

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

Dated the August 31, 1974.

No. 2141/SL/74. The following Act of the Legislative Assembly
received the assent of the President on 24th of August, 1974, and is
published for general information.

ACT VIII OF 1974

An Act to repeal and with certain modifications, re-enact the
Azad Jammu and Kashmir Government Act, 1970.

WHEREAS the future status of the State of Jammu and Kashmir
is yet to be determined in accordance with the freely expressed will of
the people of the State through the democratic method of free and fair
plebiscite under the auspices of the United Nations as envisaged in the
UNCIP Resolutions adopted from time to time ;

AND WHEREAS a part of the territories of the State of Jammu
and Kashmir already liberated by the people are known for the time
being as Azad Jammu and Kashmir ;

AND WHEREAS it is necessary to provide for the better
Government and Administration of Azad Jammu and Kashmir until such
time as the status of Jammu and Kashmir is determined as aforesaid and
for that purpose to repeal and re-enact the Azad Jammu and Kashmir
Government Act, 1970, with certain modifications '

AND WHEREAS, in the discharge of its responsibilities under
the UNCIP Resolutions, the Government of Pakistan has approved the
proposed repeal and re-enactment of the said Azad Jammu and Kashmir
Government Act, 1970, and authorised the President of Azad Jammu and
Kashmir to introduce the present Bill in the Legislative Assembly of
Azad Jammu and Kashmir for consideration and passage;

It is hereby enacted as follows:-

1. Short title and commencement, etc:- (1) This Act may be
called the Azad Jammu and Kashmir Interim Constitution Act,
1974.

(2) It shall come into force on the day on which the Azad
Jammu and Kashmir Government Bill, 1974 is assented to, or is
deemed to have been assented to, by the President.

(3) This Bill shall not be presented to the President for assent unless it has been passed by the votes of not less than two-thirds of the total members of the Assembly.

(4) The President shall assent to this Bill within three days after it has been presented to him for assent under sub-section (2); and, if the President fails to do so, he shall be deemed to have assented to this Bill at the expiration of the said period.

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

(a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir ;

(b) 'Azad Jammu & Kashmir' means the territories of the State of Jammu and Kashmir which have been liberated by the people of that State and are for the time being under the administration of Government and such other territories as may hereafter come under its administration;

(c) 'Council' means the Azad Jammu and Kashmir Council constituted under this Act.

(d) 'Government' means the Azad government of the State of Jammu and Kashmir.

(e) 'Muslim' means a person who believes in the Unity and Oneness of Almighty Allah, His angels, the Books of Allah, Prophethood, the Holy Quran being the last of them, His Prophets, the absolute finality of the Prophethood of Mohammad (peace be upon him), the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah ;

() 'Prescribed' means as prescribed by law and rules made thereunder;

(g) 'Speaker' means Speaker of the Assembly;

(h) 'State Subject" means a person for the time being residing in Azad Jammu and Kashmir or Pakistan who is a 'State Subject' as defined in the late Government of the State of Jammu and Kashmir Notification No. I-L/84, dated the 20th April, 1927, as amended from time to time.

Islam to be state religion.- Islam shall be the State religion of Azad Jammu and Kashmir,

Fundamental Rights.- (1) Any law or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this section, shall, to the extent of such inconsistency, be void

(2) The government shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this sub-section shall, to the extent of such contravention, be void.

(@) The provisions of this section shall not apply to any law relating to the members of the defence services or of the forces charged with the maintenance of public order for the purpose of ensuring proper discharge of their duties or the maintenance of discipline among them.

(4) The Rights:-

1 Security of person. No person shall be deprived of life or liberty save in accordance with law.

2. Safeguard as to arrest and detention.- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) Nothing in sub-paragraphs(1) and (2) shall apply to any person

(a) who for the time being is an enemy alien,
or
(b) who is arrested or detained under any

law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a period exceeding three months unless the Review Board set up by the Government has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

Slavery and forced labour prohibited.- (1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Azad Jammu and Kashmir of slavery in any form.

(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph shall be deemed to affect compulsory service-

(a) by persons undergoing punishment for offences against any law ; or

(b) required by any law for a public purpose.

Protection against retrospective punishment.- No law shall authorise the punishment of a person —

(a) for an act or omission that was not punishable by law at the time of the act or omission ; or

(b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

Freedom of movement.- Subject to any reasonable restrictions imposed by law in the public interest, every

State Subject shall have the right to move freely throughout Azad Jammu and Kashmir territory and to reside and settle in any part thereof.

Freedom of assembly.- Every State Subject shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

Freedom of association.- (1) Subject to this Act, every State Subject shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

(2) No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan.

Freedom of trade, business or profession.- Every State Subject possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business :

Provided that nothing in this paragraph shall prevent-

(a) the regulation of any trade or profession by a licensing system ; or

(b) the regulation of trade, commerce or industry in the interest of free competition therein ; or

(c) the carrying on, by Government or by a Corporation controlled by Government, of any trade, business, industry or service, to the exclusion, complete or partial, or other persons.

Freedom of speech.- Every State Subject shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Azad Jammu and Kashmir, friendly relations with Pakistan, public order, decency or

morality, or in relation to contempt of Court, defamation or incitement to an offence.

Freedom of religion.- Subject to law, public order and morality —

(a) every State Subject has the right to profess and practice his religion ; and

(b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship :

Provided that nothing contained in sub paragraphs (a) and (b) shall be so construed as to abridge the authority to promulgate laws which may prescribe prohibition or penalty for conversion from Islam or the act of converting or the attempt of converting a Muslim to some other religion.

Safeguard against taxation for purposes of any particular religion—No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

Safeguard as to educational institutions in respect of religion, etc.- (1) No person attending any educational institution shall be required to receive religious instructions or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No State Subject shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the

granting of exemption or concession in relation to taxation.

(5) Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the Government shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(6) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any society or educationally backward class of State Subjects.

