

**AZAD GOVT. OF
THE STATE OF JAMMU & KASHMIR**

**(Department of Law, Justice,
Parliamentary Affairs & Human Rights)**



**THE
AZAD JAMMU AND KASHMIR
LAWS CODE**

Volume II

**From 1963-1970
(Both Inclusive)**

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AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(Department of Law, Justice, Parliamentary Affairs & Human Rights)

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PREFACE

I am privileged to introduce the Second Edition of Azad Jammu and Kashmir Laws Code Volume IV encompassing the laws, which were made promulgated during the period commencing from 1963 to 1970 under the title “Azad Jammu & Kashmir Laws Code Volume II. First Edition of this Code was published in 1984. It is hereby worthnoting to acknowledge the strenuous efforts extended by officers of “Codification and Law Reforms Wing” i.e., Mr. Muhammad Idrees Abbasi, Additional Secretary, Ch. Waheed-ul-Hussain Shahid, Deputy Secretary and Mr. Jehangir Jarral, Section Officer and applaud their contribution which they rendered in compilation of laws and making possible the availability of the 2nd edition of Azad Jammu and Kashmir Laws Code, to readers.

Every possible effort was made to present a flawless and comprehensive volume and to enhance its utility. Notwithstanding, perfection is unattainable and it is possible that some mistake might have escaped our notice. Moreover, the possibility of printing, composing or clerical mistake and oversight errors cannot be ruled out, we shall be extremely grateful to those who will point out such errors and mistakes.

I hope that this piece of work will benefit all valued reader i.e., members of legal fraternity and departments of Government and public at large. May Allah bestow his blessing upon all of us and enable us to do more and better for this State.

(Malik Abdul Rashid)

Secretary Law

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**THE AZAD JAMMU AND KASHMIR GOVERNMENT
SERVANTS' BENEVOLENT FUND ACT, 1963
(Act I, 1963)**

(Passed under Government Order No. 14/63, dated 23rd January 1963).

WHEREAS it is expedient to constitute a Benevolent Fund for relief of Government servants and their families in the manner hereinafter appearing ; it is hereby enacted as follows :-

1. (1) This Act may be called The Azad Jammu and Kashmir Government Servants' Benevolent Fund Act, 1963.

(2) It shall apply to all Government Servants, as hereinafter defined, provided that Government may, by notification, exempt any class of Government servants from the operation of this Act.

(3) It shall come into force on such a date as the Government may, by notification appoint.
2. In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-
 - (a) 'Family' in relation to a Government servant means his or her:-
 - (i) wife or wives of husband, as the case may be;
 - (ii) legitimate children and step-children less than twelve years old;
 - (iii) legitimate children and step-children not less than twelve years old, if residing with and wholly dependent upon him or her ;
 - (iv) parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;
 - (b) 'fund' means the fund constituted under this Act;
 - (c) 'gazetted Government servant' means a Government Servant holding' a post declared to be a gazetted post by the Government;

- (d) 'Government' means the Azad Government of the State of Jammu and Kashmir;
 - (e) 'Government Servant' means a persons who holds any civil post under the Azad Government of the State of Jammu and Kashmir;
 - (f) 'non-Gazetted Government servant' means a Government servant other than a Gazetted Government servant;
 - (g) 'prescribed' means prescribed by rules made under this Act.
- 3.
- (1) As soon as may be, the Government shall constitute a fund to be known as the Azad Jammu and Kashmir Government Servant's Benevolent Fund;
 - (2) The fund shall be divided into two Parts; Part I, for Gazetted Government servants and Part II, for non-Gazetted Government servants.
 - (3) Each part of the Fund shall consists of:
 - (a) contributions made by the Government servants, at such rates as Government may, from time to time prescribe ;
 - (b) such grants as may, from time to time be made by Government;
 - (c) other contributions and donations;
 - (d) income from investments made under this Act.
 - (4) The money credited to the Fund shall be held in custody as may be prescribed.
4. The fund shall be utilized for:-
- (a) the relief of Government servants and their families by:-
 - (i) giving financial assistance to the families of the deceased Government servants;
 - (ii) giving financial assistance to Government servants invalided out of service ;

- (iii) making special grants to Government servants in exceptional cases;
- (b) Defraying expenditure incurred in respect of management of the Fund.

Explanation:- The benefits admissible under this section will be in addition to the pension, family pensions, or any other aid, gratuities awarded under the rules regulating the conditions of service of Government servants.

- 5. (1) All contributions made under clause (a) of sub-section (3) of section 3 shall be deducted at the source from the salaries of the Government servants concerned.

(2) The Accountant-General, of the Azad Government, of the State of Jammu and Kashmir shall be responsible for keeping the accounts of the Fund. Audit of the assets of and expenditure from the Fund will be conducted by such authority as may be prescribed.
 - 6. (1) As soon as may be Government shall, in such manner as may be prescribed, constitute the following Boards of Management namely:-
 - (a) the State Board of Management (Gazetted) ;
 - (b) the State Board of Management (Non-Gazetted).
(2) Subject to such directions as may be issued by the Government and such rules as may be made in this behalf :-
 - (a) the State Board of Management (Gazetted) shall be responsible for management of Part I of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to incur expenditure therefrom;
 - (b) the State Board of Management (Non-Gazetted) shall be responsible for management of Part II of the Fund and shall have the powers to invest moneys credited to that Part of the Fund and to make, allocations therefrom;
 - 7. Government may make rules for bringing into effect the provisions of this Act.
-

**THE AZAD JAMMU AND KASHMIR LAND REFORMS
(AMENDMENT) ACT, 1963**

(Act II of 1963)

(Passed under Government Order No. 32/63, Dated 5th February, 1963)

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Land Reforms Act, 1960, it is hereby enacted as follows:-

1. (i) This Act may be called the Azad Jammu and Kashmir Land Reforms (Amendment) Act, 1963.
- (ii) It shall come into force at once.
- (iii) It shall take effect from the date of the coming into force of the Azad Jammu and Kashmir Land Reforms Act, 1960.
- (iv) It shall also apply to pending cases and cases decided before coming into force of this Act.

Explanation:- The expression 'pending cases' shall include cases pending before any authority under the Azad Jammu and Kashmir Land Reforms Act at any original, appellate or revisional stage.

2. (i) The following shall be substituted and shall always be deemed to have been substituted for clause (d) of Sub-section (2) of section 25 of the Azad Jammu and Kashmir Land Reforms Act, 1960 :-

'Of such portion of the land comprised in his tenancy without payment of any compensation as corresponds to his share of the produce, where he pays rent partly in cash and partly in kind, and of the remaining portion on payment of compensation by him at eighty times the land revenue of the said remaining portion of the tenancy plus twenty times the cash rent paid by him'.

- (ii) Explanation at the end of clause (d), sub-section (2) of section 25 of the said Act shall be deleted.

**THE AZAD KASHMIR EMERGENCY POWERS
(AMENDMENT)
ACT, 1963**

(Act III of 1963)

(Passed under Government Order No. 127/63, dated 30th April, 1963)

WHEREAS it is expedient to amend the Azad Kashmir Emergency Powers Act, 1958;

It is hereby enacted as follows:-

1. **Short title and commencement:-** (i) This Act may be called the Azad Kashmir Emergency Powers (Amendment) Act, 1963.

(ii) It shall come into force at once.

(iii) Nothing in this Act shall affect any case pending in any court on the date of the commencement of this Act.
2. **Amendment of section 2:-** In the Azad Kashmir Emergency powers Act, 1958, hereinafter referred to as the said Act, in section 2, sub-section (3) shall be omitted.
3. **Amendment of section 8:-** In the said Act, in section 8, sub-sections (iii) and (viii) shall be omitted.
4. **Amendment of section 10:-** In the said Act, in section 10, sub-sections (i), (iii) and (iv) shall be omitted.
5. **Amendment of section 12:-** In the said Act, in section 12, in sub-section (ii), the words 'contravene any order or direction issued under this Act or commit any act or guilty of any omission or' shall be omitted.
6. **Insertion of new section 13-A:-** In the said Act, after section 13, the following new section 13-A shall be inserted, namely:

"13-A. Whoever contravenes any provision of this Act or of any order made thereunder or disobeys or neglects to comply with any order made, or direction given in pursuance of the provisions of this Act shall, where no express provision is made by this Act for the punishment of such contravention,

disobedience or negligence, be punishable with imprisonment of either description which may extend to five years or with fine, or with both."

7. **Omission of sections 14 and 15:-** In the said Act, sections 14 and 15 shall be omitted.
-

**THE AZAD JAMMU AND KASHMIR GOVERNMENT DUES
RECOVERY ACT, 1963
(Act IV of 1963)**

(Passed under Government Order No. 232/63, dated 28th May, 1963)

WHEREAS it is expedient to provide for the recovery of Government dues as arrears of land revenue in the State of Jammu and Kashmir, in the manner hereinafter appearing, it is hereby enacted as follows:—

1. **Short title extent and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government Dues Recovery Act, 1963.

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

(3) It shall come into force at once.

In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say :—

(a) 'defaulter' means a person from whom any dues are recoverable by Government and includes a person who is responsible as surety for the payment of any such dues ; and

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

3. (1) Government may, by notification, declare that any dues or class of dues recoverable by Government shall be recoverable from the defaulters as such dues were arrears of land revenue.

(2) On the publication of a notification under sub-section (1) any such dues shall be recoverable as arrears of land revenue under the land Revenue Act.

4. Government may make rules for the purpose of giving effect to the provisions of this Act.

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**THE LAND ACQUISITION (AZAD JAMMU AND KASHMIR
AMENDMENT) ACT, 1963
(Act V of 1963)**

*(Passed under Government Order No. 366/63,
dated 30th September, 1963)*

WHEREAS it is necessary to amend the Land Acquisition Act, 1894, as adapted and enforced in the Azad Jammu and Kashmir Territory;

It is hereby enacted as follows :-

1. (1) This Act may be called the land Acquisition (Azad Jammu and Kashmir Amendment) Act, 1963.

(2) It shall come into force at once.
 2. In the Land Acquisition Act, 1894 (I of 1894), in a section 18, after sub-section (3), the following new sub-section (4) shall be added, namely:-

" (4) The Government may, by order, from time to time, delegate its power under sub-section (3) to any officer subordinate to it in general or in any particular case or class of cases subject to such conditions as may be specified in this behalf, "
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FOREIGN EXCHANGE REGULATION ACT, 1963
(Act VI of 1963)

*(Passed under Government Order No. 437|63,
dated 13th November, 1963)*

WHEREAS it is necessary to provide for regulating foreign exchange in the Azad Jammu and Kashmir Territory;

It is hereby enacted as follows :—

1. (1) This Act may be called the Foreign Exchange Regulation (Application to Azad Jammu and Kashmir) Act, 1963.

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

(3) It shall come into force at once.
2. It is hereby declared that the Foreign Exchange Regulation Act 1947 (VII of 1947), as it may be in force in Pakistan, hereinafter referred to as the said Act, shall apply to the Azad Jammu and Kashmir Territory subject to the following further provisions, namely:-
 - (i) In the preamble to the said Act, after the word 'Pakistan', the words 'and Azad Jammu and Kashmir' shall be inserted;
 - (ii) In sub-section (3) of section 23-A of the said Act, after the words, 9 figures and commas "Code of Criminal Procedure, 1898 (Act V of 1898)", the words, brackets, commas and figures "as amended by the Azad Kashmir Criminal procedure Code (Amendment) Act, 1958", shall be inserted ;
 - (iii) All rules, orders and notifications made under the said Act or that may be made from time to time shall, as far as practicable, be deemed to be applicable to Azad Jammu and Kashmir Territory ;
 - (iv) The expressions 'Central Government' occurring in the said Act shall mean the Central Government of Pakistan except for the purpose of initiation of proceedings in courts or Tribunals, and the expression 'State Bank' shall mean the 'State Bank of Pakistan' ;

- (v) The expression 'High Court' occurring in the said Act shall, in its application to the Azad Jammu and Kashmir Territory, means the 'Azad Jammu and Kashmir High Court' ; and
 - (vi) No Tribunal shall take cognizance of an offence under the said Act, except on the complaint in writing of the District Magistrate within whose jurisdiction the offence is alleged to have been committed.
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**THE AZAD JAMMU AND KASHMIR
PRESIDENT'S GRATUITY ACT, 1963
(Act VII of 1963)**

*(Passed under Government Order No. 473/63,
Dated 19th November, 1963)*

WHEREAS it is necessary to make provision for the payment of a gratuity to persons who have held the office of the President of the Azad Government of the State of Jammu and Kashmir:-

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir President's Gratuity Act, 1963.

 (2) It shall come into force at once.
 2. **Amount and conditions of gratuity:-** There shall be payable to every person who, having held the office of the President of the Azad Government of the State of Jammu and Kashmir for a continuous period of not less than three years, whether before or after the coming into force of this Act, and not having been removed for misconduct, has ceased to hold such office, a gratuity of ten thousand rupees.
 3. **The gratuity to be charged on the State Revenue:-** The gratuity payable under section 2 shall be charged on the revenues of the Azad Government of the State of Jammu and Kashmir.
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**NEW MIRPUR TOWN DEVELOPMENT AUTHORITY
(REPEAL) ACT, 1964
(Act I of 1964)**

(Passed under Government Order No. 25/64, Dated 25th January 1964)

WHEREAS it is necessary to repeal the Azad Jammu and Kashmir New Mirpur Town Development Authority Act, 1962, in consequence of the decision of the Government to have the new Mirpur Town constructed through its own agents :

It is hereby enacted as follows :-

1. (i) This Act may be called the New Mirpur-Town Development Authority (Repeal) Act, 1964.

(ii) It shall come into force at once;
 2. The Azad Jammu and Kashmir New-Mirpur Town Development Authority Act, 1962, is hereby repealed.
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**THE NEW MIRPUR TOWN (ALLOTMENT OF LAND)
ACT, 1964
(Act II of 1964)**

(Passed under Government Order No. 121|64, Dated 2nd April, 1964)

WHEREAS it is expedient to provide for setting up a Committee for the allotment of land in the New Mirpur Town, townships and hamlets to be built on the periphery of the Mangla Dam Reservoir and for other matters connected therewith;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Act may be called the New Mirpur Town (Allotment of Land) Act, 1964.

(2) It shall come into force at once.

2. **Definitions:-** In this Act, unless there is anything repugnant in the subject of context:

(a) "Committee" means a Committee set up by the Government under Section 3 of this Act;

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

(c) "New Mirpur Town" means the area in Mirpur District the boundaries whereof are as under :—

North.—Triangulation grid line 10,96,000 yds.

South.—Ridge of the hills between 10,94,000 yds. and 10,93,000 yds.

East.—Triangulation grid line 35,88,000 yds.

West.—Triangulation grid line 35,82,000 vertical between 10,96,000 and 10,95,000 horizontal and 35,81.500 vertical between 10,95,000 and 10,94.000 horizontal; and

(d) "townships" and "hamlets" shall mean respectively the townships and hamlets to be built on the periphery of the Mangla Dam Reservoir in the Mirpur District the boundaries

whereof may be specified by the Government from time to time.

3. **Setting up of a Committee etc:-** (1) The Government may set up a committee for carrying out the purposes of this Act.

(2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed by the Government from time to time.

(3) The Government may appoint a Vice-Chairman from amongst the members who shall exercise such powers, and perform such duties and functions as are delegated to him by the Chairman.

(4) The Chairman, Vice-Chairman and members may be changed or removed by the Government at any time.

(5) The Chairman, Vice-Chairman or any member may, at any time, resign;

Provided that the resignation shall not take effect until accepted by the Government.

4. **Appointment of Officers and Servants:-** The Committee may with the previous sanction of the Government, appoint such officers and servants as it considers necessary for the efficient performance of its functions.

5. **Meetings of the Committee:-** (1) Committee shall ordinarily meet for the transaction of business at such place or places as may be determined by the Chairman.

(2) The quorum necessary for the transaction of business shall be three members.

(3) Every meeting shall be presided over by the Chairman, or in his absence by the Vice-Chairman or in the absence of both, the person, chosen by the members present from amongst themselves.

(4) All questions which come before any meeting shall be decided by a majority of the votes of the members present, and in case of equality of votes, the presiding Officers shall have a second or casting vote.

(5) Minutes of the proceedings of every meeting shall be recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting and also by other members present at that meeting and shall, at all reasonable times and without charge, be open to inspection by the members.

(6) No member shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate,

(7) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Committee within 10 days from the date on which the minutes of the proceedings of such meeting were signed.

(8) The Chairman shall, if the Government so directs :—

(a) send a copy of all the papers which were placed before the Committee for consideration at any meeting; and

(b) furnish a report on any matter or copy of any document in his charge.

6. **Delegation of power by the Committee:-** The Committee may from time to time, by general or special order, delegate to the Chairman or to any member or to any officer of the Government, any of its powers, duties or functions under this Act subject to such conditions as it may think fit to impose.

7. **Appointment of Appellate Authority:-** (1) The Government may appoint a person as the Appellate Authority for the purposes, of this Act.

(2) Any person aggrieved by any order of the Committee or of any person to whom the powers of the Committee are delegated under section 6 of this Act may, within 15 days of the Order, appeal to the Appellate Authority.

(3) The Appellate Authority may either summarily reject the appeal or proceed to hear it in such manner as it thinks fit.

(4) Subject to the orders of the Appellate Authority, the decision of the Committee shall be final.

8. **Bar of jurisdiction:-** The order or proceedings of the Appellate Authority or the Committee or of any person to whom powers of the Committee are delegated under this Act, shall not be questioned in any Court.
9. **Powers and duties of the Committee:-** The Committee shall:
- (1) prepare schemes for the allotment of land in the New Mirpur town, townships and hamlets which is to be sold to intending purchaser or to be leased out and shall take such measures as may be necessary for carrying out the purposes of this Act;
 - (2) have the power to scrutinize and fix the price of the plots developed or prepared by any agency of the Government:

Provided that the price shall not be less than the acquisition price as awarded by the Collector including 15 per cent compulsory acquisition charges and the development charges which may be determined by such agency;
 - (3) determine, by rules, the manner of conducting the sale of plots, the order of priority amongst the intending purchasers and the method of realisation of the price of plots sold or any part thereof or of other dues;
 - (4) cause the removal of any construction which obstructs the execution of its schemes and may issue interim orders for stay of any construction or for removal of any building or part thereof which infringes any part of any of its schemes and may, by general or special order, prohibit any change in the use of land and alteration in buildings or structures:

Provided that this clause shall not apply to works executed by an agency of Government.
 - (5) have the power to sell, lease, or rent the plots and realise their price, rents or other dues in lumpsum or in instalments according to the instructions issued by the Government from time to time.
10. **Cancellation of allotments:-** The Committee may, in case of default in the payment of instalments or dues, cancel the allotment and the amount paid shall stand forfeited to the Government.
11. **Recovery of arrears:-** All dues recoverable by the Committee

from any person in pursuance of the provisions of this Act or any order made thereunder shall be recoverable as arrears of land revenue.

12. **Priority of allotment:-** For the purpose of determining priority for eligibility for allotment of land, the following order shall be followed:
 - (a) Persons affected by the construction of Mangla Dam including the inhabitants of the existing Mirpur Town ;
 - (b) Other residents of Mirpur District;
 - (c) Other Jammu and Kashmir Nationals;
 - (d) Persons associated with the affairs of Jammu and Kashmir; and
 - (e) Persons other than those mentioned above.
 13. **Committee to control private construction:-** The Committee shall have the power to control the construction of private buildings in accordance with the rules.
 14. **Punishment:-** Whoever contravenes any provision of this Act or of any rule or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.
 15. **Cognizance of Offences:-** No Court shall take cognizance of an offence under this Act except upon a complaint in writing made by an officer authorized for the purpose by the Committee.
 16. **Power to make rules:-** The Committee may make rules for carrying out the purposes of this Act;
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**THE AZAD JAMMU AND KASHMIR MOTOR VEHICLES
(AMENDMENT) ACT, 1964.
(Act III of 1964)**

*(Passed under Government Order No. 1-15\LEG\GO\SL\64,
Dated 18th August, 1964)*

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, it is hereby enacted as follows :-

1. **Short title and commencement and extent:-** (1) This Act may be called the Azad Jammu and Kashmir Motor Vehicles (Amendment) Act, 1964;

(2) It shall come into force at once and shall take effect from the 12th day of January, 1959.
2. **Insertion of new section 64-A, Act IV of 1939:-** In the Motor Vehicles Act, 1939, as adapted under the Azad Kashmir Adaptation of Laws Act, 1959, after section 64, the following new section shall be inserted, namely:

"64-A. Inclusion of Jurisdiction of Civil Courts:- (1) Save as expressly provided in this Act, no Court or other authority shall have jurisdiction:

- (a) to entertain or adjudicate upon any matter which the Provincial or Regional Transport Authority or the prescribed authority is empowered by this Act to dispose of or to determine ; or
- (b) to question the legality of anything done under this Act by or at the instance of the Provincial or a Regional Transport Authority or the prescribed authority.

(2) No Court or other authority shall be competent to grant an injunction or other order in relation to any proceedings before the Provincial or a Regional Transport Authority or the prescribed authority under this Act, or anything done or intended to be done by or at the instance of any such authority under this Act."

**THE AZAD JAMMU AND KASHMIR GOVERNMENT ACT, 1964
(Act IV of 1964)**

WHEREAS it is necessary to provide for the Government and administration of the territories of Azad Jammu and Kashmir;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government Act, 1964.

(2) It shall come into force at once.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:
 - (a) "Chairman" means the Chairman of the State Council;
 - (b) "Chief Adviser" means an officer appointed by the Government of Pakistan to be the Chief Adviser to the Government;
 - (c) "Existing law" means the law which was in force immediately before the commencement of this Act;
 - (d) "Government" means the Azad Government of Jammu and Kashmir;
 - (e) "Prescribed" means prescribed by rules made by the Chief Adviser ;
 - (f) "President" means the President of Azad Jammu and Kashmir ; and
 - (g) "State Council" means the State Council constituted under this Act.
3. **State Council:-** There shall be constituted a State Council consisting of eight members who shall be elected in the prescribed manner by the elected members of the Union Councils, the Town Committee and Union Committees constituted under the Azad Jammu, and Kashmir Basic Democracies Act, 1960 (Azad Jammu and Kashmir Act X of 1960).

4. **Chairman of the State Council:-** (1) The Chief Adviser shall appoint one of the members of the State Council to be the Chairman thereof unless he thinks fit to appoint any other person to be such Chairman :

Provided that if the person appointed as the Chairman is not a member of the State Council under section 3, such person shall be deemed to be such member in addition to the members specified in that section :

(2) The Chairman shall hold office for such period as may be specified by the Chief Adviser and, if the period is not so specified, until further orders of the Chief Adviser.

5. **Removal of Chairman:-** (1) Without prejudice to the powers of the Chief Adviser, the State Council may by resolution expressing want of confidence, remove the Chairman.

(2) No resolution under sub-section (1) shall be moved in the State Council except with the previous consent in writing of the Chief Adviser.

(3) The Chairman shall have the right to appear before the State Council during the consideration of the resolution under sub-section (1) but shall not preside over, or vote at, the meeting considering, such resolution.

(4) If the resolution under sub-section (1) is passed by the votes of the majority of the total number of voters, the Chairman shall forthwith cease to hold office.

6. **Acting Chairman:-** When a vacancy occurs in the office of the Chairman by reason of death, resignation or otherwise, or when the Chairman is absent from duty, the Chief Adviser may appoint a person to perform the functions of the Chairman until a Chairman is appointed under section 4 or, as the case may be the Chairman resumes his duties.

7. **Chairman to be the President ex-officio:-** The Chairman shall *ex-officio* be the President of Azad Jammu and Kashmir and the Acting Chairman shall *ex-officio* be the Acting President,

8. **Removal of members of the State Council:-** The removal of members of the State Council shall vest in the Chairman according to Rules to be made under this Act.

9. **Secretary to the State Council:-** (1) The Chief Adviser shall appoint a person to be the Secretary to the State Council.
- (2) The Secretary to the State Council shall be the Senior-Secretary to the Government.
10. **Legislative power of the State Council:-** (1) Subject to the provisions of this Act, the State Council may make laws for the territories of Azad Jammu and Kashmir.
- (2) No legislation shall be undertaken by the State Council, except with the previous consent in writing of the Chief Adviser.
- (3) No law made by the State Council shall have effect unless the Chief Adviser by notification so directs, and in such a direction with respect to any law, he may direct that the law shall have effect, or shall, in its application to any specified area, have effect, subject to such exceptions or modifications as may be specified in the direction.
- (4) No rules made under any law made by the State Council or under any existing law shall have effect unless they have been approved by the Chief Adviser.
11. **Reserved matters:-** It shall not be lawful for the State Council to enact any law relating to or affecting:-
- (i) the organization, discipline and control of the armed forces;
- (ii) evacuee property;
- (iii) the provisions of this Act or the rules made thereunder and their repeal or modification.
12. **Other functions of the State Council:-** The State Council may advise the President in the performance of his functions under any law for the time being in force and shall perform such other functions as the Chief Adviser may direct;
13. **Transitional provision:-** Until the election of the members of the State Council under this Act, the six persons who, immediately before the commencement of this Act, were members of the Council constituted under the Azad, Jammu and Kashmir Presidential Election Act, 1960, being elected out of the elected members of the Basic Democracies referred to in clause

(a) of sub-section (i) of section 12 of that Act, shall be the members of the State Council as if elected under this Act and the State Council shall, notwithstanding any vacancy therein, be deemed to have been validly instituted.

14. **Oath of Office:-** Every person appointed or elected or declared as Chairman or a member of the State Council shall before entering upon the duties of his office, make and subscribe an oath as may be prescribed in this behalf.
15. **Powers to make rules:-** The Chief Adviser may make rules, for carrying out the purposes of this Act.
16. **Continuance of existing laws:-** Subject to the provisions of this Act, all existing laws shall with necessary adaptations, continue in force until altered, repealed or amended.
17. **Amendment of the Rules of Business:-** The Rules of Business for the Azad Government of the State of Jammu and Kashmir shall have effect subject to the amendments specified in the Schedule.
18. **Repeal:-** The Azad Jammu and Kashmir Refugees Registration and Representation Act, 1960 (XIII of 1960) and the Azad Jammu and Kashmir Presidential Election Act, 1960 (XIV of 1960) together with all enactments amending or modifying those acts, are hereby repealed.

THE SCHEDULE

1. Rules 5, 8, 9 and 10 shall be omitted.
 2. For the expressions "Secretary-General" and "Inspector-General of Police" wherever occurring, the words "Senior Secretary" and "Director of Police" shall respectively be substituted.
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**THE AZAD JAMMU AND KASHMIR GOVERNMENT
(AMENDMENT) ACT, 1964
(Act V of 1964)**

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Government Act, 1964:—

It is hereby enacted as follows :-

1. (1) This Act may be called the Azad Jammu and Kashmir Government (Amendment) Act, 1964;

(2) It shall come into force at once and shall take effect from the date of the coming into force of the Azad Jammu and Kashmir Government Act 1964.

2. The Azad Jammu and Kashmir Government Act 1964 is amended as follows:-

(i) The following shall be substituted for sub-section,

(b) of section 2 of the said Act.

"Chief Adviser' means an officer appointed by the Azad Government of the State of Jammu and Kashmir on the advice of the Government of Pakistan to be the Chief Adviser to the Government."

(ii) The following shall be substituted for sub-section (1) of section 4 and the Proviso thereunder of the said Act;

"The Chief Adviser shall, in consultation with the State Council, nominate one of the members of the State Council to be the Chairman thereof unless, after such consultation, it is thought fit to nominate any other person to be such Chairman:

Provided that the person nominated as the Chairman shall within six months of his nomination obtain a majority vote of confidence from the elected members of the Union Councils, the Town Committees and Union Committees constituted under the Azad Jammu and Kashmir Basic Democracies Act, 1960. If the Chairman falls to obtain a majority vote of confidence, he shall forthwith cease to hold office as Chairman of the State

Council."

- (iii) The following shall be substituted for sub-section (2) of section 4 of the said Act:

"The Chairman shall normally hold office until the new State Council is elected and the new Chairman nominated."

**THE AZAD JAMMU AND KASHMIR CONCILIATION COURTS
(AMENDMENT) ACT, 1964
(Act VI of 1964)**

*(Passed under Government Order No. 1848-1894 Council,
Dated Muzaffarabad 20th October, 1964)*

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Conciliation Courts Act, 1962, it is hereby enacted as follows:-

1. **Short title and commencement:-** (i) This Act may be called the Azad Jammu and Kashmir Conciliation Courts (Amendment) Act, 1964.

(ii) It shall come into force at once.
 2. **Amendment to the Azad Jammu and Kashmir Conciliation Courts Act, 1962:-** The Azad Jammu and Kashmir Conciliation Courts Act, 1962, hereinafter referred to as the 'said Act' shall be amended as follows :-
 - (i) The full-stop at the end of sub-section (1) of section 8 of the said Act shall be replaced by a colon and the following proviso shall be added at the end of the said sub-section :—

'Provided that such a decision may be set aside by the Controlling Authority if it is of the opinion that the conciliation Court did not have the jurisdiction to try the case.'
 - (ii) In Part I, section B of the Schedule under the head 'Civil cases' the words 'five hundred' shall be substituted for the words 'two hundred'.
 - (iii) In Part II, section B of the Schedule under the head 'Civil cases' the words 'five hundred' and 'one thousand' shall be substituted for the words, 'two hundred' and 'five hundred' respectively.
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**THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
(AMENDMENT) ACT, 1964
(Act VII of 1964)**

*(Passed under Government Order No. 1803-1848\Council,
Dated Muzaffarabad 20th October, 1964)*

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Basic Democracies Act, 1960, it is hereby enacted as follows :-

1. (i) This Act may be called, the Azad Jammu and Kashmir Basic Democracies (Amendment) Act, 1964.

(ii) It shall come into force at once.

2. The Azad Jammu and Kashmir Basic Democracies Act, 1960 hereinafter referred to as the 'said Act' shall be amended as follows:-

(i) After section 11 of the said Act, the following new clause shall be added, namely:-

"(5-A) The Chairman of a Union Council shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two third majority of the total number of members of the Union Council:

Provided that where a motion of no-confidence against the Chairman has been moved and has not been carried, no similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."

(ii) In Section 12 of the Said Act, after clause (5) the following new clause shall be added, namely:-

"(5-A) The Chairman of a Town Committee or a Union Committee shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two-third majority of the total number of members of the Town Committee or the Union Committee, as the case may be, provided that where a motion of no-confidence against the Chairman has been moved and has not been carded, no similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."

(iii) The following shall be substituted for section 14 of the said Act:—

“14. *District Councils* :-

(1) A District Council shall, subject to the other provisions of this section, consist of such number of official and elected members as may be fixed by the Commissioner:

Provided that the total number of elected members shall not be less than the total number of official members.

(2) The holders of such offices as may be specified by the Government shall *ex-officio* be official members of the District Council.

(3) The elected members of the District Council shall be elected in the prescribed manner from amongst the electors by an electoral college consisting of the Chairman of the Union Councils, Town Committees and Union Committees within the District:

Provided that no official shall be as elected.

(4) The Collector shall *ex-officio* be an official member of the District Council and its Chairman."

(iv) After section 14 of the said Act the following new section shall be inserted namely:-

" 14A. *Vice-Chairman* :—

(1) Every District Council shall, in the prescribed manner, elect one of its members other than an official member to be its Vice-Chairman.

(2) Subject to the provisions of clause (3) the term of office of a Vice-Chairman shall be five years, or the residue of his term of office as member, whichever is less.

(3) A Vice-Chairman shall vacate office, if a vote of no-confidence is passed against him in the prescribed manner by two-thirds of the total number of members constituting the District Council other than official members :

Provided that where a motion of no-confidence against the Vice-Chairman has been moved and has not been carried, no similar motion shall be moved until after the expiry of six months from the date the motion was move.

- (4) A Vice-Chairman shall perform such functions as may be prescribed and such other functions as may be entrusted to him by the Chairman.

Explanation:- A Vice-Chairman of a Municipal body and a Vice-President of a Cantonment Board, where they are members of a District Council, shall be deemed to be non-official members for the purpose of this section ".

**THE AZAD JAMMU AND KASHMIR GOVERNMENT
(AMENDMENT) ACT, 1965
(Act I of 1965)**

*(Passed under Government Order No. 2528-60\Admn\SS\65,
Muzaffarabad the, April 6, 1965)*

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Government Act, 1964, it is hereby enacted as follows:-

1. **Short title, commencement and extent:-** (i) This Act may be called the Azad Jammu and Kashmir Government (Amendment) Act, 1965.

(ii) It shall come into force at once and shall take effect from the date of the coming into force of the Azad Jammu and Kashmir Government Act, 1964.
 2. **Amendment of section 9:-** (i) Sub-section (1) of section 9 of the Azad Jammu and Kashmir Government Act, 1964 shall be deleted.

(ii) In sub-section (2) of section 9 of the said Act the figure '2' and brackets shall be deleted.
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**THE AZAD JAMMU AND KASHMIR PREVENTION OF
CORRUPTION (AMENDMENT) ACT, 1965
(Act II of 1965)**

*(Passed under Government Order No. /Council/65,
dated the 7th April, 1965).*

WHEREAS it is expedient to amend the Azad Kashmir Prevention of Corruption Act, 1950, it is hereby enacted as follows:-

1. **Short title:-** This Act may be called the Azad Kashmir Prevention of Corruption, (Amendment) Act, 1965.
2. **Insertion of section 5-B and 5-C in the Act:-** After section 5-A of the Azad Kashmir Prevention of Corruption Act, 1950, the following new sections shall be inserted, namely:

5-B. Declaration of Assets:- (1) When the Government, on receipt of information and after making such enquiries as it may deem necessary, is satisfied that there is reason to believe that any public servant or any other person on his behalf is in possession of pecuniary resources or property disproportionate to the known sources of income of such public servant it may, by order, require such public servant or other person to furnish in the prescribed manner and within the prescribed time a statement of his property and liabilities and such information relating thereto as may be required by the order.

(2) If such public servant or person:-

- (a) upon being so required by an order under sub-section (1) fails to furnish the statement or information or furnishes a statement or information which, he knows or has reasonable cause to believe to be false or not true in any material particular, or
- (b) makes in any book, account, record, declaration, return or other document, which he is required by an order under subsection (1) to furnish, any statement which he knows or has reasonable cause to believe to be false or not true in any material particular, he shall be punishable with imprisonment for a term, which may extend to three years and shall also be liable to fine.

5-C. *Possession of property disproportionate to known sources of income*:- (1) Any public servant who has in his possession any property, movable or immovable, either in his own name or in the name of any other person, which there is reason to believe to have been acquired by improper means and which is proved to be disproportionate to the known sources, of income of such public servant shall, if he fails to account for such possession to the satisfaction of the Court trying him, be punishable with imprisonment for a term which may extend to seven years and with fine, and on such conviction the property found to be disproportionate to the known source of income of the accused by the Court shall be forfeited to the Government.

(2) The reference in sub-section (1) to property acquired by improper means shall be construed as a reference to property acquired by means which are contrary to law or to any rule or instrument having the force of law or by coercion, undue influence, fraud or misrepresentation within the meaning of the Contract Act'.

**THE AZAD JAMMU AND KASHMIR PARTNERSHIP
(AMENDMENT) ACT, 1965
(Act III of 1965)**

*(Passed under Government Order No. \Council 65,
dated, Muzaffarabad, 7th April, 1965)*

WHEREAS it is expedient further to amend the Partnership Act, 1932, as in force in Azad Kashmir, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Partnership (Amendment) Act, 1965.

(2) It shall come into force at once.
2. **Substitution of Schedule I, Act IX of 1932:-** For Schedule I of the Partnership Act, 1932, the following shall be substituted, namely:-

**SCHEDULE I
MAXIMUM FEES**

[See Sub-section (1) of section 71]

Documents or act in respect of which the fee is payable	Maximum fee
Statement under section 58 Ten rupees.
Statement under section 60 Four rupees.
Intimation under section 61 Four rupees.
Intimation under section 62 Four rupees.
Notice under section 63 Four rupees.
Application under section 64 Four rupees.
Inspection of the Register of Firms under sub-section (1) of section 66Rupee one and fifty paise
Inspection of documents relating to a firm under sub-section (2) of section 66.	Rupee one and Fifty paise.
Copies from the Register of Firms	Fifty paise for each hundred words or part thereof.

