

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

MUZAFFARABAD

Dated the 28th April, 1999.

No. 139-147/LD/99. The following Act of the Assembly received the assent of the President on 20th day of April, 1999 is hereby published for general notification:-

AN
ACT

(ACT IV OF 1999)

to establish a Board for the Development of Neelum Valley

WHEREAS it is expedient to establish a Board for the Development of Neelum Valley in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement:-(1) This Act may be called the Neelum Valley Development Board Act, 1999.

(2) It shall extend to the notified area of Neelum Valley.

(3) It shall come into force at once.

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

(a) "Government" means the Azad Government of the State of Jammu and Kashmir,

(b) "Board" means Neelum Valley Development Board, established under this Act.

(c) "Agency" means and includes:-

i) any department, organization, commission, office or unit of the Government;

ii) any Local Council of the area; and

iii) any public Authority, company or corporation

(whether autonomous or semi-autonomous)
owned or controlled by the Government;

(d) "NGO" means Non-Governmental Organization;

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

(f) "Member" means member of the Neelum Valley Development Board;

(g) "Land" includes earth, water and air above, below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of land and things attached to earth or permanently fastened to earth;

(h) "Person" includes an individual, company, firm, co-operative society or association of individuals whether incorporated or not;

(i) "Prescribed" means prescribed by rules or regulations

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made under this Act; and

“Scheme” means a development scheme, or a plan or programme identified, proposed or sponsored by the Board under this Act including schemes of public sector Development Programme (PSDP) of AJK or with the assistance of foreign donor/donors, NGOs.

3. Notified Area:- The Government, may by notification in the official gazette declare any part of Authmuqam sub-division as notified area for the purposes of this Act.

4. Establishment of the Board:- '[(1) The Board shall consist of a Chairman appointed by the Government and following other

members:-

(a) Additional Secretary Finance; Member

(b) Chief Natural Resources/Director General

Planning and Development “

(c) Director Minerals AKMIDC; “

' Subs. by the Neelum Valley Development Board (Amdt.) Act, 2001 (Act III of 2001) dt. 09.03.2001. The original extract of subsection (1) of Sec. 4 is reproduced as under:-

“(1)The Board shall consist of, a Chairman, appointed by the Government, and following other members:--

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Additional Chief Member (Ex-Office)
Secretary (Dev.)

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Secretary Finance;

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Secretary Forest;

Secretary Admin.Secy/Member (Ex-
Works/Communication; officio)

Secretary Industries; Member (Ex-Officio)
Secretary Agriculture; “

Chairman AKMIDC; “

Managing Director
AJKHEB’

Environmental P&D;

Five eminent persons of | Members
the area nominated by the
Chairman;

Secretary Board; Office Secretary

- (d) Managing Director Hydro Electric Board;
- (e) General Manager AKLASC; “
- (f) Superintending Engineering Highway;
- (g) Conservator Forest Circle Muzaffarabad;
- (h) Additional Deputy Commissioner Authmuqam;
- (i) Director Industries;
- (j) _ Five eminent persons of the area nominated

by the Chairman; and

- (k) Secretary Board. “|

(2) The terms and conditions of the Services of the Chairman appointed under Sub-section (1) shall be such as determined by the Government.

(3) Any person ceasing to be the Chairman or member, other than the Official member, by any reason or at the expiry of term of his office shall be eligible for re-appointment for another term or shorter term as the Government or Chairman, may decide.

(4) The Chairman and a nominated Member, may, at any time, in writing addressed to the Prime Minister or the Chairman, as the case may be, resign from his office:

Provided that such resignation shall not take effect until accepted.

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(6) The Board shall be a body corporate having power to acquire and hold property, movable and immovable, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

5. Powers _and_ Functions of the Board:- (1) Subject to the provisions of this Act and the rules framed thereunder, the Board may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

(2) The Board may:-

(i) propose policies for efficient management of the resources and integrated development of the area;

(ii) identify/propose and recommend schemes

' Omitted by Ibid. The original extract of subsection (5) of Sec. 4 is reproduced as under:-

“(5) The Chairman and members, other than the ex-officio

members, shall cease to hold office on expiry of term of Chairman as member of Legislative Assembly or on his removal as such.”

