

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

Dated the 23rd May, 1989

No. 483-86/LD/89. The following Ordinance made by the President on the 23rd day of May, 1989, is hereby published for general information:-

**(ORDINANCE XXX OF 1989)**

AN

**ORDINANCE**

to provide for the constitution of Local Government Institutions throughout the Azad Jammu and Kashmir Territory and to consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith;

WHEREAS it is expedient to provide for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir territory and to consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith;

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 Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance:--

1. **Short title, Extent and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Local Government Ordinance, 1989.
  - (2) It shall extend to the whole of Azad Jammu and Kashmir.
  - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance unless the context otherwise requires:--
  - (i) 'Annual Rental Value' means the gross annual rent at which a building or land may be let from year to year;
  - (ii) 'Budget' means an official statement of the income and expenditure of a Local Council for a financial year;

Volume IX: 1989-1993

- (iii) 'Building' includes any shop, house, hut, outhouse, shed, stable, enclosure, wall, well, verandah, platform, plinth, ramp, staircase and steps;
- (iv) 'bye-laws' means bye-laws made under this Ordinance;
- (v) 'Cattle' means cows, buffalos, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats;
- (vi) "Cantonment Board" means a Cantonment Board constituted under the Cantonment Act, 1924 (II of 1924) as adapted in Azad Jammu and Kashmir;
- (vii) "Chairman" means the Chairman of the Local Council constituted under this Ordinance;
- (viii) "Collector" means the Chief Officer Incharge of the Revenue Administration of the District concerned and includes a Deputy Commissioner, and any other officer especially appointed by the Government to perform all or any of the functions of a Collector under this Ordinance;
- (ix) "Commissioner" means the Chief Officer Incharge of the revenue administration and includes any officer especially appointed by the Government to perform all or any of the functions of a Commissioner under this Ordinance;
- (x) "Conservancy" means the collection, treatment removal and disposal of refuse;
- (xi) "Dehi Council" means a council constituted under this Ordinance;
- (xii) "District" means a revenue district;
- (xiii) "District Council" means a Council for the district constituted under this Ordinance.
- (xiv) "District Co-ordination Committee" means a committee constituted under this Ordinance;
- (xv) "Drain" included a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any device for carrying sullage or rain water;
- (xvi) "Dwelling House" means any building used substantially for human habitation;
- (xvii) "Elector" means a person who is entitled to vote at an election and whose name appears in the Electoral Rolls;

Volume IX: 1989-1993

- (xviii) "Election Commissioner" means the Election Commissioner appointed under this Ordinance and includes an Additional and a Deputy Election Commissioner;
- (xix) "Elected Member" means a member who has been chosen in election by the electors under the provisions of this Ordinance;
- (xx) "Election Tribunal" means the Election Tribunal constituted under this Ordinance;
- (xxi) "Erect or Re-Erect a Building" means the construction of a new building and includes such material alteration of a building as enlargement of any wall, verandah, fix platform, plinth or part of the building structural conversion for one or more places for human habitation of a building not originally meant for the purpose, structural conversion of one or more places for human habitation into a greater number of such places, addition of any room, building substance or other structure to a building reconstruction of whole or any part of the external walls of a building or the renewal of the parts of wooden building, construction in a wall adjoining any street or land not belonging to the owner of the wall, or a door opening to such street or land, such alteration of the internal arrangements of a building as effects its drainage, sanitation or other sanitary arrangement or its security or stability;
- (xxii) "Food" includes every eatable used for food or drink by human beings, but does not include drugs or water;
- (xxiii) "Function" includes power to be exercised and duties to be discharged;
- (xxiv) "Government" means the Azad Government of the State of Jammu and Kashmir;
- (xxv) "Infectious Disease" means cholera, plague, small pox and tuberculosis and includes such other diseases as the Government may by notification in the official Gazette declare to be an infectious disease for the purpose of this Ordinance;
- (xxvi) "Import for the purposes of this Ordinance" means import within the limit of Local Councils;

Volume IX: 1989-1993

- (xxvii) "land" includes land which is being built up or a built up or its covered with water or is under cultivation or is fallow;
- (xxviii) "Local Area" means the area under the jurisdiction of local council;
- (xxix) "local council" means a council constituted under this Ordinance and includes a Union Council, Markaz Council, District Council, Town Committee & Municipal Committee;
- (xxx) "local fund" means the fund of a local council;
- (xxxi) "Markaz" means a markaz as may be prescribed by rules made under this Ordinance;
- (xxxii) "Markaz council" means a Markaz Council as may be prescribed by rules made under this Ordinance;
- (xxxiii) "Market" means a place where persons assemble for the sale and purchase of meat, fish, poultry, fruit, vegetables or other eatable of food or for the sale and purchase of livestock or animals and includes any place which may from time to time be notified as a market;
- (xxxiv) "Member" means a member of local council;
- (xxxv) "Municipal Committee" means a Municipal Committee constituted under this Ordinance;
- (xxxvi) "Municipality" means an area declared to be municipality under this Ordinance;
- (xxxvii) "Occupier" means a person in actual possession of land or building whether as an owner or otherwise;
- (xxxviii) "Owner" includes a person for the time being receiving the rent of land and building or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;
- (xxxix) "Population" means the population in accordance with the last two preceding census, officially published;
- (xl) "Prescribed" means prescribed by rules;
- (xli) "Primary Education" means education pertaining to all or any of the classes I to V in any school other than a middle school;

Volume IX: 1989-1993

- (xlii) "Prohibited Zone" means any part of the local area of an urban local council declared as such under Section 5 of this Ordinance;
- (xliii) "Public Road" means a road maintained by Government or by a local council or a local authority;
- (xliv) "Public Street" means a street maintained by a local council or local authority;
- (xlv) "Public Way" means a way maintained by Government or by a local council or a local authority;
- (xlvi) "Public Place" means any building, premises or place to which the public have access;
- (xlvii) "Rate" includes cess;
- (xlviii) "Relative" means parents, guardians, children and adopted children;
- (xlix) "Refuse" includes rubbish, offal, night soil, carcasses of animals, deposits a sewerage, waste and any other offensive matter;
- (l) "Road" includes a road which is not a thoroughfare;
- (li) "Rules" means rules made under this Ordinance;
- (lii) "Rural Area" means an area which is not an urban area;
- (liii) "Specify" means specified by rules or an order of the Government;
- (liv) "Street" includes a street which is not a thoroughfare;
- (lv) "Sullage" includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
- (lvi) "tax" includes any cess, fee, rate, toll or other impost leviable under this Ordinance;
- (lvii) "trade allowance" includes such allowance as have the sanction of custom in market area;
- (lviii) "Town" means an area declared to be a town under this Ordinance;
- (lix) "Town Committee" means a town committee constituted under this Ordinance;
- (lx) "Union" means an area declared to be union under this Ordinance;