**THE AZAD JAMMU AND KASHMIR GOVERNMENT (SECOND
AMENDMENT) ACT, 1965
(Act IV of 1965)**

*(Passed under Government Order No. Admin\5779-5824\SS\65,
dated Muzaffarabad the 23rd July, 1965)*

WHEREAS it is necessary further to amend the Azad Jammu and Kashmir Government Act, 1964, for the purposes hereinafter appearing ;

It is hereby enacted as follows:-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government (Second Amendment) Act, 1965

(2) It shall come into force at once.
2. **Substitution of section 3, Azad Jammu and Kashmir Government Act, 1964:-** In the Azad Jammu and Kashmir Government Act, 1964 hereinafter referred to as the said Act, for section 3 the following shall be substituted namely:-

"3. *State Council:-* There shall be constituted a State Council which shall consist of:
 - (a) eight members who shall be elected in the prescribed manner by the elected members of the Union Councils, Town Committees and Union Committees constituted under the Azad Jammu and Kashmir Basic Democracies Act, 1960 (Azad Jammu and Kashmir Act X of 1960); and
 - (b) two members who shall be appointed by the President in consultation with the Chief Adviser from amongst the refugees of the State of Jammu and Kashmir residing in Pakistan."
3. **Substitution of section 8, Azad Jammu and Kashmir Government Act, 1964:-** In the said Act, for section 8 the following shall be substituted, namely:

"8. (1) The members of the State Council, other than the

members specified in clause (b) of section 3 shall be subject to removal by the Chairman in accordance with the rules made under this Act.

(2) The members of the State Council specified in clause (b) of section 3 may be removed at any time by the President on the advice of the Chief Adviser."

**THE PUBLIC OFFICE (MISCONDUCT) ORDINANCE, 1965
(Ordinance I of 1965, dated 20th August, 1965)**

*(Passed under Government Order No. SS\Ordinance\l-33\Home\65,
dated 20th August 1965)*

WHEREAS it is necessary to provide for inquiry into and trial of the offence of misconduct committed by a person while holding a public office and matters incidental thereto;

AND WHEREAS the State Council is not in session ;

Now, THEREFORE, in pursuance of the provisions of Rule 2 of the rules made under the Azad Jammu and Kashmir Government Act, 1964 the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Public Office (Misconduct) Ordinance, 1965.

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

(3) It shall come into force at once.
2. In this Ordinance, unless there is anything repugnant in the subject or context:
 - (a) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);
 - (b) 'Elective body' means any assembly, Board, Committee, local Council, municipal body or any other body or institution, by whatever name called, constituted or established by or under any law for the time being in force, of which the constituent members are wholly or partly chosen by means of election;
 - (c) 'Inquiry Officer' means an Officer appointed under section 3 to investigate and inquire into the offence of misconduct;
 - (d) 'Misconduct' means any subversive activity, the preaching of any doctrine or the doing of any act which contributes to political instability bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or

diversion of public money or moneys collected whether by public subscription or otherwise or any other abuse of whatsoever kind of power or position and any attempt at, or abetment of, such misconduct; and

(e) 'Special Court' means the Special Court constituted under section 6.

3. Where there is reasonable suspicion that a person who, at any time after the 15th day of October, 1958, has held any office, post or position including the membership of an elective body, under or in connection with the affairs of the Azad Government of the State of Jammu and Kashmir has committed the offence of misconduct, the Government may appoint a Police Officer of appropriate rank to investigate and inquire into the misconduct of such person.
4. The Inquiry Officer shall have all the powers of a Police Officer under the Code of Criminal Procedure for investigation of cognizable cases and shall also have the power to arrest an accused person without warrant.
5. (1) On the conclusion of the inquiry the Inquiry Officer shall submit a report to the Government recording therein his findings.

(2) Upon the receipt of the report from the Inquiry Officer, if the Government is of the opinion that there is a *prima facie* case, the Inquiry Officer may be directed by the Government to produce the accused before the Special Court constituted for trial under this Ordinance.
6. (1) The Special Court shall consist of a Judge of the High Court appointed in this behalf by the President.

(2) For the purpose of the trial of an offence of misconduct the Special Court shall be deemed to be a Court of Session and, notwithstanding anything contained in the Code, shall take cognizance of the offence of misconduct, without the accused being committed to it for trial.

(3) Where the Special Court takes cognizance of an offence under subsection (2), then, notwithstanding anything contained in the Code, the Special Court shall try the case, without the aid of a jury or assessors, and in trying the case shall follow, as far as may be and subject to rules, if any, made under section 8, the

procedure, prescribed for the trial by Magistrates of summons cases.

(4) The Special Court may, if in its opinion it is necessary in the public interest so to do, and shall, if the Government so directs, exclude the public from its proceedings.

(5) Where after the conclusion of the trial the Special Court finds the accused person guilty of misconduct it may pass a sentence of fine or of imprisonment for a term not exceeding three years or of both.

(6) The offence of misconduct shall be cognizable and non-bailable.

7. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force and a person liable to punishment under this Ordinance shall not thereby be saved from liability under such other law.
 8. The Government may make rules for carrying out the purposes of this Ordinance.
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**THE INDUSTRIAL DEVELOPMENT BANK OF PAKISTAN
(APPLICATION TO AZAD KASHMIR) ORDINANCE, 1965
(Ordinance II of 1965, dated 23rd December, 1965)**

*(Passed under Government Order No. SS Ordinance\38-88\Home\65
Dated, Muzaffarabad, the 23rd December, 1965)*

WHEREAS it is necessary to provide for extending the scope of the business of the Industrial Development Bank of Pakistan to Azad Jammu and Kashmir Territory ;

AND WHEREAS the State Council is not in session ;

NOW, THEREFORE, in pursuance of the provisions of Rule 2 of the rules made under the Azad Jammu and Kashmir Government Act, 1964 the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance :-

1. (i) This Ordinance may be called the Industrial Development Bank or Pakistan (Application to Azad Kashmir) Ordinance, 1965.
- (ii) It extends to the whole of the Azad Jammu and Kashmir Territory.
- (iii) It shall come into force at once.
2. In this Ordinance, unless there is anything repugnant in the subject or context, the expression:-
 - (i) 'Bank' means the Industrial Development Bank of Pakistan established under the Industrial Development Bank of Pakistan Ordinance, 1961.
 - (ii) 'Industrial Development Bank of Pakistan Ordinance' means the Industrial Development Bank of Pakistan Ordinance, 1961 as it is or as it may, from time to time, be in force in Pakistan.
3. (i) The provisions of the Industrial Development Bank of Pakistan Ordinance, 1961 and the rules made thereunder shall apply to the Azad Jammu and Kashmir Territory as they apply to Pakistan.

- (ii) The Bank may extend its business to the Azad Jammu and Kashmir Territory and grant loans in the said territory in the same way and subject to the same conditions as in Pakistan and all the provisions of the Industrial Development Bank of Pakistan Ordinance, 1961 for enforcement of claims by the Bank shall also be applicable to Azad Kashmir.

 - 4. All sums due to the said Bank shall be recoverable as arrears of land revenue.
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**THE AZAD JAMMU AND KASHMIR GRANT OF KHALSA
WASTE LAND AS SHAMILAT-DEH ACT, 1966
(Act I of 1966)**

(Passed under Notification No. 224-77/Council, dated 4th August, 1966)

WHEREAS it is expedient to regulate 'nautors' under 'Shamilat-Deh' rights and to specify 'Shamilat-Deh' areas after demarcation of forests :-

It is hereby enacted as follows ;—

1. **Short title, extent and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Grant of Khalsa Waste Land as 'Shamilat-Deh' Act, 1966.
 - (2) It extends to the whole of the Azad Jammu and Kashmir Territory, except the areas under the Mangla Dam and such areas as have already been declared as Tourist Development Areas by the Government.
 - (3) Sections 7 and 9 shall come into force at once and the remaining provisions shall take effect from the date of issue of a notification under section 32 of the Punjab Land Revenue Act, 1887 (XVII of 1887), in respect of any estate, tehsil or district.
2. **Modifications:-** All laws, rules, orders and entries in the Revenue Record which are not consistent with the provisions of this Act shall be deemed to, have been modified accordingly; but all the rights already granted and mutations duly attested shall be deemed to have been granted, and attested under this Act.
3. **Definitions:-** For the purpose of this Act:
 - (a) 'Ailan No. 17 and Ailan No. 2' means the Rules notified under Jammu and Kashmir Revenue 'Ailan No. 17 dated 27th Bhadoon, 1984 (Bikrami) for the Jammu Province' and Ailan No. 2 dated 17th Katik, 1984 (Bikrami) for Kashmir Province, regarding mutations of 'Khalsa' Waste Land as 'Shamilat', issued in connection with Boon No. 4 ;
 - (b) 'Collector' means the Collector of a District and includes any Revenue, Settlement Officer or Assistant Settlement Officer invested with the powers of 'Collector' by the Government

under the Punjab Land Revenue Act, 1887, as in force in Azad Kashmir;

- (c) 'demarcated forest' means such area as was under the control of the Forest Department as demarcated forest immediately before the commencement of this Act, and such areas as are brought under demarcation in accordance with the provisions of this Act;
- (d) 'destitute' means a permanent resident of a village having no land anywhere, and having no other satisfactory means of subsistence;
- (e) 'Government' means the Azad Government of the State of Jammu and Kashmir ;
- (f) 'Government Order No. 282/57' means the Azad Jammu and Kashmir Government Order No. 282157, dated 22nd July, 1957, as amended from time to time, pertaining to the grant of proprietary rights over illegal 'nautors' subject to certain conditions ;
- (g) 'land owner' means 'Malik' including 'Malguzar', 'Haq-Assamidar' and occupancy and sub-occupancy tenant who has acquired or is entitled to get proprietary rights under the Azad Jammu and Kashmir Land Reforms Act, 1960, or any other law ;
- (h) 'Settlement Commissioner' means Commissioner appointed under the Punjab Land Revenue Act, 1887, as in force in Azad Kashmir;
- (i) 'state trees' means State trees as denned in section 2 of the Azad Jammu and Kashmir Land Revenue Amendment Act, 1955, and includes Ash and walnut trees ;
- (j) 'Union Council' means Union Council constituted under the Azad Jammu and Kashmir Basic Democracies Act, 1960.

4. **Demarcation of forests for determination of Shamilat-deh area:-**(1) The present classification of forests shall be deemed to have been revised and only 'demarcated forests' shall, for purposes of this Act, be deemed to have been retained.

(2) The term 'undemarcated forest' shall henceforth be

abandoned and an existing undemarcated forest shall be included in the demarcated forest if there are not less than ten state trees per acre standing on it and the rest excluded from forest which may be given in 'Shamilat-deh' :

Provided that if, at any time after the coming into force of section 7 and 9, any State trees standing in an existing undemarcated forest are cut so that their number is reduced to less than ten per acre such undemarcated forest shall be included in the demarcated forest and shall not be given in Shamilat-deh.

Explanation:- In this sub-section 'tree' means one having a diameter of not less than 12 inches.

(3) All other State-owned lands under the control of the Forest Department or 'Maqbooza-Assamian-Deh' having twenty-four or more State trees per acre shall be classed as demarcated forest and the rest may be given in 'Shamilat-deh'.

(4) While demarcating a forest it shall be ensured that Khalsa Waste of less than two acres size entirely surrounded by private holdings, and all strips of Khalsa Waste of not more than 20 Karams width between private holdings, are not included in the line and that strips of Waste not less than 25 Karams wide are always left between the line and the cultivation as 'Khalsa Sarkar'.

(5) The procedure prescribed in the Forest Law Manual for the demarcation of forests shall be followed for the decision of any disputes that may arise in enforcing the provisions of sub-sections (2), (3) or (4).

(6) Nautors in the demarcated forests shall not be regularised under this Act and the 'Nautor Kunandas' shall be ejected forthwith.

5. **Grant of Shamilat-Deh rights:-** (1) Shamilat-rights hereby granted out of State-owned lands, other than demarcated forests, shall be recorded upto the extent of 100 per cent of cultivated area in a village in 1982 (Bikrami), subject to availability of such land in that village. Only one mutation of Shamilat-Deh shall be attested in any one village under this sub-section and such mutation may be sanctioned by the Settlement Officer or Assistant Settlement Officer ;

Provided that mutation of an area in excess of 800 Kanals shall be sanctioned by the Settlement Commissioner or an officer specially authorised by him.

(2) The areas already used for grazing, burial and drinking water purposes and other existing Shamilat-Deh areas shall be deducted from the total entitlement but included in the general mutation of Shamilat-Deh referred to in sub-section (1).

(3) Out of 100 per cent of Shamilat areas, 20 per cent shall be reserved for common purposes of villagers under the management of the Union Council, and 5 per cent shall be kept for local destitutes to regularise 'nautors', if any, made by them ; otherwise it shall remain under the control of the Union Council concerned, if there is no destitute or till it is properly made over to the destitutes. The rest 75 per cent of Shamilat area may be used by the land owners for plantation within the limit of their respective shares in accordance with the distribution made by the Union Council. The Union Council may apply for assistance and obtain the orders of any Settlement or Revenue Officer not below the rank of Naib-Tehsildar while making distribution giving affect to it or for ejecting any person exceeding his share or making encroachment on the share of any other person or on the reserved areas.

(4) In determining the extent of the right of a land owner to Shamilat land, for the purpose of sub-section (3), the area owned or cultivated by him or his predecessor-in-interest in the year 1982 (Bikrami) shall be the basis. The area in respect of which occupancy rights are held by any person according to the revenue record in that year should be deducted when working out the entitlement of an individual owner. Benefit of such occupancy areas should go to future land-owners.

(5) The share of an individual land owner in Shamilat-deh area shall be in proportion to his cultivated owned land in the year 1982 (Bikrami) subject to the condition that the total holding of a land owner in a village including his own land and that given to him under this Act shall not exceed twenty kanals in the case of a local destitute or four hundred kanals in the case of others.

(6) Share in Shamilat on evacuee land shall go to its allottees, but where evacuee land is in the illegal possession of any person its share in Shamilat may be utilized by the concerned Union Council till the same is properly allotted to any person.

(7) All 'nautors' the mutation of which was sanctioned before the year 1982 (Bikrami) shall be included in the basic area for the purposes of calculating Shamilat rights under sub-section (1).

(8) All 'nautors' properly sanctioned after the year 1982 (Bikrami) shall be counted against the Shamilat rights of an individual land owner. He shall be entitled to his remaining share, if any, subject to the conditions laid down in this Act and in case his sanctioned 'nautors' have exceeded the limit the rights already conferred shall not be withdrawn but he shall not be given any more land under this Act.

(9) Save as otherwise provided by sub-section (5) of section 4, all illegal 'nautors' shall, subject to the conditions of plantation hereinafter contained, be regularized within the share of an individual in Shamilat-deh under this Act and assessed to land revenue and cesses according to the rates prevalent in the locality on the kind of soil and recorded as Tenants-at-will under Shamilat by mutations to be attested by a Settlement or Revenue Officer not below the rank of a Naib-Tehsildar after realising all the arrears of land revenue from the date of 'nautor' up to the extent of five years. The amount of arrears of land revenue thus realized shall be entered by the attesting Officer in the body of the mutation order and 'Part Sarkar' of the mutation order shall be consigned to the record room after making a note on it of the number and date of its remission into the Treasury.

A land owner in possession of any portion of 'nautor' in excess of his share in Shamilat-deh shall be liable to summary ejection by any of the aforesaid officers.

(10) The provisions of this Act, in respect of Shamilat Rights shall not apply to estates mutations whereof have already been attested under Ailan No. 17 and Ailan No. 2.

(11) Till the settlement operations are started in an area when the provisions of this Act can be properly implemented, the provisions of the Government Order No. 282/57 shall continue to apply to such areas.

(12) All illegal 'nautors' regularized under sub-section (9) and all other lands newly given in Shamilat under this Act shall be used by individual land owners, for plantation of mulberry trees, fruit trees, fuel trees and such other trees as the land owner may choose. The entire benefit out of such trees, will go to him.

Further cultivation in such areas shall be stopped as soon as the mutation under sub-section (1) is sanctioned and plantation started within one year. Cultivation in such areas shall be prohibited and any person doing so shall be liable to summary ejectment and cancellation of his mutation sanctioned under sub-section (9).

(13) Any person who contravenes any direction or ejectment order issued in pursuance of sub-section (5) of section 4, or sub-section (9) or (12) of this section shall be liable to a fine up to Rs. 200 to be imposed by the Collector.

(14) A person shall be eligible for the grant of proprietary rights in such land without payment of any compensation provided that:-

- (a) a minimum period of seven years has elapsed since he started plantation ;
- (b) the minimum density of plantation per kanal is fifteen trees in the case of fruit trees and thirty in the case of other trees and in the same proportion in the case of mixed plantation ; and
- (c) the minimum height attained by the trees is twelve feet, except in the case, of Mulberry bushes.

(15) The grant of proprietary rights shall be sanctioned by the Collector on a certificate issued by the Divisional Forest Officer of the area that the conditions prescribed in clauses (a), (b) and (c) of sub-section (14) have been satisfied and the land shall be assessed to land revenue is not already assessed. The person thus acquiring proprietary rights shall be recorded as 'MALIK HISSADAR' under Shamilat-deh instead of tenant-at-will through mutation attested by any Settlement Officer or Revenue Officer in accordance with the sanction aforesaid.

6. **Khalsa Sarkar Maqbooza Mehkama Mal Areas:-** Notwithstanding anything contained to the contrary in any law, rule or order or any entry made in any Revenue Record, all State-owned lands other than those classified as 'demarcated forests' under section 4 or as 'Shamilat-deh' under section 5 and which are not in the possession of any other Government Department, shall be recorded as Khalsa Sarkar 'Maqbo-aza Mehkama Mal'. The Revenue Department shall have full control

over this area and shall check all encroachments over it and eject all 'Nautors' out of it. The Government may, however, grant 'Nautors' out of it under the State Waste Land Rules, or make any other grants as it may consider proper.

7. **Penalties:-** (1) Any person who, without lawful authority, clears or breaks up any land in a forest or erects a fence or enclosure for cultivation or for any other purpose or otherwise encroaches upon or takes possession of such land by illegal trespass shall be punishable with imprisonment of either description for a term which may extend to three years and with fine.

(2) Where any person is convicted by a Court under this section or under any other law for the time being in force for breaking, clearing or otherwise encroaching upon any land in a forest, such Court shall order his ejection and shall restore possession of such land to the Forest Officer or other authority entitled to the possession thereof.

*Explanation:—*For the purposes of this section, 'forest' includes both 'demarcated forest' and forest which was, before the coming into force of this Act, classified as undemarcated forest as defined under the Jammu and Kashmir Forest Act, 1987 (Bikrami).

(3) Any offence falling under sub-section (1) of this section may be compounded like any other offence under the Jammu and Kashmir Forest Act, 1987 (Bikrami).

8. **Appeal, Review and Revision:-** Subject to the provisions of this Act, the Punjab Land Revenue Act, 1887 is in force in Azad Kashmir and the Rules made thereunder shall, in so far as they are applicable, apply to all proceedings under this Act, and all appeals, reviews and revisions against the orders of a Revenue Officer shall be governed by the provisions thereof :

Provided that only one appeal shall lie against an order of ejection passed by a Revenue Officer.

9. **Bar of jurisdiction of Civil Courts:-** (1) No Civil Court shall have jurisdiction on any matter which the Government or any Revenue Officer is competent to dispose of under this Act and shall not take cognizance of the manner in which the Government or any Revenue Officer exercises any power vested

in it or in him by or under this Act or under Government Order No. 282/57.

(2) No Civil Court shall be competent to issue a temporary injunction in respect of any matter referred to in sub-section (1) restraining the Government or any Revenue Officer from taking any ejection proceedings in pursuance of the provisions of this Act.

**THE AZAD JAMMU AND KASHMIR LAND REFORMS
(AMENDMENT) ACT, 1966
(Act II of 1966)**

*(Passed under Government Order No. 373-423|Council|66,
Dated Muzaffarabad the November 29, 1966)*

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Land Reforms Act, 1960, for the purposes hereinafter appearing;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Land Reforms (Amendment) Act, 1966.

(2) It shall come into force at once.
 2. **Amendment of section 25 A.K. Act V of 1960:-** In the Azad Jammu and Kashmir Land Reforms Act, 1960, hereinafter referred to as the said Act, in section 25, in sub-section (1), for the figures, letters, words and comma '4th day of September, 1954' the words 'coming into force of this Act' shall be substituted and shall be deemed always to have been so substituted.
 3. **Amendment of section 35 A.K. Act V of 1960:-** In the said Act, in section 35, after the word 'Act' at the end, the words, figures, letters and comma 'and shall be deemed to have been so repealed on the 4th day of September, 1954' shall be added and shall be deemed always to have been so added.
 4. **Validation:-** Any occupancy right acquired or created after the 4th day of September, 1954, and before the coming into force of the said Act by any means whatever, the acquisition or creation of which would have been valid but for the operation of section 2 of the Azad Kashmir Grant of Proprietary Rights Act of 1954 and sub-section (1) of section 25 of the said Act, shall be deemed to have been lawfully acquired or created and shall not be invalid, or otherwise inoperative merely on the ground that they were acquired or created in contravention of the provisions of the Azad Kashmir Grant of Proprietary Rights Act of 1954 or the said Act.
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**THE COMPULSORY SERVICE (AZAD KASHMIR REGULAR FORCES) ORDINANCE, 1966
(Ordinance I of 1966)**

*(Passed under Government Order No. 1-50/Ordinance/SL/66,
Dated Muzaffarabad, the February 4, 1966)*

AN ORDINANCE

to provide for compulsory service in the Azad Kashmir Regular Forces of essential persons and ex-servicemen.

WHEREAS it is expedient to provide for compulsory service in the Azad Kashmir Regular Forces of essential persons and ex-servicemen ;

AND WHEREAS the President of the Azad Government of the State of Jammu and Kashmir is satisfied that immediate legislation is necessary to meet the emergency ;

Now, THEREFORE, in exercise of the Powers vested in him under Rule 3 of the Rules made under the Azad Jammu and Kashmir Government Act, 1964, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent, application and commencement:-** (1) This Ordinance may be called the Compulsory Service (Azad Kashmir Regular Forces) Ordinance, 1966.
 - (2) It extends to the whole of Azad Jammu and Kashmir Territory and applies to all essential persons and ex-servicemen wherever they may be; but does not apply to:
 - (a) any person who is a member of or employed by, any of the Armed Forces;
 - (b) the sole surviving son or daughter, where one or more sons or daughters of a family have been killed in action or have died while serving in the Armed Forces ; or
 - (c) the only son or daughter whose parents are unable to earn their livelihood, or either of whom is above sixty years.
 - (3) It shall come into force at once and shall be deemed to have

taken effect on the 5th day of September, 1965.

2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:-
- (a) 'Armed Forces' means the Azad Kashmir Regular Forces and the reserves thereof when formed ;
 - (b) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898) ;
 - (c) 'Essential Persons' means a person over the age of 18 years and under the age of 55 years residing in Azad Jammu and Kashmir Territory who is not an employee of the Azad Government of the State of Jammu and Kashmir or of the Government of Pakistan and who falls into any category of persons specified in the Schedule and includes such other person as the Government may, by notification in the official Gazette, declare to be an essential person for the purposes of this Ordinance ;
 - (d) 'Defence Council' means the Defence Council constituted by the Government;
 - (e) 'ex-serviceman' means a person not being an essential person whose service with Azad Kashmir Regular Forces has been terminated ;
 - (f) 'Prescribed' means prescribed by rules made under this Ordinance ;
 - (g) 'Service Headquarters' means the General Headquarters, Pakistan in the case of Commissioned Officers and Central Record Office Azad Kashmir Regular Forces in the case of junior Commissioned Officers and other ranks.
3. **Liability to be called up etc:-** (1) Every person to whom this Ordinance applies shall be liable to be called up for service under this Ordinance if he is not over the age of sixty years.
- (2) Persons so called up shall be liable to serve with any of the Armed Forces for so long as their services are required,
4. **Call up Notice:-** (1) The Services Headquarters shall issue in writing notices to such essential persons as are to be called up,

directing them to report in person to such authority at such time and place as may be specified in the notice.

(2) The Services Headquarters concerned or such authority as may be empowered by them, may likewise issue call up notices to ex-servicemen.

(3) The issue of a notice under this section shall not mean that the person called up has been accepted for service.

5. **Applicability of Service Law:-** (1) A person accepted for service under this Ordinance shall be deemed to have been commissioned, appointed or enrolled, as the case may be, and shall, as from the date he is so accepted become subject to the law of the Azad Kashmir Regular Forces and shall remain so subject until duly retired, released, discharged, removed or dismissed from the Service.

(2) Such person shall, during his service in the Armed Forces, be governed as regards attestation, pay and allowances, leave, and other terms of service, by the rules as applicable to serving personnel of equivalent rank, and shall on the termination of his service, be paid such pension or gratuity as may be prescribed.

6. **Obligation to comply with call up notice:-** (1) A person to whom a notice under section 4 has been issued shall report to the authority at the time and place notified therein.

(2) Where such person is known to be serving in an industrial undertaking, a copy of such notice shall at the same time be forwarded to the owner or manager of such undertaking requiring such owner or manager to release the person concerned within seven days of the receipt thereof.

7. **Grant of Commission:-** A person called up for service under this Ordinance may be granted commission in the Azad Kashmir Regular Forces subject to such condition as may be prescribed.

8. **Procedure for seeking exemption:-** (1) If a person, to whom a notice under sub-section (1) of section 4 has been issued, seeks exemption from a service under this Ordinance, he shall, within seven days of the receipt of the notice, submit a written representation to the Services Headquarters which shall reconsider the case and pass such orders it may deem fit.

(2) An ex-serviceman, desirous of seeking exemption from service under this Ordinance may make a representation to the Service Headquarters concerned, whose decision shall be final.

9. **Reinstatement of persons released under the Orders of the Services Headquarters:-** (1) Subject to the other provisions of this section, every employer by whom a person was released for service under this Ordinance in pursuance of a notice served under section 5, shall, on the termination of such service, reinstate such person in the employment from which he was released, and if such reinstatement is less favourable to such person than that to which he would, in the ordinary course, have been entitled give him such employment as is not so less favourable :

Provided that the employer shall not be required to so reinstate or employ any person if such person does not apply or report to him for the purpose within three months, of his release from service under this Ordinance.

(2) Where, for any reason, reinstatement or employment under subsection (1) is not practicable, the employer shall, within seven days from the, date on which the person to be reinstated or employed applies or reports himself for reinstatement or employment, make an application to Defence Council for exemption from the provisions of sub-section (1) and send a copy thereof to such person.

(3) Upon an application from the employer under sub-section (2) the Defence Council shall, after such enquiry and hearing as it considers necessary, make an order:

- (a) exempting the employer from the provisions of sub-section (1) in which case the employer shall be required to pay to such person a compensation of a sum not less than six months' remuneration calculated at the rate he was entitled to when he was released by the employer ; or
- (b) requiring the employer to reinstate or give employment to such person in terms of sub-section (1), or on such terms and conditions as it may specify in the order.

(4) If any employer contravenes the provisions of sub-section (1), or fails or neglects to carry out the order of the Defence Council under sub-section (3), he shall, without prejudice to any

penalty to which he may be liable under section 10, be also liable, if the Court converting him so directs to pay as compensation such sum not exceeding six months' remuneration of the person concerned in addition to the compensation as provided under clause (a) of sub-section (3).

(5) Any sum which the employer is required to pay under any order of the Defence Council under sub-section (3) or an order of the Court under subsection (4) shall be recoverable as if it were a fine imposed by a Court.

10. **Penalty and procedure:-** (1) Any person who commits any of the following offences, that is to say:

- (a) fails to deliver, or causes delay in, or obstructs delivery of, or refuses to receive, a notice issued under this Ordinance ;
- (b) fails to report as directed in a notice issued under section 4 ;
- (c) persuades a person called up under this Ordinance to evade such service or abets him in any manner prejudicial to any of the provisions of this Ordinance ;
- (d) make a false statement with a view to avoiding service under this Ordinance or abets another person in avoiding service ;
- (e) with intent to render himself or any other person unfit for service under this Ordinance, voluntarily causes hurt or disease to himself or that person ; or
- (f) contravenes the provisions of section 9 or fails or neglects to carry out orders of the Defence Council, shall, on conviction by a court, be punishable with rigorous imprisonment for a term which may extend to seven years, or with fine which may extend to ten thousand rupees, or with both.

(2) No Court inferior to that of a Magistrate of the first class invested with powers under section 30 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall try an offence under this Ordinance,

11. **Indemnity:-** Except as provided in this Ordinance, no order made, direction issued, or proceedings taken under this Ordinance, shall be called in question in any Court, and no suit, prosecution or other legal proceedings shall lie against any

person for anything in good faith done or intended to be done under this Ordinance.

12. **Power to make Rules:-** (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:

- (a) the form, procedure and mode of issue of call up notices ;
- (b) the travelling and other allowances payable to persons called up for service under this Ordinance up to the date of their acceptance for such service;
- (c) the standards and conduct of tests and medical examination of persons called up for service under this Ordinance to determine their suitability for such service and the grant of rank thereupon ;
- (d) the gratuity or compensation to be paid on the termination of their service to persons accepted for service under this Ordinance or to the dependents of such persons; and
- (e) any other matter which under this Ordinance is to be or may be prescribed.

SCHEDULE OF ESSENTIAL PERSONS

1. Engineer (Civil).
2. Engineer (Electrical).
3. Engineer (Mechanical).
4. Engineer (Aeronautical).
5. Engineer (Wireless).
6. Engineer (Sound).
7. Engineer (Marine).
8. Chemist.
9. Metallurgist.
10. Geologist.
11. Mineralogist.
12. Meteorologist.
13. Workshop Foreman.
14. Surgeon.
15. Physician.

16. Radiologist.
 17. Pathologist.
 18. Bacteriologist.
 19. Dentist.
 20. Public Health Officer.
 21. Nurse.
 22. Veterinary Surgeon.
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**THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
(AMENDMENT) ACT, 1967**

(Act I of 1967)

*(Passed under Government Order No. 384-424|Council|67, dated
Muzaffarabad the February 11, 1967)*

WHEREAS it is necessary further to amend the Azad Jammu and Kashmir Basic Democracies Act, 1960 (Act X of 1960), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Basic Democracies (Amendment) Act; 1967.

(2) It shall come into force at once.

2. **Amendment of section 4-A, Act X of 1960:-** In the Azad Jammu and Kashmir Basic Democracies Act, 1960 (Act X of 1960), hereinafter referred to as the said Act, for section 4-A the following shall be substituted, namely :

"4-A. Notwithstanding anything contained to the contrary in the Punjab Municipal Act, 1911, as in force in the Azad Jammu and Kashmir territory or any other law for the time being in force, the Town Committee for the towns of Muzaffarabad and New Mirpur Town shall be treated as Municipal Committees and shall be constituted on the following lines:

(i) the existing wards of the Muzaffarabad Municipal Committee shall continue to be wards under this Act;

(ii) the elected members from each ward or the Muzaffarabad Municipal Committee shall be the elected members of the said Municipal Committee ;

(iii) the Election Commissioner shall declare, by notification, the limits of the New Mirpur Town and shall also fix, with the approval of the Government, the number of elected members of the New Mirpur Town Municipal Committee;

(iv) the Collector of each District shall be the *ex-officio* Chairman of each Municipal Committee and each District Council;

(v) the Vice-President of each Municipal Committee shall be an *ex-officio* member of the District Council. "

3. **Amendment of Second Schedule Act X of 1960:-** In the said Act, in the second Schedule, in Part I, in Paragraph 1, for the full stop at the end a colon shall be substituted and thereafter the following further proviso shall be added, namely:

"Provided further that the restriction of continuous residence for not less than six months within a Town or a Union shall not apply to persons who are dislocated or are liable to be dislocated due to the construction of Mangla Dam in the Mirpur District and such persons shall, if otherwise qualified, be entitled to get themselves enrolled as electors in any union or town in any district of the Azad Jammu and Kashmir Territory and they shall be enrolled as such".

**THE AZAD KASHMIR ADAPTATION OF LAWS
(AMENDMENT) ACT, 1967
(Act II of 1967)**

(No. 425-465\Council 67, dated 11th February, 1967)

WHEREAS it is necessary to amend the Azad Kashmir Adaptation of Laws Act, 1959, for the purpose hereinafter appearing;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Act may be called the Azad Kashmir Adaptation of Laws (Amendment) Act, 1967.

(2) It shall come into force at once.
2. **Amendment of section 3 of the Azad Kashmir Adaptation of Laws Act, 1959, Act I of 1959:-** In the Azad Kashmir Adaptation of Laws Act, 1959 (Act I of 1959), in section 3, for clause (iv) the following shall be substituted, namely :—
 - " (iv) (a) References to 'Regional Transport Authority' or 'Provincial Transport Authority' in the Motor Vehicles Act, 1939, shall be construed as references to 'Azad Kashmir Provincial Transport Authority' constituted by the Government.
 - (b) The Azad Kashmir Provincial Transport Authority constituted under sub-clause (a) shall consist of a Chairman and such number of other members not exceeding three of whom at least one shall be a non-official as the Government may think fit to appoint; and the Chairman and the members of the Authority shall hold office during the pleasure of the Government:

Provided that no person who has any financial interest, whether as proprietor, employee or otherwise in any transport undertaking, shall be appointed as or continue as a member of the Provincial Transport Authority, and, if any such person being a member of the Authority, acquires a financial interest in any transport undertaking, he shall, within four weeks of so doing, give notice in writing to the Government of the acquisition of such interest and shall vacate office."

**THE CO-OPERATIVE SOCIETIES (APPLICATION TO AZAD
JAMMU AND KASHMIR) ACT, 1967**

(Act III of 1967)

*(Passed under Government Order No. 659-90\Council 67,
dated 30th August, 1967)*

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Azad Jammu and Kashmir Territory and to apply the Co-operative Societies Act, 1925 (Act VII of 1925) as in force in West Pakistan, to the Azad Jammu and Kashmir Territory ;

It is hereby enacted as follows:-

1. **Short title, extent and commencement:-** (1) This Act may be called the Co-operative Societies (Application to Azad Jammu and Kashmir) Act, 1967.

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

(3) It shall come into force at once.
2. **Definition:-** In this Act, unless there is anything repugnant in the subject or context the expression 'Government' means the Azad Government of the State of Jammu and Kashmir.
3. **Application of the Act:-** The Co-operative Societies Act, 1925 (Act VII of 1925) hereinafter referred to as the said Act, shall apply to the Azad Jammu and Kashmir Territory as it applies to West Pakistan subject to the following modifications, namely:
 - (1) for the words 'Provincial Government' wherever occurring the word "Government" shall be substituted ;
 - (2) for the expressions 'Province' and 'Province of West Pakistan' wherever occurring the expression 'Azad Jammu and Kashmir Territory' shall be substituted ;

(3) Section 69 of the said Act shall be deleted.

4. **Repeals and savings:-** (1) The Co-operative Societies Act, 1912 as in force in the Azad Jammu and Kashmir is hereby repealed.

(2) Every society now existing which has been registered under the Cooperative Societies Act, 1912 or under any other law relating to co-operative societies in Azad Jammu and Kashmir, shall be deemed to be registered under this Act and its bye-laws shall, so far as the same are not inconsistent with the provisions of this Act, continue in force unless altered, amended or rescinded.

5. **Application of the Rules:-** The Rules made under the Co-operative Societies Act, 1925 (Act VII of 1925), as they are in force in the West Pakistan, shall, so far as applicable and with necessary adaptations, apply to the Azad Jammu and Kashmir Territory until altered, amended or repealed under the said Act as in force in the Azad Jammu and Kashmir Territory.

