

THE SINDH INCUMBERED ESTATES ACT, 1896

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Act No.XX OF 1896¹

[SINDH INCUMBERED ESTATES ACT, 1896.]

[16th October, 1896]

An act to amend the law providing for the relief of zamindars in Sind.

WHEREAS it is expedient to amend the law providing for the relief of zamindars in Sind: It is hereby enacted as follows:-

CHAPTER I
Preliminary

1. (1) This act may be called the Sind Incumbered Estates Act, 1896; and Title and Commence-
ment.

(2) It shall come into force at once

Definitions.

2. In this Act—

3[(1) * * * * *].

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

(3) "zamindar" means a person holding lands in Sindh on the aggregated of which he or his ancestor has been assessed by the Government, on account of land-revenue for any one of the five revenue-years next before the ⁴[making of an application under section 3 by or in respect of or on behalf of such person] a sum not less than three hundred rupees; and a person holding lands in Sindh which, having been comprised in the jagir lands of a jagirdar and having ceased to be jagir lands, are assessed by the Government on account of land-revenue, at a sum not less than three hundred rupees per year, and, where a joint family, or any other body of co-owners hold lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands; and

5[(4) * * * * *].

1. For Statement of Objects and Reasons, see Gazette of India, 1896, Pt. V, p. 252; and for Proceedings in Council, see *ibid.*, Pt. VI, pp. 236 and 243.
2. The word "Jagirdars and" omitted by Sind Ord. LIV of 1984, s.2.
3. Clauses (1) and (2) of s.2, omitted *ibid.*, s. 3, for the definitions of (1) "Jagir land" and (2) "jagirdar."
4. Subs. by s. 2 (b), *ibid.*, for "commencement of this Act".
5. Clause (4) rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch., II.

CHAPTER II

Of the Application and Preliminary Inquiry.

3. (1) At any time after the commencement of this Act, any ¹* * * * zamindar or any person who would be sole heir or one of the heirs to such ¹* * * * zamindar if he then died intestated, may apply in writing to the ²[Collector] stating that such ¹* * * * zamindar is subject to debts or liabilities, other than debts due, or liabilities incurred ³[to the ⁴[Govt.]], or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case. Application for the benefit of this Act.

(2) When any ¹* * * * zamindar or other person entitled to make an application under this section is a minor, or of unsound-mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

4. (1) When any such application is made by or on behalf of ¹* * * * the person who would be his sole heir if he then died, the ²[Collector] shall direct an inquiry to be made by such officer, as he thinks fit, into the nature and amount of such debts and liabilities, and the sufficiency of the debtors's property, whether moveable or immoveable, to discharge the same. Order to inquire.

(2) When such an application is made in any other case, shall be in the discretion of the ²[Collector], subject to any general rules which may from time to time be made by the ⁶[Provincial Government] in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

5. (1) When the ²[Collector] has directed an inquiry under section 4, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section 7, sub-section (2), clause (c)— Interim order of protection.

(a) all proceedings then pending in any Civil or Revenue Court or Office in ⁸[Pakistan] in respect of any of the

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1. The words "Jagirdar or'" omitted by Sind Ord. LIV of 1984, S. 4(a) and s. 5.
 2. Subs. by Sind Ordinance III of 1972, s.2, Sch. For "Revenue Commissioner".
 3. Subs. by the A.O., 1937, for "to Government".
 4. Subs. for "Crown" by P.O. No.1 of 1961, Sch.
 5. The word and comma "Jagirdar" omitted by Sind Ord. LIV of 1984, s. 4 (b).
 6. Subs. for "Government of Bombay in Council" by A.O., 1937.
 7. The original s. 5 was re-numbered as sub-section (1) of that section by s. 3 of the Sind Incumbered Estates (Amendment) Act, 1906 (Sind 2 of 1906).
 8. Subs. by the Central Laws (Statute Reforms) Ord. No.XXI of 1960, Second Schedule for "the Provinces and the Capital of the Federation" which was previously subs. by G.G.O. 4 of 1949, Arts. 3 (2) and 4, for "British India".

