

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

Dated Muzaffarabad, the 4th June, 1974.

No. 1483/SL/74. The following Ordinance made and promulgated by the President on the 3rd of June, 1974 is hereby published for general information:-

(ORDINANCE IV OF 1974)

AN ORDINANCE to establish Mirpur Development Authority, preamble. Whereas it is expedient to establish a "Development Authority" for making all arrangements for the planning and development of the specified areas of District Mirpur within the framework of a regional development plan;

AND WHEREASE the legislative Assembly is not in session and the President is satisfied that circumstances exist which render 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 other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER-I (Preliminary).

1. **Short title, extent and commencement.** (1) This Ordinance may be called the Mirpur Development Authority Ordinance, 1974.
 - (2) It extends to specified Areas of Mirpur District.
 - (3) It shall come into force at-once.
2. **Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context:-
 - (a) 'Agency' means any department or organization of the Government and includes a corporation, or other autonomous or semi-autonomous body set up by the Government;
 - (b) 'Authority' means the Mirpur Development Authority established under Section-4

- (c) 'Board' means the Board constituted under Section-6;
- (d) 'Building' includes any factory, industrial or business establishment, shop, godowns, warehouse, house, outhouse, hut, hutment, shed, garage, stable, well or platform, and any other structure, whether meant for residential or business purposes or not, made of masonry, bricks, wood, mud, thatch, metal or any other material, but does not include a temporary structure made for purposes connected with agriculture;
- (e) 'Chairman' means the Chairman of the Authority;
- (f) 'Commissioner' means the Revenue Commissioner of Azad Government of the State of Jammu and Kashmir, and includes any other Officer appointed by the Government to exercise the powers of the Commissioner under this Ordinance;
- (g) 'Deputy Commissioner' means the Deputy Commissioner of the Mirpur District, and includes any other officer appointed by the Government to exercise all or any of the powers and discharge all or any of the functions of the Deputy Commissioner under this Ordinance;
- (h) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (i) 'Land' includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (j) 'Local Body' means the local body, the local council or the municipal body as established under law for the time being in force having jurisdiction in the area concerned, and includes an Improvement Trust within such area;
- (k) 'Member' means a member of the Authority;
- (l) 'President' means the President of Azad Government of the State of Jammu and Kashmir;
- (m) 'Rules' means rules made under this Ordinance;
- (n) 'Scheme' means a planning scheme or a development scheme made under this Ordinance;

- (o) 'Specified Areas' means the areas specified in the schedule, and such other area or areas as may from time to time be included therein by the Government by notification in the official Gazette;

3. Declaration of Specified Areas.

(1) The Government may, from time, to time by notification in the Official Gazette, declare any part or parts of Mirpur District to be Specified Areas.

(2) Notwithstanding anything contained in this Ordinance or in any other law any such notification as aforesaid may be made so as to be retrospective to any day not earlier than the first day of June 1974, and where a notification is so made, the provisions of this Ordinance shall, in so far as they affect the Areas Specified, apply as if this Ordinance were promulgated on the day to which the notification is made retrospective.

CHAPTER-II (Constitution of the Authority)

4. Constitution of the Authority.

(1) There shall be established an authority to be known as the Mirpur Development Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers subject to the provisions of this Ordinance, to acquire and hold property, both moveable and immoveable, and shall by the said name sue and be sued.

5. Management.

(1) The general direction and administration of the Authority and its affairs shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board in discharging its functions shall act on sound principles of development, town planning and housing and shall be guided on questions of policy by such directions as the Government may from time to time give.

(3) If any question arises as to whether any matter is a matter of policy or not the decision of the Government shall be final.

6. **Constitution of the Board.**
- (1) The Board shall consist of not less than three members to be appointed by the Government.
 - (2) The Government shall appoint a Chairman and a Financial Adviser from amongst the members.
 - (3) The Chairman and other members shall hold office during the pleasure of the Government and unless sooner removed the Chairman and the Financial Adviser shall hold office for a period of five years and other members shall hold office for a period of four years.
 - (4) Any person, ceasing to be Chairman, Financial Adviser or member of the Board, by reason of the expiry of the term of his office, shall be eligible for re-appointment for another term or for such shorter term as the Government may decide.
 - (5) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.
 - (6) The Chairman, Financial Adviser, or any member may at any time resign; provided that his resignation shall not take effect until accepted, by the Government.
7. **Remuneration and conditions of Service.** The Chairman and each member shall receive such salary and allowances and shall be subject to such conditions of service as may be determined by the Government.
8. **Dis-qualification of the members.** No person shall be or shall continue to be a member, who:-
- (a) is, or, at any time, has been, convicted of an offence involving moral turpitude; or
 - (b) is, or, at any time, has been adjudicated insolvent; or
 - (c) is found to be a lunatic or of un-sound mind; or
 - (d) is a minor; or
 - (e) has financial interest in any scheme or a conflicting interest directly or indirectly between his interests as a member and his private interests and has failed to disclose such interest in writing to the Government;

