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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  
5th 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 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 date 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 or context,—

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

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

(ii) any individual who is or has been managing or keep-  
ing the accounts of such person :

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it in this behalf, issues an advertisement for recruitment of citizens of Pakistan  
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{fail Be punishable with imprisonment for a term which may extend to three  
years and. with fine.

27C. Penalty for other offences.—Whoever contravenes, or fails to comply  
with, any of the provisions of this Act or the rules made under this Act shall,  
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 and with  
fine. "

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hereby repealed.

ACT No. XV of 1977

An Act to give effect in Pakistan to the Agreement on Immunities and Privileges  
of the Organization of the Islamic Conference

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

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

It is hereby enacted as follows :-

|, 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 to the whole of Pakistan.

(3) It shall come into force at once.

2. Provisions of the Agreement to have force of 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 Islamic  
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 not any person is entitled to any privileges or immunities under this Act, a  
certificate issued by or under the authority of the Federal Government stating  
any fact relating to that question shall be conclusive evidence of that fact. \_

4. Power to amend the Schedule.—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 set out therein.

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Privileges) Ordinance, 1977 (VII of 1977), is hereby repealed.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

## 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 immunities and privileges to be approved by the Conference,

(a) 'The Conference shall enjoy, in the Member States, such legal capacities, immunities and privileges as may be necessary for the exercise of its functions and the fulfilment 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 Rajab Al Awwal 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 unless 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 heid by It, shall be invielabie.

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Article 5. The Organization may,

(1) Hold funds, goods or currency of any kind and operate accounts in any currency according to laws and regulations in force in member States.

(2) Be free to transfer its funds, goods or currency from one country to another, or within the country as if it were converted into any currency according to the law in force. The Organization may not, in contravention of any regulations previously promulgated, transfer any amount of funds subjected to special restrictions, from one State, in excess of any amount it has brought into that State.

Article 6. In exercising its rights 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 unduly prejudicial 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.

(b) Exempt from customs 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 acquired, except with the consent of the Government concerned.

(c) Exempt from customs imports and exports in respect of its publications.

## CHAPTER II]

### PARTIES IN) RESPECT OF COMMUNICATIONS

Article 8. The Organization of the Islamic Conference shall enjoy, in the territory of each member State, for its official communications, treatment not less favourable than that accorded by that State to the communications of any other Member State, including its diplomatic missions. In the matter of priorities and rates, telegrams, cables, telegrams, radiograms, telephone and other telecommunications 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

despatches for correspondence by couriers and bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

## CHAPTER 14

### THE REPRESENTATIVES OF MEMBER STATES

+ Article #0, Representatives of Member States to the Principal and subsidiary  
agents, and sonfercietes cumbeled 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 from personal urrest or delenlean aged from seizure of  
their personal baggage,

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

te) Inviadibifily 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 immigra+  
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.

tf) 'Phe facities accorded to the representatives of Frreign states, dele-  
gated on lemporary 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 diplomalie envoys.

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

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 «tischarging 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 ot the Organization of the Tslumic Conference  
and to conferences convened by 'l, in one of the tertitories 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 national, 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 their deputies, 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 17.—The Secretary General shall notify Member States of the Organization, as well as their permanent delegates and members of permanent committees.

## CHAPTER 4 OFFICIALS

Article 18.—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 19. (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 crisis as regards their repatriation.

(4) The right to import, free of duty, their furniture and effects, within a year from the date 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 enable it to accomplish 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 the 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 (be 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.

#### CHaAPrER ¥] EXPERTS

Article 23—Experts (other than officials coming within the scope of Chapter ¥) 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 fulfilment 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 are 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.

(f) 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 Scerelarial of the Organization of Istamic Conference may issue laissez-passer to its officials. Those Jaissez-passers shall be recognised and accepted as valid travel documents hy Members Stales.. taking into aecount the provisions of the bwo succeeding articles.

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Article 2be- Visas. are aocorded ta dc sens af laissez-pusser at Lhe request of the General Secretariat. in which «| is sliled tha: they are offtcial:. wavelling on

Officia] business of whe General Seerelurial,

Article 27.--The eruat of visas shall be deal: with as specidily as possible. In addition, such persons shal] be granted facilities for speedy travel.

Article 28.- -Similay favilitizs lo tho. specfied in Anichs 27 shall be aecoril- ed to experts and officials who. though ao holders of Orzenizecan laisses-pas- ser, have 2 cefiificate that they are travelling on basmess for the Organization.

## CHAPTER VII SETT] EMENT OF DISPITES

Article 29.—The Organization of the [slamic Conference shall establish en organ for settling -

ia} Disputes arising oui of contracts, or other clispites of a private uw characler, lo which lhe Gruanizulinn is a party.

fb} Disputes involving any official of the Organization. wha. te reasan

of his official capscity. enjoys smimunity. when imraunity bas not been waived tn his case.

## FINALE. PROVISIONS

Article 30. Nothing under the provisions of thi, Agresmen> shall alfeer the authority of a Member State to take such measures as are deemed appropriate for the safet of its territory or the estahlishment of security ang maintenance of public order.

Any State deeming oecessar the lukiug of such steps. shall hasten ti contact the General Secretariat, 25 circumstances will permit, in order to agree upon the measures warranting the safezuardine of ihe inlerests of the Organization.

Article 31.—The Immuniy whenever provided in this Convention either clearly or inclusively-means official immun'ts aod no. personal,

Article 42,—The Secrefamn Genera! shall submit this Convertian 1o Member States of ihe Organization fur accession thereto.

Article 33.—This Convention shall beeome binding .m 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 shal inform all member States of the Organization of the deposit of each accessiag.

Article 34.—The accession of any Member State to 'his Convention means that it bas accomplished the Constitutional proeesse; to render this Agreement part of its internal legistation.

Article 35.—This Convention shall remain binding on each acceiling Stale,

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 provisiions of this Canven-  
tion, within the terriories of Member States.