

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

No. 1488/SL/74. The following ordinance made and promulgated by the President on 5-6-1974 is hereby published for general information.

(ORDINANCE NO. V OF 1974)⁴

WHEREAS it is expedient to make provisions for the administration and development of Chhamb Area:

AND WHEREAS it is expedient to develop the agriculture and other land resources of the area for the betterment of the community at large;

AND WHEREAS the Legislative Assembly is not in session, and the President is satisfied that circumstances exist and emergency has arisen which renders an immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970, and all powers enabling him in that behalf, the President, Azad Government of the State of Jammu and Kashmir, is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:-** (1) This Ordinance may be called The Chhamb Area Administration and Development Ordinance, 1974.
(2) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is something repugnant in the subject or context—
 - (1) 'Chhamb area' means the entire area situated between 1949 cease-fire-line and 1972 Control Line in Bhimber Tehsil of Mirpur District;
 - (2) 'Commissioner' means the Relief and Rehabilitation Commissioner appointed by the Government to perform all or any of the functions and exercise all or any of the powers of a

⁴ This law was issued as an Ordinance but got force of an Act in view of Section 51 of AJ&K Interim Constitution Act, 1974.

Commissioner under this Ordinance or the Rules made thereunder;

(3) 'Deputy Commissioner' means the Chief Executive of the District;

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

(5) 'Land owner' means a person who was in possession of an estate or any share or portion thereof or in the enjoyment of any part or profit of an estate in Chhamb Area on 24th October, 1947;

(6) 'Prescribed' means prescribed by Rules made by the Government under this Ordinance;

(7) 'Revenue Officer' has the same meaning as assigned to it under Section 3 (12) of the Punjab Land Revenue Act of 1887, as adapted in Azad Kashmir.

3. **Power to take over possession:-** (1) The Deputy, Commissioner Mirpur, shall, on behalf of the Government, take over the possession of the Chhamb Area.

(2) The, possession of the area already taken over shall be deemed to have been taken over on behalf of the Government.

4. **Allotment of Land:-** (1) The Government may allot the agriculture lands in the area to the following:

(i) Land owners of the area who hold no allotment of agriculture land either in Pakistan or in Azad Kashmir;

(ii) 1965 War refugees from Indian held Kashmir duly registered with the Deputy Commissioners of the respective districts in Azad Kashmir;

(iii) 1971 War displaced persons;

(iv) Ex- Servicemen.

(2) Allotment to these categories of persons shall be made in the prescribed manner.

5. **Bar on Right or Title to any Particular Land:** Notwithstanding anything contained in any other law for the time being in force in Azad Kashmir or any entry in the record of

rights, no person shall be entitled to the allotment or shall be deemed to have any right or title to have any particular land or lands in Chhamb area.

6. **Power to enter upon and take possession:-** When the Deputy Commissioner is satisfied that any person has taken or is in possession of land in the area to which, he has no right or title under this Ordinance, the Deputy Commissioner shall, forthwith, enter upon the land with the use of such force as may be necessary and resume possession of it and take possession of all crops, trees and buildings thereon on behalf of the Government without payment of any compensation whatsoever.
7. **Condition for allotment:-** No person shall be deemed to be an allottee or to have any right or title of land allotted to him until such a written order has been passed and has been put in possession of the land by a Revenue Officer.
8. **Cancellation of allotment:-** If any person proved to have obtained allotment on the basis of false information his allotment shall be cancelled.
9. When the Deputy Commissioner is satisfied that an allottee in possession of land has committed a breach of the conditions of his allotment, he may, after giving the allottee an opportunity to appear and state his objection, order his ejection from the land and resume its possession allotment to for any other deserving person.
10. **Power to frame schemes:-** 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:-
 - (1) Layout and construction of townships, Market places, villages and settlements.
 - (2) Provision of facilities for communications, including lay-out and alteration of roads, streets, foot-paths and bridle paths.
 - (3) Provision of open spaces, playing fields, national parks, nature reserves, forests and forests parks, camping grounds, camping sites cemeteries and places of the religious worship.
 - (4) Provision of water supply, electricity, education, health, and agriculture facilities for the betterment of the

community.

- (5) A scheme shall be prepared by the departments concerned in consultation with the Commissioner and the execution of these schemes may be done under supervision of the Commissioner.
11. **Appeal and review:-** (1) (a) Save as otherwise provided by this Ordinance, an appeal shall lie from an original order of a Deputy Commissioner to the Commissioner.
- (b) Orders passed by the Commissioner on an appeal shall be final.
 - (2) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the order appealed against.
12. (1) A Deputy Commissioner and Commissioner, may, either of his own notice or on the application of any party interested, review and, on so reviewing modify, reverse or confirm any order passed by himself or any of his predecessors in office.
- (2) An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appeal and be heard in support of the order.
 - (3) An order against which an appeal has been preferred shall not be reviewed.
 - (4) An application for review of an order shall not be entertained unless it is made within 15 days from the passing of the order.
 - (5) An appeal shall not lie from an order refusing to review or confirming on review a previous order.
13. **Bar on jurisdiction:-** (1) No Court shall have jurisdiction to entertain any suit or an application made to obtain a decision or order in respect of any matter which the Azad Government or any officer is by this Ordinance empowered to decide, or dispose of.
- (2) No decision made or order passed by any competent authority under this Ordinance shall be questionable in any Court of Law.
14. **Power to make rules:-** The Government may, by notification in

the official gazette, make rules for carrying out the purposes of this ordinance.

15. **Delegation of power:-** The Government may, by general or special order notified in the official gazette, direct that the powers exercisable by it under this Ordinance shall be exercised by such officer and in such circumstances and under such conditions, if any, as may be specified in the order.
16. **Penalties:-** (1) Whoever contravenes any directions/orders issued under this Ordinance shall be punished with imprisonment of either description for a term which may, extend to three years or a fine of Rs. 1,000 or with both.
(2) The offences under this Ordinance shall be cognizable, bailable and compoundable.

(Sardar Mohammad Abdul Oayyum Khan)
President,
Azad Govt. of the State of J & K.

Sd/-
(Malik Mohammad Aslam Khan)
Secretary Law,
Azad Govt. of the State of J&K.