- (lxi) "Union Council" means a union council constituted under this Ordinance;
- (lxii) "Urban Area" means an area which has been declared by the Government to be an urban area;
- (lxiii) "Urban Local Council" means a town committee or a Municipal committee;
- (lxiv) "Vehicle" means a wheeled conveyance capable of being used on a street;
- (lxv) "Vice-Chairman" means a vice-chairman of a local council constituted under this Ordinance;
- (lxvi) "Village" means the area comprising of a revenue estate within the meaning of the Land Revenue Act, 1887, as adapted in Azad Jammu and Kashmir;
- (lxvii) "Voter" means a person whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of this Ordinance;
- (lxviii) "Water work" includes a lake, stream, spring, well, pump, reservoir, cistern tank, duck, sluice, pipe, culvert, engine and other appliances and anything used for supplying water;
- (lxix) "Worker" means a worker as defined in the Industrial Relations Ordinance, including self-employed craftsman like blacksmiths, carpenters, tailors and shoemakers;

3. **Election Commissioner.**— (1) The Government may appoint an Election Commissioner, who shall be responsible for the organization, conduct and supervision of elections to the Local Government institutions and matters connected therewith.

(2) The Government may appoint an Additional or a Deputy Election Commissioner to assist the Election Commissioner in performance of his functions under the provisions of this Ordinance:

Provided that any appointment made, order passed, notification issued and action taken before the Commencement of this Ordinance shall be deemed to have been validly made, passed, issued or taken under the provisions of this Ordinance.

(3) It shall be the duty of all executive and subordinate judicial authorities in the state and all Local authorities under the administrative control of Government to assist the Election Commissioner in the performance of his functions.

4. (1) The Government may, in the prescribed manner, divide the urban and rural area of a district, as the case may be, separately into a number of areas and declare by notification each such area to be a Local Council.
- (2) The Government may, by notification in the official Gazette, delegate any of its powers under sub-section (1), to the Election Commissioner.
5. **Local Councils.**— As soon as may be, the following local councils should be constituted in accordance with the provisions of this Ordinance.--
- (a) A Dehi Council for each Deh (Village) or a group of villages as they may be;
- (b) A union council for each union;
- (c) A Markaz Council for each Markaz;
- (d) A District Council for each District;
- (e) A town Committee for an urban area consisting of such number of members as may be prescribed;
- (f) A municipal Committee for an urban area consisting of more than ten thousand population except in the case of a district headquarter where a Municipal Committee shall be constituted irrespective of its population.
6. Every Local Council shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provision of this Ordinance and the rules, to acquire, hold and transfer property both movable and immovable and shall by its name sue or be sued.
7. Government may, by notification, specify the name by which any local council shall be known and unless the name of a local council is so specified it shall be known as the local council of the place where its office is situated.

### **Composition of Local Councils**

#### **Union Councils**

8. (1) A Union Council shall, subject to the other provisions of this Ordinance consist of such number of members as may be fixed by the Government.
- (2) The principles to be followed in determining the strength of members shall be prescribed.

- (3) No official shall be a member of the Union Council.
- (4) The members of Union Council shall elect from among themselves a Chairman/Vice-Chairman of the Union Council

**Markaz Council**

9. (1) A Markaz Council shall consist of such members as may by notification be fixed by the Government.
- (2) The Chairman of the Union Council shall ex-officio be the non-official member of the Markaz Council within whose jurisdiction the Union Council lies.
- (3) Where the number of Union Councils in a Markaz is less than three, the Vice-Chairman of the Union Council shall also be the member of the Markaz Council. In addition to this the union council will elect one member from amongst its members to act as member of the Markaz Council.
- (4) The officers of the nation building departments at the Markaz level shall ex-officio be the official members of the Markaz Council, but they shall not have any right of vote. Their names shall be notified by the Government.
- (5) The non-official members of Markaz Council shall, in the prescribed manner, elect one of its members to be its Chairman and Vice-Chairman.
- (6) The members of the District Council shall be the ex-officio members of the Markaz Council concerned for the purpose of discussion and approval of their schemes, but shall not have the right of vote.

**District Council**

10. (1) A District Council shall consist of,--
  - (a) one non-official member directly elected from each Union Council;
  - (b) the Chairman of Markaz Councils and town committees shall be the ex-officio members of the District Council for the purpose of discussion/approval of their schemes, but shall not have the right to vote; and
  - (c) Chairman, Vice-Chairman and members of the Union Councils concerned shall be entitled to participate in the meeting of District Council for the purpose of discussion and approval of their schemes, but shall not have the right to vote.

(2) The officers of the nation building departments at the district level shall ex-officio, be the official members of the District Council, but shall not have the right to vote. They shall be notified by the Government.

(3) The non-official members of the District Council, shall elect one of its members as Chairman, Vice-Chairman.

(4) The Women members equal to ten percent of the total number of seats, subject to minimum of two, shall be nominated by the District Council.

**Explanation.-** For working out the number of women members mentioned in this sub-section, a fraction of 0.5 and above shall be counted as one.

#### **Dehi Council**

11. (1) There shall be a Dehi Council for each village having population of not less than 500. In case the population of a village is less than 500 it may be grouped with an adjoining village to form the area of a Dehi Council.

(2) A Dehi Council shall consist of such number of members as may, by notification, be fixed by the Government.

(3) The members of a Dehi Council shall be nominated by the Union Council in a prescribed manner.

(4) The Dehi Councils shall be non-formal bodies and shall not constitute a tier of Local Government.

#### **Town Committee**

12. (1) A town committee shall consist of such number of elected members as may be fixed by the Government.

(2) The elected members of the Town Committee shall, in the prescribed manner, elect one of its members as its Chairman and Vice-Chairman.

13. **Municipal Committees.-** (1) A Municipal Committee shall consist of such number of members as may by notification be fixed by the Government.

(2) The elected members of Municipal Committee shall, in the prescribed manner, elect one of members to be its Chairman and Vice-Chairman.

(3) The Elected Chairman of a Municipal Committee shall be ex-officio member of the District Council.

(4) The Women Members equal to ten percent of the total number of seats fixed, subject to minimum of two, shall be nominated by the Municipal Committee.

**Explanation.-** For working out the number of women members mentioned in this sub-section, a fraction of 0.5 and above shall be counted as one.

