

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department
KREKKKEKEK

“Muzaffarabad”

Dated: 28.06.2021

No. LD/Legis-Act/468-82/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 28 day of May, 2021 and received the assent of the President on the 15th day of June, 2021, is hereby

published for general information.

[Act XXV of 2021]

Act

to provide for registration, regulation, dissolution and control of voluntary social welfare agencies

WHEREAS, it is expedient to provide for the regulation and control of voluntary social welfare agencies and 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 Voluntary Social Welfare Agencies (Registration and Control) Act, 2021.

(2) It extends 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) “Agency” means a voluntary social welfare agency, and includes any branch of such agency;

(b) “Co-ordination Councils” means State, District and Tehsil Co-ordination Councils, established under this Act;

(c) “Governing body” means the council, committee, trustees or other body, by whatever name called, to whom, by the constitution of the agency, its executive functions and the management of its affairs are entrusted;

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

(e) "NGOs" means non-governmental organizations;

(f) "Prescribed" means prescribed by rules made under Section 22;

(g) "Register" means the register maintained under Section 7, sub-section (4) and "registered" means registered under this Act;

(h) "Registration Authority" means an Authority constituted under Section 6 of the Act;

(ij) "Regulatory Cell" means a non-governmental organizations (NGOs) Regulatory Cell established by Government in Directorate of Social Welfare; and

(jj) "Voluntary Social Welfare Agency" means an organization, association or undertaking established by persons of their own free will for the purpose of rendering welfare services in any one or more of the fields mentioned in the Schedule and depending for its resources on public subscription, donations or Government aid.

Prohibition against establishing or continuing an agency without

registration.- No Agency shall be established or continued except in accordance with the provisions of this Act.

NGOs Regulatory Cell.- There shall be a NGOs Regulatory Cell

established by the Government in Directorate of Social Welfare with such role & responsibilities as approved by the Government from time to time.

NGOs Co-ordination Councils.- The Social Welfare Department shall

establish NGOs Co-ordination Councils at State, District & Tehsil level by general election among NGOs working in that area for the purpose of,-

(i) co-ordination among NGOs and Government Departments;

(ii) to maximize the socio-economic benefits of NGOs intervention by avoiding duplication;

(iii) to help Government in awareness and in data gathering in different fields; and

(iv) to provide support to Government for Socio-economic uplift of the

local community.

Registration Authority.- (1) The Government shall authorize an

officer, by notification in the official Gazette to be a Registration Authority.

(2) The Registration Authority shall exercise all or any of the powers provided in this Act or rules made thereunder.

Application for registration, etc.- (1) Any person intending to establish an

agency, or any person intending that an agency already in existence should be continued as such, shall, in the prescribed form, and on payment of the prescribed fee, make an application to the Registration Authority, accompanied by a copy of the constitution of the agency, and such other documents as may be prescribed.

(2) The Registration Authority may, on receipt of the application, make such enquiries as it considers necessary, and either grant the application, or, for reasons to be recorded in writing, reject it.

(3) If the Registration Authority grants the application, it shall issue, in the prescribed form, a provisional certificate initially for one year and after satisfactory performance it may be extended for three and five years respectively.

(4) The Registration Authority shall maintain a register, containing such particulars as may be prescribed, of all certificates issued under sub-section (3).

Establishment and continuance agency.— (1) An agency not in

existence on the coming into force of this Act shall be established only after a certificate of registration has been issued under sub-section (3) of Section 5.

(2) An Agency already in existence shall not be continued for more than six months from the date on which this Act comes into force unless an application for its registration has been made within 30 days of such date under sub- section (1) of Section 7.

(3) Where an application has been made in respect of an existing agency, and such application is rejected, then, notwithstanding the period of six months provided in sub-section (2), the agency may be

continued for a period of thirty days from the date on which the

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application is rejected, or if an appeal is preferred under Section 9, until such appeal is decided.

Appeal.- If the Registration Authority rejects an application for registration, the applicant may, within thirty days from the date of the order of the Registration Authority, prefer an appeal to the Government, and the order passed by the Government shall be final.

Conditions to be complied with by registered agencies.- (1) Every registered agency shall,-

(a) maintain audited accounts in the manner laid down by the Registration Authority;

(b) submit its Annual Report and audited accounts to the Registration Authority at such time and in such manner as may be prescribed and publish the same for general information;

(c) pay all moneys received by it into a separate account kept in its name at such bank or banks as may be approved by the Registration Authority; and

(d) furnish to the Registration Authority such particulars with regard to accounts and other records as the Registration Authority may from time to time require.

(2) The Registration Authority, or any officer duly authorized by it in this behalf, may at all reasonable times inspect the books of account and other records of the agency, the securities, cash and other properties held by the agency, and all documents relating thereto.

Amendment of the constitution of registered agency.- (1) No

amendment of the constitution of a registered agency shall be valid unless it has been approved by the Registration Authority, for which purpose a copy of the amendment shall be forwarded to the Registration Authority.

(2) If the Registration Authority is satisfied that any amendment of the constitution is not contrary to any of the provision of this Act or the rules made thereunder, it may, if it thinks fit, approve the amendment.

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(3) Where the Registration Authority approves an amendment of the constitution, it shall issue to the agency a copy of the amendment certified by it, which shall be conclusive evidence that the same is duly approved.

