

THE BAITULMAL PROPERTY ACT, 1950

(Passed under Cabinet Resolution No. 31/50)

Whereas it is expedient to revise the Baitulmal Property Act of 1948, it is hereby enacted as follows :

1. This Act may be called the Baitulmal Property Act of 1950.
2. This Act shall extend to the whole of the liberated territory which is or which may hereafter come under the administration of the Azad Kashmir Government and it shall come into force forthwith.
3. In this Act expression "Baitulam Property" shall mean and include all property, whether movable or immovable, abandoned by Non-Muslims in the liberated territory and it shall vest in the Government.
4. Subject to the control of the Deputy Commissioner, it shall be the duty of the Tehsildar :-
 - (i) To maintain strict control over the management of the abandoned land or other immovable property in the execution of the purposes of the Abandoned Lands Management Act of 1949.
 - (ii) To manage and to see that such abandoned land or other Baitulmal property is let out to proper persons.
 - (iii) To realise the produce of such abandoned land whenever ordered to do so by the Deputy Commissioner.
 - (iv) To seize and to collect or to order the seizure or collection of Baitulmal property if it is possessed by any person in an unauthorised manner.
 - (v) To supervise in the Tehsil the work of the Rehabilitation staff or other officers authorised by the Deputy Commissioner to execute the purposes of the Abandoned Lands Management Act of 1949.

5. (i) Whenever the Tehsildar seizes any property as Baitulmal property, he shall immediately give information in writing to the Deputy Commissioner and shall enter the property so seized in a register to be maintained by him.

(ii) 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 Deputy Commissioner and the sale proceeds thereof shall be deposited in the Government treasury.
6. (i) If the Baitulmal property consists of shops or houses it may be used for accommodating refugees.

(ii) If it is not used for refugees, the shops and houses may be let out of cash rent to be fixed by an agreement in writing by public auction and payable in two six monthly installments.
7. While granting leases of abandoned land the Tehsildar or other officer authorised by the Deputy Commissioner in the behalf shall keep in view the interests of dependants of 'shaheeds', dependents of 'Mujahids' and refugees. If no tenants are available from these categories of persons such land may be let out to other suitable persons of the locality. The tenants of such abandoned property shall be responsible for any loss or damage caused to such property.
8. The Deputy Commissioner may pass any order with regard to the recovery or realisation of Baitulmal property or the produce thereof and may authorise any civil officer aided by the Army or the Police or both to recover or to realise it may the use of force if necessary.
9. No person shall evade or resist or abet the evasion or resistance or the taking or seizure by any competent authority, of any Baitulmal property or the produce thereof.
10. Whoever resists or evades or abets the resistance or evasion of the execution of an order under section 8 shall, on conviction before a first class Magistrate, be punished with rigorous imprisonment for a term which may extend to two years and fine which may extend to one thousand rupees.
11. Whoever contravenes the provisions of section 9 shall, on conviction before a 1st class Magistrate, be punished with

rigorous imprisonment for a term which may extend to two years and with fine which may extend to one thousand rupees.

12. (i) All offences under this Act shall, subject to the provisions of sections 497, 498, of the Criminal Procedure Code with regard to bail, be bailable and cognisable.
- (ii) Cases under this Act may be withdrawn at the instance of the Deputy Commissioner or the Commissioner.
13. All money and arrears of rent payable under this Act or under the Abandoned Lands Management Act shall be realised as arrears of Land revenue.
14. (i) If there is any dispute as to any property claimed, seized or taken possession of as Baitulmal Property, it shall be the duty of the Tehsildar or other officer authorised by the Deputy Commissioner to hold an enquiry.
- (ii) After the conclusion of enquiry by recorded evidence on sides he shall submit a report to the Deputy Commissioner who shall examine the case and pass such orders as he deems fit.
- (iii) A person aggrieved by an order passed under sub-section (ii) of the section may, within sixty days from the date of such order, prefer an appeal to the Commissioner who shall decide the appeal after hearing the parties.
- (iv) A person aggrieved by an order passed under sub-section (iii) of this section may appeal to the Revenue Minister within sixty days from the date of the order appealed against and the decision of the Revenue Minister shall be final.
15. (i) The commissioner may, at any stage of the proceedings, call for the record of any case relating to, to such dispute from the Deputy Commissioner and may pass such orders thereon as he thinks fit.
- (ii) An appeal shall lie to the Revenue Minister from the order passed under sub-section (i) of this section and shall be referred within sixty days from the date of the order appealed against.

16. (i) If the Deputy Commissioner requires instructions with regard to any Baitulmal property he may make a reference to the Commissioner.

(ii) The Commissioner may convey his instructions and orders to the Deputy Commissioner on receiving such a reference.

(iii) If the Commissioner is of opinion that the matter should be brought to the notice of the Government he shall ascertain the policy and the orders of the Government and communicate the same to the Deputy Commissioner.
 17. Pending the decision of an appeal, reference, review or revision the execution of an order passed with regard to the possession or disposal of any Baitulmal property may be kept in abeyance by the authority passing the orders or by the higher authority dealing with the orders or by the higher authority dealing with the case.
 18. (i) All the Baitulmal property having vested in the Government shall be at its disposal.

(ii) The Government may from time to time issue instructions for its management, disposal or use subject to such conditions as may be prescribed in this behalf.
 19. Nothing in this Act shall invalidate any act done under the Baitulmal Property Act of 1948 and all orders passed and acts done under that Act shall be deemed to have been done under this Act.
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