(Chapter II—Of the Application and Preliminary Inquiry)

debt and liabilities to which the debtor is subject, or which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for, in or respect of, such debts and liabilities shall be suspended; and

- (b) no fresh proceedings, processes, executions or attachments shall be instituted in, or issued, by, any Civil Court or Revenue Court or Office in ¹[Pakistan] in respect of such debts and liabilities.

²[(2) Every direction given under sub-section (1) shall be deemed to afford protection to sureties of the debtor as well as to the debtor himself, unless in any case a surety has, by his bond, expressly accepted liability thereunder in the event of an order being made in respect of the debtor's property under section 7, sub-section (2), clause (c)].

6. (1) When an inquiry has been directed under section 4, the applicant shall, within a period to be fixed by the ³[Collector] submit to the officer appointed to make such inquiry a statement duly verified by the said applicant or by some other competent person in the manner required by law for the verification of plaints and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the ³[Collector] or the said officer subject to his control, may require.

Verified statement to be submitted.

(2) If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believed to be true, such person shall be deemed to have internationally given false evidence within the meaning of the ⁴[Pakistan] Penal Code.

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7. (1) The officer so appointed, after making inquiry, shall submit a report of the proceedings to the ³[Collector].

Report of inquiry and proceedings thereon.

1. Subs. by Central Laws (Statute Reforms) Ord. No.XXI of 1960., Sch. II, for "the Provinces and the Capital of Federation" which was previously subs. by G.G.O., 4 of 1949, Arts. 3(2) and 4, for "British India".

2. Sub-section (2) ins. By the Sindh Incumbered Estates (Amendment) Act, 1906 (2 of 1906) s. 3.

3. Subs. by Sind Ordinance III of 1972, s. 2, Sch., for "Revenue Commissioner".

4. Subs. by Sind Laws (Adaption, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955) s.4, (w.e.f. 30th May, 1951) for "India".

(Chapter II—Of the Application and Preliminary Inquiry
Chapter III – Of the Order of management).

- (2) On receipt of such report, the ¹[Collector] may—
- (a) direct a further inquiry; or
 - (b) dismiss the application; or,
 - (c) by order published in the ²[Official Gazette], appoint an officer (hereinafter called the manager) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts in manner hereinafter provided.

CHAPTER III

OF THE ORDER OF MANAGEMENT

8. (1) An order made under section 7, sub-section (2), clause (c) (hereinafter called "the order of management"), shall extend to all immoveable property, including any interest in joint immoveable property, of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitle to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date, and to the amount of any loan which may be received by the manager in the manner hereinafter provided.

Order of
management.

(2) The management shall be deemed to commence from the date on which the order is published.

9. On the publication of the order of management the following consequences shall ensue:-

Effect of order
of
management.

- (1) all proceeding then pending in any Civil Court or Revenue Court or Office in ¹[Pakistan] in respect to the debts and liabilities mentioned in section 8 shall be stayed; and the operation of all processes, execution and attachments then in force for, or in respect of, such debts and liabilities shall be suspended.

1. Subs. by the Sind Ordinance III of 1972. S.2, Sch. for "Revenue Commissioner." Which was previously Subs. by Sind Ordinance V of 1955, s. 13, for "Commissioner."

2. Subs. by the A.O., 1937, for "Sindh Official Gazette".

3. Subs. by the Central Laws (Statute Reforms) Ord. No.XXI of 1960, Sch. II for "the Provinces and the Capital of the Federation" previously subs. by G.G.O. 4 of 1949, Arts. 3 (2) and 4, for "British India".

(2) so long as the management continues, no fresh proceedings, processes, execution or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in 1[Pakistan] in respect of such debts and liabilities.

