

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 27" Nov, 1985.

No. 2287/LD/Leg(A)/85. The following Act of the Assembly received the assent of the President on 25" day of November, 1985, is hereby published for general information:-

(ACT XXIX OF 1985)

AN
ACT

to provide relief to the distressed persons in Azad Jammu and Kashmir

WHEREAS it is expedient to provide relief to the distressed persons in 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 Distressed Persons Relief Act, 1985.

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

(3) It shall come into force at once and shall be deemed to have taken effect on and from 5 day of November, 1985.

2. Definitions.- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

(a) "Competent officer or Board of officers" means an officer or Board appointed by the Government to function as such under Section 4 of this Act;

(b) "Distressed person" means and includes any person who lives in Azad Jammu and Kashmir and who--

(i) has been physically or financially damaged on account of any accident, fire, epidemic, rains, or any other calamity and in the opinion of the competent officer or Board of officers deserves aid or relief in order to enable him to continue the normal pursuits of his life for the time being or till the effects of the damage subsidize; or

'[Gi) is a legal heir of a person who has lost his life in

1 Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1995 (XXVI of 1995) dt. 26-12-1995. Original is reproduced as under:

“(ii) is dependent of a person who has lost his life in accident, fire, epidemic, rains or any other calamity in the opinion of the competent officer or Board of officers it is expedient to provide him relief,”

an accident, fire, epidemic, rains or any other calamity and in the opinion of the competent officers or Board of Officers, it is expedient to provide him relief];

(c) "Government" means the Azad Government of the state of Jammu and Kashmir.

(d) "The Distressed Persons Relief Fund" means a fund created or established as such and operated under this Act;

(c) "State Subject" means a State Subject as defined under the Dogra Regime Government Notification No. I-L/84, dated the 20" April, 1927.

The Distressed Persons Relief Fund.- The Government may establish a fund to be called "the Distressed Person Relief Fund" (hereinafter referred to as "the fund") in order to meet the requirements for relief of distressed persons under this Act or rules made thereunder.

Competent_officer_or Board of Officers.- The Government may a competent officer or Board of officers to make

recommendations to the Government about the distressed person(s) entitled to get relief out of the fund referred to in Section 3. In making recommendations to the Government under this Section, the competent officer or Board of officers shall be guided by the rules made under this Act and the assessment made by the Assessment Committee appointed by the Government for relief assessment purposes.

Pending cess.- The cases pending before coming into force of this Act shall be finally disposed of under this Act.

Recommendations.- In making recommendations to the Government the competent officer of the Board of Officers referred to in Section 4, may recommend;

(a) the person or person who deserve relief under the said Act;

(b) the amount of relief:-

Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

"Recommendations.- In making recommendations to the Government the competent officer or the Board of officers referred to in the foregoing sections, may recommend.-

(i) the person or person who deserve relief under this Act;

(ii) the amount of relief;

(iii), manners in which relief is to continue;

(iv) the period for which relief is continue;

Provided that the maximum relief which can be granted to an individual or Collective cess shall not exceed ten percent of the total loss assessed;

Provided further that in individual cases the relief shall be given in very exceptional and hard cases."

Provided that the maximum relief which can be granted to an individual in case of death or injury or damage to property shall not exceed the amount mentioned in the schedule attached to this Act.]

7. Orders.- On receipt of the recommendations of the competent officer or the Board of officers, Government may accept, rescind or modify as the recommendations or pass such other orders as it deem fit.

T8. Power of Government to Grant Relief in case of mass calamity affected Areas.- Notwithstanding anything contained in clause (b) or Section 2 and Section 6 of the said Act or any other law for the time being enforce, the Government may grant adequate amount only in case of a mass calamity affected areas, to be placed at the disposal; of District Authorities for providing immediate relief in collective cases for provisions of food, shelter, clothing, medicine and other necessary relief from the Relief Fund. The District Officer shall subsequently within a period of three months, render on account of this amount to Accountant General, Azad Jammu and Kashmir, for verification and audit.]

718-A. Delegation of Powers.- The Government may delegate its powers under this Act to any person or authority.

9. Power to make rules.- (1) The Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide—

(a) the amount of relief for different categories of the distressed persons;

1 Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

“Power of President to Grant Relief.- (1) Notwithstanding anything contained in clause (b) of Section 2 and Section 6 of this Act or any other law for the time being in force, the President may order one time grant of a sum not exceeding Rupees twenty thousand only in case of a calamity to be placed at the disposal of District authorities for providing immediate relief in collective cases for provision of food, shelter, clothing, Medicine and other necessary relief from the Relief Fund. The District Officer shall subsequently, within a period of three months, render an account of this amount to Accountant General, Azad Jammu and Kashmir, for verification and audit.

(2) In case of physical incapacitation of a persons, as defined in section 2 (b) (i), the President may in exceptional cases render for payment of cash compensation not exceeding Rupees two thousand and five hundred as immediate relief.”

