(ORDINANCE I OF 1980)

AN

ORDINANCE

to amend the Azad Kashmir Courts and Laws Code, 1949

WHEREAS it is expedient to amend the Azad Kashmir Courts and Law Code, 1949, for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Courts and Laws Code (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 5, Azad Kashmir Courts and Laws Code, 1949.**— In the Azad Kashmir Courts and Laws Code, 1949 in Section 5, in sub-section (1),

   (a) for the words, ‘two or three other’ the words, ‘three or more’ shall be substituted; and

   (b) after sub-section (1) the following new sub-section (1-A) shall be inserted and shall be deemed always to have been so inserted, namely:-

   “(1-A) At any time when-

   (a) the office of the Chief Justice of the High Court is vacant; or
(b) the Chief Justice of the High Court is absent or is unable to perform the functions of his office due to any other cause;

the President shall appoint the most senior of the other Judges of the High Court to act as Chief Justice.”

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir

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Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
No. 70/SL/80. The following Ordinance made by the President on the
3rd day of January, 1980, is hereby published for general information:--

(ORDINANCE II OF 1980)

AN
ORDINANCE

to provide for law relating to the Acquisition of Land for Housing and Development Schemes in Azad Jammu and Kashmir and for matters ancillary thereto

WHEREAS it is expedient to provide for law relating to Acquisition of Land for Housing and Development Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Acquisition of Land (Housing and Development Schemes) Ordinance, 1980.

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

(3) It shall come into force at once.

2. Definitions.- (1) In this Ordinance unless there is any thing repugnant in the subject or context,-

(a) 'Collector' means the Collector of a District and includes any Officer specially empowered by the Government to perform the functions of a Collector under this Ordinance;

(b) 'Commissioner' means the Chief Officer Incharge of Revenue and General Administration of Azad Jammu and Kashmir;

(c) 'Deputy Commissioner' means the Chief Officer Incharge of the General Administration of a District;
(d) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(e) 'Official Development Agency' means any nation building Department and includes
(i) Autonomous and Semi-autonomous bodies established as such under any law for the time being in force;
(ii) any Organization or Organizations that the Government may declare to be official Development Agency;

(f) 'Housing Scheme' means a scheme which provides for residential sites, houses or apartments including ancillary land uses such as-
(i) building and other facilities for health, education, culture, transportation, communication and shopping;
(ii) environmental improvements; and
(iii) utility services, that is to say water supply, drainage, sewerage, sanitation, electricity and fuel.

(g) 'Prescribed' means prescribed by the rules.

(2) Save as otherwise provided in this Ordinance or where context otherwise requires all terms and expressions used but not defined in this Ordinance shall bear the same meanings as they bear in Land Acquisitions Act, 1894 (Act I of 1894).

3. **Liability to Acquisition.** Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or any other Law for the time being in force, all land within Azad Jammu and Kashmir shall be liable to acquisition at any time under this Ordinance for Development and Housing Schemes approved and notified by Government or Official Development Agency so empowered by the Government by notification in the Official Gazette.

4. **Publication of Notification and Land to be Marked out and Measured.** When any land is proposed to be acquired under this Ordinance, the Collector shall cause a notice to be published in the official Gazette with details of the property and thereafter shall cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof a plan shall be made of the same.
5. **Notice to Persons Interested.** (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be acquired stating that the Government intends to acquire and take possession of the land, and that claims to compensation for all interests in such land may be made to him. He shall also inform all the owners and the claimants of interests in such land by giving them a special notice of 19 days in accordance with rules.

(2) Such notice shall state the particulars of land so needed and shall require all person interested in the land to appear personally or by agent before the Collector at a date, time and place therein mentioned (such period not being earlier then 10 days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 5 and the Collector may require any such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested.

6. **Inquiry and Award by Collector.** On the day so fixed, or any other subsequent days to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections, if any, whether interested persons or claimants are present or not after service of the notice and shall determine:

(i) the correct area of the land;

(ii) compensation which in his opinion, having regard to the provisions of this Ordinance, is reasonable; and

(iii) apportionment of such compensation among all the claimants or persons known or believed to be interested in the land whether or not they have appeared before him.

7. **Matters to be Considered in Determining Compensations.**

(1) In determining the amount of compensation to be awarded for land acquired under this Ordinance the Collector shall take into consideration:

(i) market value of the land to be determined on the basis of two years average sale price of land similarly situated and put to similar use proceeding the date of notification under Section 4;
(ii) the damage if any, sustained by the person interested at the time of taking possession of the land by reason of severing such land from the other land;

(iii) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings;

(iv) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

(v) the damage sustained by the person interested by the reason of dispossession of any standing crops or trees or building or other structure or installations which may be existing on the land.

(2) in addition to the market value of the land as above provided, the Collector shall in every case award a sum of fifteen per centum on such market value, in consideration of compulsory nature of acquisition.

8. **Payment of Compensation.** The payment of compensation shall be in cash or by cheque, and shall be made in the prescribed manner.

9. **Power to take Possession.** When the Collector has made an award and objections and claims to compensation have been decided, the Government or the Official Development Agency shall take possession of the land, which land thereupon shall vest absolutely in Government or, as the case may be, in the Official Development Agency:

Provided that possession shall not be taken of any land under this Section without giving to the occupier thereof at least 24 hours notice, or such longer notice as may be reasonable and sufficient to enable such occupier to remove his movable property without unnecessary inconvenience.

10. **Acquisition in Case of Urgency.** In case of urgency the Deputy Commissioner, may, immediately after the publication of notice published under Section 5(1) authorised the Collector through a notification published in the Official Gazette to enter upon and take possession of land which shall thereupon vest absolutely in Government or the Official Development Agency, as the case may be, free from all encumbrances:
Provided that the Collector shall not take possession under this Section without giving to the occupier thereof at least 24 hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building or land without unnecessary inconvenience.

11. **Appeal and Review.** (1) The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be, may accept the award and intimate their acceptance in writing to the Collector within fifteen days of making the award.

(2) The Government, or the Official Development Agency, or any person aggrieved by an award of the Collector may, within one month of such an award, file an appeal to the Commissioner. Where the affected party had no intimation of the award, the appeal may be filed within six weeks of the award. The Commissioner may, after giving, the Government or, as the case may be the Official Development Agency and the person effected by award or their agents, an opportunity of being heard, make such order as he may deem fit.

(3) The order of the Commissioner made on appeal shall be final and shall not be called into question in any Court.

(4) The Collector or the Commissioner either of his own motion or on an application made in this behalf by the Government, or as the case may be, Official Development Agency or any affected person may, at any time review an order made by himself or his predecessor, in so far as it corrects an Arithmetical, clerical or patent error or mistake only.

(5) Any amount paid to any person which is found for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award, shall be recoverable as arrear of land Revenue and the Collector shall call upon such person to refund it.

12. **Powers of the Collector.**- When the acquiring any land or determining compensation therefore or carrying out any other purpose of this Ordinance, the Collector may:

(a) require any person by order in writing to furnish such information in his possession pertaining to any land as may be specified in the order; and

(b) enter or authorise any person to enter upon land and take such action as may be necessary.
13. **Collector and Commissioner to have Powers of Civil Courts etc.-** The Collector making an enquiry or conducting any proceedings under this Ordinance or the Commissioner exercising the powers of appeal or deciding a Review petition under this Ordinance shall have the same powers in respect of the following matters as are vested in a Civil Court, when trying a suit, under the Code of Civil procedure, 1908 (Act V of 1908) namely:-

(a) summoning and enforcing attendance of any person, examining him on oath or affirmation;
(b) requiring the discovery and production of any document;
(c) requisitioning any record from any Court or Office;
(d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;
(e) appointing guardians ad litem or next friends;
(f) adding or substituting representatives of deceased parties to proceedings;
(g) adding or dropping parties from pending proceedings; and
(h) any other matter connected with the holding of an enquiry or hearing of an appeal.

14. **Powers of Government to give Directions to the Deputy Commissioner.-** The Government may give directions to the Deputy Commissioner with respect to the exercise of his powers and the discharge of functions under this Ordinance and the Deputy Commissioner shall be guided, by, and act in accordance with such directions.

15. **Powers to Withdraw from Acquisition Proceedings.-** The Deputy Commissioner with the approval of the Government can leave out from acquisition proceedings any land, notified under this Ordinance, of which possession has not been taken.

16. **Bar of Jurisdiction.-** Any notification issued, directions given and decision made or orders passed by the Government or by any competent authority under this Ordinance shall not be questionable in any Court of Law.

17. **Powers to make Rules.-** The Government may make rules to give effect to the provisions of this Ordinance.

18. **Savings.-** Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings
initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1979 (Ordinance CXIII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

to adapt and enforce the Drugs Act, 1976, of Pakistan in Azad Jammu and Kashmir

WHEREAS it is expedient to adapt and enforce the Drugs Act, 1976 (Act XXXI of 1976) of Pakistan in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by it under sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, Extent and Commencement.**—(1) This Ordinance may be called the Drugs Act (Adaptation) Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Adaptation of the Act.**—(1) The Drugs Act, 1976 (Act XXXI of 1976) of Pakistan, hereinafter referred to as the said Act is hereby adapted in Azad Jammu and Kashmir and shall, as far as practicable, be in force in Azad Jammu and Kashmir alongwith all amendments made in the said Act and all rules notification and orders made thereunder in Pakistan subject to the modifications that the expressions Government, Federal Government, Provincial Government or any other expression, however, worded referring to any executive Government, shall as far as practicable, be construed to refer to the Azad Government of the State of Jammu and Kashmir and reference to Pakistan or any part of Pakistan, shall be construed to refer to the Azad Jammu and Kashmir.

3. **Licences, etc., Issued in Pakistan.**—(1) The Drugs manufacturing licences issued and the registration of drugs made by
the Government of Pakistan under the Drugs Act, 1976 (XXXI of 1976), of Pakistan shall be deemed to have been issued and made by the Government of Azad Jammu and Kashmir for the territory of Azad Jammu and Kashmir subject to the same conditions, including prices, as are prescribed by the Central Licensing Board, the Registration Board and the Appellate Board under the said Act.

(2) The Central Licensing Board, the Registration Board and the Appellate Board constituted by the Government of Pakistan under the said Act, shall, in respect of issue of licences and registration of drugs, have and exercise in the territory of Azad Jammu and Kashmir the same jurisdiction and powers as they do in Pakistan.

4. **Removal of Difficulties.** If any difficulty or question arises in giving effect to the provisions of the said Act or this Ordinance the Government may, from time to time, give such directions as appear to it to be necessary for the purpose of removal of such difficulty.

5. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Drugs Act (Adaptation) Ordinance, 1979 (Ordinance 1 of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law
Dated the 9th January, 1980.

No. 251/SL/80. The following Ordinance made by the President on the 7th day of January, 1980, is hereby published for general information:

(ORDINANCE IV OF 1980)

AN ORDINANCE to provide for adaptation and enforcement of the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976.

WHEREAS it is necessary and expedient to adapt and to enforce the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance 1976, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.**— (1) This Ordinance may be called the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

(3) It shall come into force at once.

2. **The Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976, to apply to Azad Jammu and Kashmir.**— (1) The Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976, of Pakistan, hereinafter referred to as the said Ordinance, and all rules, notifications and orders made hereunder and in force immediately before the commencement of this Ordinance shall, as far as practicable and with the necessary modifications, be in force in Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.
(2) Any Court Tribunal or authority required or empowered to enforce the said Ordinance or memorandum or articles of association of a bank registered or deemed to have been registered thereunder, or any other law for the time being in force, shall construe the said Ordinance, memorandum or articles of association or such other law with such adaptations as are necessary to bring the same into accord with the provisions of the said Ordinance.

3. **Pending Cases.** All cases pending in Courts on the coming into force of this Ordinance, shall be tried and decided according to the provisions of the law on the subject in force in Azad Jammu and Kashmir immediately before the coming into force of this Ordinance.

4. **Removal of Difficulties.** If any difficulty or question arises in giving effect to the provisions of the said Ordinance or in regard to the constructions to be placed on any provision thereof, the Azad Government of the State of Jammu and Kashmir may, from time to time, make such provisions as appear to it to be necessary for the purpose of removal of such difficulty.

5. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of Establishment of Federal Bank for Cooperatives and Regulation of Co-operative Banking (Adaptation) Ordinance, 1977 (Ordinance 1 of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.
Sd - (Syed Mohammad Akram Shah)
Deputy Secretary.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 9th January, 1980.

No. 252/SL/ 80. The following Ordinance made by the President on the 9th day of January, 1980, is hereby published for general information:-

(ORDINANCE V OF 1980)

AN
ORDINANCE

to provide for the formation and regulation of political parties

WHEREAS it is expedient to provide for the formation and regulation of political parties, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Political Parties Ordinance, 1980.  
   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.  
   (3) It shall come into force at once.

2. **Definitions**:- In this Ordinance, unless there is anything repugnant in the subject of contest,-
   (a) ‘Constitution’ means the Azad Jammu and Kashmir Interim Constitution Act, 1974;  
   (b) 'Government' means the Azad Government of the State of Jammu and Kashmir; and  
   (c) 'Political party' includes a group or combination of persons which are operating for the purpose of propagating any political opinion or indulging in any other political activity.

3. **Formation of Certain Political Party Prohibition.**— (1) No political party shall be formed with the object of propagating any opinion or acting in any manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security
of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.

(2) No person shall form, organise, set up or convene a foreign aided party or in any way be associated with any such party.

**Explanation.** In sub-section (2) 'Foreign aided party’ means a political party which -

(a) has been formed or organized at the instance of any Government or political party of a foreign country; or

(b) is affiliated to or associated with any Government or political party of a foreign country; or

(c) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or any portion of it’s founds from foreign nationals.

4. **Political Parties to Submit Accounts, etc.** Every Political party shall in such manner and form and at such time as may provided by rules made by the Government, account to the source of its funds and submit its finances and accounts to audit by, an officer or authority authorised by the Chief Election Commissioner in this behalf:

Provided that every political party in existence at the time of commencement of this Ordinance, shall account for the source of its funds, and submit its finances and accounts to audit, within fifteen days of the publications of the rules made under this Ordinance.

**Explanation.** In this section and in section 5 'Chief Election Commissioner' means the Chief Election Commissioner appointed under Section 50 of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

5. **Registration of Political Parties.** (1) Every, political party in existence at the commencement of this Ordinance shall, within one month of such commencement and every political party formed after such commencement shall, within one month of its being formed, apply to the Chief Election Commissioner for registration.

(2) An application under sub-section (1) shall be made on behalf of a political party by such person and in such form, and shall be accompanied by such documents besides a copy of its constitution, a list of the names of all its office-bearers at the national level and a statement of its total membership in each district, as district as the Chief Election Commissioner may by notification in the official Gazette specify.
The Chief Election Commissioner shall register a political party applying for registration in accordance with subsection (2) if he is satisfied that the political party -

(a) has published a formal manifesto, that is to say, the party's foundation document or constitution giving its aims and objects and provided therein for elections of its office-bearers being held periodically; or

(b) has undertaken to publish any amendment to any document referred to in clause (a) as and when such amendment is made; and

(c) has belief in the Ideology of Pakistan or the Ideology of the State's accession to Pakistan and the integrity and sovereignty of Pakistan; and

(d) has submitted its accounts as required by Section 4.

If a political party which has been registered under subsection (3)-

(a) fails or has failed to submit its accounts within the period specified in section 4 or the rules made thereunder;

(b) fails to hold election of any office-bearer within the time allowed by, and in accordance with, its constitution and rules;

(c) propagates any opinion, or acts in any manner prejudicial to the Ideology of Pakistan or the Ideology of the State's accession to Pakistan, or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality or the maintenance of public order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or defame or brings its to ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;

(d) receives any aid Financial or otherwise, from the Government or any political party of a foreign country, or any portion of its funds from foreign nationals; or

(e) does or omits to do any such act or things as would have resulted in registration being refused to it in the first instance, than, without prejudice to any action that may be taken in respect of the political party under Section 8 the Chief Election Commissioner may, after giving the
political party an opportunity of showing cause against
the action proposed to be taken, cancel its registration.

(5) The cancellation of the registration of a political party
under sub-section (4) shall be notified by the Chief Election
Commissioner in the official Gazette.

(6) political party which has not been registered ruder sub-
section (3) or the registration of which has been cancelled under
sub-section (4), shall not be eligible to participate in an election
to a scat in the Legislative Assembly of Azad Jammu and
Kashmir or the Azad Jammu and Kashmir Council or to
nominate or put up a candidate at any such election.

6. Certain Political Parties to be Eligible to Participate in forth
coming Elections.

(1) The provisions of this section shall have
effect notwithstanding anything contained in Section 5.

