

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 30th June, 2014

No.LD/Legis-Act/525-36/2014. The following Act of Assembly received the assent of the President on 19th day of June, 2014, is hereby published for general information.

(ACT XXXV OF 2014)

**An
Act**

to provide for the establishment of the Azad Jammu and Kashmir Forestry Foundation

WHEREAS it is expedient to establish the Azad Jammu and Kashmir Forestry Foundation to improve the financial and moral conditions of the employees of the Forest Department of Azad Government of the State of Jammu and Kashmir;

It is, hereby enacted as follows:-

1. **Short title, Application and Commencement:-** (1)
This Act may be called the Azad Jammu and Kashmir Forestry Foundation Act, 2014.
(2) It shall apply to all the members of Forestry Foundation.
(3) It shall come into force at once.
2. **Definitions.**-Unless there is anything repugnant in the subject or context:-
 - (a) **"Beneficiary"** means all the members of the Foundation;
 - (b) **"Board"** means the Board of the Governors of the Foundation;
 - (c) **"Chairman"** means Chairman of the Board of Governors of the Foundation; .
 - (d) **"Dependent"** includes wife, husband, dependent parents, dependent sons and unmarried

daughters of the beneficiaries;

- (e) "**Foundation**" means the Azad Jammu and Kashmir Forestry Foundation established under this Act;
- (f) "**Fund**" means the Forestry Foundation Fund established under Section 5 of this Act;
- (g) "**Government**" means the Azad Government of the State of Jammu and Kashmir;
- (h) "**Managing Director**" means a Member who is appointed by the Government as Managing Director;; and
- (i) "**Member**" means the Member of the Foundation who regularly contributes towards the Foundation.

3. Eligibility for Membership.- All the employees serving or retired, including field and supporting staff being paid from budget of the Forest Department shall be eligible to become the member of the Foundation on payment of the prescribed contribution, at the time of first registration and then afterwards on periodic renewal:

Provided that the membership,-

- (i) shall be ceased on the death, dismissal from service or joining some other line of career;
- (ii) an interest in the Foundation shall be non-transferable; and
- (iii) may be optional for a period of one, five, or ten years, or lifetime.

4. Aims and Objectives of the Foundation.-The Foundation shall manage:-

- (i) to provide low-cost accommodation to its Members and price thereof shall be recovered in easy installments;
- (ii) to extend welfare, medical and other facilities for

the deserving Members of the Foundation;

- (iii) to award scholarships to the Dependents of the Beneficiary studying in the recognized educational institutions;
- (iv) to provide grants in case of death of any of the Beneficiary on compassionate grounds;
- (v) to provide grants, aids, interest free loan in case of the marriages of the daughters of its deserving Member twice in life;
- (vi) to establish educational institutions, medical centers and other welfare projects at tehsil and district level;
- (vii) to establish commercial and industrial projects as an autonomous body, without prejudice to the state interest;
- (viii) to do all such other things as are incidental or conducive to carry out the purposes and objectives of the Foundation.

5. Forestry Foundation Fund.-There shall be a Forestry Foundation Fund to be created by following sources:-

- (i) Grant-in-aid provided by the Government;
- (ii) mandatory monthly contributions of the Member towards the Foundation;
- (iii) Donations received from the philanthropists; and
- (iv) Profits from the deposits and projects etc., of the Foundation.

6. Administration of the Foundation.- (1) The Foundation shall be administered by the Board of Governors, consisting of the following members:-

- (i) Minister incharge of Forest Department Chairman
- (ii) Secretary Forest Vice-Chairman

	Department		
(iii)	Secretary Department or his nominee	Finance	Member
(iv)	Secretary Law Department or his nominee		Member
(v)	Secretary Department nominee	Industries or his	Member
(vi)	Chief Conservator of Forests		Member
(vii)	Conservators of Forests		Member
(viii)	President AJK Forest Officers Association		Member
(ix)	President Forest Rangers Association		Member
(x)	President Foresters/Forest Guards Association		Member
(xi)	Managing Director of Foundation		Member/Secretary

(2) The Board shall have the powers to utilize, apply and invest the corpus of the Foundation and without prejudice to the generality of these powers, the Board may:-

- (i) Purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Government or the Government of Pakistan and may purchase securities of any description;
- (ii) raise loans for its various enterprises and under-

taking and may for this purpose pledge or hypothecate any asset of the Foundation;

- (iii) enter in to contracts, engagements, arrangements, and execute necessary documents;
- (iv) open current, or fixed accounts and to obtain overdraft, loan, cash and credit etc., from any scheduled bank, within Azad Jammu and Kashmir territory only, as it may be necessary and to pay into and draw out money from such accounts;
- (v) subject to any law for the time being enforced, make, draw, endorse, sign, accept, negotiate and give all cheques, bills of lading, draft orders, bills of exchange, Government securities, promissory notes and other negotiable instruments;
- (vi) the Board itself or through the sub-committees, constituted by it, transact business and may delegate any of its powers to such sub-committee or to any of its Members or Officers for the said purposes;
- (vii) the Board may delegate any of its powers to any Member or Officer or employee in the employment of the Board or any of its undertakings and for this purpose may execute or authorize execution of any powers of Attorney or other instruments; and
- (viii) the Board shall have powers to create posts, appoint, remove or suspend its officers, agents, managements, secretaries, clerks and servants for permanent, temporary or special service to work for remuneration or honorarium as the Board may from time to time think fit and may determine their powers, duties and their remuneration on its discretion.

