

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

MUZAFFARABAD

Dated the 15th March, 1993.

No. 277-81/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:-

AN
ACT

(ACT II of 1993)

to amend the Land Acquisition Act, 1894

WHEREAS it is necessary to amend the Acquisition Act, 1894 (Act I of 1894) in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This» Act may be called the Land Acquisition (Amendment) Act, 1993.

(2)

It shall come into force at once.

2. Amendment of Section 4, Act 1 of 1894.- In the Land Acquisition Act, .1894 (Act Lof 1894) as inforce in Azad Jammu and Kashmir, hereinafter-referred to as the said Act, in Section

4,-

(a)

(b)

for sub-Section (1) the following shall be substituted and shall be. deemed always to have been so substituted, namely:

"(1) | Whenever it appears to the Collector of District that the land in any locality is needed or is likely to be needed for any public purpose or for a company a notification to that effect shall be published in the Official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality."

in sub-section (2) for the words "Commissioner or the Board of Revenue", the words "Assistant Commissioner

of the Substituted.

after sub-section (2), as amended aforesaid, the following new sub-section (3) shall be added namely:-

(3) The Officer so authorised shall at the time of such entry to pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered; he shall at once refer the dispute to the decision of the Collector or other chief Revenue Officer of the District, and such decision shall be final."

Insertion, of Section 5-A Act I of 1894.- In the said Act, after Section 5 the following new Section 5-A shall be inserted, and shall be deemed always to have been so inserted:-

"5-A. Hearing of Objection.- (1) Any person interested in any land which has been notified under Section 4, sub-Section (1), as being needed or likely to be needed for a purpose or for a Company may, within thirty days after the issuing of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section(1) shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks-necessary, submit the case for the decision of the Commissioner, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Commissioner on the objections shall be final.

(3) Where land is needed for a Company, the Collector shall, after making such enquiries as he deems necessary, also make his recommendations to the Commissioner with regard to the area. that in his opinion is reasonable for the purpose.

(4) For the purpose of this Section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Substitution of Section 17, Act I of 1894.- In the said Act, for Section 17, the following shall be substituted, namely:-

"17. Special power in cases of urgency.- (1) In cases of urgency, whenever the Commissioner so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from publication of the notice mentioned in sub-section (1) of Section 9, take possession of any land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances:

Provided that the Commissioner shall not issue any direction to the Collector under this sub-section unless the Department of Government, the local authority, or Company, as the case may be, for which the land is being acquired, has first deposited the estimated cost of acquisition of such land as determined by the Assistant Commissioner of Sub-Division keeping in view the provisions of Section 23 and 24,

(2) Whenever owing to any sudden change in the channel of any navigable river or other unforeseen emergency it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or whenever owing to a similar emergency it becomes necessary for the Commissioner to acquire the immediate possession of any land for the \ purposes of maintaining traffic over a public road, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Commissioner, enter upon and take possession of 'such land, which shall thereupon vest absolutely in the Government free from all encumbrances:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty eight hours notice of his intention so to do, or such longer notice as may be reasonable sufficient to enable such occupier to remove his movable property from, such building without un-necessary inconvenience,

(3) In every case ,under either of the preceding sub-section the Collector shall at the time, of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in Section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be, allowed for in awarding compensation for the land under the provisions herein contained.

(4) In cases where In the opinion of the Commissioner, the provisions or Sub-section (1) or sub-section (2) are applicable, the Commissioner, may direct that the provisions of sections 6 and 5-A shall 'not apply and, if he does so direct, a declaration may be made under Section 6 in respect of the land at any time

after the publication of the notification under sub-section (1) of Section 4."

Amendment of Section 38, Act I of 1894.- In the said Act, in Section 38,-

(a) for sub-section (1) the following shall be substituted, namely:-

"(1) The Commissioner may authorise any Officer of any company, desiring to acquire land for its purpose, to exercise the powers conferred by sub-section (2) of Section 4." and

(b) in sub-section (2) for the word and figure "Section 5" the words figures and brackets "sub-section (3) or section 4" shall be substituted.

Repeal.- The Land Acquisition (Amendment) Ordinance , 1993 (Ordinance XIV of 1993) is hereby repealed.

Sd/-
(Syed-Shakir Shah)
Deputy Secretary Law