14. A member and a Chairman/Vice-Chairman of a Local Council shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

15. **Declaration of properties.-** Every Chairman, Vice-Chairman and member shall, before he enters upon his office authorized by the Government in this behalf and in such manner as the Government may direct, file a declaration in writing of properties both movable and immovable, whether within or outside Azad Kashmir or Pakistan, which he or any member of his family owns or has in his possession or under his control or in which he or any member of his family has any beneficial interest, in the form set out in the tenth Schedule.

**Explanation.-** For the purposes of this Section, the expression members of his family in relation to a person means.-

- (a) the spouse of such person; and
- (b) such of the children, parents, brothers and sisters as reside with, and are wholly dependent upon such person.

16. **Vote of No-confidence.-** (1) A Chairman/Vice-Chairman of a Local Council shall vacate office if a vote of no confidence is passed against him, in the prescribed manner, by two third majority of the total number of members constituting the Local Council.

(2) A motion of no confidence against a Chairman or Vice-Chairman shall not be moved before the expiry of six months from the date of his assumption of the office and a second or subsequent motion shall not be moved except with an interval of six months between the first and second motion or any two subsequent motions.

(3) A motion of no confidence shall not be competent after the expiry of thirty days beyond every interval of six months provided under sub-section (2) and in such a situation it shall be deemed to have been moved and rejected for the purpose of sub-section (2).

(4) No Court shall have jurisdiction to inquire into or question the validity of anything done, or any order made or passed under this Section.

17. **Wards.-** (1) For the purpose of elections to Local Council, the area under its jurisdiction shall be divided in the following manner.—

- (a) Each Union Council would be a single member ward as far as possible or a multi-member ward or both and would elect as many members as are notified by the Government.
- (b) **District Council.-** Each Union Council would be a ward and the number of members would be as fixed by the Government.
- (c) **Town Committee.-** Would have single member ward as far as possible or a multi member ward or both as may be fixed by the Government.
- (d) **Municipal Committee.-** Would have such number of single member ward as far as possible or a multi-member ward or both as may be fixed by the Government.

(2) The Government or the Election Commissioner may declare any area or ward of a Local Council to be a single or a multi-member ward, as the case may be.

18. **Electoral Rolls.-** The electoral rolls prepared for the elections of the Azad Jammu and Kashmir Legislative Assembly, shall be the electoral rolls for elections of the Local Councils, after such re-arrangements as may be necessary:

Provided that an electoral roll shall not be invalid by reason of any erroneous description in the electoral roll of any person enrolled or registered thereon or of omission of the name of any person entitled to be so enrolled or registered or of inclusion of the name of any person not so entitled:

Provided further that the Election Commissioner may, if considers necessary, order the inclusion of the name of any prosecuting candidate in the Electoral Roll prepared under the Azad Jammu and Kashmir Legislative Assembly Electoral Rolls Ordinance, 1970 and the Rules made thereunder, if otherwise qualified. Such name shall be the part Electoral Rolls from the date of inclusion.

19. **Right of Vote.**- Every person enrolled as a voter on the electoral roll shall have the right of vote:

Provided that if a person is enrolled more than once in the electoral roll of the same electoral units or on the electoral rolls of more than one electoral units he shall be eligible to vote in one electoral unit only.

20. **Elected Members.**- (1) For each ward there shall be chosen, in the prescribed manner, by the electors whose names appear for the time being on the electoral rolls for that ward, such number of members as is fixed under sub-section (2) from amongst such electors in the local council in which the ward lies as possess the qualification and are not subject to any of the disqualifications specified in the second schedule.

(2) The number of members to be elected from any ward shall be fixed by the Government.

21. **Powers of Government to issue instructions.**- The Government may issue such instructions and exercise such power including the power to review an order passed by an officer under the Ordinance or the rules, and make such consequential order as may be necessary for ensuring that an election is conducted honestly, justly and fairly and in accordance with the provisions of the Ordinance and the rules.

#### **Terms of Office of Local Council**

22. **Term of Office.**- (1) The term of office of a local council shall be for a period of four years commencing from the date on which it assumed office:

Provided that on the expiry of the term of office of a local council, Government may extend its term of office for a period not exceeding six months or appoint any person for the like period to perform such function of the local council as may be specified:

Provided further that the Government may dissolve the local councils at any time before the expiry of its term.

(2) A local council shall assume office on such date, not later than thirty days from the day on which the names of its members are notified in the prescribed manner as may be fixed by the Government.

(3) A local council may allow such honorarium, allowance or remuneration to its Chairman as may be fixed by the Government.

23. **Casual vacancy.-** (1) If the seat of an elected member becomes vacant during the term of office of a local council, a new member shall be elected within ninety days from the date, the seat falls vacant or within such longer period as the Election Commissioner may by notification in the official Gazette, specify in special cases and such member shall hold office for the reming term.

(2) If the seat of the Chairman or Vice-Chairman becomes vacant during the term of office of a local council, the new Chairman or Vice-Chairman shall be elected within thirty days from the date the seat falls vacant and such Chairman or Vice-Chairman shall hold office for the remaining term:

Provided that if the vacancy in the office of a member occurs with four months before the expiry of the term of a local council, the vacancy shall not be filled.

24. **Resignation and removal of members.-** (1) A Vice-Chairman or member of a local council may resign his office by tendering resignation in writing to the Chairman of the Local Council of which he is the Vice-Chairman or member and if he is the Chairman of a Local Council, to the Government, and the seat of the member or the office of the Chairman or Vice-Chairman, as the case may be, shall become vacant when the resignation is received by the competent authority.

(2) Government may after giving him an oppotunity of being heard, remove a Chairman, Vice-Chairman or member of a local council from office, if he,--

- (a) incurs any of the disqualifications specified in part II of the second schedule;
- (b) absents himself without reasonable cause from three consecutive meetings of the Local Council;
- (c) is guilty of an abuse of power or misconduct in the discharge of his duties as a member or has been responsible for any loss or mis-appropriation of any money or property of any Local Council, or any local body or other local authority; or
- (d) refuses to take oath.

**Explanation.-** In this sub-section 'Misconduct' includes bribery, corruption and misappropriation or willful diversion of funds of the local council or any attempt at, or abetment of such misconduct.

(3) A member or Chairman or Vice-Chairman removed under sub-section (2) may prefer an appeal in the manner prescribed by the officer or an authority as may be appointed by the Government.

(4) When a Chairman or a Vice-Chairman is removed from office, he shall not during the un-expired period of the terms of office be eligible for re-election to the said office of any local council.

25. **Notification of Election, resignation and removal of Chairman, Vice-Chairman and Members.**- The election, resignation or removal of a Chairman, a Vice-Chairman or a member on the vacation of office by a Chairman, Vice-Chairman or a member of a Local Council shall be notified.

