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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 13th May, 1977

The following Acts of Parliament received the assent of the President on the 11th May, 1977, and are hereby published for general information:—

ACT No. XVIII of 1977

An Act further to amend the Jammu and Kashmir (Administration of Property) Ordinance, 1961

WHEREAS it is expedient further to amend the Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Jammu and Kashmir (Administration of Property) (Amendment) Act, 1977.

(2) It shall come into force at once.

2. **Amendment of section 3, Ordinance III of 1961.**—In the Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961), hereinafter referred to as the said Ordinance, in section 3,—

(a) after sub-section (1), the following new sub-section shall be inserted, namely:—

“(1A) For the purpose of advising the Federal Government in the exercise of its powers under this Ordinance, the Federal Government may constitute a Management Committee consisting of such persons as the Federal Government may deem fit.”;

(247)

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- (b) in sub-section (2),
- (i) for the words and comma "For the purpose aforesaid, the" the word "The" shall be substituted;
 - (ii) for the words "Manager of State Properties of Jammu and Kashmir" the words "Administrator of State Properties of Jammu and Kashmir" shall be substituted; and
 - (iii) for the word "Manager" the word "Administrator" shall be substituted; and
- (c) in sub-section (3), for the word "Manager" the word "Administrator" shall be substituted.

3. **Insertion of new sections 3A, 3B and 3C, Ordinance III of 1961.** In the said Ordinance, after section 3, the following new sections shall be inserted, namely:—

"3A. *Adjudication of disputes.*—If any person to whom a notice has been given under sub-section (3) of section 3 files with the Administrator, within the time specified in the notice, his objection to the action proposed being taken, stating the grounds of the objection, the Administrator may, after affording such person an opportunity of being heard personally or through counsel or a duly authorised agent, pass such orders as he may deem fit.

3B. *Appeal.* (1) Any person aggrieved by an order of the Administrator under section 3A may, within three months of the date of such order, prefer an appeal to such authority as the Federal Government may, by notification in the official Gazette, specify in this behalf.

(2) The authority specified under sub-section (1) may make such further inquiry as it may consider necessary and, after giving the appellant an opportunity of being heard if he so desires, pass such orders as it thinks fit confirming, altering or annulling the order appealed against.

(3) The authority specified under sub-section (1) shall, for the purpose of deciding an appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908), including the powers of

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the discovery and production of any document; and

(c) issuing commissions for the examination of witnesses and documents.

3C. *Revision.* The Federal Government may, on the application of any person aggrieved by an order passed by the authority under section 3B

if the application is made within thirty days of the communication of such order to him, pass such order in relation thereto as it thinks fit :

Provided that no order under this section shall be passed unless the person likely to be affected thereby has been given an opportunity of showing cause against it or of being heard personally or through counsel or a duly authorised agent."

4. Amendment of section 4, Ordinance III of 1961.—In the said Ordinance, in section 4, for sub-section (2) the following shall be substituted, namely :—

"(2) The amount deposited in the account mentioned in sub-section (1) and the income from that amount, shall be utilized for such purposes including the rehabilitation of refugees from the State of Jammu and Kashmir, as may be prescribed by rules made under section 6 or as may be determined by the Federal Government."

5. Amendment of section 5A, Ordinance III of 1961. In the said Ordinance, in section 5A, for the word "Manager" the word "Administrator" shall be substituted.

6. Amendment of section 5B, Ordinance III of 1961.—In the said Ordinance in section 5B,—

(a) in sub-section (1), for the word "Manager" the word "Administrator" shall be substituted; and

(b) in sub-section (2), for the commas and words " , otherwise than at the instance of the Manager, no injunction or other order of whatever kind shall be passed or made in respect of any such property by any Court or other authority" the words and commas "no Court shall have jurisdiction, or entertain any proceedings, in respect of any such property or of any matter within the competence of the Federal Government, the Administrator or other authority and no injunction or other order of whatever kind shall be passed or made by any Court or other authority in respect of any such property or of any action taken or to be taken in exercise of any power conferred by or under this Ordinance" shall be substituted.

7. Amendment of section 5C, Ordinance III of 1961.—In the said Ordinance, in section 5C, for the word "Manager" the word "Administrator" shall be substituted.

8. Amendment of section 6, Ordinance III of 1961.—In the said Ordinance, in section 6, in sub-section (2),—

(a) after clause (a), the following new clause shall be inserted, namely :—

"(aa) the functions, powers and procedure of the Management Committee constituted under sub-section (1A) of section 3;" and

(b) in clause (b), for the word "Manager" the word "Administrator" shall be substituted.

9. Repeal. The Jammu and Kashmir (Administration of Property) (Amendment) Ordinance, 1977 (X of 1977), is hereby repealed.