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AZAD JAMMU AND KASHMIR GOVERNMENT RULES OF BUSINESS 1971

In exercise of the powers conferred by Section 19 (3) and Section 30 of the Azad Jammu and Kashmir Government Act 1970; the President is pleased to make the following rules; -

PART 'A' GENERAL

Short title and commencement:- (1) These rules may be called the Azad Jammu and Kashmir Government Rules of Business,

(2) They shall come into force at once.

In these rules, unless the context or subject otherwise requires:

- (i) "Act" means the Azad Jammu and Kashmir Government Act, 1970;
- (ii) "Adviser" means the Adviser appointed by the President under Section 7 of the Act;
- (iii) "Assembly" means the Legislative Assembly of Azad Jammu and Kashmir;
- (iv) "Attached Department" means a Department mentioned in column 3 of I;
- (v) "Business" means all work done by Government;
- (vi) "Case" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz correspondence the subject or subjects covered by it or connected with it;
- (vii) "Chief Secretary" means the officer notified as such in the Gazette;
- (viii) "Council" means the Council of Ministers appointed under Section 9 of the Act.
- (ix) "Department" means a self-contained administrative unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by Government;
- (x) "Gazette" means the Official Gazette of Azad Jammu and Kashmir;
- (xi) "Government" means the Government as defined in Section 2 of the Act:
- (xi-a) "President" means the President of Azad Jammu, and Kashmir;
- (xii) "Head of an Attached Department" means an officer shown in column 4 of Schedule I;
- (xiii) "Member" means a member of the Assembly;

(xiv) "Minister" means the Minister-in-charge of the Department to which a particular case pertains;

(xv) "Public Service Commission" means the Azad Jammu and Kashmir Public Service Commission.

(xvi) "Schedule" means a Schedule 10 these rules;

(xvii) "Secretariat" means the Departments of the Government of Azad Jammu and Kashmir when referred to collectively;

(xviii) "Secretary" means the Secretary or Acting Secretary to Government in-charge of a Department and includes the Chief Secretary, and the Additional Chief Secretary Incharge of a Department;

(xix) "Section" means a basic working unit in a Department as determined by the Government;

(xx) "Speaker" means the Speaker of the Assembly.

(1) The Secretariat shall comprise of the Departments specified in column 2 of Schedule I;

(2) The President may, whenever he may deem fit, constitute new Departments or vary the composition or number of the Departments.

(3) The business of Government shall be distributed amongst several Departments in the manner indicated in Schedule II;

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Provided that the President may, whenever he may deem fit, transfer any particular subject or matter from the Department to which it stands assigned in accordance with Schedule II, to any other Department.

(4) The President may assign to a Minister: -

(a) a Department; or

(b) part of a Department; or

(c) parts of different Departments; or

(d) more than one Department; or

(e) one or more Departments together with part or parts of other Departments:

Provided that a Department or part of Department not so assigned shall be in the charge of the President.

Organization of a Department:- (1) Each Department shall consist of a

Secretary to Government and of such other officials subordinate to him as the

President may determine;

Provided that the same person may be Secretary in more than one Department.

(2) The Secretary shall be the official head of the Department and shall be responsible for its efficient administration and discipline, and for the proper conduct of business assigned to the Department under rule 3.

(3) The Secretary shall, by mean of standing orders, distribute the work of the Department among the officers, Branches or Sections of the Department.

Functions of the Minister:- The Minister shall:

(a) be responsible for policy matters concerning his Department;

Provided that no major decision shall be taken except with the approval of the President.

(b) be responsible for conducting the business of his Department in the Assembly.

(c) submit the cases to the President required by the provisions of rule 11; and

(d) keep the President informed of any important case disposed of by him

without reference to the President.

Functions and powers of the Chief Secretary:- In addition to the duties and functions assigned to him under any other provisions of these rules, the Chief Secretary shall:

- (a) be the principal adviser to the President in administrative matters;
- (b) be the official head of the Secretariat.
- (c) co-ordinate the activities of all departments in the administrative field;
- (d) be the Chairman of the Selection team constituted by Government for selection to senior posts under Government;
- (e) have the power to call for any case or information from any office, Attached Department or Department; and
- (f) be the Secretary of the Council.

Duties and functions of the Secretary:- (1) The Secretary shall:

- (a) assist the Minister and the President in the formulation of policy;
- (b) duly execute, the sanctioned policy;
- (c) submit all proposals for legislation to the Council, with the approval of the Minister;
- (d) keep the Minister generally informed of the working of the Department and important cases disposed of by him.
- (e) keep the Chief Secretary informed of any important case disposed of without reference to the President.
- (f) where the Minister's orders appear to involve a departure from rules and regulations or from Government policy, re-submit the case to the Minister inviting his attention to the relevant rules or regulations or Government policy. If the Minister does not change his decision, the Secretary shall submit the case to the President for orders.

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(g) subject to any general or special orders of Government in this behalf, issue standing orders specifying the cases and class of cases which may be disposed of by an officer subordinate to the Secretary; and

(h) be responsible for the careful observance of these rules in his Department.

(2) While submitting a case for the orders of the Minister, it shall be the duty of the Secretary to suggest a definite line of action.

General procedure for disposal of business:- (1) Instructions as to the manner of disposal of the business of the Secretariat shall be issued by the Services and General Administration Department.

(2) If any doubt arises as to the Department to which a case pertains, the matter shall be referred to the Chief Secretary, who shall obtain the orders of the President.

(3) All orders should be passed in writing. Where a verbal order is given, it should be reduced to writing at the earliest opportunity by the officer receiving it.

(4) If any order passed contravenes a law, rule or a policy decision, it shall be the duty of the next below officer to point this out to the authority passing the order.

(1) Save in cases where an officer has been specifically empowered to sign an order or instrument of Government, every such order or instrument shall be signed by the Secretary, the Deputy Secretary, the Section Officer to Government, or the Officer on Special Duty in the Department concerned; and such signature shall be deemed to be proper authentication of such order or instrument.

(2) Instructions for the making of contracts on behalf of the President and the execution of such contracts and all assurances of property shall be issued by the Law Department.

PART B

REFERENCES TO THE PRESIDENT

References to the President:- (1) No order, shall be issued without the approval, of the President in:

- (a) cases involving policy or departure from policy;
- (b) cases involving a conflict between the President and the Assembly;
- (c) cases enumerated in Part 'A' of Schedule III; and
- (d) cases relating to appointments and promotions to posts specified in

Schedule IV.

(2) The cases enumerated in Part 'B' of Schedule III shall be submitted to the President for his information. The President may require any other cases to be submitted to him for information.

(3) All cases of detention by Government under sub-Section (5) of Section 3 of the Public Safety Act and Rule 23 of the Civil Defence Rules 1962 shall be submitted to the President for his orders.

(4) A case submitted to the President for his orders shall be accompanied by a self-contained concise summary stating the relevant facts and the points for decision. The summary to the President shall be submitted through the Minister and shall contain the latter's specific recommendations.

(5) The President shall be kept informed of all developments of major importance, and for this purpose, Ministers and Secretaries of Departments shall have regular interviews with him. Heads of Attached Departments and other officials may be summoned by the President as and when required by him.

PART C

DEPARTMENTAL PROCEDURE

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Consultation among Departments:- (1) When the subject of a case concerns more than one Department:

- (a) the Department in charge shall be responsible for consulting the other Departments concerned; and
- (b) no orders shall issue nor shall the case be submitted to the President or the Council, until it has been considered by all the Departments concerned; Provided that in cases of urgency, and with the approval of the President, this requirement may be dispensed with; but the case shall, at the earliest opportunity thereafter, be brought to the notice of the other Departments concerned.

(2) In the event of a difference of opinion between the Departments concerned, the Minister, primarily concerned shall submit the case to the President:

Provided that in a matter of urgency, the Minister primarily concerned may submit the case to the President at any stage.

(3) When a case is referred from one Department to another for consultation, all relevant facts and the points necessitating the reference shall clearly be brought out.

