

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

Dated the 12th August, 1993.

No. 809-813/LD/1993. The following Ordinance made by the President on the 12th day of August, 1993, is hereby published for general information:-

(Ordinance XL 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. **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,-

- (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 thenon-official members of the Development Council; Member
 - (c) ten elected members (two from such district);
 - (d) Chairman of the District Councils; Members
 - (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 Jammu and Kashmir 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 the board and to perform such 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.

4. **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) to perform such other functions as may be specified by the Government from time to time.

5. **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.

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

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law.