] to perform all or any of the functions and exercise all or any of the powers of the Collector under this Act, and (2) any Colonization Officer or Assistant Colonization Officer appointed as such before the commencement of this Act, whether or not such officer was by notification appointed to perform all or any of the functions of a Deputy Commissioner under the Act hereby repealed.

[7]["Commissioner" includes any officer appointed by the Board of Revenue to perform all or any of the functions and exercise all or any of the powers of a Commissioner under this Act.]

---

[1] For Statement of Objects and Reasons, see Punjab Gazette, 1910, Part V, page 176, for Report of the Select Committee, see Punjab Gazette, 1911, Part V, page 429, and *ibid* 1912 Part V, page 85, for Proceedings in Council, see *ibid*, 1910, Part V, page 188, *ibid* 1911, Part V, page 420, and *ibid*, Part V, pages 50, and 135.

[2] Subs. by Sindh Adaptation, of Laws Order, 1975, Art. 2, Sch., Part IV, for "Punjab".

[3] The brackets and the word "(Punjab)" omitted *ibid*.

[4] The original sub-section (2) has successively been amended by W. P. Act 13 of 1963., s. 2, W. P. Ordinance 36 of 1969 s.2, and the Sindh Adaptation of Laws Order, 1975, Art, 2 Sch. Part IV, to read as above.

[5] Subs. by W. P. Ordinance 36 of 1969, s. 3 for "Punjab Land Revenue Act, 1887".

[6] Subs. by W. P. Act 16 of 1957, s. 3(3) and Sch III., as amended by W.P. Ordinance 13 of 1961 for "Provincial Government".

[7] The original definitions of "Commissioner" was amended by the A. O., 1937, and W. P. Act 16 of 1957, was first omitted by Sindh Ordinance 3 of 1972, and then re-inserted by Sindh Act 27 of 1974, s. 2, sch.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]

SINDH ACT NO. V OF 1912

[1]["Colony" means any area to which this Act shall be applied by order of the Provincial Government].

"Prescribed" means sanctioned by the [2][Board of Revenue] under this Act hereby repealed.

[3]["Improvements" means, with reference to a tenancy, any work which is suitable to the tenancy and consistent with the conditions on which it is held, by which the value of the tenancy has been and continues to the increased, and which, if not executed on the tenancy, is either executed directly for its benefit, or is, after execution, made directly beneficial to it;]

Explanation I— it includes among other things:—

(a) the construction of wells and other works for the storage or supply of water for agricultural purposes;

(b) the construction of works for drainage and for protection against floods;

(c) the planting of trees, the reclaiming, enclosing, levelling and terracing of land for agricultural purposes and other works of a like nature;

(d) the erection of buildings required for the more convenient or profitable cultivation of a tenancy; and

(e) the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of mere repairs and as durably increase their value;

But it does not include such clearances, embankments, levellings, enclosures, temporary, wells and water channels as are made by tenants in the ordinary course any special expenditure, or any other benefit occurring to land from the ordinary operations or husbandry;

---

[1] The original definition of "Colony" has successively been amended by the A. O., 1937 W.P. Act 16 of 1957 (as amended by W. P. Ordinance 31 of 1961), W. P. Ordinance 36 of 1969 and Sindh Act, 17 of 1975, s. 3, Sch. II, to read as above.

[2] Subs. for "Financial Commissioner" by W. P. Act XVI of 1957, s. 3 (2) Sch. II.

[3] Subs. by W. P. Ordinance 36 of 1969, s. 3 for the original definition of "Improvement".

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

Explanation II—A work which benefits several tenancies may be deemed to be, with respect to each of them, an improvement.

Explanation III—A work executed by a tenant is not an improvement if it substantially diminishes the value of any other part of his landlord's property.]

"Tenant" means any person holding land in a colony as a tenant of [1][Government], and includes the predecessors and successors in interest of a tenant.

[2]"Original tenant" means any male, to whom a tenancy is first allotted by the Collector, and includes the male transferee of such a tenant and any male nominated by the Collector in accordance with the provisions of section 21 to succeed a female, to whom a tenancy was first allotted.

CHAPTER I
PRELIMINARY

[3][4. The Provincial Government may by notification in the application of the Act, official gazette apply it to any land which is the property of the Provincial Government.]

Application of the Act.

