

THE BAITULMAAL PROPERTY ACT, 1948.

Whereas it is expedient to organise the 'Baitulmaal Property' on a sound basis it is hereby enacted as follows :-

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This Act may be called the Baitulmaal Property Act of 1948.

It shall extend to the whole of the liberated area under the Azad Kashmir Government and shall come into force forthwith.

(i) In this Act the expression 'Baitulmaal property' shall mean and include all property, whether movable or immovable left by non-Muslims in the liberated territory and it shall be the property of the Government.

(ii) 'Baitulmaal officer' shall mean an officer appointed in this behalf by the Revenue Minister for each tehsil under this Act.

(iii) Chief Baitulmaal Officer shall mean an officer appointed by the Government for the whole liberated territory under this Act.

It shall be the duty of the Baitulmaal officer :-

(i) To maintain strict control over the management of the abandoned lands in the execution of the purposes of the abandoned land, Management Act.

(ii) To manage and to see that the land leased out for cultivation or management is given to a proper person in the interest of the administration.

(iii) To manage immovable property other than abandoned land by letting it out for rent or by other methods.

(iv) To realise the produce of abandoned land and to seize and collect or order the seizure or collection of Baitulmaal property if it is possessed by any person in an unauthorised manner.

For the purposes of this Act the 'Baitulmaal' officer shall be subordinate to the District Baitulmaal officer.

If there is any dispute as to any such property seized and taken possession of as Baitulmaal Property it shall be the duty of Baitulmaal officer to hold any enquiry. After the conclusion of enquiry by recorded evidence of both sides he shall submit a report to the District Baitulmaal officer who shall scrutinize it and if he is of the opinion that the property is to be released, shall send the case to the Chief Baitulmaal officer for final orders on it. If the District Baitulmaal Officer is of the opinion that the claim or objection is baseless, he shall reject the claim. The person aggrieved may within thirty days from the date of this order, prefer an appeal to the Chief Baitulmaal officer.

An appeal by the aggrieved party on the order of the Cheif Baitulmaal officer, whether the order has been passed on appeal or in his original jurisdiction will lie to the Revenue Minister within 30 days of passing that order. On appeal from the order of the Chief Baitulmaal officer the Revenue Minister will pass orders which shall be final and conclusive.

The District Baitulmaal Officer, the Chief Baitulmaal officer and the Baitulmaal officer or another officer appointed under this Act, may require the help of any police officer if a breach of peace is apprehended in realizing the Baitulmaal property or the produce thereof.

Whenever a Baitulmaal officer seizes any property as Baitulmaal property he shall immediately give information in writing to the District Baitulmaal officer and shall enter the property so seized in a register to be maintained by him.

If the property so seized is of a perishable nature or consists of live-stock, it may be sold by public auction subject to the approval of the District Baitulmaal officer and the sale-proceeds thereof shall be deposited into the Government treasury.

If the Baitulmaal property consists of shops or houses :

- (i) It may be used for accumulating refugees ;
- (ii) If it is not used for refugees, the shops or houses may be let out on rent, the rent being fixed by an agreement in writing

by public auction and payable in two six monthly installments in advance.

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All arrears of rent under this Act, shall be realizable as arrears of land of Revenue.

While granting a lease of abandoned land for cultivation or management to tenants, the Baitulmaal officer shall subject to the control of the District Baitulmaal officer give priority to the tenants in the following orders :-

- (i) Dependents of shaheeds;
- (ii) Dependents of Mujahids ;
- (iii) Refugees.

If no suitable tenants are available from categories of persons mentioned in (I), (ID), (III) above the abandoned lands shall be let out to other suitable persons of the locality. The houses in abandoned lands shall be exempted from being let out on rent to any other person. The tenants of such abandoned lands shall be responsible for any loss or damage caused to such houses.

The tenants to whom abandoned land is given for cultivation or management shall pay fifty percent of the produce grass and fodder to the Government through the Baitulmaal Authorities.

If it appears that any person to whom abandoned land had been given for cultivation or management has misappropriated or stole or caused the misappropriation or theft of such produce or part thereof through his own negligence, the Baitulmaal officer shall, with the help of the police agency at his disposal, subject to the control of the District Baitulmaal officer, assessed the average produce of grain, fodder and grass and then seize 50% of such estimate produce from the stock available on the spot. If the stock available on the spot is less than 50% of that which has been estimated as the probable produce it shall be determined and realized as arrears of land revenue.

The District Baitulmaal officer may pass any order with regard to the recovery or realization of Baitulmaal property or the produce or proceeds thereof in the interest of the Government and may authorise any civil officers aided by the Army or the Police or both to recover or realize it by the use of force, if necessary.

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All the 'Baitulmaal Property' being the property of the Government and shall be at the disposal of the Government and may be used in any way by the Government.

No person shall evade or resist, or abet the evasion or resistance of, the taking or seizure of any Baitulmaal property or the produce thereof, by any competent authority.

Whoever contravenes any of the provisions of section shall, on conviction before a first class magistrate, be punished with rigorous imprisonment for a term which may extend to two years and with fine.

Whoever resists or evades or abets the resistance or of any order passed by the District Baitulmaal officer under section 15, shall, on conviction before a first class magistrate, be punished with rigorous imprisonment for a term which may extend to two years and with fine.

All offences under this Act shall be cognizable, non-bailable and non-compoundable.

The Deputy Commissioner of every district shall be an Ex-officio District Baitulmaal officer.

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