

**SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974**

**CONTENTS**

Preamble

Sections

1. Short title and commencement.
2. Amendments.
3. Transfer of appeals, etc.
4. Inspection of projects.
5. Repeal of Sind Ordinance III of 1972.
6. Repeal of Sindh Ordinance XVII of 1974.

**SCHEDULE**

**FEDERAL ACTS AS APPLICABLE TO SIND**

**SIND ACTS AND ORDINANCES**

**KHAIRPUR ACTS**

**PUNJAB ACTS**

**N.W.F.P. ACT**

**PRESIDENT'S ORDER**

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

[11 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;

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.

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.

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.

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.

Preamble.

Short title and commencement.

Amendments.

Transfer of  
appedls, etc.

Inspection of  
projects.

SIND ACT NO.XXVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

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

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 The Sind (Amendment of Laws) Ordinance, 1972, is hereby Repeal of Sind repealed.

6. The Sind (Amendment of Laws) Ordinance, 1974, is hereby Repeal of Sindh Ordinance XVII of

Ordinance III  
1972.

repealed. 1974

SCHEDULE

YEAR No. Short Title or Subject

Amendment

1 2 4

FEDERAL ACTS AS

APPLICABLE TO SIND

1861 Vv 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 The Land Acquisition In section 5, between the words Act, 1894.

"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".

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" substituted "Commissioner".

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

In sections 17 (4), 41 and 49 (2) for "it"  
substitute "he".

In section 6, in sub-section (1), for "the  
Provincial Government" — substitute  
"the Commissioner" and for "a  
Secretary to such Government"  
substitute "the Commissioner".

In section 17—

(i) in sub-section (1), between  
the word and comma  
"urgency", and the words  
"the Collector" insert  
"whenever the  
Commissioner so directs,";

(ii) for the proviso to sub-  
section (1), substitute the  
following:--

"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  
section 23 and 24".,

(iii) in sub-section (2), between  
the words "necessary" and

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

“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”.

1896 XX The Sind In section 31—  
Incumbered Estates  
Act, 1896. (i) in sub-section (1), for “Board  
of Revenue” substitute

“Commissioner”;

(ii) after sub-section (1), add  
the following:--

“(2) There shall be no  
appeal against the decision  
of the Commissioner”:

1897 X The General Clauses In section 3, after clause (12), add the  
Act, 1897. following:--

“(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.” .

1952 XI The Land Control Insection 2—  
(Karachi Division)  
Act, 1952. (a) in clause (ii), for “Provincial  
Government” substitute

“Commissioner”;

(6b) after clause (iii), add following:--

1953

1868

1879

XXVII

VII

**SIND ACT NO.XXVII OF 1974**  
**THE SIND (AMENDMENT OF LAWS) ACT, 1974**

“(i)-a)‘Commissioner’ means the  
Commissioner of the Karachi

Division,”;  
(c) in clause (vii), for “Deputy  
Commissioner” substituted

“Commissioner”.

In section 17, for “Provincial  
Government”, wherever occurring,  
substitute “Commissioner” and for “it”  
substitute “he”.

In section 19, between the words  
“lie” and “against” insert “against the  
Commissioner or”.

The Karachi Essential Throughout the Act, except section  
Articles (Price 11, for “Provincial Government”  
Control and\_ substitute “Commissioner”.

Hoarding) Act, 1953.

In section 2, before clause (b), add  
the following:--

“(a) ‘Commissioner’ means the  
Commissioner — of the Karachi  
Division;”.

In section 14, for “it” substitute “him”.

**SIND ACTS AND  
ORDINANCES**

The Sind Ferries Act, In section 17, between the words  
1868. “any” and “Collector” insert  
“Commissioner.”.

The Sind Irrigation In section 11 and 57, for “the  
Act, 1879. Revenue Commissioner” substitute

“any Commissioner”.

SIND ACT NO.XXVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The Sindh Court of  
Wards Act, 1905.

In Sections 67, 91 (2) (iii), 92 (6) and  
92-A (3), for “Provincial Government”  
substitute “Commissioner”.

In section 92-A (3), omit “for Sind”.