7. Powers and duties of the Chairman.- The Chairman of the Board shall be vested with the following powers and duties:-

- (a) He shall act as Chairman of the Board of Governors;
- (b) he shall preside over all meetings of the Board and Committee and on making decisions, he shall also exercise a casting vote in the event of the tie;
- (c) he shall ensure through the Managing Director that all policies and decisions of the Board have been implemented, in its letter and spirit;
- (d) he shall keep apprised the member of the Board of the progress and important developments, if any, of the Foundation and its industrial, commercial and welfare schemes;
- (e) he may issue letters, directive or instructions and exercise any of the powers on behalf of the Board and it shall be presumed that he had issued and exercised the same after full consultation with the member of the Board and the same shall not be called in question.

8. Appointment of Managing Director.-(1)The Government shall appoint a Managing Director of the Foundation amongst the professional foresters having qualification, terms and conditions of services as may determined by the Government.

(2) Subject to the sub-section (3), the term of office of the Managing Director shall be three years, but the Government may extend the same for a period not exceeding one year at a time.

(3) The Government may remove the Managing Director on the ground of inefficiency, non-suitability or misconduct after giving him an opportunity of being heard.

(4) The Managing Director shall be the Chief Executive of the Foundation and shall perform such function as may be prescribed or assigned to him by the Board.

9. Powers to constitute Board of management and

delegation of powers.-(1)The Board may constitute separate board of management or appoint an officer for all industrial, commercial and welfare projects wholly owned by the Foundation. Unless otherwise determined by the members of the Board, Managing Director shall also function as the ex-officio director of such board of management.

(2) The Board may delegate all or any of its powers to control day to day administration and management of industrial, commercial and welfare projects to the respective board of management. The powers so delegated shall include inter-alia: -

- (a) To efficiently manage and exercise overall control and supervision of the business affairs, transactions and properties;
- (b) to keep the operation of the projects under constant review and ensure renovation, balancing and modernization of machineries where-ever necessary;
- (c) to consider progress of expansion plans;
- (d) to ensure proper maintenance of plant, machinery, buildings, spare parts and tools;
- (e) to prepare the annual and revised estimates for the approval of the Committee;
- (f) to scrutinize and approve the audited annual accounts before these are placed before the Board of the Foundation;
- (g) to sanction expenditure within the financial resources of the projects and receive or pay all sum payable to or on behalf of the respective industrial, commercial and welfare projects and give valid discharge subject to the limitation of the approved budget; and
- (h) to assign duties and powers to manager or other officers of the project to conduct day to day administration of the projects:

(3) In case of an urgency, or where the Board is unable to meet due to lack of quorum,-

- (a) the Managing Director, subject to the approval of the Committee, may exercise any of the functions or powers of the Committee; and
- (b) any individual member may act on behalf of the Committee:

Provided that such acts shall be subjected to the ratification by the Board in its subsequent meeting.

- (4)(a) When the Managing Director is not available due to any cogent reason, then the senior most member shall act as the Managing Director in his place in addition to his duties; and
 - (b) when a member is not available due to any reason, the Managing Director may determine and notify any other member or officer to act in place of absent member.
- (5) The Board may lay down specific responsibilities and duties of its members and officers.

10. Powers and functions of the Managing Director.-

(1) The following powers shall be deemed delegated to the Managing Director of the Foundation by the Board to perform his day to day duties:-

- (a) the Managing Director shall be the Chief Executive of the Foundation who shall be vested with the powers of overall control, direction and supervision of the activities, industrial and commercial welfare of the Foundation. He shall also be responsible for coordination of policies of the Committee;
- (b) the Managing Director shall be authorized on behalf of the Foundation directly, for the purpose of making any representation and for taking all necessary action to obtain any concessions, privilege, or right in respect of the Foundation;

- (c) the Managing Director shall exercise all the powers exercisable by the Board in urgency or when quorum is not available for the meeting;

Provided that the decisions or actions taken in pursuance of this clause by Managing Director shall be placed before the next meeting of the Board for ratification; and

- (d) the Managing Director shall lay down performance targets for projects.

(2) In addition to the above powers and duties, the Managing Director shall also vest with the following powers and duties:-

- (a) The Managing Director shall, subject to the control of the Board, be responsible for the running of Foundation and the orders and decisions of the Chairman and the Board to be carried out;
- (b) the Managing Director shall take all possible steps to ensure that the Funds should be spent for the purpose for which they are provided;
- (c) the Managing Director shall prepare and submit to the Board for approval the audited annual statements of accounts and budget estimate;
- (d) the Managing Director under the direction of the Chairman of the Board/ Committee shall convene all meetings of the Foundation;
- (e) the Managing Director shall conduct the official correspondence of the Foundation under the authority of the Chairman;
- (f) he shall ensure that the benefits drawn from the Foundation are distributed among various sections of the Beneficiary fairly and justly; and
- (g) the Managing Director shall perform such other duties as may be assigned to him by the Committee/Board.

11. **Proceedings.**-All proceedings of the Foundation, the Board and actions of the Managing Director shall be opened and available for public inspection including Member, media etc.
12. **Contribution.**- The Members shall contribute towards the Foundation every month according to prescribed financial rules of the Foundation.
13. **Head Office.**-Head Office of the Foundation shall be at Muzaffarabad, however the Foundation may establish sub-offices within Azad Kashmir, whenever and wherever it deems necessary.
14. **Power to make Rules.**-The Government may make rules to carry out the purposes of this Act.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer Law