

**The Ladakh autonomous hill development councils act 1995**

Ministry of Law, Justice and Company Affairs, New Delhi, India

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EXTRAORDINARY PART II - Section I

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New Delhi, May 9, 1995 Ministry of Law, Justice and Company Affairs  
THE LADAKH AUTONOMOUS HILL DEVELOPMENT COUNCILS ACT 1995 No. 1 of  
1995

Enacted by the President in the Forty-sixth Year of the Republic of India  
An Act to provide for the establishment of Autonomous Hill Development  
Councils and an Inter-District Advisory Council in the Ladakh region of Jammu  
and Kashmir

In exercise of the powers conferred by section 3 of the Jammu and Kashmir  
State Legislature (Delegation of Powers) Act, 1992, the President is pleased to  
enact as follows:-

## CHAPTER I PRELIMINARY

1. (1) This Act may be called the Ladakh Autonomous Hill Development Councils Act, 1995.

(2) It shall come into force on such date as the Government may by notification in the Government Gazette appoint and different dates may be appointed for different provisions of this Act.

(3) It shall extend to the whole of the districts of Leh and Kargil in the State of Jammu and Kashmir.

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

(a) "Chairman" means the Chairman of the Council;

(b) "Chief Executive Councilor" means the Chief Executive Councilor of the Executive Council;

(c) "constituency" means a constituency notified under section 5 for the purpose of elections to the Council;

(d) "Council" means the Ladakh Autonomous Hill development council constituted under sub-section (2) of section 3;

(e) "Council area" means the concerned district with respect to which a Council is constituted;

(f) "Council Fund" means the fund constituted under section 43;

(g) "district" means the areas which at the commencement of this Act fall within the territorial limits of the district of Leh or Kargil as the case may be;

(h) "election" means a general election and includes an election to fill a seat or seats in the Council;

(i) "elector" in relation to a constituency means a person whose name is entered in the electoral roll referred to in section 6;

(j) "Executive Council" means the Executive Council of the Ladakh Autonomous Hill Development Council, constituted under section 29;

(k) "general election" means a general election, held under subsection (l) of Section 8;

(l) "Government" means the Government of the State of Jammu and Kashmir;

(m) "Government Gazette" means the Government Gazette of the State of Jammu and Kashmir;

(n) "land" means the Khalsa Sarkar land as recorded in the Record of Rights and includes the land falling within the meaning of section 39 of the Jammu and Kashmir Land Revenue Act, Samvat 1996, but shall not include:--

(i) the demarcated forests as defined under the Jammu and Kashmir Forest Act, Samvat 1987; and

(ii) the land which have vested, escheated or may vest or escheat to the State under the provisions of--

- (a) the Big Landed Estates Abolition Act, Samvat 2007; or
- (b) the Jammu and Kashmir Agrarian Reforms Act.

(o) "member" means the member of the Council;

(p) "prescribed" means prescribed lay rules made by the Government under this Act;

## CHAPTER II

### CONSTITUTION OF AUTONOMOUS HILL DEVELOPMENT COUNCILS

3. (1) There shall be an Autonomous Hill Development Council for each district as from such date as the Government may by notification in the Government Gazette, appoint in this behalf:

Provided that different dates may be appointed for different districts.

(2) Each Council shall be a body corporate by the name respectively of "the Ladakh Autonomous Hill Development Council of (name of the district)" and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property subject to the provisions of the Transfer of Property Act Samvat 1979 and the Alienation of Land Act Samvat 1995 and to contract and may by the said name sue and be sued.

4. (1) The total number of seats in the Council to be filled by persons chosen by direct election on the basis of adult suffrage from territorial constituencies shall be twenty six.

(2) The Governor may nominate not more than four persons from amongst, the principal religious minorities and women in the district to be members of the Council.

(3) The sitting members of the Legislative Assembly of the State of Jammu and Kashmir and the sitting members of the House of the People, representing the Assembly or the Parliamentary constituency, as the case may be, in which the district is situated, shall be ex-officio members of the Council constituted for that district.

5. (1) The Government shall, by notification in the Government Gazette, determine:--

(a) the constituencies (which shall be single member constituencies) into which a Council area shall be divided for the purpose of election of members to the Council of that district; and

(b) the extent of each constituency.