(2) The Election Commissioner hereinafter referred as
Commissioner shall, by notification in the Official Gazette call
upon the political parties which had complied with the
provisions of Section 4 but had not applied for registration under
Section 5 to furnish to the commissioner within such times as
may be specified in the notification answers to a questionnaire
published therewith.

(3) Answers to a questionnaire referred to in sub-section (2)
shall be furnished on behalf of a political party by such person,
and shall be companied by such documents besides a copy of its
constitution and manifesto a list of the names of its office bearers
at the national level and a statement of its total membership in
each District as may be specified in the notification published
under the said sub-section.

(4) If after giving a political party which has furnished
answers to the questionnaire as required by sub-section (2) an
opportunity of being heard the Commissioner is satisfied that the
party has fulfilled the requirements of sub-section (3) of Section
5, the Commissioner shall declare the political party by
notification in the Official Gazette to be eligible to participate in
an election to a seat in a Legislative Assembly and to nominate
or put up a candidate at any such election.

7. Lawful Political Activates.

Subject to the provisions of Section
3 it shall be lawful-

(1) for any body of individuals or an association of persons
to form, organize or set up a political party; or

(2) for any person, not being in the service of Azad Jammu
and Kashmir or Pakistan,-
(a) to be a member or office bearer of or be otherwise associated with, a political party; or
(b) for the purposes of an election to be held under the constitution, to hold himself out or any other person, not being a person in the service of Azad Jammu and Kashmir or Pakistan, as a member or to have the support of a political party, the formation, organization or setting up of which is not prohibited by this Ordinance.

8. **Dissolution of Political Parties Prohibited.**— (1) Where the Government is satisfied that a political party is a foreign aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality, or maintenance of public order or has contravened the provisions of section 1, it shall make such a declaration and publish the same in the official Gazette, and upon such publication, the political party concerned shall, subject to the provisions of sub-section (2) stand dissolved, and its all properties and funds shall be forfeited to the Government.

(2) Within fifteen days of the making of a declaration under sub-section (1) the Government shall refer the matter to the Supreme Court whose decision on such reference shall be final.

9. **Penalty.**— (1) Any person who, after the dissolution of a political party under Section 8, holds himself out as a member or office-bearer of that party, or acts for or otherwise associates himself with, that party, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) If any person who was an office-bearer of a political party at the time of its dissolution under sub-section (2) of Section 8 indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

10. **Certain Disqualifications for being a Member of Assembly or of the Council:**— (1) A person who has—

(a) at any time on or after the 16th day of April, 1975 been an office-bearer of a political party dissolved under sub-section (2) of Section 8 and has not before a declaration in respect of such party is made under sub-section (1) of that section, resigned from or publicly announced his dis-association with such party; or

(b) been convicted under section 9, shall be disqualified from being a member of Assembly or the Council or a
local body and from being elected or chosen as such a member for a period of five years from the date of such dissolution or conviction, as the case may be.

**Explanation.** In this section ‘office-bearer of a political party’ means an office bearer at the national or district set up of that party otherwise than as a mere member of the working central, district or other committee of the party.

(2) A person who has at any time on or after the 11th day of August, 1977 been a member of a political party dissolved under sub-section (2) of Section 8 and convicted for an office committed before such dissolution and punishable with imprisonment for a term which is not less then two years shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of seven years from the date of such dissolution.

11. **Sanction for Prosecution.** No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.


13. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Political Parties Ordinance, 1979 (Ordinance CXX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

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Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 9th January, 1980.

No. 246/SL/80. The following Ordinance made by the 
President on the 9th day of January, 1980, is hereby published for 
general information:-

(ORDINANCE VI OF 1980)

AN
ORDINANCE

further to amend the Azad Jammu and Kashmir Local Government 
Ordinance, 1979

WHEREAS it is expedient to amend the Azad Jammu and 
Kashmir Local Government Ordinance, 1979 in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir 
Interim Constitution Act, 1974, the President is pleased to make and 
pronogate the following Ordinance :-

1. **Short title and Commencement.** - (1) This Ordinance may 
be called the Azad Jammu and Kashmir Local Government 
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 25, Ordinance CLVI of 1979.** - In 
the Azad Jammu and Kashmir Local Government Ordinance, 
1979 (Ordinance CLVI of 1979), hereinafter referred to as the 
said Ordinance, in Section 25, for sub-section (1) the 
following shall be substituted, namely:-

"(1) A Vice-Chairman or member of a local council may 
resign his Office by tendering resignation in writing to 
the Chairman of the local council of which he is the 
Vice-Chairman or member and if he is the Chairman 
of the local council to the Government and the seat of 
the member or the office of the Chairman or Vice-
Chairman, as the case may be, shall become vacant 
when the resignation is received by the competent 
authority."
3. **Substitution of Section 26, Ordinance CLVI of 1979.** - In the said Ordinance for Section 26, the following shall be substituted, namely:

"26. **Notification of Election, Resignation and Removal of Chairman, Vice-Chairman and Members.** - The election, resignation or removal of a Chairman, a Vice-chairman or a member or vacation of office by a Chairman, Vice-Chairman or a member of a local council shall be notified."

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Syed Mohammad Akram Shah)
Deputy Secretary.
(ORDINANCE VII OF 1980)


WHEREAS it is expedient to amend the Azad Jammu and Kashmir Waqf Properties Act, 1960 (Act IX of 1960) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Waqf Properties (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.


3. **Substitution of Section 6 of Act IX of 1960.** - In the said Act, for Section 6, the following shall be substituted.

   "6. **Chief Administrator may take over Waqf Property by Notification.**" (1) Notwithstanding anything to the contrary contained in Section 22 of the Religious Endowments Act, 1863, or any other law for the time being in force, or in any custom or usage, or in any decree judgment or order of any court or other authority in any proceeding pending before any court or other authority, the Chief Administrator may, by notification
take over and assume the administration, control, management and maintenance of a Waqf Property:

Provided that during the life-time of a person dedicating a waqf Property, the Chief Administrator shall not take over and assume the administration, control, management and maintenance of such Waqf Property, except with the consent of such person and on such terms and conditions as may be agreed to between such person and the Chief Administrator.

**Explanation.** - For the purpose of this section, "Control" and ‘management’ shall include control over the performance and management of religious, spiritual, cultural and other services and ceremonies (Rasoomat) at or in a Waqf Property.

(2) No person shall perform services or ceremonies (Rasoomat) referred to in sub-section (1) except with the prior permission of the Chief Administrator and in accordance with such directions as may be given by him.

6-A. **Eviction of Persons Wrongfully in Possession of Waqf Properties.** - Any person unauthorisedly entering upon occupation of any immovable Waqf Property of using such property to the use of occupation whereof, by reason of any provisions of this Act or any rule made thereunder, he is not entitled or has ceased to be entitled may, after being given a reasonable opportunity of showing cause against such action be summarily evicted by the Deputy Administrator, with the use of such force as may be necessary and any crop raised in such property shall be liable to forfeiture and any building or other construction erected thereon shall also, if not removed by such person after service on him of a notice by the Deputy Administrator requiring him to remove such building or construction within a period of not less than thirty days of the service on him of such notice, be liable to summary removal after the expiry of the period specified in the notice.

6-B. **Power to Terminate a Lease or Resume a Tenancy for Breach of Conditions.** - (1) If the Deputy Administrator is satisfied that a lessee or tenant of any immovable Waqf Property has committed a breach of the conditions of the lease or tenancy the Deputy Administrator, may after giving such lessee or tenant an opportunity to appear and state his objections, order the termination of lease or resumption of tenancy:
Provided that if the breach is capable of rectification the Deputy Administrator shall not order the termination of lease or resumption of the tenancy unless he has issued a written notice requiring the lessee or tenant to rectify the breach within a reasonable time, not being less than thirty days, to be stated in the notice, and the lessee or tenant has failed to comply with such notice.

(2) Where an order terminating the lease or resuming the tenancy has been passed under the provisions of sub-section (1) the Deputy Administrator may forthwith re-enter upon the waqf property and resume possession of it, subject to the payment of compensation to be fixed by the Deputy Administrator for un-cut and ungathered crops or for the improvements, if any, that may have been made by the lessee or tenant under the terms of the lease or tenancy or with the permission of the Chief Administrator:

Provided that if the lease or tenancy be allotted to any, other person, the amount of the compensation, if any paid to the outgoing lessee or tenant may be recovered from the new lessee or tenant.

6-C. **Appeal and Finality**

(1) Any person evicted under the provisions of section 6-A, or aggrieved by an order or termination of lease or resumption of tenancy made under section 6-B may within sixty days of such eviction or within thirty days of the order of termination of the lease or resumption of tenancy, prefer an appeal to the Chief Administrator, and the Chief Administrator, after, giving such person an opportunity of being heard, confirm, modify or vacate the order made by the Deputy Administrator under section 6-A or 6-B.

(2) If there is no appeal against an eviction under section 6-A, or an order of termination of lease or resumption of tenancy made by the Deputy Administrator under section 6-B, the eviction, termination of lease or resumption of tenancy, as the case may be, shall be final and when there is an appeal, the decision of the Chief Administrator in appeal shall be final.

**Explanation.** For the purposes of this section ‘control’ and ‘management’ include control over the performance
and management of religious, spiritual, cultural and other services and ceremonies at or in a waqf property.”

4. **Amendment of Section 7, Act IX of 1960.**- In the said Act in section 7, in subsection (1) the full stop occurring at the end shall be substituted by a colon, and thereafter the following proviso shall be added, namely:-

"Provided that notwithstanding anything contained in any law for the time being in force, or in any custom or usage or in any decree, judgment or order of any court or other authority, or in any proceeding pending before any court or other authority, no such petition shall lie in respect of any interest in the income, offerings, sub-scriptions or articles referred to in Explanation 4 to clause (d) of section 2, or the services or ceremonies (Rasoomat) mentioned in section 6."

5. **Insertion of New Section 13-A, Act IX of 1960.** In the Azad Jammu and Kashmir Waqf Properties Act, 1960 (Act IX of 1960), after Section 13, the following new Section shall be inserted, namely:-

"13-A. (1) If on the scrutiny of record and after such inquiry as it may consider necessary, the Government is satisfied that any payment made to any person out of the Auqaf Fund during the period from 1st January, 1970 to 11th August, 1977, was made for any purpose not connected with the objects of the Waqf Properties Act, 1960 or because of the political affiliation of such person, the Government or an officer authorised by it in this behalf, by notice in writing, require such person to refund the amount of such payment to the Government within such time as may be specified in the notice.

(2) Any amount not paid within the period specified in the notice issued under sub-section (1) shall, without prejudice to any other mode of recovery under any law, be recoverable as an arrear of land revenue.

6. **Amendment of Section 19, Act IX of 1960.**- In the said Act in section 19, in section (2) after clause (b), the following clause (bb) shall be inserted, namely :-

"(bb) Prescribed the terms and conditions or which waqf property may be leased or let out“.

7. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Waqf Properties (Amendment) Ordinance, 1978 (Ordinance
XXXII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President  

sd/- (Syed Mohammad Akram Shah)  
Deputy Secretary Law.
(ORDINANCE VIII OF 1980)


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 President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Electoral Rolls (Amendment) Ordinance, 1980.

   (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, in sub-section (3) for the words 'West Pakistan' the word 'Pakistan' shall be substituted.

3. **Amendment of Section 3, Ordinance I of 1970.**— In the said Ordinance, in Section 3, for clause (e), the following shall be substituted, namely:-

   "(e) 'Qualifying date' means the first day of January, 1980".

4. **Amendment of Section 12, Ordinance I of 1970.**— In the said Ordinance, in Section 12, for sub-section (1), the following shall be substituted and shall be deemed to have been so substituted from the first day of January, 1978:-

   "(1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area if he-
(a) ordinarily resides in that area; or
(b) owns or is in possession of dwelling house or other immovable property in an electoral area in the territories administered by the Government;

Provided that where any such person owns or possesses more than one dwelling house or other immovable property in more than one electoral area in such territories, he, his wife and children ordinarily resident with him, if otherwise eligible for enrolment, may at his option, be enrolled in any one of such areas."

5. **Savings**.- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Electoral Rolls (Amendment) Ordinance, 1978 (Ordinance XXI of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

________________________
Sd/-

(Syed Mohammad Akram Shah)
Deputy Secretary.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the January 16, 1980.

No. 403/SL/80. The following Ordinance made by the President on the 15th day of January, 1980, is hereby published for general information:-

(ORDINANCE IX OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, in the manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Motor Vehicles (Amendment) Ordinance, 1980.
   
   (2) It shall come into force at once.

2. **Amendment of Section 67, Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971.** - In the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, hereinafter referred to as the said Ordinance, in Section 67, in sub-section (1), in clause (a) for the words ‘Rupees eight thousand’ the words ‘Rupees sixteen thousand’ shall be substituted.

3. **Amendment of Sixth Schedule to Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971.** - In the said Ordinance, in the sixth Schedule, after the full-stop at the end the following shall be added, namely:-

   “The numbers for the purposes of the registration mark shall be assigned in series which shall be from figure 1 to the figure 9999. When this series is exhausted, the next series shall be from 1 to 9999 preceded by the letter ‘A’, when the second series is also exhausted, the next series shall be from 1 to 9999 preceded
by letter 'B' and so on. The registration mark shall be shown in
the following manner:

(a) In the case of Transport Vehicles .......... In black on white ground.
(b) In the case of temporary Registration........ In red on yellow ground.
(c) In the case of registration marks allotted to
dealers..... In white on red ground.
(d) In other cases ........ In white on black ground.

4. **Substitution of the Eleventh Schedule to Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971:** In the said Ordinance, for the eleventh Schedule, the following shall be substituted, namely:

```
“THE ELEVENTH SCHEDULE
(See Section 67)
Scale of compensation payable on injury to a passenger in a
stage carriage or contract carriage:—

<table>
<thead>
<tr>
<th>No.</th>
<th>Injury Description</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Death</td>
<td>Rs 16,000</td>
</tr>
<tr>
<td>2.</td>
<td>Loss of right arm above or at the elbow.</td>
<td>Rs 5,000</td>
</tr>
<tr>
<td>3.</td>
<td>Loss of left arm above or at the elbow.</td>
<td>Rs 4,000</td>
</tr>
<tr>
<td>4.</td>
<td>Loss of right arm below the elbow.</td>
<td>Rs 4,000</td>
</tr>
<tr>
<td>5.</td>
<td>Loss of leg at or above the knee.</td>
<td>Rs 5,000</td>
</tr>
<tr>
<td>6.</td>
<td>Loss of left arm below the elbow.</td>
<td>Rs 3,000</td>
</tr>
<tr>
<td>7.</td>
<td>Loss of leg below the knee.</td>
<td>Rs 5,000</td>
</tr>
<tr>
<td>8.</td>
<td>Loss of both legs.</td>
<td>Rs 10,000</td>
</tr>
<tr>
<td>9.</td>
<td>Permanent loss of hearing.</td>
<td>Rs 5,000</td>
</tr>
<tr>
<td>10.</td>
<td>Loss of one eye.</td>
<td>Rs 6,000</td>
</tr>
<tr>
<td>11.</td>
<td>Loss of both eyes.</td>
<td>Rs 10,000</td>
</tr>
<tr>
<td>12.</td>
<td>Loss of thumb.</td>
<td>Rs 3,200</td>
</tr>
<tr>
<td>13.</td>
<td>Loss of all toes of one foot.</td>
<td>Rs 4,000</td>
</tr>
<tr>
<td>14.</td>
<td>Loss of index finger</td>
<td>Rs 3,200</td>
</tr>
<tr>
<td>15.</td>
<td>Loss of great toes.</td>
<td>Rs 3,000</td>
</tr>
</tbody>
</table>
```
<table>
<thead>
<tr>
<th></th>
<th>Injury Description</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>Loss of any finger other than index finger</td>
<td>3,000</td>
</tr>
<tr>
<td>17.</td>
<td>Permanent disfiguration of the face or head</td>
<td>4,000</td>
</tr>
<tr>
<td>18.</td>
<td>Fracture or dislocation of a bone.</td>
<td>3,000</td>
</tr>
<tr>
<td>19.</td>
<td>Emasculation.</td>
<td>4,000</td>
</tr>
<tr>
<td>20.</td>
<td>Loss of one or more teeth</td>
<td>1,000</td>
</tr>
<tr>
<td>21.</td>
<td>Any injury which endangers life or which causes the sufferer to be during the space of twenty days, sever bodily pain, or renders him unable to follow his ordinary pursuit</td>
<td>2,000</td>
</tr>
<tr>
<td>22.</td>
<td>Medical expenses for an injury not specified in this Schedule</td>
<td>Actual expenses certified by the Medical Officer.</td>
</tr>
</tbody>
</table>

**N.B.** Maximum compensation payable for more than one injury shall be limited to Rs. 10,000

5. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercise under the provisions of the Azad Jammu and Kashmir Motor Vehicles (Amendment) Ordinance, 1978 (Ordinance XXXI of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.
Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.


