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THE SIND REVENUE JURISDICTION ACT, 1876.

[28th March, 1876]

An Act to limit the jurisdiction of the Civil Courts [1][in Sind] in matters relating to the land-revenue, and for other purposes.

Preamble.

Whereas in certain parts of [1][Sind] the jurisdiction of the Civil Courts in matters connected with the land revenue is more extensive than it is in the [1][other parts thereof];

and whereas it is expedient that the jurisdiction of all the Civil Courts in the said [1][territories] should be limited in manner hereinafter appearing.

[2]* * * * * *

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1. For statement of Objects and Reasons, see Gazette of India, 1873 Pt. V, p. 534; for Preliminary Report of the Select Committee, see *ibid*, 1874, Pt. V, p. 70 for further Report of the Select Committee, see *ibid*, 1876, Pt. V, p. 210, and for Proceedings in Council, see *ibid*, 1875, Supplement, p. 4, and *ibid*, 1876, Supplement, pp. 344 and 405.

2. The original words "throughout the Bombay Presidency" have successively been amended by A. O., 1949, Sch., Sind Ordinance 5 of 1955, s. 6, Sch., II, Repealing and Amending Ordinance, 1961 (I of 1961), s. 3 and 2nd Sch., A. O., 1964, Art. 2 and Sch., and the Sind Repealing and Amending Act, 1975 (Sind 17 of 1975), s. 3 and 2nd Sch., to read as above.

3. The original words "the Presidency of Bombay" have successively been amended by A. O., 1949, Sch., Sind Ordinance 5 of 1955, s. 6, Sch. II, Pakistan Ordinance 21 of 1960, s. 3, Sch. II., the Repealing and Amending Ordinance, 1961 (I of 1961), s. 3, Sch. II, A. O., 1964, Art. II, Sch. and the Sind Repealing and Amending Act, 1975 (Sind 17 of 1975) s. 3, Sch. II, to read as above.

4. The original words "rest of the said Presidency" have successively been amended by A.O., 1949, Sch., Sind Ordinance 5 of 1955, and Pakistan Ordinance 21 of 1960, s. 3, Sch., II, to read as above.

5. The original word "Presidency" has successively been amended by A. O., 1949, Sch., Sind Ordinance 5 of 1955 and Pakistan Ordinance 21 of 1960, s. 3, Sch. II, to read as above.

6. The third paragraph repealed by Sind Ordinance 5 of 1955, s. 6, Sch. III.

It is hereby enacted as follows:—

[1][1. (1) This Act may be called the Sind Revenue Jurisdiction Act, 1876.] Short title and extent.

(2) It extends to the whole of [2][* *] Sind, but not so as to affect any of the provisions of Act XXIII of 1871.]

2. [Repeal of enactments.] Rep. by the Amending Act, 1891 (XII of 1891).

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation clause.

"land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth:

"land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf [3][of the Government] from any person on account of any land held by or vested in him, and any cess or rate authorized [4][by the Provincial Government] under the provisions of any law for the time being in force:

"Revenue-officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4. } Repealed by the West Pakistan Land Revenue Act, 1967
5. } (Act. (XVII of 1967), Schedule, Part-2.
6. }

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1. S. 1, subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III.

2. The words "the Province of" omitted by Pakistan Ordinance 21 of 1960, 2nd Sch.

3. Subs. by the A. O., 1937, for "of Government" and then amended by P. O. 1 of 1964, Art. 2, w.e.f. 23rd March, 1956, to read as above.

4. Subs. ibid, for "by Government".

Punishment of prosecution of Revenue officers no bar to civil remedies.

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue-officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

8. to 10. [Suits against Revenue-officers. Appeals from their proceedings. Power for Local Government to call for records.] Rep. by the Bombay Revenue Jurisdiction Act, 1880 (XV of 1880).

Suits not to be entertained unless plaintiff has exhausted right of appeal.

