

SIND ACT No. XX OF 1950¹.

[THE SIND TENANCY ACT, 1950.]

[11th May, 1950.]

An Act to regulate the rights and liabilities of tenants and landlords in [the Province of] Sind,

WHEREAS it is expedient to regulate by law the rights and liabilities of agricultural tenants and their landlords in lands in ~~the Province of~~ Sind and matters connected therewith; It is hereby enacted as follows:—

Short title.

Extent.

Commencement.

Definitions.

1. (1) This Act may be called the Sind Tenancy Act, 1950.

3. (2) It extends to the whole of ~~[the Province of]~~ Sind.

(3) It shall come into force at once provided that section 18 shall not affect the Rabi crop of 1950-51.

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

(1) "Land" means land which is held for agricultural purpose or for purposes subservient to agriculture or for pasture and includes jagir and unsurveyed land but does not include trees or buildings and other structures constructed by the landlord.

(2) "Tenant" ("Hari") means a person who personally cultivates the land of another person hereinafter called a "Land Lord" but does not include a person who takes from the Government a lease of unoccupied land.

(3) "Landlord" ("Zamindar") means a person under whom a tenant holds land for cultivation, or a lessee of such landlord. It shall include the term "occupant" as defined by the [Sind] Land Revenue Code, 1879, and "Mukhadim" in jagir land and where there is no Mukhadim a Jagirdar.

Explanation.—“Landlord and tenant” include the predecessors and successors in interest of landlord and tenant respectively.

(4) "Agriculture" includes horticulture, arboriculture and silviculture.

¹ For Statement of Objects and Reasons, see S. G. G., 1949, Part IV, pages 68-89. For Report of the Select Committee, see 1950, Part IV, pages 13-16. For proceedings in the Assembly, see S. L. A. Debates, 1949, Vol. V—Book No. 3, pages 12-36 and *ibid.* 1950, Vol. VII—Book No. 17, pages 2-8, Book No. 18, pages 14-66, Book No. 19, pages 2-22.

Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i) (w.e.f. 30th May 1951), for "Bombay".

5. Subs. by W.P. Act 17 of 1967.

2. Subs. by W.P. A.O. 1964, Art. 2, Sch. + Pt. 1 & 60, for "the Province of Sind".

2. The original Sub-sections (2) and (3) as amended by W.P.A.O. 1964, were first subs. by W.P. Ordinance 14 of 1969 and then by Sind Act 6 of 1974, S. 2, to read as above.

(5) "Tenancy right" means the permanent right of cultivation under a landlord acquired by a tenant under the provisions of this Act.

(6) "Jagir" means land held free of revenue assessment under a Sanad issued or confirmed by Government, but it does not include land granted under Rules 32 and 35 of the Land Revenue Rules or huri grant sanctioned under circular No. 14 of the Commissioner in Sind's Special Circulars.

(7) "Jagirdar" means a person who holds a jagir.

(8) "Mukhadim" means an occupant in a jagir land.

(9) "Batai" means the division of the produce of land between a tenant and a landlord.

(10) "Dharwai" means a person who weighs or measures the produce at the time of batai.

(11) "Abwabs" means any kind of levy, perquisite or exaction deducted in kind or charged in cash from the tenant.

(12) "Improvement" means with reference to any land any work which adds materially to the value of the land and is consistent with the purpose for which it is held, and includes—

(a) the construction of wells, water-channels and other works for the supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land, or for the protection of land from floods, or from erosion or other damage from water;

(c) the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of buildings on the land required for the convenient or profitable use of such land for agricultural purposes;

(e) the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of ordinary repairs:

Provided that such water-channels, embankments, enclosures, temporary wells, clearances, levelling or other works as are commonly made by a tenant in the ordinary course of cultivation shall not be deemed to be improvements.

Explanation.—(1) A work which benefits several tenancies may be deemed to be an improvement with respect to each of them.

Explanation.—(2) A work executed by a tenant is not an improvement if it materially diminishes the value of any other part of his landlord's property.

(13) "To cultivate personally" means to cultivate on one's own account—

(i) by one's own ¹[exertion], or

(ii) by the ¹[exertion] of any member of one's family, or

(iii) by one's own servants * * * * under one's personal supervision or the supervision of any member of one's family, or

(iv) by mechanisation.

