

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

Dated: 15-01- 2014

No. LD/Legis/1-12/2014. The following Act of Assembly received the assent of the President on 09th day of January, 2014, is hereby published for general information.

(ACT I OF 2014)

An
Act
to provide for the establishment of the Kashmir Institute of Management

Whereas it is expedient to provide for the establishment of the Kashmir Institute of Management and for the matters ancillary therewith and connected thereto in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.-(1) This Act may be called the Kashmir Institute of Management Act, 2014.

(2) It shall come into force at once and shall be deemed to have taken effect from 23.09.2013.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context,-

(a) "Board" means the Board of Governors of the Kashmir Institute of Management;

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

(c) "Member" means a member of the Board and includes the Chairman;

(d) "Prescribed" means prescribed by Rules or Regulations made under this Act;

(ec) "Director General" means the Director General (DG) Kashmir Institute of Management;

(f) "Institute" means the Kashmir Institute of Management established under this Act; and

(g) "Government" means the Azad Government of the State of Jammu and Kashmir.

3. Establishment of the Institute.-(1) The Government shall by a notification in the official Gazette, establish an Institute to be

called the Kashmir Institute of Management (KIM) whose

headquarter shall be at Muzaffarabad.

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

(3) The Institute shall be a Special Institution with the Services and General Administration Department for the purposes of Rules of Business, 1985.

Functions of the Institute.-The functions of the Institute shall

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to provide for instruction, tuition, training, research, demonstration and service in such branches and disciplines of public administrations, public policy, law, economics, finance, management science and any other relevant discipline as the Board may, from time to time determine;

to introduce, suspend or abolish any of the disciplines or to establish and support other facilities for education, training and research;

to formulate and prescribe courses of study and training;

to determine teaching methods and strategies as well as co-curricular activities in order to ensure the most effective educational and other related programmes;

to design and organize training courses, workshops and such other activities in the relevant fields;

to provide for pre-service and in-service training;
to undertake research, consultancy and advisory services;

to prescribe criteria and conditions of admission and
examination of trainees/participants of various courses;

to admit and examine trainees/participants and to
determine and charge fees and other charges;

to develop standards, conduct examinations and to award
degrees, diplomas, certificates and other academic
distinctions to persons who have been admitted to and
have passed its examinations under prescribed
conditions;

to serve as a research Institute for the Government on
matter of public policy and to advise the Government on
such policy matters as may be referred to it; and

(0) to do such other acts and things, as may be considered necessary in order to promote the objectives of the Institute under this Act.

Board of Governors.- (1) The overall supervision and administration of the affairs of the Institute shall vest in the Board.

(2) The Board shall consist of the following members,

namely:-

(a) The Chief Secretary of the Chairman Government

(b) Secretary Services and General Member Administration Department

(c) Secretary Finance Department Member

(d) An eminent stake holder in public Member

policy from Private sector to be nominated by the Government

(ec) Director General (DG) of the Member/Secretary Institute

(3) The Director General shall be ex-officio Secretary of the Board.

(4) | The Members, other than an ex-officio shall hold office for a term of 05 years but, any such Member may again be nominated as Member of the Board.

(5) A Member other than an ex officio Member, may resign from his office by writing under his hand address to the Chief Secretary of the Government.

Removal from _office.- (1) A Member other than ex-officio Member shall not be removed from office during the term of his office.

(2) If there are grounds to proceed against a Member including the DG under sub-section (1), the Chief Secretary, in consultation with the Law Department, shall appoint inquiry committee to enquire into the matter.

(3) If after inquiring into the matter, the committee report to the Chief Secretary that it is of the opinion that the Member has been guilty of misconduct or is incapable of properly performing the duty of his office by reason of physical or mental incapacity, the Chairman may remove that Member from the office.

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Powers and functions of the Board.-Without prejudice to the generality of the provision of sub-section (1) of Section 5, the powers and functions of the Board shall be to:-

- (a) appoint officers, consultants, staff and employees;
- (b) enter into arrangements with other universities and institutions;
- (c) declare any training institution administered and funded by the Government as a constituent unit;
- (d) receive any prosperity, grant , bequest, trust, gift donation, endowment and other contributions;
- (e) invest any fund, grant, bequest, trust, gift, donation, endowment and other contributions; and
- (f) do all such acts and things whether incidental to the aforesaid powers or not as may be requisited for the furtherance of the objectives and functions of the Institute.

Business of the Board.-(1) The meetings and business of the Board shall be conducted in such manner and in accordance with such procedure as may be Prescribed and until these matters are Prescribed, as may be determined by the Board.