11. No Civil Court shall entertain any suit [1 against the Government] on account of any act or omission of any Revenue-officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time benig in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

Power of Government to refer question as for decision of High Court.

12. If, in the trial or investigation of any suit, claim or objection which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which [2] * * * * the [3][Provincial Government] desires to have the decision of the [4][High Court], [2] * * * the [3][Provincial Government] [2] * * * may cause a statement of the question to be prepared, and may refer such question for the decision of the [4][High Court].

The said [4][High Court] shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the court-house.

The parties to the case may appear and be heard in the [4][High Court] in person or by their advocates or pleaders.

The [4][High Court] when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and, subject to any appeal which may be presented to, [5][Supreme Court] the case shall be disposed of conformably to such decision.

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1. Subs. by the A. O., 1937, for "against Government" and finally the word "Government" was subs. for the word "crown" by P. O. No. 1 of 1961.
2. The words "the G. G. in C." rep. by the A. O., 1937.
3. Subs. *ibid.* for "L. G.".
4. Subs. by Pakistan Ordinance 21 of 1960, for "Chief Court".
5. The words "as the case may be" rep. by the A.O., 1937.
6. Subs. by Pakistan Ordinance 21 of 1960, for "Chief Court of Sind".
7. Subs by P. O. No. 1 of 1961, for "Her Majesty in Council" (w.e.f. 23rd March, 1956).

If the [1][High Court] considers that any such statement is imperfectly framed, the [2][High Court] may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the [1][High Court] in each case directs.

Power of Civil Judge to refer question of jurisdiction to High Court.

13. If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the [1][High Court].

The [1][High Court] may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the [1][High Court] on any such reference shall be subject to appeal to [2][Supreme Court] and, save as aforesaid, shall be final.

Composition of Bench.

14. Every reference under section 12 or section 13 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

15. [*Amendment of section 32 of Act XIV of 1869*] *Rep. by the Repealing Act*, 1938 (I *of* 1938), *s.* 2 *and Sch.*

Privileges of Government in suits defended by it.

[3][16. Whenever any suit is brought in any Court of a Subordinate Judge of the first class [4][against the Government] or against any Revenue-officer, [5][and the Government undertakes] the defence thereof, it shall be lawfull [6][for the Provincial Government], by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class Subordinate Judge, or, if the suit is transferred, in the Court of the District Judge; and the Court shall give effect to every such requirement.

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1. Subs. by Pakistan Ordinance 21 of 1960, for "Chief Court".
2. Subs. by P.O. No. 1 of 1961, "Her Majesty in Council" (w.e.f. 23rd March, 1956).
3. Subs. by the Sind Revenue Jurisdiction (Amendment) Act, 1929 (Sind 21 of 1929), s. 2, for the original s. 16.
4. The original words "against Government" were first subs. by the A. O., 1937 and then amended by G. G. O. 4 of 1949, Sch., and A. O., 1961, Art. 2, (w.ef. 23rd March, 1956), to read as above.
5. The original words "against Government undertakes" were first subs. by the A. O., 1937, and then amended by G. G. O. 4 of 1949, Sch., and A. O., 1961, Art. 2, (w.e.f. 23rd March, 1956) to read as above.
6. Subs. by the A. O., 1937, for "for the Government".

The privilege conferred [1][on the Provincial Government] by this section, shall mutatis mutandis, apply to any appeal or special appeal against any decree in any such suit as is described in this section.]

17. [*Revival of section* 13 *of Bom. Reg. XVII of* 1827. *Operation of Bom. Reg. XVII of* 1827 *in sites of villages and towns. Recovery of certain advances made by Local Government.*] *Rep. by the Bombay Revenue Jurisdiction Act,* 1880 (*XV of* 1880).

SCHEDULE.—[*Enactments repealed.*] *Rep. by the Amending Act,* 1891 (*XII of* 1891).

THE SECOND SCHEDULE.—Omitted by G. G. O. 4 *of* 1949, *Schedule.*

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1. Subs. by the A.O., 1937, for "on Government".