

SINDH ORDINANCE NO. XXXVI OF 2001

THE SINDH LAWS (AMENDMENT) ORDINANCE, 2001

[28th November, 2001]

An Ordinance to amend certain laws in force in the Province of Sindh.

WHEREAS for effecting implementation of devolution of powers at gross root level it is expedient to amend certain laws in force in the Province of Sindh; **Preamble.**

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS, the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is please to make and promulgate following Ordinance:--

1. (1) This Ordinance may be called the Sindh Laws (Amendment) Ordinance, 2001. **Short title and commencement.**

(2) It shall come into force at once and be deemed always to have taken effect from 14th August, 2001.

2. The laws specified in column 2 of the Schedule below are hereby amended to the extend and in the manner specified against them in column 3 thereof.

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**THE SCHEDULE
(See section 2)**

S.NO.	SHORT TITLE OF THE LAWS	AMENDMENT
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**PART - I
FEDERAL LAWS
(AS APPLICABLE TO SINDH)**

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| 1. | The Land Improvement Loans Act, 1883 (Act XIX of 1883). | 1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

2. For section 3, the following shall be substituted:-

“3. In this Act, “District Officer (Revenue)” means the District Officer (Revenue) of a district or any officer empowered by the Provincial Government by name or by virtue of his office to discharge the functions of a District Officer (Revenue) under this Act.”. |
| 2. | The Revenue Recovery Act, 1890 (Act I of 1890). | 1. Through out the Act, of the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

2. In Section 2, for sub-section (2), the following shall be substituted:-

“(2). “District Officer (Revenue)” means the District Officer (Revenue).”. |
| | | 3. In section 7, in clause (b), for the word “Commissioner”, the words “Executive District Officer (Revenue)” shall be substituted. |

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3.	The Land Acquisition Act, 1894 (Act I of 1894).	<ol style="list-style-type: none">1. Through out the Act for the word “Collector”, the words “District Officer (Revenue)” and for the word “Commissioner”, the words “Executive District Officer (Revenue)” shall be substituted.2. In Section 3, for clause (c), the following shall be substituted: “(c). The expression “District Officer (Revenue)” means the District Officer (Revenue) of a district and incudes any officer specially appointed by the Board of Revenue or Executive District officer (Revenue) to perform the functions of a District Officer (Revenue) under this Act.”.
4.	The Stamp Act, 1899 (Act II of 1899).	<ol style="list-style-type: none">1. In section 2, for sub-section (9), the following shall be substituted:- “(9) “District Officer (Revenue)” means the District Officer (Revenue) of a District.2. Through out Chapter III, for the word “Collector”, the words “Chief Inspector of Stamps, Board of Revenue” shall be substituted.3. Through out Chapter-IV, for the word “Collector”, the words “District Officer (Revenue) or Chief Inspector of Stamps, Board of Revenue” shall be substituted.4. In section 61 and 73, for the word “Collector”, the words “Chief Inspector of Stamps, Board of Revenue” shall be substituted.

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		5. In other Chapters, for the word “Collector”, the words “District Officer (Revenue) or Chief Inspector of Stamps” shall be substituted.
6.	The Land preservation Act, 1900(Punjab Act II of 1900)	1. Through out the Act, for the words “Deputy Commissioner”, the words “District Officer (Revenue)” shall be substituted. 2. In section 7, for the word “Commissioner” the words “Executive District Officer (Revenue)” shall be substituted.
7.	The Forest Act, 1927 (Act XVI of 1927)	1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted. 2. In section 65 and 68, for the word “Ranger”, the words “Ranger or Deputy District Officer Forests” shall be substituted. 3. In section 67, for the words “District Magistrate or any”, the word “Any” shall be substituted.
8.	The Charitable Funds (Regulation and Collections) Act, 1953 (Act XXXI of 1953)	1. Through out the Act, for the word “Commissioner”, the words “District Coordination Officer” shall be substituted. 2. In section 14, for the words “District Magistrate”, the words “Executive District Officer (Revenue)” shall be substituted.