Explanation.—A tenant who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour.

(14) "Prescribed" means prescribed by rules made under this Act.

(15) "Tribunal" means a Tribunal appointed under Chapter IV of this Act.

(16) Words and expressions used but not defined in this Act shall have the meaning assigned to them in the ³[Sind] Land Revenue Code, 1879⁴

Sind
V of
1879.

Class of tenants.
3. There shall be for the purpose of this Act, the following two classes of tenants only, namely:—

(a) Permanent tenants.

(b) Tenants-at-will.

¹ Subs. by Sind 14 of 1952 s. 2 (i), for "labour".

² The words "or labour employed on cash payment" omitted *ibid.* s. 2 (ii).

³ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind. 5 of 1955), s. 3 (i) (w.e.f. 30th May 1951), for "Bombay".

⁴ Since rep. by W.P. Act- 179/1967.

CHAPTER II.

Permanent Tenants.

4. A tenant shall be deemed to be a permanent tenant if at the commencement of this Act—^{Permanent tenants.}

(i) he has annually cultivated ¹[a survey number or] at least four acres of land for the same landlord for a continuous period of not less than three years ; and

(ii) he has cultivated such land personally during the aforesaid period :

Provided that the provisions of this section shall not apply in case of—

(a) land purchased from the Government on instalment system, until all the instalments thereof have been fully paid,

(b) land taken on lease from the Government ^{2*} ^{*3[;]}

⁴[Provided further that the area under water courses and boundary strips shall be counted as cultivated for the purpose of the four acre limit.]

5. (1) If a tenant has personally cultivated the same piece or parcel of land for the qualifying period prescribed in section 4, he shall be deemed to be permanent tenant in respect of that land by metes and bounds ; provided that such piece or parcel of land shall not exceed the area that can be efficiently cultivated with the help of one pair of bullocks ; provided further that this sub-section shall not apply when a land is subject to shifting cultivation.

(2) (a) If, where the system of shifting cultivation exists, a tenant has personally cultivated different pieces or parcels of land in the same or adjoining dehs in the same taluka for the same landlord during the qualifying period specified in section 4, he shall be deemed to be a permanent tenant with cultivating right in that deh, but such right shall not be in respect of any particular piece or parcel of land defined by metes and bounds.

¹ Ins. by Sind 14 of 1952, s. 3 (i).

² The words "or Incumbered Estates or the Court of Wards" omitted *ibid*, s. 3 (ii).

³ Colon was subs. for fullstop *ibid*, s. 3 (iii).

⁴ This proviso added *ibid*, s. 3 (iii).

(b) If, where the system of shifting cultivation exists, a tenant has personally cultivated different pieces or parcels of land in different dehs for the same landlord during the qualifying period specified in section 4, he shall be deemed to be a permanent tenant with cultivating rights in such deh or dehs as may be mutually agreed upon between the landlord and the tenant.

(3) A tenant may, with the permission of his landlord—

(a) transfer his tenancy right under sub-section (1) to any other piece or parcel of land belonging to the same landlord, or

(b) transfer his cultivating right under sub-sections (2) (a) and (b) to any other deh in which the landlord holds land.

Explanation.—(1) "Shifting cultivation" means a system of agriculture where in for reasons of irrigational arrangements or for purpose of efficient and better cultivation, or for any other reasons a tenant cultivates a different portion of the same landlord's holding in successive years.

Explanation.—(2) "Cultivating right" means the right to cultivate such area of land as may be prescribed from time to time by Government to constitute a family holding. Family holding will means such area as can be efficiently cultivated by a tenant with the help of a pair of bullocks. The area may vary and be varied according to the nature of the soil, the extent of water facilities, the average yield of produce and the nature of the crops usually grown.

6. (1) A tenant who personally cultivated any land continuously for a period of not less than three years immediately preceding the 1st day of April 1948 but who was evicted from such land on or after such date, shall also be deemed to be a permanent tenant for the purpose of this Act; provided that he has not been evicted for any of the reasons specified in section 13.

