

THE AZAD JAMMU AND KASHMIR GOVERNMENT,
(SECOND AMENDMENT) ACT, 1971.

(Act XXII of 1971)

(An Act to amend the Azad Jammu and Kashmir Government Act, 1970)

Whereas it is expedient to further amend the Azad Jammu and Kashmir Government Act, 1970, 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 Government (Second Amendment) Act, 1971,

(2) It shall come into force at once.

2. Addition of Section 36, Section 37 and Section 38 in the Azad Jammu and Kashmir Government Act, 1970:- In the Azad Jammu and Kashmir Government Act, 1970 (hereinafter called the said Act) After Section 35, the following new sections shall be added, namely :-

"Section 36: Power of Proclamation:- (1) If the President is satisfied that grave emergency exists in which the security of Azad Jammu and Kashmir Territory is threatened by war or external aggression or by internal disturbance, he may issue a proclamation of emergency.

(2) A proclamation shall be laid before the legislative 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 declaring that the security of Azad Jammu and Kashmir Territory is threatened by war or external aggression may be made before the actual occurrence of war or any other aggression if the President is satisfied that there is imminent danger thereof.

Section 37. (1) While a proclamation issued under Section 36 is

in operation, the President may, by order, declare that right to move any Court for the enforcement of such of the rights conferred under Section 25-A sub-section (2) clause (b) and Section 25-B, as may be specified in the order, and all such 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 section 37 shall, as soon as may be laid before the Assembly.

Section 38. (1) The proclamation issued under Section 36 may be varied or revoked by a subsequent proclamation.

(2) The validity of any proclamation issued or order made under Section 36, Section 37 and Section 38 shall not be questioned in any Court.

No. 4815/SL/71 Dated December 14, 1971.