Suspension or dissolution of governing bodies of registered

agencies.- (1) If, after making such enquiries as it may think fit, the Registration Authority is satisfied that a registered agency has been responsible for any irregularity in respect of its funds or for any maladministration in the conduct of its affairs or has failed to comply with the provisions of this Act or the rules made thereunder, it may, by order in writing, suspend the governing body.

(2) Where governing body is suspended under sub-section (1), the Registration Authority shall appoint an administrator, or a caretaker body consisting of not more than five persons, who shall have all the authority and powers of the governing body under the constitution of the agency.

(3) Every order of suspension under sub-section (1) shall be placed by the Registration Authority before a Board, consisting of not more than five persons, constituted by the Government for the purpose, which shall have the power to make such order as to the re-instatement, or the dissolution and reconstitution of the governing body, as it may think fit.

(4) The governing body against whom an order of dissolution and reconstitution is made under sub-section (3) may prefer an appeal to the Government, within thirty days from the date of such order, and the decision of the Government shall be final and shall not be called in question in any court.

Dissolution of registered Agency.- (1) If at any time the Registration

Authority has reason to believe that a registered Agency is acting in contravention of its constitution, or contrary to any of the provisions of this Act or the rules made thereunder, or in a manner prejudicial to the interest of the public, it may, after giving such opportunity to the Agency of being heard as it thinks fit, make report thereon to the

Government.

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(2) The Government, if satisfied after considering the report that it is necessary or proper to do so, may order that the Agency shall stand dissolved on and from such date as may be specified in the order.

Voluntary dissolution of registered Agency.- (1) No registered

Agency shall be dissolved by the governing body or members thereof.

(2) If it is proposed to dissolve any registered Agency, not less than three-fifth of its members may apply to the Government in such manner as may be prescribed, for making an order for the dissolution of such Agency.

(3) The Government, if satisfied after considering the application that it is proper to do so, may order that the agency shall stand dissolved on and from such date as may be specified in the order.

Consequences of dissolution.- (1) Where any agency is dissolved

under this Act, its registration thereunder shall stand cancelled on and from the date of the order of dissolution takes effect, and the Government may,-

(a) order any bank or other person who holds money, securities or other assets on behalf of the agency not to part with such moneys, securities and assets without previous permission in writing of the Government;

(b) appoint a competent person to wind up the affairs of the Agency, with power to institute and defend suits and other legal proceedings on behalf of the Agency, and to make such orders and take such action as may appear to him to be necessary for the purpose ; and

(c) order any moneys, securities and assets remaining after the satisfaction of all debts and liabilities of the Agency to be paid or transferred to such other agency, having objects similar to the objects of the Agency, as may be specified in the order.

(2) Orders made by the person appointed under clause (b) of sub-section (1) shall, on application, be enforceable by any Civil Court having local jurisdiction in the same manner as a decree of such court.

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Inspection of documents, etc.- Any person may, on payment of the prescribed fee, inspect at the office of the Registration Authority any document relating to a registered agency, or obtain a copy of or an extract from any such document.

Penalties and procedure.- (1) Any person who,-

(a) contravenes any of the provisions of this Act or any rule or order made thereunder; or

(b) in any application for registration under this Act, or in any

report or statement submitted to the Registration Authority or published for general information thereunder, makes any false statement or false representation;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both.

(2) Where the person committing an offence under this Act is a company, or other body corporate, or an association of persons, every director, manager, secretary and other officer thereof shall, unless proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

(3) No Court shall take cognizance of an offence under this Act except upon complaint in writing made by the Registration Authority, or by an officer authorized by it in this behalf.

Indemnity.- No suit, prosecution or other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith under this Act.

Power to amend Schedule.- The Government may, by notification in the official Gazette, amend the Schedule so as to include therein or exclude there from any field of social welfare service.

Power to exempt.- The Government may, by notification in the official Gazette, exempt any Agency or class of agencies from the operation of all or any of the provisions of this Act.

Delegation of powers.- The Government may, by notification in the official Gazette, delegate all or any of its powers under this Act, either

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generally, or in respect of such agency or class of agencies as may be specified in the notification, to any of its officers.

Power to make Rules.- The Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

Repeal.-The Azad Jammu and Kashmir Council Extension of Voluntary Social Welfare Agencies (Registration and Control) Act, 1982 (Act II of 1982) is hereby repealed.

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(Gulfray Ahmed Khan)
Section Officer (Legislation)

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THE SCHEDULE

See Section 2 (j)

Child welfare& Protection.

Youth welfare

Women's welfare

Welfare of the Persons with Disabilities (PWDs)

Socio-economic uplifts of communities particularly rural &

includes CO,VO,LSO.

Recreational programs intended to keep people away from

anti-social activities.

Welfare and rehabilitation of released prisoners.

Social education that is education of adults

developing sense of civic responsibility.

Welfare of juvenile delinquents.

Welfare of the socially handicapped.

Welfare of the beggars and destitute.

Welfare and rehabilitation of patients

Welfare of the aged and infirm.

Training in social work/capacity building of NGOs
Co-ordination of social welfare agencies.

Welfare & Rehabilitation of Drug Addicts.

Environmental Rehabilitation/awareness.

(xviii) Any other related field.

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