

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR  
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD**

Dated the 30th March, 1989.

**No. 216-20/LD/89.** The following Ordinance made by the President on the 30th day of March, 1989, is hereby published for general information:--

**(ORDINANCE XVIII OF 1989)**

**AN**

**ORDINANCE**

to amend the Azad Jammu and Kashmir Local Government Ordinance, 1989.

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Local Government Ordinance, 1989 (Ordinance VI of 1989) for the purposes hereinafter appearing;

AND WHEREAS, the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short Title, and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Local Government (Amendment) Ordinance, 1989.  
(2) It shall come into force at once, except Section 46 which shall take effect from such date as may be notified by the Government.
2. **Substitution of Sections 45 and 46 Ordinance VI of 1989.**- In the Azad Jammu and Kashmir Local Government Ordinance, 1989 (Ordinance VI of 1989), hereinafter referred to as the said Ordinance, Sections 45 and 46 shall be substituted as under:-  
“45. **Local Council Service.** – (1) There shall be constituted Azad Jammu and Kashmir Local Council service comprising:--
  - (a) members of Local Councils as appointed before constitution of the Local Government Board, under any enactments repealed by the Local Government

Ordinance, 1979 (Ordinance LXXXVI of 1979) and its succeeding Ordinance.

(b) such other persons as may be appointed to the Azad Jammu and Kashmir Local Council Service by the Local Government Board, with the approval of the Government.

(2) The terms and conditions of the service of the members of the Azad Jammu and Kashmir Local Council Service shall be such as may be prescribed:

Provided that the terms and conditions of service of such members of the Local Council service as are inducted into the Azad Jammu and Kashmir Local Council Service under this Ordinance shall not be less favourable than the terms and conditions applicable to them before such induction.

(3) All members of the Azad Jammu and Kashmir Local Council Service constituted under this Ordinance shall be deemed to be the employees of the Azad Jammu and Kashmir Local Government Board.

(4) The members of the Azad Jammu and Kashmir Local Council Service shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be prescribed.

46. **Azad Jammu and Kashmir Local Government Board.** -- (1) There shall be constituted a Board to be called the Azad Jammu and Kashmir Local Government Board consisting of a Chairman and not less than three and not more than five members to be appointed by the Government.

(2) The Secretary to Government of the Azad Jammu and Kashmir Local Government Department, shall be ex-officio Chairman of the Board.

(3) The members of the Board shall hold office for two years but shall be eligible for re-appointment.

(4) Government may remove any membership of the Board at any time without assigning any reason.

(5) Government may fill-up any casual vacancy of a member of the Board, any time it considers necessary.

(6) There shall be a Secretary of the Board to be appointed by Government to deal with the day to day administration of the

Board and to perform such other functions and to exercise such powers as may be assigned to him by the Board.

(7) The Board shall be body corporate, having per-petual succession and a common seal with power, to acquire, hold and transfer property, movable and immovable, shall by its name sue or be sued.

(8) The Board may employ such officers and servants for the Board and on such terms and conditions as may be prescribed.

(9) The employees of the Board shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be provided in the rules/regulations framed by the Board.

(10) Government may at any time direct the Board to fill up any post in the Board by a person belonging to the Azad Jammu and Kashmir Local Council service or a person in the service of Government or any statutory authority.

(11) Every Local Council shall contribute towards the expenditure of the Board an amount calculated at such rate as may, from time to time, be fixed by the Government.

3. **Addition of new Sections 46-A to 46-E Ordinance VI of 1989.**- In the said Act, after Section 46, as amended aforesaid, the following new Section (46-A to 46-E) shall be added:--

“46-A”. **Functions of the Board.** -- The Board shall perform the following functions:--

- (a) to function as a planning commission for Local Council;
- (b) to advise and evolve organization and methods (O & N) techniques for the benefit of Local Councils;
- (c) to undertake, research and evaluation in the field of Local Government and to issue publications for the benefit of Local Councils;
- (d) to make recruitment and appointments, order transfers, take disciplinary action and deal with other service matters in respect of the members of the Azad Jammu and Kashmir Local Council Service, in accordance with such manner and procedure and subject to such conditions as may be prescribed;
- (e) to make recruitment and appointments, take disciplinary action and deal with other service matters, in respect of

the employees of the Board in accordance with such manner and procedure and subject to such conditions as may be laid down in the Rules/regulations to be framed by the Board;

