



THE SINDH REVENUE JURISDICTION ACT, 1876



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SCHEDULE. ENACTMENTS REPEALED

THE SINDH REVENUE JURISDICTION ACT, 1876

¹Act No. X OF 1876

[28th March, 1876]

An Act to limit the jurisdiction of the Civil Courts ²[in Sind and the Karachi Division] in matters relating to the Land-revenue, and for other purposes.

Preamble. WHEREAS in certain parts of ³[Sind and the Karachi Division] the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the ⁴[other parts thereof] ;

AND WHEREAS it is expedient that the jurisdiction of all the Civil Courts in the said ⁵[territories] should be limited in manner hereinafter appearing;

¹For Statement of Objects and Reasons, see Gazette of India, 1873, Pt. V, p. 534; for Preliminary Report of the Select Committee, see *ibid.*, 1874, Pt. V, p. 70; for further Report of the Select Committee, see *ibid.*, 1875, Pt. v, p. 210 and for Proceedings in Council, see *ibid.*, 1875, Supplement, p. 4, and *ibid.*, 1876, Supplement, pp. 344 and 405.

This Act has been amended in its application to the Province of Sindh, by the Sindh Act No. XVII of 1975, s. 3 and Sch.

²The original words "throughout the Bombay Presidency" were first subs. by A.O., 1949, Sch. and then amended by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., and A.O., 1964, Art. 2 and Sch., to read as above.

³The original words "the Presidency of Bombay" were first subs. by A.O., 1949, Sch., and then amended by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (with effect from the 14th October, 1955), Ord. 1 of 1961, s. 3 and 2nd Sch., and A.O., 1964, Art. 2 and Sch., to read as above.

⁴The original words "rest of the said Presidency" have successively been amended by A.O., 1949, and Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

⁵Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "Province and Capital" which had been subs. by A.O., 1949, Sch., for "Presidency".

AND WHEREAS it is also expedient to amend the ¹[Sindh Civil Courts Act], section 32, *and to revive certain provisions of the ²thirteenth section of Regulation XVII of 1827 (XXVI of 1827) of the Bombay Code, which was repealed by the Land Improvement Act, 1871.*

3* * * ;

It is hereby enacted as follows:—

4[1. **Short Title and extent.**— (1) This Act may be called the Sindh Revenue Jurisdiction Act, 1876.

(2) It extends to ⁵* * * Sind and the ⁶[Karachi Division], but not so as to affect any of the provisions of Act XXIII of 1871.]

2. [*Repeal of enactments.*] *Rep. by the Amending Act, 1891 (XII of 1891).*

3. Interpretation-clause.—In this Act unless there be something repugnant in the subject or context,—

“land” includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth:

“land-revenue” means all sums and payments, in money or in kind, received or claimable by or on behalf ⁷[of the Government] from any person on account of any land held by or vested in him, and any cess or rate authorized ⁸[by the Provincial Government] under the provisions of any law for the time being in force:

“Revenue-officer” means any officer employed in or about the business of the land-revenue, or of the surveys assessment, accounts or records connected therewith.

4. Bar of certain suits. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:

(a) ⁹* * * * *

¹⁰[claims against the ¹¹[Government]] relating to lands held under treaty, or to lands granted or held as saranjam, or on other political tenure, or to lands declared

¹Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for “Bombay Civil Courts Act”.

²S. 17 of this Act which revived s. 13 of Bom. Reg. 17 of 1827 was rep. by the Bombay Revenue Jurisdiction Act, 1880 (15 of 1880), except in scheduled districts to which the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879), has not been extended; see s. 2 of Act 15 of 1880.

³The words “and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section 3 of the Land Improvement Act, 1871” were rep. by the Repealing and Amending Act, 1894 (4 of 1894).

⁴Subs. by Act 26 of 1951, s. 4 and III Sch., for the original section 1 as amended by the Amending Act, 1891 (12 of 1891), the Repealing and Amending Act, 1895 (16 of 1895), and A. O., 1937.

⁵The words “the Province of” omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

⁶Subs. by A. O., 1964, Art. 2 and Sch., for “Federal Territory of Karachi” which had been subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., for “Capital of the Federation”.

⁷The original words “of Government” were first subs. by A.O., 1937 and then amended by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956), to read as above.

⁸Subs. by A.O., 1937, for “by Govt”.

⁹The first three paras. of clause (a), omitted by A.O., 1949, Sch.

¹⁰Subs. by A.O., 1937, for “claims against Govt.”.

¹¹Subs. by A. O., 1961, Art. 2. for “Crown” (with effect from the 23rd March, 1956).

¹[by the Provincial Government] or any officer duly authorized in that behalf to be held for service;

(a) objections—to the amount or incidence of any assessment of land-revenue authorized ¹[by the Provincial Government], or to the mode of assessment, or to the principal on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance ¹[by the Provincial Government] or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside, on account of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue;

(d) ²[claims against the ³[Government]]—

(1) to be entered in the revenue-survey or settlement-records or village-papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue-survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under ⁴Bombay Act IV of 1868 or any other law for the time being in force ;

(f) ²[claims against the ³[Government]]—

to hold land wholly or partially free from payment of land-revenue or to receive payments charged on or payable out of the land-revenue, or to set aside any cess or rate authorized ¹[by the Provincial Government] under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging ⁵[to the Government];

(g) claims regarding boundaries fixed under ⁶Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks:

Provided that, if any person claim to hold wholly or partially exempt from payment of land-revenue under—

¹Subs. by A.O., 1937, for “by Govt.”.

²Subs. *ibid.*, for “claims against Govt.”.

³Subs. by A.O., 1961, Art. 2 for “Crown” (with effect from the 23rd March, 1956).

⁴Since rep. by the Bombay Land-Revenue Code, 1879 (Bom. 5 of 1879), in areas in which that Code is in force.

⁵The original words “to Government” were first subs. by A.O., 1937, and then amended by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956), to read as above.

⁶Bom. Act 1 of 1865 (except s. 37), and Bom. Reg. 17 of 1827 are rep. by the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879), in areas in which the latter Act is in force.