(2) The provisions of this section shall not apply in cases where the landlord is using the land for any of the purposes mentioned in sub-section (1) of section 14 or if the tenant was evicted for any of the reasons specified in section 13.

7. Notwithstanding anything contained in section 4, [but without prejudice to the claims of any tenant,] a landlord may grant permanent rights to any of his tenants. Such tenant shall thereafter be deemed to be a permanent tenant for the purpose of this Act.

Tenants-at-will.

8. All other tenants, except those mentioned in sections 4, 5, 6 and 7 of this Act shall be tenants-at-will; provided that a tenant-at-will shall acquire a permanent right if, after the commencement of this Act, he annually cultivates ¹[a survey number or] at least four acres of land for the same landlord for a continuous period of three years ; for this purpose the years of continuous cultivation, if any, previous to the commencement of this Act shall be taken into account.

Record of Tenancy Rights.

9. The names of permanent tenants shall be entered in a Record of Rights to be maintained in a manner to be prescribed.

Permanent Rights.

10. (1) When a permanent tenant dies, the landlord shall continue the tenancy on the same terms and conditions on which such tenant was holding at the time of his death to such one of his lineal adult male heirs as is selected by the ²[members of his family]. ³[In case of a dispute between the members of his family, the matter shall be referred to the Tribunal whose decision shall be final.]

Provviso added see slip-4.

(2) On failure of lineal adult male heirs the tenancy shall devolve on the widow, provided that she shall cultivate personally; if the widows be more than one, the tenancy shall devolve on the senior or the senior most widow. On failure of a widow the tenancy shall devolve on the unmarried daughter ; if the unmarried daughters be more than one the tenancy shall devolve on the eldest among them.

(3) On failure of the heirs mentioned in this section, the tenancy right shall be extinguished.

Un-alienable and un-attachable.

11. The rights conferred on a permanent tenant by this Act shall not be liable to seizure, attachment or sale by a process of any Court, and it shall not be lawful to mortgage, charge, alienate, assign, lease or sub-let any such rights, either whole or in part.

subs. See slip-5

12. [(1) If a permanent tenant becomes unfit to carry out the duties attached to his tenancy owing to physical or mental incapacity, the tenancy shall devolve as if the permanent tenant were dead.]

Incapacity.

(2) If a permanent tenant is not able to cultivate the land personally on account of temporary illness, absence on pilgrimage or similar other reasons, it shall be binding upon him to arrange for the proper cultivation during his absence with the approval of his land-

¹ Ins. by Sind 14 of 1952, s. 5.

² Subs. *ibid*, s. 6, for "Landlord".

³ Added *ibid*, s. 6.

4. Provviso added by Ord. 28 of 1984, S. 2.

5. Subs. by —ibid—

S. 3.

lord ; provided that the absence of the permanent tenant on this account shall in no case exceed a continuous period of one year ; and if it exceeds the said period, the permanent tenant shall be deemed to have abandoned his tenancy rights within the meaning of clause (b) of section 13.

*Termination
of Tenancy.*

13. Notwithstanding any agreement, usage, decree or order of a Court of Law, the rights conferred on a permanent tenants by this Act shall not be terminated unless the land in respect of which tenancy rights are held is acquired or requisitioned by Government for a public purpose or unless such tenant—

(a) voluntarily surrenders the tenancy.¹ [by executing an Instrument of Surrender] ;

(b) abandons the tenancy ;

(c) has used such land for a purpose other than agriculture without the written permission of the landlord ;

(d) has mortgaged, charged alienated, assigned, leased or sub-let the land² [without the previous consent in writing of the landlord] ;

(e) fails to cultivate the land personally ;

(f) fails, without sufficient cause, to cultivate the land in the manner, or to the extent customary in the locality in which the land is situated ;

(g) has done any act which is destructive or permanently injurious to the land ;

(h) fails to pay the due share of produce to the landlord in cash or kind, as the case may be ;

²[(i) is after the commencement of this Act convicted by a court of law of the offence of theft of the crop of his landlord;]

³[A permanent tenant shall not be ejected otherwise than in execution of an order of the Tribunal.]