No. 461/SL/80. The following Ordinance made by the  
President on the 20th day of January, 1980 is hereby published for  
general information :-

(ORDINANCE X OF 1980)

AN  
ORDINANCE

further to amend the Cooperative Banks (Repayment and Recovery of  

WHEREAS it is expedient to amend the Cooperative Banks  
(Repayment and Recovery of Loans) Ordinance, 1979 (Ordinance  
CLXXVI of 1979) in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances  
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by  
sub-section (1) of Section 41 of the Azad Jammu and Kashmir  
Interim Constitution Act, 1974, the President is pleased to make and  
pronounce the following Ordinance :-

1. **Short title and Commencement.**- (1) This Ordinance may be  
called the Cooperative Banks (Repayment and Recovery of  
Loans) (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 10, Ordinance CLXXVI of 1979.**-  
In the cooperative Banks (Repayment and Recovery of Loans)  
Ordinance, 1979 (Ordinance CLXXVI of 1979), in Section  
10, for sub-section (1) the following shall be substituted:-

"(1) Whoever contravenes any of the provisions of this  
Ordinance or the rules made thereunder shall be punishable  
with imprisonment for a term which may extend to seven  
years, or with fine, or with both:

Provided that the proceedings under this sub-section  
or any result thereof shall not save a borrower from any other  
means of recovery or punishment provided in this Ordinance
or rules made thereunder or under any other law for the time being in force."

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd/-
(Syed Mohammad Akram Shah)
Deputy Secretary Law.
VOLUME VI (1980)
VOLUME VI (1980)
AN ORDINANCE to amend the National Registration Act, 1975

WHEREAS it is expedient to amend the National Registration Act, 1975 (VI of 1975) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.** (1) This Ordinance may be called the National Registration Act (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 2, Act VI of 1975.** In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act, in section 2, in clause (d), for the words “Deputy Registrar-General or a District Registrar or Registrar” the word ‘Joint Registrar-General or Deputy Registrar-General or Assistant Registrar-General or District Registrar or Registrar or Inspector” shall be substituted.

3. **Amendment of Section 3, Act VI of 1975.** In the said Act, in section 3,-

   (a) in sub-section (1), for clauses (b), and (c) the following shall be substituted, namely:-

   “(b) a Joint Registrar General and as many Deputy Registrars General, Assistant Registrars General, District Registrars, Registrars and Inspectors as it may consider necessary”; and
(b) for sub-section (2), the following shall be substituted, namely:-

"(2) The joint Registrar-General and every Deputy Registrar-General, Assistant Registrar-General, District Registrar, Registrar and Inspector shall exercise his powers and perform his functions under this Act and Rules :-

(a) within such area as the Registrar-General, subject to the general supervision and control of the Government, may direct ; and

(b) under the general supervision and control of, and in accordance with such instructions as may be given in this behalf by, the Registrar- General."

4. **Amendment of Section 4, Act VI of 1975.** - In the said Act, in Section 4 :-

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

"(2) Application for registration shall be made in such form and to such authority as may be prescribed;" and

(b) after sub-section (2) substitute as aforesaid, the following new sub-section shall be added, namely:-

“(3) An application for registration in respect of newly born citizen shall be made within sixty days of such birth.”

5. **Amendment of Section, 5, Act VI of 1975.** - In the said Act, in section 5, in sub-section (1), for the words and figure “Containing the particulars set out in Schedule II to this Act, the words, "In the prescribed form" shall be substituted.

6. **Amendment of Section 7, Act VI of 1975.** - In the said act, in section 7, after sub-section (1), for the following new sub-section shall be inserted, namely:-

“(1-A) when a citizen who has not attained the age of eighteen years dies, a parent or the guardian of such citizen shall report the death to the District Registrar within sixty days of such death.”

7. **Amendment of Section, 11 Act VI of 1975.** - (1) In the said Act:-

(a) in section 11, the existing provisions shall be renumbered as sub-section (1) of the said Section and in clause (K), for the words and commas,“ with fine not
exceeding fifty Rupees, or in default of payment a fine, with simple imprisonment for a period not exceeding fifteen days,” the words and commas, “with rigorous imprisonment for a period not exceeding three months, or with fine not exceeding 1000 rupees, or with both,” shall be substituted.

(b) in Section 11, as amended aforesaid, the following new sub-section shall be added, namely:

“(2) any person who attests or verifies any statement or information made or furnished for the purpose of this Act which he knows or has reason to believe to be false in any material particular or which he does not believe to be true shall be punishable with fine not exceeding one thousand rupees, or with simple imprisonment for a period not exceeding three months, or with both.”

8. **Insertion of New Section 17-A, Act VI of 1975:-** In the said Act, after Section 17, the following new Section shall be inserted namely:

“17-A:- Power to Exempt:- The Registrar General or an officer authorised by him in this behalf may, by order, in special circumstances to be recorded in writing, exempt any person or class of person from the requirement of possessing or producing an identity card for any purpose for which it is required by or under this Act to be possessed or produced.”

9. **Omission of Schedules- I and II, Act VI of 1975.-** In the said Act, Schedule I and Schedule II shall be omitted.

10. **Insertion of New Section 18-A, Act VI of 1975.-** In the said Act after section 18, the following new Section shall be inserted and shall be deemed always to have been so inserted, namely:

“18-A the Directorate General of Registration, Government of Pakistan under the said Act shall, in respect of issue of Identity Cards and registration of persons, have and exercise in the territory of Azad Jammu and Kashmir the same jurisdiction and powers as they do in Pakistan.”

11. **General Amendment Act VI of 1975.-** In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act for the expression 'Registrar-General' 'Joint Registrar-General', 'Deputy Registrar-General' and 'Assistant Registrar General,' wherever occurring, the expressions, 'Director General, 'Director', 'Deputy Director' and 'Assistant Director,' shall respectively, be substituted.
12. **Repeal.** - The National Registration (Amendment) Ordinance, 1979 (Ordinance CXLIV of 1979) is hereby repealed.

13. **Savings.** - Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the National Registration Act (Amendment) Ordinance, 1979 (Ordinance CXXVII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd –

(Khalil Ahmed Qureshi)
Secretary Law.
VOLUME VI (1980)
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 28th January, 1980.

No. 631/SL/80. The following Ordinance made by the President on the 27th day of January, 1980, is hereby published for general information:

(ORDINANCE XIII OF 1980)

AN ORDINANCE to extend the scope and functions of the Fauji Foundation of Pakistan to the territory of Azad Jammu and Kashmir

WHEREAS it is expedient to extend the scope and functions of Fauji Foundation of Pakistan to Azad Jammu and Kashmir for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that Circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad-Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**—(1) This Ordinance may be called the Fauji Foundation of Pakistan (Extension of Scope and Functions to Azad Jammu and Kashmir) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Extension of Scope and Functions of Fauji Foundation.**—(1) The scope and functions of the Fauji Foundation of Pakistan hereinafter referred to as the said Foundation, a trust created under the Charitable Endowments Act, 1890 for the benefit of Ex-servicemen and their families, shall extend mutatis mutandis to the Azad Jammu and Kashmir Territory and the said Foundation shall function in the said Territory as it functions in Pakistan.

   (2) The scheme of Administration for the said foundation settled or substituted by the Government of Pakistan under the Charitable Endowments Act, 1890 and rules and regulations made thereunder and the administrative orders issued under either of them shall extend and apply to the Azad Jammu and Kashmir Territory as they apply to Pakistan.
3. **Vesting of Assets of Azad Kashmir Fauji Foundation to the Fauji Foundation of Pakistan.** All assets and liabilities of Azad Kashmir Fauji Foundation subsisted immediately before the commencement of this Ordinance shall vest in the Fauji Foundation of Pakistan forthwith.

4. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Fauji Foundation of Pakistan (Extension of Scope and Functions to Azad Jammu and Kashmir) Ordinance, 1979 (Ordinance CXXIX of 1979) or its succeeding Ordinances issued form time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 2nd February, 1980.

No. 714/SL/80. The following Ordinance made by the president on the 1st day of February, 1980, is hereby published for general information:-

(ORDINANCE XIV OF 1980)

AN
ORDINANCE
to amend the Mirpur Development Authority Ordinance, 1974.

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement**: (1) this Ordinance may be called the Mirpur Development Authority (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 6, Ordinance IV of 1974**: In the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974) hereinafter referred to as the said Ordinance, in section 6, in sub-section (1), for the words, 'three' the word 'five' shall be substituted.

3. **Amendment of Section 8, Ordinance IV of 1974**: In the said ordinance in section 8, between the words, 'person' and 'shall' the words and comma 'other than a Government servant', shall be inserted.

4. **Amendment of Section 15, Ordinance IV of 1974**: In the said Ordinance, in Section 15, in sub-section (2) after clause (xi), the following shall be added:-
“(xii) Recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order”.

5. **Addition of Section 31-A, Ordinance IV of 1974:** In the said Ordinance, after section 31, the following new section 31-A shall be inserted, namely:

“31-A Notwithstanding anything contained in any other law for the time being in-force, all property of the following nature situated within the 'Specified Areas', shall vest in and be under the control of the authority and shall be held and applied by it for the purposes of this Ordinance;

(i) All lands or other property already acquired for the construction of new Mirpur Town and Hamlets and other townships on the periphery of the Mangla Reservoir;

(ii) All lands or other property which may be acquired by purchase, lease, exchange or compulsory acquisition under the Land Acquisition Act, 1894, by the Authority;

(iii) All lands or other property which may be transferred to the Authority by the Government or any other Agency for purposes of control and management or for any other purposes under this Ordinance.”

6. **Substitution of Section 39, Ordinance IV of 1974:** In the said Ordinance, for Section 39, the following shall be substituted:

“39. (i) The Authority may retain, or may lease, sell, exchange, rent or otherwise transfer any land vested in it, subject to such terms and conditions as it may impose in this behalf;

(ii) Notwithstanding anything contained in any other law for the time being in-force a certificate of title issued by the Authority in respect of any lease, sale, exchange or transfer of any piece of land within specified areas shall be sufficient proof of the said title and shall be admissible in evidence of that title in any Court Proceeding;
(iii) The Authority may charge such fees for the issue of certificate of title under sub-section (2) above as it may fix from time to time with previous sanction of the Government”.

7. **Addition of a New Section 42-A:**- In the said Ordinance after section 42 a new section 42-A, shall be inserted, namely :-

“42-A. **Removal of Encroachments etc:**- (1) The Deputy Commissioner or any other person authorised by the Authority in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority on any land or property vesting in the Authority.

(2) If any direction under sub-section (1) is not complied with within such time as may be specified therein, the Deputy Commissioner or any person empowered in this behalf by the Authority, may get the encroachment removed and in so doing may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment:

Provided that the Authority may instead of requiring the removal of encroachment accept by way of compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or a special order:

Provided further that the Authority may require an encroachment to be altered partially so far as is necessary to avoid contravention of a Scheme approved by it.”

8. **Substitution of Section 48, Ordinance IV of 1974:**- In the said Ordinance, for Section 48, the following shall be substituted, namely:-

“48. **Repeal and Consequential Provisions:** -(1) The New Mirpur Town (Allotment of Land) Act, 1964, hereinafter referred to as the said Act, and rules and orders made thereunder by the Government, are hereby repealed. All assets, rights and all property, movable and immovable and all interests therein and all debts, liabilities and obligations of the Allotment Committee constituted under the said Act shall stand
transferred to and be deemed to be assets, rights, property and interests of the Authority established under the Ordinance.

(2) Without prejudice to the general provision under sub-section (1) above, the Authority shall exercise all the powers of Allotment Committee constituted under the said Act, in respect of the plots / property allotted/disposed of to different persons by the said Allotment Committee, including the powers of cancellation in cases of infringement of any condition of allotment;

(3) The Allotment Committee established, altered or substituted by the Government from time to time under the Mirpur Development Authority Ordinance, 1974 shall stand dissolved, and all its powers of allotment and cancellation of allotment shall be exercisable by the Authority. In future the Authority shall prescribe the procedure and make necessary arrangements for the disposal of Estates developed by it, subject to such regulations if any made in this behalf;

(4) (i) Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any previous Allotment Committee or by the Authority, in an illegal or improper manner, or to underserving persons or any other irregularity or impropriety has been committed in respect of any matter relating to the allotment or disposal of property etc., then it may appoint a revising authority for scrutiny and suitable orders in respect of such cases;

(ii) All appeals and other proceedings pending with the Appellate Authority created under the said Act, or any other Authorities, in respect of any orders of Allotment, shall be forwarded by the Authority/Authorities with whom such appeals or proceedings are pending to the Revising Authority constituted under clause (i) above, and the Revising Authority shall make suitable orders in all cases.”

9. **Savings.**- Not withstanding any judgment, decree or Order of any court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under
the provisions of the Mirpur Development Authority (Amendment) Ordinance, 1977 (Ordinance XVIII of 1977) or its succeeding Ordinance issued from time to time shall be deemed to have been done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council

WHEREAS it is expedient to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement:** (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once and shall be deemed to have taken effect from 21st day of September, 1977.

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

(a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

(b) 'Chief Executive' means the Chief Executive of the Azad Jammu and Kashmir;

(c) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974;

3. (1) Any person who has, at any time, been a President, Speaker, Minister, Presidential Assistant or member of the Assembly during the period December, 1970 and May, 1975, or who has, at any time, been a President, Prime Minister, Speaker, Minister, Advisor to the President, Advisor or Special Assistant to the prime Minister of Member of the Legislative Assembly, or of the Council during the period June, 1975, and August, 1977, shall submit to the Chief Executive within such period as may be notified by the Chief Executive in this behalf, a statement of properties and assets, both moveable and immovable whether within inside or outside the Azad Jammu & Kashmir, which he owns, or has in possession or under his control, directly or indirectly, either in his name or in name of any other person and shall also furnish such other information relating to such properties and assets as the Chief Executive may require:

EXPLANATION. - 'Property' shall include,-

1 (a) Lands rural or urban, all types of buildings and structure whether completed or under construction, compounds and enclosures of any type, factories and firms registered or otherwise;

(b) All types of machines whether fixed or removable including mechanical transport, tractors and similar machines, but excluding machines used for house-hold purposes;

(c) Jewellery, precious stones all types in any form, pearls, gold, silver and other precious metals in any form;

(d) Contracts, depots, import and export licences, rout permits, agencies granted to or obtained by a person in his own name or in the name of any other person from the Government or any corporation or institution including autonomous and semi-autonomous body or association, controlled by the Government or in which the Government has any interest;

(e) Certificates, insurance policies, securities, bonds, bank balances, whether within or outside Azad Jammu and Kashmir, cash in any type of currency, shares, stocks, debentures or any other instrument carrying pecuniary benefits or advantages to a person;

(f) Any other movable or immovable property, not being a property used for house-hold purposes.

(2) In his statement of properties and assets the person concerned shall specify the properties and the assets held by him at the time when he was appointed/elected as a President, Prime
Minister, Speaker, Minister, Presidential Assistant, Adviser to the President, Special Assistant, or Advisor to the Prime Minister or elected as a Member of the Assembly or of the Council and the properties and assets held by him when he ceased to be a Minister or Member of the Assembly or of the Council.

(3) Upon receiving a statement under sub-section (2), the Chief Executive after making such inquiries through a commission of Inquiry to be appointed by him and in such other manner as he may think fit, determine the correctness or otherwise of the statement and also the legality or propriety of acquisition of such properties and assets by the person concerned.

4. If the Chief Executive is of the opinion that any person mentioned in Section 3 has acquired any property or assets by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful mal-administration, application or diversion of public money or by abuse of whatever kind of official power or position, the Chief Executive may direct such action to be taken against such person, as the Chief Executive may deem fit.

5. A person who, being required to submit to the Chief Executive a statement of his properties and assets fails to submit statement or knowingly submit a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.

6. (1) Save as otherwise provided in Section 7, 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/or fine and/or forfeiture 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 bonafide requirements or the sale, transfer, disposal of his property which he is required to do under any law or to meet any lawful obligation or in pursuance of any direction or order of a Court or other lawful authority.

7. (1) A person who owns, or has in possession or under his control directly or indirectly, either in his own name or in the name of any other person, any property or assets which he has reason to believe have been acquired by unlawful or improper
means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful mal-administration, wilful mis-application or diversion of public money or by abuse of whatever kind of official power or position shall surrender such properties and assets in favour of the Government, in such manner, to such person and within such time as the Chief Executive or a person authorized by him in this behalf may by order, specify.

(2) Subject to the provision of Section 11, no action of any kind shall be taken against a person who surrenders the properties and assets he is required to surrender under subsection (1), except the forfeiture of such properties and assets.

8. 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 7 but fails to so surrender shall be punishable with rigorous imprisonment for a term which may extend to fourteen years and/or fine and/or forfeiture of the whole or part of his properties and assets.

