

**SENATE OF PAKISTAN
HOUSE OF THE FEDERATION**

Report No.23



***Report of the Senate Standing Committee on Interior and Narcotics
Control on "The illegal Dispossession (Amendment) Act, 2017.***

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR & NARCOTICS CONTROL

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present the report on "The Illegal Dispossession (Amendment) Bill, 2017" as passed by the National Assembly and referred by the House to the Standing Committee on Interior and Narcotics Control for consideration and report thereof.

2. The composition of the Standing Committee on Interior & Narcotics Control is as under:-

1. Senator A. Rehman Malik	Chairman
2. Senator Shahi Syed	Member
3. Senator Mir Israrullah Khan Zehri	Member
4. Senator Muhammad Saleh Shah	Member
5. Senator Muhammad Talha Mehmood	Member
6. Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
7. Senator Dr. Jehanzeb Jamaldini	Member
8. Senator Chaudhary Tanvir Khan	Member
9. Senator Muhammad Javed Abbasi	Member
10. Senator Muhammad Ali Khan Saif	Member
11. Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Member
12. Senator Syed Shibli Faraz	Member
13. Minister for Interior	Ex-officio Member

3. The matter was taken up in the meeting of the Standing Committee held on 18th April, 2017, 8th May, 2017, 22nd May, 2017 and 2nd June, 2017.

4. The Committee disposed of the matter on 2nd June, 2017 and allowed to submit the report to the House. The following members of the Committee attended the meeting.

1. Senator A. Rehman Malik	Chairman
2. Senator Chaudhary Tanvir Khan	Member
3. Senator Muhammad Javed Abbasi	Member

SUMMARY


The Minister of State for Interior briefed the Committee that the amendments are aimed at the forcible dispossession of any owner or occupier of any property. The Minister of State briefed that the heinous crime of illegal dispossession is largely committed by the filthy rich, powerful feudal lords, builders and government functionaries also. The menace of land grabbing is rampant all over the country from Sindh to Khyber. The land mafia and its criminal activities are multifaceted and prevalent all over the country.


The amendments also provide for compensation for the dispossessed person in accordance to the provisions of Section 544A of the Code. It also provides that whenever a local enquiry is initiated, the Court may direct a Magistrate or a Revenue Officer in the District to make inquiry and submit a report and that report will be construed as evidence in the case.

The Committee discussed the Act in detail and the amendments proposed were acceded to by the Committee.

RECOMMENDATION

The Committee disposed of the Bill with the recommendation that the Bill as passed by the National Assembly, may be passed. The Bill is annexed.


2-6-2017
(JAVAID IQBAL)
Secretary Committee


2-6-17
(SENATOR A. REHMAN MALIK)
Chairman

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Illegal Dispossession Act, 2005

WHEREAS it is expedient further to amend the Illegal Dispossession Act, 2005 (XI of 2005), for the purposes hereinafter appearing;

1. **Short title and commencement.**—(1) This Act may be called the Illegal Dispossession (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XI of 2005.**—In the Illegal Dispossession Act, 2005 (Act XI of 2005), hereinafter referred to as the said Act, in section 3, after sub-section (2), the following new sub-section shall be added, namely:—

“(3) Whoever forcibly and wrongfully dispossesses any owner or occupier of any property and his act does not fall within sub-section (1), shall be punished with imprisonment which may extend to three years or with fine or with both, in addition to any other punishment to which he may be liable under any other law for the time being in force. The person dispossessed shall also be compensated in accordance with provisions of section 544A of the Code.”.

3. **Amendment of section 5, Act XI of 2005.**—In the said Act, in section 5,—

(a) in sub-section (1), in the proviso, for full stop at the end, a colon shall be substituted and thereafter the following second proviso shall be added, namely:—

“Provided further that whenever a local inquiry is necessary for the purpose of this Act, the Court may direct a Magistrate or a revenue officer in the district to make inquiry and submit report within a period as may be specified by the Court. The report of the Magistrate or revenue officer, as the case may be, shall be construed as evidence in the case.”; and

- (b) after sub-section (3), the following new sub-section shall be added, namely:—

“(4) On conclusion of the trial, if the complaint is found to be false, frivolous or vexatious, the Court may award compensatory cost to the person complained against which may extend to five hundred thousand rupees.”.

4. **Amendment of section 8, Act XI of 2005.**—In the said Act, in section 8, for the expression “sub-section (2)” the expression “sub-sections (2) and (3)” shall be substituted.

5. **Insertion of new section 8A, Act XI of 2005.**—In the said Act, after section 8, the following new section shall be inserted, namely:—

“8A. **Appeal.**— Any order made under sub-section (2) and sub-section (3) of section 3 and sub-section (1) of section 8 shall, within thirty days of the order, be appeal-able before the High Court.”.

STATEMENT OF OBJECTS AND REASONS:

Subject: - THE ILLEGAL DISPOSSESSION (AMENDMENT) BILL, 2016.

Sub section (1) of section (3) in the Illegal Disposition Act, 2005 (XI of 2005), does not cover the act to dispossess forcibly and wrongfully any owner or occupier of any property. Further, section (5) whereof does not cover local inquiry if deemed by the Court to be necessarily held. Moreover, right of appeal against order of the Court under sub section (1) of section (3) is not provided for which is fundamental right of every person aggrieved by such orders. Besides, the Law & Justice Commission of Pakistan has also proposed amendments in this Act for the said reasons.

CH. NISAR ALI KHAN
Minister for Interior and
Narcotics Control