- (f) if he is for the time being dis-qualified for membership of an elective body under any law for the time being in force.

9. Duties and functions of Chairman and other members,-

(1) The Chairman and other members shall discharge such duties and perform such functions as are assigned to them by or under this Ordinance .

(2) Until the Board is duly constituted, the Chairman shall, subject to such directions as the Government may from time to time give, exercise the powers, discharge the duties and perform the functions of the Board.

10. Headquarters of the Authority and Meetings of the Board.-

(1) Headquarters of the Authority shall be situated at Mirpur.

(2) The meetings of the Board shall be held at such time and places and in such manner as the regulations may provide;

Provided that until regulations are made in this behalf, the meetings of the Board shall be held at such time and place as determined by the Chairman.

**CHAPTER-III
(Functions and Powers of the Authority).**

- 11. Master- plan and Master-programme.-** The Authority may, or if so directed by the Government, shall prepare master-plan and phased master-programme for the development of any part or whole of the specified areas of the District of Mirpur and all such plans and programmes prepared from time to time shall be submitted to the Government for approval;

Provided that the Authority may issue interim development orders for areas for which master plan is being contemplate or is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in building structures and installations.

12. Preparation of Schemes by local bodies or Agencies.

(1) The Authority may, pursuant to the master plans and the master programmes, call upon any local body or agency operating in the specified areas to prepare, in consultation with

the Authority, a scheme or Schemes in respect of matters ordinarily dealt with by such local body or agency, and thereupon the local body or agency shall be responsible for the preparation of the Scheme or Schemes within reasonable time.

- (2) Such Schemes, may relate to :-
- (a) land use, zoning and land reservation;
 - (b) public buildings;
 - (c) industry;
 - (d) transportation and communications, highways, roads, streets, railways, aerodromes and in land water transport;
 - (e) telecommunications including wireless, television, radio, telephone;
 - (f) utilization of water, power and other natural resources;
 - (g) afforestation, range-management and horticulture;
 - (h) Vegetable farming, Dairy farming, Poultry farming, Fish farming, Cattle farming and other operations for ensuring regular fish supplies of daily use;
 - (i) Establishment of consumers stores, ware housing facilities, cold storage and other marketing facilities;
 - (j) community planning, housing, slum clearances, amelioration;
 - (k) Community facilities including water supply sewerage, drainage, sewerage disposal, electricity supply, gas supply and other public utilities;
 - (l) preservation of objects and places of historical and scientific interest or natural beauty.
- (3) The Government may by notification in the official Gazette, and to, alter or amend the list of subjects given in sub section (2), and any such addition, alteration or modification shall take effect as if it had been enacted in this Ordinance.
- (4) The expenditure incurred on the preparation of any such schemes as aforesaid shall be borne as agreed to between the authority and the local body or agency, and in the event of disagreement between them as may be determined by the

Government;

(5) No planning or development scheme shall be prepared by any person or by any local body or agency except with the concurrence of the Authority.

13. **Preparation of schemes by Authority.** The Authority may, pursuant to the master-programmes, itself prepare, when it considers it desirable to do so in the Public interest, schemes for the specified areas relating to the matters enumerated in sub section (2) of Section 12.
14. **Manner and form etc. of Scheme.** All schemes under Section 12 and Section 13 shall be prepared in such manner and form as the Government may specify, and shall contain among other things the following information, namely:-
 - (a) description of the scheme and the manner of its execution;
 - (b) estimate of costs and benefits;
 - (c) allocation of costs to the various purposes to be served by the scheme.
15. **Power of the Authority.-** (1) Subject to the other provisions of this Ordinance and the rules, the Authority may take such measures and exercise such powers as may be necessary for the carrying out of the purposes of this Ordinance.
 - (2) Without prejudice to the generality of the powers conferred by sub section (1) the Authority may:-
 - (i) Power to purchase or lease by agreement. The Authority may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange of any land which the Authority is authorised to acquire, or any interest in such land.
 - (ii) Power to acquire land under the Land Acquisition Act, 1894. The Authority may with the previous sanction of the Government, acquire for carrying out the purposes of this Ordinance land under the provisions of the Land Acquisition Act, 1894 (I of 1894), as in force in Azad Kashmir.
 - (iii) undertake any works in the specified areas in pursuance of any scheme prepared under Section 13;