(4) Even where consultation is not required, a Department may, for purposes of information, transmit copies of a communication received by it, or show a case, to such Other Departments as it considers would be interested in or would profit by it.

(5) A Minister may ask to see a case of another Department if it is required for the disposal of a case in his Department.

(6) The Minister for Finance may ask to see a case of any Department in which a financial consideration is involved.

(7) Requests made under sub-rule (4) or (5) for seeing a case shall give the reason for which the case is called for and shall be dealt with under the general or special orders of the Minister in charge of the Department to which the case pertains. If, for any reason, the case, or relevant extracts from it, cannot be made available the Minister shall explain the position to the Minister making the request or bring the matter to the notice of the President if necessary.

(8) If a Minister desires any further action to be taken by the case of another Department, he shall take up the matter with the Minister in charge of that Department.

Services and General Administration Department:- (1) The Services and

General Administration Department shall be responsible for:

(a) the determination of the principles of control of Government servants, including recruitment, conditions of service and discipline;

(b) the co-ordination of the policy of all Departments with respect to the Service under their control so as to secure consistency of treatment;

(c) securing to all Government servants the rights under any other law for the time being in force;

(d) determining the strength and the terms and conditions of service of the

personal staff of Ministers.

(2) No Department shall, without the concurrence of the Services and General Administration Department, authorise any orders, other than any orders in pursuance of any general or special delegation made by the Services and

General Administration Department which involve:

(a) reduction or extension in the scope of functions of Department as specified in Schedule II or the transfer of such functions from one Department to another.

(b) re-organization or change in the status of Attached Departments or Departments or Offices directly administered by the Departments;

(c) interpretation of these rules and orders relating to service matters other

than rules and orders issued by the Finance Department;

(d) any change in the terms and conditions of service or the statutory rights and privileges of Government servants.

(4) No order in respect of the emoluments, promotion or conditions of service of any officer employed in the Finance Department shall be passed and no expenditure proposal relating to that Department sanctioned without prior concurrence of the Service and General Administration Department. The Chief Secretary shall exercise in respect of such matters, the functions of the Secretary, Finance Department.

Consultation with Finance Department:- (1) No Department shall, without previous consultation with the Finance Department, authorise any orders, other than orders in pursuance of any general or special delegation made by the Finance Department, which directly or indirectly affect the finances of the Government or which in particular involve:

(a) relinquishment, remission or assignment of revenue, actual or potential, or grant of guarantee against it; or grant or lease of land or mineral, forest or water-power right;

(b) expenditure for which no provision exists;

(c) a change in the number or grading of posts or in terms and conditions of service of Government servants, or their statutory rights and privileges which have financial implications,

(d) levy of taxes, duties, fees, or cases;

(e) floatation of loans;

(f) re-appropriations within budget grants;

(g) alteration in financial procedure or in the method of compilation of accounts or of the budget estimates;

(h) interpretation of rules made by the Finance Department.

(2) No amendment or interpretation of such rules of the Civil Services Rules as have no financial implication shall be made or issued by the Finance Department without the prior concurrence of the Services and General Administration, Department.

(3) No proposal, which requires previous consultation with the Finance Department under sub-rule (1) but in which the Finance Department has not concurred, shall be proceeded with unless a decision to that effect has been taken by the President or where he so desires, by the Council. Formal orders shall, nevertheless, issue only after the Finance Department has exercised scrutiny over the details of the proposal.

(4) Except to the extent that power may have been delegated to Departments under rules framed by the Finance Department, every order of an administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities through the Finance Department.

Consultation with the Law Department:- (1) The Law Department shall be

consulted by the Departments:

- (a) on all legal questions arising out of any case;
- (b) on the interpretation of any law;

(c) before instituting criminal or civil proceedings in a court of law in which Government is involved; and

(d) whenever criminal or civil proceedings are instituted against Government.

(2) For any proposed legislation, the Law Department shall be consulted in accordance with the provisions contained in Part F of these rules.

(3) Except as provided in sub-rule (4) of this rule, the Law Department is not, in respect of legislation, an originating office, and its proper function is to put into correct form all proposed legislation.

(4) Legislation relating to the codification of substantive law or for the consolidation of existing enactments, or legislation of a purely formal character, such as repealing and amending bills may be initiated by the Law Department. The Law Department shall, however, consult the Administration Department concerned, which shall consider the draft legislation in its bearing on administration, make such enquiries and consultation as may be necessary, and tender advice to the Law Department accordingly.

(5) No Department shall consult the Advocate General, except through the Law Department, and in accordance with the procedure laid down by that Department. The Departments should draw up specific points on which the opinion of the Advocate General is desired.

(6) If there is disagreement between the views of the Advocate General and the Law Department, the views of both the Law Department and the Advocate General should be conveyed verbally to the Department concerned, and if the Department concerned does not accept the view of the Law Department the case shall be submitted to the Minister for Law for a decision, who may, in his discretion take such a case to the Council.

Reference from the Heads of Attached Departments to the Departments:-

Cases requiring the approval of Government shall be referred in as complete a form as possible to the Department concerned by the Heads of Attached Departments. Cases to the Administration Department by the Attached Department, shall ordinarily be settled in personal discussion between the Head of Attached Department and the Secretariat Officer dealing with the case.

Secretaries' Committee:- (1) There shall be constituted a Secretaries' Committee, with the Chief Secretary as its Chairman, to facilitate co-ordination amongst the Departments, to provide a venue for the consideration of matters of common interest and to tender advice on any case that may be referred to it by the President, the Council or a Minister.

(2) A Secretary who wishes a particular matter to be discussed in the meeting of Secretaries' Committee shall advise the Services and General Administration Department of his intention of doing so and forward 12 copies of a brief note on the subject which would form the basis of discussion.

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(3) The Services and General Administration Department shall issue notice of a meeting, together with the agenda, well in advance of the meeting, except that urgent items may be considered at short notice.

(4) Meetings of the Secretaries' Committee shall be attended only by Secretaries of Departments.

(5) Minutes of the meeting shall be recorded (except in those cases where a record may not be considered necessary) by an officer of the Services and General Administration Department, who shall attend the meeting for the purpose, and shall be circulated after approval by the Chief Secretary as soon as possible after the meeting as practicable.

(6) Conclusions reached to the meeting of the Secretaries' Committee shall not be taken as decision of Government. Any further action required shall be taken by the Department concerned in accordance with the rules.

PART D SERVICES

Public Service Commission:- (1) The Public Service Commission shall be consulted:

(i) on all matters relating to methods of recruitment to a Civil Service or Civil post;

(ii) on the principles to be followed in making appointments to the Civil Services and posts and in making promotions and transfers from one service to another;

(iii) on all cases of appointments:

(a) on promotion to a gazetted post from a non-gazetted post;

(b) on, promotion to Class II gazetted post from a lower grade;

(c) on promotion to junior gazetted Class I from a lower grade;

(d) on promotion to senior gazetted Class I from Class II or a lower grade;

(e) on original appointment to any gazetted rank; and

(f) on original appointment to other posts the initial pay of which is Rs. 250/- or above:

Provided that for temporary appointment for a period not exceeding six months, consultation with the Public Service Commission will not be necessary.

(iv) on all cases laying down principles for determining the relative, seniority of persons in Civil Services and posts;

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(v) on all cases of relative seniority of persons holding gazetted posts or other posts the initial pay of which is Rs. 250/- or above.

(2) The Public Service Commission shall advise on any matter referred to it under sub-rule (1).

(3) The advice of the Public Service Commission shall ordinarily be accepted by the Department in all matters where it is obligatory to consult the Commission under Sub-Rule (1).

(4) If it is proposed not to accept the advice of the Commission, the case shall be submitted to the President through the Services and General Administration Department which shall give an opportunity to the Public Service Commission of further justifying its recommendation before a final decision is taken.

Differences between Selection Board & the Depts:- (1) Government may constitute one or more Selection Boards and specify the appointments and promotions to posts other than those to be made on the advice of the Public Service Commission to be made on the advice of such Selection Boards.

