

PUNJAB VIDHAN SABHA
BILL NO. 26-PLA-2020
THE REGISTRATION (PUNJAB AMENDMENT)
BILL, 2020

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BILL

further to amend the Registration Act, 1908 . in its application to the State of Punjab.

Be it enacted by the legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Punjab Amendment) Act, 2020. 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 Registration Act, 1908, in its application to the State of Punjab, after Section 19, the following Section shall be inserted, namely:- Insertion of Section 19-A in Central Act, 16 of 1908.

"19-A (1) The Registering Officer shall refuse to register:

Refusal to register (a) any instrument relating to transfer by way of sale, gift, mortgage, exchange, lease or otherwise of immovable property -

(i) belonging to the Central or State Government or any authority or undertaking of the Central or State Government;

(ii) belonging to a Local Authority;

Explanation:- For the purpose of this sub-clause 'Local Authority' means any Municipal Corporation, Municipal Committee, Notified Area Committee, Nagar Panchayat, Improvement Trust, Zila Parishad, Block Samiti, Gram Panchayat, any other unit of local self-government or Urban Development Authority;

(iii) belonging to and recorded in the name of Punjab Bhoodan Yagna Board;

- (iv) belonging to waqf which are under the Punjab Waqf Board established under the Waqf Act, 1995 (Central Act no.43 of 1995):

Provided that nothing in clause (a) shall apply in respect of any document or class of documents for which sanction in this regard has been issued by the competent authority under any law for the time being in force and in the absence of such authority, an authority authorized by the Central or State Government, as the case may be, for this purpose;

- (b) any instrument relating to transfer of land recorded in the record of rights as Shamlat deh, except land which is or has been allotted or sold by the Government:

Provided that Shamlat deh which has been sold or allotted after 9th day of July 1985 by the Government to a displaced person in lieu of land left in Pakistan shall not be covered under the above provision.

Explanation: For the purpose of this sub-clause 'Record of Rights' means the Record of Rights maintained under the Punjab Land Revenue Act, 1987 (Punjab Act No. XVII of 1987);

- (c) any instrument relating to immovable property, specified by the State Government, by notification, the alienation or transfer of which has been prohibited under any Central or State Act; and
- (d) a document relating to transfer of property by way of agreement for sale, gift, exchange, or permanent alienation of lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal.

(2) Any document registered in contravention of Sub-section (1) shall not affect any immovable property compromised therein, or be received as evidence of any transaction affecting such property."

STATEMENT OF OBJECTS AND REASONS

The Registration Act, 1908 does not fully empower the Revenue Officers to refuse to register the sale deed. There is a felt need to empower them to do so to safeguard ownership of Central and State Government lands, Waqf lands, Shamlat lands, etc. and to bring efficiency in implementation of such provisions in related State and Central Acts. Through this amendment, an enabling provision is being inserted in the Registration Act, 1908, empowering the Revenue Officers to refuse to register the documents of sale or purchase of Central and State Government lands, Waqf lands and Shamlat lands, etc.

GURPREET SINGH KANGAR,
Revenue, Rehabilitation and Disaster,
Management Minister, Punjab.

CHANDIGARH
THE 18th OCTOBER, 2020

SHASHI LAKHANPAL MISHRA
SECRETARY.

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 18th October, 2020 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).