- (iv) incur any expenditure;
 - (v) procure plant, machinery, instruments and materials required, for its use;
 - (vi) enter into and perform all such contracts as it may consider necessary;
 - (vii) spouser, for the purpose of giving effect to any of the provisions of this Ordinance, limited liability companies under the Companies Act, Cooperative Societies under the Cooperative Societies Act or Registered Societies under the relevant Acts, and upon its request be represented on the Management of any such Company or Society;
 - (viii) cause studies, survey, experiments and technical researches to be made or contribute towards the cost of any such studies, survey, experiments or technical researches made by any other agency at the request of the Authority;
 - (ix) cause removal, of any works obstructing the execution of its schemes;
 - (x) seek and obtain advice and assistance for the preparation of any planning scheme or for the execution of any schemes from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment, and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority.
 - (xi) undertake any work or perform any function connected with or incidental to the purposes of this Ordinance that may be assigned to it by the Government from time to time.
 - (xii) recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order.
16. **Execution of schemes etc. through local bodies and agencies.-** (1) The Authority may require a local body or agency within whose jurisdiction any particular area covered by

a scheme lies:-

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the works and service in that area;
- (c) to enforce regulations, on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme, or on the taking over or maintenance of any work or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the local body or agency, and in the event of disagreement as may be determined by the Government

17. **Consultation with the Authority.** (1) The Authority shall be consulted in the utilization and allocation of natural resources in the specified areas to various uses.

(2) Without prejudice to the general provision of sub-section (1) and notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no person shall, without the prior concurrence of the Authority, allocate, exploit, or in any manner utilize, except for the purposes or his own personal use, such natural resources used as building material as the Authority may, by notification in the official Gazette, specify in this behalf.

18. **Amendment of Schemes.** Any scheme prepared under Section 12 or Section 13 may at any time be amended or modified;

(a) in cases where the amended or modified scheme should exceed the financial powers of the Authority, by the authority, with the previous approval in writing of the Government; and

(b) in other cases, by the Authority.

19. **Performance of Municipal Functions by the Authority.** (1) For facilitating the preparation or execution of any scheme under section 12, the discharge of any functions under different provisions of this Ordinance, or the overall improvement of the working of any Local Body, the Government any by a Notification in the official Gazette declare subject to such restrictions and modifications as may be prescribed, that the Authority shall, notwithstanding anything contained in any other law for the time being in force, exercise the powers and

discharge the functions of the Local Body, under the provision of Act constituting that Local Body.

(2) When a notification under Sub Section (1) is issued all powers and functions under the Act, constituting that local body

(a) vested in the Government shall be discharged by the Authority;

(b) vested in the Controlling Authority/Commissioner and the Deputy Commissioner shall be discharged by the Chairman;

(3) The Authority or the Chairman may delegate subject to any limitation any powers exercisable by it or by him under Sub section (2) to any officer or servant of the Authority.

20. **Regulatory Functions of the Authority.** (1) The Government may, when it is considered expedient. or conclusive to better performance of different functions under this Ordinance, declare subject to such restrictions and modifications as may be prescribed by a notification in the official Gazette that specified regulatory functions or powers under the provisions of relevant Acts, shall be performed or exercised by the Authority or its Chairman;

(2) The Authority or the Chairman may delegate subject to any limitations any powers exercisable by it or him under Sub-section (1) to any officer or servant of the Authority.

21. **Removal etc., of building after hearing.** The Authority shall not order or cause any building in specified areas, to be removed or demolished unless an opportunity of being heard has been given to the owner or occupier thereof, and his objections, if any, have been duly considered and the Authority is satisfied that removal or demolition of the building is essential to the execution of its schemes.