(2) if in any case, a Department does not propose to accept the advice of the Selection Board in regard to a matter in which its advice is required under sub-rule (1), the case shall be returned to the Selection Board for reconsideration, and the Selection Board shall reconsider such case. If on reconsideration, the difference still persists, the case shall be submitted to the President through the Services and General Administration Department for his orders.

Postings:- (1) Transfer of officers shown in column 1 of Schedule V Part II shall be made by the authorities shown against such officers in column thereof.

(2) The Services and General Administration Department shall be consulted if it is proposed :

(a) to transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and

(b) to require an officer to hold charge of more than one post for a period exceeding four months.

PART E

COUNCIL PROCEDURE

Cases to be brought before the Council:- Following cases shall be brought before the Council:

(a) proposals for legislation, official or non-official bills;

(b) promulgation and revocation of Ordinances;

(c) the budget position and proposals before the presentation of the annual budget and other financial statements in terms of Section 21 of the Act.

(d) proposals for the levy of new taxes.

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(e) cases involving vital political, economic and administrative policies;

(f) cases which a Minister considers important enough for reference to the Council;

(g) important reports and documents required to be laid before the Assembly.

(h) other cases required to be referred to the Council under the provisions of these rules; and

(i) any case desired by the President to be referred to the Council,

(2) Notwithstanding the provisions of sub-rule (1), the President may in any case give directions as to the manner of its disposal, without prior reference to the Council.

Method of disposal by the Council:- (1) Cases referred to the Council shall be disposed of:

(a) by discussion at a meeting of the Council;

(b) by circulation amongst Ministers;

(c) by discussion at the meeting of a Committee of the Council:

Provided that the discussions of the Committee shall be ratified by the Council unless the Council has authorised otherwise.

(2) Committees of the Council may be constituted and their terms of reference and membership determined by the Council or by the President. Such Committees may be standing or special committees, accordingly as they are appointed to deal with a class of cases or a particular case

(3) The decisions of the Council shall be subject to the approval of the President.

Manner of submission of cases to Council:- (1) In respect of all cases to be submitted to the Council, the Secretary of the Department concerned shall transmit to the Chief Secretary a concise and lucid memorandum of the cases (hereinafter referred to as the "Summary"), giving the background and relevant facts, the points for decision and the recommendations of the Minister:

Provided that in the event of the views of the Department being different from the views of the Minister, both the views shall be included in the Summary.

(2) The Summary shall be self-contained as far as possible, and may include as appendices such relevant papers as are necessary for the proper appreciation of the case.

(3) In the case of proposed legislation to which approval is sought in principle, the Summary shall bring out clearly the main issues to be legislated

upon.

(4) Where a case concerns more than one Department, the Summary shall not

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be forwarded to the Council unless the case has been considered by all the Departments concerned. In the event of a difference of opinion, the points of difference between them shall be clearly stated in the Summary, a copy of which shall be sent by the sponsoring Department to the other Department concerned simultaneously with the transmission of the Summary to the Council.

(5) No Summary containing a proposal involving financial implications shall be submitted to the Council unless the Finance Department has been consulted and its views incorporated in the Summary.

(6) All Draft Bills, Ordinances or Orders having the force of law shall be submitted to the Council after the same have been vetted by the Law Department and no changes shall be made therein except with the knowledge of that Department.

(7) No case for inclusion in the agenda of a meeting of the Council shall be accepted unless it reaches the Chief Secretary at least four clear days in advance of the meeting:

Provided that if the case is urgent, the Secretary concerned may approach the Chief Secretary for its inclusion in the agenda, and, if he agrees, a note shall be sent for circulation to the Council showing how the case is urgent and why it could not be submitted in time.

(8) The Services and General Administration Department shall satisfy itself that the papers submitted by a Secretary are complete and in appropriate form. It shall ordinarily return a case which does not meet with the requirements of these rules and of any other instructions of the subject.

Procedure regarding Council decisions circulation:- (1) When a case is circulated to the Council for recording opinion, the Chief Secretary shall specify the time by which opinions should be communicated to him. If a Minister does not communicate his opinion by that time, it shall be assumed that he accepts the recommendations contained in the Summary.

(2) On the expiration of the specified time, the Chief Secretary shall submit the opinions received to the President for decision.

(3) If the President directs that the case should be discussed at the Council meeting, the Chief Secretary shall circulate the opinion recorded by the Ministers in the form of supplementary summary.

(4) Reports made to the Council, and other cases submitted only for information shall normally be disposed of by circulation,

Procedure regarding Council meeting:- (1) Meetings of the Council to discuss ordinary business shall normally be held once a fortnight, on a day and time to be fixed by the President:

Provided that the president may call a special meeting of the Council on any day to discuss urgent business or vary the time or date on which a meeting is to be held,

(2) A minister shall so arrange his tour that he is able to attend the Council meeting, unless he has obtained the President's permission to absent himself, in

which case the Secretary of his Department should invariably be in attendance at the Council meeting if any item relating to his Department is on the agenda of the meeting.

(3) The President shall preside at all meetings of the Council:

Provided that the President may authorise the holding of a Council meeting during his absence, in which case the meeting shall be presided over by a Minister nominated, by the President,

(4) Any decision taken by the Council in the President's absence shall be subject to the approval of the President, unless the Council feels that a particular case is so urgent that immediate action is to be taken in anticipation of the approval of the President.

(5) The Chief Secretary shall ordinarily issue to the Ministers, three days in advance of the meeting, the agenda of the meeting, together with the Summaries relating to the items on the agenda- In case of special meetings, a shorter notice may issue.

(6) No case shall be discussed in the Council unless the Summary relating to it has first been circulated:

Provided that the President may dispense with the requirements of this sub-rule if he is satisfied that the working paper could not be supplied,

(7) The Secretary shall be informed of the items on the agenda of the Council meeting pertaining to his Department, and shall, unless otherwise directed, attend the meeting of the Council, in which the case is under consideration.

(8) If, in the absence of the Minister from Head-quarter the Secretary concerned considers that the discussion on a case should await the Minister's return, he may request the Chief Secretary for its postponement.

(9) A Minister or a Secretary in the absence of Minister may, if he deems it fit, request for the withdrawal of a case pertaining to his Department from the agenda of the Council.

(10) The Chief Secretary and or any other officer of the Services and General Administration Department shall attend all meetings of the Council and prepare:

(a) a brief record of the discussion which in the absence of a special direction by the Council, shall be of an impersonal nature;

(b) a record of the decisions, without any statement of the reasons therefore.

(11) The Chief Secretary shall circulate to the Ministers, a copy of the record prepared under sub-rule (10) for perusal and return within twenty-four hours of issue.

(12) If a Minister considers that there has been a mistake or omission in recording the minutes, he shall point out to the Chief Secretary within twenty-four hours of the issue of the minutes. The Chief Secretary shall obtain the orders of the President and thereafter finalize the minutes.

(13) Where a Secretary has attended a Council meeting, in the absence of his Minister, the record of the items concerning the Secretary shall be sent to him

to be dealt with in the manner provided in sub-rule (11) and (12).

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(14) A copy of the decision of the Council and wherever considered necessary of the points made during the discussion shall be supplied by the Chief Secretary to the Secretary of the department concerned, for action under rule 28:

Procedure regarding Committee of Council:- (1) Meetings of the Committees of the Council shall be convened by the Chief Secretary under the directions of the Chairman of the Committee, who shall preside at the meeting, (2) Officers of the Department concerned may be associated with the deliberations of the Committee as and when considered necessary. (3) The provisions of rule 22 and 24 shall apply mutatis mutandis to the manner of submission of cases to and the procedure for the meetings of Committees.

Action on Council decision:- (1) When the decision of the Council on a case is received by the Department concerned, it shall acknowledge the receipt of the decision and take prompt action to give effect to the decision.

