

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the 27th Nov, 1985.

No. 2287/LD/Leg(A)/85. The following Act of the Assembly received the assent of the President on 25th day of November, 1985, is hereby published for general information:-

(ACT XXIX OF 1985)

**AN
ACT**

to provide relief to the distressed persons in Azad Jammu and Kashmir

WHEREAS it is expedient to provide relief to the distressed persons in Azad Jammu and Kashmir;

It is hereby enacted as follows:-

1. **Short title, Extent and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Distressed Persons Relief Act, 1985.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once and shall be deemed to have taken effect on and from 5th day of November, 1985.
2. **Definitions.**- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-
 - (a) "Competent officer or Board of officers" means an officer or Board appointed by the Government to function as such under Section 4 of this Act;
 - (b) "Distressed person" means and includes any person who lives in Azad Jammu and Kashmir and who--
 - (i) has been physically or financially damaged on account of any accident, fire, epidemic, rains, or any other calamity and in the opinion of the competent officer or Board of officers deserves aid or relief in order to enable him to continue the normal pursuits of his life for the time being or till the effects of the damage subsidize; or
 - ¹[(ii) is a legal heir of a person who has lost his life in

¹ Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1995 (XXVI of 1995) dt. 26-12-1995. Original is reproduced as under:
"(ii) is dependent of a person who has lost his life in accident, fire, epidemic, rains or any other calamity in the opinion of the competent officer or Board of officers it is expedient to provide him relief;"

Volume VIII (1985-1988)

an accident, fire, epidemic, rains or any other calamity and in the opinion of the competent officers or Board of Officers, it is expedient to provide him relief];

- (c) "Government" means the Azad Government of the state of Jammu and Kashmir.
- (d) "The Distressed Persons Relief Fund" means a fund created or established as such and operated under this Act;
- (e) "State Subject" means a State Subject as defined under the Dogra Regime Government Notification No. I-L/84, dated the 20th April, 1927.

3. **The Distressed Persons Relief Fund.**- The Government may establish a fund to be called "the Distressed Person Relief Fund" (hereinafter referred to as "the fund") in order to meet the requirements for relief of distressed persons under this Act or rules made thereunder.

4. **Competent officer or Board of Officers.**- The Government may a competent officer or Board of officers to make recommendations to the Government about the distressed person(s) entitled to get relief out of the fund referred to in Section 3. In making recommendations to the Government under this Section, the competent officer or Board of officers shall be guided by the rules made under this Act and the assessment made by the Assessment Committee appointed by the Government for relief assessment purposes.

5. **Pending cess.**- The cases pending before coming into force of this Act shall be finally disposed of under this Act.

¹6. **Recommendations.**- In making recommendations to the Government the competent officer of the Board of Officers referred to in Section 4, may recommend;

- (a) the person or person who deserve relief under the said Act;
- (b) the amount of relief:-

¹ Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

Recommendations.- In making recommendations to the Government the competent officer or the Board of officers referred to in the foregoing sections, may recommend:-

- (i) the person or person who deserve relief under this Act;
- (ii) the amount of relief;
- (iii) manners in which relief is to continue;
- (iv) the period for which relief is continue;

Provided that the maximum relief which can be granted to an individual or Collective cess shall not exceed ten percent of the total loss assessed;

Provided further that in individual cases the relief shall be given in very exceptional and hard cases."

Provided that the maximum relief which can be granted to an individual in case of death or injury or damage to property shall not exceed the amount mentioned in the schedule attached to this Act.]

7. **Orders.-** On receipt of the recommendations of the competent officer or the Board of officers, Government may accept, rescind or modify as the recommendations or pass such other orders as it deem fit.
- ¹[8. **Power of Government to Grant Relief in case of mass calamity affected Areas.-** Notwithstanding anything contained in clause (b) or Section 2 and Section 6 of the said Act or any other law for the time being enforce, the Government may grant adequate amount only in case of a mass calamity affected areas, to be placed at the disposal; of District Authorities for providing immediate relief in collective cases for provisions of food, shelter, clothing, medicine and other necessary relief from the Relief Fund. The District Officer shall subsequently within a period of three months, render on account of this amount to Accountant General, Azad Jammu and Kashmir, for verification and audit.]
- ²[8-A. **Delegation of Powers.-** The Government may delegate its powers under this Act to any person or authority.
9. **Power to make rules.-** (1) The Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide—
- (a) the amount of relief for different categories of the distressed persons;

¹ Substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

"Power of President to Grant Relief.- (1) Notwithstanding anything contained in clause (b) of Section 2 and Section 6 of this Act or any other law for the time being in force, the President may order one time grant of a sum not exceeding Rupees twenty thousand only in case of a calamity to be placed at the disposal of District authorities for providing immediate relief in collective cases for provision of food, shelter, clothing, Medicine and other necessary relief from the Relief Fund. The District Officer shall subsequently, within a period of three months, render an account of this amount to Accountant General, Azad Jammu and Kashmir, for verification and audit.

(2) In case of physical incapacitation of a persons, as defined in section 2 (b) (i), the President may in exceptional cases render for payment of cash compensation not exceeding Rupees two thousand and five hundred as immediate relief."

