

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD

Dated the 23 October, 1995.

No. 828-835/LD/Leg/95. The following Act of the Assembly received the

assent of the President on the 16th day of October, 1995, is hereby

published for general information:-

(ACT XXIII OF 1995)

AN

ACT

to amend the Azad Jammu and Kashmir Local Government Act, 1990

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Local

Government Act, 1990 (Act VII of 1990) in the manner hereinafter

appearing;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Local Government (Amendment) Act, 1995.

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

(3) It shall come into force at once.

2. Amendment of Section 2, Act VII of 1990:- In the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990), hereinafter referred to as the said Act, in Section 2, after clause (X) the following new clause (X-A) shall be inserted, namely:-

“(X-A) “Development Council” means the Azad Kashmir Local Government Development Council constituted under this Ordinance:”

3. Amendment of Section 15, Act VII of 1990:-In the said Act, in Section 15,-

(a) in sub-section (1) between the words “Vice-Chairman”

and “of” the comma and words, “Mayor or Deputy Mayor” shall be inserted; and

(b) in sub-section (2) between the words “Vice-Chairman” and “of” the comma and words, “Mayor or Deputy Mayor” shall be inserted.

4. Amendment of Section 23, Act VII of 1990:-In the said Act,

clause (c) to sub-section (2) of Section 23 shall be substituted as under:-

“(c) is guilty of an abuse of power or misconduct, misrepresentation or makes false recommendations or attestation with intent to cause an undue favor or gain to any person in capacity as a member or has been responsible for any loss or mis-appropriation of any money or property of any local Council or any local body or other local authority; or”

Addition of Sections 42A and 42B, Act VII of 1990:- In the said Act, after Section 42, the following new Sections shall be added, namely:-

“42-A. Azad Kashmir Local __Government__ Development Council:-(1) There shall be an Azad Kashmir Local Government Development Council consisting of,-

- (a) The Prime Minister of Azad Jammu Chairman and Kashmir;
- (b) A Vice Chairman, who shall be Member

nominated by the Government for first term and for the next term or terms shall be elected by the non-official members from amongst themselves;

- (c) Ten members, two from each District, elected by the members of the District Council from amongst

themselves;

- (d) | Chairman of the District Councils; Member

- (ec) Secretary Local Government; Member

- (f) — Secretary Planning and Member Development;

- (g) | Additional Secretary Finance; Member

- (bh) Superintending Engineer, Local Member Government;

- i) Director Local Government; Member/Secretary

- (2) The term of the Azad Kashmir Local Government Development council shall be four years;

Provided that for the 1st term the Government may nominate the members of the council.

- (3) The terms and conditions and statues of the Vice-Chairman shall be determined by the Government and he shall perform such functions as may be prescribed.

- (4) Government may remove any member of the Development Council at any time without assigning any reason.

- (5) Government may fill up any casual vacancy of a member

of the Development Council at any time it considers necessary.

- (6) The staff for Development Council shall be provided by

the Local Government Board. The Government may at any time fill-up any post in the Development Council by a person belonging to the Azad Jammu and Kashmir Local Council service or a person

in the service of Government or any statutory authority.

42-B. Powers and functions of the Development Council:-

Subject to the rules, the Development Council shall:-

(a) formulate the policy for rural development and take steps for its implementation;

(b) sanction any scheme of Union Council and District Council Exceeding three hundred thousand rupees.

(c) check the implementation of Annual Development Programme of Local Councils and improve its working;

(d) Arrange funds from Government for the rural development programme;

(e) inspect and supervise the development project of local councils and check the expenditure incurred on such schemes;

(f) perform such other functions as may be specified by the Government from time to time.”

Substitution of Sections 43, 44 and 45 Act VII of 1990:-In the

said Act, Sections 43, 44 and 45 shall be substituted as under:-

“43. Local Council Service:- (1) There shall be constituted

Azad Jammu and Kashmir Local Council Service comprising:-

(a) members of Local Council as appointed before constitution of the Local Government Board, under any enactment repealed by the Local Government Ordinance, 1979 (Ordinance LXXXVI of 1979) and its succeeding Ordinances;

(b) such other persons as may be appointed to the Azad Jammu and Kashmir Local Council Service by the Local Government Board.

