

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated 15th March, 1993.

No. 282-86/LD/Leg/93. The following Act of the Assembly received the assent of the President on 13th March, 1993, is hereby published for general information:-

(ACT III of 1993)

AN

ACT

to provide for the Constitution of a Board of Revenue for Azad Jammu and Kashmir.

WHEREAS it is expedient to provide for the constitution of a Board of Revenue for Azad Jammu and Kashmir;

It is hereby enacted as follows:-

1. Short title, Extent_and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Board' of Revenue Act, 1993.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

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

(i) "Board" means. the Board of Revenue established under this Act;

(ii) "Government" means the Azad Government of the State of Jammu and Kashmir; and

(iii) "Member" means a member of the Board appointed under this Act.

3. Constitution of Board of Revenue.- (1) There shall be a Board

of Revenue for Azad Jammu and Kashmir. It shall consist of such number of members, as may be appointed by the Government from time to time:

Provided that whole time members shall not exceed two.

One, out of them, shall be designated as Senior Member.

(2) The terms and conditions of the service of members of Board of Revenue shall be the same as admissible to their counter parts in Punjab.

4. Superintendence_and_control_of Revenue Officers and Revenue Courts.- (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, but subject to the provisions of sub-section (2), and to any orders of the

Government with respect to the appointments and conditions of services of Revenue Officers, the general superintendence and control over all Revenue Officers, and Revenue Courts in Azad Jammu and Kashmir shall vest in, and all such Officers, in so far as their functions as Revenue Officers are concerned, shall be subordinate to the Board.

(2) The Board shall be subject to the control of the Government and in all matters, other than those in which the Board exercises appellate and revisional jurisdiction, the Government shall have powers to issue directions to the Board as may be considered necessary or expedient and it shall carry out those directions.

Powers of the Board.- (1) Without prejudice to the foregoing provisions of this Act or any other law, rules or statutory orders, for the time being enforced, the Board shall be the controlling authority in all matters connected with the administration of land, collection of land revenue, preparation of land records and other matters relating thereto.

(2) The Board shall be the highest Court of appeal and revisions in revenue cases in Azad Jammu and Kashmir.

Conduct of Business.- (1) The Board may distribute its business amongst its Members and may, by rules, regulate the procedure of all proceedings before it.

(2) The powers of distribution of business of the Board shall be exercised by the senior member, who shall be the principal Executive of the Board.

(3) Any order made or a decree passed, by a Member shall be deemed to be the order or decree of the Board.

(4) Where in a case which the members of the Board are required to dispose of collectively, in accordance with the rules framed under this Ordinance, there is a difference of opinion amongst the members as to the decision to be given on any point;

(a) It shall be decided according to the opinion of the majority of members if there is such a majority; and

(b) If the Members are equally divided the members shall state the point on which they differ and the case shall

then be heard, on that point collectively by those members who heard it and by another member, and if there is no such member by any Additional member to be appointed by the Government for the purpose of that case., and then the point on which there is the difference

of opinion shall be decided according to the opinion of

the majority of all such members.

7. Revision of orders by Board.- (1) Any order made or a decree

passed by a Member either on appeal or in. revision shall, subject to any order made or decree passed under the provisions of sub-sections (2) & (3) of this Section and of Section 8, shall be final.

(2) Any person aggrieved by an order made or a decree passed by a member, in such class of cases as may be specified in the rules framed under Section 9 of this ordinance, may apply for revision of such order to decree, and if considers that there are sufficient reasons for doing, so it may revise that order or decree and pass such further order as it may think fit after hearing the applicant;

Provided that no revision shall lie to the Full Board against an order made or a decree passed by a member in exercise of the revisional jurisdiction.

Explanation.- For the purpose of this section the full Board shall mean two or more members as may be prescribed by rules.

(3) Every application under sub-section (2) for revision of an order or decree shall be made within - a period of ninety days from the date of such order or decree.

8. Review of orders by the Board.- (1) Any person aggrieved by a decree passed or order made by the Board and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed on the on the orders were made, or on account of some mistake or error apparent on the face of the recorded of for any other sufficient cause desires to be obtain a review of the decree passed or order made against him, may apply to the board for a review of judgment and the Board may, after giving notice to the parties affected thereby and after hearing them, pass such decree or order as the circumstances of the case require.

(2) Every application for a review of a decree or order under sub-section (1) shall be made within ninety days from the date of that decree or order.

'1(3) | The Review of order or decree passed by a Member may lie to Member but Review of order or decree passed by full Board shall only lie to Full Board.]

'New sub-section (3) added by the AJ&K Board of Revenue (Amdt.) Act, 1997 (V of 1997) dt. 25.04.1997.

VOLUME IX: 1989-1993

Power to make rules.- (1) The Board may, subject to the prior approval of the Government, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Board may make rules for all any of the following matters, namely:-

(i) The procedure to be followed in any proceedings taken before a Revenue Officer or Court;

(ii) to prescribe the forms, manner and subject in, or on

which any returns or information about any case or class of cases or proceedings or other matters shall by submitted by a Revenue Officer or Court to the Board or to any other authority;

(iii) to prescribe the authorities or the Officers by whom any particular case or class of case generally, or with respect to any particular locality, shall be dealt with.

(iv) to provide for the territorial and pecuniary limits of jurisdiction of the various Revenue Courts; and

(v) to specify the class of cases in which a revision under sub-section (2) of Section 7 shall lie to the Board.

(3) Until the rules are framed under this Act, the procedure

or the rules being followed by Financial Commissioner immediately before the Commencement of this Act shall so far as practicable continue to apply to the proceedings before the Board.

Repeal.- (1) The Azad Jammu and Kashmir Board of Revenue Ordinance, 1992 (Ordinance XCVII of 1992) is hereby repealed.

Sd/-
(Sardar Sikandar Hayat Khan)
President
Azad Jammu and Kashmir