

**THE AZAD KASHMIR LOGGING AND SAW-MILL
CORPORATION ORDINANCE, 1968
(Ordinance IV of 1968)**

*(Passed under Government Order No. Admin\3561-3588\SS\68,
dated Muzaffarabad, the 27th July, 1968).*

WHEREAS it is expedient to provide for the establishment of a Corporation to implement the Logging and Saw-Mill Complex Scheme in the Azad Jammu and Kashmir Territory;

AND WHEREAS the President of the Azad Government of the State of Jammu and Kashmir is satisfied that circumstances exist which render immediate legislation necessary ;

Now THEREFORE, in exercise of the powers conferred by rule 2 of the rules made under the Azad Jammu and Kashmir Government Act 1964, the President with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Kashmir Logging and Saw-Mill Corporation Ordinance, 1968.

(2) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:
 - (i) 'Board' means the Board of Directors of the Corporation ;
 - (ii) 'Chairman ' means the Chairman of the Corporation ;
 - (iii) 'Chief Adviser' means the Chief Adviser to the Government;
 - (iv) 'Contract' means the contract signed by the Government of Pakistan with 'Metalexport', Warsaw, and includes all amendments to that Contract;
 - (v) 'Corporation' means the Azad Kashmir Logging and Saw-Mill Corporation established under section 3 ;
 - (vi) 'Director' means a Director of the Corporation;

- (vii) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (viii) 'Prescribed' means prescribed by rules or regulations;
- (ix) 'regulations' means regulations framed under this Ordinance;
- (x) 'Rules' means rules under this Ordinance ;
- (xi) 'Scheme' means the scheme for the Azad Kashmir Logging and Saw-Mill Project as approved by the Government.

3. **Establishment and incorporation:-** (1) As soon as may be after the commencement of this Ordinance, the Government shall establish a Corporation to be called the Azad Kashmir Logging and Saw-Mill Corporation for carrying out the purposes of this Ordinance.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal with powers, among others, to acquire, hold and dispose of property; and shall by its name sue and be sued.

(3) The Head Office of the Corporation shall be at Muzaffarabad but the Government may, by notification in the official Gazette, transfer it to some other place as may be specified in such notification.

(4) The Corporation may establish offices at such other places as the Board may decide.

4. **Corporation Fund:-** (1) There shall be a fund to be known as the 'Corporation Fund' vested in the Corporation which shall comprise, in the first instance, of an amount of Rs. 40 lakhs and which shall be utilized by the Corporation to meet expenses in connection with the performance of its functions under this Ordinance.

(2) The Corporation Fund shall consist of:-

(a) grants and loans made by the Government and any other authority within or outside the territory of Azad Jammu and Kashmir ; and

(b) all other sums received by the Corporation.

5. **Management:-** (1) The general direction and administration of the Corporation and its affairs shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Corporation in accordance with the provisions of this Ordinance.
- (2) The Board in discharging its functions shall act on commercial considerations and shall be guided by such directions as the Chief Adviser may give it from time to time.
6. **Appointment of Chairman and Directors:-** (1) The Board shall consist of the following Directors, namely :
- (a) The Chief Adviser,
 - (b) two persons nominated by the Chief Adviser;
 - (c) the Senior Secretary to the Government;
 - (d) the Secretary to the Government in the Finance Department;
and
 - (e) C.C.F.
- (2) The Chief Adviser shall be the Chairman of the Board.
- (3) A person nominated by the Chief Adviser shall be the Secretary to the Board.
- (4) Each Director shall perform such duties as may be assigned to him, by regulations and, until such regulations are framed, as may be assigned by the Chairman.
- (5) One of the Directors shall be nominated by the Chairman to be the Financial Director who shall exercise such powers and discharge such duties as may be prescribed.
7. **Officers and servants of the Corporation:-** (1) The Board may, from time to time, appoint for the Corporation, subject to the Scheme and the contract, such officers, advisers, experts, consultants or other employees as it may consider necessary for the performance of its functions.
- (2) The Board shall prescribe the procedure for appointment, and terms and conditions of service of the officers and servants of the

Corporation and shall be competent to take disciplinary action against such officers and servants.

8. **Meetings of the Board:-** (1) The Board shall meet at such time and place and in such manner as the Chairman may determine in this behalf.