(2) To ensure implementation of the Council decisions the Secretary, of each Department shall keep a separate record of all the decisions conveyed to him and shall watch progress of action until it is completed. It shall be the responsibility of the Secretary of the Department sponsoring the case, to consult or inform any other Department concerned in order to ensure full implementation of the Council decisions:

Provided that the record of the discussion before a decision so taken shall not be passed down by the Secretary to the other Department or to other officers of his Department unless it contains points which require consideration or action in the other Department or by those officers, as the case may be.

(3) The Chief Secretary shall watch the implementation of each decision of the Council, and the Secretary in the Department concerned shall supply to the Chief Secretary such documents as the latter may, by general or special request, require to enable him to complete his record of the case.

(4) The Chief Secretary shall maintain the record of each case submitted to the Council, which shall consist of:

(a) acopy of all papers issued under rules 23 (1), 24(5) and 25;

(b) acopy of the record prepared under rules 23, 24 (10) and 25; and

(c) all documents received under rule 26 (3).

Secretary of the Council:- (1) All proceedings of the Council and the record

of the discussion in the Council shall be secret.

(2) All papers submitted to the Council are secret until the council decision has taken place, whereafter the Secretary concerned shall subject to any general or special order of the Chief Secretary in this behalf, determine whether the papers shall continue to be classified as secret.

Custody of Council papers:- The Minister shall return to the Chief Secretary the papers issued to them for decision by circulation immediately after recording their opinion,

PART F LEGISLATION

Official Bills:- (1) The Department administratively concerned shall be responsible for determining the contents of the proposed legislation, for consulting the other Departments concerned (including the Finance Department, where necessary) and for obtaining the approval of the Council to the issues involved, before asking the Law Department to give legal shape to the Bill:

Provided that where the proposed legislation involves only a verbal or formal amendment of an existing law, it shall not necessary, to obtain the Council's approval before asking the Law Department to give legal shape to it,

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- (2) When referring the approved legislation to the Law Department, the Department administratively concerned shall send a memorandum indicating precisely the lines on which it is proposed to legislate, which shall include:
- (a) a statement in the form of series of propositions detailing the provisions required to be made, or preferably, a draft Bill; and
 - (b) a statement giving the objects and reasons for each provision.
- (3) When a proposal for legislation is referred to the Law Department, that Department shall, apart from giving shape to the draft legislation, advise the Department concerned whether any legal requirements are to be complied with before the Bill is introduced in the Assembly. The Law Department shall also advise whether the proposed Law disregards or violates, or is or is not in accordance with the principles of law-making,
- (4) The Department concerned shall then submit the case, including the advice of the Law Department to the Council:
- (a) for approval of the draft Bill;
 - (b) for deciding any issue that may still be outstanding;
 - (c) for orders as to which of the following motions should be made in the Assembly:
 - (i) _ that it should be taken into consideration at once; or
 - (ii) that it should be taken at a future date to be specified; or
 - (iii) that it should be referred to a Select Committee or a House Committee, or
 - (iv) that it should be circulated for the purpose of eliciting opinion thereon.
- (5) Where the approval of the President has not been obtained in the Council meeting, the Department concerned shall obtain the President's approval to the decision of the Council on the points referred to in sub-rule (4).
- (6) The Department concerned shall thereafter prepare a brief for the use of the Minister, which shall include the directions which the Council and the President have given regarding the line of action to be adopted with regard to the Bill.
- (7) The Department concerned shall then forward to the Law Department the draft legislation in its final form with a statement of Objects and reasons duly signed by the Minister. The Law Department shall obtain the previous consent or recommendation of the President to the introduction of the Bill in the Assembly; if such consent or recommendation is necessary.
- (8) The Law Department shall arrange to include the Bill in the official business of the assembly. The Bill shall be introduced in the Assembly by the Minister and thereafter published in the Gazette by the Assembly Office. If, however, the Bill is of great urgency, the Law Department may request the Assembly Office to publish it in the Gazette before introduction.
- (9) After a Bill has been passed the Assembly office shall forward the Bill to the President, through the Law Department, in the form in which it is passed, duly-signed by the Speaker. The Minister for Law, in consultation with the Minister concerned with the subject matter of the Bill shall advise the President:
- (a) to accord his assent to the Bill;
 - (b) to withhold his assent; or
 - (c) to request the Assembly for a re-consideration of the Bill, or of a particular provision thereof; suggesting specific amendments, if any.
- (10) The Law Department shall obtain the decision of the President and convey

it, through the Minister for Law to the Speaker within the time limit specified.

(11) The procedure regarding amendments shall be the same as for official Bills,

Non-official Bills and amendments:- (1) As soon as notice regarding the

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introduction of a non-official Bill is received from the Assembly Office by a Department, it shall:

- (a) assess the administrative implications of the proposed legislation;
- (b) consult the other Departments, concerned, including the Finance Department, where necessary; and
- (c) Obtain the Law Department's advice:
 - (i) Whether the bill can be introduced in the Assembly and is otherwise in order; and
 - (ii) Whether previous consent of the President to its introduction is necessary.
- (2) After the advice of the Law Department has been obtained, and where necessary, consultation with the other Departments concerned has been had, the Department concerned shall obtain:
 - (a) the instructions of the Council regarding the provisions of the Bill; and
 - (b) the decision of the Council as to which of the following motions in the Assembly is to be supported:

(i) that it be taken into consideration by the Assembly either

at once or at some future date to be specified;

(ii) that it be referred to a house Committee or a Select Committee;

(iii) that it be circulated for the purpose of eliciting opinion thereon; and

(iv) that it be opposed.

(3) If the consent or recommendation of the President to the introduction of the Bill in the Assembly is necessary, such consent or recommendation shall be obtained by the Law Department, where it is decided to support the Bill.

(4) The Department concerned shall prepare a brief for the use of the Minister which shall include the directions of the Government regarding the line of action to be adopted with regard to the Bill.

(5) The procedure regarding amendments shall be the same as for non-official Bills.

Ordinance:- (1) The provisions of rule 29 shall apply mutatis mutandis where the proposed legislation is an Ordinance.

(2) The Law Department shall promulgate the Ordinance and in due course arrange to lay it before the Assembly,

PART G

RELATIONS WITH THE ASSEMBLY

Rules of the Assembly:- The Department shall, in their relations with the Assembly, comply with the rules of procedure and standing orders of the Assembly.

Summoning of the Assembly:- (1) Orders of the President for convening a session of the Assembly shall be obtained by the Law Department and

communicated to the Secretary of the Assembly.

(2) As soon as the date of session of the Assembly is fixed, it shall be notified in the Gazette by the Secretary of the Assembly and thereupon all Departments shall undertake a review of the official business intended to be brought before the Assembly and shall promptly forward to the Law Department detailed lists of such business not later than seven days before the commencement of the session,

(3) The Minister for Law shall prepare a provisional forecast of the business to be brought before the Assembly and shall make proposals to the Speaker for the allotment of days for the transaction of official as well as non-official business. The programme, as approved by the Speaker, shall be communicated by the Assembly Office to all the Departments, and the Secretary to the President.

(4) (a) When the Assembly has been summoned by, the President, he will at

the appropriate stage, fix a date for the prorogation of the Assembly.

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(b) The Secretary of the Assembly shall, when the session called by the President is nearing completion of its business, obtain the orders of the President through the Law Department, as to the date for the prorogation of the Assembly.

(c) The Secretary of the Assembly shall notify in the Gazette the date fixed for the prorogation of the Assembly.

General provisions regarding Bills etc:- (1) Copies of the Bills, resolutions, motions, questions and other business to be brought before the Assembly shall be forwarded as soon as received, to the Department concerned by the Assembly Office.

(2) For the correct allocation of business of the Assembly amongst the Departments, the Assembly office shall consult the Chief Secretary, whenever it is in doubt.

(3) If a bill, resolutions, motion or question has been wrongly addressed to a Department by the Assembly office, it should be promptly transferred to the Department concerned in consultation with the Chief Secretary, if necessary, and under advice to the Assembly Office.

(4) The Assembly Office shall advise the Departments as soon as it is known that a non-official Bill, resolution, motion, or question has been admitted in its final form, or not admitted, so that the Departments may regulate their action accordingly.