(2) The Government may from time to time, by notification in the Government Gazette, alter or amend any notification issued under sub-section (1).

6. So much of the electoral rolls for any Assembly constituency in force on the last date for filling of nominations for the elections to the Council as relates to the areas comprised within a constituency formed under section 5 shall be deemed to be the electoral roll for that constituency for the purposes of this Act.

7. (1) Every person whose name is, for the time being entered in the electoral roll of a constituency, shall be entitled to vote at the election of a member of the Council from that constituency.

(2) Every person shall give one vote and no more to any one candidate at an election.

8 (1) A general election subsequent to the first election shall be held for the purpose of constituting a new Council before the expiration of the term of office of the member as specified in section 14 or in the case of its earlier dissolution on such day or days within a period of six months as the Government may fix.

(2) For the purpose of holding a general election the Government shall by one or more notifications published in the Government Gazette call upon all Constituencies in the district to elect members in accordance with the provisions of this Act and the rules and orders made thereunder.

9. The election of members of a Council shall be held in accordance with the rules made under section 60 (including the election to constitute the first Council) on the date or dates as the Government may by notification in the Government Gazette, direct:

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy.

10. Where an election is held for the purpose of constituting a new Council there shall be notified by the Government in the government Gazette, as soon as may be, after the results of the elections in all the constituencies, other than those in which polls could not be taken for any reason on the date originally fixed under section 8, the names of the members elected for those constituencies or those nominated under sub-section (2) of section 4, and upon the issue of such notification the Council shall be deemed to be duly constituted.

11. Every member shall, before taking his seat, make and subscribe before such person as may be appointed by the Government in this behalf, an oath or affirmation according to the prescribed form.

12. (1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government, from time to time, by notification in the Government Gazette.

Provided that no person below the rank of a District Judge shall be appointed for the purpose of this section.

(2) No election shall be called in question except any one or more of the following grounds, namely: -

(a) that on the date of his election the returned candidate was not qualified or was disqualified, to be chosen to fill the seat in the Council;

(b) that a corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent.

Explanation for the purposes of this section, "corrupt practice" shall mean any of the corrupt practices specified in section 132 of the Jammu and Kashmir Representation of the People Act, 1957;

(c) that any nomination has been improperly rejected;

(d) that the result of the election in so far as it concerns the returned candidate has been materially affected--

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent, or

(iii) by the improper reception, refusal or rejection of any vote, or

(iv) by the reception of any vote which is void, or

(v) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder.

(3) At the conclusion of the trial of an election petition the authority appointed under subsection (1) shall make an order:

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(4) If a petitioner, in addition to calling in question the election of a returned candidate, makes a declaration that he himself or any other candidate has been duly elected, and the authority under subsection (1) is of opinion that-

(a) in fact the petitioner or such other candidate has received the majority of valid votes, or

(b) but for the votes obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained the majority of the valid votes, the authority as aforesaid shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate as the case maybe, to have been duly elected.

13. The procedure provided in the Code of Civil Procedure Samwat1977 in regard to suits shall be followed by the authority appointed under section 12 as far as it can be made applicable in the trial and disposal of an election petition under this Act.

14. Save as otherwise provided under section 19 of term of number, elected or nominated shall be five years unless the Council is dissolved under section 52 and shall commence from the date appointed by the Government for the first meeting of the Council after a general election.

Provided that the said period of five years may, if circumstances exist which in the opinion of the Government render the holding of elections not practicable,

be extended by the Government by a notification in the government Gazette for a further period not exceeding one year.

15. If a person who is already a member of the Council is chosen a member of Parliament or State Legislature, his seat in the Council shall, on the date on which he takes oath as such, become vacant.

16. A person shall not be qualified to be a member of the Council unless he is an elector.

17. A person shall not be qualified for being chosen as a member of the Council if -

(i) he is in the service of the Central or the State Government or in the Service of any local authority or body corporate constituted by law;

(ii) he is less than 25 years of age;

(iii) he has been adjudged by a competent court to be of unsound mind, or he is an undischarged insolvent;

(iv) he has been convicted by a Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months; or for an offence mentioned in section 24 of the Jammu and Kashmir Representation of the People Act. 1957.