Provision as to property.- Subject to any reasonable restrictions imposed by law in the public interest, every State Subject shall have the right to acquire, hold and dispose of property.

Protection of property.- (1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph shall affect the validity of -

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health ; or

(b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or

(c) any law providing for the taking over by the Government for a limited period of the management of any property for the benefit of its owner ; or

(d) any law in force immediately before the coming into force of this act,

Explanation.- In sub-paragraphs (2) and (3), 'property' shall mean immovable property, or any commercial or industrial undertaking, or any interest in any undertaking.

15. Equality of State Subjects.- All State Subjects are equal before law and are entitled to equal protection of law.

16. Non-discrimination in respect of access to public places.- In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any State Subject on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

17. Safeguard against discrimination in services.-No State Subject otherwise qualified for appointment in the services of Azad Jammu and Kashmir shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or sex:

Provided that, in the interest of the said service, specified posts or services may be reserved for members of either sex.

18. Abolition of untouchability. Untouchability is abolished, and its practice in any form is forbidden and shall be declared by law to be an offence.

President.- (1) There shall be a President of Azad Jammu and Kashmir, hereinafter called the President, who shall be elected in such manner as may be provided by an Act of the Assembly passed by the votes of not less than two-thirds of its total membership.

(2) The election to the office of President shall be conducted under the control and supervision of the Chief Election Commissioner.

(3) The election of the President under sub-section (2) shall not be called in question in any Court or before any Tribunal or

other authority.

(4) No person shall be qualified for election as President unless,-

(a) he is a Muslim;

(b) he has attained the age of thirty-five years ;

(c) his name appears on the electoral roll prepared for election of the members of the Assembly; and

(d) he is qualified to be elected as a member of the Assembly.

(5) Subject to the provisions of this Act, the President shall hold office for a period of five years from the date on which he enters upon his office and shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(6) Before he enters upon his office, the President shall make before the Chief Justice of the High Court an oath in the form set out in the First Schedule:

Provided that this provision will not apply to a person acting as President.

Provided further that the oath made or deemed to have been made under the provisions of the Azad Jammu and Kashmir Government Act, 1970, shall be deemed to have been made under this Act,

(7) The President may resign his office by writing under his hand addressed to the Speaker of the Assembly or in the absence of the Speaker, to the Chief Justice of the High Court.

(8) The President shall not be a member of the Assembly and, if the President is elected as a member of the Assembly, he shall not enter upon his office as such member until he resigns his office of the President.

Removal of President.- (1) If one-third of the total number of members of the Assembly give a notice in writing to the Speaker of the Assembly of their intention to move a resolution of no confidence against the President, the Speaker shall convene a meeting of the Assembly not later than two weeks from the date of receipt of the notice.

(2) The President shall have the right to appear before the Assembly during the consideration of the resolution under sub-section (1) and to make a statement if he so desires.

(3) If the resolution under sub-section (1) is passed by the Assembly by the votes of not less than two-thirds of the total number of members of the Assembly, the President shall forthwith cease to hold office.

President to act on advice, etc.- (1) Subject to this act, in the performance of his functions, the President shall act on and in accordance with the advice of the Prime Minister and such advice shall be binding on him.

(2) The question whether any, and if so what, advice was tendered to the President by the Prime Minister shall not be enquired into any court.

Acting President.- At any time when the President is unable to perform the functions of his office due to absence, illness or any other cause, the Speaker of the Assembly or, in his absence, the Chief Justice of the High Court of Azad Jammu and Kashmir shall act as President and shall perform the functions of President.

Casual vacancy in the office of President.- Where the office of President falls vacant due to death, resignation or any other cause, the Speaker of the Assembly or, in his absence, the Chief Justice of the High Court of Azad Jammu and Kashmir shall —

(a) — perform the functions of President till such time as a new President is elected ; and

(b) cause an election to the office of President to be held within a period of three months from the date on which the office falls vacant.

President's power of pardon and reprieve.- The President has power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any Court, tribunal or other authority.

Plebiscite Adviser.- The President may appoint a Plebiscite Adviser to advise the Government in relation to the holding of a plebiscite in the State of Jammu and Kashmir in terms of UNCIP Resolutions.

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The Government.- (1) Subject to this Act, the executive authority of Azad Jammu and Kashmir shall be exercised in the name of the President by the Government, consisting of the Prime Minister and the Ministers, which shall act through the Prime Minister who shall be the Chief executive of Azad Jammu and Kashmir.

(2) In the performance of his functions under this Act, the Prime Minister may act either directly or through the Ministers.

(3) The Prime Minister and the Ministers shall be collectively responsible to the Assembly.

The Prime Minister:- (1) The Assembly shall meet on the thirtieth day following the day on which a general election to the Assembly is held, unless sooner summoned by the President.

(2) After the election of the Speaker, the Assembly, shall to the exclusion of any other business, proceed to elect, without debate one of its Muslim members to be the Prime Minister.

(3) The Prime Minister shall be elected by the votes of the majority of the total membership of the Assembly:

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of the members present and voting.

(4) The member elected under sub-section (3) shall be called upon by the President to assume the office, of Prime Minister and he shall, before entering upon the office make before the President oath in the form set out in the First Schedule.

Ministers:- (1) The Prime Minister shall appoint Ministers from amongst the members of the Assembly.

(2) Before entering upon office, a Minister shall make

before the President oath in the form set out in the First Schedule.

(3) A Minister may, by writing under his hand addressed to the Prime Minister, resign his office or may be removed from office by the Prime Minister.

Prime Minister continuing in office:- (1) The Prime Minister shall continue to hold office until his successor enters upon the office of Prime Minister.

(2) Nothing in section 13 or section 14 shall be construed to disqualify the Prime Minister or a Minister from continuing in office during the period the Assembly stands dissolved.

Resignation of Prime Minister:- (1) Subject to sub-section (2), the Prime Minister may, by writing under his hand addressed to the President, resign his office and, when the Prime Minister resigns, the Ministers shall cease to hold office.