(5) As soon as any communication (whether in notice, intimation, Bill or any other paper) is received from the Assembly Office, or any other authority regarding the business or affairs of the Assembly, the receiving officer shall at once bring it to the notice of the Secretary and the minister.

Resolutions and motions:- (1) When an official resolution or motion is to be moved in the Assembly, the Department concerned shall, after consulting the

Law Department, where the President's approval was not obtained in the meeting of the Council, forward the same, together with a formal notice duly signed by the Minister to the Secretary of the Assembly, who shall, if the resolution or motion is admitted by the Speaker, arrange for its inclusion in the official business of the Assembly.

(2) Official resolutions may be for the constitution of a statutory body, declaration of policy on a matter of general public interest, etc.

(3) Official motions may be for the election of members to a standing or adhoc Committee of the Assembly raising discussion on a particular matter, etc.

(4) On receipt of a non-official resolution or motion from the Assembly Office, the Department concerned shall examine it and obtain the orders of the Council, if the time permits. But the orders of the President shall in any case be obtained.

(5) In examining the resolution or motion, the Department concerned shall consider whether the discussion of the resolution or motion, or any part of the same, would be detrimental to the public interest. If so, it should point this out, with reasons, in its comments on the resolution or motion, as the case may be.

(6) The Department concerned shall prepare a brief regarding each resolution or motion, official or non-official, for the use of the Minister.

(7) After a resolution or motion has been adopted, the Assembly Office shall forward it to the Department concerned for appropriate action.

Questions:- (1) On receipt from the Assembly Office of questions, proposed to be asked by a Member, the Department concerned shall draft replies with the approval of the Minister, and in the case of a department which has not been assigned by the President, under these rules, to any Minister, with the approval of the Secretary in charge of that Department and forward the required number of copies to the Assembly Office before the day on which the question is to be

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asked. In the case of starred questions, briefs shall be prepared by the Department concerned for the use of the Minister to assist him in answering any supplementary question that may be asked,

(2) A copy of the supplementary question asked in the Assembly in respect of a starred question and the replies given shall be forwarded by the Assembly Office to the Department concerned

as Soon as possible after the proceedings have been transacted.

(3) The Department concerned shall be responsible for giving effect to any undertaking given by the Minister in reply to questions.

Budget:- (1) The Finance Department shall forward proposals regarding the date for the presentation of the annual budget to the secretary of the Assembly, The latter shall obtain the orders of the President through the Chief Secretary, On receipt of orders a notification in the Gazette, shall be issued by the Secretary of the Assembly.

(2) On receipt of a motion proposing a cut in the demand (or supplementary demand) for grant of funds, the Department concerned shall examine the points raised in the motion, or any further points likely to be raised, and prepare a brief for the use of the Minister.

High Court of Judicature:- The Chief Justice shall exercise general control over the entire judiciary in the State and shall pass final orders in the following cases:

(i) Recruitment, appointment, posting, transfers, grant of leave and disciplinary action, of all kind in respect of posts in the Judicial Department below the rank of Sessions Judge.

Provided that appointments to the posts Advocates and Public Prosecutors shall be made by the Government;

(ii) All service matters relating to the Judicial Department; except the framing of conduct rules, discipline and efficiency rules and recruitment rules

which shall be framed by Government and may be applied to the officers of the Judicial Department in consultation with the Chief Justice.

Auditor General:- (1) The auditor General shall conduct audit of the receipts

and expenditure of all funds and moneys of the Government and for this

purpose, he shall look into cases from the point of view of procedure as well as the merits of the orders passed or sanctions given by the Government or its officials. He shall have power to call for any information and explanation for the purpose of his audit from the officers concerned through the Chief

Secretary. He shall prepare an annual audit report on the receipts and

expenditure of the Government and submit it to the Government on a date to be

specified. He may utilize the agency of the Accountant General for the discharge of functions assigned to him.

(2) The Auditor General shall have power to prescribe an accounting

procedure and to make such amendments in that procedure as he considers

necessary to enable him to satisfy the requirements of audit.

(3) The Accountant General will honour all whether passed by the

Government or the authorised to do so except those which are in these Rules or the sanctioned budget.

SCHEDULE I
LIST OF DEPARTMENTS

Secretariat Attached Head of Attached
. Department Department Department
No.
Agriculture (i) Agriculture Director of Agri:
Department (ii) | Animal Husbandry Director of Animal
Husbandry
A.K.R.F. Affairs ---- ---
Armed Services Armed Services Director Armed Services
Board Department Board. Board.
Augaf Department ---- Administrator Augaf
Basic Democracies, B.Ds Director of B.Ds
Local Government
and Social Welfare
Department
Communications and P.W.D. Chief Engineer
Works
Co-operative ---- Registrar Co-operative
Department
Education Education Director of Education
Department
Finance Department Audit Accountant General
i) Taxation and Excise Collector Excise &
ii) Taxation
Forest Department Forest Department Chief Conservator of
0. i) Forests
Games Department
Fisheries Games Warden
ii) Tourism Director Fisheries
ae Director Tourism
ili)
iv)
Health Department Health Director Health Services
1.
Home Department Police, Civil Defence Inspector General Police,
2. & Jails Director Civil Defence,
I.G. Prisons
Industries, (i) Industries Director Industries,
3. Commerce and (ii) Mineral Resources Director Mineral
Mineral — Resources
Department Resources
Information Information Director of Information
4. Department
Labour Department ---- Director of Labour

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Law Department (i)
(ii)
(iii)

Mangla Dam Affairs
Planning and (i)
Development (ii)
Department

Rehabilitation
Department

Revenue Department

Services & General
Administration
Transport
Department

Office of the Legal
Rememberancer
Office of the
Advocate General
Legislative Assembly

Mangla Dam Affairs

Planning
Development

Rehabilitation
Department

Revenue Department

A.K. Public Service
Commissioner

Azad Kashmir
Provincial Transport
Authority

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Welfare

Legal Rememberancer

Advocate General

Secretary to the
Assembly
Commissioner Mangla
Dam

Development

Commissioner

(i) Rehabilitation
Commissioner

(ii) Custodian
Commissioner
AK. P.S.C.

Chairman, Provincial

Transport Authority

SCHEDULE II

DISTRIBUTION OF BUSINESS AMONG DEPARTMENTS

1. AGRICULTURE DEPARTMENT

Agriculture:

- (a) Agricultural Education and Research;
 - (b) Experimental and demonstration farms;
 - (c) Improvement of agricultural methods;
 - (d) Protection against insects and pests and prevention of plant diseases.
- Agricultural operations.

Government gardens.

Bee-Keeping.

Animal Husbandry-

- (a) Improvement of Livestock;
- (b) Prevention of animal diseases;
- (c) Veterinary training;
- (d) Prevention of cruelty to animals.

2. A.K.R.F. AFFAIRS

Recommendations for the grant of temporary honorary and permanent

Commissions, pensions and gratuities etc of A.K.R.F. Personnel.

3. ARMED SERVICES BOARDS

- (a) Armed Services Boards.
- (b) Fauji Foundation.

4. AUQAF DEPARTMENT

Administration of:

- (a) The Azad Kashmir Augaf Act.

Charitable and Religious Endowment.

Religious Trusts.

Mosques/Shrines and other religious institutions under the control of the

Administrator Augaf, Azad Kashmir.

Religious Education Schemes.

Publication of books on Islamiyat.

5. BASIC DEMOCRACIES, SOCIAL WELFARE

AND LOCAL GOVERNMENT DEPARTMENT

Matters relating to:

(a) District/Tehsil and Union Councils, Town/Union Committees and Municipal Committees;

(b) Elections, Election Petitions, Civil Suits, in regard to B.Ds. and Local Bodies.

(c) Establishment and budget of Local Councils and Local Bodies except Grant-in-Aid for Hospitals and Dispensaries.

(d) Local Taxation and Local Rates.

Registration of Births, Deaths, and marriages by Local Councils and Local Bodies.

Judicial Powers for Basic Democracies.

Development Fund and Development Schemes pertaining to Local Councils and Local Bodies.

