

Repeal of the Sindh Landing & Wharfage Fees Act, 1882

The Sindh Landing and Wharfage Fees Act, 1882, (hereinafter referred to as the said Act) was enacted during the Colonial Era and much before the partition of the sub-continent. The said act was enacted to provide for the levy of fees for the use of public landing-places in any/certain ports in the Province of Sindh. The said Act was enacted and still holding the field in the Province of Sindh. After the end of the British era and partition of the sub-continent, the said Act had been adapted. Section 2 of the said Act, provides its local extent in the Province of Sindh to any ports, but, enforcement of the said Act is conditional, that, Government may from time to time, by notification in the official Gazette extend the said Act to any local area of the Province of Sindh, but, surprisingly no such notification has yet been issued by the Provincial Government for the application and extension of the said act, in the province of Sindh. Section 2 of the said Act is reproduced hereunder:-

2. It shall extend to any ports in the Province of Sindh to which Government may from time to time, by notification in the Official Gazette, extend the Act.

2. After adaptation of the said Act, Provincial Government of Province of Sindh has not yet issued any notification for extension and application of the said Act in the Province which reflects that the said Act was/is no more required to be applied and extended in the province.

3. That in order to take comments over the subject law reform paper, comments and views were also asked from the concerned Ministry/Department viz:- Ministry of Ports & Shipping, Islamabad. In reply, Ministry of Ports & Shipping Islamabad has communicated by its letter No. 10 (2)/2002-P&S-1 (Vol-X), dated 7th October, 2009 the views/comments of the Directorate General of Ports & Shipping Wing, Karachi as under.

“The Sindh Landing & Wharfage Fees Act, 1882 (Sindh Act No. VII of 1882) is a redundant and obsolete law as the same is no applicable to KPT.”

4. It is enough to satisfy that Government of Sindh have absolutely no need for the said Act to further hold the field that's

why after its adaptation and lapse of more than fifty years no notification has yet been issued as envisaged in section 2 of the said Act for its extension and application in the Province of Sindh.

CONCLUSION

In the light of the above position, and keeping in view the comments of the Ministry of Ports & Shipping, Islamabad, it is suggested that the Commission may recommend for the repeal of the Sindh Landing and Wharfage Fees Act, 1882 (Sindh Act No. VII of 1882) being a redundant and obsolete Act.

Commission's Deliberations on 05 December, 2009

The Commission considered the proposal for repealing of the Sindh Landing and Wharfage Fees Act, 1881 (Sindh Act No. VII of 1882), being a redundant and obsolete Act and directed that the recommendations of the Commission be referred to the Sindh Government for consideration and appropriate action.