



Sindh Coal Authority
Energy Department
Government of Sindh

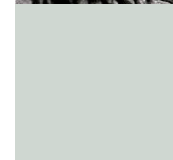


Resettlement Policy Framework - Thar Coal Fields

Environmental and Social Studies including Resettlement Frameworks,
Land Use Plan for Thar Coal Fields

February 2015

Appendices



MMP
MM Pakistan (Pvt) Ltd.

in association with



Resettlement Policy Framework – Thar Coalfields

Appendices

Environmental and Social Studies including Resettlement
Frameworks, Land Use Plan for Thar Coal Fields

February, 2015

Appendices

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Appendix A. Consultation of Draft Resettlement Policy Framework

A.1. Consultation Exercise with Local Communities of Block I, II and VI

**Environmental and Social Studies, Land use Plan including resettlement framework for Thar
Coal Fields**

Date: 3rd and 4th December, 2013

Attendees from Consultant:

- Mr. M.A Shishmahal;
- Mr.Mujeebullah Husaini;
- Dr.Gobind Herani;
- Mr. Muhammad Jan;
- Mr.Abdul Rauf Siddiqui;
- Mr.Bahadur Shah.

Attendees from Client:

- Mr.Zafar Talpur;
- Ms.Tanzeel Nazeer.

From 3rd to 5th December 2013, a team comprising the Consultants (MMP) and officials from the Client, Coal and Energy Department (CED) visited District Tharparkar and attended a series of consultation meeting with different stakeholders. These meetings were arranged with local communities residing in block I, II and VI to incorporate their views about the Resettlement Policy Framework prepared by the Consultants.

These meetings were arranged as follows;

1. Block-II at Rescue Centre – attended by residents from:
 - a. Aban Jo Tar;
 - b. Jiando Dars;
 - c. Senhri Dars;
 - d. Thario Halipoto; and
 - e. Bitra.

2. Block I at local school attended by residents from Varvai:
3. Block VI adjacent to local school attended by residents of Khario jani.

Consultation proceedings started with Mr. Zafar Talpur giving an introduction to the RPF document followed by a presentation explaining different aspects of RPF by Mr. Mohammad Jan Baloch. In the presentation following points were thoroughly shared and explained to the participants;

- Introduction to RPF and contents of the document
- Conditions triggering resettlement
- Policy Goals and Principles
- Eligibility Criteria
- Project Affectees
- Entitlements
- Livelihood Restoration Measures
- Grievance Redressal
- Consultation and Participation

After the presentation, the floor was opened for discussion in which the residents actively participated and expressed their views and suggestions on Draft Resettlement Policy Framework. Following were the major outcomes of discussion;

Block II

- The document have been discussed / presented thoroughly enough and all aspects have been covered.
- The RPF does not describe details of shifting of shrines / graveyards and other religious sacred places.
- It was apprehended that the land provided as compensation might not have the same species of plants / trees. This aspect can cause problem in providing fodder to the livestock.
- The compensation of Land will be given to the owner of the land and not to the people depending on him / her. The compensation should be shared to the relatives whose interests are associated with the existing land.
- Market value of land should be assessed with the involvement of an elderly respected person representing the area. It was emphasised by the villagers that this elderly person should be from the affectees.
- Grazing land of equal potential should be provided by the Government on the relocation site.
- At the relocation site measures should be taken that ensures host communities accepts the project affectees, otherwise there will be conflicts arising between the affectees and the host community.

- LARC and GRC committees are complicated and are comprised of higher government officials and a common villager will not have direct access to them. A policy may be formulated which ensure their grievance are heard on their door step.
- This policy framework is silent about the pollution that will be generated by coal and associated industry as the pollution can cause health related problems.
- Policy framework should restrict outsiders to get benefit from the project.
- Coal mining and associated projects will have negative impact on wildlife. A clear policy regarding preservation of wildlife should be formulated.
- Food storage measures / crime control mechanism needs to be developed in the policy framework.
- Social bondage with the graveyard will be broken or disturbed due to resettlement.
- Land of equivalent value should be provided instead of equivalent size.
- Compensation should be paid in cash so that affectees could purchase land on their own will.
- The land market value should be evaluated on the basis of coal reserves underneath.
- Additional 15% above market value of land should be increased.
- Royalty of land should be provided to the locals.
- Dewatering and disposal of mine water plan should be developed before any resettlement action is taken.
- Surrounding environment will be affected adversely due to lowering of water table.
- Job security should be given to locals especially affectees.
- There is no reservation on extraction of coal from the land but proper utilities / resources / facilities should be provided to locals / affectees.
- Land is available in Jiando dars under forest department; it was advised by the local community to acquire land from forest department that could be used as relocation site.
- Land title has not been transferred in our names. The revenue department should take initiatives for transferring land titles.
- Participants suggested that land should be acquired on lease that can be returned after the extraction of coal.
- Revenue record should be computerized.
- Relocation sites / areas should be identified and appropriate facilities must be provided before commencement of resettlement.

Note: Attendance Sheet of participants is attached in Appendix-B.

Block I

- The residents emphasised on assurance of providing employment opportunities to the affectees. These concerns are taking place because of the approach adopted by UCG project.

- The residents showed doubts about government's tall claims in resolving resettlement issues and compensating them adequately. They were giving the example of Chotiary reservoir where people were resettled without taking any appropriate measures.
- RPF has not been translated in Sindhi language. They were of the view that RPF should be translated in Sindhi and distributed to the local community.
- Lease should be added as an alternative option for compensation. Ownership rights should not be taken and the land should be transferred back to them once mining is completed.
- Participants asked about the land ownership survey being carried out by the government / block developer. They enquired whether they should continue any development activity such as building / renovation of house etc. and will it be compensated according to the market value.
- Participants were of the view that their agriculture and gaocher land is of great value and proper compensation should be paid. They consider their livestock is more valuable to them as compared to any economic development due to coal extraction.
- Education standard in Tharparkar is lower as compared to other parts of the province. The government needs to ensure that this parity should not be a barrier in providing employment to the residents.
- Participants showed great concern over shifting of graveyards.
- The residents showed the apprehensions about the availability of grazing land at relocation sites.
- There was a worry about equal treatment of poor and rich during the resettlement process.
- Local people representatives should be increased in LARC instead of only one man and one female. The policy should indicate maximum representation of local communities in LARC.
- NGO's involvement should be removed from LARC.
- Participants had concern that they will be relocated to different locations and will not be adequately compensated; they requested Govt. of Sindh to find alternatives or give surety.
- One participant pointed out that the land has a market value approximately about 3 lacs / acre. He further added that the relocation site will not have such market value and they will not be compensated for the gaocher land.
- Oil and Gas companies pay royalty to the people living in that area but this policy frame work is silent about this aspect.
- A lot of people don't have legal title through they are living here for ages. They should be compensated appropriately.
- Sindh Govt. has made policy for resettlement but we need time to think and act.
- Every family has about 100 to 500 no. of livestock. How they will be compensated or facilitated on relocation site.
- Social fabric will be destroyed during resettlement. Govt. should put forward a clear policy for the preservation of social bonds.
- Relocation sites should be identified and communicated to affectees before resettlement process is initiated.
- Govt. should compel the companies to give employment to local people.

- The participants suggested that the Govt. should plan a city / colony and provide all facilities to avoid any conflicts between the host community and affectees. They further suggested that 5 or 10 elder members of community along with the revenue officer should be given the responsibility to fix the market value of land and other fixed structures.
- There are 50 graduates in varvai village having no jobs; in this regard Govt. should pay attention.
- Environmental mitigation measures to be highlighted in the resettlement report. The policy should address the conservation of environment. It should also address the climate related issues and problems.

Note: Attendance Sheet of participants is attached in Appendix-B.

Block VI

- A representative of block VI showed major concern about the process of resettlement. He was of the view that the land belongs to the Government of Pakistan and for the greater purpose, the Govt. wants this land and we are ready, yet don't let us stranded and helpless as this process may make us even more poor.
- The representative further pointed out that the entitlement or land ownership has not been transferred and is still under their grand fathers' names. They showed concern that during compensation, some may get too much benefit and some may get nothing and are pushed back even further.
- The representative of the village gave advice that land could be acquired by the Govt. for its different development projects but they should not be displaced or relocated from their original settlements.

Note: Attendance Sheet of participants is attached in Appendix-B.

A.2. Consultation exercise with District Government Organizations

Subject: Environmental and Social Studies, Land use Plan including resettlement framework for Thar Coal Fields

Date: 3rd December, 2013

Attendees from Consultant: Mr. M.A shishmahal, Mr. Mujeebullah Husaini, Dr. Gobind Herani, Mr. Muhammad Jan, Mr. Abdul Rauf Siddiqui, Mr. Bahadur Shah.

Attendees from Client: Mr. Zafar Talpur, Ms. Tanzeel Nazeer.

From 3rd to 5th December 2013, consultant (MMP) in collaboration with client (CED) visited District Tharparkar and arranged a series of consultation meeting with stakeholders. In this regard, a meeting was arranged with District Government Organizations to incorporate their views about the process of resettlement and the Resettlement Policy Framework document recently drafted by the consultants. Assistant Deputy Commissioner (ADC) Mr. Tahir Memon chaired the meeting.

Consultation proceedings started with opening session by Mr. Tahir Memon introducing CED and MMP and the current development scenario in District Tharparkar regarding Thar Coal. After that Mr. Mujeebullah Hussaini started his presentation on the RPF document and the process of resettlement. Following points were thoroughly explained to the participants;

- Scope of MMPs assignment
- Introduction to RPF and contents of the document
- Conditions triggering resettlement
- Policy Goals and Principles
- Risks of Resettlement and their Mitigation
- Project Affectees
- Eligibility Criteria
- Entitlements
- Special Allowances
- Livelihood Restoration Measures
- Legal Framework
- Process Prior to Land Acquisition
- Land Acquisition Process
- Institutional Framework
- Grievance Redressal
- Consultation and Participation

- Monitoring and Evaluation
- Outline Proposed for Resettlement Action Plan

Following points were raised by representatives of different Government officials;

- LARC should have a representative from the forest department.
- Wildlife will be disturbed due to mining.
- Dewatering will affect the water table and will adversely affect the surrounding area.
- Coal concession area consists of 9000 Sq.km, The policy might benefit and compensate the people living in the area but those who are living outside the coal mine area will be affected as well.
- A water study should be carried out for entire district.
- Dispute between project affectees and host community may arise due to common grazing land and community resources.
- Land acquisition officers should be from district Tharparkar.
- ADC briefed about the current scenario and said that Sindh Engro Company completed the survey and they have to acquire approximately 5000 acres of land in their first phase which constitutes of state land, private land and some enemy land as well. He further said that land acquisition process has been initiated according to section 4 of gazette, and surveys are being carried out and also section 6 of LAA has been invoked and the case has been forwarded to the commissioner.
- Land value will be finalized according to the value established by the govt: or the value adjusted by private individuals.
- Residents without legal title will create problems as there will be a lot of claimants.
- The land owner having no land title will claim for their land, but the former (Hari) farming on that land will also claim for the same land. How is that going to be resolved as there is no land title.

Note: Attendance Sheet of participants is attached in Appendix-B.

A.3. Consultation exercise with Non-Government Organizations

Subject: Environmental and Social Studies, Land use Plan including resettlement framework for Thar Coal Fields

Date: 5th December, 2013

Attendees from Consultant: Mr. M.A shishmahal, Mr. Mujeebullah Husaini, Justice (Retd.) Dr. Ghaus, Dr. Gobind Herani, Mr. Muhammad Jan, Mr. Abdul Rauf Siddiqui, Mr. Bahadur Shah.

Attendees from Client: Mr. Zafar Talpur, Ms. Tanzeel Nazeer.

From 3rd to 5th December 2013, consultant (MMP) in collaboration with client (CED) visited District Tharparkar and arranged a set of consultation meeting with stakeholders. In this regard, a meeting was arranged on 5th of December 2013, with NGO's to incorporate their views about the process of resettlement and the Resettlement Policy Framework document recently prepared by the consultants (MMP). Consultation proceedings started with opening session by Mr. Zafar Talpur introducing CED and MMP and the purpose of Resettlement Policy Framework. After that Mr. Mujeebullah Hussaini started his presentation on the RPF document and the process of resettlement. Following points were thoroughly explained to the participants;

- Scope of MMPs assignment
- Introduction to RPF and contents of the document
- Conditions triggering resettlement
- Policy Goals and Principles
- Risks of Resettlement and their Mitigation
- Project Affectees
- Eligibility Criteria
- Entitlements
- Special Allowances
- Livelihood Restoration Measures
- Legal Framework
- Process Prior to Land Acquisition
- Land Acquisition Process
- Institutional Framework
- Grievance Redressal
- Consultation and Participation
- Monitoring and Evaluation

- Outline Proposed for Resettlement Action Plan

Following inquiries and suggestions were raised by representatives of different NGO's;

Dr. Ashok

Resettlement mechanism should be explained further. A process of information transfer needs to be clarified. Moreover the habitat / environmental transfer of livestock might disturb their life cycle and livestock loss might incur. RPF should take measures to compensate for such loss.

Social bondage with the Habitat and people will be disturbed. RPF needs to protect social bonds. He further showed satisfaction in the national and international guidelines developed in the document in conjunction to the LAA 1894.

Mr. Jaman Das

Local community in Tharis dependent on livestock and the natural grazing areas only provide enough food for 3-4 months in the current scenario. If we increase the quantum of livestock to an individual grazing area it might get consumed in much less time at the resettlement area. Mitigation measures, to such scenario must be explained in the document as the report as it defines the increase of yield for grazing areas.

Mr. Nashad Nasrullah Sammo

Wildlife protection must be explained in detail in the RPF document. Conflict may arise between host community and migrants. Resolution to such conflict must be elaborated.

Mr. Teerath Kumar

International guidelines have been adopted in the document but their references are missing. Please mention the references.

Block – 2 development is already started whereas policy is still under formation. How can the policy be adopted in that area or to stop the work till policy is finalized.

How to ensure the developer will meet its promises as chalked out in the policy.

Govt. organizations, honesty and freedom of work were challenged.

The committee members (LARC + GRC) have more than 90% Govt. Employes, whereas the representative of local community is very less in number, it must be increased to characterize equal representation.

Human rights protection agency must be involved in the process of resettlement committees (LARC + GRC).

Political involvement should be concluded.

Mr. Zahid Chana (Researcher)

Mr. Zahid Channa explained that he studied EIA's of block 2 and 6 and it was observed that developer of block 2 will resettle the people inside the block in a village called bhitra, so this can invoke dual resettlement, as it is close to block 6.

According to EIA of block 2, villages that will be affected by development activity are 61, whereas NGO's are reporting about 93 villages. Why there is so much difference between the numbers.

He showed concerns about education and health facilities that will be provided to the affectees and host community.

He further added that law and order situation will be disturbed due to resettlement as conflicts will arise and also due to over population.

He said that about approximately 57,158 people has legal title of land whereas remaining don't have any legal title. He further added that the earning power will further decrease due to resettlement.

He said that RPF is silent about elderly and handicapped people.

According to him the freedom to move for women community will get restricted due to resettlement.

He said that RPF seems like it is prepared as a World Bank document and is not specific to thar region.

Mr. Ashfaq Memon (Wildlife Dept)

Mr. Ashfaq Memon started off by saying that this RPF is a positive step towards the resettlement of people of Thar Coal fields. He said definitely for construction some destruction is done and it's a part of development process. He further added that the life of common villager will definitely change and they will face some hardships but ultimately the society will flourish and more development opportunities will open.

Mr. Akbar Rahimoon

Mr. Akbar Rahimoon started off saying that consultation of RPF should include a wider prospective and should include multi-layer consultation with different kind of stakeholders.

The RPF put emphasis on project affectee to clear out the area and put penalties if they don't reply to do so. On the other hand RPF put no pressure on the block developer for delivering facilities.

LARC constitute of Govt. officials and only one male and female member from the community. Local community voice will not be heard in a totally Govt. dominant LARC structure. Further, he added more local representatives can be added so that they could raise their voice.

He added that the Govt. should take the land on lease and keep the ownership rights with the people. The land could be returned back to people after the coal has been extracted.

He further said that it has been 20 years since coal has been discovered in Tharparkar but Govt. never take initiative to increase seats for mining engineers and other associated technologies.

He emphasised that multiple resettlement should be avoided as the compensation will be paid once.

He was off the view that no land is available in Tharparkar where Govt. could resettle the people. Major conflicts will arise if affectees are shifted close to already existing communities.

Note: Attendance Sheet of participants is attached in Appendix-B.

A.4. Consultation exercise with Block Developers

Subject: Environmental and Social Studies, Land use Plan including resettlement framework for Thar Coal Fields

Date: 8th November, 2013

Attendees from Consultant: Mr. M.A shishmahal, Mr. Mujeebullah Husaini, Justice (Retd.) Dr. Ghaus, Mr. Muhammad Jan.

Attendees from Client: Mr. Zafar Tapur, Mr. Ansari, Mr. Ibrahim Saeed, Ms.Tanzeel Nazeer.

Attendees from Block Developers: Mr. Abdul Qayyum, Dr. Salim, Mr. Abdul Fazal Rizvi.

A consultation meeting for Draft Resettlement Policy Framework was arranged at CED office in which Block Developers of Thar Coalfields were invited.

Consultation proceedings started with presentation of Mr. Husaini. Following points were thoroughly explained to the participants;

- Scope of MMPs assignment
- Introduction to RPF and contents of the document
- Conditions triggering resettlement
- Policy Goals and Principles
- Risks of Resettlement and their Mitigation
- Project Affectees
- Eligibility Criteria
- Entitlements
- Special Allowances
- Livelihood Restoration Measures
- Legal Framework
- Process Prior to Land Acquisition
- Land Acquisition Process
- Institutional Framework
- Grievance Redressal
- Consultation and Participation
- Monitoring and Evaluation
- Outline Proposed for Resettlement Action Plan

Following points were raised by representatives of different Block Developers;

1. One of the block developer raised concerns about survey and census as they were confused who will verify the survey and census results that they have carried out.
2. They also raised issues about the formation of LARC and were of the view that it is very complicated and has too many Government officials. Block Developers had concerns about committee (LARC and GRC), they proposed once committee that should be in-charge of complete acquisition and grievance process and issues.
3. Block developers recommended that NGO's should not be a part of LARC and their involvement in the resettlement process should be minimized.
4. Block developers raised issues about fake revenue record and according to them a majority of land owners don't have any record of the land which they own.

Appendix B. Attendance of Participant's in Consultation of RPF

نئين سر آبادڪاري لاءِ صلاح مشورا ۽ تجويزون (ڳوٺ وارن سان)

(بلاڪ نمبر 1)

حاضري واري شيٽ

تاريخ: 13_12_04

نالو	ڳوٺ جو نالو	دستخط	موبائيل نمبر
1	محمد عاقيل لنگو	ورواڻي	03313710550
2	چنيسر لنگو	ورواڻي	
3	يوگو لنگو	ورواڻي	
4	مخدوم حسين لنگو	ورواڻي	
5	امان الله	ورواڻي	
6	نور محمد	ورواڻي	
7	جان محمد	ورواڻي	
8	نواب علي	ورواڻي	
9	شاهه نذير	SCA	
10	عبدالقيوم	Sino Sindh	

نمبر	گھون جو نالو	دستخط	موبائيل نمبر
11	چير ظفر علي تالپر		
12	عقيل حسن شاه	ورواڻي	
13	غلام حسن شاه	ورواڻي	
14	مڪين تليو	ورواڻي	
15	مسول مختار تليو	ورواڻي	
16	عبدالحڪيم تليو	ورواڻي	
17	ميرنسي تليو	ورواڻي	
18	محمد سوماما تليو	ورواڻي	
19	سجاد شاه	ورواڻي	03332500788
20	آدم تليو	ورواڻي	
21	منگوس شاه	ورواڻي	03338845167
22	عبدالحڪيم		
	نجر سجاد راجو	ورواڻي	
23	نواز علي انجو	ورواڻي	
24	علي سولائي تليو	ورواڻي	

Title: Capacity Building Consultative Workshop on Resettlement Policy Framework-Thar Coalfields

Held at

TRDP, HRD Training Center, Mithi

Date: 5th December, 2013

Attendance Sheet

S. No.	Name	Department	Designation	Email	Contact Number
1.	Dr. Ashok	TRDP	Sr. Manager	ashokbakshi@gmail.com	0333-3793955
2.	Dr. Gobind	KASBIT	Professor	drgebindmehar@gmail.com	0300-240384
3.	Tanzeel Nazir	SCA	Dy. Director (Govt)	tanzeel.nazir@gmail.com	0
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9.	Madhu Valassai	PVDP	Social organizer	mvalassai@gmail.com	0333-2501773
10.	Asraf	DC HD			03424612320
11.	Parth Shrivani	SEADCT/Macdon	Executive Director	prshivani@gmail.com	0333.2663758

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12.	Zahid Channa	SDSC U.S	PhD Scholar	Zahid.Channa@yako.com	0333-2624042
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17.					
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25.					