9. No Court or Tribunal shall take cognizance of an offence under Section 5, 6 and 7 of this Ordinance unless the Chief Executive has recommended punitive action against the accused.

10. (1) All Departments of the Government and of corporations or institutions including autonomous or semi-autonomous bodies or associations controlled by the Government or in which the Government has any interest, which are concerned with the allotment of rural or urban land, the issuance of contracts, import, export licences, route permits or allotment of depots or agencies and selling or purchase of shares and stock, shall within such period as may be specified by the of fifteen days from the commencement of Ordinance No. XXIX of 1977 or within such period as may be specified by the Chief Executive from time to time submit to the Chief Executive, full particulars of the properties mentioned in this Section which have been issued, allotted, granted, purchased or sold to persons, mentioned in subsection (1) of Section 3 between December, 1970 and August, 1977.

(2) The Department concerned may obtain the list of the persons mentioned in subsection (1) of section 3 from the Secretary Services and General Administration Department or Secretary Legislative Assembly or Secretary Council, as the case may be.

11. Notwithstanding anything contained in any law for the time being in force, a person who is required to submit a statement of properties and asset under this Ordinance, shall be disqualified
from being elected or chosen as, and from being a member of Assembly or of the Council, if the properties and assets acquired by him during the period he remained as a President, Prime Minister, Speaker, Minister, Presidential Assistant, Adviser to the Prime Minister, or Special Assistant or Advisor to the Prime Minister or Member of Assembly or of the Council, are found by the Chief Executive to be dis-proportionate to his known sources of income, and the Chief Election Commissioner of Azad Jammu and Kashmir shall be informed accordingly:

Provided if, before the elections are held, a candidate of a political party from any constituency is dis-qualified under the provision of this section, all parties shall be entitled to nominate fresh candidates for that constituency and election in that constituency be held on such later date as the Chief Election Commissioner may notify in this behalf:

Provided further that, if the person disqualified as aforesaid in an independent candidate, election in the constituency concerned shall not be postponed unless there is no other contesting candidate in that constituency.

12. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1978 (Ordinance XV of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir  

Sd/-  

(Khalil Ahmed Qureshi)  
Secretary Law
VOLUME VI (1980)

THE SCHEDULE
(See Section 3)
DECLARATION OF ASSETS

I, -------------- son of -------------- resident of -------------- Legislative Ex-Minister/Presidential Assistant/Special Assistant or Adviser to the Prime Minister/Member of the Assembly/Member of the Council, from constituency No.---- hereby declare that no immovable or movable property, mentioned in section 3 of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1977, is held by me or any dependents, except as stated below:

PART 1
Properties and assets held at the time of becoming a President, Prime Minister, Minister, Presidential Assistant, Special Assistant or Adviser to the Prime Minister, member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated.</th>
<th>Particulars of movable property.</th>
<th>Particulars of pearls, precious stones, jewellary etc.</th>
<th>Extent of interest in property.</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance.</th>
<th>REMARKS</th>
</tr>
</thead>
</table>

PART II
Properties and assets held at the time ceasing to President, Prime Minister, Minister, Speaker, Presidential Assistant, Special Assistant or Adviser to the Prime member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated.</th>
<th>Particulars of movable property.</th>
<th>Particulars of pearls, precious stones, jewellary etc.</th>
<th>Extent of interest in property.</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance.</th>
<th>REMARKS</th>
</tr>
</thead>
</table>

Signature…………………………………………
Address………………………………………………
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the 2nd February, 1980.

No. 717/SL/80. The following Ordinance made by the President on the 1st day of February, 1980, is hereby published for general information:-

(ORDINANCE XVII OF 1980)

AN 
ORDINANCE 
to provide for law relating to the appointment of Commission of Inquiry 

WHEREAS it is expedient to provide for law relating to the appointment of Commission of Inquiry for the purpose of making inquiry into any matter of public importance, in the manner hereinafter appearing; 

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action; 

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement.** (1) This Ordinance may be called the Commissions of Inquiry Ordinance, 1980. 

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects, wherever they may be. 

   (3) It shall come into force at once. 

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

   (1) 'Chief Executive' means the Chief Executive of Azad Jammu and Kashmir; and 


3. (1) The Chief Executive may, if is of opinion that it is necessary so to do by order in writing appoint a Commission of Inquiry hereinafter referred to as Commission for the purpose of making an inquiry into any matter of public importance and performing such functions and within such time as he may specify and the Commission so appointed shall make the inquiry and perform the functions accordingly.

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The Commission may consist of two or more members from the following:

(i) a person who is a Judge of the Supreme Court or High Court of Azad Jammu and Kashmir;

(ii) a person who is or has been a Session Judge; or

(iii) a Magistrate with power under Section 30 of the Code of Criminal Procedure, 1898;

(iv) an officer nominated by the Chief Executive.

The Chief Executive may appoint a President from amongst the members.

4. The Commission shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters:

(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; and

(e) requisitioning any public record or copy thereof from any court or office.

5. Where the Chief Executive is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of subsection (2) to (5) should be made applicable to a Commission, the Chief Executive may direct, by order in writing, that all or such of the said provisions as may be specified in the order shall apply to that Commission and on the making of such an order the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry.

(3) The President of the Commission or any officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the President of the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the
subject matter of the inquiry may be found and may seize any such books of account or documents or take extracts or copies there from, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898, in so far as they may be applicable.

(4) The Commission shall be deemed to be a civil Court and when any offence as is described in Section 175, Section 178, Section 179, section 180 or Section 228 of the Azad Kashmir Penal Code, is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward the case to a Criminal Court having jurisdiction to try the same and the Court to whom any such case is forwarded shall proceed to try accused.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Azad Kashmir Penal Code.

6. If the President or any member of the Commission through death, illness or any other reason is unable to perform his functions, the Chief Executive may, by order in Writing, declare the office of the President or such member to be vacant and appoint thereto another person qualified to hold the office.

7. If, in the course of an inquiry, the President or any member of the Commission is, for any reason, unable to attend any sitting thereof, the proceedings of the Commission may continue before the remaining person(s) comprising the Commission.

8. The Commission shall not merely by reason of any change of the President or in its membership or the absence of its President or any of its members from any sitting, be bound to recall and rehear any witness who has already given any evidence and may act on the evidence already given or produced before it.

9. In the event of any difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the recommendation of the Commission shall be expressed in term of the views of the majority, but in case the Commission consists of only a President and a member, the opinion of the President shall prevail.

10. The Chief Executive may, if is of opinion that the continued existence of a Commission is un-necessary, by order in writing, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such order, and thereupon, the Commission shall cease to exist.
11. The Commission shall subject to any rules that may be made in this behalf, have power to 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. In case the Commission has been appointed to enquire into allegations against a particular person, such person shall be present during the examination of witnesses appearing before the Commission against such person and shall have the right to cross-examine such witnesses if he so chooses and if he fails to appear before the Commission on a date fixed for hearing, the Commission may proceed ex-parte and presume that he has nothing to say in answer to the allegations.

13. Before commencement of the proceedings, the President of the Commission may, with the permission of the Chief Executive release a concise statement of the case to the press to enable members of the public who may have some knowledge of the case to appear before the Commission and make a statement in respect thereof:

Provided that such a person shall be liable to be cross-examined by any person who may have some interest in the subject matter of the inquiry.

14. No suit or other legal proceedings shall lie against the Chief Executive, the Commission or any member thereof, or any person acting under the direction either of the Chief Executive or of the Commission in respect of any thing which is in good faith done or intended to be done in pursuance of this Ordinance or in respect of the publication, by or under the authority of the Chief Executive or the Commission, of any report, paper or proceedings.

15. (1) The Chief Executive may by order in writing and subject to such conditions or restrictions, if any, as may be mentioned in the order, confer upon the Commission power to order a Police investigation into any matter coming before it.

(2) In conducting an investigation ordered under sub-section (1) the Police shall exercise the powers conferred on the Police in respect of a cognizable case by Chapter XIV of the Code of Criminal Procedure, 1898.

16. The Chief Executive, may by order in writing, make rules for carrying out the purposes of this Ordinance.

17. The Commission shall have the same power as the High Court has to punish any person for contempt of Court and the
Contempt of Court Act, 1926 (XII of 1926), as enforce in Azad Jammu and Kashmir, shall have effect accordingly as if reference therein to a 'Court' and to a 'Judge' where a reference, respectively, to the 'Commission' and a member of a Commission.

18. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Commission of Inquiry Ordinance, 1977 (Ordinance XVII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd /-

(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 2nd February, 1980.

No. 718/SL/80. The following Ordinance made by the President on the 1st day of February, 1980, is hereby published for general information:

(ORDINANCE XVIII OF 1980)

AN
ORDINANCE
further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Civil Servants (Amendment) Ordinance, 1980.
   (2) It shall come into force at once.

2. **Amendment of Section 7, Act VI of 1976.** In the Azad Jammu and Kashmir Civil Servants Act, 1976 (VI of 1976), in Section 7, after sub-section (4), the following new sub-section (5) shall be inserted,
   
   "(5) Notwithstanding anything contained in this Act or in any other law for the time being in force, a medical practitioner who, following his release from Service with the Armed Forces after having rendered satisfactory service under the compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971) of Pakistan for a period of not less than two years, enters employment of the Government shall be entitled to count towards his seniority in such employment the period of service rendered by him under the aforesaid Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered."

VOLUME VI (1980)
3. **Amendment of Section 12, Act VI of 1976.-** In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), hereinafter referred to as the said Act, in Section 12, in clause (iv) for the words ‘fifty-fifth year’ the words ‘sixtieth year’ shall be substituted.

4. **Insertion of New Section 12-A, Act VI of 1976.-** In the said Act, after Section 12, the following new Section 12-A, shall be inserted namely:

"12-A. Certain Persons to be LIABLE to Removal or Reversion.- Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the sixteenth day of April, 1975 to the eleventh day of August, 1977, may be removed from service or reverted to his lower post or grade, as the case may be, with out notice, by the President or a person authorised by him in this behalf, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct.”

5. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1977 (Ordinance XII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the 4th February, 1980.

No. 762/SL/80. The following Ordinance made by the  
President on the 2nd day of February, 1980, is hereby published for  
general information:-

(ORDINANCE XIX OF 1980)

AN  
ORDINANCE  
to amend the Holders of Representative Offices (Trial of Offences)  
Ordinance, 1979

WHEREAS it is expedient to amend the Holders of  
Representative offices (Trial of Offences) Ordinance, 1979  
(Ordinance CLVII of 1979), for the purposes hereinafter appearing;  
AND WHEREAS the President is satisfied that  
circumstances exist which render it necessary to take immediate  
action;

NOW, THEREFORE, in exercise of the powers conferred  
by sub-section (1) of Section 41 of the Azad Jammu and Kashmir  
Interim Constitution Act, 1974, the president is pleased to make  
and promulgate the following Ordinance:-

1. **Short title and Commencement.** - (1) This Ordinance may  
be called the Holders of Representative Offices (Trial of  
Offences) (Amendment) Ordinance, 1980.
   
   (2) It shall come into force at once.

2. **Amendment of Section 6, Ordinance, CLVII of 1979.** - In  
the Holders of Representative Office (Trial of Offences  
1979) Ordinance, 1979 (Ordinance CLVII of 1979), in  
Section 6, after sub-section (2), the following proviso shall be  
added,-

"Provided that any sanction accorded under the  
provisions of the Holders of Representative Offices (Trial of  
Offences) Ordinance 1978 (Ordinance VIII of 1978) or its  
succeeding Ordinances issued from time to time for the  
prosecution of a holder of representative office in one  
capacity shall be deemed to include all offices held by him
for which he has been or may be prosecuted under the provision of this Ordinance).

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir
Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 4th February, 1980.

No. 763/SL/80. The following Ordinance made by the President on the 3rd day of February, 1980, is hereby published for general information:-

(ORDINANCE XX OF 1980)

AN ORDINANCE

to restrict the increase of rent of certain premises within the limits of urban areas and the eviction of tenants therefrom in Azad Jammu and Kashmir

WHEREAS it is expedient in the public interest to restrict the increase of rent of certain premises within the limits of Urban Areas and the eviction of tenants there from in Azad Jammu and Kashmir in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which under it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Rent Restriction Ordinance, 1980.

   (2) It extends to all the urban areas in Azad Jammu and Kashmir.

   (3) Nothing contained in this Ordinance shall be deemed to affect any evacuee Property as defined in the Pakistan (Administration of Evacuee Property) Act, 1957 as adapted in Azad Jammu and Kashmir.

2. **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) "Building" means any building or part of a building let for any purpose, whether being actually used for that purpose or not, including any land, godowns, out-houses, together with furniture let therewith but does not
include a room in a "sarai", hotel, hostel or boarding house;

(c) "Controller" means a judicial officer who is appointed by the Government to perform the functions of a Controller under this Ordinance;

(d) "Landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf or for the benefit of any other person or as a trustee, guardian, receiver executor or administrator for any other person, and includes a tenant who sub-lets any building or rented land in the manner hereinafter authorised and every person from time to time deriving title under a landlord;

(e) "non-residential building" means a building being used solely for the purpose of business or trade;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "rented land" means any land let separately for the purpose of being used principally for business or trade;

(h) "residential building" means any building which is not a non-residential building;

(i) "Scheduled building" means a residential building which is being used by a person engaged in one of the professions specified in the Schedule to this Ordinance, partly for his business and partly for his residence;

(j) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes (i) a tenant continuing in possession after the termination of the tenancy in his favour, and (ii) the wife and children of a deceased tenant, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or person to whom the collection of rent or fees in a public market, cart-stand, or slaughter-house or of rents for shops has been framed out or leased by a municipal, town or notified area committee or by a Development authority; and

(k) "Urban area" means any area administered by a Municipality, a municipal committee, a town committee or a notified areas committee as defined above.

3. Government or any officer authorised by it in this behalf may direct by notification published in the official Gazette that all or
any of the provisions of this Ordinance shall not apply to any particular building or rented land or any class of buildings or rented lands.

4. (1) Controller shall, on an application by the tenant or landlord of a building or rented land, fix fair rent for such building or rented land after holding such enquiry as the Controller thinks fit.

(2) The fair rent shall be fixed after taking into consideration the following factors:-

(a) The rent of the same building or similar accommodation in similar circumstances prevailing in the locality at the time of and during the period of twelve months prior to the date of making application;

(b) the rise in the cost of construction of and the repairing charges as well as the imposition of new taxes after the commencement of the tenancy; and

(c) the rental value of the building or rented land entered in the Property Tax Assessment Register of the Taxation Department or the local body relating to the period mentioned in clause (a), if any.

(3) The fair rent fixed under this section shall be payable by the tenant from a date to be fixed by the Controller not earlier than the date of filing the application.

(4) If the fair rent fixed under sub-section (2) exceeds the rent being paid by the tenant on the date of the filing of the application under this section, the maximum increase of rent payable by the tenant shall not be more than 25% of the rent already being paid by him.

5. (1) When the fair rent of a building or rented land has been fixed under Section 4, or where the rent of any building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such fair rent shall, during the continuance of tenancy, be permissible within a period of three years from the date fixed by the Controller under sub-section (3) of Section 4, or from the date of agreement, as the case may be, except in cases where some addition, improvement or alteration has been carried out at the landlord's expense, and at the request of the tenant.

(2) The fair rent as increased on grounds of some addition, improvement or alteration made permissible under this Section shall not exceed the fair rent payable under this Ordinance for a similar building or rented land in the same locality with such
addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed.

(3) Any dispute between the landlord and tenant in regard to any increase claimed on grounds of some addition, improvement or alteration made permissible under this Section shall be decided by the Controller.

6. (1) Save as provided in Section 5, when the Controller has fixed the fair rent of a building or rented land under Section 4:

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void;

(c) any sum in excess of the fair rent paid in respect of any use or occupation of the building or rented land from the date of application for the fixation of fair rent shall be refunded to the person by whom it was paid or at the option of such person, otherwise adjusted.

(2) Nothing in this Section shall apply to the recovery of any rent which become due before the 1st January, 1946.

7. (1) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building or rented land require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Nothing in this Section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1946.

8. Where any sum has, before the date of publication of this Ordinance been paid by the tenant, which sum is by reason of the provisions of this Ordinance irrecoverable, such sum may, without prejudice to any other method of recovery be deducted by the tenant by whom it was paid, or by his legal representative, from any rent payable by him to such landlord or to his legal representative :

Provided that the tenant before making such deduction obtains the approval of the Controller by an application made to him within six months of the said date.
Explanation. - In computing the said period of six months the time spent after date of the payment, in the proceedings for determination of fair rent shall be excluded.

(2) In this Section the expression 'legal representative', has the same meaning as in the Code of Civil Procedure, 1908 and includes, in the case of joint family property, the joint family of which the deceased person was a member.

