

# ***THE SIND GOVERNMENT GAZETTE***

DATED SATURDAY, JULY 22, 1972

## **SIND LAND COMMISSION SECRETARIAT**

### **NOTIFICATION**

Hyderabad, the 17<sup>th</sup> July 1972

No. SLC-1/72/2277.—In exercise of the powers conferred by paragraph 6 of the Land Reforms Regulation, 1972 (Martial Law Regulation 115), and in supersession of the Sind Land Reforms Rules, 1972 published with the Sind Land Commission Notification No. SLC-1/72/15, dated the 25<sup>th</sup> March, 1972, the Sind Land Commission is pleased to make, the following Rules:—

#### **CHAPTER I—PRELIMINARY**

1. (1) These Rules may be called the Sind Land Reform Rules, 1972.
- (2) They extend to the whole of the Province of Sind.
- (3) They shall come into force at once.

**Short title extent and commencement.**

2. (1) In these Rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

**Definitions.**

- (a) “Chief Land Commissioner” means the Chief Land, Commissioner nominated by the Commission, under sub-paragraph (4) of paragraph 4 of the Regulation;
- (b) “Officer” means an Additional Chief Land Commissioner Land Commissioner, Deputy Land Commissioner, Assistant Land Commissioner, Sub-Assistant Land Commissioner or any other officer appointed by under the authority of the Commission and
- (c) “Regulation” means the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115).

(2) Any expression used but not defined in these Rules shall have the meaning assigned to it in the Regulation.

#### **CHAPTER II—POWERS**

3. (1) Subject to the general superintendence and control of the Commission, the Chief Land Commissioner may make such general or special orders, not inconsistent with the provisions of the Regulation and these Rules, as he may consider necessary or expedient for giving effect to the purpose of the Regulation and for the proper discharge of his functions as such.

**Power of the Chief Land Commissioner.**

(2) Subject to the provisions of the Regulation and these Rules, the general superintendence, control and direction of all officers and staff appointed for, or entrusted with the duty of, implementing the provisions of the Regulation, shall vest in the Chief Land Commissioner.

(3) The Chief Land Commissioner may, by special or general order, provide for the distribution and allocation of work to be done by the officers.

4. (1) The Chief Land Commissioner may, at any stage, for reasons to be recorded in writing, call for any case pending before a Land Commissioner, Deputy Land Commissioner, Assistant Land Commissioner, sub-Assistant Land Commissioner, or any other officer and dispose it of himself or transfer it to any other officer and the officer to whom the case is so transferred shall subject to any special directions contained in the transfer order, proceed with it from the stage at which it was transferred to him

**Powers to transfer cases.**

(2) A Land Commissioner specially empowered by the Chief Land Commissioner in this behalf, may for reasons to be recorded in writing and subject to any order under sub-rule (1), call for any case pending before a Deputy Land Commissioner, Assistant Land Commissioner, Sub-Assistant Land Commissioner, or any other officer subordinate to him and dispose it of himself or transfer it to any other officer subordinate to him, and the officer to whom any such case is so transferred shall subject to any special direction contained in the transfer order, proceed with it from the stage at which the case was transferred to him.

5. (1) Every officer shall, for the purpose of making an inquiry or hearing an appeal under these Rules, have the same power as are vested in a Civil Court under the Code of Civil Procedure 1908 when trying a suit, in respect of following matters namely:—

**Power of the Land Officers as a Civil Court.**

- (a) summoning and enforcing the attendance of any person other than a pardanashin lady and examining him on oath or affirmation;
- (b) requiring the discovery and production of any document or documents;
- (c) requisitioning any public record from any court or office;
- (d) issuing commissions for the examination of witnesses;
- (e) appointing guardians an lilem or next friends of persons who are minors or of unsound mind;
- (f) adding legal representatives of deceased applicants;
- (g) restoration of cases dismissed in default;
- (h) consolidation of cases;
- (i) any other matter connected with the holding of an inquiry or

hearing of an appeal.

(2) Every Officer shall be deemed to be a Civil Court for the purpose of sections 480 and 482 of the Code of Criminal Procedure, 1898 and any proceeding before any such officer shall be deemed to be a judicial proceeding within the meaning and for the purposes of sections 193, 196, 199, 200 and 228 of the Pakistan Penal Code.

6. Every Officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

**Officers to be public servants.**

### **CHAPTER III—PLEADINGS AND APPEARANCES**

7. Every application or written statement filed by an applicant in any proceeding under the Regulation shall be drawn up and verified in the manner provided for the verification of applications or written statements in the Code of Civil Procedure, 1908.

**Verification of applications.**

8. Appearance or application or act before an officer may be made by:

**Persons who may appear before the Land Officers.**

- (a) the applicant in person; or
- (b) his representative or agent, duly authorised by him in writing in that behalf; or
- (c) his pleader;

Provided that the employment of duly authorised representative or agent or pleader shall not dispense with the personal attendance of an applicant other than a pardanashin lady in any proceeding in which his personal appearance is specially required by an order of the officer before whom any such application is pending.