(2) The Prime Minister and, at the request of the Prime Minister, a Minister shall continue to perform the functions of the office of Prime Minister or, as the case may be, Minister until a new Prime Minister has been elected and has entered upon his office.

(3) If the Assembly is in session at the time when the Prime Minister resigns his office, the Assembly shall forthwith proceed to elect a Prime Minister, and if the Assembly is not in session the President shall for that purpose summon it to meet within fourteen days of the resignation.

Minister performing functions of Prime Minister:- (1) In the event of the death of the Prime Minister or the office of the Prime Minister becoming vacant by reason of his ceasing to be a member of the Assembly, the most senior Minister for the time being shall be called upon by the President to perform the functions of that office and the Ministers shall continue in office until a new Prime Minister has been elected and has entered upon his office.

(2) If the Assembly is in session at the time when the Prime Minister dies or the office of the Prime Minister becomes vacant, the Assembly shall forthwith proceed to elect a Prime Minister, and if the Assembly is not in session the President shall for that purpose summon it to meet within fourteen days of the death of the Prime Minister or, as the case may be, of the office becoming vacant.

(3) when, for any reason, the Prime Minister is unable to

perform his functions, the most senior Minister for the time being shall perform the functions of Prime Minister until the Prime Minister resumes his functions.

(4) In this section, "most senior Minister" means the Minister for the time being designated as such by the Prime Minister.

Vote of no-confidence against Prime Minister:- (1) A resolution for a vote of no-confidence (hereafter in this section referred to as the resolution) may be passed against the Prime Minister by the Assembly.

(2) A resolution shall not be moved in the Assembly unless, by the same resolution the name of another member of the Assembly is put forward as the successor.

(@) A resolution shall not be moved in the Assembly while the Assembly is considering demands for grants submitted to it in the Annual Budget.

(4) A resolution shall not be voted upon before the expiration of three days, or later than seven days, from the date on which it is moved in the Assembly.

(5) If the resolution is passed by majority of the total membership of the Assembly, the President shall call upon the person named in the resolution as the successor to assume office and, on his entering upon office, his predecessor and the Ministers appointed by him shall cease to hold office:

Provided that, for a period of ten years from the commencement of this Act or the holding of the second general election to the Assembly after such commencement, whichever occurs later, the vote of a member, elected to the Assembly as a candidate or nominee of a political party, cast in support of a resolution for a vote of no-confidence shall be disregarded if the majority of the members of that political party in the Assembly has cast its vote against the passing of such resolution.

(6) If a resolution is not passed, another such resolution shall not be moved until a period of six months has elapsed.

Extent of executive authority of Government:- (1) Subject to this act, the executive authority of the Government shall extend to the matter with respect to which the Assembly has power to make laws.

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(2) The executive authority of the Government shall be so exercised as:-

(a) not to impede or prejudice the responsibilities of the Government of Pakistan under the UNCIP Resolutions or for the defense and security of Azad Jammu and Kashmir; and

(b) to secure compliance with the laws made by the Council.

(3) Notwithstanding anything contained in this Act, the Government may, with the consent of the Council, entrust, either conditionally or unconditionally, to the Council, or to its officers, functions in relation to any matter to which the executive authority of the Government extends.

Advocate-General.- The President shall appoint a person, being a person qualified to be appointed a Judge of the High Court to be the Advocate-General for Azad Jammu and Kashmir.

(2) It shall be the duty of the Advocate-General to give advice to Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Government.

(3) The Advocate-General shall hold office during the pleasure of the President.

(4) The Advocate-General may, by writing under his hand addressed to the President resign his office.

(5) The person holding the office as Advocate General immediately before the commencement of this Act shall be deemed to be the Advocate-General, appointed under this Act.

Azad Jammu and Kashmir Council.- (1) There shall be an Azad Jammu and Kashmir Council consisting of:-

(a) the Prime Minister of Pakistan;
(b) the President;

(c) five members to be nominated by the Prime Minister of Pakistan from time to time from amongst Federal Ministers and members of Parliament;

(d) The Prime Minister of Azad Jammu and Kashmir or a person nominated by him; and

(ce) six members to be elected by the Assembly from amongst State Subjects in accordance with the system of proportional representation by means of the single transferable vote.

(2) The Prime Minister of Pakistan shall be the Chairman of the Council.

(3) The President shall be the Vice-Chairman of the Council.

(4) The qualifications and disqualifications for being elected, as, and for being, a member of the Council shall, in the case of a member referred to in clause (e) of sub-section (1), be the same as these for being elected as, and for being a member of the Assembly.

(5) A member the Council elected by the Assembly shall hold office for a term of five years from the day he enters upon his office.

(6) A member of Council elected by the Assembly shall, before entering upon office, make before the Chairman oath in the form set out in the First Schedule.

(7) The executive authority of the Council shall extend to all matters with respect to which the Council has power to make laws and shall be exercised, in the name of the President, through the Secretariat of the Council, of which the Federal Minister nominated by the Chairman from amongst the member of the Council and two Special Assistants appointed by the Chairman from amongst the elected member of the Council shall be in-charge:

Provided that the Council may direct that, in respect of such matters as it may specify, its authority shall be exercisable by the Vice-Chairman of the Council, subject to such conditions, if any, as the Council may specify.

(8) The Council may make its own rules of procedure

Explanation:- In this section, "Chairman" means Chairman of the Council.

Legislative Assembly:- (1) The Legislature of Azad Jammu and Kashmir shall consist of a Legislative Assembly consisting of forty-two members of whom—

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(a) forty shall be elected directly on the basis of adult franchise, and the directly elected members.

(b) Two, who shall be women, shall be elected by the directly elected members.

(2) The manner of election of the members of the Assembly and the manner of filling casual vacancies shall be such as may be prescribed.

(3) Every Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

Oath of members of the Assembly:- (1) A person elected as a member of the Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in the form set out in the First Schedule.