(3) In case of death of a person, as defined in section (2) (b) (i); the President may in exceptional cases order for payment of cash compensation not exceeding Rupees Five thousand as immediate relief.

² Inserted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1995 (XXVI of 1995) dt. 26-12-1995.

Volume VIII (1985-1988)

- (b) the manner in which preliminary enquiries should be made;
- (c) the manners in which different accounts, entries or certificates are to be maintained, made or given in this behalf;
- (d) such other matters as are necessary to facilitate the operation of this Act,

10. **Savings.**- Notwithstanding any judgment, decree or Order of any Court including High Court, everything done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Distressed Person Relief Ordinance, 1980 (Ordinance CXXX of 1980) or its succeeding ordinances issued from time to time shall be deemed to have validly done taken, issued, made, initiated or exercised under this Act.

Sd/-
(Syed Shakir Shah)
Section Officer Legislation

Volume VIII (1985-1988)

SCHEDULE

¹ Schedule added in 1993 and thereafter substituted 2 times
 (a) Schedule added by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 1993 (VIII of 1993) dt. 16-03-1993. Original is reproduced as under:

SCHEDULE
See Section 6

1. **Death.-**
Rupees Twenty Thousand in case of death.
2. **Injury.-**
Rupees Ten Thousand in case of Grievous hurt/injury.
3. **Removable property (Houses and shops).**

S.No	Description and Standard of building	Amount of Compensation for different categories.
1	2	
1.	Pakka House containing two or more Standard rooms with total building covered area 250 sq. ft.	Completely damaged. Rs. 20,000,00
2.	Kacha House containing covered area of 250 sq. ft. or more.	(Completely damaged). Rs. 10,000,00
3.	Pakka Shop built-up area 1 marla.	(Completely damaged). Rs. 5,000,00
4.	Kacha shop built up area 1 marla.	(Completely damaged). Rs. 3,000,00
5.	Pakka House containing 2 or more standard rooms with total built-up area 250 sq. ft.	(Partially damaged). Rs. 10,000,00
6.	Kacha house containing covered area of 250 sq. ft.	(Partially damaged). Rs. 5,000,00

Explanation.- Grievous Hurt/injury means and includes such Grievous Hurt/injury as defined in Section 320 Azad Penal Code.”

(b) Schedule substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 2006 (VII of 2006) dt. 08.11.2006 is reproduced as under:

SCHEDULE

Amount of compensation in case of.

1. Death (i) Rs. 50,000/- per person
2. Injury (i) Rs. 25,000/- in case of permanent disability.
 (iii) Rs. 5,000/- to 15,000/- in case of grievous injury.

S.N	Description	Nature of Loss	Amount of Compensation
1.	Pakka house	Completely damaged	25,000/-
2.	Pakka house	Partially damaged	15,000/-
3.	Kacha house	Completely damaged	15,000/-
4.	Kacha house	Partially damaged	15,000/-
5.	Pakka shop	Completely damaged	5,000/-
6.	Kacha shop	Completely damaged	3,000/-
7.	Heavy vehicle (bus, Truck)	Completely damaged	25,000/- Subject to the condition of the vehicle lost was the only source of livelihood for the affected person)
8.	Light vehicle (coaster, wagon, jeep)	Completely damaged	15,000/- (Subject to the condition that the vehicle lost was the only source of livelihood for the affected person)
9.	Cattle loss (i) cow, buffalo, horse, donkey (ii) sheep goat.	Rs. 2,000/- to Rs. 4,000/- Rs. 1,000/- (Subject to the condition that the cattle lost was the only source of livelihood for the affected persons.	
10.	Loss of household business due to fire or natural calamities.	Rs. 10,000/-	

(c) Schedule substituted by the Azad Jammu and Kashmir Distressed Person Relief (Amendment) Act, 2011 (IX of 2011) dt. 22.12.2011.

Volume VIII (1985-1988)

Amount of compensation payable in case of,-

1. Death Rs. 150,000/- per person;
2. Injury
 - (i) Rs. 75000/- per person in case of permanently disability.
 - (ii) Rs. 50,000/- per person in case of grievous injury;
3. Immovable Property (House, Shop, Vehicle and Cattle etc).

S.No	Description	Nature of Loss	Amount of Compensation
1.	Pakka house	Completely damaged	100,000/-
2.	Pakka house	Partially damaged	60,000/-
3.	Kacha house	Completely damaged	60,000/-
4.	Kacha house	Partially damaged	40,000/-
5.	Pakka shop	Completely damaged	50,000/-
6.	Kacha shop	Completely damaged	30,000/-
7.	Shelter	Completely damaged	50,000/-
8.	Heavy Vehicles (bus, truck).	Completely damaged	100,000/- (Subject to the condition that the vehicle lost was the only source of livelihood for the affected person)
9.	Light Vehicle (coaster, wagon, jeep)		50,000/- (Subject to the condition that the vehicle lost was the only source of livelihood for the affected person)
10.	Cattle loss (i) cow, buffalo, horse, donkey (ii) sheep goat.	Rs. 20,000/- to Rs. 30,000/- Rs. 3,000/- (Subject to the condition that the cattle lost was the only source of livelihood for the affected person)	
11.	Loss of household business due to fire or natural calamities.	Rs. 40,000/-	