

ACT No. XI OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th June, 1884.)

An Act to amend the Sindh Incumbered Estates Act, 1881.

XX of 1881. WHEREAS it is expedient to amend the Sindh Incumbered Estates Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Sindh Incumbered Estates Act, 1884; and shall come into force at once.

Short title.
Commencement.

XX of 1881. 2. To the definition of zamindár in the Sindh Incumbered Estates Act, 1881, the following shall be added, namely:—“and a person holding lands in Sindh which, having been comprised in the jágghír lands of a jágghírdár, and having ceased to be jágghír lands, are assessed by the Government on account of land-revenue at a sum not less than three hundred rupees per year, and, where a joint family or any other body of co-owners holds lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands.”

Definition of zamindár in Act XX of 1881 amended.

3. After section 5 of the said Act the following section shall be inserted, that is to say:—

New section to follow section 5 of same Act.

“5A. When the Commissioner has directed an inquiry under section five, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section seven,—

Interim order of protection.

“(a) all proceedings then pending in any Civil Court or Revenue Court or Office in British India in respect of any of the debts and liabilities to which the debtor is subject, or
which

which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended; and

“(b) no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities.”

Amendment of section 8 of same Act.

4. In section 8, after the words “all immoveable property” the words “including any interest in joint immoveable property” shall be inserted.

Amendment of section 9 of same Act.

5. In section 9 of the same Act, after the words “Civil Court,” in both places where they occur, the words “or Revenue Court or Office” shall be inserted.

New section to follow section 24 of same Act.

6. After section 24 of the said Act the following shall be inserted:—

Separation of part of jāghír lands subject to lapse.

“24A. When jāghír land under management is held on this condition, that on the happening of a certain event a share of the land shall lapse, but that it shall be in the discretion of the person then entitled as jāghírdár to divide off and relinquish in respect of the lapse such part of the land, being a fair equivalent of that share, as he thinks fit, the manager may, if he deems it convenient for the better exercise of the powers conferred by sections twenty-three and twenty-four, at any time, after such consultation with persons interested as he thinks necessary, allot by written order, for relinquishment on the happening of the event, such part of the land as he thinks fit; and thereupon that part and no other shall, on the happening of the event, be relinquished.”

Amendment of section 27 of same Act.

7. In section 27 of the said Act, after the words “Civil Court” the words “or Revenue Court or Office” shall be inserted.

8. (1) When

8. (1) When any person would not have been a zamindár within the meaning of the said Act before the passing of this Act, but is a zamindár within the meaning of the said Act as amended by this Act, an application in respect of his estate under section 4 of the said Act may be made at any time within six months from the passing of this Act.

Time for making applications under same Act.

(2) A member of a joint family or other body of co-owners holding zamindári land shall, for the purposes of this section, be deemed to be a person who would not have been a zamindár within the meaning of the said Act before the passing of this Act.

9. Every order of management made under the said Act whether before or after the passing of this Act shall be deemed to have been made in accordance with law.

Order of management under same Act to be deemed in accordance with law.

10. Notwithstanding anything contained in the said Act, the Commissioner may, at any time after he has, whether before or after the passing of this Act, sanctioned a liquidation-scheme under the said Act, revise and modify the same, but not so as to affect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV of the said Act.

Power to revise scheme of management under same Act.