²[2a] clauses (1) and (2) shall be deemed to afford protection to sureties of the debtor as well as to the debtor himself, unless in any case surety has, by his bond, expressly accepted liability thereunder in the event of an order being made in respect of the debtor's property under section 7, sub-section (2), clause (c);]

(3) so long as the management continues, the debtor shall be incompetent--

- (a) to enter into any contract involving him, in pecuniary liability, or
- (b) to mortgage, charge, lease for alienate the property under management or any part thereof, or
- (c) to grant valid receipt for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act as may be agreed upon between the parties;

(4) so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents, ³[profits and other sums] due in respect of the property under management, and for the purpose of recovering such rent, ³[profits and other sums] shall have, in addition to any powers possessed by a ⁴[zamindar] all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government ⁵* * *.

Powers of manager.

1. Subs. by the Central Laws (Statute Reform) Ord: No.XXI of 1960. Sch. II for "the Provinces and the Capital of the Federation" which was previously Subs. by G.G.O.4 of 1949, Arts. 3(2) and 4, for "British India".

2. C1 (2a) ins. By the Sind Incumbered Estates (Amendment) Act, 1906. (2 of 1906), s.4.

3. Subs. *ibid*, s. 5 (a), for "and profits".

4. Subs. by Sind Ord. LIV of 1984. S, 6, for "Jagirdar or Zamindar", as the case may be.

5. The words "including the Powers Conferred by section 176 of the Sind Land Revenue Code 1879, omitted by Sind 17 of 1975, s. 3 Sch. II.

(Chapter 111—Of the Order of Management).

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or nay part thereof, for nay term exceeding two years to take effect in possession.

11. (1) From the sums received or recovered under section 10, the manager shall pay—

Payments to be made by manager and order thereof.

first, the costs of the management, including the costs of necessary repairs;

secondly, the Government revenue and all debts and liabilities for the time being due or incurred ²[to the ²[Government]] in respect of the property under management;

thirdly, the rent (if any) due to the ^{3*} * * superior holder in respect of the said property;

fourthly, such periodical allowances as the ⁴[Collector], may, from time to time, fix for the maintenance of the debtor and his family;

fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the ⁴[Collector].

(2) The residue shall be retained by the manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section 8 other than those so due or incurred ¹[to the ²[Government]], and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received by manager under this Act.

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

2. Subs. by the P.O. No.1 of 1961, for the word "Crown".

3. The words "Jagirdar or other" omitted by Sind Ord. LIV of 1984, s.7.

4. Subs. by the Sind Ordinance III of 1972, s.2, Sch. for "Revenue Commissioner".

(Chapter IV—Proof of Debts and Scheme for Liquidation).

CHAPTER IV

Proof of Debts and Scheme for Liquidation.

12. On the publication of the order of management, the manager shall publish in the ¹[Official Gazette] a notice in ²[Urdu] calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such manager within six months from the date of the publication, and shall also cause copies of such notice to be exhibited at the mukhtiarkars' kachahris in the district in which the said property lies, and at such other places as he thinks fit.

Notice to claimants against debtor.

13. (1) Every such claimant shall, along with his claim, present full particulars thereof.

Claimants to present full particulars and documents.

(2) Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim.

(3) If the document is an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification and, after examining and comparing the copy with the original, shall return the book to the claimant.

(3) If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager, along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

14. Every such claim (other than claim ³[of the ⁴[Government]]) not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (d), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards to have been duly discharged:

Claim not duly notified to be barred.

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12 the manager may receive such claim within the further period of six months from the expiration of the original period of six months.

15. The manager shall inquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants.

Determination of debts and liabilities.

1. Subs. by the A.O., 1937, for "Sindh Official Gazette".

2. Subs. by Sind Act 17 of 1975, s. 3, Sch. II for "English and Sindhi".

3. Subs. by the A.O., 1937, for "of the Government".

4. Subs. by P.O. No.1 of 1961, for the word "Crown".

(Chapter IV—Proof of Debts and Scheme for Liquidation).

16. If such amount cannot be paid at once, the manger shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon to the date of the payment and discharge thereof. Power to rank debts and to fix interest.

