

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

Dated:15.03.2005

No.LD/Legis/151-58/2005. The following Act of the Assembly received the assent of the President on 11th day of March, 2005, is hereby published for general information:-

(ACT II OF 2005)

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ACT

to provide a law for the establishment of Azad Jammu and Kashmir Revenue Officers and Staff Foundation

WHEREAS it is expedient to make provisions for the establishment of Azad Jammu and Kashmir Revenue Officers and Staff Foundation to promote the cause of welfare of Revenue Officers and Staff in Azad Jammu and Kashmir and to finance the development activities for their welfare matters ancillary, thereto;

It is hereby enacted as follows:-

1. Short title, scope and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Revenue Officers and Staff Welfare Foundation Act, 2005.

(2) It shall apply to all the members of the Azad Jammu and Kashmir, Revenue Officers and Staff Welfare Foundation.

(3) It shall come into force at once.

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

the subject or context:-

a) "Beneficiaries" shall include all members of the Foundation;

b) "Board" means Board of Governors of the Foundation;

c) "Chairman" means the Chairman of the Board of Governors;

d) "Dependents" means wife, dependent parents, sons and

un-married daughters of the beneficiaries;

e) "Foundation" means the Azad Jammu and Kashmir Revenue Officers and Staff Welfare Foundation;

f) "Government" means the Azad Government of the State of Jammu and Kashmir;

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g) "Member" means a person who regularly contributes for the Azad Jammu and Kashmir Revenue Officers and Staff Welfare Foundation; and

h) "Revenue Officers and Staff Welfare Foundation Fund" means the capital received through various sources for undertaking welfare and development activities of the Foundation.

Establishment of the Foundation. (1) There shall be established a Foundation to be known as the Azad Jammu and Kashmir Revenue Officers and Staff Welfare Foundation.

(2) The Foundation shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and shall by the said name sue and be sued.

(3) The head office of the Foundation shall be at Muzaffarabad. The Foundation may establish sub office at such other places where ever deemed necessary.

Eligibility for membership etc.- (1) The retired and serving employees of Revenue Department including officer of the Management Group shall be eligible to become members of the Foundation on contribution of fee and subject to other conditions which may be prescribed by the administration of the Foundation.

(2) The membership shall be ceased in case of death or dismissal from service or joining some other line of career.

(3) The membership or interest in the Foundation shall be non-transferable.

Aims and Objectives of the Foundation.- The aims and objective of the Foundation shall include the following :-

(i) to provide low cost accommodation to the member;

(ii) to extend and improve medical facilities for the members or their dependents;

(iii) to award scholarships to the dependents of the beneficiaries for studying in recognized educational institution;

(iv) to provide grants in case of death of the beneficiary;

(v) to provide grants in case of marriage of the daughters and sons of the deserving member; and

(vi) to do all such other things as are incidental or conducive to carry out the purposes and objectives of the Foundation.

Welfare Foundation Fund.- There shall be established a fund to be known as the Revenue officer and staff welfare foundation fund which shall constitute the capital of the Foundation raised from the following sources, namely:-

i monthly contribution of the members towards the Foundation;

i. donation received from the philanthropists;

iii profit from the projects and deposits of the Foundation; and

iv. grants made for the Foundation.

Administration of the Foundation.-(1) The Foundation shall be administered by a Board of Governors hereinafter referred to as the "Board" consisting the following members by virtue of their office, namely:-

a) Senior Member Board of Revenue Chairman

b) Member Board of Revenue Member

c) Divisional Commissioners Member

d) Draftsman /Additional Secretary Law Member

e) Additional Secretary Finance Member

f) Secretary Board of Revenue Member/ Secretary

(g) President Revenue Officer Association Member

(h) President Anjuman Patwarian & Qanoonquiyan Member

(2) The Board shall have the powers and discretion to utilize, apply and invest the corpus of the Foundation and its income in such manner as it may consider proper, without prejudice to the generality of these powers, the Board may:-

a) purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of any company or organization regulated or controlled under the Azad Government of the State of Jammu and Kashmir and Government of Pakistan;

b) raise loans for its various enterprises and undertakings and may, for this purpose pledge, rent out or otherwise

charge the corpus and the properties of the Foundation.