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against the public sector Development programme (PSDP) of AJK within the overall budgetary and policy parameters;
approve schemes costing Rs. 7.00 million against its own funds, for implementation through the concerned agencies of the sectors or other prevalent modes;
sponsor schemes costing above Rs. 7.00 million against its own funds and of any cost against grant or loan from the Government or international agencies, aid, donations, endowments etc. for implementation through the concerned agencies of sectors or other prevalent modes;
acquire property, both movable or immovable;
sell, lease, exchange or otherwise dispose of any property vested in it;
enter into contracts with international agencies, donors, with the previous sanction of the President Azad Jammu and Kashmir;
contribute towards the cost of any study, survey, experiment or technical research, made by any other agency, as may be necessary for the purposes of this Act;
issue interim orders restricting any change in the use of land and alteration in any structure or installation if in the opinion of the Board the use of such land or alteration may hamper the purposes of this Act
seek and obtain advice and assistance for preparation of any scheme or for the execution on of any scheme from any Government Agency or person, and such Agency or person shall give the advice and assistance sought by the Board to the best of its ability, knowledge and judgment

and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Board;
associate with it, in such manner on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may require in performance of its functions;
subject to such general or special order, as the Government may direct, appoint such officers,

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advisors, experts, consultant and employees, as it consider necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;

(xiii) levy betterment fee on timber, forest produce and minerals extracted from the Neelum Valley and water charges with the prior approval of the Government.

Board be Deemed to be a Local Authority:- The Board shall be deemed a local authority under the local authorities loan Act, 1914 (Act IX of 1914), for the purpose of borrowing money under the said Act.

Limited Liability:- The liability of Government to the creditors of the Board shall be limited to the extent of grants made respectively by the Government and the loans raised by the Board with the sanction of the Government.

Disposal of Business:- (1) The business of the Board shall be disposed in the meetings, its committees or other functionaries.
(2) No proceedings shall be invalid by reason only that some persons who were not entitled to do so, sat or otherwise took part in the meeting.

(3) The Board may constitute such financial, technical and advisory committees as it may deem necessary for carrying out the purposes of this Act.

Meetings of the Board:- (1) The members of the Board shall meet at such places and at such time as the Chairman decide.

(2) The Board may frame regulations for conduct of its meetings.

(3) The Chairman, and in his absence any other member of

the Board as authorized by him, shall preside over the meetings.

(4) The Board shall hold at least two meetings during each year.

Employees of the Board:- The Board may, from time to time, employ such officers, servants, experts or consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit:

Provided that salaried officers and servants of BPS-18 and above shall not be appointed except with the prior approval of the Government.

Neelum Valley Development Board Fund:- (1) There shall be formed a fund to be known as “Neelum Valley Development Fund” which shall be vested in the Board and shall be utilized by the Board to meet expenditure in connection with its functions under this Act for the development of the area, payment of

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salaries and other remunerations to the Chairman, Members of the Board, Officers and servants of the Board, and other expenses.

(2) The Neelum Valley Development fund shall consist of;

qa) grant made by the Government;

(ii) loans obtained from the Government;

(iii) income from levy of betterment fee;

(iv) proceeds, profits or interest accruing from investments and assets;

(v) grant made by Azad Jammu and Kashmir Council;

(vi) grant made by Federal Government;

(vii) — loan obtained from Federal Government with the prior sanction of the Government.

(viii) aids, donations and loans obtained from the international agencies for Development of the notified area with the approval of the Government; and

(ix) aids, donations, endowments and grants by NGO's.

Maintenance of Accounts:- The Board shall maintain, complete and accurate books of accounts, in such form as may be prescribed by it.

Annual Statement_of Accounts:- In the month of May each year, budget of the Board/Statement of the estimated receipts and expenditure in respect of the next financial year will be presented in the Board meeting and subsequently submitted to Government for approval.

Audit:- (1) The accounts of the Board shall be audited every year by "Local Fund Audit". Copies of the "Audit Report" shall be sent to the Board, and with the comments of the Board, to the

Government and shall also be available for public inspection.

(2) The Board shall carry out any directive issued by the Government for rectification of an audit object.

Annual Report:- For every year a report of activities undertaken by the board will be prepared and with its comments /recommendations be submitted to the Government.

Power to make Rules:- Subject to the provisions of this Act, the Government may make rules for carrying out the purposes of this Act.

Power to make Regulations:- Subject to the provisions of this Act and rules framed there under, the Board may, with the prior approval of the Government, make regulations, for smooth running of its functions.

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18. Repeal:- TheNeelum Valley Development Board Ordinance, 1999 (Ordinance IV of 1999) is hereby repealed.

Sd-/ (FARHAT ALI MIR)

Additional Secretary

Law, Justice & Parliamentary Affairs Department