

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Muzaffarabad dated the August 18, 1977.

No.2417-18/SL/77. The following Act of the Azad Jammu and Kashmir passed by the Joint-Sitting, received the assent of the President on 7th August, 1977, is hereby published for general information :-

(ACT VII OF 1977)

AN ACT further to amend the Azad Jammu and Kashmir Interim Constitution Act, 1974

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Interim Constitution Act, 1974 (Act VI11 of 1974), for the purposes hereinafter appearing ;

it is hereby enacted as follows :-

1. Short title and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Interim Constitution (Fifth Amendment) Act, 1977.

(2) It shall come into force at once.

2. Amendment of Section 21, Act VIII of 1974.- In the Azad Jammu and Kashmir Interim Constitution Act, 1974 (Act VIII of 1974), hereinafter referred to as the said Act, in Section 21, after sub-section (13), the following new subsection shall be added, namely,-

"(14) The words 'The Prime Minister of Pakistan' wherever occurring in this section shall be deemed to include the person for the time being exercising the powers and performing the functions of the Chief Executive of Pakistan."

3. Amendment of Section 22, Act VIII of 1974.- In the said Act, in section 22, after sub-section (3), the following new sub-section shall be added, namely :-

"(4) A general election to the Assembly shall be held within a period of sixty days immediately preceding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the result of the election shall be declared not later than fourteen days before that day."

Amendment of Section 25, Act VIII of 1974.- In the said Act, in section 25, after sub-section (2), the following new subsection shall be added, namely :-

"(3) | When, except by dissolution of the Assembly, a seat in the Assembly has become vacant not later than one hundred and twenty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy."

Amendment of Section 28, Act VIII of 1974.- in the said Act, in section 28 :-

(a) after the heading the brackets and figure the shall be inserted; and

(b) after sub-section (I) as amended aforesaid, the following new sub section shall be added, namely:-

"(2) | When the assembly is dissolved a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls."

Temporary insertion of new Section 53A, Act VIII of 1974.- In the said Act, after section 53 the following new section shall be inserted and shall stand deleted from the date the Prime Minister elected by the Assembly constituted after second general elections under the Azad Jammu and Kashmir Interim Constitution Act, 1974 enters upon his office :-

"53-A. Proclamation to provide for Interim Government, etc.- (1) Notwithstanding anything contained in the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President shall, if so advised by the Chairman of the Council, issue a Proclamation to make such provisions as may be necessary for dissolving the Assembly before expiry of its term, cessation of elected members of the Council, holding of elections thereof, appointment of a person as Chief Executive of Azad Jammu and Kashmir to perform the functions of and exercise the powers vested in the Government under this Act, during the period intervening the dissolution of Assembly and the day Prime Minister enters upon his office, and for matters incidental or connected therewith.

(2) On coming into force of a Proclamation under sub-section (1), Prime Minister, Ministers, the Advisors, Presidential/Special Assistants, Advisors to the Council elected members of the Council and Speaker of the Assembly shall cease to hold office.”

Amendment of Section 55, Act VIII of 1974.- In the said Act, in Section 55, in sub-section (2), after the figure '53', the comma, the figure and the letter 53A' shall be inserted.

Sd/-

(Sardar Aftab Ahmed Khan)

Secretary Law & Parliamentary Affair
Azad Government of the State of J&K.