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The Gazette #6 :

EXTRAORDINARY  
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PART  
cts, Ordinances, President's Orders and Regulations  
NATIONAL ASSEMBLY OF PAKISTAN

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The following Acts of Parliament received the assent of the President on the 28th May, 1977, and are hereby published for general information.

ACT No ME Or PPT

An Act to provide for effective prevention of smuggling and for punishment of offenders and for matters connected therewith.

WHEREAS it is expedient to provide for effective prevention of smuggling and for matters connected therewith;

It is hereby enacted as follows:

CHAPTER 1  
PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the Prevention of Smuggling Act, 1977,

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such days as the Federal Government may, by notification in the official Gazette, appoint.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject of context—

(a) "associate" in relation to a person, includes

(i) any individual who is or has been residing in the residence or premises, including a house and servant-quarters of such person;

(ii) any individual who is or has been wanes before or keeping the accounts of such person:

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it in this behalf, issues aa advertisement for Tectuitment of citizens of Pakistan  
Sad mld hans

{fail Be punishable with imprisonment tor a term which may extend to three  
years and. with fine.

27C. Penalty for other offences.—Whorver contrayenes, or fails to comply  
with, any of the provisions of this Act or the rules made under this Act shail,  
if no other penalty is provided by this Act for such contravention or failure, be  
punishable with imprisonment for a term which may extend to one year und with  
ne. "

6. Repeal—The Emigration (Amcodmeut) Ordinance, 1977 (VI of 1977), is  
hereby repealed.

ACT No. XV or 1977

An Act to give effect in Pakistan to the Agreement on feumunities and Priviteyes  
of the Organization of the islamic Conference

WHEREAS Pakistan has ratified the Agreement on Immunities md Privileges  
of the Organization of the Islamic Conference ;

AND WHEREAS it is necessary to give effect in Pakistan to the said Ayreement -  
on Immunities and Privileges of the Organization of the Islamic Conference :

It is hereby enucted as follows :-

1. Short title, extent and commencement,—(1) This Act may be called  
the Organization of the Islamic Conference {immunities and Privileges) Act, 1977.

(2) It extends io the whole of Pakistan.

(3) It shall come into force at once.

2. Proviahons of the Agreement io have force af law.—Notwithstanding any-  
thing contained in any other law for the time being in force, the provisions of the  
Agreement on Immunities and Privileges of the Organization of the {slamic  
Conference set out in the Schedule shall. subject to the other provisions of this  
Act, have the force of law in Pakistan.

3. Certificate of the Federal Government.

or nol any person is entitled to anv oprtivileges or itmmumitics under this Act, 2  
certificate issued by or under the authority of the Federal Government stating  
any fact relating lo that question shall be conclusive evidence of that fact. \_

4. Pewer to amend the Schedale.—The Federal Government may, by notifica-  
tion in the official Gazette. amend the Schedule in conformity with any amend-  
ment duly made in the provisions of the said Agreement se? out therein.

5. Repeal—The Organization of the Islamic Conference (Immunities and  
Privileges) Ordinance, 1977 (VIL of 1977), is hereby repeated. -

THE SCHEDULE

{See section 2}

Whereas Article VI (8) of the Charter of the Organization of the Islamic Conference provides :

"In the light of the agreement on unanimity, and privileges to be approved by the conference,

(a) 'The Conference shall enjoy, in the Member States, such legal capacity, immunities and privileges as may be necessary for the exercise of its functions and the fulfillment of its objectives.

(b) Representatives, of member states shall enjoy such immunities and privileges as may be necessary for the exercise of their functions related to the Conference.

(c) The staff of the Conference shall enjoy the immunities and privileges necessary for the performance of their duties as decided upon by the Conference "

So, it is required to clarify in detail the varieties of immunities and privileges indicated in the Charter, and to specify its scope and cases in which it is applied, in order to facilitate the functions of the Organization of Islamic Conference.

Consequently, the Seventh Islamic Conference of Foreign Ministers held in

Istanbul, Republic of Turkey, on 12-15 May, 1976 (13-16 Jumad Al Awal 1396 H) has approved the Convention placed below.

CHAPTER I  
JURIDICAL PERSONALITY

Article 1.—The Organization of the Islamic Conference shall possess juridical personality. It shall have the capacity :

(a) To acquire and dispose of immovable and movable property.

(b) To contract.

(c) To institute legal proceedings.

CHAPTER II  
PROPERTY, FUNDS AND ASSETS

Article 2.—The Organization of the Islamic Conference, its property and assets, wherever located shall enjoy immunity from every form of legal process save that the Secretary General decides to waive it expressly. It is, however, understood that no waiver of immunity shall extend in any measure of execution.

Article 3.—The premises occupied by the Organization of the Islamic Conference shall be inviolable. Its property and assets wherever located shall be immune from search, requisition, confiscation, expropriation and any other

form of interference, by executive action,

Article 4.--The archives of Uic Organization of the Islamic Conference and in general, all documents belonging to rt. or held by It, shall be inviolable.