6. **Removal of difficulties:-** Where any difficulty arises in giving effect to the provisions of this Act the Government may make such orders or give such directions as may be deemed necessary in this behalf.
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**PAYMENT OF WAGES (APPLICATION TO AZAD JAMMU
AND KASHMIR) ACT, 1967**

(Act IV of 1967)

*(Passed under Government Order No. 691-791\Council\67,
dated 30th August, 1967)*

WHEREAS it is expedient to regulate the payment of wages to certain classes of persons employed in industry and to apply the Payment of Wages Act, 1936 (IV of 1936), to the Azad Jammu and Kashmir Territory;

It is hereby enacted as follows:-

1. **Short title, extent and commencement:-** (1) This Act may be called the Payment of Wages (Application to Azad Jammu and Kashmir) Act, 1967.

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

(3) It shall come into force at once.
2. **Application of the Act:-** The Payment of Wages Act, 1936 (IV of 1936), shall apply to the Azad Jammu and Kashmir Territory as it applies to Pakistan, subject to the following modifications, namely:-
 - (1) for the words 'Provincial Government' wherever occurring, the word 'Government' shall be substituted in all places ;
 - (2) in section 1,—
 - (a) after sub-section (2) the following shall be substituted, namely:-

" (2) It extends to the whole of Azad Jammu and Kashmir Territory " ;
 - (b) for sub-section (3) the following shall be substituted, namely:-

" (3) It shall come into force at once. " ;

(c) for sub-section (4), the following shall be substituted, namely:-

" (4) It applies in the first instance to the payment of wages to persons employed in any factory " ;

(d) in sub-section (5), after the word 'establishments' at the end, the following shall be inserted, namely :-

"and to any class of persons employed by forest lessees or by any other class of contractors or sub-contractors " ;

(3) in section 2:-

(a) after clause (i), the following new clause (ia) shall be inserted, namely:-

"(ia) 'Government' means the Government of the Azad Jammu, and Kashmir Territory ; " ;

(b) Clause (v) shall be omitted;

(4) in section 3, in the proviso, clause (c) shall be omitted;

(5) in section 5,—

(a) in sub-section (1), the word and comma 'railway,' occurring twice shall be omitted;

(b) sub-section (3) shall be omitted;

(6) in section 7:-

(a) in sub-section (1), for the words, brackets, figures and commas 'Notwithstanding the provisions of sub-section (2) of section 47 of the Railways Act, 1890, the' the word 'The' shall be substituted;

(b) in sub-section (2),—

(i) in clause (i), the words, commas and figures 'any provident fund to which the Provident Funds Act, 1925, applies or' shall be omitted;

(ii) in clause (j), after the words 'Pakistan Post Office' the words 'or the Azad Jammu and Kashmir Post Office' shall be inserted;

(iii) in clause (k), after the words and comma 'Government of Pakistan,' the words 'Government of the Azad Jammu and Kashmir' shall be inserted:

(7) in section 8, in sub-section (2), the words, brackets and comma 'or in the case of persons employed upon a railway otherwise than in a factory, at the prescribed place or places' shall be omitted.

3. **Application of the Rules:-** The Rules made under the Payment of Wages Act, 1936 (IV of 1936), as are in force in Pakistan shall, so far as applicable and with necessary adaptations, apply to the Azad Jammu and Kashmir Territory until altered, amended, or repealed under the said Act as applied to that Territory.
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**THE AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN
(EXTENSION OF FUNCTIONS TO AZAD KASHMIR) ACT, 1967
(Act V of 1967)**

*(Passed under Government Order No. Council\792-839\67,
dated 7th September, 1967)*

WHEREAS it is necessary to extend the scope of functions of the Agricultural Development Bank of Pakistan to the territories of Azad Kashmir, it is hereby enacted as follows:-

1. (i) This Act may be called the Agricultural Development Bank of Pakistan (Extension of functions to Azad Kashmir) Act, 1967.

(ii) It shall extend to the whole of the Azad Jammu and Kashmir Territory.

(iii) It shall come into force at once.
2. The scope and functions of the Agricultural Development Bank of Pakistan herein referred, as the said Bank, established under the Agricultural Development Bank of Pakistan Ordinance, 1961, and the rules and regulations made thereunder and the administrative orders issued under either of them shall extend *mutatis mutandis* to the whole of the Azad Jammu and Kashmir Territory and the said Bank shall function in the said Territory as it functions in Pakistan.
3. The provisions of the Agricultural Development Bank of Pakistan Ordinance, 1961 as it is or as it may be amended from time to time and rules and regulations thereunder and the administrative orders issued under either of them shall extend and apply to the Azad Jammu and Kashmir Territory as they apply or may apply to Pakistan.
4. Notwithstanding anything contained in any law for the time being in force, it shall be lawful for any agriculturist or person engaged in cottage industries in rural areas to pledge, mortgage, hypothecate or assign any kind or quantity of movable or immovable property to the Bank, or otherwise to create a charge on any such property, in order to secure the repayment of the loan and the Bank shall, in accordance with the provisions of the Agricultural Development Bank Ordinance, be competent to deal

with and recover its dues from any property so pledged, mortgaged, hypothecated or assigned :

Provided that no property so pledged, mortgaged, hypothecated, assigned or otherwise charged shall be sold or otherwise disposed of except by public auction and then only so much of it as is sufficient to recover the dues and the Bank shall not bid at such auction, except in cases where the bid is not sufficient to pay up the Bank's dues or there are no bidders.

5. Notwithstanding anything contained in any other law for the time being in force, any charge created on any property to secure the repayment of the loan of the Bank or to secure the performance of the stipulations of any bond executed in favour of the Bank shall be enforceable against such property in the hands of any person to whom it may have been transferred including the person who has acquired the property for consideration and without notice of the charge.
6. All sums due to the said Bank shall be recoverable as arrears of land revenue within the Azad Jammu and Kashmir Territory,

**AZAD JAMMU AND KASHMIR REGISTRATION ACT
(AMENDMENT) ORDINANCE, 1967
(Ordinance I of 1967)**

(Passed under No. 3156-3200 SL/67, dated 18th November 1967)

AN ORDINANCE

further to amend the Registration Act, 1908.

WHEREAS it is expedient further to amend the Registration Act, 1908 (XVI of 1908) as in force in the Azad Jammu and Kashmir Territory, for the purposes hereinafter appearing;

Now, THEREFORE, in pursuance of Rule 2 of the Rules made under the Azad Jammu and Kashmir Government Act 1964, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Registration Act (Amendment) Ordinance, 1967.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XVI of 1908:-** In the Registration Act, 1908 (XVI of 1908), hereinafter referred to as the said Act, in section 2, after clause (2), the following new clause (2a) shall be inserted, namely :

"(2a) "Co-operative Society" means a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force; relating to the registration of cooperative societies".

3. **Amendment of section 17, Act XVI of 1908:-** In the said Act, in section 17, in sub-section (2), for clause (x), the following shall be substituted, namely :

"(x) any order granting a loan under the Agriculturists' Loans Act, 1884 (XII of 1884), the Agricultural Development Bank Ordinance, 1961 (Ordinance No. IV of 1961), or under any other law for the time being in force relating to the advancement of loans for agricultural purposes, or any

instrument under which a loan is granted by a cooperative society for any such purpose, or any instrument made for securing the repayment of a loan so granted ; or "

4. **Amendment of section 89, Act XVI of 1908:-** In the said Act, in section 89, in sub-section (3), for the words and figures "Every officer granting a loan under the Agriculturists' Loans Act; 1884", the following shall be substituted, namely;-

"Every Officer and every co-operative society granting any such loan as in referred to in clause (x) of sub-section (2) of section 17".

THE AZAD JAMMU AND KASHMIR GOVERNMENT ACT, 1968

(Passed under Government Order No. Admin\3825-3864\SS\68,
dated 17th September, 1968)

WHEREAS it is necessary to provide for the government and administration of the territories of Azad Jammu and Kashmir :-

It is hereby enacted as follows :-

CHAPTER I

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government Act, 1968.
 - (2) It shall come into force at once.
2. **Definitions:-** In this Act, unless the context otherwise, requires :
 - (a) "Chairman" means the Chairman of the State Council;
 - (b) "Chief Adviser" means the Chief Adviser to the Government appointed in accordance with the Rules of Business for Government for the time being in force ;
 - (c) "existing law" means any law which was in force immediately before the commencement of this Act;
 - (d) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (e) "prescribed " means prescribed by rules made under this Act;
 - (f) "President" means the President of the Azad Government of the State of Jammu and Kashmir;
 - (g) "Senior Secretary" means the Senior Secretary to the Government;
 - (h) "State Council" means the State Council constituted under this Act.

CHAPTER II STATE COUNCIL

3. **Constitution of the State Council:-** There shall be constituted a State Council which shall consist of:
 - (a) eight members who shall be elected in the prescribed manner by the elected members of the Union Councils, Union Committees and Town Committees constituted under the Azad Jammu and Kashmir Basic Democracies Act, 1960 (Azad Jammu and Kashmir Act X of 1960);
 - (b) four members who shall be nominated by the Chief Adviser from amongst the refugees of the State of Jammu and Kashmir residing in Pakistan.
4. **The term of the State Council:-** Unless it is sooner dissolved, the term of the State Council shall be five years.
5. **Qualifications of the members of the State Council:-** (1) A person shall be disqualified for being elected or nominated as, and for being, a member of State Council:
 - (a) if he ceases to be a national of the State of Jammu and Kashmir ;
 - (b) if he is an undischarged insolvent;
 - (c) if he has been, on conviction for an offence involving moral turpitude, sentenced to imprisonment;
 - (d) if he holds any salaried office, not being the office of the Chairman or member of the State Council, under any Government or a statutory body, local authority or local body within the territories of Azad Jammu and Kashmir, Pakistan or any other country;
 - (e) if he is disqualified for being elected as a member of a local council under the Azad Jammu and Kashmir Basic Democracies Act, 1960, or any elective body under any law for the time being in force; or
 - (f) if he, without reasonable excuse, absents himself from three consecutive meetings of the Council and is for that reason removed by the Chairman.

(2) A casual vacancy in the office of a member of the State Council shall be filled for the remainder of the term of such member by election or nomination, as the case may be, of another person in his place in the same manner in which such member was elected or nominated.

6. **Legislative functions of the State Council:-** (1) Subject to the provisions of this Act, the State Council may make laws for the territories of Azad Jammu and Kashmir.

(2) No legislation shall be undertaken by the State Council except with the previous consent in writing of the Chief Adviser.

(3) No law made by the State Council shall have effect unless the Chief Adviser by notification so directs, and in giving such a direction with respect to any law, he may direct that the law shall, in its application to the whole or any part of the territories of Azad Jammu and Kashmir, have effect subject to such exceptions or modifications as may be specified in the direction,

7. **Other functions of the State Council:-** The State Council may advise the President in the performance of his functions under any law for the time being in force, and shall also perform such other functions as the Chief Adviser may direct.

8. **Reserved matters:-** The State Council shall not make any law or perform other functions relating to or affecting:

(a) the provisions of this Act, or the rules made thereunder;

(b) the organization, discipline and control of the armed forces ;
and

(c) the evacuee property.

9. **Allowances of the members of the State Council:-** The members of the State Council shall be entitled to receive such allowances as may be determined by Government with the concurrence of the Chief Adviser.

10. **Secretary of the State Council:-** (1) The Senior Secretary shall be *ex-officio* Secretary of the State Council.

(2) The Secretary of the State Council shall be assisted by such

officers or staff as may be appointed in this behalf.

(3) The Secretary of the State Council shall submit the proposed agenda for a session of the State Council to the Chairman for his approval not less than thirty days before the commencement of that session; and the Chairman may pass such orders thereon as he may think fit.

(4) Copies of the proceedings of each meeting of the State Council shall be submitted to the Chairman and to such other authority as he may direct.

CHAPTER III THE CHAIRMAN

11. **Chairman of the State Council:-** As soon as may be after the constitution of the State Council under section 3, the members of the State Council shall meet and elect from amongst themselves the Chairman of the State Council in the prescribed manner.
12. **Qualification for the office of Chairman:-** A person shall not be qualified for election as Chairman:
 - (a) if he is not a national of the State of Jammu and Kashmir ; -
 - (b) if he is less than thirty years of age ;
 - (c) if he is not qualified to be an elector under the Azad Jammu and Kashmir Basic Democracies Act, 1960:

Provided that a person shall not be disqualified for being elected as the Chairman merely by reason of the fact that his name is not entered in the electoral rolls prepared under that Act if he is qualified to be an elector or is a refugee of the State of Jammu and Kashmir residing in Pakistan;
 - (d) if he has been convicted of an offence involving moral turpitude.
13. **Chairman to be the ex-officio President:-** The Chairman shall *ex-officio* be the President of the Azad Government of the State of Jammu and Kashmir.
14. **Term of office of Chairman:-** The Chairman shall hold office for a period of five years from the date on which he enters upon

his office:

Provided that, notwithstanding the expiration of his term, the Chairman shall continue to hold office until his successor enters upon his office.

15. **Interim arrangement regarding Chairman in case of casual vacancy:-** (1) If the office of the Chairman falls vacant during the term of his office on account of death, resignation or any other cause, the Chief Adviser shall:

- (a) in consultation with the State Council, forthwith nominate a person from amongst its members qualified to be elected as Chairman to exercise the functions of the Chairman until the newly elected Chairman enters upon his office ; and
- (b) within eight weeks of the occurrence of such vacancy, make arrangements for holding the election to the office of the Chairman in the prescribed manner:

Provided that, before such election is held, a vacancy, if any, in the State Council shall be filled in the prescribed manner.

(2) A person elected to fill a casual vacancy in the office of Chairman shall hold office during the unexpired period of the term of his predecessor.

16. **Acting Chairman:-** (1) At any time when the Chairman is absent or is unable to perform the functions of his office due to illness or any other cause, the Chief Adviser shall, in consultation with the State Council, forthwith nominate a member of the State Council qualified to be elected to act as Chairman.

(2) The person nominated under sub-section (1) to act as Chairman shall also act as President.

17. **Legislative powers of President:-** The President may, with the concurrence of the Chief Adviser, make laws by means of Ordinances and such Ordinances may be made:

- (a) at any time, on a subject on which the State Council cannot make any law; and

(b) during the continuance of a state of emergency or when the State Council is not in session or stands suspended or dissolved, on any other subject.

18. **Relinquishment of office by Chairman:-** (1) If not less than four members of the State Council give fifteen days notice to the Secretary of the State Council of a resolution for a vote of non-confidence in the Chairman, the Secretary shall, as soon as may be, convene a meeting of the Council.

(2) A meeting convened under sub-section (1) shall not be presided over by the Chairman but by a member of the State Council elected for the purpose by the members present.

(3) No resolution under sub-section (1) shall be moved in the State Council except with the previous approval in writing of the Chief Adviser.

(4) If in a meeting considering a resolution under sub-section (1) at least nine members subscribed to the resolution, the Chairman shall forthwith cease to hold office.

(5) The Chairman shall have a right to appear before the State Council during the consideration of the resolution under sub-section (1) but shall not vote at the meeting considering such resolution.

CHAPTER IV EMERGENCY PROVISION

19. **State of emergency:-** (1) Where the Chief Adviser is of opinion that a State of emergency exists in the territories of Azad Jammu and Kashmir, he may, notwithstanding anything contained in this Act:

(a) notify the Government that a State of emergency exists ;

(b) suspend or dissolve the State Council and appoint a person to act as President until the revival or reconstitution of the State Council after the termination of the State of emergency; and

(c) if he does not suspend or dissolve the State Council, may appoint a person to act as President, in which case the Chairman of the State Council shall cease, to be the *ex-*

officio President.

(2) Where the Chief Adviser is of opinion that the state of emergency no longer exists, he may notify the Government that the state of emergency has terminated.

(3) Upon the termination of the state of emergency, the State Council shall, if it was suspended, stand revived and continue until the unexpired period of its term or, if it was dissolved, be reconstituted and a Chairman thereof elected in accordance with the provisions of this Act.

CHAPTER V MISCELLANEOUS

20. **Oath of office:-** Every person elected or nominated as a member of the State Council, a person elected as Chairman and a person appointed under section 19 to act as President, shall, before he enters upon his office, make or subscribe to an oath prescribed in this behalf.
21. **Elections under the Act not to be questioned:-** Notwithstanding anything contained in any other law for the time being in force, the election of a member of the State Council or of the Chairman shall not be called in question in any court or before any tribunal or authority by any means whatsoever.
22. **Rules under any law not to have effect without approval:-** No rules made under any law shall, notwithstanding anything contained in such law, have effect unless they have been previously approved, with or without modification, by the Chief Adviser.
23. **Power to make rules:-** The Chief Adviser may make rules for carrying out the purpose of this Act.
24. **Continuance of existing laws:-** Subject to the provisions of this Act, all existing laws shall, with necessary adaptations, continue in force until altered, repealed or amended.
25. **Repeal:-** (1) The Azad Jammu and Kashmir Government Act, 1964, hereinafter referred to as the said Act, together with the Act amending it and the rules made thereunder, is hereby repealed.

(2) Notwithstanding the repeal under sub-section (1), the State Council which, immediately before the commencement of this Act, was functioning as the State Council of Azad Jammu and Kashmir, and any person who, immediately before such commencement, was holding office as the Chairman of that Council under the said Act, shall, until the State Council is constituted and its Chairman is elected in accordance with the provisions of this Act, exercise the powers and perform the functions under this Act respectively of the State Council and its Chairman.

**THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
(AMENDMENT) ORDINANCE, 1968
(Ordinance I of 1968)**

*(Passed under Government Order No. 1401-33/SL/68,
dated Muzaffarabad, the 3rd June, 1968)*

AN ORDINANCE

*further to amend the Azad Jammu and Kashmir
Basic Democracies Act, 1960*

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Basic Democracies Act, 1960, for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the power conferred by rule 2 of the rules made under the Azad Jammu and Kashmir Government Act, 1964, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Basic Democracies (Amendment) Ordinance, 1968.

(2) It shall come into force at once.

2. **Insertion of new section 4-B, Act X of 1960:-** In the Azad Jammu and Kashmir Basic Democracies Act, 1960 (Act X of 1960), hereinafter referred to as the said Act, after section 4-A, the following new section 4-B shall be inserted, namely:

"4-B. Declaration of any Town Committee as a Municipal Committee:-

(1) Notwithstanding anything contained to the contrary in the Punjab Municipal Act, 1911, as in force in the Azad Jammu and Kashmir Territory, or any other law or rule for the time being in force, the Government may, by notification in the official Gazette, declare any Town Committee, to be a Municipal Committee.

(2) The Chairman of such a Municipal Committee shall be such official as may be nominated by the Government in this behalf. "

3. **Insertion of new section 10-A, Act X of 1960:-** In the said Act after section 10, the following new section 10-A, shall be inserted, namely:-

"10-A. Division, amalgamation and reconstitution of local councils:-

- (1) The Government may, by notification in the official Gazette, divide a local council into two or more local councils or amalgamate two or more local councils into one local council or alter the limits of any local council and may specify in the notification the consequences which will ensue upon the publication of such notification.
- (2) When, as a result of such division or amalgamation, any new local council is constituted in accordance with the provisions of this Act or in the manner specified in the notification, the existing members of any local council so divided or amalgamated shall become the members of such local council or councils as the Government may, by notification in the official Gazette, specify as if each such member had been elected or appointed, as the case may be, to that council."

4. **Insertion of new section 12-A, Act X of 1960:-** In the said Act, after section 12, the following new section 12-A shall be inserted, namely:-

" 12-A- *Power of Government to nominate Chairman of a Town Committee:-* (1) Notwithstanding anything contained to the contrary in this Act or in any other law for the time being in force, the Government may, by notification in the official Gazette, direct that the Chairman of any Town Committee shall not be elected but be a nominated official and, where such a direction is issued, such Chairman shall be nominated by the Government.

- (2) Where any person is nominated as a Chairman under subsection (1), the elected Chairman of such Committee, if any, shall cease to hold office as such and shall continue as a member or a Vice-Chairman of the said Committee as the Government may direct."
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**THE INLAND MECHANICALLY PROPELLED VESSELS
(APPLICATION TO AZAD KASHMIR) ORDINANCE, 1968
(Ordinance II of 1968)**

*(Passed under Government Order No. 1434-63\SL\68,
dated Muzaffarabad, the 3rd June, 1968).*

WHEREAS it is expedient to apply the Inland Mechanically Propelled Vessels Act, 1917 (Act I of 1917) to the Azad Jammu and Kashmir Territory ;

AND WHEREAS the President Azad Government of the State of Jammu and Kashmir is satisfied that circumstances exist which render immediate legislation necessary ;

Now, THEREFORE, in exercise of the powers vested in him under rule 2 of the rules made under the Azad Jammu and Kashmir Government Act, 1964; the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, commencement and extent:-** (1) This Ordinance may be called the Inland Mechanically Propelled Vessels (Application to Azad Jammu and Kashmir) Ordinance, 1968.
 - (2) It extends to the whole of the Azad Jammu and Kashmir Territory.
 - (3) It shall come into force at once.
2. **Definition:-** In this Ordinance, unless there is anything repugnant in the subject the expression 'Government' means the Azad Government of the State of Jammu and Kashmir.
3. **Application of the Act:-** The Inland Mechanically Propelled Vessels Act, 1917 (Act I of 1917) hereinafter referred to as the said Act, shall, as far as practicable, apply to the Azad Jammu and Kashmir Territory as it applies to Pakistan, subject to the following modifications, namely :
 - (1) for the words 'Provincial Government' or 'Government of the Province in which certificate was granted' wherever occurring, the word 'Government' shall be substituted in all places ;

(2) for the words 'Province' or 'any Province' or 'Provinces and Capital of the Federation' wherever occurring the words 'Azad Jammu and Kashmir Territory' shall be substituted;

(3) in section 1:-

for sub-section (2) the following shall be substituted, namely:—

'(2) It extends to the whole of the Azad Jammu and Kashmir Territory';

(4) in section 3:-

(a) in clause (a) after the words 'Pakistan National' the words 'or a national of the Jammu and Kashmir State' shall be inserted;

(b) in clause (b) after the word 'Pakistan' wherever it occurs the words 'or, Azad Jammu and Kashmir Territory' shall be inserted ;

(5) in section 4,—

in sub-section (2) after the words 'Pakistan Penal Code' the words 'as in force in the Azad Jammu and Kashmir Territory' shall be added;

(6) for section 10-A, the following shall be substituted:—

'A certificate of survey shall have effect throughout the Azad Jammu and Kashmir Territory,'

(7) in section 19-J:-

(a) in sub-section (1) after the words 'Pakistan national' the words 'or a national of the Jammu and Kashmir State' shall be inserted;

(b) in sub-section (1) after the words 'business in Pakistan' the words 'or in the Azad Jammu and Kashmir Territory' shall be inserted;

(8) in section 19-K:-

(a) in sub-section (1) after the words 'Pakistan national' the words 'or a national of the Jammu and Kashmir State' shall be inserted ;

(b) in sub-section (1) after the words 'carrying on business in Pakistan' the words 'or in the Azad Jammu and Kashmir Territory' shall be inserted ;

(9) in section 19-B:-

for the words 'Central Government' wherever occurring the word 'Government' shall be substituted and after the words 'outside Pakistan or the Azad Jammu and Kashmir Territory' shall be inserted;

(10) in section 69:-

for the words 'His Majesty, or the Central Government or any Provincial Government' the words 'Azad Government of the State of Jammu and Kashmir or the Central Government or any Provincial Government of Pakistan' shall be substituted ;

(11) Sub-section (2) of section 72 shall be deleted:-

(12) section 74 shall be deleted:-

(13) in section 74-A:-

for the words 'Central Government' the word 'Government' shall be substituted and for clauses (1), (2) and (3) of the said section the following two clauses shall be substituted :-

'(1) Two nominees of the Government;

(2) A representative of the Steamer Companies operating in the Azad Jammu and Kashmir Territory.'

4. **Application of the Rules:-** The Rules made under the Inland Mechanically Propelled Vessels Act, 1917 (Act I of 1917) as in force in Pakistan shall, so far as applicable with necessary adaptations, apply to the Azad Jammu and Kashmir Territory until altered, amended or repealed under the said Act as applied

to that Territory.

5. Where any difficulty arises in giving effect to the provisions of this Ordinance the Government may make such orders or give such directions as may be deemed necessary in this behalf.,

**THE NEW MIRPUR TOWN (ALLOTMENT OF LAND)
(AMENDMENT) ORDINANCE, 1968
(Ordinance III of 1968)**

*(Passed under Government Order No. 1984-2016/SL/68,
dated 11th July, 1968)*

AN ORDINANCE

to amend the New Mirpur Town (Allotment of Land), Act, 1964.

WHEREAS it is necessary to amend the New Mirpur Town (Allotment of Land) Act, 1964;

AND WHEREAS the President of the Azad Government of the State of Jammu and Kashmir is satisfied that circumstances exist which render immediate legislation necessary ;

Now, THEREFORE, in exercise of the powers conferred by rule 2 of the rules made under the Azad Jammu and Kashmir Government Act, 1964, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:-** (1) This Ordinance may be called, the New Mirpur Town (Allotment of Land) (Amendment) Ordinance, 1968.

(2) It shall come into force at once.
2. **Substitution of section 15, Act II of 1964:-** In the New Mirpur Town (Allotment of Land) Act, 1964, for section 15 the following shall be substituted, namely:

"15. *Cognizance of offences:-* Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Territory of Azad Jammu and Kashmir, an offence under this Act shall be cognizable and non-bailable. "

**THE AZAD KASHMIR LOGGING AND SAW-MILL
CORPORATION ORDINANCE, 1968
(Ordinance IV of 1968)**

*(Passed under Government Order No. Admin\3561-3588\SS\68,
dated Muzaffarabad, the 27th July, 1968).*

WHEREAS it is expedient to provide for the establishment of a Corporation to implement the Logging and Saw-Mill Complex Scheme in the Azad Jammu and Kashmir Territory;

AND WHEREAS the President of the Azad Government of the State of Jammu and Kashmir is satisfied that circumstances exist which render immediate legislation necessary ;

Now THEREFORE, in exercise of the powers conferred by rule 2 of the rules made under the Azad Jammu and Kashmir Government Act 1964, the President with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Kashmir Logging and Saw-Mill Corporation Ordinance, 1968.

(2) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:
 - (i) 'Board' means the Board of Directors of the Corporation ;
 - (ii) 'Chairman ' means the Chairman of the Corporation ;
 - (iii) 'Chief Adviser' means the Chief Adviser to the Government;
 - (iv) 'Contract' means the contract signed by the Government of Pakistan with 'Metalexport', Warsaw, and includes all amendments to that Contract;
 - (v) 'Corporation' means the Azad Kashmir Logging and Saw-Mill Corporation established under section 3 ;
 - (vi) 'Director' means a Director of the Corporation;

- (vii) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (viii) 'Prescribed' means prescribed by rules or regulations;
- (ix) 'regulations' means regulations framed under this Ordinance;
- (x) 'Rules' means rules under this Ordinance ;
- (xi) 'Scheme' means the scheme for the Azad Kashmir Logging and Saw-Mill Project as approved by the Government.

3. **Establishment and incorporation:-** (1) As soon as may be after the commencement of this Ordinance, the Government shall establish a Corporation to be called the Azad Kashmir Logging and Saw-Mill Corporation for carrying out the purposes of this Ordinance.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal with powers, among others, to acquire, hold and dispose of property; and shall by its name sue and be sued.

(3) The Head Office of the Corporation shall be at Muzaffarabad but the Government may, by notification in the official Gazette, transfer it to some other place as may be specified in such notification.

(4) The Corporation may establish offices at such other places as the Board may decide.

4. **Corporation Fund:-** (1) There shall be a fund to be known as the 'Corporation Fund' vested in the Corporation which shall comprise, in the first instance, of an amount of Rs. 40 lakhs and which shall be utilized by the Corporation to meet expenses in connection with the performance of its functions under this Ordinance.

(2) The Corporation Fund shall consist of:-

(a) grants and loans made by the Government and any other authority within or outside the territory of Azad Jammu and Kashmir ; and

(b) all other sums received by the Corporation.

5. **Management:-** (1) The general direction and administration of the Corporation and its affairs shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Corporation in accordance with the provisions of this Ordinance.
- (2) The Board in discharging its functions shall act on commercial considerations and shall be guided by such directions as the Chief Adviser may give it from time to time.
6. **Appointment of Chairman and Directors:-** (1) The Board shall consist of the following Directors, namely :
- (a) The Chief Adviser,
 - (b) two persons nominated by the Chief Adviser;
 - (c) the Senior Secretary to the Government;
 - (d) the Secretary to the Government in the Finance Department;
and
 - (e) C.C.F.
- (2) The Chief Adviser shall be the Chairman of the Board.
- (3) A person nominated by the Chief Adviser shall be the Secretary to the Board.
- (4) Each Director shall perform such duties as may be assigned to him, by regulations and, until such regulations are framed, as may be assigned by the Chairman.
- (5) One of the Directors shall be nominated by the Chairman to be the Financial Director who shall exercise such powers and discharge such duties as may be prescribed.
7. **Officers and servants of the Corporation:-** (1) The Board may, from time to time, appoint for the Corporation, subject to the Scheme and the contract, such officers, advisers, experts, consultants or other employees as it may consider necessary for the performance of its functions.
- (2) The Board shall prescribe the procedure for appointment, and terms and conditions of service of the officers and servants of the

Corporation and shall be competent to take disciplinary action against such officers and servants.

8. **Meetings of the Board:-** (1) The Board shall meet at such time and place and in such manner as the Chairman may determine in this behalf.

(2) The Chairman, or, in his absence, a Director authorised by him, and two other Directors shall constitute the quorum for a meeting of the board.

9. **Functions of the Corporation:-** (1) The Corporation shall undertake the implementation of the Scheme and any other schemes incidental thereto and exercise technical supervision and administrative and financial control over the execution thereof.

(2) The Corporation shall take such steps as may be necessary for the installation and operation of Logging and Saw-Mill Complex as mentioned in the Contract.

(3) Without prejudice, to the generality of the power, conferred by subsections (1) and (2), the Corporation may, for carrying out the purposes of this Ordinance:

- (a) undertake any work, incur any expenditure, procure plant, machinery and materials required for its use and enter into and perform all such contracts as it may consider necessary or expedient;
- (b) acquire by purchase, lease or otherwise any land or interest in land;
- (c) seek and obtain advice and assistance in the preparation or execution of a scheme from any agency of the Government or otherwise and such agency shall give the advice and assistance sought, by the Corporation to the best of its ability, knowledge and judgment:

Provided that the Corporation shall pay the cost of such advice and assistance if the giving of such advice and assistance, entails additional expenditure to the said agency.

- (4) The acquisition of any land or interest in land for the Corporation under this section, or for any scheme under this

Ordinance, shall be deemed to be a scheme for a public purpose within the meaning of the Land Acquisition Act, 1894, as in force in the territories of Azad Jammu and Kashmir and the provisions of the said Act shall apply to all proceedings relating to such acquisitions.

10. **Maintenance of accounts:-** In such month as may be prescribed each year, the Corporation shall submit to the Chief Adviser for approval a statement of the estimated receipts and expenditure in respect of the next financial year.
11. **Submission of yearly reports and returns:-** (1) The Corporation shall submit to the Chief Adviser as soon as possible after the end of every financial year but before the last day of June next following, a report on the conduct of its affairs for that year.

(2) The Corporation, shall furnish the Chief adviser, as and when he so requires, with:
 - (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation; or
 - (ii) a report on any such matter; or
 - (iii) a copy of any document in the charge of the Corporation.
12. **Audit:-** (1) The accounts of the Corporation shall be best audited every year by the Auditor-General who shall send not less than three copies of the audit report to the Corporation.

(2) Upon the receipt of the copies of the audit report, the Corporation shall forward, with such observations as it may think fit to make, one copy to the Government and one copy to the Chief Adviser.

(3) The Corporation shall carry out any directive issued by the Government or the Chief Adviser for rectification of an audit objection.
13. **Immunity of the Corporation and its employees:-** (1) The Chairman, Directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants

within the meaning of section 21 of the Pakistan Penal Code as in force in the territories of Azad Jammu and Kashmir.

(2) No suit, prosecution or other legal proceeding shall lie against the Corporation, the Chairman, Directors, officers and servants of the Corporation in respect of anything which is, in good faith done or intended to be done under this Ordinance.

(3) A Director shall not be personally responsible for the acts of any other Director or of any officer, adviser or employee of the Corporation for any loss or expenses resulting to the Corporation by reason of the insufficiency or deficiency in value of or title to any property or security acquired or taken on behalf of the Corporation, or by the wrongful act of any person under a liability to the Corporation or by anything done by him in good faith in the execution of the duties of his office.

14. **Delegation of Powers to officers and servants:-** The Board may, by general or special order, delegate to any of the officers or servants of the Corporation, subject to such conditions as it may think fit to impose, any of its powers, duties or functions under this Ordinance.
 15. **Corporation to be deemed to be a local authority:-** The Corporation shall be deemed to be a local authority within the meaning of the Local Authorities Loans, Act, 1914, as in force in the territories of Azad Jammu and Kashmir, for the purpose of borrowing money under the said Act and the making or execution of any scheme under this Ordinance shall be deemed to be a work which it is legally authorised to carry out.
 16. **Liability of Government:-** The liability of the Government to the creditors of the Corporation shall be limited to the extent of grants made by the Government and the loans raised by the Corporation with the sanction of the Government,
 17. **Rules and regulations:-** The Corporation may, with the approval of the Chief Adviser, make such rules and regulations as it may consider necessary for carrying out the purposes of this Ordinance.
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**THE AZAD JAMMU AND KASHMIR GOVERNMENT
(AMENDMENT) ACT, 1969
(Act I of 1969)**

*(Passed under Government Order No. 2528-2568/SL/69,
dated the Muzaffarabad, 6th October 1969).*

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Government Act, 1968, for the purposes hereinafter appearing; It is hereby enacted as follows:-

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government (Amendment) Act, 1969,

(2) It shall come into force at once.
2. **Amendment of section 6:-** In the Azad Jammu and Kashmir Government Act, 1968, hereinafter referred to as the said Act, in section 6:
 - (a) in sub-section (2), for the words 'with the previous consent' the words 'after obtaining the advice' shall be substituted; and
 - (b) sub-section (3) shall be omitted.
3. **Substitution of section 7:-** In the said Act, for section 7 the following shall be substituted, namely:—

"7. Other Functions of the State Council.—(1) The State Council may advise the President in the performance of his functions.

(2) The State Council shall be informed of every case which is required to be referred to the Public Service Commission but in which the advice of the Commission has not been obtained or has not been accepted."
4. **Amendment of section 9:-** In the said Act in section 9, the words 'with the concurrence of the Chief Adviser' shall be omitted.
5. **Substitution of section 15:-** In the said Act, for section 15 the

following shall be substituted, namely :

"15. *Interim arrangement regarding Chairman in the case of a casual vacancy:-* Where any casual vacancy occurs in the office of Chairman on account of death, resignation or any other cause, the Chief-Adviser shall forthwith nominate a person to be the Chairman. "

6. **Amendment of section 16:-** In the said Act, in section 16, in sub-section (1), for the words ' member of the State Council qualified to be elected as Chairman 'the word ' person ' shall be substituted.
7. **Substitution of section 18:-** In the said Act, for section 18 the following shall be substituted, namely:—

CHAPTER III-A Ministers

18. *Appointment of Minister.*—(1) The President may, if he thinks fit, appoint such number of Ministers as he may consider necessary to assist him in the performance of his functions under this Act.

(2) A Minister shall hold office during the pleasure of the President."

8. **Amendment of section 20:-** In the said Act, in section 20, after, the words 'a person elected' the words 'or nominated' shall be inserted.
9. **Omission of section 21:-** In the said Act, section 21 shall be omitted.
10. **Amendment of section 22:-** In the said Act, in section 22, for the words and commas 'previously approved, with or without modification, by the Words 'made after obtaining the advice in writing of shall be substituted.
11. **Insertion of section 22-A:-** In the said Act, after section 22 amended as aforesaid the following new section shall be inserted, namely :—

"22-A. *Chief Adviser to be informed of certain cases:-* The President shall inform the Chief Adviser of every case which

is required to be referred to the Public Service Commission but in which the advice of the Commission has not been obtained or has not been accepted."

**THE AZAD JAMMU AND KASHMIR CODE OF CRIMINAL
PROCEDURES (AMENDMENT) ORDINANCE, 1969
(Ordinance I of 1969)**

*(Passed under Government Order No. 1269-1300\SL\69,
dated the 3rd June, 1969)*

WHEREAS it is necessary to amend the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in Azad Jammu and Kashmir Territory ;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President of the Azad Government of the State of Jammu and Kashmir with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Code of Criminal Procedure (Amendment) Ordinance, 1969.

(2) It shall come into force at once.

2. **Amendment of section 491, Act V of 1898:-** in the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Azad Jammu and Kashmir Territory, in section 491, for sub-section (3) the following shall be substituted,

“(3) Nothing in this section applies to persons detained under the Azad Jammu and Kashmir Civil Defence Rules, 1962. or under any other law relating to preventive detention as may, from time to time, be specified by the Azad Government of the State of Jammu and Kashmir.

*Explanation:—*In this sub-section, the expression 'the Azad Jammu and Kashmir Civil Defence Rules, 1962' means the rules made under the Azad Jammu and Kashmir Civil Defence Act, 1951.".

**THE AZAD JAMMU AND KASHMIR CODE OF CRIMINAL
PROCEDURE AMENDMENT (REPEAL) ORDINANCE, 1969
(Ordinance II of 1969)**

*(Passed under Government Order No. 1897-1940\SL\69,
dated the 1st August, 1969)*

WHEREAS it is necessary to repeal the Code of Criminal Procedure (Amendment) Ordinance, 1969 (Ordinance I of 1969) as in force in Azad Jammu and Kashmir Territory;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President Azad Government of the State of Jammu and Kashmir, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Code of Criminal Procedure Amendment (Repeal) Ordinance, 1969.

(2) It shall come into force at once.
 2. **Repeal of Code of Criminal Procedure (Amendment) Ordinance, 1969:-** The Code of Criminal Procedure Amendment Ordinance, 1969 (Ordinance I of 1969) is hereby repealed.
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**THE AZAD JAMMU AND KASHMIR REDEMPTION AND
RESTITUTION OF MORTGAGED LANDS ORDINANCE, 1969
(Ordinance III of 1969)**

*(Passed under Government Order No. 2139-2179\SL\69,
dated the 25th August, 1969)*

WHEREAS it is expedient to consolidate the law relating to the redemption and restitution of certain mortgaged of land in the Azad Jammu and Kashmir Territory in the manner hereinafter appearing;

AND WHEREAS the State Council of Azad Jammu and Kashmir is not in session and the President of the Azad Government of the State of Jammu and Kashmir is satisfied that circumstances exist which render immediate legislation necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

**CHAPTER I
PRELIMINARY**

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Redemption and Restitution of Mortgaged Lands Ordinance, 1969.
 - (2) It extends to the whole of the Azad Jammu and Kashmir Territory.
 - (3) It shall come into force in such areas and from such dates as the Government may, by notification in the Official Gazette, direct.
2. **Definitions:-** In this Ordinance, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:
 - (a) 'Collector' means the Collector of the District in which the mortgaged land or any part thereof is situated, and shall include any Revenue Officer specially empowered by the Financial Commissioner to perform the duties of a Collector for the purposes of this ordinance ;

- (b) 'Commissioner' means the Commissioner of Azad Jammu and Kashmir, and shall include any officer specially empowered by the Financial Commissioner to perform the duties of a Commissioner for the purposes of this Ordinance;
- (c) 'Financial Commissioner' means any person appointed by the Government as Financial Commissioner under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), as in force in the Azad Jammu and Kashmir Territory;
- (d) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (e) 'land' means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes:
 - (i) the sites of buildings and other structures on such land;
 - (ii) a share in the profits of an estate or holding ;
 - (iii) a right to receive rent;
 - (iv) any right to water enjoyed by the owner or occupier of land as such; and
 - (v) all trees standing on such land;
- (f) 'mortgager' or 'mortgagee' includes the assignee and the representative-in-interest of such mortgagor or mortgagee, as the case may be ; and
- (g) 'prescribed' means prescribed by rules made under this Ordinance.

CHAPTER II REDEMPTION OF MORTGAGES

3. **Petition for redemption:-** After the principal money becomes due and before a suit for redemption is barred, a mortgagor of land not exceeding fifty acres in area or of land the principal money secured by which does not exceed five thousand rupees, may apply to the Collector for an order directing that the mortgage be redeemed and that he be put in possession.

Explanation I:- The area of any share in the common land of the village or of a sub-division appertaining thereto and mortgaged with the land shall not be taken into consideration while determining the area of the land mortgaged.

Explanation II:- This section shall not apply to usufructuary mortgaged effected for a specific number of years and intended to terminate without the repayment of any part of its consideration.

4. **Deposit of amount due under mortgage:-** The mortgagor shall in his application declare what sum is to the best of his knowledge due under the mortgage and deposit such sum with the Collector at the time of making the application.
5. **Power of Collector to order ejectment:-** Where the Collector, after hearing the mortgagee and holding such inquiry as may be prescribed, is satisfied that the mortgagor has a right to redeem and has deposited or is prepared to pay the sum which the Collector finds due under the mortgage, he shall make an order directing that the mortgage be redeemed.
6. **Directions that the Collector shall make when ordering ejectment:-** (1) Where the Collector makes an order for the redemption of a mortgage, and the whole of the mortgage amount found due has been deposited with him, the order shall direct that such amount be paid to the mortgagee and the excess, amount, if any, deposited by the mortgagor be refunded to him.
 - (2) Where the whole of the mortgage amount found due has not been deposited, the order for the redemption of the mortgage shall direct:
 - (a) that a sum which together with the sum already deposited will equal the mortgage amount found due be deposited with the Collector by the mortgagor within thirty days or within such further period as may be specified by the Collector in this behalf;
 - (b) that on deposit of such amount together with costs, if any, the mortgage shall be extinguished and the mortgagee shall deliver possession of the mortgaged land to the mortgagor, whose title thereto shall be deemed to have accrued from the date of such deposit; and

(c) that the mortgage amount found due by the Collector and deposited by the mortgagor together with costs, if any, be paid to the mortgagee.

(3) If the mortgage amount and the costs, if any, are not deposited within the period specified in sub-section (2), the petition shall be dismissed with costs.

7. **Saving of suits to establish rights:-** Any person aggrieved by an order of the Collector passed under section 5 or section 6 may institute a suit to establish his rights in respect of the mortgage ; but subject to the result of such suit, if any, the order shall be conclusive;

Provided that notwithstanding the provisions of Article 14 of Schedule I of the Limitation Act of 1908, a mortgagor may file a suit for the redemption of his mortgaged land within the un-expired period of limitation fixed by law for the redemption of the mortgaged lands.

8. **No second petition:-** The dismissal of a petition under this Chapter shall bar any further petition under this chapter by the same petitioner or his representative-in-interest in respect of the same mortgage.
9. **Cessation of interest:-** When the petitioner has deposited with the Collector the sum declared by the Collector to be due on the mortgage, and such sum is accepted by the mortgagee, or is found by the Collector to be the sum actually due, interest on the mortgage shall cease from the date of the deposit.

CHAPTER III RESTITUTION OF MORTGAGES

10. **Petition for restitution:-** The mortgagor of any subsisting usufructuary mortgage not less than twenty years old, or of any usufructuary mortgage the period whereof has expired, may present a petition to the Collector for the restitution of possession of the mortgaged land.

Explanation:- A mortgage shall be deemed to subsist for the purposes of this Chapter notwithstanding a decree or order for its redemption having been passed ; provided that redemption has not taken place before the presentation of a petition under this section.

11. **Petition when to be dismissed:-** Where the Collector is satisfied that a petition is not in respect of a subsisting usufructuary mortgage not less than twenty years old, or a usufructuary mortgage the period whereof has expired, he shall dismiss the petition, recording his reasons for such order.
12. **Power of Collector to declare and enforce orders in favour of mortgagor:-** If the Collector finds that the application is in respect of mortgaged land the possession whereof has remained with the mortgagee for a period of not less than twenty years, or is in respect of mortgaged land the term of the mortgage whereof has expired, he shall, notwithstanding anything contained in any other enactment for the time being in force or any contract or decree or order of any Court:
- (a) order that the mortgage shall be extinguished without payment of the mortgage money or any part thereof;
 - (b) in case of an express contract to the effect that the mortgagee shall be entitled to compensation for improvements made by him in the mortgaged land, determine the amount of such compensation ; and
 - (c) where the mortgagee is in possession, direct that the mortgagor be put into possession of the mortgaged land as against the mortgagee and that title deeds, if any, of such land in the possession of the mortgagee be restored to the mortgagor.
13. **Effect of order of restitution when compensation is payable:-** If the Collector finds that any sum is due to the mortgagee by way of compensation under clause (b) of section 12 he shall require the mortgagor to deposit the amount in such manner as may be prescribed; and on deposit of the amount he shall declare the rights of the mortgagee extinguished and require the mortgagor to deliver possession of the land to the mortgagee together with all documents of title, relating to the land :
- Provided that if a petitioner fails to deposit the amount within six months, his petition may be dismissed.
14. **Appeals:-** (1) Save as otherwise provided by this Ordinance, and appeal shall lie from an original order of the Collector to the Commissioner.

(2) Save as otherwise provided by this Ordinance, an appeal shall lie to the Financial Commissioner from over order passed in appeal by the Commissioner, on any one, of the following grounds, namely :-

- (a) the decision being contrary to law or to some usage having the force of law ;
- (b) the decision having failed to determine some material issue of law or usage having the force of law;
- (c) a substantial error or defect in the procedure provided by this Ordinance or by any other law for the time being in force, which possibly have produced an error or defect in the decision of the case.

15. **Revision:-** (1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue Officer, sub-ordinate to him.

(2) A Commissioner may call for the record of any case pending before, or disposed of by any Revenue Officer under his control.

(3) The Financial Commissioner may in any case called for under subsection (1) and a Commissioner may in any case called for under sub-section (2) pass such order as he thinks fit:

Provided that no order shall be passed under this section reversing or modifying any proceedings or order of a subordinate Revenue Officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

16. **Limitation for appeals:-** (1) The period of limitation for an appeal under section 14 shall run from the date of the order appealed against, and shall be:

- (i) sixty days, when the appeal lies to the Commissioner ;
- (ii) ninety days, when the appeal lies to the Financial Commissioner.

(2) In computing the period of limitation for an appeal under this section, the period requisite for obtaining copies of the order appealed against shall be excluded.

(3) The provisions of section 5 of the Limitation Act, 1908 (Act IX of 1908), as in force in the Azad Jammu and Kashmir Territory, shall apply to appeals under this Chapter.

17. **Jurisdiction of Civil Court barred:-** No Civil Court shall have jurisdiction to entertain any claim or enforce any right under a mortgage declared extinguished under this Chapter or to question the validity of any proceedings under this Chapter.

CHAPTER IV SUPPLEMENTAL

18. **Collector's powers to deliver possession:-** (1) On redemption or extinguishment of a mortgage under this Ordinance, the Collector shall eject the mortgagee and deliver possession of the mortgaged land to the mortgagor.

(2) In case of resistance, the Collector may exercise all the powers conferred on a Civil Court by rules 97 and 98 of Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908), as in force in the Azad Jammu and Kashmir Territory.

19. **Collector to have certain powers of Civil Courts:-** For the purpose or any proceeding under this Ordinance, the Collector shall have the same powers as are vested by the Code of Civil Procedure, 1908 (Act V of, 1908), as in force in the Azad Jammu and Kashmir Territory, in a Court trying a civil suit and, in particular, powers in respect of:

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses ;
- (c) compelling the production of documents ;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) receiving evidence taken on affidavit;
- (g) issuing commissions for the examination of witnesses ; and

(h) summoning and examining *suo moto* any person whose evidence appears to be material.

20. **Application of Civil Procedure in certain matters:-** (1) Save as otherwise expressly provided in this Ordinance, the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), as in force in the Azad Jammu and Kashmir Territory, relating to recognised agents and pleaders, issue and service of summons, verification of plaints, costs and appearance of parties and consequences of non-appearance, shall apply to all proceedings under this Ordinance.

(2) Notwithstanding anything contained in sub-section (1), the Collector may direct that a summons or proclamation may be sent by registered post and on proof of the fact that a summons or proclamation has been forwarded in a letter properly addressed and duly posted and registered, he may presume that the summons or proclamation was served at the time when letter would be delivered in the ordinary course of post.

21. **Return of deposit:-** If the Collector dismisses a petition under this Ordinance, he shall order that the sum deposited by the petitioner be returned to him.

22. **Deposit not to be attached:-** No sum deposited with the Collector by a petitioner under the provisions of this Ordinance shall be attached by any Court or Revenue Officer.

23. **Power to make rules:-** (1) The Financial Commissioner may make rules for the purpose of giving effect to the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, the Financial Commissioner may make rules regulating or determining the following matters, namely ;—

(a) the presentation of petition ;

(b) the procedure before the Collector ;

(c) the manner in which the Collector shall assess compensation;

(d) the principles on which the Collector shall assess the amount due under the mortgage ;

- (e) the procedure for making deposit; and
- (f) the procedure for ejecting the mortgagee and delivering possession of the mortgaged property to the mortgagor.

24. **Repeal and savings:-** (1) The following enactments are hereby repealed, namely:

- (a) The Redemption of Mortgages Punjab Act, 1913 (Punjab Act II of 1913), as in force in the Azad Jammu and Kashmir Territory;
- (b) The Azad Kashmir Restitution of Mortgaged Lands Act, 1949.

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1), all proceedings commenced, rules framed, orders made and other acts done under any of the repealed enactments, shall, if not inconsistent with the provisions of this Ordinance, so far as may be, be deemed to have been respectively commenced, framed, made and done under this Ordinance.

**THE AZAD JAMMU AND KASHMIR ACQUISITION AND
TRANSFERS OF PROPERTY (SPECIAL PROVISIONS)
ORDINANCE, 1969
(Ordinance IV of 1969)**

*(Passed under Government Order No. 2396-2440|SL|69,
dated the September 27, 1969)*

WHEREAS it is expedient to provide for the submission of statements relating to acquisitions and transfers of properties and assets by certain persons and scrutiny of such statements and for matters ancillary thereto ;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) Ordinance, 1969.
 - (2) It extends to the whole of Azad Jammu and Kashmir Territory.
 - (3) It shall come into force at once.
2. **Application:-** This Ordinance applies to:
 - (a) every person who draws his salary from the revenues of the Azad Government of the State of Jammu and Kashmir and holds office not inferior to that of a Gazetted Officer ;
 - (b) every person who is serving in or under the Azad Kashmir Logging and Saw-mill Corporation established under the Azad Kashmir Logging and Saw-mill Corporation Ordinance 1968 (Ordinance IV of 1968), and receives a pay not less than the minimum of the scale of pay of a Gazetted Officer; and
 - (c) every person or class of persons to whom the Government

may, by general or special order declare this Ordinance to apply.

3. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,
- (a) 'appointing authority' means the President;
 - (b) 'Family', in relation to a person to whom this Ordinance applies, means his spouse or spouses, separated spouse or spouses, parents, sons, and married or unmarried daughters ;
 - (c) 'President' means the President of the Azad Government of the State of Jammu and Kashmir ;
 - (d) 'Special Committee', in relation to a person or class of persons, means a Special Committee set up under section 4 for such person or class ; and
 - (e) reference to the Penal Code, the Code of Criminal Procedure and the Code of Civil Procedure shall be construed as references respectively to the Pakistan Penal Code (Act XIV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898), and the Code of Civil Procedure, 1908 (Act V of 1908), is in force in Azad Jammu and Kashmir territory.
4. **Special Committee:-** (1) For the purpose of inquiring into the acquisitions and transfers of properties by persons to whom this Ordinance applies, the Government shall by notification in the official Gazette, set up one or more Special Committees for such persons or classes of persons and consisting of such number of members as may, from time to time, be deemed necessary by the Government.
- (2) The Government shall, before setting up a Special Committee, consult the Chief Adviser in writing regarding the persons to be appointed as members of the Special Committee and the Chief Adviser shall tender advice in writing, and the Government shall consider such advice.
5. **Statement regarding properties:-** (1) Every person to whom this Ordinance applies shall, in the first week of July every year, submit to the Special Committee, in such manner and form as the Government may direct, a statement of properties and assets, both movable and immovable, whether within or outside Azad

Jammu and Kashmir which he owns, or has in his possession or under his control, directly or indirectly, either in his own name or in the name of any member of his family, and shall also furnish such information relating to such properties and assets as the Government or the Special Committee may require.

(2) A person who is required to submit to the Special Committee a statement of his properties and assets shall also set out in that statement the particulars including the value of all properties and assets:

- (a) which have been transferred by him by sale, gift or otherwise, at any time during the last one year, together with the particulars of the persons in whose favour they have been so transferred; and
- (b) which have been acquired by him, as gift or otherwise, at any time during the last one-year, from any person, together with the particulars of the person from whom they have been acquired, the consideration money, if any, paid therefore and the source from which such money was obtained.

6. **Special provision relating to the submission of statements on the first occasion under this Ordinance:-** (1) Notwithstanding anything contained in this Ordinance,—

- (a) the date for the submission of statements on the first occasion under this Ordinance shall be the first day of December, 1969, and the period for which such statements are to be submitted shall be the period beginning on the first day of July, 1968, and ending on the 30th day of June, 1969;
- (b) on the first occasion of submission of statements under this Ordinance, the statements shall include information regarding the amounts spent on the marriages of the children and wards of the declarant and on the education of the children and wards in a foreign country.

(2) All other provisions of this Ordinance shall apply to such statements as if they were statements submitted under section 5.

7. **Presumption in certain cases:-** If a person is in possession of, or has control over, any properties and assets which appear to be disproportionate to his known sources of income and for which he cannot give satisfactory explanation of the income out of

which such properties and assets were acquired, it shall, for the purpose of this Ordinance, be presumed, unless the contrary is proved, that he acquired the properties and assets by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public money or by abuse of official power or position.

8. **Action upon the statement of properties, etc:-** (1) Upon receiving a statement under section 5 from a person, the Special Committee shall, after making such inquiries as it may think fit, determine the correctness or otherwise of the Statement and also the legality or propriety of acquisition by such person of any property or assets.

(2) If the Special Committee is of opinion that a person has acquired any property or assets by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public money or by abuse of whatever kind of official power or position, it shall, after giving such person an opportunity to explain any fact or circumstances appearing against him, and also giving him an opportunity of being heard in person, record its finding, and forward it to the appointing authority.

(3) The appointing authority, if it is satisfied that a person referred to in subsection (2) has not surrendered the properties and assets as required by section 15 or the value of properties and assets transferred by him as required by section 17, may, after consultation with the Public Service Commission, award to him any one or more of the following punishments, namely :—

(i) Confiscation of the whole or part of the property;

(ii) Dismissal from public service ;

(iii) Removal from public service ;

(iv) Compulsory retirement;

(v) Reduction in rank ;

(vi) Stoppage "of increments;

(vii) Censure.

9. **Powers of the Special Committee:-** (1) The Special Committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure in respect of the following matters, namely :

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any documents ;

(c) receiving evidence on affidavits ;

(d) issuing commissions for the examination of witnesses or documents.

(2) The Special Committee may require any person, subject to any privilege which, he may claim under any law for the time being in force, to furnish such information as, in the opinion of the Committee, may be of assistance to it for the purpose of an inquiry under this Ordinance.

(3) The Special Committee, may, by an order in writing, direct any police officer to enter any building or place where it has reason to believe that any books of accounts or other documents relating to any matter before it may be found, and may, in the said order, direct the police officer to seize such books or documents or to take copies thereof or of any part thereof; and the provisions of sections 102 and 103 of the Code of Criminal Procedure shall, so far as may be, apply to the proceedings of such officer.

(4) The Special Committee shall have all the powers of Criminal Courts under the Code of Criminal Procedure.

(5) Every proceeding before the special Committee shall be deemed to be a Judicial proceeding within the meaning of sections 193 and 228 of the Penal Code.

(6) The Special Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure; in respect of requisitioning any public record or copy thereof from any court or office.

(7) The Special Committee shall have power to order a police investigation into any matter in respect of any case before it.

(8) The Special Committee may initiate inquiries *suo motu* or entertain any complaint regarding the acquisitions of property or assets by a person to whom this Ordinance applies by any means referred to in sub-section (2) of section 8 and may recommend reward to the informant or the complainant, if any, for providing correct information.

10. **Appearance before the Special Committee:-** Whenever a person to whom this Ordinance applies appears before the Special Committee, he shall appear, personally and by himself and no friend, adviser or legal practitioner shall be present with him.
11. **Procedure followed by the Special Committee:-** The Special Committee shall, subject to any rules made under this Ordinance, regulate its own procedure, including the fixing of places and times of its sittings and deciding whether to sit in public or in private, and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.
12. **Penalty for failure to submit statement or for submitting false or incorrect statement:-** A person who, being required to submit to the Special Committee under this Ordinance a statement of his properties and assets, fails to submit such statement or knowingly submits a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years.
13. **Disposal of properties and assets:-** (1) Save as otherwise provided in section 15, a person who sells, transfers or otherwise disposes of any of the properties and assets in respect of which he is required to submit a statement under this Ordinance shall be punishable with rigorous imprisonment for a term which may extend to seven years and with confiscation of the whole or part of his properties and assets.
- (2) Nothing in this section shall apply to the operation of any bank account by a person for meeting his *bona fide* requirements.
14. **Procedure for disposal of properties and assets:-** (1) Notwithstanding anything contained in this Ordinance, a person

may, with the permission of, and subject to conditions, if any, specified by the Government or any officer authorised by it in this behalf, sell, transfer or otherwise dispose of his properties referred to in sub-section (1) of section 13.

(2) An application for permission under sub-section (1) shall be made through the head of department in relation to the applicant.

15. **Surrender of properties and assets:-** (1) A person who owns, or has in his possession or under his control, directly or indirectly, either in his own name or in the name of any other person, any property and assets which he has reason to believe have been acquired any means referred to in sub-section (2) of section 8, shall surrender such properties and assets in favour of the Government in such manner, to such person and within such time as the Government may by order specify.

(2) No penal action of any kind whatsoever, except the forfeiture of such properties and assets, shall be taken against a person who surrenders all the properties and assets which he is required to surrender under sub-section (1).

16. **Penalty for failure to surrender certain properties and assets:-** A person who owns, or has in his possession or under his control, any properties and assets which he is required to surrender under section 15, but fails to so surrender shall be punishable with rigorous imprisonment for a term which may extend to fourteen years and with confiscation of the whole or part of his properties and assets.

17. **Penalty for failure to surrender amount equivalent to value of properties and assets acquired irregularly:-** Where properties and assets which have been transferred within the period specified in clause (a) of sub-section (2) of section 5, or, in the case of submission of statements on the first occasion, within the period specified in sub-section (1) of section 6, were acquired by any means referred to in sub-section (2) of section 8, the person transferring them shall, unless he surrenders to the Government on or before a date to be notified by Government an amount equivalent to the value of such properties and assets, be punishable with rigorous imprisonment for a term which may extend to seven years and with confiscation of the whole or part of his properties and assets.

18. **Penalty for secreting, destroying, obliterating, rendering**

illegible, or preventing the production for using as evidence, of any document:- Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence before the Special Committee, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before the Special Committee or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with rigorous imprisonment for a term which may extend to seven years, or with fine, or with both.

19. **Bar of Jurisdiction:-** (1) No order, proceeding or finding of the Special Committee shall be called in question by or before any Court.

(2) No Court or tribunal shall take cognizance of any offence under section 16 unless the Special Committee has recommended under this Ordinance punitive action against the accused.

20. **Power to make rules:-** The Government may make rules to carry out the purposes of this Ordinance.

**THE AZAD JAMMU AND KASHMIR ACQUISITIONS AND
TRANSFERS OF PROPERTY (SPECIAL PROVISIONS)
(AMENDMENT) ORDINANCE, 1969
(Ordinance V of 1969)**

*(Passed under Government Order No. 3174-3210\SL\69,
dated the December 16, 1969)*

WHEREAS it is expedient, further to amend the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) Ordinance, 1969 ;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) (Amendment) Ordinance, 1969.

(2) It shall come into force at once.

2. **Amendment of section 8 (3) (Ordinance IV of 1969):-** The following shall be substituted for sub-section (3) of section 8 of the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) Ordinance, 1969:

" (3) The appointing authority, if it is satisfied that a person referred to in sub-section (2) has not surrendered the properties and assets as required by section 15 or the value of properties and assets transferred by him, as required by section 17, shall award to him the punishment of confiscation of the whole or part of the property and may also award to him any one or more of the following punishments, namely:—

(i) Dismissal from public service ;

(ii) Removal from public service ;

- (iii) Compulsory retirement;
 - (iv) Reduction in rank;
 - (v) Stoppage of increments ;
 - (vi) Censure."
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THE AZAD JAMMU AND KASHMIR GOVERNMENT ACT, 1970
(Act I of 1970)

*(Passed under Government Order No. Admin\15132-78\SS\70,
dated 5th September, 1970)*

WHEREAS the future status of the State of Jammu and Kashmir is yet to be determined in accordance with the freely expressed will of the people of the State through the democratic method of free and fair plebiscite under the auspices of the United Nations as envisaged in the UNCIP Resolutions adopted from time to time ;

AND WHEREAS a part of the territories of the State of Jammu and Kashmir already liberated by the people are known for the time being as Azad Jammu and Kashmir ;

AND WHEREAS it is necessary to provide for the better Government and administration of Azad Jammu and Kashmir until such time as the status of Jammu and Kashmir is determined as aforesaid;

It is hereby enacted as follows ;

1. **Short title and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Government Act, 1970;

(2) It shall come into force at once.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:-
 - (a) "Azad Jammu and Kashmir" means the territories of the State of Jammu and Kashmir which have been liberated by the people of that State and are for the time being under the administration of Government;
 - (b) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (c) "Prescribed" means prescribed by rules made under this Act.
 - (d) "State Subject" means a person who is a "State subject" as denned in the late Government of the State of Jammu and Kashmir Notification No. I-L/84, dated the 20th April, 1927.

3. **President:-** (1) There shall be a President of Azad Jammu and Kashmir, hereinafter called the President, who shall be elected directly on the basis of adult franchise in such manner as may be prescribed.
- (2) The election to the office of the President shall be conducted under the control and supervision of the Election Commissioner.
- (3) The election of the President under sub-section (2) shall not be called in question in any court or before any tribunal or any authority.
- (4) No person shall be qualified for election as President unless:-
- (a) he is a Muslim;
 - (b) he has attained the age of thirty-five years ; and
 - (c) his name appears on the electoral roll prepared for the election of the members of the legislative Assembly.
- (5) Subject to the provisions of this Act, the President shall hold office for a period of four years from the date on which he enters upon his office and shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.
4. **Removal of President:-** (1) If one-third of the total number of members of the Legislative Assembly give a notice in writing to the Speaker of the Assembly of their intention to move a resolution of no confidence against the President, the Speaker shall convene a meeting of the Assembly not later than two weeks from the date of receipt of the notice.
- (2) The President shall have the right to appear before the Legislative Assembly among the consideration of the resolution under sub-section (1) and to make a statement if he so desires.
- (3) If the resolution under sub-section (1) is passed by the Legislative Assembly by the votes of not less than two-third of the total number of members of the Assembly, the President shall forthwith cease to hold office.
5. **Acting President:-** At any time when the President is absent or is unable to perform the functions of his office due to illness or

any other cause, the Chief Justice of the High Court of Azad Jammu and Kashmir shall act as President until the President resumes his office.

6. **Casual vacancy of the office of President:-** Where the office of President falls vacant due to death, resignation or any other cause, the Chief Justice of the High Court of Azad Jammu and Kashmir shall:
 - (a) Perform the functions of the President till such time as a new President is elected ; and
 - (b) cause an election to the office of President to be held within a period of three months from the date on which the office falls vacant.
7. **Adviser:-** There shall be an Adviser to the Government who shall be appointed by the President with the approval of the Government of Pakistan.
8. **Plebiscite Adviser:-** The President may, after consultation with the Adviser, appoint a Plebiscite Adviser to advise Government in relation to the holding of a plebiscite in the State, of Jammu and Kashmir in terms of the UNCIP Resolutions.
9. **Council of Ministers:-** (1) There shall be a President's Council of Ministers to be known as the Council of Ministers consisting of three members to be appointed by the President in such manner as may be prescribed:

Provided that, when a Plebiscite Adviser is appointed, he shall be an additional member of the Council of Ministers.

 - (2) If a member of the Legislative Assembly is appointed as a member of the Council of Ministers, he shall cease to be a member of the Assembly on the day he assumes office as Minister.
10. **General Powers and duties of the President:-** (1) The superintendence, direction and control of the Government shall be vested in the President, acting with the aid and advice of his Council of Ministers.
 - (2) All orders of the Government shall be expressed to be made by the President.

(3) The President may issue general instructions for the convenient transaction of business by the Council of Ministers and the government and every order made or act done in accordance with such instructions shall be treated as the order or act of the President,

11. **Extent of executive authority:-** The executive authority of the Government shall extend to all matters with respect to which the Legislative Assembly has power to make laws.
12. **Meeting of the Council of Ministers:-** (1) The Council of the Ministers shall meet at such times and at such places as the President may appoint.
- (2) The Council of Ministers may function notwithstanding the, absence or any vacancy in the office, of any one of its members.
- (3) The meetings of the Council of Ministers shall be conducted, and decisions thereat shall be taken, in such manner as may be prescribed.
13. **Restrictions on the exercise of powers of the President:-** (1) The powers of the President shall be so exercised as not to impede or prejudice :
- (a) the responsibilities of the Government of Pakistan under the UNCIP Resolutions; and
- (b) the responsibilities of Pakistan for the defence and security of Azad Jammu and Kashmir.
- (2) The President shall maintain liaison through the Adviser with the Government of Pakistan with respect to all matters mentioned in sub-section (1).
14. **Legislative Assembly:-** (1) The legislature of Azad Jammu and Kashmir shall consist of the President and a Legislative Assembly consisting of twenty-five members of whom :-
- (a) twenty-four shall be elected directly, on the basis of adult franchise; and
- (b) one, who shall be a woman, shall be elected, by the directly elected members.

(2) The manner of election of the members of the Legislative Assembly, their qualifications and disqualifications for being such members, the number of members required to constitute the quorum and the manner of filling casual vacancies shall be such as may be prescribed.

(3) Every Legislative Assembly, unless sooner dissolved, shall continue for four years from the date appointed for their first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Assembly.

15. **Right of Ministers to take part in Assembly proceedings:-** A member of the Council of Ministers shall have the right to speak in, and otherwise take part in, the proceedings of, the Legislative Assembly or of any of its committees but shall not be entitled to vote.

16. **Meeting of the Legislative Assembly:-** (1) The Legislative Assembly shall assemble at such times and at such places as the President may appoint and the President may prorogue a session of the Assembly.

(2) Any meeting of the Legislative Assembly may be adjourned by the Speaker of the Assembly or other person presiding thereat.

17. **Dissolution of Legislative Assembly:-** (1) If at any time the President is satisfied that a situation has arisen in which the administration cannot be carried on in accordance with the provisions of this Act, he may, after consultation with the adviser, dissolve the Assembly.

(2) Where the Legislative Assembly is dissolved under subsection (1), the President shall cause fresh election to the Legislative Assembly to be held within a period of four months from the date of the dissolution.

18. **Speaker of the Legislative Assembly:-** (1) The members of the Legislative Assembly shall, at its first meeting or as soon thereafter as may be, elect from amongst their number of Speaker of the Assembly.

(2) All proceedings of the Legislative Assembly shall be conducted in accordance with Rules of Procedure made by the Assembly and approved by the President.

(3) The Speaker of the Legislative Assembly shall preside at its meetings and, in the absence of the Speaker from any meeting, such member of the Assembly present as may be determined by the Rules of Procedure shall preside thereat.

19. **Legislative Powers:-** (1) Subject to the provisions of sub-section (3), the Legislative Assembly has power to make laws :

- (a) for the territories of Azad Jammu and Kashmir;
- (b) for all State Subjects wherever they may be;
- (c) for all officers of the Government wherever they may be ;
- (d) for repealing or altering any laws which at the commencement of this Act, are in force in Azad Jammu and Kashmir.

(2) No tax shall be levied for the purposes of the territories of Azad Jammu and Kashmir except by or under the authority of an Act of the Legislative Assembly.

(3) The Legislative Assembly shall not have the power to. make any law concerning:

- (a) the responsibilities of the Government of Pakistan under the UNCIP Resolution;
- (b) the defence, and security of Azad Jammu and Kashmir; or
- (c) the current coin or the issue of any bills, notes or other paper currency.

(4) The provisions this Act, except sections 13, 19 and 28, may be amended by an Act of the Legislative Assembly :

Provided that a Bill to amend this Act shall not be presented to the President unless it has been passed by the votes of not less than two-thirds of the total number of members of the Legislative Assembly.

20. **President's assent to Bills:-** (1) When a Bill has been passed by the Assembly it shall be presented to the President, who shall, within thirty days:

- (a) assent to the Bill; or
 - (b) declare that he withholds assent therefrom; or
 - (c) return the Bill to the Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered, and that any amendments specified by him in the message be considered.
- (2) When the President has declared that he withholds assent from a Bill or has returned a Bill to the Assembly, the Assembly shall reconsider the Bill, and if it is again passed, with or without amendment by the Assembly, by the votes of not less than two-thirds of the number of members present and voting, it shall be again presented to the President, and the President shall assent thereto.
21. **Budget:-** (1) The President shall, in respect of every financial year, cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure for that year, to be called the Annual Budget.
- (2) The Annual Budget shall be submitted to the Legislative Assembly in the form of demands for grants and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent any demand subject to a reduction of the amount specified therein.
- (3) No demand for a grant shall be made except on the recommendation of the President.
- (4) The Annual Budget as passed by the Legislative Assembly shall be placed before the President who shall, by his signature, authenticate it.
- (5) The President may, if necessary, also cause Supplementary Budget to be laid before the Legislative Assembly in respect of any financial year and the provisions of this action shall apply to a Supplementary Budget as they apply to the Annual Budget.
22. **Special Powers of the President Pending Budget:-** (1) Where the Legislative Assembly fails to pass the Annual Budget for any financial year laid before it under sub-section (1) before the commencement of that year, with or without any reduction of the amount specified therein, the President may, by his signature,

authenticate the Annual Budget as laid before the Assembly.

(2) Where the Annual Budget for any financial year cannot be passed by the Legislative Assembly by reason of its having been earlier dissolved the President shall cause to be prepared an Annual Budget for that year and, by his signature, authenticate the Budget.

(3) The Annual Budget for any financial year authenticated by the President under sub-section (1) or sub-section (2) shall, for the purposes of this Act, be deemed to have been passed by the Legislative Assembly.

23. **Restriction on expenditure:-** (1) No expenditure shall be incurred by the Government except as authorised by the Annual or Supplementary Budget as passed by the Legislative Assembly.

(2) No expenditure on such major development activities as may be specified by the Adviser shall be incurred except with the approval of the Adviser.

24. **Power to make Ordinance:-** The President may, in the case of emergency, make and promulgate Ordinances for the peace and good government of Azad Jammu and Kashmir and an Ordinance so made shall for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Legislative Assembly but the power of making an Ordinance under this section is subject to the like restrictions as the power of the Legislative Assembly to make laws ; and any Ordinance made under this section may be controlled or superseded by an Act of the Legislative Assembly.

25. **High Court:-** (1) There shall be a High Court for Azad Jammu and Kashmir hereinafter called the High Court which shall consist of a Chief Justice and such number of other Judges as may be prescribed by an Act of the Legislative Assembly.

