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

Dated the December 20, 1978.

No. 4102/SL/78. The following Ordinance made by the President on the 20th day of December, 1978, is hereby published for general information:-

(ORDINANCE XCIII OF 1978)

AN ORDINANCE

to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith

WHEREAS it is expedient to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith, in the manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by Sub-section (1) of Section 41, of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance ;-

I. **Short title, extent and Commencement.-** (1) This Ordinance may be called the Azad Jammu and Kashmir Transfer of Properties (Prohibition) Ordinance, 1978.
   (2) It shall extend to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.
   (3) It hall come into force at once.

2. Definitions.- In this Ordinance, unless there is anything repugnant in the subject or context ,-
   (a) 'Assembly' means the Legislative Assembly of and Jammu and Kashmir;
   (b) 'Council' mean the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim

Constitution Act, 1974;

(c) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(d) 'Specified person' means any pars who has, at any time been a President/Prime Minister, Minister, Advisor or Special Assistant to Prime Minister, Presidential Assistant or member of the Legislative Assembly, during the period December, 1970 and August, 1977, or who has, at any time, been member or Advisor of the Council during the period July, 1975 and August, 1977 or any other person as may be notified by the Government in the Official Gazette.

(e)

3. Prohibition of transfer of property generally,- The Government may, by notification in the official Gazette, declare that for such period as may be specified in the notification, the transfer of any property or class of property, or the creation of any right or interest therein or encumbrance there on, by or on behalf of a person, specified in the notification, shall be prohibited, and where any such declaration has been made, no such transfer or creation shall be mad that period.

4. Prohibition of transfer of property by specified persons.- No creation or transfer of any right or interest in or encumbrance upon any property made in any manner whatsoever after commencement of this Ordinance by or on behalf of a specified person shall be effective so as to confer any right or remedy on any party hereto or on any person claiming under any such party, till such date as may be notified by the Government in the official Gazette.

Explanation.- In this section the 'Property' shall have the same meaning explained in the 'explanation' to section 3 of the Member of the Assembly and Council (Declaration of Asset) Ordinance, 1978.

5. Penalty. - Any person who-

(a) contravenes, or resists or interferes with the enforcement of the provision of this Ordinance or any rule or order made thereunder ; or .)

(b) in an application or in any proceedings under this Ordinance, furnishes or abets or has reasons to

believe to be false, or fraudulently cancels or mis-represents facts, or abets such concealment of mis-representation, shall punishable with regorous imprisonment for a term which may extend to three years, or with fine or with both or forfeiture of the whole or part his properties.

6. **Bar of jurisdiction.-** No court shall grant any Injunction or make any order nor shall any court entertain any proceeding, in relation to anything done und this Ordinance.
7. **Indemnity.-** No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything in good faith done or intended to done under this Ordinance.
8. **Delegation of powers.-** The Government may, by notification in the official Gazette, direct that all or any of its powers under this Ordinance shall be exercised also by such officer or authority as may be so specified.

9. **Ordinance to override other laws.-** The provisions of this Ordinance, or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

10. **Power to make rules**.- The Government may, by notification in the official Gazette, make such rules as appear to it to be necessary for carrying out the purposes of this Ordinance.

11. **Removal of difficulties.-** If any difficulty arises in giving effect to any provisions of this Ordinance, the Government may make such order, as it considers necessary or expedient for the purpose of removing that difficulty.

(Brigadier Mohammad Hayat Khan)
President.
Azad Jammu & Kashmir .
Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary