

SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present

Mr. Justice Amir Hani Muslim

Mr. Justice Maqbool Baqar

Criminal Misc. Appln. No. 7-K & 8-K of 15

In Cr.O.P.No. 15-K of 2013

Ms. Sarwat Naz.....Petitioner

Versus

Province of Sindh and others.....Respondents

For Petitioner : Nemo.

For Respondents : Mr. M. Sarwar Khan, Addl. A.G.
Mr Miran Muhammad Shah, Addl. A.G.
Mr. Ahmed Pirzada, Legal Advisor,
Board of Revenue.
Mr. Shahid Gulzar Shaikh Sr. Member
Board of Revenue.
Mr. Zulfiqar Shah, Member, BOR.
Mr. Nazir Ahmed Qureshi Dy. Director
(PRC).

Date of hearing : 27.02.2015

ORDER

1. Compliance report has been submitted by the Member (Reforms), Board of Revenue. We have gone through the compliance Report. The Member (Reforms) attempted to display the computerization of revenue record through website. We have noticed that the computerization of record of few dehs, that too, is incomplete required improvement. Some entries in dehs do not meet the required standards. The details of status of land are not clear and we believe it will not achieve the object for

which this exercise was undertaken. The entire Sindh revenue record was required to be re-written and or re-constructed. We are receiving complaints from the land owners that their record, inspite of being applied for, has not been re-constructed. These complaints must have reached the hands of the High-ups in the Revenue Department complaining against the conduct of the concerned Mukthiarkars and or Supervising Tapedars. No heed is paid to these complaints. The Monitoring and Evaluation Directorate meant for this purpose in the Board of Revenue is inactive for the last several years. There is no concept of accountability in the Revenue Department. The state lands are being grabbed for which there is no check. These factors apparently are the reasons to avoid the restructuring of the revenue record. Since 1985 till date, the record has not been rewritten and or re-constructed, whereas under the Revenue law after every 30 years, it has to be rewritten and or reconstructed. There is no one from Board of Revenue, who can offer any explanation for non-compliance of the mandatory provisions of Revenue law. It appears that in the intervening period, the tempering and corruption in the revenue record has multiplied. This has caused huge losses to the Government. The Senior Member, Board of Revenue shall ensure that the record is computerized expeditiously and reconstruction shall complete without any further delay.

2. We under these circumstances, are compelled to put to notice the Sindh Government that they should follow the principles of tenural limitations laid down in the case of *Anita Turab (PLD 2013 SC 195)*.



Officers cannot be transferred at the liking or disliking of some one, who is at the helms of the affairs. The frequent transfers and postings in Sindh Government without adhering to the principles of tenural limitations as has been held in the *Anita Turab* case has increased ill governance. Officers are not allowed to complete tenural limitations. If an officer has been appointed and or posted, he is transferred in few months on his refusal to comply with the illegal orders of the high-ups, which has resulted in bad governance.

3. We have noticed the above short comings. The transfer of Senior Member, Board of Revenue in a haphazard manner, in short intervals, has destroyed the working of Board of Revenue. In one year Senior Members, Board of Revenue have been posted out for 4 to 5 times. Likewise, Home Secretary has been transferred three times in a month. The position of Provincial Secretaries is not different. In police many senior officers are without postings and juniors have been given charge. This is a sorrow state of affairs. The governance cannot be improved by such rapid transfers, therefore, we while adjourning this matter put to notice to the Sindh Government that in future, if such rapid transfers are ordered in the Government without justification, we will treat it as defiance of the principles propounded in the case of *Anita Turab* and shall proceed against the Authority, responsible of such defiance. The Government can always in exigency, order transfer but there has to be some written justification for transfer of such an officer.



4. Copy of this order be faxed to Chief Secretary for his information and compliance. He shall issue the directives to all the concerned Secretaries to ensure compliance at their end as well.

5. Office is directed to tag this matter with HRC No. 3193/2009 and the Chief Secretary shall respond to the observations of this Court, failing which, it may lead to its consequences in contempt.

Karachi
Wasim PS

28/4/15