18. (1) If the office of an elected or a nominated member becomes vacant by reason of his death, removal, resignation or otherwise, the vacancy so caused shall be filled by election or nomination, as the case may be, in accordance with the provisions of this act.

(2) The term of office of a member elected or nominate to fill a casual vacancy shall commence from the date of notification of his election or nomination as the case may be and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

19. The Government may, after affording an opportunity of being heard, by order remove from office any member who:--

(i) is convicted by any court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months; or

(ii) has been adjudged as an insolvent; or

(iii) has become physically or mentally incapable of acting as a member; or

(iv) has acquired such financial or other interests as is likely to affect prejudicially his functions as a member.

20. Any member who is removed from his office under section 19 may within 45 days from the date of the order appeal to such Authority not below the rank of a District Judge as the Government may appoint in his behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to such authority and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

21. Every member shall be entitled to such allowances as the Council may with the approval of the Government determine.

### CHAPTER III POWERS AND FUNCTIONS OF THE COUNCIL

22. (1) The Council shall meet for the conduct of business at least once in every six months and shall conduct its business in such manner and in accordance with such procedure as may be determined by regulations with the approval of the Government.

(2) The quorum necessary for the transaction of business at a meeting of the Council shall be ten members and the decision of the Council shall be by a simple majority of votes of the members present and in case of a tie the Chairman shall have a casting vote.

(3) The ex officio members of the Council shall have no right to vote in the meetings of the Council.

23. Subject to the provisions of this Act and any other law for the time being in force in the State and any general or special direction by the Government, the Council shall have executive powers in the district in relation to:--

(i) allotment, use and occupation of land vested in the Council by the Government under this Act;

(ii) formulation of development programme for the district in respect of District Component Schemes as notified by the Government and Centrally Sponsored Schemes and indicate priorities for various schemes and consider issues relating to the speedy development and economic upliftment of the district:

(iii) periodical review of the progress and achievements of developmental plans and schemes;



- (iv) formulation and finalization of the Budget (Plan and Non-Plan);
- (v) laying down guidelines for implementation of schemes at grassroots level;
- (vi) special measures for employment generation and the alleviation of poverty;
- (viii) promotion of cooperative institutions;
- (viii) supervision and constitution of notified area committees;
- (ix) formulation of periodic and annual plan for the district;
- (x) promotion of languages and culture of the area;
- (xi) management of un-demarcated forests;
- (xii) use of canal or water courses for the purpose of agriculture;
- (xiii) desert development;
- (xiv) public health and sanitation, hospitals and dispensaries;
- (xv) tourism;
- (xvi) vocational training;
- (xvii) construction and maintenance of roads except highways;
- (xviii) preservation, protection and improvement of livestock and prevention of animal diseases;
- (xix) cattle pounds and the prevention of cattle trespass;
- (xx) education;
- (xxi) works, lands and buildings vested in or in the possession of the Council;
- (xxii) management of burials and burial grounds; cremation and cremation grounds;
- (xviii) preservation of the environment and ecology of the area;
- (xxxiv) local road transport and its development;
- (xxv) fisheries;

(xxvi) small scale and cottage industries;

(xxvii) non conventional energy;

(xxviii) any other matter within the executive power of the state which may be entrusted by notification in the Government Gazette to the Council by the Government.

24. (1) Notwithstanding anything contained in any law for the time being in force, the Council shall have the power to:--

(i) collect within the district. such taxes payable under any law as may be prescribed by the Government and credit the same to the Consolidated Fund of the State:

Provided that the tax or taxes as aforesaid shall be collected by the Council from such date as may be appointed by the Government in this behalf by notification in the Government Gazette;

(ii) establish toll bars on any road or any bridge vested in it and under its management and levy toll on grass, vehicles, animals and ferries;

(2) The Council shall also have powers to impose any of the following taxes and fees, namely:--

Taxes:

(i) taxes on any trade calling or profession within the jurisdiction of the Council subject to the maximum limit as indicated:--

(a) on persons up to Rs. 500 per annum;