(2) Until otherwise provided by an Act of the Legislative Assembly, the High Court functioning immediately before the commencement of this Act shall be the High Court of Azad Jammu and Kashmir.

(3) The person holding office as Chief Justice or other Judge of the High Court immediately before the commencement of this

Act shall be deemed to be the Chief Justice or other Judge, as the case may be, appointed under this Act.

25. **Public Service Commission:-** (1) There shall be a Public Service Commission for Azad Jammu and Kashmir which shall consist of such number of members including a Chairman, and perform such functions as may be prescribed.
- (2) The Public Service Commission existing immediately before the commencement of this Act and the persons holding office as Chairman and other members of that Commission immediately before such commencement shall be deemed to have been constituted and appointed under this Act.
27. **Election Commissioner:-** (1) There shall be an Election Commissioner appointed by the President on such terms and conditions as may be prescribed.
- (2) The person appointed as Election Commissioner under the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970, and functioning as such immediately before the commencement of this Act shall be deemed to have been appointed as Election Commissioner under sub-section (1) on the same terms and conditions of service as were applicable to him immediately before such commencement.
28. **Act not to derogate from the responsibilities of Pakistan:-** Nothing in this Act shall derogate from the responsibilities of the Government of Pakistan in relation to the State of Jammu and Kashmir under the UNCIP Resolutions or prevent the Government of Pakistan from taking such action as it may consider necessary or expedient for the effective discharge of those responsibilities.
29. **Continuance of Existing laws:-** Subject to the provisions of this Act, all laws which immediately before the commencement of this Act, were in force in Azad Jammu and Kashmir shall continue in force until altered, repealed or amended by an Act of the Legislative Assembly or other appropriate authority.
30. **Power to make rules:-** The President may make rules for carrying out the purposes of this Act.
31. **Repeal and Savings:-** (1) The Azad Jammu and Kashmir Government Act, 1968 hereinafter referred to as the said Act,

together with the Acts amending it, and the rules made thereunder are hereby repealed.

(2) Notwithstanding the repeal of the said Act under sub-section (1):

- (a) the provisions of the said Act relating to election of the members of the State Council shall apply for the purposes of the first election of the Legislative Assembly provided for in this Act, reference in those provisions to State Council being construed as reference to Legislative Assembly; and
 - (b) the person, who, immediately before the commencement of this Act, was holding the office of President of Azad Jammu and Kashmir, and the State Council, which, immediately before such commencement, was functioning as the State Council of Azad Kashmir, shall, until the President is elected and the Legislative Assembly is constituted in accordance with the provisions of this Act, exercise the powers and perform the functions under this Act respectively of the President and the Legislative Assembly.
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**THE AZAD JAMMU AND KASHMIR ELECTORAL ROLLS
ORDINANCE, 1970**

(Ordinance I of 1970)

WHEREAS it is necessary to provide for the preparation of electoral rolls for the purpose of inducting into office a duly elected Azad Government of the State of Jammu and Kashmir with the ultimate objective of promoting conditions conducive to carrying into effect the intents and purposes of the Resolution's of the United Nations Security Council and the United Nations Commission for India and Pakistan concerning the dispute over that State ;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President of the Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance :-

1. **Short title, commencement and application:-** (1) This ordinance may be called the Azad Jammu and Kashmir Electoral Rols Ordinance, 1970.

(2) It shall come into force at once.

(3) It extends to the whole of Azad Jammu and Kashmir territory and shall apply to all State Subjects of the State of Jammu and Kashmir.
2. **Ordinance to over made other laws:-** This Ordinance shall have effect notwithstanding anything to the contrary contained in any law, for the time being in force in the Azad Jammu and Kashmir territory.
3. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:
 - (a) 'Government' means the Azad Government of the State of Jammu and Kashmir ;
 - (b) "President" means the President of the Azad Government of the State of Jammu and Kashmir ;

- (c) 'Commissioner' means the Election Commissioner appointed or deemed to be appointed under section 4 ;
- (d) 'Prescribed' means prescribed by rules made under this Ordinance ;
- (e) 'qualifying date' means the first day of January, 1970;
- (f) 'State subject' means a person who is a 'State subject' as defined in the late Government of the State of Jammu and Kashmir Notification No. I-L/84, dated the 20th April, 1927;
- (g) 'Registration Officer' means a Registration Officer appointed under section 9 and includes an Assistant Registration Officer performing the functions of the Registration Officer.

4. **Election Commissioner:-** (1) For the purpose of this Ordinance, the Government shall appoint a person to be the Election Commissioner.
- (2) The person performing the functions of Election Commissioner immediately before the commencement of this Ordinance shall be deemed to be the Election Commissioner appointed under sub-section (1).
5. **Privileges and allowances:-** The Commissioner shall be entitled to such immunities, privileges and allowances as the President may determine.
6. **Assistance to Election Commissioner:-** (1) The Commissioner may require any person or authority in the Azad Jammu and Kashmir territory to perform such functions or render such assistance for the purposes of this Ordinance as the Commissioner may direct.
- (2) All authorities of the Government shall assist the Commissioner in the performance of his functions and for this purpose the President may, after consultation with the Commissioner, issue such orders as he may consider necessary.
- (3) When so requested by the Commissioner, the President shall make available to the Commissioner such staff as may be necessary for the performance of his functions.

7. **Officers and servants:-** The Commissioner may, in accordance with the rules made in this behalf, appoint such officers and servants as may be necessary for the performance of his functions under this Ordinance.
8. **Electoral Rolls for Election on the basis of Adult Franchise:-**
(1) For the purpose of election on the basis of adult franchise there shall be electoral rolls in relation of such areas, to be called electoral areas, as the Commissioner may, in consultation with the Government, determine.

(2) Separate electoral rolls without reference to any electoral area shall be prepared for the State Subjects residing in West-Pakistan.
9. **Appointment of Registration Officer, etc:-** (1) The Commissioner shall appoint a Registration Officer for each electoral area for the purpose of the preparation, correction and amendment of an electoral roll for that electoral area and may, for that purpose, appoint as many Assistant Registration Officers as may be necessary ; and the same person may be appointed as Registration Officer or Assistant Registration Officer for two or more electoral areas.

(2) Subject to such instructions as may be given in this behalf by the Commissioner :

(a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer ; and

(b) a Registration Officer may require any person to assist him in the performance of his functions.
10. **Preparation of electoral rolls, etc:-** (1) The Registration Officer for an electoral area shall, under the superintendance, direction and control of the Commissioner, prepare for that area in the prescribed manner a draft electoral roll containing the name of every State Subject who, on the qualifying date :

(a) is not less than twenty-one years of age ;

(b) does not stand declared by a competent court to be of unsound mind; and

- (c) is, or is deemed under section 12 to be, resident in the electoral areas.
 - (2) The draft electoral roll prepared under sub-section (1), together with a notice inviting claims and objections with respect thereto, shall be published in such manner as may be prescribed.
 - (3) The Registration Officer shall make such additions, modifications or corrections in the draft electoral roll as may be required by any decision on any claim, or objection or as may be necessary for correcting any clerical, printing or other error.
 - (4) After making additions, modifications or corrections, if any, under subsection (5), the Registration Officer shall publish in the prescribed manner the final electoral roll for each electoral area;
 - (5) An electoral roll shall be amended and corrected in the prescribed manner, as and when necessary, so as:
 - (a) to correct any entry or supply any omission therein; or
 - (b) to include the name of any qualified person whose name does not appear on such roll; or
 - (c) to delete therefrom the name of any person who has died or who is or has become disqualified for enrolment on such roll.
 - (6) An electoral roll as amended and corrected shall be maintained in the prescribed manner and shall, together with a notice inviting application for further amendment and correction, be kept open to public inspection ; and copies of such rolls shall be supplied to any person applying therefore on payment of such fee as may be prescribed.
 - (7) If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a draft thereof, considers if necessary so to do, he may by order direct that such roll or draft shall stand cancelled and that an electoral roll for that area be prepared afresh.
11. **Access to register of births and deaths:-** The Registration Officer and any person authorised by him in that behalf shall have access to any register of births and deaths maintained under

any law for the time being in force and may collect such information and take such extracts from such register as may be necessary for the purpose of this Ordinance; and every person in charge of such register shall give such information and such extracts from the said register as the said Officer or person may require.

12. **Meaning of "resident":-** (1) Save as hereinafter provide, a person shall be deemed to be resident in an electoral area if he ordinarily resides in that area.
- (2) A person who resides in a place other than the electoral area in which he would have otherwise been resident shall, unless he otherwise indicates in writing to the Registration Officer, be deemed to be resident in the said electoral area.
- (3) The wife of any such person as is referred to in sub-section (2) shall, if she ordinarily resides with such person, be deemed to be resident in the electoral area in which her husband is deemed to be resident under that sub-section.
- (4) A person who is detained in prison or other legal custody shall be deemed to be resident in the electoral area in which he would have been resident if he had not been so detained.
- (5) Where the residence of a State Subject is in doubt, he may himself indicate the electoral area on the electoral roll of which he desires to be enrolled.
13. **No person to be enrolled more than once or in more than one electoral area:-** No person shall be entitled to be enrolled :
- (a) on the electoral roll for any electoral area more than once ; or
- (b) on the electoral rolls for more than one electoral area.
14. **Validity of electoral rolls, etc. not affected by reason of any mistake:-** An electoral roll shall not be invalid by reason of any misdescription of a person enrolled thereon, or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.
15. **Commissioner's power to include a name in an electoral roll:-** The Commissioner may, at any time, order the inclusion in an electoral roll of the name of any person qualified to be

enrolled on such electoral roll and such name shall, from the date of such order, form part of the electoral roll.

16. **Power to make rules:-** The President, may, after consultation with the Commissioner, make rules for carrying out the purpose of this Ordinance.
 17. **Bar of jurisdiction:-** No court shall question the validity of the electoral rolls prepared under this Ordinance or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commissioner or the Registration Officer.
 18. **Commissioner's power to remove difficulties:-** If any difficulty arises in giving effect to the provisions of this Ordinance or an order made thereunder, the Commissioner may, from time to time, make such provisions or give such directions as appear to him to be necessary for the removal of the difficulty.
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**THE AZAD JAMMU AND KASHMIR ACQUISITIONS AND
TRANSFERS OF PROPERTY (SPECIAL PROVISIONS)
(AMENDMENT) ORDINANCE, 1970**

(Ordinance II of 1970)

*(Passed under Government Order No. 1827-1907/SL/70,
Dated the 13th April, 1970)*

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) Ordinance, 1969 (Ordinance IV of 1969), for the purposes hereinafter appearing;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) (Amendment) Ordinance, 1970.

(2) It shall come into force at once and shall be deemed to have taken effect on the 27th day of September, 1969.
2. **Amendment of section 3, Ordinance IV of 1969:-** In the Azad Jammu and Kashmir Acquisitions and Transfers of Property (Special Provisions) Ordinance, 1969 (Ordinance IV of 1969), hereinafter referred to as the said Ordinance, in section 3, after clause (b), the following new clause (bb) shall be inserted, namely :

"(bb) 'Government' means the Azad Government of the State of Jammu and Kashmir ;".
3. **Amendment of section 6, Ordinance IV of 1969:-** In the said Ordinance, in section 6, in sub-section (i):

(i) for clause (a) the following shall be substituted, namely:

- " (a) the date for the submission of statements on the first occasion under this Ordinance shall be the date as may be fixed in this behalf by the Special Committee and the period for which such statements are to be submitted shall be the period as may be fixed in this behalf by the Government;" ;
and
- (ii) in clause (b), for the words beginning with 'marriages' and ending with 'foreign country' the words 'declarant's own marriage as well as the marriages of his children and words and on their education outside the Azad Jammu and Kashmir Territory' shall be substituted.
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**THE AZAD JAMMU AND KASHMIR ELECTORAL ROLLS
(AMENDMENT) ORDINANCE, 1970
(Ordinance III of 1970)**

*(Passed under Government Order No. 1995-2075/SL/70,
Dated, the 22nd April, 1970)*

AN ORDINANCE

*to amend the Azad Jammu and Kashmir
Electoral Rolls Ordinance, 1970.*

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), for the purposes hereinafter appearing;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Electoral Rolls (Amendment) Ordinance, 1970.

(2) It shall come into force at once.
2. **Amendment of section 1, Ordinance I of 1970:-** In the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), hereinafter referred to as the said Ordinance, in section 1, for sub-section (3) the following shall be substituted, namely :

" (3) It extends to the whole of Azad Jammu and Kashmir territory and shall also apply to all State subjects residing in West Pakistan ".
3. **Substitute of section 8, Ordinance I of 1970:-** In the said Ordinance, for section 8 the following shall be substituted, namely:-

" 8. *Electoral rolls for election on the basis of adult franchise:-*

(1) Save as otherwise provided in sub-section (2), for the purposes of election on the basis of adult franchise, there shall be electoral rolls in relation to such areas, to be called electoral areas, as the Commissioner may, in consultation with the Government, determine.

(2) Separate electoral rolls without reference to any electoral area shall be prepared for the State subjects residing in West Pakistan."

4. **Amendment of section 12, Ordinance I of 1970:-** In the said Ordinance, in section 12, for sub-section (2) the following shall be substituted, namely :-

" (2) A person who, for any reason, resides in an electoral area other than the electoral area in which he would have, but for such reason, been resident shall, unless he otherwise indicates in writing to the Registration Officer, be deemed to be resident in the latter electoral area."

**THE AZAD JAMMU AND KASHMIR ELECTORAL ROLLS
(SECOND AMENDMENT) ORDINANCE, 1970**

(Ordinance IV of 1970)

*(Passed under Government Order No. 2363-2421/SL/70,
Dated June 6, 1970)*

AN ORDINANCE

*Further to amend the Azad Jammu and Kashmir
Electoral Rolls Ordinance, 1970.*

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance 1 of 1970), for the purposes hereinafter appearing;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Electoral Rolls (Second Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. **Amendment of section 1, Ordinance I of 1970:-** In the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), in section 1, for sub-section (3) the following shall be substituted, namely :

"(3) It extends to the territories under the administration of the Azad Government of the State of Jammu and Kashmir and also applies to such of the State Subjects as were originally residing in those territories and the Indian occupied territories of the State of Jammu and Kashmir and are now residing in West Pakistan. "

**THE AZAD JAMMU AND KASHMIR GOVERNMENT
(AMENDMENT) ORDINANCE, 1970**

(Ordinance V of 1970)

*(Passed under Government Order No. 2598-2638/SL/70,
Dated the 24th June, 1970).*

WHEREAS it is expedient further, to amend the Azad Jammu and Kashmir Government Act, 1968, for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President of the Azad Government of the State of Jammu and Kashmir, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Government (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. **Insertion of new section 16-A in the Azad Jammu and Kashmir Government Act, 1968:-** In the Azad Jammu and Kashmir Government Act, 1968, after section 16, the following new section shall be inserted, namely :—

"16-A. *Nominated Chairman and Acting Chairman to be Member of the State Council:-* Where a person nominated to be the Chairman under section 15 or to be the Acting Chairman under section 16 is not a member of the State Council, such person shall, notwithstanding anything contained in sections 3, 5, and 11, be a member of the State Council and the State Council shall be deemed to include such member."

**THE AZAD JAMMU AND KASHMIR STATE COUNCIL
ORDINANCE, 1970**

(Ordinance VI of 1970)

*(Passed under Government Order No. 2829-2879/SL/70,
Dated the July 18, 1970).*

WHEREAS it is necessary to provide for the constitution of a State Council elected on the basis of adult franchise ;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir State Council Ordinance, 1970.

(2) It shall come into force at once.
2. **Composition of the State Council:-** As soon as may be after the promulgation of this Ordinance and notwithstanding anything contained in the Azad Jammu and Kashmir Government Act, 1968, there shall be constituted in the manner hereinafter appearing a State Council consisting of:
 - (1) sixteen members to be elected by the State Subjects residing in the territories now under the administration of the Azad Government of the State of Jammu and Kashmir;
 - (2) four members to be elected from amongst themselves by the refugees from the occupied areas of districts of Muzaffarabad, Anantnag (Islamabad) and Baramula as these existed on 14th day of August, 1947, who are now residing in any of the provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province ;
 - (3) four members to be elected from amongst themselves by such of the State Subjects from other parts of the State of Jammu and Kashmir, and State Subjects originally residing in territories under the administration of Azad Government of the State of Jammu and Kashmir, as are now residing in the Provinces referred to in clause (2) ;

(4) one woman member to be elected by the twenty-four elected members of the State Council ; but this clause shall not be construed as making a woman ineligible for election to any other seat in the State Council.

**THE AZAD JAMMU AND KASHMIR DELIMITATION OF
CONSTITUENCIES ORDINANCE, 1970
(Ordinance VII of 1970)**

*(Passed under Government Order No. 2896-2950/Leg/I/SL/70,
Dated the July 25, 1970).*

WHEREAS it is necessary to provide for the delimitation of constituencies for elections to the Azad Jammu and Kashmir State Council to be constituted under the Azad Jammu and Kashmir State Council Ordinance, 1970;

Now, THEREFORE, in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, commencement and extent:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Delimitation of Constituencies Ordinance, 1970.

(2) It shall come into force at once.

(3) It shall extend to the whole of the Azad Jammu and Kashmir Territory and shall also apply to all State Subjects mentioned in clauses (2) and (3) of section 2 of the Azad Jammu and Kashmir State Council Ordinance, 1970.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:
 - (a) 'Commission' means the Delimitation Commission constituted under section 4 ;
 - (b) 'population' means the population as given in the final report of the 1961 Census;
 - (c) 'Registered voters' means voters registered under the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 ;
 - (d) 'State Council' means the State Council to be constituted under the Azad Jammu and Kashmir State Council

Ordinance, 1970.

3. **Ordinance to override other laws:-** This Ordinance shall have effect notwithstanding anything to the contrary contained in any law, ordinance or rules for the time being in force.
4. **Constitution of Delimitation Commission:-** (1) For the purpose of this Ordinance, the President shall constitute a Delimitation Commission consisting of the Election Commissioner appointed or deemed to be appointed under the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970.

(2) The Commission shall continue to function until it is, by order of the President, dissolved.

(3) The Commission shall be entitled to such immunities and privileges as the President may determine.
5. **Procedure of the Commission:-** Subject to the provisions of this Ordinance, the Commission shall regulate its own procedure.
6. **Assistance to Delimitation Commission:-** (1) The Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Ordinance as it may direct.

(2) All authorities of the Azad Government of the State of Jammu and Kashmir shall assist the Commission in the performance of its functions and for this purpose the President may, after consultation with the Commission, issue such directions as he may consider necessary.
7. **Delimitation of Constituencies, etc:-** (1) The Commission shall:
 - (a) for the purpose of election to the seats in the State Council, divide each district in the Azad Jammu and Kashmir Territory into as many territories constituencies as the number of such seats set out in column 2 of the entry in Schedule I for the district; and
 - (b) for the purpose of election to the seats in the State Council for the State Subjects who are now residing in any of the Provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province, divide each Province or Provinces into as

many territorial constituency or constituencies as the number of such seats set out in column 2 of the entry in Schedule II:—

- (2) (a) For the areas mentioned in clause (a) of sub-section (1) the allocation of seats in each district shall be on the basis of population ; and
- (b) for the areas mentioned in clause (b) of sub-section (1), the allocation of seats in the Province or Provinces shall be on the basis of registered voters.
- (3) The constituencies for the seats in the State Council shall be so delimited, having regard to administrative convenience, that each constituency is a compact area and in doing so due regard shall be had, so far as practicable, to the distribution of the population or the number of registered voters, as the case may be.
- (4) The Commission shall, after making such inquiries and examining such records as it may deem necessary and considering such representations as may be received by it, publish in the official Gazette a preliminary list of territorial constituencies specifying the areas proposed to be included in each such constituency together with a notice inviting objections and suggestions within a period specified in such notice.
- (5) The Commission shall, after hearing and considering the objections and suggestions, if any, received by it, make such amendments, alterations or modifications in the preliminary list published under sub-section (4) as it thinks fit or necessary, and shall publish in the Government Gazette the final list of territorial constituencies showing the areas included in each such constituency.

8. **Validity of act of Commission not questionable:-** The validity of the delimitation or formation of any constituency, or of any proceedings taken or anything done by or under the authority of the Commission, under this Ordinance shall not be called in question in any Court.

SCHEDULE I

[See section 7 (1) (a)]

Seats in the State Council for the Azad Jammu and Kashmir Territory :—

District	Seat
Mirpur	7
Poonch	5
Muzaffarabad	4

SCHEDULE II

[See section 7 (1) (b)]

Seats in the State Council for the areas in the Provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province :—

Seats

- (a) Seats for the State Subjects of the occupied areas of the districts of Anantnag (Islamabad) Baramula and Muzaffarabad now residing in the Provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province.
- (b) Seats for the other State Subjects now residing in the Provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province.

**THE AZAD JAMMU AND KASHMIR ELECTORAL ROLLS
(THIRD AMENDMENT) ORDINANCE, 1970**

(Ordinance VIII of 1970)

*(Passed under Government Order No. 2951-3000/Leg-2/SL/70,
Dated the July 25, 1970)*

AN ORDINANCE

*further to amend the Azad Jammu and Kashmir
Electoral Rolls Ordinance, 1970.*

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), for the purpose hereinafter appearing ;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act 1968, the President, with the concurrence, of the Chief Adviser, is pleased to make and promulgate the following Ordinance :

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Electoral Rolls (Third Amendment) Ordinance, 1970.

(2) It shall come into force at once.
2. **Amendment of section 8, Ordinance I of 1970:-** In the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), in section 8, after sub-section (2), the following new sub-sections shall be added, namely :-

"(3) The electoral rolls prepared under sub-section (2) shall show separately the State Subjects from the occupied areas of the districts of Muzattarabad, Anantnag (Islamabad) and Baramula as these existed on the 14th day of August, 1947, who are now residing in any of the provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province.

(4) The Provisions of section 10 in so far as they relate to the

calling of claims and objections, decisions thereon, entry of the decisions in the relevant record and publication of the electoral rolls shall, so far as may be, apply to the electoral rolls prepared under subsection (2) as they apply to the electoral rolls prepared under the said section 10.

**THE AZAD JAMMU AND KASHMIR (EMERGENCY)
REQUISITION OF PROPERTY
(AMENDMENT) ORDINANCE, 1970**

(Ordinance IX of 1970)

*(Passed under Government Order No. 3180-3230/SL/70,
Dated the August 12, 1970)*

AN ORDINANCE

*to extend and amend the Azad Jammu and Kashmir (Emergency)
Requisition of Property Act, 1960.*

WHEREAS it is expedient to extend and amend the Azad Jammu and Kashmir (Emergency) Requisition of Property Act, 1960 (Act III of 1960), for the purpose hereinafter appearing;

AND WHEREAS the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President, with the concurrence of the Chief Adviser, is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir (Emergency) Requisition of Property (Amendment) Ordinance, 1970.

(2) It shall come into force at once and shall be deemed to have taken effect on the 22nd day of March, 1970.
2. **Amendment of section I, Act III of 1960:-** In the Azad Jammu and Kashmir (Emergency) Requisition of Property Act, 1960 (Act III of 1960), in section I, in sub-section (iii), for the word 'ten' the word 'twelve' shall be substituted and shall be deemed to have always been so substituted.

**THE AZAD JAMMU AND KASHMIR STATE COUNCIL
(ELECTIONS) ORDINANCE, 1970
(Ordinance X of 1970)**

WHEREAS it is necessary to provide for the conduct of Elections to the State Council and for matters connected therewith and incidental thereto ;

Now, THEREFORE, in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

**CHAPTER I
PRELIMINARY**

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir State Council (Elections) Ordinance, 1970.

(2) It extends to the whole of Azad Jammu and Kashmir territory and shall also apply to all State Subjects mentioned in clause (2) or clause (3) of section 2 of the Azad Jammu and Kashmir State Council Ordinance, 1970.

(3) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:
 - (i) 'ballot paper account' means a ballot paper account prepared under sub-section (10) of section 35 ;
 - (ii) 'candidate' means a person proposed as a candidate for election as a member;
 - (iii) 'Commissioner' means the Election Commissioner appointed or deemed to be appointed under the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970);
 - (iv) 'constituency' means a constituency delimited under the Azad Jammu and Kashmir Delimitation of Constituencies Ordinance, 1970 (Ordinance VII of 1970), for the purpose of election of a member;

- (v) 'contesting candidate' means a candidate who has been validly nominated for election as a member and has not withdrawn his candidature ;
- (vi) 'election 'means selection to a seat of a member held under this Ordinance;
- (vii) 'election agent' means an election agent appointed by a candidate under section 20 and, where no such appointment is made, the candidate acting as his own election agent;
- (viii) 'election petition' means an election petition made under section 49;
- (ix) 'elector' in relation to a constituency, means a person who is enrolled on the electoral roll for that constituency;
- (x) 'electoral roll' means an electoral roll prepared under section 8 of the Azad Jammu and Kashmir Elector Rolls Ordinance, 1970;
- (xi) 'member' means a member of the State Council;
- (xii) 'nomination day ' means the day appointed under section 10 for the nomination of candidates ;
- (xiii) 'polling agent' means a polling agent appointed under section 21 ;
- (xiv) 'Polling Assistant' means a Polling Assistant appointed under section 8 for a polling station ;
- (xv) 'polling day' means the day on which poll is taken for an election;
- (xvi) 'Polling Officer' means a Polling Officer appointed under section 8 for a polling station ;
- (xvii) 'prescribed' means prescribed by rules made under this Ordinance ;
- (xviii) 'Presiding Officer' means a Presiding Officer appointed under section 8 for a polling station and includes a Polling Officer exercising the powers and performing the functions of Presiding Officer;

- (xix) 'returned candidate' means a candidate who has been declared elected as a member under this Ordinance ;
- (xx) 'Returning Officer' means a Returning Officer appointed under section 6 and includes an Assistant Returning Officer exercising the powers and performing the functions of Returning Officer;
- (xxi) 'scrutiny day' means the day appointed under section 10 for the scrutiny of nomination papers;
- (xxii) 'spoilt ballot paper' means a ballot paper which has been spoiled and is returned to the Presiding Officer under section 33 ;
- (xxiii) 'State Council' means the State Council provided for in the Azad Jammu and Kashmir State Council Ordinance, 1970;
- (xxiv) 'Tribunal' means an Election Tribunal appointed under section 53 for the trial of election petitions ;
- (xxv) 'withdrawal day' means the day appointed under section 10 on or before which candidature may be withdrawn.

CHAPTER II ELECTION COMMISSIONER

3. **Delegation of Powers:-** The Commissioner may authorise any of his officers to exercise and perform all or any of his powers and functions under this Ordinance.
4. **Assistance to the Commissioner:-** (1) The Commissioner may require any person or authority to perform such functions or render such assistance for the purposes of this Ordinance as he may direct.
- (2) All authorities of the Government shall assist the Commissioner in the performance of his functions and for this purpose the President may, after consultation with the Commissioner, issue such directions as he may consider necessary.

CHAPTER III
QUALIFICATIONS AND DISQUALIFICATIONS

5. **Qualifications and disqualifications for being a member:-** (1) Subject to the provisions of the Azad Jammu and Kashmir State Council Ordinance, 1970 (Ordinance VI of 1970), and sub-section (2) of this section, a person shall be qualified to be elected as, and to be, a member if:
- (a) he is a State Subject as denned in sub-section (f) of section 3 of the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970);
 - (b) he has attained the age of twenty-five years; and
 - (c) his name appears on the electoral roll of any constituency in the Azad Jammu and Kashmir Territory or West Pakistan.
- (2) A person shall be disqualified from being elected as, and from being, a member if:
- (a) he is of unsound mind and stands so declared by a competent Court; or
 - (b) he is an undischarged insolvent, unless a period of ten years has elapsed since his being adjudged as insolvent; or
 - (c) he has been, on conviction for any offence, sentenced to transportation for any term or to imprisonment for a term of not less than two years, unless a period of five years, or such less period as the President may allow in any particular case, has elapsed since his release; or
 - (d) he has been a Minister at any time following the 10th of October 1969, unless a period of one year, or such less period as the President may allow in any particular case, has elapsed since he ceased to be a Minister; or
 - (e) he holds any office in the service of Azad Jammu and Kashmir or in the service of Pakistan other than an office which is not a whole-time office remunerated either by salary or by fee; or
 - (f) he has been dismissed for misconduct from the service of Azad Jammu and Kashmir or the service of Pakistan, unless

a period of five years, or such less period as the President may allow in any particular case, has elapsed since his dismissal; or

- (g) he, whether by himself or by any person or body of person in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or the performance of any services undertaken by, Government:

Provided that the disqualification under clause (g) shall not apply to a person:

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him or such longer period as the President may, in any particular case, allow; or
- (ii) where the contract has been entered into by or on behalf of a public company as denned in the Companies Act, 1913 (VII of 1913), of which he is a shareholder but is neither a director holding an office of profit under the company nor a managing agent; or
- (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest.

CHAPTER IV ELECTION

6. **Appointment of Returning Officer, etc:-** (1) The Commissioner shall appoint a Returning Officer for each constituency for the purpose of election of a member for that constituency; and a person may be appointed as Returning Officer for two or more constituencies.
- (2) The Commissioner may appoint as many Assistant Returning Officers as may be necessary.

(3) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Ordinance and may subject to any condition imposed by the Commissioner, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of this Ordinance and the rules.

7. **Polling stations:-** (1) The Returning Officer shall, before such time as the Commissioner may fix, submit to the Commissioner a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.

(2) The Commissioner may make such alterations in the list of polling stations submitted under sub-section (1) as he may consider necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the area the electors whereof will be entitled to vote at each polling station.

(3) The Returning Officer shall provide each constituency with polling stations according to the final list, published, under sub-section (2).

(4) No polling station shall be located in any such premises as belong to, or are under the control of any candidate.

8. **Presiding Officers and Polling Officers:-** (1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Polling Officers and Polling Assistant to assist the Presiding Officer as the Returning Officer may consider necessary;

Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Polling Officer or Polling Assistant.

(2) A Presiding Officer shall conduct the poll in accordance with the provisions of this Ordinance and the rules, shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may,

in his opinion, effect the fairness of the poll;

Provided that during the course of the poll the Presiding Officer may entrust such of his functions as may be specified by him to any Polling Officer and it shall be the duty of the Polling Officer to perform the functions so entrusted,

(3) The Returning Officer shall authorise one of the Polling Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions; and any absence of the Presiding Officer, and the reasons therefore, shall, as soon as possible after the close of the poll, be reported to the Returning Officer.

(4) The Returning Officer may, at any time during the poll for reasons to be recorded in writing, suspend any Presiding Officer, Polling Officer or Polling Assistant and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.

9. **Supply of Electoral rolls:-** (1) The Commissioner shall provide the Returning Officer for each constituency with copies of electoral rolls for all the electoral areas within that constituency.

(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of electoral rolls containing the names of the electors entitled to vote at that polling station.

10. **Notification for election:-** (1) For the purpose of holding elections for constituting the State Council, the Commissioner shall, by notification in the official Gazette, call upon the electors to elect a member from each constituency and shall, in relation to each constituency, specify in the notification:-

(a) a day for the nomination of candidates;

(b) a day for the scrutiny of nomination papers;

(c) a day on or before which candidature may be withdrawn ;
and

(d) a day, at least fifteen days after the withdrawal day for the taking of the poll.

(2) A Returning Officer shall, as soon as may be after the publication of a notification under sub-section (1), give public notice of the dates specified by the Commissioner in respect of the constituency of constituencies of which he is the Returning Officer; and the public notice shall be published at some prominent place or places within the constituency to which it relates.

(3) A public notice given under sub-section (2) shall also invite nominations and specify the time before which and the place at which nomination papers shall be received by the Returning Officer.

11. **Nomination for election:-** (1) Any elector of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.

(2) Every proposal shall be made by a separate nomination paper in the prescribed form which shall be signed by the proposer and the seconder and shall contain:

(a) a declaration signed by the candidate that he has consented to the nomination and that he is not subject to any disqualification for being or being elected as, a member; and

(b) a declaration signed by the proposer and the seconder that neither of them has subscribed to any other nomination paper either as proposer or seconder.

(3) Every nomination paper shall be delivered by the candidate, or his proposer or seconder, to the Returning Officer who shall acknowledge the receipt of the nomination paper specifying the date and time of receipt.

(4) A person may be nominated in the same constituency by more than one nomination paper.

(5) If any person subscribes to more than one nomination paper, all such nomination papers, except the one received first by the Returning Officer, shall be void;

(6) The Returning Officer shall give a serial number to every nomination paper and endorse thereon the name of the person presenting it, and the date and time of its receipt, and inform such person of the time and place at which he shall hold scrutiny.

(7) The Returning Officer shall cause to be affixed at some conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate and the names of the proposer and seconder as shown in the nomination paper.

12. **Deposits:-** (1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 11 shall be accepted unless:

(a) in case of a candidate from Azad Jammu and Kashmir Territory a sum of five hundred rupees is deposited in cash with the Returning Officer or in a Government Treasury or Sub-Treasury, by the candidate or by any person on his behalf at the time of its delivery;

(b) in case of a candidate from outside Azad Jammu and Kashmir Territory, a bank draft of five hundred rupees in favour of the Accountant-General, Azad Jammu and Kashmir Government, is presented to the Returning Officer alongwith the nomination paper.

(2) Not more than one deposit under sub-section (1) shall be required in the case of a person who has been nominated as a candidate by more than one nomination paper.

13. **Scrutiny:-** (1) The candidates, their election agents, proposers and seconders, and one other person authorised in this behalf by each candidate may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under section 11.

(2) The Returning Officer shall, in the presence of the persons attending the scrutiny under sub-section (1), examine the nomination papers and decide any objection raised by any such person to any nomination.

(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary enquiry as he may think fit and reject a nomination paper if he is satisfied that:

(a) the candidate is not qualified to be elected as a member from the constituency for election from which he has been

nominated ;

- (b) the proposer or the seconder is not qualified to subscribe to the nomination paper;
- (c) any provision of section 11 or section 12 has not been complied with; or
- (d) the signature of the proposer or the seconder is not genuine :

Provided that:

- (i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;
- (ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such defect to be remedied forthwith; and
- (iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.

(4) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it, and shall, in the case of rejection, record a brief statement of the reasons therefore.

(5) Where the nomination of a candidate has been rejected under this section, an appeal shall lie within the prescribed period to the Commissioner and any order passed on such appeal shall be final.

14. **Publication of list of candidates:-** (1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidate, who have been validly nominated.

(2) In case an appeal against rejection of a nomination paper has been accepted by the Commissioner the list of validly nominated candidates shall be revised accordingly.

15. **Withdrawal:-** (1) Any validly nominated candidate may, be notice in writing signed by him and delivered, on or before the withdrawal day, to the Returning Officer, either by such

candidate in person or by an agent authorised in this behalf in writing by such candidate, withdraw his candidature.

(2) A notice of a withdrawal under sub-section (1) shall in no circumstance's be open to recall or cancellation.

(3) On receiving a notice of withdrawal under sub-section (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at some conspicuous place in his office.

(4) The Returning Officer shall, on the day next following the withdrawal day, prepare and publish in the prescribed manner a list of contesting candidates.

16. **Death of a candidate after nomination:-** (1) If a validly nominated candidate who has not withdrawn his candidature dies, the Returning Officer shall, by public notice, terminate the proceedings relating to that election.

(2) Where proceedings relating to an election have been terminated under sub-section (1), fresh proceedings shall be commenced in accordance with the provisions of this Ordinance as if for a new election.

17. **Postponement, etc. under certain circumstances:-** Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed therefore, he may postpone or adjourn such proceedings and shall, with the approval of the Commissioner, by public notice fix another day for the proceedings so postponed or adjourned and, if necessary, also the day or days for any subsequent proceedings.

18. **Uncontented election:-** (1) Where, after scrutiny under section 13, only one person remains as a valid nominated candidate for election as a member from a constituency or where after withdrawal under section 15 only one person is left as a contesting candidate, the Returning Officer shall, by public notice, declare such candidate to be elected to the seat:

Provided that if after scrutiny any candidate indicates that he intends to make an appeal under sub-section (5) of section 13 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period prescribed for filing

such appeal has expired and no such appeal has been filed or, where an appeal is filed, until the disposal of such appeal.

