

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

'MUZAFFARABAD'

Dated: 05.07.2023

No. LD/Legis./Ord./119-131/2023. The following Ordinance made by the President on the 2nd day of July, 2023, is hereby published for general information.

[Ordinance IV of 2023]

An

Ordinance

to provide for the management, control, allotment and cancellation of allotment of the buildings of the Azad Government of the State of Jammu and Kashmir

WHEREAS it is expedient to provide for the management, control, allotment and cancellation of allotment of the buildings to the Government Departments, offices and public office holders in the State of the Azad Jammu and Kashmir and for matters connected therewith and ancillary thereto;

Handwritten note: 05.07.2023
And Whereas the Azad Jammu and Kashmir Legislative Assembly is not in session and the President Azad Jammu and Kashmir is satisfied that circumstances exist which render it necessary to take immediate action;

Now Therefore in exercise of the powers conferred under sub-Article (1) of Article 41 of the Azad Jammu and Kashmir Interim Constitution, 1974, the President is pleased to make and promulgate the following Ordinance, for the purposes hereinafter appearing:-

1. **Short title, Application, Extent and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Government Buildings (Management, Control and Allotment) Ordinance, 2023.

(2) It shall apply to all the Government Departments, offices, public office holders and Government buildings of the State of the Azad Jammu and Kashmir.

- (3) It shall extend to whole of the Azad Jammu and Kashmir.
- (4) It shall come into force at once and be deemed to have taken effect since 20.04.2023.

2. **Definition.**- In this Ordinance, unless the context otherwise requires,-

- (a) **"Allottee"** means a Government Department, office or public office holder, as the case may be, possessing a valid allotment order, issued under this Ordinance and rules made thereunder;
- (b) **"Allotment"** means an authorization to a particular Government Department, office or public office holder, as the case may be, to hold and use a Government building, either wholly or partly, for specific purpose on such terms and conditions as may be Prescribed;
- (c) **"Allotment Committee"** means an allotment Committee constituted under Section 4 of this Ordinance, which shall be competent to allot, extend, exchange and cancel the allotment of any Government building in its respective jurisdiction in the manner as may be Prescribed;
- (d) **"Appellate Authority"** means the Prime Minister of the Azad Government of the State of Jammu and Kashmir;
- (e) **"Damage"** means the loss, caused to the physical structure of a Government building, its fittings, fixtures, including any outstanding utility bills or dues for that building;
- (f) **"District"** means the District, established under the Azad Jammu and Kashmir Land Revenue Act, 1967 (W.P Act No. XVII of 1967);
- (g) **"Government"** means the Azad Government of the State of Jammu and Kashmir;
- (h) **"Government Building"** means the building, as specified in Section 3 of this Ordinance;
- (i) **"Prescribed"** means prescribed by rules;
- (j) **"Public Office Holder"** means:

- (i) The President, Prime Minister, Speaker, Ministers, Members of Legislative Assembly, Advisors and Special Assistant to the Prime Minister;
- (ii) All Lent Officers of the Government;
- (iii) A civil servant, appointed under the Azad Jammu and Kashmir Civil Servants Act, 1976 including such civil servants of the Government, posted and working at anywhere under the Government, as may be Prescribed;
- (iv) Permanent employees of the Legislative Assembly of Azad Jammu and Kashmir; and
- (v) Permanent employees of a Special Institutions, an Autonomous or Statutory Body;

(Handwritten note: Section 19)

(k) **“Residential Accommodation”** means a building used by a Public Office Holder for residential purposes;

(l) **“Rules”** mean Rules made under this Ordinance;

(m) **“State”** means the State of the Azad Jammu and Kashmir; and

(n) **“Standing Operating Procedure”** means the Standing Operating Procedure, made by the Government from time to time, under Section 19 of this Ordinance.

3. **Government Buildings.-** (1) For the purpose of this Ordinance, Government Buildings shall consist of office buildings, Jammu and Kashmir House, Government rest houses, circuit houses, mess, cafeterias and Residential Accommodations which are owned, hired, managed and controlled by the Government or an Allotment Committee, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), the Government may take possession of any other public building in any part of the State and entrust its management and control to any Government Department or an Allotment Committee in the manner as may be Prescribed.

(3) The Government Buildings shall be allotted to the Public Office Holders and service groups as per quota to be determined keeping in view respective categories proportionate to the size of service group or category of Public Office Holder, in such manners as may be Prescribed.

4. **Allotment Committees.**- (1) The Government shall notify Allotment Committees which shall be competent to allot, cancel, extend and exchange any allotment of Government building under the management and control of the Government:

Provided that the Government may designate an officer not below BPS-17, to reserve rooms of the Government guest houses, circuit houses or Jammu and Kashmir house, subject to availability, on daily basis on payment of Prescribed rent.

(2) The Government shall notify District Allotment Committee for each District, which shall be competent to allot, cancel, extend and exchange any allotment of Government building in such district and responsible for management of record of Government Buildings or evict any person or Public Office Holder from such building in their domain in the manner as may be Prescribed.

5. **Management of Office Buildings.**- (1) The concerned Allotment Committee shall maintain a pool of office buildings as provided in Section 3 of this Ordinance in its jurisdiction for Allotment amongst the Government Departments and offices.