(b) in the case of theatre, cinema and other places of entertainment up to Rs. 250 per day;

(ii) a tax payable by the owner thereof on animals and vehicles kept within the district and plied for hire at the following maximum rates:

(a) in the case of animals, not exceeding Rs. 20/ per animal per annum;

(b) in the case of vehicle, not exceeding Rs. 100/ per vehicle per annum;

(c) in the case of tractor, not exceeding Rs. 100/ per tractor per annum;

(iii) tax on boats;

- (iv) pilgrim tax;
- (v) a tax on gharats, rice husking mills, brick kilns and oil mills;
- (vi) tax on hawkers and pheriwals;
- (vii) such other tax as may be approved by the Government.
- (viii) fees on person exposing goods and animals for sale in the market or meals;

Fees:

- (ix) fees for the use of slaughter houses and camping grounds;
- (x) fees for temporary occupation of village sites, roads and other similar public places or parts thereof in the district;
- (xi) fees on application for erection or re-erection of buildings;
- (xii) adda fee;
- (xiii) fees for grazing of cattle in the grazing lands vested in the Council;
- (xiv) fee on cattle pounds;
- (xv) such other fees as may be approved by the Government.

(3) The scales of taxes, tolls or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws. Such bye-laws may provide for exemption from all or any of the taxes, tolls or rates in any class of cases.

#### CHAPTER IV CONDUCT OF BUSINESS

25. (1) The members of the Council shall at its first meeting after a general election elect from amongst the elected members, one member to be the Chairman.

On the occurrence of any vacancy in the office of the Chairman by reason of death, resignation, removal or otherwise, the Council shall within one month of the occurrence of such vacancy elect one of the elected members as the Chairman.

26. The Chairman shall unless earlier removed, hold office as such until he ceases to be a member of the Council.

27. (1) The Chairman may at any time resign from his office by giving a notice in writing to the Council and such resignation shall take effect from such date as may be specified in the notice or if no such date is specified, from the date of its receipt by the Council.

(2) The Chairman may be removed from office by a resolution carried by a majority of the total number of members at a special meeting of the Council called for the purpose upon a requisition made in writing by not less than one third of such members of the Council.

28. The Chairman shall:--

(a) preside over the meetings of the Council;

(b) be responsible for the maintenance of the records of the Council;

(c) exercise such other powers, perform such other functions, and discharge such other duties as the Council may, by general or special resolute, direct.

#### CHAPTER V The Executive Council

29. (1) There shall an Executive Council consisting of:--

(a) the Chairman who shall be the Chief Executive Councilors; and

(b) four member to be nominated by the Chief Executive Councilor from amongst the members of the Council:

Provided that at least one member shall be nominated from amongst the principal religious minority in the direct.

(2) Any casual vacancy occurring in the Executive Council shall be filled in the same manner as provided in sub-section (1).

30. (1) The Chief Executive Councilor shall hold office until,

(a) he ceases to be the Chairman, or

(b) resigns his office in writing under his hand addressed to the Council in which case the resignation shall take effect from the date of its acceptance.

(2) A member of the Executive Council, shall hold office at the pleasure of the Chief Executive Councilor or until,

(a) he ceases to be member of the Council, or

(b) he resigns his office in writing under his hand addressed to the Chief Executive Councilor in which case the resignation shall take effect from the date of its acceptance.

31. (1) The executive powers of the Council shall vest in the Executive Council.

(2) The Executive Council shall be collectively responsible to the Council.

(3) All orders or instruments made or executed by the Executive Council shall be deemed to have been made or executed by or under the authority of the Council. Every such order or instrument shall be authenticated by the signature of the Chief Executive Officer.

(4) The manner of transaction of business of the Executive Council shall be such as may be determined by the Council by regulations with the approval of the Government.

32. The Executive Council shall refer to the Council for approval the following matters, namely:

(a) all proposals for making regulations under this Act;

(b) Plan and Non-Plan Budget;

(c) Five year Plan.

33. (1) The Chief Executive Councilor shall exercise

(a) general superintendence and control over all employees of the Council;

(b) such other powers, perform such other functions and discharge such other duties as the Council may by general or special resolution, direct.