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Article S.-- The Organization may,

(1) Hold funds, gold or currency of any kind and operate accounts in any currency according to 16 rules and regulations in force in member states.

(2) Be free to transfer its funds, gold or currency to one country to another, or within the country itself to convert it to any currency according to the laws in force. The Organization may not, without contravention of any regulations, transfer any amount of funds subjected to special restrictions, from "me Slaig, in excess of any amount if has brought into that State.

Article G. In exercising as envisaged under Article 5 above, the Organization and the Islamic Conference shall pay due regard to any representations made by Member States, in so far as is considered useful can be given to such representations, without detriment to the interest of the Organization and Member States,

Article 7. The Organization of the Islamic Conference, its movable or immovable property and its assets shall be :

(a) Exempt from all direct taxes, except for those which are no more than charges for public utility services.

Subject to exemption from customary duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization, for its official use. Such articles, imported under such exemption, will not be sold in the country in which they were manufactured, except with the consent of the Government concerned.

Article 8. Exempt from customs imports and exports in respect of its publications.

## CHAPTER II PACTIES IN) RESPECT OF COMMUNICATIONS

Article 8--The Organization of the Islamic Conference shall enjoy, in the service of each member State, for its official communications, treatment not less favorable than that accorded by that State to the communications of any other Member State, including its diplomatic missions. in the matter of priorities and times, rates on mails, cables, telegrams, radiograms, telephone and other semimunications and press rates for information to the press and radio. No censorship shall be applied to such official correspondence and other official communications.

Article 9. The Organization of the Islamic Conference may use codes and

despatch its correspondence by couriers or bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

## CHAPTER IV THE REPRESENTATIVES OF MEMBER STATES

+ Articie #0, Representatives of Memder Shiles to the Principal and subsidiary  
argu, amb sonfercietes cumbened by ile Orusnivillon, shall while cxrcising

their tunchons and during (he journey to and from che pace of Lhe meeting, enjoy the following immunities and privileges -

ia} dmmuonly trom personal urest or delenlean aged from seizure of their personal baggage,

ib} Tninvuity from fegal process of uny kind in respect of words spoken Gr wrdten aid acy done by them ua Uw vapagity ay representalives,

te) Inviadibifly for all papers und documents.

(d) The mght to use codes aad w receive papers sr correspondence by courler o1 in seaicd bugs.

(cv) Exemption in respect af themselves and their spouses from immigrat+ dion resictions, aiens registration or nujional service obligations in (he State they are visitiig, or through which they are passing, in the exercise of their functions.

ff) 'Phe facties accorded to the representatives of Frreign states, dele- gated on temporary official missions in respect of laws relevant to currency und exchange.

\_(g) The same immunities and facilities, in respect af their personal bag- gage, us accorded to diplomatic envoys.

th} Such other immunitiies uod fuciliies, nol inconsisent with the fore- going as diplomatic envoys, except ihal they shall have oo right te claim exemptions from custo and excise duties on articles imported otper than their personal baggage.

Article 1/.—Reptesentatives of Member States in the Principal and subsidiary organs of the Organizulion of the Islamic Conference and in con- ferences convened by the Organization. shall ettjoy immuauy from legal process in respect of words spoken or written, in «tischaring their duties as representa- tives of their States in the organs of the Organization of the Islamic Conference notwithstanding that the persons concerded are ao longer the representatives of Member States.

Article /2.—Periods spent by the representatives of Member States to the Principal and Subsidiary organs of the Organization of the Tslumic Conference and to conferences convened by 'l, in one of the territories of a Member State shall not be considered asx periods of residence for the assessment of a tax, if the imposition of such a tax is consequent upon such period of residence.

Article 23.—Immunities and privilege, are socorded to the representatives of Member States, not for their personal benefits, but in order (o safeguard the independent exercise of theirs funct'ons in connection with the Organization.

Consequently, Member States are under a duty to waive the immunity of ils representatives in any Cause where chal immunity would impede the course of justice and if it can be waived without prejudice 1o the purpose for which the

immunity is accorded,

Article 4--The provisions of Articles 10, 11 and 12 are not applicable  
as between a representative and the authorities of the State of which he is a na-  
tional, or the approval of the State concerned.

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. Article 15.—The expression “representative” in this chapter shall be deemed to include all delegates of Member States in the discharge of their duties. advisers and

Article 16. -Permanent State representatives shall enjoy, during the period of their representing their State in the organs of the Organization of the Islamic Conference, such immunities and privileges as are enjoyed by diplomatic envoys.

Article 27.--The Secretary General shall notify Member States of the Organization, as well as their permanent delegates and members of permanent committees.

## CHAPTER V OFFICIALS

Article 78.- The Conference of the Organization of the Islamic Conference shall specify the categories of officials to which the provisions of Article 19 and the provisions of Chapter VII shall be applied, as submitted to it by the Secretary General, who will communicate to Member States periodically a list containing the names of such officials and their respective functions,

Article 9. (1) Officials of the General Secretariat of the Organization of the Islamic Conference shall, regardless of their nationality, enjoy the following immunities and privileges :

{a} Immunity from legal process, in respect of words spoken or written and all acts performed by them in their official capacity.