(2) The oath may be made at any time whether or not the Assembly is in session.

(3) If any person sits or votes in the Assembly knowing that he is not qualified to be, or is disqualified from being, a member of the Assembly he shall be liable in respect of every day on which he so sits or votes to a penalty of two hundred rupees a day which may be recovered from him as a debt due to the Government recoverable as arrears of land revenue.

Qualification of members of the Assembly: (1) A person shall be qualified to be elected as, and to be, a member of the Assembly if-

(a) he is a state subject;
(b) he is not less than twenty-five years of age; and

(c) his name appears on the electoral roll of any constituency in Azad Jammu and Kashmir of Pakistan.

(2) A person shall be disqualified from being so-elected if.

(a) he is of unsound mind and stands so declared by competent court; or

(b) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent; or

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he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

he holds any office of profit in the service of Azad Jammu and Kashmir or in the service of Pakistan other than an office which is not a whole time office remunerated either by salary or by fee other than an office specified in the Second Schedule; or

he has been dismissed for misconduct from the service of Azad Jammu and Kashmir or the service of Pakistan unless a period of five years has elapsed since his dismissal; or

he is otherwise disqualified from being a member of the Assembly by this Act or by or under any other law.

in Assembly becomes vacant under certain

circumstance:- (1) The seat of a member of the Assembly shall become vacant if-

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he resigns his seat by notice in writing under his hand addressed to the Speaker or, in his absence, to the Secretary of the Assembly; or

he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly; or

he fails to make the oath referred to in section 23 within a period of ninety days after the date of his election unless the Speaker for good cause shown extends the period; or

he is elected as a member of the Council; or

he ceases to be qualified for being a member under any provision of this Act or any other law.

If any question arises whether a member of the

Assembly has, after his election, become disqualified from being a member of the Assembly, the Speaker shall refer the question to the Election Commissioner and, if the Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a member and his seat shall become

vacant.

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Right to address and take part in Assembly proceeding:- (1)
The President may address the Assembly and send messages to the Assembly.

(2) The Advocate-General shall have the right to speak, and otherwise take part in the proceedings of, the Assembly or any of its committees, but shall not by virtue of this section have the right to vote.

Meeting of the Assembly:- (1) The Assembly shall assemble at such times and at such places as the President may appoint; and the President may prorogue a session of the Assembly except when the Assembly has been summoned by the Speaker.

(2) Any meeting of the Assembly may be adjourned by the Speaker or other person presiding thereat.

@) There shall be at least two sessions of the Assembly every year and six months shall not intervene between the first sitting of the Assembly in one session and its first sitting in the next session.

Dissolution of Assembly:- The President shall dissolve the Assembly if so advised by the Prime Minister, and the Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised:

Explanation:- Reference in this section to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a resolution for a vote of no-confidence has been moved in the Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the Assembly or a Minister performing the functions of Prime Minister under sub-section (1) or sub-section (3) of section 17.

Speaker of the Assembly:- (1) The Assembly shall, at its first meeting or as soon thereafter as may be, elect from amongst its members a Speaker of the Assembly.

(2) Before entering upon office, a member of the Assembly elected as Speaker shall make before the Assembly an oath in the form set out in the First Schedule.

(3) All proceedings of the Assembly shall be conducted in

accordance with Rules of Procedure made by the Assembly and approved by the President.

(4) The Speaker shall preside at its meetings and, in the absence of the Speaker from any meeting, such member of the Assembly present as may be determined by the Rules of procedure shall preside.

(5) So often as the office of the Speaker becomes vacant, the Assembly shall choose another member to fill the office.

(6) The Speaker may resign his office by writing under his hand addressed to the President.

(7) The office of the Speaker shall become vacant, if-

(a) except as provided in sub-section (3) he ceases to be a member of the Assembly, or

(b) he is removed from office by a resolution of the Assembly, of which not less than seven day's notice by not less than six members has been given and which is passed by a majority of total membership of the Assembly.

(8) When the Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

Rules of Procedure quorum etc.:-(1) Subject to this Act:-

(a) a decision in the Assembly shall be taken by a majority of the votes of the member present and voting but the Speaker or the person presiding in his absence shall not vote except when there is an equality of votes in which case he shall exercise his casting vote;

(b) the Assembly may act notwithstanding any vacancy in its membership; and

(c) any proceedings in the Assembly shall not be in valid on the ground that some person who was not entitled to do so set, voted or otherwise took part in the proceedings.

(2) If at any time during a meeting of the Assembly the attention of the person presiding at the meeting is drawn to the fact that less than seventeen members are present, it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting until seventeen members are present,

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Legislative Powers:- (1) Subject to the succeeding provisions of this section, both the Council and the Assembly shall have the power to make laws--

- (a) for the territories of Azad Jammu and Kashmir;
- (b) for all State subjects wherever they may be; and
- (c) for all officers of the Council or, as the case be, the

Government, wherever they may be.

(2) Subject to sub-section (3) --

(a) the Council shall have exclusive power to make laws with respect to any matter in the Council Legislative List set out in the Third Schedule, hereinafter referred to as the Council Legislative list; and

(b) the Assembly shall, and the Council shall not, have power to make laws with respect to any matter not enumerated in the Council Legislative list.

(3) Neither the Council nor the Assembly shall have the power to make any law concerning,-

(a) the responsibilities of the Government of Pakistan under the UNCIP Resolutions;

(b) the defence and security of Azad Jammu and Kashmir;

(c) the current coin or the issue of any bills, notes or other paper currency; or

(d) the external affairs of Azad Jammu and Kashmir including foreign trade and foreign aid.

(4) No tax shall be levied for the purposes of the territories of Azad Jammu and Kashmir except by or under the authority of an Act of the Council or the Assembly.

(5) No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

Reference to Council of Islamic Ideology:- (1) If one-third of the total number of members of the Assembly so requires, the Assembly shall refer the Council of Islamic Ideology constituted

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under the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Islamic Council) for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

(2) When a question is referred by the Assembly to the Islamic Council, the Council shall, within fifteen days thereof, inform the Assembly of the period within which the Council to be able to furnish the advice.