5. The [4][Provincial Government] may, at any time by notification in the Official Gazette, withdraw a colony or any part of a colony from the operation of all or any of the provisions of this Act.

Power to withdraw a Colony from the operation of the Act.

[5][6. Except as provided in section 7, [6][any law relating to tenancy for the time being inforce], shall not be applicable to tenancies under this Act.]

Applicability of tenancy Laws.

---

[1] Subs. by W. P. A. O., 1964, Art. 2, Sch. Pt. II "the Crown".
[2] Added by Punjab Act 3 of 1920, s. 2.
[3] Subs. by the Sindh Act 17 of 1975, s. 3, Sch. II. Pt. IV for original section 4 as amended by the A. O., 1937, Act 38 of 1929 and W. P. A. O., 1964. This Act has been applied to the Karachi District (new Div), Hyderabad Div. and Khairpur Div. by W. P. Govt. Notification No. 487/-69-I/2238-GMB, ct.6-12-1969, See gazette of W.P.(Ext), p. 2223.
[4] Subs. by the A. O., 1937, for "Local Government".
[5] Subs. by the W.P. Ordinance 36 of 1969, s. 4 for original section 6 as amended by the A.O., 1937.
[6] Subs. by the Sindh Act 17 of 1975, s. 3, Sch. II, Pt. IV for "the Punjab Tenancy Act, 1887, or any other law relating to tenancy for the time being in force in any part of the West Pakistan"

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]

SINDH ACT NO. V OF 1912

[1][7. (1) Subject to the provisions of this Act, the [2][Sindh Land Revenue Act 1967,] or the corresponding provisions of any other law relating to tenancy for the time being in force in the area where proceedings under this Act are to be taken and the rules thereunder, shall apply to all proceedings under this Act:

Applicability of the Sindh Land Revenue Act, 1967, etc.

Provided that nothing in [3][the Sindh Land Revenue Act, 1967, or any law relating to tenancy for the time being in force] shall be so construed as to vary or invalidate any condition entered in statement of conditions issued by the Provincial Government.

(2) Nothing in section 6 shall affect the application of [4]***** any [5]***** law relating to tenancy for the time being in force, to any matter or dispute arising between Government tenant and their sub-tenants to which Government is not a party.]

8. [Amendment of Section 136 (1) of the Punjab Land Revenue Act]. Omitted by West Pakistan Ordinance XXXVI of 1969 S.6.

9. [Application of Chapter IV of Land Revenue Act, 1887. To certain village sites.] Omitted by West Pakistan Ordinance, XXXVI of 1969, S.6.

CHAPTER II.
PROVISIONS RELATING TO TENANTS.

10. (1) The [6][Board of Revenue subject to the general approval of the Government] may grant land in a colony to any person on such conditions as it thinks fit.

Issue of Statement of conditions tenancies.

(2) The [7][Provincial Government] may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

---

[1] Subs. by W.P. Ordinance 36 of 1969, s. 5. for original section 7 as amended by the A.O, 1937.
[2] Subs. by the Sindh Act 17 of 1975, s. 3, Sch. II. Pt. IV, for "West Pakistan Land Revenue Act, 1967, Chapter VII of the Punjab Tenancy Act, 1887".
[3] Subs. ibid., for "the West Pakistan Land Revenue Act, 1967, the Punjab Tenancy Act 1887, or any other Law relating to tenancy for the time being in force in West Pakistan".
[4] The words, Commas and figures "The Punjab Tenancy Act, 1887, or" omitted by Sindh Act 17 of 1975, s. 3, Sch pt. IV.
[5] The word "other" omitted, *ibid.*
[6] Subs. by W. P. Act XVI of 1957, s. 3, Sch. III (as amended by W. P. Ordinance XXXI of 1961), for the words "Provincial Government" which were previously subs. for the words "Local Government" by the A. O., 1937.
[7] Subs. for the words "Local Government" by the A. O., 1937.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

[1][(2-A) Notwithstanding anything contained in sub-section (1) or sub-section (2), such land shall, not be exchangeable with private or kabuli land.]

(3) Where such statements of conditions have been issued, the Collector may, subject to the control of the [2][Board of Revenue], allot land to any person, to be held subject to such statement or conditions issued under sub-section (2) of this section, as the Collector may by written order declare to be applicable to the case.

