



THE JAMMU AND KASHMIR (ADMINISTRATION OF PROPERTY) ORDINANCE, 1961



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THE JAMMU AND KASHMIR (ADMINISTRATION OF PROPERTY) ORDINANCE, 1961.

ORDINANCE No. III OF 1961

[13th February, 1961]

An Ordinance to vest in the Central Government certain immovable properties which vested in the State of Jammu and Kashmir on the fifteenth day of August, 1947, and to provide for matters connected therewith.

WHEREAS there are several immovable properties, situated in the territory of Pakistan, the title to which vested in the State of Jammu and Kashmir ¹[, or the Maharaja of Jammu and Kashmir or the Maharaja of Poonch,] on the fifteenth day of August, 1947 ;

AND WHEREAS the constitutional position in the State of Jammu and Kashmir has altered since that date giving rise to an international dispute as to its legality;

AND WHEREAS the said properties are suffering for want of care;

Now THEREFORE, in pursuance of the proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.— (1) This Ordinance may be called the Jammu and Kashmir (Administration of Property) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

¹Ins. by the Jammu and Kashmir (Administration of Property) (Amdt.) Ordinance, 1961 (43 of 1961), s. 2.

¹**[2. Vesting of properties in the Federal Government.]**— All immovable properties, situated in the territory of Pakistan the title to which vested in the State of Jammu and Kashmir, or the Maharaja of Jammu and Kashmir or the Maharaja of Poonch, on the fifteenth day of August, 1947, shall vest, free from all encumbrances, in the ²[Federal Government], and shall be deemed to have so vested on that date.]

³**[3. Management, sale or lease of properties etc.]**—(1) The ²[Federal Government], may make arrangements for the management, sale, lease or disposal otherwise of the properties vested in it under section 2.

⁴[(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.] ;

(2) ⁵[The] ²[Federal Government] may appoint a person, to be called the ⁶[Administrator of State Properties of Jammu and Kashmir (hereinafter referred to as the ⁷[Administrator], who shall take possession of and hold, and, subject to the previous approval in writing of the ²[Federal Government], have the power to deal with and dispose of, all or any of the aforesaid properties, and shall exercise such other powers in relation thereto as may be prescribed by rules made under section 6.

(3) Without prejudice to the generality of the provisions of sub-section (2), and notwithstanding anything contained in any other law for the time being in force, the ⁷[Administrator] after giving to the person or persons affected not less than fifteen days notice, may, in such manner as may be provided by rules, and with the use of such force as may be necessary,—

(a) take possession and assume control of any property referred to in this section ;

⁸[(aa) raise the rent of any property, if considered necessary;]

(b) evict summarily any person ⁸[who is in default in the payment of rent of any such property for not less than three months or is] in unauthorized occupation or wrongful possession of any such property ; and

¹Subs. and shall be deemed always to have been so subs. by the Jammu and Kashmir (Administration of Property) (Amdt.) Ordinance, 1961 (43 of 1961) s. 3, for the original section.

²Subs. by F.A.O., 1975 Art. 2 and Table, for " Central Government ".

³Subs. by Ord. 43 of 1961, s. 4, for the original section.

⁴Ins. by the Jammu and Kashmir (Administration of Property) (Amdt.) Act, 1977 (18 of 1977), ss.2 and 3.

⁵Subs. *ibid.*, s. 2, for " For the purpose aforesaid, the ".

⁶Subs. *ibid.*, for " Manager of state Properties of Jammu and Kashmir ".

⁷Subs. *ibid.*, for " Manager ".

⁸Ins. by the Jammu and Kashmir (Administration of Property) (Amdt.) Ordinance, 1979 (41 of 1979), s. 2.