

THE AZAD JAMMU AND KASHMIR GOVERNMENT ACT, 1964

(Act IV of 1964)

WHEREAS it is necessary to provide for the Government and administration of the territories of Azad Jammu and Kashmir;

It is hereby enacted as follows :-

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Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Government Act, 1964.

(2) It shall come into force at once.

Definitions:- In this Act, unless there is anything repugnant in the subject or context:

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

(b) "Chief Adviser" means an officer appointed by the Government of Pakistan to be the Chief Adviser to the Government;

(c) "Existing law" means the law which was in force immediately before the commencement of this Act;

(d) "Government" means the Azad Government of Jammu and Kashmir;

(e) "Prescribed" means prescribed by rules made by the Chief Adviser ;

(f) "President" means the President of Azad Jammu and Kashmir ; and

(g) "State Council" means the State Council constituted under this Act.

State Council:- There shall be constituted a State Council consisting of eight members who shall be elected in the prescribed manner by the elected members of the Union Councils, the Town Committee and Union Committees constituted under the Azad Jammu, and Kashmir Basic Democracies Act, 1960 (Azad Jammu and Kashmir Act X of 1960).

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Chairman of the State Council:- (1) The Chief Adviser shall appoint one of the members of the State Council to be the Chairman thereof unless he thinks fit to appoint any other person to be such Chairman :

Provided that if the person appointed as the Chairman is not a member of the State Council under section 3, such person shall be deemed to be such member in addition to the members specified in that section :

(2) The Chairman shall hold office for such period as may be specified by the Chief Adviser and, if the period is not so specified, until further orders of the Chief Adviser.

Removal of Chairman:- (1) Without prejudice to the powers of the Chief Adviser, the State Council may by resolution expressing want of confidence, remove the Chairman.

(2) No resolution under sub-section (1) shall be moved in the State Council except with the previous consent in writing of the Chief Adviser.

(3) The Chairman shall have the right to appear before the State Council during the consideration of the resolution under sub-section (1) but shall not preside over, or vote at, the meeting considering, such resolution.

(4) If the resolution under sub-section (1) is passed by the votes of the majority of the total number of voters, the Chairman shall forthwith cease to hold office.

Acting Chairman:- When a vacancy occurs in the office of the Chairman by reason of death, resignation or otherwise, or when the Chairman is absent from duty, the Chief Adviser may appoint a person to perform the functions of the Chairman until a Chairman is appointed under section 4 or, as the case may be the Chairman resumes his duties.

Chairman to be the President ex-officio:- The Chairman shall ex-officio be the President of Azad Jammu and Kashmir and the Acting Chairman shall ex-officio be the Acting President,

Removal of members of the State Council:- The removal of members of the State Council shall vest in the Chairman according to Rules to be made under this Act.

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Secretary to the State Council:- (1) The Chief Adviser shall appoint a person to be the Secretary to the State Council.

(2) The Secretary to the State Council shall be the Senior-Secretary to the Government.

Legislative power of the State Council:- (1) Subject to the provisions of this Act, the State Council may make laws for the territories of Azad Jammu and Kashmir.

(2) No legislation shall be undertaken by the State Council, except with the previous consent in writing of the Chief Adviser.

(3) No law made by the State Council shall have effect unless the Chief Adviser by notification so directs, and in such a direction with respect to any law, he may direct that the law shall have effect, or shall, in its application to any specified area, have effect, subject to such exceptions or modifications as may be specified in the direction.

(4) No rules made under any law made by the State Council or under any existing law shall have effect unless they have been approved by the Chief Adviser.

Reserved matters:- It shall not be lawful for the State Council to enact any law relating to or affecting:-

(i) the organization, discipline and control of the armed forces;
(ii) evacuee property;

(iii) the provisions of this Act or the rules made thereunder and their repeal or modification.

Other functions of the State Council:- The State Council may advise the President in the performance of his functions under any law for the time being in force and shall perform such other functions as the Chief Adviser may direct;

Transitional provision:- Until the election of the members of the State Council under this Act, the six persons who, immediately before the commencement of this Act, were members of the Council constituted under the Azad, Jammu and Kashmir Presidential Election Act, 1960, being elected out of the elected members of the Basic Democracies referred to in clause

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(a) of sub-section (i) of section 12 of that Act, shall be the members of the State Council as if elected under this Act and the State Council shall, notwithstanding any vacancy therein, be deemed to have been validly instituted.

Oath of Office:- Every person appointed or elected or declared as Chairman or a member of the State Council shall before entering upon the duties of his office, make and subscribe an oath as may be prescribed in this behalf.

Powers to make rules:- The Chief Adviser may make rules, for carrying out the purposes of this Act.

Continuance of existing laws:- Subject to the provisions of this Act, all existing laws shall with necessary adaptations, continue in force until altered, repealed or amended.

Amendment of the Rules of Business:- The Rules of Business for the Azad Government of the State of Jammu and Kashmir shall have effect subject to the amendments specified in the Schedule.

Repeal:- The Azad Jammu and Kashmir Refugees Registration and Representation Act, 1960 (XIII of 1960) and the Azad Jammu and Kashmir Presidential Election Act, 1960 (XIV of 1960) together with all enactments amending or modifying those acts, are hereby repealed.

THE SCHEDULE

Rules 5, 8, 9 and 10 shall be omitted.

For the expressions "Secretary-General" and "Inspector-General of Police" wherever occurring, the words "Senior Secretary" and "Director of Police" shall respectively be substituted.