

THE AZAD JAMMU AND KASHMIR LAND REFORMS RULES, 1960

(Passed under Government Order No. 352/60 Dated 27-6-1960)

In exercise of the powers conferred by Section 6 of the Azad Jammu and Kashmir Land Reforms Act, 1960, the Azad Jammu and Kashmir Land Commission is pleased to make, with the previous sanction of the Government, the following rules for carrying out the purposes of the Act :-

CHAPTER - I

Preliminary

1. Short title, extent and commencement:- (1) These rules may be called the Azad Jammu and Kashmir Land Reforms Rules,

1960.

(2) They extend to whole of the Azad Jammu and Kashmir Territory.

(3) They shall come into force at once.

2. Definitions:- (1) In these Rules, unless the context other-wise requires, the following expressions shall have the meanings hereby respectively assigned to them ; that it to say :-

(a) 'Land Commissioner' means the Land Commissioner nominated by the Commission under clause (3) of Section 4 of the Act and shall include any person for the time being functioning as such ;

(b) 'Officer' means an officer appointed by or under the authority

of the Commission and includes a Land Commissioner,

Deputy Land Commissioner, or Assistant Land

Commissioner, a Sub-Assistant Land Commissioner or any

other Officer for the time being functioning as such ; and

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(c) 'Act' means the Azad Jammu and Kashmir Land Reforms Act, 1960.

(2) Any expression not defined in these Rules and defined in the Act shall have the. meaning assigned to it in the Act.

CHAPTER II

Powers

Powers of the Land Commissioner:- (1) Subject to the general superintendence and control of the Commission, the Land Commissioner may make such general or special orders, not inconsistent with the provisions of the Act and these Rules, as he may consider necessary or expedient for giving effect to the purposes of the Act and or for the proper discharge of the functions as such.

(2) Subject to the provisions of the Act and these Rules, the general superintendence, control and direction of all officers and staff appointed for or entrusted with the duty or implementing the provisions of the Act shall vest in the Land Commissioner.

(3) The Land Commissioner may, by special or general order, provide for the distribution and allocation of work to be done by him or any such officers and staff.

Powers to transfer cases:- (1) The Land Commissioner may at any stage, for reasons to be recorded in writing, transfer any case pending before a Deputy, an Assistant or Sub Assistant Land Commissioner, as the case may be, to himself or any Officer subordinate to him, and the Officer to whom the case is transferred may, subject to any special directions contained in the transfer order, proceed with it from the stage at which it was transferred to him.

(2) A Deputy Land Commissioner specially empowered by the Land Commissioner in this behalf, may, for reasons to be recorded in writing and subject to any order under sub-rule (1), transfer any case pending before an Assistant Land Commissioner or Sub-Assistant Land Commissioner, as the case may be, to himself or any other Officer subordinate to him and the Officer to whom any such case is so transferred may, subject to any special direction contained in the transfer order, proceed with it from the stage at which the case was transferred to him.

Powers of the Land Officer as a Civil Court:- (1) Every Officer appointed under the Act shall, for the purpose of making an enquiry or hearing an appeal under the Rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, as adopted in Azad Jammu and Kashmir Territory, when trying a suit, in respect of the following matters,

namely :-

(a) summoning and enforcing the attendance of any person other than a 'parda-nashin' lady and examining him on oath or affirmation ;

(b) requiring the discovery and production of any document or documents ;

(c) requisitioning any public record from any Court or Office ;

(d) issuing Commissions for the examination of witnesses ;

(e) appointing guardians adlbitum or next friends of person who are minors or of unsound mind ;

(f) adding legal representatives of deceased applicants ;

(g) restoration of case dismissed in default ;

(h) consolidation of cases ;

(i) any other matter connected with the holding of an enquiry or hearing of an appeal.

(2) Every Officer appointed under the Act shall be deemed to be a Civil Court for the purposes of Sections 480,482 of the Code of Criminal Procedure, 1898, and any proceeding before any such Officer shall be deemed to be a judicial proceeding within the meanings of Sections 193, 228, of the Pakistan Penal Code, as adopted in Azad Jammu and Kashmir Territory and for the purpose of Sections 198, 199, 200 thereof.