(2) The Chief Executive Councilor may, for convenient transaction of business of the Executive Council, allocate among its members such business and in such manner as he thinks fit.

34. The Chief Executive Councilor shall preside over the meetings of the Executive Council. The Executive Council shall meet not less than once in every month for the transaction of business at such place and at such time as the Chief Executive Councilor may direct.

35. The Chief Executive Councilor shall be the whole functionary and shall be paid out of the Council Fund such salary and allowances and shall be entitled to

such leave of absence for such period or periods on such terms and conditions as may be prescribed.

36. The quorum necessary for the transaction of business at a meeting of the Executive Council shall be three members.

37. If the Chief Executive Councilor is of the opinion that immediate action or execution of any work is required in the interest of maintaining essential services or the prevention of extensive damage to any service or property of the Council he may take such action or execute such work without the prior approval of the Executive Council and direct that expenses for such action or execution shall be paid from the Council fund:

Provided that the Chief Executive Councilor shall report for with the Council or to the Executive Council, as the case may be of the action taken or works executed and reasons therefore.

#### CHAPTER vi OFFICERS AND SERVICES OF THE COUNCIL

38. (1) The Deputy Commissioner of the district shall be the Chief Executive Officer of the Council.

(2) The Chief Executive Officer shall have the right to be present at the meetings of the Council, the Executive Council and take part in the proceedings of such meetings but shall not have the right to vote.

(3) All employees of the Council shall be subordinate to the Chief Executive Officer.

39. (1) The Council may with the approval of the Government appoint a secretary for the Council.

(2) The salary, allowances and other conditions of service of the Secretary shall be such as the Council may be regulation determine.

40. All Government employees in the district except the judicial employees and police personnel shall be deemed to be the transferred employees on such terms and conditions to be notified by the Government from time to time:

Provided that the terms and conditions of service of an employee of the Government transferred to the Council shall not be varied to his disadvantage.

41. (1) notwithstanding contained in any other law for the time being in force, the Council may by regulations regulate,

(a) the recruitment and promotion in respect of persons appointed to the district cadre post in that district;

(b) the recruitment to posts borne on the divisional or State cadres.

(2) For purposes of subsection (1), the Council shall establish a Recruitment Board and a Departmental Promotion Committee in such a manner as may be prescribed.

#### CHAPTER vii

#### TRANSFER OF LAND TO THE COUNCIL

42 (1) Save as otherwise provided in this Act, all land within the district, on the constitution of the first Council, shall stand transferred to such Council.

(2) The Government may delegate or confer all or any of the powers which it is empowered to delegate or confer under the laws in force in the State, to the Council or any officer of the Council, for the efficient use and management of the land.

(3) Nothing in this section shall preclude the powers of the Government from acquiring or requisitioning under any law for the time being in force, any land which has been transferred to or acquired by the Council, if such land is required for a public purpose or in the interest of the defense of the country.

#### CHAPTER viii

#### FUND and AUDIT

43. (1) There shall be a fund to be called "the Council Fund" to be held by the Council in trust for the purposes of this Act and

(a) all revenues raised under the provisions of this Act;

(b) the loans, realised by the Council with the approval of the Government;

(c) the allocations made from the Plan and Non-Plan Budget; and

(d) loans, advances and grants made by the Central or State Government; shall be credited into the Council Fund.

The Council Fund shall be operated through the Government treasuries.

(3) No payment shall be made out of the Council Fund unless such expenditure is covered by the current Budget grant.

(4) The moneys credited to the fund shall be applied for payment of all sums, charges card costs necessary for carrying out the purposes of this Act.

(5) The Government may make rules for management of the Council Fund and for the procedure to be followed in respect of payment of moneys into the said Fund, withdrawals of moneys there from, the custody of moneys therein and any other matter incidental thereto or connected with or ancillary to the matters aforesaid.

(6) The accounts of the Council shall be kept in such form as may be prescribed.

44. (1) The Government shall provide funds under the Plan and Non-Plan Budget to the Council to be credited to the Council Fund as per budgetary requirements as approved by the Government.

(2) The allocation sanctioned in the Budget of the Council which remains unspent at the close of the financial year shall be carried forward as an additional resource available for the Budget of the following year.

