

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD**

Dated: 22.04.2009

No. LD/Legis/ 380-92/2009. The following Act of Assembly received the assent of the President on 4th day of April, 2009, is hereby published for general information.

(ACT I OF 2009)

**AN
ACT**

to provide law for the establishment of Azad Jammu and Kashmir Mangla Dam Housing Authority

WHEREAS, the Government of Pakistan felt the necessity of arising water level of Mangla Reservoir up to 1250 feet which would result in displacement of people living in the territories comprising districts of Mirpur and Kotli in Azad Jammu and Kashmir and submergence of their properties;

AND WHEREAS, the Azad Government of the State of Jammu and Kashmir, having the support and consensus of the people of State in general and those to be displaced in particular, that on 27th day of June 2003, agreed to the execution of the Mangla Dam Raising Project within its territories, as aforesaid, for the well being and prosperity of brethren people of Pakistan and Azad Jammu and Kashmir;

AND WHEREAS, it is expedient to take necessary steps for proper discharge of responsibilities of Azad Government of the State of Jammu and Kashmir as incurred under the aforesaid agreement

It is hereby enacted as follows:-

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Mangla Dam Housing Authority Act, 2009.
 - (2) It shall extend to areas and persons affected by the Mangla Dam Raising Project.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Act, unless the subject or context requires otherwise the following expressions shall have the meanings as hereby respectively assigned to them, namely:-

- (a) **“Affected Property”** for the purposes of the Act, means any house, building, structure, hut or any other built-up property used, on the day the notification under Section 4 of the Land Acquisition Act was issued, for dwelling purposes and affected or to be affected by the project or by any activity related thereto;
- (b) **“Affectee”** means a person who owns or occupies, as owner or co-sharer of an affected property and shall include the person living in affected property built on the state land or WAPDA land acquired for Mangla Dam, but shall not include a tenant or occupier who, for the time being, living therein temporarily for pursuits of his life or for looking after the affected property, as the case may be, on behalf of the affectee;
- (c) **“Agreement”** means the agreement executed among Government of Islamic Republic of Pakistan, Azad Government of the State of Jammu and Kashmir and Water and Power Development Authority on 27th day of June, 2003, in connection with the Mangla Dam Raising Project and it shall include the agreement dated 24.7.1967, executed between AJK Government and Government of Pakistan in connection with construction of the Mangla Dam Project;
- (d) **“Allotment Committee”** means an allotment committee set up under Section 11;
- (e) **“Authority”** means the Azad Jammu and Kashmir Mangla Dam Housing Authority established by the Act;
- (f) **“Board”** means the Board of Governors constituted under Section 5 of the Act;
- (g) **“Chairman”** means the Chairman of the Board;
- (h) **“Director General”** means an executive head of the Authority appointed under Section 9 of the Act;
- (i) **“Displaced Person”** means a person whose entire land holding is acquired for purposes of the Project;
- (j) **“Extended Family”** means married sons, married grand sons of the affectees, who are not co-owners or co-sharers thereof, living jointly in the affected property and includes married sons of refugee affectees living jointly as aforesaid;
- (k) **“Government of Pakistan”** means Government of Islamic Republic of Pakistan;

- (l) **“Government”** means the Azad Government of the State of Jammu and Kashmir;
- (m) **“Land Acquisition Act”** means the Land Acquisition Act, 1894 (Act I of 1894), for the time being in force in Azad Jammu and Kashmir;
- (n) **“Member”** means member of the Board;
- (o) **“New City”** means New Mirpur City developed for resettlement of affectees under Mangla Dam Raising Project;
- (p) **“New Town”** means respective new towns developed under Mangla Dam Raising Project, at Islamgarh, Chakswari, Dadial and Siakh, for resettlement of affectees from the areas affected by the Project;
- (q) **“Act”** means Azad Jammu and Kashmir Mangla Dam Housing Authority Act, 2009,
- (r) **“Organization”** means the Mangla Dam Resettlement Organization established by the Government for rehabilitation and resettlement of the people of Azad Jammu and Kashmir affected or to be affected in consequence of the Project;
- (s) **“Prescribed”** means, save as otherwise provided in the Act, prescribed by the Rules or the Regulations;
- (t) **“Project”** means the Mangla Dam Raising Project as enunciated in the Agreement;
- (u) **“Refugee affectee”** means an affectee who being State Subject took refuge in Azad Jammu and Kashmir from Indian occupied Kashmir in consequence of war between India and Pakistan in 1965 or 1971 and on the day the notification under Section 4 of the Land Acquisition Act was issued, is living in the affected property situated on WAPDA or Government land;
- (v) **“Regulation”** means regulation made under the Act;
- (w) **“Resettlement Package”** means compensation and resettlement package including the measures to be taken for confidence building amongst the people of Azad Jammu and Kashmir in general and people to be affected by the project in particular, as agreed upon by the parties to the Agreement executed on 27th day of June, 2003 in connection with the project.

