

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
LAW & PARLIAMENTARY AFFARIS SECRETARIAT,
MUZAFFARABAD.

Dated the April 15, 1976.

No. 1455/SL/76. The following Act of the Legislative Assembly received the assent of the President on the 8th of April, 1976, and is hereby published for general information :-

(ACT II OF 1976)

An Act to make provisions for the Administration and development of Chhamb Area

Whereas it is expedient to develop the agriculture and other land resources of the Chhamb Area for the betterment of the community at large and to provide for its administration;

It is hereby enacted as follows:-

1. Short title and commencement,- (1) This Act may be called the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976.

(2) It shall come into force at once.

2. Definitions.- In this Act, unless there is something repugnant: in the subject or context :-

(qd) 'Chhamb Area' means the entire area of Tehsil Bhimber of Mirpur District liberated during the war of 1971;

(2) 'Commissioner' means the Commissioner appointed under this Act;

(3) 'Deputy Commissioner' means the Deputy Commissioner appointed under this Act;

(4) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(5) 'Land' means Land as defined in the Land Revenue Act, as inforce in Azad Jammu and Kashmir ;

(6) 'Land owner' means a person who owned land or had any right or title as such in an estate or part there-of on 24th October, 1947 and includes his successors in interest ;

(7) 'Prescribed' means prescribed by rules made by the Government under this Act ;

(8) "Revenue Officer" has the same meaning as assigned to it

under section 3 (12) of the Punjab Land Revenue Act of 1887, as adapted in Azad Jammu and Kashmir.

763

Vesting of Land in the Government.- (1) All lands in Chhamb Area shall vest and shall be deemed to have always vested in the Government free from all encumbrances with effect from 17th day of December, 1971.

(2) The possession of the area already taken over shall be deemed to have been taken over on behalf of the Government.

Allotment of land.- (1) The Government may allot the agriculture lands in the area to the following :-

(i) Land owners of the Chhamb Area who have not been allotted any agriculture land either in Pakistan or in Azad Jammu and Kashmir in lieu of land held by them in Chhamb Area or whose allotment of land is less than the land they owned in Chhamb Area prior to October, 1947 ;

(ii) 1965 War refugees from Indian held part of the State of Jammu and Kashmir duly registered with the Deputy Commissioner of the respective districts in Azad Jammu and Kashmir;

(iii) 1971 War displaced persons;

(iv) Ex-servicemen.

(2) Allotment to these categories of persons shall be made in the prescribed manner.

Bar on right or title to any particular land.- Not withstanding anything contained in any other law for the time being in force in Azad Jammu and Kashmir or any entry in the record of rights, no person shall be entitled to the allotment or shall be deemed to have any right or title to have any particular land or lands in Chhamb Area.

Power to enter upon and take possession.- When the Deputy Commissioner is satisfied that any person has taken or is in possession of land in the Area to which he has no right or title under this Act, the Deputy Commissioner shall, forth with enter upon the land with the use of such force as may be necessary and resume possession of it and taken possession or of all crops, trees and buildings thereon on behalf of the Government without payment of any compensation whatsoever.

Condition for allotment.- No person shall be deemed to and allottee or to have any right or title of land allotted to him until such a written order has been passed and he has been put in possession of the land by a Revenue Officer.

Cancellation of allotment.- If any person proved to have

obtained allotment on the basis of false information his allotment shall be cancelled.

When the Deputy Commissioner is satisfied that an allottee in possession of land has committed a breach of the conditions of his allotment, he may, after giving the allottee opportunity to appear and state his objection, order the ejectment from the land and resume its possession for allotment to any other deserving person.

Power to frame schemes.- The Government may frame a

scheme or schemes for the development of Chhamb Area or a part thereof, providing for all or any of the following matters :-

qd) Lay-out and construction of townships, market places, village and settlements.

(2) Provision of facilities for communications, including Lay-out and alteration of roads, streets, foot-paths and bridle paths.

(3) Provision of open spaces, playing fields, National Parks,

Nature reserves, forests and forests parks, camping grounds, camping sites, cemeteries and places of religious worship.

(4) Provision of water supply, electricity, Education, health, and agriculture facilities for the betterment of the community.

(5) A Scheme or Schemes shall be prepared by the departments concerned in consultation with the Commissioner and the execution of these schemes may be done under the supervision of the Commissioner.

Appeal and review.- (1) (a) Save as otherwise provided by this Act, an appeal shall be from an original order of a Deputy Commissioner to the Commissioner.

(b) Orders passed by the Commissioner on an appeal shall be final.

(2) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the order appealed against.

(3) Sections 5 and 12 of the Limitation Act shall apply to the cases under this section.

qd) The Commissioner or the Deputy Commissioner, may, either of his own motion or on the application of any party

interested, review and, on so reviewing, modify, reverse or

765

confirm, any order passed by himself or any of his predecessors in office.

(2) An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard.

(3) An order against which an appeal has been preferred shall not be reviewed.

(4) An application for review of an order shall not be entertained unless it is made within 30 days from the passing of the order.

(5) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

Bar on jurisdiction.- (1) No Court shall have jurisdiction to entertain any suit or an application made to obtain decision or order in respect of any matter which the Azad Government or any officer is by this Act empowered to decide or dispose of.

(2) No decision made or order passed by any competent authority under this Act shall be questionable in any Court of law.

Power to make rules.- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Delegation of power.- The Government may, by general or special order notify in the official Gazette, direct that the powers exercisable by it under this Act shall be established by such officer and in such circumstances and under such conditions, if any as may be specified in the order.

Penalty.- Whoever contravenes any of the provisions of this Act or obtains allotment on the basis of false informations, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, which may extend to one thousand rupees, or with both.

Sd/-

(Mohammad Akram Shah)

Deputy Secretary Law,

Azad Government of the State of J&K.