*Termination
by landlord
for his own
use.*

14. (1) Notwithstanding anything contained in section 13, a landlord may terminate the tenancy of a permanent tenant by giving him one year's notice in writing, stating therein the reasons

¹ Added by Sind 14 of 1952, s. 7 (i), (ii).

² Subs. *ibid*, s. 7 (iii), for the original clause (i).

³ Subs. *ibid*, s. 7 (iv), for the last para and proviso of section 13.

for such termination, if the landlord *bona fide* requires the land for cultivating it personally or for garden, huri, mechanised cultivation, or for any non-agricultural purpose :

¹[Provided that the area to be cultivated personally for purposes other than mechanised cultivation or gardening shall not exceed 50 acres.]

(2) A tenant on whom a notice is served under sub-section (1) may make an application against the landlord to the Tribunal within a period of one month from the date of receipt of the notice.

(3) If a landlord after taking possession of the land following the termination of the tenancy under sub-section (1) fails to use it for any of the purpose mentioned in sub-section (1) within one year from the date on which he took possession the tenant whose tenancy has been terminated shall, if he gives a notice in writing to the landlord that he is willing to hold such land on the same terms and conditions on which he held it at the time when his tenancy was terminated, be entitled to recover possession of such land from the commencement of the year following that in which such notice is given :

Provided that the tenant shall give the notice under this sub-section within one year from the date—

(a) of the expiration of one year during which the landlord has failed to use the land for any of the purpose mentioned in sub-section (1); or

(b) on which the landlord has ceased to use the land for any of the said purpose, as the case may be :

Provided further that no such tenant shall be entitled to recover possession of such land if on being required in writing to do so by the landlord he has once refused to hold such land on the same terms and conditions on which he held it or has failed to reply to such requisition within three months of the receipt thereof.

(4) After the tenant has recovered possession under sub-section (3) he shall, subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy was terminated.

(5) If a tenant is evicted under this section, it shall be obligatory on the landlord to provide the tenant with similar land, if available, in his holding or, failing such land, compensation equal to one year's assessment paid in the previous year in respect of the land from which the tenant is evicted.

¹ Subs. by Sind 14 of 1952, s. 8, for the original proviso.

(6) After the tenant has recovered possession under sub-section (3), if he satisfies the Tribunal by an application under section 29 that the land was not at the time of the termination of the tenancy required *bona fide* by the landlord for any of the purpose mentioned in sub-section (1), the tenant shall be entitled to such compensation as may be awarded by the Tribunal for any loss caused to him by eviction. Nothing in this sub-section shall apply to any tenant who was evicted under a decree or order of a competent court, if such court has recorded a finding at the time of passing such decree or order that the land was required *bona fide* by the landlord for any of the purposes mentioned in sub-section (1).

Explanation :—Any notice given for the termination of the tenancy of a permanent tenant before the commencement of this Act shall not be deemed to be a valid notice for the purpose of sub-section (1).

Improvements by permanent tenants.

15. (1) A permanent tenant who has made an improvement with the permission of the landlord on the land held by him as such tenant before the notice to terminate the tenancy is given to him shall on eviction be entitled to compensation for such improvement.

(2) The compensation to which a permanent tenant shall be entitled under sub-section (1) shall be the estimated value, at the time of eviction, of such improvement. In estimating such value, regard shall be paid to—

(a) the amount by which the value of the land is increased by the improvement;

(b) the present condition of the improvement and the probable duration of its effects;

(c) the labour and capital provided or spent by the tenant for the making of the improvement.

CHAPTER III.

Tenants generally.

Tenants-at-will.

16. A tenant-at-will shall not be liable to be evicted before the end of a cropping season, the dates for which may be prescribed.

Batai.

17. [Notwithstanding any agreement, usage or custom, and notwithstanding, in the case of alienated lands, any provision in any Sanad, a tenant of land whether alienated or unalienated shall

¹ Subs. by Sind 14 of 1952, s. 9, for the original section 17.

be entitled to the following share of produce at the time of "Batai" after deducting from the common heap for customary payment to Dharwai and for reaping or picking charges, namely :—

(a) to one half on flow-irrigated (moki, bosi, dubari) lands on flood inundation (Sailabi) lands, and on rainfed (barani) lands ;

(b) to two-thirds on these lift-irrigated (charkhi) lands where the cost and maintenance of the lifting equipment is borne by him ;

(c) to three-fifths on lift-cum-flow (charkhi) (madad moki) lands, where the cost and maintenance of the lifting equipment is borne by him :

Provided that if at the time of the coming into force of this Act any tenant was receiving a higher share of the produce, he shall continue to do so notwithstanding the provisions of this section.]

