

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD**

Dated the 8th day of November, 1976.

No. 4326/SL/76. The following Ordinance made by the President on the 18th day of September 1976, is hereby published for general information :—

**(ORDINANCE VIII OF 1976)**

**Preamble-** An Ordinance to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities.

Whereas it is expedient to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities,

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to make immediate action.

Now, therefore, in exercise of the powers conferred by Section 41 (1) of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.-** (1) This Ordinance may be called the Azad Jammu and Kashmir National Calamities (Prevention and Relief) Ordinance, 1976.
  - (2) It extends to the whole of Azad Jammu and Kashmir.
  - (3) It shall come into force at once.
2. **Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context,-
  - (a) 'Relief Commissioner' means the person appointed as such under sub-section (2) of Section 3 of this Ordinance;
  - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir ;
  - (c) 'Prescribed' means prescribed by rules made under this Ordinance ;
3. **Declaration of Calamity affected area and appointment of Relief Commissioner.-** (1) Whenever the Azad Jammu and Kashmir or any part thereof is affected or threatened by flood,

famine, locust or any other pest, hail-storm, fire, epidemic or any other calamity which, in the opinion of the Government, warrants action under this Ordinance, the Government may, by Notification, declare the whole or any part of Azad Jammu and Kashmir, as the case may be as calamity affected area.

(2) While issuing a notification under sub-section (2), Government shall, by notification, appoint a Relief Commissioner for the calamity affected area.

(3) The Government may confer on the Relief Commissioner, for the whole or any part of the calamity affected area,---

(a) The powers of a Magistrate of the First Class under Section 144 of the Code of Criminal Procedure, 1898, (V of 1898); and

(b) powers under such other laws as the Government may consider necessary for carrying out the purpose of this Ordinance.

4. **Prevention and Relief.**- (1) Subject to the other provisions of this Ordinance and of the rules made thereunder the Relief Commissioner shall, with respect to the calamity affected area, take such steps as he may deem necessary in order to maintain order, prevent, check or control the calamity or reduce the extent and severity thereof or to provide immediate relief to the victims of the calamity in the calamity affected area;

(2) In particular and without the prejudice to the generality or the powers conferred by the preceding subsection, the Relief Commissioner shall have power within the calamity affected area;--

(a) to evacuate or segregate population ;

(b) to requisition bulldozer, tractors, motor-vehicles, carts, carriages, boats, and other means of transport' by air, land or water, and beasts of burden ;

(c) to require the residents to declare surplus stocks of food, fodder, firewood, clothing and beddings and to requisition all or any of these articles ;

(d) to requisition building materials;'

(e) to requisition any building or land;

(f) to demolish any building or other structure;

(g) to conscript labor;

(h) to direct any person to abstain from a certain act or to take certain order with regard to certain property in his

possession or under his management and after approval of the Government

- (i) to acquire any land; or
- (j) to remit in whole or part any Government dues payable by any person or in respect of any property affected by the calamity :

Provided that with respect to the powers conferred by Clauses (b), (c), (d), (e), (f), (g), (h) and (i) of this subsection, the person owning the article, beasts of burden, building or land which is requisitioned or acquired, or the building or other structure which is demolished, or the person directed to abstain from any act or to take any order with regard to any property, and the persons conscripted to work as Laborers shall, be entitled to reasonable compensation as may be claimable under any law for the time being in force, or if no such law exists as is applicable to the case, then as prescribed by rules under this Ordinance, and such compensation shall be paid within one year from the day it falls due.

(3) Subject to the right of the owner to claim compensation, the property with regard to which an order for requisition or acquisition has been passed by the Relief Commissioner shall forthwith vest in the Relief Commissioner, who may deal with it in such manner as he deems proper in order to discharge his duties under this Ordinance;

Provided that when the purpose for which the property was requisitioned has been served it may, at his request be returned to the owner after the compensation paid to him has been refunded by him less the depreciation charges,

(4) The Relief Commissioner may, in addition to any action prescribed by or under this Ordinance, use or cause to be used such force as may, in his opinion, be reasonably necessary for securing compliance with or giving effect to or preventing any contravention of an order passed or for the effective exercise of a power exercisable under this Ordinance.

5. **Requisition of services of Government officials.-** The Relief Commissioner may, for the purposes of this Ordinance, directly requisition the services of any employee of the Government within the calamity-affected area, after consultation with the official superior of his department, as far as practicable, and the person to whom the requisition is addressed shall comply with it as if it were an order passed by Government or as the case may

be, by his official superiors.

6. **Punishment and procedure.-** (1) Any Person who fails to comply with an order passed by the relief Commissioner or any other person authorised to pass an order under this Ordinance or the rules thereunder shall be deemed to have disobeyed a direction so as to be liable for punishment under Section 188 of the Azad Penal Code, 1860 (XLV of 1860).  
 (2) Nothing in subsection (1) shall debar a competent authority from taking disciplinary action against an employee of the Government who has failed to obey a lawful order passed under this Ordinance or the rules thereunder.  
 (3) Every offence punishable under this Ordinance shall, within the meaning of Code of Criminal Procedure, 1898 (V of 1898), be cognizable and may be tried in accordance with the procedure prescribed by that code for summary trials.
7. **Delegation of Powers.-** (1) The Relief Commissioner may delegate all or any of his power to any officer, not below the rank of a Tehsildar, by name or by designation.  
 (2) The Relief Commissioner and the officers to whom all or any of his powers have been delegated under sub-section (1) shall be public servants within the meaning of section 21 of the Azad Penal Code, 1860 (XLV of 1860);.
8. **Revision.-** (1) Any order passed under this Ordinance by the Relief-Commissioner, shall be subject to revision by the Government, and the Relief Commissioner shall give effect to the orders of the Government made in revision.  
 (2) The Government shall, by rules, prescribe the calls of the class of cases and the manner in, which and the time within which orders made under this Ordinance shall be liable to revision by the Government.
9. **Power to give effect to Order.-** If in any case it is not possible to serve an order under this Ordinance on any person without defeating the object of the order or if the person to whom the order is addressed fails to comply with it, the Relief Commissioner may, after recording the reason for doing so, give effect to the order and for that purpose may take such steps or pass such order with regard to any property as he considers necessary.
10. **Bar to action.-** No order made under this Ordinance shall be called in question in any Court and no Civil or Criminal Proceeding shall be instituted against any person for anything

done or purported to have been done or intended to be done in good faith under this Ordinance or against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken or which has otherwise been dealt with under this Ordinance.

11. **Rules.-** (1) The Government shall as soon as may be, make rules for the purpose of carrying into effect the provisions of this Ordinance.
- (2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may, by rules, provide for all or any of the following matters, namely:-
- (a) The procedure to be adopted in giving alarm of an impending calamity;
  - (b) The method of securing information with regard to flood or any other impending calamity;
  - (c) The measures and precautions to be taken to avert any such calamity;
  - (d) The procedure to be followed for survey of places of safety and the entry into any such place for the purpose of such survey after a proper notice;
  - (e) The method of assessment and payment of compensation on account of requisition and acquisition of property under this Ordinance; and
  - (f) the procedure with regard to revisions against an order passed under this Ordinance and the period during which such revisions can be presented,
- (3) The rules made under this Ordinance shall be subject to the concurrence of the Assembly.

Sd/-

(Mohammad Ibrahim Khan)  
President,  
Azad Jammu and Kashmir.

Sd/-

(Syed Mohammad Akram Shah)  
Deputy Secretary, Law & Parliamentary Affairs,  
Azad Govt. of the State of J & K.