Title: Capacity Building Consultative Workshop on Resettlement Policy Framework-Thar Coalfields

Held at

DC office (Makhdoom Hall), Mithi

Date: 3rd December, 2013

Attendance Sheet

S. No.	Name	Department	Designation	Email	Contact Number
1	Narainder Kumar	Water & Drainage	A. E. N. P. S. / Mithi	nkumar@pki.gov.pk	0333-2512678
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4	TANZEL NAZIR	SCA	D.D (Env)	tanzel.nazir@gmail.com	0346-3334166
5	G. Mustafa Baxan	SCA	A/D (Geo)	gmuzeologist@yahoo.com	0333-2500920
6	Zafar Ali Talpur	T.C.E.B	Soil Scientist		
7	Engr. L. H. Punhani	P.H.E.D	XEN P.H.E. Mithi		03334679281
8	Mohammad Jameel	P.H.E.D	AEN P.H.E. Mithi		03342804417
9	Wali Muhammad	Education	ADOC (M) Mithi	walimhmd@gmail.com	03332529309
10	Dr. Ashok Kumar	Livestock / Animal Husbandry	Vet. Officer	ashokkumarani@gmail.com	03332506622
11	Sarang Ram	XEN Mithi	XEN Mithi		03333933552

S. No.	Name	Department	Designation	Email	Contact Number
12.	Dr. Abdul Wahid	Health	DHO	dr.abdulwahid@ycom.com	0300-3420785
13.	Mohammad Kabir Rajar	Revenue	Asst. Khatib/Solemat		0333-2501062
14.	Ghulam Hussain Khatib	Survey Sotthd.	Survey Engineer		0334 2561826
15.	Abdul Haq Dars	Thicket: Solemat			0306-3210886
16.	Muhammad Asmail	Surveyer	Mirpurkhas		0300-3069841
17.	Talib Nazam	ADC (Rev)	Tharparan.		0301 3564456
18.	M. Tariqul Kaboo	SCA Mining	AD (Mining)		0333 3260593
19.					
20.					
21.					
22.					
23.					
24.					
25.					

نئين سر آبادڪاري لاءِ صلاح مشورا ۽ تجويزون (ڳوٺ وارن سان)

(بلاڪ نمبر 2)

حاضري واري شيٽ

تاريخ: 13_12_03

موبائيل نمبر	دستخط	ڳوٺ جو نالو	نالو
		THEIR HALEPOTU / تاريو هاليپوٽو	دوست محمد (1)
		THARIDHALEPOTU "	ينين (2)
		" "	ابراهيم (3)
		" "	لتا هي (4)
		" "	منشار (5)
		BITRA — ليترا	محمود (6)
		تاريو هاليپوٽو	سعندر (7)
		" "	ڪانظم (8)
		" "	مورندي (9)
		" "	سلطان (10)

موبائل نمبر	دستخط	گھوٹ جو نالو	نالو
		THARIO HALEPOTO	ALLAH SACHAYO (1) الله بچاير
		SEHRI DARS	SOBHDAAR ALI (11) سوہداار علي
		" "	WALI MOHD. (11) ولي محمد
		SENHRI DARS	UMEED ALI DARS (11) محمد علي
		SENHRI DARS	ANWAR (15) انور
		"	JADAM (16) چارم درس
		"	AHLAM HUSAIN (12) غلام حسين
		"	MOHD. SULTAN (18) محمد سلطان
		"	MOHD. USMAN (14) محمد عثمان
		"	ABDUL MAJEED (20) عبد الحميد
		"	DEEN MOHD. (21) دين محمد
		"	ZUBAIR DARS (22) زبير درس
		"	MOHD. NISAAR (23) محمد نثار
		THARIO HALEPOTO	GHULAM MURTAZA (24) غلام مرتضى
		ABAN JO TAR	DR. KHATO (25) ڈاکٹر کھٹو

نالیو	گون جو نالیو	دستخط	موبانیل نمبر
26	سید	SENHRI DARS	
27	شاهینوز	SENHRI DARS	
28	محمدوریام	THARIO HALEPOTO	
29	محمد مصوب	"	
30	راج محمد	"	
31	سید	"	
32	رضان	BHAVAY JOTAR پادی جوتر	
33	قبول	THARIO HALEPOTO	
34	محمد شریف	"	
35	زکریا	ZAKRIA	
36	محمد مسر درس	SENHRI DARS	
37	راج محمد	"	
38	عباس علی	"	
39	در محمد درس	سید درس	
40	چام درس	"	

نئين سر آبادڪاري لاءِ صلاح مشورا ۽ تجويزون (ڳوٺ وارن سان)

حاضري واري شيٽ (بلاڪ نمبر 2)

تاريخ: 13_12_03

موبائيل نمبر	دستخط	ڳوٺ جو نالو	نالو
		MMP	MUJEEBULLAH 41
		MMP	ABDUR RAUF SIDDIQUI 42
		MMP	MOHAMMAD JAAN BALOCH 43
		MMP	SN. A. SHEESHMAHAL 44
		MMP	BAHADUR 45
		SCA	MADAM TANZEEL 46
		SECMC	BAKHTIAR A. UQVAILI 47
		SECMC	SYED ASGHAR NAQWI 48
		SECMC	DR. AMIR SHAIKH 49
		SECMC	SALMAN MAKHOOMI 50

نالیو	ڳوٺ جو نالو	دستخط	موبائيل نمبر
51	DR. GOBIND	KASBIT /MMIP	
52	ZAFAR TALPUR	TCEB	
53	خير محمد درس	جيندو درس	
54	ذوالفقار درس	SENHEI DARS.	
55	غلام ربيع	THARIO HALEPOTO.	
56	غلام محمد درس	جيندو درس	
57	علي غلام	جيندو درس	
58	شفيع محمد	جيندو درس	
59	غلام مہلظي درس	"	
60	خير محمد سميتو	"	
61	غلام شيدر	"	
62	رسول بخش	۲	
63	ولي درس	۲	
64	محمد سنو	۲	
65	ليتر ها لسيو لو	THARIO HALEPOTO.	

موبائل نمبر	دستخط	گروٹ جو نالو	نالو	
		ہا من سمون	چلم مارف	66
		۱۰	عبدالغنی	67
		۱۰	عبدالروف	68
		ہیندو درس	غلام مرلی	69
		ابن جو تر	دوست محمد	70
		"	اسما لیل	71
		لہتر	آبر	72
		"	محمد	73
		ابن جو تر	محمد صلیف	74
			محمد قاسم	75
		ابن جو تر	سہیل لدو	76
		ابن جو تر	لفیر لہنو	77
		Трапеци	محمد	78
			..	79
				80

نتين سر آبادڪاري لاءِ صلاح مشورا ۽ تجويزون (ڳوٺ وارن سان)

حاضري واري شيٽ (بلاڪ نمبر 6)

تاريخ: 13_12_04

موبائيل نمبر 0341288796	دستخط	ڳوٺ جو نالو ڪارو جاني	نالو سلفيون عبداللہ
03456523546		ڪارو جاني	انور ڇاڪو
03423411062		ڪارو جاني	علي محمد ياره
03418110199		ڪارو جاني	اسماعيل سليمان
03472192058		ڪارو جاني	اديب ونصيون
		ڪارو جاني	جنس وني نوز
		ديڳارو	جمال مصري
03456102883		ڪارو جاني	محمد سندس بيٺو
03412697560		ڪارو جاني	تامل سمير
03456411610		ڪارو جاني	ادم ساجن
		ڪارو جاني	قل گل

موبائل نمبر	دستخط	گھونٹ جو نالو کارو جاتی	نالو سکیرال اسرو
03473618324		کارو جاتی	نشانی اللہ طیب
03453672064		کارو جاتی	مصروفی چمنی
03453610021			
03479344326		کارو جاتی	منظور بیچل
03419578396		کارو جاتی	بالضد سحرہ
		کارو جاتی	صاف شرم سمیعہ علی
03450372164		کارو جاتی	تعمیرات لوزلہ
		کارو جاتی	بارہ پورہ
		کارو جاتی	ارجن لیلو
		کارو جاتی	بارہ نسیبہ
		کارو جاتی	آلو اشرف
		کارو جاتی	بھوم کاجی
		کارو جاتی	مقصود یاس
		کارو جاتی	قند رائسو

موبائل نمبر	دستخط	گھونٹ جو نالو کا رہائی	نالو حاکم پیر پھولیش
03463380132		کارو عالی	ومضان عالم
03441		کارو عالی	بانوی مہر
03473338905		کارو عالی	سراج الدین گل
03452223919		کارو عالی	ہنسراؤ نسو
03453842762		کارو عالی	سکندر احمد
0342062163		کارو عالی	سلمان گل
03452276512		کارو عالی	ابدالمصیب برہانہ
03471383606		ابن لکھو	انور مصری
03413552185		کارو عالی	ڈوڈو جعفر
		کارو عالی	مصوبہ جیون
03413932546		کارو عالی	لیصو پوٹھو
03423852789		کارو عالی	دقیقہ سمیرہ
03412843845		کارو عالی	دقیقہ احمد
		کارو عالی	سومچ
		کارو عالی	احمد علی

نعين سر آبادڪاري لاءِ صلاح مشورا ۽ تجويزون (ڳوٺ وارن سان)

حاضري واري شيٽ (بلاڪ نمبر 6)

تاريخ: 13_12_04

موبائيل نمبر	دستخط	ڳوٺ جو نالو	نالو
0333-3272285		ڪراچي	حسن علي منگل
0347-3700500		اسلام ڪورٽ	سلطان علي
0347-3242207		Khano Jani	جواري لالا
0343-800 0054		اسلام آباد	راشه خان
03009373690		ڪراچي	نوشهه خان
03463334166		سازو ڪل اڻڌاري	شاهه نديم
		MMP (Consultants)	محمد الين
03453847762		ڪاروچاتي	محمد نوري علي
		MMP	ساده شاهه
		ٽيڪنولاجي بورڊ	ظفر علي ڀالپر

Appendix C. Sindh Coal Act and TCEB Act

EXTRAORDINARY

Registered No. M324



The Sindh Government Gazette

Published by Authority

KARACHI TUESDAY JANUARY 10, 2012

PART-IVA

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 3RD JANUARY, 2012.

NO.PAS/Legis-B-03/2012-The following Bill is hereby published for general information as required by Rule 83 of the Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH COAL BILL, 2012.

SINDH BILL NO. 03 OF 2012.

A BILL

to provide for regulation and development of coal in the Province of Sindh.

WHEREAS it is expedient to provide for regulation and development of coal in the Province of Sindh and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

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**PART 1
PRELIMINARY**

1. (1) This Act may be called the Sindh Coal Act, 2012. **Short title, extent and commencement.**
- (2) It shall extend to the whole of Province of Sindh.
- (3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context - **Definition.**

- (i) "coal" means a mineral formed below earth's surface and includes anthracite, bituminous coal, sub-bituminous coal and lignite;
- (ii) "coal mine" means any deposit of coal for production, processing or transformation of coal within the Perimeter for such coal mine;
- (iii) "coal title" means the legal entitlement which includes reconnaissance license, exploration license, mineral deposit retention license or mining lease;
- (iv) "deposit" means any concentration of coal that can be economically exploited in any form;
- (v) "Government" means the Government of Sindh;
- (vi) "holder" means a person or a company in whose name a Coal Title is issued by Government and includes his successor in title and interest;
- (vii) "licencee" means a person or a company to whom a licence is granted and includes his successor in title and interest
- (viii) "mining" means any process through which the coal is exploited which includes surface mining, underground mining, underground coal gasification and any other process;
- (ix) "perimeter" means an area identified and physically demarcated on the surface of a coalfield;

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(x) "prescribed" means prescribed by rules; and

(xi) "rules" means the rules made under this Act.

**PART II
ADMINISTRATION OF
COAL ACTIVITIES**

3. (1) There shall be an Inspectorate of Coal Mines as an attached department of Coal and Energy Development Department responsible for the implementation and enforcement of coal mine safety, rescue and recovery operations, conducting mine environment sample testing, monitoring the health and welfare of coal mine workers, and the provision of training and testing for its staff. **Inspectorate of Coal Mines**

(2) Government may appoint a duly qualified person to be Chief Inspector of Coal Mines for all coalfields in the province, and duly qualified persons to be Inspectors of Coal Mines subordinate to the Chief Inspector.

4. (1) Government may constitute a Committee which shall be headed by the Director General Coal Mines and such other members as may be prescribed. **Mining Committee.**

(2) The Committee shall perform such functions and exercise such powers as may be prescribed:

**PART III
COAL MINING AND RELATED
OPERATIONS**

5. (1) Government may issue coal title under the provisions of this Act. **Coal Title**

(2) No person, company or other legal entity shall conduct reconnaissance, exploration, exploitation or mining operations without a coal title granted by Government in accordance with this Act.

(3) A coal title shall authorize its holder to occupy land within its perimeter to the extent required for conducting the mining activities.

(4) A coal title does not confer upon its holder any ownership interest in the land.

(5) All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall conduct environmental impact and social assessment, in the manner as may be prescribed. **Environmental Impact and Social assessment.**

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7. All persons and companies engaged in exploration and exploitation of coal, coal-based power generation or any other use of coal shall make environmental management plan, in the manner as may be prescribed. **Environmental Management Plan.**

8. All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall make health and safety plan, in the manner as may be prescribed. **Health and Safety Plan.**

9. All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall comply with the Resettlement Policy of Government. **Resettlement Policy.**

10. All persons and companies engaged in exploitation of coal, coal-based power generation or any other use of coal shall fulfill their obligations with regard to corporate social responsibility, as may be prescribed. **Corporate Social Responsibility.**

11. Government may frame policy for the development of coal sector including but not limited to exploration and exploitation of coal, coal-based power generation, gasification, liquefaction, beneficiation, or any other use of coal. **Coal Sector Policies.**

**PART IV
PROTECTION OF COAL
INVESTMENTS**

12. Government may permit private coal mine ownership and investment that may include local or international corporations, joint ventures, partnerships, sole proprietorships or any other legal structure, as may be prescribed. **Investment.**

13. Holders of coal titles and their sub-contractors shall be subject to the applicable laws, rules and regulations regarding investment, tax and banking for the time being in force. **Application of laws, rules and regulations.**

14. Subject to the compliance with the provisions of this Act, Government shall provide all necessary facilities to the holders of coal titles to organize their assets and business, employ sub-contractors and recruit personnel necessary for carrying out the coal activities; provided that in the recruitment of personnel, preference shall be given to the locals and the residents of the Province of Sindh. **Facilitation by Government.**

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15. The Coal Title holders shall pay fees, charges and furnish guarantees as may be prescribed. **Fees, charges and guarantees.**

16. The Coal Title holders shall pay royalties on all extracted or other exploited coal, at the rates, as may be prescribed. **Royalty.**

**PART V
MISCELLANEOUS**

17. No suit or legal proceedings shall lie against Government or any person in respect of anything done or intended to be done under this Act. **Indemnity.**

18. This Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force. **Act to Override Other Laws**

19. If any difficulty arises in giving effect to the provisions of this Act, Government may, within two years of the commencement of this Act, make such order, not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing such difficulty. **Removal of difficulties.**

20. Government may by notification in the official gazette, make rules consistent with this Act, for the purpose of giving effect to the provisions of this Act. **Power to make rules**

STATEMENTS OF OBJECTS AND REASONS

The Almighty Allah has blessed this Province with huge coal resources. To develop the coal sector and attract domestic and international investments in coal mining and power generation projects, it is expedient to provide regulation and development of coal in the Province of Sindh and to enact a law in the matter.

The Bill seeks to achieve above object.

MEMBER-IN-CHARGE

**HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**

**Karachi: Printed at the Sindh Government Press
10.01.2012**

EXTRAORDINARY

Registered No. M324



The Sindh Government Gazette

Published by Authority

KARACHI THURSDAY JULY 7, 2011

PART-IV **PROVINCIAL ASSEMBLY OF SINDH** **NOTIFICATION** **KARACHI, THE 6TH JULY, 2011**

NO.PAS/Legis-B-17/2011- The Thar Coal and Energy Board Bill, 2011 having been passed by the Provincial Assembly of Sindh on 8th June, 2011 and assented to by the Governor of Sindh on 28th June, 2011 is hereby published as an Act of the Legislature of Sindh.

THE THAR COAL AND ENERGY BOARD ACT, 2011.

SINDH ACT NO. XX OF 2011

AN ACT

to provide for the establishment of the Thar Coal and Energy Board in the Province of Sindh.

WHEREAS it is expedient to provide for the **Preamble.** establishment of the Thar Coal and Energy Board in the Province of Sindh and provide for matters connected therewith or ancillary thereto.

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(221E)

Price Rs. 8.00

221F THE SINDH GOVT. GAZETTE EXT. JULY 7, 2011 PART-IV

It is hereby enacted as follows:-

**PART-I
Preliminary**

**Short title and
commencement.**

1. (1) This Act may be called the Thar Coal and Energy Board Act, 2011.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context-
 - (a) "Board" means the Thar Coal and Energy Board established under section 3;
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "coal" means a mineral formed below earth's surface and includes coal mines anthracite, bituminous coal, sub-bituminous coal and lignite;
 - (d) "deposit" means any concentration of coal that can be economically exploited naturally or artificially located in the Province;
 - (e) "Government" means the Government of Sindh;
 - (f) "Managing Director" means the Managing Director of the Board;
 - (g) "Member" means a member of the Board;
 - (h) "prescribed" means prescribed by regulations or rules made under this Act ;
 - (i) "regulations" means the regulations made under this Act;
 - (j) "rules" means the rules made under this Act;
 - (k) "Thar" means the Region comprising of Districts Tharparkar, Umarkot and Mirpurkhas.

**PART -II
Establishment, Power and
Functions of the Board**

**Establishment,
Powers and
Functions of the
Board.**

3. (1) Government shall, by notification, establish a Board to be known as the Thar Coal and Energy Board.

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- (2) The Board shall be a body corporate, having perpetual succession and a common seal with powers among others to acquire, hold and dispose of any property both movable and immovable vesting in it and by the said name sue and be sued.
- (3) Government may, by notification extend the application of this Act to any areas in the Province of Sindh.
- (4) The head office of the Board shall be at Karachi and the Board shall have the power to establish regional offices at such places as it may consider expedient.
- (5) The Board shall consist of -
- | | |
|---|------------------------------|
| (i) Chief Minister, Sindh | Chairman |
| (ii) Federal Minister for Water and Power | Vice Chairman |
| (iii) Federal Minister for Finance | Member |
| (iv) Federal Minister for Law | Member |
| (v) One Female MNA from Thar Region | Member |
| (vi) Three Provincial Ministers (to be nominated by Government) | Members |
| (vii) Deputy Chairman, Planning Commission | Member |
| (viii) Secretary, Ministry of Water and Power | Member |
| (ix) Chief Secretary, Sindh | Member |
| (x) One eminent person (to be nominated by Government) | Member |
| (xi) Secretary, Coal and Energy Development Department | Member |
| (xii) Managing Director | Member/
Secretary |
- (6) Government may include additional members or modify the composition of the Board by notification in the official gazette.
- (7) The quorum for the meeting of the Board shall be five members with at least three members from Sindh.
- (8) The meetings of the Board shall be held in such manner and at such time and place as may be prescribed by regulations:

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PART-IV

Provided that until such regulations are framed the meetings shall be held as and when convened and in the manner as decided by the Chairman.

- (9) The Chairman may exercise such powers of the Board as may be necessary but the power exercised and the action taken in pursuance thereof shall be reported to the Board for ratification at its first meeting after such action.

Membership of the Board.

4. (1) No person shall be eligible to become or continue to be a member who -

- (a) is not a citizen of Pakistan;
- (b) is found to be a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;
- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;
- (g) has without the permission of Government directly or indirectly any financial interest in any project or scheme or property of the Board.

- (2) A non-official member shall hold office for a term of three years, unless he resigns or removed earlier and he shall be entitled for re-nomination.

- (3) A non-official member may, at any time, resign from membership by addressing a letter to the Chairman and his resignation shall take effect from the date on which it is accepted by the Chairman.

- (4) Government shall, by notification, remove a non-official member who has incurred any of the disqualifications mentioned in sub section (1).

- (5) The Board may allow such remuneration to the members as it may determine.

Functions of the Board.