(4) No person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector. After possession has been so taken, the grant shall be held subject to the conditions declared applicable thereto.

[3][(5) If a person who has been granted, allotted or leased out, land after applicability of this Act to the Province of Sindh, or a person who may be granted land under this Act hereinafter for specific propose has-

(a) failed to deposit the occupancy price within a period of [4][six months] after the issuance of offer letter or allotment letter regarding grant, allotment or lease of land, such offer letter or allotment letter shall automatically stand withdrawn and shall not be restored: provided that the grantee, allottee or lessee may apply afresh for grant, allotment or lease of the land and the Competent Authority may make a fresh grant, allotment or lease as the case may be; and

(b) failed to use the land for the purpose for which it was granted or allotted or converted or leased out and the period of [5][five years] from the date of grant, allotment, conversion or lease has expired, the grant, allotment, conversion or lease of the land shall automatically stand cancelled and the amount deposited shall stand forfeited:

---

[1] Added sub-section (2-A) by Sindh Act No. IV of 1995, dated 1st February, 1996.
[2] Subs. for the words "Financial Commissioner" by the W. P. Act XVI of 1957, s. 3, Sch. II.
[3] Added sub-section (5) by Sindh Act No. V of 2009, dated 9th June, 2009.
[4] Sub. for the words "three months" by Sindh Act No. XI of 2012, dated 6th February, 2012.
[5] Sub. for the words "two years" by Sindh Act No. XI of 2012, dated 6th February, 2012.

Provided that the competent authority may extend the period for one year more in the justified cases on payment of ten percent (10%) of the occupancies prices[1][:]
[2][Provided further that the Chief Minister may extend the period of completion of projects in respect of land granted for education and health purposes in the cases where the delay in completion of project is not on account of any negligence on the part of grantee.]

11. Subject to the provisions of this Act, the grant of any tenancy in accordance with any statements of conditions which have been or may hereafter be issued by the [3][Provincial Government] [4]***** under this Act shall be deemed to be transfer of a land within the meaning of the [5][Government] Grants Act, 1895, and shall be governed by the Provisions of the said Act. **Legal effect of Statements of conditions of tenancies.**

12. Any condition included in any statement of conditions which imposes an obligation of residence shall not be deemed to have been infringed by reason only of the temporary absence of a tenant who has established a Permanent residence in the estate in which his holding is situated. **Temporary absence.**

13. [Entries in record of rights or in annual record to be equivalent to entries in register issued under Act III of 1893.] Omitted by the Sindh Repealing and Amending Act, 1975, (Sindh XVII of 1975), S.3, Sch. II.

14. [Position of tenants holding hitherto under Act III of 1893.] Omitted by the Sindh Repealing and Amending Act, 1975, (Sindh XVII of 1975), S.3, Sch. II.

15. A Purchaser from [6][Government] of land who has been placed in possession of the land by order of the Collector shall be deemed to be a tenant of such land until the full amount of the purchase money with any interest due thereon has been paid and the other conditions set forth in the statement of the conditions of sale issued by the Collector have been fulfilled. **Purchaser to be tenant pending payment in full of purchase money.**

---

[1] Replaced full stop by colon by Sindh Act No. II of 2011, dated 22nd February, 2011.
[2] Added proviso by Sindh Act No. II of 2011, dated 22nd February, 2011.
[3] Subs. for the words "Local Government" by the A. O., 1937.
[4] The words, brackets, commas and figures "under the Government Tenants (Punjab) Act 1893, or" omitted by Sindh Act 17 of 1975, s. 3, Sch. II.
[5] Subs. by Sindh Act 17 of 1975, s. 3, Sch. II, for "Crown".
[6] Subs. for the words "the Crown" by West Pakistan Laws (Adaptation) Order, 1964, s. 2 (1) Sch. Pt-II.

16. If any person who after the commencement of this Act has been put in possession of land in a colony as a tenant shall have given false information intending or having reason to believe that any [1][Servant of the State] may be thereby deceived regarding his qualifications to become a tenant, he shall be deemed to have committed a breach of the conditions of his tenancy: **False information tenant.**

Provided that this section shall not apply to persons who have been in possession of a tenancy for more than three years or to any person who has acquired a right of ownership.

