

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW JUSTICE PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 20th June, 2014

No.LD/Legis-Act/390-401/2014. The following Act of Assembly

received the assent of the President on 19th day of June, 2014, is hereby published for general information.

(ACT XXIV OF 2014)

An

Act

further to amend the Azad Jammu and Kashmir Public Service Commission Act, 1986

Whereas It is expedient to amend the Azad Jammu and Kashmir Public Service Commission Act, 1986 (Act XVII of 1986), in the manner hereinafter appearing:

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Public Service Commission (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of Section 3, Act XVII of 1986.-In the Azad Jammu and Kashmir Public Service Commission Act, 1986 (Act XVII of 1986), hereinafter referred to as the said Act, in Section 3,-

(i) sub-section (1) shall be substituted as under:-

“(1) ‘There shall be Azad Jammu and Kashmir Public

Service Commission consisting of ten members including the chairman:

Provided that the Administrative Secretary incharge of the department to which the post for recruitment belongs, shall be ex-officio member of the Commission.

(ii) both proviso of sub-section (2) shall be omitted.

(iii) sub-section (3) shall be substituted as under:-

“(3) (i) four Members of the Commission shall be appointed from amongst the retired officers who have held office in the service of Azad Jammu and Kashmir in basic pay scale 20 or above:

(ii) Two Members of the Commission shall be educationist to be appointed from amongst the retired officers, who have held office as a head of an institution or educational department,-

(a) in the Service of Azad Jammu and Kashmir belonging to teaching or administration cadre of Education Department in basic pay scale 20 (substantive) or above; or

(b) in any recognized University or educational institution of Azad Jammu and Kashmir in basic pay scale 20 or above:

(iii) Four Member of the Commission shall be as under:-

(a) a retired judge of superior judiciary or a retired District and Sessions Judge in basic pay scale 21:

Provided that a judge so appointed shall get pay and allowances etc., equivalent to other Members of the Commission.

(b) a women possessing PhD or master degree and fifteen years relevant experience in public or private sector; and

(c) one professional with not less than twenty years experience in the field of engineering, agriculture, —_ medicine, environment, applied sciences, law, psychiatry or any other professional field;

(d) one retired officer from amongst the State Subjects of Azad Jammu and Kashmir not below the rank of lieutenant colonel or equivalent from Armed Forces of Pakistan.

Amendment of Section 4, Act XVII of 1986.- In the said Act, in Section 4, in sub-section (i), second proviso shall be omitted.

Addition of Section 4-A, Act XVII of 1986.-In the said Act, in Section 4, following new Section 4-A shall be added, namely:-

"4-A Oath of Office.-Before entering upon his office, Chairman and Member shall take oath in the form set out in the Schedule to this Act, before the President, in case of Chairman and before the Chairman in case of a Member."

5. Substitution of Section 5, Act, XVII of 1986.-In the said Act, in Section 5, sub-section (2), shall be substituted as under:-

"(2) In case a Member or Chairman is unable to perform his functions or is removed from his office, the term of a fresh appointee shall not exceed unexpired period of his term as member or Chairman."

6. Addition of Section 6, Act XVII of 1986.- In the said Act, after Section 5, the following new Section 6, which was earlier deleted by Act VHI of 1991, shall be restored under:-

"6. Removal _from_office.- (1) A Member shall not be removed from office during the terms of his office except in the manner hereinafter provided:

(a) If the President is of the opinion that a Member,-
(i) may have been guilty of misconduct; or

(ii) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity.

(b) The President shall appoint a Judge of the High Court to enquire into the said matter.

(2) If the Judge, after inquiring into the matter, reports to the President that he is of the opinion that the Member has been guilty of misconduct or is incapable of performing the duties of his office, the President shall remove the Member from his office."

7. Repeal.-The Azad Jammu and Kashmir Public Service Commission (Amendment) Ordinance, 2014 (Ordinance XIII of 2014) is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer Law

SCHEDULE

(See Section 4-A)

I, do hereby solemnly swear that I

will bear true faith and allegiance to the State of Azad Jammu and Kashmir.

That, as a Chairman/Member of the Azad Jammu and Kashmir Public Service Commission, I will discharge duties and perform my functions honestly and diligently to the best of my ability and faithfully in pursuance of Azad Jammu and Kashmir Public Service Commission Act, 1986 and rules made thereunder. I shall always safeguard the national interest, solidarity, integrity, well-being and prosperity of the State.

That, I shall not allow my personal interest to influence to my official conduct or decisions in making selection of persons for recruitment in the service of Azad Jammu and Kashmir. In the performance of my official duties and obligations, I shall act without fear or favour, affection or ill will and shall always uphold and abide by the

principals of impartiality, merit and integrity.

May Allah Almighty help and guide me (A' meen)