- (f) to set up and operate pension fund and such other funds as may be considered necessary for the benefit and welfare of the employees of the Board and the members of the Azad Jammu and Kashmir Local Council service;
- (g) to operate the Azad Jammu and Kashmir Local Government Board Fund; and
- (h) to perform such other functions as may be specified by the Government from time to time.

**46-B. Azad Jammu and Kashmir Local Government Board Fund.--** (1) There shall be a fund of the Board to be known as the Azad Jammu and Kashmir Local Government Board Fund.

- (2) The fund shall comprise:--
  - (a) Contribution from Local Council;
  - (b) rents and other receipts in respect of the properties vesting in the Board;
  - (c) grants from Government or any other agency;
  - (d) all money raised by the Board from banks or any agency as loans;
  - (e) all profits or interest accruing from investment; and
  - (f) all other proceeds and such other amounts as the Government may direct to be placed at the disposal of the Board.

**46-C. Accounts and Audit. --** (1) The account of all receipts and expenditure of the Board shall be kept in such form and manner as may be prescribed.

(2) An Annual statement of accounts shall be prepared after the close of every financial year and shall be transmitted to Government by such date as may be specified.

(3) The accounts of the Board shall be audited in such manner and after such interval and by such authority as may be prescribed;

(4) The audit authority shall have access to all books and other documents pertaining to accounts.

(5) The audit authority, on the completion of audit, shall in the manner prescribed, submit to Government and to the Board an audit report which shall among other things mention---

- (a) Cases of embezzlement;
- (b) Cases of loss, misappropriation, waste or application of funds; and
- (c) Cases of other irregularities in the maintenance of accounts.

(6) Government may constitute an Azad Jammu and Kashmir Local Government Board Accounts Committee consisting of such official and non-official members to review audit reports made under this Section and perform such other functions as may be prescribed.

46-D. **Servants of Local Councils.** -- A Local Council may, and if so required by Government shall on the prescribed terms and conditions, employ such servants as are deemed necessary for the efficient performance of its functions under the Ordinance.

46-E. **Members of Local Council Service to be Civil Servants.** - (1) Notwithstanding anything to the contrary in any other law, a member of the Local Councils service Constituted under the Ordinance shall be deemed to be a Civil Servant for the purposes of the Azad Jammu and Kashmir Service Tribunals Act, 1975.

(2) Till such time the Local Council Service is constituted under the Ordinance a member of the Local Council Service constituted under the Basic Democracies Act, 1960, shall be deemed to be a Civil Servant for the purposes of the Azad Jammu and Kashmir Service Tribunals Act, 1975.

(3) All proceedings regarding any matter pending before the Azad Jammu and Kashmir Service Tribunal immediately before the enforcement of the Ordinance shall be heard and decided by the said Tribunal as these were instituted under the Ordinance.”

4. **Amendment of Section 58, Ordinance VI of 1989.**- In the said Ordinance for sub-section (4) to Section 58, the following shall be substituted:--

“(4) The plots shall be allotted by an allotment Committee consisting of.--

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- (a) Chairman of Municipal Committee concerned (Chairman Allotment Committee).
- (b) Three members nominated by the Government from amongst the elected members of Municipal Committee concerned.
- (c) Three other members also nominated by the Government from amongst residents of the limits of concerned Municipal Committee.
- (d) Executive Engineer Municipal Committee will be the technical member of the Committee.
- (4-A) Any person aggrieved by an order passed under subsection (3) or (4) above may within sixty days prefer an appeal to Secretary Local Government and his decision shall be final.”

Sd/-  
(Sardar Mohammad Abdul Qayyum Khan)  
President  
Azad Jammu and Kashmir

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Sd/-  
Section Officer Law  
Azad Govt. of the State of J&K  
Muzaffarabad.