

PUNJAB VIDHAN SABHA

Bill No. 26-PLA-2016

THE PUNJAB PACKAGE DEAL PROPERTIES (DISPOSAL) AMENDMENT
BILL, 2016

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BILL

further to amend the Punjab Package Deal Properties (Disposal) Act, 1976.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of Republic of India, as follows :—

1. (1) This Act may be called the Punjab Package Deal Properties (Disposal) Amendment Act, 2016. Short title and commencement.

(2) It shall be deemed to have come into force on and with effect from the 1st day of September, 2007.

2. In the Punjab Package Deal Properties (Disposal) Act, 1976, in section 4, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment in section 4 of Punjab Act 21 of 1976.

“(1-A) Notwithstanding anything contained in any judgement, order or decree of any court or the provisions of any other law for the time being in force,—

- (i) any transfer made or purported to be made under the provisions of clause (c) of sub-section (1) shall not be called in question, except in accordance with the procedure and remedies provided in this Act in so far as it violates the provisions of this Act or rules or a general or a special order, made under clause (c) of sub-section (1) ;
- (ii) any general or special order issued, or to be issued, under clause (c) of sub-section (1) shall continue to be valid, and shall always be deemed to have been valid; and
- (iii) any transfer of land made under the provisions of clause (c) of sub-section (1), having been declared invalid by any court, shall continue to be valid irrespective of the court order.”.

STATEMENT OF OBJECTS AND REASONS

The Package Deal Properties are defined in the Punjab Package Deal Properties (Disposal) Act, 1976. Government from time to time had decided to transfer these lands on the basis of possession, *vide* Notifications dated 18th December, 1987, 13th November, 1990 and 10th March, 1994. The latest Notification was dated 26th September, 2007.

2. The above said Notification dated 26th September, 2007 was declared invalid by the Hon'ble Supreme Court, in the case of Sh. Jagpal Singh State of Punjab and others by orders dated 28th January, 2011, even though the litigation pertained to Panchayat land. Review Petition was filed by the State before the Hon'ble Apex Court, was dismissed.

3. Under the policy dated 26th September, 2007, the land measuring 18315 Acres 07 Kanal 10 Marlas in 15 districts to 9234 persons was allotted to the eligible persons. If these allottees are evicted, this may lead to huge Socio-economic problems.

4. In public interest, justice and equity it is required that the State should mitigate the suffering which are likely to be faced on account of eviction on narrow legal technicalities. Under such circumstances, it is necessary that legislation may be brought to tide over the sufferings of these allottees.

5. In view of the aforesaid circumstances it has been proposed to amend Punjab Package Deal Properties (Disposal) Act, 1976 with effect from 1st September, 2007, by inserting Section 4(1-A) to protect the interest of the allottees and save them from eviction from the allotted land.

Hence this Bill.

BIKRAM SINGH MAJITHIA,

Minister for Revenue, Punjab.

CHANDIGARH :
The 21st March, 2016.

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 21st March, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).