(3) Where the Assembly considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of the Islamic Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Islamic Council and the Council advises that the law is repugnant to the Injunctions of Islam, the Assembly shall reconsider the law so made.

Amendment of this Act:- (1) The provisions of this act, except section 31, this section and section 56, may be amended in accordance with the following provisions.

(2) A Bill to amend this Act may originate either in the Council or in the Assembly.

(3) Within fourteen days of the day on which a Bill to amend this Act is introduced in the Council or the Assembly, the President shall summon a joint sitting of the Council and the Assembly; and if the Bill is passed in the joint sitting, with or without amendment, by the votes of the majority of the aggregate of the total membership of the Assembly and elected member of the Council, the Bill shall be presented to the President for assent.

General Provisions regarding Council, etc:- (1) The validity of any proceedings in the Council, the Assembly or a joint sitting shall not be questioned in any court.

(2) An officer or member of an authority in whom powers are vested for the regulation of proceedings, conduct of business, or a joint sitting shall not, in relation to the exercise by him of any of those powers, be subject to the jurisdiction of any court.

(3) A member of, or a person entitled to speak in, the

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Council, the Assembly or a joint sitting shall not be liable to any proceedings in any court in respect of anything said by him or any vote given by him in the Council, the Assembly or a Joint sitting or in any Committee thereof.

(4) A person shall not be liable to any proceedings in any court in respect of publication by or under the authority of the Council, the Assembly or joint sitting of any report, paper, vote or proceedings.

(5) No process issued by a court or other authority shall, except with the leave of the Chairman of the Council or the Speaker be served or executed within the precincts of the place where a meeting of the Council or, as the case may be, the Assembly is being held.

(6) Subject to this section, the privileges of the Council, the Assembly, the Committees and members of the Council or the Assembly and of the persons entitled to speak in the Council or the Assembly may be determined by law.

Authentication of Bills Passed by the Council:- A Bill passed by the Council, shall not require the assent of the President and shall, upon its authentication by the Chairman of the Council, become law and be called an Act of the Council.

President's assent to Bills.- (1) Subject to this Act, when a Bill has been passed by the Assembly or a joint sitting, it shall be presented to the President for assent.

(2) The President shall assent to a Bill within seven days after it has been presented to him for assent under sub-section (1) or under section 33; and if the President fails to do so he shall be deemed to have assented to the Bill at the expiration of the said period.

(3) When the President has assented or is deemed to have assented to a bill, it shall become law and be called-

(a) in the case of a Bill to amend this Act, an Act of Azad Jammu and Kashmir, and

(b) in the case of a Bill with respect to any other matter, and Act of the Assembly.

Council Consolidated Fund.- (1) All revenues received by the Council, all loans raised by the Council and all moneys received

by it in repayment of any loan or otherwise shall form part of a consolidated fund, to be known as the Council Consolidated Fund.

(2) The custody of the Council Consolidated Fund, the payment of money into that Fund, the withdrawal of money there from, and all matters connected with or ancillary to the matters aforesaid, shall be regulated by Act of the Council.

(3) The Council shall, in respect of every financial year, cause to be prepared, and approve, a statement of the estimated receipts and expenditure of the Council for that year.

(4) The Chairman of the Council shall authenticate by his signature the statement approved by the Council under subsection (3); and no expenditure from the council Fund shall be deemed to be duly authorized unless it is consolidated specified in the statement so authenticated

Budget.- (1) The President shall, in respect of every financial year, cause to be laid before the Assembly a statement of the estimated receipts and expenditure for that year, to be called the Annual Budget.

(2) The Annual Budget shall be submitted to the Assembly in the form of demands for, grants and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein:

Provided that, for a period of ten years from the commencement of this Act or the holding of the second general election to the Assembly after such commencement, whichever occurs later, a demand shall be deemed to have been assented to without any reduction of the amount specified therein, unless, by the votes of a majority of the total membership of the Assembly, it is refused or assented to subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

(4) The Annual Budget as passed by the Assembly shall be placed before the President who shall authenticate it by his signature.

(5) The President may, if necessary, also cause a

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Supplementary Budget to be laid before the Assembly in respect of any financial year and the provisions of this section shall apply to a Supplementary Budget as they apply to the Annual Budget.

Special powers of the President regarding Budget etc:- (1)
Where the Annual Budget for any financial year cannot be passed by the Assembly by reason of its having been earlier dissolved, the President shall cause to be prepared an Annual Budget for that year and, by his signature, authenticate the Budget.

(2) The Annual Budget for any financial year authenticated by the President under sub-section (1) shall, for the purposes of this Act, be deemed to have been passed by the Assembly.

Restriction on expenditure.- No expenditure shall be incurred by the Government except as authorised by the Annual or Supplementary Budget as passed or deemed to have been passed by the Assembly.

Power to make Ordinance.- (1) The President may, except when the Assembly is not in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Assembly and shall be subject to like restrictions as the power of the Assembly to make law, but every such Ordinance-

(a) shall be laid before the Assembly and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution; and

(b) may be withdrawn at any time by the President.

(3) Without prejudice to the provisions of sub-section (2), an Ordinance laid before the Assembly shall be deemed to be a Bill introduced in the Assembly.

(4) The President may likewise, except when the Council is in session, if so advised by the Chairman of the Council, make and promulgate an Ordinance as the circumstances may require;

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and the provisions of section (2) and sub-section (3) shall apply to an Ordinance so made as if references therein to "Act of the Assembly" and "Assembly" were references respectively to "Act of the Council" and "Council".

Judicial Board:- There shall be constituted a Judicial Board to be the highest court of appeal which shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the Azad Jammu and Kashmir High Court. Its constitution and jurisdiction shall be prescribed by law.