- (x) “**Rules**” means rules made under the Act;
- (y) “**WAPDA**” means Water and Power Development Authority of Pakistan.

PART-II

CONSTITUTION OF AUTHORITY

3. **Establishment of the Authority.**- (1) There shall be established an Authority to be known as the Mangla Dam Housing Authority, with its principal seat at Mirpur for carrying out purposes of the Act.
- (2) The Authority shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provisions of the Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.
- (3) The Board of Revenue, constituted under the Azad Jammu and Kashmir Board of Revenue Act, 1993, shall be secretariat of the Authority for all purposes of co-ordination, liaison and interaction with the Government.
4. **Management.**-(1) The management of the Authority and its affairs shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Authority.
- (2) The Board in discharge of its functions shall act on sound principles of development town planning and housing and shall be guided on questions of policy by such directions as the Government may, from time to time, issue regarding resettlement of affectees and displaced persons.
- (3) If any question arises as to whether any matter is a matter of policy or not the decision of the Government shall be final.
5. **Constitution of the Board of Governors.**- (1) The Board of Governors shall consist of a Chairman and Members as follows:-
- | | | |
|------|--|----------|
| i. | Minister Incharge of Mangla Dam Affairs | Chairman |
| ii. | All four Members of AJK Legislative Assembly elected from constituencies of Mirpur-I to IV | Members |
| iii. | Senior Member Board of Revenue | Member |
| iv. | Secretary Finance | Member |

- v. Commissioner Mangla Dam Affairs Member
- vi. Two persons nominated/appointed by Members
the Govt.
- vii. Director General Member/
Secretary

(2) The terms and conditions for appointment of Members of the Authority, other than ex-officio members, shall be as may be prescribed by the Government.

6. **Meeting of the Board.**- The meetings of the Board shall be held at such time and places and in such manner as the Regulations may provide:

Provided that until the regulation are made in this behalf the meeting of the Board shall be convened and held at such time and places as may be determined by the Chairman.

PART-III

FUNCTION AND POWERS OF THE AUTHORITY

7. **Powers of the Authority.**- (1) Subject to the provisions of the Act and the Rules made hereunder, the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of the Act.
- (2) Without prejudice to the generality of the powers conferred by sub-section (1) the Authority may:-
- (a) enter into an agreement with any person for the acquisition, purchase, lease or exchange of any land which the Authority is authorized to acquire under the Act or has any interest in such land;
 - (b) with the previous sanction of the Government, acquire for carrying out the purposes of the Act land under the provisions of the Land Acquisition Act;
 - (c) undertake any work in pursuance of any scheme prepared under the Act;
 - (d) incur any expenditure, procure plant, machinery, instruments and materials required for its use;
 - (e) enter into and perform all such contracts as it may consider necessary;
 - (f) cause studies, surveys, experiments and technical research be made and contribute towards the cost of any such studies, surveys, experiments on request of the Authority;

- (g) cause removal of any work obstructing the execution of any of its scheme;
- (h) seek, obtain and hire advice, assistance and consultancy for the preparation of any planning scheme or for the execution of any scheme from any local body, agency, company or firm, as the case may be, and such local body, agency, company or firm shall give the advice, assistance or consultancy sought by the Authority to the best of its ability, knowledge and judgment, and all the expenditure for seeking, obtaining or hiring such advice, assistance or consultancy shall be borne by the Authority;
- (i) undertake any work or perform any function in connection with or incidental to the purposes of the Act that may be assigned to it by the Government from time to time;
- (j) recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order;
- (k) subject to the provisions of the Act retain, lease, sale, exchange, rent out or otherwise transfer any land or other property vested in it, subject to such terms and conditions, as may be prescribed by the Rules;
- (l) notwithstanding anything contained in any other law for the time being in force a certificate of title issued by the Authority in respect of any lease, sale, exchange or transfer of any piece of land within specified areas shall be sufficient proof of the said title and shall be admissible in evidence of that title in any legal proceeding;
- (m) charge fee etc. for issuance of certificate of title under clause (l) or against any other service as may be fixed from time to time;
- (n) approve policies and schemes for the allotment of plots in the New City or the New Towns or in any settlement developed for resettlement which may be entrusted to it or take such other measures as may be necessary for carrying out the purposes of the Act;
- (o) have the power to ascertain and fix the price of the plots developed for the purposes of the Act;

- (p) devise and approve the procedure for allotment of plots, determine the manner to regulate sale or transfer of plots, the order of priority amongst the intending purchasers and the method of realization of the price and other dues in respect of plots allotted or sold; and
- (q) create and make classification of plots e.g. residential, commercial etc. and also lay down the categories of affectees as well as their entitlement for allotment of such plots.