For section 3, substitute the following:-

“3. Subject to the provisions of section  
12, the Commissioner shall be the  
Court of Wards for the limits of his  
division:

Provided that the — Provincial  
Government may, if it thinks fit, by  
notification in the Official Gazette, --

(a) appoint a special officer to be  
the Court of Wards for a division in  
lieu of the Commissioner; or

(b) constitute a Board consisting of  
the Commissioner and any other  
officer or officers to be the Court of  
Wards for a division; or

(c) appoint any other officer or  
officer to be Court of Wards 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”.

In section 43, for sub-section (1),  
substituted the following:--

“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,—

1906

1915

1925

1947

Vil

XLIX

SIND ACT NO.XXVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The Sind Muktiarkars  
Courts Act, 1906.

The Sind Town-  
Planning Act, 1915.

The Co-operative  
Societies Act, 1925.

The Sind Rural Credit  
and Land \_ Transfer  
Act, 1947.

(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;

(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  
cases, to the

(c)in all other

Collector:

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 sub-  
ordinance 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".

In section 1, in sub-section (2), after the word "Sind" add "including Khairpur District".

In section 45-B, in sub-section (5) before the fullstop, insert "and Commissioner".

In section 59-P, in sub-section (2) for "Board of Revenue Sind" substitute "Commissioner".

In section 26, for "Board of Revenue" substitute "Commissioner".

1972

SIND ACT NO.XXVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The Sind People's  
Local Government  
Ordinance, 1972.

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.".

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;

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

(b) copies of agenda and working paper of all meetings of the Corporation before they are held; and

(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

(ii) 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 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."

SIND ACT NO.XXVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The West  
General  
Act, 1956.

In section 63, for sub-section (6)  
substitute the following:--

“(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.”.

In section 88, the sub-section (1)  
omit “Collector acting as”.

In section 93, in sub-section (1), for  
“Collector” substitute “Commissioner  
of the Division”.

WEST PAKISTAN ACTS  
AND ORDINANCES

Pakistan

In section 2, after clause (16), insert

Clauses the following:--

“(17) ‘Commissioner’ shall mean the  
Chief Officer-in-charge of the  
revenue and general administration of  
a division and shall include an  
Additional Commissioner of such  
division.”.

1958

1959

**SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974**

XXVII The West Pakistan In section 3—

Vaccination

Ordinance, 1958.

(i) In sub-section (4), — for  
“Government” substitute  
“Commissioner”.

(ii) after sub-section (4), insert  
the following:--

“(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.”.

(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.”.

XXXV The West Pakistan In section 8, in the proviso to sub-

Control of Goondas section (2), for “Government”  
Ordinance, 1959. substitute “the Commissioner”.

In section 18—

(i) in sub-section (1), — for  
“Government” substitute

“the Commissioner of the  
Division”;

**SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974**

(ii) in sub-section (3), \_ for

“Government” substitute

“The Commissioner”.

In section 19, for “Government”  
substitute “the Commissioner”.

In section 27, in sub-section (2), for

“Government” substitute “The  
Commissioner”.

The West Pakistan In section 2, after clause (c), inset

Consolidation of the following:--

Holdings Ordinance,

1960.

“(d) ‘Commissioner’ means the Chief  
Officer incharge 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;”.

In section 11, for “Board of  
Revenue” substitute “Commissioner”.

In section 13—

(i) in sub-section (2), for “The  
substitute “A Commissioner”;

(ii) in sub-section (3), for “Board  
of Revenue” substitute  
“Commissioner”;

(iii) for sub-section (4), except  
the Proviso substitute the  
following:--

“(4) The Board of Revenue

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

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".

1960 Vil The West Pakistan In section 35—

Pure Food  
Ordinance, 1960.

(i) in sub-section (3), — for "Government" substitute

"the Commissioner".

(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

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

authority a reasonable opportunity of showing cause against such order.”.

1960 XIV. The West Pakistan In section 6é—

Benevolent Fund

Ordinance, 1960. (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”.

1960 XXIV. The West Pakistan In section 2, after clause (d), insert

Money-lenders the following:--

Ordinance, 1960.

