

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

Dated: 09.05.2007

No. LD/ Legis/775-86/2007. The following Act of Assembly received the assent of the President on 3rd day of May, 2007, is hereby published for general information.

(ACT V OF 2007)

AN

ACT

further to amend the Azad Jammu & Kashmir Land Acquisition Act, 1894, as adopted in Azad Jammu and Kashmir

WHEREAS, it is expedient to amend the Land Acquisition Act, 1894 (Act 1 of 1894), for necessary clarification and making provision for early disposal of references by courts so as to ensure the completion of development projects in time;

It is hereby enacted as follows:-

1. Short title, extent and Commencement:- (1) This Act may be called the Azad Jammu and Kashmir Land Acquisition (Amendment) Act, 2007.

(2) It shall extend to the whole of Azad Jammu & Kashmir.

(3) It shall come into force at once.

2. Amendment of Section 4, (Act 1 of 1894).- In the Land Acquisition Act, 1894, (Act I of 1894), hereinafter referred to as

the said Act, sub-Section (3) to Section 4, shall be deleted.

3. Amendment of Section 6, (Act 1 of 1894).-In the said Act, Proviso of Section 6, shall be substituted as follows;

“Provided that no such declaration shall be made unless sufficient funds for payment of compensation to be awarded for such property are placed at the disposal of the Collector which shall remain deposited in the appropriate account, till payment.”

4. Amendment of Section 18, (Act 1 of 1894).-In the said Act, in Section 18, after sub-section (2), following new sub-section shall be added as follows:-

“(3) — The Collector shall forward a reference to the Court within a period of thirty days from receipt of the application

under sub-section (1) unless the Collector rejects the application within aforesaid period on any of the grounds provided by this

Act.”

Addition of Section 28-A & 28-B, (Act I of 1894).- In the said Act, after Section 28, new Sections 28-A and 28-B, shall be added as follows:-

“28-A Decision of reference.- Every reference made by the

28-B

Collector to the Court under this chapter, shall be decided within a period of one hundred and eighty days from the date of receipt thereof in the Court.

Provision of funds for enhanced compensation.- (1)
Where the Court does not uphold award of the Collector

and compensation money is enhanced, the acquiring department, agency or company shall be bound to provide funds to the Collector equivalent to the enhanced sum within a period of ninety days of pronouncement of judgment of the Court unless such department, Agency or company has filed an appeal against the judgment in appropriate court.

(2) Where acquiring department, agency or company does not comply with the provisions contained in this Section, it shall, in addition to the proceedings which may be initiated against such department, agency or company under this Act or under any other law for realization of enhanced sum, be liable to pay interest on such excess amount at the prevailing bank rate from the date of its taking possession of the acquired land or other property till the date of payment of such excess sum.”

Sd/-(Raja Zulqarnain Khan)
President

Azad Jammu and kahsmir

Sd/- (Ch. Waheed-ul-Hassan)
Deputy Secretary (legislation)