(3) In case of death of a person, as defined in section (2) (b) (i); the President may in exceptional cases order for payment of cash compensation not exceeding Rupees Five thousand as immediate relief.

2 Inserted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1995 (XXVI of 1995) dt. 26-12-1995.

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(b) the manner in which preliminary enquiries should be made;

(c) the manners in which different accounts, entries or certificates are to be maintained, made or given in this behalf;

(d) such other matters as are necessary to facilitate the

operation of this Act,

Savings.- Notwithstanding any judgment, decree or Order of any Court including High Court, everything done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Distressed Person Relief Ordinance, 1980 (Ordinance CXXX of 1980) or its succeeding ordinances issued from time to time shall be deemed to have validly done taken, issued, made, initiated or exercised under this Act.

Sd/-

(Syed Shakir Shah)
Section Officer Legislation

ISCHEDULE

Schedule added in 1993 and thereafter substituted 2 times

(a) Schedule added by the Azad Jammu and Kashmir Distressed Person Relief

(Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

"SCHEDULE

See Section 6

1. Death.-

Rupees Twenty Thousand in case of death.

2. Injury.-

Rupees Ten Thousand in case of Gracious hurt/injury.

3. Removable property (Houses and shops).

S.No | Description and Standard of | Amount of Compensation for different

building categories.

1 2

1. Pakka House containing two or | Completely damaged. Rs. 20,000,00

more Standard rooms with total

building covered area 250 sq ft.

2. Kacha House containing covered | (Completely damaged). Rs. 10,000,00
area of 250 sq ft. or more.

3. Pakka Shop built-up area 1 | (Completely damaged). Rs. 5,000,00
marla.

4. Kacha shop built up area 1 | (Completely damaged). Rs. 3,000,00
marla,

5. Pakka House containing 2 or | (Partially damaged). Rs. 10,000,00

more standard rooms with total

built-up area 250 sq. ft.

6. Kacha house containing covered | (Partially damaged). Rs. 5,000,00
area of 250 sq. ft.

Explanation.- Grievous Hurt/injury means and includes such Grievous Hurt/injury as
defined in Section 320Azad Penal Code."

(b) Schedule substituted by the Azad Jammu and Kashmir Distressed Person Relief
(Amendment) Act, 2006 (VII of 2006) dt. 08.11.2006 is reproduced as under:

SCHEDULE

Amount of compensation in case of.

Death (i) Rs. 50,000/- per person

Injury (i) Rs. 25,000/- in case of permanent disability.

(iii) Rs. 5,000/- to 15,000/- in case of grievous injury.

S.N Description Nature of Loss Amount of Compensation

1. Pakka house Completely damaged 25,000/-

2. Pakka house Partially damaged 15,000/-

3. Kacha house Completely damaged 15,000/-

4. Kacha house Partially damaged 15,000/-

5. Pakka shop Completely damaged 5,000/-

6. Kacha shop Completely damaged 3,000/-
7. Heavy vehicle (bus, Truck) Completely damaged 25,000/-
Subject to the condition of the
vehicle lost was the only
source of livelihood for the
affected person)
8. Light vehicle (coaster, | Completely damaged 15,000/-
wagon, jeep) (Subject to the condition that
the vehicle lost was the only
source of livelihood for the
affected person)
9. Cattle loss Rs. 2,000/- to Rs. 4,000/-
(i) cow, buffalo, horse, | Rs. 1,000/-
donkey (Subject to the condition that the cattle lost was the only
(ii) sheep goat. source of livelihood for the affected persons.
10. Loss of household business | Rs. 10,000/-
due to fire or natural
calamities.

(c) Schedule substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 2011 ((X of 2011) dt. 22.12.2011.

Amount of compensation payable in case of,-

1. Death Rs. 150,000/- per person;

2. Injury

(i) Rs. 75000/- per person in case of permanently disability.

(ii) Rs. 50,000/- per person in case of grievous injury;

3. Immovable Property (House, Shop, Vehicle and Cattle etc).

S.No Description Nature of Loss Amount of

Compensation

1. Pakka house Completely damaged 100,000/-

2. Pakka house Partially damaged 60,000/-

3. Kacha house Completely damaged 60,000/-

4. Kacha house Partially damaged 40,000/-

5. Pakka shop Completely damaged 50,000/-

6. Kacha shop Completely damaged 30,000/-

7. Shelter Completely damaged 50,000/-

8. Heavy Vehicles (bus, Completely damaged 100,000/-

truck). (Subject to the condition

that the vehicle lost was

the only source of

livelihood for the

affected person)

9. Light Vehicle (coaster, 50,000/-

wagon, jeep) (Subject to the condition

that the vehicle lost was

the only source of

livelihood for the

affected person)

10. | Cattle loss

(i) cow, buffalo, horse,
donkey

Rs. 20,000/- to Rs. 30,000/-

(ii) sheep goat. Rs. 3,000/-

(Subject to the condition that the cattle lost was

the only source of livelihood for the affected

person)

11. Loss of household | Rs. 40,000/-

business due to fire or

natural calamities.