(2) The Chairman, or, in his absence, a Director authorised by him, and two other Directors shall constitute the quorum for a meeting of the board.

9. **Functions of the Corporation:-** (1) The Corporation shall undertake the implementation of the Scheme and any other schemes incidental thereto and exercise technical supervision and administrative and financial control over the execution thereof.

(2) The Corporation shall take such steps as may be necessary for the installation and operation of Logging and Saw-Mill Complex as mentioned in the Contract.

(3) Without prejudice, to the generality of the power, conferred by subsections (1) and (2), the Corporation may, for carrying out the purposes of this Ordinance:

- (a) undertake any work, incur any expenditure, procure plant, machinery and materials required for its use and enter into and perform all such contracts as it may consider necessary or expedient;
- (b) acquire by purchase, lease or otherwise any land or interest in land;
- (c) seek and obtain advice and assistance in the preparation or execution of a scheme from any agency of the Government or otherwise and such agency shall give the advice and assistance sought, by the Corporation to the best of its ability, knowledge and judgment:

Provided that the Corporation shall pay the cost of such advice and assistance if the giving of such advice and assistance, entails additional expenditure to the said agency.

- (4) The acquisition of any land or interest in land for the Corporation under this section, or for any scheme under this

Ordinance, shall be deemed to be a scheme for a public purpose within the meaning of the Land Acquisition Act, 1894, as in force in the territories of Azad Jammu and Kashmir and the provisions of the said Act shall apply to all proceedings relating to such acquisitions.

10. **Maintenance of accounts:-** In such month as may be prescribed each year, the Corporation shall submit to the Chief Adviser for approval a statement of the estimated receipts and expenditure in respect of the next financial year.
11. **Submission of yearly reports and returns:-** (1) The Corporation shall submit to the Chief Adviser as soon as possible after the end of every financial year but before the last day of June next following, a report on the conduct of its affairs for that year.

(2) The Corporation, shall furnish the Chief adviser, as and when he so requires, with:
 - (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation; or
 - (ii) a report on any such matter; or
 - (iii) a copy of any document in the charge of the Corporation.
12. **Audit:-** (1) The accounts of the Corporation shall be best audited every year by the Auditor-General who shall send not less than three copies of the audit report to the Corporation.

(2) Upon the receipt of the copies of the audit report, the Corporation shall forward, with such observations as it may think fit to make, one copy to the Government and one copy to the Chief Adviser.

(3) The Corporation shall carry out any directive issued by the Government or the Chief Advisor for rectification of an audit objection.
13. **Immunity of the Corporation and its employees:-** (1) The Chairman, Directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants

within the meaning of section 21 of the Pakistan Penal Code as in force in the territories of Azad Jammu and Kashmir.

(2) No suit, prosecution or other legal proceeding shall lie against the Corporation, the Chairman, Directors, officers and servants of the Corporation in respect of anything which is, in good faith done or intended to be done under this Ordinance.

(3) A Director shall not be personally responsible for the acts of any other Director or of any officer, adviser or employee of the Corporation for any loss or expenses resulting to the Corporation by reason of the insufficiency or deficiency in value of or title to any property or security acquired or taken on behalf of the Corporation, or by the wrongful act of any person under a liability to the Corporation or by anything done by him in good faith in the execution of the duties of his office.

14. **Delegation of Powers to officers and servants:-** The Board may, by general or special order, delegate to any of the officers or servants of the Corporation, subject to such conditions as it may think fit to impose, any of its powers, duties or functions under this Ordinance.
 15. **Corporation to be deemed to be a local authority:-** The Corporation shall be deemed to be a local authority within the meaning of the Local Authorities Loans, Act, 1914, as in force in the territories of Azad Jammu and Kashmir, for the purpose of borrowing money under the said Act and the making or execution of any scheme under this Ordinance shall be deemed to be a work which it is legally authorised to carry out.
 16. **Liability of Government:-** The liability of the Government to the creditors of the Corporation shall be limited to the extent of grants made by the Government and the loans raised by the Corporation with the sanction of the Government,
 17. **Rules and regulations:-** The Corporation may, with the approval of the Chief Adviser, make such rules and regulations as it may consider necessary for carrying out the purposes of this Ordinance.
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