

# **The Jammu and Kashmir Grant of Permit for Resettlement in (or Permanent Return to) the State Act, 1982**

JAMMU & KASHMIR

India

## **The Jammu and Kashmir Grant of Permit for Resettlement in (or Permanent Return to) the State Act, 1982**

### **Act 10 of 1982**

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The Jammu and Kashmir Grant of Permit for Resettlement in (or Permanent Return to) the State Act, 1982 Act No. 10 of 1982 [Received the assent of the Governor on 6th October, 1982 and published in the Government Gazette dated 7th October, 1982.] An Act to provide for regulation of procedure for grant of permit for resettlement in (or permanent return to) the State, of the permanent residents of the State. Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-third Year of the Republic of India as follows :-

#### **1. Short title.**

- This Act maybe called the Jammu and Kashmir Grant of Penn it for Resettlement in (or Permanent Return to) the State Act, 1982.

#### **2. Definition.**

- In this Act, unless the context otherwise requires ;-(a)"Competent Authority" means an authority appointed as such by the Government by a notification in the Government Gazette for purposes of this Act;(b)"Form" means a Form appended to this act or prescribed under the rules framed thereunder;(c)"Permanent resident" means a permanent resident of the State as defined in section 6 of the Constitution of Jammu and Kashmir;(d)"Resettlement" means resettlement in the State or permanent return to the State ;(e)"Prescribed" means prescribed by rules made under this Act; and(f)"State Subject of Class I or of Class II" shall mean the persons defined as such in the State Subject Definition Notification No. I-L/84 dated 20th April, 1927 read with State Notification No. 13-L/1989 dated 27th June, 1932.

### **3. Application for permit.**

- An application for permit for resettlement in the State of any person who, before the fourteenth day of May, 1954 was a State Subject of Class I or of Class II and who has migrated after the first day of March, 1947 to the territory now included in Pakistan may be made by the person himself or by his relative, who is a permanent resident of the State, to the competent authority in the prescribed Form.

### **4. Inquiry by Competent Authority.**

- The Competent Authority, if satisfied after an inquiry, in such manner as may be prescribed, that the person desirous of resettlement in or permanent return to the State-(a)has a bona fide intention for such resettlement in or permanent return to the State ; and(b)was a State Subject of Class I or of Class II before the fourteenth day of May, 1954 and had migrated to the territory now included in Pakistan after the first day of March, 1947 or is a descendant, wife or widow of such State Subject as the case may be; shall recommend such person to the State Government for grant of a permit for resettlement in or permanent return to the State.

### **5. Declaration by the State Government.**

- The Government may on being satisfied about the genuiness of the application, and the inquiry and the recommendation of the competent authority, declare in such manner and in such form as may be prescribed, the person to be eligible for resettlement in the State.

### **6. Grant of permit.**

- Upon a declaration under section 5, the person eligible shall be granted a permit for resettlement in the State in such form and manner as may be prescribed :Provided that the permit granted under this section shall have no effect if the person fails to take an oath of allegiance in the following form within one calender month of -(a)the date of issue of permit, in the case of persons present in the State ; and(b)the date of arrival in the State, in the case of persons not present in the State :-Oath of AllegianceI,..... do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India and of the State as by law established and that I will faithfully observe the laws of India and of the State and fulfil my duties as a permanent resident of the State.Signature,DesignationAffirm/Sworn and subscribed this ..... day of ..... 19 ..... before me.SignatureDesignation

### **7. Maintenance of records and registers.**

(1)The Competent authority shall maintain-(a)a separate register containing the names, particulars including age and sex and address of the persons recommended by it for permit for resettlement in the State ; and(b)record of the proceedings of the inquiry.(2)The Government shall maintain-(a)a separate register of persons declared eligible for resettlement in the State and of the persons to

whom permits have been granted.(3)When a permit for resettlement is issued under section 6 a duplicate copy thereof shall be prepared and preserved for records by the issuing authority.(4)All entries made in the registers shall be authenticated and numbered consecutively and each entry shall relate to one person only.

## **8. Procedure for issue of summons etc.**

- The provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996 in regard to the issue of summons, notices and to the conduct of inquiries including recording of statements, issue of copied and inspection of records shall apply mutatis mutandis to the proceedings under this Act.

## **9. Revisions.**

- The Government may at any time either on its own or on a reference or an application made to it in this behalf call for the records of any case or proceeding pending before or disposed of by a Competent Authority and may uphold or reverse the orders of the Competent Authority or may pass any other order or give any directions as it may deem fit:Provided that no orders prejudicial to an interested person shall be passed without giving such person a reasonable opportunity to be heard.

## **10. Power to make rules.**

(1)The Government may make rules for purpose of carrying into effect the provisions of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely :-(a)form of application for grant of permit for resettlement in the State ;(b)form of permit for permanent resettlement in the State ;(c)fees chargeable in respect of permit;(d)manner and procedure for holding inquiry by the competent authority and by the Government;(e)form and manner in which registers and records are to be maintained; and.(f)any other matter which may be or has to be prescribed under this Act.