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

Muzaffarabad, the 31st December, 1976.

The following Act of Assembly received the assent of the President on 31st December, 1976, and is hereby published for general information:-

Act XII of 1976

An Act to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities.

Whereas it is expedient to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Natural Calamities (Prevention and Relief) Act, 1976.

(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.

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

(a) ‘Relief Commissioner’ means the person appointed as such under sub-section (2) of section 3 of this Act;

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

(c) 'Prescribed' means prescribed by rules made under this Act.
3. Declaration of Calamity affected area and appointment of

Relief Commissioner.- (1) Whenever the Azad Jammu and Kashmir or any part thereof is affected or threatened by flood, famine, locust or any other pest, hail-storm, fire, epidemic or any other calamity which, in the opinion of the Government, warrants action under this Act, the Government may, by Notification, declare the whole or any part of Azad Jammu and

Kashmir, as the case may be, as calamity affected area.

(2) While issuing a notification under sub-section (1) Government shall by notification, appoint a _ Relief Commissioner for the Calamity affected area.

(3) The Government may confer on the Relief Commissioner for the whole or any part of the calamity affected area,-

(a) The powers of a Magistrate of the First Class under Section 144 of the Code of Criminal Procedure, 1898, (V of 1898) ; and

(b) Powers under such other laws as the Government may consider necessary for carrying out the purpose of this Act.

Prevention and Relief.- (1) Subject to the other provisions of this Act and of the rules made thereunder, the Relief Commissioner shall, with respect to the calamity affected area, take such steps as he may deem necessary in order to maintain order, prevent, check or control the calamity or reduce the extent and severity thereof or to provide immediate relief to the victims of the calamity in the calamity affected area.

(2) In particular and without prejudice to the generality of the powers conferred by the preceding sub-section, the Relief Commissioner shall have power within the calamity affected area,-

(a) To evacuate or segregate population;

(b) To requisition bulldozers, tractors, motor-vehicles, carts, carriages, boats, and other means of transport by air, land or water, and beasts of burden;

(c) To require the residents to declare surplus stocks of food, fodder, firewood, clothing and beddings and to requisition all or any of these articles;

(d) To requisition building materials;
(e) To requisition any building or land;
(f) To demolish any building or other structure;

(g) To conscript labour;

(h) To direct any parson to abstain from a certain act or to take certain order with regard to certain property in his

possession or under his management; and after approval of the Government-

(i) To acquire any land; or

Gj) To remit in whole or part any Government dues payable by any person or in respect of any property affected by the calamity:

Provided that with respect to the powers conferred by-Clauses (b), (c), (d), (e), (f), (g), (h) and (i) of this sub-section, the person owning the article, beasts of burden, building or land which is requisitioned or acquired, or the building or other structure which is demolished, or the person directed to abstain from any act or to take any order with regard to any property, and the persons conscripted to work as Laborers shall be entitled to reasonable compensation as may be claimable under any law for the time being in force, or if no such law exists as is applicable to the case, then as prescribed by rules under this Act, and such compensation shall be paid within one year from the day it falls due.

(3) Subject to the right of the owner to claim compensation, the property with regard to which an order for requisition or acquisition has been passed by the Relief Commissioner shall forthwith vest in the Relief Commissioner, who may deal, with it in such manner as he deems proper in order to discharge his duties under this Act:

Provided that when the purpose for which the property was requisitioned has been served it may, at his request be returned to the owner after the compensation paid to him has been refunded by him less the depreciation charges.

(4) The Relief Commissions may, in addition to any action prescribed by or under this Act, use or cause to be used such force as may, in his opinion, be necessary for securing compliance with or given effect to or preventing any contravention of an order passed or for the effective exercise of a power exercisable under this Act.

Requisition of services of Government officials.- The Relief Commissioner may, for the purposes of this Act, directly requisition the services of any employee of the Government with in the casuality affected area, after consultation.

with the official superior of his department, as far as practicable, and the person to whom the requisition is addressed shall comply

with it as if it were an order passed by the Government or as the case may be, by his official superiors.

Punishment and procedure.- (1) Any person who fails to comply with an order passed by the Relief Commissioner or any other person authorised to pass an order under this Act or the rules thereunder shall be deemed to have disobeyed a direction so as to be liable for punishment under section 188 of the Azad Penal Code, 1860 (XLV of 1860).

(2) Nothing in sub-section (1) shall debar a competent authority from taking disciplinary action against an employee of the Government who has failed to obey a lawful order passed under this Act or the rules thereunder.

(3) Every offence punishable under this Act shall, within the meaning of Code of Criminal Procedure, 1898 (V of 1898), be cognizable and may be tried in accordance with the procedure prescribed by that code for summary trials.

Delegation of powers.- (1) The Relief Commissioner may delegate all or any of his powers to any officer, not below the rank of a Tehsildar, by name or by designation.

(2) The Relief Commissioner and the officers to whom all or any of his powers have been delegated under sub-section (1) shall be public servants within the meaning of section 21 of the Azad Penal Code, 1860 (XLV of 1860).

Revision.- (1) Any order passed under this Act by the Relief Commissioner, shall be subject to revision by the Government, and the Relief Commissioner, shall give effect to the orders of the Government made in revision.

(2) The Government shall bye rules, prescribe the class of cases and the manner in which and the time within which orders made under this Act shall be liable to revision by Government.

Power to give effect to order.- If in any case it is not possible to serve an order under this Act on any person without defeating the object of the order or if the person to whom the order is addressed fails to comply with it, the Relief Commissioner may, after recording the reason for doing so, give effect to the order and for that purpose may take such steps or pass such order with regard to any property as he considers necessary.

Bar to action.- No order made under this Act shall be, called in question in any Court and no Civil or Criminal proceeding shall

be instituted against any person for anything done or purported to have been done or intended to be done in good faith under this Act or against any person for any loss or damage caused to, or respect of any property whereof possession has been taken or which has otherwise been dealt with under this Act.

Rules.- (1) The Government shall as soon as may be, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may, by tules, provide for all or any of the following matters, namely:-

(a) The procedure to be adopted in giving alarm of an impending calamity;

(b) The method of securing information with regard to flood or any other impending calamity;

(c) The measures and precautions to be taken to avert any such calamity;

(d) The procedure to be followed for survey of places of safety and the entry into any such place for the purpose of such survey after a proper notice ;

(e) The method of assessment and payment of compensation on account of requisition and acquisition of property under this Act; and

(f) The procedure with regard to revisions against an order passed under this Act and the period during which such revisions can be presented.

(3) The rules made under this Act shall be subject to the concurrence of the Assembly.

Repeal.- The Azad Jammu and Kashmir National Calamities (Prevention and Relief) Ordinance, 1976 (Ordinance VIII of 1976) is hereby repealed.

Sd/-

(Mohammad Akram Shah)

Deputy Secretary,

Law & Parliamentary Affairs Secretariat,
Azad Govt. of the State of J&K
Muzaffarabad.