“(e) ‘Commissioner’ includes an Additional Commissioner or any other officer specially empowered by Government to perform the duties of the Commissioner under \_\_ this Ordinance;”.

1962

1962

1962

VIII

XXIX

XIX

SIND ACT NO.XVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The West Pakistan  
Tolls on Roads and  
Bridges Ordinance,  
1962.

The West Pakistan  
Primary Education  
Ordinance, 1962.

The West Pakistan  
Redemption and  
Restitution of  
Mortgaged — Lands  
Act, 1964.

In section 8, for “District Judge”  
substitute “Commissioner”.

In section 8, in sub-section (3), for

“Government” substitute “the  
Commissioner”.

In section 8, for “Government”

substitute “the Commissioner”.

In section 2, after clause (b), insert  
the following:--

“(c) ‘Commissioner’ means the  
Commissioner of the Division in which  
the mortgaged land or any part  
thereof is situated, and shall include  
any Officer specially empowered by  
the Board of Revenue to perform the  
duties of a Commissioner for the  
purposes of this Act;”.

For sections 14, 15 and 16, substitute

the following:--

"14.(1) Save as otherwise provided by this Act, an appeal shall lie from an original order of the Collector to the Commissioner.

(2) Save as otherwise provided by this Act, an appeal shall lie to the Board of Revenue from every order passed in appeal by the Commissioner on any one of the following grounds, namely:--

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

- (a)the decision being contrary to law or to some usage having the force of law;
- (b)the decision having failed to determine some material issue of law or usage having the force of law;
- (c)a substantial error or defect in the procedure provided by this Act or by any other law, for the time being in force, which possibly have produced an error or defect in the decision of the case.

15.(1) The Board of Revenue may at any time call for the record of any case pending before, or disposed of by, any Revenue Officer subordinate to it.

(2) A commissioner may call for the record of any case pending before or disposed of by, any Revenue Officer, under his control.

(3) The Board of Revenue may, in any case called for under sub-section (1), and a Commissioner may, in any case called for under sub-section (2), pass such order as it or he thinks fit:

Provided that no order shall be passed under this section reversing or modifying any proceedings or order of a subordinate Revenue Officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

1964

1967

IX

SIND ACT NO.XVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

The West Pakistan  
Ghulam  
Muhammad  
Barrage Betterment  
Tax Ordinance,  
1964.

The West Pakistan  
Pat Feeder Canal  
(Control and  
Prevention of

alienation of Land)  
Ordinance, 1967.

16. (1) The period of limitation for  
an appeal under section 14 shall run  
from the date of the order appealed  
against, and shall be—

(i) sixty days, when the appeal lies to  
the Commissioner;

(ii) ninety days, when the appeal lies  
to the Board of Revenue.

(2) In computing the period  
of limitation for an appeal under this  
section the period requisite for  
obtaining copies of the order  
appealed against shall be excluded.

(3) The provisions of section  
5 of the Limitation Act, 1908, shall

apply to appeals under \_ this  
Chapter.”.

In section 7, for “Government”

substitute “The Commissioner” and for  
“its” substitute “he”.

In section 11, between the word  
and comma “Government”, and the  
words “the Collector”, twice

occurring, insert the words “the Commissioner or”.

In section 4, in sub-section (3), between the words “Board of Revenue” and “may” insert “or the Commissioner”.

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

In section 5, in sub-section(4)—

(i) for “Board of Revenue under section 6” substitute “Commissioner under section 6, or in revision by the Board of Revenue under section 7”;

(ii) In the Explanation—

(a) for “section 6” substitute “sections 6 and 7”;

(b) between the word and comma “Tribunal,” and the word “or” insert “the Commissioner”.

In section 6, for “Board of Revenue” substitute “Commissioner” and for “it” substitute “he”.