(2) The Returning Officer shall submit to the Commissioner a return of the election in respect of which he has made a declaration under sub-section (1).

(3) The Commissioner shall publish in the Official Gazette the name of the returned candidate.

19. **Contested election:-** (1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall:

(a) allocate, subject to any direction of the Commissioner, one of the prescribed symbols to each contesting candidate ; and in so doing shall, so far as possible, have regard for any preference indicated by the candidate;

(b) publish in such manner as the Commissioner may direct the names of contesting candidates arranged in the alphabetical order specifying against each the symbol allocated to him ; and

(c) give public notice of the poll.

(2) The Returning Officer shall arrange to exhibit prominently at each polling station the name and symbol of each contesting candidate.

20. **Election agent:-** (1) A candidate may appoint a person qualified to be elected as a member to be his election agent.

(2) The appointment of an election agent may, at any time, be revoked in writing by the candidate and, when it is so revoked or the election agent dies, another person may be appointed by the candidate to be his election agent.

(3) When an election agent is appointed, the candidate shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name and address of the election agent.

(4) Where no appointment of an election agent is made under this section, a candidate shall be deemed to be his own election

agent and shall, so far as the circumstances permit, be subject to the provisions of this Ordinance both as a candidate and as an election agent.

21. **Polling agent:-** (1) A contesting candidate or his election agent, may, before the commencement of the poll, appoint for each polling station not more than two polling agents if there be only one booth, and not more than four polling agents if there be more than one booth, at such polling station, and shall give notice thereof in writing to the Presiding Officer,
- (2) The appointment of a polling agent under sub-section (1) may at any time be revoked by the candidate or his election agent and, when it is so revoked or the polling agent dies, another person may be appointed by the candidate or the election agent to be a polling agent; and a notice of such appointment shall be given to the Presiding Officer.
22. **Absence of candidates etc., not to invalidate acts, etc:-** Where any act or thing is authorised by this Ordinance to be done in the presence of the candidate, an election agent or a polling agent, the failure of such person to attend at the time and place appointed for the purpose shall not invalidate any act or thing otherwise validly done.
23. **Hours of the poll:-** The Returning Officer shall, subject to any direction of the Commissioner, fix the hours during which the poll shall be taken and give public notice of the hours so fixed.
24. **Stopping of the poll:-** (1) The Presiding Officer of a polling station shall stop the poll and inform the Returning Officer that he has done so if:
- (a) the poll at the polling station is, at any time so interrupted or obstructed for reason beyond the control of the Presiding Officer that it cannot be resumed during the polling hours fixed under section 23 ; or
- (b) any ballot box used at the polling station is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent that the result of the poll at the polling station cannot be ascertained.
- (2) Where a poll has been stopped under sub-section (1), the

Returning Officer shall immediately report the circumstances to the Commissioner and the Commissioner shall direct a fresh poll at that polling station, unless he is satisfied that the result of the election has been determined by the polling that has already taken place at that polling station taken with the results of the polling at other polling stations in the same constituency.

(3) Where the Commissioner orders a fresh poll under sub-section (2), the Returning Officer shall, with the approval of the Commissioner:

- (a) appoint a day for a fresh poll and fix the place at which and the hours during, which such fresh poll shall be taken ; and
- (b) give public notice of the day so appointed and the place and hours so fixed.

(4) At a fresh poll taken under sub-section (3) at a polling station, all electors entitled to vote thereat shall be allowed to vote and no vote cast at the poll stopped under sub-section (1) shall be counted ; and the provisions of this Ordinance and the rules and orders made thereunder shall apply to such fresh poll.

25. **Election by secret ballot:-** An election under this Ordinance shall be decided by secret ballot and, subject to the provisions of section 26, every elector shall cast his vote by inserting, in accordance with the provisions of this Ordinance, in the ballot box, a ballot paper in the prescribed form.

26. **Postal ballot:-** (1) The following persons may cast their votes by postal ballot in such manner as may be prescribed, namely :-

- (a) a person referred to in sub-section (2) or sub-section (3) or subsection (4) of section. 12 of the Azad Jammu and Kashmir Electoral Rolls Ordinance, (Ordinance I of 1970) ; and
- (b) a person appointed by the Returning Officer for the performance of any duty in connection with an election at a polling station other than the one at which he is entitled to cast his vote.

(2) An elector who, being, entitled to do so intends to cast this vote by postal ballot shall:

- (a) in the case of a person referred to in clause (a) of sub-section (1), within ten days from the date of the publication of the notification under section 10, and
 - (b) in the case of a person referred to in clause (b) of that sub-section, as soon as may be after his appointment, apply to the Returning Officer of the constituency in which he is an elector for a ballot paper for voting by postal ballot; and every such application shall specify the name of the elector, his address and his serial number in the electoral roll.
- (3) The Returning Officer shall immediately upon the receipt of an application by an elector under sub-section (2) send by post to such elector a ballot paper and an envelope bearing on its face a form of certificate of posting, showing the date thereof, to be filled in by the proper Official of the post office at the time of posting by the elector.
- (4) An elector on receiving his ballot paper for voting by postal ballot shall in the prescribed manner record his vote and after so recording post the ballot paper to the Returning Officer in the envelope sent to him under sub-section (3) with the minimum of delay.

27. **Ballot boxes:-** (1) The Returning Officer shall provide each Presiding Officer with such number of ballot boxes as may be necessary:
- (2) The ballot boxes shall be of such material and design as may be approved by the Commissioner.
 - (3) Not more than one ballot box shall be used at a time for the purpose of the poll at any polling station, or at any polling booth, where there are more than one polling booths at a polling station.
 - (4) At least half an hour before the time fixed for the commencement of the poll, the Presiding Officer shall:
 - (a) ensure that every ballot box to be used is empty;
 - (b) show the empty ballot box to the contesting candidates and their election agents and polling agents whoever may be present;
 - (c) after the ballot box has been shown to be empty, close, and,

seal it;

(d) place the ballot box so as to be conveniently accessible to the electors, and at the same time within the sight of himself and of such candidates, or their election or polling agents as may be present.

(5) If one ballot box is full or cannot further be used for receiving ballot papers, the Presiding Officer shall seal that ballot box and keep it in a secure place and use another ballot box in the manner laid down in sub-section (4).

(6) A Presiding Officer shall make such arrangements at the polling station that every elector may be able to mark his ballot paper in secret before the same is folded and inserted in the ballot box.

28. **Admission to the polling station:-** The Presiding Officer shall, subject to such instructions as the Commissioner may give in this behalf, regulate the number of electors to be admitted to the polling station at a time and exclude from the polling station all other persons, except:

(a) any person on duty in connection with the election ;

(b) the contesting candidates, their election agents and polling agents; and

(c) such other persons as may be specifically permitted by the Returning Officer.

29. **Maintenance order at the polling station:-** (1) The Presiding Officer shall keep order at the polling station and may remove or cause to be removed any person who misconducts himself at a polling station or fails to obey any lawful orders of the Presiding Officer.

(2) Any person removed under sub-section (1) from a polling station shall not, without the permission of the Presiding Officer, again enter the polling station during the day and shall if he is accused of an offence in a polling station, be liable to be arrested without warrant by a police officer.

(3) The powers under this section shall not be so exercised as to deprive an elector of an opportunity to cast his vote at the polling

station at which he is entitled to vote.

30. **Voting procedure:-** (1) Where an elector presents himself at the polling station to vote, the Presiding Officer shall, after satisfying himself about the identity of the elector, issue to him a ballot paper.

(2) Before a ballot paper is issued to an elector:

(a) he shall be required to receive a personal mark, made with indelible ink, on the thumb or any other finger of either hand;

(b) the number and name of the elector as entered in the electoral roll shall be called out;

(c) a mark shall be placed on the electoral roll against the number and name of the elector to indicate that a ballot paper has been issued to him;

(d) the ballot paper shall on its back to be stamped with the official mark ; and

(e) the number of the elector on the electoral roll shall be marked in writing on the counterfoil by the Presiding Officer who shall also stamp the counterfoil with the official mark.

(3) A ballot paper shall not be issued to a person who refuses to receive the personal mark with indelible ink or if he already bears such mark or the remnants of such mark.

(4) If a contesting candidate or his election or polling agent alleges that an elector to whom a ballot paper is about to be issued already has one or more ballot papers in his possession, the Presiding Officer may require the elector to satisfy him that he does not have any other ballot paper in his possession and may also take such measures as he thinks fit to ensure that such elector does not insert more than one ballot paper in the ballot box.

(5) The elector, on receiving the ballot paper, shall:

(a) forthwith proceed to the place reserved for making the ballot paper ;

(b) put the prescribed mark on the ballot paper at any place within the space containing the name and symbol of the contesting candidate for whom he wishes to vote; and

(c) after he has so marked, fold the ballot paper and insert it in the ballot box.

(6) The elector shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper in that ballot box.

(7) Where an elector is blind or is otherwise so incapacitated, that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and thereupon such elector may do with such assistance anything which an elector is required or permitted to do under this Ordinance.

31. **Tendered ballot papers:-** (1) If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying he shall be entitled, subject to the provisions of this section, to receive, a ballot paper (hereinafter referred to as 'tendered ballot paper') in the same manner as any other elector.

(2) A tendered ballot paper shall, instead of being put into the ballot box, be given to the Presiding Officer who shall endorse thereon the name and number in the electoral roll of the person applying for it and place it in a separate packet endorsed with the name of the candidate for whom such person wishes to vote,

(3) The name of the person applying for a ballot paper under sub-section (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as 'the tendered votes list') to be prepared by the Presiding Officer.

32. **Challenge of electors:-** (1) If, at the time a person applies for a ballot paper for the purpose of voting, a candidate or his polling agent declares to the Presiding Officer that he has reasonable cause to believe that that person has already voted at the election, at the same or another polling station, or is not the person against whose name entered in the electoral roll he is seeking to vote, and undertakes to prove the charge in a court of law and deposits with the Presiding Officer in cash such sum as may be prescribed, the Presiding Officer may, after warning the person,

of the consequences and obtaining his thumb impression and, if he is literate, also his signature, on the counterfoil, issue a ballot paper (hereinafter referred to as "challenged ballot paper") to that person.

(2) If the Presiding Officer issues a ballot paper under sub-section (1) to such person he shall enter the name and address of that person in a list to be prepared by him (hereinafter referred to as "the challenged votes list") and obtain thereon the thumb impression and, if he is literate, also' the signature, of that person.

(3) A ballot paper issued under sub-section (1) shall, after it has been folded by the elector, be placed in the same condition in a separate packet bearing the label "challenged ballot papers", instead of being placed in the ballot box.

33. **Spoilt ballot papers:-** (1) An elector who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may, upon proving the fact of inadvertence to the satisfaction of the Presiding Officer and returning the ballot paper to him, obtain another ballot paper and cast his vote by such other ballot paper.

(2) The Presiding Officer shall forthwith cancel the ballot paper returned to him under sub-section (1), make a note to that effect on the counterfoil over his own signature and sign the cancelled ballot paper, and place it in a separate packet labelled "Spoilt Ballot Papers".

34. **Voting after close of:-** No person shall be given any ballot paper or be permitted to vote after the hour fixed for the close of the poll, except the persons who at that hour are present within the building, room, tent, or enclosure in which the polling station is situated and have not voted but are waiting to vote.

35. **Proceedings at the close of the poll:-** (1) Immediately after the last of such persons, if any, as are present and waiting to vote as mentioned in section 34, has voted, the Presiding Officer shall, in the presence of such of the contesting candidates, election agents and polling agents as may be present, proceed with the count of votes.

(2) The Presiding Officer shall give such of the contesting candidates, election agents and polling agents as may be present,

reasonable facility of observing the count and give them such information with respect thereto as can be given consistently with the orderly conduct of the count and the discharge of his duties in connection therewith.

(3) No persons other than the Presiding Officer, the polling Officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count.

(4) The Presiding Officer shall:

(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom ;

(b) open the packet labelled, 'challenged ballot paper' and include the ballot papers therein in the count;

(c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear:

(i) no official mark ;

(ii) any writing or any mark other than the official mark and the prescribed mark or to which a piece of paper or any other object of any kind has been attached ;

(iii) no prescribed mark indicating the contesting candidate for whom the elector has voted ; or

(iv) any mark from which it is not clear for whom the elector has voted, provided that a ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the prescribed mark appears clearly within the space containing the name and symbol of that candidate, and where the prescribed mark is divided equally between two such spaces, the ballot paper shall be deemed not to show clearly for whom the elector has voted.

(5) The Presiding Officer may recount the votes:

(a) of his own motion if he considers it necessary; or

(b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.

(6) The valid ballot papers cast in favour of each contesting candidate shall be put in separate packets and each such packet shall be sealed and shall contain a certificate as to the number of ballot papers put in it and shall also indicate the nature of the contents thereof specifying the name and symbol of the contesting candidate to whom the packet relates.

(7) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the Total number of ballot papers contained therein.

(8) The packets mentioned in sub-section (6) and (7) shall be put in a principal packet which shall be sealed by the Presiding Officer.

(9) The Presiding Officer shall, immediately after the count, prepare a statement of the count in such form as may be prescribed showing therein the number of valid votes polled by each contesting candidate and the ballot papers excluded from the count.

(10) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately:

- (a) the number of ballot papers entrusted to him ;
- (b) the number of ballot papers taken out of the ballot boxes and counted ;
- (c) the number of tendered ballot papers ;
- (d) the number of challenged ballot papers ;
- (e) the number of un-issued ballot papers ; and
- (f) the number of spoilt ballot papers.

(11) The Presiding Officer shall, if so requested by any candidate or election agent or polling agent present, give him a certified copy of the statement of the count and the ballot paper account.

(12) The Presiding Officer shall seal in separate packets:

- (a) the un-issued ballot papers ;
- (b) the spoilt ballot papers;
- (c) the tendered ballot papers ;
- (d) the challenged ballot papers ;
- (e) the marked copies of the electoral rolls ;
- (f) the counterfoils of used ballot papers ;
- (g) the tendered votes list;
- (h) the challenged votes list; and
- (i) such other papers as the Returning Officer may direct.

(13) The Presiding Officer shall obtain one each statement and packet prepared under this section the signature of such of the contesting candidates or their election agents or polling agents as may desire to sign it.

(14) A person entitled to sign a packet or statement under subsection (13) may, if he so desires, also affix his seal to it.

(15) After the close of the proceeding under the foregoing subsections, the Presiding Officer shall, in compliance with such instructions as may be given by the Commissioner in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the Returning Officer together with such other records as the Commissioner may direct.

36. **Consolidation of result:-** (1) The Returning Officer shall give the contesting candidates and their election agents a notice in writing of the day, time and place for the consolidation of the results and, in the presence of such of the contesting candidates and election agents as may be present, consolidate in the prescribed manner the results of the count furnished by the Presiding Officers including therein the postal ballots received by him before the time aforesaid.

(2) Before consolidating the results of the count, the Returning Officer shall examine the ballot papers excluded from the count by the Presiding Officer and, if he finds that any such ballot paper should not have been so excluded, count it as a ballot paper cast in favour of the contesting candidate for whom the vote has been cast thereby.

(3) The Returning Officer shall also count the ballot papers received by him by post in such manner as may be prescribed and include the votes cast in favour of each contesting candidate in the consolidated statement except those which he may reject on any of the grounds mentioned in sub-section (4) of section 35.

(4) The ballot papers rejected by the Returning Officer under sub-section (3) shall be shown separately in the consolidated statement.

(5) The Returning Officer shall not recount, the valid ballot papers in respect of any polling station, unless:

(a) the count by the Presiding Officer is challenged in writing by a contesting candidate or his election agent and the Returning Officer is satisfied about the reasonableness of the challenge ; or

(b) he is directed so to do by the Commissioner.

37. **Equality of votes:-** Where, after consolidation of the results of the count under section 36, it is found that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer shall forthwith draw a lot in respect of such candidates, and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected. The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present. The Returning Officer shall record the proceedings in writing and obtain thereon the signatures of such candidates and election agents as have been witnesses to the proceeding.

38. **Declaration of results:-** (1) The Returning Officer shall, after obtaining the result of the count under section 36 or of the drawal of the lot under section 37, declare by public notice the contesting candidate who has or is deemed to have received the

highest number of votes to be elected.

(2) The public notice shall contain the name of, and the total number of votes received by, each contesting candidate.

(3) The Returning Officer shall, immediately after publication of the notice under sub-section (1), submit to the Commissioner a return of the election in the prescribed form together with a copy of the consolidated statement.

(4) The Commissioner shall publish in the official Gazette the name of the returned candidate.

39. **Resealing of packets and supply of copies:-** The Returning Officer shall:

(a) immediately after preparing the consolidated statement and the return of election, reseal in the prescribed manner the packets and statements opened by him for the purpose of consolidation permitting such of the candidates and their election agents, as may be present to sign the packets and affix their seals to such packets if they so desire; and

(b) supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may desire to have them.

40. **Return on forfeiture of deposit:-** (1) After the termination of the proceedings relating to an election under section 16 where the proceedings have been so terminated, or after the declaration of the result of an election under section 18, or section 38, the deposit made under section 12 in respect of any candidate shall be returned to the person making it or to his legal representative except the deposit in respect of a candidate who has received less than one eighth of the total number of votes cast at the election.

(2) A deposit which is not required to be returned under sub-section (1) shall be forfeited to the Government.

41. **Documents to be sent to and retained by the Commissioner:-**

(1) The Returning Officer shall forward to the Commissioner:

(a) the packets containing the ballot papers each of which shall be sealed with the seal of the Presiding Officer or, if opened by the Returning Officer, with seal of the Returning Officer;

- (b) the packets containing the counterfoils of issued ballot papers ;
- (c) the packets containing the marked copies of the electoral rolls ;
- (d) the packets containing the ballot paper account;
- (e) a packet containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and
- (f) such other papers as the Commissioner may direct.

(2) The Returning Officer shall endorse on each packet forwarded under sub-section (1) the description of its contents, the date of the election to which the contents relate and the name and number of the constituency for which the election was held.

(3) The Commissioner shall retain the documents contained in the packets received under sub-section (1) for a period of one year from the date of their receipt and thereafter shall, unless otherwise by a Tribunal, cause them to be destroyed.

42. **Public inspection of documents:-** The documents retained by the Commissioner under section 41, except the ballot paper, shall be open to public inspection at such time and subject to such conditions as may be prescribed and the Commissioner shall, upon an application made in this behalf and on payment of such fee and subject to such conditions as may be prescribed, furnish copies of, or extracts from, those documents.

43. **Order for Production of documents:-** (1) A Tribunal may order the opening of packets of counterfoils and certificates or the inspection of any counted ballot papers.

(2) An order under sub-section (1) may be made subject to such conditions as to persons, time, place and mode of inspection, production of documents and opening of packets as the Tribunal making the order may think expedient:

Provided that in making and carrying into effect an order for the inspection of counted ballot paper, care shall be taken that no vote shall be disclosed until it has been held by the Tribunal to

be invalid.

(3) Where an order is made under sub-section (1), the production by the Commissioner of any document in such manner as may be directed by the order shall be conclusive evidence that the document relates to the election specified in the order, and any endorsement or any packet of ballot papers so produced shall *prima facie* evidence that the ballot papers, are what the endorsement states them to be.

(4) The production from proper custody of a ballot paper purporting to have been used at an election, and of a counterfoil having a number, shall be *prima facie* evidence that the elector whose vote was given by that ballot paper was the elector who had on the electoral roll the same number as was written on the counterfoil.

(5) Save as in this section provided, no person shall be allowed to inspect any rejected or counted ballot paper in the possession of the commissioner.

CHAPTER V ELECTION EXPENSES

44. **Definition:-** In this Chapter, "election expenses" means any expenditure incurred or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with, or incidental to, the election of a candidate, including the expenditure on account of issuing circulars or publications or otherwise presenting to the electors the candidate or his views, aims or objects, but does not include the deposit made under section 12.
45. **Restriction on election expenses:-** (1) No person shall, except to the extent provided in sub-section (2) make any payment whatsoever towards the election expenses of a candidate except to the election agent of such candidate.
- (2) No person other than the election agent of a contesting candidate shall incur any election expenses of such candidate ; provided that:
- (i) a contesting candidate himself may incur a personal expenditure in connection with his election of an amount not exceeding two hundred rupees, and

(ii) any person may, if so authorised by the election agent in writing specifying a maximum amount, to the extent of such amount, make payment for stationery, postage, telegram and other petty expenses.

(3) The election expenses of a contesting candidate, excluding the personal expenditure incurred by such candidate, shall not exceed fifteen thousand rupees.

(4) Any candidate incurring personal expenditure and any person making any payment under sub-section (2) shall, within fourteen days of the declaration of the result of the election, send to the election agent a statement of such expenditure or particulars of such payment.

(5) An election agent shall, by a bill stating the particulars and by a receipt voucher for every payment made in respect of election expenses except where the amount is less than twenty five rupees.

46. **Return of election expenses:-** (1) Every election agent of a contesting candidate shall, within thirty five days after the publication of the name of the returned candidates under section 18, or section 38, submit to the Returning Officer a return of election expenses in the prescribed form containing:

(a) a statement of all payments made by him together with all the bills, and receipts;

(b) a statement of the amount of personal expenditure if any, incurred by the contesting candidate ;

(c) a statement of all disputed claims of which the election agent is aware ;

(d) a statement of all unpaid claims, if any, of which the election agent is aware; and

(e) a statement of all moneys, securities or equivalent of money received from any person for the purpose of election expenses specifying the name of every such person.

(2) The return submitted under sub-section (1) shall be accompanied by an affidavit sworn severally by the contesting

candidate and his election agent, or, where a contesting candidate in his own election agent, only by such candidate.

47. **Inspection of returns, etc:-** (1) The return and document, submitted under section 46 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.
- (2) The Returning Officer shall, on an application made in this behalf and payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1) or of any part thereof.

CHAPTER VI ELECTION TO SEATS RESERVED FOR WOMEN

48. **Election to women's seat:-** (1) Nothing in Chapters IV and V shall apply to an election to fill a seat reserved for women in the State Council.
- (2) The member for the seat reserved for women in the State Council shall be elected by persons elected to the other seats in the State Council.
- (3) The Commissioner shall hold and conduct the election to fill the seat reserved for women in the State Council in such manner as he may think fit.

CHAPTER VII ELECTION DISPUTES

49. **Election petition:-** (1) No election shall be called in question except by an election petition made by a candidate for that election.
- (2) An election petition shall be presented to the Commissioner within such time as may be prescribed and shall be accompanied:
- (a) in the case of a petitioner residing in Azad Jammu and Kashmir Territory, by a receipt showing that a sum of one thousand rupees has been deposited in a Government Treasury or sub-Treasury; or

(b) in the case of a petitioner residing outside Azad Jammu and Kashmir Territory, by a bank draft of one thousand rupees in favour of the Accountant General, Azad Jammu and Kashmir Government, as security for the costs of the petition.

50. **Parties to the petition:-** The petitioner shall join as respondents to his election petition:

- (a) all contesting candidates; and
- (b) any other candidate against whom any allegation, if any, of any corrupt or illegal practice is made and shall serve personally or by registered post on each such respondent a copy of his petition.

51. **Contents of petition:-** (1) Every election petition shall contain:

- (a) a precise statement of the material facts on which the petitioner relies;
- (b) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice or illegal act and the date and place of the Commission of such practice or act; and
- (c) the relief claimed by the petitioner.

(2) A petitioner may claim as relief any of the following declarations namely:-

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or
- (c) that the election as a whole is void.

(3) Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil procedure, 1908, for the verification of pleadings.

52. **Procedure on receipt of petition by the Commissioner:-** (1) The Commissioner shall return an election petition to the petitioner if he finds that it has not been presented within the time prescribed therefore or is not accompanied by a receipt of the deposit required to be made under sub-section (2) of section 49.

(2) If an election petition is not returned under sub-section (1), the Commissioner shall refer it for trial to a tribunal.

53. **Appointment of Tribunal:-** (1) For the trial of election petitions under this Ordinance, the Commissioner shall appoint as many Election Tribunals as may be necessary.

(2) A tribunal shall consist of a person who is, or has been, or is, or at the time of his retirement as a District and Sessions Judge was, qualified to be, a Judge of the High Court.

54. **Power to transfer Petition:-** (1) The Commissioner, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Tribunal to another Tribunal, and the Tribunal to which the election petition is so transferred shall proceed with the trial of the petition from the stage at which it is transferred :

Provided that the Tribunal to which an election petition is so transferred may, if it thinks fit, recall and examine any of the witnesses already examined.

55. **Place of trial:-** The trial of an election petition shall be held at such place or places, as the Tribunal may think fit.

56. **Government Advocate to assist the Tribunal:-** The Government Advocate shall, if a Tribunal so requires, assist the Tribunal at the hearing of an election petition in such manner as it may require.

57. **Appearance before Tribunal:-** Any appearance, application or act before a Tribunal may be made or done by a party in person or by an advocate or any other person entitled or allowed to plead in any civil Court and duly appointed to act on his behalf :

Provided that the Tribunal may, where it considers it necessary, direct any party to appear in person.

58. **Procedure before Tribunal:-** (1) Subject to the provisions of this Ordinance and the rules, every election petition shall be tried, as nearly as may be, in accordance with the procedure for the trial of suits under the Code of Civil Procedure, 1908 :

Provided that the Tribunal may—

- (a) make a memorandum of the substance of the evidence of each witness as his examination proceeds unless it considers that there is special reason for taking down the evidence of any witness in full; and
- (b) refuse to examine a witness if it considers that his evidence is not material or that he has been called on a frivolous ground for the purpose of delaying the proceedings.

(2) Subject to the provisions of this Ordinance, the Evidence Act, 1872, shall apply for the trial of an election petition.

(3) The Tribunal may, at any time, upon such terms and on payment of such fee as it may direct, allow a petition to be amended in such manner as may, in its opinion, be necessary for ensuring a fair and effective trial and for determining the real questions at issue, so however that no new ground of challenge to the election is permitted to be raised.

(4) At any time during the trial of an election petition, the Tribunal may call upon the petitioner to deposit such further sum by way of security, in addition to the sum deposited under section 49, as it may think fit.

59. **Dismissal of petition during trial:-** The Tribunal shall dismiss an election petition, if:

- (a) the provisions of section 50 or section 51 have not been complied with; or
- (b) the petitioner fails to make the further deposit required under sub-section (4) of section 58.

60. **Powers of the Tribunal:-** (1) The Tribunal shall have all the powers of a civil court trying a suit under the Code of Civil procedure, 1908, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(2) For the purpose of enforcing attendance of witnesses, the jurisdiction of the Tribunal shall extend to the whole of the Azad Jammu and Kashmir Territory.

61. **Further provision relating to evidence and witnesses:-** (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered.

(2) No witness shall be excused from answering any question as to any matter in issue, or relevant to a matter in issue in the trial of an election petition upon the ground that the answer to each question may incriminate or tend to incriminate him or that it may expose or tend to expose him to any penalty for forfeiture but no witness shall be required or permitted to state for whom he has voted at an election.

(3) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Tribunal and an answer given by him to a question put by or before the Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of his evidence, be admissible in evidence against him in any civil or criminal proceedings.

(4) A certificate of indemnity granted to any witness under subsection (3) may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IXA of the Azad Penal Code or under this Ordinance, arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by any law for the time being in force.

(5) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Tribunal and shall, unless the Tribunal otherwise directs, be deemed to be part of the costs.

62. **Recrimination where seat is claimed:-** (1) Where in an election petition a declaration is claimed that a candidate other than the returned candidate has been duly elected, the returned candidate or any other party may produce evidence to prove that the election of such other candidate would have been declared void

had he been the returned candidate and had a petition been presented calling his election in questions :

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within the fourteen days next following the commencement of the trial, given notice to the Tribunal of his intention so to do and has also deposited the security referred to in section 49.

(2) Every notice referred to in sub-section (1) shall be accompanied by a statement of the case, and all the provisions relating to the content verification, trial and procedure of an election petition, or to the security deposit in respect of an election petition shall apply to such a statement as if it were an election petition.

63. (1) The Tribunal may, upon the conclusion of the trial of an election petition, make an order—

- (a) dismissing the petition ;
- (b) declaring the election of the returned candidate to be void ;
- (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected ; or
- (d) declaring the election as a whole to be void.

(2) Save as provided in sub-section (3), the decision of a Tribunal on an election petition shall be final.

(3) Any person aggrieved by a decision of the Tribunal may, within thirty days of the announcement of the decision, appeal to the High Court on any of the ground enumerated in section 100 of the Code of Civil Procedure, 1908 (Act V of 1908) and the decision of the High Court on such appeal shall be final. Every such appeal shall be heard by a Division Bench of two Judges of the High Court.

64. **Ground for declaring election of returned candidate void:-**

(1) The Tribunal shall declare the election of the returned candidate to be void if it is satisfied that:

- (a) the nomination of the returned candidate was invalid; or

- (b) the returned candidate was not, on the nomination day, qualified for, or was disqualified from being elected as a member; or
- (c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or
- (d) a corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his election agent.

(2) the election of a returned candidate shall not be declared void on the ground:

- (a) that any corrupt or illegal practice has been committed if the Tribunal is satisfied that it was not committed by, or with the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission; or
- (b) that any of the other, contesting candidates was, on the nomination day, not qualified for, or was disqualified from, being elected as a member.

65. **Ground for declaring a person other than a returned candidate elected:-** The Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the Tribunal is satisfied that the petitioner or such other contesting candidate was entitled to be declared elected.

66. **Ground for declaring election as a whole void:-** The Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reason of:

- (a) the failure of any person to comply with the provisions of this Ordinance or the rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.

67. **Decision in case of equality of votes:-** (1) Where, after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates, and the addition of one vote for one such candidate would entitle him to the declared elected, the Tribunal shall so inform the Commissioner. In the event that no appeal is filed against the decision of the Tribunal, the Commissioner shall, after expiry of the period specified for the filing of an appeal, direct a fresh poll to be taken in respect of the said candidates, and fix a date for such poll, but otherwise, the Commissioner shall await the result of the appeal and shall act as above only if the decision of the Tribunal is upheld in appeal on all points.
- (2) All the provisions of this Ordinance relating to polling, counting of votes, preparation of ballot paper account, declaration of result and preservation and inspection of documents shall apply to the fresh poll as at an election held under the provisions of this Ordinance.
68. **Other provisions relating to Tribunal:-** (1) An order of a Tribunal under section 63 shall take effect on the date on which it is made and shall be communicated to the Commissioner who shall publish it in the official Gazette.
- (2) The Tribunal, shall, after an election petition has been disposed of, forward the record thereof to the Commissioner who shall retain such record for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.
69. **Withdrawal of petition:-** (1) An election petition may be withdrawn:
- (a) before a Tribunal has been appointed, by leave of the Commissioner ; and
- (b) after a Tribunal has been appointed, by leave of the Tribunal.
70. **Abatement on death of petitioner:-** (1) An election petition shall abate on the death of a sole petitioner or of the sole survivor of several petitioners.
- (2) Where a petition abates under sub-section (1) after a Tribunal has been appointed, notice of the abatement shall be given by the Tribunal to the Commissioner.

71. **Death or withdrawal of respondent:-** If, before the conclusion of the trial of an election petition, a respondent dies or gives notice in the prescribed form that he does not intend to contest the petition, and no respondent remains to contest the petition, the Tribunal shall, without any further hearing, or after giving such persons as it may think fit an opportunity of being 'Heard', decide the case *ex parte*.
72. **Failure of petitioner to appear:-** Where, at any stage of the trial of an election petition, no petitioner makes an appearance, the Tribunal may dismiss the petition for default, and make such order as to costs as it may think, fit.
73. **Order as to costs:-** (1) The Tribunal shall, when making an order under section 63, also make an order determining in its discretion the costs and specifying the persons by and to whom such costs are to be paid.
- (2) If, in any order as to costs under sub-section (1), there is a direction for the payment of costs by any party to any person, such costs shall, if they have not already been paid, be payable in full, and shall upon application in writing in that behalf made to the Commissioner within six months of the order by the person to whom costs have been awarded, be paid, as far as possible, out of the security for costs deposited by such party.
- (3) Where no costs have been awarded against a party who has deposited security for costs, or where no application for payment of costs has been made within the aforesaid six months, or where a residue remains after costs have been paid out of the security, such security or the residue thereof, as the case may be, shall, upon application in writing therefore by the person who made the deposit or by his legal representative, be returned by the Commissioner to the person making the application.
- (4) Any order for costs may be enforced upon application in writing made to the principal civil court of original jurisdiction of the district in which the person from whom the costs are to be recovered resides or owns property, or of the district in which the constituency, or any part of the constituency, to which the disputed election relates is situated, as if such order were a decree passed by that court:

Provided that no proceeding shall be brought under this sub-section except in respect of costs which have not been recovered

by an application under subsection (2).

CHAPTER VIII OFFENCE PENALTY AND PROCEDURE

74. **Corrupt practice:-** A person is guilty of corrupt practice punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both if he:
- (1) contravenes the provision of section 45;
 - (2) is guilty of bribery, personation or undue influence ;
 - (3) makes or publishes a false statement:
 - (a) concerning the personal character of a candidate or any of his relations calculated to adversely affect the election of such candidate or for the purpose of promoting or procuring the election of another candidate unless he proves that he had reasonable grounds for believing, and did believe, the statement to be true;
 - (b) relating to the symbol of a candidate, whether or not such symbol has been allocated to such candidate ; or
 - (c) regarding the withdrawal of a candidate ;
 - (4) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, community, race, caste, sect or tribe ;
 - (5) knowingly, in order to support or oppose a candidate lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying to or from the polling station any elector except himself and members of his immediate family; or
 - (6) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.
75. **Illegal practice:-** A person is guilty of illegal practice punishable with fine which may extend to five hundred rupees, if he:
- (1) fails to comply with the provisions of section 46 ;

(2) obtains or procures, or attempts to obtain or procure, the assistance of any person in the service of Azad Jammu and Kashmir or in the service of Pakistan to further or hinder the election of a candidate;

(3) votes on or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;

(4) votes or applies for ballot paper for voting more than once in the same polling station;

(5) votes or applies for a ballot paper for voting in more than one polling station for the same election;

(6) removes a ballot paper from a polling station during the poll;
or

(7) knowingly induces or procures any person to do any of aforesaid acts.

76. **Bribery:-** A person is guilty of bribery, if he, directly or indirectly by himself or by any other person on his behalf.

(1) receives or agrees to receive or contracts for any gratification for voting or refraining from voting, or for being or refraining from being a candidate at, or for withdrawing from, an election;

(2) gives, offers or promises any gratification to any person:

(a) for the purpose of inducing:

(i) a person to be, or to refrain from being a candidate at an election;

(ii) an elector to vote, or refrain from voting, at an election ;
or

(iii) a candidate to withdraw from an election; or

(b) for the purpose of rewarding:

(i) a person for having been, or for having refrained from being, a candidate at an election ;

- (ii) an elector for having voted or refrained from voting at an election; or
- (iii) a candidate for having withdrawn from an election.

Explanation:- In this section, "gratification" includes a gratification in money or estimable in money and all forms of entertainment or employment.

77. **Personation:-** A person is guilty of personation if he votes, or applies for a ballot paper for voting, as some other person whether that other person is living or dead or fictitious.
78. **Undue influence:-** A person is guilty of undue influence, if he:-
- (1) in order to induce or compel any person to vote or refrain from voting, or to offer himself as a candidate, or to withdraw his candidature, at an election, directly or indirectly, by himself or by any other person on his behalf:
 - (a) makes or threatens to make use of any force, violence or restraint;
 - (b) inflicts or threatens to inflict any injury, damage, harm or loss ;
 - (c) calls down or threatens to call down divine displeasure or the displeasure of any saint or pir;
 - (d) gives or threatens to give any religious sentence; or
 - (e) use any official influence or governmental patronage ; or
 - (2) on account of any person having voted or refrained from voting or having offered himself as candidate or having withdrawn his candidature, does any of the acts, specified in clause (1); or
 - (3) by abduction, duress or any fraudulent device or contrivance:
 - (a) impedes or prevents the free exercise of the franchise by an elector; or
 - (b) compels, induces or prevails upon any elector to vote or

refrain from voting.

