

The Punjab Consolidation of Land Proceedings Validation Act, 1957

PUNJAB

India

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Act 6 of 1957

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The Punjab Consolidation of Land Proceedings Validation Act, 1957 Punjab Act 6 of 1957 Statement of Objects and Reasons. - "When actual possession of land was delivered to displaced persons, it was noticed that the valuation which had been taken as the basis for allotting land, was not correct. The persons who had been affected adversely made representations to the Rehabilitation Department. They were held out assurance that injustice in their case will be redressed during consolidations operations. In order to give effect to this assurance instructions were issued but these have been held illegal. The effect of the decision of the High Court would be that most of the work done prior to 31st December, 1955 would be quashed and all labour in this respect would go waste. To start the whole work afresh would mean an expenditure of about two crores of rupees, besides causing a considerable disruption and discontentment in rural areas. This Bill is designed to validate the consolidation proceedings taken between the 31st December 1951 and the 1st of January, 1956". (Punjab Government Gazette Extraordinary, dated the 15th March, 1957. Received the assent of the President on the 30th March, 1957, and was first published in the Punjab Gazette Extraordinarily, dated the 3rd April, 1957. Be it enacted by the Legislature of the State of Punjab in the Eighth Year of the Republic of India as follows -An Act to provide for the validation of certain schemes for consolidation of holdings and subsequent proceedings in relation thereto and to further provide for extinguishment and modification of rights in estates included in such schemes without payment of compensation.

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Consolidation of Land Proceedings (Validation) Act, 1957. (2) It extends to the territories which immediately before the 1st of November, 1956 were comprised in the State of Punjab. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires:-(a)the expression "allottee" shall have the meaning assigned to it in the East Punjab Displaced Persons (Land Resettlement) Act, 1949 (East Punjab Act, XXXVI of 1949), and shall include an allottee who has been granted ownership rights by the Central Government by virtue of section 12 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act 44 of 1954);(b)the expressions "estate", "evacuee" and "land" shall have the meanings assigned to them in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), and the East Punjab Displaced Persons (Land Resettlement) Act, 1949, respectively.

3. Validation of certain consolidation proceedings.

- Notwithstanding anything to the contrary in the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act 1 of 1948), or the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), or the Displaced Persons (Compensation and Rehabilitation), Act 1954 (Act 44 of 1954), or in the rules, orders and notifications made thereunder, or in any other law for the time being in force, or in any judgment, decree or order of any Court, all schemes published under section 19 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, between the 31st December, 1951 and the 1st of January, 1956, in respect of an evacuee forming part of an estate or estates and all subsequent proceedings taken in relation thereto shall be deemed to be valid notwithstanding that such land was formed into a common pool for consolidation and re-partitioned amongst the allottees in proportion to the claim of each allottee in terms of standard acre as determined by the Rehabilitation Department at the time of quasi permanent allotment and not in accordance with or in proportion to the actual value of the land.

4. Extinguishment and modification allottee's right in an estate.

- If in consequence of re-distribution of and during the course of consolidation proceedings referred to in section 3 a diminution in the original holding in an allottee results or has resulted, the ownership or rights of the allottee in the land forming part of an estate or estates shall be extinguished and modified to that extent and he shall not be entitled to any compensation in respect of such extinguishment and modification notwithstanding anything to the contrary in any law for the time being in force or in any judgment, decree or order or any court.

5. Repeal.

- The Punjab Consolidation of Land Proceedings (Validation) Ordinance, 1957 (Punjab Ordinance No. 3 of 1957) is hereby repealed