18. Notwithstanding any agreement, usage or custom, a tenant shall be entitled to receive ¹[two-thirds] of all the straw, karbi, buh, palal or green grass produced on his land ^{2*} * * *

19. (1) The produce of a land from the date of harvest up to the time of "Batai" shall be deemed to be in the joint possession of the tenant and the landlord, to be deposited in a 'Kharo' or a 'Dero' at a place fixed by the landlord where all his tenants cultivating in that deh shall be required to deposit the same, and the "Batai" shall be completed in presence of the tenant and the landlord or his agent within ³[fourteen] days after the produce is ready for sale.

Joint posses-
sion of the
produce.

(2) From the date of "Batai" the produce will be in the separate possession of the tenant and the landlord to the extent of the share of each.

20. Notwithstanding any provisions of this chapter relating to batai, a landlord may, with the concurrence of the tenant, permit the tenant to pay such fixed rent to the landlord either in cash ⁴* * * * as may be mutually agreed upon.

¹ Subs. by Sind 14 of 1952, s. 10, for "a share".

² The words and figures, "in accordance with the shares prescribed in section 17" omitted *ibid*, s. 10.

³ Subs. *ibid*, s. 11, for "thirty".

⁴ The words "or in kind" omitted *ibid*, s. 12.

Abolition of
abwabs.

21. (1) Notwithstanding any agreement, usage, custom, or law,¹ [but subject to the provisions of section 17,] it shall not be lawful for any landlord to levy any "abwabs" from any of his tenants.

²(2) * * * *

Chher and
Begar.

22. (1) Notwithstanding any agreement, usage or custom it shall not be lawful for any landlord to take any free labour commonly known as "Begar" from any of his tenants in any shape or form.

(2) Any wage in respect of labour, commonly known as "Chher" given by the tenant to the landlord shall be paid to him on the same day at the termination of each days work in accordance with the rates prevailing in the locality ^{3*} * * *;

Provided that in the case of Gupcher, being the clearance of a water course in the middle of the cultivation season, the landlord shall be liable to feed the tenant at his own cost and not make any cash payment therefor; in all other cases cash payment shall be made after deducting the expenses incurred by the landlord on feeding the tenant employed by him.

Duties of
the tenant.

23. The following shall be the duties of a tenant in respect of his tenancy, namely :—

(a) he shall be responsible for the provision of requisite animal labour, manual labour and the implements of husbandry to enable the crops grown by him to be efficiently cultivated;

(b) he shall be responsible for the proper weeding of all the crops grown by him and for the cost of such weeding;

(c) he shall be responsible for the necessary construction and proper maintenance of irrigation bunds and water-courses within the land allotted to him and for the cost of such construction and maintenance;

(d) he shall not cultivate the land of any other landlord, if he has been allotted a family holding;

(e) he shall be responsible for the seed required for sowing; but where a landlord supplies any seed to his tenant, he shall be entitled to recover from the tenant, only the quantity

¹ Ins. by Sind 14 of 1952, s. 13 (i).

² Sub-section (2) omitted *ibid*, s. 13 (ii).

³ The comma and the words beginning from "but" and ending with "Government" omitted *ibid*, s. 14.

⁴ Subs. *ibid* s. 15 (i) for the original clause (e).

of seed actually supplied and nothing in excess thereof ; further when the landlord gets remission of land revenue assessment in respect of any survey number, the amount of seed which the tenant shall be required to return shall be proportionate to the amount of remission of land revenue assessment obtained by the zamindar in respect of that survey number ;]

(f) he shall transport the landlord's share of produce after "Batai" to the landlord's local place of storage ¹[at the expense of the landlord] ;

²[(g) he shall be responsible for growing such crops and such average of crops and in such manner as may be specified by the landlord :

Provided that the tenants cultivating right under this Act shall not be affected ;]

(h) any other duties as may be prescribed from time to time.