Explanation:- In this section, "harm" includes social ostracism or ex-communication or expulsion from any caste or community.

79. **Prohibition of public meetings, etc., during certain period:-**
 (1) No person shall convene hold or attend any public meeting, and no person shall promote or join in any procession within the area of any constituency, during a period of forty-eight hours ending at mid-night following the conclusion of the poll for any election in that constituency.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
80. **Prohibition of canvassing in or near polling station:-** A person is guilty of an offence punishable with fine which may extend to two hundred and fifty rupees if he, within a radius of four hundred yards of the polling station, on the polling day:
- (1) canvasses for votes;
- (2) solicits the vote of any elector;
- (3) persuades any elector not to vote at the election or for a particular candidate ; or
- (4) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his election agent beyond the radius of one hundred yards of the polling station, any notice, sign, banner or flag designed to encourage the electors to vote, or discourage the electors from voting for any contesting candidate.
81. **Disorderly conduct near polling station:-** A person is guilty of an offence punishable with imprisonment for a tenure which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both, if he, on the polling day:
- (1) uses, in such manner audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds ;

(2) persistently shouts in such manner as to be audible within the polling station;

(3) does any act which:

(a) disturbs or causes annoyance to any elector visiting a polling station for the purpose of voting; or

(b) interferes with the performance of the duty of Presiding Officer, or any Polling Officer, Polling Assistant and other person performing any duty at a polling station ; or

(4) abets the doing of any of the aforesaid acts.

82. **Tampering with papers:-** (1) Except as provided in sub-section (2) a person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, if he:

(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;

(b) intentionally takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorised by law to put in;

(c) Without due authority:

(i) supplies any ballot paper to any person ;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election ; or

(iii) breaks any seal affixed in accordance with the provisions of this Ordinance;

(d) forges any ballot paper or official mark; or

(e) causes any delay or interruption in the beginning; conduct or completion of the procedure required to be immediately carried out on the close of the poll.

(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer, or any other officer or clerk on duty in connection with the election, who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

83. **Interference with the Secrecy of voting:-** A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both, if he:

(1) interferes or attempts to interfere with an elector when he records his vote;

(2) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom an elector is about to vote or has voted; or

(3) communicates at any time any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted.

84. **Failure to maintain secrecy:-** A Returning Officer, Assistant Returning Officer or Polling Officer, or any candidate, election agent or polling agent attending a polling station, or any person attending at the counting of votes is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, if he:

(1) fails to maintain or aid in maintaining the secrecy of voting;

(2) communicates, except for any purpose authorised by any law, to any person before the poll is closed any information as to the official mark; or

(3) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

85. **Officials not to influence voters:-** A Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer or any other officer or clerk performing a duty in connection with an election, or any member of police force, for guilty of an

offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, if he, in the conduct or management of an election or maintenance of order at a polling station:

- (1) persuades any person to give his vote;
- (2) dissuades any person from giving his vote;
- (3) influences in any manner the voting of any person; or
- (4) does any other act calculated to influence the result of the election.

86. **Breaches of Official duty in connection with election:-** A Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer or any other person employed by any officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which may extend to five hundred rupees, if he wilfully and without reasonable cause; commits breach of any such official duty, by act or omission.

87. **Assistance by Government Servant:-** A person in the service of Azad Jammu and Kashmir is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the result of the election.

88. **Certain powers of a Police Officer:-** A police officer may:

- (1) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any person:
 - (a) who, commits personation or an offence under section 81 if the Presiding Officer directs him to so arrest such person ;
 - (b) who, being removed from the polling station by the Presiding Officer under section 29 commits any offence at the polling station;
- (2) remove any notice, sign, banner or flag used in contravention

of section 80; and

(3) seize any instrument or apparatus used in contravention of section 81 and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.

89. **Certain offences cognizable:-** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under section 74 or section 80 or sub-section (1) of section 82 shall be a cognizable offence.
90. **Prosecution of offences by public officers:-** (1) No court shall take cognizance of an offence under sub-section (2) of section 82, section 84, section 85, section 86, or section 87, except upon a complaint in writing made by order of, or under authority from, the Commissioner.
- (2) The Commissioner shall, if he has reason to believe that any offence specified in sub-section (1) has been committed, cause such enquiries to be made or prosecution to be instituted as he may think fit.
91. **Limitation for prosecution for corrupt or illegal practices:-** No prosecution for an offence under section 74 or section 75, shall be commenced except:
- (a) within six months of the commission of the offence ; or
- (b) if the election at which the offence was committed is subject to an election petition and a Tribunal has made an order in respect of such offence, within three months of the date of such order.
92. **Commissioner to ensure fair election etc:-** Save as otherwise provided, the Commissioner may issue such instructions and exercise such powers, including the power to revise an order passed by any officer under this Ordinance or the rules, and make such consequential orders as may, in his opinion, be necessary for ensuring that an election is conducted honestly, justly and fairly, and in accordance with the provision of this Ordinance and the rules.
93. **Jurisdiction of courts barred:-** No court shall question the legality of any action taken in good faith by or under the authority of the Commissioner, a Returning Officer, Presiding

Officer or Polling Officer or any decision given by any of them or by any other officer or authority appointed under this Ordinance or the rules.

94. **Protection of action taken in good faith:-** No suit, prosecution or other legal proceeding shall lie against the Commissioner or any officer or other person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Ordinance or of any rule or order made or any direction given thereunder.
95. **Power to make rules:-** The Government may, in consultation with the Commissioner, make rules for carrying out the purposes of this Ordinance.
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**THE AZAD JAMMU AND KASHMIR PRESIDENTIAL
ELECTIONS OFFENCES AND ENQUIRIES ORDINANCE, 1970
(Ordinance XI of 1970)**

*(Passed under Government Order No. 3864-3914\SL\70,
dated the 2nd October, 1970.)*

AN ORDINANCE

*to provide for the punishment of malpractices in connection with
elections to the office of the President.*

WHEREAS it is expedient to provide for the punishment of malpractices in connection with the elections to the office of the President, Azad Government of the State of Jammu and Kashmir ;

AND WHEREAS the President is satisfied that circumstances exist which render immediate legislation necessary ;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Presidential Election Offences and Enquiries Ordinance, 1970.

(2) It shall come into force at once.
2. **Definition:-** Unless there is anything repugnant in the subject or context:
 - (i) 'election' means an election to the office of the President Azad Government of the State of Jammu and Kashmir;
 - (ii) 'Government' means the Azad Government of the State of Jammu and Kashmir;
 - (iii) 'rules' means rules, framed under section 30 of the Azad Jammu and Kashmir Government Act, 1970, in relation to the election of the President, Azad Government of the State of Jammu and Kashmir;

(iv) 'Commissioner' means Election Commissioner appointed or deemed to be appointed under the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970).

3. **Corrupt practice:-** A person is guilty of corrupt practice punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, if he :

- (1) contravenes the provision of rule 42;
- (2) is guilty of bribery, personation or undue influence;
- (3) makes or publishes a false statement:
 - (a) concerning the personal character of a candidate or any of his relations calculated to adversely affected the election of such candidate or for the purpose of promoting or procuring the election of another candidate unless he proves that he had reasonable grounds for believing, and did believe, the statement ;
 - (b) relating to the symbol of a candidate, whether or not such symbol has been allocated to such candidate; or
 - (c) regarding the withdrawal of a candidate;
 - (d) calls upon or persuades any person to vote, or to refrain from voting for any candidate on the ground that he belongs to a particular religion, community, race, caste, sect or tribe;
 - (e) existingly, in order to support or oppose a candidate lets; lends; employs, hires, borrows or use any vehicle or vessel for the purpose of conveying to or from the polling station any elector except himself and members of his immediate family ; or
 - (f) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

4. **Illegal practice:-** A person is guilty of illegal practice punishable with one which may extend to five hundred rupees, if he:

- (1) fails, to comply with the provisions of rule 3 ;

(2) obtains or procures or attempts to obtain or procure the assistance of any person in the service of Azad Jammu and Kashmir or in the service of Pakistan to further or hinder the election of a candidate ;

(3) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;

(4) votes or applies for ballot paper for voting more than once in the same polling station ;

(5) votes or applies for a ballot paper for voting in more than one polling station for the same election;

(6) removes a ballot paper from a polling station during the poll;
or

(7) knowingly induces or procures any person to do any of aforesaid acts.

5. **Bribery:-** A person is guilty of bribery, if he, directly or indirectly by himself or by any other person on his behalf:

(1) receives or agrees to receive or contracts for any gratification for voting or refraining from voting, or for being or refraining from being a candidate at, or for withdrawing from, an election ;

(2) gives, offers or promises any gratification to any person:

(a) for the purpose of inducing:

(i) a person to be, or to refrain from being a candidate at an election;

(ii) an elector to vote, or refrain from voting, at an election ;
or

(iii) a candidate to withdraw from an election ; or

(b) for the purpose of rewarding:

(i) a person for having been, or for having refrained from being a candidate at an election ;

(ii) an elector for having voted or refrained from voting at an

election; or

(iii) a candidate for having withdrawn from an election;

Explanation:- In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment.

6. **Personation:-** A person is guilty of personation if he votes, or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.
7. **Undue influence:-** A person is guilty of undue influence, if he:
- (1) in order to induce or compel any person to vote or refrain from voting, or to offer himself as a candidate, or to withdraw his candidature, at an election, directly or indirectly, by himself or by any other on his behalf:
 - (a) makes or threatens to make use of any force, violence or restraint;
 - (b) inflicts or threatens to inflict any injury, damage, harm or loss;
 - (c) calls down or threatens to call down divine displeasure or the displeasure of any saint or 'pir';
 - (d) gives or threatens to give any religious sentence ; or
 - (e) use any official influence or governmental patronage; or
 - (2) on account of any person having voted or refrained from voting, or having offered himself as a candidate or having withdrawn his candidature, does any of the acts, specified in clause (1) ; or
 - (3) by abduction, duress or any fraudulent device of contrivance:
 - (a) impedes or prevents the free exercise of the franchise by an elector; or
 - (b) compels, induces or prevails upon any "elector to vote or refraining from voting.

Explanation:- In this section, 'harm' includes social ostracism or excommunication or expulsion from any caste or

community.

8. **Prohibition of public meetings, etc. during certain period:-**
(1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession within the area of any constituency, during a period of forty-eight hours ending at mid-night following the conclusion of the poll for any election in that constituency.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
9. **Prohibition of canvassing in or near polling station:-** A person is guilty of an offence punishable with fine which may extend to two hundred and fifty rupees if he, within a radius of, four hundred yards of the polling, station, on the polling day:
- (1) canvasses for votes;
- (2) solicits the vote of any elector;
- (3) persuades any elector not to vote at the election or for a particular candidate; or
- (4) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his election agent, beyond the radius of one hundred yards of the polling station, any notice, sign, banner or flag designed to encourage the electors to vote, or discourage the electors from voting for any contesting candidate.
10. **Disorderly conduct near polling station:-** A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both, if he, on the polling day:
- (1) uses, in such manner audible within the polling station, any gramophone, megaphone, loudspeaker, or other apparatus for reproducing or amplifying sounds;
- (2) persistently shouts in such manner as to be audible within the polling station;

- (3) does any act which:
 - (a) disturbs or causes annoyance to any elector visiting a polling station for the purpose of voting; or
 - (b) interferes with the performance of the duty of Presiding Officer, or any Polling Officer Polling Assistant and other person performing any duty at a polling station ; or
- (4) abets the doing of any of the aforesaid acts.

11. **Tampering with papers:-** (1) Except as provided in sub-section (2) a person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, if he:

- (a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;
- (b) intentionally takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorised by law to put in ;
- (c) without due authority:
 - (i) supplies any ballot paper to any person;
 - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or
 - (iii) breaks any seal affixed in accordance with the provisions of this Ordinance;
- (d) forges any ballot paper or official mark ; or
- (e) causes any delay or interruption in the beginning; conduct or completion of the procedure required to be immediately carried out on the close of the poll.

(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer, or any other officer or clerk on duty in connection with the election, who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for term

which may extend to two years, or with fine which may extend to one thousand rupees; or with both.

12. **Interference with the secrecy of voting:-** A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both, if he:

(1) interferes or attempts to interfere with an elector when he records his vote;

(2) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom an elector is about to vote or has voted ; or

(3) communicates at any time any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted.

13. **Failure to maintain secrecy:-** A Returning Officer, Assistant Returning Officer or Polling Officer, or any candidate, election agent or polling agent attending a polling station, or any person attending at the counting of votes is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, if he:

(1) fails to maintain or aid in maintaining the secrecy of voting ;

(2) communicates, except for any purpose authorised by any law, to any person before the poll is closed any information as to the official marks; or

(3) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

14. **Officials not to influence voters:-** A Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer or any other officer or clerk performing a duty in connection with an election, or any member of police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both if he in the conduct or management of an election or maintenance of order at a polling station:

- (1) persuades any person to give his vote ;
- (2) dissuades any person from giving his vote ;
- (3) influences in any manner the voting of any person ; or
- (4) does any other act calculated to influence the result of the election.

15. **Breaches of official duty in connection with election:-** A Returning Officer, Assistant Returning Officer, Presiding Officer Polling Officer or any other person employed by any officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which extend to five hundred rupees, if he wilfully and without reasonable cause ; commits breach of any such official duty, by act or omission.
16. **Assistance by Government Servant:-** A person in the service of Azad Jammu and Kashmir is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the result of the election.
17. **Certain powers of a Police Officer:-** A Police Officer may:
- (1) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) any person :
 - (a) who, commits personation or an offence under section 10, if the Presiding Officer directs him to so arrest such person;
 - (b) who, being removed from the polling station by the Presiding Officer under rule 26 commits any offence at the polling station;
 - (2) removes any notice, sign, banner or flag used in contravention of section 9 ; and
 - (3) seize any instrument or apparatus used in contravention of section 10 and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.

18. **Certain offences cognizable:-** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under section 3 or section 9 or sub-section (1) of section 11 shall be a cognizable offence.

 19. **Prosecution of offences by public officers:-** (1) No court shall take cognizance of an offence under sub-section (2) of section 11, section 13, section 14, section 15 or section 16, except upon a complaint in writing made by order of or under authority from, the Commissioner.

(2) The Commissioner shall, if he has reason to believe that any offence specified in sub-section (1) has been committed, cause such enquiries to be made or prosecution to be instituted as he may think fit.

 20. **Limitation for prosecution for corrupt or illegal practice:-** No Prosecution for an offence under section 3 or section 4, shall be commenced except under section 3 or section 4, shall be commenced except, within six months of the commission of the offence.
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**THE AZAD JAMMU AND KASHMIR STATE COUNCIL
(ELECTIONS) (AMENDMENT) ORDINANCE, 1970**

(Ordinance XII of 1970)

*(Passed under Government Order No. 3927-3977/SL/70,
Dated October, 5, 1970),*

AN ORDINANCE

*to amend the Azad Jammu and Kashmir State Council (Elections)
Ordinance, 1970.*

WHEREAS it is expedient to amend the Azad Jammu and Kashmir State Council (Elections) Ordinance, 1970 (Ordinance X of 1970), for the purpose hereinafter appearing;

AND WHEREAS the President Azad Government of the State of Jammu and Kashmir is satisfied that immediate legislation is necessary;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir State Council (Elections) (Amendment) Ordinance, 1970.

(2) It extends to the whole of Azad Jammu and Kashmir Territory and shall also apply to all State Subjects mentioned in clause (2) or clause (3) of section 3 of the Azad Jammu and Kashmir State Council Ordinance, 1970.

(3) It shall come into force at once and shall be deemed to have taken effect on the 5th day of September, 1970.
 2. **Substitution of the words 'Legislative Assembly' in the Ordinance X of 1970:-** In the said Ordinance the words 'State Council' wherever occurring, shall be substituted by the words 'Legislative Assembly' and shall be deemed always to have been so substituted.
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**THE AZAD JAMMU AND KASHMIR LEGISLATIVE
ASSEMBLY (ELECTIONS) (AMENDMENT) ORDINANCE, 1970**

(Ordinance XIII of 1970)

*(Passed under Government Order No. 3996-4070/SL/70,
Dated the October 6, 1970).*

AN ORDINANCE

*to amend the Azad Jammu and Kashmir Legislative Assembly
(Elections) Ordinance, 1970.*

WHEREAS an emergency has arisen which renders it necessary to immediately amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970, for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the power conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance, 1970.

(2) It shall come into force at once.
 2. **Amendment of section 86 (Ordinance X of 1970):-** In section 86 of the said Ordinance for the words 'fine which may extend to five hundred rupees' the words 'imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both' shall be substituted.
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**THE AZAD JAMMU AND KASHMIR PRESIDENTIAL
ELECTIONS OFFENCES AND ENQUIRIES (AMENDMENT)
ORDINANCE, 1970**

(Ordinance XIV of 1970)

*(Passed under Government Order No. 4076-4156/SL/70,
Dated the October 6, 1970).*

AN ORDINANCE

*to amend the Azad Jammu and Kashmir Presidential Elections Offences
and Enquiries Ordinance, 1970.*

WHEREAS an emergency has arisen which renders it necessary to immediately amend the Azad Jammu and Kashmir Presidential Elections Offences and Enquiries Ordinance, 1970, for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Presidential Elections Offences and Enquiries (Amendment) Ordinance, 1970.

(2) It shall come into force at once.
2. **Amendment of section 15 (Ordinance XI of 1970):-** In section 15 of the said Ordinance for the words 'fine which may extend to five hundred rupees' the words 'imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both' shall be substituted,

**THE AZAD KASHMIR LOGGING AND SAW MILL
CORPORATION (AMENDMENT) ORDINANCE, 1970**

(Ordinance XV of 1970)

*(Passed under Government Order No. 4240-4310/SL/70,
Dated October 24, 1970).*

AN ORDINANCE

*to amend the Azad Kashmir Logging and Saw-Mill Corporation
Ordinance, 1970.*

WHEREAS it is expedient to amend the Azad Kashmir Logging and Saw-Mill Corporation, Ordinance, 1968 (Ordinance IV of 1968), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that immediate legislation is necessary;

Now, THEREFORE in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Kashmir Logging and Saw-Mill Corporation (Amendment) Ordinance, 1970.

(2) It shall come into force at once.
2. **Amendment of section 6, Ordinance IV of 1968:-** In the Azad Kashmir Logging and Saw-Mill Corporation Ordinance, 1968 (Ordinance IV of 1968), in section 6:
 - (1) in clause (c), the word 'and' at the end shall be omitted;
 - (2) in clause (b), for the full stop at the end the comma and word ", and " shall be substituted ; and
 - (3) after clause (d) amended as aforesaid, the following new clause (e) shall be added, namely :

" (e) The Chief Conservator .of Forests of Azad Government of the State of Jammu and Kashmir."

**THE AZAD JAMMU AND KASHMIR OATH OF OFFICES
ORDINANCE, 1970**

(Ordinance XVI of 1970)

*(Passed under Government Order No. Assembly-1/70/4420-4500/SL/70,
Dated November 10, 1970).*

AN ORDINANCE

*to provide for the Oath of Offices of President, Ministers, Speaker and
Members of the Legislative Assembly of Azad Jammu and Kashmir.*

WHEREAS an emergency has arisen which renders it necessary to immediately provide for Oath of Offices of President, Ministers, Speaker and the Members of the Legislative Assembly;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Oath of Offices Ordinance, 1970.

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

(3) It shall come into force at once,
2. **Definition:-** In this Ordinance unless there is anything repugnant in the subject or context the words President, Minister, Speaker and Member of the Legislative Assembly have the same meaning as are assigned to them in the Azad Jammu and Kashmir Government Act, 1970.
3. **President's Oath of Office:-** Before he enters upon his office, a President shall make before the Chief Justice of Azad Jammu and Kashmir an Oath in such form set out in the Schedule as is applicable to his office.
4. **Oath of Office of Minister:-** Before he enters upon his office, a Minister appointed by the President shall make before the President an Oath in such form set out in the Schedule as is

applicable to his office.

5. **Oath of office of Speaker:-** Before he enters upon his office a person elected as the Speaker of the Legislative Assembly shall make before the Chief Justice Azad Jammu and Kashmir an Oath in such form set out in the Schedule as is applicable to his office.
6. **Oath of Members of the Legislative Assembly:-** A person elected as a member of Legislative Assembly shall not take a seat in the Assembly until he makes before the Chief Justice of Azad Jammu and Kashmir an Oath in such form set out in the Schedule as is applicable to the members of the Assembly.

SCHEDULE OATHS OF OFFICE

PRESIDENT

I, _____, having been elected as President of Azad Jammu and Kashmir do hereby solemnly swear in the name of Allah :

That, as President of Azad Jammu and Kashmir I will remain loyal to the country and to the cause of accession of the State of Jammu and Kashmir to Pakistan :

That I will perform my functions as President honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as President:

So help me Allah.

MINISTER

I, _____, having been appointed as a Member of President's Council of Ministers do hereby solemnly swear in the name of Allah.

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan :

That I will perform my functions as member of President's Council of Ministers honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Minister of the Azad Jammu and Kashmir ;

So help me Allah.

SPEAKER OF LEGISLATIVE ASSEMBLY

I, _____, having been elected as Speaker of Azad Jammu and Kashmir Legislative Assembly do hereby solemnly swear in the name of Allah:

That, I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan :

That I will perform my functions as Speaker of the Legislative Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Speaker of the Assembly :

So help me Allah.

MEMBER OF LEGISLATIVE ASSEMBLY

I, _____, having been elected as
Member of the Legislative Assembly do hereby solemnly
swear in the name of Allah :

That I will remain loyal to the country and the cause of accession
of the State of Jammu and Kashmir to Pakistan :

That I will perform my functions as Member of the Legislative
Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to
any person any official secret which may come to my
knowledge as member of the Legislative Assembly :

So help me Allah.

**THE AZAD JAMMU AND KASHMIR MOTOR VEHICLES
ORDINANCE, 1970**

(Ordinance XVII of 1970)

*(Passed under Government Order No. Admn/17421-68/CS/70,
Dated 11th November, 1970).*

AN ORDINANCE

*to adapt the Law relating to Motor Vehicles in
West Pakistan for Azad Jammu and Kashmir.*

WHEREAS it is expedient to adapt Law relating to Motor Vehicles in West Pakistan for Azad Kashmir with certain modifications so as to suit the conditions prevailing in Azad Jammu and Kashmir ;

AND WHEREAS an emergency has arisen which renders it necessary to make and promulgate an Ordinance to make such provision;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance :

1. **Short title, extent and commencement:-** (i) This Ordinance may be called the Azad Jammu and Kashmir Motor Vehicles (Adaptation of West Pakistan Laws) Ordinance, 1970.

(ii) It shall extend to the whole of the Azad Jammu and Kashmir and shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.
2. **Definitions:-** In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :—
 - (1) The 'Principal Ordinance' means the West Pakistan Motor Vehicles Ordinance, 1965, as it stood before the amendments *vide* the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (West Pakistan Ordinance No. IX of 1970).
 - (2) The 'Amending Ordinance' means the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (West Pakistan

Ordinance No. IX of 1970).

3. The West Pakistan Motor Vehicles Ordinance, 1965, as amended upto date, is adapted and shall, as far as practicable, be in force in Azad Jammu and Kashmir Territory subject to the modifications as stated below :—

- (i) Wherever the expressions 'West Pakistan', the 'Province' or the 'Central Government' occur, the same shall be construed so as to refer to 'Azad Jammu and Kashmir'.
- (ii) All provisions relating to Road Transport Corporation shall be deemed to have been omitted.
- (iii) The expressions 'Regional Transport Authority' and the 'Provincial Transport Authority' shall be construed to refer to Azad Kashmir Transport Authority.
- (iv) Sections 48, 49 of the Principal Ordinance shall be deemed to have been retained as they stood before the amendments vide the amending Ordinance.
- (v) After section 49, the following new section 49-A shall be deemed to have been inserted, namely :-

" 49-A:- Requirements to be fulfilled before issue of a permit:

- (1) When the Azad Kashmir Transport Authority has decided to grant a permit to an applicant, he shall be called upon to comply within a specified period with the following requirements before a permit is issued to him:
 - (a) furnish the registration number and model of the vehicle for which permit is to be issued ;
 - (b) present his affidavit to the effect that he is the actual owner of the motor vehicle in respect of which the permit is to be issued.

*Explanation:—*For the purposes of this Chapter 'actual owner' means a person or a body of persons having proprietary rights in a motor vehicle acquired by way of purchase, gift, inheritance or under a hire-purchase agreement or as a result of the settlement of a lawful claim.

(c) furnish to the Azad Kashmir Transport Authority a bank guarantee of the prescribed sum as security for payment of any compensation that the applicant may be required to pay under the provisions of section 67, provided that the Azad Kashmir Transport Authority may call upon him to furnish cash security in the prescribed sum where it is not satisfied about the sufficiency of the bank guarantee and provided further that a certificate duly issued by a Transporters Mutual Assistance Cooperative Society registration under the Cooperative Act and having Azad Jammu and Kashmir Territory included in its area of operation, may be accepted in lieu of a bank guarantee, so long as this certificate remains valid and is not withdrawn.

(2) If the applicant fails to comply with all or any of the above requirements within the specified period, the authority may revoke the decision to grant a permit in his favour and proceed to grant the same to some other applicant.

(vi) Section 50 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance with the addition of a proviso to sub-clause (b) of clause (1) as under:—

"Provided that the Government may, whenever deemed necessary, order Azad Kashmir Transport Authority to introduce any new routes, or any number of additional permits for an existing route and grant the same to any particular party or the parties."

A sub-section (3) shall be added, namely:—

"(3) A condition shall be inserted in every stage carriage permit that in case of death of or injury to a passenger in the vehicle to which the permit relates arising out of the use of the vehicle, there shall be paid by the permit-holder as compensation:

(a) in case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the deceased passenger ; and

- (b) in case of an injury to a passenger the amount specified in the Thirteenth Schedule, to the injured passenger.
- (vii) Clause (c) of section 51 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance.
- (viii) Section 59 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance.
- (ix) In section 60 of the Principal Ordinance, for sub-section (1), the following sub-section shall be substituted, namely :
- "(1) the following sub-section (1) a permit other than a temporary permit issued under section 64 shall be affective without renewal:
- (a) in the case of a stage carriage permit or a contract carriage permit, not being a permit to ply a motor-cab, for such period not being less than one year and not more than three years as the Azad Kashmir Transport Authority may, after considering the condition of the bus for the route in question, in its discretion specify in the permit; and
- (b) in the case of any other permit, for such period not being less than three years and not more than five years, as the Azad Kashmir Transport Authority may, in its discretion specify in the permit."
- (x) Section 64 of the Principal Ordinance shall be deemed to have been retained, as it stood before the amendments vide Amending Ordinance.
- (xi) After section 64, a new section 64-A shall be inserted, namely :—
- " 64-A Special permit:
- (1) The Azad Kashmir Transport Authority may, grant special permits to be effective for one return trip only, authorising the use of a motor vehicle, for that trip as a public vehicle.

(2) The Azad Kashmir Transport Authority may, subject to such conditions as it may impose, in that behalf delegate its powers of issuing a permit under sub-section (1) to its Chairman, any member or any Gazetted Officer of Government."

(xii) In section 67-F for the words 'section 48' wherever occurring, the words 'section 49-A' shall be substituted.

4. **Cancellation of existing stage carriage permits—section 4:-**
All permits to pay a stage carriage other than a permit authorising a stage carriage to ply in an urban area only, issued before the coming into force of this Ordinance, shall, after expiry of sixty days from the date of the coming into force of this Ordinance cease to be valid and shall stand cancelled and no stage carriage shall be plied on the authority of any such permit, unless a new permit in accordance with the provisions of this Ordinance has been obtained within the said period of sixty days.
5. The West Pakistan Motor Vehicles Rules, 1969, as amended upto date, are adapted and shall, as far as practicable, be in force in Azad Jammu and Kashmir Territory, subject to the modifications as stated below:-
- (i) Wherever the expressions 'West Pakistan', 'the Province', or the 'Central Government' occur the same shall be construed so as to refer to Azad Jammu and Kashmir.
 - (ii) The expressions 'Regional Transport Authority' and the 'Provincial Transport Authority' shall be construed to refer to Azad Kashmir Transport Authority.
 - (iii) In section 96-A, the words 'Board of Revenue' for appeals, shall be substituted by the words 'Financial Commissioner.'
 - (iv) All provisions relating to Road Transport Corporation shall be deemed to have been omitted.
 - (v) In sub-rule (3) of Rule 35-A, for the words 'one thousand' the words 'two hundred' shall be substituted.
 - (vi) In Rule 35-C, for the words 'Chairman Provincial Transport Authority' the words 'Financial Commissioner' shall be substituted.

- (vii) Proviso to sub-rule (1) of Rule 55 shall be deleted.
- (viii) The sub-rules (3), (4), (5), (7) of Rule 57 shall be deemed to have been retained as they stood before amendments vide Government of West Pakistan, Transport Department, Notification N.T-7\35-56 (Imp) dated the 2nd June, 1970,
- (ix) Rule 58 shall be deemed to have been retained as it stood before amendments vide Government of West Pakistan, Transport Department, Notification No. T-7\35-56(Imp) dated the 2nd June, 1970, subject to following amendments:-
- (a) clause (a) of sub-rule (1) shall be substituted as under, namely :—
- "(a) A survey Committee consisting of two or more members, including a representative of public using the transport, at least one member of the Authority and a representative of Works Department shall be appointed by the Chairman, Azad Kashmir Transport Authority, for each specific route requiring survey."
- (b) A clause (f) be added after (e) in sub-rule (1) of Rule 50 as follows, namely :—
- "(f) If the survey report submitted by the Survey Committee is not a unanimous one, then the Transport Authority may consider all the different reports and decide at its discretion as to whether the route or routes in question should be declared open for fresh or additional stage carriage services. In that case, the number of permits decided to be issued shall be mentioned.
- (x) The Rules 60, 61, 62, 63, 64, 65, 68, 78, 79, 80 shall be deemed to have been retained as they stood before amendments vide Government of West Pakistan, Transport Department Notification No. T-7\35-56 (Imp) dated the 2nd June, 1970.
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**THE AZAD JAMMU AND KASHMIR SANCTITY OF RAMZAN
ORDINANCE, 1970**

(Ordinance XVIII of 1970)

*(Passed under Government Order No. 4570-4670/SL/70,
Dated the November 25, 1970).*

WHEREAS it is expedient to make punishable the violations of the sanctity of Ramzan;

AND WHEREAS an emergency has arisen which renders it necessary to provide immediate legislation ;

Now, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Sanctity of Ramzan Ordinance, 1970.

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

(3) It shall come into force at once.
2. **Definitions:-** Unless there is anything repugnant in the subject or context:
 - (i) 'Sanctity of Ramzan' includes all acts or their forbearance enjoined upon a Muslim for keeping fast according to Shariat during the month of Ramzan ;
 - (ii) 'Public place' means a place which is accessible to the general public and includes a building, hotel, shop, booth, chhaper, tent and vehicle or any part thereof.
3. **Violation of the sanctity of Ramzan:-** No person shall violate the sanctity of Ramzan at a public place.
4. **Offences and punishments:-** Whoever contravenes the provisions of section 3 of this Ordinance, shall be punished with imprisonment of either description for a term which may extend to two months or with fine which may extend to one hundred

rupees or with both.

5. Notwithstanding anything contained in the Criminal Procedure Code, 1898 (Act V of 1898), the offences under section 4 of this Ordinance shall be cognizable and bailable.
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**GOVERNMENT SERVANTS AND STUDENTS COMPULSORY
MILITARY TRAINING ORDER, 1965**

(No. H&P/SS/2095-2165/65, Dated 1st June, 1965).

WHEREAS it is necessary to provide for compulsory military training to be undergone by Government servants and students of Azad Jammu and Kashmir Institutions in the interest of the defence of the State.

Now, THEREFORE, in pursuance of the provisions of section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951 the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order :-

1. (i) This Order may be called the Government Servants and Students Compulsory Military Training Order, 1965.
(ii) It shall extend to the whole of Azad Jammu and Kashmir.
(iii) It shall come into force at once.
 2. In this Order, unless there is anything repugnant in the subject or context, the expression :-
 - (i) 'Government Servant' means every male Government servant of the age of 45 years or below in the civil employ of the Azad Government of the State of Jammu and Kashmir or in the employ of any local authority;
 - (ii) 'Student' means a male student of the age of 15 years or above studying in any educational institution in Azad Kashmir.
 3. Every Government servant and every student shall make himself available for compulsory military training to be organized by each District Magistrate in his district.
 4. (i) The District Magistrate may, by general or special order, make such orders and give such directions, as may be necessary to give effect to the purposes of this order.
(ii) Any person refusing or failing to comply with any such general or special order or direction shall be liable to be punished under the Azad Jammu and Kashmir Civil Defence Act, 1951.
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THE PRESIDENT'S INSPECTION TEAM ORDER, 1967

(No. Admin/761-800/SS/61, Dated 28th January, 1967).

In exercise of the powers conferred by section 2 of the Azad Kashmir Emergency Powers Act, 1958, the Government of the Azad Jammu and Kashmir Territory is pleased to make the following order, namely :—

1. (1) This Order may be called the President's Inspection Team Order, 1967.

(2) It shall come into force at once.
2. This Order applies to all persons in the civil employ of the Government other than Judges of the High Court.
3. In this Order, unless there is anything repugnant, in the subject or context:-
 - (1) 'Chairman' means the Chairman of the Inspection Team constituted under this Order;
 - (2) 'Inspection Team' means the Inspection Team constituted by the President under this Order ;
 - (3) 'Government' means the Government of the Azad Jammu and Kashmir Territory;
 - (4) 'President' means the President of the Azad Jammu and Kashmir Territory.
4. (1) The, President may, by order, constitute an Inspection Team consisting of a Chairman and two or more other members to submit reports to the President in respect of complaints of corruption, inefficiency and misconduct of any person or persons to whom this order applies, after such preliminary enquiry or inspection as may be deemed necessary in this behalf.

(2) The President may, from time to time, reconstitute an Inspection Team or replace any member thereof. -

5. The Inspection Team shall have the following Powers :-
 - (1) to examine and interrogate any person ;
 - (2) to obtain any information or declaration of assets or liabilities from any person subject to any privilege which may be claimed by him under any law ;
 - (3) to call any person as a witness or to require him to assist the Inspection Team in the enquiry;
 - (4) to require the discovery or production of any document;
 - (5) to visit any office or other place for the purpose of a local inspection ;
 - (6) to enforce the attendance of any witness by summoning him and in case of failure to attend, by issuing a bailable or non-bailable warrant of arrest;
 - (7) to enter or to direct any Police Officer or other person to enter any place where it has reason to believe that any books of account or other property which may be relevant for the purpose of an enquiry, may be found and to seize the same.
6. The Chairman may exercise all or any of the powers of the Inspection Team, referred to in paragraph 5.
7. The Chairman may, of his own motion or on receipt of any complaint or other information, take steps for the holding of a preliminary enquiry under this Order and may, in case of urgency, proceed for any local inspection without other members of the Inspection Team if the attendance of all or any of the members of the Inspection Team cannot be procured without undue delay.
8.
 - (1) After holding the preliminary enquiry the Chairman shall submit his report direct to the President.
 - (2) The final report shall be signed by all the members of the Inspection Team and if any member desires to record a dissent he may record such note and sign the same.
9. On receipt of a report submitted by the Inspection Team the President may direct that any person to whom this Order applies

be proceeded against departmentally or in a Court of law or he may pass such other orders as may be thought fit.

