

No. LD/Legis./214-25/2023

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

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'MUZAFFARABAD'

Dated: 15.12.2023

To

The Controller,  
Government Printing Press,  
Muzaffarabad.

Subject: THE AZAD JAMMU AND KASHMIR GOVERNMENT

BUILDINGS (MANAGEMENT, CONTROL AND ALLOTMENT)  
ACT, 2023

Sir,

Undersigned is directed to enclose herewith a copy of the Azad

Jammu and Kashmir Government Buildings (Management, Control and Allotment) Act, 2023 (Act IX of 2023), for publication in the extraordinary

issue of the Official Gazette on "Top Priority" basis under intimation to this

office.

Coatus vous

(Kh. Hashim Shaheen)

Section Officer (Legislation)

Copy to the:-

1. Secretary to the President, Azad Jammu and Kashmir.
2. Principal Secretary to the Prime Minister, Azad Govt. of the State of Jammu and Kashmir.
3. Chief Secretary, Azad Govt. of the State of Jammu and Kashmir.
4. Secretary, Azad Jammu and Kashmir Legislative Assembly.
5. Secretary Physical Planning and Housing Department, Azad Govt. of the State of Jammu and Kashmir.
6. Secretary Services and General Administration Department Azad Govt. of the State of Jammu and Kashmir.
7. Registrar Supreme Court/High Court, Azad Jammu and Kashmir.
8. Director Information, Azad Govt. of the State of Jammu and Kashmir for publication in media.
9. P.L.D Publishers, Nabha Road, Lahore for publication in P.L.D.
10. Incharge of Supreme Court Recorder for publication in SCR.

11. Librarian, Law, Justice, Parliamentary Affairs & Human Rights  
Department.

12. Master File.

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Section Officer (Legislation)

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department  
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'Muzaffarabad'

Dated: 15.12.2023

No. LD/Legis.-Act/214-25/2023. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 30 day of November, 2023 and received the assent of the President on the 13t day of December, 2023, is hereby published for general information.

[Act IX of 2023]

An

Act  
to provide for the management, control, allotment and cancellation of

allotment of the buildings of the Azad Government of the State of Jammu and Kashmir

WHEREAS it is expedient to provide for the management, control, allotment and cancellation of allotment of the buildings to the Government

Departments, offices and public office holders in the State of the Azad Jammu and Kashmir and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. Short title, Application, Extent and Commencement.- (1)This Act may be called the Azad Jammu and Kashmir Government Buildings (Management, Control and Allotment) Act, 2023.

(2) It shall apply to all the Government Departments, offices, public office holders and Government buildings of the State of the Azad Jammu and Kashmir.

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

(4) It shall come into force at once and be deemed to have taken effect since 20.04.2023.

2. Definition.-In this Act, unless the context otherwise requires,-

(a) "Allottee" means a Government Department, office or public office holder, as the case may be, possessing a valid allotment order, issued under this Act and rules made thereunder;

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“Allotment” means an authorization to a particular Government Department, office or public office holder, as the case may be, to hold and use a Government building, either wholly or partly, for specific purpose on such terms and

conditions as may be Prescribed;

“Allotment Committee” means an allotment Committee constituted under Section 4 of this Act, which shall be competent to allot, extend, exchange and cancel the allotment of any Government building in its respective jurisdiction in the manner as may be Prescribed;

“Appellate Authority” means the Prime Minister of the Azad Government of the State of Jammu and Kashmir;

“Damage” means the loss, caused to the physical structure of a Government building, its fittings, fixtures, including any outstanding utility bills or dues for that building;

“District” means the District, established under the Azad Jammu and Kashmir Land Revenue Act, 1967 (W.P Act No. XVII of 1967);

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

“Government Building” means the building, as specified in Section 3 of this Act;

“Prescribed” means prescribed by rules;

“Public Office Holder” means:

(i) The President, Prime Minister, Speaker, Ministers, Members of Legislative Assembly, Advisors and Special Assistant to the Prime Minister;

(ii) | All Lent Officers of the Government;

(iii) A civil servant, appointed under the Azad Jammu and Kashmir Civil Servants Act, 1976 including such civil servants of the Government, posted and working at

anywhere under the Government, as may be Prescribed;

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(iv) Permanent employees of the Legislative Assembly of Azad Jammu and Kashmir; and

(v) Permanent employees of a Special Institutions, an

Autonomous or Statutory Body;

(k) "Residential Accommodation" means a building used by a Public Office Holder for residential purposes;

(1) "Rules" mean Rules made under this Act;

(m) "State" means the State of the Azad Jammu and Kashmir; and

h "Standing Operating Procedure" means the Standing

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Operating Procedure, made by the Government from time to

time, under Section 19 of this Act.

Government Buildings.-(1) For the purpose of this Act, Government Buildings shall consist of office buildings, Jammu and Kashmir House, Government rest houses, circuit houses, mess, cafeterias and Residential Accommodations which are owned, hired, managed and controlled by the Government or an Allotment Committee, as the case may be.

(2) Notwithstanding anything contained in sub-section(1), the Government may take possession of any other public building in any part of the State and entrust its management and control to any Government Department or an Allotment Committee in the manner as

may be Prescribed.

(3) |The Government Buildings shall be allotted to the Public Office Holders and service groups as per quota to be determined keeping in view respective categories proportionate to the size of service group or category of Public Office Holder, in such manners as may be

Prescribed.

Allotment Committees.-(1) The Government shall notify Allotment Committees which shall be competent to allot, cancel, extend and exchange any allotment of Government building under the management and control of the Government:

Provided that the Government may designate an officer not

below BPS-17, to reserve rooms of the Government guest houses,



circuit houses or Jammu and Kashmir house, subject to availability, on daily basis on payment of Prescribed rent.