26. **Functions of Local Councils.**- Subject to rules, and such directions as the Government may give from time to time, and within the limits of funds at its disposal, a Dehi, Union, Markaz and District Council, Municipal Committee and Town Committee shall undertake the functions as enumerated in third, fourth and fifth Schedule respectively as are required to be undertaken by it and may undertake such other functions,-

(a) as are declared by the Government to be appropriate matters for administration by them; and

(b) all or any of the functions so given which shall be undertaken by them.

27. **Police and defence functions of Dehi or union councils.**- The Government may establish a Village Police Force in such rural areas as may be notified from time to time and may by rules regulate the appointment, the training and discipline, and the terms and conditions of services of the members of such police force.

(2) The Village police shall exercise such powers and discharge such duties as are specified in Part III of the third schedule.

(3) Where the Collector is of the opinion that in any Dehi/Union Council or a part thereof, special measures are required to secure village defence or public security, he may, by order, require that all or any of the able bodied adult male inhabitants of the Union or such part thereof shall be liable to patrol duty for such period and in such manner as may be specified in the order.

(4) Where an order is made under sub-section (3) the Dehi/Union Council shall exercise such powers and discharge such duties as may be prescribed,

**28. Revenue and general administration functions.**- (1) It shall be the duty of the every Dehi and Union Council.-

- (a) to assist the Village revenue officials in the Union, by whatever name called or however designated, in the proper performance of their duties with regard to the collection of rent or land revenue and the general administration;
- (b) to render such assistance in the preparation of records and assessments, and in the work of survey or crop inspection, and of other branches of revenue administration in the union as the Collector may require;
- (c) to report to the police the commission of any offence, bring to the notice of the police the presence in the Deh of persons of notorious character, and to assist in the investigation and prevention of crime, and in arresting criminals;
- (d) to report to competent authority all cases of damage to or encroachments upon any public road, street or way, or any public place, building or property;
- (e) to publicize in the Deh or Union all matters the publicity of which is required by the Government or other competent authority;
- (f) to assist officials in the execution of their official duties and to furnish such information as may be required by them for official purposes.

(2) Nothing in sub-section (1) shall be construed as authorizing the local council to interfere in the performance by any official of his official duties.

**29. Functions relating to agricultural development etc.**- A Dehi/Union Council shall be responsible for agricultural, Industrial and community development in the Deh or Union and may, for that purpose, perform such functions as may be prescribed.

(2) A Dehi or Union Council may, for the purpose of national re-construction, adopt such measure and perform such functions as may be prescribed.

30. **Functions of Markaz Council.**- (1) Subject to rules a Markaz Council may, and if so required by the District Council shall undertake all such functions in the Markaz as the District Council is competent to undertake in the District.
- (2) The Government may direct from time to time and entrust any function to the Markaz Council.
- (3) In the performance of their functions the Markaz Councils shall be responsible to the District Council concerned and shall act in accordance with such directions as the District Council may from time to time give.
31. **Functions of District Council.**- (1) Subject to rules a District Council shall within the limit of the funds at its disposal make adequate arrangements for carrying out the requirements of the District in respect of matters enumerated in Schedule IV.
- (2) A District Council shall coordinate the activities of all local councils and municipal bodies within the District.
32. **Functions of Town Committee and functions of Municipal Committee.**- The functions of a Town and Municipal Committee shall be as specified in the fifth schedule to this Ordinance.
33. **Transfer of functions.**- The Government may from time to time direct that any service maintained by a local council shall be transferred to the control of the Government or any service maintained by the Government shall be transferred to the control of a local council.
34. **Executive powers.**- (1) The executive powers of a local council shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.
- (2) Save as otherwise provided in this Ordinance and the rules, the executive powers of a local council shall vest in and be exercised by its Chairman, either directly or through other persons authorized by him, in accordance with the rules.
- (3) All acts of a local council, whether executive or not, shall be expressed to be taken in the name of the local council, and shall be authenticated in the manner prescribed.
35. **Disposal of business.**- (1) All business of a Local Council shall, to the extent and in the manner prescribed, be disposed of at its meetings, or through its committees/sub-committees or by its Chairman.

(2) All meetings of a local council shall be presided over by its Chairman, and unless otherwise provided by this Ordinance, in his absence by Vice-Chairman or a member chosen for that purpose by the members present.

(3) A local council shall have power to act notwithstanding any vacancy caused.

(4) No proceedings shall be invalid by reason only that some person who was not entitled to do so, sat, or voted or otherwise took part in the proceedings.

(5) Minutes of the meetings of a local council shall be drawn up and recorded in a book to be kept for the purpose.

(6) All decisions taken by a local council shall be reported to the respective competent authority within the prescribed period.

**36. Committees and sub-committees of Local Councils.-**

A local council may appoint such committees or sub-committees consisting of its members and co-opted members, if any, to perform such functions as may be prescribed.

**37. District Co-ordination Committees.-** (1) Government may set

up a District Co-ordination Committee in each district consisting of such number of members as may be determined by Government.

(2) The members of a District Co-ordination Committee shall be elected or appointed in such manner as may be prescribed.

(3) The appointed members of the District Co-ordination Committee shall have no right of vote:

Provided that if any elected member of a local council is appointed as member or Chairman of the District Co-ordination committee, he shall have a right of vote.

(4) There shall be a Chairman of the District Co-ordination Committee to be elected or appointed in such manner as may be prescribed.

(5) The meetings of the District Co-ordination Committee shall held and regulated in such manner as may be prescribed.

**38. Functions.-** The District Co-ordination Committee may perform the following functions:-

- (a) Co-ordination of the activities of all local councils within their respective jurisdiction and such Departments of Government, statutory bodies or other agencies as may be specified; and
- (b) Settlement of disputes arising between local councils within their respective jurisdiction.
- (c) Government may entrust any other functions to the District Co-ordination Committees.

**39. Disputes between Local Councils.**- (1) If any dispute arises between two or more local councils, the matter shall be referred to-

- (a) the District Co-ordination Committee if the local councils concerned are in the same district;
- (b) Government, if the local councils concerned are in different districts.

(2) The decision of Government, or of District Co-ordination Committee on a dispute referred to it under subsection (1) shall be final and binding on the local councils concerned.

**40. Chief Executive Officer.**- There shall be appointed by Government a Chief Executive Officer for each District Co-ordination Committee and he shall perform such functions and exercise such powers as may be prescribed.

**41. Abolition and Reconstitution.**- Government may abolish or reconstitute a District Co-ordination Committee and may increase or decrease its membership.

**42. Contracts.**- (1) All contracts made by or on behalf of a local council shall be-

- (a) in writing and expressed to be made in the name of the local council;
- (b) executed in such manner as may be prescribed; and reported to the local council by the Chairman at the meetings next following the execution of the contract.