17. (1) When the total amount of the debts and liabilities (including those due and incurred ¹[to the ²Government has been finally determined, the manger shall prepare and submit to the ³[Collector] a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds, raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other. "Liquidation scheme."

(2) Every liquidation scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and for the repayment of the money (if any) which the manager proposes to borrow under this Act; and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other. Proceedings of Revenue Commissioner on submission of liquidation scheme.

18. The ³[Collector] may—

- (a) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or
- (b) sanction any liquidation-scheme or any revised liquidation-scheme submitted to him, either as it stands or subject to such modification as he may deem expedient.

19. (1) At any time before he has sanctioned a liquidation-scheme under section 18, the ³[Collector] may, by an order published in the ⁴[Official Gazette], direct that on a date fixed by such the management shall be relinquished. Powers to Relinquish Management.

(2) On the date so fixed—

- (a) the management shall terminate;

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

2. Subs. by P.O. No.1 of 1961 for the word "Crown."

3. Subs. by the Sind Ordinance III of 1972, s. 2, Sch., for "Revenue Commissioner."

4. Subs. by the A.O., 1937 for "Sind official Gazette".

(Chapter IV—Proof of Debts and Scheme for Liquidation).

(Chapter V—Of the Proceedings subsequent to sanction of the Liquidation-scheme.)

- (b) the owner of the property under management shall be resorted to the possessions thereof, subject to any leases granted under section 10:
- (c) any residue of the rents and profits of the said property retained under section 11, sub-section (2), shall be paid to him; and
- (d) the proceeding, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

(3) In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

CHAPTER V

Of the Proceedings subsequent to sanction of the Liquidation Scheme

20. When the 1[Collector] sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the 2[Provincial Government] may from time to time by rule direct; and thereupon—

Effects of sanctioning scheme.

- (1) all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred, and
- (2) every debt or liability due or owing to any person which was proveable before the manager shall be extinguished; and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Chapter IV in respect of such debtor liability.

21. (1) If the property under management or any part thereof is in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue-year.

Power to remove mortgagee in possessions.

1. Subs. by the Sind Ordinance III of 1972, s.2 Sch., for "Revenue Commissioner."

2. Subs. by the A.O., 1973, for "L.G."

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(Chapter V—Of the Proceedings subsequent to sanction of the
Liquidation-scheme.)

(2) If such incumbrancer refuses or neglects to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

(3) Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Chapter IV.

¹[22. (1) If the property under management or any part thereof is in the possession of any person claiming to hold under a lease, ² * * * the manager, with the sanction of the ³[Collector] may inquire into the sufficiency of the consideration for which the lease was granted, and if such consideration appears to him insufficient, may by written order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease, or require the person so in possession to pay such consideration for the said lease as the manager thinks fit; and in default of such payment, the lease shall be cancelled.

Power to inquire into consideration given for leases.

⁴[(2) Whenever the manager sets aside or cancels a lease under sub-section (1), he shall, by written order, award to the lessee such compensation, if any, as may appear to the manager to be equitable in the circumstances; and, subject to the provisions of Chapter VI, no compensation in excess of the amount so awarded shall be recoverable by the lessee in a Civil Court or otherwise.

(3) Any compensation awarded by the manager under sub-section (2) shall be deemed to be a debt mentioned in section 8, and shall rank in priority to all other debts and liabilities other than debts or liabilities due or incurred ⁵[to the ⁶[Government]].

(4) If any lessee whose lease has been so set aside or cancelled refuses or neglects to give up possession when required to do so by the manager, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said lessee and any other person obstructing or resisting on his behalf.]

23. Subject to the rules made under section 33, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under

Power to lease.

1. The original section 22 was re-numbered as section 22(1) by the Sindh Incumbered Estates (Amendment) Act, 1906 (2 of 1906) s.6(a).
2. The words "dated within the three years immediately preceding the commencement of the management" rep. *ibid*, s.6 (b).
3. Subs. by the Sind Ordinance III of 1972, s.2, Sch., for "Revenue Commissioner."
4. Sub-sections (2) (3) and (4) ins. By the Sindh Incumbered Estate (Amendment Act, 1906 (2 of 1906).
5. Subs. by the A.O., 1937, for "to Government".
6. Subs. by P.O.No.1 of 1961 for the word "Crown".

