

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD**

Dated the 14th June, 1992.

No.607-11/LD/92. The following Ordinance made by the President on the 9th day of June, 1992, is hereby Published for general information:-

(ORDINANCE LXIII OF 1992)

AN

ORDINANCE

to amend the Land Acquisition Act, 1894.

WHEREAS it is necessary to amend the Land Acquisition Act, 1894 (Act I of 1894) in the manner hereinafter appearing;

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 Land Acquisition (Amendment) Ordinance, 1992.
(2) It shall come into force at once.
2. **Amendment of Section 4, Act I of 1894.**- In the Land Acquisition Act 1894 (Act I of 1894) as enforce in Azad Jammu and Kashmir, hereinafter referred to as the said Act, in Section 4,-
 - (a) for sub-section (1) the following shall be substituted and shall be deemed always to have been so substituted, namely,
“(1) Whenever it appears to the Collector of District that the land in any locality is needed or is likely to be needed for any public purpose or for a company, a notification to that effect shall be published in the Official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality”.

- (b) In sub-section (2) for the words "Commissioner or the Board of Revenue" the word "Collector of the District" shall be substituted.
- (c) After sub-section (2), as amended aforesaid, the following new sub-section (3) shall be added, namely:-
 - "(3) The Officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount to paid or tendered; he shall at once refer the dispute to the decision of the Collector or other Chief Revenue Officer of the District, and such decision shall be final."

3. **Insertion of Section 5-A Act I of 1894.-** In the said Act, after Section 5, the following new Section 5-A shall be inserted, and shall be deemed always to have been so inserted:-

- "5-A. Hearing of Objection.- (1) Any person interested in any land which has been notified under Section 4, sub-section (1), as being needed or likely to be needed for purposes or for a Company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.
- (2) Every objection under sub-section (1) shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Commissioner, together with the record of the proceedings held by him and a report containing his recommendations on the objection. The decision of the Commissioner on the objections shall be final.
- (3) Where land is needed for a Company, the Collector shall, after making such enquiries as he deems necessary, also make his recommendations to the Commissioner with regard to the area that in his opinion is reasonable for the purpose.
- (4) For the purpose of this Section, a person shall be deemed to be interested in land that would be entitled to

claim, an interest in compensation if the land were acquired under this Act".

4. **Substitution of Section 17, Act I of 1894.**- In the said Act, for Section 17, the following shall be substituted, namely:-

"17. Special power in cases of urgency.- (1) In case of urgency whenever the Commissioner so directs, the collector, though no such award has made, may on the expiration of fifteen days from publication of the notice mentioned in subsection (1) of Section 9, take possession of any land shall thereupon vest absolutely in the Government, free from all encumbrances:

Provided that the Commissioner shall not issue any direction to the Collector under this sub-section unless the Department of Government, the local authority, of Company, as the case may be, for which the land is being acquired, has first deposited the estimated cost of acquisition of such land as determined by the Collector of the district, keeping in view the provisions of Sections 23 and 24.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it become necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or whenever owing to a similar emergency it becomes necessary for the Commissioner to acquire the immediate possession of any land for the purposes of maintaining traffic over a public road, the Collector may, immediately after the publication of the notice mentioned in subsection (1) and with the previous sanction of the Commissioner, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrance:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty eight hours notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-section the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained be them

caused by such sudden dispossession and not excepted in Section 24; and, in case such offer is not accepted, the value of such crops and for in awarding compensation for the land under the provisions herein contained.

(4) in cases where in the opinion of the Commissioner, the provisions or sub-section (1) or sub-section (2) are applicable, the Commissioner may direct that the provision of sections 6 and 5-A shall not apply, and, if dose so direct declaration may be made under Section 6 in respect of the land at any time after the publication of the notification under sub-section (1) of Section 4."

5. **Amendment of Section 38, Act I of 1894.-** In the said Act, in Section,-

(a) for sub-section (1) the following shall be substituted, namely:-

"(1) The Commissioner may authorise any officer of any company, desiring to acquire land for its purpose, to exercise the powers conferred by sub-section (2) of Section 4." and

(b) in sub-section (2) for the word and figure "Section 5" the words, figures and brackets "sub-section (3) of Section 4" shall be substituted.

Sd/-
(Sardar Sikandar Hayat Khan)
President
Azad Jammu and Kashmir

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law