(2) A local council may, by resolution, lay down the procedure that shall regulate the making of various contract and in the execution of contracts, the Chairman shall act in accordance with such resolutions.

(3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the local council.

43. **Works.**- The Government may by rules provide for:-

- (a) the operation of plans and estimates for work to be executed by a local council;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and
- (c) the Agency by which such plans and estimates shall be prepared and such works shall be executed.

44. **Records, reports and returns.** - A Local Council shall:-

- (a) maintain such record of its working as may be prescribed;
- (b) prepare and publish such periodical reports and returns as may be prescribed; and
- (c) adopt such other measures as may be necessary, or may be specified by the Government from time to time for the publication of information about the working of the local council.

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 Ordinances;
- (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 reappointment.

(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 perpetual succession and a common seal with power, to acquire, hold and transfer property, movable and immovable, and 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.

**47. Functions of the Board.**- The Board shall perform the following functions:-

- (a) to function as a planning commission for Local Councils;
- (b) to advise and evolve organization and methods (O&M) 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 Rule/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.

**48. 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.

**49. Accounts and Audit.**- (1) The accounts 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 misapplication 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.

50. **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.
51. **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 Civil Servant for the purposes of the Azad Jammu and Kashmir Service Tribunal Act, 1975.
- (3) All proceedings regarding any matter ending 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 if those were instituted under the Ordinance.
52. **Provident Fund, Pension and other facilities for servants of local councils.**- (1) A local council may establish and maintain a provident fund and require any of its servants to contribute to such fund, and may itself contribute to it in such manner and proportion as may be prescribed.
- (2) A local council may, in the prescribed manner, and with the previous sanction of the Government, provide for the payment of pension to its servants after retirement.
- (3) A local council may, with the previous sanction of the Government grant a special pension or gratuity to the family of any servant who dies of disease or injury contracted or suffered in the discharge of official duties.
- (4) A local council may, in the prescribed manner, operate a scheme of special insurance for its employees, and require its employees, to subscribe to it.
53. **Service Rules.**- The Government may by rules.--
- (a) prescribe the conditions of service of the servants of local councils;
- (b) prescribe the grades of pay for the servants of local councils;

- (c) prescribe a schedule of establishment setting forth the staff that shall be employed by a local council;
- (d) prescribe the qualifications for various posts under local council;
- (e) prescribe the principles to be followed in making appointments to various posts under local councils;
- (f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of local councils, and provide for penalties and appeals against orders imposing penalties;
- (g) provide for other matters necessary for the efficient discharge of their duties by the servants of local councils.

**54. Constitution of local funds.**- (1) For every local council there shall be formed Local Fund which shall be known as.--

- (a) the Deh Fund, in the case of a Dehi Council;
- (b) the Union Fund, in the case of a Union Council;
- (c) the Town Fund, in the case of Town Committee;
- (d) the Markaz Fund, in the case of a Markaz Council;
- (e) the District Fund, in the case of a District Council;
- (f) the Municipal Fund, in the case of a Municipal Committee.

(2) To the credit of the Local Fund formed under subsection (1) shall be placed.-

- (a) the balance of such fund as on the coming into force of this Ordinance is at the disposal of the local body, if any of which the local council concerned is the successor;
- (b) the proceeds of all taxes, rates, tools, fees and other charges levied by the local council under this Ordinance;
- (c) all rents and profits payable or occurring to the local council from the property vested in or managed by the council;
- (d) all sums received by the local council in the performance of its functions under this Ordinance or under any law for the time being in force;
- (e) all sums contributed by individuals or institutions, or other local councils or by local bodies or other local authorities;

- (f) all receipts accruing from the trust placed under the management of the local council;
- (g) all grants made by the Government and other authorities;
- (h) all loans raised, and all profits accruing from investment; and
- (i) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the local council.

**55. Custody or investment of Local Funds and establishment of special funds.**- (1) The money credited to a local fund shall be kept in a Government Treasury, or in bank transacting the business of a Government treasury, or in such other manner as may be specified by the Government from time to time.

(2) A local council may invest any portion of the local fund in such a manner as may be prescribed.

(3) A local council may, and if required by the Government shall, establish, and maintain a separate fund for any special purpose, which shall be administered and regulated in such manner as may be prescribed.

**56. Application of the Local Fund.**- The money from time to time credited to local funds shall be applied in the following order or preference:-

Firstly, in the payment of salaries and allowances to the servants of the local council;

Secondly, in the payment of loans;

Thirdly, in meeting the expenditure, charged on the local Fund under this Ordinance;

Fourthly, in the fulfilment of any obligation and in the discharge of any duty imposed on the local council under this Ordinance or under any other law for the time being in force;

Fifthly, in meeting the expenditure declared by local council with the previous sanction of Government, to be an appropriate charge on the Local Fund; and

Sixthly, in the meeting the expenditure declared by the Government to be an appropriate charge in the local fund.

**57. Charged Expenditure.**- The following expenditure shall be charged on the local fund, that is to say:-

- (a) all sums to be paid to, or in connection with the employment of any Government servant who is or has been in the service of the local council;
- (b) such sums as the local council may be required by the Government to contribute towards the conduct of elections, the maintenance of the local councils service, the auditing of accounts; and such other matters, as may from time to time be specified by the Government;
- (c) any sums required to satisfy any judgment, decree or award against the local council by any Court or Tribunal, and
- (d) any expenditure declared by the Government to be so charged.

(2) If any expenditure charged on the local funds is not paid the Government may, by order, direct the person or persons having the custody of the Local Fund to pay such amount, or so much thereof as may from time to time be possible, from the balance of the Local Fund.

**58. Budget.**- (1) Every local council shall, in the prescribed manner, prepare and sanction, before the Commencement of each financial year, a statement of its estimated receipt and expenditure for that year, hereinafter referred to as the budget, and forward a copy thereof to the Government.

(2) If the budget is not prepared or sanctioned by a local council before the Commencement of any financial year, the Government may have the necessary statement prepared and certify it, and such certified statement shall be deemed to be the sanctioned budget of the local council.

(3) Within thirty days of the receipt of the copy of a budget under sub-section (1) the Government may, by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the local council.

(4) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary be prepared and sanctioned, and such revised budget shall, so as may be, subject to the provisions of this section applicable to a budget.

(5) Where any local council assumes office under this Ordinance for the first time, its budget for the financial year during which it assumes office shall relate to the remaining

period of that year, and the other provisions of this section shall mutatis mutandis apply accordingly.