22. **Scheme to be executed after calling objections.** The Authority shall not execute or cause to be executed any scheme in the specified Areas, unless the persons whose rights and interests are thereby affected have been given a reasonable opportunity to file their objection to such execution and the Authority has heard such of them as it considers necessary.

CHAPTER - IV (ESTABLISHMENT)

23. **Appointment of Officers and servants etc.** (1) The Authority may, from time to time, appoint such Officers, servants, experts or Consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

Provided that a salaried officers and servants whose remuneration exceeds two thousand rupees per mensem shall not be appointed except with the previous approval in writing of the Government.

- (2) Subject to the proviso to sub-section (1), the Chairman may, in cases of urgency, appoint such officers, servants, experts or consultants and on such terms and conditions as he deems fit ;

Provided that every appointment made under this sub section shall be reported to the Authority without unreasonable delay.

24. **Recruitment, conditions of service and disciplinary Powers.** The Authority may lay down the procedure for the appointment of its officers, servants, experts and consultants and shall be competent to take disciplinary action against them.

25. **Members, Officers, Experts, Public servants** The Chairman, members, officers, servants, experts and consultants of this Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance be deemed to be public servants within the meaning of Section 21 of the Azad Kashmir Penal Code (Act XIV of 1860).

26. **Indemnity.** No suit, prosecution of other legal proceedings shall lie against the Authority, the Chairman, any member, officer, servant, expert or consultant of the Authority in respect of any thing done or intended to be done, in good faith under this Ordinance.

27. **Delegation of Powers to Chairman etc.** The Authority may, by general or special order, delegate to the Chairman, or a member or an officer of the Authority, any of its powers, duties or functions under this Ordinance, subject to such conditions as it may think fit to impose.

CHAPTER-V (FINANCE).

28. **Mirpur Development Authority Fund.** (1) There shall be formed a fund to be known as the Mirpur Development Authority Fund' which shall vest in the Authority and shall be utilized by the Authority to meet charge's in connection with its functions under this Ordinance including the payment of salaries and other remuneration to the Chairman, members, Officers, servants, experts and consultants of the Authority.
- (2) To the credit of Mirpur Development Authority Fund shall be placed:-
- a) grant made by the Government from time to time for the execution of its schemes and conduct of its business ;
 - b) loans obtained from the Government ;
 - c) grants made by the local bodies ;
 - d) sale proceeds of movable and immovable property and receipts for services rendered ;
 - e) loans obtained by the Authority with the special or general sanction of the Government ;
 - f) all other sums receivable by the Authority.
29. **Budget.** (1) In accordance with the time schedule to be laid down by the Government from time to time each year the Authority shall submit to the Government for approval a statement of estimated receipts and expenditure in rupees in respect of the next financial year ;
- (2) In the manner prescribed by the Government the Authority shall also submit to the Government for approval a statement of estimated receipts and expenditure in foreign exchange in respect of the next financial year.
- (3) The Authority shall obtain specific sanction of the Government in respect of each individual scheme to finance out of the Mirpur Development Authority Fund.

Provided that the Authority may without reference to the Government execute any scheme the provisional estimated cost of which does not exceed rupees five lacs and specific provision for which exists in its annual estimates of receipts and expenditure.

30. **Accounts and Audit.** (1) The Authority shall maintain accounts in such manner as may be prescribed by rules framed by it with the approval of the Government.
- (2) The Authority shall with the previous approval of the Government appoint Auditors for auditing its accounts.
- (3) The Auditors appointed under sub-section (2) shall send three copies of the Audit Report to the Authority which shall forward two copies thereof with its comments to the Government.
- (4) The Authority shall comply with such directions as the Government may give for the rectification of any matter objected to in audit.
31. **Consultation with the Financial Advisor.**- Save as provided in the rules or regulations the Financial Advisor shall be consulted on every proposal of expenditure and when his opinion differs from majority opinion of the Board, the decision of the majority shall prevail, however such cases shall be reported by the Chairman in writing to the Government.
- 31-A. Notwithstanding anything contained in any other law for the time being in force, all property of the following nature situated within the 'Specified Areas' shall vest in and be under the control of the authority and shall be held and applied by it for the purposes of this Ordinance.
- (i) All lands or other property already acquired for the construction of new Mirpur town and Hamlets and other townships on the periphery of the Mangla Reservoir;
 - (ii) All lands or other property which may be acquired by purchase, lease, exchange or compulsory acquisition under Land Acquisition Act, 1894, by the Authority;
 - (iii) All lands or other property which may be transferred to the Authority by the Government or any other agencies for purposes of control and management or for any other purposes under this Ordinance.

