The Dispatch
Documents

Jammu and Kashmir Permanent Resident Certificate (Procedure) Act, 1963

The Dispatch has archived a number of important documents on Jammu and Kashmir for the purpose of research and reference. These documents have been collected from various open sources. We have made all possible efforts to check reliability and authenticity of documents but The Dispatch takes no absolute responsibility. Users are advised to cross check with relevant sources. Please write to us at mail@thedispatch.in if you find any discrepancy. For daily news and opinion keep visiting www.thedispatch.in

THE JAMMU AND KASHMIR GRANT OF PERMANENT RESIDENT CERTIFICATE (PROCEDURE) ACT, 1963.

(ACT NO. XIII OF 1963.)

CONTENTS

Preamble

SECTION.

1. Short title.
2. Repeal and saving.
3. Definitions.
4. Presentation of applications and appearances, etc.
5. Procedure for issue of summons, notices, etc.

SECTION

6. Revision.
7. Offences.
8. Delegation of powers.
9. Power to make rules.

Amendments made by Act No.--

1. **XXV of 1963.**
2. **XL of 1966.**

THE JAMMU AND KASHMIR GRANT OF PERMANENT RESIDENT CERTIFICATE (PROCEDURE) ACT, 1963.

(Act No. XIII of 1963.)

[Received the assent of the Sadar-i-Riyasat on 27th March, 1963 and published in Government Gazette dated 27th March, 1963 (Extra.).]

An Act to provide for the regulation and grant of permanent resident certificates.

Be it enacted by the Jammu and Kashmir State Legislature in the Fourteenth Year of the Republic of India as follows :--

1. *Short title.*--This Act may be called the Jammu and Kashmir Grant of Permanent Resident Certificate (Procedure) Act, 1963.

2. *Repeal and saving.*--(1) From the date this Act comes into force, all previous Laws, Rules, Commands, Orders, Circulars and Instructions, relating to the grant of State Subject or Permenent Resident Certificates in so far as they are repugnant to this Act, shall be deemed to have been repealed.

(2) Notwithstanding such repeal, all certificates granted, actions taken and other things done under the Laws, Rules, Commands, Orders, Circulars and Instructions so repealed shall be deemed to have been granted, taken or done under this Act.

3. *Definitions.*--In this Act, unless the context otherwise requires,--

(a) "certificate" means a Permanent Residents' Certificate granted under this Act ;

(b) "competent authority" means an officer appointed as such by notification by the Government for purposes of this Act ;

(c) "permanent resident" means a person who is or is deemed to be a permanent resident under section 6 of the Constitution of Jammu and Kashmir ;

(d) "prescribed" means prescribed by rules made under this Act ;

4. *Presentation of applications and appearances, etc.*--[1](1) Applications for grant of certificates may be made and appearances and other acts done--

(a) by the applicant personally ;

1. Section 4 re-numbered as sub-section (1) and sub-section (2) added by Act XXV of 1963.

(b) by persons holding general or special powers of attorney on behalf of an applicant ;

(c) by any class of legal practitioners :

Provided that the Government may prescribe any other mode of presentation of applications generally or in the case of any class or classes of persons :

Provided further that the finger prints and signatures of applicants shall be affixed before the competent authority in the manner prescribed.

[1][(2) The competent authority shall, on being satisfied about the genuineness of the application, grant a certificate to the person applying for it, under this Act.]

5. *Procedure for issue of summons, notices, etc.*--The provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996 in regard to the issue of summons, notices, proclamations, orders and to the conduct of enquiries, places of hearing, recording of statements, issue of copies, inspection of records, shall apply *mutatis mutandis* to proceedings under this Act.

6. *Revision.*--(1) The Government may, at any time, either on its own motion or on an application made to it in this behalf, call for the record of any case 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 orders or give any directions as it may deem fit :

Provided that no orders prejudicial to an interested person shall be passed without giving such a person a reasonable opportunity to be heard.

(2) If it appears to a competent authority that a substantial question of law or public interest is involved in any proceedings under this Act, it may report it to the Government and the Government may pass any orders or issue any directions, it may deem fit.

7. *Offences.*--Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in material particulars shall, on conviction by a [2][Judicial Magistrate] of 1st class, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both :

---

1. Section 4 re-numbered as sub-section 1 and sub-section (2) added by Act No. XXV of 1963.
2. Substituted by Act XL of 1966 for "Magistrate."

Provided that no Court shall take cognizance of any offence punishable under this Act, save upon a complaint made by a public servant with the previous sanction of the Revenue Minister.

8. *Delegation of powers.*--The Government may, by an order published in the Government Gazette, direct that powers of revision conferred on it by this Act, shall in such circumstances and under such conditions, if any, as may be specified in the order, be exerciseable also by any officer.

9. *Power to make rules.*--(1) The Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for--

(a) the procedure and mode of presentation, appearance, conduct of enquiries and disposal of applications ;

(b) the procedure for presentation, hearing and disposal of revision applications ;

(c) the forms to be used for various purposes for which a Permanent Resident Certificate is to be granted ;

(d) maintenance of forms to be used in various registers, returns, statements and reports ;

(e) cancellation of the certificates by revisional authority and the delivering up of such certificates for the purpose ;

(f) any other matter which is to be or may be prescribed under this Act.