

VOLUME IX: 1989-1993

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

Dated the 16th March. 1993.

No 362-66/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 XIX OF 1993)

AN

ACT

to amend the Jammu and Kashmir Right of Prior Purchase Act, 1993

(Bikrami).

WHEREAS it is expedient to amend the Right of Prior Purchase

Act, 1993 (Bikrami), (Act II of 1993) for the purposes hereinafter

appearing:

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This. Act may be called
the Azad Jammu and Kashmir Right of Prior Purchase
(Amendment) Act, 1993.

(2) It shall come into force at once.

2. Amendment of Section 14, Act II_of 1993 (Bikrami).- In the
Jammu and Kashmir Right of Prior Purchase Act, 1993 (Act Hof
1993 Bikrami) for Section 14, the following shall be substituted,
namely:-

"14. (1) Subject to the provisions of Section 13 the Right of Prior
Purchase in respect of agricultural land and village
immovable property shall vest.-

- (a) firstly in shifi-sharik;
- (b) secondly in Shafi Khalit; and
- (c) thirdly in Shafi Jar.

Explanation:-

1. "Shafi Sharik:" means a person who is a co-owner in the
corpus of the undivided immovable property sold with
other person or persons.

2. "Shafi Khalit" means a participator in the special rights attached to the immovable property sold, such as right of passage, right of passage of water or right of irrigation.

3. "Shafi Jar" means a person who has a right of pre-emption because of owning an immovable property adjacent to the immovable property sold.

(2) Where all the classes of pre-emptors referred to in sub-section (1) are the -claimants, the first class shall exclude the second and the second shall exclude the third.

(3) Where there are more than one participators in the special rights attached to the immovable property sold the person having special right shall have precedence over a person having a general right.

Illustration

A garden is irrigated by a watercourse which opens from small canal, if this garden is sold, the person having right of irrigation from water course shall have precedence over a person having right of irrigation from the canal. But if such garden is irrigated from the small canal, the person having right of irrigation from watercourse as well as the person having right of irrigation from the canal shall both have right of pre-emption.

(4) Where there are more than one pre-emptors and one has right of passage and the other has right\of passage of water attached to the immovable property sold;.the person having right of passage shall have precedence over the-person having right of passage of water.

(5) A participator in the special rights having his property on the basis of which he claims to be the pre-emptor nearer to the immovable property sold shall have precedence over the pre-emptor having such property not so nearer to the immovable property sold."

Sd/-

(Syed Shakir Shah)
Deputy Secretary Law