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- c) enter into contracts, agreements, arrangements and execute necessary documents;
- d) to open accounts, overdraft, loan , cash and credit with any bank as may be necessary and to pay into and draw money from such accounts;
- e) to make, draw, endorse, sign, accept, negotiate and give all cheques, bills orders, bills of exchange, Government Securities, promissory notes and other negotiable instruments according to relevant law;
- f) may appoint committee or sub-committees to transact business and may delegate any of its functions to such committee or any officer;
- g) sell or lease plots or assist in getting plots and land from the Government. Development Authorities and Housing Agencies controlled by the Government; and
- h) establish or cause to be established industries, education institutions, housing projects, welfare schemes and such other projects as it may consider necessary.

(3) The Board shall also have powers to create posts and appoint, remove or suspend any officer or staff member for permanent, temporary or special service in connection with Foundation and to work for remuneration or gratuity as the Board may, from time to time determine, including their powers and duties.

(4) The Board shall have to abide by the rules framed under Section 13 of the Charitable Endowment Act, 1890.

Powers and duties of the Chairman.- The Chairman Board of Governors shall be vested with the following powers and functions, namely:-

- a) he will exercise the powers vested in him under the Scheme of Administration i.e. to act as Chairman of the Board of Governors;
- b) he will preside over the meetings of the Board of Governors and also exercise a casting vote in the event of tie among other member.
- c) he will ensure through the Managing Director that all policies and decisions of the Board of Governors are implemented;
- d) he will keep on apprising the members of the Board of

Governors for the progress and important development, if any, of the Revenue Officers and Staff Welfare Foundation and its industrial, commercial and welfare scheme; and

e) he will issue letters, orders or instructions and exercise any power on behalf of the Board of Governors and it will be presumed that he had issued and exercised the same after full consultation with members of the Board of Governors and the same shall not be called in question.

Managing Director.- (1) The Government shall appoint a Managing Director of the Foundation on the recommendation of the Board whose qualification, terms and conditions may be determined by the Government.

(2) Subject to sub-section (1), the term of office of the Managing Director shall be three years, however, the Government may extend the same for a further period of two years.

(3) The Government may remove Managing Director on the recommendations of the Board on grounds of inefficiency, unsuitability or misconduct.

(4) The Managing Director shall be Chief Executive of the Foundation and shall perform such functions as may be prescribed or assigned to him by the Board.

Functions of the Managing Director.- (i) The Managing Director shall be the Chief Executive and shall have the powers to control and supervise all the industrial commercial, welfare or other activities of the Foundation and shall also co-ordinate with the Government;

(ii) The Managing Director may, with the approval of the Board, deal with the Government of the Azad Jammu and Kashmir for the purpose of making any representation and for taking any action to obtain any decision, privilege or right from the Government or any authority;

(iii) The Managing Director shall be, subject to the control of the Board of Governors, responsible for running the Foundation and causing orders decisions of the Chairman and Board of Governors to be carried out; and

(iv) The Managing Director shall take all possible steps to ensure that the funds of the Foundation are spent on the purposes for which they are provided;

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(v) The Managing Director shall prepare and submit to the Board of Governors, the audited annual statement of accounts and budget estimates for approval;

(vi) The meetings of the Foundation shall be convened by the Managing Director under the direction of Chairman;

(vii) The Managing Director shall conduct the official correspondence of the Foundation under the authority of Chairman; and

(viii) The Managing Director shall perform such other duties as may be assigned to him by the Board of Governors.

Contribution.- The members of the Foundation shall contribute to the Foundation every month according to the financial Rules prescribed and adapted by the Foundation.

Powers _to _make _ rules.-The Government, on _ the recommendations of the Board , may make rules to carry out the purposes of this Act.

Sd/-(Sardar Mohammad Anwar Khan)
President

Azad Jammu & Kashmir

Sd/-(Syed Shahid Mohyiddin Qadri)
Deputy Secretary Law (Legis.)