

THE AZAD KASHMIR (REHABILITATION) RULES, 1953.
 (Passed under Government Order No. 350/53 dated 7-10-1953.

In exercise of the powers conferred by section 18 of the Azad Kashmir Rehabilitation Ordinance 1952, the Azad Kashmir Government is pleased to make the following rules, namely :-

I. PRELIMINARY

1. Short title and commencement:- (i) These rules may be called the Azad Kashmir (Rehabilitation) Rules, 1953.

(ii) They shall come into force at once.

2. Definitions:- In these rules :-

(a) "the Ordinance" means the Azad Kashmir Rehabilitation Ordinance, 1952 ; and

(b) "Section" means a section of the Ordinance ; and, unless there is anything repugnant in the subject or context, all other terms and expression shall have the same meaning as they have in the Ordinance.

3. Seal:- Every Rehabilitation Authority shall have a seal bearing the name of the office which he holds and the place where his headquarters are situated.

II ADMINISTRATIVE

4. Conditions of service and furnishing of security:- The Rehabilitation Commissioners may by a special or general order require such officers as are entrusted with the receipt, custody, disbursement or disposal of any money or property to furnish such security as he may consider adequate.

5. Allocation of works etc.:-(i) Subject to any general or special order of the Government the Rehabilitation Commissioner shall provide for the distribution of work to be performed by Additional Deputy and Assistant Rehabilitation Commissioners.

(ii) Subject as aforesaid, the Additional Deputy and Assistant

Rehabilitation Commissioners and other officers or persons to whom the Rehabilitation Commissioner delegate any of his functions, shall discharge such functions under the general superintendence and control of the Rehabilitation Commissioner.

(iii) Notwithstanding the foregoing provisions of this rules, the Rehabilitation Commissioner may, of his motion or on an application made in this behalf, transfer any proceedings pending before any Additional, Deputy or Assistant Rehabilitation Commissioner subordinate to him or before any person to whom he has delegated any power, to himself for investigation, enquiry or disposal.

(iv) Nothing in such rule (iii) shall prevent a Rehabilitation Commissioner from receiving an application himself if he so deems fit.

(v) Every distribution of work, delegation of powers, orders. and instructions made or given under this rule shall be notified in the official gazette.

III. EXECUTIVE

Summary ejection:- The procedure for summary ejection under clause (b) of Sub-Section (ii) of section 8 shall be as follows :

(a) The Rehabilitation Authority shall in the first instance issue a notice to the unauthorised person to show cause, within a period which shall not be less than 7 days why he should not be ejected.

(b)

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After consideration of the representation if any made by or on behalf of the unauthorised person and after taking such evidence as he may consider necessary the Rehabilitation Authority may make an order under clause (b) of subsection (ii) or section 8 which shall be served in the-manner prescribed in rule 8.

(c) If the unauthorised person fails to deliver possession of the property to the Rehabilitation Authority within a period of seven days of the service of the order of ejection under clause (b) of this rule or unless within the same period an order is received from the Appellate Authority staying the

ejectment, the Rehabilitation Authority shall cause a case under section 13 of the Ordinance to be registered at the Police Station of the area within which the property is situated and shall further direct the Police to eject the unauthorised person with the use of such force as may be necessary.

Restriction on allotment:- Ten percent of the total available evacuee property may be reserved for allotment to persons who are not refugees provided that allotment in favour of persons who are not refugees shall not be made without the orders of the Minister-in-charge Rehabilitation on the recommendation of the Rehabilitations Commissioner.

Service of notice etc.:- (i) The Service or publication of any notice, summons or order under the Ordinance shall be effected in one or more of the following modes, namely :-

(a) by giving or tendering it to the person concerned, or his agent, if any ;

(b) by leaving it at the last known place of business or residence of the person concerned or giving or tendering it to some adult member of his family.

(c) by sending it by registered post ;

(d) by affixing it on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned.

(e) by publication in a newspaper or proclamation by beat of drum or other customary method in the locality.

(ii) service or publication under clause (b) or clause (d) of sub-rule (i) shall be effected in the presence of two respectable persons of the locality.

Holding of inquiries etc.:- Every application and appeal presented to a Rehabilitation Authority shall be framed, signed and verified as if it were a plaint, or as the case may be an appeal under the Code of Civil procedure, 1908, and a Rehabilitation Authority shall have the same powers to reject or return a plaint or an appeal.

Appeal, revision and review:- (i) An appeal under sub-section (1) of section 12 shall be presented within forty five days of the date of the order appealed against ;

(ii) An application for revision under section 12-A shall be made within forty five days of the date of order sought to be revised.

(iii) The provisions of sections 4, 5 and 12 of the limitation Act, 1908 (IX of 1908) or the like provisions of any other enactment, relating to limitation for the time being in force in the area in which the appeal or application is presented, shall apply in computing any period prescribed in this rule.

(iv) Every memorandum of appeal and every application for revision or review shall be in writing and shall set forth, concisely without any narrative or argument the grounds of appeal, revision or review, as the case may be, and such grounds shall be numbered consecutively, and the memorandum or application shall be signed and verified by the person presenting the same ;

(v) Every memorandum of appeal and every application for revision or review shall be accompanied by a certified copy of the order complained against and shall bear a Court fee stamp of Rs. 2/-.