

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

Dated: 16.03.2021

No. LD/Legis-Act/29-44/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 04th day of February, 2021 and received the assent of the President on the 27th day of February, 2021, is hereby published for general information.

[Act III of 2021]

An

Act

to provide for dissolution of the Azad Jammu and Kashmir Mineral and Industrial Development Corporation and absorption of its employees to Industries, Labour and Mineral Resources Department

Whereas, to utilize the expertise and human resource of the Corporation for exploration of minerals, expansion and promotion of its resources, it is expedient to absorb the employees of the Corporation in the Department;

It is hereby enacted as follows:-

- 1. Short title and commencement.**- (1) This Act may be called the Dissolution of the Azad Jammu

and Kashmir Mineral and Industrial Development Corporation and Absorption of Employees Act, 2021.

(2) It shall come into force at once and shall be deemed to have taken effect from 14th May, 2020.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) **“Assets”** mean all movable and immovable assets of Corporation belonging to it immediately before the dissolution of the Corporation;
- (b) **“Corporation”** means the Azad Jammu and Kashmir Mineral and Industrial Development Corporation established under Section 3(1) of the Azad Jammu and Kashmir Mineral and Industrial Development Corporation Act, 1971(Act XVII 1971);
- (c) **“Department”** means the Azad Jammu and Kashmir Industries, Labour and Mineral Resources Department;
- (d) **“Employees”** mean employees of the Corporation borne on its strength

immediately before the dissolution of the Corporation;

- (e) **“Government”** means the Azad Government of the State of Jammu and Kashmir; and
- (f) **“Liabilities”** mean liabilities of the Corporation, as standing against it, immediately before its dissolution and includes the liability of outstanding salaries of the employees and pension of retired employees of the Corporation.

3. Dissolution of the Corporation and Absorption of its Employees.- (1) The Corporation shall stand dissolved with effect from 14.05.2020.

(2) On the dissolution of the Corporation, forty two regular employees along with all sanctioned posts shall stand absorbed and transferred to the Department, to be engaged with mineral exploration and promotion activities. The employees shall for all intents and purposes be deemed to be civil servants:

Provided that the persons serving on contractual or temporary basis shall not be entitled to claim any right to continue their employment.

(3) The seniority and other terms and conditions of the Employees shall be determined as per existing laws.

4. **Transfer of Assets and Liabilities.**- (1) On the commencement of this Act, all moveable and immovable properties, assets, moneys or funds received by and deposited in the Corporation and all savings or fixed deposits of the Corporation in all bank accounts, and all liabilities shall immediately be transferred to the Department or, as the case may be, to the Government.
5. **Power to make Rules.**- The Government may make rules to carry out the purposes of this Act.
6. **Indemnity.**- No suit, prosecution or other legal proceeding shall lie against Government or any other person for anything done or intended to be done, in good faith, under this Act.
7. **Provision to override other law.**- The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

- 8. Repeal.**- The Azad Jammu and Kashmir Mineral and Industrial Development Corporation Act, 1971 (Act XVII of 1971) and the Dissolution of the Azad Jammu and Kashmir Mineral and Industrial Development Corporation and Absorption of Employees Ordinance, 2020 (Ordinance IX of 2020) are hereby repealed.
- 9. Savings.**-Subject to the provisions contained in this Act, all rules framed, orders passed, notifications issued, contracts entered into, proceedings commenced, rights acquired, liabilities incurred, schemes made, projects executed, forfeitures made, things done, actions taken or rates, fees, or charges levied, services rendered under any of the provision of the repealed Act, shall be deemed to have been validly made, framed, passed, issued, entered into, commenced,acquired, incurred, done, taken, executed, levied or rendered.

(Gulfraz Ahmed Khan)
Section Officer (Legislation)