5. The Board shall perform the following functions:-

- (a) to act as one-stop organization on behalf of all the ministries, departments and agencies of the Government of Pakistan and the Government of Sindh in the matters relating to formulation of policies;

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THE SINDH GOVT. GAZETTE EXT. JULY 7, 2011

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- (b) to accord approval of projects for coal mining in Thar and for coal fired power generation plants or for other uses of Thar coal;
- (c) to appraise, evaluate and approve all investment proposals and projects received from the investors;
- (d) to assist investors in obtaining necessary consents, licenses, permits, and other legal documents required to operate, explore and develop the Thar Coal resources;
- (e) to monitor the progress of investment programmes and projects at all stages and ensure through inter-agency and inter-provincial coordination, prompt implementation and operation;
- (f) to encourage and promote international and national investment for the development of Thar Coal;
- (g) to coordinate and facilitate the domestic, foreign and international institutions for financing of the proposed projects;
- (h) to coordinate and facilitate the activities of Federal, Provincial and District Governments and their respective agencies related to Thar Coal including infrastructure development;
- (i) to correspond with concerned local and international agencies except in matters involving commitment of the Government of Pakistan;
- (j) to develop and approve, fiscal incentives for investors for development of Thar Coal deposits;
- (k) to call special meetings of relevant government agencies to discuss, review, resolve issues related to the development of the Thar Coal;
- (l) to approve any affiliation necessary with international organizations related to the development of the Thar Coal;
- (m) to determine and control the price of coal;
- (n) to open and operate bank accounts in local and foreign currencies;

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- (o) to charge or levy fees for any services rendered to the investors;
- (p) to develop a marketing, image building and public relations strategy to generate interest in the potential and opportunities of Thar Coal and publicize its activities; and
- (q) any other function related to development of the Thar Coal deposits.

**PART -III
Officers and Staff
of the Board**

**Employment of
Officers and
Staff.**

6. (1) The Board may, employ such officers, staff, consultants or experts as it may consider necessary for the performance of its functions.
- (2) The Board may make regulations for appointment and terms and conditions of the service of its officers, staff, consultants and experts.
- (3) The Board shall be competent to take disciplinary action against its officers, staff, consultants and experts.

**Management
and Secretariat
of the Board.**

- 7.(1) There shall be an Executive Management to assist the Board in the performance of its functions which shall consist of Managing Director and other officers including the staff as may be appointed by the Board. The Managing Director shall be the Chief Executive Officer of the Executive Management.
- (2) A Government may appoint an officer not below the rank of BS-20 or a suitable person from private sector as the Managing Director of the Board.
- (3) Subject to the provisions of this Act, the Managing Director shall-
- (a) be responsible for implementation of the policies and decisions of the Board;
 - (b) be responsible for running day to day affairs of the Board and shall act as Secretary of the Board;
 - (c) supervise the financial and executive administration of the Board and perform all duties assigned and exercise all powers conferred, on or delegated to him by or under this Act;
 - (d) have power to exercise administrative control over the personnel of the Board; and

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- (e) perform any other function as may be prescribed by regulations.

**PART-IV
FUND**

8. (1) There shall be a Fund of the Board which shall consist of - **Fund of the Board.**

- (a) grants and subsidies received from Government or any local body;
- (b) loans raised or obtained by the Board with the approval of Government in accordance with law; and
- (c) fee and other charges receivable under this Act.

(2) The amount credited in the fund shall be deposited in any Scheduled Bank approved by the Board.

(3) The funds shall be utilized for carrying out the purposes of this Act including the payment of salaries and remuneration payable to staff and consultants, other expenses necessary to run day to day affairs and for payment of loans and interests thereon, if any.

9. The Board shall maintain accounts in the form and in the manner as may be prescribed. **Maintenance of Accounts.**

10. The Accounts of the Board shall be audited every year by the Auditor General of Pakistan, in addition to the audit by a firm of Chartered Accountants and shall comply with the requirements applicable to companies incorporated under the Companies Ordinance, 1984. **Audit.**

11. All sums due to the Board from any person, body or organization shall be recoverable by Government as arrears of land revenue. **Recovery of dues.**

**PART-V
MISCELLANEOUS**

12. (1) No Court shall have jurisdiction to grant any injunction or make any order or entertain any proceedings in relation to anything done or intended to be done under this Act. **Jurisdiction barred.**

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(2) No act done or proceedings taken or order passed under this Act, shall be rendered invalid merely on the ground of -

- (a) any vacancy in the Board or any committee, or any defect in the constitution thereof;
- (b) non-service of notice on any person where substantial justice has been done; and
- (c) any omission, defect or irregularity not affecting the merits of any case.

Indemnity.

13. No suit or legal proceedings shall lie against Government, Board, or any other person in respect of anything done or intended to be done under this Act.

Overriding Provisions.

14. The provisions of this Act, or the rules and regulations made thereunder shall have effect notwithstanding anything contained in any other law, rules or regulations.

Power to make Regulations.

15. The Board may, by notification in the official Gazette, make regulations consistent with this Act and rules made thereunder for the purpose of giving effect to the provisions of this Act.

Power to make Rules.

16. Government may, by notification in the official Gazette, make rules consistent with this Act for the purpose of giving effect to the provisions of this Act.

Saving.

17. The Thar Coal and Energy Board notified by Government before the commencement of this Act shall be deemed to have been established under this Act and all orders made, proceedings taken and acts done thereunder, shall continue to remain in force until altered, repealed or amended by the competent authority.

Removal of Difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, Government may, on the recommendations of the Board give such directions, not inconsistent with the said provisions, as it may consider necessary for the removal of such difficulty.

BY ORDER OF THE ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

Karachi: Printed at the Sindh Government Press
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Appendix D. Land Grant Policies

14-5-1930

DESERT Policy 1930.

No. 1250-N of 1930
Collector's Office, Tharparkar
14th May, 1930.

CIRCULAR.

SUBJECT: LAND GRANT POLICY IN THE DESERT PORTION OF THE THARPARKAR DISTRICT.

With a view to secure speedy disposal of land grant questions and to obviate disputes amongst Abadgars over land, grants in the Desert Portion of the Tharparkar District, the Collector is pleased to issue the following instructions in supersession of all previous orders not consistent with the context of this circular.

1. IN THESE DEFINITIONS:-

(a) MAKANI: Means a person who has resided in a makan continuously for 10 years or who has held land in makan for 20 years in Talukas which are partly irrigated and partly Desert, people who owned land in the Desert portion of the Taluka but who live on the border of the Desert Tract in the irrigated tract should also be considered as Makani.

(b) NON-MAKANI: Means a person not falling within the definition of Makani.

(c) ABADGAR: Means a small Khatedar who cultivates land himself or belongs to a family who are cultivators. He differs from Zamindars in that he cultivates his land himself while a Zamindar engages Hkis for cultivation. Agriculturists who occasionally make some income from labour or sale of Ghee or otherwise but mainly depend on agriculture for the livelihood may be classed as abadgar.

(d) AGRICULTURISTS: Is a person whose main source of livelihood is agriculture.

(e) NON-ABADGAR: Is a person not falling within the strict definition of the word abadgar as explained in rule (c) above.

(f) FRONTAGE: Implies immediate vicinity. Any land situated at a distance of more than 10 chains from a field should not be considered as frontage of the latter.

2. (1) Previous permission to enter upon the land under Section 60 of the Land Revenue Code should be insisted on in the cases of Non-Makani, Non-abadgars and Abadgars owning more than 100 acres of land.

(2) The privilege of cultivating land on eksala tenure without asking permission to enter upon the land should be extended to all persons residing in the makan who cultivate land with their own hands irrespective of the fact whether they held any land previously or not.

3. Makani should continue to be charged at the rate of Rs. 25/0 per acre from the grantees of all classes until further orders. No land should be granted on restricted tenure at a concessional rate.

4. The land should not be given out for cultivation within 20 chains of a Tarai, Tobho, Wall or Village site or within 10 chains of a makan (Grave-yard) or within 5 chains of a Hamlet.

NOTE: A Tobho, for the purpose of this rule means reservoir in which water stands for a month or more and Hamlet means a small collection of houses not exceeding seven.

5. Land may be granted in the vicinity of roads, paths or grazing grounds, limits thereof being clearly demarcated.

6. Makan-war list of Tarais, Walls and reserved grazing grounds should be mentioned hereafter.

7. Except in the case referred to in para 10 below, Oitha claim or vague ancestral rights should not be taken into consideration in given out land.

8. Exchange of land on the ground that the recuperative power of the land has been exhausted, may be allowed in deserving cases, but the grant so made should be conferred permanently after 5 years' continuous and undisputed cultivation.

9. Fields in Thar may be cultivated by makani abadgars on yaksala tenure without obtaining previous permission and fields so cultivated for 5 years continuously by the same person without any adverse claim being established may be

.....(4).....

conferred permanently in the name of such cultivator in the 6th year. But this privilege does not extend to those whose Kabuli land is 100 acres or more. Such persons should not cultivate any Government land without any prior permission. In consideration whether this permission should be given, the essential condition is that the applicant's average cultivation for 5 years should not be less than 1/3rd of his whole holding.

NOTE: In calculating 5 years continuous cultivation, a year of general migration on account of insufficient rain-fall should be excluded. Now although under para 9, cultivation can be raised in Government waste land without permission, the cutting of these (what-ever their age) from Government land will result in criminal prosecution for theft, when the cultivator is otherwise liable to be penalized.

10. No disputing party should be heard unless the grounds of his objections are amongst the following:-

- (1) That the disputed land is more in his Mohag than that of the opposite party.
- (2) That the land claimed is nearer a village, Well, Tarsi etc. than the rules allow (vide para 4)
- (3) That the cultivation of the land in question prevents the flow of water to the objectors land though this is often some what absurd as an argument.)
- (4) That the land claimed is the Witho or the objector or an ancestor through whom he might reasonably claim within 10 previous years.
- (5) That the land is used as grazing ground.
- (6) That the cattle track passes through the disputed land.

NOTE: When the land is alleged to have been abandoned for more than 10 years, it may be taken that the claim is in-susceptible of proof so far as any particular piece is concerned.

11. No dispute should be entertained for any field on expiry of 5 years period of continuous cultivation except on the plea that the field under dispute was not cultivated at all in any of the 5 years of continuous cultivation.

11-A. When a dispute involves a decision on the following points, the points should be referred by the Deputy Collector to Amins, whose advice will ordinarily be accepted:-

- (a) Mohag rights.
- (b) Whether it is desirable to reserve the land for Gowchar or Asaish.
- (c) Whether a person is an abadgar.
- (d) Which of the disputants really prepared and cultivated the land.
- (e) Whether a person is a bonafide makaniabadgar.
- (f) Location of disputed Kabuli fields when register of Tallies or Maps do not throw enough light.

11-B. The Amins should be selected by the Deputy Collector carefully.

11-C. Amins should be apprised in writing of the points at dispute and names of parties and asked to deliver their award in writing. If they fail to do so within 3 months, the dispute should be decided by the Deputy Collector.

12. If a dispute is raised and decided in favour of the disputants, fresh period of continuous 5 years cultivation should begin to run from the year in which the latter gets land before the grant is confirmed permanently in his name. But if the objection is raised by the disputant is considered groundless, the period of 5 years cultivation should begin to run from the year of actual cultivation by the original abadgar and not from the year in which the dispute was decided.

..... (5)

12-A. If a dispute to a field is raised and decided in favour of one party by a competent authority and if a second dispute is raised by a third person in respect of the same field the cultivation undertaken by the party in whose favour first dispute was decided, should continue to be treated yaksala, but the piece should not be entered in Hameshgi yadashat while the second dispute is also decided.

13. In granting land claims of makani badgars should ordinarily have preference over the claims of non-makanis and non-abadgars except in the cases of frontage. The frontage claims may be allowed to the extent not exceeding the area in respect of which frontage is claimed.

NOTE: Frontage goes with possession. With alienation, the claim to frontage also goes.

13-A. Persons who are granted land permanently, can claim on Mohag right provided the land on the basis of which mohag is claimed is held by them for over 10 years.

14. In granting land, khatedars who reap and stock the grass of their fields should be deemed deserving in preference to others.

15. Yaksala cultivation for one or two years given no prospective right to land but may be considered while deciding the dispute.

16. When ever a new field is brought under cultivation, a rough sketch with proper boundaries should be drawn by the Tapedar in the remarks column of the field book and in the Charakh Shumari against its entry. The Supervising Tapedar should inspect all such fields in his partial and should initial the sketch in token of its authentication. The Mukhtiarkara and Deputy Collectors are also required to take a test of these new Talies to the extent prescribed for the ordinary partial i.e. 20% and 10% respectively. Special attention should be paid to point of the compass in making sketches.

17. All errors detected by the Supervising Tapedar in his partial should be reported forthwith to the Mukhtiarkar. Any Supervising Tapedar who fails to carry out these instructions will make himself liable to punishment. A Tapedar who fails to give sufficient details of boundaries of new talies in the sketch drawn in the field book and Charakh Shumari will similarly make himself liable to punishment.

18. The Deputy Collector should get prepared every year lists of talies which are due to be granted permanently and should dispose of them before the next cultivation season. As the sketches of such talies with details of boundaries will be already available in the field book and Charakh Shumari, there will be no reason to protect the permanent disposal of the grants beyond the ensuing cultivation season.

19. In all cases of decided disputes, rubricates issued to the parties should invariably be accompanied by sketches of the disputed fields.

20. Orders issued by the Collector in his Circular No.R-2450, dated 12th January are again emphasised and the Officers concerned are requested to keep all papers intended for inspection of the site with them.

21. In case of old grants in which talies already stand in the name of khatedars in Government records but kabullats have not been given, efforts should be made to get Kabullats from such grantees as early as possible. In the case of grants made hereafter, if a grantee fails to appear to execute kabullat within two months after service of the notice upon him, or if, on account of his continued absence for two years from the locality, the notice can not be served on him, the grant made permanent in his favour may be cancelled. When however such cancelled grant is given to another and before the latter appears to give kabullats, the first grantee appears, the grant should be given to the first grantee.

22. Auctions should not be held nor should they be proposed until the alleged disputes raised or proved to be genuine and between persons of equal status and unless not possible to make a fair and equitable decision without resort to auctions. No auction should be held without previous reference to the Collector.

.....(4).....


23. The concessions enumerated in the above Circular are meant for Makana and shadgarn. It should however, be clearly understood that it is not desirable to make zamindars in Desert, still less should out-siders be introduced. Applications received from persons not resident in the Desert Sub-Division should be refused without calling for report.

24. Ijazat Nama in respect of new grants should provide the following two additional conditions.

- (1) It shall be obligatory for the grantee to cut and store grass.
- (2) That the grantee shall answer the call of the Patel when the help is needed to combat the locust menace.

Sd/-(S. Ridley)
Collector, Tharparkar.

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Desert State Land
Policy 1986

The Sindh Government Gazette
PUBLISHED BY AUTHORITY
KARACHI SUNDAY NOVEMBER 2, 1986

PART I
GOVERNMENT OF SINDH
LAND UTILIZATION DEPARTMENT
NOTIFICATION
Hyderabad the 9th October 1986

No. SB/III/1-59/P/1978/1760.—In exercise of powers conferred by Sub-Section (2) of Section 10 of the Colonization of Government Lands (Sindh) Act, 1912 and in supersession of all previous Notifications issued in this behalf, the Government of Sindh are pleased to issue the following Statement of Conditions for the grant of Desert State Land (un-commanded) in Districts Tharparkar and Sanghar to the makani (HARIS), Small Khatedars or Muhagdars:—

“STATEMENT OF CONDITIONS ISSUED UNDER SUB SECTION (2) OF SECTION 10 OF THE COLONIZATION OF GOVERNMENT LANDS (SINDH) ACT, 1912, ON WHICH THE GOVERNMENT OF SINDH IS PREPARED TO GRANT STATE DESERT LAND (UN-COMMANDED) FOR AGRICULTURE PURPOSE, TO MAKANIS (HARIS), MUHAGDARS AND SMALL KHATEDARS”.

1. (1) This Statement of Conditions is issued subject to the Provisions of the Colonization of Government Lands (Sindh) Act, 1912, except Section 17 and 19 which shall not apply to the grants made thereunder.

(2) It shall come into force at once.

2. In this Statement of Conditions, unless there is anything repugnant in the subject or context—

- (a) “Act” means the Colonization of Government Lands (Sindh) Act, 1912;
- (b) “District” means the Tharparkar District or Sanghar District;
- (c) “Government” means the Government of Sindh;
- (d) “Grant” means land granted under this Statement of Conditions;
- (e) “Grantee” means a person to whom land is granted under this Statement of Conditions;
- (f) “Makani (Haris)” means a person who does not own any land or owns land less than the limit, fixed under this Statement of Conditions and has been residing in the Makan/Deh or adjoining Makan/Deh in which the land applied for is situated for last 10 years preceding the enforcement of this Statement of Conditions and has been cultivating land personally and is solely living on agriculture and in case he is incapacitated by reason of health or physical disability to do so himself through any member of his family, which shall include his father, son, wife, brother or grandson dependent upon him;
- (g) “Muhagdar” means a person holding kabuli land contiguous to the state land not intersected by a working Karia, Bund, Blit, Road, Railway Line, Toblio or Tarai and kabuli land;

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THE SIND GOVT. GAZETTE, PART I, NOVEMBER 2, 1986 (PART I)

- (h) "Small Khatedar" means a person who holds land less than the ceiling fixed in this Statement of Conditions;
- (i) "Tarai" means a water pond where the rain water remains for more than one month;
- (j) "Tobho" means a water pond where the rain water remains upto one month or so.

3. State land under these conditions not commanded by any Barrage shall be granted by the Deputy Commissioner or his nominee not below the rank of Assistant Commissioner while the commanded area shall be granted by the Colonization Officer or the Assistant Revenue Officer authorized by the Colonization Officer.

4. (1) No person shall be entitled as of right to the grant of land under these conditions and the Government retains an absolute discretion in the grant of land and selection of makani (Haris), small khatedars and mohagdars.

(2) The order of priority in making the grant after satisfying the Haq Qabza rights, if any shall be as under:—

- (a) a makani (hari) holding khasmokal lease in respect of the land for which he has applied and has brought the land or a portion thereof under cultivation for atleast two rainy seasons/years preceding the grant excluding the period of famine for want of rain fall or migration from the area for any other natural calamity;
- (b) the landless makani (hari) of a makan/deh;
- (c) makani (hari) owning less than sixteen acres of land;
- (d) makani (hari) owning less than thirty two acres of land;
- (e) mohagdars subject to the Provisions of condition No. 7;
- (f) right holder of panidhor (flow of rain water) of the makan/deh;
- (g) makani (hari) of the adjoining makan;
- (h) makani (hari) of the adjoining deh;
- (i) makani (hari) of a tapa;
- (j) makani (hari) of a taluka;
- (k) makani (hari) of the District;

Provided that the authority making the grant may change the order of priority in exceptional cases of the makani (haris) who have been ousted from their khasmokal leases due to reservations, if any, made by the Government in such land.

5. (1) A makani (hari) shall be eligible for grant of land upto the limit of 32 acres including his other holding in the Desert areas and upto 64 acres on Tubewell/well conditions.

(2) Previous khasmokal right shall be satisfied upto the limit fixed in clause (1) and the Haq Qabza rights shall be satisfied upto the actual area not exceeding 64 acres.

6. (1) The authority granting land under these conditions shall after inspecting the original Revenue Record personally and making such enquiries, as deemed necessary, decide the eligibility of the applicant for the grant of the land applied for.

(2) If the applicant is found eligible or ineligible a certificate of eligibility or ineligibility, as the case may be, shall be recorded on the application and in the remarks column of the register in which such applications are registered.

(3) The details of the land available for disposal shall be put in a schedule makanwise/deh-wise and no such land shall be disposed of until and unless wide publicity for atleast one month prior to the date of katchery fixed for the disposal of land has been made.

(4) The grant shall be made in open katchery held in the deh after taking into consideration all objections raised in respect of applications for the grant.

7. (1) No mohagdar shall be eligible for grant of land under these conditions if his holding exceeds the ceiling fixed under the Land Reforms Act, 1977.

PART I] THE SIND GOVT. GAZETTE EXT., NOVEMBER 2, 1986 1419

(2) The right of muhag can be claimed in respect of land which is kabuli for atleast five years prior to the date of grant and the land granted on the basis of muhag right shall not exceed 1/10th of the kabuli land or the area for which the muhag is claimed whichever is less.

(3) No person shall be allowed to exercise muhag right more than once.

(4) Where there is a dispute over muhag right between a makani (hari) and muhagdar, the muhagdar shall have preference over the makani (hari) provided that the former holds land less than the latter.

(5) The holder of khasmokal right shall have preference over the muhagdar if the holder of khasmokal right is a makani (hari).

8. (1) After the applicant is selected for the grant in the open katchery he shall record offer before the Taluka Mukhtiarkar within a period of one month from the date of his selection.

(2) After the offer is sanctioned by the officer mentioned in condition No. 3, the applicant shall pay the initial deposit within one month of the sanction of offer.

(3) The Deputy Commissioner in deserving cases may extend the period under Clause (1) or (2) upto fifteen days.

(4) In case the offer is not recorded or initial deposit is not paid within stipulated or extended period, the land shall be disposed of afresh.

9. The grantee shall pay the price of the land at the rate of Fifty Rupees per acre in ten interest free equal annual instalments. The initial deposit shall be ten rupees per acre to be paid as in condition No. 8(2).

10. The grantee who is a makani (hari) shall cultivate the land by his own exertion, or by the exertion of any member of his family members referred to in clause 2(f) but he may employ hired labour temporarily for his own assistance or any member of family in the cultivation of the land.

11. (1) Where grant is made on well/tube-well conditions, the grantee shall instal tube-well/well within five years of the grant and shall bring atleast fifty percent of the area under cultivation every year.

(2) In case tube-well/well is not sunk or the area is not brought under cultivation within five years of the grant the same shall be liable to resumption in which case all sums or instalments paid by the grantee shall stand forfeited to the Government.

12. Subject to Clause 16, the grant shall be non-transferable i.e. the right, title and interest shall not be transferred or changed by way of sale, gift, mortgage, lease or otherwise for a period of twenty years:

Provided that the land may be mortgaged with loan advancing agencies for raising loan for the development of land, but nothing herein contained shall be construed as a guarantee by the Government for the payment of such loan.

13. (1) No land shall be granted within twenty chains of a village, tarai, tobho or established gaucher (grazing ground).

(2) The date of commencement of the grant during kharif shall be from 1st January to 31st July and during Rabi from 1st August to 31st December.

(3) The land within the radius of two miles of town shall be reserved for gauchers and shall not be allowed to be cultivated.

(4) In case of any un-authorized cultivation, the crop shall be forfeited and auctioned by a Revenue Officer not below the rank of Mukhtiarkar and the amount so realized shall be deposited in Sub-Treasury or National Bank of Pakistan under the Head "L.I. Extra Ordinary Receipts under Sub Head Misc. Recovery".

14. (1) The grant shall be subject to all right of way, water and easement, if any, subsisting thereon.

(2) The natural flow of rain water shall not be disturbed and shall be allowed to be availed of by all grantees.

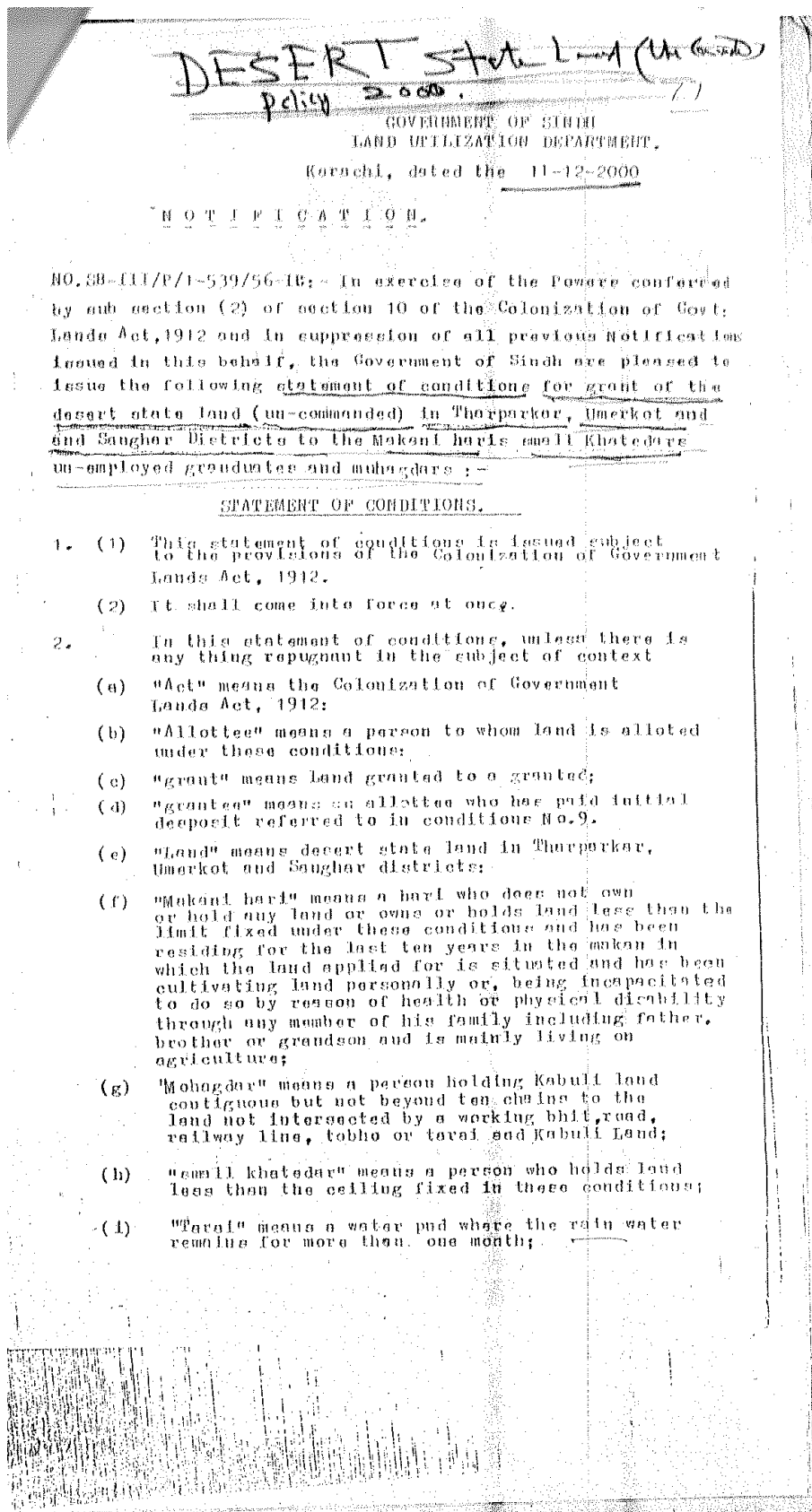
SINDH GOVERNMENT GAZETTE EXT., NOVEMBER 2, 1986 [PART I

- to resumed land shall be disposed within two years of its resumption. The month's notice in that behalf is served on the earlier grantee from the date it was resumed informing him of the intention of the Government.
16. In the event of the death of the grantee, unless the Deputy Commissioner desires to resume the grant, he may grant the land to any of the heirs of the deceased after hearing all such heirs and when the grant is transferred to any one of the other heirs shall have no claim to it.
17. The land shall solely be used for the purpose for which it has been granted and in no case it shall be used for building purpose except such buildings/structures as are, in the opinion of the Collector, necessary for the purpose of the grant.
18. The possession of the land shall be delivered to the grantee after he pays initial deposit and executes agreement in the form as may be prescribed by the Government.
19. The grantee shall pay to the Government all land revenue assessments, cesses and other charges in respect of the land at such rates as may be prescribed by the Government from time to time.
20. (1) The grantee shall pay the price of all the trees standing on the land allotted to him.
- (2) The price of the trees shall be charged on the valuation made by the Collector in consultation with the Forest Department, if the proposed value exceeds Rupees 250/-.
- (3) The grantee shall not cut any tree grown on the land without prior permission of the Collector.
21. (1) The grantee shall pay all expenses for survey and demarcation of the land and construction of its boundary marks.
- (2) The decision of the Director, Settlement Survey & Land Records, as to the amount of such expenses shall be final and binding on the grantee.
22. The grantee shall not remove sand, maram, bajri, stones or any other minerals from the area under the grant.
23. In the event of the infringement of any of the conditions, the grant shall be liable to resumption after giving the grantee reasonable opportunity of being heard and on resumption all sums/payments shall stand forfeited to Government.
24. (1) All the payments under these conditions shall be made at the office of the Mukhtiarkar concerned.
- (2) If the Deputy Commissioner so permits in writing, the payment may be made into Government Treasury or Sub-Treasury or any Branch of the National Bank of Pakistan in the District.
25. (1) If the land or any portion thereof is required for any public purpose or for exercising mineral rights, the grantee on demand by the Collector in writing, shall surrender the whole or so much land as may be required.
- (2) If the land is surrendered under Sub-Clause (1) the grantee shall be entitled to the refund of the price of the land, if any, paid by him and such additional sum as may be determined by the Collector in accordance with the general principles applicable to the acquisition of land for public purpose including any sum for the crops and structure, if any, standing on the land.

ALTAF HUSSAIN QADRI
Secretary to Government of Sindh
Land Utilization Department.

KARACHI: PRINTED AT THE SINDH GOVERNMENT PRESS

(2,000) 2-11-86-UT



DESERT STATE LAND (un-commanded)
Policy 2000

GOVERNMENT OF SINDH
LAND UTILIZATION DEPARTMENT.

Karachi, dated the 11-12-2000

NOTIFICATION.

NO. SB-III/P/1-539/56-1B: - In exercise of the Powers conferred by sub section (2) of section 10 of the Colonization of Govt. Lands Act, 1912 and in suppression of all previous Notifications issued in this behalf, the Government of Sindh are pleased to issue the following statement of conditions for grant of the desert state land (un-commanded) in Tharparkar, Umerkot and Sanghar Districts to the Makani Hari small Khatedars un-employed graduates and mohagdars :-

STATEMENT OF CONDITIONS.

1. (1) This statement of conditions is issued subject to the provisions of the Colonization of Government Lands Act, 1912.
- (2) It shall come into force at once.
2. In this statement of conditions, unless there is any thing repugnant in the subject of context:
 - (a) "Act" means the Colonization of Government Lands Act, 1912;
 - (b) "Allottee" means a person to whom land is allotted under these conditions;
 - (c) "grant" means land granted to a grantee;
 - (d) "grantee" means an allottee who has paid initial deposit referred to in condition No.9.
 - (e) "Land" means desert state land in Tharparkar, Umerkot and Sanghar districts;
 - (f) "Makani Hari" means a Hari who does not own or hold any land or owns or holds land less than the limit fixed under these conditions and has been residing for the last ten years in the Makani in which the land applied for is situated and has been cultivating land personally or, being incapacitated to do so by reason of health or physical disability through any member of his family including father, brother or grandson and is mainly living on agriculture;
 - (g) "Mohagdar" means a person holding Kabuli land contiguous but not beyond ten chains to the land not intersected by a working bit, road, railway line, tobho or tarai and Kabuli Land;
 - (h) "small khatedar" means a person who holds land less than the ceiling fixed in these conditions;
 - (i) "Tarai" means a water pud where the rain water remains for more than one month;

GOVERNMENT OF SINDH
LAND UTILIZATION DEPARTMENT

Karachi, dated the 11-12-2000.

NOTIFICATION

S.III/P/1-539/56-IB:- In exercise of the powers conferred by sub section (2) of section 10 of the Colonization of Government Lands Act, 1912 and in suppression of all previous Notifications issued in this behalf, the Government of Sindh are pleased to issue the following statement of conditions for grant of the desert state land (un-commanded) in Tharparkar, Umerkot and Sanghar districts to the makani haris, small khatedars, un-employed scouters and mahagars:-

STATEMENT OF CONDITIONS

- (1) This statement of conditions is issued subject to the provisions of the Colonization of Government Lands Act, 1912.
- (2) It shall come into force at once.
2. In this statement of conditions, unless there is anything repugnant in the subject of context -
 - (a) "Act" means the Colonization of Government Lands Act, 1912;
 - (b) "Allottee" means a person to whom land is allotted under these conditions;
 - (c) "Grant" means land granted to a grantee;
 - (d) "grantee" means an allottee who has paid initial deposit referred to in conditions No.9;
 - (e) "land" means desert state land in Tharparkar, Umerkot and Sanghar districts;
 - (f) "makani hari" means a hari who does not own or hold any land or owns or holds land less than the limit fixed under these conditions and has been residing for the last ten years in the 'makani' in which the land applied for is situated and has been cultivating land personally or, being incapacitated to do so by reason of health or physical disability, through any member of his family including father, brother or grandson and is mainly living on agriculture;
 - (g) "mahagdar" means a person holding Kabuli land contiguous but not beyond ten chains to the land not intersected by a working bit, road, railway line, tobho or tarai and Kabuli Land;
 - (h) "small khatedar" means a person who holds land less than the ceiling fixed in these conditions;
 - (i) "tarai" means a water pond where the rain water remains for more than one month;
 - (j) "tobho" means a water pond where the rain water remains upto one month;
 - (k) "village" means settlement or habitation of not less than ten houses.

(Contd..P/2)

- (1) The allotment of land under these conditions shall be made by the Collector or his nominee and belong the rank of the Assistant Commissioner but, empowered under the Act for the sale purpose of cultivation.
- (c) The land shall also granted to the local un/employed graduates, preferably the agricultural graduates registered with their respective collectors and for the purpose of afforestation to such extent as may be determined by Government.
- Subject to priority right, the order of priority in making the allotment of land under these conditions shall be as under:-
- (a) Landless mahani hari.
 - (b) Mahani hari owning or holding less than sixteen acres of land.
 - (c) Mahani hari owning or holding less than thirty two acres of land.
 - (d) Mohardar subject to condition No.6.
- Subject to condition No.6, the allotment under these conditions shall not ordinarily exceed thirty two acres but in the case of an allottee who under-takes to dig a well or install a tubewell, land upto sixty four acres may be allotted; Provided that land allotted under this condition shall be inclusive of any land already in the possession of the allottee.
- (1) No mohagdar shall be eligible to the allotment of land under these conditions in excess of ten acres.
- (2) The right of mohag can be claimed in respect of land which is Kabuli for atleast five years prior to the date of allotment, but land allotted on the basis of mohag right shall not exceed fifty percent of the Kabuli land for which the mohag right is claimed.
- (1) No land shall be allotted within twenty chains of a village, tarai, tobacco or established gaucher (grazing ground) well or the land specified or required for mineral purpose or within ten chains of a mukam.
- (2) The date of commencement of the grant during Kharif shall be from 1st January to 31st July and during Rabi from 1st August to 31st December.
- (3) The land within the radius of five kilometers of Hilti and three kilometers of other towns shall be reserved for gauchers and shall not be allowed to be cultivated.
- (4) The Collector or his nominee shall invite applications for allotment of land under these conditions and shall dispose of such applications in a well attended open katchary after inspecting the original revenue record personally and making such enquiries as may be deemed necessary with regard to eligibility of the applicant for allotment of land applied for.
- (2) A schedule of land available for allotment shall cause to be prepared by the Collector quarterly in lots; Provided that no allotment shall be made without making wide publicity for atleast one month before the open katchary is held.

Contd....p/3.

- 3 -

- (1) After the applicant is selected for the allotment in the open katchery he shall record his offer before the taluka Mahantiasakar within a period of one month from the date of his selection..
 - (2) After the offer is accepted^{by} the Collector or his nominee, the applicant shall make initial deposit of one hundred rupees within one month of the acceptance of the offer.
 - (3) Where the offer is not recorded or accepted^{or} initial deposit is not made within the stipulated or extended period as the case may be the selection for allotment shall be made afresh.
- (1) The limits of the land allotted shall be clearly demarcated and a sketch shall be drawn on or attached with the allotment order with proper identification of boundaries.
 - (2) The possession of the land shall be delivered to the allottee after he pays the initial deposit and executes agreement in the form as may be prescribed by the Government.
1. The grantee shall pay the price of the land at the rate of one hundred rupees per acre, in ten interest free yearly equal instalments.
 2. Subject to condition No.23, the grant shall be non-transferable i.e. the right, title and interest shall not be transferred or changed by way of sale, gift, mortgage, lease or otherwise for a period of ten years or until full price is paid whichever is late.
Provided that the land may be mortgaged with loan advancing agencies for raising loan for the development of land. In the event of default in payment of loan the loaning agency may take control of the land for unexpired period of lease and the agency shall be entitled to exercise all rights and shall fulfill all obligations as a lessee for the remaining period of lease or till the payment of loan is reimbursed which ever is earlier.
13. The grantee who is a makeni hari shall cultivate the land by his own exertion or by the exertion of any member of his family or labour hired temporarily for his own assistance or the assistance of a member of his family in the cultivation of the land.
 14. (1) Where grant is made on well/tubewell conditions, the grantee shall install tube-well and sunk well within two years of the grant and shall bring atleast fifty percent of the area of the grant under cultivation every year.
(2) In case tube-well/well is not installed or sunk or the area is not brought under cultivation within the said period, the grant shall be liable to resumption in which case all sums or instalments paid by the grantee shall stand forfeited to the Government.
 15. (1) The grant shall be subject to all rights of way, water and easement, if any, subsisting thereon.
(2) The natural flow of rain water shall not be disturbed and the other grantees shall be allowed to avail the rain water.

(Contd.,P/4)

(1) The land shall solely be used for the purpose for which it has been granted and in no case it shall be used for any other purpose except for such buildings/structures as are in the opinion of the Collector, necessary for the purpose of the grant.

(2) The Collector may remove at a whichever is necessary for grazing ground (Gaudler) in the Hakan.

The grantee shall pay to the Government all land revenue assessments, rates cesses and other charges in respect of the land at such rates as may be prescribed by Government.

(1) The grantee shall not cut any tree grown on the land without prior permission of the Collector.

(2) The grantee shall grow atleast two trees per acre preferably Pin, Eucalypt and Kandi.

(1) The grantee shall pay all expenses for survey and demarcation of the land and construction of its boundary marks.

(2) The decision of the Director, Settlement Survey and Land Records, Sindh as to the amount of such expenses shall be final and binding on the grantee.

(1) All the payments under these conditions shall be made at the office of the Mukhtiarkar concerned.

(2) If the Collector so permits in writing the payment may be made into Government Treasury or Sub-Treasury or any Branch of the National Bank of Pakistan in the District.

The grantee shall not remove sand, muam, bajri stones or any other minerals from the area under the grant.

In the event of the infringement of any of the conditions, the grant shall be liable to resumption after giving the reasonable opportunity of being heard and on resumption all sums/payment shall stand forfeited to Government.

No resumed land shall be disposed within two years of its resumption unless one month's notice in that behalf is served on the earlier grantee from whom it was resumed informing him of the intention of the Government.

In the event of death of the grantee or, as the case may be, succession to the grant shall be governed in accordance with personal law by which the allottee or grantee is governed.

(1) If the land or any portion thereof is required for any public purpose or for exercising mineral rights, the grantee on demand by the Collector in writing shall surrender the whole or so much land as may be required.

(2) If the land is surrendered under clause (1) the grantee shall be entitled to the refund, if any, paid by him and such additional sum as may be determined by the Collector in accordance with the general principles applicable to the acquisition of land for public purpose including any sum for the crops and structure if any, standing on the land.

SECRETARY TO GOVERNMENT OF SINDH

EXTRAORDINARY

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KARACH WEDNESDAY AUGUST 31, 2000

PART-I

GOVERNMENT OF SINDH

LAND UTILIZATION DEPARTMENT.

NOTIFICATION

Hyderabad the 22nd August, 2000.

No.SB—III/1-30/P/ 829 /2000. In pursuance of Government of Pakistan, Cabinet Division, Notification No.SRO(1)2000, dated the 16th May,2000, the Government of Sindh are pleased to formulate the Policy for grant of enemy land in the Districts of Tharparkar, Umerkot, Mirpurkhas and Sanghar to haris (Makanis) small Khatadars or muhagdars on lease for thirty years as follows:-

1. This Policy shall come into force at once.
2. In this unless there is anything repugnant in the subject of context.
 - (a) "Government" means the Government of Sindh;
 - (b) "Lease" means a person to whom land is leased out under this Policy;
 - (c) "Makani hari" means a hari who does not own or hold any land or owns or holds land less than the limit fixed under this Policy and has been residing for the last ten years in the makan or adjoining makan in which the land applied for is situated;
 - (d) "Mohagdar" means a person holding Kabuli land contiguous but beyond ten chains to the state land not intersected by a working karia, bund, bhil, road, railway line, tobho or tarai and Kabuli land;
 - (e) "Small khatadars" means a person who holds land less than the ceiling fixed in this Policy;
 - (f) "Tarai" means a water pond where the rain water remains for more than one month;
 - (g) "tobho" means a water pond where the rain water remains upto one month.

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Price. Rs. 400

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3. The grant of lease shall be made by the Collector or his nominee not below the rank of the Assistant Commissioner duly empowered by the Government.

4. (i) No person shall be entitled as of right to the allotment of land under this Policy and the Government retains an absolute discretion in the grant of lease and selection of Makani hari, small khatadars and Mohagedars.

