

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights

deldeeeek

'Muzaffarabad'

Dated: 27.04.2021

No. LD/Legis-Act/169-86/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 07th day of April, 2021 and received the assent of the President on the 21st day of April, 2021, is hereby published for general information.

[Act VII of 2021]

An

Act

to provide a mechanism for management of seized and freezed
Institutions and Facilities of the proscribed organizations

Whereas, it is expedient to provide a mechanism for management of seized and freezed Institutions and Facilities and to ensure mainstreaming of employees and students of such Institutions and Facilities of the proscribed organizations, taken over by the Government under the Azad Jammu and Kashmir Anti-Terrorism Act, 2014, as per requirement of the United Nation Security Council Resolution No. 1267 and for the matters

connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Management of Seized and Freezed

Institutions and Facilities Act, 2021.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the

subject or context,-

(a) "Act" means the Azad Jammu and Kashmir Management of

Seized and Freezed Institutions and Facilities Act, 2021;

(b) "Authority" means the State Disaster Management Authority;

(c) "Directorate" means-

(i) the Directorate of Elementary and Secondary Education

in respect of educational institutions;

(ii) the Directorate of Religious Affairs in respect of religious

institutions, madaaris and mosques; and

(iii) | the Directorate of Health in respect of health facilities.

(d) "Facilities" mean hospital, dispensaries, water rescue center and ambulances seized and freezed by the Government under the Azad Jammu and Kashmir Anti-Terrorism Act, 2014 and any other facility notified by the Government and includes an

establishment, a property or an organization attached thereto;

(e) "Government" means Azad Government of the State of Jammu

and Kashmir;

(f) "Institutions" mean the Madaaris and Schools seized and freezed by the Government under Azad Jammu and Kashmir Anti-Terrorism Act, 2014 and any other educational and training institution notified by the Government and includes an

establishment, a property or an organization attached thereto;

(g) "Prescribed" means prescribed by the rules made under this

Act; and

(h) "Rules" means rules made under this Act.

Management System.- (1) For the efficient management and control

of the Institutions and Facilities which have been seized and freezed by the Government, under the Azad Jammu and Kashmir Anti-Terrorism Act, 2014, the Government may, by notification in the official gazette, empower the respective Directorate or Authority to manage, control and to deal with the affairs of seized and freezed

Institutions and Facilities.

Functions of the Directorate or Authority.- For the purposes of this

Act, the Directorate or Authority shall perform the following

functions:-

(a) acquire and dispose of a property of seized and freezed

institutions and facilities as may be prescribed;

(b) recruit, absorb and determine terms and conditions of employees of the seized and freezed institutions and facilities keeping in view the prescribed minimum required qualification,

age limit, etc. with the prior approval of the Government;

(c) formulate the budget of the seized and freezed institutions and facilities; and

(d) constitute any committee, with the approval of the Government, as may be required for carrying out the purposes of this Act.

Provision for employees of the Institutions and Facilities.- Any

person, not below the age of eighteen years and possessing requisite minimum qualification of such post, serving in connection with the affairs of the institutions or facilities, in any capacity immediately before the commencement of this Act, may be regularized by the concerned Directorate or Authority in such manners and on such

terms and conditions as may be prescribed.

Assets and Liabilities.- All assets and liabilities of the Institutions

and Facilities shall stand transferred to the concerned Directorate or

Authority:

Provided that where a property or asset is not owned by, but is under the control and management of seized and freezed Institutions or Facilities, such property shall be managed and controlled by the

concerned Directorate or Authority.

Powers to make rules.- The Government may make rules to carry out the purposes of this Act.

Indemnity.- No suit, prosecution or criminal proceeding shall lie against the Government or any officer for anything done or purporting to have been done by him in good faith under this Act.

Removal of difficulties.- If any difficulty arises in giving effect to any

provision of this Act, the Government may make such order not in consistent with the provisions of this Act for purpose of removing such

difficulty.

10. Repeal.- The Azad Jammu and Kashmir Management of Seized and Freezed Institutions and Facilities Ordinance, 2021 (Ordinance I of

2021) is hereby repealed.

(Gulfraz Ahmed Khan)
Section Officer (Legislation)