

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 4th January, 1987.

No. 58-61/LD/87, The following Ordinance made by the President on the 4th day of January, 1987, is hereby published for general information:-

(ORDINANCE II OF 1987)

AN

ORDINANCE

to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976 (Act II of 1976) for the purposes hereinafter appearing;

WHEREAS it is expedient to amend the law relating to Chhamb Area for taking over the management of property by the Government in order to secure the proper management of the property for settlement of refugees and its restoration to land owners.

AND WHEREAS the Legislative Assembly is not in session and 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 and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1987.
(2) It shall come into force at once.
2. **Amendment of Section 2 (Act II of 1976).**- In the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976 (Act II of 1976) hereinafter referred to as the said Act, in Section 2 for sub-section (2) and (3) the following shall be substituted:-
“(2) “Commissioner means the Commissioner appointed under the Rehabilitation Act, 1956 and includes the Additional Rehabilitation Commissioner appointed under the same Act.
(3) “Deputy Commissioner” means the Deputy Commissioner and Additional Deputy Commissioner appointed under this Act.”
3. **Amendment of Section 3 (Act II of 1976).**- (1) In the said Act, in Section 3 after sub-section (1), the following shall be added:-

“Provided that where a person is declared owner of any part of land by Deputy Commissioner, after holding inquiry under this Act, vesting of land to the extent of such declaration shall be deemed to be on behalf of such owner.”

(2) In the said Act sub-section (2) of Section 3 shall be substituted as follows:-

“(2) The area as a whole shall be deemed to be in possession of Government and any person in possession of any part of the land in such area, shall be deemed to have held the same on behalf of Government, and shall be liable to surrender, whenever so ordered.”

4. **Amendment of Section 3-A (Act II of 1976).**- In the Act, after Section 3, the following new Section (3-A) shall be added.-

“3-A. (1) Subject to other provisions of this Act, and within the prescribed time, any person claiming himself to be owner of any part of the land in the area, may by petition to the Deputy Commissioner ask for a declaration that he is owner of such part of the land and that land to that extent is not available for allotment.

(2) On receipt of such petition, which must be accompanied by authentic documents, the Deputy Commissioner may ask for such proof, record or evidence and consider such material which may be produced by the petitioner; and may hold such further inquiry into the matter as he may deem fit. After completion of the inquiry the Deputy Commissioner is satisfied may subject to any other law in force, pass an order declaring the person as owner of the land claimed on such terms and conditions as he may deem fit or reject the petition a whole or in part.

(3) If the claimant has received any claim in lieu of the land he had left on migration of which declaration has been made under this Act, or has obtained any allotment in Azad Jammu and Kashmir or in Pakistan, the claim found due, shall be reduced to the extent of the claim so received or the allotment. The land for which the claim is reduced under sub-section (3), shall absolutely vest in the Government free from all encumbrances and shall be available for allotment.”

5. **Amendment of Section 4, (Act II of 1976).**- In the said Act, in sub-section (1) of Section 4,-

(a) for clauses (i), (ii), (iii) and (iv), the following shall be substituted namely:-

- “(i) 1965 war refugees from Indian held part of the State of Jammu and Kashmir duly registered with the Deputy Commissioner of the respective districts in Azad Jammu and Kashmir;
- (ii) Ex- Servicemen;
- (iii) 1971 war displaced person;
- (iv) land owners of the Chhamb Area who have not been allotted any agricultural land either in Pakistan or in Azad Jammu and Kashmir in lieu of land held by them in Chhamb Area or whose allotment of land is less than the land they owned in Chhamb Area prior to October, 1947.”
- (b) after clause (iv), as amended aforesaid, the following proviso shall be added:-

“Provided that land of which declaration is made in favour of a land owner shall not be so allotted, and if it stands allotted to any of the above categories, the allotment shall be cancelled making the alternate arrangement for the rehabilitation of the allottee:

Provided further that if an allottee has affected improvements over the allotted land he shall be entitled to compensation to the extent of such improvement by the owner before his eviction from the land and his settlement on alternate land. In case owner fails to pay compensation within a year of the order, alternate land to the extent of his entitlement shall be allotted to him.”

6. **Substitution of Section 7, (Act II of 1976).**- In the Act, Section 7 shall be substituted as follows:-
- “7. No person shall be deemed to be an allottee or to have any right or title accrued in land until such a written order has been passed or declaration made and he has been put in possession of the land by Deputy Commissioner.”
7. **Amendment of Section 9, (Act II of 1976).**- In the said Act in Section 9, between the words “an allottee” and the words “in possession” the words “or owner” shall be inserted.
8. **Amendment of Section 10, (Act II of 1976).**- In the said Act in Section 10 before sub-section (1), for the words “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” the following words shall be substituted,-

“Notwithstanding anything contained in this Act 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, whether before or after declaration or allotment.”

9. **Savings.**- Notwithstanding anything contained in any other law for the time being in force, any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders issued or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1977 (Ordinance VIII of 1977), or its succeeding Ordinances issued from taken, issued, made initiated or exercised under this Ordinance.
10. **Repeal.**- The Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1986 (Ordinance LXXXI of 1986) is hereby repealed.

Sd/-
(Sardar Muhammad Abdul Qayyum Khan)
President.
Azad Jammu & Kashmir.

Sd/-
Deputy Secretary Law