After section 6, insert the following:--

“7. The Board of Revenue may—

(a) at any time of its own motion call for and examine the record relating to any order passed or proceedings taken under this Ordinance, by the Tribunal or the Commissioner, for the purpose of satisfying itself as to the legality, regularity or propriety of such order and proceedings; and

(b) on application made to it in that behalf by a person aggrieved, within ninety days of the passing of an order in any proceedings under

1970

1905

1954

XIII

Vi

## SIND ACT NO.XXVII OF 1974

### THE SIND (AMENDMENT OF LAWS) ACT, 1974

The West Pakistan  
Requisitioning of  
Stage Carriages  
(Temporary Powers)  
Ordinance, 1970.

this Ordinance by the Commissioner,  
call for the record of such  
proceedings, and pass such order in  
reference thereto as it thinks fit.”.

In section 7-B, for “section 6”  
substitute “section 6 and 7(b)”.

In section 8, between the word and  
comma “Tribunal”, and the Comma  
and the word “or”, insert “the  
Commissioner”.

In section 9, between the words and  
comma “Board of Revenue,” and the  
word “or” insert “the Commissioner”

Throughout the Ordinance, — for  
“District Magistrate” substitute  
“Deputy Commissioner”.

In section 4, for “Board of Revenue”  
substitute “Commissioner”.

## KHAIRPUR ACTS

The Khairpur In section 2, for “Board of Revenue”  
Management of substitute “Commissioner”.

Minor's Property

Act, 1905.

The Khairopur In section 8, for “Provincial

Livestock Control  
Act, 1954.

Government" substitute  
"Commissioner".

SIND ACT NO.XVII OF 1974

THE SIND (AMENDMENT OF LAWS) ACT, 1974

PUNJAB ACTS

1912 Vv

(Punjab) Act, 1912.

1939 Vv The  
Product  
Act, 1939.

N.W.F.P.

1950 Vv  
Control Act, 1950.

The colonization of  
Government Lands

Agricultural  
Markets

The Sugar Factories

In section 3, after the definition of  
'Collector', insert the following:--

"Commissioner" includes any  
officer appointed by the Board of  
Revenue to perform all or any of the  
functions and exercise all or any of  
the powers of a Commissioner under  
this Act.".

In section 17 and 19, for "Board of  
Revenue" substitute "Commissioner".

In section 19, for "it", substitute "he".

In section 6, in sub-section (3),  
for "Government" substitute  
"Commissioner".

In section 21-A, in sub-section (2), for  
"Government" substitute  
"Commissioner".

In section 32, for "any officer"  
substitute "a Commissioner."

ACT

In section 10 and 14, for “Provincial Government” substitute “Commissioner of the Division”.

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

PRESIDENT'S ORDER

1957 5 The Karachi In Article 5, after clause (2), add the Development following:--  
Authority Order,  
1957. "(3) The Commissioner Karachi

Division, shall be the ex-officio  
Chairman of the Governing Body".

In Article 6, in clause (1), omit  
"Chairman and the".

After Article 52, the following shall be  
inserted:--

"52-A. (1) The Authority — shall,  
immediately after any housing  
scheme is sanctioned by, or altered  
with approval of, Government,  
submit to the Commissioner the  
details including the survey numbers,  
area and location of each plot  
reserved for roads, hospitals, schools,  
colleges, libraries, play grounds,  
gardens, parks, Community centres,  
mosques, grave yards or such other  
purpose and the Commissioner shall  
notify such details in the official  
Gazette.

(2) The Authority or the Housing  
Society may at any time prior to  
utilization of any plot reserved for the  
purpose mentioned in sub-section (1),  
apply to the Commissioner — for  
conversion of such plot to any  
other purpose.

(3) The Commissioner shall, on  
receipt of an application under sub-

SIND ACT NO.XXVII OF 1974  
THE SIND (AMENDMENT OF LAWS) ACT, 1974

section (2), invite objections from the general public through a notice published in one English and one vernacular leading local daily newspaper and the objections, if any, shall be submitted to the Commissioner within 30 days from the date of the publication of the notice.

(4) The Commissioner shall, after considering the objections received under sub-section (3) and hearing such persons as he may consider necessary forward his recommendations along with the application and other connected papers to Government for orders".

Explanation.— The provisions of clause (2), (3) and (4) shall also apply to existing schemes.