(Chapter V—Of the Proceedings subsequent to sanction of the Liquidation-scheme.)

management for nay term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid, the manager with the previous assent of the ¹[Collector], shall have power to raise any money which may be required for carrying out such scheme— Power to raise money by mortgage or sale.

- (a) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or
- (b) by selling, by public auction or by private contract, and upon such term as the manager thinks fit, such portion of the said property as may appear expedient; or
- (c) by borrowing money at such rate of interest as a appears reasonable to the ²[Board of Revenue].

25. [Separation of part of jagir lands subject to lapse] Omitted by Sind Ordinance LIV of 1984, s.8.

26. The manager's receipt for nay moneys rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom and from being concerned to see to the application thereof. Manager's receipt to be a discharge.

27. (1) When the debts and liabilities mentioned in the liquidation-scheme and the amount of any loan received under section 24, clause (c), together with the interest (if any) due thereon, have been paid and discharged, the manager shall publish in the ³[Official Gazette] a notice fixing a date for the termination of the management. Termination of management.

1. Subs. by the Sind Ordinance III of 1972, s.2, Sch., for "Revenue Commissioner."
 2. Subs. by the W.P.XVI of 1957 for "Provincial Government" which was previously subs. by the A.O., 1937, for "L.G."
 3. Subs. ibid, for "Sindh Official Gazette".

(Chapter V—Of the Proceedings subsequent to sanction of the Liquidation-scheme.)

(2) On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24.

28. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinafter provided—

Death of debtor during management.

- (1) The management shall continue and proceed in all respects as if such debtor were still living;
- (2) any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities, imposed by section 9, clause (3), sub-clauses (b) and (c); and
- (3) no Civil Court or Revenue Court or Office in ¹[Pakistan] shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management for, or in respect of, any debt or liability incurred by any such person whether before or after his said succession.

29. When a ²* * * * zamindar has been restored under section 27, sub-section (2), to the possession of nay property, no mortgage, charge, lese or alienation of such property, or of any part thereof, made or granted by such ²* * * * zamindar shall be valid as to any time beyond his natural life ³[unless made or granted with the previous sanction of the ⁴[Collector]],

Mortgages, etc., made by Zamindar valid only for his life.

⁵[or in the case of a loan granted under the Land Improvement Loans Act, 1883, or the Agriculturist's Loans Act, 1884, with the previous sanction of the officer granting such loan].

30. Notwithstanding anything contained in this Act, the ⁴[Collector], may, at any time after he has whether before or after the commencement of this Act, sanctioned the liquidation-scheme, revise and modify the same, but not so as effect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV.

Power to revise liquidation scheme.

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1. Subs. by the Central Laws Statute Reforms, Ord. No.XXI of 1960, Sch. II, for "the Provinces and the Capital of the Federation", which was previously Subs. by G.G.O., 4 of 1949, Arts 3(2) and 4, for "British India".
 2. The words "Jagirdar or" Omitted by Ord. LIV of 1984, s.5.
 3. Ins. By the Sind Repealing and Amending Act, 1919 (Sind 2 of 1919) s.2 and Sch. I.
 4. Subs. by the Sind Ordinance III of 1972, s.2 Sch., for "Revenue Commissioner".
 5. Ins. By the Sindh Incumbered Estates (Amendment) Act, 1929 (Sind II of 1929) s.2.

(Chapter VI—Of Appeal and Revision. Chapter VII— Miscellaneous)

CHAPTER VI

Of Appeal and Revision.

31. (1) An appeal against any decision or order under sections 14, 15 16 and 22, and imposing a fine or imprisonment in exercise of the powers conferred by section 37, shall lie to the ¹[Commissioner], if preferred within six weeks from the date of such decision or order. Appeal.

²[(2) There will be no appeal against the decision of the Commissioner].