High Court.- (1) There shall be a High Court for Azad Jammu and Kashmir, hereinafter called the High Court, which shall consist of a Chief Justice and such number of other Judges as may be prescribed by an Act of the Assembly.

(2) The person holding office as Chief Justice or other Judge of the High Court immediately before the commencement of this Act shall be deemed to be the Chief Justice or other Judge, as the case may be, appointed under this Act.

(3) The Chief Justice and other Judges of the High Court shall be appointed by the President, but a person shall not be so appointed as a Judge of the High Court or Advocate General unless—

(a) he has for a period, or for periods aggregating, not less than ten years, been an Advocate or Pleader of the High Court of Azad Jammu and Kashmir or a High Court in Pakistan:

Provided that the term 'High Court' herein shall include a High Court or an equivalent Court that existed at any time before the 14th day of August, 1947; or

(b) he has for a period of not less than ten years held a Judicial office out of which not less than three years shall have been as District and Sessions Judge.

(4) Before he enters upon his office, the Chief Justice of the High Court shall make before the President, and an other Judge of the High Court shall make before the Chief Justice, an oath in form set out in the First Schedule.

(5) The Chief Justice or a Judge of the High Court shall hold office until he attains the age of sixty-two years unless he sooner resigns or is removed from office in accordance with law:

Provided that the President may appoint a Retired Judge of any High Court of Pakistan to be the Chief Justice or a Judge of the High Court for a period not exceeding three years and such person shall hold office till he attains the age of sixty-five years.

(6) If at any time any Judge of the High Court is absent or is unable to perform his functions due to illness or some other cause, the President may appoint a person qualified for appointment as a Judge of the High Court to be an Additional Judge of the High Court for the period for which the Judge is absent or unable to perform his function.

(7) A Judge of the High Court shall not-

(a) hold any other office of profit in the service of Azad Jammu and Kashmir if his remuneration is thereby increased; or

(b) occupy any other position carrying the right to remuneration for the rendering of services, but this subsection shall not be construed as preventing a Judge from holding or managing private property.

(8) A person who has held office as a Judge of the High Court shall not hold any office of profit in the service of Azad Jammu and Kashmir, not being a judicial or quasi - judicial office or the office of Chief Election Commissioner or of Chairman or member of the Public Service Commission, before the expiration of two years after he ceased to hold that office.

(9) The remuneration and other terms and conditions of Service of Judge of High Court shall be as provided in the Fourth Schedule.

Jurisdiction of High Court.- (1) The High Court shall such jurisdiction as is conferred on it by this Act or by any other law.

(2) Subject to this Act, the High Court, if it is satisfied that no other adequate remedy is provided by law-

(a) on the application of any aggrieved party, make an order-

(i) directing a person performing functions in

connection with the affairs of Azad Jammu and Kashmir or a local authority to refrain from

(b)

(c)

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doing that which he is not permitted by law to do, or to do that which he is required by law to do; or

(ii) declaring that any act done or proceedings taken in Azad Jammu and Kashmir by a person performing functions in connection with the affairs of the State or a local authority has been done or taken without lawful authority, and is of no legal effect; or

on the application of any person, make an order-

@) directing that a person in custody in Azad Jammu and Kashmir be brought before the High Court so that the court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person in Azad Jammu and Kashmir holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or

on the application of any aggrieved person, make an order giving such directions to the person or authority, including the Council and the Government, exercising any power or performing any function in, or in relation to, Azad Jammu and Kashmir as may be appropriate for the enforcement of any of the fundamental rights conferred by this Act.

An order shall not be made under sub-section (2) of this

section on application made by or in relation to a person in the Defence Services in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action taken in relation to him as a member of the Defence Service.

(a)

(a)

(b)

Where—

application is made to the High Court for an order under clause (a) or clause (c) of sub-section (2); and

the Court has reason to believe that the making of an

interim order would have the affect of prejudicing or interfering with the carrying out of a public work or

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otherwise being harmful to the public interest, the Court shall not make an interim order unless the Advocate General has been given notice of the application and the Court, after the Advocate General or any officer authorised by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in clause (b) of this sub-section.

(5) In this section, unless the context otherwise requires, 'person' includes any body politic or corporate, any authority of or under control of the Council or the Government and any Court or tribunal, other than the Judicial Board, the High Court or a Court or Tribunal established under a law relating to the Defence Services.

Contempt of Court.- (1) In this section "Court" means the Judicial Board or the High Court.

(2) A Court shall have power to punish any person who—

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

(b) scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Court; or

(d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this section may be regulated by law and, subject to law, by rules made by the Court.

High Court to superintend and control all Courts subordinate to it, etc.- (1) The High Court shall superintend and control all other courts that are subordinate to it.

(2) There shall, in addition to Judicial Board and the High Court, be such other Courts as are established by law.

(3) A Court so established shall have such jurisdiction as is conferred on it by law.

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(4) No Court shall have any jurisdiction which is not conferred on it by this Act or by or under any other law.

Administrative Courts and Tribunals.- (1) Notwithstanding anything hereinbefore contained, the Assembly may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of —

(a) matters relating to the terms and conditions of persons who are or have been in the service of Government including disciplinary matters;

(b) matters relating to claims arising from tortious acts or the Government or any person in the service of Government, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or

(c) matters relating to acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under sub-section (1), no other Court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment.

(3) An appeal to the Judicial Board from a Judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Judicial Board being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

Public Service Commission.- (1) There shall be a public service commission for Azad Jammu and Kashmir which shall consist of such number of members, including a Chairman, and Perform such function as may be prescribed.

(2) The Public Service Commission existing immediately before the commencement of this Act and the persons holding

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office as Chairman and other members of that Commission immediately before such commencement shall be deemed to have been constituted and appointed under this Act.

The Services.- (1) Subject to this Act, the appointment of persons to, and the terms and conditions of service of persons in the service of Azad Jammu and Kashmir may be regulated by law.

