

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

Dated the 15th March, 1993.

No. 297-301/LD/Leg/93. The following Act of the Assembly received the assent of the President on 13th March, 1993, hereby published for general information:-

(ACT VI OF 1993)

AN

ACT

to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976 (Act 11 of 1976) for the purposes hereinafter appearing;

WHEREAS it is expedient to amend the law relating to Chhamb Area for taking over the management of property by the Government in order to secure the proper management of the property for settlement of refugees and its restoration to land owners;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Act, 1993.

(2) It shall come into force at once.

2. **Amendment of Section 2 (Act II of 1976).**- In the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976 (Act II of 1976) hereinafter referred to as the said Act, in Section 2, for sub-section (2) and (3) the following shall be substituted:-

"(2)" Commissioner" means the Commissioner appointed under the Rehabilitation Act, 1956 and includes the Additional Rehabilitation Commissioner appointed under the same Act.

(3) "Deputy Commissioner" means the Deputy Commissioner and Additional Deputy Commissioner appointed under this Act."

3. **Amendment of Section 3 (Act II of 1976).**- In the said Act, in Section 3 after sub-section (1) the following proviso shall be added:-

"Provided that where a person is declared owner of any part of land by Deputy Commissioner, after holding inquiry

under this Act, vesting of land to the extent of such declaration shall be deemed to be on behalf of such owner."

(2) In the said Act, sub-section (2) of Section 3 shall be substituted as follows:-

"(2) The area as a whole shall be deemed to be in possession of Government and any person in possession of any part of the land in such area, shall be deemed to have held the same on behalf of Government, and shall be liable to surrender whenever so ordered."

4. **Addition of Section 3-A (Act II of 1976).**- In the said Act, after Section 3 the following new Section (3-A) shall be added,-

"3-A. (1) Subject to other provision of this Act, and within the prescribed time, any person claiming himself to be owner of any part of the land in the area, may by petition to the Deputy Commissioner, ask for a declaration that he is owner of such part of the land and that land to that extent is not available for allotment.

(2) On receipt of such petition, which must be accompanied by authentic documents, proof or record, the Deputy Commissioner shall consider, such material and may hold further inquiry in to the matter as he may deem fit. After completion of the inquiry, the Deputy Commissioner if satisfied, shall pass an order declaring the person as owner of the land claimed on such terms and conditions as he may deem fit or reject the petition as a whole or in part.

(3) The land declared by the Deputy Commissioner under sub-section (2) in favour of Muslim owner shall not be available for allotment to any other person and if it stands already allotted to any person, the Muslim claimant shall be allotted alternate land:

Provided that if the land is not available for allotment to such Muslim owners in Chhamb area, such claim may be satisfied outside Chhamb area against the evacuee property available elsewhere in Azad Jammu and Kashmir up-to the extent of actual holdings in Chhamb area or the claim reduced under sub-section (4).

(4) If the claimant has obtained any allotment in Azad Jammu and Kashmir in lieu of his land, he had left on migration of which declaration has been made under the Act, the claim found due shall be reduced to the

extent of the allotment so received. The land for which the claim is so reduced shall absolutely vest in the Government free from all encumbrances and shall be available for allotment:

Provided that a claimant shall not be required to surrender his allotment if his claim established added to the allotment held does not exceed 64 kanals.

5. **Allotment of land.**- (1) Subject to Section 3-A the Government may allot the agricultural lands in the Chhamb area to the following:-
- (i) Land owners of the Chhamb area, who have not been allotted any agricultural and in Azad Jammu and Kashmir in lieu of Land held by them in Chhamb area or whose allotment of land is less than the land they owned in Chhamb area prior to October 1947.
 - (ii) 1965 War refugees from Indian held part of the State of Jammu and Kashmir duly registered with the Deputy Commissioners of the respective districts in Azad Jammu and Kashmir;
 - (iii) 1971 War displaced persons;
 - (iv) Ex-Servicemen.
- (2) Allotment to these categories of persons shall be made in the prescribed manner".
6. **Substitution of Section 7, (Act II of 1976).**- In the said Act, Section 7 shall be substituted as follows,-
- "7. No person shall be deemed to be an allottee or to have any right or title accrued in land until such a written order has been passed or declaration made and he has been put in possession of the land by Deputy Commissioner."
7. **Amendment of Section 9, Act II of 1976.**- In the said Act, in Section 9 between the words "an allottee" and the words "in possession" the words "or owner" shall be inserted.
8. **Amendment of Section 10, (Act II of 1976).**- In the said Act, in Section 10 before sub-section (1) for the words "The Government may frame a scheme or schemes for the development of Chhamb Area or a part thereof, providing for all or any of the following matters" the following words shall be substituted,-

"Notwithstanding anything contained in this Act the Government may frame a scheme or schemes for the development of Chhamb Area or a part thereof, providing for all or any of the following matters, whether before or after declaration or allotment."

9. **Savings.**- Notwithstanding anything contained in any other law for the time being in force, any Judgment, decree or order of any court including High Court, everything done, all action taken, notifications issued, orders issued or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1977 (Ordinance VIII of 1977), or its succeeding ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.
10. **Repeal.**- The Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1992 (Ordinance CIII of 1992) is hereby repealed.

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law