Grant-in-Aid for Local Councils and Local Bodies.

Slaughter Houses under Local Councils and Local Bodies (other than those in Cantonments).

Local Councils Service, including Engineering and Health Services for Basic Democracies and Local Bodies.

Framing of rules, regulations and bye-laws under the B.Ds.

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Order and the Municipal Act.

Ponds and prevention of cattle trespass.

Census.

Rural Uplift.

Burning grounds, Burial grounds and Muslim graveyards not taken over by the Augaf Department.

Village Police.

Co-ordination of Social Welfare Schemes.

Urban Community Development and other Social Welfare Projects, excluding Medical Social Welfare Projects.

Orphanages.

Eradication of Social Evils.

Rehabilitation of handicapped and disabled adult persons.

Social Security.

Matters pertaining to the Elections to the Assembly.

Service matters pertaining to B.Ds. Department, except those entrusted to Service and General Administration Department.

6. COMMUNICATION AND WORKS DEPARTMENT

Buildings:

(a) Construction, equipment, maintenance, repairs and fixation of rent of all Government buildings, residential and non-residential, including tents, dak bungalows but not Government Guest House.

(b) Public health works pertaining to Government buildings.

Construction, maintenance and repairs of roads, bridges, ferries, tunnels, ropeways and causeways.

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Road Fund.

Inland Waterways and inland navigation.

Town Planning.

Town Development and housing.

Irrigation:

(a) Tube-wells and other water utilization schemes in areas;

(b) Embankments;

(c) Drainage;

(d) Storage of water and construction of reservoirs.

Water logging schemes.

Electricity:

(a) Development, generation, supply and distribution of hydle and thermal powers;

(b) Determination of rates of supply, to consumers in bulk and otherwise and prescribing tariffs;

(c) Acquisition and revocation of licences of electric undertakings;

(d) Administration of Electricity Act and other such Acts; and

(e) Assessment and collection of tares on electricity.

Services matters, except those entrusted to Services and General Administration Department.

7. CO-OPERATIVE DEPARTMENT

Co-operative Societies and Banks.

8. EDUCATION DEPARTMENT

General Education:

(a) Primary Education;

(b) Secondary Education;

(c) University Education;

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Technical Education Department.

Education of handicapped children specially, deaf, dumb, and blind.

Libraries.

Historical or protected monuments maintained by or through the Azad Kashmir Government.

Ancient manuscripts and historical records.

Museums.

Copy-right.

Sports and Physical Culture.

Services matters, except those entrusted to service and General Administration Department.

9, FINANCE DEPARTMENT

Audit:

Management of public funds, i.e. :

- (a) supervision and control of Government finances;
- (b) preparation of Government budget;
- (c) preparation of Supplementary estimates and demands for excess grants;
- (d) appropriations and reappropriations; and
- (e) Ways and Means.

Public Accounts and Public Accounts Committee.

The framing of financial rules for guidance of departments and supervision or maintenances of accounts.

Floatation and administration of Public Loans.

Examination and advice on matters affecting directly or indirectly the finances of Azad Kashmir.

- (a) grants, contributions, other allowances and honoraria, contingencies, recoveries from and payment to Government. Departments and cases relating to money matters generally,

(b)

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such as defalcations, embazzlements and other losses;

(b) emoluments, pensions and allowances;

(c) Loans and advances to Government servants.

Administration of public revenue save as otherwise provided.

Banking.

Communication of financial sanctions.

Examination of all proposals for the increase or reduction of taxation.

Creation of new posts and examination of schemes of new expenditure.

Audit of receipts and expenditure.

Public Debt.

The Local Audit Department.

Treasuries & Sub-Treasuries.

Deposit of Government funds or funds under the control of Government in

scheduled banks in accordance with rules to be framed.

Excise & Taxation Department.

Control of Tobacco, opium, hemp, narcotics, liquor, and intoxicating

preparations; import and contracts relating thereto, and excise taxes thereon.

Tobacco Wend Fees.

Assessment and collection of taxes enforced by the Government from time to time.

10. FOREST DEPARTMENT

(a) Forests (including forest settlement, reafforestation, erosion, denudation and sericulture).

(b) Levy of duty, fee, etc., on import and export of timber.

(c) Botanical survey.

(d) Games.

(e) Protection of wild birds, plants and animals.

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Fisheries.

Service matters except those entrusted to Services and
Administration Department.

11. HEALTH DEPARTMENT

Public Health and Sanitation:

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(b)
(c)
(d)
(e)
(f)
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Prevention and control of infectious and contiguous diseases;
Tuberculosis;

Eradication/control of malaria;

Lepers Act;

Treatment of patients bitten by rabid animals;
Adulteration of foodstuffs;

Nutrition surveys;

Nutrition and publicity in regard to food;
Vaccination and inoculation;

Maternity and child welfare; and

Quarantine.

Medical Profession:

(a)
(b)
(c)
(d)
(e)

General

Regulation of medical and other professional qualification and standards;

Medical registration;

Indigenous system of medicines;

Medical attendance on Government servants;
Levy of fees by medical officers.

Control of medical drugs, poisons and dangerous drugs (Drugs Act and Rules).

Service matters, except those entrusted to Services and General Administration
Department.

12. HOME DEPARTMENT

Public order and internal security.

Political intelligence and censorship.

Criminal Law and Criminal Law Procedure.

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Criminal Lunatics.

Evidence and Oaths.

Arms, ammunition and military stores.

Control of petroleum and explosives.

Public amusement Control over places, performances and exhibition.

Crime reports.

All matters connected with Police establishment and administration including:

(a) Police rules;

(b) Police works;

(c) Grant of gallantry awards;

(d) Departmental examination of officers.

Prisons, Remand Homes, transfer of prisoners; State-Political-Prisoners; Good

Conduct Prisoners and Probational Release Act.

Extradition and deportation.

Passports and permits.

Civil Defence and A.R.P.

Compensation for loss of property of life due to civil commotion or while on
duty.

Rent control and requisitioning of property.

Smuggling.

Clubs.

Collective fines.

Hording and black-marketing.

War book.

Civil Security Schemes.

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Commutation and remission of sentences; and mercy petitions.

Preventive detention and administration of press laws.

Prosecutions in respect of newspapers and other publications.

Border incidents including incidents where diplomatic action is required.

Pilgrims and pilgrimages.

Political pensions.

Home guard and territorial forces.

Questions of domicile and applications for nationality certificates.

Recovery of missing persons.

Prohibited maps.

Matters connected with the Navy, the Army, or the Air Force or the Pakistan Marine Service or any other armed forces:

(a) Territorial Force Act and Auxiliary Force Act;

- (b) Verification of antecedents of persons employed in Defence Services;
- (c) Camping ground; and
- (d) War injuries Scheme.

Civil Armed Forces.

Service matters, except those entrusted to Services and General Administration Department.

Liaison with Defence Authorities.

Enforcement of provisions of Motor Vehicles Act, 1939, and the rules there

under relating to control of Traffic and inspection and checking of Motor Vehicles for the purpose of Traffic control.

13. INDUSTRIES, COMMERCE AND MINIERAL
RESOURCES DEPARTMENT

Planning and Development of Industries, including Cottage Industries.
Industrial research.

Loans and subsidies to Industries.

Industrial training, including Travelling Demonstration Parties.
Industrial control.

Control or the supplies and distribution of iron and steal.

Industrial exhibition within the country.

Survey of Industries.

Matters relating to the Azad Kashmir industrial Development Corporation.
Trade and commerce within Azad Kashmir, including Government
commercial undertakings, merchandise Marks Act, Insurance Act,
Partnership Act, trade enquiries.

Clothing for uniforms-references regarding.

All cases relating to Boilers Act, Patent and Designs Act, Explosives Act and

Companies Act.

Registration of Joint Stock Companies, Firms, Societies.