(3) The funds shall be released by the Government as per normal budgeting procedure.

45. (1) The Government shall periodically review the utilization of the Plan and Non-Plan funds allocated to the Council and the physical targets achieved.

(2) The Government may by order empower any officer not below the rank of a Deputy Secretary to the Government to inspect or examine the Council office, or any service or work under the control of the Council and report thereon and any officer so empowered may, for the purposes of such inspection or culmination, require the Council or Chief Executive Councilor--

(a) to produce or supply any record, correspondence, plan, estimate, accounts or statistics; and

(b) to furnish or obtain any report.

(3) The Government may, on receipt of report or information under sub-section (2), make such orders and issue such directions to the Council as it considers necessary or expedient to carry out the purposes of this act.

46. Subject to the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1972 and the rules and the orders made thereunder, the audit of the accounts of the Council shall be entrusted by the Government to the Comptroller and Auditor-General of India who may submit to the Government such report thereon as he may deem fit. The Government



shall transmit the report to file Council for discussion and consideration. The government shall lay such reports with the comments of the Council before the state Legislature.

47. (1) the Council shall, at such time and in such manner as may be prescribed, prepare in each financial year a draft Budget of its estimated receipts and disbursement for the following financial year and submit it to the Government by the 1st October of the current financial year. The Budget shall provide for sufficient grant in the form of imprest for meeting unforeseen expenditure such as refunds, satisfying Court decrees or orders and such other cases as may be prescribed.

(2) The Government may return the Budget as approved with modification or without modification to the Council. If the approval of the Government is not received by the Council before such period as may be prescribed, the Budget shall be deemed to have been approved by the Government.

(3) No expenditure shall be incurred nor any financial liability created unless the Budget is approved by the Government.

48. (1) The Council shall formulate the district plan in accordance with the guidelines as may be laid down by the Planning Commission and the Government and communicated by the Government to the Council.

(2) The Centrally Sponsored Schemes under execution in the district or to be executed in future shall form part of the plan Budget of the Council.

49. Notwithstanding anything contained in the Jammu and Kashmir Panchayati Raj Act, 1989, the Council shall be deemed to be the District Planning and Development Board for the district for performing the functions and exercising the powers under that Act.

#### CHAPTER ix INTER-DISTRICT ADVISORY COUNCIL

50. The Government may in consultation with the Councils of Leh and Kargil by notification in the Government Gazette constitute an advisory council to be called the Inter District Advisory Council consisting of such number of persons as it may think fit for advising the Councils,

(a) on matters of common interest to both the districts;

(b) on the measures to be adopted for resolving difference between the Council; and

(c) on the measures to be taken for the preservation of communal harmony in the Ladakh region.

## CHAPTER x MISCELLANEOUS

51. In the discharge of its functions, the Council shall be guided by such instructions or directions as may be given to it by the Government from time to time for the proper implementation of the objects of this Act.

52. (1) If, in the opinion of the Governor, the Council--

(i) has shown incompetence to perform, or has made default in the performance of the duties imposed on it by or under this Act or any other law for the time being in force, or

(ii) has exceeded or abused its powers,

the Governor may by order to be published in the Government Gazette, stating the reasons therefor, dissolve the Council and direct that it be reconstituted within such period not exceeding six months as may be specified in the order.

(2) The Governor shall, before making any order under sub-section(1), give to the Council a notice, containing the charges and opportunity of making representation within the period prescribed in the notice to the Governor in respect of the same.

53. When an order of dissolution has been passed under section 52, with effect from the date of the order,

(a) all the members of the Council shall vacate their offices,-

(b) all the powers, duties and functions of the Council and Executive Council shall be exercised, discharged and performed by such authority or authorities or such person or persons as may be appointed by the Governor in this behalf; and

(c) all property vested in the Council shall until it is reconstituted vest in the Government.

54. The Chief Executive Councilor, and other members of the Council and the officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Ranbir Penal Code.

55. If any question arises as to the interpretation of any of the provisions of this Act or the rules made thereunder, the same shall be referred to the Government whose decision thereon shall be final.