{b} Exemption from taxation on their salaries and emoluments paid or to be paid to them by the organization.

{c) Furthermore, officials of the General Secretariat other than the nationals of the host country, shall enjoy :

(1) Together with their spouses and relatives dependent on them, immunity from immigration restrictions and aliens registration,

{2} Facilities as accorded to diplomatic envoys of their ranks, accredited with the Government concerned, in respect of the regulations relevant to exchange,

{3) Facilities as accorded to diplomatic envoys, in times of international crises, as regards their repatriation.

{4) The right to import, free of duty, their furniture and effects, within a year from the time of first taking up their posts in the country in question.

Article 20.- Further to the immunities and privileges provided for by the two preceding articles, the Secretary General, Assistant Secretary General and senior officials, together with their spouses and their minor children, shall enjoy immunities and privileges, which are accorded, in accordance with international

taw, to diplomatic envoys, each according to his rank.

Article 22 —Immunities and privileges are accorded to officials to safeguard the interests of the Organization and to achieve its aims. The

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Secretary General has the right and is under the duty to waive the immunity of officials of the General Secretariat, not specified in line foregoing article. in any case where, in his opinion, the immunity would impede the administration of justice and can be waived 'without prejudice to the interests of the Organization. As to Officials provided for in that article. the immunity is not to be waived except by approval of the Conference.

Article 22.—The Organization shall cooperate, at all times, with the appropriate authorities of Member States, to ensure (the proper administration of justice, secure the observance of police regulations and prevent (the occurrence

of any abuse, in connection with the immunities and privileges mentioned in this chapter.

CHAPTER V]  
EXPERTS

Article 23—Experts (other than officials coming within the scope of Chapter V) performing missions for the Organization of the Islamic Conferences shall be accorded, in execution of a resolution to be adopted by its Conference, such immunities and privileges, necessary for the fulfillment of that mission, more specifically -

(a) Immunity from personal arrest or detention and from seizure of their personal baggage except in emergency cases as decided by the concerned state upon consultation with the Secretary General.

(b) Immunity from legal process, even after termination of their mission, in respect of words spoken or written and acts done by them in the course of the performance of their mission.

(c) Inviolability for all papers and documents of the Organization.

(d) The same facilities in respect of currency of exchange restrictions, is accorded to representatives of foreign States on temporary official mission, according to the laws in force in the concerned country.

(e) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

If immunity, together with their spouses and minor children, from immigration restrictions and alien registration and the obligation concerning national service. .

Article 24.—Immunities and privileges are granted to experts in the interest of the Organization. The Secretary General shall have the right and the duty to waive the immunity in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

CHAPTER YI  
\_AISSEZ-PASSER

Article 25.—The General Secretariat of the Organization of Islamic Conference may issue laissez-passer to its officials. Those laissez-passers shall be recognised and accepted as valid travel documents by Member States.. taking into account the provisions of the two succeeding articles.

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Article 2be- Visas. are accorded to the members of laissez-passer at the request of the General Secretariat, in which «| is stated that they are official: travelling on official business of the General Secretariat,

Article 27.--The grant of visas shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Article 28.- Similar facilitations to those specified in Article 27 shall be accorded to experts and officials who, though not holders of Organization laissez-passer, have a certificate that they are travelling on business for the Organization.

## CHAPTER VII SETTLEMENT OF DISPUTES

Article 29.—The Organization of the Islamic Conference shall establish an organ for settling -

ia} Disputes arising out of contracts, or other disputes of a private nature, in which the Organization is a party.

fb} Disputes involving any official of the Organization, who, to reason

of his official capacity, enjoys immunity, when immunity has not been waived in his case.

## FINAL PROVISIONS

Article 30. Nothing under the provisions of this Agreement shall affect the authority of a Member State to take such measures as are deemed appropriate for the safety of its territory or the establishment of security and maintenance of public order.

Any State deeming necessary the taking of such steps, shall hasten to contact the General Secretariat, 25 circumstances will permit, in order to agree upon the measures warranting the safeguarding of the interests of the Organization.

Article 31.—The immunity whenever provided in this Convention either clearly or inclusively means official immunity and no personal,

Article 42.—The Secretary General shall submit this Convention to Member States of the Organization for accession thereto.

Article 33.—This Convention shall become binding on the respective State as from the date of the deposit of the instruments of accession by that State with the General Secretariat. The Secretary General shall inform all member States of the Organization of the deposit of each accession.

Article 34.—The accession of any Member State to this Convention means that it has accomplished the Constitutional processes; to render this Agreement part of its internal legislation.

Article 35.—This Convention shall remain binding on each acceding State,

as long as it remains a Member State of the Organization,

Article 36.—The Organization of the Istonie Conference may conclude suj-

plementary agreements for proper application of the provisions of this Convention, within the territories of Member States.