

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

"Muzaffarabad"
Dated: 13.09.2017

No.LD/Legis-Act/631-44/2017. The following Act of Assembly received the assent of the President on the 8th day of September 2017, is hereby published for general information.

[Act XXXVI of 2017]

An

Act

to amend the Azad Jammu and Kashmir Law Commission Act, 1994

Whereas it is expedient to amend the Azad Jammu and Kashmir Law Commission Act, 1994 (Act XXIII of 1994), in the manner hereinafter appearing.

It is hereby enacted as follows:-

1. **Short title and Commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Law Commission (Amendment) Act, 2017.
(2) It shall come into force at once.
2. **Substitution of Section 3, (Act XXIII of 1994).**- In the Azad Jammu and Kashmir Law Commission Act, 1994 (Act XXIII of 1994), hereinafter referred to as the said Act, Section 3, shall be substituted as under:-
3. Composition of Commission.- (1) There shall be a Law Commission of Azad Jammu and Kashmir, consisting of,-
 - (a) the Chief Justice of Azad Jammu and Kashmir who shall be the Chairman, ex-officio;
 - (b) the Chief Justice of Azad Jammu and Kashmir High Court, Member, ex-officio;
 - (c) the Secretary, Law, Justice, parliamentary Affairs and Human Rights Department, Member, ex-officio;
 - (d) Advocate General of Azad Jammu and Kashmir, Member, ex-officio;

(e) an advocate of High Court or Supreme Court, to be appointed by the Government from amongst eminent lawyers; and

(f) a person having at least five years, preferably ten years experience in Islamic Law, research or instruction, to be appointed by the Government.

(2) In addition to the members referred to in sub-section (1), the Chairman may, in his discretion, appoint a suitable person or persons as Member for a specific period to perform specified functions.

(3) The Members of the Commission shall be appointed from amongst persons who are or have held a judicial or administrative office, eminent lawyers or jurists, members of the Council of Islamic Ideology or teachers of law in a university or college.

(4) A Member, other than an ex-officio Member, shall hold office for a term of three years but shall be eligible for re-appointment for another term.

(5) A member, other than an ex-officio Member, may resign from his office by writing under his hand addressed to the President.”

3. **Amendment of Section 6, (Act XXIII of 1994).**- In the said Act, in Section 6, after sub-section (3) new sub-sections (4) and (5) shall be added as under:-

“(4) The Commission shall take appropriate measures for,-

(a) developing and augmenting human resources for efficient court administration and case management.

(b) co-ordination of judiciary and executive; and

(c) preparing schemes for access to justice, legal aid and protection of human rights.

5. The Commission shall administer and manage the Access to Justice Development Fund.”

4. **Addition of new Sections 6-A, 6-B, 6-C and 6-D, (Act XXIII of 1994).** In the said Act, after Section 6, amended as above, new Sections 6-A, 6-B, 6-C and 6-D, shall be added as under:-

“**6-A. Constitution of Committees.**- The Commission may constitute committees consisting of one or more of its Members, as it thinks fit, and may refer to them any matter relevant to the functions of the Commission for consideration and report.

- 6-B. Fund.** (1) There shall be established for the purposes of this Act, fund to be called the Access to justice Development Fund.
- (2) The fund shall consist of,-
- (a) donations and contributions made by the individuals or institutions, and
 - (b) sums raised by the commission.
- 6-C. Expenditure to be charged on the Fund**- The funds shall be utilized by the Commission for discharging its functions and duties under this Act.
- 6-D. Reports**.- The Commission shall publish an annual report of its activities and such other periodic or special reports requiring legislative or implementation effect as it may consider necessary. The Commission shall submit the reports to the President of Azad Jammu and Kashmir.”
- 5. Repeal**. The Azad Jammu and Kashmir Law Commission (Amendment) Ordinance, 2017 (Ordinance VI of 2017) is hereby repealed.

(Mehr-un-Nisa Qadri)
Section Officer (Legislation)