8. **Execution of schemes by local bodies etc.**- (1) The Authority may require a local body or agency within whose jurisdiction any particular area covered by a scheme lies;

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the work and services in that area;
- (c) to enforce the Regulations on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme, or on the taking over or maintenance of any work or the enforcement of Regulations, under this Section, shall be borne as may be agreed between the Authority and the local body or agency, and in the event of disagreement as may be determined by the Government.

PART-IV

ADMINISTRATION OF AUTHORITY

9. **Director General.**- (1) Subject to overall control and superintendence of the Board, there shall be established an organization of the authority under the administrative control of the Director General to be appointed or designated by the Government.

(2) The Director General shall act as executive officer with the assistance of officers and servants of the Authority, subject to the powers delegated to him by the Board.

PART-V

ALLOTMENT OF PLOTS

10. **Vesting of land in the Authority.**-(1) Notwithstanding anything contained in the Land Acquisition Act or in any other law for the time being in force or anything contained in the award made by the Collector under the Land Acquisition Act, all the land acquired for the New City or the New Towns or may hereafter be

acquired for resettlement of families of the affectees or for other purposes of the Act, shall vest in the Authority free from all encumbrances.

(2) The land vested in the Authority shall not be allotted, sold, leased out, alienated or otherwise transferred to any person, entity or institution except for the purposes of the Act or Rules or Regulations made thereunder.

11. **Constitution of Allotment Committee.**-(1) The allotment committee shall consist of a Chairman and following members:

1["(i)	Director General of the Authority	Chairman
(ii)	Director State of the Authority	Member
(iii)	Deputy Director Building Control	Member
(iv)	Assistant Director Estate	Member/Secretary "]

(2) Two Members from amongst the local residents of area concerned to be appointed by the Board.

12. **Powers and Duties of the Allotment Committee.**- The Allotment Committee shall make allotment and auction of plots in pursuant to the policy, method and terms and conditions as approved by the Board.

13. **Proceedings of the Allotment Committee.**- The Allotment Committee shall strictly follow the directions, procedure and policies approved by the Board and for these purpose shall conduct meeting of the Committee to be presided over by Chairman of the Allotment Committee. The quorum for transaction of business of the Committee shall be five members including Chairman. The decision of the Allotment Committee shall be made by the votes of majority of its members.

¹ Subs. by the AJ&K Mangla Dam Housing Authority (Amdt.) Act, 2017 (Act XIII of 2017) dt. 24.03.2017. The original extractis reproduced as under:-

“(i)	Joint Commissioner Mangla Dam Affairs	Chairman
(ii)	Collector Land Acquisition for Mangla Dam Affairs	Member
(iii)	Executive Engineer Mangla Dam Affairs	Member
(iv)	Assistant Commissioner Mangla Dam Affairs	Secretary”

14. **Appellate Authority.**- (1) The Board shall be the Appellate Authority against any order or decision made or taken by the Allotment Committee.
- (2) Any person aggrieved by any order of the Allotment Committee may prefer, within 30 days of the order, an appeal to the Appellate Authority.
- (3) The Appellate Authority may either summarily reject the appeal or proceed to hear it in such manner as it thinks fit.
- (4) Subject to the order of the Appellate Authority, the decision of the Allotment Committee shall be final.
- (5) The orders or proceedings of the Allotment Committee shall not be called in question in any court of law except the appellate authority.
15. **Planning and maintenance of Public Parks.**- The public Parks, playing grounds, incidental open spaces and graveyards, shall be planned, developed and maintained by the Authority:
- Provided that public parks, playing grounds, graveyards or incidental open spaces or any part of such parks, grounds, yards or spaces shall not be allowed to be allotted to any public or private sector entity or not to be converted to any other category of plots.
16. **Alienation of plots.**-Subject to the provisions of the succeeding provisions, plots of all categories shall be alienable on payment of transfer fee as may be prescribed:
- Provided that no land or plot allotted under the Act shall, subject to the provisions contained in the Jammu & Kashmir Alienation of Land Act, 1995 (Act V of 1995 BIK) or Rules made thereunder or any order or notification issued, from time to time, under the said Alienation of Land Act and for the time being in force, be alienated or allowed to be transferred in favour of a non-State subject.
17. **Cancellation of allotment.**- (1) The Allotment Committee may, cancel the plot for any of the following reasons:-
- (i) non payment of dues within the specified period;
- (ii) non completion of building within the specified period;
- (iii) violation of terms and conditions of allotment like non conforming use, sub-division of the plot, amalgamation of plots etc.;
- (iv) violation of municipal bye-laws and building, zoning

and other Regulations and instructions of the Government or the Authority.

(2) No plot shall be cancelled unless the allottee or transferee or their legal heirs, as the case may be, has been provided an opportunity of being heard.

18. Restoration of cancelled plots.- (1) The Authority may consider requests for restoration of cancelled allotments of plots, made within ninety days from the date of cancellation, on payment of restoration fee at the rates as may be prescribed by the Authority from time to time.

(2) Applications for restoration of cancelled allotments received after ninety days may be considered by the Authority on case-to-case basis on payment of prescribed restoration fee along with delayed payment charges as may be prescribed.

(3) In all cases of restoration, the allottees shall be required to pay all outstanding dues of the Authority, including delayed payment charges and delayed construction surcharges, if any, and the restoration fee within 30 days of the letter intimating grant of restoration of allotment failing which the application for restoration shall be deemed to have been rejected and the plot, together with structure thereon, if any, shall stand resumed by the Authority and shall vest in it free from all encumbrance.

PART-VI

PREVENTION AND REMOVAL OF ENCROACHMENTS

19. Summary ejectment of unauthorized occupants.- The Deputy Commissioner or any person authorized by him in this behalf on requisition of the Authority may, after giving seven days notice, summarily eject any person from unauthorized occupation of any land or property vested in the Authority and may, for such ejectment, use such force including police force as may be necessary. The person so ejected shall also be liable to punishment of imprisonment for a term which may extend to three years or fine not exceeding thirty thousand rupees.

20. Removal of building etc, erected or used in contravention of the Act.- (1) If any building structure, work or land is erected, constructed or used in contravention of the provisions of the Act or of Rules, Regulations or order made thereunder, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, by orders in writing, require the owner, occupier user or person in control of such building, structure, work or land

to remove, demolish or so alter the building, structure or work, or desist from using or use the land, as to be in accordance with the said provisions.

(2) If any order under sub-section (1) in respect of any building structure, work or land is not complied with, within such time, as may be specified therein, the Deputy Commissioner, or any person empowered in this behalf by the Authority may, after giving the person to be affected by the order an opportunity of being heard, remove, demolish or alter the buildings, Structure or work, or stop the use of the land and in so doing, may use such force as may be necessary and may also recover the cost thereof from the person responsible for erection, construction or use of the building, structure, work or land in contravention of the provisions of the Act.

21. **Removal etc, of building after hearing.**-The Authority shall not order or cause any building in the area under the control of the Authority to be removed or demolished unless an opportunity of being heard has been given to the owner or occupier thereof, and his objections, if any, have been duly considered and the authority is satisfied that removal or demolition of the building is essential to the execution of its scheme.

PART-VII

ESTABLISHMENT

22. **Employment of Officers and Servant etc.**- (1) The Authority may, from time to time, employ such officer, servants, experts or consultants as it may consider necessary for the performance of its functions on such terms and conditions as it may deem fit.

(2) All posts in the Authority in grade 5 and above shall be filled in by borrowing the officers and other staff from other departments of the Government on such terms and conditions as laid down in the deputation policy, for the time being, in vogue:

Provided that where suitable persons are not available from other departments for appointment, the vacancies may be filled in by initial recruitment and preference shall always be given to the Mangla Dam affectees.

(3) All posts in grade 1 to 4 shall be filled in by initial recruitment to be made by the Authority in accordance with the prescribed Rules:

Provided that candidates from amongst old affectees of

Mangla Dam or people to be affected by the Project, may, subject to other conditions and qualifications as may be prescribed, be always preferred for initial recruitment under the Act.