(ii) Subject to pa adhore right, the order of priority in leasing out the land to a makani hari shall be as under:-

- (a) landless makani hari;
- (b) makani hari owning or holding less than sixteen acres of land;
- (c) makani hari owning or holding less than thirty two acres of land;
- (d) mohagedar;
- (e) hari of adjoining makan;
- (f) hari of adjoining deh
- (g) hari of adjoining tapa
- (h) hari of taluka;
- (i) hari of adjoining taluka

5. The grant of lease under this Policy shall not exceed sixty four acres in the case where the lessee undertakes to dig a well or install a tubewell and thirty-two acres in other cases provided that the lease shall be inclusive of any land already in the possession of the lessee.

6. (i) A mohagedar shall be eligible to the grant of lease under this Policy to the extent of ten acres and no mohagedar shall be allowed to exercise mohag right more than once.

(ii) The right of mohag can be claimed in respect of land which is kabuli for atleast five years prior to the date of grant of lease.

7. (i) No land shall be leased out within twenty chains of village, farai, tobho or established Gaucher (grazing ground), or which is specified/required for any public purpose including mineral purpose.

(ii) The date of commencement of the lease during Kharif shall be from 1st January, to 31st July and during Rabi from 1st August to 31st December.

(iii) The land within the radius of three kilometers of town, shall be reserved for gauchers and shall not be cultivated.

8. The Collector or his nominee shall invite applications for grant of lease under this Policy and shall dispose of such application in open katchery after inspecting the Revenue Record personally and making such enquiries as may be deemed necessary with a regard to eligibility of the application for lease applied for.

9. If the applicant is found eligible or in-eligible, as the case may be, the fact shall be recorded on the application and in remarks column of the Land Grant Register, maintained by the Collector.

PART I THE SINDH GOVERNMENT GAZETTE, VOL. LXXVIII, 2000 959

10. The details of the land available for lease shall be put in a schedule mananwise/delwise and no such land shall be disposed of until and unless wide publicity for atleast fifteen days prior to the date of katchery fixed for the disposal of land has been made
11. The possession of the land shall be delivered to the applicant after he pays the lease money.
12. The applicant shall pay the lease money of the land at the rate of Rs.6/- per acre per year.
13. The lease shall be non-transferable but in the event of death of the lessee or, as the case may be, successions to the lease shall be granted in accordance with personal law by which lessee is governed.
14. The land leased under this Policy may be mortgaged with loan advancing agencies for raising loan for cultivation of land. In the event of default in repayment of loan the loaning agency may take control of the land for un-expired period of lease and agency shall exercise all rights and fulfill all obligations as a lessee for the remaining period of the lease or till the payment of loan is reimbursed, whichever ever is earlier.
- (i) Where lease is granted on well / tubewell conditions, the grantee shall install tubewell/well within five years of the grant and shall bring atleast fifty percent to the area under cultivation every year.
- (ii) In case tubewell is not sunk or the area is not brought under cultivation within five year of the grant of lease the same shall be liable to resumption in which case all sums paid by the lessee shall stand forfeited to the Government.
15. (i) The grant of lease shall be subject to all rights of way, water and easement, if any, subsisting thereon.
- (ii) The natural flow of rain water shall not be disturbed and shall be allowed to be availed of by all the lessees/grantees.
16. The land shall solely be used for the purpose of agricultural.
17. The lessee shall not cut any tree grown on the land without prior permission of the Collector.
18. The lessee shall pay to the Government all land revenue assessments, rate, cesses and other charges in respect of the land at such rates as may be prescribed by the Government from time to time.
19. The lessee shall pay all expenses for survey and demarcation of the land and construction of its boundary marks.

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20. All the payments under this Policy shall be made at the office of the Mukhtarkar concerned.
21. The lessee shall not remove sand, marl, bajri, stones or any other minerals from the area under lease.
22. In the event of the infringement of any of the conditions the lease shall be liable to resumption after giving the reasonable opportunity of being heard and on resumption all sums/payments shall stand forfeited to Government.
23. No resumed land shall be disposed of within two years of its resumption unless one month's notice in that behalf is served on the earlier lessee from whom it was resumed informing him of the intention of the Government.
24. If the land or any portion thereof is required for any public purpose or for exercising mineral right, the lessee on demand by the Collector in writing shall surrender the whole or so much land as may be required.

MAJOR (RETD) ALI RAZA
SECRETARY TO GOVERNMENT OF SINDH,
LAND UTILIZATION DEPARTMENT.

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Appendix E. The Land Acquisition Act 1894

The Land Acquisition Act (1 of 1894)

**As Applicable
To
The Province of Sindh
Amended upto Date Alongwith
Instructions/Guide Lines/Specimens of
Various Notifications**

and

**Significant Latest Pronouncements of
Superior Courts**

2006 A.D

**by:
NAZAR MUHAMMAD LAGHARI
M.A. LL.B**

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C/o 1st Floor Ridge House, Annexe
GOR Bath Island, Clifton, Karachi.**

In The Name Of Allah The Most Beneficent, The Most Merciful.

Preface to First Edition

1. The Land Acquisition Act initially came into operation in 1894. Its application ever since has been applicable to British India and then after creation of Indo Pak Sub Continent to Pakistan also. After integration of all Provinces into one Unit viz West Pakistan on 14.10.1955; the same Act with its original components remained applicable to integrating Units of West Pakistan Province until 1st July 1970 when West Pakistan was disintegrated and the original setup of the provinces was restored.

2. During the integration Period of Sindh into West Pakistan for long period of 15 years, visibly a large No. of amendments were introduced by West Pakistan Government in the Act, probably with the view to reconcile with the integrating effects influencing the environments of the Provinces. These amendments made from time to time were conceived and authored at Lahore bearing major environmental flavour of Punjab. After dismemberment of the official setup in 1970, Sindh Province, while retaining vast majority of previous amendments made by West Pakistan Government, introduced their own amendments to suit the Province. This way the No. of amendments cumulatively enacted over grew and in Sindh no one attempted to defuse complexities caused by multifarious number of changes/amendments in law by way of incomplete and inarticulate number of amendments printed in the re-prints/new additions, published on different occasions from Punjab Province, scribed by authors belonging to Advocate Community at Lahore. The situation therefore required revamping with reasonably affective improvements, not only to facilitate the comprehension in true sense of amendments and their extent of applicability to Sindh for law officers/Courts but also help common readers including candidates who have to clear Departmental Examinations on the subject through Sindh Public Service Commission.

3. I took up this self assigned imposition and in less than a quarter of this year, by the grace of Almighty Allah, I have been successful to complete the task and the Act is now ready with almost all the amendments applicable to Sindh, together with guide lines taken from the instructions from the BOR West Pakistan Lahore issued up to 1970 combined with instructions contained in standing order No. 12. This book enunciates general guide lines composed of common legal threads for Readers to understand randomly the implications and methodology of Land Acquisition Proceedings. Specimen of forms of Notices

and Notification drafted in close approximation of legal requirements, have been given but they can be suitably modified in keeping with the circumstances of a particular case and geographical/social conditions prevalent in a particular region/locality.

4. I am grateful to the Government of Sindh (Competent Authority) who has been pleased to accord me permission to get this printed and published, under their authority letter No. SOI(S&GAD)-3/17/96 dated 5.6.2002.

5. This long felt need would not have been provided for without willingly active and enthusiastic full contribution in computerization by my son Mr. Suhail Muhammad Laghari (Ex-Cadet, Cadet College Petaro, and now Student of LLB-I Government of Sindh Law College Hyderabad) who has taken much pain in the process of computerization and compilation.

6. I am highly grateful to Mr. Manzoor Hussain Bhutto, Senior Member Board of Revenue Sindh; Mr. Ghulam Nabi Shah, Secretary Law Department Government of Sindh; Mr. Muhammad Usman Memon, Secretary Sindh Land Commission; for their active support and guidance without which this book could not have seen the light of day.

7. I also express my thanks to Mr. Abdul Raheem Memon, Retired Assistant Commissioner, Mr. Abdul Raheem Junejo, Retired Revenue Officer; Mr. Muhammad Rashid, Computer Operator Board of Revenue Sindh; and Mr. Tariq Ahmed, P.A. Additional Secretary (Revenue) Board Of Revenue Sindh; who all provided help in accomplishing this task. Mr. Ameen Muhammad Laghari, Director Publication, Sindhi Language Authority not only provided help in getting this book printed but also spared his time to finally check the print.

8. This first compilation of its kind published in Province of Sindh is being presented with the purpose to cater for the needs of Revenue Officers, Advocates, Students and the General Public. InshaAllah it will be useful for all of them.

9. The readers are requested to kindly point out the errors and omissions so that the same may be taken care of in the next addition.

Nazar Muhammad Laghari
Additional Secretary Revenue
BOR Sindh.

Hyderabad, Sindh
June 2002.

Preface to the Second Edition

1. The land Acquisition Act since its inception has gained immense significance as the official machinery often felt an inevitable need to acquire land for public purposes. The legislature also at times countenanced an urging necessity to amend and modify the provisions of this statute in order to bring in its efficacy and applicability. Bearing in mind the idea that a book essentially demonstrating a complete picture shall be available to all those who need it, I took up the self assigned imposition in the year 2002 to compile Land Acquisition Act (1 of 1894) with amendments applicable to Province of Sindh upto May, 2002. My efforts to bring the book upto date and useful for Advocate Community, Courts and Common Readers including the intending candidates for getting through the Departmental Examinations have been uncommonly successful and largely appreciated.

2. The First Edition, apart from amendments exclusively applicable to the Province of Sindh contained guidelines precisely, for convenient and ready understanding by the common Readers to grasp randomly the provisions of the Act.

3. Since the Land Acquisition Officers dealing with Land Acquisition Cases at different lower tiers made erroneous decisions in calculation of compulsory acquisition charges payable on account of acquisition under urgency class under section 23(2), additional compensations under section 28-A and interest under section 34 of the Act to which land owners are entitled, the Honourable Supreme Court and Honorable High Courts, when approached, in their judgments highlighted the various provisions of the Act and unveiled the defects for future guidance. I have included the case law and also following two judgments (in full) in this edition for future guidance of the Readers in order to stem the repetition of such omission and errors:

- i. Judgment of the Honourable Supreme Court on Appeal from the judgment dated 03.02.1994 of the High Court of Sindh at Hyderabad passed in Misc. Civil Appeal No.5 of 1993), while deciding Civil Appeal No.285 of 1994 (decided on 13th May, 1996) which has provided guidance for calculation of 15% additional compensation payable under Section 28-A.

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- ii. Judgment in Civil Appeals No.139 & 140 of 1999 and Civil Petition No.561-K of 2002 announced on 30.3.2004 (unreported) in which the Honourable Supreme Court has given very clear decision on various provisions of the Act.

4. I would like to advise the District Officers (Revenue), Readers and the Advocate community to consider following features, which as spelt out by me are most important and viably beneficial to the acquiring agencies and other concerned Government functionaries.

- a. Neutrality should be fundamental postulate on which the Land Acquisition proceedings should be founded.
- b. In case private qabooli land is not subject of acquisition, there is neither necessity of issuing notifications under sections 4, 5 & 17 of the Act nor a declaration under section 6 of the Act.
- c. Prompt service of Notices be ensured on the Departments of Provincial Government, Federal Government, Local Authority or Company as the case may be, as required under section 9, 10 and 12 of the Act.
- d. Reference by the Provincial Government, Federal Government, Company or Local Authority as the case may be to the Courts has to be filed within a period of 6 months from date of announcement of the award, if it has not accepted the Award.
- e. So far appeal under section 54 is concerned the same should be got filed by the acquiring agency through the District Officer (Revenue). In this context, it is useful to point out that quite meaningful amendments have been made in the Act in sections 9(5), 11(1) and 18(3) authorising the Federal Government, the Provincial Government, a Company or a Local Authority as the case may be, to take relevant actions, but there is a vacuum as regards the appeal, which is to be supplied by the legislature. It is, therefore, highly advisable that necessary amendment may be made in section 54 authorising the Federal Government,

Provincial Government, a Company or a Local authority, as the case may be to file appeal under section 54.

- f. The award should be announced by the District Officer (Revenue) within 6 months from the date of publication of declaration under section 6 of the Act.

6. I am thankful to all who provided encouragement, assistance, and guidance in bringing out this Second Edition specially Justice (R) Wahid Bux Brohi, Syed Ghulam Nabi Shah Law Secretary. My thanks are also due to Mr. Muhammad Rashid, Mr. Nabi Bux Memon and Mr. Essa Thebo Computer Operators.

7. Mr. Abdullah Channa Deputy Secretary Law Department and Mr. Salahuddin Section Officer Law Department not only provided valuable assistance but they spared their precious time to correct the final print of the Land Acquisition Act. I am thankful to them.

8. My son Suhail Muhammad Laghari; who by the grace of Almighty Allah is now Civil Judge / Judicial Magistrate remained associated whole the time with me and it was due to his hard work which enabled me to accomplish this task.

Nazar Muhammad Leghari
Special Secretary to Govt. of Sindh
Land Utilization Department
Board of Revenue, Sindh.

Karachi Sindh
November 2006

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Land Acquisition 1894

ACT No 1 of 1894

[2nd February, 1894]

An Act to amend the Law for the acquisition of Land for public purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:-

PART I PRELIMINARY

1. *Short title, extent and commencement*- (1) This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of Pakistan; and

(3) It shall come into force on the first day of March, 1894.

2. [Repeal] Rep. partly by the Repealing and Amending Act, 1914 (X of 1914), s.3 and Schedule II, and partly by the Repealing Act, 1938 (1 of 1938) s.2 and Schedule.

3. **Definitions**:- In this Act, unless there is something repugnant in the subject or context, -

(a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) ¹*[The expression "District Officer (Revenue)" means the District

¹*Clause "C" substituted by the Sindh Laws (Amendment) Ordinance, 2001 (S.Ord.XXXVI of 2001), dated. 28.11.2001.

Officer (Revenue) of a district and includes 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].

¹*[(d) the expression "Court" means a principal Civil Court of original jurisdiction, and includes the Court of any Additional District Judge and any Civil Judge whom the Provincial Government may appoint, by name or by virtue of his office, to perform concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act, within any specified area; provided that in the case of a Civil Judge such functions shall be exercised only up to the limits of his pecuniary jurisdiction].

(e) the expression "Company" means a Company registered under the Indian Companies Act, 1882, ²**or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament of the United Kingdom or by an Pakistan law, or by Royal Charter of Letters Patent and includes a society registered under the Societies Registration Act, 1860 and a registered society within the meaning of the Co-operative Societies Act, 1912.

(f) the expression "public purpose" includes the provision of village-sites in districts in which the Provincial Government shall have declared by notification in the official Gazette that it is customary for the Government to make such provision; and

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—
trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

¹ * The existing clause "(d)" substituted by the Land Acquisition (W.Pak Amendment) Ord. 1969 (XLIX of 1969), dt.17.12.1969.

² ** See now Companies Ordinance, 1984 (XLVII of 1984).

married woman, in cases to which the English Law is applicable, shall be deemed the person so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that---

- (i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the [District Officer (Revenue)] or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the [District Officer (Revenue)] or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a ¹[District Officer (Revenue)] or a Court by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

¹ *Substituted for the word "Collector" by Sindh ORD. No.XXXVI of 2001, dated 28.11.2001.

PART II

ACQUISITION

PRELIMINARY INVESTIGATION

4. *Publication of preliminary notification and powers of officers thereupon.*—

^{1*}[(1) Whenever it appears to the ^{2**}[District Officer (Revenue)] of the district that land in any locality is needed or is likely to be needed for any public purpose or for a Company, a notification to that effect shall be published in the official Gazette, and the [District Officer (Revenue)] shall cause public notice of the substance of such notification to be given at convenient places in the said locality.]

(2) Thereupon it shall be lawful for any officer, either generally or specially authorised by ^{2**}[District Officer (Revenue)] in this behalf, and for his servants and workmen, -

to enter upon and survey and take levels of any land in such locality;
to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and,

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

^{1*} Subs. by the Land Acquisition (West Pakistan Amendment) Ord. 1969 (XLIX of 1969) dt. 17.12.1969.

^{2**} Subs. for the word "Collector" by Sindh ORD.No.XXXVI of 2001, Dt.28.11.2001 (effect 14.8.2001)

^{1*}[(3) The officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the ^{2*}[District Officer (Revenue)] or other chief revenue officer of the district, and such decision shall be final.]

^{3***}[**5. Notification that particular land is needed for a public purpose or for a Company** [(1) Where ^{4****}[land is to be acquired for a public purpose, if the ^{2**}[Executive District Officer (Revenue)] and where land is to be acquired for a Company, the Provincial Government, is satisfied, after considering the result of the survey, if any, made under sub-section (2) of section 4, or if no survey is necessary, at any time, that any particular land included in a locality notified under sub-section (1) of section 4 is needed for a public purpose or a Company, as the case may be, a notification to that effect shall be published in the official Gazette, stating the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area and situation, and where a plan has been made of the land, the place where such plan may be inspected, and the ^{2**}[District Officer (Revenue)] shall cause public notice to be given of the substance of the notification at convenient places on or near the land to be acquired.]

^{5*****}[(2). The notification under sub-section (1) shall be issued not later than one year from the date of publication of the notification under section-4:

Provided that the time, if any, spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed by Government before the issue of the notification under this section shall be computed to the said period of one year.

(3) If the notification under sub-section (2) is not issued within the specified time, the acquisition proceedings shall be deemed to have come to an end.]

^{1*} New sub-section (3) of Section 4 added by W.P. Ord.No.XLIX of 1969 Dt.17.12.1969.

^{2**} Subs. for "Collector & Commissioner by Sindh ORD.No.XXXVI of 2001 Dt.28.11.2001 (effect 14.8.2001).

^{3***} Sec.5 subs. by W.P. Ord. No.XLIX of 1969 and words "land is to be acquired for a public purpose if the EDC(R) and where the land is to be acquired for a company" inserted by Sindh (Amendment of Laws) Act 1974.

^{4****} The above words were omitted by Sindh Ord.No.III of 1972 Dt.17.3.1972 and again inserted by Sind Act.No.XXVII of 1974 Dt.11.12.1974.

^{5*****} The existing sec 5 numbered as sub-sec.(1) and new sub-sec.(2) added by S.Ord.No.XXIII of 1984 dt.30.9.1984

^{1*}**[5A. Hearing of objections:** (1) Any person interested in any land which has been notified under section 5 as being needed for a public purpose or for a Company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the ^{2**}[District Officer (Revenue)] in writing, and the ^{2**}[District Officer (Revenue)] shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the ^{2**}[Executive District Officer (Revenue)], together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the ^{2**}[Executive District Officer (Revenue)], on the objections shall be final.

(3) Where land is needed for a Company, the ^{2**}[District Officer (Revenue)] shall, after making such enquiries as he deems necessary, also make his recommendations to the ^{2**}[Executive District Officer (Revenue)] with regard to the area that in his opinion is reasonable for the purpose.

^{3***}(3-A). The report under sub-section (2) or recommendations under sub-section(3), as the case may be, shall be forwarded to the ^{2**}[Executive District Officer (Revenue)] within a period of ninety days from the date of publication of the notification under section 5 and the ^{2**}[Executive District Officer (Revenue)] shall within ninety days of the receipt of the report or the recommendations, as the case may be, announce the decision and if the report or recommendations, as the case may be, is not forwarded or decision announced within the specified period, the objections shall be deemed to have been carried out and the acquisition proceedings shall come to an end.]

(4) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land where acquired under this Act.]

^{1*} Section 5-A subs. by Sindh Ordinance No.XLIX of 1969.

^{2**} Subs. for "Collector & Commissioner" by Sindh Ord.No.XXXVI of 2001.

^{3***} Sub-sec.3A Ins. by Sindh Ord.No.XXIII of 1984 Dt. 30.9.1984.

Declaration of intended Acquisition

6. Declaration that land is required for a public purpose. - (1) Subject to the provisions of Part VII of this Act, when ^{1*}[Executive District Officer (Revenue)] is satisfied, after considering the report, if any, made under section 5A, sub-section (2), that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of ^{1*}[Executive District Officer (Revenue)] or of some officer duly authorised to certify its orders "Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority."

^{2**}(1-A) The declaration shall be made within six months of the publication of the notification under section 5 and if the declaration is not issued within that period, the acquisition proceedings shall be deemed to have come to an end:

Provided that the time, if any, spent in the prosecution of a judicial remedy during which acquisition proceedings are stayed after the issue of the notification under section 5 and before making the declaration under this section shall be computed to the said period of six months.]

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the ^{1*}[Executive District Officer (Revenue)] may acquire the land in manner hereinafter appearing.

^{1*} Subs. for the words "Provincial Government" and for "a Secretary to such Government" by Sindh (Amendment of Laws) Act, 1974 (Act XXVII of 1974) and Sindh Ord.No.XXVI of 2001 to read as above.