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**PART - II
SINDH LAWS**

**(A) ACTS OF THE GOVERNOR OF BOMBAY
IN COUNCIL/ LEGISLATIVE COUNCIL**

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| 1. The Sind Abkari Act, 1878 (Sind Act V of 1878). | 1. Through out the Act, for the word “Collector”, the words “Director Excise and Taxation” shall be substituted. |
| 2. The Sind Irrigation Act, 1879 (Act VII of 1879) | Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” and for the word “Commissioner”, the words Executive District Officer (Revenue)” shall be substituted. |
| 3. The Sind Incumbered Estates Act, 1896 (Act XX of 1896). | 1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

2. In section 31, for the word “Commissioner”, the words “Executive District Officer (Revenue)” shall be substituted. |
| 4. The Sind Court of Wards Act, 1905 (Act I of 1905). | 1. Through out the Act—

(i) for the word “Commissioner”, the word “Executive District Officer (Revenue)” shall be substituted;

(ii) for the word “Division”, the word “District” shall be substituted;

(iii) for the word “Collector”, the words “District Officer (Revenue)” shall be substituted; |

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(iv) for the words “Assistant or Deputy Collector”, the words “Deputy District Officer (Revenue)” shall be substituted.

2. In section 2 and 23, for the words “Sind Land Revenue Code”, the words “Sind Land Revenue Act 1967” shall be substituted.

5. The Mukhtiarkars Courts Act, 1906 (Sind Act II of 1906). Through out the Act for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

**(B) ACTS OF SIND
LEGISLATURE**

1. The Sind Cooperative Societies Act, 1925 (Act VIII of 1925). 1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

2. In section 59 P, in sub-section (2), for the word “Commissioner”, the words “Executive District Officer (Revenue)” shall be substituted.

2. The Sind Deti Lati Act, 1939 (Sind Act XXI of 1939). Through out the Act, for the words “District Magistrate”, the words “Judicial Magistrate” shall be substituted.

3. The Holy Quran Act, 1940 (Sind Act XII of 1940). In section 4, for the words “District Magistrate”, the words “District and Sessions Judge” shall be substituted.

4. The Sind Cattle and Fodder Control Act, 1947 (Sind Act II of 1947). In section 8, for the words “District Magistrate”, the words “District Officer (Revenue)” shall be substituted.

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5. The Sind Rural Credit and Land Transfer Act, 1947, (Act XLIX of 1947).
1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.
 2. For section 25, the following shall be substituted:-

“25. The powers conferred by this Act upon a District Officer (Revenue) may be exercised by any Revenue Officer, not lower in rank than the Deputy District Officer (Revenue) authorized by the Provincial Government in this behalf.”.
 3. In sections 26 and 28, for the word “Commissioner”, the words “Executive District Officer (Revenue) shall be substituted.
6. The Sind Adult Education Act, 1950 (Sind Act XV of 1950).
1. In section 10, in sub-section (3), for the word “the District Magistrate”, the words “an officer empowered by the Provincial Government in this behalf” shall be substituted.
 2. In section 13, in sub-section (1), for the words “the District Magistrate”, the words “Provincial Government” shall be substituted.
 3. In section 17, the word “District” shall be omitted.
7. The Sind Tenancy Act, 1950 (Sind Act XX of 1950).
- Through out the Act, for the words “Assistant or Deputy Collector”, the words “Deputy District Officer (Revenue)” and for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.

