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KARACHI, WEDNESDAY, DECEMBER 11, 1974

PART IV

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 11th December 1974

No. PAS/Legis/Bill-32/74.—The Sind (Amendment of Laws) Bill, 1974, having been passed by the Provincial Assembly of Sind on the 20th November, 1974 and assented to by the Governor of Sind on the 6th December, 1974 is hereby published as an Act of the Legislature of Sind:—

THE SIND (AMENDMENT OF LAWS) ACT, 1974

SIND ACT NO. XXVII OF 1974.

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra-ordinary), dated 11th December, 1974)

AN

ACT

to amend certain laws applicable to the Province of Sind, for conferring powers on Commissioners.

WHEREAS it is expedient to amend certain laws applicable to the Province of Sind, for conferring powers on Commissioners in the manner hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind (Amendment of Laws) Act, 1974.

(2) It shall come into force at once.

Short title
and com-
mencement.

Amendments.

2. The Acts and Ordinances specified in the Schedule shall stand amended in the manner indicated in the fourth column thereof, and, save as expressly provided, the rules, regulations, bye-laws, notifications and orders made or issued thereunder shall be construed accordingly.]

Transfer of appeals, etc.

3. Any appeal, review or revision petition or any other case pending before the Revenue Commissioner immediately before the coming into force of this ordinance shall stand transferred to and be disposed of by the Commissioner having jurisdiction.

Inspection of projects.

4. A Commissioner may—

- (i) visit or inspect any project sponsored, under the Annual Development Programme or by any local authority and make a report to Government;
- (ii) call for any information, report or record relating to such project from the officer incharge thereof within the Division.

Explanation.—The power under this section shall not entitle the Commissioner to give any direction or orders involving administrative or financial implications.

Repeal of Sind Ordinance III of 1972.

5. The Sind (Amendment of Laws) Ordinance, 1972, is hereby repealed.]

Repeal of Sind Ordinance XVII of 1974.

6. The Sind (Amendment of Laws) Ordinance, 1974, is hereby repealed.]

[SCHEDULE

mudh

Year	No.	Short title or subject	Amendments
1	2	3	4
		FEDERAL ACTS AS APPLICABLE TO SIND	
1861	V	The Police Act, 1861.	In section 15-A, in sub-section (4), between the words "by" and "the Provincial Government" insert the words "the Commissioner or". In section 33-A, in sub-section (3), for "Provincial Government" substitute "Commissioner".
1894	I	The Land Acquisition Act, 1894.	In section 5, between the words "Where" and "the" insert "land is to be acquired for a public purpose, if the Commissioner, and where land is to be acquired for a Company".

1:2.2, 5 + 6 + Schedule mudh by Sind Act XVII of 1975. Sed.

Year	No.	Short title or subject	Amendments
1	2	3	4
			<p>In sections 5-A, 6 (3), 7, 17 (4), 31(3), 35 (1), 36 (2), 38 (1), 39, 40, 41, 49⁽²⁾ and 49 (3), for "Provincial Government" substitute "Commissioner".</p>
			<p>In sections 17 (4), 41 and 49(2) for "it" substitute "he".</p>
			<p>In section 6, in sub-section (1), for "the Provincial Government" substitute "the Commissioner" and for "a Secretary to such Government" substitute "the Commissioner".</p>
			<p>In section 17—</p>
			<p>(i) in sub-section (1), between the word and comma "urgency," and the words "the Collector" insert "whenever the Commissioner so directs,";</p>
			<p>(ii) for the proviso to sub-section (1), substitute the following:—</p>
			<p>"Provided that the Commissioner shall not issue any direction to the Collector under this sub-section 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 acquisition of such land as determined by the Collector of the district, keeping in view the provisions of sections 23 and 24.";</p>
			<p>(iii) in sub-section (2), between the words "necessary" and "to acquire" insert "for the Commissioner" and between the words, brackets and figure "sub-section (1)" and the words "enter upon" insert "and with the previous sanction of the Commissioner".</p>

Year	No.	Short title or subject	Amendments
1	2	3	4 5
1896	XX	The Sind Incumbered Estates Act, 1896.	<p>In section 31—</p> <p>(i) in sub-section (1), for "Board of Revenue" substitute "Commissioner";</p> <p>(ii) after sub-section (1), add the following:—</p> <p>"(2) There shall be no appeal against the decision of the Commissioner";</p>
1897	X	The General Clauses Act, 1897.	<p>In section 3, after clause (12), add the following:—</p> <p>"(13) 'Commissioner' shall mean the Chief Officer in-charge of the Revenue Administration of a division and shall include an Additional Commissioner of such division."</p>
1952	XI	The Land Control (Karachi Division) Act, 1952.	<p>In section 2—</p> <p>(a) in clause (ii), for "Provincial Government" substitute "Commissioner";</p> <p>(b) after clause (iii), add the following:—</p> <p>"(iii-a) 'Commissioner' means the Commissioner of the Karachi Division,";</p> <p>(c) in clause (vii), for "Deputy Commissioner" substitute "Commissioner".</p> <p>In section 17, for "Provincial Government", wherever occurring, substitute "Commissioner" and for "it" substitute "he".</p> <p>In section 19, between the words "lie" and "against" insert "against the Commissioner or".</p>

Year	No.	Short title or subject	Amendments
1	2	3	4
1953	XXVII	The Karachi Essential Articles (Price Control and Hoarding) Act, 1953.	<p>Throughout the Act, except section 11, for "Provincial Government" substitute "Commissioner".</p> <p>In section 2, before clause (b), add the following:—</p> <p>"(a) 'Commissioner' means the Commissioner of the Karachi Division;".</p> <p>In section 14, for "it" substitute "him".</p>
SIND ACTS AND ORDINANCES			
1868	II	The Sind Ferries Act, 1868.	In section 17, between the words "any" and "Collector" insert "Commissioner,".
1879	VII	The Sind Irrigation Act, 1879.	<p>In sections 11 and 57, for "the Revenue Commissioner" substitute "any Commissioner".</p> <p>In sections 67, 91 (2) (iii), 92 (6) and 92-A (3), for "Provincial Government" substitute "Commissioner".</p> <p>In section 92-A (3), omit "for Sind".</p>
1905	I	The Sind Court of Wards Act, 1905.	<p>For section 3, substitute the following:—</p> <p>"3. Subject to the provisions of section 12, the Commissioner shall be the Court of Wards for the limits of his division:</p> <p>Provided that the Provincial Government may, if it thinks fit, by notification in the Official Gazette,—</p> <p>(a) appoint a special officer to be the Court of Wards for a division in lieu of the Commissioner; or</p> <p>(b) constitute a Board consisting of the Commissioner and any other officer or officers to be the Court of Wards for a division; or</p>

Year	No.	Short title or subject	Amendments
1	2	3	4
			<p>(c) appoint any other officer or officers to be a Court of Words for any part of the Province of Sind, and direct that such part shall thereupon be excluded from the jurisdiction of the Court of Wards of any division in which it lies wholly or partly.”.</p> <p>In section 43, for sub-section (1), substitute the following:—</p> <p>“43. (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,—</p> <p>(a) where the order is that of a Commissioner or of any special or other officer appointed, or Board constituted, under the proviso to section 3, to the Board of Revenue;</p> <p>(b) where the order is that of a Collector, to the Commissioner, or where any such officer or Board has jurisdiction, to such officer or Board; and</p> <p>(c) in all other cases, to the Collector;</p> <p>Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the Provincial Government may direct that appeals shall lie to such officer or Board.”.</p>
1906	11	The Sind Mukhtiar-kars Courts Act, 1906.	In section 1, in sub-section (2), after the word “Sind” add “including Khairpur District”.
1915	1	The Sind Town-Planning Act, 1915.	In section 45-B, in sub-section (5), before the fullstop, insert “and Commissioner”.

Year	No.	Short title or subject	Amendments
1	2	3	4
1925	VII	The Co-operative Societies Act, 1925.	In section 59-P, in sub-section (2), for "Board of Revenue Sind" substitute "Commissioner".
1947	XLIX	The Sind Rural Credit and Land Transfer Act, 1947.	In section 26, for "Board of Revenue" substitute "Commissioner". For section 28, substitute the following:— "28. The Board of Revenue or the Commissioner may, pending decision of an appeal or a proceeding in revision, as the case may be, stay the execution of an order against which the appeal is made or in respect of which the revision proceeding arises."
1972	II	The Sind People's Local Government Ordinance, 1972.	In section 2, after clause (9), insert the following:— "(9-A) 'Commissioner' means the chief officer in charge of the revenue administration of the Division and includes any officer specially appointed by the Government to perform all or any of the functions of a Commissioner under this Ordinance;" In section 10, in sub-section (2), omit "in the case of the Corporation and the Collector in the case of a People's Municipality or a People's Town Committee". In section 40, after sub-section (7), substitute the following:— "(7-A) A Corporation shall furnish to the Commissioner— (a) all decisions taken by a Corporation including those relating to appointment, removal, discharge or suspension of its servants not below Grade-8; (b) copies of agenda and working paper of all meetings of the Corporation before they are held; and

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

(c) copies of minutes of all meetings of the Corporation”.

In section 45—

(i) In sub-section (2), between the word and comma “time,” and the word “specify” insert the words “on the recommendations of the Commissioner”; and

(iii) after sub-section (2), add the following:—

“(3) A proposal for creation of a post in a Council to be filled by persons belonging to the People’s Local Council Service shall be routed through the Commissioner.”.