6. Officers appointed under these Rules, to be Public Servants:- Every Officer appointed under the Act and in accordance with these Rules, shall be deemed to be a public servant within the meaning of Section 21 of the Pakistan Penal Code as adopted in Azad Jammu and Kashmir Territory.

CHAPTER - III

Pleadings and appearances

7. Verification of applications:- Every application or written statement filed by an applicant in any proceeding under the Act shall be drawn up and verified in the manner provided for

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verification of written statements in the Code of Civil Procedure, 1908, in respect of Civil Suits.

Persons who may appear before the Land Officers:- Appearance before an Officer of the Commission, and all applications in that behalf may be made or done by :-

(a) the applicant himself: or

(b) his representative or agent duly authorised by him in writing in that behalf ; or

(c) his Counsel :

Provided that the employment of duly authorised representative, recognised agent or Counsel shall not excuse the personal attendance of an applicant other than "parda-nashin' lady and any proceeding in which his personal appearance is specially required by an order of the Officer before whom any such application is pending.

CHAPTER - IV

Appeals, Review and Revisions

Form of appeal:- (1) Every appeal shall be preferred in the form of a memorandum and shall be authenticated by the signature of the appellant or his duly authorised representative, agent or counsel.

(2) The memorandum shall be accompanied by a certified copy of the order appealed against.

(3) The memorandum shall set forth concisely and under distinct heads the grounds of objections to the order in respect of which an appeal is filed and shall not contain any arguments or narrative. All such grounds shall be numbered consecutively.

Form of appeals:- (1) Any person aggrieved by an order passed under the provisions of the Act may be an appeal to:-

(a) The Deputy Land Commissioner, when the order has been passed by an Assistant Land Commissioner or a Sub-Assistant Land Commissioner ;

(c) The Land Commissioner, when the order has been passed by

the Deputy Land Commissioner :

Provided that :-

(i) When any such order is modified or reversed on appeal by the Deputy Land Commissioner the orders made by the Land Commissioner on further appeal to him shall be final ; and

(ii) When an original order is confirmed on first appeal a further appeal shall not lie.

(2) All Appeals shall be presented within ten days from the date of the order appealed against.

Review:- (1) The Land Commissioner or Deputy Land Commissioner may, of his own motion or on an application of any party interested, made to him in that behalf within ten days from the date of the order, Review, and, on so reviewing, modify, reverse or confirm an order passed by himself or by any of his predecessors in Office:

Provided that :-

(a) (i) a Land Commissioner shall not review an order passed by his predecessor in office without first obtaining the sanction of the Chairman of the Commission :

(ii) a Deputy Land Commissioner shall not review any order whether passed by himself or by any of his predecessors in office without first obtaining the sanction of the Land Commissioner :

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

(c) An order against which an appeal or petition for revision has been preferred shall not be reviewed.

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

(3) Clerical or arithmetical mistake in any order passed by an Officer in pursuance of the provisions of the Act and these

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Rules may at any time be corrected by such Officer or his successor in Office as soon as any, such error has come to, or being brought to, his notice.

Revision:- (1) The Land Commissioner may, at any time, or his own motion or on an application made to him in that behalf within 30 days of the passing of any order, call for the record of any case or proceeding under the Act which is pending or in which a Deputy Land Commissioner has passed any order for the purposes of satisfying himself about the correctness, legality or propriety of any such order, and may pass such fresh order in relation thereto as he thinks fit.

(2) The Land Commissioner or a Deputy Land Commissioner, as the case may be, shall not pass any order under this rule revising or modifying an order effecting any person without affording such person an opportunity of being heard.

Exclusion of period spent in obtaining copies:- In computing the period prescribed under Sub-Rule (2) of Rule 10, Sub-Rule (1) of Rule 11 and Sub-Rules (1) and (2) of Rule 12, for the presentation of appeals and applications for review or revision, respectively, the period duly spent in obtaining certified copies of the orders against which appeal, review or revision, as the case may be, is preferred shall be excluded.

Penalty of orders:- Subject to the foregoing provisions of this chapter, any order made under the Act shall be final and shall not be questioned in any Court.