23. **Recruitment, condition of service and disciplinary power.-**
(1) The Authority may lay down the procedure for the appointment, of its officers, servants, experts and consultant and shall be competent to take disciplinary action against them.
(2) The Authority shall constitute a Selection Board for appointment against posts in grade 16 and above where need arises.
(3) For initial recruitment in grade 1 to 15, the Director General shall have power to constitute, selection committees for the purposes from time to time.
(4) The term and conditions of service of officers, officials and workmen appointed in the Authority shall be determined by the Board with previous sanction of the Government.
24. **Employees to be Public Servant.-**All persons, for the time being, employed in connection with the affairs of the authority shall be deemed to be public servant within meaning of Section 21 of Azad Penal Code, 1860 as enforced in Azad Jammu & Kashmir.
25. **Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Government, the Authority, the Board, the Allotment Committee, or other officers, servants and employees of the Authority in respect of anything done or initiated to be done, in good faith, under the Act.
26. **Delegation of powers to the Director General.-** The Authority may, by general or special order, delegate to the Director General, or a Member or an officer of the Authority, any of its powers, duties or functions under the Act, subject to such conditions as it may think fit.

PART- VIII

FINANCE AND BUDGET

27. **Establishment of Fund of Authority.-** (1) There shall be established a fund to be known as the Mangla Dam Housing Authority Fund which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with performance of its functions under the Act including the payment of salaries and other remunerations to the Members,

officers, servants, workmen, experts and consultants thereof, as may be approved by the Board.

- (2) The Fund of Authority shall consist of:
 - (i) annual development grants and other grants made by the Government from time to time for the execution of schemes and conduct of its business;
 - (ii) special grants made by Government of Pakistan the Government or any other relevant authority or agency or funds advanced by WAPDA in connection with resettlement of subsidiary families;
 - (iii) soft loans obtained from the Government;
 - (iv) sale proceeds of movable and immovable property of the Authority;
 - (v) receipts for services rendered by the Authority or any of its ancillary body;
 - (vi) loans raised by the Authority with the special or general sanction of the Government;
 - (vii) bank loans and borrowings from other financial institutions;
 - (viii) all other sums receivable by the Authority.

28. Budget.- (1) The Authority shall, in respect of every financial year, cause to be laid before the Board, a statement of estimated receipts and expenditures for the next financial year to be called the annual budget.

(2) The annual budget shall be submitted to the Board in form of demands for classified heads of services. The Board shall have power to assent to or refuse to assent to any demand or to assent to any demand subject to reduction of the amount specified therein.

(3) The annual budget passed by the Board shall be placed before the Government for final approval.

(4) The Authority shall obtain specific sanction of the Government in respect of each individual scheme to be financed out of the fund of the Authority:

Provided that the Authority may without reference to the Government executes any scheme, the provisional estimated cost of which does not exceed Rs.10 Million and specific provision for which exists in its annual estimates of receipts and

expenditure.

- (5) In respect of any financial year if it is found that---
 - (i) the amount authorized to be spent for a particular service for the that financial year is insufficient; or
 - (ii) need has arisen for expenditure upon new service not included in the annual budget for that year; or
 - (iii) any money has been spent on any particular service during a financial year in excess of the amount granted for that service for that year.
- (6) The Board shall have power to authorize expenditure from fund of the Authority and shall cause to be laid before the Board, a supplementary budget or, as the case may be, a revised budget regularizing the amount of that expenditure.
- (7) No expenditure shall be incurred by the Authority except as authorized by the annual budget or supplementary or revised budget as passed or deemed to have been passed by the Board.
- (8) When the circumstances exist and it is deemed expedient and necessary, the Authority shall, in the prescribed manner, also submit to the Government for approval a statement of estimated receipts and expenditures in respect of the next financial year.

29. Accounts and Audit.- (1) The Authority shall maintain accounts in such manner as may be prescribed by Rules framed by it with the previous approval of the Government.

(2) The accounts of the Authority shall, in the manner prescribed by the Government, be audited by the Auditor General of Azad Jammu and Kashmir through Local Fund Audit.

(3) The Auditor General shall send two copies of the audit report regarding accounts audited under sub-section (2), to the Authority which shall forward one copy thereof, with its comments, to the Government.

(4) The Authority shall, in light of the observations made by the Auditor General, comply with such directions as the Government may issue for rectification of any matter pointed out/or objected in the audit report.

PART-IX

PENALTY AND PROCEDURE

30. Penalty.- Whoever contravenes any provision of the Act or of any rule or Regulation made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be

punishable with imprisonment which may extend to 6 months or fine or with both.

