

THE JAMMU AND KASHMIR MIGRANTS (STAY OF PROCEEDINGS) ACT, 1997

(Act No. XVII of 1997)

[Received the assent of the Governor on 30th May, 1997 and published in Government Gazette dated 2nd June, 1997.]

An Act to provide for the stay of legal proceedings against the migrants.

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

1. Short title, extent and commencement. – (1) This Act may be called Jammu and Kashmir Migrants (Stay of Proceedings) Act, 1997.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions. – In this Act unless the context otherwise requires,—

(a) “Government” means the Government of the State of Jammu and Kashmir;

(b) “Immovable property” shall also include tenancy rights, interest created under any law for the time being in force;

(c) “Migrant” means any person who has migrated from the Kashmir Valley after 1st November, 1989 and is registered as such with the Relief Commissioner and includes a person who has not been so registered on the ground of his being in service of the Government in any moving office, or having left the Valley in pursuit of his occupation or vocation and is possessed of immovable property in the Valley but is unable to ordinarily reside there due to the disturbed condition;

(d) “Proceeding” includes any suit, appeal, application, petition, execution pending before any Court, Office, Tribunal or Forum for recovery of a loan, possession or a dispute relating to immovable property.

3. Stay of proceedings against Migrants. – Notwithstanding anything to the contrary contained in any law for the time being in force, all proceedings pending or hereinafter filed against a migrant for recovery of loan raised in the Kashmir Division or relating to immovable property

situated in the Kashmir Division shall remain stayed from the commencement of this Act till the Government notifies otherwise:

Provided that nothing in this section shall apply to a dispute relating to recovery of money or immovable property inter-se migrants.
