

PUNJAB CONSOLIDATION OF LAND PROCEEDINGS (VALIDATION) ACT, 1957

The Punjab Consolidation of Land Proceedings (Validation) Act, 1957 6 011957 CONTENTS Section 1. Short title, extent and commencement 2. Definitions 3. Validation of certain consolidation proceedings 4. Extinguishment and modification of allottee's rights in an estate 5. Repeal 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 - NOTE 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 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 on or after 31st December 1951 and the 1st of January, 1956". (Punjab Government Gazette Extraordinary) An Act to provide for the validation of certain schemes for consolidation of holdings and subsequent proceedings in relation thereto and extinguishment and modification of rights in estates included in such schemes payment of compensation. 1, Short title, extent and commencement. - (1) This Act may be called the Consolidation of Land Proceedings (Validation) Act, 1957. (2) It extends to the territories which immediately before the 1st of November, 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 Act. Punjab Displaced Persons (Land Resettlement) Act, 1949 (East Punjab Act XXXVI of 1949), and shall include an allottee who has been granted share rights by the Central Government by virtue of section 12 of 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 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 I of 1948), or the Administration of Evacuee 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 thereunder, or in any other law for the time being in force, or in any order of any Court, all schemes published under section 19 of the decree or (Consolidation and Prevention Of Fragmentation) Act, 1948, between the 1st of November, 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. S. Repeal - The Punjab Consolidation of Land Proceedings (Validation) Act, 1957 (Punjab Ordinance No. 3 of 1957) is hereby repealed NOTE Validity - Ultra vires of the Constitution, Articles 14 and 31-A. Held that, the Punjab Consolidation of Land Proceedings (Validation) Act, 1957, was within the limits of Article 31-A of the Constitution of India violates Article 14 Constitutional provision. As all the provisions of the Act are interconnected, the entire Act would stand void. Stene v. Kehar 60 PLR 461 • AIR 1959 .