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8.	The Sindh Borstal Schools Act, 1955 (Sind Act X of 1955).	<ol style="list-style-type: none">1. In section 8, the words and commas “a District Magistrate, a Sub-Divisional Magistrate” shall be omitted.2. In section 9, for the words “District Magistrate”, the words “Sessions Judge” shall be substituted.
9.	The Sind Children Act, 1955 (Sind Act XII of 1955).	<ol style="list-style-type: none">1. In section 8, clauses (c) and (d), shall be omitted.2. In section 35, in sub-section (6), for the words “District Magistrate”, the words “Judicial Magistrate” shall be substituted.3. In section 38-<ol style="list-style-type: none">(i) in sub-section (1), for the words “District Magistrate of the district in which” shall be omitted.(ii) In sub-section (2), for the words “of the District Magistrate and” shall be omitted.4. In section 41, for the words “District Magistrate or sub-divisional Magistrate”, the words “Court of Sessions” shall be substituted.5. In section 94, in sub-section (2), for the words “the District Magistrate”, the words “Court of Sessions” shall be substituted.

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**(C) WEST PAKISTAN LAWS,
(as adopted in Sindh)**

ACTS

1. The Sind General Clauses Act, 1956 (West Pakistan Act, VI of 1956) in section 2-
 - (a) clause (14) shall be omitted;
 - (b) for clause (19), the following shall be substituted:-

“(19) “District Officer (Revenue)” shall mean the Chief Officer incharge of the revenue administration of District;”.
 - (c) clause (17), shall be omitted;
 - (d) for clause (35), the following shall be substituted:-

“(35) “local authority” shall mean a local government body of port trustees or other authority legally entitled to, or entrusted by the Government with the control or management of a local fund;”.
 2. The Sind Urban Immovable Property Tax Act, 1958 (Act V of 1958). Through out the Act, for the word “Collector”, the words “Director Excise and Taxation” shall be substituted.
 3. The Sind Entertainments Deputy Act, 1958 (West Pakistan Act X of 1958). Through out the Act, for the word “Collector”, the words “Director Excise and Taxation” shall be substituted.
 4. The Sind Epidemic Diseases Act, 1958 (West Pakistan Act XXXVI of 1958). In section 2, in sub-section (3), for the words “Deputy Commissioner”, the words “District Officer Health (Medical and public Health)” shall be substituted.
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5.	The Sind Redemption and Restitution of Mortgaged Land Act, 1964 (West Pakistan XIX of 1964).	<ol style="list-style-type: none">1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.2. In section 2, in clause (c), for the word “Commissioner”, the words “Executive District Officer (Revenue)” and for the word “Division”, the word “District” shall be substituted.
6.	The Sind Land Revenue Act, 1967 (West Pakistan Act XII of 1967).	<ol style="list-style-type: none">1. Through out the Act-<ol style="list-style-type: none">(i) For the word “Commissioner” the words “Executive District Officer (Revenue)” shall be substituted;(ii) for the word “Collector”, the words “District Officer (Revenue)” shall be substituted;(iii) for the words “Assistant Collector”, the words “Assistant District Officer (Revenue)” shall be substituted;(iv) for the word “Division”, the word “District” shall be substituted;(v) for the words “Sub-Division”, the word “Taluka” shall be substituted.2. In section 5, for the word “Divisions” the word “Districts” shall be substituted.3. For section 6, the following shall be substituted :-<p style="margin-left: 40px;">”6.(1)Each district may be divided into such talukas as the Government may by notification specify and each Taluka have such limits, as Government may by notification direct.</p>

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(2) Government may by notification vary the number and limits of the Districts or Talukas in the Province.”.

4. In section 7, sub-section (2) shall be omitted.

5. For section 8, the following shall be substituted:-

“8. For each District there shall be an Executive District officer (Revenue) and a District Officer (Revenue) who shall be appointed by Government and shall exercise through out the District all the powers and discharge all the duties of the Executive District Officer (Revenue) and District Officer (Revenue) as the case may be under this Act.

6. For section 9, the following shall be substituted:-

“9. Government may, appoint in any district an Additional Executive District Officer (Revenue) or an Additional District Officer (Revenue), who shall exercise through out the District all or only of the powers and discharge all or any of the duties conferred or imposed on an Executive District Officer (Revenue) case may be, by or under this Act, subject to the general supervision and control of the Executive District Officer (Revenue) in the case of an Additional Executive District Officer (Revenue) and the District Officer (Revenue) and the District Officer (Revenue) in the case of an Additional District Officer (Revenue).”.