17. Subject to any orders that he may receive from the [2][Commissioner], the Collector may allow any tenant to exchange the whole or any part of his tenancy for other land in the colony, and the land so taken in exchange shall, in the absence of any special condition to the contrary recorded in writing by the Collector, be deemed to be held on the same conditions and subject to the same obligations as the surrendered land was held[3][:] **Exchange.**

[4][Provided that such land shall not be exchangeable, with private or kabuli land.]

18. None of the rights or interests vested in a tenant from Government of land to which this Act applies shall be attached or sold in execution of a decree or order of any court or in any insolvency proceedings. **Right of tenants not be attached or sold.**

19. Except as provided in section 17, none of the rights or interests vested in a tenant by or under [5]***** this Act, shall, without the consent in writing of the [6][Commissioner], or of such officer as [7][he] may by written order empower in this behalf, be transferred or charged by any sale, exchange, gift, will, mortgage or other private contract, other than a sub-lease for not more than one year in the case of a tenant who has not acquired a right of occupancy,

---

[1] Subs. for the words "Officers of the Crown" by West Pakistan Laws (Adaptation) Order, 1964, s. 2 (1) Sch. Pt-II.
[2] Subs. by the Sindh Act 27 of 1974, s. 2, Sch. for the words "Board of Revenue" which were subs. by Sindh Ordinance II of 1972, s. 2, Sch. for "Commissioner".
[3] Replaced full stop by colon by Sindh Act No. IV of 1995, date 1st February, 1996.
[4] Added proviso by ibid.
[5] The words, brackets, commas and figures "the Government Tenants (Punjab) Act 1893, or" omitted by Sindh Act 17 of 1975, s. 3, Sch.
[6] Subs. by the Sindh Act 27 of 1974, s. 2, Sch. for the words "Board of Revenue" which were subs. by Sindh Ordinance II of 1972, s. 2, Sch. for "Commissioner".
[7] Subs. by Sindh Act 27 of 1974, s. 2, Sch. for the word "it" which was subs. by Sindh Ordinance 3 of 1972, s. 2 Sch. for "he".

and seven years in the case of a tenant who has acquired a right of occupancy. Any such transfer or charge made without such consent in writing shall be void, and if (after the commencement of this Act) the transferee has obtained possession, he shall be ejected under the orders of the Collector:

Provided that the right of sub-letting conferred by this section shall not release any tenant from a condition requiring him to reside in the estate in which his tenancy is situated.

Succession to the tenancy.

[1][19-A. When after the coming into force of [2][this Act], any Muslim tenant dies, succession to the tenancy shall devolve on his heirs in accordance with the Muslim Personal Law (Shariat), and nothing contained in section 20 to 23 of this Act shall be applicable to his case:

Provided that when the tenancy rights are held by a female as a limited owner under this Act, succession shall open out on the termination of her limited interest to all persons who would have been entitled to inherit the property at the time of the death of the last full owner had the Muslim Personal Law (Shariat) been applicable at the time of such death, and in the event of the death of any of such persons before the termination of the limited interest mentioned above, succession shall devolve on his heirs and successors existing at the time of the termination of the limited interest of the female as if the aforesaid such person had died at the termination of the limited interest of the female and had been governed by the Muslim Personal Law (Shariat):

Provided further that the share, which the female limited owner would have inherited had the Muslim Personal Law (Shariat) been applicable at the time of the death of the last full owner shall devolve on her if she loses her limited interest in the property on account of her marriage or remarriage and on her heirs under the Muslim Personal Law (Shariat) if her limited interest terminates because of her death.]

Secession to tenants acquiring otherwise than by succession.

[3][20. Subject to the proviso to section 14, when, after the commencement of this Act, any original tenant dies the succession to the tenancy shall devolve in the following order upon—

(a) The male lineal descendants of the tenant in the male line to descent. (The term 'lineal

[1] Ins. by Punjab Act III of 1951, s. 3.
[2] Subs. by Sindh Act 17 of 1975, s. 3, Sch. II, for "the Colonization of Government Lands (Punjab) (Amendment) Act, 1951".
[3] Subs. for the original section by Punjab Act III of 1920.

descendants' shall include an adopted son whose adoption has been ratified by a registered deed);

(b) The widow of the tenant until she dies, or remarries, or loses her rights under the provisions of this Act;

(c) The unmarried daughters of the tenant until they die or marry, or lose their rights under the provisions of this Act;

(d) The successor or successors nominated by the tenant by registered deed from among the following persons, that is to say, his mother, [1][his pre-deceased son's widow, his pre-deceased grandson's widow] his married daughter, his daughter's son, his sister, his sister's son, and the male agnate members of his family;

(e) The successor or successors nominated by the Collector from among the persons enumerated in clause (d) of this section.]

