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AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

'MUZAFFARABAD'

Dated: 22.11.2022

No. LD/Legis/Ord./90-103/2022. The following Ordinance made by the President on the 21st day of November, 2022, is hereby published for general information.

[Ordinance V of 2022]

**An
Ordinance**

further to amend the Azad Jammu and Kashmir Local Government Act, 1990

Whereas, it is expedient further to amend the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990), for the purposes hereinafter appearing;

And Whereas, the Azad Jammu and Kashmir Legislative Assembly is not in session and the President Azad Jammu and Kashmir is satisfied that circumstances exist which render it necessary to take immediate action;

Now, Therefore, in exercise of the powers conferred by sub-Article (1) of Article 41 of the Azad Jammu and Kashmir Interim Constitution, 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, 2022.
(2) 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,-
- (i) clauses (vi), (xviii-a), (xx) and (xlv), shall be omitted.
 - (ii) in clause (lxiii) between the words and expression "Municipal Committee" and ";" the words "Municipal Corporation," shall be inserted.
3. **Substitution of Section 3, Act VII of 1990.-** (1) In the said Act, Section 3 shall be substituted as under:-
- "(3) Election of Local Bodies.-** The Election of Local Bodies shall be conducted by the Election Commission as provided under Article 50 of the Azad Jammu and Kashmir Interim Constitution, 1974 and Azad Jammu and Kashmir Elections Act, 2020:
- Provided that Election Commission, may, after consultation with Government, decide to conduct the election of Local Bodies on political or non-political basis, at least thirty days prior to issuance of election schedule."
4. **Omission of Sections 3-A, 3-B, 3-C and 3-D, Act VII of 1990.-** In the said Act, Sections 3-A, 3-B, 3-C and 3-D, shall be omitted.
5. **Amendment of Section 5, Act VII of 1990.-** In the said Act, sub-section (2) of Section 5, shall be omitted.
6. **Amendment of Section 8, Act VII of 1990.-** In the said Act, in Section 8,-
- (i) in sub-section (1-a) for the words "four i.e., two women and two youth", the words "two i.e., one woman and one youth," shall be substituted;
 - (ii) at the end of sub-Section (1-a), following explanation shall be added:-
"Explanation: For working out the number of women and youth members mentioned in this

sub-section, a fraction of 0.5 and above shall be counted as one."

- (iii) in sub-section (4), for the words "among themselves", the words "amongst the directly elected members", shall be substituted.
- (iv) after sub-section (4), following new sub-sections (5) and (6) shall be added:-
 - "(5) The Chairman Union Council shall be the executive head of the Union Council.
 - (6) The Secretary Union Council shall assist the Chairman in performance of his functions as per applicable law, rules and regulations."

7. **Amendment of Section 9, Act VII of 1990.**- In the said Act, in Section 9,-

- (i) in clause (b) of sub-section (1), for the words "of Town Committees" the words "or Mayor of Town Committees, Municipal Committees and Municipal Corporations", shall be substituted.
- (ii) in sub-section (2), for the word "officer" the word "officers", shall be substituted.
- (iii) sub-section (3), shall be substituted as under,-
 - "(3) The non-official members of the District Council, shall elect one of its directly elected member as Chairman or Vice-Chairman, as the case may be."
- (iv) in sub-section (4), for the words "four i.e., two women and two youth", the words "two i.e., one woman and one youth", shall be substituted.
- (v) after sub-section (4), following new sub-sections (5) and (6) shall be added:-
 - "(5) The Chairman District Council shall be the executive head of the District Council.
 - (6) The Chief Officer of the District Council shall assist the Chairman in performance of his functions as per applicable law, rules and regulations."

8. **Amendment of Section 11, Act VII of 1990.**- In the said Act, in Section 11,-

- (i) in sub-section (1-a), for the words "four i.e., two women and two youth", the words "two i.e., one woman and one youth", shall be substituted.
- (ii) sub-section (2), shall be substituted as under,-
 "(2) The elected members of the Town Committee shall, in the Prescribed manner, elect one of its directly elected member as its Chairman or Vice-Chairman, as the case may be."
- (iii) after sub-section (2) as substituted above, following new
 sub-sections (3) and (4) shall be added:-
 "(3) The Chairman of the Town Committee shall be the executive head of the Town Committee.
 (4) The Secretary of the Town Committee shall assist the Chairman in performance of his functions as per applicable law, rules and regulations."