- 59. Accounts.**-- (1) Accounts of the receipts and expenditure of a local council shall be kept in the prescribed manner and form.
- (2) An annual statement of the accounts shall be prepared after the close of every financial year, and shall be transmitted to Government by such date as may be prescribed.
- (3) A copy of the annual statement of accounts and such other statement as may be prescribed shall be placed at a conspicuous place in the office of the local council concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the local council and brought to the notice of the audit authority referred to in Section 56.
- 60. Audit.**- (1) The accounts of every local council shall be audited in such manner, after such intervals and by such authority as may be prescribed.
- (2) The audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the Chairman or any member or servant of the local council concerned.
- (3) On the completion of audit, the audit authority shall in the prescribed manner, submit to the Government an audit report which shall, among other things mention.-
- (a) cases of embezzlement;
  - (b) cases of loss, waste or misapplication of the Local Funds; and
  - (c) cases of other irregularities in the maintenance of accounts.
- 61. Loans.**- (1) Subject to the provisions of this Ordinance and the rules, the Local Authorities Loans Act, 1914 (IX of 1914) and any other law for the time being in force, a local council may, with the previous sanction of the Government, raise loans in the prescribed manner, and make suitable arrangements, to the satisfaction of the Government, for the repayment of the loans in such instalments as may be fixed.
- (2) A local council may, and if required by the Government shall establish and maintain such separate funds as may be necessary for the repayment of loans, and the Government may,

among other things, require that any specified items of income of the local council shall wholly or in part be earmarked for and applied in the repayment of loans.

- 62. Property of local councils.**- (1) The Government may be rules.-
- (a) determine the property which shall vest in local councils;
  - (b) provide for the management, maintenance, improvement and development of the property belonging to or vesting in local council;
  - (c) regulate the alienation of such property; and
  - (d) provide for the compulsory acquisition of such immovable property as may be required by a local council for the purposes of this Ordinance.
- (2) A Local Council may.-
- (a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it or which is placed under its charge;
  - (b) apply such property for the purpose of this Ordinance or the rules;
  - (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property with the previous sanction of such authority as may be prescribed.
- 63. Power to dispense of plots/land.**- (1) A Municipal Committee may retain, or may lease, sell, exchange, cancel the allotment issued by it, rent out or otherwise dispose of any plot or land vested in it by the Government, Mirpur Development Authority or any other authority, in the prescribed manner:
- Provided that the Municipal Committee shall not--
- (i) create new plots in open and other spaces;
  - (ii) deviate/encroach upon limits laid down in the Master Plan;
  - (iii) interfere with the plots reserved for environmental, Government and other specified purposes.
- (2) Any allotment of a plot or land under the foregoing provisions of this Ordinance or Vth Schedule of the Ordinance shall amount to an agreement to sell and the title to such a plot or land shall be transferred through a title certificate granted by the Municipal Committee concerned. Such a certificate granted by

the Municipal Committee shall be a sufficient proof of ownership of the property in respect of which it has been issued.

(3) The cost of plot or land shall not be less than the price fixed by the Mirpur Development Authority or the Chairman Allotment Committee, Housing Scheme of Azad Jammu and Kashmir and the amounts realized shall be the revenue of that Municipal Committee.

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

- (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.

(5) Any person aggrieved by an order passed under sub-section (3) or (4) above may within sixty days prefer an appeal to Secretary, Local Government and his decision shall be final.

(6) The Municipal Committee or the person authorized by it in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority or any land or property vested in the Municipal Committee.

(7) If any direction under sub-section (6) is not complied with in such time as may be specified therein, the Municipal Committee or the person empowered in this behalf may get the encroachment removed and in so doing may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment:

Provided that if such encroachment is not affecting the Master Plan of the area, the Municipal Committee may instead of requiring the removal of encroachment, charge by way of compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or special order.

(8) The encroachment regularized under sub-section (7) may be caste partially so far as is necessary to avoid contravention of a scheme approved by the Government or Municipal Committee.

(9) Whoever contravenes any provision of this Section or of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to 3 months or fine which may extend to two thousand rupees or with both.

**64. Development plans.** -- (1) A local council may, and if required by Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

(2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for:-

- (a) the promotion improvement and development of such function or functions of the local council as may be specified;
- (b) the manner in which the plan shall be financed, executed, implemented and supervised;
- (c) the agency through which the plan shall be executed and implemented; and
- (d) such other matters as may be necessary.

(3) The Government may direct that any specified items of income, a Local Council shall wholly or in part be earmarked for and applied in the implementation of a development plan.

(4) The development plans of local councils in a District, may be consolidated in such manner as may be prescribed.

**65. Surcharges.**- Every member of a local council, every official or servant of a local council and every person charged with the administration of the affairs of a local council, or acting with the administration of the affairs of a local council, shall be liable for the loss, waste or misapplication of any money, or property belonging to a local council, which is a direct consequence of his negligence or misconduct, and the liability of such member, official, servant or person shall be determined by the Government in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand or as arrears or land revenue.

**66. Taxes to be levied.**- (1) The Government, or a Local Council, with the previous sanction of the Government, may, levy in the

prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Sixth Schedule.

(2) The Government may, by notification in the official Gazette, specify separately the taxes, rates, tolls and fees mentioned in the aforesaid schedule which may be levied respectively by a District Council, by a Union Council, and where such notification has been issued, no District Council shall be competent to levy and tax, rate, toll or fee leviable by a Union Council and no Union Council shall be competent to levy and tax, rate, toll or fee leviable by a District Council.

(3) No Markaz Council shall have the power to levy and tax, rate, toll, or fee and such councils shall be financed by the Government.

**67. Notification and enforcement of taxes.**- (1) All taxes, rates, tolls and fees levied by a District or Union Council shall be notified in the prescribed manner and shall unless otherwise directed by the Government, be subject to previous publication.

(2) Where a proposal for the levy of a tax, rate, toll or fee, or for a modification of tax, rate, toll or fee which is in force is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax rate, toll or fee or the modification shall come into force on such date.

**68. Model tax schedule.**- The Government may frame model tax schedules, and where such schedules have been framed, District and Union Councils shall be guided by them in levying a tax, rate, toll or fee.

**69. Directions with regard to levy of tax etc.**- (1) The Government may direct any local council except Markaz Council.-

- (a) to levy any tax, rate, toll or fee which the Council is competent to levy under Section 66;
- (b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified; or
- (c) to suspend or abolish the levy of any such tax, rate, toll or fee.

(2) If a direction issued under sub-section (1) is not complied with, within the specified time, if any, the Government may make an order giving effect to the direction.

