



THE GAZETTE OF AZAD

JAMMU AND KASHMIR

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

“Muzaffarabad”
Dated: 03-04-2014.

No. LD/Legis-Act/276-88/2014. The following Act of Assembly received the assent of the President on the 1st day of April, 2014, is hereby published for general information.

[Act XV of 2014]

**An
Act**

to provide a law for the establishment of Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation.

Whereas it is expedient to make provisions for the establishment of Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation to promote the cause of welfare of Judicial Officers and Staff in Azad Jammu and Kashmir and to finance for their welfare and the matters ancillary thereto;

It is hereby enacted as follows:-

- 1. Short title, Application and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation Act, 2014.
 - (2) It shall apply to all the members of the Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation.
 - (3) It shall come into force at once and shall be deemed to have taken effect from 13.01.2014.

2. **Definitions.**- In this Act, unless there is anything repugnant to the subject or context:-
- (a) "Beneficiaries" mean all the members of the Foundation;
 - (b) "Board" means the Board of Governors of the Foundation;
 - (c) "Chairman" means the Chairman of the Board of Governors;
 - (d) "Dependants" means wife/wives dependent parents, minor sons and unmarried daughters of the Beneficiaries;
 - (e) "Foundation" means the Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation;
 - (f) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (g) "Member" means a person who regularly contributes to the Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation; and
 - (h) "Judicial Officers and Staff Welfare Fund" means a fund collected through contribution by the members of the Foundation and the capital received through various sources by the Foundation.
3. **Establishment of the Foundation.**- (1) There shall be established a foundation to be known as the Azad Jammu and Kashmir Judicial Officers and Staff Welfare Foundation.
- (2) The Foundation shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property, both movable and immovable for the Foundation and shall sue and be sued in the said name.
- (3) The head office of the Foundation shall be at Muzaffarabad. The Foundation may, with prior approval of the Board, establish its sub offices at such other places where it deem necessary.
4. **Eligibility for Membership.**- (1) The serving judicial officers and employees of the Judicial department and Qaza branch including officers and staff of the High Court and Shariat Court of Azad Jammu and Kashmir shall be eligible to become members of the Foundation on contribution of fee and subject to other conditions as may be prescribed by the administration of the Foundation.
- (2) The membership shall be ceased in case of death or dismissal from service or joining any other service or department.
- (3) The membership or interest in the Foundation shall be non-transferable.
5. **Aims and Objectives of the Foundation.**- The aims and objectives of the Foundation shall include the following,-

- (i) to provide grants in case of death or permanent incapability of a Beneficiary;
- (ii) to provide assistance in case of marriage of the sons and daughters of the Members;
- (iii) to award scholarships to the dependents of the Beneficiaries for studying in recognized inland educational institutions;
- (iv) to do all such other things as are incidental or conducive to carry out the purposes and objectives of the Foundation.

6. **Foundation Welfare Fund.**- There shall be established a fund to be known as Judicial Officers Staff Welfare Fund which shall constitute the capital investment of the Foundation raised from the following sources,-

- (i) monthly contribution of the members towards the Foundation;
- (ii) donations received from the philanthropists;
- (iii) profits from the deposits of the Foundation;
- (iv) grants made for the Foundation; and
- (v) benevolent fund (gazetted or non-gazetted) of the officers and staff.

7. **Administration of the Foundation:** (1) The Foundation shall be administered by a Board of Governors, hereinafter to be called as the Board, consisting on the following members by virtue of their offices, namely,-

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| (a) | Chief Justice High Court | Chairman |
| (b) | Senior Judge of High Court | Member |
| (c) | Senior Judge Shariat Court | Member |
| (d) | Registrar High Court | Member |
| (e) | Registrar Shariat Court | Member |
| (f) | Senior most District and Sessions Judge | Member |
| (g) | Senior most District Qazi | Member |
| (h) | Secretary Law Department or his nominee | Member |
| (i) | Additional Secretary Finance | Member |
| (j) | President Judicial Officers Association | Member |
| (k) | President Judicial Employees Association | Member |
| (l) | Secretary to Chief Justice High Court | Member/Secretary |

(2) The Board shall have the powers and discretion to utilize, apply and invest the corpus of the Foundation and its income in such manner as it may consider proper without prejudice to the generality of these powers, the Board may,-

