

THE SYSTEM OF SARDARI (ABOLITION) ACT, 1976.

ACT NO. XL of 1976

[19th May, 1976]

An Act to provide for the abolition of the system of Sardari and for matters ancillary thereto.

WHEREAS the system of Sardari, prevalent in certain parts of Pakistan, is the worst remnant of the oppressive feudal and tribal system which, being derogatory to human dignity and freedom, is repugnant to the spirit of democracy and equality as enunciated by Islam and enshrined in the Constitution of the Islamic Republic of Pakistan and opposed to the economic advancement of the people;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—

1. Short title, Commencement and application.—(1) This Act may be called the System of Sardari (Abolition) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition. In this Act, unless there is anything repugnant in the subject or context, "Sardar" means a person who is recognized as a Sardar, Tumandar or Chief of the tribe or who, under any custom or usage or otherwise, exercises any of the powers, or enjoys any of the privileges, mentioned in section 3.

3. Abolition of system of Sardari. Notwithstanding any custom or usage, as from the commencement of this Act, the system of Sardari shall stand abolished and no person shall—

(a) exercise any judicial powers not expressly conferred on him by or under any law for the time being in force; or

(b) maintain any private jail ; or

(c) save as provided in the Code of Criminal Procedure, 1898 (Act V of 1898) or

any other law for the time being in force, arrest or keep in custody any person; or

(d) take free labour from any person or compel any person to labour against his will; or

'For Statement of Objects and Reasons, see Gaz., of P., 1976, Ext., Pt. III, p. 487.

(e) | demand or receive, by reason of being or having been a sardar, any tribute or any other payment, whether in cash or in kind; or

(f) be in possession of, or derive any benefit from, any land belonging to a tribe, by reason of being or having been a Sardar of the tribe.

4. Saving. Nothing in this Act shall be deemed to prevent the Government from granting to any person such individual service allowance as it may deem fit and requiring such person to discharge such duties and perform such functions as Government may from time to time direct.

5. Penalty. Whoever contravenes any provision of this Act shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with- both.

6. Repeal. The System of Sardari, (Abolition) Ordinance, 1976 (XV of 1976) is hereby repealed.