9. (1) Notwithstanding anything contained in any other provision of this Ordinance, a landlord shall, subject to the approval of the Controller, be entitled to increase the rent of building or rented land if after the commencement of this Ordinance a fresh rate, cess or tax is levied in respect of the building or rented land by the Government or any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of this Ordinance:

Provided that the increase in rent shall not exceed one half of the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any other law for the time being in force or any agreement, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in any amount of the rent payable or otherwise save as provided in sub-section (1).

10. (1) No landlord or his contractor, workman, or servant shall without the previous consent of the Controller or save for the purpose of affecting repairs or complying with a requisition from a Municipal Committee wilfully disturb any convenience or easement annexed to the premises or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service comprised in the fair rent.

(2) A tenant in occupation of a building or rented land may, if the landlord has contravened the provisions of this section, make and application to the Controller complaining of such contravention.

(3) If the controller, on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

11. No person shall convert a residential building into a non-residential building, except with the permission in writing of the Controller.
12. If a landlord fails to make the necessary repairs other than structural alterations, to a building, it shall be competent for the Controller to direct, on application by the tenant and after such inquiry as the Controller may think necessary that such repairs may be made by the tenant, and that the cost thereof, may be deducted from the rent which is payable by him.

13. (1) Where a local authority, in exercise of its functions under any law for the time being in force directs the owner of a building to make such repairs to the building as may be specified and on failure of the owner to comply with such direction, the tenant is directed to make the said repairs, the tenant may comply with the direction.

(2) The amount of the expenses incurred by the tenant under sub-section (1) shall be submitted to the local authority concerned, which shall after the due verifications, certify the cost of repairs and the tenant may thereon deduct the amount so certified from the rent payable by him.

14. (1) A tenant in possession of a building or rented land shall not be evicted there from in execution of a decree passed before or after the commencement of this Ordinance or otherwise, and whether before or after the termination of the tenancy except in accordance with the provisions of this Section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that:-

(i) the tenant has not paid or tendered rent due by him in respect of the building or rented land, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord, or in the absence of any such agreement, within sixty days from the period for which rent is payable; or

(ii) the tenant has, without written consent of the landlord:-

(a) transferred his right under the lease or sub-let entire building or tented land or any portion thereof; or

(b) used the building or rented land for a purpose other than that for which it was leased or his infringed any condition of the tenure on which the building or rented land is held by the landlord; or
(iii) the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land and; or

(iv) the tenant has been guilty of such acts and conduct as are a nuisance to the occupants of buildings in the neighbourhood; or

(v) where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

(vi) the building or rented land is reasonably and in good faith required by the landlord for the reconstruction or erection of a building on the site, and the landlord has obtained the necessary sanction for the said reconstruction or erection from a Municipal Committee or Town Committee for the area where such building or rented land is situated. The Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate.

Explanation. For the purpose of this clause:-

(i) Where the water charges or electricity charges or both are payable by the tenant to the landlord such charges shall be deemed rent;

(ii) rent remitted by money order to the landlord or deposited in the office of the Controller having jurisdiction in the area where the building or rented land is situated shall be deemed to have been duly tendered.

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession:-

(i) in the case of a residential building, if:-

(a) he requires it in good faith for his own occupation or for the occupation of any of his children;

(b) he is not occupying another residential building suitable for his needs at the time in the same
urban area in which such building is situated; and

(c) he has not vacated such a building without sufficient cause after the commencement of this Ordinance in the said urban area;

(ii) in the case of a non-residential building or a scheduled or rented land if:-

(a) he requires it in good faith for his own use or for the use for any of his male children;

(b) he or his said child is not occupying in the same urban area in which such building is situated for the purpose of his business any other such building or rented land, as the case may be, suitable for his needs at the time, and

(c) he has not vacated such a building or rented land without sufficient cause after the commencement of this Ordinance in the said urban area:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before expiry of such period:

Provided further that where the landlord had obtained possession of a residential, scheduled or non-residential building or rented land under the provisions of sub-paragraph (1) or sub-paragraph (ii) he shall not be entitled to apply again under the said Sub-Paragraphs for the possession of any other building of the same class or rented land unless such residential, scheduled or non-residential building or land is no longer suitable for his needs at the time.

(d) The Controller shall, if he is satisfied that the claim of the landlord is bonafide make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession
of the building or rented land and may extend such time so as not to exceed four months in the aggregate:

Provided further that if the application is in respect of a residential building, the Controller shall direct the tenant within four weeks of the application to put the landlord in possession of the building if, after summary enquiry, he is satisfied that the tenant, his wife or any of his dependent children owns a residential building, within the same urban area.

(4) Where a landlord who has obtained possession of a building or rented land pursuance of an order made under sub-paragraph (i) or sub-paragraph (ii) paragraph (a) of sub-section (3), does not himself or where the building has been got vacated for the occupation of any of his children such child does not occupy it within one month of the date of obtaining possession, or having been so occupied is relate within two months of the said date to any person other than original tenant, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where a landlord has obtained possession of a building in pursuance of an order under clause (vi) of sub-section (2) of this section and does not have the building demolished within a period of four months from the date of taking possession of the same or does not construct the new building within a further period of two years after the expiry of the period of four months from the date of making possession of the same he shall, unless he satisfies the Court that he was unable to construct the building within the prescribed time for reasons beyond his control, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(6) Where a landlord has been convicted under the provisions of sub-section (5) the tenant, who has been evicted from the building or rented land in respect of which the landlord is convicted, may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land, and except in the case of a building which has been demolished the Controller shall make and order accordingly.

(7) Where, in pursuance of an order under clause (v) of subsection (2), landlord has obtained possession of a building in this sub-section referred to as the old building, and constructs a new building on the same site, the tenant who has been evicted
from the old building may, before the completion of the new building and its occupation by another person, apply to the controller for an order directing that he be put in possession of such area in the new building as does not exceed the area of the old building of which he was in occupation, and the Controller shall make an order accordingly in respect of the area applied for or such smaller area as considering the location and type of the new building and the needs of the tenant he deems just, and on payment of rent to be determined by him on the basis of rent of similar accommodation in the locality.

(8) In proceeding under this Section on the first date of hearing or as soon as possible after that date and before issues are framed, the Controller shall direct the tenant to deposit all the rent due from him, and also to deposit regularly till the final decision of the case, before the fifteenth day of each month the monthly rent due from him. If there is any dispute about the amount of rent due or the rate of rent, the Controller shall determine such amount approximately and direct that the same be deposited by the tenant before a date to be fixed for the purpose. If the tenant makes default in the compliance of such an order, then if he is the petitioner, his application shall be dismissed summarily and if he is the respondent his defence shall be struck off and to landlord put into possession of the property without taking any further proceedings in the case. The Controller shall finally determine the amount of rent due from the tenant and direct that the same may be paid to the landlord, subject to adjustment of the approximate amount deposited by the tenant.

(9) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may directed that compensation not exceeding ten times the monthly rent be paid by such landlord to the tenant.

(10) The rent deposited by the tenant under this Section shall, subject to the final determination of rent as payable by the tenant, be paid to the landlord at the conclusion of the proceedings or on such earlier date as may be specified by the Controller.

15. **Eviction of Tenants where the Landlord is a Salaried Employee, Widow or Minor Orphan.**-

(1) Notwithstanding anything contained in this Ordinance or any law for the time being in force --

(a) in a case where the landlord has died; or
in a case where the landlord is a salaried employee and has retired or is due to retire within a period of six months, a notice in writing may be given by such landlord or the widow or minor of the deceased landlord, as the case may be, to the tenant of a residential building informing him that he or she needs the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

Provided that no application under this Section shall be maintainable if it is made after six months from the date of the death of the landlord or, in the case of the retirement of a salaried person, before six months from or after six months of the date of his retirement:

Provided further that, in a case where the landlord has died or a salaried person has retired before the commencement of this Ordinance an application may be made within a period of six months from the date of such commencement.

(2) The right to seek adjustment under sub-section (1) shall also be available to a landlord of a residential building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of a landlord referred to in sub-section (1) or sub-section (2) who happens to be a landlord of more than one residential building whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such residential buildings only.

(4) A landlord referred to in clause (b) of sub-section (1) or in sub-section (2) who is in occupation of a residential building owned by him shall not be entitled to seek adjustment of a tenant from a residential building situated in the locality in which the building in occupation of the landlord is situated unless he offer the building in his occupation in exchange of the building in possession of the tenant on such terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate of rent determined by the Controller.

(5) A tenant who on receipt of the notice referred to in sub-section (1) fails to deliver vacant possession of the building to
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the landlord or the landlord or the widow or minor orphan of the deceased landlord within the time allowed in the notice shall be liable to be adjusted summarily by the Controller on an application being made to him in this behalf.

(6) On an application being made to him under sub-section (5) the Controller shall issue a notice to the tenant and on being satisfied with the bonafide of the request of the landlord or the widow or minor orphan of a deceased landlord, shall order the summary ejectment of the tenant.

(7) A landlord or a widow or orphan of a deceased landlord referred to in sub-section (1) or sub-section (2) who, within one year of his having obtained possession of a building as provided for in sub-section (6), relates the buildings to any person other than the previous tenant, shall be punishable with fine which may extend to rupees five thousand unless the benefit derived by the landlord is greater that the amount of fine in which case it shall be equal to the annual rent obtained by him relating the building.

16. Where the ownership of a building in the possession of a tenant or rented land has been transferred by way of sale, gift, inheritance or in any other manner, whatsoever from one person to another, the new owner shall send an intimation of such transfer in writing by registered post, to the tenant of such building or rented land, and the tenant shall not be deemed to have defaulted in the payment or rent for the purposes of clause (i) of sub-section (2) of Section 14, if the rent due is paid within thirty days from the date when the intimation should in the normal course have reached him.

17. The Controller shall summarily reject any application under subsection (2) or under sub-section (3) of section 14 which raises substantially the same issued as have been finally decided in a former proceeding under this Ordinance.

18. **Appeal.**— (1) Any party aggrieved by an order of the Controller finally disposing of an application made under this Ordinance may, within thirty days of the date of such order, prefer an appeal in writing to the District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed, is situated:

Provided that no appeal shall lie against an order made by a Controller under sub-section (6) of Section 14 determining approximately the amount of rent and directing the tenant to deposits all the rent due.
Provided further that no appeal shall be from an interlocutory order passed by the Controller.

(2) On such appeal being preferred, the District Judge may hear it himself or refer it for disposal to an Additional District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed is situated.

(3) The District Judge may recall an appeal made over by him to an Additional District Judge and either hear it himself or refer it for disposal to another Additional District Judge having jurisdiction as provided in sub-section (2).

(4) On such appeal being preferred, the appellate authority may stay the operation of the order appealed against.

(5) The appeal to authority admitting an appeal for hearing shall have the same powers to direct the tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then, if he is the appellant, his appeal shall be dismissed summarily and, if he is the respondent, his defence shall be struck off.

(6) The appellate authority shall decide the appeal after sending for the record of the case from the Controller and after giving the parties an opportunity of being heard, and, if necessary for making such further inquiry as it thinks fit, either personally or through the Controller.

(7) The order of the Controller, subject to the result of appeal, if any, shall be final and shall not be called in question in any Court of law, including High Court, by suit, appeal or otherwise.

19. On the application of any of the parties and after notice to the parties and after being such of them as desire to be heard, or of its own motion without such notice:-

(a) the appellate authority may at any stage withdraw any application pending with a Controller subordinate to it and transfer the same for disposal to any other Controller subordinate to it and competent to try or dispose of the same;

(b) the High Court may at any stage withdraw any appeal pending with any Appellate authority and transfer the same for disposal to any other Appellate Authority subordinate to it and competent to dispose of the same.
20. (1) For the purposes of this Ordinance an Appellate Authority or a Controller appointed under this Ordinance shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a Court under the Code of Civil Procedure, 1908.

(2) The Controller shall for the purpose of section 480 of the Code of Criminal Procedure 1898, be deemed to be a Court.

21. Every order made under section 10, section 13, Section 19 and every order passed in appeal under section 22 shall be executed by the Controller as if it were a decree of a Civil Court.

22. Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf such particulars in respect of such building or rented land as may be prescribed.

23. (1) If any person contravenes any of the provisions of sub-section (1) of Section 10, Section 11 or Section 22 he shall be punished with fine which may extend to one thousand rupees.

(2) No Court shall take cognizance of an offence under this Section except upon:-

(a) a complaint of facts, which constitute such offence, filed with the sanction of the Controller in writing; or

(b) a report in writing of such facts made by the Controller.

24. Government may by notification make rules for the purpose of carrying out all or any of the provision of this Ordinance.

25. (a) Any order made by a Controller or Rent Controller or any Court or appellate or provisional authority in any proceedings under any of the said enactments before the commencement of the Rent Restriction Act, 1952, before the first day of July, 1946, shall be deemed to have effect as an order under this Ordinance;

(b) all proceedings which immediately before the commencement of this Ordinance were pending with any Controller or Appellate Authority under the Azad Jammu and Kashmir Rent Restriction Act, 1952, shall stand transferred to and be continued before the Controller or the Appellate Authority, as the case may be, appointed under this Ordinance as if the same were instituted under the provisions of this Ordinance and any order made in any such proceedings as aforesaid shall for all purposes have effect as an order made under this Ordinance.
26. **Repeal.** The Azad Kashmir Rent Restriction Act, 1952 (Council Order No. 659/52) is hereby repealed.

(Mohammad Hayat Khan)  
President  
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)  
Secretary Law.
SCHEDULE.

1. Lawyer.
3. Dentist.
4. Engineer.
5. Veterinary Surgeon.
6. Medical Practitioner including practitioner of indigenous system of medicine.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 5th February, 1980.

No. 781/SL/80. The following Ordinance made by the President on the 4th day of February, 1980, is hereby published for general information:-

(ORDINANCE XXI OF 1980)

AN
ORDINANCE

to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices

WHEREAS it is expedient to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Administrative Vigilance Commission Ordinance, 1980.
   (2) It shall come into force at once.
   (3) It extends to the whole of Azad Jammu and Kashmir.
   (4) It shall apply to -
   (a) all agencies, public servants and other functionaries under the administrative control of the Government; and
   (b) Such agencies, public servants and other functionaries operating or working in the Azad Jammu and Kashmir as are under the administrative control of the Council but in respect of whom the Council authorises the Commission to exercise powers under the provisions of this Ordinance:
Provided that the Government may by notification exempt specified public servants, other functionaries are agencies from the operation of all or any of the provisions of this Ordinance.

2. **Definitions.** In this Ordinance unless the subject or context requires otherwise:-

   (i) 'administrative excess' means a decision, recommendation, act or omission which --

   (a) is contrary to law, rules, regulations or established practice; or

   (b) is patently perverse, unreasonable, unjust, biased, oppressive, or discriminatory; or

   (c) is based on irrelevant grounds; or

   (d) involves the exercise of power or the failure or refusal to do so, for corrupt or improper motives; or

   (e) has been unduly delayed or withheld.

   (ii) 'agency' means a department or office of Government or any of its units or branches and includes a local body, a statutory corporation established, or a company whole or partly controlled, by Government, and any officer, employee or member thereof acting or purporting to act in exercise of his duties;

   (iii) 'Chairman' means the Chairman of the Commission;

   (iv) 'Commission' means the Azad Jammu and Kashmir Administrative Vigilance Commission;

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

   (vi) 'member' means member of the Commission;

   (vii) 'Ordinance' means the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980;

   (viii) 'President' means the President of Azad Jammu and Kashmir;

   (ix) 'Public servant' means a public servant as defined in Section 21 of the Penal Code, 1860 (XLV of 1860) and includes a Minister, Advisor and also the Chairman, Managing Director, Director or other officer or employee of a statutory corporation or a company referred to in clause (ii) appointed by or with the
approval of Government or paid out of the fund of such corporation or company.

CHAPTER-II
CONSTITUTION OF THE COMMISSION

3. (1) There shall be established a Commission to be known as the Azad Jammu and Kashmir Administrative Vigilance Commission.
(2) The Commission shall act independently and shall not be subject to the direction of any executive authority.

4. (1) The Commission shall consist of a Chairman and such number of members as may be determined by the President.
(2) The Chairman and the Members shall be appointed by the President:

Provided that no person shall be appointed as Chairman or member who belongs to any political party or is involved in any political activity.
(3) The Chairman and the members shall hold office during the pleasure of the President.
(4) The seniority amongst members shall be determined in the prescribed manner.

5. (1) The Chairman shall carry the status of a Minister/Advisor and shall receive such salary, allowances and other benefits as may be determined by the President.
(2) A member shall carry such status as may be determined by the President in consultation with the Chairman and shall receive such salary allowances and other benefits as may be determined by the President.