CHAPTER-VI
(Penalty and Procedure).

32. **Penalty.** Whoever contravenes any provision of this Ordinance or of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to 3 month or with fine, or with both.
33. **Causing damage to property.** Whoever wilfully causes damage or allows damage to be caused to any property which vests in the Authority or unlawfully converts it to his own use or to that of any other person shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.
34. **Disobedience of orders.** Whoever, without lawful excuse, fails or refuses to comply with any direction or order issued by the Authority under this Ordinance shall be guilty of an offence punishable under Section 32.
35. **Attempts and abetments.** Whoever attempts to commit or abets the commission of an offence punishable under this Ordinance shall be deemed to have committed the offence.
36. **Summary trial of offences.** Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub section (1) of Section 260 of the Code of Criminal Procedure, 1898, may, if such Magistrate or Bench of Magistrates thinks fit, on application being made in this behalf by the prosecution, try any offence punishable under this Ordinance in accordance with the provisions contained in Sections 262 to 268 of the said Code.
37. **Cognizance of offences by Courts.** No court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Authority or by an officer authorised for the purpose by the Authority.

CHAPTER—VII
(Miscellaneous).

38. **Submission of yearly reports and returns etc.** (1) The Authority shall submit to the Government, as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of its affairs for that year.

- (2) The Government may, after giving sufficient notice to the Authority, require it to furnish the Government with:-
- (i) any return, statement, statistics, or other information regarding any matter under the control of the Authority, or
 - (ii) a report on any subject with which the Authority is concerned, or
 - (iii) a copy of any document in the charge of the Authority, and the Authority shall comply with every such requisition.
39. **Power to dispose of land.** The Authority may retain or may lease, sell, exchange, rent or otherwise dispose of any land vested in it.
40. **Recovery of dues etc.** Any sum due to the Authority from, or any sum wrongly paid to, any person under this Ordinance shall be recoverable as arrears of land revenue.
41. **Summary ejectment of unauthorized occupants.** The Deputy Commissioner or any person authorised by him or the Authority in this behalf may, after giving fifteen days notice, summarily eject any person in unauthorized occupation of any land or property vested in the Authority and may, for such ejectment, use such force including police force as may be necessary.
42. **Removal of building etc. erected or used in contravention of this Ordinance.** (1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Ordinance or of any rule, regulation or order made thereunder, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or so alter the building, structure or work, or to desist from using or to so use the land, as to be in accordance with the said provisions.
- (2) If an order under sub section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so

doing, may use such force including police force as may be necessary and may also recover the cost thereof from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

- 42-A **Removal of encroachment, etc.-** (1) The Deputy Commissioner or any other person authorized by the Authority in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority or any land or property vesting in the Authority.

(2) If any direction under sub-section (1) is not complied within such time as may be specified therein, the Deputy Commissioner or any person empowered in this behalf by the Authority, may get the encroachment removed and so doing may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment:

Provided that the Authority may instead of requiring the removal of encroachment accept by way of compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or special order:

Provided further that the Authority may require an encroachment to be held altered partially so far as is necessary so avoid contravention of a scheme approved by it.

43. **Police assistance,** The Officer-in-charge of a Police Station shall render such police assistance as the Deputy Commissioner or any person empowered in this behalf by the Authority may require in the discharge of his functions under this Ordinance.
44. **Jurisdiction of Courts barred.** Save as otherwise provided by this Ordinance or by the Azad J&K Govt. Act, 1970, as amended, no court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Ordinance by or at the instance of the Authority.
45. **Admissibility of document or entry as evidence.** A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of the Authority shall, if duly certified by the legal keeper thereof or other person authorised by the Authority in this behalf, be admissible in

evidence of the existence of the document of entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

46. **Power to make rules.** (1) Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particulars and without prejudice to the generality of the foregoing powers, such rules may provide for:-

- (a) the manner of keeping accounts of the Authority;
- (b) the recruitment and terms and conditions of service of officers and servants of the Authority;
- (c) the form and manner in which and the authorities to whom returns, reports or statements shall be submitted;
- (d) the date by which, and the forms in which, the annual budget statement shall be submitted in each year;
- (e) the procedure for appropriation and re-appropriation of moneys at the credit of the Authority; and
- (f) such other matters relating to the administration of the affairs of the Authority as Government may think fit to regulate by rules.