(2) The Government shall notify District Allotment Committee for each District, which shall be competent to allot, cancel, extend and exchange any allotment of Government building in such district and responsible for management of record of Government Buildings or evict any person or Public Office Holder from such building in their

domain in the manner as may be Prescribed.

Management of Office Buildings.-

(1) The concerned Allotment Committee shall maintain a pool of office buildings as provided in Section 3 of this Act in its jurisdiction for Allotment amongst the Government Departments and offices.

(2) The concerned Allotment Committee shall allot office accommodation amongst Government Departments and offices keeping in view the strength of officers and employees of such

Departments.

(3) No Government Department, office or Public Office Holder, as the case may be, shall take possession of a Government Building without a valid Allotment by an Allotment Committee.

Management of Government Rest Houses.-

(1) The concerned Allotment Committee, as the case maybe, shall maintain, manage and reserve a pool of the Government rest houses and circuit houses, as mentioned in Section 3 of this Act, to facilitate the Public Office Holders and such other guests and dignitaries, in the manner as may be determined by Standing

Operating Procedures.

(2) A portion of Government Rest Houses may be designated and reserved for certain Government Departments, offices or Public Office Holder by the Government on such terms and conditions as may be

determined by Standing Operating Procedure.

Management and Allotment of Residential Accommodation.-

(1) The concerned Allotment Committee shall maintain a pool of

Residential Accommodation from which eligible Public Office Holders

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shall be allotted Residential Accommodation, strictly in accordance with seniority.

(2) The Residential Accommodation to a Public Office Holder shall be allotted, exchanged, retained, cancelled or vacated, as the case may be, in such manner and criteria, as may be Prescribed.

(3) Where Government provides resources to any Government Department, office or agency, as the case may be, for construction of its own pool of Residential Accommodation or where such Government Department, office or Government agency already has such a pool, its employees shall cease to be eligible for Residential Accommodation

under this Act:

Provided that if such Government Department, office or agency of Government, surrenders its pool of Residential Accommodation to the concerned Allotment Committee, then employees of such Government Department, office or Government agency, as the case may be, shall again become eligible for Allotment of Residential

Accommodation under this Act.

(4) The concerned Allotment Committee shall maintain seniority list of the Public Officer Holders for allotment of Residential

Accommodation twice in a year:

Provided that seniority list shall be maintained on the basis of application submitted by a Public Office Holder.

(5S) Any person, who owns a house/Residential Accommodation within municipal limits of his duty station, shall not be eligible for residential Accommodation and his name shall not be included in the seniority

list.

Designated Residential Accommodation.-(1)The Government may reserve a certain category of Residential Accommodation, to be known

as designated Residential Accommodation, for the purpose of allotment to such Public Office Holders and in such manner, as may

be Prescribed.

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(2) The rent of Residential Accommodation shall be deducted from the salary of an Allottee as per Prescribed category of Residential

Accommodation allotted to him.

Camp \_offices.-The Government may, in special circumstances, declare any Government Building as camp office and residential accommodation for specified Public Office Holders, on such terms and conditions, as may be \_ specified through Standing Operating

Procedures.

Appeal.-(1) Any Government Department, office or Public Office Holder, as the case may be, aggrieved from any order of the Allotment Committee shall have a right of appeal to be made to the Appellate

Authority in the manner, as may be Prescribed.

(2) The decision of the Appellate Authority shall be final and no review, revision, representation or further appeal shall lie against such

decision.

Power to remove \_ encroachments and \_ evict unauthorized occupant.-The concerned Allotment Committee or any person duly authorized by such committee, in order to evict any person or Public Office Holder from a Government Building shall have all the powers

for removal of such encroachments.

Penalty for Causing Damage to Government Buildings.-In case any Allottee is found causing Damage to a Government Building, either

deliberately or through negligence, as the case may be, such Damage shall be assessed by the Physical Planning and Housing Department or other agency of Government and shall be recovered in such manner as may be Prescribed.

Jurisdiction of Civil Courts barred.-No Civil Court shall have the jurisdiction to entertain any proceedings, grant any injunction, temporary relief, or make any order in relation to Government Building, or any matter governed by this Act.

Assistance of the executive authorities.-All executive authorities in the State, including police, shall assist the concerned Allotment Committee for carrying out the purposes of this Act.

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Miscellaneous.-The auction for management and functioning of all messes or cafeterias of Government rest houses, circuit houses, Residential Accommodations, Government Buildings and Jammu and Kashmir House shall be made in accordance with the existing

applicable laws.

Action taken in good faith.-No suit, prosecution or any other

proceeding shall lie against Government, Allotment Committee or any other officer authorized to exercise powers under this Actor the rules and Standing Operating Procedure in respect of any action or

anything done or intended to be done in good faith under this Act.

Saving.-Subject to the provisions of this Act, any order passed or action taken or arrangement made in relation to the Government Buildings before the commencement of this Act and not inconsistent with the provisions of this Act, shall be deemed to have been taken under this Act.

Removal of difficulties.-If any difficulty arises in giving effect to any provision of this Act, Government may issue orders, not inconsistent with the provisions of this Act, or the Rules made thereunder, for the removal of such difficulty.

Power to make rules.-The Government may, by a notification in official Gazette, make Rules for carrying out the purposes of this Act.

Power to make Standing Operating Procedures.-Subject to the provisions of this Act and Rules, the Government shall from time to time make an issue Standing Operating Procedure for caring out the purposes of this Act.

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(Kh. Hashim Shaheen)  
Section Officer (Legislation)