7. For section 11, the following shall be substituted:-

“11. There shall be a Mukhtiarkar (Revenue) of a Taluka who shall exercise the powers of Assistant District Officer (Revenue) of the second grade and discharge such duties as may be expressly conferred or imposed on him by or under this Act.”.

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ORDINANCE

1. The Sind Vagrancy Ordinance 1958 (West Pakistan Ordinance XX of 1958). In section 6 and 21, for the words “District Magistrate”, the words “District Officer Social Welfare” shall be substituted.
2. The Sind Vaccination Ordinance, 1958 (West Pakistan Ordinance XXVII of 1958). In section 3, for the words “Deputy Commissioner”, the words “District Officer Health (Medical and public Health)” shall be substituted.
3. Sind prohibition of Opium Smoking Ordinance, 1960, (West Pakistan Ordinance II of 1960).
 1. Through out the Ordinance, for the words “Collector”, the words “District Officer Excise” shall be substituted.
 2. In section 9, the words and commas “Collector”, a District Magistrate, a sub-divisional Magistrate or a” shall be omitted.
4. The Sind Prohibition of Smoking in Cinema Houses Ordinance, 1960 (West Pakistan Ordinance, IV of 1960). In section 6, for the words “District Magistrate”, the words “District Officer Health (Medical and public Health)” shall be substituted.
5. Sind Pure Food Ordinance, 1960 (West Pakistan Ordinance, VII of 1960) In section 35, for the words “Deputy Commissioner”, the words “Taluka Nazim or , Town Nazim as the case may be , Town Nazim” and for the word “Commissioner”, the words “District Co-ordination Officer” shall be substituted.
6. The Sind Maintenance of Public Order Ordinance, 1960 (West Pakistan Ordinance XXXI of 1960).
 1. In section 3-
 - (a) sub-section (2) and (4) shall be omitted;
 - (b) in sub-section (6), for the words “the authority making the order” and in the proviso, for the words “the authority making any such order”, the word “Government” shall be substituted;

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(c) in sub-section (8), for the words “or a District Magistrate” and or the words and commas “or District Magistrate, or as the case may be,” shall be omitted.

(d) in sub-section (10), for the words and comma “District Magistrate or any servant of Government referred to in sub-section (2),” the words “Government of any person authorized by it in this behalf” shall be substituted.

2. In section 4, the words “or other authority making and arrest or directing the arrest of a person under section 3” shall be omitted.

3. In section 5-

(i) in sub-section (1), the words “or the District Magistrate” shall be omitted;

(ii) sub-section (2) and (3) shall be omitted;

(iii) in sub-section (4), for the words and comma “and an order made by the District Magistrate may specify as such area the whole district or any part thereof”, and in the proviso, the words “and no such order made by the District Magistrate shall direct the exclusive or removal from the district of any person ordinarily resident in that district” shall be omitted;

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- (iv) in sub-section (5), for the words “the authority making the order” the word “Government” and for the proviso, the following shall be substituted:-

“Provided that Government may refuse to disclose the facts which it considers to be against in public interest to disclose.”.

4. In section 6—

- (i) in sub-section (1), the words “or any authority authorized by it in this behalf” shall be omitted;
- (ii) in sub-section (2), for the words “the authority making the order”, the word “Government” and for the proviso, the following shall be substituted:-

“Provided that Government may referred to disclose the facts which it considers to be against the public interest to disclose.”;

- (iii) in sub-section (3), the words “or the Authority issuing the order” shall be omitted.

5. In section 7—

- (i) in sub-section (1), for the words “or any authority authorized by it in this behalf” and in the second proviso, the words “or the authority aforesaid” shall be omitted;
- (ii) in sub-section (2), the word “or the authority issuing the order” shall be omitted.
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		6. In section 8, for the words “the District Magistrate”, the words “Government or any authority authorized by it in this behalf” shall be substituted.
		7. Section 26 shall be omitted.