47. **Power to make regulations.-** (1) The Authority may, with the previous sanction of the Government, make regulations to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the said rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for:-

- (a) the meetings of the Board ;
- (b) development of residential and commercial localities;
- (c) construction of buildings ; and
- (d) removal of encroachments on roads, streets and other public places.

48. **Repeal Constitutional provisions.-** (1) The New Mirpur Town (Allotment of Land) Act, 1964, hereinafter referred to as the said Act, and rules and orders made thereunder by the Government, are hereby repealed. All assets, rights and all property, movable and immovable and all interests therein and all debt, liabilities and obligations of this Allotment committee be constituted under the said Act shall stand transferred to and be deemed to be assets, rights, property and interests of the Authority established under the Ordinance.
- (2) Without prejudice to the general provision under sub-section (1) above, the Authority shall exercise all the powers of Allotment Committee constituted under the said Act, in respect of the plots/ property allotted/disposed of to different persons by the said Allotment Committee, including the powers of cancellation in cases of infringement of any condition of allotment.
- (3) The Allotment Committee established, altered or substituted by the Government from time to time under the Mirpur Development Authority Ordinance, 1974, shall stand dissolved and all its powers of allotment and cancellation of Allotment shall be exercisable by the Authority. In future the Authority shall prescribe the procedure and make necessary arrangements for the disposal of Estates developed by it. Subject to such regulations, if any, made in this behalf.
- (4) The Authority may constitute an Allotment Committee consisting of such number of members as may be determined in consultation with and approval of the Government.
- (5) The Allotment Committee constituted under sub-section (4) shall have all the powers of allotment exercisable by the Authority under the provisions of the Ordinance or Rules or Regulations framed thereunder. The Allotment Committee may delegate its powers to a sub-Allotment Committee consisting of not less than three of its Members.
- (6) (i) Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any previous Allotment Committee or by the Authority, in an illegal or improper manner, or to under serving persons or any other irregularity or impropriety has been committed in respect of any matter relating to the Allotment or disposal of property etc. then it may appoint an revising authority for scrutiny and suitable order in respect of such cases.

- (ii) All appeals and other proceedings pending with the Appellate Authority created under the said Act, or any other Authorized, in respect of any orders of allotment, shall be forwarded by the Authority/ Authorities with whom such appeals or proceedings are pending to the Revising Authority constituted under clause (i) above, and the Revising Authority shall make suitable orders, in all cases.
- 48-A. Nothing in this Ordinance or in any rules or regulation shall be construed to limit or abridge the power to the Government to deal with any case in such manner as may appear to it to be just and equitable.
49. **Dissolution of Authority and transfer of its assets and liabilities to the Government and other Agency determined by the Government.** (1) The Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.
- (2) On and from the said date:--
 - (a) (i) all properties, funds and dues placed at the disposal of the Authority, by the Government and;
 - (ii) all properties, funds and dues, exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in sub clause (1), which, immediately before the said date, were held by or were realisable by the Authority shall vest in, and be realisable by, the Government;
 - (b) all properties, funds and dues other than those referred to in clause (a), which, immediately before the said date were vested in or were realisable by the Authority shall vest in and be realisable by such agency as the Government may determine, and its decision thereon shall be final;
 - (c) all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the Government or such Agency as the Government determines under clause (b), as the case may be;
 - (d) for the purpose of completing the execution of any scheme which has not been fully executed by the

Authority and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under this Ordinance shall be discharged by the Government or by the Agency determined by the Government under clause (b) and (c), as the case may be; and

- (e) the Agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance, as the Government may prescribe.

THE SCHEDULE
Limits of the Specified Area

The limits of the Specified Areas of Mirpur District shall be coterminous with the Revenue limits of Mirpur Tehsil.

Sd/-
(Sardar Mohammad Abdul Oayyum Khan)
President,
Azad Government of the State of Jammu & Kashmir.

Sd/-
(Malik Mohammad Aslam Khan)
Secretary Law and Parliamentary Affairs
Azad Government of the State of Jammu & Kashmir
Muzaffarabad.