³[(3) Where an appeal has been preferred under sub-section (1) an opportunity to be heard against the order appealed from shall be given to the person aggrieved.].

⁴[32. The Board of Revenue] may, of its own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon consistent with the provisions of this Act as it thinks fit.] Power to call for proceeding and pass order thereon.

CHAPTER VII

Miscellaneous

33. (1) ⁶[Board of Revenue] with the previous sanction of the ⁷[Provincial Government], may, from time to time, make rules consistent with this Act— Power to make rules.

- (a) to regulate the security to be required from subordinate officers under this Act;
- (b) to regulate the procedure in all cases under this Act;
- (c) for the guidance of officers inquiring into and determining on claims under Chapter IV; and in particulars as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregated amount of such debts and liabilities, from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities and repaying any loan received hereunder;

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1. Subs. by Sind Act 27 of 1974 s.2, Sch. for "Board of Revenue". The words "Board of Revenue" were previously subs. by Sind Ordinance III of 1972, s.2, for "Revenue Commissioner".
 2. Sub-section (2) which was omitted by Sind Ordinance III of 1972, again Ins. by Sind Act 27 of 1974, s. 2, Sch.
 3. Added by W.P. Ordinance XXXIV of 1965, s.3, Sch. II (Sr. No: 21).
 4. Subs. by Sind Incumbered Estates (Amendment) Act, 1951 (Sind Act 17 of 1951) s.2, for the original s.32.
 5. Subs. by W.P. Act XVI of 1957, s. 3(3) and Sch. III (w.e.f. 14th October, 1955) for "Provincial Government."
 6. Subs. by Sind Ordinance III of 1972, s.2, Sch., for "Revenue Commissioner".
 7. Subs. by the A.O., 1937, for "Governor of Bombay in Council".

- (d) for investing any moneys received or raised by the manager under this Act in any Government securities of ¹[Pakistan] and for the sale of such securities; and
- (e) generally to carry out the provisions of this Act.

(2) Such rules shall be published in the ²[official Gazette], and shall thereupon have the force of law.

34. Whenever the ³[Collector thinks fit, he may suspend or remove any manager, and may appoint any officer in the stead of any manger appointed under this Act; and thereupon the management then vested under this Act in the former manger shall become vested in the new manager and the new manager shall have the same powers as if he had been originally appointed. Power to appoint new Manager.

35. Every manager appointed under this Act shall be deemed a public servant within the meaning of the ⁴[Pakistan] Penal Code. Managers to be public servants.

36. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the ⁴[Pakistan] Penal Code. Investigation to be deemed a judicial proceeding.

37. For the purposes of this Act, the manager ⁵[or any officer subordinate to him, not below the rank of a Mukhtiarkar,] may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible in the same manner as is provided in the case of a Civil Court by the ⁶Code of Civil Procedure. Power to summon witnesses and compel production of documents.

38. No suit or other proceeding shall be maintained against any person in respect of anything done by him bonafide pursuance of this Act. Bar of suits.

39. Nothing in this Act precludes the Courts ⁷* * * having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act from entertaining and disposing of such suits but to all such suits the manager of such property shall be made a party. Saving of jurisdiction of courts in respect of certain suits.

1. Subs. by Central Laws (Statute Reforms) Ord. 1960 (XX of 1960) for "the Province and the Capital of the Federation", previously subs. by G.G.O. 4 of 1949, Arts, 3 (2) and 4, for "British India".
2. Subs. by the A.O., 1937, for "Sindh Official Gazette".
3. Subs. by the Sind Ordinance III of 1972, Sch., for "Revenue Commissioner".
4. Subs. by Sind 5 of 1953, s.4 (w.e.f. 30th May, 1951), for "India".
5. Ins. by the Incumbered Estates and Court of Wards (Sind Amendment) Act, 1947 (16 of 1947), s.2.
6. See now the Code of Civil Procedure, 1908 (5 of 1908).
7. The words "in Sindh" rep. by the Sind Laws (Adaptation Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s.6, Sch. II.