

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

Dated the April 20, 1978.

No. 1393/SL/78. The following Ordinance made by the President on the 20th day of April, 1978, is hereby published for general information:-

(ORDINANCE XXI 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 :-

1. **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 shall come into force at once and shall be deemed to have taken effect from 10th day of April, 1978.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context ;-
 - (a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

- (b) 'Council' means 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 person who has, at any time, been a 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 a 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.

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 thereon, by or on behalf of any person, specified in the notification, shall be prohibited, and where any such declaration has been made, no such transfer or creation shall be made during 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 thereto 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 as explained in the 'explanation' to section 3 of the Members of Assembly and Council (Declaration of Assets) Ordinance, 1978.

5. **Penalty.-**Any person who –

- (a) contravenes, or resists or interferes with the enforcement of the provisions 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 conceals or misrepresents facts, or abets such concealment or misrepresentation, shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine or with both or forfeiture of the whole or part of 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 under 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 be 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.

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

Sd/- (Sardar Aftab Ahmad Khan)
Secretary Law,