**8-A. Service of Notice etc.** Services of any notice, summons or order issued or made under the Land Reforms Regulation shall be deemed to be sufficient if affected in any one of the following methods, namely:—

- (a) by delivering or tendering the notice, summons or order to the person on whom it is intended to be served or his agent, if any;
- (b) by leaving it at the last known place of business or residence of such person or delivering or tendering it to some adult member of his family;
- (c) by transmitting it by registered post to such person at the address of the last known place of his business or residence;
- (d) by affixing it at some conspicuous place in or near the premises concerned or the last known place business of such person;
- (e) by publication in a news paper or proclamation by beat of drum or other customary method in the locality.

#### **CHAPTER IV—APPEALS, REVIEW AND REVISION**

9. (1) Any person aggrieved by an order passed under the provisions of the Regulation may, within twenty days of the order or if the order was passed before the publication of the rules within twenty days of such publication, file an appeal to—

- (a) the Deputy Land Commissioner, when the order has been passed by an Assistant Land Commissioner or a sub-Assistant Land Commissioner;
- (b) the Land Commissioner, when the order has been passed by the Deputy Land Commissioner;
- (c) the Chief Land Commissioner when the order has been passed by the Land Commissioner;

Provided that—

- (i) when any such order is modified or reversed on appeal by the Deputy Land commissioner, the order made by the Land Commissioner on further appeal to him shall be final; and
- (ii) when a original order is confirmed on first appeal, a further appeal shall not lie.

(2) Every appeal shall be preferred in the form of a memorandum and shall be authenticated by the signature of the appellant or his duly authorised representative, agent or pleader.

(3) The memorandum shall be accompanied by a certified copy of the order appealed against.

(4) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the order in respect of which an appeal is filed and shall not contain any arguments or narrative. All such grounds shall be numbered consecutively.

10. (1) the Chief Land Commissioner, a Land Commissioner, a Deputy Land Commissioner, or an Assistant Land Commissioner may of his own motion or on an application of any party interested made to him in that behalf, within 20 days from the date of the order, or if the order is appealable within 20 days of the expiry of the date of appeal review, and on so reviewing modify, reverse or confirm, any order passed by himself or by any of his predecessors in office; **Review.**

Provided that—

- (i) a land Commissioner shall not review an order passed by his predecessor in office without first obtaining the sanction of

the Chief Land Commissioner;

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1- Proviso added by notify—ibid— 193 dated 14.1.75 (P-8).

- (ii) a Deputy Land Commissioner shall not review any order whether passed by himself or by any of his predecessors in office without first obtaining the sanction of the Land Commissioner of the area concerned;
  - (iii) an Assistant Land Commissioner shall not review any order whether passed by himself or by any of his predecessors-in-office without first obtaining the sanction of the Deputy Land Commissioner of the district.
- (b) an order shall not be modified or reversed unless a reasonable notice has been given to the parties affected thereby to appear and be heard; and
- (c) an order against which petition for revision has been preferred shall not be reviewed.

“Provided further that Power of Review will come to an end on 31<sup>st</sup> December, 1974”.

Provided further that this will not affect the cases pending with the Land Commission authorities which some how remain undisposed off on 31<sup>st</sup> December, 1974.

(2) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

(3) Clerical or arithematical mistakes in any order passed by an officer in pursuance of the provisions of the Regulation and these Rules, may, at any time, be corrected by such officer or his successor in office as soon as any such error has come to or been brought to his notice.

11. (1) For the purposes of satisfying himself about the correctness, legality or propriety of any order or proceeding under the Regulation, passed by or pending with a Land Commissioner or Deputy Land Commissioner the Chief Land Commissioner may, at any time, of his own motion or on an application made to him in that behalf, within 20 days of the passing of the order, call for the record of such case or proceeding, and may pass such order in relation thereto as he thinks fit.

**Revision.**

(2) For the purposes of satisfying himself about the correctness legality or propriety of any order or proceeding under the Regulation, passed by or pending with a Deputy Land Commissioner, Assistant Land Commissioner or Sub-Assistant Land Commissioner/ a Land Commissioner, specially empowered in this behalf by the Chief Land Commissioner, may, of his own motion or on an application made to him in that behalf, within 20 days of the

passing of the order, call for the record of such case or proceeding, and may pass such order in relation thereto as he thinks fit.

(3) The Chief Land Commissioner or a Land Commissioner, as the case may be, shall not pass any order under this rule revising or modifying an order affecting any person without affording such person an opportunity of being heard.

[The Additional Chief Land Commissioner, shall dispose of such appeals and revisions as may be transferred to him by the Chief Land Commissioner and for that purpose he shall exercise the powers of the Chief Land Commissioner??.]

11-A.Powers of the Additional Chief Land Commissioner .

12. In computing the period prescribed under sub-rule (1) of rule 9, sub-rule (1) of rule 11 and sub-rules (1) and (2) of rule 12, for the presentation of appeals and applications for review of revision respectively, the period duly spent in obtaining certified copies of the orders against which appeal, review or revision, as the case may be, is preferred, shall be excluded.

**Exclusion of period spent in obtaining copies.**

1- Rule 11-A added, by notification No. SLC-/2592/73/3650 dated 23-07-73.

By order of the Sind Land Commission.

**ABDUALLAH D. BALOCH,**  
Secretary, Sind Land Commission

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