In section 48 replace the fullstop by a colon and thereafter add the following:—

“(i) provided that any proposal for a change in the schedule of establishment shall be routed, in case of the Corporation through the Commissioner and in any other case through the Controlling Authority.”.

In section 49, after sub-section (2) add the following:—

“(3) The Commissioner may call for any paper, document, register

Year	No.	Short title or subject	Amendments
1	2	3	4
			<p>or record to see that the activities of a Council in his division are in conformity with the provisions of this Ordinance and if necessary may submit his report to Government.”</p> <p>In section 63, for sub-section (6) substitute the following:—</p> <p>“(6) If an officer at whose disposal funds have been placed by a Council, considers it necessary to incur expenditure on sanctioned activities in excess of the amount duly sanctioned or provided in the budget by way of reappropriation, he shall submit such proposal for decision of the Controlling Authority and where the Controlling Authority is Government, the proposal shall be routed through the Commissioner.”</p> <p>In section 88, in sub-section (1), omit “Collector acting as”.</p> <p>In section 93, in sub-section (1), for “Collector” substitute “Commissioner of the Division”.</p>
		<p>WEST PAKISTAN ACTS AND ORDINANCES</p>	
1956	VI	The West Pakistan General Clauses Act, 1956.	<p>In section 2, after clause (16), insert the following:—</p> <p>“(17) ‘Commissioner’ shall mean the Chief Officer-in-charge of the revenue and general administration of division and shall include an Additional Commissioner of such division.”</p>

Year	No.	Short title of subject	Amendments
1	2	3	4
1958	XXVII	The West Pakistan Vaccination Ordinance, 1958.	<p>In section 3—</p> <p>(i) In sub-section (4), for “Government” substitute “Commissioner”.</p> <p>(ii) after sub-section (4), insert the following:—</p> <p>“(5) The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and Government may confirm, revise or modify the order, or make in respect thereof any other order which the Commissioner could have made.”.</p> <p>(iii) for the proviso substitute the following:—</p> <p>“Provided that no order of the Deputy Commissioner or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the local authority a reasonable opportunity of showing cause against such order.”.</p>
1959	XXXV	The West Pakistan Control of Goondas Ordinance, 1959.	<p>In section 8, in the proviso to sub-section (2), for “Government” substitute “the Commissioner”.</p> <p>In section 18—</p> <p>(i) in sub-section (1), for “Government” substitute “the Commissioner of the Division”;</p> <p>(ii) in sub-section (3), for “Government” substitute “The Commissioner”.</p> <p>In section 19, for “Government” substitute “the Commissioner”.</p> <p>In section 27, in sub-section (2), for “Government” substitute “The Commissioner”.</p>

Year	No.	Short title or subject	Amendments
1	2	3	4
1960	VI	The West Pakistan Consolidation of Holdings Ordinance, 1960.	<p>In section 2, after clause (c), insert the following:—</p> <p>“(d) ‘Commissioner’ means the Chief Officer in charge of the revenue administration of a division and includes an Additional Commissioner, and any other officer specially empowered by the Board of Revenue to perform the functions of a Commissioner under this Ordinance;”.</p> <p>In section 11, for “Board of Revenue” substitute “Commissioner”.</p> <p>In section 13—</p> <p>(i) in sub-section (2), for “The” substitute “A Commissioner”;</p> <p>(ii) in sub-section (3), for “Board of Revenue” substitute “Commissioner”;</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) and a Commissioner may in any case called for by him under sub-section (2) or reported to him under sub-section (3), pass such order as it or he thinks fit”.</p>
1960	VII	The West Pakistan Pure Food Ordinance, 1960.	<p>In section 35—</p> <p>(i) in sub-section (3), for “Government” substitute “the Commissioner”.</p>

Year	No.	Short title or subject	Amendments
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(ii) after sub-section (3), insert the following :—

“(4) The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and Government may confirm, revise or modify the order, or make in respect thereof any other order which the Commissioner could have made.”;

(iii) for the proviso, substitute the following :—

“Provided that no order of the Deputy Commissioner or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the local authority a reasonable opportunity of showing cause against such order.”.

1960

XIV

The West Pakistan
Benevolent Fund
Ordinance, 1960.

In section 6—

(i) in sub-section (1), after clause (b), insert the following :—

“(c) a Divisional Board of Management for each Division; and”;

(ii) in sub-section (2), after clause (b), insert the following :—

“(c) a Divisional Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (Non-Gazetted), deal with all matters connected with part II of the Fund except in so far as it concerns non-Gazetted servants serving or employed in the Sind Secretariat and in particular shall have the power to sanction expenditure from the allocations made to it by that Board ; and”.