Succession tenants acquiring by Succession.

[2][21. When, after the commencement of this Act nay male tenant, who is not an original tenant, dies, or any female tenant dies, marries or re-marries, the succession to the tenancy shall devolve—

(a) in the case of female, to whom the tenancy has been first allotted, on the successor nominated by the Collector from the issue of such female tenant, or from the male agnates of the person, on account of whose services the tenancy was allotted to her;

(b) in all other cases, on the person or persons, who would succeed if the tenancy were agricultural land acquired by the original tenant.]

Acquisition of ownership not to affect nomination of heir.

22. When a tenant has nominated a successor to his tenant under section 20 (d) and subsequently acquires a right of ownership in the tenancy, the right of succession of the persons so nominated shall unless the deed of nomination expressly provides to the contrary, be unaffected by such acquisition of ownership.

[1] Ins. by Punjab Act XIII of 1941, s. 2.
[2] Subs. for the original section by Punjab Act III of 1920, s. 4.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

Revocation of nomination.

23. When a tenant has, under section 20 (d) of this Act, nominated a successor, he may at any time, whether before or after acquiring ownership, revoke such nomination, but not otherwise than by registered deed.

Power of imposing penalties for breaches of conditions.

24. When the Collector is satisfied that a tenant in possession of land has committed a breach of the conditions of his tenancy, he may, after giving the tenant an opportunity to appear and state his objections—

(a) Impose on the tenant a penalty not exceeding one hundred rupees; or

(b) Order the resumption of the tenancy:

Provided that if the breach is capable of rectification, the Collector shall not impose any penalty or order the resumption of the tenancy unless he has issued a written notice requiring the tenant to rectify the breach within a reasonable time, not being less than one month, to be stated in the notice and the tenant has failed to comply with such notice.

[1][24-A. Notwithstanding anything contained in this Act, or any other law of the time being in force, any land which through allotment order, Ijazatnama, Sanad or reservation order was granted or leased for specific purpose is used for any other purpose shall stand resumed to the Provincial Government without any compensation:

Provided that the provisions of this section will not be applicable to the lands mutated or granted for agricultural purpose on permanent basis and the owners have acquired proprietary rights without condition.

Power of re-entry and provisions as to compensation in certain cases.

25. Where an order resuming the tenancy has been passed under the last preceding section, the Collector may forthwith re-enter upon the land and resume possession of it, subject to the payment of compensation, to be fixed by the Collector, for uncut and ungathered crops and for the improvements, if any, that may have been made by the tenant:

Provided that if the tenancy be allotted to any other person, the amount of the compensation, if any paid to the out-going tenant shall be recoverable by the Collector from the incoming tenant.

[1] Inserted new section 24-A by Sindh Act No. V of 2009, dated 9th June, 2009.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

Provisions for re-entry on and compensation for buildings on sites allotted for residential purposes.

26. In any case where a tenant has been allotted a site for residential purposes in consideration of his tenancy, and such tenancy has been resumed under the provisions of section 24 and 25 of this Act, the Collector may re-enter on and take possession of such side:

Provided that the Collector shall fix and pay to the said tenant reasonable compensation for, or permit him to remove, any buildings or improvements made by him on such site.

Saving of certain tenancies and conditions.

27. (1) Nothing in sections 24, 25 or 26 shall apply to—

[1][(a) *****]

(b) Any breach of a condition regarding arboriculture included in any statement of conditions other than a statement pertaining to tree-planting tenants, [2][or]

[2][(c) Any tenancy scheduled under the provisions to section 4, except to such-extent as may be specified in the statement of conditions applicable to such tenancy.]

[3][(2) *****]

Sums due to Government to be recoverable as arrears of Land revenue.

28. All sums due to [4][Government] in respect of a tenancy granted [5]***** under the provisions of this Act or of the rules and conditions issued thereunder, and all sums due on account of fines, confiscations, costs and penalties, shall be recoverable as if they were arrears of land revenue.