31. **Causing damage to property.**- Whoever willfully causes damage or allow damage to be caused to any property which vests in the Authority or unlawfully converts it to his own use or to use of any other person shall be punishable with imprisonment for a term which may extend to six months or with fine equivalent to the damage caused to the property or with both.
32. **Attempts and abetments.**- Whoever attempts to commit or abets the commission of an offence punishable under the Act shall be deemed to have committed that offence.
33. **Summary trial of offences.**- Any Magistrate empowered, for the time being, to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898, may if such Magistrate thinks fit, on application being made in this behalf by the Authority, try any offence punishable under the Act in accordance with the provisions contained in Section 262 to 268 of the said Code.
34. **Cognizance of offences by Court.**- No Court shall take cognizance of any offence punishable under the Act except on a complaint in writing made by the Authority or by an officer authorized for the purpose by the Authority.

PART-X

MISCELLANEOUS

35. **Realization of cost of land of residential plots.**- (1) The Collector while disbursing compensation money of the affected property to the affectees shall deduct a sum therefrom equivalent to the cost of land and certify to the Allotment Committee of such deduction:

Provided that where an affectee, being eligible for allotment of residents plot, has already received compensation money of his affected property shall be required to reimburse to the Collector an amount equivalent to the cost of land of plot to be allotted to such affectee.

(2) For safe custody of sum deducted under the preceding sub-section and until its reimbursement to WAPDA or appropriation thereof, as the case may be decided between the Organization and WAPDA, the Collector shall maintain a separate bank account and proper accounts of the sum so deducted or reimbursed and deposited, shall be kept in proper form.

36. **Recovery of wrong payments and other arrears.**- (1) Any sum paid wrongfully by error, mistake or accidental omission to any person, or any payment procured by fraud, misrepresentation or concealment of fact, impersonation or by other illegal means by any person, who was not entitled therefore under the Act or under the Agreement, shall in addition to any other proceedings which may be initiated under the law for the time being in force, be recoverable as arrears of land revenue in accordance with the provisions of the West Pakistan Land Revenue Act, 1967 (Act XVII of 1967) as adapted in Azad Jammu and Kashmir.
- (2) All dues, other than mentioned in the preceding subsection, recoverable from any person in pursuance of the provisions of the Act or any order made thereunder shall, on certification by the Director General be recoverable as arrears of land revenue.
37. **Jurisdiction of Court barred.**-Save as otherwise provided by the Act, no Court or other authority shall have Jurisdiction to question the legality of anything done in good faith or any action taken under the Act by or at the instance of the Authority.
38. **Admissibility of documents as evidence.**- A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of the Authority shall, if duly certified by the record-keeper and the officer authorized by the Authority in this behalf, be admissible in evidence for the existence of such document or entry, and shall be admitted as evidence of the matter and transactions therein recorded in every case where, and to the same extent to which the original document or entry would, if produced, have been admissible to prove such matters.
39. **Savings.**-Notwithstanding any judgment, decree or order of any court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised in pursuance of the Agreement shall be deemed to have been validly done, taken, issued, made, initiated or exercised under the Act.
40. **Power to make Rules and Regulations.**-(1) The Government may by notification in the Official Gazette make Rules to carry out purposes of the Act.
- (2) The Authority may, with the previous sanction of the Government make Regulations to provide for all matters, not provided for in the Rules for which provisions is necessary or expedient for carrying out the purposes of the Act and the Rules.

41. **Dissolution of Authority.**- (1) The Government may, by notification in the Official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.
- (2) On and from the said date-
- (a)(i) all properties, funds and dues placed at the disposal of the Authority shall vest in the Government and shall be realized by the Government,
- (ii) all properties, funds and dues, exchanged for, derived from or otherwise attributable to the properties, funds and dues, referred to in sub-clause (i) which, immediately before the said date, were held by or were realizable by the Authority shall vest in, and be realizable by the Government;
- (b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Authority, shall vest in and be realizable by such agency as the Government may determine, and its decision thereon shall be final;
- (c) all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the Government or such agency as the Government determines under clause (b) or as the case may be;
- (d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under the Act shall be discharged by the agency to be determined by the Government under clauses (b) and (c), as the case may be; and
- (e) the agency referred to in clauses (b), (c) and (d) shall keep accounts of all moneys respectively received and expended by it under the Act, as the Government may prescribe.
42. **Repeal:** The Azad Jammu and Kashmir Mangla Dam Housing Authority Ordinance, 2009,(Ordinance III of 2009) is hereby repealed.

Volume XI (2001-2010)

Sd/-(Ch. Waheed-ul-Hassan)

Deputy Secretary (Legislation)