24. The following shall be the duties of a landlord, namely :—

Duties of the
landlord.

(a) he shall be responsible for the proper maintenance of the main water-courses leading from the canal-modules to the land, and for the cost of such maintenance ; provided that the tenant shall be bound to give his labour for the silt-clearance of such water-courses during the irrigation season and in return therefor the landlord shall be bound to feed the tenant at his own cost ;

(b) he shall be responsible for ensuring the supply of the proper share of available irrigation water to the land allotted to his tenant ;

(c) ³[subject to clause (a) of section 23,] he shall be responsible for lending seed, for sowing to the tenant if the tenant so demands ^{4*} * * ;

(d) any advance of food-grains by the landlord to a tenant for domestic needs shall be repaid in cash at the market rate at the time it was lent or in kind of equivalent value ;

(e) he shall be responsible for allotting a prescribed area on prescribed conditions to the tenant for growing cattle-fodder and vegetable cultivation for the personal use of the

¹ Subs. by Sind 14 of 1952, s. 15 (ii) for "on payment".

² Subs. *ibid*, s. 15 (iii), for the original cl. (g).

³ Added *ibid*, s. 16 (a).

⁴ The words beginning with "and this" and ending with "value" deleted *ibid*, s. 16 (b).

tenant in areas where only cotton or sugar-cane or tobacco or such other crops are grown which do not provide fodder for the cattle;

(f) any other duties as may be prescribed from time to time.

Omitted

¹ [25. (x) The produce of a tenant after deducting such portion thereof as is necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the tenant and his family, may be appropriated towards the debt due from the tenant to his landlord.

Explanation.—For the purpose of evaluating in cash the produce of the tenant, the wholesale control price fixed for the locality by the Government, and if no such price is fixed, the wholesale price prevailing in the local market shall be taken as the basis.

(2) After making recoveries set forth in sub-section (1), the balance of debt, if any, shall be deemed to be a floating debt recoverable from the tenant's share of other crops.

(3) In case a tenant is indebted to his landlord, it shall be his duty to deposit his share of cotton in the landlord's store. Such cotton shall remain in the joint possession of the tenant and the landlord until it is divided or until delivery is taken by the buyer.

(4) On termination of his tenancy, a tenant if he be indebted to his landlord, shall be liable to pay off his debt before leaving.

CHAPTER IV.

Settlement of Disputes—Tribunals.

^{Appoint-}
^{ment of}
^{Tribunals.} 26. The Provincial Government may for the settlement of disputes between tenants and landlords appoint one Tribunal for each Taluka or Mahal.

^{Constitution}
^{of Tribunals.} 27. The Tribunal shall consist of one member only who shall be the Mukhtiarkar or Mahalkari for the time being in office.

^{Procedure}
^{and powers.} 28. (x) A tenant or a landlord may personally or by an agent make an application to the Tribunal appointed for the area in which the land in question is situated to decide any dispute between the tenant and the landlord arising out of the application of the provisions of this Act. When applications have been made by both the parties in the same connection, the applications shall be conso-

1. Omitted by Ord. 23 of 1984, s.4.

lided. No court-fee stamp shall be required to be affixed to such applications [and no lawyer shall be allowed to represent the parties to such dispute.] ^{1/ omitted}

Explanation.—“Agent” shall mean—

(a) in the case of a landlord, a relation or a Kandar or a Munshi of the landlord [~~or a legal practitioner~~];

(b) in the case of a hari, a relation of the hari, or any other hari of the same deh [~~or a legal practitioner~~].

(2) Every application under sub-section (1) shall be in writing and shall give full particulars regarding the nature of the dispute, the land in question and the name and address of the party complained against.

(3) On receipt of application mentioned in sub-section (1), the Tribunal shall fix a date and place for hearing such application and shall issue a notice to the opponent and the applicant to appear before the Tribunal.

(4) The Tribunal shall have the same powers which a Court has under the Code of Civil Procedure, 1908, to summon and enforce the attendance of parties and witnesses, and to compel the production of documents.

(5) After hearing the parties and their evidence if any, the tribunal shall pass an award.