Power to abrogate conditions.

29. The [6][Board of Revenue subject to the general approval of the Government] may, at any time by notification in the Official Gazette, abrogate any of the limitations and obligations imposed upon tenants as part of the conditions of their tenure.

---

[1] Clause (a) omitted by Sindh Act 17 of 1975, s. 3, Sch. II.
[2] The word "or" and clause (C) added by Punjab Act VI 1944, s. 2(a).
[3] Sub-section (2) omitted *ibid*., s. 2 (b).
[4] Subs. for the word "the word "the Crown" by West Pakistan Laws (Adaptation) Order, 1964 s.2, Sch(1), Pt-II).
[5] The words, brackets, commas and figures "in pursuance of the Government Tenants (Punjab) Act, 1893, or" omitted by Sindh Act 17 of 1975, s. 3, Sch. II.
[6] Subs. by W.P. Act XVI of 1957, s. 3, Sch. III (as amended by W. P. Ordinance XXXI of 1961) Government" for the words "Provincial Government" which were previously subs. For the words "Local Government" by the A. O., 1937.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

CHAPTER III.
PROVISIONS RELATING TO PROPERIETORS.

30. [Acquisition of Proprietary Rights.] *Omitted by the Sindh Repealing and Amending Act, 1975 (Sindh XVII of 1975), s.3, Sch. II.*

Rights of alienation in respect of and rule of succession to certain proprietory rights acquired by a female.

[1][30-A.(1) Notwithstanding any custom and the provisions of any law to the contrary, when [2]***** property rights in any land are acquired by a female tenant her rights of alienation of any such land shall be the same—

(a) If she succeeded to the tenancy directly or indirectly from a male tenant, as if the proprietary rights had been acquired by the last male tenant, and she had succeeded to such rights as his heir; and

(b) If the tenancy was first allotted on account of some male person, either to her, or to another female to whom she succeeded either directly or in a continuous line of female succession, as if the proprietary right had been acquired by such male persons and she had succeeded to such rights as his heir,

and in cases falling under clause (a) or clause (b) in the event of such female proprietor dying while in possession of the proprietary rights in question, the said rights shall devolve upon the persons who would be entitled to succeed, if such rights had been acquired by the last male tenant, or the male person on whose account the tenancy was first allotted as the case may be.

(2) Nothing herein contained shall be construed to alter the law of succession applicable to any female tenant, in respect of proprietary rights in land acquired by her, if the tenancy in such land was acquired by or accrued to her in circumstances other than those specified in sub-section (1).

(3) For the purposes of this section the expression "any such land" shall be deemed to include any land obtained in exchange for part or all of the land in which proprietary rights have been acquired.]

---

[1] Ins. by Punjab Act VI of 1944, s. 3.

[2] The words, brackets, commas and figures "after the commencement of the Colonization of Government Lands (Punjab) (Amendment) Act, 1944" omitted by Sindh Act 17 of 1975, s. 3 Sch. II.

[THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912]
SINDH ACT NO. V OF 1912

CHAPTER IV.
SUPPLEMENTARY PROVISIONS.

Mares, camels or their progeny maintained under prescribed conditions not to be attached or sold.

31. No mare or camel or other animal maintained in accordance with any prescribed statement of conditions and no progeny, if less than eighteen months old, of any mare or camel so maintained, shall be liable to attachment or sale in execution of any decree.

Power of re-entry in case of squatters and trespassers.

32. When the Collector is satisfied that any person has taken or is in possession of land in a colony to which he has no right or title, the Collector may, in addition to any other powers he may possess, forthwith re-enter upon the land and resume possession of it and take possession of all crops, trees and buildings thereon on behalf of [1][Government] without payment of any compensation whatsoever.

Penalties.

33. If any person, without permission of a Revenue Officer of a grade to be specified by the [2][Board of Revenue.]

(a) Clears or breaks up for cultivation, or cultivates any land which is owned by, or is in the possession of [3][Government] and is not included in any tenancy of allotted residential enclosure or which has been set apart for the common purposes of a town or village community or section of the same or for a road, canal or water-course; or

(b) Erects any building on any such land; or

(c) Fells or otherwise destroys standing trees on such land; or

(d) Otherwise encroaches on any such land; or

(e) Makes an excavation or constructs a water channel on any such land he shall, on complaint made by order of or under authority from the Collector, be punished on conviction by any Magistrate with a fine not exceeding Rs. 200.

