

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

"Muzaffarabad"

Dated: 28.03.2017

No. LD/Legis-Act/244-255/2017. The following Act of Assembly received the assent of the President on the 16th day of March 2017, is hereby published for general information.

[Act XVII of 2017]

An

Act

to establish the Azad Jammu and Kashmir Overseas Kashmiri Commission

Whereas it is expedient to establish the Azad Jammu and Kashmir Overseas Kashmiries Commission to receive and redress the grievances of overseas Kashmiries relating to Government Agencies, refer complaints and suggestions of overseas Kashmiries to the concerned offices, and to deal with ancillary matters;

It is hereby enacted as follows:-

1. **Short title, Extent and Commencement.**— (1) This Act may be called the Azad Jammu and Kashmir Overseas Commission Act, 2017.
(2) It extends to whole of the Azad Jammu and Kashmir.
(3) It shall come into force at once.
2. **Definitions.**— In this Act:
 - (a) "Advisory Council" means the Advisory Council consisting of the Overseas Kashmiri residing in different countries;
 - (b) "Commission" means the Jammu and Kashmir Overseas Commission;
 - (c) "Commissioner" means the Jammu and Kashmir Overseas Commissioner;
 - (d) "District" means a notified district of Azad Jammu and Kashmir;
 - (e) "District Committee" means a District Overseas Committee;
 - (f) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (g) "Government Agency" means a department, attached department or special institution of the Government, a local government, or a body corporate owned or controlled by the Government or a local government;
 - (h) "Ombudsman" means the Ombudsman appointed under Section 3 of the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir Act, 1992.
 - (i) "Overseas Kashmiri" means a person of Jammu and Kashmir origin who is either permanently or temporarily settled outside Pakistan:
 - (i) for employment; or
 - (ii) for carrying on a business or vocation; or
 - (iii) for any other purpose with intention to stay there for an unspecified period;
 - (j) "Prescribed" means prescribed by the rules; and
 - (k) "Rules" means the rules made under the Act.
3. **Commission.**— (1) There shall be a Commission to be known as the Jammu and Kashmir Overseas Commission.

(2) The Commission shall consist of the Prime Minister of Azad Jammu and Kashmir who shall be its Chairperson and an Overseas Kashmiri of noted repute and experience nominated by the Prime Minister as Vice Chairperson, and the following members:

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| (a) Two members of the Azad Jammu and Kashmir Legislative Assembly to be nominated by the Prime Minister preferably from those districts having large number of Overseas Kashmiris; | Members |
| (b) One woman having experience in issues related to overseas Kashmiris to be nominated by the Government for a term of three years; | Member |
| (c) Chief Secretary; | Member |
| (d) Senior Member, Board of Revenue; | Member |
| (e) Secretary Finance; | Member |
| (f) Secretary, Planning and Development Department; | Member |
| (g) Secretary Law; | Member |
| (h) Secretary Industries, Commerce & Labour; | Member |
| (i) Additional Secretary Home; | Member |
| (j) Commissioner. | Member/Secretary |

(3) Five members including the Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Commission but an ex-officio member may be represented in the meeting by an officer of the department or organization not being below the rank of an Additional Secretary.

(4) The Commission shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be Prescribed and until so prescribed as may be directed by the Chairperson.

4. Functions of the Commission.– (1) Subject to the provisions of this Act and rules, the Commission may exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) The Commission shall,-

- (a) review annual reports about the working of the office of Commissioner and give necessary directions;
- (b) review performance of the office of Commissioner and pass appropriate orders;
- (c) ensure smooth functioning of the office of Commissioner;
- (d) resolve any dispute, if any, between the Commissioner and a Government Agency;
- (e) develop criteria for constitution of Advisory Council;
- (f) nominate members of the Advisory Council; and
- (g) nominate members of the District Overseas Committees.

5. Advisory Council.– (1) There shall be an Advisory Council consisting of Overseas Kashmiri residing in different countries.

(2) The Commission shall:

- (a) constitute an Advisory Council for one or more countries;
- (b) determine the number of members of an Advisory Council; and
- (c) nominate members of an Advisory Council.

(4) The District Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be Prescribed and until so prescribed as may be directed by the Commission.

- 10. Functions of the District Committees.**— A District Committee shall,-
- (a) review complaints of overseas Kashmiries pending with different offices in the district and expedite their disposal; and
 - (b) send progress reports and suggestions for improvement in the system to the Commissioner.
- 11. Directions of the Government.**— The Government may, by general or special order, issue directions regarding day to day working of the Commissioner.
- 12. Rules.**— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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(Mehr-un-Nisa Qadri)
Section Officer (Legislation)