^{2**} New sub-sec. (1-A) inserted by the Land Acquisition (Sindh Amendment) Ordinance XXIII of 1984.

^{1*}[(4) When the area in respect of which the said declaration is made is less than the area previously notified under sub-section (1) of section 4, such previous notification, so far as it relates to the excess area, shall be deemed to have been superseded by the said declaration.]

7. After declaration, ^{2}[District Officer (Revenue)] to take order for acquisition:** Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the **Executive District Officer (Revenue)**, or some officer authorised by the **Executive District Officer (Revenue)** in this behalf, shall direct the ^{2**}[District Officer (Revenue)] to take order for the acquisition of the land.

8. Land to be marked out, measured and planned.—The ^{2**}[District Officer (Revenue)] shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and if no plan has been made thereof, a plan to be made of the same.

9. Notice to persons interested.— (1) The ^{2**}[District Officer (Revenue)] shall then cause public notice to be given at convenient places on or near the land to be taken stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the ^{2**}[District Officer (Revenue)] at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The ^{2**}[District Officer (Revenue)] may in any case require such statement to be made in writing and signed by the party or his agent.

^{1*} New sub.sec.(4) added by W.P. Ord.No.XLIX of 1969 dt.17.12.1969.

^{2**} Subs. for the word "Collector" by Sindh Ord. No.XXXVI of 2001 Dt. 28.11.2001.

(3) The ^{1*}[District Officer (Revenue)] shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act 1866.

^{2**}(5) The ^{1*}[District Officer (Revenue)] shall also serve notice of the enquiry to be held under section 11 (such notice not being less than fifteen days prior to the date fixed under sub-section (2) for determination of claims and Objections) on the Department of Government, local authority or Company, as the case may be, for which land is being acquired, and require it to depute a duly authorised representative to attend the enquiry on its behalf for the purpose of making objections (if any) to the measurement of the land, claims to any interest in the land or the amount of any compensation. Such authorised representative shall be a party to the proceedings.]

10. Power to require and enforce the making of statements as to names and interests: (1) The ^{1*}[District Officer (Revenue)] may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Pakistan Penal Code [(XLV of 1860)].

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

^{2**} New sub-sec. (5) added by W.P.Ord.No.XLIX of 1969 Dt.17.12.1969.

***Enquiry into Measurements, Value and Claims, and Award
by the ^{1*}[District Officer (Revenue)]***

11. Enquiry and award by ^{1*}[District Officer (Revenue)]. - ^{2**}(1) On the day so fixed or on any other day to which the enquiry has been adjourned, the ^{1*}[District Officer (Revenue)] shall proceed to enquire into the objections (if any) which any person interested ^{3***}[and a Department of Government, local authority, or a Company, as the case may be, has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land at the date of the publication of the notification under section 4, sub-section (1), and into the respective interests of the persons claiming the compensation and shall make an award under his hand of-

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land;

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him ^{4****}[and]

^{4****}[(iv) the cost or a part of such cost actually and reasonably incurred for preparing the claim and putting the case before him for compensation which in his opinion should be allowed].

^{5*****}[(2) The award shall be announced by the ^{1*}[District Officer (Revenue)] within six months of the publication of declaration under section 6, failing which the officials or officers found guilty for the inordinate delay by such authority and after such enquiry as may be prescribed by rules shall, reimburse the Provincial Government the amount of the additional compensation assessed under section 28-A for the period of delay].

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

^{2**} The existing Sec.11 numbered as sub.sec.(1) by Sindh Ord.No.XXIII of 1984 dt.30.9.1984.

^{3***} The above word inserted by W.P.Ord.No.XLIX of 1969 dt. 17.12.1969.

^{4****}Subs. for full stop and new clause (iv) added by Sindh Ord.No.XXIII of 1984 dt. 30.9.1984.

^{5*****} New sub.sec.(2) added, *ibid.*

12. Award of ^{1*}[District Officer (Revenue)] when to be final. - (1) Such award shall be filed in the ^{1*}[District Officer (Revenue)'s] office and shall, except as hereinafter provided, be final and conclusive evidence, as between the ^{1*}[District Officer (Revenue)] and the persons interested, whether they have respectively appeared before the ^{1*}[District Officer (Revenue)] or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The ^{1*}[District Officer (Revenue)] shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

^{2**}[12-A. Correction of mistake: Any clerical or arithmetical mistake in the award arising therein from any accidental slip or omission may, at any time, be corrected by the ^{1*}[District Officer (Revenue)] either of his own motion or on the application of any of the parties.

13. Adjournment of enquiry. - ^{1*}[The District Officer (Revenue)] may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him].

14. Power to summon and enforce attendance of witnesses and production of documents. - For the purpose of enquiries under this Act the ^{1*}[District Officer (Revenue)] shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

15. Matters to be considered and neglected. - In determining the amount of compensation, the ^{1*}[District Officer (Revenue)] shall be guided by the provisions contained in sections 23 and 24.

^{1*} Subs. for the word "Collector" by Sindh Ord. No.XXXVI of 2001 Dt.28.11.2001.

^{2**} New Sec.12-A inserted by W.P.Ord.No.XLIX of 1969 DL. 17.12.1969.

5***** Provided that the amount of compensation is to be paid to the owner of land or deposited in civil court in his name by the acquiring authority before taking over possession of land.”

Taking possession

16. Power to take possession: When the ^{1*}[District Officer (Revenue)] has made an award under section 11, he may ^{12**}[subject to the provision of section 31] take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

^{3***}**[17. Special powers in cases of urgency:**(1) In cases of urgency, whenever the ^{1*}[Executive District Officer (Revenue)] so directs, the ^{1*}[District Officer (Revenue)], though no such award has been made, may, on the expiration of fifteen days from publication of the notice mentioned in sub-section (1) of section 9, take possession of any land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances:

^{4****}[Provided that the ^{1*}[Executive District Officer (Revenue)] shall not issue any direction to the ^{1*}[District Officer (Revenue)] 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 ^{1*}[District Officer (Revenue)] of the district, keeping in view the provisions of sections 23 and 24.]

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or whenever owing to a similar emergency it becomes necessary for the ^{1*}[Executive District Officer (Revenue)] to acquire the immediate possession of any land for the purposes of maintaining traffic over a public road, the ^{1*}[District Officer (Revenue)] may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the

^{1*} Subs. for the words “Collector” & Commissioner” by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001

^{2**} The above words Ins. by W.P.Ord.No.XLIX of 1969.

^{3***} Subs. by W.P. Ord. No. XLIX of 1969.

^{4****} Proviso Subs. by Sindh Ord. No.III of 1972 and Sindh Act No.XXVII of 1974.

^{1*}[Executive District Officer (Revenue)], enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances :

Provided that the ^{1*}[District Officer (Revenue)] shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the ^{1*}[District Officer (Revenue)] shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

(4) In cases where in the opinion of the ^{2**}[Executive District Officer (Revenue)] the provisions of sub-section (1) or sub-section (2) are applicable, the ^{2**}[Executive District Officer (Revenue)] may direct that the provisions of sections 5 and 5-A shall not apply, and, if he does so direct, declaration may be made under section 6 in respect of the land at any time after the publication of the notification under sub-section (1) of section 4].

^{1*} Subs. for the words "Collector & Commissioner" by Sindh Ord. No.XXXVI of 2001. Dt.28.11.2001.

^{2**} In sub-sec. (4) for words "Provincial Government" word "Commissioner" and for word "it" word "he" substituted by Sindh (Amendment of Laws) Act,1974.

PART III

REFERENCE TO COURT AND PROCEDURE THEREON

18. Reference to Court. – (1) Any person interested who has not accepted the award may, by written application to the ^{1*}[District Officer (Revenue)], require that the matter be referred by the ^{1*}[District Officer (Revenue)] for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, the apportionment of the compensation among the persons interested ^{2**}[or the amount of costs allowed].

(2) The application shall state the grounds on which objections to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the ^{1*}[District Officer (Revenue)] at the time when he made his award, within six weeks from the date of the ^{1*}[District Officer (Revenue)'s] award;

(b) in other cases, within six weeks of the receipt of the notice from the ^{1*}[District Officer (Revenue)] under section 12, sub-section (2), or within six months from the date of the ^{1*}[District Officer (Revenue)'s] award, whichever period shall first expire.

^{3***}[(3) Notwithstanding any thing to the contrary contained in section 21, ^{4****}[the Federal Government, the Provincial Government, a Company or a local authority as the case may be], if it has not accepted the award, refer the matter to the Court within a period of six months from the date of announcement of the award; provided that the Court shall not entertain the reference unless in its opinion there is a *prima facie* case for enquiry into and determination of the objection against the award].

^{1*} Subs. for the word "Collector" by Sindh Ord. No.XXXVI of 2001 Dt.28.11.2001.

^{2**} The word add by Sindh Ord.XXIII of 1984, Dt.30.9.1984.

^{3***} New sub.sec. (3) added by W.P.Ord.No.XLIX of 1969 Dt.17.12.1969.

^{4****}Subs. for the word "the Provincial Government" by the Land Acquisition (Sindh Amendment) Act,1992 Dt.11.02.1991.

19. ^{1*}[District Officer (Revenue)]'s statement to the Court. - (1) In making the reference, the ^{1*}[District Officer (Revenue)] shall state for the information of the Court, in writing under his hand;

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation ^{2**}[and of costs, if any,] awarded under section 11;

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. Service of notice. - The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely: -

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the ^{2**}[compensation or costs] if any, the ^{1*}[District Officer (Revenue)] ^{3***}[the Federal Government, the Provincial Government], local authority or Company, as the case may be, for which land is being acquired].

^{1*} Subs. for "Collector" by Sindh Ord No. XXXVI of 2001 Dt. 28.11.2001.

^{2**} Above word inserted and substituted for the word "compensation" by the Land Acquisition (Sindh Amendment) Ord XXIII of 1984 Dt. 30.9.1984

^{3***} Subs. for the word "and the Department of Government" by The Land Acquisition (Sindh Amendment) Act, 1992 (Act VIII of 1992) Dt. 11.02.1992

21. Restriction on scope of proceedings. - The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

22. Proceedings to be in open Court. - Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the province shall be entitled to appear, plead and act (as the case may be) in such proceeding.

¹[**22-A. Cross objections:** ²[The Federal Government or the Provincial Government], or a local authority or a Company for which land is being acquired, may lodge a cross objection to the objection made by any person interested and the court may reduce the amount awarded by the ³[District Officer (Revenue)] if it considers it just and proper].

23. Matters to be considered in determining compensation. - (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration-

first, the market-value of the land at the date of the publication of the notification under section 4, sub-section (1);

⁴[Explanation: For the purposes of determining the market value, the Court shall take in to account transfers of land similarly situated and in similar use. The potential value of the land to be acquired if put to a different use shall only be taken into consideration if it is proved that land similarly situated and previously in similar use has, before the date of the notification under sub-section (1) of section 4, been transferred with a view to being put to the use relied upon as affecting the potential value of the land to be acquired].

Provided that:

- (i) If the market value has been increased in consequence of the land being put to a use which is

¹ New Sec. 22-A inserted by W.P. Ord.No.XLIX of 1969.

² Subs. for the word "The Provincial Government" by Land Acquisition (Sindh Amendment) Act, 1992 (Act VIII of 1992) Dt.11.2.1992.

³ Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

⁴ Explanation added by W.P. Ord. No.XLIX of 1969.

⁵ In section 23, in sub-section (1) and the explanation thereunder for the figure "4" the figure "6" substituted through THE LAND ACQUISITION (SINDH AMENDMENT) ACT, 2009

unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land if it were put to ordinary use; and

- (ii) If the market-value of any building has been increased in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded and the market-value shall be deemed to be the market-value of the building if occupied by such number of persons only as can be accommodated in it without risk of danger to health from overcrowding,]

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the ¹[District Officer (Revenue)'s] taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the ¹[District Officer (Revenue)'s] taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the ¹[District Officer (Revenue)'s] taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings;

fifthly if, in consequence of the acquisition of the land by the ¹[District Officer (Revenue)], the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

¹ Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the ^{1*}[District Officer (Revenue)'s] taking possession of the land.

^{1*}[(2) In addition to the market value of the land as above provided, the Court shall award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition, if the acquisition has been made for a public purpose and a sum of twenty-five per centum on such market-value if the acquisition has been made for a company.]

24. Matters to be neglected in determining compensation. - But the Court shall not take into consideration-

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the ^{1*}[District Officer (Revenue)] after the date of the publication of the notification under section 4, sub-section (1);

^{1*} Subs. for the word "Collector" by Sindh Ord. No.XXXVI of 2001 DL.28.11.2001.

^{2**} Subs. by W.P. Ord. No.XLIX of 1969 dt. 17.12.1969.

3*****In section 24 for the figure "4" the figure "6" substituted through THE LAND ACQUISITION (SINDH AMENDMENT) ACT, 2009

25. Rules as to amount of compensation: (1) When the applicant has made a claim to compensation, pursuant to any notice given under Section 9, the amount awarded to him by the Court shall not exceed the amount so claimed ^{1*}

(2) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the ^{2**}[District Officer (Revenue)].

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the ^{2**}[District Officer (Revenue)].

26. Form of awards. -(1) Every award under this part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2. clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure, 1908 (V of 1908).

27. Costs. - (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the ^{2**}[District Officer (Revenue)] is not upheld, the cost shall ordinarily be paid by the ^{2**}[District Officer (Revenue)], unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the ^{2**}[District Officer (Revenue)] that some deduction from his costs should be made or that he should pay a part of the ^{2**}[District Officer (Revenue)'s] costs.

^{1*} The words "or be less than the amount awarded by the Collector under section 11" omitted by W.P.Ord. No.XLIX of 1969.

^{2**} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

28.^{1*} [District Officer (Revenue)] may be directed to pay interest on excess compensation.:- If the sum which, in the opinion of the Court, the ^{1*} [District Officer (Revenue)] ought to have awarded as compensation is in excess of the sum which the ^{1*} [District Officer (Revenue)] did award as compensation, the award of the Court may direct that the ^{1*} [District Officer (Revenue)] shall pay interest on such excess at the rate of ^{2**} [six per centum per annum] from the date on which he took possession of the land to the date of payment of such excess into Court.

^{3***} [28-A. Additional compensation. In addition to the compensation fixed on the basis of market value as prevailing on the date of notification under section 4, an additional amount of fifteen per cent per annum of the compensation so fixed shall be paid from the date of the notification under section 4 to the date of payment of the compensation].

Section 28-A omitted and shall be deemed to have been so omitted as if it had never been enacted through THE LAND ACQUISITION (SINDH AMENDMENT) ACT, 2009

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

^{2**} Subs. for the word "interest on such excess at the rate of six per centum" by W.P.Act No.III of 1969. Dt.15.3.1969 and to that effect a Proviso was also inserted. However through the Land Acquisition (West Pakistan Amendment) (Repeal) Ordinance 1971 W.P.Act No.III of 1969 has been repealed.

^{3***} New Sec. 28-A inserted by Sindh Ord. No.XXIII of 1984.

PART IV

APPORTIONMENT OF COMPENSATION

29. Particulars of apportionment to be specified: Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment: When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the ^{1*}[District Officer (Revenue)] may refer such dispute to the decision of the Court.

Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

PART V PAYMENT

31. Payment of compensation or deposit of same in Court: ^{1*}[(1) When the ^{2**}[District Officer (Revenue)] has made an award under section 11-

- (a) if the person interested entitled to compensation under the award and ^{1*}[the Federal Government or the Provincial Government, as the case may be] accept the award and intimate their acceptance in writing to the ^{2**}[District Officer (Revenue)] before the expiry of the period prescribed in sub-section (2) of section 18 for making an application to the ^{2**}[District Officer (Revenue)] for referring the award to the Court, or in sub-section (3) of the said section for referring the award to the Court by ^{1*}[the Federal Government, or the Provincial Government as the case may be], which ever is later, or if the period specified in sub-section (2) of the said section for making an application to the ^{2**}[District Officer (Revenue)] or in sub-section (3) for referring the award to the Court has expired and no such application or reference has been made, the ^{2**}[District Officer (Revenue)] shall, before taking possession of the land, tender payment of the full amount of compensation ^{3***}[and costs, if any], awarded by him to the persons entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2);
- (b) if the person interested entitled to compensation under the award or ^{1*}[the Federal Government or the Provincial Government, as the case may be] object to the award and an application has been made to the ^{2**}[District Officer (Revenue)] under sub-section (2) of Section 18 for referring the award to the Court, or the award has been referred to the Court by ^{2**}[the Federal Government or the Provincial Government, as the case may be] under sub-section (3) of that section, the ^{2**}[District Officer

^{1*} Sub-section (1) of Section 31 substituted by the Land Acquisition (West Pakistan Amendment) Ordinance XLIX of 1969 AND for the word "The Provincial Government" wherever accruing, the words and commas "The Federal Government or the Provincial Government, as the case may be" substituted by the Land Acquisition (Sindh Amendment) Act 1992 (VIII of 1992).

^{2**} Subs. for the word "Collector" by Sindh Ord.No XXXVI of 2001. DL.28.11.2001.

^{3***} The above words inserted by Sindh Ord No.XXIII of 1984.

(Revenue)] shall, before taking possession of the land, tender payment of the compensation ^{1*}[and costs, if any] awarded by him or the estimated cost of acquisition of such land as determined by the ^{2**}[District Officer (Revenue)] of the district under sub-section (1) of section 17, which ever is less, to the persons entitled thereto under the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2):

Provided that no payment under clause (b) shall be made until the person entitled to compensation furnishes to the satisfaction of the ^{2**}[District Officer (Revenue)] a security for refund of the amount, if any, which may subsequently be found to be in excess of the compensation ^{1*}[and costs, if any] awarded to him by the Court].

(2) If they shall not consent to receive it, or if there be no person ^{3***}competent to alienate the land, or if there be any dispute as to the title to receive the compensation ^{1*}[and the cost, if any] or as to the apportionment of it, the ^{2**}[District Officer (Revenue)] shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the ^{2**}[District Officer (Revenue)] may, with the sanction of the ^{2**}[Executive District Officer (Revenue)] instead of awarding a money

^{1*} The word inserted by Sindh Ordinance XXIII of 1984. Dt. 30.09.1984.

^{2**} Subs. for the words "Collector & Commissioner" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

^{3***}As to persons who are competent to Contract, Sec.S.11 of the Contract Act,1872(9) of 1872).

compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the ^{1*}[District Officer (Revenue)] to enter into any arrangement with any person interested in the land and ^{2**}[competent to contract in respect thereof].

32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate: (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall-

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied-

(i) in the purchase of such other lands as aforesaid; or
(ii) in payment to any person or persons becoming absolutely entitled thereto-

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all

^{1*} The word "Collector" subs. by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

^{2**} As to persons who are competent to contract, see sec. 11 of the Contract Act.1872 (90F 1872).

reasonable charges and expenses incident thereto, to be paid by the ^{1*}[District Officer (Revenue)], namely: -

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. Investment of money deposited in other cases: When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit there from as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be-

^{1*}**34. Payment of interest:** When the amount of such compensation is not paid or deposited on or before taking possession of the land, the ^{1*}[District Officer (Revenue)] shall pay the amount awarded with interest at the rate of ^{2**}[six per centum per annum] from the time of so taking possession until it shall have been so paid or deposited.

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

^{2**} Amendment in sec 34 through the Land Acquisition (W.P. Amendment) Act, 1969. Repealed and shall be deemed to never have been enacted through the Land Acquisition (W.P. Amendment) (Repeal) Ord.1971 Sindh Ord. No.VI of 1971

PART VI

TEMPORARY OCCUPATION OF LAND

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists: (1) Subject to the provisions of Part VII of this Act, whenever it appears to the "[Executive District Officer (Revenue)] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the "[Executive District Officer (Revenue)] may direct the "[District Officer (Revenue)] to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

^{2**}[(2) The "[District Officer (Revenue)] shall cause public notice of the substance of the direction to be given at convenient places in the locality in which the land is situate, and thereupon it shall be lawful for any officer, either generally or specially authorised by the "[District Officer (Revenue)] in this behalf, and for the servants and workmen of such officer, to enter upon and survey and take levels of any land in such locality.]

^{2**}[(3) On receipt of plans detailing the land acquired, the "[District Officer (Revenue)] shall give notice in writing to the persons interested in such land of the purpose for which the same is needed and shall, for the occupation and use thereof for such term as aforesaid, and for the materials, if any, to be taken there from, pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively.]

(4) In case the "[District Officer (Revenue)] and the persons interested differ as to the sufficiency of the compensation or apportionment

^{1*} Subs. for the words "Commissioner & Collector" by Sindh Ord.No.XXXVI of 2001 Dt.28.11.2001.