---

[1] Subs. for the word "the word "the Crown" by West Pakistan Laws (Adaptation) Order, 1964 s.2, Sch(1), Pt-II).
[2] Subs. by W. P. Act XVI of 1957, s. 3, Sch. III (as amended by W. P. Ordinance XXXI of 1961), for the words "Provincial Government" which were previously subs, for the words "Local Government" by the A. O., 1937.
[3] Subs. for the word "the word "the Crown" by West Pakistan Laws (Adaptation) Order, 1964 s.2, Sch(1), Pt-II).

Explanation.— The feeling of trees planted by an owner or tenant on any village road or water-course traversing his holding is not an offence under this section.

Additional powers of Collector in regard to offences.

34. When the Collector is satisfied that an act punishable under section 33 has been committed, he may in lieu of proceeding against the offender under that section or after conviction of the offender under that section—

(i) In the case of an offence under section 33 (a), confiscate the crops growing on any land cultivated in contravention of this Act or, if the crops have been cut, recover such sum as he may assess as the value thereof from the offender;

(ii) In the case of an offence under section 33 (c), recover such sum as he may assess as the value of the trees or tree destroyed;

(iii) In the case of an offence under section 33 (b), (d) or (e) cause the building or other encroachment to be demolished or removed or the excavation or channel to be filled up, and levy the costs of so doing from the person responsible for such act.

Powers to levy a cess for administration of common village expenses.

35. (1) If in any estate the majority of the tenants and owners of the estate shall apply for the levy of a cess for village purposes, the Collector may order the payment of such a cess from the proprietors, tenants and inhabitants of the village in such way and at such rates as he holds to be suitable.

[1][(2) Any cess leviable in any estate under this section shall be recoverable as arrears of land revenue.]

Jurisdiction of Civil Court barred as regards matter arising under the Act.

36. A Civil court shall not have jurisdiction in any matter of which the Collector is empowered by this Act to dispose and shall not take cognizance of the manner in which the [2][Provincial Government] [3][Board of Revenue] or Collector or any other Revenue Officer exercises any power vested in it or in him by or under this Act.

[1] Subs. by W. P. Ord. 36 of 1969, s.7, for original sub-section 2.
[2] Subs. for the words "Local Government" by the A. O., 1937.
[3] Ins. by W. P. Act XVI of 1957, s. 3, Sch. III, as amended W. P. Ordinance XXXI of 1961.

37. No suit shall be against any public servant for anything done by him in good faith under this Act. **Public servants under notified for acts done under the Act.**

38. (1) Any act hitherto done or order passed by the [1][Provincial Government] or by an officer holding the post of Colonization Officer, Assistant Colonization Officer or Settlement Commissioner, or exercising the powers of an Assistant Collector or of a Revenue Officer of higher class [2]***** which is not contrary to the provisions of this Act, shall be deemed to have been done or passed under this Act. **Legalization or orders passed previous to the Act.**

(2) In particular and without prejudice to the generality of the foregoing sub-section, no right of occupancy or right of ownership and no condition applicable thereto shall be invalidated by reason of—

(i) The right having been granted before the particulars regarding it, have been entered in a prescribed register; or

(ii) The prescribed register not having been signed by the tenant; or

(iii) The prescribed statement of conditions having been affixed to the prescribed register instead of being prefixed thereto:

Provided that if the register has not been signed by the tenant, the statement of conditions applicable to the tenancy shall be deemed to be that which was in force for tenancies of the same description at the time when the land was allotted.

SCHEDULE I.

[Omitted by the Sindh Repealing and Amending act, 1975 (Sindh XVII of 1975), S.3, Sch. II.]

SCHEDULE II.

[Omitted by the Sindh Repealing and Amending act, 1975 (Sindh XVII of 1975), S.3, Sch. II.]

[1] Subs. for the words "Local Government" by the A. O., 1937.
[2] The words, brackets, commas and figures "within any area to which the Government Tenants (Punjab) Act, 1893, has been applied or to which this Act may hereafter be applied" omitted by the Sindh Act 17 of 1975, s. 3, Sch. II.