10. Any person who fails to comply with any order passed by the Chairman in connection with any enquiry under this Order, shall be liable to be prosecuted under the Azad Kashmir Emergency Powers Act, 1958.
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**THE AZAD JAMMU AND KASHMIR PROHIBITION OF
INDIAN FILMS ORDER, 1967**

(No. H&P/SS/2589-2612/67, Dated 27th April, 1967)

WHEREAS it is necessary in the interest of the security and defence of the State to prohibit the exhibition of Indian films in the Azad Jammu and Kashmir Territory;

Now, THEREFORE, in pursuance of the provisions of section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order :-

1. (i) This Order may be called the Azad Jammu and Kashmir Prohibition of Indian Films Order, 1967.

(ii) It extends to the whole of the Azad Jammu and Kashmir Territory;

(iii) It shall come into force at once.
 2. No person shall give an exhibition of any Indian film by means of cinematograph in any place in the Azad Jammu and Kashmir Territory.
 3. Whoever contravenes the provisions of this Order shall be liable to be prosecuted under the provisions of the Azad Jammu and Kashmir Civil Defence Act, 1951.
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**EVACUEE PROPERTY ALLOTTEES (COMPENSATION)
ORDER, 1967**

(No. Admn/7342-7400/SS/67, dated 26th June, 1967).

In pursuance of section 56 of the Administration of Evacuee Property Act, 1957, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order for the purpose of laying down certain terms and conditions of allotment under section 18 of the said Act regarding evacuee immovable property acquired or to be acquired by the Government for the execution of Development Schemes in the Azad Jammu and Kashmir Territory:—

1. (1) This Order may be called the Evacuee Property Allottees (Compensation) Order, 1967.

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

(3) It shall come into force at once.
2. In this Order, unless there is anything repugnant in the subject or context the expression:
 - (1) 'allottee' means an allottee of evacuee immovable property and includes two or more joint allottees and their legal heirs ;
 - (2) 'compensation money' means compensation paid or payable to the Custodian for any evacuee immovable property acquired or to be acquired by the Government for the execution of any Development Scheme out of Development Funds or Rural Works Funds, under the Land Acquisition Act or under any other Law, Rule or order relating to the requisitioning or acquisition of such property by the Government;
 - (3) 'Development Scheme' means a scheme pertaining to the development of the Azad Jammu and Kashmir Territory certified to be as such for the purposes of this Order, by the Development Secretary to the Azad Government of the State of Jammu and Kashmir;
 - (4) 'Government' means the Azad Government of the State of Jammu and Kashmir.

3. Where any evacuee immovable property has been acquired or is acquired, whether before or after the coming into force of this Order, by the Government for the execution of any Development Scheme, the allottee thereof shall be entitled to be paid, out of the compensation money awarded to the Custodian for such evacuee property, an amount equal to two-thirds of the compensation money or twenty-thousand rupees, whichever, is less, which shall be deemed to be his share of the compensation money.
 4. The Custodian shall, on an application made to him in this behalf, after such enquiry as may be thought fit and after satisfying himself that the case is covered by this Order, pay to the allottee his share of the compensation money as laid down in paragraph 3 above.
 5. This Order shall not apply to evacuee immovable property which has been acquired or may be acquired by the Government for and in connection with the construction of Mangla Dam in Mirpur District.
 6. The Government may, on a reference made by the Custodian or otherwise, issue such instructions and directions as may be deemed necessary to give effect to the purposes of this Order.
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**AZAD JAMMU AND KASHMIR ECONOMY OF
FOOD ORDER, 1967**

(No. H&P/SS/2866-97/67, Dated 6th May, 1967).

In exercise of the powers conferred by sub-section (1) of section 3 of the West Pakistan Foodstuffs (Control) Act, 1958 as adapted in Azad Kashmir the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order, namely:-

1. (1) This Order may be called the Azad Jammu and Kashmir Economy of Food Order, 1967.
 - (2) It extends to the whole of the Azad Jammu and Kashmir territory.
 - (3) It shall come into force at once.
2. In this Order, unless there is anything repugnant in the subject or context:
 - (a) "Act" means the West Pakistan Foodstuffs (Control) Act, 1958 (West Pakistan Act XX of 1958), as in force in Azad Kashmir ;
 - (b) "eatable" means any foodstuffs to which the provisions of the Act are applicable ;
 - (c) "host" means any person who entertains another person with eatables and includes a person staying:
 - (i) at the occasion of marriage of a female, at her house;
 - (ii) at the occasion of marriage of a male, at his house ;
 - (d) "Inspector" means a District Magistrate, Revenue Officer not below the rank of a Naib-Tehsildar, Police Officer not below the rank of a Sub-Inspector, within his Jurisdiction, and any other person designated as such by the District Magistrate.
 - (e) "Schedule" means a Schedule to this Order.
3. (1) Except with the previous sanction in writing of the Government no host shall distribute, serve or offer, or cause to

be distributed, served or offered any eatable except as mentioned in Schedule I and Schedule II:

- (a) at or in connection with any private function to more than twenty-five persons excluding the host or the hosts ; or
- (b) in the case of a marriage ceremony to more than two hundred such persons.

(2) The restrictions contained in Paragraph (1) shall not apply to charitable distribution of eatables, including 'Niaz', 'Langer' or 'Tabaruk '.

(3) No host shall distribute serve or offer simultaneously all or any of the items mentioned in Schedule I and all or any of the items mentioned in Schedule II,

- 4. The Government may, subject to such conditions as it may deem fit to impose, exempt any person or class of persons or any area from the operation of all or any of the provisions of this Order.
- 5. For the more effective enforcement of the provisions of clause (3) of this Order, any Inspector may:-
 - (a) enter any premises, vehicle or vessel;
 - (b) ask any person any necessary questions ; and
 - (c) search and, so far as may be necessary for that purpose, detain any person, vehicle, vessel, utensil or animal and may seize any eatables found in such premises or in such person's possession, or in or on such vehicle, vessel, utensil or animal in respect of which he has reason to believe that contravention of the provisions of clause (3) has been, is being or is about to be committed.
- 6. If any person contravenes the provisions of clause (3) of this Order he shall, as provided in section 6 of the Act, be punishable with imprisonment for a term which: may extend to three years or with fine or with both and the Court trying the contravention shall direct that the eatables in respect of which the Court is satisfied that the Order has been contravened, shall be forfeited to the Government unless, for reasons to be recorded in writing it is of the opinion that the direction should not be made in respect of the whole or, as the case may be a part of the eatables.

SCHEDULE I

1. Aerated waters, fruit squashes, milk and other soft drinks.
2. Fresh and dry fruit and nuts.
3. Pans (betel leaves).
4. Ice cream.
5. Potatoes and potato preparations like potato chips, potato kabab and potato chat.
6. Fish.
7. Poultry or poultry preparations.
8. Gajar-ka-Halwa, or Kalakand or Resgullas.
9. Basin-ke-Pakaure.

SCHEDULE II

1. Rice (one course).
 2. Meat curry or chicken curry or fish curry to which vegetables may or may not be added or cooked vegetables without meat or chicken or fish (one course).
 3. Nan or baked bread or Tandoori Roti.
 4. Sweet dish excluding sweet rice (one course).
 5. Aerated water, fruit squashes and other soft drinks.
 6. Curds (Dahi).
 7. Pan (betel leaves).
 8. Fresh and dry fruit and nuts,
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**AZAD JAMMU AND KASHMIR IMPORTED MOTOR
VEHICLES PROHIBITION OF TRANSFER ORDER, 1968**

*(Passed under Government Order No. 3589-3629/SS/68,
Dated 27th July, 1968)*

In pursuance of the provisions of section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order :-

1. (i) This Order may be called the Azad Jammu and Kashmir Imported Motor Vehicles Prohibition of Transfer Order, 1968;
- (ii) It shall extend to the whole of the Azad Jammu and Kashmir Territory and shall come into force at once.
2. No person who is permitted by the Government of Pakistan to import into Pakistan any motor vehicle against foreign exchange earnings on the condition that he shall not sell or otherwise transfer such motor vehicle before a specified period, shall sell or otherwise transfer the same in the Azad Jammu and Kashmir Territory before the said specified period unless permission is granted by a general or special Order of any competent authority of the Government of Pakistan or such sale or transfer in Pakistan.

Explanation:- For the purposes of this paragraph, the expression 'motor vehicle' means motor vehicle as defined in the Motor Vehicles Act, 1939 and includes a chassis to which a body has not been attached and a trailer.

3. Whoever contravenes the provisions of paragraph 2 of this Order shall be liable to be punished under the provisions of the Azad Jammu and Kashmir Civil Defence Act, 1951
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THE PASSPORT (OFFENCES) ORDER, 1968

(No. H&P/SS/10893-901/68, Dated 18th October, 1968).

In pursuance of the provisions of section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Order:-

1. **Short title extent and commencement:-** (1) This Order may be called the Passport (Offences) Order, 1968.
 - (2) It extends to the whole of the Azad Jammu and Kashmir Territory and also applies to all citizens of Azad Jammu and Kashmir wherever they may be.
 - (3) It shall come into force at once.
2. **Definition:-** In this Order the word 'Passport' means and includes any permit, or 'other travel document' issued by or under the authority of the Government of Pakistan authorising the holder thereof to travel from Pakistan to any other country, or from any other country to Pakistan.
3. **Acts prohibited in relation to passports:-** (1) No person shall:
 - (a) make, attest or verify a statement which is found to be untrue in any document used for obtaining a passport; or
 - (b) make use of any statement which is found to be untrue in any document for obtaining a passport; or
 - (c) wilfully conceal any fact which under the circumstances he ought to disclose for the purpose of obtaining a passport for himself or another person; or
 - (d) forge, alter or tamper with any passport or any document which he uses for obtaining a passport; or
 - (e) use a passport or a document for obtaining a passport which has forged, altered, or tampered with; or
 - (f) be in wrongful possession of a passport not lawfully issued to him or allow his passport to be used by another person; or
 - (g) traffic in passports or any documents required for obtaining a

passport; or

(h) wilfully fail or neglect to return a passport issued to him, if he is required to do so or if the passport is cancelled.

4. The burden of proving that a statement has made in any document used for obtaining a passport is true shall lie on the person making, attesting, or verifying such statement.
 5. The offences under this Order will be cognizable.
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**THE AZAD JAMMU AND KASHMIR LOCAL COUNCILS
(CONDUCT OF BUSINESS) RULES, 1963**

(Passed under Government Order No. 98/63, Dated 5th March, 1963).

NOTIFICATION

In exercise of the powers conferred on it by section 86 of the Basic Democracies Act, 1960, read with clauses (2) and (3) of section 35 and clauses (1) and (6) of section 36 thereof, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

1. **Short title and commencement:-** These rules may be called the Azad Jammu and Kashmir Local Councils (Conduct of Business) Rules, 1963.
 - (2) They shall come into force at once.

2. **Delegation of executive powers:-** The executive powers of a local Council, with regard to the following matters, shall vest in and be exercised by the Chairman, that is to say:
 - (a) the execution of resolutions of the local council;
 - (b) the conduct of the day to day administration of the local council;
 - (c) the execution of contracts on behalf of the local council;
 - (d) the execution of works by the local council;
 - (e) the appointment, promotion, leave, transfer, punishment and removal of the staff of the local council whose pay does not exceed such limit as may be specified by the local council with the approval of the Controlling Authority;
 - (f) the supervision and control of the staff of the local council;
 - (g) the grant of licences, permits and sanctions;
 - (h) the operation of the Local Fund;
 - (i) the custody, maintenance, inspection, development and

- improvement of the property vested in the local council;
- (j) the acquisition, sale and disposal of property upto such limit as may be specified by the local council with the approval of the Controlling Authority;
 - (k) assessment, collection and recovery of taxes, rates, fees and other dues ;
 - (l) the receipt of amounts, on behalf of the local council;
 - (m) the incurring of expenditure on any single item, not exceeding such limit as may be specified by the local council with the approval of the controlling Authority;
 - (n) the custody and maintenance of records of the local council;
 - (o) the issuing of notices on behalf of the local council;
 - (p) the institution and defence of suits, complaints and other legal proceedings on behalf of the local council;
 - (q) the compounding of offences under the Basic Democracies Act, 1960 and the rules and by laws made thereunder;
 - (r) the conduct of correspondence on behalf of the local council;
 - (s) the custody of the common-seal of the local council; and
 - (t) the doing of such other acts as are declared by the controlling Authority to be executive acts to be performed by the Chairman.
3. **Disposal of business:-** The business of a local council shall be disposed of:
- (a) in cases covered by rule 2, by the Chairman; and
 - (b) in other cases, by the local council at its meetings or at the meetings of its committees.
4. **Meetings of the local council:-** (1) Ordinarily meetings of a local council shall be held at least:
- (i) in the case of Union Council—once in a month ;

(ii) in the case of Tehsil Council—once in two months; and

(iii) in the case of District Council—once in three months.

(2) The Chairman may, whenever he thinks fit, and shall upon a request in writing of not less than one-fourth of the members of the local council, call an emergent or a special meeting. If the meeting thus requisitioned is not convened, the members concerned may move the Controlling Authority and thereupon the Controlling Authority may convene the meeting at such time and date as it may specify by a notice addressed to all the members of the local council.

(3) Notwithstanding anything contained in these rules or any regulations for the time being in force the Controlling Authority may direct that any matter specified by him be considered by the local council within, a specified period and thereon the local council shall, consider such; matter within such period.

5. **Every order of a local council:-** (a) shall be expressed to be made in the name of the local council concerned ;
- (b) shall be signed by the: Chairman, or the Secretary: or any-other officer authorised by the local council in this behalf;
and
- (c) shall be sealed with the seal of the local council ;
6. A copy of every resolution passed by a local council and a copy of every such order made by the Chairman as may be specified by the Controlling Authority shall be forwarded to the Controlling Authority within three days of the passing of the resolution or the making of the order, as the case may be.
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**THE AZAD JAMMU AND KASHMIR LOCAL COUNCIL
(IMPOSITION OF TAXES) RULES, 1963.**

*(Passed under Government Order No. 478/63,
dated 19th November, 1963)*

NOTIFICATION

In exercise of the powers conferred by the sections 57, 58, 59 and 60 of the Azad Kashmir Basic Democracies Act, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:—

1. **Short title and commencement:-** (1) These rules may be called the Azad Jammu and Kashmir Local Councils (Imposition of Taxes) Rules, 1961.

(2) They shall come into force at once.
2. **Definitions:-** In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-
 - (a) "Inhabitant" means any person ordinarily residing or carrying on business or owning or occupying immovable property in the area under the jurisdiction of a Local Council;
 - (b) "Local Council" means a Union Council, a Town Committee and a District Council;
 - (c) "Taxation proposal" means a proposal framed by a local council for the imposition, abolition or suspension of a tax, or an increase or reduction in the rate of a tax; and
 - (d) "Year" means the year commencing on the 1st Day of July.
3. **Preliminary taxation proposals:-** (1) While framing the annual budget or the revised budget of the Local Council the Chairman of the Local Council shall review the financial position of the local Council, and if in his opinion, the financial position calls for any change in the tax structure, he shall formulate taxation proposals and incorporate them in an Appendix to the budget.

(2) While sanctioning the annual budget or the revised budget, as the case may be, the Local Council shall decide whether any of the taxation proposals formulated under sub-rule (1) shall be dropped or proceeded without modifications or with such modifications as may be approved by the Local Council.

(3) The Controlling Authority, while considering the annual budget or the revised budget, as the case may be, may confirm, modify, or reverse any decision of the Local Council taken under Sub-rule (2).

4. **Publication of Preliminary taxation proposals:-** (1) Immediately after the annual budget or the revised budget, as the case may be, has been sanctioned in accordance with the provisions of the section 49 of the A. K. Basic Democracies Act, the Chairman shall issue a public notice in respect of each taxation proposal to be proceeded with under rule 3. Every such notice shall specify:-

- (a) the main features of the taxation proposal;
- (b) the class of persons or description of property or both, affected thereby;
- (c) the amount of rate of tax to be imposed, increased or reduced;
- (d) the system of assessment to be adopted;
- (e) any exemptions proposed to be made ;
- (f) additional income likely to be raised by the imposition of the tax or the increase in the tax and the purpose on which this additional income is proposed to be spent;
- (g) the loss of income likely to be caused by the abolition or suspension of the tax or reduction in the rate of the tax and the manner in which this short fall in income is proposed to be made up;
- (h) Justification of the taxation proposal; and
- (i) any other particulars considered necessary for the information of the public.

(2) Alongwith the public notice under sub-rule (1), the Chairman of the Local Council shall publish a taxation programme specifying :-

- (a) the date, which shall not be less than thirty days from the publication of the notice, by which objection or suggestions to the preliminary taxation proposal may be made to the Local Council by the inhabitants;
- (b) the date or dates fixed for the hearing of objections or suggestions received under Clause (a);
- (c) the date by which the sub-committee appointed under sub-rule (2) of rule 5 for hearing the objections and suggestions shall submit its report to the Local Council;
- (d) the date of the special meeting of the Local Council at which the report of the sub-committee shall be considered; and
- (e) the date by which the final taxation proposal shall be sent to Government or the Commissioner for sanction, as the case may be.

5. **Hearing of objections and suggestions to the preliminary taxation proposal:-** (1) All objections and suggestions received from the inhabitants shall be entered in a register maintained for the purpose.

(2) The Local Council shall appoint a sub-committee consisting of the Chairman and other members as may be specified to examine the objections and suggestions.

(3) On the date or dates fixed for the hearing of objections and suggestions, the sub-committee shall hear the same in public and shall afford all possible facilities to the persons making them to present their case.

(4) The Sub-Committee shall, on the close of the hearing of objections and suggestions, draw up and send to the Local Council by the date specified for the purpose in the taxation programme, a detailed report showing :

- (a) the salient features of the preliminary taxation proposals ;
- (b) the date of issue of the public notice under sub-rule (1), of

rule 4 ;

- (c) the last date for the receipt of objections and suggestions ;
- (d) the number and nature of objections and suggestions received within the specified period;
- (e) the manner in which the objections and suggestions were heard;
- (f) the findings of the sub-committee in respect of each objection suggestion heard by it;
- (g) the recommendations of the sub-committee with regard to the taxation proposal, and whether such recommendations are in accordance with the model Tax Schedule, if any ; and
- (h) financial implications involved in such recommendations.

6. **Finalization of taxation proposals:-** (1) On the date specified for the purpose in the taxation programme the Chairman shall present the report of the sub-committee constituted under sub-rule (2) of rule 5 to a special meeting of the Local Council for considerations.

(2) The Local Council shall consider the report of the sub-committee and, for reasons to be recorded:

(a) approve it with or without, modifications; or

(b) drop the taxation proposal.

(3) If the Local council decides to drop the taxation proposal, the Chairman shall inform the Controlling Authority about the decision of the Local Council.;

(4) If the local council decides to proceed with the taxation proposal with or without modifications the Chairman shall send the taxation proposal as approved by the Local Council to:-

(a) the Commissioner, endorsing copies to the Collector of the district and Government in case it be a District Council;

(b) the Collector of the district, endorsing copies of the Commissioner in case it be a Union Council or a Town

Committee.

- (5) The Taxation proposal shall be accompanied by the namely:-
- (a) a copy of the report of the sub-committee drawn up, under sub-rule (4) of rule 5;
 - (b) a copy of the resolution passed at the special meeting of the Local Council under sub-rule (2); and
 - (c) the draft notification for notifying the taxation proposal.
- (6) As soon as the taxation proposal has been forwarded to the Commissioner or the Collector under sub-rule (4), the Chairman shall publish a public notice defining the main features of the final proposal and providing that any inhabitant may submit his objections or suggestions in writing to the Commissioner in the case of District Council, and to the Collector of the District in the case of any other local council within fifteen days of the publications of such notices.
- (7) Within thirty days of receipt of the taxation proposal under Clause (b) of sub-rule (4), the Collector shall submit his comment thereon to the Commissioner. If the Collector fails to submit his comments to the Commissioner within the said period of thirty days, it shall be presumed that the Collector has no comments to offer.
- (8) Within thirty days of the receipt of the taxation proposal under Clause (a) of sub-rule (4), the Commissioner shall submit his comments thereon to Government. If the Commissioner fails to submit his comments to Government within the period of thirty days, it shall be presumed that the commissioner has no comments to offer.

7. **Powers of Government and the Commissioner in regard to final taxation proposal:-** (1) Government in the case of a District Council, and the Commissioner in the case of Town Committee or a Union Council, after considering the taxation proposal of the Local Council and the comments, if any, received under sub-rules (7) and (8) of rule 6 may :

- (a) sanction it without modifications or with such modifications as may be specified; or

(b) sanction it subject to the condition that the proceeds from the tax or increase in the tax shall be applied for a purpose to the specified ; or

(c) refuse to sanction the proposal giving reasons thereof.

(2) The taxation proposal sanctioned under sub-rule (1) shall be notified in the official Gazette, and shall come into force on the first day of January or the first day of July next following, as may be specified in the notification.

**THE AZAD JAMMU AND KASHMIR DISTRICT COUNCILS
VICE-CHAIRMAN (ELECTIONS, POWERS AND VOTE OF
NO-CONFIDENCE) RULES, 1965.**

*(Passed under Government Order No. 589-604/BD/65,
Dated 4th March, 1965).*

In exercise of the powers conferred on it by section 86 of the Basic Democracies Act, 1960 read with section 14-A thereof, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely :-

PART I—PRELIMINARY

1. **Short title and commencement:-** (1) These rules may be called the Azad Jammu and Kashmir District Councils Vice-Chairman (Elections, Powers and Vote of No Confidence) Rules, 1965.
 - (2) They shall come into force at once.
2. **Definition:-** In these rules, unless the context otherwise requires, the following words and expressions shall have the meanings hereby respectively assigned to them, that is to say:
 - (a) "Chairman" means the Chairman of a District Council;
 - (b) "Member" means a member of a District Council;
 - (c) "Non-official member" means a member of a District Council, other than an official member ; and
 - (d) "Official member" means a member of a District Council who is an official, but does not include the Vice-Chairman of a Municipal Committee or the Vice-President of a Cantonment Board who may be a member of a District Council by virtue of their office.

PART II—ELECTIONS

3. **Meeting for the election of Vice-Chairman:-** (1) Within one month of the coming into force of these rules and thereafter, whenever the Vice-Chairman, of a District Council is to be elected, the Chairman shall at seven clear days notice convene a meeting for the purpose.

(2) The Chairman shall preside at every meeting convened under Sub-Rule (1).

4. **Candidates:-** (1) Any member present at the meeting may propose the name of any non-official member as the Vice-Chairman and if another member seconds the proposal, the person proposed shall be deemed to be a candidate for the office of Vice-Chairman (hereinafter referred to as the "Candidate").

(2) A Candidate may withdraw his candidature before the Chairman proceeds to declare the result, or to take the poll as the case may be.

(3) If there is only one candidate, such candidate shall be declared by the Chairman to have been duly elected as the Vice-Chairman. If there are more candidates than one, the issue shall be decided by taking a poll.

5. **Poll:-** (1) Votes for the election of the Vice-Chairman shall be given by ballot.

(2) The Chairman shall provide a ballot-box which shall be shown empty to the members, and thereafter nailed or locked and placed in a separate compartment.

(3) The Chairman shall issue to each member present at the meeting a ballot in the form appended to these rules. Each member shall after taking the ballot mark a cross on the ballot paper against the name of a candidate for whom he wishes to vote, and thereafter drop the ballot in the ballot-box. If a member cannot read or write, he may require the Chairman to assist him in the marking of the ballot paper.

6. **Declaration of result:-** (1) When the ballots has been cast, the Chairman shall open the ballot box in the presence of the members and count the votes cast in favour of each candidate. If there is any doubt or dispute about the marking of a ballot paper the Chairman may decide the issue after holding such summary enquiry on the spot as may be necessary.

(2) The candidate obtaining the highest number of votes shall be declared by the Chairman to have been elected as the Vice-Chairman. If there is a tie between two or more candidates who have obtained an equal number of votes, the result shall be

declared by the Chairman by drawing lots.

7. **Adjournment:-** If for any reason, the election of a Vice-Chairman is not held at the meeting convened for the purpose under rule 3, a fresh date shall be fixed by the Chairman for the election, and at the meeting thus hold, the procedure prescribed under the foregoing rules in this part shall be followed.
8. **Election Petitions:-** (1) No election of Vice-Chairman shall be called in question except by a petition presented to the Controlling Authority within thirty days of the declaration of the result.

(2) The Controlling Authority may, after such enquiry as may be necessary uphold the election of the Vice-Chairman, or declare the election as void for any material irregularity, or any sufficient reason to be recorded in writing.
9. **Casual Vacancy:-** If there occurs a casual vacancy in the office of the Vice-Chairman, the election to fill the vacancy shall be held in the manner provided by these rules.

PART III—POWERS

10. **Functions of the Vice-Chairman:-** Subject to the general supervision and control of the Chairman, the Vice-Chairman shall exercise the following executive powers, namely :
 - (a) incurring of expenditure of any one item not exceeding Rs. 100 ;
 - (b) execution of works, the estimated cost whereof does not exceed Rs. 2,500;
 - (c) granting and issuing of licences under bye-laws;
 - (d) compounding of offence under bye-taws ;
 - (e) inspection of any office, department or institution of the District Council;
 - (f) co-ordination of the local councils in the District, and the sub-committees of the District Council;
 - (g) supervision and control of the such departments of the

District Council as may be specified by the Chairman;

- (h) authentication of orders issued under his authority; and
- (i) performance of such other functions as may be entrusted to him by the Chairman.

PART IV—NO-CONFIDENCE

11. **Requisition for convening a meeting for moving vote of no-confidence:-** (1) Not less than one half of the non-official members may by a written notice signed by them call upon the Chairman to convene a special meeting of the District Council to consider a no-confidence motion against the Vice-Chairman and the Chairman, shall within fifteen days of such requisition, convene a special meeting of the District Council for the purpose.
 - (2) Seven clear days' notice shall be given for a meeting convened under the provisions of this rule.
 - (3) The quorum for such a meeting shall be two-thirds of the non-official members of the District Council.
12. **Chairman of the meeting:-** The Chairman shall preside at the meeting convened under rule 11.
13. **Motion for no-confidence:-** (1) At the meeting convened under rule 11, any non-official member who has signed the requisition referred to in the said rule may move a no-confidence motion against the Vice-Chairman.
 - (2) If the motion is seconded by a non-official member it shall be open to consideration by the non-official members, and any such member may speak for or against the motion.
 - (3) No member shall speak on the motion more than once. The Chairman may limit the period for which a member may speak on such a motion.
 - (4) The Vice-Chairman shall have the right to offer personal explanation, if any.
14. **Procedure for voting:-** (1) When in the opinion of the Chairman, the motion of no-confidence has been sufficiently

**THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
(VOTE OF NO-CONFIDENCE AGAINST CHAIRMAN)
RULES, 1965**

*(Passed under Government Order No. 605-611/BD/65,
Dated 4th March, 1965).*

In exercise of the powers conferred by section 86 of Basic Democracies Act, 1960, read with sections 11 and 12 of the said Act, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely :-

1. **Short title and commencement:-** (1) These rules may be called the Azad Jammu and Kashmir Basic Democracies (Vote of No-Confidence against Chairman) Rules, 1965.
 - (2) They shall come into force at once.

2. **Definitions:-** In these rules, unless there is anything repugnant in the subject or context:
 - (a) "Basic Democracy" means a Union Council, Union Committee or a Town Committee constituted under the Basic Democracies Act, 1960;
 - (b) "Chairman" means the Chairman of Union Council, Union Committee or a Town Committee ;
 - (c) "Presiding Authority" means an officer appointed under rule 4.

3. **Requisition for convening a meeting for moving a vote of no-confidence:-** (1) Not less than one half of the elected members of the Basic Democracy may by a written requisition signed by them apply to controlling Authority to convene a special meeting of the Basic Democracy to consider a no-confidence motion against the Chairman and the Controlling Authority shall, within fifteen days of such application convene a special meeting of the Basic Democracy for the purpose.
 - (2) Seven clear days' notice shall be given for a meeting convened under the provisions of this rule.
 - (3) The quorum for such a meeting shall be two-thirds of the

total number of members of the Basic Democracy.

4. **Presiding Authority:-** The Controlling Authority shall appoint an officer to preside at the meeting convened under rule 3.
 5. **Motion of No-Confidence:-** (1) At the meeting convened under rule 3, any member who has signed the requisition referred in the said rule, may move a no-confidence motion against the Chairman.
 - (2) If the motion is seconded, it shall be open to consideration by the Basic Democracy, and any member may speak for or against the motion.
 - (3) No member shall speak on the motion more than once. The Presiding Authority may limit the period for which a member may speak on such a motion.
 - (4) The Chairman shall have the right to offer personal explanation, if any.
 6. **Procedure for voting:-** (1) When in the opinion of the Presiding Authority, the motion of no-confidence has been sufficiently discussed, he shall call upon the members supporting the motion to stand up in their seats. The Presiding Authority shall count the number of such members and record their names, and if such members form a two-third majority of the total number of members of the Basic Democracy as required by section 11 or 12 of the Basic Democracies Act, 1960, as the case may be, the Presiding Authority shall declare that the motion has been passed. If the motion is not supported by the requisite majority it shall be deemed to have been dropped.
 - (2) A declaration made by the Presiding Authority under sub-rule (1) shall be final and shall not be questioned in any proceedings.
 7. **Vacation of Office:-** A Chairman against whom a vote of no-confidence has been passed shall forthwith vacate his office.
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**RULES UNDER THE AZAD JAMMU AND KASHMIR
GOVERNMENT ACT, 1964**

In exercise of the powers conferred by section 15 of the Azad Jammu and Kashmir Government Act, 1964 read with sections 8 and 14 thereof, the Chief Adviser is pleased to make the following rules:-

CHAPTER I

1. **Duration and dissolution of the State Council:-** Every State Council shall continue for a period of five years from the date of its first sitting after its constitution :

Provided that the President may, in consultation with the Chief Adviser:
 - (a) at any time 'dissolve the State Council' before the expiry of its term ; or
 - (b) extend the term of the State Council if in special circumstances he thinks fit.
2. **Legislative power of President:-** If at a time when the State Councils not in session or stands dissolved or in case of an emergency or in cases where the State Council does not have the powers of legislation, the President is satisfied that circumstances exist which render such legislation necessary, he may, with the concurrence of the Chief Adviser, make such Ordinances as the circumstances appear to him to require ; and any Ordinance so made shall be as effective as a law made by the State Council.
3. **Powers of Chief Adviser to give directions for elections:-** The Chief Adviser may, notwithstanding anything herein contained, from time to time, make such orders and give such directions as he may consider necessary with regard to the holding of elections to the State Council, delimitation and number of constituencies, appointment of an Election Commissioner and other officers and servants and with regard to other matters connected with such elections.
4. **Procedure for election of members of State Council:-** The members of the State Council shall be elected in accordance with the provisions of Chapter II of these rules.

5. **Oath of office of Chairman and members:-** Every person nominated, selected or declared as Chairman or as a member of the State Council shall, before entering upon the duties of his office, make and subscribe an oath before such authority as may be specified, in the following form :

“I _____, having been nominated/elected/declared to be the Chairman (member of the Azad Jammu and Kashmir State Council, do hereby solemnly affirm in the name of Allah/God that I shall remain loyal to the country and to the accession of the State of Jammu and Kashmir to Pakistan ;

That I will perform my functions as Chairman member of the State Council honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Chairman member of the State Council and whose disclosure is against the interest of the State;

So help me God.

6. **Bar of Jurisdiction:-** Notwithstanding anything contained to the contrary in the Azad Jammu and Kashmir Basic Democracies Act, 1960, or in the Azad Jammu and Kashmir Basic Democracies Election Rules, 1960, or in any other law or rule for the time being in force, the Validity of the nomination of a Chairman or election of a member of the State Council or any other action taken in pursuance of the provisions of the Azad Jammu and Kashmir Government Act, 1964, or the rules made thereunder, shall not be called in question in any Court or before any Tribunal or other authority by way of a suit or other petition including an election petition.
7. **Persons to cease as members and removal of members of State Council:-** (1) A person shall cease to be member of the State Council before the expiry of his term:
- (a) if he ceases to be a national of the Jammu and Kashmir State;
 - (b) if he is an undischarged insolvent;
 - (c) if he has been ordered to execute a bond under section 110 of the Code of Criminal procedure or has been on conviction

for an offence involving moral turpitude, sentenced to imprisonment;

- (d) if he has joined salaried Government service or service under a public statutory body or under any local authority or local body in Azad Kashmir or in Pakistan or in any other country;
- (e) if he is debarred or disqualified for membership of a basic democracy or any other elective body under any law for the time being in force;
- (f) if he without reasonable excuse absents himself from three consecutive meetings of the State Council and is removed by the Chairman for the same.

(2) If the Chairman is of the opinion that the continuance of a person as a member of the State Council is undesirable or inexpedient on the ground of misconduct or for reasons of State, he may, with the consent of the Chief Adviser, remove such person from the membership of the State Council. The person so removed shall stand disqualified for being a member or a candidate for membership of the State Council or of a basic democracy for a period of six years from the date of such removal.

CHAPTER II

ELECTION OF MEMBERS OF STATE COUNCIL AND OTHER MATTERS CONNECTED THEREWITH

8. **Constituencies:-** The eight members of the State Council to be elected under section 3 of the Azad Jammu and Kashmir Government Act, 1964, shall be elected from amongst the electors of basic democracies by the elected members of the Union Councils, Town Committees and Union Committees constituted under the Azad Jammu and Kashmir Basic Democracies Act, 1960, and there shall be the following constituencies with the number of seats allotted to them:-
 - (i) Muzaffarabad district 2 seats.
 - (ii) Poonch district 3 seats,
 - (iii) Mirpur district 3 seats.

9. **Qualifications and disqualifications of candidates:-** The qualifications of the candidates, and the disqualifications to which the candidates for election to the State Council shall be

subject, shall be the same as those of candidates for membership of basic democracies under the Azad Jammu and Kashmir Basic Democracies Act, 1960, and the rules made thereunder.

10. **Appointment of Returning officers:-** (1) A Returning officers shall be appointed by the Election Commissioner for each Constituency.
- (2) The Election Commissioner shall take all such steps as may be necessary to give effect to the provisions of rule 8 of these rules.
11. **Procedure for election and deposit of Security:-** Subject to these rules, the provisions of the Azad Jammu and Kashmir Basic Democracies Election Rules, 1960, shall, as far as may be and with the necessary modifications, be followed for the conduct of elections of members of the State Council in each constituency as in the case of election of members of a basic democracy in a ward, subject to the following conditions:-
- (a) The list of elected members of basic democracies of each district shall be the electoral roll for the constituency of that district;
- (b) The Presiding officers and other polling Staff required for election shall be appointed by each Returning officer subject to the general control of the Election Commissioner;
- (c) Each Returning officer will issue a general programme for the holding of elections for his constituency specifying dates for different stages of the election on the lines of the Azad Jammu and Kashmir Basic Democracies Election Rules, 1960 ;
- (d) (i) On the day fixed for nomination a sum of two hundred and fifty rupees shall be deposited in cash by or on behalf of each candidate with the Returning officer along with the nomination paper;
- (ii) If the nomination paper is not accompanied, by such deposit, it shall be rejected ;
- (iii) If the candidate fails to obtain ten per cent of the actual number of votes polled, the deposit shall be forfeited;

- (iv) The deposit made under this rule shall be refunded within 30 days of the declaration of final result to the candidate concerned:
- (1) if his nomination paper is rejected; or
 - (2) if he withdraws his candidature ; or
 - (3) if he is elected; or
 - (4) if he is not elected but the votes secured by him are not less than ten per cent of the total votes polled.
- (v) If a candidate before obtaining the refund to which he is entitled under this rule, the deposit shall be refunded to his legal representatives.
12. **By-election:-** The provisions of the Azad Jammu and Kashmir Basic Democracies Election Rules, 1960, relating to by-elections shall also apply to a by-election in case of occurrence of a vacancy in the office of an elected member of the State Council.
13. **Declaration:-** The results of the poll shall be declared in accordance with the provisions of rule 48 of the Azad Jammu and Kashmir Basic Democracies Election Rules, 1960.
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