(2) The concerned Allotment Committee shall allot office accommodation amongst Government Departments and offices keeping in view the strength of officers and employees of such Departments.

(3) No Government Department, office or Public Office Holder, as the case may be, shall take possession of a Government Building without a valid Allotment by an Allotment Committee.

6. **Management of Government Rest Houses.**- (1) The concerned Government Department or Allotment Committee, as the case may be, shall maintain, manage and reserve a pool of the Government rest

houses and circuit houses, as mentioned in Section 3 of this Ordinance, to facilitate the Public Office Holders and such other guests and dignitaries, in the manner as may be determined by Standing Operating Procedures.

(2) A portion of Government Rest Houses may be designated and reserved for certain Government Departments, offices or Public Office Holder by the Government on such terms and conditions as may be determined by Standing Operating Procedure.

7. **Management and Allotment of Residential Accommodation.**- (1) The concerned Allotment Committee shall maintain a pool of Residential Accommodation from which eligible Public Office Holders shall be allotted Residential Accommodation, strictly in accordance with seniority.

(2) The Residential Accommodation to a Public Office Holder shall be allotted, exchanged, retained, cancelled or vacated, as the case may be, in such manner and criteria, as may be Prescribed.

(3) Where Government provides resources to any Government Department, office or agency, as the case may be, for construction of its own pool of Residential Accommodation or where such Government Department, office or Government agency already has such a pool, its employees shall cease to be eligible for Residential Accommodation under this Ordinance:

Provided that if such Government Department, office or agency of Government, surrenders its pool of Residential Accommodation to the concerned Allotment Committee, then employees of such Government Department, office or Government agency, as the case may be, shall again become eligible for Allotment of Residential Accommodation under this Ordinance.

(4) The concerned Allotment Committee shall maintain seniority list of the Public Officer Holders for allotment of Residential Accommodation twice in a year:

Provided that seniority list shall be maintained on the basis of application submitted by a Public Office Holder.

(5) Any person, who owns a house/Residential Accommodation within municipal limits of his duty station, shall not be eligible for residential Accommodation and his name shall not be included in the seniority list.

8. **Designated Residential Accommodation.**- (1) The Government may reserve a certain category of Residential Accommodation, to be known as designated Residential Accommodation, for the purpose of allotment to such Public Office Holders and in such manner, as may be Prescribed.

(2) The rent of Residential Accommodation shall be deducted from the salary of an Allottee as per Prescribed category of Residential Accommodation allotted to him.

9. **Camp offices.**- The Government may, in special circumstances, declare any Government Building as camp office and residential accommodation for specified Public Office Holders, on such terms and conditions, as may be specified through Standing Operating Procedures.

10. **Appeal.**- (1) Any Government Department, office or Public Office Holder, as the case may be, aggrieved from any order of the Allotment Committee shall have a right of appeal to be made to the Appellate Authority in the manner, as may be Prescribed.

(2) The decision of the Appellate Authority shall be final and no review, revision, representation or further appeal shall lie against such decision.

11. **Power to remove encroachments and evict unauthorized occupant.**- The concerned Allotment Committee or any person duly authorized by such committee, in order to evict any person or Public Office Holder from a Government Building shall have all the powers for removal of such encroachments.

12. **Penalty for Causing Damage to Government Buildings.**- In case any Allottee is found causing Damage to a Government Building, either deliberately or through negligence, as the case may be, such Damage

shall be assessed by the Physical Planning and Housing Department or other agency of Government and shall be recovered in such manner as may be Prescribed.

13. **Jurisdiction of Civil Courts barred.**- No Civil Court shall have the jurisdiction to entertain any proceedings, grant any injunction, temporary relief, or make any order in relation to Government Building, or any matter governed by this Ordinance.
14. **Assistance of the executive authorities.**- All executive authorities in the State, including police, shall assist the concerned Allotment Committee for carrying out the purposes of this Ordinance.
15. **Miscellaneous.**- The auction for management and functioning of all messes or cafeterias of Government rest houses, circuit houses, Residential Accommodations, Government Buildings and Jammu and Kashmir House shall be made in accordance with the existing applicable laws.
16. **Action taken in good faith.**- No suit, prosecution or any other proceeding shall lie against Government, Allotment Committee or any other officer authorized to exercise powers under this Ordinance or the rules and Standing Operating Procedure in respect of any action or anything done or intended to be done in good faith under this Ordinance.
17. **Saving.**- Subject to the provisions of this Ordinance, any order passed or action taken or arrangement made in relation to the Government Buildings before the commencement of this Ordinance and not inconsistent with the provisions of this Ordinance, shall be deemed to have been taken under this Ordinance.
18. **Removal of difficulties.**- If any difficulty arises in giving effect to any provision of this Ordinance, Government may issue orders, not inconsistent with the provisions of this Ordinance, or the Rules made thereunder, for the removal of such difficulty.
19. **Power to make rules.**- The Government may, by a notification in official Gazette, make Rules for carrying out the purposes of this Ordinance.

20. Power to make Standing Operating Procedures.- Subject to the provisions of this Ordinance and Rules, the Government shall from time to time make an issue Standing Operating Procedure for carrying out the purposes of this Ordinance.

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President

Azad Jammu and Kashmir

(Signature of Hashim Shaheen)
CS-CF 2023

(Kh. Hashim Shaheen)
Section Officer (Legislation)