29. (1) Any party aggrieved by an award of the Tribunal ^{Appeal.} may within thirty days from the date of the award present an appeal in writing to the Assistant or Deputy Collector, as the case may be.

(2) The Assistant or the Deputy Collector shall then call for the record of the case from the Tribunal, and after perusing such record and after making such further enquiry as he thinks fit shall decide the appeal.

Proviso added see slip-4

30. (1) The Collector may within thirty days of an order made by the Assistant or the Deputy Collector in appeal under section 30, call for the record of such appeal for the purpose of satisfying himself as to the legality or propriety of any decision or order made thereon, and as to the regularity of the proceedings held therein. ^{Revision.}

1. Omitted by Ord. 28 of 1984, S.5(4).

2. The words added by ibid—S.5(b)(i).

3. The words added ibid—S.5(b)(ii).

4. Proviso added — ibid—S.6.

(2) If in any case it shall appear to the Collector that any decision on such appeal should be modified, annulled or reversed, he may pass such order thereon as he deems fit [after hearing the parties].

Suspension
of orders.

31. (1) An award passed by the Tribunal shall not take effect—

(a) until the period of limitation prescribed for an appeal under section 30 has expired, or

(b) where an appeal has been made under that section, until the appeal is decided.

(2) An order made by the Assistant or Deputy Collector in appeal and section 30 shall not take effect—

(a) until the period of limitation prescribed under section 31 has expired, or

(b) where the Collector has called for the record of the case, until the Collector makes an order in the matter.

Orders to be
final.

32. An order made by the Collector under section 31 and, subject to the provisions of that section, an award of the Tribunal or the order of the Assistant or Deputy Collector shall be final and shall not be called in question in any Court.

33. An award of the tribunal, an order of the Assistant or Deputy Collector under section 30, and an order of the Collector under Section 31, shall be enforceable as a decree of a Civil Court.

CHAPTER V.

Miscellaneous.

Penalty.

34. (1) If any landlord or tenant contravenes any of the provisions of this Act or of the Rules made thereunder, he shall on conviction by a Magistrate not lower in rank than that of a Second Class Magistrate, be liable to a fine which may extend to Rs. 500 and in default of payment of fine to simple imprisonment which may extend to one month :

Provided that the penalty under sub-section (1) shall not be enforced until the period of appeal has expired, or if the appeal be actually filed, until such time as the appeal is finally decided.

1. The words added by Ord. 28 of 1984, S. 7.

(2) The Court may, when passing judgment, order the whole or any part of the fine recovered to be applied in the payment to any party as compensation for any loss or injury caused to him by the offence.

¹35. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may, among other things, provide for—

(a) the mutual rights and obligations of tenants and landlords;

(b) the manner in which the financial transactions between the tenant and the landlord may be regulated;

(c) the manner in which a notice to terminate a tenancy is to be given;

(d) the manner in which the rights of tenants shall be registered;

(e) the manner in which compensation may be assessed and recovered;

(f) the manner in which the processes shall be served, appearances shall be entered and proceedings shall be conducted before the Tribunal.

² (3) Rules made ~~under~~ ^{omitted} this section shall come into force after they are passed by the Sind Legislative Assembly in its first session next following.]

Provided that with a view to remove difficulties in the working of the provisions of this Act the Provincial Government may make omissions from, additions to, or alterations in any of those rules, subject to the condition that any omission, addition or alteration so made shall be laid upon the table of the Sind Legislative Assembly at its session next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and the modification or rescission so made shall after publication by a notification in the *Official Gazette* be deemed to have come into force.

36. Except in cases provided in sections 29, 30 and 31 in all matters connected with this Act, the Provincial Government shall have and exercise the same authority and control over the Collectors, Assistant Collectors, Deputy Collectors and Muktiarkars as they have and exercise over them in the general and revenue administration.

¹ S. 35 renumbered as sub-section (3) of section 35 and in the said section sub-sections (1) and (2), were incorporated by Sind 16 of 1951, s. 2. The amendments came into force from 11th May 1950.

L (iv) 693-D-6-A.

² ~~omitted by W.P. Ord. No. 16 of 1951, S. 3 (3), Sch. IV.~~