^{2**} Sub.sec. (2) Subs. by W.P. Ord. No.XLIX of 1969 and existing sub sec.(3) re-numbered as sub.sec.(4) and existing sub sec (3) Inserted. ibid.

thereof, the ^{1*}[District Officer (Revenue)] shall refer such difference to the decision of the Court.

36. Power to enter and take possession, and compensation on restoration: (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the ^{1*}[District Officer (Revenue)] may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the ^{1*}[District Officer (Revenue)] shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the ^{1*}[Executive District Officer (Revenue)] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. Difference as to condition of land: In case the ^{1*}[District Officer (Revenue)] and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the ^{1*}[District Officer (Revenue)] shall refer such difference to the decision of the Court.

^{1*}Subs. for the words "Commissioner & Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

PART VII

ACQUISITION OF LAND FOR COMPANIES

38. Company may be authorised to enter and survey: ^{1*}[(1) The ^{2**}[Executive District Officer (Revenue)] may authorize any officer of any Company desiring to acquire land for its purpose to exercise the powers conferred by sub-section (2) of section 4].

(2) In every such case Section 4 shall be construed as if for the words "for such purpose" the words "for the purpose of the Company" were substituted; and ^{3***}[sub-section (3) of section 4], shall be construed as if after the words "the officer" the words "of the Company" were inserted.

38-A. Industrial concern to be deemed Company for certain purposes: An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.

39. Previous consent of ^{2}[Executive District Officer (Revenue)] and execution of agreement necessary:** The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the ^{2**}[Executive District Officer (Revenue)], nor unless the Company shall have executed the agreement hereinafter mentioned.

^{1*} Substituted by W.P. Ord. No. XLIX of 1969. Dt.19.12.1969

^{2**} Subs. for the word "Commissioner" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

^{3***} Subs. for the word "Section 5" by W.P.Ord.No.XLIX of 1969.

40. Previous Enquiry: (1) Such consent shall not be given unless the ^{1*}[Executive District Officer (Revenue)] be satisfied; either on the report of the ^{1*}[District Officer (Revenue)] under section 5A, sub-section (2), or by an enquiry held as hereinafter provided -

(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, or

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public, ^{2**}[or (c) that the area proposed to be acquired is reasonable for the purpose].

(2) Such enquiry shall be held by such officer and at such time and place as the ^{1*}[Executive District Officer (Revenue)] shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure, 1908 (V of 1908) in the case of a Civil Court.

41. Agreement with ^{1*}[Executive District Officer (Revenue)]: If the ^{1*}[Executive District Officer (Revenue)] is satisfied after considering the report, if any, of the ^{1*}[District Officer (Revenue)] under section 5A, sub-section (2), or on the report of the officer making an inquiry under section 40 that ^{3***}[the object of the proposed acquisition is to obtain land for one of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40] he shall require the Company to enter into an agreement with the Executive District Officer (Revenue), providing to the satisfaction of the Executive District Officer (Revenue) for the following matters, namely:-

^{1*} Subs. for the word "Commissioner" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001. In Section 41 for Provincial Government word "Commissioner" substituted by Sindh (Amendment of Laws) Act.1974.

^{2**} Word "or" in clause (b) and new clause (c) added by W.P.Ord. No.XLIX of 1969.

^{3***} In Sec.41 the words "the object of the proposed acquisition is to obtain land for one of the purposes referred to in clause(a) or clause (aa) or clause (b) of subsection (1) of section 40" subs. and clause (5) added & in Sec.42 the words & the acquisition to agreement substituted and Sec.43-A added by Land Acquisition (W Pak. Amendment) Ord 1969.

(1) the payment to the Provincial Government of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the Company;

(3) the terms on which the land shall be held by the Company;

(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

¹[(5) where the acquisition is for a purpose falling under clause (b) of sub-section (1) of section 40, the time within which and the conditions on which the work shall be constructed and maintained.]

42. Publication of agreement: Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, ¹[and the acquisition shall be deemed to have been made subject to the terms of such agreement].

43. Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies: The provisions of sections 39 to 42, both inclusive, shall not apply and the corresponding sections of the Land Acquisition Act, 1894, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement with such Company, the Secretary of State for India-in-Council, the Secretary of State, the Federal Government or any Provincial Government is or was bound to provide land.

43-A. Restrictions on transfer, etc. ²No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the Provincial Government.

¹Clause (5) of Sec. 41 subs. through W.P. Ord. No.XLIX of 1969.

²Added by Land Acquisition (W.P. Amendment) Ord. 1969.

44. How agreement with Railway Company may be proved: In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

PART VIII

MISCELLANEOUS

45. Service of notices: (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the ^{1*}[District Officer (Revenue)] or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the ^{1*}[District Officer (Revenue)] or in the Court-house, and also in some conspicuous part of the land to be acquired;

Provided that, if the ^{1*}[District Officer (Revenue)] or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, 1866 (XIV of 1866), and service of it may be proved by the production of the addressee's receipt.

46. Penalty for obstructing acquisition of land: Whoever willfully obstructs any person in doing any of the acts authorised by section 4 or section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

47. Magistrate to enforce surrender: If the ^{1*}[District Officer (Revenue)] is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land to the ^{1*}[District Officer (Revenue).]

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed: (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the ^{1*}[District Officer (Revenue)] shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings there-under, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. Acquisition of part of house or building: (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that the owner may, at any time before the ^{1*}[District Officer (Revenue)] has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired;

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the ^{1*}[District Officer (Revenue)] shall refer the determination of such question

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested, on account of the severing of the land to be acquired from his other land, the ^{1*}[Executive District Officer (Revenue)] is of opinion that the claim is unreasonable or excessive, he may, at any time before the ^{1*}[District Officer (Revenue)] has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the ^{1*}[District Officer (Revenue)] shall without delay furnish a copy of the order of the ^{1*}[Executive District Officer (Revenue)] to the person interested, and shall thereafter proceed to make his award under section-11.

50. Acquisition of land at cost of a local authority or Company: (1)
Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

^{2**}[(1-A) Any charges to be defrayed from the funds of a Local Authority or a Company under sub-section (1), may be recovered, in addition to any other mode of recovery provided in any other Law, as arrears of land revenue.]

^{1*} Subs. for the words "Commissioner & Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

^{2**} Added by the Land Acquisition (West Pakistan Amendment) Ordinance XLIX of 1969.

(2) In any proceeding held before a ^{1*}[District Officer (Revenue)] or Court in such cases the Local Authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation.

Provision deleted by the Land Acquisition (Sindh Amendment) Act, 1992.

51. Exemption from stamp duty and fees: No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

52. Notice in case of suits for anything done in pursuance of Act: No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceedings before Court: Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall apply to all proceedings before the Court under this Act.

54. Appeals in proceedings before Court: Subject to the provisions of the Code of Civil Procedure, 1908 (V of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and (V OF 1908 in Order XLV thereof.

55. Power to make rules: (1) The Provincial Government shall have power to make rules consistent with this Act for the guidance of officers

^{1*} Subs. for the word "Collector" by Sindh Ord.No.XXXVI of 2001. Dt.28.11.2001.

in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules, being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall be published in the Official Gazette, and shall thereupon have the force of law.

LAND ACQUISITION

GUIDE LINES FOR THE IMPLEMENTATION OF THE LAND ACQUISITION "ACT"

KEEPING IN VIEW INSTRUCTIONS ISSUED BY:

**GOVERNMENT OF WEST PAKISTAN
BOARD OF REVENUE, VIDE NO.493-70/209-LAH
DATED: 2ND FEBRUARY 1970.**

1. For the acquisition of land for a public purpose or for a company in any locality, under the Land Acquisition Act 1894, as the first stage of operation starts with the issue of the preliminary notification in the official gazette under section 4 by the District Officer (Revenue) of the District, and a public notice thereof is to be given by him at convenient places in the said locality. The notification should clearly indicate the name of the Taluka, Deh and broad details of the survey numbers or block numbers as the case may be, and the approximate area sought to be acquired. Since the date of issue of the notification under Section 4 is most important as it fixes the material date for determining the market value of the land and also for awarding the additional compensation under Section 28-A, the District Officers (Revenue) of the Districts only have been empowered to issue this notification to expedite the process of acquisition and safe guard against any apprehension in the rates of compensation. The delay in issuance of this notification will provide opportunity to the concerned land owner to get initiated prices recorded through fictitious mutations to enable them to claim compensation at high rates. They can also change the use of the land from Agriculture to non-Agriculture in order to get the compensation at higher rates. While working the estimated cost of the land to be acquired the details of the sale of the land, and the rate at

which it is sold should be obtained from the Sub-Registrars and the District Registrars as well as the Mukhtiarkars.

2. The District Officers (Revenue) of the Districts should personally ensure that the notification issued under Section 4 is got published in the official gazette not later than 15 days.

3. The issue of the notification under Section 4 is to be followed by survey of the area as required by Section 4(2) and after considering the result of such survey a further notification has to be issued under Section 5 stating that the land in question is needed for a public purpose or for a company and showing clearly Deh, Taluka and the District where the land is situated, and its survey numbers or block numbers and the area, the District Officer (Revenue) of the District may send formal request to the Director Settlement Survey & Land Records for issuance of B-Forms showing the actual area required. The representative of the acquiring agency should be bound down to accompany the survey staff for carrying out measurement on the site. After receipt of B-Form from the Director Settlement Survey & Land Records the same should be sent to the acquiring agency to confirm its correctness. This B-Form can be sent to the Director Settlement Survey & Land Records confidentially for verification of its correctness in appropriate cases as in the recent past cases have been detected in which the area shown in the B-Forms was tempered with after its despatch to the District Officer (Revenue) and before its receipt by the addressee.

4. Notification under Section 5 is to be issued by the Executive District Officer (Revenue) when the land is being acquired for public purpose and by the Provincial Government if it is being acquired for a company. The Executive District Officers (Revenue) are advised to keep the following consideration in view while issuing the notification under Section 5, 6 & 17 of the Land Acquisition.

- (i) full description of the Deh, Taluka and District, Survey Number or Block Number and area of the land is mentioned in the notification.

- (ii) a note is given at the bottom of the notification to exclude Waqf, State and Evacuee Land, Tombs, Graveyards and Places of religious character.
- (iii) to ensure that the District Officer (Revenue) of the District has carefully and prudently calculated the estimated cost of the land sought to be acquired in terms of Section 23 and 24 of the Land Acquisition Act and these funds have been physically placed at the disposal of the District Officer (Revenue) and deposited in the treasury under the head "Revenue Deposit".
- (iv) before the issue of the notification under Section 6 it should be ascertained that the area sought to be acquired is not excessive and is reasonable for the purpose. Excess area if any should be deleted while issuing the declaration under Section 6.

5. While forwarding the draft notifications under Section 5, 6 & 17 to the Executive District Officer (Revenue) the District Officer (Revenue) of the District should append the following certificates, documents and information with each case:-

- (i) a certificate to the effect that estimated cost as worked out by the District Officer (Revenue) of the District according to the provisions of Section 23 & 24 of the Land Acquisition Act, has been physically placed at the disposal of the District Officer (Revenue) and deposited in the Treasury under Head "Revenue Deposit"
- (ii) a recommendation to the fact that the area sought to be acquired is not excessive and is reasonable for the purpose (for declaration under Section 6 & 17).
- (iii) a certificate to the fact that any State, Waqf, Evacuee land, tombs, graveyards or places of religious nature have not been included in the draft notification.
- (iv) site plan of the land involved.
- (v) the position of the land i.e. whether Ghair Mumkin/Banjar, culturable or under cultivation, whether irrigated or not and its distance from the main road and town, should be shown to enable Executive District

Officer (Revenue) to form an opinion whether it will be proper to acquire it or the possibility of acquiring some other less valuable land should be explored to minimize the loss to the Agricultural economy and the Government Exchequer.

6. The ultimate responsibility for working out the estimated cost of the land sought to be acquired devolves on the District Officer (Revenue). This estimate has assumed special importance. They have to work out not only the estimates of prices but also the preliminary estimates of each item for which compensation is admissible, keeping in view the provisions of Section 23 & 24. It should be borne in mind that the result of pitching the estimates too low will probably be that the award will exceed the estimates, on the other hand if they are pitched too high, they may possibly be taken as a guide by officer who makes the award and thus cause unnecessary expense to Government. Therefore, whenever it is found that the original rates were made materially under estimated or over estimated and no sufficient reason is apparent, the officers responsible for supplying them should invariably be called on for an explanation. A copy of the data will be supplied to the acquiring officer. Since responsibility for the accuracy of the estimated cost devolved on the District Officer (Revenue) of the District, they should form their own opinion on the value of the land, keeping in view the prices shown in the registered sale deeds for the similar type of land rather than depend on the advice of the Tapedars and Supervising Tapedars.

7. Within 30 days of the publication of the notification under Section 5, any person interested in the land may, vide Section 5.A(1), object to the acquisition. After hearing the objection the District Officer (Revenue) of the District has to submit his report with his recommendations on the objections and after considering this report the Executive District Officer (Revenue) has to publish a declaration in the official Gazette under Section 6 that the land in question is needed for a public purpose or for a Company. The formalities under Section 5 & 5A may be dispensed with if, as provided in Section 17(f), the Executive District Officer (Revenue) issues a direction in that behalf in a case of

urgency. After the publication of the declaration under Section 6, the District Officer (Revenue) appointed under Section 3(c) of the Land Acquisition Act has to be directed to start the proceedings for the acquisition of land as required by Section 7. On receipt of this direction, the District Officer (Revenue) has to cause the land to be marked out and measured and also to get a plan of the land made under Section 8. He has then to issue a public notice under Section 9 stating that the Government intends to take possession of the land and that claims of compensation for all interests in such land may be made to him. A notice has to be served under Section 9(5) on the department of Government, Local Authority or Company for which the land is being acquired, requiring it to depute its authorised representative to attend the inquiry on its behalf. Such authorised representatives are entitled to question all mutations/documents which are not genuine and in which antedated prices appeared to have been got recorded to defeat the pre-emption proceedings are to claim higher compensation. In the case of registered transaction it should be ascertained whether the price recorded therein was actually paid or not, and whether the transaction was not benami or whether the price recorded was correct or inflated. Such authorised representatives shall be a party to the proceedings and have every right to take all legal steps and to adduce evidence etc. to cause a correct determination of the compensation. Inquiry has to be conducted by the Land Acquisition District Officer (Revenue) under Section 11 in to the objections that may be raised by the parties pursuant to the notice given under Section 9 and as a result of the enquiry award has to be made by him regarding the true area, prudent market value of the land and the apportionment of the compensation amongst the persons interested.

8. According to Section 18 the Government would be competent if it has not accepted the awards to file a reference before the Civil Court within the period of 6 months from the date of announcement of the award. Under Section 22A, the Government or Local Authority or a Company for which the land is being acquired may lodge a cross objection to the objections made by any interested person to the amount of the award.

9. Under Section 16 except in cases covered by Section 17, possession of land cannot be taken over without the payment of compensation in terms of Section 31. In cases where the Government and the persons interested accept the award within 6 months of the announcement or where no reference under Section 18 has been filed by the Government or the persons interested, through the District Officer (Revenue) within 6 months of the date of award, the District Officer (Revenue) has to tender payment of full amount of compensation awarded by him before taking possession of the land. In cases however, where the Government or the person interested object to the award and make a reference to the court under Section 18 the Land Acquisition District Officer (Revenue) should before taking possession of the land tender payment of the compensation awarded by him or the estimated cost of acquisition of such land as determined by the District Officer (Revenue) of the District concerned which ever is less to the persons entitled thereto in the award. In case where a reference is made to the Court, and it is decided to take over the possession of the land, the compensation should not be disbursed to the persons entitled to it unless they furnish to the satisfaction of the District Officer (Revenue), a security for the refund of the amount which may subsequently be determined by the Court to be in excess of the actual entitlement. The Land Acquisition District Officer (Revenue) should carefully understand the implication of the Sections 16, 17 and 31 of the Land Acquisition Act in this respect.

10. It has been observed that some Land Acquisition District Officers (Revenue) have placed the funds, deposited by the acquiring Departments with them for payment of compensation, in the banks. The instructions are that such funds should invariably be deposited in the Treasury under the head "Revenue Deposit".

11. It is advisable that the District Officers (Revenue) of the Districts and the Executive District Officers (Revenue) should review the disposal of Land Acquisition cases in periodical meetings. They may particularly exercise a proper check on the following aspects.

- (i) The funds (estimated cost etc) in respect of each case have been deposited in the Treasury under the Head "Revenue Deposit".
- (ii) The Land Acquisition District Officer (Revenue) working under their control make it a point to finalize the awards within the shortest possible time, and in any case within six months of the publication of declaration under Section 6, failing which the officials or officers found guilty for the inordinate delay has been made responsible to reimburse to the Provincial Government the amount of additional compensation assessed under Section 28-A for the period of delay. Provisions of Section 11 (2) may carefully be perused.
- (iii) Cases in which possession has been taken under Section 17, should be decided within six months of their institution and the compensation disbursed immediately, as provided by Law, to safeguard against the accumulation of interest. The acquiring agency should make it a point to inform in writing within the shortest possible time, the District Officer (Revenue) whether it has accepted the award or not. Any delay in this respect might result in an increase in the amount of interest charges and cases of negligence and delay would naturally involve loss to the Government which should be taken notice of urgently by the Heads of the Departments concerned.
- (iv) The responsibility for delay in the disposal of cases and payment of an exorbitant amount as interest in cases where notification under Section 17 was issued should also be fixed to improve efficiency and to ensure that the Provincial Exchequer is not burdened with any avoidable expenditure.

INSTRUCTIONS IN THE LIGHT OF STANDING ORDER NO.12 REGARDING LAND ACQUISITION

Instructions which are given in standing order No. 12 regarding Land Acquisition have mainly become repugnant due to amendments in the Act and on account of discontinuance of procedure of getting the award approved from the superior officers before announcement. However some instructions are still in force and require to be strictly followed. Accordingly such instructions are given below which may be adhered to in letter and spirit in order to streamline the work of acquisition of land.

1. The reference for acquisition of land is to be made to the District Officer (Revenue) of the District. The acquisition is of course, to be made only in the case of kabuli (Private) land and not of na kabuli (State) land.
2. There are three different stages in the acquisition of kabuli (Private) land:-
 - (i) Enquiry and preliminary publication of notification under Section 4 of the Land Acquisition Act. Issuance of notification under Section 5 and hearing of objections under Section 5-A.
 - (ii) Measurement of land and award of compensation; and
 - (iii) Payment of compensation and completion of the proceedings.

1st Stage:

1. On receiving a reference for acquisition of land the District Officer (Revenue) of the District should satisfy himself about the following preliminaries: -
 - (a) Are the land statements and the plan attached with the requisition and are in order?
 - (b) Is nicking reported to have been done on the site?

(c) Is the acquisition proposed under the “ordinary” or “urgency” clause? If under the “urgency” clause, are full reasons given for such acquisition?

If any of the above preliminaries is not satisfactorily observed, the requisition should be returned for completion.

2. After completion of preliminaries the District Officer (Revenue) of the District should get a draft notification under Section 4 of the Land Acquisition Act carefully prepared in his office to avoid subsequently issue amended notification and corrigenda, and submit it in duplicate, to the District Officer (Revenue) for signature and getting it published in the Government Gazette.
3. After the publication of notification under Section 4, the District Officer (Revenue) shall cause public notice of the substance of such notification to be given at convenient places in the said locality. There after survey of the land should be got completed and the boundaries and lines be marked.
4. If the land is to be acquired under ordinary clause, the Executive District Officer (Revenue) may be requested for issuance of notification under Section 5 along with the results of survey, if any made under sub-section (2) of Section 4 if survey is necessary.
5. After publication of notification under Section 5, District Officer (Revenue) should issue the notice containing the substance of above notification and inviting the objections under Section 5-A of the Land Acquisition Act. Such objections if any, received within thirty days after issuance of notification should be heard by the District Officer (Revenue) and if necessary further enquiry be made by him. He should then submit to the Executive District Officer

(Revenue) his report together with the record and draft notification under Section 6, if necessary in duplicate.

6. If no objection is received or objections are not sustainable the Executive District Officer (Revenue) may issue a notification under Section 6 which should contain a declaration of the purpose for which the land is proposed to be acquired and also necessary particulars in connection there with.
7. If the land is to be acquired under the "urgency" clause of Section 17, the District Officer (Revenue) should estimate the market price of the land and require the acquiring agency to deposit it in the Government Treasury under the head "Revenue Deposit".