6. When a temporary vacancy occurs in the office of the Chairman, the senior most members shall act as the Chairman till the appointment of a regular incumbent.

7. The Commission may, whenever it thinks fit, establish vigilance committees or other committees at specified places for carrying out such functions of the Commission as are assigned to them by the Commission.

8. (1) The Chairman shall be the Chief Executive of the Commission.
(2) The Commission shall regulate its own procedure for the conduct of its business or the exercise of its powers.
(3) The Chairman may distribute the work of the Commission amongst its members and may from time to time vary such distribution.

9. (1) The Commission may appoint such officers and employees as it may deem necessary to discharge its responsibilities under the Ordinance.
   
   (2) The Commission may prescribe the terms and conditions of appointments of its officers and employees with the approval of the President.

10. The Commission may set up standing advisory Committees or appoint advisors with or without remuneration to assist it in the discharge of its duties under the Ordinance.

11. (1) The Commission may appoint vigilance officers or vigilance committees for any agency to carry out its functions in that agency.
   
   (2) The Commission may specify the duties and functions of such vigilance officers or vigilance committees.

   **CHAPTER-III**

   **FUNCTIONS OF THE COMMISSION**

12. (1) The Commission may, on a complaint or of its own motion, investigate any act pertaining to any agency, a public servant or other functionary.
   
   (2) Nothing contained in sub-section (1) shall be deemed to preclude the commission from entertaining and investigating a complaint or representation made to it by a public servant or other functionary against the agency in which he is or has been working in respect of any of the matters relating to his service.

13. The Commission may, whenever it thinks fit inspect or cause to be inspected any office or unit of an agency for any of the purposes of the Ordinance.

14. (1) The Commission may examine or cause to be examined any law, rule, regulation, procedure, practice or form of any agency which in its opinion is deficient ambiguous or hinders speedy redress, or is a source of inconvenience to the public or otherwise contributes towards the commission of administrative excesses.
   
   (2) The Commission may obtain the opinion of the agency concerned in that matter referred to in sub-section (1) and of its own experts or advisors and make recommendation for the alteration or substitution of any law, rule, regulation, procedure, practice or form.
15. The Commission may inquire into areas of misuse or abuse of power or corruption for suggesting remedial measures including enactment of legislation.

16. For carrying out the objectives of the Ordinance, the Commission may arrange for studies to be made or research to be conducted.

**CHAPTER-IV**

**POWERS OF THE COMMISSION**

17. All public servants and other functionaries shall when required to do so, assist the Commission in the discharge of its responsibilities under the Ordinance.

18. The Commission may, in the interest of administrative justice, while dealing with individual cases or otherwise require an agency to define its powers more precisely, lay down the criteria for exercise of discretion, prescribe time limits for the disposal of particular case, frame rules whenever necessary and may require compliance of its direction within a specified time.

19. If the Commission has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him it may refer the matter to the appropriate authority for necessary action to be taken within the time specified.

20. (1) The Commission shall have the powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908), as in force in Azad Jammu and Kashmir, in respect of the following matter namely:-

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

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

   (c) receiving evidence on affidavit; and

   (d) issuing commission for the examination of any witness or document.

(2) The Commission shall have the power to require any person to furnish information on such points or matters as in the opinion of the Commission, may be useful for, or relevant to, the subject matters of an inquiry.

(3) The Commission may appoint any person for recording evidence and examining documents in connection with the proceedings under the Ordinance.

(4) A person appointed under sub-section (3) shall have all the powers of the Commission under sub-section (1) and (2) and
shall present to the Commission a summary of the issues and findings in the case.

(5) The Commission shall have the same powers as the High Court has to punish any person who –

(a) abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission passed under sub-section (1) or sub-section (2);

(b) scandalizes the Commission or otherwise does anything which tends to bring the Commission, its Chairman or member in relation to his office, into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Commission; or

(d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comment made in good faith and in public interest on the working of the Commission or on its final report after the completing of the investigation shall not constitute contempt of the Commission.

(6) The exercise of the power conferred on the Commission by sub-section (5) shall be regulated by rules made by the Commission.

21. The Commission may prescribe the manner in which complaints are to be received by and dealt with by it, and the scope and the manner in which investigations are to be made and reports or replies sent to it.

22. (1) If, having considered a complaint and such other material as it deems fit the Commission is of the opinion that the act complained of amounts to an administrative excess, it shall communicate its findings advising the agency concerned,

(a) to consider the matter further;

(b) to modify or cancel an act or a decision;

(c) to alter a regulation or a ruling;

(d) to explain more fully the act or decision in question;

(e) to dispose of the case within a specified time; or

(f) to take any other step.
(2) If the Commission as desires, the agency shall within such time as may be specified, inform it about the action taken on its advice or the reasons for not complying with the same.

(3) Where the Commission has been authorised by the Council under clause (b) of sub-section (4) of Section 1 of the Ordinance to exercise powers under the provisions of the Ordinance in respect of agencies, public servants or other functionaries under the administrative control of the Council, the Commission shall communicate its advice as specified under sub-section (1) to the agency concerned and if the agency does not inform the Commission about the action taken on its advice or the reason for not complying with it within such time as may be specified, the Commission may communicate its recommendations to the Council for suitable action.

23. If there is a difference of opinion between the Commission and an agency with regard the implementation of an advice given by the Commission, the Commission may refer the matter to the President whose decision shall be final.

24. If any agency, public servant or other functionary fails to comply with a direction of the Commission, it may besides taking other action under the Ordinance refer the matter to the appropriate authority for taking disciplinary action against the person disregarding the direction of the Commission.

25. (1) The Commission may, where necessary, call upon a public servant, other functionary or an agency to show cause why cost and compensation be not awarded to an aggrieved party, for any loss or damage suffered by him on account of any administrative excess, committed by such public servant, other functionary or agency, and after considering the explanation, and hearing such public servant, other functionary or agency, if necessary, award reasonable cost or compensation to the aggrieved party.

(2) The cost or compensation awarded under sub-section (1) shall be recoverable as arrears of land revenue.

26. The Commission may delegate any of its powers to any of its officers or to a vigilance officer or a vigilance committee, to be exercised subject to such conditions as may be laid down provided that the power to make a report under subsection (1) of Section 27 shall not be so delegated.
CHAPTER-V
ANNUAL AND OTHER REPORTS

27. (1) The Commission shall publish an annual report of its activities within three months of the close of the financial year to which it relates.

(2) The Commission may, from time to time publish its conclusion, recommendations or suggestions in respect of any case or matter dealt with by it under the ordinance.

(3) The Commission may, where the conduct of a public servant, other functioning or agency is proposed to be criticized in the report under sub-section (1) or as matters under sub-section (2), give the public servant, other functionary or agency as the case may be, an opportunity to explain his or its position and after considering such explanation as may be offered decide whether the proposed criticism would stand, be modified or be not published.

CHAPTER VI
MISCELLANEOUS

28. The provisions of the Ordinance shall take effect notwithstanding anything to the contrary contained in any other law for the time being in force.

29. (1) Except as otherwise provided no action taken, order made, things done or powers exercised under the Ordinance shall be called in question by or before any court or authority.

(2) No suit or legal proceeding shall lie against the Chairman or any member or servant or advisor or expert of the Commission or any officer appointed under sub-section (3) of Section 20 or a vigilance officer or a vigilance committee appointed under Section 7 and 11 for anything done in good faith under the provision of the Ordinance.

30. The Commission may make rules for carrying out the purposes of the Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN ORDINANCE

to make the provisions for the establishment of conciliation courts in Azad Jammu and Kashmir

WHEREAS the Local Government Institutions have been set up and it is expedient to make provisions for the establishment of conciliation courts to enable the people to settle certain disputes through conciliation, and for matters ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Conciliation Courts Ordinance, 1980.

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

   (3) It 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 there is anything repugnant in the subject or context,-

   (a) 'Cognizable offence' means a cognizable offence as defined in Section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898) as in force in Azad Kashmir;

   (b) 'Conciliation Court' means a Conciliation Court constituted under this Ordinance;

   (c) 'Appellate Authority' means in the cases of Criminal and Civil nature the District Magistrate and District Judge respectively of the concerned District:
'Degree' means a decree as defined in Section 2 of the Code of Civil Procedure, 1908 (Act of 1908) as in force in Azad Kashmir;

'District Judge' shall include as Additional District Judge, a Subordinate judge and a Civil Judge;

'Government' means the Azad Government of the State of Jammu and Kashmir;

'Party' shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Conciliation Court adds as party to such dispute;

'Union' means an areadeclared to be a Union under the Azad Jammu and Kashmir Local Government Ordinance, 1979;

'Union Council' means a Union Council constituted under the aforesaid Ordinance.

3. **Cases Referable to Conciliation.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in the Code of Civil Procedure, 1908 (Act V of 1908):

(a) all cases falling under Part I of the Schedule shall, save as otherwise provided hereinafter, be referred to conciliation under this Ordinance, and no civil or criminal Court shall have jurisdiction to try any such case; and

(b) any of the cases falling under Part II of the Schedule may be so referred if all the parties thereto agree to such a reference.

(2) The following cases relating to matters falling under Section B of Part I of the Schedule or under Section B of Part II thereof shall be excluded from conciliation, namely:-

(a) Cases in which the interest of a minor is involved;

(b) cases where provision for arbitration has been made in a contract between the parties;

(c) cases by or against the Government or a public corporation or local bodies Bank or a Public servant acting in the discharge of his duty;

(d) cases which according to the customary law of a community are referable to a community panchayat.

(3) Government may, by notification in the Official Gazette, add to the Schedule any class of cases relating to such disputes
between private parties as are of a local nature and are capable of settlement by compromise.

(4) Nothing in this Section shall apply to cases relating to an offence specified in the Schedule if the accused had previously been convicted of a cognizable offence.

4. **Application for Constitution of a Conciliation Court.**  
   (1) Where a case is, under this Ordinance referable to conciliation, any party to the dispute may, in the prescribed manner, and on payment of the prescribed fee, apply to the Chairman of the Union Council concerned for the constitution of a Conciliation Court for the settlement of a dispute, and unless the Chairman, for reasons to be recorded in writing, rejects the application, he shall proceed to constitute, in the prescribed manner, a Conciliation Court for the purpose:

   Provided that no application under this Section shall be made against a person of unsound mind.

   (2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is mala-fide or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the appellate Authority, or to such other authority as may be prescribed.

5. **Conciliation Courts, their Composition, etc.**  
   (1) A Conciliation Court shall be a body consisting of a Chairman and two representatives to be nominated, in the prescribed manner, by each of the parties to the dispute:

   Provided that one of the two representatives so nominated shall be a member of the Union Council concerned.

   (2) The Chairman of the Union Council shall be the Chairman of the Conciliation Court, but where he is, owing to illness or any other cause, unable to act as Chairman, or does not, on account of any personal consideration, wish to do so, or his impartiality is challenged by any party to the dispute, any other person appointed in the prescribed manner, not being a person nominated by any party, shall be the Chairman of the Court.

   (3) If either party to the dispute consists of more than one person, the Chairman shall call upon the person constituting that party to nominate the two representatives, on its behalf, and if they fail to nominate, shall authorise any one of the such persons to do so, and thereupon the person so authorised shall alone have the right to nominate such representatives.
(4) Where representatives required under this section to be nominated are not nominated within the prescribed time, then -

(a) If the case falls under part I of the schedule, the Conciliation Court shall, without such representatives, for the purpose of this Ordinance and Conciliation shall proceed accordingly; and

(b) If the case falls under Part II of the Schedule, the Chairman shall issue a certificate that conciliation has failed.

6. **Jurisdiction of Conciliation Courts, etc.** - A Conciliation Court shall be constituted and shall have jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the Union in which the offence has been committed or the cause of action arisen.

7. **Power of Conciliation Courts to Award Compensation.** - (1) Save as other provided in this Ordinance, a Conciliation Court shall have no power to pass a sentence of imprisonment or fine, but if it holds a person guilty of an offence specified in the Schedule, it may order the accused to pay to the aggrieved person compensation the amount of which may not exceed two hundred and fifty rupees, but if the offence is one punishable under Section 428 or Section 429 of the Penal Code (Act XLV of 1860) in force in Azad Kashmir the amount of compensation may exceed two hundred and fifty rupees but not five hundred rupees.

(2) In a case relating to a matter falling under Section B of Part I of the Schedule or under Section B of Part II thereof, the Conciliation Court shall have the power to order payment of money up to the amount specified therein in respect of such matter or delivery of property to the person entitled thereto.

8. **Finality of the Decisions of Conciliation Courts.** –

(1) Where in a case referred to conciliation under this Ordinance the decision of the Conciliation Court is unanimous, or, if the case falls under Part I of the Schedule, the decision is by a majority of four to one, the decision shall be binding on the parties and shall be enforceable in accordance with the provision of this Ordinance:

Provided that such decision may be set aside by the Appellate Authority if it is of the opinion that the Conciliation Court does not have the jurisdiction to try the case.

(2) If the decision of a Conciliation Court is by majority of three to two, and the case falls under Part I of the Schedule, any
party may, within thirty days of the decision, apply, in the prescribed manner,-

(a) to the Appellate Authority, if the case relates to matter falling under Section A of that part, or

(b) to the District Judge if the case relates to a matter falling under Section B thereof, and Appellate Authority or the District Judge, as the case may be, if satisfied that there has been a failure of justice, may set aside or modify the decision, or direct that the dispute be referred back to the Conciliation Court for reconsideration.

(3) If the decision of Conciliation Court is not unanimous, and the case falls under Part II of the Schedule, the Court shall issue a certificate that conciliation has failed.

(4) Notwithstanding anything in any law any matter decided by a Conciliation Court in accordance with the provisions of this Ordinance shall not be tried in any Court, including a Conciliation Court.

9. **Enforcement of Decree.**—(1) Where a Conciliation Court decides to award compensation to a person or to order the delivery of property, it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property is delivered in the presence of the Conciliation Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

(3) Where a decree relates to payment of compensation and the decretal amount is not paid within the prescribed time, the same shall, if the Chairman of the Conciliation Court so directs, be recovered as arrears of land revenue, and on a recovery, shall be paid to the decree-holder.

(4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to such Civil Court as the District Judge may, by special or general order, direct, and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

(5) A Conciliation Court may, if thinks fit, direct that the amount of compensation be paid in such installments as it may fix.

10. **Procedure on Failure of Conciliation.**—Where a certificate is issued that conciliation has failed, either under clause (b) of sub-
section (4) of Section 5 or under sub-section (3) of Section 8, any party to the dispute may seek its remedy in the Court in which it would in law be entitled to seek such remedy - if this Ordinance had not been promulgated.

11. **Power of Conciliation Courts to Summon Witnesses etc.** (1) A Conciliation Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document:

Provided that --

(a) no person who is exempt from personal appearance in Court under sub-section (1) of Section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), shall be required to appear in person;

(b) a Conciliation Court may refuse to summon a witness or to enforce a summons already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable;

(c) a conciliation Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as he would think sufficient for defraying his travelling and other expenses.

(2) If any person to whom a Conciliation Court has issued summons to appear and give evidence or to produce or cause the production of any document before it willfully disobeys such summons, the Conciliation Court may take cognizance of such disobedience, and, after giving such person an opportunity to explain, sentence him to a fine not exceeding twenty-five rupees.

12. **Contempt of Conciliation Courts.** A person shall be guilty of contempt of Conciliation Court if he, without lawful excuse, -

(a) offers any insult to the Conciliation Court or any member thereof while the Court is functioning as such; or

(b) causes any interruption in the work of the Conciliation Court; or

(c) fails to produce or deliver a document when ordered by the Conciliation Court to do so; or

(d) refuses to answer any question of the Conciliation Court which he is bound to answer; or
(e) refuses to take oath to state the truth or to sign any statement made by him when required by the Conciliation Court to do so; and the Conciliation Court, may, without any complaint having been made to its forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

13. **Recovery of Fine.**—(1) Where a Conciliation Court imposes a fine under Section 11 or Section 12 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the nearest Magistrate who shall proceed to recover it in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as if it were fine imposed by himself, and such Magistrate may also sentence the accused to imprisonment in default of payment of such fine.

(2) All fines paid to a Conciliation Court under Section 11 and 12 or collected on behalf of a Conciliation Court under this Section shall form part of the funds of the Union Council concerned.

14. **Limitation etc. in Certain Cases.**—Where a case relating to a matter falling under Section B of Part II of the Schedule is referred to Conciliation and conciliator fails, and the case is subsequently taken to a Civil Court, in computing the period of limitation prescribed therefore by or under any law for the time being in force the time spent on conciliation proceedings, commencing from the date of the application made under Section 4 and ending on the day the certificate of failure of conciliation is issued, shall, notwithstanding anything in the Limitation Act, 1908 (IX of 1908), be excluded.