(2) The terms and conditions of the service of the members of

the Azad Jammu and Kashmir Local Council Service shall be such

as may be prescribed:

Provided that the terms and conditions of Service or such members

of the Local Council service as are inducted into the Azad Jammu

and Local Council Service under this Act shall not be less favorable than the terms and conditions applicable to them before

such induction.

(3) All members of the Azad Jammu and Kashmir Local

Council Service constituted under this Act shall be deemed to be
the employees of the Azad Jammu and Kashmir Local Government
Board.

(4) The members of the Azad Jammu and Kashmir Local

Council Service shall be liable to such disciplinary action and
penalties and in accordance with such procedure as may be
prescribed.

44. Azad Jammu and Kashmir Local Government Board:-

(1) There shall be constituted a Board to be called the Azad Jammu and Kashmir Local Government Board consisting of a Chairman, a Vice-Chairman and not less than three and not more than five members to be appointed by the Government.

(2) Minister Incharge of the Local Government shall be ex-officio Chairman, and Secretary Local Government shall be ex-officio Vice Chairman of the Board.

(3) The members of the Board shall hold office for two years but shall be eligible for re-appointment.

(4) Government may remove any member of the Board at any time without assigning any reason.

(5) Government may fill-up any casual vacancy of a member

of the Board, any time it considers necessary.

(6) There shall be a Secretary of the Board to be appointed by Government to deal with the day to day administration of the Board and to perform such other functions and to exercise such powers as may be assigned to him by the Board.

(7) The Board shall be body corporate, having perpetual succession and a common seal with power, to acquire, hold and transfer property, movable and immovable, and shall by its name sue or be sued.

(8) The Board may employ such officers and servants for the Board and on such terms and conditions as may be prescribed.

(9) The employee of the Board shall be liable to such disciplinary action and penalties in accordance with such procedure as may be provided in the rules or regulations framed by the Board

(10) | Government may at any time direct the Board to fill-up any post in the Board by a person belonging to the Azad Jammu and Kashmir Local Council Service or a person in the Service of Government or any statutory authority.

(11) Every local council shall contribute towards the expenditure of the Board an amount calculated at such rate as may, from time to time, be fixed by the Government.

45. Functions of the Board:- The Board shall perform the following functions:-

(a) to function as planning commission for local councils;

(b) to advice and evolve organization and methods (O & M) techniques for the benefit of Local Council;

(c) to undertake research and evaluation in the field of Local

Government and to issue publications for the benefit of
Local Councils;

(d) to make recruitment and appointments, or transfer, take
disciplinary action and deal with other service matters in
respect of the members of the Azad Jammu and Kashmir

“61-A.

(e)

(fp)

(g)

(h)

Local Council Service, in accordance with such manner and procedure and subject to such conditions as may be prescribed;

to make recruitment and appointments, take disciplinary action and deal with other service matters, in respect of the employees of the Board in accordance with such manner and procedure and subject to such conditions as may be laid down in the rules or regulations to be framed by the Board.

to set up and operate pension fund and such other funds as may be considered necessary for the benefit and welfare of the employees of the Board and the members of the Azad Jammu and Kashmir Local Council Service;

to operate the Azad Jammu and Kashmir Local Government Board fund; and

to perform such other functions as may be specified by the Government from time to time.”

Amendment of Section 61, Act VII of 1990:- In the said Act, in Section 61, in sub-section (4), in clauses (b) and (c) for the word “three” the word “six” shall be substituted.

Addition of Section 61-A, Act VII of 1990:-In the said Act, after Section 61, a new Section 61-A shall be added, namely:-
Appointment of Revising Authority:-

(a)

(b)

(c)

There shall be a Revising Authority, to be appointed by the Government for the scrutiny of irregularities or illegalities committed in respect of allotment of plots or estate or in determination of title of any allottee or person applying for allotment;

Revising Authority either sue moto, or on a reference made to it by any authority or on an application made by any person, may call for any case in respect of any allotment, in which an order has been made by an

allotment authority or which is pending before or disposed of by the appellate authority established under this Act; The Revising Authority may after hearing the party likely to be affected, confirm, modify or set aside such allotment order or may make any other order which it may deem fit.”

Repeal:- The Azad Jammu and Kashmir Local Government (Amendment) Ordinance (Ordinance XIV of 1995) is hereby repealed.

Sd/- (Syed Shakir Shah)
Deputy Secretary Law.