Mines and minerals:

(a) Geological surveys;

(b) Development of mineral resources and regulation of mines;

(c) Mineral rules; and

(d) Grant and transfer of prospecting licences and mining leases:

Printing and stationery:

(a) Establishment and budget of Government Press and Stationery Office;

(b) Monthly income and expenditure Statement of Government Press; and

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(c) Procurement of stationery (both indigenous and imported) and its supply to Departments;

(d) Local Purchase of stationery; and

(e) Printing and Stationery Manual.

Allocation of stationery to Departments on disposal of waste paper.

Inventions, Designs, Trade marks.

Chambers and Associations of Commerce and Industry.

Service matters, except those entrusted to Service and General Administration Department.

14. INFORMATION DEPARTMENT

Publicity.

Public Relation.

Newspapers, books, magazines, pamphlets, posters and private printing presses.

Tourism.

Cinematograph Act and Rules.

Production and distribution of films and documentaries of general or educational interest in consultation with the Departments concerned.

Service matters, except those entrusted to Service and General Administration Department.

15. LABOUR DEPARTMENT

All matters affecting Labour in general:

(a) Welfare and conditions of labour;

(b) Labour Laws;

All cases relating to weights and Measures Act.

Employment Exchange.

Service matters, except those entrusted to Services and General Administration Department.

16. LAW DEPARTMENT

Conduct of Government litigation:

- (a) Representation in criminal cases;
- (b) Appeals and applications for enhancement of sentences and convictions;
- (c) Filing and defending civil suits against Government and public servants.

Advice to Departments on all legal matters including interpretation of laws, rules and orders having the force of law.

Appointment, transfer, leave, fees etc of Government Law Officer; Advocate General, Public Prosecutors, Government Pleaders, Special Counsels.

Matters relating to legal practitioners, including scale of fees.
Matter relating to the approval of appointments of Legal Adviser and engagement of Legal Practitioners made by the Statutory

bodies, payment of their fees and termination of their services.

Offence of pauper accused in the courts and fees to pleader for such defence.

Civil Law and Procedure.
Matters relating to Legislature.

Scrutiny and drafting of Bills, ordinances, Notifications, Rules, regulations, statutory orders and bye-laws.

Scrutiny of non-official Bills.

Constitutional legislation.

Codification of laws and printing of Acts, Rules and Orders.

Service matters, except those, entrusted to Services and General

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Administration Department.

Matters relating to Ifta.

17. MANGLA DAM AFFAIRS

All matters such as administration, rehabilitation, compensation etc. of displaced persons from Mangla Dam areas.

Problems of new towns and hamlets as a result of Mangla Dam.

18. PLANNING & DEVELOPMENT DEPARTMENT

Planning including policy and development.

Co-ordination of technical assistance.

Economic research.

Co-ordination of statistics in General.

Prosecuting of all development schemes, Programmes and proposals submitted to by other Departments and making recommendations to Government thereon.

To evaluate the progress of development schemes and their critical appraisal.

Initiation of measures for going suitable publicity to the Development Plan and educating the public on the results achieved from time to time.

Service matters, except those entrusted to Services and General Administration Department.

19. REHABILITATION DEPARTMENT

Rehabilitation of refugees — Rural and Urban.

Evacuee Property.

20. REVENUE DEPARTMENT

Land Revenue Administration:

(a) assessment and collection of land revenue, development cases and surcharges thereon and agriculture income-tax;

(b) land surveys and record of rights, including restriction over transfer of title;

(c) alienation of revenue;

(d) laws regarding land tenure, relations between landlords and tenants, special remission of land revenue and remission under sliding scale;

(e) religious endowment of land;

(f) escheats; and

(g) Pre-emption Law.

Scheme relating to grant of land to retired and retiring Government Servants.

Taccavi, Land Improvement and other agricultural lands.

Compulsory acquisition of land, Land Acquisition Act and rules made thereunder, Rent Control.

Demarcation.

Leases of ferries and bridges.

Treasure trover.

Matters connected with the recruitment, training pay, allowances, promotions, leave, posting, and transfers of Revenue field staff and District and Divisional Establishment (Ministerial), except those entrusted to the Services and General Administration Department.

Registration of deeds and documents, including registration fees.

Copying Department.

Court of Wards, Encumbered and attached Estates.

Stamps and Court Fees, Judicial and non-Judicial.

Famine Relief Fund and relief for other natural calamities, e.g., earthquakes, floods and conflagrations.

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Debt Conciliation Boards.

Land Laws.

Settlement and Re-assessment.

Tenancy Laws.

Water logging and salinity other than schemes relating thereto.

Unification of land Laws.

Budget and Accounts.

Territorial adjustments and changes.

Boundary disputes.

Rehabilitation of War displaced persons.

21. SERVICES & GENERAL ADMINISTRATION

DEPARTMENT

Council work:

(a) Council of Ministers (appointments, salaries and privileges of Ministers).

(b) All Secretarial work of Council of Ministers including conveying of meetings.

General Co-ordination.

Honours, awards, and Sanads for public service.

Cypher and other Codes.

Ceremonials:

(a) Warrant of precedence and Table of precedence;

(b) Azad Kashmir Flag Rules,

(c) Civil uniforms;

(d) Liveries and clothing rules.

Holidays.

Office management:

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- 18.

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- (a) Civil Secretariat and Government offices generally;
- (b) Secretariat standing orders; and
- (c) Memorials and petitions standing orders.

Preparation of Civil List.

Service Rules relating to various Services and posts, and interpretation thereof.

Service Associations.

Rights and interests of membership of Service.

- (a) Matters connected with the requirements, training, pay, allowances, promotion, leave, transfer, posting and powers of;
 - (i) the Ministerial establishment of the AK Secretariat; and
 - (ii) the Azad Kashmir Secretariat Service; and
 - (iii) Azad Kashmir Class I Officers.

High Court.

- (a) Re-employment of retired officers;
- (b) Extension in Service to superannuated Govt. servants.

Appointment of Commissions of inquiry or panel of officers in cases of misconduct of Government servants.

Organization and method:

- (a) Periodic review of the organization, staff, functions and procedure of the Departments, Attached Departments and Subordinate offices, and suggestions for improvement thereof.
- (b) Improvement of general efficiency and economic execution of Government business.
- (c) Advice regarding proper utilization of stationery and printing resources of the Government.
- (d) Training in Organizations and Methods.

Public Service Commission.

Framing and alteration of Rules of Business for Azad Kashmir Government

and allocation of Business among Ministers.

19. Inspection Team.

20.

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Compilation of the list of persons debarred from future employment under the
Azad Kashmir Government.

22. TRANSPORT DEPARTMENT

Administration of the Azad Kashmir Motor Vehicles Act, excepting

enforcement of provisions relating to control of traffic and inspection and

checking of motor vehicles for the purpose of traffic control.

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SCHEDULE III

PART (A)

(LIST OF CASES TO BE SUBMITTED TO THE PRESIDENT
FOR HIS APPROVAL BEFORE ISSUE OF ORDER)

Sr. No. Cases

1. Summoning, prorogation and dissolution of the Assembly.
2. Promulgation of Ordinances.
3. Rules of Business: Framing or alteration thereof.
4. Ministers:
 - (i) their appointment,
 - (ii) removal and resignation,
 - (iii) terms and conditions of service,
 - (iv) allocation of Departments to them and
 - (v) disqualification from public office.
5. Advocate-General: Appointment, removal, duties and terms and conditions of service.
6. Reports relating to the accounts of Azad Kashmir.
7. Budget statements to be laid before the Assembly and changes therein.
- . Authentication of the Schedule of Authorised expenditure.
9. High Court:
 - (i) Seats of the High Court,
 - (ii) recommendations for the appointments of Judges and
 - (iii) rules regulating the practice and procedure of the High Court and of Courts subordinate to it.
10. Public Service Commission:
 - (i) _ its strength.
 - (ii) appointment, removal or resignation of members;
 - (iii) their terms and conditions of service;
 - (iv) non-acceptance of its advice; and
 - (v) Annual report.

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23.

24.

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Appeals and Review petitions to President.

Making of rules of procedure of the Assembly till rules of procedure are made by the Assembly.

Adaptation of existing laws.