70. **Liability on account of taxes.**- A local council may, be notice, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax, rate, toll or fee, as may be necessary for the purpose of determining the liability of such person goods or animals to a tax, rate, toll or fee, or the assessment thereof.
- (2) Any official of a local council authorized in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animal therein liable to any tax.
- (3) Any official of a local council authorized in this behalf may, in the prescribed manner, seize and dispose of any goods on which any octroi, terminal tax or toll is due and is not paid.
71. **Collection and Recovery of Taxes etc.**- (1) Unless otherwise provided, all taxes, rates, tolls and fees levied under this Ordinance shall be collected in the prescribed manner by the Village revenue officials responsible for the collection of land revenue.
- (2) All arrears of taxes, rates, tolls and fees and other moneys claimed by a local council under this Ordinance shall be recoverable as a public demand or as arrears of land revenue.
- (3) Notwithstanding the provisions of sub-section (2) the Government may empower any local council to recover arrears of taxes, rates, tolls, fees and other moneys claimable by the Council under this Ordinance by distress and sale of the moveable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.
- (4) The Government may by rules specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised and prescribe the manner in which it shall be exercised.
72. **Deduction of taxes from salaries.**- If a local council levies a tax on profession, trades, or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such persons, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the local fund of the council.
73. **Petitions against valuation, assessment etc.**- No assessment of tax, rate, toll or fee under this Ordinance or valuation thereof, or

the liability of person to be so taxes, shall be called in question except by a petition presented to such authority in such manner and within such period as may be prescribed.

**74. Taxation Rules.**- (1) All taxes, rates, tolls, fees and other charges levied by a local council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

(2) Rules framed under this Section may, among other matters, provide for the obligations of the tax-payer and the duties and powers of two officials and other agencies responsible for the assessment and collection of taxes.

**75. Conduct of elections.**- Subject to such directions as may from time to time be issued by the Election Commissioner, all elections to local councils under this Ordinance shall be organized and conducted in accordance with the rules, and such rules may provide for all matters connected therewith or incidental thereto, including by elections, and corrupt or illegal practices and other election offences, and penalties therefor, submission, trail and disposal of election petitions.

**76. Supervision over local councils.**- The Government shall exercise general supervision and control over the local councils in order to ensure that their activities conform the purposes of this Ordinance.

**77. Control over the activities of local councils.**- (1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of a local council is not in conformity with law, or is in any way against public interest, the Government may by order.-

- (a) Quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the local council;
- (c) prohibit the doing or anything proposed to be done; and
- (d) require the local council to take such action as may be specified.

(2) Where an order under sub-section (1) is made by the Government the local council concerned may, within thirty days of the receipt of the order, represent against it and the Government shall, within thirty days of the receipt of the representation, either confirm or modify or set aside the order.

(3) If for any reason the order is not confirmed or modified within the aforesaid period, it shall be deemed to have been set aside.

**78. Power of the Government to give directions to local councils.**

(1) The Government may direct any local council, or any person or authority responsible thereto, to take, within such period as may be specified, such action as may be necessary for carrying out the purposes of this Ordinance.

(2) Where after due enquiry the Government is satisfied that a local council or person or authority has failed to comply with any direction made under sub-section (1) the Government may appoint a person or persons to give effect to such directions, and may further direct that the expenses incurred in connection therewith shall be borne by the local council.

(3) Should the expenses be not so paid, the Government may make an order directing the persons having the custody of the balance of the Local Fund of the council to pay the expenses, or so much thereof as may from time to time be possible.

**79. Inquiry into the affairs of local council.**- (1) The Government

may, whether suo moto or on application made to it on any person, cause an enquiry to be made by such officer as may be authorized by it in this behalf into the affairs of a local council generally, or into any particular matter concerning a local council and take such remedial measures as may be warranted by the findings of such enquiry.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a Court under the Code of Civil Procedure, 1908 (Act V of 1908) to take evidence and to complete the attendance of witnesses and the production of document.

(3) The Government may make an order in respect of the costs of the enquiry and the parties by whom it shall be paid.

(4) Any amount payable under sub-section (3) by any person, not being a local council, shall be recoverable as a public demand or arrears of land revenue.

**80. Suspension of particular Departments or Institutions.**-

(1) If, after such enquiry as may be necessary a local council is not able to run a particular department or institution, efficiently the Government may, by notification in the Official Gazette, suspend the authority of the local council over such department or institution for such period as may be specified in the order.

(2) Where the authority of a local council over any department or institution is so suspended, the Government may itself take over the management of such department or institution or make such other arrangement as it thinks fit, and may require the local council, or in case the local council failed to place such amount as may be necessary for the management of such department or institution at the disposal of Government.

**81. Supersession of local councils.** -- (1) If, after such inquiry as may be necessary, the Government is of the opinion that a local council.-

- (a) is unable to discharge or persistently failed in discharging its duties; or
- (b) is unable to administer its affairs or meet its financial obligations; or
- (c) generally acts in manner contrary to public interests; or
- (d) otherwise exceeds or abuses its powers, the Government may after hearing objection from local council may, by notification in the Official Gazette, declare the local council to be superseded for such period not exceeding the residue of term of such local council as may be specified.

(2) On the publication of notification under sub-section (1).-

- (a) persons holding office as Chairman/Vice-Chairman and members of the local council shall cease to hold office;
- (b) all functions of the local council shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf;
- (c) all funds and property belonging to the local council shall during the period of supersession, vest in the Government.

(3) When a local council is superseded, fresh election to the local council shall be held within a period of ninety days after expiry of the period of supersession in accordance with the provisions of this Ordinance and the rules.

(4) No suit or other legal proceedings shall lie against Government or any person or authority for any loss or damage of any kind caused by the supersession of any local council.

**82. Training institution.**- (1) The Government may set up schools, colleges or other institution for the training of the members and

staff of local councils, and for the promotion of research in local Government and allied subjects, and may by rules provide.-

- (a) for the administration of such schools, colleges and other institutions;
- (b) for the compulsory training of members and staff;
- (c) for the course to be studied; and
- (d) for the holding of examinations and the award of diploma and certificates to successful candidates.

(2) Every local council shall pay towards the cost of the institutions set up under sub-section (1) in such proportion as the Government may from time to time, determine.

- 83. Joint Committees.**- Any local council may join any other local council or councils, or any other authority or authorities in appointing a joint committee for any purpose in which such councils or authorities may be jointly interested, and may delegate to such joint committee any power which may be exercised by it, including the power to make regulations for the conduct of business.
- 84. Offences.**- Every act or omission specified in the Ninth Schedule shall be an offence under this Ordinance.
- 85. Punishment.**- An offence under this Ordinance shall be punished with fine which may extend to two hundred rupees and if the offence is a continuing one, with a further fine which may extend to twenty rupees for every day of the date of the first commission during which period the offender has persisted in the offence.
- 86. Compounding of offence.**- The Chairman or any person generally or specially authorized by the local council in this behalf may compound any offence under this Ordinance.
- 87. Cognizance of offences.**- No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman or a person generally or specially authorized by the local council in this behalf.
- 88. Appeals.**- (1) Any person aggrieved by an order passed by a local council or its Chairman in pursuance of this Ordinance or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.
- (2) Any order passed in appeal be final and shall not be called in question in any Court.