9. **Amendment of Section 12, Act VII of 1990.-** In the said Act, in Section 12,-

- (i) sub-section (2), shall be substituted as under,-
 "(2) The elected members of the Municipal Committee shall, in the Prescribed manner, elect one of its directly elected member as its Chairman or Vice-Chairman, as the case may be."
- (ii) in sub-section (4), for the words "four i.e., two women and two youth", the words "two i.e., one woman and one youth", shall be substituted.
- (iii) after sub-section (4), following new sub-sections (5) and (6), shall be added:-
 "(5) The Chairman of Municipal Committee shall be the executive head of the Municipal Committee.
 (6) The Chief Officer of the Municipal Committee shall assist the Chairman in performance of his functions as per applicable law, rules and regulations."

10. **Amendment of Section 12-A, Act VII of 1990.-** In the said Act, in Section 12-A,-

- (i) in sub-section (2), for the words "themselves", the words "the directly elected members", shall be substituted.
- (ii) in sub-section (4), for the words "four i.e., two women and two youth", the words "two i.e., one woman and one youth", shall be substituted.
- (iii) after sub-section (4), following new sub-sections (5) and (6) shall be added:-
 "(5) The Mayor of the Municipal Corporation shall be the executive head of the Municipal Corporation.
 (6) The Chief Officer of the Municipal Corporation shall assist the Mayor in performance of his functions as per applicable law, rules and regulations."
11. **Omission of Section 14, Act VII of 1990.-** In the said Act, Section 14 shall be omitted.
12. **Substitution of Section 16, Act VII of 1990.-** In the said Act, Section 16 shall be substituted as under:-
 "16. **Wards.-** For the purpose of Elections to the Local Council, each Union Council, District Council, Town Committee and Municipal Committee would be a single member ward."
13. **Addition of Section 16-A, Act VII of 1990.-** In the said Act, after Section 16, a new Section 16-A, shall be added as under:-
 "**16-A. Delimitation of Local Councils and Wards.-**
 The Commission constituted under Article 50 of Azad Jammu and Kashmir Interim Constitution, 1974 shall be delimitation commission for the purpose of delimitation of Local Councils and Wards."
14. **Omission of Sections 17, 18, 19 and 20, Act VII of 1990.-** In the said Act, Sections 17, 18, 19 and 20, shall be omitted.
15. **Amendment of Section 21, Act VII of 1990.-** In the said Act, in Section 21,-
 (i) at the end of clause (a) of sub-section (1), following proviso shall be added:-

“Provided that on expiry of the term of office of a local council, if such circumstances exist where holding election of Local Councils are beyond human control, then the Government may appoint any person for such period to perform functions of the Local Council, as may be specified.”

- (ii) clause (b) and (c) of sub-section (1), shall be omitted.
 - (iii) in sub-section (2), for the word “Government”, the words “Election Commission”, shall be substituted.
16. **Amendment of Section 22, Act VII of 1990.**- In the said Act, in sub-section (1) of Section 22, the words and expression “or within such longer period as the Election Commission, may by notification in the official Gazette, specify in special cases”, shall be omitted.
17. **Amendment of Section 23, Act VII of 1990.**- (1) In the said Act, in Section 23,-
- (i) in sub-section (2), for the word “Government”, the words “Election Commission”, shall be substituted.
 - (ii) in sub-section (3), for the words “to the Government”, the words “to the Election Commission”, shall be substituted.
18. **Amendment of Section 24, Act VII of 1990.**- In the said Act, in Section 24, after the word “notified”, the words “by the Election Commission under Section 125-1 of the Azad Jammu and Kashmir Elections Act, 2020”, shall be added.
19. **Omission of Section 73, Act VII of 1990.**- In the said Act, Section 73, shall be omitted.
20. **Amendment of the Fifth Schedule, Act VII of 1990.**- In the said Act, in the Fifth Schedule, following amendments shall be made:-
- (i) in the heading of the Fifth Schedule, for the word “Municipal Committees”, the words and

expression "Municipal Corporations/Municipal Committees", shall be substituted.

(ii) in the Fifth Schedule, for the words "Municipal Committee" wherever occurring, the words and expression "Municipal Corporation/Municipal Committee", shall be substituted.

21. **Repeal.-** The Azad Jammu and Kashmir Local Government (Amendment) Ordinance, 2022 (Ordinance II of 2022 and The Azad Jammu and Kashmir Local Government (Amendment) Ordinance, 2022 (Ordinance IV of 2022), are hereby repealed.

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President

Azad Jammu and Kashmir

(Kh. Hashim Shaheen)

Section Officer (Legislation)

No.24901-25000/P&S/2022

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