Selection Boards:

(i) in their constitution and

(ii) cases where it is proposed not to accept their advice.

Appointment of officers on the Secretariat staff of the President.

Proposals involving any change in the functions or powers of Secretaries, Financial Commissioner, Commissioners and Heads of Attached Departments.

Cases regarding the conditions of service or promotion of, or disciplinary action against Class I Officers and above.

Appointment and transfers of holders of Class I posts except in the case of Class I A.C.Fs. and Sub-Judges.

Selection of Gazetted officers for foreign deputation.

Mercy petitions against sentences of death passed in criminal cases.

Recommendations for the grant of honours and awards.

All cases relating to matters which are liable to involve Government into controversy with the Government of Pakistan or with another Provincial Government.

All cases which may have a bearing on relations with a foreign Government.

PART 'B'

(List of cases to be submitted to the President for information).

(a) All periodical reports by administrative and executive officers of a

political nature or relating to law and order, such as the fortnightly reports submitted by Deputy Commissioners and situation reports submitted by

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the Inspector General of Police.

(b) All special reports by administrative and executive officers relating to matters which may seriously affect the peace and tranquility of the

territory or any part thereof.

(c) All periodical reports of Heads of Departments and proposal action on such reports.

Press notes issued by the Information Department.

Intelligence Reports.

(a)

(b)

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SCHEDULE IV

(TRANSFER OF OFFICERS AUTHORITIES
COMPETENT TO MAKE)

In the Secretariat.

(i)

(ii)

(iii)

(iv)

(v)

Secretaries

Other officers of and above
the rank of Section Officers.
Within the same Department
but below class I.

Within the Secretariat from
one Department to another.
Officials below the rank of
Section officers:

(a) within the same
Department.

(b) to and from an Attached
Department.

(c) Within the Secretariat
from one Department to
another.

Heads of Attached Departments and
equivalent posts.

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President through the
Services and General
Administration Department.

-do-

Secretary

Chief Secretary

Secretary

Chief Secretary

-do-

President through the

Services and General
Administration Department.

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THE GAZETTE OF AZAD JAMMU & KASHMIR GOVERNMENT
(EXTRA-ORDINARY)

SCHEDULE V PART I
OFFICERS IN CATEGORY I

Chief Secretary. 2. Secretaries.

Chairman, Azad Kashmir

Public Service Commission. 4. Commissioner.

Director of Industries. 6. Inspector General Police.

Chief Conservator Forests. 8. Chief Engineer.

Director of Agriculture. 10. Director Animal Husbandry.
11. Director of Education. 12. Director Health Services.
13. Director of Basic 14. Accountant General.

Democracies.

15. Election Commissioner.

OFFICER IN CATEGORY II

Superintending Engineer PWD. 2. Conservator of Forests.
Deputy Commissioners. 4. District & Sessions Judges.
Director of Information. 6. Registrar Co-operatives.
Collector Excise & Taxation. 8. Director Land Record.

Director Armed Services Board. 10. _ Principals of Degree Colleges.
11. Secretary Legislative Assembly.

OFFICERS IN CATEGORY III

Superintendents of Police. 2. District Medical Officers.
Executive Engineers PWD. 4. Divisional Forest Officers.
Asstt: Inspector General 6. Distt: Agriculture Officers.
of Police.

Asstt: Director of 8. Collectors Land Acquisition

Animal Husbandry.

Principals Intermediate 10. Inspector of schools.
Colleges.
11. Assistant Director. 12. Sub-Judges.

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Basic Democracies.

OFFICERS IN CATEGORY IV

All other Gazetted Officers

Note (1): If an officer is performing an additional duty in an ex-officio capacity, he will be deemed in the category of original Department.

Note (2): The powers vested in the officers subordinate to any officer shall also vest in and be exercisable by him.

Note (3): Nothing herein contained shall affect the powers vested in an officer under any stature or under any rules framed under any statute.

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PART III
FINANCIAL POWERS

CATEGORY I

Non-recurring expenditure from contingencies upto a limit of Rs. 1,500/- in each case in respect of the following items where budget provision exists:-

Purchase of and repairs to bicycles for offices.

Grant of conveyance hire to non-gazetted government servant.

Electric and Meter charges.

Fire protection.

Payment of demurrage charges.

Purchase of fixtures and furniture,

Hire of electric fans, heaters, typewriters, etc.

Engagement of inferior servants paid from contingencies.

Liveries.

Purchase of locks, electric bulbs and scales.

. Repairs of staff cars and vehicles and hiring of motor vehicles for departmental purposes.

Incurring miscellaneous office expenses from contingencies.

. Incurring postal and telegraph charges including charges for remittance of money due to contractors and for supplies.

Purchase of newspapers and technical books.

. Repairs to, erection and removal of machinery.

Payment to Government servants for the supply of drinking water and dusting offices or for acting as night drawers or for similar services in addition to their own duties.

(ii)

(iii)

(iv)

@)

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17. Payment of taxes and toll fees.

18. Charges for telephone connection of Government offices with existing telephones system.

19. Repairs to tents and camps furniture.

20. Maintenance of typewriters, calculating machines, copying machines.

21. Winding and regulating office clocks, maintenance of call bells.

22. Incurring freight and demurrage charges.

23. Incurring law charges (to be exercised only by Law Secretary).

24. Acceptance of tenders upto limit of powers of technical sanction.

Purchase of stores directly of a value not exceeding Rs. 600/-in each case.

Re-appropriation upto a total of Rs. 3,000/- in one financial year within the budget grant under each main head in accordance with the Rules framed by the

Finance Department and subject to conditions laid down by it.

Sanction of expenditure provided in the budget according to the rules framed by the Finance Department.

CATEGORY II

Sanction non-recurring expenditure from contingencies not exceeding Rs. 250/- P.M. in each case where budget provision exists, in respect of the following items:-

1. Repairs to bicycles for offices.
2. Grant of conveyance hire to non-gazetted government servants.
3. Electric and water charges.
4. Fire protection.

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5. Payment of demurrage charges.
6. Liveries.
7. Purchase of locks, electric bulbs and scales.
8. Repairs of staff cars and vehicles.
9. Incurring postal and telegraph charges including charges for remittance of money due to contractors and supplies.
10. Recovery of rents of buildings from government servants occupying rented house.
11. Repairs to, erection and removal of machinery.
12. Payment of taxes and roll fees.
13. Charges for telephone connection of government offices with existing telephone system.
14. Maintenance of typewriters and calculating machines.
15. Winding and regulating office clocks, maintenance of call bells.
16. Incurring freight and demurrage charges.

CATEGORY IIT

Sanction non-recurring expenditure from contingencies upto a limit of Rs.

100/- in each case where budget provision exists.

CATEGORY IV

Sanction non-recurring expenditure from contingencies upto Rs. 50/- in each case where budget provision exists:

Provided that the President, the Chief Secretary, a Secretary or with the approval of the Government a Head the Department, with the approval of the Head of any other officer, may delegate his powers relating to grant of leave all kinds, sanction of annual increments, appointment, transfers, and disciplinary action to any of his subordinate officers, not below the rank of a gazetted officer.

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
SERVICES & GENERAL ADMINISTRATION DEPARTMENT,
MUZAFFARABAD

ORDER

The President, Azad Government of the State of Jammu and Kashmir has been
pleased to sanction the following additions and amendments to the existing Rules
of Business:-

(i) "Provided further that the This proviso shall be
President may delegate all or any added to schedule V
of his powers except those part-III after the
mentioned in Rule-10 and description given at the
schedules III and IV of these end of category IV.
Rules to the Presidentia
Assistant".

(ii) "Restoration of the Department of Occurring at Serial No.
Sericulture to the industries 13 of schedule - II.
Department, the wor

"Sericulture" shall be delete:
from item-10-A of the Forest

Department and added as item 14

to the "Industries and Minera!

Resources Department".

Sd/-

(Abdul Khaliq Khan)
TQA,

Addl. Chief Secretary.

No. Admin/S&GAD/2404-49/CS/71 dated 3rd March, 1971.