

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

Dated the 28th April, 1999.

No. 157-164/LD/99. The following Act of the Assembly received the assent of the President on the 20th day of April, 1999, is hereby published for general information:-

**(ACT VI OF 1999)**

**AN  
ACT**

to make provisions for the Constitution of a Privatisation Commission.

WHEREAS it is expedient to constitute a Privatisation Commission for Azad Jammu and Kashmir for the purposes hereinafter appearing;

It is hereby enacted as follows:-

- 1. Short title and commencement:**- (1) This Act may be called the Azad Jammu and Kashmir Privatisation Commission, Act, 1999.  
(2) It extends to the whole of Azad Jammu and Kashmir.  
(3) It shall come into force at once.
- 2. Definitions:**- In this Act, unless there is anything repugnant to the subject or context.-
  - (a) "Commission" means Privatisation commission constituted under Section 3 of this Act;
  - (b) "Government" means the Azad Government of the State of Jammu and Kashmir;
  - (c) "Privatisation" means and includes transfer of State owned public assets, Enterprises or unit through sale or lease by open auction or by negotiation, or tender;
  - (d) "Public Sector" means State owned assets managed by the Government or Semi Government,

autonomous and statutory bodies controlled and set up by the Government, under enactment.

- (e) "Private Sector" means assets owned and managed other than public sector.

**3. Composition of the Commission:-** (1) There shall be a Privatisation Commission in Azad Jammu and Kashmir comprised of;

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|--|------------------------------|
| 1. Chairman  | Appointed by the Government. |
| 2. Vice-Chairman   | -do-                         |
| 3. ACS (Development)   | Member                       |
| 4. Secretary Finance   | Member                       |
| 5. An officer with the status of Secretary   | Member/Secretary,            |
| 6. Secretary to the Government Incharge of Department, or Corporate body Concerned.              | Ex-officio/Member            |
| 7. Three official not below the rank of additional Secretary Law, Works and Revenue Departments. | Members                      |

- (2) Terms and conditions of the Chairman and members of the Commission shall be such as determined by the Government.

**4. Terms of Reference:-** The terms of reference of the Commission shall be as under:-

- (1) to undertake Privatisation of the public sector enterprises in all sectors including manufacturing, services, power generation and distribution, transport and communication as prescribed by rules;

- (2) to determine suitable mode for carrying out privatisation transaction keeping in view the Government's objectives including broad based sale of shares in appropriate cases;
- (3) to appoint consultants for carrying out work connected with the privatisation;
- (4) to invite offers from private sector for total or partial privatisation of public sector enterprises and evaluate them according to the prescribed criteria and formulate recommendations for consideration and approval by the Government;
- (5) to hold negotiations with the prospective buyers and to sign agreements after approval of the Government;
- (6) to propose a regulatory framework for Government's approval which may ensure smooth and efficient operations of the privatised units and protect the interests of the consumers;
- (7) to safeguard the genuine rights and interests of the employees of the entities/enterprises proposed to be privatised and to devise suitable packages for their welfare including their participation in the ownership in suitable cases to the extent possible;
- (8) to recommend to the Government such labour/manpower rehabilitation programme as may be necessary whilst privatising units and to develop a roster of such employees who may need rehabilitation or development plans which can enable employees to adopt self-employment on the basis of small financing;
- (9) to suggest measures where ever necessary to ensure modernization and expansion of privatized enterprises to cater for the growing demand from the consumers;
- (10) to advise the Government on restructuring and rehabilitation of public sector units, where necessary, prior to privatization;

(11) to assist in the implementation of Government policies on deregulation and privatization and advice to Government on deregulating the economy to the maximum possible extent;

(12) to review and recommend measures for the revival and rehabilitation of the units in public or private sector which are shut down and are under the control of any bank or DFIS.

(13) to design the appropriate policies aiming at to provide a vehicle to domestic and international potential investors to make investment in Azad Kashmir through their participation in the privatization process in strategic areas;

(14) to frame policies for carrying out the purposes of privatization in line with maintenance of economic recovery or programmes announced, promulgated or implemented by the Government;

(15) to ensure transparent and equitable privatization process.

**5. Framing of Rules:-** The Government may, on the recommendations of the Commission, frame rules for carrying out the purposes of said Act.

**6. Repeal:-** The Azad Jammu and Kashmir Privatisation Commission Ordinance, 1999 (Ordinance II of 1999), is hereby repealed.

Sd/-  
(Syed Atta Mohy-ud-din Qadri)  
Draftsman  
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