15. **Procedure.**—(1) Save as otherwise expressly provided by or under this Ordinance the provisions of the Evidence Act, 1872 (1 of 1872), the Code of Criminal Procedure, 1898 (Act, V of 1898) and of the Code of Civil Procedure, 1908 (Act, V of 1908) as in force in Azad Kashmir shall not apply to proceedings before any Conciliation Court.

(2) Sections 8 to 11 of the Oaths Act, 1873 (X of 1873), shall apply to all proceedings before Conciliation Courts.

16. **No Appearance Through Counsel.**—(1) Notwithstanding anything contained in the Legal Practitioners Act, 1879 (XVIII of 1879), no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Conciliation Court or other authority exercising powers under this Ordinance.

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(2) If a person required under this Ordinance to appear before a Conciliation Court is a pardanashin lady, the Conciliation Court may permit her to be represented by a duly authorised agent who shall in no case be a paid agent.

17. **Transfer of certain cases.**— (1) Where the Appellate Authority, is of the opinion that the circumstances of a case relating to a matter falling under Section A of Part I of the Schedule or under Section A of Part II thereof and pending before a Conciliation Court are such that the public interest and the ends of justice demand its trial in a Criminal Court, the said Authority may, notwithstanding anything contained in this Act withdraw the same from the conciliation Court and direct that it be referred to the Criminal Court for trial and disposal.

(2) A conciliation Court may, if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused, forward the case to the Criminal Court for trial and disposal.

(3) The District Judge may, for reasons to be recorded, withdraw any civil case from a Conciliation Court and direct that it be referred to a Civil Court for disposal.

18. **Investigation by Police.**— Nothing in this Ordinance shall prevent the police from investigating a cognizable case by reason of the fact that the case relates to an offence specified in Section A of Part I of the Schedule, but if any such case is taken to a Criminal Court, Court may, if it thinks fit, direct that it be referred to conciliation under this Ordinance.

19. **Pending Cases.**— This Ordinance shall not apply to cases referable under this Ordinance to conciliation which, immediately before the coming into force of this Ordinance are pending in any Civil or Criminal Court, and such cases shall be disposed of by those Courts as if this Ordinance had not been promulgated:

   Provided that if all the parties to any such case agree to have the same decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of this Ordinance.

20. **Power to Exempt.**— Government may, by notification in the Official Gazette exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Ordinance.

21. **Power to Make Rules.**— Government may, by notification in the Official Gazette make rules to carry into effect the provisions of this Ordinance.

(Mohammad Hayat Khan  
President  
Azad Jammu & Kashmir  

Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law.)
SCHEDULE PART I

SECTION A CRIMINAL CASES

1. Section 143 and 147 of the Azad Kashmir Penal Code (Act XLV of 1860) read with the Third or the Fourth clause of Section 141 of that Code, as in force in Azad Kashmir when the common object of the unlawful assembly is to commit an offence under Section 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful Assembly.


3. Section 403, 406, 417 and 420 Azad Kashmir Penal Code, when the amount in respect of which the offence is committed does not exceed one hundred rupees.

4. Section 427 Azad Kashmir Penal Code, when the value of the property involved does not exceed one hundred rupees.

5. Section 428 and 429 Azad Kashmir Penal Code, when the value of the animal does not exceed one hundred rupees.

6. Section 24, 26 and 27 of the Cattle Trespass Act, 1871 (1 of 1871).

7. Attempts to commit or the abetment of the commission of any of the above offence.

SECTION B CIVIL CASES

1. Suit for the recovery of money due on contracts, or other documents.

2. Suit for the recovery of movable property or for the value thereof. When the amount claimed or the Price or movable property, does not exceed five hundred rupees;

3. Suit for compensation for the wrongfully taking or damaging moveable property.

4. Suit for damages by cattle trespass

PART II

SECTION A CRIMINAL CASES


2. Sections 403, 406, 417 and 420 Azad Kashmir Penal Code when the amount in respect of which the offence is committed exceeds one hundred rupees, but does not exceed two hundred and fifty rupees.

3. Section 408 Azad Kashmir Penal Code when the value of the property involved does not exceed two hundred and fifty rupees.
4. Section 428 and 429 Azad Kashmir Penal Code when the value of the animal exceeds one hundred rupees but does not exceed five hundred rupees.

5. Section 451 Azad Kashmir Penal Code when the offence is committed with intention of committing any of the offences mentioned in Section A of Part I of this Schedule or in this Section.

6. Attempt to commit or the abetment of the Commission of any of the above offences.

SECTION B
CIVIL CASES

All civil cases mentioned in Section B of Part I of this Schedule, in which the value of the claim exceeds five hundred rupees but does not exceed one thousand rupees.

Dated the 9th February, 1980.

No. 822/SL/80. The following ordinance made by the President on the 7th day of February, 1980, is hereby published for general information:-

(Ordinance XXIII of 1980)

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

Whereas it is expedient to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 of the Interim Constitution Act, 1974;

And whereas the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 41 to the interim Constitution Act, 1974, the President is pleased to make and promulgate the following ordinance:

1. **Short title, Extent and Commencement** - (1) This Ordinance may be called the Council of Islamic Ideology (Constitution) Ordinance, 1980.

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

   (3) It shall come into force at once.

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

   (a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;


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

   (d) 'Government' means the Azad Government of the State of Jammu and Kashmir;
(e) 'Islamic Council' means the Council of Islamic Ideology constituted under this Ordinance;
(f) 'Member' means the member of the Council of Islamic Ideology;
(g) 'President' means the President of Azad Jammu and Kashmir.

3. Composition etc. of Islamic Council: (1) There shall be a Council of Islamic Ideology in Azad Jammu and Kashmir.
(2) The Islamic Council shall consist of such members being not less than six and not more than nine as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Azad Jammu and Kashmir and Pakistan.
(3) While appointing members of the Islamic Council, the President shall ensure that:-
   (a) so far as practicable various schools of thought are represented in the Council;
   (b) one of the members is a person who is or has been a Judge of the Supreme Court or of a High Court;
   (c) not less than two members are persons each of whom has been engaged, for a period of not less than ten years in Islamic research or instruction.
(4) The President shall appoint one of the members referred to in clause (b) of sub-section (3) to be the Chairman of Islamic Council.
(5) Subject to sub-section (6), a member of the Islamic Council shall hold office for a period of three years; and
(6) A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of resolution for his removal by a majority of the total membership of the Islamic Council.

4. Reference by Assembly etc.: The President or the Government may, or if two fifths of its total membership so requires, the Assembly or the Council shall refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

5. Functions of the Islamic Council: (1) The functions of the Islamic Council shall be -
(a) to make recommendations to the Government, the Assembly and the Council as to the ways and means of enabling and encouraging the Muslims of Azad Jammu and Kashmir to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah;

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

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

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

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

(3) Where the Assembly, the Council, the President or the Government as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of the Islamic Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Islamic Council and the Council advises that the law is repugnant to the Injunction of Islam, the Assembly, the Council, the President or the Government shall consider the law so made.

(4) The Islamic Council shall submit its final report within three years of its appointment, and shall submit an annual interim report. The report whether interim or final shall be laid for discussion before the Assembly or the Council, as the case may be, within six months of its receipt, and the Assembly or the Council, as the case may be, after considering the report, shall enact laws in respect thereof within a period of two years of the final report.
6. **Rules of Procedure:** (a) The Proceedings of the Islamic Council shall be regulated by rules of procedure, which have already been framed by the Council;
   
   (b) any further amendment, addition or alteration in the existing rules may be made by the Council with the approval of the President.

7. **Continuity of the Chairman and Members:** The person holding the office of the Chairman or member of the Islamic Council before the commencement of this Ordinance shall be deemed to be the Chairman or Member, as the case may be, appointed under this Ordinance.

8. **Savings:** Notwithstanding any Judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Council Islamic Ideology (Constitution) Ordinances, 1978 (Ordinance XLI of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN
ORDINANCE

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 9th February, 1980.

No. 823/SL/80. The following Ordinance made by the President on the 7th day of February, 1980, is hereby published for general information:-

(ORDINANCE XXIV OF 1980)

AN
ORDINANCE
to provide the measures for the preservation and protection of antiquities

WHEREAS it is expedient to provide the law for the preservation and protection of antiquities and to provide for the matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Antiquities Ordinance, 1980.

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

   (3) It shall come into force at once.

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

   (a) 'Advisory Committee' means the Advisory Committee constituted under Section 3;

   (b) 'ancient' means belonging or relating to any period prior to May, 1857;

   (c) 'antiquity' means :-

      (i) any ancient product of human activity, movable or immovable, illustrative of are architecture, craft, custom, literature, morals politics, religion, warfare or science or of any aspect of civilization or culture;

      (ii) any ancient object or site of historical, anthropological, military or scientific interest;
any national monument; and

(iv) any other object or class or such objects declared by the Government, by notification in the official Gazette, to be an antiquity for the purposes of this Ordinance;

(d) 'dealer' means a person engaged in the business of buying and selling antiquities; and 'deal in antiquities' means to carry on such business;

(e) 'export' means taking out of Azad Jammu and Kashmir by any means;

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

(g) 'immovable antiquity' means an antiquity of any of the following descriptions, namely:-

(i) Any archaeological deposit on land or under water;

(ii) Any archaeological mound, tumulus, burial place or place of internment, or any ancient garden, structure, building, erection or other work of historical, archaeological, military or scientific interest;

(iii) any rock, cave or other natural object of historical archaeological, artistic or scientific interest containing sculpture, engraving, inscription or painting of such interest and includes:-

(1) any gate, door, window, panelling, dado, ceiling, inscription, wall-painting, wood work, metal work or sculpture or any other thing which is attached or fastened to an immovable antiquity;

(2) the remains of an immovable antiquity;

(3) the site of an immovable antiquity;

(4) such portions of land or water adjoining the site of an immovable antiquity as are reasonably required for fencing or covering or otherwise preserving such antiquity;

(5) the reasonable means of access to, and convenient inspection of an immovable antiquity; and
any urban site, street, group of buildings or public square of special value which the Government being of the opinion that its preservation is a matter of public interest by reason of its arrangement, architecture or materials of construction, by notification in the official Gazette, declares to be an immovable antiquity for the purposes of this Ordinance;

(h) 'national monument' means any building, structure, erection, place of internment, garden, portion of land or any other place or thing of national importance as may be determined and notified as such from time to time by the Government in consultation with Advisory Committee;

(i) 'owner' includes --

(i) any person legally competent to act on behalf of the owner, when by reason of infancy or other disability the owner is unable to act;

(ii) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor in interest of such owner; and

(iii) any manager or trustee exercising the powers of management and the successor in office of such manager or trustee;

(j) 'Protected antiquity' means an antiquity which is declared under Section 10, to be a protected antiquity;

(k) 'rules' means rules made under this Ordinance;

(l) "Secretary' means the Secretary of Archaeology, Government of Azad Jammu and Kashmir, and includes an officer authorised by him to exercise or perform all or any of the powers or function of the Secretary under this Ordinance.

3. **Advisory Committee:** (1) For the purposes of this Ordinance the Government shall constitute an Advisory Committee consisting of the following members, namely:-

(a) the Secretary, who shall also be its Chairman;

(b) One representative each of the Education Department, Tourism Department;
(c) Three other persons having special knowledge of antiquities, to be nominated by the Azad Government of the State of Jammu and Kashmir.

(2) No act or proceeding of the Advisory Committee shall be deemed to be invalid by reason only of the existence of a vacancy in, or defect in the constitution of the Committee.

4. **Dispute as to whether any Product, etc. is an Antiquity:** if any question arises whether any product, object or site is an antiquities within the meaning of this Ordinance it shall be referred to the Government which shall, after consultation with the Advisory Committee, decide the same, and the decision of the Government shall be final.

5. **Custody, Preservation, etc. of certain Antiquities:** (1) Where the Secretary receives any information or otherwise has the knowledge of the discovery or existence of an antiquity of which there is no owner, he shall, after satisfying himself as to the correctness of the information or knowledge, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

(2) Where the owner of an antiquity is not traceable, the Secretary may, with the approval of the Government, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

6. **Accidental Discovery of Antiquity to be Reported to Secretary:** (1) Whoever discovers, or finds accidentally, any movable antiquity shall inform the Secretary within seven days of its being discovered or found and preserve its for the period specified in sub-section (2).

(2) If, within seven days of his being informed under sub-section (1) of the discovery of a movable antiquity or of a movable antiquity having been found, the Secretary decides to take over the antiquity for purposes of custody, preservation and protection, the person discovering or finding it shall hand it over to the Secretary or a person authorised by him in writing.

(3) Where the Secretary decides to take over an antiquity, he may pay to the person by whom it is handed over to him such cash reward as the Secretary may deem fit.

(4) If any person who discovers or finds any movable antiquity contravenes the provisions of sub-section (1) or sub-section (2) he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both and the Court convicting such person shall direct that the antiquity in
respect of which such contravention has taken place shall stand forfeited to the Government.

7. **Power of Entry, Inspection etc.** - (1) The Secretary may, after giving reasonable notice, enter into, inspect and examine any premises, place or area which or the sub-soil of which he may have reason to believe to be, or to contain an antiquity and may cause any site, building, object or any antiquity or the remains of any antiquity in such premises, place or area to be photographed, copied or reproduced by any process suitable for the purpose.

(2) The owner or occupier of the premises, place or area shall afford all reasonable opportunity and assistance to the Secretary for the purpose of sub-section (1)

(3) No photograph, copy or reproduction taken or made under or for the purpose of sub-section (1) shall be sold or offered for sale except by or with the consent of the owner of the object of which the photograph, copy or the reproduction has been taken or made.

(4) Where substantial damage is caused to any property as a result of the inspection under sub-section (1), the Secretary shall pay to the owner thereof reasonable compensation for the damage.

8. **Acquisition of Land Containing Antiquities** - If the Government has reasonable grounds to believe that any land contains any antiquity it may acquire such land or any part thereof under the land Acquisition Act, 1894 (I of 1894) as for a public purpose.

9. **Purchase, Taking Lease, etc. of Antiquity** - (1) The Secretary may, with the previous sanction of the Government, purchase, or take lease or accept a gift or bequest of an antiquity.

(2) The Secretary may receive voluntary contributions and donations for the acquisition, preservation or restoration of antiquities and may make suitable arrangements for the management and application of the funds created by such contributions and donations:

Provided that a contribution or donation made for any specified purpose shall not be applied to any purpose other than that for which it has been made.

10. **Right of Pre-emption in Case of a Sale of Antiquity** - (1) Where the Secretary receives any information or otherwise has the knowledge that any antiquity or any immovable property containing an antiquity is offered for sale or is about to be sold, he may, with the approval of the Government, exercise the right...
of pre-emption with respect to such antiquity or property and, if he intends to exercise the right, shall give to the person competent to serve a notice in writing accordingly.

(2) If the Secretary does not exercise with respect to any antiquity or property the right of pre-emption within a period of three months from the date of notice given under sub-section (1), the antiquity or property be sold to any person after the expiry of the said period and a notice of such sale shall be given to the Secretary.

(3) Save as provided in sub-section (2), no antiquity or property in respect of which a notice under sub-section (1), has been given shall be sold to any person.

(4) All sales in contravention of sub-section (3) shall be void and the antiquity or property so sold shall be forfeited to the Government.

11. **Declaration of Protected Antiquities.** - (1) The Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Ordinance.

(2) A Copy of a notification under sub-section (1) shall be served on the owner on the antiquity and, in the case of an immovable antiquity, shall also be fixed up in a conspicuous place of or near the antiquity.

(3) A notification under sub-section (1), shall unless it is cancelled by the Government, be conclusive evidence of the fact that the antiquity to which it relates is antiquity for the purposes of this Ordinance.

(4) Ancient monuments shall be deemed to be protected antiquities for the purposes of this Ordinance.

12. **Representation Against Declaration of Protected Antiquities.** - (1) The owner of an antiquity to which a notification under section 10, relates, or any person having any right or interest in the antiquity, may, within three months of the service of a copy of the notification, make a representation in writing to the Government against the notification.

(2) Upon the receipt of a representation under sub-section (1) against a notification, the Government, after giving the person making it an opportunity if being heard and after consultation with the Advisory Committee, may, if it is satisfied that there are good and sufficient reasons for objection to the notification, cancel it.

13. **The Guardianship of Antiquity by Agreement.** - (1) The owner of any immovable antiquity may, by an agreement in writing
constitute the secretary, the antiquity or protected guardian of such antiquity and the Secretary, may, with the previous sanction of the Government, accept such guardianship.

