

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

Dated the 16th October, 1993.

No. 919-23/LD/ 1993. The following Ordinance made by the President on the 16th day of October, 1993, is hereby published for general information:-

(ORDINANCE LI of 1993)

AN

ORDINANCE

to amend the Azad Jammu and Kashmir. Local Government Act, 1990.

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990) in the manner 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, 1993.
(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.
2. **Amendment of Section 2, Act VII of 1990.-** In the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990), hereinafter referred to as the said Act, in Section 2, after clause (x) the following new clause (X-A) shall be inserted namely:-
“(X-A) “Development Council” means the Azad Kashmir Local Government Development Council constituted under this Ordinance;”
3. **Amendment of Section 23, Act VII of 1990.-**In the said Act, clause (c) to sub-section (2) of Section 23 shall be substituted as under:-

- (c) is guilty of an abuse of power or misconduct, misrepresentation or make false recommendations or attestation with intent to cause an undue favour or gain any person to in capacity as a member or has been responsible for any loss or mis-appropriation of any money or property or any local Council or any local body or other local authority; or

4. **Substitution of Section 44, Act VII of 1990.-** In the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990), for Section 44, the following shall be substituted namely:-

"44. Azad Kashmir Local Government Development Council.- (1) There shall be an Azad Kashmir Local Government Development Council consisting of.-

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| (a) | The Prime Minister of Azad Jammu and Kashmir; | Chairman |
| (b) | a Vice Chairman. who shall be nominated by the Government for first term and for the next term or terms elected by the members from amongst the non-official members of the Development Council; | Member |
| (c) | ten elected members (two from such district); | Member |
| (d) | Chairman of the District Councils; | Member |
| (e) | Secretary Local Government; | Member |
| (f) | Secretary Planning and Development; | Member |
| (g) | Additional Secretary Finance; | Member |
| (h) | Superintending Engineer, Local Government; | Member |
| (i) | Director Local Government; | Member/Secretary |
- (2) The term of the Azad Kashmir Local Government Development Council shall be four years:

Provided that for 1st term or remaining terms the Government may nominate the members of the Council.

- (3) The terms and conditions and status of the Vice-Chairman shall be determined by the Government and he shall perform such functions as may be prescribed.

(4) The Ex-Officio members of the Development Council shall hold office for two years but shall be eligible for re-appointment.

(5) Government may remove any member of the Development Council at any time without assigning any reason.

(6) Government may fill-up any casual vacancy of a member of the Development Council any time it considers necessary.

(7) There shall be a Secretary of the Development Council to be appointed by Government to deal with the day to day administration of Development Council and to perform such other functions and to exercise such powers as may be assigned to him by the Development Council.

(8) The Development Council may employ such officers and servants for the Azad Kashmir Local Government Development Council and on such terms and conditions as may be prescribed.

(9) The employees of the Development Council 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 Development Council.

(10) Government may at any time direct the Development Council to fill up any post in the Development Council 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 Development Council an amount calculated at such rate as may, from time to time, be fixed by the Government.

(12) On enforcement of this Ordinance all the employees of the Local Government Board and all properties funds and dues of the Local Government Board shall stand transferred to Development Council.

5. **Substitution of Section 45; Act VII of 1990.**- In the said Act, for Section 45, the following shall be substituted, namely:-

45. **Power and functions of the Development Council.**- Subject to the rules, the Development Council shall,-

(a) formulate the policy for rural development and take steps for its implementation;

- (b) to sanction schemes, of Union Council and District Councils;
 - (c) to check the implementation of Annual Development Programme of Local Councils and improve its working;
 - (d) to arrange funds from Government for the rural development programme;
 - (e) to inspect supervise the development projects, of Local Councils and check the expenditure incurred on such schemes;
 - (f) to function as a planning commission for, local councils;
 - (g) to advise and evolve organization and methods (O&M) techniques for the benefit of Local Councils;
 - (h) to undertake, research and evaluation in the field of Local Government and to issue publications for the benefit of Local Councils;
 - (i) to make recruitment and appointments, order, transfer, 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;
 - (j) to make recruitment and appointments, take disciplinary action and deal with other service matters, in respect of the employees of the Development Council 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 Development Council.
 - (k) 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 Development Council and the members of the Azad Jammu and Kashmir Local Council Service;
 - (l) to operate the Development Council fund; and
 - (m) perform such other functions as may be specified by the Government from time to time.
6. **Insertion of Section 42 -A, Act VII of 1990.-** In the said Act, after Section 42, the following new Section 42-A shall be inserted namely.-
- "42 -A. **General Amendment Act VII of 1990.-** In the said Act, for the words "Azad Jammu and Kashmir Local Government Board" and "Board" wherever occurring the word "Development Council;" shall be substituted.

7. **Amendment of Section 61, Act VII of 1990.** - In the said Act, in Section 61, in sub-section (4), in clauses (b) and (c) for the word "three" the word "Six" shall be substituted.
8. **Addition of Section 61 -A, Act VII of 1990.-** In the said Act, after Section 61, a new Section 61 -A shall be added, namely:-
"61-A. Appointment of Revising Authority.-
(a) Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any Allotment Committee or by any Authority, in an illegal or improper manner, or to undeserving persons or any other irregularity has been committed in respect of any matter relating to the allotment or disposal of property etc, it may appoint a revising authority for scrutiny thereof;
(b) Revising Authority either *suo moto*, or on a reference made to it by any authority or on an application made by any person, may call for any case in respect of any allotment, in which an order has been made by an allotment Authority or which is pending before or disposed of by the appellate Authority established under this Act;
(c) The Revising Authority may after hearing the party likely to be effected confirm, modify or set aside such allotment order or may make any other order which it may deem fit."
9. **Repeal.-** The Azad Jammu and Kashmir Local Government (Amendment) Ordinance, 1993 (Ordinance XL of 1993) is hereby repealed.

Sd/-
(Sardar Sikandar Hayat Khan)
President
Azad Jammu and Kashmir

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law