(2) Subject to this Act, a person who is a member of any service or who holds a civil Post in connection with the affairs of Azad Jammu and Kashmir —

(a) shall not be dismissed or removed from service or reduced in rank, by an authority subordinate to that by which he was appointed unless that subordinate authority has been/expressly empowered to do so by an authority not so subordinate; and

(b) subject to sub-section (2), shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

(3) Clause (b) of sub-section (2) shall not apply—

(a) where a person is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to his conviction and entailing imprisonment, on a criminal charge; or

(b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or that it would be prejudicial to the security of Azad Jammu and Kashmir for the person to be given such an opportunity.

Chief Election Commissioner.- (1) There shall be a Chief Election Commissioner appointed by the President on such terms and conditions as may be prescribed.

(2) The person appointed as Chief Election Commissioner under the Azad Jammu and Kashmir Government Act, 1970, or deemed to have been so appointed, and functioning as such

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immediately before the commencement of this Act shall be deemed to have been appointed as Chief Election Commissioner under sub section (1) on the same terms and conditions of service as are applicable to him immediately before such commencement.

Continuance of existing laws.- Subject to the provisions of this Act, all laws which, immediately before the commencement of this Act, were in force in Azad Jammu and Kashmir shall continue in force until altered, repealed or amended by an Act of the appropriate authority.

General provisions regarding President and Ministers:-

(1) Neither the President nor a Minister shall:

(a) hold any other office of profit in the service of Azad Jammu and Kashmir or any other country; or

(b) occupy any other position carrying the right to remuneration for the rendering of services; but this section shall not be construed as preventing the President or a Minister from holding or managing his private property.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President while he is in office

(3) No civil proceedings in which relief is claimed against the President' shall be instituted while he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he enters upon his office, unless, at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him, stating the nature of the proceeding, the cause of the action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(4) Except in relation to proceedings referred to in sub-section (3), no process whatsoever shall be issued from any Court or Tribunal against the President, whether in a personal capacity or otherwise, while he is in office.

(5) Subject to this Act neither the President nor a Minister shall, not except in respect of anything done or not done by him in contravention of law, be answerable to any Court or Tribunal

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for the exercise of the powers, or the performance of the duties, of his office or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those duties:

Provided that nothing in this sub-section shall be construed as restricting the right of any person to bring appropriate proceedings against the Government.

Power to issue Proclamation.- (1) If the President is satisfied that a grave emergency exists in which the security of Azad Jammu and Kashmir is threatened by war or external aggression or by internal disturbances, the President may issue a Proclamation of Emergency, hereinafter referred to as the Proclamation.

(2) A Proclamation shall be laid before the Assembly as soon as conditions make it practicable for the President to summon that Assembly, and if approved by the Assembly, shall remain in force until it is revoked or, if disapproved, shall cease to operate from the date of disapproval.

(3) A Proclamation may be made before the actual occurrence of war or external aggression if the President is satisfied that there is imminent danger thereof.

Power to suspend fundamental rights.- (1) While a Proclamation is in operation, the President may, by order, declare that right to move any Court for the enforcement of such of the rights conferred by section 4 as may be specified in the order, and all proceedings pending in any Court for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

(2) Every order made under sub-section (1), shall, as soon as may be, laid before the Assembly.

Power to vary or rescinded Proclamation.- (1) A Proclamation issued under section 53 may be varied or revoked by a subsequent proclamation.

(2) The validity of any Proclamation issued or order made under section 53 or section 54 shall not be questioned in any Court.

Act not to derogate from responsibilities of Pakistan.-

Nothing in this Act shall derogate from the responsibilities of the

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Government of Pakistan in relation to the state of Jammu and Kashmir under the UNCIP resolutions or Prevent the Government of Pakistan from taking such action as it may consider necessary or expedient for the effective discharge of those responsibilities.

Act to over-ride other laws, etc.- (1) The provisions of this Act shall over-ride and have effect notwithstanding the provisions of any law for the time being in force.

(2) No Court, including the High Court, shall call into question or permit to be called into question, the validity of this act.

Power to make rules.- The President may make rules for carrying out the purposes of this act.

Repeal and savings.- (1) The Azad Jammu and Kashmir Government Act, 1970, hereinafter referred to as the said Act, together with the Acts amending it, and the rules made thereunder are hereby repealed.

(2) Notwithstanding the repeal of the said act under sub-section (1):-

(a) the provisions of the said Act relating to election of the members of the Legislative Assembly shall apply for the purposes of the first election of the Legislative Assembly provided for this Act;

(b) the person who, immediately before the commencement of this Act, was holding the office of President of Azad Jammu and Kashmir shall continue to hold that office until the President is elected in accordance with the provisions of the Act, of the Assembly referred to in sub-section (1) of section 5 and shall, until the Prime Minister is elected in accordance with the provisions of this Act, exercise the powers and perform the functions under this Act of the President and the Government; and

(c) the Legislative Assembly in existence immediately before the commencement of this Act, until the Legislative Assembly is constituted in accordance with the provisions of this Act, exercise the powers and perform the functions of the legislative Assembly under section 30 of this Act.

'THE FIRST SCHEDULE OATH OF OFFICE PRESIDENT

[See section 5 (6)]

.. do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, His angels, the Books of Allah, the Holy Quran being the last of them, His Prophets, the absolute finality of the Prophethood of Mohammad (peace be upon him), the day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

That, as President of Azad Jammu and Kashmir I will remain loyal to the country and to the cause of accession of the State of Jammu and Kashmir to Pakistan:

That I will perform my functions as President honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as President:

So help me Allah:

PRIME MINISTER.

[See Section 13 (4)]

L. do solemnly swear that I am a Muslim and believe i in the Unity and Oneness of Almighty Allah, His angels, the Books of Allah, the Holy Quran being the last of them, His Prophets, the absolute finality of the Prophet hood of Mohammad (peace be upon him), the day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan.