(2) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy in or defect in the constitution of the Board.

The Director General.-(1) The Government shall appoint the DG on the recommendation of Board on such terms and conditions as it may determine.

(2) The DG shall be the Chief Executive Officer of the Institute and shall,-

- (a) be appointed for a term not exceeding three years at a time;
- (b) be a whole time officer of the Institute and shall serve during the pleasure of the Board; and
- (c) perform such functions and exercise such powers as may be prescribed, or as may be assigned or delegated by the Board.

Committees.- The Board may constitute such committees as it may deem necessary for carrying out the purposes of this Act.

Appointments.- (1)The Board may, subject to sub-section (2)

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appoint such officers, consultants, staff and employees, as it may consider necessary for the performance of its functions, on such term and conditions, as may be Prescribed.

(2) The Board shall, by regulations, lay down the qualifications and procedure for appointment of officers, consultants, staff and employees, and the terms and conditions of their service.

Institute Fund.- (1) There shall be a fund to be known as the Institute Fund, which shall vest in the Board and to which shall be credited all sums received by or on behalf of the Institute.

(2) The fund shall be kept in such custody and be regulated and utilized in such manner as may be Prescribed.

Endowment Fund.- (1) The Government shall create an "Endowment Fund" for the Institute.

(2) The Endowment Fund shall be separate from the Institute Fund and shall be kept in such custody and shall be utilized and regulated in such a manner as may be Prescribed.

Budget, Audit and Accounts.- The Budget of the Institute shall be approved and its accounts shall be maintained and audited in such a manner as may be prescribed.

Annual report.-(1) The Institute shall, not later than 15th day of February, in each year, prepare a report regarding its performance during the preceding year ending on 31st day of December and submit the report to the Government.

(2) The report shall be prepared in such a manner, and shall contain such informations, as may be prescribed.

(3) The Government shall cause a copy of the report to be laid before the Azad Jammu and Kashmir Legislative Assembly.

(4) Notwithstanding anything contained in sub-section (1), the Institute shall also provide to the Government any other report, return, statement, estimate, statistics or such other informations, as may be required by the Government.

Delegation of Powers.- The Board may, subject to such conditions as it may deem fit to impose, delegate to any officer, committee or authority any of its powers, duties or functions.

Powers to make rules.-The Government may, by a notification in the Official Gazette, make rules for carrying out the purposes

of this Act.

Power_to_ make Regulations.- (1)The Board may, by a

notification in the Official Gazette, make regulations, for carrying out the purposes of this Act.

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In particular and without prejudice to the foregoing

provision such regulation may provide for,-

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conduct of meetings and business by the Board;

custody, regulation and utilization of the Endowment Fund;

preparation of budget, maintenance of accounts and its audit;

matters relating to the annual report; and

any other matter which may be prescribed.

Savings.-Upon the commencement of this Act, notwithstanding anything contained in any other law for the time being in force or in any regulation, resolution, agreement, contract or other instrument, -

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The Kashmir Institute of Public Administration shall stand merged in the Institute.

All funds, assets and properties, rights and interests, and all books of accounts, registers, records and all other documents of whatever nature relating thereto, of the said training organization, shall stand transferred to and vest in the Institute.

All debts and liabilities incurred, all contracts entered

into, and all matters and things engaged to be done by, with or for the said training organization before the establishment of the Institute, shall be deemed to have been incurred, entered into, engaged and done by, with or for the Institute.

All suits, prosecutions and other legal proceedings instituted by or against the said organization shall be deemed to have been instituted by or against the Institute and may be continued or preceded accordingly.

Every person serving in connection with the affairs of the said training organization including employees serving or deputation to other organization but excluding persons working in the said training Institute, transfer from the other departments or deputation from other departments, shall stand transferred to the Institute and become employees of the Institute on the same terms and conditions of service which were applicable to them immediately before the commencement of this Act until

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their employment in the Institute is terminated in accordance with their term and conditions of service or until rules or regulations as the case may be, containing terms and conditions of service made by the Government or the Board under Section 17 & 18 come into effect, and as from that date they shall be subject to and governed by the said regulations.

Removal of difficulties.- If any difficulty arises in giving the effect to any of the provisions of this Act, the Government may, on the recommendations of the Board, give such directions, not inconsistent with the provisions of this Act, as it may consider necessary for the removal of such difficulty.

Repeal.- The Kashmir Institute of Management Ordinance, 2013 (Ordinance XCI of 2013) is hereby repealed.

Sd/-
(Sardar Rashid Kaleem)
Deputy Secretary Law