56. No act or proceeding of the Council or the Executive Council shall be deemed to be invalid merely by reason of existence of any vacancy in the Council or the Executive Council as the case may be, or because of any defect or irregularity in the constitution thereof or any irregularity in the procedure adopted.

57. No suit or other legal proceeding shall lie against the Council, the Chief Executive Councilor, the Chief Executive Officer, members of the Executive Council, any member, officer or any employee there for anything in good faith done or intended to be done in pursuance of this Act or rules or regulations made thereunder,

58. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order do anything, not inconsistent with the provisions of this Act, as may appear necessary or expedient for the purposes of removing the difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

59. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the district, unless such law specifically provided for exclusion of the district from such application.

Explanation for the purposes of this section "law" shall include any enactment, Ordinance, regulation, order, rule, scheme, notification or other instrument having the force of law.

60. The Government may make rules to regulate all or any of the following matters for the purpose of holding of election of members under this Act, namely:

(a) the manner of splitting up of electoral for Assembly constituencies into parts for the purpose of constituting one or more of such parts into electoral rolls for a constituency; and the officer or authority by whom such splitting up is to be carried out;

(b) the drawing up of the programme of election;

(c) the appointment of returning officers, presiding and polling officers for election;

- (d) the nomination of candidates and the scrutiny of such nomination;
- (e) the deposits to be made by candidates and the time and manner of making such deposits;
- (f) the withdrawal of candidatures;
- (g) the appointment of agents of candidates;
- (h) the time and manner of holding elections;
- (i) the general procedure at the elections including the time, place and hours of poll and the method by which votes shall be cast;
- (j) the fee to be paid on an election petition;
- (k) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Government, necessary.

61. (1) Without prejudice to the powers to make rules under any other provisions of this Act, the Government may by notification in the Government Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,

- (i) the form in which an oath or affirmation has to be subscribed by a member under section 11;
- (ii) the form in which an election petition shall be presented under sub-section (1) of section 12;
- (iii) the taxes which the Council shall collect under clause (i) of sub-section (1) of section 24;
- (iv) the salary allowances and terms and conditions of the Chief Executive Councilor under section 35;
- (v) the manner in which Recruitment Board and Departmental Promotion Committee may be constituted under subsection 2 of section 4;
- (vi) the management of the Council fund and the procedure to be followed in respect of payment into and withdrawal from the Council fund under subsection (5) of section 43;

(vii) form in which accounts of the Council shall be kept under subsection (6) of section 43;

(viii) the time and manner in which a draft budget shall be prepared and the grant of imprest for such other cases under subsection(1) of section 47;

(ix) the period before which the approval of the approval of the Government has to be given for the purposes of sub-section (2)of section 47;

(x) the period within which representation should be made under sub-section (2) of section 52;

(xi) any other matter for which rules have to be made under his Act.

62. (1) The Council shall have power, subject to the provisions of this Act and the rules made thereunder, to make, with the preview approval of the Government, regulations and bye-laws to be applicable within the district with respect to all or any of the matters required to be provided by regulations or bye-laws under any of the provisions of this Act.

(2) All regulations and bye-laws made under sub-section (1) shall have effect upon their publication in the Government Gazette.

SHANKER DAYAL SHARMA,  
President

K. L. MOHANPURIA,  
Secretary to the Government of India

#### REASONS FOR ENACTMENT

Ladakh region is geographically isolated with a sparse population, a vast area and inhospitable terrain which remains landlocked for nearly six months in a year. Consequently, the people of the area have had a distinct regional identity and special problems distinct from those of the other areas of the State of Jammu and Kashmir. The people of Ladakh have, for a long time, been demanding affective local institutional arrangements which can help to promote and accelerate the pace of development and equitable all-round growth and development having regard to its peculiar geoclimatic and locational conditions, and stimulate fullest participation of the local community in the decision making process.

2. It is felt that decentralisation of powers by formation of Hill Councils for the Ladakh Region would give a boost to the developmental activities in Ladakh and meet the aspirations of the people of the said Region. The present measure is enacted to achieve the above object.

3. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on J &K Legislation. This measure is accordingly being enacted without reference to the said Consultative Committee.

K. Padmanabhaiah,  
Secretary to the Government of India, Dept. of Jammu and Kashmir