

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

Dated: 28th March, 2017

No. LD/Legis-Act/244-255/2017. The following Act of Assembly received the assent of the President on the 16th day of March 2017, is hereby published for general information.

(ACT XVII OF 2017)

**An
Act**

to establish the Azad Jammu and Kashmir Overseas Kashmiri Commission

WHEREAS it is expedient to establish the Azad Jammu and Kashmir Overseas Kashmiries Commission to receive and redress the grievances of overseas Kashmiries relating to Government Agencies, refer complaints and suggestions of overseas Kashmiries to the concerned offices, and to deal with ancillary matters;

It is hereby enacted as follows:-

1. **Short title, Extent and Commencement.**– (1) This Act may be called the Azad Jammu and Kashmir Overseas Commission Act, 2017.
 - (2) It extends to whole of the Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**– In this Act:
 - (a) “Advisory Council” means the Advisory Council consisting of the Overseas Kashmiri residing in different countries;
 - (b) “Commission” means the Jammu and Kashmir Overseas Commission;
 - (c) “Commissioner” means the Jammu and Kashmir Overseas Commissioner;
 - (d) “District” means a notified district of Azad Jammu and Kashmir;
 - (e) “District Committee” means a District Overseas Committee;
 - (f) “Government” means the Azad Government of the State of Jammu and Kashmir;

- (g) “Government Agency” means a department, attached department or special institution of the Government, a local government, or a body corporate owned or controlled by the Government or a local government;
- (h) “Ombudsman” means the Ombudsman appointed under Section 3 of the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir Act, 1992.
- (i) “Overseas Kashmiri” means a person of Jammu and Kashmir origin who is either permanently or temporarily settled outside Pakistan:
 - (i) for employment; or
 - (ii) for carrying on a business or vocation; or
 - (iii) for any other purpose with intention to stay there for an unspecified period;
- (j) “Prescribed” means prescribed by the rules; and
- (k) “Rules” means the rules made under the Act.

3. **Commission.**— (1) There shall be a Commission to be known as the Jammu and Kashmir Overseas Commission.

(2) The Commission shall consist of the Prime Minister of Azad Jammu and Kashmir who shall be its Chairperson and an Overseas Kashmiri of noted repute and experience nominated by the Prime Minister as Vice Chairperson, and the following members:

- (a) Two members of the Azad Jammu and Kashmir Legislative Assembly to be nominated by the Prime Minister preferably from those districts having large number of Overseas Kashmiris; Members
- (b) One woman having experience in issues related to overseas Kashmiris to be nominated by the Government for a term of three years; Member
- (c) Chief Secretary; Member
- (d) Senior Member, Board of Revenue; Member
- (e) Secretary Finance; Member

- (f) Secretary, Planning and Development Department; Member
- (g) Secretary Law; Member
- (h) Secretary Industries, Commerce & Labour; Member
- (i) Additional Secretary Home; Member
- (j) Commissioner. Member/Secretary

(3) Five members including the Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Commission but an ex-officio member may be represented in the meeting by an officer of the department or organization not being below the rank of an Additional Secretary.

(4) The Commission shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be Prescribed and until so prescribed as may be directed by the Chairperson.

4. **Functions of the Commission**– (1) Subject to the provisions of this Act and rules, the Commission may exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) The Commission shall,-

- (a) review annual reports about the working of the office of Commissioner and give necessary directions;
- (b) review performance of the office of Commissioner and pass appropriate orders;
- (c) ensure smooth functioning of the office of Commissioner;
- (d) resolve any dispute, if any, between the Commissioner and a Government Agency;
- (e) develop criteria for constitution of Advisory Council;
- (f) nominate members of the Advisory Council; and
- (g) nominate members of the District Overseas Committees.

5. **Advisory Council**– (1) There shall be an Advisory Council consisting of Overseas Kashmiri residing in different countries.

(2) The Commission shall:

- (a) constitute an Advisory Council for one or more countries;
 - (b) determine the number of members of an Advisory Council; and
 - (c) nominate members of an Advisory Council.
- (3) An Advisory Council shall receive complaints of overseas Kashmiri and make recommendations for their redressal and shall forward recommendations to the Commissioner for proper action.
6. **Commissioner**.– There shall be a Jammu and Kashmir Overseas Commissioner to be appointed, on the recommendations of Commission, by the Government on such terms and conditions as may be Prescribed and, until so Prescribed, as may be determined by the Government.
7. **Functions of the Commissioner**.– (1) The Commissioner shall,-
- (a) transmit recommendations received from an Advisory Council along with its suggestions to a Government Agency for redressal;
 - (b) make recommendations for changes, improvements in the policy regarding the overseas Kashmiri to the Government on the basis of feedback received from an Advisory Council;
 - (c) be authorized to refer any complaint against Government Agency to the Ombudsman for further necessary action in accordance with law;
 - (d) recommend proper action regarding complaint or recommendation sent to Government Agency but did not receive any reply within thirty days of the receipt of reference from the Commission;
 - (e) recommend initiation of anti-corruption proceedings against a public servant where, on the basis of preliminary findings, a prima facie case for criminal action under the relevant law is made out in relation to protection of rights of an Overseas Kashmiri;
 - (f) refer the proposals of Overseas Kashmiri relating to investment to the Azad Jammu and Kashmir Board of Investment and Trade and ensure their early processing;

- (g) prepare an annual report about the performance of the office of Commissioner for consideration and appropriate action by the Commission;
 - (h) hold consultative conventions or workshops involving Overseas Kashmiris;
 - (i) deal with references received from an Advisory Council on priority basis; and
 - (j) perform any other function ancillary to any of the above functions or as may be prescribed.
- (2) If the Commissioner has referred any complaint under sub-section (1) to a Government Agency, it shall, within a period not exceeding thirty days, send its response to the Commissioner.
8. **Departmental focal persons**.– All Government Departments shall appoint senior officers as focal persons to liaise with the office of Commissioner for monitoring and disposal of matters relating to Overseas Kashmiris.
9. **District Committees**.– (1) There shall be a District Overseas Committee in each district consisting of the Chairperson to be nominated by the Commission for a period of three years, the Deputy Commissioner as Vice Chairperson and the following members:
- (a) two persons to be nominated by the Members Commission for a term of three years;
 - (b) Senior Superintendent Police Member
 - (c) Additional Deputy Commissioner. Secretary/Member
- (2) A District Committee may co-opt any other officer of the Government posted in the district as a member of the Committee.
- (3) Four members including Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Committee.
- (4) The District Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be Prescribed and until so prescribed as may be directed by the Commission.
10. **Functions of the District Committees**.– A District Committee shall,-

- (a) review complaints of overseas Kashmiries pending with different offices in the district and expedite their disposal; and
 - (b) send progress reports and suggestions for improvement in the system to the Commissioner.
11. **Directions of the Government**.– The Government may, by general or special order, issue directions regarding day to day working of the Commissioner.
12. **Rules**.– The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Sd/-
(Mehr-un-Nisa Qadri)
Section Officer (Legislation)

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