Second Stage:

1. Second stage commences with the action for measurement of the land under Section 8 of the Act. As soon as the notification under Section 6 is published, a survey challan for measurement of the land should be issued. The measurement should be carried out by the Director Settlement, Survey and Land Records. The survey party deputed to do the work should communicate the date of measurement to the acquiring agency with a request to send a responsible representative on the site on that without fail. The object is that the presence of the representative will insure that the requisite land is not different from and is included in what is declared in notification. It will be for the above representative to show on the site the precise area of the land required within the special boundaries given in the declaration. The measurement work however should not be postponed owing to the absence of such a representative.

2. After completion of the measurement work the joint measurement certificate should be drawn up and measurement paper should be prepared, checked and sent to the Director Settlement, Survey and Land Records, where the same should be scrutinized and then be forwarded by the Director Settlement, Survey and Land Records to the District Officer (Revenue) in a sealed envelope.
3. Notices under Section 9 of the Land Acquisition Act should then be issued by the District Officer (Revenue). These notices are to be published at convenient places on or near the land for the information of the persons interested in or having right over it. Notice under sub-sections (3), (4) and (5) of Section 9 should be served on the occupiers, land owners, other persons known or believed to be interested in the proceedings, mortgagee, share holders and acquiring agency to prefer their claims. The date of hearing the parties should be fixed at least fifteen days after publication or service of the notice.

Third Stage:

1. According to the past practice which is given in the standing order the third stage refers to approval of the reward payment of the award money by the Acquisition Officer.

All the draft awards amounting to Rs. 10,000 or over and passed by a Land Acquisition Officer other than the Revenue Officer, Lloyd Barrage Scheme, were required to be submitted to Government for perusal before announcement. However this procedure is not being followed as the Land Acquisition Act does not contain any such provision. At present the award is to be announced by the District Officer (Revenue) without getting it approved.

2. If any party is absent personally or through his representative at the time of declaration of the award, the Land Acquisition Officer should note this fact below the award and immediately give a notice of the award to that party under Section 12(2) of the Land Acquisition Act.
3. While giving notices to the payees, the Land Acquisition Officer should give a warning that in case of their failure to appear on the date fixed to receive compensation, no interest will be allowed to them thereafter.
4. The payment should be made by preparing refund voucher as the amount kept at the disposal of the District Officer (Revenue) for payment of compensation is necessarily to be deposited in the Government Treasury under the head "Revenue Deposit"
5. If the persons interested do not consent to receive payment of compensation, or if there be no person competent to alienate the land, or there be any dispute as to the title to receive compensation or as to the appointment of it, the Land Acquisition Officer should deposit the amount of compensation in the Court to which a reference under Section 18 would be submitted.
6. Any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.
7. Subsidiary statements giving particulars regarding acceptance by the persons concerned of the amounts entered in the award statement should be prepared and forwarded to the authorities concerned and vouchers should be forwarded to the Treasury Officer.
8. If any person interested in the award does not accept it and makes a written application to the Land

Acquisition Officer under Section 18 of Act for referring the matter to Court, the Land Acquisition Officer should make a reference to Court, provided the application is made within the time specified in Section 18 of the Land Acquisition Act, viz.,

- (a) If the person making it was present or represented at the time when the award was made, within six weeks from the date of the award.
- (b) In other cases, within six weeks of receipt of the notice from the Land Acquisition Officer under Section 12(2) or within six months from the date of the award, whichever period shall first expire.
- (c) No person who received the amounts otherwise than under protest shall be entitled to make application under Section 18.
- (d) The Federal Government or Provincial Government, a Company or a Local Authority as the case may be, may if it has not accepted the award, refer the matter to the Court within the period of six months from the date of announcement of the award. Provided that the Court shall not entertain the reference in its opinion there is a *prima facie* case for enquiry into and determination of the objection against the award.

9. After payment of the compensation the Land Acquisition Officer should take possession of the land, if not already taken under the "urgency" clause, and hand it over to the representative of the acquiring party and obtain a receipt for it.

It should be noted that there is no legal bar to taking possession of the land after declaration of the award and before payment of compensation, but this procedure involves the payment of interest.

10. When the land acquired for a Government Department is no longer required for the purpose for

which it was acquired, it should be relinquished by the Department concerned to the Revenue Department and the notices of relinquishment should *inter alia* be accompanied by the following information:-

- (i) Whether the land relinquished was originally kabuli or na-kabuli.
- (ii) In case of originality kabuli land, whether it was used for the purpose for which it was acquired.

11. After possession of the land is taken over, the Land Acquisition Officer should send the measurement papers received by him from the Director Settlement, Survey and Land Records to the Mukhtiarkar of the Taluka concerned for correction of the maps and records as well as to the Land Record Office through the Director Settlement, Survey and Land Records for issuance of *Ghat Wadh* form. The papers should not be filed until compliance regarding correction of maps and records has been reported to the Land Acquisition Officer. With the filing of these papers ends the third stage of acquisition.
12. *Temporary acquisition of land.* – If land is required temporarily, it may be obtained by private negotiations in writing. If this is not possible, the land may be acquired under the Act (Sections 35 to 37). For temporary acquisition of land, issue of a notification is not necessary.
13. On receipt of the requisition, the Land Acquisition Officer shall give notice in writing to the persons interested in such land of the purpose for which it is needed, of its occupation and use and the term for which it is required, which should not exceed three years from the commencement of the occupation, and of the materials, if any, to be taken therefrom.
14. The Land Acquisition Officer should pay compensation to such persons either in lump sum of

- money or by monthly or other periodical payments as shall be agreed upon in writing by the parties.
15. In case of disagreement over the amount of compensation or its apportionment, the Land Acquisition Officer should under Section 35(3) of the Act refer the matter to the Court for decision. After the Land Acquisition Officer has paid the compensation, or executed such agreement or has made a reference to Court, he may enter upon the land, take its possession and use it or permit its use in accordance with the terms of the notice.
 16. On expiry of the term, compensation for damage, if any, done to the land and not provided for in agreement, shall be paid to the persons interested, and the land shall be restored to them. Provided that if the land has become permanently unfit to be used for the purpose for which it was used immediately before it was taken, and if the persons interested so desire, it shall be acquired under the Land Acquisition Act. In case of dispute the matter shall be referred to the Court for decision.
 17. *General.* – A diary of the proceedings should be maintained by the Land Acquisition Officer like a diary in a magisterial case, in the model form given in para. 136 of the Land Acquisition Manual. This diary should be regularly written by the Land Acquisition Officer, as far as practicable, in his own handwriting and not left to be written by a clerk.
 18. All land acquisition cases pending for more than 6 months should be shown in the quarterly return to be submitted to Government. The Land Acquisition Officer should satisfy himself at the time of submission of the statement that no such case has been omitted.

19. If there is likely to be a delay of more than a year in the completion of any land acquisition proceedings from the date of publication of a notification under Section 4 of the Land Acquisition Act, a special report in duplicate should be made to Government in case in which the land is required at the cost of Government, as laid down in Government Resolution, Public Works Department, No. 1569/27, dated 10th January 1931, giving reasons in it for any delay. The fact of submission of such reports should be mentioned, in the endorsement forwarding quarterly returns.

SPECIMEN OF NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT.

OFFICE OF THE DISTRICT OFFICER (REVENUE), -----DISTRICT

NOTIFICATION

Dated the 200

No: Where as it appears to the District Officer (Revenue)-----
-----District that the land is likely to be required to be taken by
Government at the public expense/Company expense for a public
purpose/Company purpose, namely for the Construction of -----

-----, it is hereby notified that land in the locality described below is
likely to be required for the above purpose.

1. The notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894 to all whom it may concern.
2. In exercise of the powers conferred by the aforesaid Section the District Officer (Revenue),-----District is pleased to authorize the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that Section.
3. Any person who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the District Officer (Revenue),-----District.

SPECIFICATION

District	Taluka	Deh	S.No./B.No.	Area of S.No.	Area Required
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Direction and Boundaries: -

North:

South:

East:

West:

District Officer (Revenue)-----District

FORM OF NOTICE UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT 1894 (I OF 1894)

To,

Mr.-----and all persons interested in the below mentioned land.

Whereas in Notification No.----- Dated ----- issued by the District Officer (Revenue) ----- it has been notified under Section 4(1) of the Land Acquisition Act, 1894 (I of 1894), that land as per attached schedule is needed or is likely to be needed for the public purpose of -----

(or for the purpose of-----Company/Society) and whereas you are interested in the said land, you are hereby informed that if you have any objection to this acquisition under the provisions of the said Act, you must lodge your objection in writing on or before (date).

*(Describe the land by survey number or by approximate area as may be convenient).

The undersigned will also hear you in person or by Pleader at the time of presentation of the objection.

You are further advised that all contracts supporting to dispose in any way of the rights in and over the notified land commenced or effected without my sanction, after the date of the aforesaid notification, will be disregarded and no compensation will be paid for any outlay or improvement made on the land.

Dated

District Officer (Revenue)

J.814 (13)

**OFFICE OF THE DISTRICT OFFICER (REVENUE)
NOTICE**

Notice is hereby given under Section 9 of the Land Acquisition Act, 1894 that the land specified in the Sub-joined Schedule in Deh. _____ Taluka _____ District _____, which is to be acquired for a public purpose viz, _____ in accordance with _____ Notification under Section 4 issued by the District Officer (Revenue) of _____ District vide his No: _____ dated _____ and duly published in Sindh Government Gazette dated _____ and declared under Section 6 vide notification No. _____ dated _____ issued by the Executive District Officer (Revenue) _____ District and published in Sindh Government Gazette dated _____.

All persons interested in the land mentioned below are hereby required to appear personally or by their agents on the date mentioned in the schedule at the undersigned's office and to submit:-

(i) A statement in writing signed by them or by their agents showing the nature of their respective interest in the land herein below mentioned, the amount and particulars of their claim to compensation for such interests and their objections, if any, to the measurements and area of the land to be acquired.

(ii) A statement under Section 10 of the Land Acquisition Act, containing so far as may be practicable, the name of every person possessing any interest in or right over the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise and of the nature of such interest and of the rents, profits (if any), received or receivable on account, thereof for three years next preceding the date of the statement.

SCHEDULE

Taluka		District		
Name of Deh	S.No.	Total Area	Approx: Area Required	Date Fixed for Appearance

**BY THE EXECUTIVE DISTRICT OFFICER (REVENUE)
NOTIFICATION UNDER SECTION 6 AND 17 OF
THE LAND ACQUISITION ACT, 1894.**

NOTIFICATION

No _____ Whereas, it was notified by the District Officer (Revenue) of _____ District, vide his notification No _____ dated _____ published at page No. _____ of Part-I, Sindh Government Gazette under section 4 of the land Acquisition Act, that Kabuli lands as specified in the schedule appended below was needed for the purpose stated in the said notification viz: _____.

2. _____ And whereas the Executive District Officer (Revenue) _____ District is satisfied that the said land is needed for the public purpose as stated above.

3. _____ It is hereby declared under provision of section 6 of the Land Acquisition Act, 1894 that the said land is needed for the public purpose as stated above.

4. _____ The _____ is hereby appointed under clause (C) of the section 3 of the said Act, to perform functions of District Officer (Revenue) for all proceedings hereafter to be taken in respect of the said land. He is also directed under section 7 of the said Act, to take order for the Acquisition of the said land.

5. _____ And whereas the Executive District Officer (Revenue) _____ District is satisfied that the land specified below is urgently required and provision of Sub-section (I) of Section 17 of Land Acquisition Act, are applicable for said land.

6. _____ Now therefore in exercise of the powers under Sub-section (4) of section 17 of the said Act the Executive District Officer (Revenue) _____ district is further pleased to direct that the provision of section 5 & 5-A of the said Act, shall not be applicable in the case of said land and the _____ should take action accordingly.

7. _____ Survey No. wise details of the Land are attached as annexure-"A" and can be inspected in the office of District Officer (Revenue) _____ District.

LAND UPON WHICH ANY RELIGIOUS PLACE OF WORSHIP, SHRINE, TOMB, GRAVEYARD OR ANY IMMOVEABLE PROPERTY ATTACHED TO ANY INSTITUTION AND THE BOUNDARIES OF WHICH ARE CONTIGUOUS WITH THE SITE OF THE SAME SHALL BE EXCLUDED FROM THE SAID LAND. SIMILARLY WAQF AND EVACUEE PROPERTY AND STATE LAND SHALL BE EXCLUDED.

SPECIFICATION

District	Taluka	Deh	S.No./B.No:	Area of S.No:	Area required
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Direction and Boundaries: -

North:

South:

East:

West:

Executive District Officer (Revenue)-----District

IV. FORM OF NOTICE UNDER SECTION 12(2)

Project

Number of case

To,

Notice is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the 200 under Sec. 11 of Act I of 1894, as follows:-

- (1) The true area of the land is _____
- (2) The compensation to be paid for the land is Rs. _____
- (3) The compensation is apportioned as under:-

To A. _____ Rs. B. _____ Rs.

2. The sum payable to you is Rs. _____. You should appear before me personally or by a duly authorised agent on or before _____.

3. You may accept the payment "under protest" without prejudice to your right to have the matter referred to the Civil Court. Interest will not be payable in the case of failure to appear.

Dated 200

District Officer (Revenue)

**MODEL FORM OF AGREEMENT TO BE EXECUTED
UNDER THE PROVISIONS OF SECTION 41 AND 42 OF
THE LAND ACQUISITION ACT.**

AN AGREEMENT made this _____ day of _____ in the year two thousand ____ between the Governor of Sindh (which expression shall be deemed to include this successors-in-office and assigns) hereafter referred to as "the Government." of the one part and _____ a limited Company registered under the Companies Act, 1913, duly incorporated in Sindh and having its registered office at _____ here in after called the "Company" (which expression shall be deemed to include its successors and assignees) of the other part.

WHEREAS, the Company has made an application to the Government for acquisition of land measuring _____ acres situated in village/Deh _____ Tehsil/Taluka _____ District _____ hereinafter referred to as the land, under the provision of the Land Acquisition Act 1894 and more particular described in the Schedule and delineated in the plan hereunto annexed, which have been signed by the Executive District Officer (Revenue) _____ District and the duly authorised representative of the Company for the purpose of identification.

AND WHEREAS, on an enquiry held under section 40 of the Act, the Government is satisfied that the land is needed for the purpose of _____ and that the said work is likely to prove useful to the public, has consented to acquire the land on behalf of the Company.

AND WHEREAS the Government has required the Company, under the provision of Section 41 of the Act to enter into agreement with Government hereinafter contained.

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows: -

- (1) On Demand, the Company shall pay to the Government all and every compensation in respect of the land tendered, paid or awarded by the District Officer (Revenue) under the Land

Acquisition Act by the court to which reference under Part III of the Act, may be made or by the appellate Court or Courts and all the costs, charges and expenses of the proceedings in the said Courts, or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the Act.

- (2) On payment by the Company of all demands under the foregoing clause the Government shall make, execute and do all such acts, deeds as may be necessary and proper for the effectually vesting the land in the Company and giving the Company an absolute title thereto, subject to the following terms and conditions:-
- (a) The land shall be used only for the purpose of _____ ancillary buildings, godowns, roads etc. In accordance with the rules prescribed for the sanction of plans by the Municipal Committee, Improvement Trust or Town Committee concerned, within two years from the date of the possession of the land being given to the Company by the Government, or within such further period as may be agreed to in writing between the Company and the Government.
 - (b) The Company shall annually pay to the Government the land revenue, and the other cesses to which the land is or under the law for the time being in force may be assessed.
 - (c) That the Company shall not transfer the land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous permission of the Government.
 - (d) The Company shall provide employment to the public, and it shall also provide technical knowledge and training to suitable members of the public.
 - (e) The Company does hereby acknowledge and recognize the right now and hereafter of the Government to and in all mines, mineral, a coal, earth, oil and gold washing and quarries of every

description in or under the land and also the right of the control of Provincial Governments to do such act, deeds or things as may be necessary or required to be done for the enjoyment there of.

- (f) The Company shall not do or suffer to be done any act inconsistent with or injurious to any of the rights accepted or reserved to the Government.
- (g) The Company shall abide by the rules and regulations framed by the Government or any other Authority as may be legally applicable.
- (h) In the event of the Company being wound up, or in the event of the failure on the part of the Company to carry out any of the terms of this Agreement, the land shall be liable to be resumed and taken back by the Government on re-payment to the Company, of the amount of award as finally settled, less the compulsory acquisition charges, or the estimated market value of the land at the time of resumption, whichever shall be less and if there are any buildings on the land, the Government may at its option either purchase the buildings on the payment of their estimated value at the time, or direct the Company to remove the building at its own cost within such time as may be allowed by Government, provided that if the breach is capable of rectification, the Government shall not order resumption unless a written notice requiring the Company to rectify the breach within reasonable time has been issued and the Company has failed to comply with such notice.
- (i) If at any time the Government feels that the land acquired is in excess of the requirements of the Company, such portion as may be found in excess of the requirement shall be resumed keeping in view the principals of the consolidation subject to the conditions laid down in para (h) above.

- (3) All the costs and expenses of and incidental to the preparation and execution of this Agreement (including stamp duty and cost of registration, if registration be required by the Government) shall be paid by the Company.
- (4) If any dispute arises between the Government and the Company in respect of the subject matter of this agreement or any convenient, clause or thing herein contained, the same shall be referred to the Executive District Officer Revenue) _____ District and the decision of the said Executive District Officer (Revenue) upon such dispute shall be final and conclusive and binding on the parties hereto.

In witness whereof the parties to this Agreement have here unto set and subscribe their respective hands on the date first above written.

SCHEDULE

S.No.	Tehsil/Taluka	Deh	S. Nos.	Area

For and on behalf of
Government of Sindh,

For and on behalf of
_____ Ltd.

Executive District Officer (Revenue) _____ District,

Managing Director

Witness

- (1)
(2)

Witness

- (1)
(2)

EXTRAORDINARY

Registered No. M324



The Sindh Government Gazette

Published by Authority

KARACHI MONDAY JULY 12, 2010

PART-IV

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 9TH JULY, 2010**

NO.PAS/Legis-B-17/2009-The Land Acquisition (Sindh Amendment) Bill, 2009 having been passed by the Provincial Assembly of Sindh on 1st February, 2010 and assented to by the Governor of Sindh on 20th June, 2010 is hereby published as an Act of the Legislature of Sindh.

THE LAND ACQUISITION (SINDH AMENDMENT) ACT, 2009

SINDH ACT NO: XVI OF 2010

**AN
ACT**

to amend the Land Acquisition Act, 1894, in its application to the Province of Sindh.

WHEREAS the Federal Shariat Court Preamble has directed to make certain amendments in

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(171)

Price Rs. 2.00

the Land Acquisition Act, 1894, in its application to the Province of Sindh;

AND WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the Province of Sindh, in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Land Acquisition (Sindh Amendment) Act, 2009.

(2) It shall come into force at once and shall be deemed to have taken effect on and from 29th October, 2009.

Amendment of section 16 of Act No. I of 1894.

2. In the Land Acquisition Act, 1894, in its application to the Province of Sindh, hereinafter referred to as the said Act, in section 16, the full stop at end shall be replaced by a colon and the following proviso shall be added:-

"Provided that the amount of compensation is to be paid to the owner of land or deposited in civil court in his name by the acquisition authority before taking over possession of land."

17 A THE SINDH GOVERNMENT GAZETTE EXT. JULY 12, 2010 PART-IV

3. In the said Act, in section 23, in sub-section (I) and the Explanation thereunder and in section 24, for the figure "4" the figure "6" shall be substituted. **Amendment of section 23 and section 24 of Act No. I of 1894.**
4. In the said Act, section 28-A shall be omitted and shall be deemed to have been so omitted as if it had never been enacted. **Omission of section 28-A of Act No. I of 1894.**

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

**Karachi: Printed at the Sindh Government Press
12-07-2010**

Appendix F. Specimen of Cut off Date Notification

**SPECIMEN OF NOTIFICATION OF CUT-OFF DATE UNDER ADVICE OF
ENERGY DEPARTMENT, GOVERNMENT OF SINDH
OFFICE OF THE DEPUTY COMMISSIONER, DISTRICT THARPARKAR**

NOTIFICATION

Dated the _____ 201__

It appears that the land (provided in the site plan) is required for surface mining under concession
_____ dated _____ by (Name of the Company).

Wherein the residents / occupants of the land may be subject to resettlement for which the (Name of
the Company) is preparing a resettlement plan.

Wherein the (Name of the Company) will carry out census, survey and measurement.

The Deputy Commissioner is pleased to authorize (Name of the Company) to carry out census,
survey and measurement in the earmarked land.

The Deputy Commissioner is pleased to announce the Cut-off Date as on_____.

The details of area on which census, survey and measurement will be conducted is given as Annex-1,
and the implications of cut-off date is provided as Annex-2 to the advice.

Dated _____

Deputy Commissioner (Revenue)