That I will perform my functions as Prime Minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Prime Minister of Azad Jammu and Kashmir:

So help me Allah:

MINISTER

[See Section 14 (2)]

1. ... do hereby solemnly swear in the name of Allah; That

I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Minister;

o help me Allah;

SPEAKER OF LEGISLATIVE ASSEMBLY

[See Section 29 (2)]

Tee .. having been election as Speaker of Azad Jammu and Kashmir Legislative Assembly do hereby solemnly swear in the name of Allah:

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Speaker of the Legislative Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Speaker of the Assembly;

So help me Allah;

MEMBER OF LEGISLATIVE ASSEMBLY OR COUNCIL

[See section 21 (6) and 23 (1)]

. .-having been elected as Member of the Legislative Assembly (or Council) do hereby solemnly swear in the name of Allah;

That I will remain loyal to (he country and the cause of accession of the State of Jammu and Kashmir to Pakistan-

That I will perform my functions as Member of the Legislative Assembly (or Council) honestly and faithfully;

That I will not directly or indirectly communicate or reveal to any person official secret which may come to my knowledge as Member of the Legislative Assembly (or Council);

So help me Allah;

OATH OF CHIEF JUSTICE-JUDGE HIGH COURT

[See section 43 (5)]

1... .having been appointed Chief Justice (or Judge) of the High Court of Judicature, Azad Jammu and Kashmir State, do solemnly swear that I owe allegiance to Allah and that I will faithfully perform the duties of my office to the best of my ability, Knowledge and judgment and will administer justice according to the law inforce in Azad Jammu and Kashmir without fear or favour, affection or if will.

SECOND SCHEDULE

[See section 24 (2) (d)]

1. An office which is not a whole time office remunerated either by salary or by fee.

2. The office of Lamberdar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title.

3. The offices of the Chairman of the Union Council, Union Committee and Town Committee and of the Vice Chairman of the Municipal Committee and the District Council.

4. Reserve of the Armed Forces.

5. Any other office which is declared by an Act of the Assembly not to disqualify its holder from being elected as, or from being a member of the Assembly.

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THIRD SCHEDULE

[See section 31 (2)]

COUNCIL LEGISLATIVE LIST

Subject to the responsibilities of the Government of Pakistan under the UNCIP Resolutions, nationality, citizenship and nationalization; migration from or into Azad Jammu and Kashmir; admission into, and emigration and expulsion from, Azad Jammu and Kashmir, including in relation thereto the regulation of the movements in Azad Jammu and Kashmir of persons not domiciled in Azad Jammu and Kashmir.

Posts and Telegraphs, including telephones, wireless broadcasting and other like forms of communications; Post Office Saving Bank.

Public debt of the Council, including the borrowing of money on the security of the Council Consolidated Fund.

Council public services and Council Public Service Commission.

Council pensions, that is to say, pensions payable by the Council or out of the Council Consolidated Fund.

Administrative courts for Council subjects.

Council agencies and institutions for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

Nuclear energy, including-

(a) mineral resources necessary for the generation of nuclear energy;
(b) the production of nuclear fuels and the generation and use of nuclear energy; and
(c) ionising radiations.

Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.

Beacons and other provisions for safety of aircraft.

Carriage of passengers and goods by air.

Copyright, inventions, designs, trademarks and merchandise marks.

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Opium so far as regards sale for export.

Banking that is to say, the co-ordination with the Government of Pakistan of the conduct of banking business.

The law of insurances and the regulation of the conduct of insurance business.

Stock-exchanges and future markets with objects and business not confined to Azad Jammu and Kashmir.

Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by Azad Jammu and Kashmir and carrying on business only within Azad Jammu and Kashmir, or, co-operative societies, and of corporations whether trading or not, with objects not confined to Azad Jammu and Kashmir, but not including universities.

Planning for economic coordination; including planning and coordination of scientific and technological research.

Highways, continuing beyond the territory of Azad Jammu and Kashmir, excluding roads declared by the Government of Pakistan to be strategic importance.

Council survey including geological surveys and Council meteorological organizations.

Works, lands and buildings vested in, or in the possession of the Council for the purposes of the Council (not being) Military, naval or air force works), but, as regards property situate in Azad Jammu and Kashmir, subject always to law made by the Legislative Assembly, save in so far as law made by the Council otherwise provides.

Census

Establishment of standards of weights and measures.

Extension of the powers and jurisdiction of members of a police force belonging to Azad Jammu and Kashmir or any Province of Pakistan to any area in such Provinces or Azad Jammu and Kashmir, but not so as to enable the police of Azad Jammu and Kashmir or such Province to exercise powers and jurisdiction in such Province or Azad Jammu and Kashmir without the consent

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of the Government of that Province or Azad Jammu and Kashmir; extension of the powers and to jurisdiction of members of a police force belonging the Azad Jammu and Kashmir or a Province of Pakistan to railway areas outside Azad Jammu and Kashmir or that Province.

Election to the Council.

The salaries, allowances and privileges of the members of the Council and Special Assistant.

Railways.

Mineral oil and natural gas; liquids and substances declared by law made by the Council to be dangerously inflammable.

Development of industries, where development under Council control is declared by law made by the Council to be expedient in the public interest.

Removal of prisoners and accused persons from Azad Jammu and Kashmir to Pakistan or from Pakistan to Azad Jammu and Kashmir.

Measures to combat certain offences committed in connection with matters concerning the Council and the Government and the establishment of a police force for that purposes.

Prevention of the extension from Azad Jammu and Kashmir to Pakistan or from Pakistan to Azad Jammu and Kashmir of

infectious or contagious diseases or pests affecting men, animals or plants.

Population planning and social welfare.

Boilers.

Electricity.

Newspapers, books and printing presses.

State property.

Curriculum, syllabus, planning, policy, centers of excellence and standards of education.

Sanctioning of cinematograph films for exhibition.

40.
41.
42.

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Tourism.

Duties of customs, including export duties.

Taxes on income other than agricultural income.

Sd/-

Assistant Legal Remembrance,
Azad Govt. of the State of J & K Muzaffarabad.

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