

THE AZAD KASHMIR PROTECTION OF EVACUEE
PROPERTY (AMENDMENT) ACT, 1955.

(Passed under Council Order No. 166/55 dated 17-8-1955).

Whereas it is expedient to amend the Azad Kashmir Protection of Evacuee Property Act, 1950, it is hereby enacted as follows :-

1. (i) This Act may be called the Azad Kashmir Protection of Evacuee Property (Amendment) Act, 1955.

(ii) It shall come into force at once and shall take effect from the date the Azad Kashmir Protection of Evacuee Property Act, 1950, came into force.

2. The following shall be substituted for section 10 of Azad Kashmir Protection of Evacuee Property Act, 1950 :-

"() A person aggrieved by a final order passed under section 6, section 8 or section 9 by a Deputy Custodian may prefer an appeal to the Custodian.

(ii) The appeal shall be presented in such manner and within such time as may be prescribed.

(iii) The Custodian to whom an appeal is preferred under sub-section (i) may dispose of it himself or make it over for disposal to an Additional Custodian.

(iv) The Custodian may, at any time, either of his own motion or on an application made to him within the prescribed period in this behalf, call for the record of any proceeding which is pending before or has been disposed of by an officer subordinate to him, including an Additional Custodian, for the purpose of satisfying himself as to the legality or propriety of an order passed in the said proceeding, and may pass such order in relation thereto as he thinks fit :

Provided that the Custodian shall not, under this sub-section pass an order, revising or modifying any order affecting any person without giving such person and the Rehabilitation Authority an opportunity of being heard.

(v) The Custodian or Additional Custodian may at any time of

his own motion or on an application made to him within the prescribed period, and after giving notice to the parties concerned and the Rehabilitation Authority review his own order or an order passed by his predecessor-in-office.

(vi) Subject to the foregoing provisions of this section, any order made by the Custodian or Additional or Deputy Custodian shall be final and shall not be called in question in any Court."

Notwithstanding anything contained to the contrary in the Protection of Evacuee Property Act, 1950, or any rule framed thereunder the Custodian may, by order, direct that any class of orders passed by Deputy Custodian before or after the passing of this Act, shall be effective and valid only on confirmation by the Custodian.

The following shall be added as clause (ii) in section-13 of the Azad Kashmir Protection of Evacuee Property Act of 1950 after substituting a semicolon for the full stop at the end of clause (i):-

"(ii) to delegate, by general or special order, all or any of his functions under this Act to such officer as he thinks fit provided that such officer shall not be below the rank of a Gazetted Officer."

Any delegation of all or any of his functions made by the Custodian before the passing of this Act, shall, in so far as the order made or action taken is of the nature permitted by or under this Act, be deemed to be as valid and effectual for all purposes as if the order or action had been made or taken in the exercise of the powers conferred by this Act.