

PUNJAB VIDHAN SABHA

Bill No. 44-PLA-2016

**THE EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION
OF FRAGMENTATION) AMENDMENT BILL, 2016**

A

BILL

*further to amend the East Punjab Holdings (Consolidation and Prevention of
Fragmentation) Act, 1948.*

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

1. (1) This Act may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Amendment Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, in section 2, in clause (bb),— Amendment in section 2 of East Punjab Act 50 of 1948.

(i) in sub-clause (iii), at the end, the word “and” shall be omitted; and

(ii) in sub-clause (iv), at the end, for the word and sign “not.”, the words and sign “not; and” shall be substituted and thereafter, the following sub-clause shall be added, namely :—

“(v) plots of five marlas each to landless persons for construction of houses.”.

STATEMENT OF OBJECTS AND REASONS

Consolidation of holdings was almost completed in the State of Punjab by the year of 1980 under the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948.

Under section 18 of the aforesaid Act, some lands were assigned or reserved for common purposes as defined under clause (bb) of section 2 of the aforesaid Act of 1948.

In terms of the provision of Rule 16 of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Rules, 1949, such lands vest in the proprietary body of the village and have been entered in the column of ownership of Record of Rights as 'Jumla Malkan Wa Digar Haqdarar Arazi Hasab Rasad Raqba'.

According to the provisions of section 23-A of the aforesaid Act, 1948, the management and control of such lands, commonly known as "Jumla Malkan or Mushtarqa Malkan" vest in the Panchayat of village and the State Government.

The land assigned or reserved for common purposes vests in the proprietary body of the village for meeting the common needs of the villagers for their common benefits including development, welfare schemes and project like focal points, grain markets, allotment of plot for residential purposes to the members of Scheduled Caste, Anganwari Centers and Earthen Dams, which could not be visualized while enumerating the common purposes or framing the schemes.

Consequent upon the devolution of more powers to Panchayats, in view of the Constitution (Seventy-third Amendment) Act, 1992, there will be further demand for new projects for the development of villages, which can be met only by utilizing the land assigned or reserved for common purposes as defined, including the allotment of 5 marla plots to member of the Scheduled Castes/landless labourers and Economically Weaker Section/Other Backward Classes in respect of land kept reserved for the common purposes.

It is in public interest to allot small plot of land to landless persons as mentioned above, out of the Jumla Mustarka land kept reserved for common purposes with a view to bring social reform.

And, in the circumstances, it is expedient to amend to East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948, in public interest and in the interest of village community as a whole.

BIKRAM SINGH MAJITHIA,

Minister for Revenue & Rehabilitation,
Punjab.

CHANDIGARH :
The 14th September, 2016.

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 14th September, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).