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ORDINANCE XXIII OF 1984

LAND ACQUISITION (SIND AMENDMENT) ORDINANCE, 1984

*An Ordinance to amend the Land Acquisition Act, 1894, in its application to the Province of Sind*

[Gazette of Sind, Extraordinary, Part I, 30th September, 1984]

No. S. Legis. 1 (23)/84.—The following Ordinance by the Governor of Sind is hereby published for general information :—

*Preamble.*—Whereas the Federal Shariat Court has directed to make

certain amendments in the Land Acquisition Act, 1894, in its application to the Province of Sind ;

And whereas it is expedient to amend the Land Acquisition Act, 1894, in its application to the Province of Sind, in the manner hereinafter appearing ;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977 and the Provisional Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Land Acquisition (Sind Amendment) Ordinance, 1984.

(2) It shall come into force at once.

2. *Amendment of section 5 of Act 1 of 1894.*—In the Land Acquisition Act, 1894 in its application to the Province of Sind, hereinafter referred to as the said Act, the existing section 5 shall be numbered as subsection (1) of that section and after subsection (1) as so numbered, the following new subsections shall be added :—

“(2) The notification under subsection (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 subsection (2) is not issued within the specified time, the acquisition proceedings shall be deemed to have come, to an end.”.

3. *Amendment of section 5-A of Act 1 of 1894.*—In the said Act, in section 5-A, after subsection (3), the following new subsection shall be inserted :—

“(3-A). The report under subsection (2) or recommendations under subsection (3), as the case may be, shall be forwarded to the Commissioner within a period of ninety days from the date of publication of the notification under section 5 and the Commissioner 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. *Amendment of section 6 of Act 1 of 1894.*—In the said Act, in section 6, after subsection (1) and its proviso, the following new subsection shall be inserted :—

“(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.”.

5. *Amendment of section 11 of Act I of 1894.*—In the said Act, the existing section 11 shall be numbered as subsection (1) of that section and—

(i) in subsection (1) as so numbered—

(a) in clause (ii), the word “and” shall be omitted ;

(b) in clause (iii) for fullstop appearing at the end, the semicolon and the word “; and” shall be substituted;

(c) after clause (iii) the following new clause shall be added :—

“(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.”;

(ii) after subsection (1) as so numbered, the following new subsection shall be added :—

“(2) The award shall be announced by the Collector 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.”.

6. *Amendment of section 18 of Act I of 1894.*—In the said Act, in section 18, in subsection (1)—

(a) the word “or” shall be omitted ; and

(b) before the fullstop appearing at the end, the comma and the words “, or the amount of costs allowed” shall be added.

7. *Amendment of section 19 of Act I of 1894.*—In the said Act, in section 19, in subsection (1), in clause (c), between the word “compensation” and the word “awarded” the words and commas “and of costs, if any,” shall be inserted.

8. *Amendment of section 20 of Act I of 1894.*—In the said Act, in section 20, in clause (c), for the word “compensation” the words “compensation or costs” shall be substituted.

9. *Insertion of section 28-A in Act I of 1894.*—In the said Act, after section 28 the following new section shall be inserted :—

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.”.

10. *Amendment of section 31 of Act I of 1894.*—In the said Act, in section 31—

(a) in subsection (1), between the word “compensation” and the word “awarded” the words and commas “and costs, if any”, shall be inserted ;

(b) in subsection (2), between the word “compensation” and the word “or” the words and commas “and the costs, if any,” shall be inserted.