

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

Dated 29-10-1997.

No. 624-632/LD/97. The following Act of the Assembly received the assent of the President on the 25th day of October 1997, is hereby published for general information:-

(ACT XII OF 1997)

AN

ACT

to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 (5) of the Interim Constitution Act, 1974

WHEREAS it is expedient to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 (5) of the Interim Constitution Act, 1974;
It is hereby enacted as follows:-

1. Short title, extent _and_ commencement:- (1) This Act may be called the Council of Islamic Ideology (Constitution) Act. 1997.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions:- In this Act, unless there is anything repugnant to the subject or context,-

(a) 'Chairman' means the Chairman of the Council of Islamic Ideology constituted under this Act;

(b) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(c) 'Islamic Council' means the Council of Islamic Ideology constituted under this Act;

(d) 'President' means the President of Azad Jammu and Kashmir.

3. Composition etc. of Islamic Council:- (1) There shall be a Council of Islamic Ideology in Azad Jammu and Kashmir.

(2) The Islamic Council shall consist of such members being not less than six and not more than nine as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah or understanding of the economic, political, legal or administrative problems of Azad Jammu and Kashmir and Pakistan.

(3) While appointing members of the Islamic Council, the President shall ensure that:-

(a) so far as practicable various schools of thought are

represented in the Council;

(b) one of the members is a person who is or has been a Judge

of the Supreme Court or of a High Court;

(c) not less than two members are such person who have been engaged, for a period of not less than ten years in Islamic Research or Instructions.

(4) The President shall appoint one of the members referred to

in clause (b) of sub-section (3) to be the Chairman of Islamic

Council.

(5) Subject to sub-section (6), a member of the Islamic

Council shall hold office for a period of three years:

Provided that the President may reappoint a member or Chairman

for such period as he may deem fit.

(6) A member may, by writing under his hand addressed to the

President, resign his office or may be removed by the President

upon the passing of a resolution for his removal by a majority of

the total membership of the Islamic Council.

Reference_by President/Government:- The President or the

Government may, refer to the Islamic Council for advice on any

question as to whether a proposed law is or is not repugnant to the

injunctions of Islam.

Functions of the Islamic Council:- (1) The functions of the

Islamic Council shall be-

(a) to make recommendations to the Government, as to the ways and means of enabling and encouraging the Muslims of Azad Jammu and Kashmir to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah;

(b) to advise the President or the Government on any question referred to the Islamic Council as to whether a proposed law is or is not repugnant to the injunctions of Islam;

(c) to make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam and the stage by which such measures should be brought into effect; and

(d) to compile in a suitable form, for guidance of the President and the Government, such injunctions of Islam as can be given legislative effect.

(2) When under Section 4, a question is referred by the President, to the Islamic Council, the Islamic Council shall within fifteen days thereof, inform the President of the period within which the Islamic Council expects to be able to furnish the advice.

(3) Where the President or the Government, as the case may be, 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 President or the Government shall consider the law so made.

(4) The Islamic Council shall submit its final report within three years of its appointments, and shall also submit an annual interim report.

Rules of Procedure:- (a) The Proceedings of the Islamic Council shall be regulated by rules of procedure, which have already been framed by the Council;

(b) Any further amendment, addition or alteration in the existing rules may be made by the Council with the approval of the President.

Application of Civil Servants Act and Rules:- All employees of the Council appointed for carrying out the purposes of this Act shall be civil servants and their terms and conditions of service shall be Governed under the provisions of Civil Servants Act, 1976, and rules made thereunder.

Savings:- Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Council of Islamic Ideology (Constitution) Ordinance, 1978 (Ordinance XLI of 1978) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done taken, issued, made initiated or exercised under this Act.

Repeal:- The Council of Islamic Ideology (Constitution) Ordinance, 1997 (Ordinance XXII of 1997) and the Council of Islamic Ideology (Constitution) Ordinance, 1997 (Ordinance XXXVI of 1997) are hereby repealed.

a

Sd/- (Ifthikar Hussain Butt)
Secretary Law