

Volume IT: 1963-1970

THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES

(AMENDMENT) ACT, 1964

(Act VII of 1964)

(Passed under Government Order No. 1803-1848\Council,

Dated Muzaffarabad 20th October, 1964)

WHEREAS it is necessary to amend the Azad Jammu and

Kashmir Basic Democracies Act, 1960, it is hereby enacted as follows :-

1.

(i) This Act may be called, the Azad Jammu and Kashmir Basic Democracies (Amendment) Act, 1964.

(ii) It shall come into force at once.

The Azad Jammu and Kashmir Basic Democracies Act, 1960
hereinafter referred to as the 'said Act' shall be amended as

follows:-

(i) After section 11 of the said Act, the following new clause

shall be added, namely:-

"(5-A) The Chairman of a Union Council shall vacate office if a

vote of no-confidence is passed against him in the prescribed manner by two third majority of the total number of members of the Union Council:

Provided that where a motion of no-confidence against the Chairman has been moved and has not been carried, no similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."

(ii) In Section 12 of the Said Act, after clause (5) the following

new clause shall be added, namely:-

"(5-A) The Chairman of a Town Committee or a Union

Committee shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two-third majority of the total number of members of the Town Committee or the Union Committee, as the case may be, provided that where a motion of no-confidence against the Chairman has been moved and has not been carried, no

similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."

(iii) The following shall be substituted for section 14 of the said Act:—

"14,

District Councils :-

(1) A District Council shall, subject to the other provisions

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of this section, consist of such number of official and elected members as may be fixed by the Commissioner:

Provided that the total number of elected members shall not be less than the total number of official members.

The holders of such offices as may be specified by the Government shall ex-officio be official members of the District Council.

The elected members of the District Council shall be elected in the prescribed manner from amongst the electors by an electoral college consisting of the Chairman of the Union Councils, Town Committees and Union Committees within the District:

Provided that no official shall be as elected.

The Collector shall ex-officio be an official member of the District Council and its Chairman."

(iv) After section 14 of the said Act the following new section shall be inserted namely:-

"14A. Vice-Chairman :—

(1) Every District Council shall, in the prescribed manner,

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elect one of its members other than an official member to be its Vice-Chairman.

Subject to the provisions of clause (3) the term of office of a Vice-Chairman shall be five years, or the residue of his term of office as member, whichever is less.

A Vice-Chairman shall vacate office, if a vote of no-confidence is passed against him in the prescribed manner by two-thirds of the total number of members constituting the District Council other than official members :

Provided that where a motion of no-confidence against the Vice-Chairman has been moved and has not been carried, no similar motion shall be moved until after the expiry of six months from the date the motion was moved.

(4) A Vice-Chairman shall perform such functions as may be prescribed and such other functions as may be entrusted to him by the Chairman.

Explanation:- A Vice-Chairman of a Municipal body and a Vice-President of a Cantonment Board, where they are members of a District Council, shall be deemed to be non-official members for the purpose of this section".