- (a) purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of any company or organization regulated or controlled under the Government or the Government of Pakistan and any other security of any description;

- (b) raise loans for its various enterprises and undertakings and may, for this purpose, pledge, hypothecate, rent out or otherwise charge the corpus and the properties of the Foundation.
 - (c) enter into contracts, agreements, arrangements and execute necessary documents;
 - (d) open accounts, overdrafts, loan, cash and credit with any bank as may be necessary and to pay into and draw money from such account;
 - (e) make, draw, endorse, sign, accept, negotiate and give all cheques, bills, orders, bills of exchange, government securities, promissory notes and other negotiable instruments according to relevant law;
 - (f) appoint committee or sub committees to transact business and may delegate any of its functions to such committee or any officer;
 - (g) establish or cause to be established welfare schemes and such other projects as it may consider necessary; and
 - (h) the Board shall at all times conform to and abide by rules framed under Section 13 of the Charitable Endowment Act, 1890.
- (3) The Board shall have the powers to create posts and appoint, remove or suspend any officer or staff member for permanent, temporary or special service in connection with the Foundation and to work for remuneration or gratuity as the Board may, from time to time, determine including their powers and duties.

8. Powers and Duties of the Chairman.- The Chairman Board shall be vested with the following powers and functions:-

- (a) He shall exercise the powers vested in him under the scheme of administration i.e. to act as Chairman of the Board;
- (b) he shall preside over the meetings of the Board and also exercise a casting vote in the event of tie among other members;
- (c) he shall ensure through the Managing Director that all policies and decisions of the Board are implemented;
- (d) he shall keep on apprising the members of the Board for the progress and important development, if any, of the Foundation and its welfare schemes; and
- (e) he shall issue letters, orders or instructions and exercise any power on behalf of the Board and it shall be presumed that he had issued and exercised the same after full consultation with the members of the Board and the same shall not be called in question in any court or tribunal.

9. **Managing Director.**- (1) The Chairman shall appoint a Managing Director of the Foundation on the recommendations of the Board whose qualification, terms and conditions shall be such as may be determined by the Chairman.
- (2) Subject to sub-section (1), the terms of office of the Managing Director shall be two years, however the Chairman, with the approval of the Board, may extend the same for a further period of two years.
- (3) The Chairman may remove the Managing Director on the recommendations of the Board on the grounds of inefficiency, unsuitability or misconduct after giving him an opportunity of being heard.
- (4) The Managing Director shall be Chief Executive of the Foundation and shall perform such functions as may be prescribed or assigned to him by the Board or the Chairman.
10. **Functions of the Managing Director.**- The Managing Director shall be the Chief Executive of the Foundation and shall perform following functions in connection with his duties,-
- (i) he shall have the powers to control and supervise all the welfare activities of the Foundation and shall also co-ordinate with the Government and other institutions wherever necessary;
 - (ii) he may, with the approval of the Chairman or Board, deal with the Government for the purpose of making any representation and for taking any action to obtain any decision, privilege or right from the Government or any other authority;
 - (iii) he shall be, subject to the control of the Board, responsible for running the affairs of Foundation and carrying out orders, decisions and instructions of the Chairman and the Board;
 - (iv) he shall take all possible steps to ensure that the funds of the Foundation are spent on the purpose for which they are provided;
 - (v) he shall prepare and submit to the Board and Chairman, the audited annual statement of accounts and budget estimates for approval of the Board;
 - (v) he shall convene the meetings of the Board under the directions of the Chairman;
 - (vi) he shall conduct the official correspondence of the foundation under the authority of the Chairman;
 - (vii) he shall perform such other duties as may be assigned to him by the Board and the Chairman.

11. **Contributions**.- The Members of the Foundation shall contribute to the Foundation every month according to the financial rules prescribed and adapted by the Foundation.
12. **Powers to make rules**.- The Chairman, on the recommendations of the Board, may make rules to carry out the purposes of this Act.
13. **Savings**.- Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, notifications issued, proceedings initiated, powers exercised, powers conferred etc. which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised and conferred under this Act.

Sd/-
(Sardar Rashid Kaleem)
Deputy Secretary Law

No.3800-3900/P&S/2014

Dated 24-04-2014

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