**(D) ACTS OF THE PROVINCIAL
ASSEMBLY OF SINDH,**

1. The Sind Crimes Control Act, 1975 (Sind Act II of 1975).
 1. In section 3, in sub-section (2), the words and commas “District Magistrate, Additional District Magistrate, sub-Divisional Magistrate and a” shall be omitted.
 2. In section 8, 21, 22, for the word “Commissioner”, the words “District Coordination Officer” shall be substituted.
 3. In section 10, for the words “District Magistrate”, the words “Magistrate of the first class” shall be substituted.
 4. In section 20, for the words “District Magistrate”, the words “District Co-ordination Officer” shall be substituted.
 5. In section 21, sub-section (2) shall be omitted.
 6. For section 23, the following shall be substituted:-

“23. The District Co-ordination Officer may by order in writing transfer of a case for one Tribunal to another in his district.”.

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2.	In the Sind Public Property (Removal of Encroachment) Act, 1975 (Sind Act V of 1975).	In section 12, for sub-section (2), the following shall be substituted:- “(2) Government may appoint a District Judge, Additional District Judge or Senior Civil Judge as a Tribunal.”.
3.	The Sind Goth Abad (Housing Scheme Act, 1987) (Sind Act VII of 1987).	1. Through out the Act, for the word “Collector”, the words “District Officer (Revenue)” shall be substituted. 2. In section 9, for the word “Commissioner” the words “Executive District Officer (Revenue)” shall be substituted.

SINDH ORDINANNCES

1.	The Sind Wildlife Protection Ordinance, 1972 (Sind Ordinance V of 1972).	In section 31, for the words “The District Magistrate or any”, the word “Any” shall be substituted.
2.	The Sind Prevention of Gambling Ordinance, 1978 (Sind Ordinance V of 1978).	In section 8, the words and commas “District Magistrate, Sub-Divisional Magistrate” shall be omitted.
3.	The Sind Land Tax and Agriculture Ordinance, 2000.	1. Through out the Ordinance, for the words “Land Revenue and Estate”, the word “Revenue” shall be substituted. 2. In section 5, for the word “Collector” the words “District Officer (Revenue)” shall be substituted.

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PUNJAB LAWS (Applicable to Sindh)		
1.	The Colonization of Government Lands Acts, 1912 (Punjab Act V of 1912).	1. Through out the Act, for the word “Commissioner”, the words “Executive District Officer (Revenue)” shall be substituted; 2. In section 3, for the word “Collector” the words “District Officer (Revenue)” shall be substituted.
2.	The Agricultural Produce Market Act, 1939 (Punjab Act V of 1939).	1. Through out the Act, for the words “Deputy Commissioner”, the words “District Co-ordination Officer” shall be substituted. 2. In section 21-A- (i) in sub-section (1), for the words “Commissioner in the case of Karachi Market Committee and the Deputy Commissioner in the other cases”, and for the words “Commissioner or the Deputy Commissioner”, the words “District Co-ordination Officer” shall be substituted. (ii) in sub-section (2), for the words “the Commissioner” the word “Government” shall be substituted. 3. In section 22-A, for the words “District Magistrate”, the word “Government” shall be substituted. 4. In section 24-A- (i) in sub-section (2), for the words “Commissioner in the cases of Karachi Market Committee and the Deputy Commissioner in other cases, the words “District Co-ordination Officer” shall be substituted;

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- (ii) in sub-section (3), for the words and commas “Commissioners or as the case may, the Deputy Commissioner” the words and commas “The District Co-ordination Officer or any gazette Officer specially empowered in this behalf” shall be substituted.

SINDH REGULATION

1. The Sind Regulation XXII of 1827. Through out the Regulation, for the words “District Magistrate”, the words “District Co-ordination Officer” and for the word “Collector”, the words “District Officer (Revenue)” shall be substituted.