

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

Dated: 3rd April, 2014.

No. LD/Legis-Act/251-63/2014. The following Act of Assembly received the assent of the President on the 1st day of April, 2014, is hereby published for general information.

(ACT XIII OF 2014)

An

Act

to provide law for the establishment of Jammu & Kashmir Liberation Cell

WHEREAS, it is expedient and necessary to provide law for the establishment of Jammu & Kashmir Liberation Cell for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.-(1) This Act may be called the Jammu and Kashmir Liberation Cell Act, 2014.

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

(3) It shall come into force at once and shall be deemed to have taken effect from 05.03.2014.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings as hereby respectively assigned to them:-

(a) 'Auditor General' means the Auditor General of Azad Jammu and Kashmir;"]

(b) "Board" means the Board constituted under Section 4;

(c) "Cell" means the Jammu & Kashmir Liberation Cell established under Section 3;

(d) "Chairman" means the Chairman of the Board;

(e) "Fund" means the fund of the Cell;

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

1 Subs. by the Jammu and Kashmir Liberation Cell (Amendment) Act, 2019.(Act I of 2019) dt. 13.02.2019. the original extract of cl. (a) of Sec. 2. is reproduced as under:

"a) "Accountant General" means the Accountant General of Azad Jammu and Kashmir;"



(g) "Member" means the member of the Board;

(h) "Act" means the Jammu & Kashmir Liberation Cell Act, 2014;

(i) "Prescribed" means prescribed by rules and regulations made under the Act;

(i) "Regulations" means the regulations framed under the Act;

(k) "Rules" means the rules made under this Act;

dd) "Secretary" means the Secretary of the Cell;

(m) "Vice Chairman" means the Vice-Chairman of the Board

designated by the Chairman under Section 4.

Establishment of the Cell.- (1) There shall be established a Cell to be known as Jammu & Kashmir Liberation Cell for carrying out the purposes of the Act, namely:-

(a) to project Kashmir issue at national and international level;

(b) to take steps for accession of the State of Jammu and Kashmir to Pakistan.

(c) to arrange publication of history of the State of Jammu & Kashmir Liberation Movement;

(d) to project Human Rights violations in Indian held Kashmir;

(e) to work as a think tank on the cause of liberation of Indian occupied part of state of Jammu and Kashmir and formulate policies on matters regarding the issue; and

(f) to undertake such other matters as may be assigned to Cell by the Government.

(2) The assets and liabilities of Kashmir Liberation Cell created under Government Order No. Admin/H-11(68)/B/1/87 dated 09-05-1987 shall, on commencement of the Act, stand transferred to the Cell established under the Act.

(3) In the performance of its functions, the Cell shall be an autonomous body competent to acquire, hold and dispose of property with perpetual succession and common seal and, by the said name, sue and be sued.

(4) The main office of the Cell shall be at Muzaffarabad. It

may however, with the approval of Government, establish its

offices within or outside Azad Jammu and Kashmir as may be deemed necessary.

**Constitution of Board.-** (1) The Board shall be a policy making body of the Cell and all executive powers of the Cell shall vest in the board which may be exercised by the Chairman himself or by any other person authorized by him in this behalf.

(2) The board shall consist of the following:-

(a) Prime Minister, GoAJK Chairman

(b) A member of Legislative Assembly — Vice-Chairman of Azad Jammu & Kashmir to be nominated by the Chairman

(c) Chief Secretary, GoAJK Member

(d) Secretary S&GAD Member

(e) Secretary Finance, GoAJK Member

(63) Secretary Cell Member/Secretary

(3) The meeting of the Board shall be held twice in a financial year. The Chairman may, however, convene a special meeting of the Board at any time.

**Vice-Chairman.-** The Vice-Chairman of the Board shall act on the direction of the Chairman and shall perform such other functions as may be assigned to him by the Chairman.

**Functions of the Board.-** (1) The Board, for carrying out the purposes of the Act, shall have powers to make policies and set up committees and institutions etc.

(2) Subject to general policy and direction of the Board, the powers of the Board may be exercised by the Chairman or any officer or authority authorized by him in this behalf.

**Secretary of the Cell.-** There shall be a Secretary of the Cell to be appointed from amongst the Civil Servants already working in BPS-20 and eligible to be appointed as Secretary to Government. He shall be the official Incharge of the Cell and shall also be responsible for efficient administration and discipline and for the proper conduct of business of the Cell in accordance with the Act, the Rules and the directions of the Government.

**Appointment of officers and staff etc.-** (1) The Board may, from time to time, appoint such employees, officers, staff, experts or consultants as it may consider necessary for carrying out the purposes of the Act, on such terms and conditions and in

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such manner as may be prescribed.

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Fund of the Cell.- (1) There shall be a fund known as the Fund of the Cell which shall vest in the Board to be utilized for expenditure in connection with functions of the Cell including the payment of salaries and other remuneration to the employees who are recruited under Section 8 of the Act.

(2) The fund shall consist of:-

(a) budget as approved by the Government;

(b) all sums received under the head of Kashmir Liberation Cess imposed under the Finance Act, 1991 (Act I of 1991);

(c) grant-in-aid made by the Government; and

(d) all other sums received by the Cell

(3) The income and expenditure of the Cell shall be incorporated in a statement as budgetary estimates to be placed before the Board for approval.

Kashmir Liberation Cell Pension Fund.- There shall be established a fund known as Pension Fund of the Cell for payment of pension to the retired officers and staff of the Cell in such manner as may be prescribed.

Accounts of the Cell.- The accounts of the Cell shall be maintained in such manner and form as may be prescribed. The rules and procedures for incurring expenditure from public finance as applicable to the Government departments shall, mutatis mutandis, be applicable to the Cell.

Audit.-The Accounts of the Cell shall be audited every year by the ?[Auditor General] in accordance with the rules framed by the Government in this behalf.

Indemnity.- Any act done, order passed or proceedings taken by the Cell in good faith under the Act, shall be final and shall not be called in question in any court by a suit or otherwise.

Employees to be Public Servant.-The employees of the Cell or

Omitted by the Jammu and Kashmir Liberation Cell (Amendment) Act, 2019.(Act I of 2019) dt. 13.02.2019. the original extract of subsection (2) of Sec. 8 is reproduced as under:-

“(2) The cases of officers and staff already serving in the Cell shall be referred to the Selection Board or Selection Committee, as the case may be, for the purpose of determining their suitability and retention in the service of the Cell.”

In Sec. 12 for the words “Accountant General” the words “Auditor General” subs. By Ibid

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any other person acting or purporting to act, in pursuance of any of the provisions of the Act, shall be deemed to be public servant within the meanings of Section 21 of the Azad Penal Code (Act XLV of 1860).

Powers to make Rules.-The Government may make rules for carrying out the purposes of this Act.

Powers to make Regulations.-The Board may make regulations for the conduct of its business.

Removal of difficulties.- If any difficulty arises in giving effect to any provision of the Act, the Government shall be competent to make orders as may be necessary for removing such difficulty.

Savings.-Notwithstanding any judgment, decree or order of any court including the High Court or Supreme Court, everything done, all actions taken, notifications issued, decisions made, orders passed proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly done, taken, made, issued, passed, initiated, conferred etc., under this Act.

Sd/-

(Sardar Rashid Kaleem)

Deputy Secretary Law