

[AS PASSED BY THE SENATE]

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 Dispossession 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.

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