89. **Duties of Police.** -- It shall be the duty of all Police Officers to give immediate information to the Chairman or an official of the Local Council concerned of commission of any offence under this Ordinance and to assist the officials and servants of local councils in the exercise of their lawful authority.
90. **Standing Orders.**- The Government may, by standing orders issued from time to time.-
- (a) define and regulate the relation of local councils inter se, other local authorities;
  - (b) provide for coordinating the activities of local councils and Government departments;
  - (c) provide for giving financial assistance to local councils, including the making of grants for specified purposes on;
  - (d) provide for the making of financial contributions by one local council to another local council or to any other local authority;
  - (e) provide for the general guidance of local councils in carrying out the purposes of this Ordinance.
91. **Power to make Rules.**- (1) The Government may make rules to carry out the purposes of this Ordinance.  
(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters enumerated in the Seventh Schedule and all matters incidental, consequential and supplemental thereto.
92. **Bye-laws.**- (1) A local council may, and if required by the Government shall make bye-laws, not inconsistent with rules to carry out the purposes of this Ordinance.  
(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for all or any of the matters enumerated in Part I of the Eighth Schedule, and all matters incidental, consequential and supplemental thereto.
93. **Regulations.**- A local council may make regulations to regulate the procedure in respect of all or any of matters enumerated in Part II of the Eighth Schedule, and all matters incidental, consequential and supplemental thereto.
94. **General Provisions relating to rules etc.**- (1) All bye-laws shall be made subject to the sanction of the Government and the Government may sanction any bye-laws or regulations subject to modifications.  
(2) The Government may frame model bye-laws and regulations, and in framing these bye-laws and regulations the

local council shall be guided by such model bye-laws and regulations.

(3) All rules shall be notified in the official Gazette, and all bye-laws and regulations shall be published in such manner as in the opinion of the authority making them be best adapted for informing the residents of the local areas concerned:

Provided that all elections, bye-elections to fill a seat of Chairman, Vice-Chairman or member of a local council held prior to the promulgation of Azad Jammu and Kashmir Local Government (Elections of Chairman and Vice-Chairman) Rules, 1979 or any other rules, shall be deemed to have been validly conducted under the relevant rules.

(4) Copies of rules and bye-laws and regulations pertaining to a local council shall be kept available at the office of the local council concerned for inspection and sale.

(5) All rules, bye-laws when duly made shall be deemed to form part of this Ordinance and shall have effect accordingly.

95. **Delegation of Powers.-** (1) The Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance or the rules or bye-laws to any official of the Government.
96. **Institution of suits against local council, etc.-** No suit shall be instituted against a local council or against any member, official or servant of a local council in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a local council, delivered or left at its office and in the case of member, official, or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.
97. **Notice and service thereof.-** (1) Where anything is required to be done or not to be done by any person under this Ordinance or the rules or bye-laws, a notice shall be served on the person concerned specifying the time within which requirement shall be complied with.
- (2) No notice shall be invalid for defect of form.
- (3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his place of abode or business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the local council concerned.

98. **Record to be public documents.**- All records prepared or registers maintained under this Ordinance shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (I of 1872) and shall be presumed to be genuine until the contrary is proved.
99. **Members and servant of local council to be public servants.**- Every member and every servant of a local council, and every other person duly empowered to act on behalf of local council, shall be deemed to be a public servant within the meaning of Section 21 of the Penal Code (Act XLV of 1860).
100. **Protection of action taken in good faith, etc.**- No suit, prosecution or other legal proceedings shall lie against the Government or any local council or against any person authorized by either, for anything, done in good faith or intended to be done under this Ordinance, or for any damage caused or likely to be caused by any such thing.
101. **Interim authorities, rules, bye-laws, taxes, etc.**- (1) In any area within the jurisdiction of a local body or bodies in which the provisions of this Ordinance are brought into force but a local council is not constituted, or a local council constituted under this Ordinance has been dissolved the Government, notwithstanding anything contained in this Ordinance, may, by order, empower any person or persons to perform all or any of the functions of such body or bodies as had jurisdiction therein immediately before such enforcement, or such functions of a local council or councils under this Ordinance as may be specified in the order, until a properly constituted local council for the local area assumes office in accordance with the provisions of this Ordinance.  
(2) Where a local council is constituted under this Ordinance in any area, not being an area within the jurisdiction of any local body, the Government may enforce such rules and without observing the procedure for previous publication, such by-laws, and such taxes, rules, tolls or fee in that area for such period not exceeding six months as may be considered necessary, fee enabling the local council so constituted to prepare for carrying out the purpose of this Ordinance.
102. **Interim arrangement for the maintenance of institutions to be transferred to local council.**- Where on the enforcement of this Ordinance in any local area any service undertaken or institution mentioned by the Government is required under any

of the provisions of this Ordinance, to be compulsorily undertaken or maintained by a local council such service or institution shall notwithstanding anything contained in this Ordinance continue to be undertaken or maintained by the Government until the management thereof is duly transferred to the local council.

- 103. Repeal and protection.**- On the coming into force of this Ordinance in any area, the enactments mentioned in the First Schedule shall, if and in so far as applicable to that area, stand repealed.
- (2) Where any enactment stand repealed under sub-section (1), any appointment, rule, regulation or bye-laws made, notification, order or notice issued, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not inconsistent with the provisions of this Ordinance and the rules, be deemed to have been respectively made, issued, imposed or assessed, entered into, instituted or taken under this Ordinance.
- 104. Powers to exclude any area.**- The Government may, by notification exempt area or areas from any or all of the provisions of this Ordinance.
- 105. Removal of difficulties.**- If any difficulty arises in carrying out the provisions of this Ordinance, the Government may issue such orders as may be necessary in furtherance of the objects of this Ordinance.
- 106. Savings.** -- Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Local Government Ordinance, 1979 (Ordinance LXXXVI of 1979) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

Sd/-

(Sardar Muhammad Abdul Qayyum Khan)

President

Azad Jammu and Kashmir.

Syed Shakir shah

Section officer

**Note:- Schedules to this Ordinance could not be found. In this regard please see Schedule of Ordinance VI of 1989 dt. 28.02.1989 pp 398 to 444 in this Volume.**