(2) Where the Secretary has accepted the guardianship of an antiquity in pursuance of an agreement under sub-section (1), the owner shall, except as expressly provided in this Ordinance and in the agreement, have the same right, title and interest in and to the antiquity as if the Secretary had not been constituted the guardian thereof,

(3) An agreement under this Section in relation to an antiquity may provide for all or any of the following matters, namely:-

(a) the maintenance of the antiquity;
(b) the custody of the antiquity and the duties of any person who may be employed to watch it;
(c) the restrictions upon the right of the owner to alienate, destroy, remove, alter or deface the antiquity or to build on or near the site of the antiquity;
(d) the facilities of access to be allowed to the public;
(e) the facilities to be allowed to persons deputed by the owner or the Secretary for inspection and maintenance of antiquity;
(f) the expenses to be incurred in connection with the preservation of the antiquity and payment of such expenses if incurred by the owner;
(g) compensation to be paid for any loss sustained by the owner or occupier or any other person as a result of the enforcement or observance of the agreement; and
(h) any other matter concerned with the custody, management and preservation of the antiquity.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) An agreement under this section in relation to an antiquity may be terminated upon six month's notice in writing given by the Secretary, with the previous sanction of the Government, to the owner or by the owner to the Secretary.

14. Purchasers at Certain Sales and Persons Claiming Through Owner Bound by Agreement Entered Into by Owner.- Notwithstanding anything contained in any other law for the time being in force, every person, who at a sale for the recovery
of arrears of land revenue or any other public demand, purchases any land or property, or any right or interest in land or property, which contains, or in which is situated an antiquity in respect of which an agreement under section 12 subsists, and every person claiming any title to any antiquity from, through or under an owner who entered into such agreement, shall be bound by such agreement.

15. **Application of Endowment for Maintenance and Preservation of Antiquity.** - (1) Where any endowment has been created for the maintenance and preservation of any protected antiquity, for or that purpose among others, and the owner or other person competent in this behalf fails in the proper application of such endowment and, when proposed to him by the Secretary refuses or fails to enter into an agreement under section 12, the Secretary may, for the proper application of such endowment or part thereof, institute a suit in the Court of the District Judge, or, where the estimated cost of maintaining and preserving the antiquity does not exceed one thousand rupees, make an application to the District Judge.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass, an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

16. **Compulsory Acquisition of Protected Immovable Antiquity.** - (1) If the Government apprehends that a protected immovable antiquity is in danger of being destroyed, injured or allowed to fall into decay, it may, acquire such antiquity or any part thereof under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

(2) The power of compulsory acquisition under sub-section (1) shall not be exercised in the case of:

(a) any antiquity which or any part of which is periodically used for religious observances; or

(b) any antiquity which is the subject of a subsisting agreement under section 13.

17. **Compulsory Acquisition of Movable Antiquities.** - (1) If the Government, is of the opinion that a movable antiquity should, by reason of its cultural, historical or archaeological importance, be acquired for the purpose of preservation, the Government may, by order in writing addressed to the owner acquire such
antiquity; Provided that the power to acquire under this sub-section shall not extend to --

(a) any image or symbol in actual use for the purpose of any religious observance; or

(b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors to any member of his family.

(2) When an order under sub-section (1) has been served upon the owner, the antiquity to which the owner relates shall immediately vest in the Government free from all encumbrances and the owner shall be entitled to compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say --

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where on such agreement can be reached, the Government shall appoint as arbitrator a person who has been, or is qualified for appointment as, a Judge of High Court;

(c) at the commencement of the proceedings before the arbitrator, the Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(d) the arbitrator in making his award shall have regard to the price which the antiquity is likely to fetch on a sale in open market between a buyer and a seller independent of each other;

(e) an appeal shall lie to the High Court against any award of an arbitrator except in case where the amount thereof does not exceed an amount prescribed in this behalf by rules; and

(f) save as provided in this sub-section and in any rules made in this behalf, nothing in any law for the time being inforce shall apply to arbitrations under this sub-section.

18. **Protection of Place of Worship from Misuse, etc.** - (1) A place of worship or shrine, being an antiquity maintained by the Government, shall not be used for any purpose inconsistent with its character.

(2) A place of worship or shrine in respect of which the Secretary has accepted guardian ship in pursuance of an
agreement under section 12 shall, unless the agreement otherwise provides, be maintained by the person in whom it is vested or, if there is no such person, by the Government;

(3) Where any antiquity in respect of which the Government has acquired any right under this Ordinance or the Secretary has accepted guardianship is periodically used for religious worship or observances by any community, the Secretary shall provide for the protection of such antiquity from pollution or desecration.-

(a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the person in charge of the antiquity of any person not entitled so to enter by the religious usages of the community by which the antiquity is used; and

(b) by taking with the concurrence of the persons in charge of the antiquity such other action as he may think necessary for the purpose.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

19. **Restriction on Use of Protected Immovable Antiquity.**- A protected immovable antiquity shall not be used for any purpose inconsistent with its character or for a purpose other than that directly related to its administration and preservation.

20. **Prohibition of Destruction, Damage etc. of Protected Antiquities.**-(1) No person shall, except for carrying out the purposes of this Ordinance, destroy, break, damage, alter, injure, deface or mutilate or scribble, write or engage any inscription or sign on, any antiquity or take manure from any protected antiquity.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The Court trying an offence under sub-section (2) may direct that the whole or any of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

21. **Restriction on Repairs, Renovation, etc. of Protected Immovable Antiquity.**-(1) The owner of a protected immovable antiquity shall not make any alteration or renovation in or addition to the antiquity:
Provided that he may, with the permission of the Secretary, make minor adjustments considered necessary for the day-to-day use of the antiquity:

Provided further that the work for which permission has been given shall be carried out under the supervision of the Secretary or a person authorised by him in this behalf.

(2) Whoever contravenes the provision of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

22. **Direction to the Owner to Take Measures for Preservation of Antiquity**: (1) Where the Secretary considers that any antiquity is not being preserved or conserved properly by its owner, the Secretary may, by order in writing direct the owner to take such measures for its proper preservation and conservation, and within such time, as may be specified in the order.

(2) If the owner fails to take the measures specified in the order referred to in sub-section (1), the Secretary may take all such measures in respect of the antiquity and the expenses incurred for the purpose shall be recoverable from the owner as an arrear of land revenue.

23. **Execution of Development Schemes and New Constructions in Proximity to Immovable Antiquity**: Notwithstanding anything contained in any other law for the time being in force, no development plan or scheme or new construction on, or within a distance of two hundred feet of, a protected immovable antiquity shall be undertaken or executed except with the approval of the Secretary.

24. **Prohibition of Bill Posting, Neon Sign, Other Kinds of Advertisement etc.**: (1) No person shall put any neon signs or other kinds of advertisement, including bill posting, commercial signs, poles or pylon, electricity or telephone cables and television aerials, on or near any protected immovable antiquity.

(2) Whoever contravenes the provision of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

25. **Penalty for Counterfeiting etc. of Antiquity**: (1) Whoever counterfeits, or commits forgery in respect of any antiquity with
intent to commit fraud or knowing it to be likely that fraud will thereby be committed, or causes anything to appear like, or to be believed to be, an antiquity with intent to cause wrongful gain to one person or wrongful loss to another person, shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

(2) The Court trying an offence under sub-section (1) may direct that anything the making or forging of which has constituted such offence shall stand forfeited to the Government.

26. **Dealing in Antiquities.**— (1) No person shall deal in antiquities except under, and in accordance with a licence granted by the Secretary.

(2) Every dealer shall maintain a register in such manner and form Secretary may prescribe from time to time.

(3) A licence granted under sub-section (1) may be cancelled by the Secretary for the breach of any condition of the licence.

(4) The Secretary may, with a view to securing compliance with the provisions of this section:

(a) require any person dealing in antiquities to give such information in his possession with respect to any business carried on by him as the Secretary may demand;

(b) inspect or cause to be inspected any book, register or other document belonging to or under the control of any person dealing in antiquities; and

(c) enter and search, or authorise any officer subordinate to him to enter and search any premises and seize, or authorise any such officer or a police officer, to seize, any antiquity in respect of which he has reasons to believe that a contravention of any provision of this section or a breach of any condition of the licence has been committed.

(5) Whoever contravenes the provision of this section shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine or with both.

(6) The Court trying an offence under sub-section (5) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Government.

27. **Export of Antiquities.**— No person shall export any antiquities except under a licence to be granted by the Secretary.
28. **Traffic in movable Antiquities.**—(1) if the Government apprehends that movable antiquities in any place in Azad Jammu and Kashmir are being sold or removed to the detriment of Azad Jammu and Kashmir it may, by notification in the official Gazette, prohibit or restrict the movement of any such antiquity or any class of such antiquities for such period and between such places in Azad Jammu and Kashmir as may be specified in the notification, except with, and in accordance with the terms of, the written permission of the Secretary.

(2) Whoever contravenes the provisions of a notification under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The Court trying an offence under sub-section (2) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Government.

29. **Regulation of Mining, Quarrying, etc.**—(1) If the Government is of the opinion that for the purpose of protecting or preserving any immovable antiquity it is necessary so to do, it may, by notification in the official Gazette, prohibit or restrict, within such area as may be specified therein, mining, quarrying, excavating, blasting and other operations of a like nature, or the movement of heavy vehicles, except under and in accordance with the terms of a licence granted by the Secretary and rules, if any, made in this behalf.

(2) Any owner or occupier of land who sustains any loss by reason of any prohibition or restriction by a notification under sub-section (1) shall be paid reasonable compensation for such loss.

(3) Whoever contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

30. **Prohibition of Archaeological Excavation or Exploration Without Licence.**—(1) No person shall make on any land any excavation or exploration for archaeological purposes, or unearth or make any digging in any land or site for taking out antiquities, except under, and in accordance with, a licence granted by the Secretary.

(2) A licence under sub-section (1) in respect of any land shall not be granted to any person other than the owner of the land except in accordance with the term of an agreement with the owner, and any such agreement may provide for :-
(a) the restriction of the owner's rights in respect of the use and occupation of such land;
(b) the compensation or any other consideration to be paid to the owner; and
(c) any other matter connected with the use of the land for the purpose of such excavation.

(3) A licence under subsection (1) shall not be refused to an owner if he undertakes to carry on the excavation in such manner that it will not result in the loss if archaeological or historical material which in the national interest should be preserved.

(4) Whoever contravenes the provisions of subsection (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(5) The Court trying an offence under sub-section (4) may direct that any object found in the course of an excavation, exploration, unearthing or digging constituting such offence shall stand forfeited to the Government.

31. **Prohibition of Making Copies of Protected Antiquities Without Licence.** No person shall for any commercial purpose, make a cinematograph film of any protected antiquity or any part thereof except under, and in accordance with a licence granted by the Secretary.

32. **Right of Access to Protected Immovable Antiquities:** Subject to the provisions of this Ordinance and the rules the public shall have a right of access to any immovable protected antiquity maintained by the Government under this Ordinance.

33. **Penalty.** A contravention of any provision of this Ordinance or the rules shall, where no punishment has been specifically provided, be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

34. **Jurisdiction to Try Offences.** No Court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing made by an officer generally or specially empowered in this behalf by the Government and no Court inferior to that of a Magistrate of the first class shall try any such offence.

35. **Power to Arrest Without Warrant.** (1) The Secretary or any officer duly empowered by him in this behalf may arrest without warrant any person against whom reasonable suspicion exists of his having committed any offence under Sections 6, 20, 26, 27, 28 or 30.
Subject to sub-section (3), every person arrested under sub-section (1) shall be taken forthwith to the officer in charge of the nearest Police Station.

(3) The Secretary or the officer arresting any person, or the officer in charge of a Police Station to whom any person is taken under sub-section (2), shall either admit him to bail to appear before the Magistrate having jurisdiction or have him taken in custody before such Magistrate.

36. **Confiscated Antiquities to be Made Over to Secretary.**— Any antiquity which is confiscated or forfeited under this Ordinance shall be made over to the Secretary for custody, preservation and protection.

37. **Indemnity.**— No suit, prosecution or other legal proceeding shall lie against Government or any person for any thing which is in good faith done or intended to be done under this Ordinance.

38. **Power to Make Rules.**— (1) The Government may, after previous publication, 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 and the conditions of any licence granted under this Ordinance;

(b) regulation of admission of the public to any immovable protected antiquity;

(c) the levy of fees for the grant of any licence under this Ordinance and for admission of the public to an immovable protected antiquity;

(d) the procedure to be followed in arbitrations, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal, and the maximum amount of an award against which no appeal shall lie, under sub-section (2) of Section 17;

(e) such other matters as are or may be required for carrying into effect the provisions of this Ordinance.

(3) Rules made under this Section may provide that the contravention of any of the provision thereof or of any condition of licence granted under this Ordinance shall be punishable with fine which may extend to five hundred rupees.

39. **Savings.**— Notwithstanding any judgment, decree or Order of any Court including High Court every thing done, all actions taken, notifications issued, Order or appointments made, proceeding
initiated, jurisdiction or power exercised under the provisions of the Antiquities Ordinance, 1978 (Ordinance LXXVI of 1978), or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under take Ordinance.

(Mohammad Hayat Khan)
President

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN ORDNANCE

to re-constitute and re-organize the Board of Intermediate and Secondary Education in Azad Jammu and Kashmir

WHEREAS it is expedient to re-constitute and re-organize Board of Intermediate and Secondary Education in Azad Jammu Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Board of Intermediate and Secondary Education Ordinance, 1980.

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

   (3) It shall come into force at once.

Note:- Please see Ordinance No. CXL of 1979, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 19th February, 1980.

No. 987/SL/80. The following Ordinance made by the President on the 14th day of February, 1980 is hereby published for general information :-

(ORDINANCE XXVI OF 1980)

AN
ORDINANCE

to provide for the prohibition of cutting of trees or causing damage to the standing and growing trees near the line of control in Azad Jammu and Kashmir

WHEREAS it is expedient to provide for the prohibition of cutting of trees and causing damages to the standing and growing trees 1,000 yards (914.4 meters) of the line of control in Azad Jammu and Kashmir and for matters ancillary thereto ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Cutting of Trees (Prohibition) Ordinance, 1980.
   (2) it extends to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions.** - In this ordinance unless there is anything repugnant in the subject or context.-
   (a) 'formation' means Corps Division or Brigade of the Pakistan Army;
   (b) 'local formation commander' in relation to an area, means an officer for the time being in command of the formation in the area; and
   (c) 'tree' means a large plant with the self supporting trunk.

3. **Cutting etc., of Trees Prohibited.** - Notwithstanding anything contained in any other law for the time being in force, no person shall, without the prior written approval of the local formation
commander or an officer authorised by him in this behalf, cut, fell or damage or cause to be cut, felled or damaged any tree growing within 1,000 yards (914.4 meters) belt along the line of control in Azad Jammu and Kashmir:

Provided that this Ordinance shall not affect the existing lease/contracts and any action taken, any thing done or intended to be done there under.

4. **Penalty.-** Whoever contravenes the provisions of this Ordinance or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

5. **Power to Make Rules.-** The Azad Government of the State Jammu and Kashmir may make rules for carrying out the purposes of this Ordinance.

(Mohammad Hayat Khan)  
President  

Sd/-

(Khalil Ahmed Qureshi)  
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th February, 1980.

No. 1023/LD/80. The following Ordinance made by the 
President on the 20th day of February, 1980, is hereby published for 
general information:-

(ORDINANCE XXVII OF 1980)

AN
ORDINANCE

to provide for law relating to the constitution of the Shariat Benches of 
Superior Courts

WHEREAS it is expedient to provide for law relating to the 
constitution of Shariat Benches of Superior Courts, in the manner 
hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, the President is pleased to make and promulgate 
the following Ordinance :-

1. **Short title, and Commencement.**- (1) This Ordinance may be 
called the Constitution of Shariat Benches of Superior Courts 
Ordinance, 1980.

   (2) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything 
repugnant in the subject or context,-

   (a) 'Council' means the Azad Jammu and Kashmir Council;

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

   (c) 'High Court' means the High Court of Azad Jammu and 
   Kashmir;

   (d) 'State Subject' means the State Subject as defined in the 
   Azad Jammu and Kashmir Interim Constitution Act, 
   1974; and

   (e) 'Supreme Court' means the Supreme Court of Azad 
3. **Ordinance to Override Other Laws.**—This Ordinance shall have effect notwithstanding anything contained in any other laws for the time being in force.

4. **Conferment of Jurisdiction on High Court.**—(1) The High Court may, on the petition of a State subject of Azad Jammu and Kashmir or the Government or the Council, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereafter in this Ordinance referred to as the Injunctions of Islam.

   **Explanation.** In this Ordinance, 'Law' includes any custom or usage having the force of law but does not include the Constitution, Muslim personal law, any law relating to the procedure of any court or tribunal, or, until the expiration of three year from the commencement of this Ordinance, any fiscal law, any law relating to the collection of taxes and fees or banking or insurance practice and procedure.

   (2) If the High Court decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision—

   (a) the reasons for its holding that opinion; and

   (b) the extent to which such law or provision is so repugnant and specify the day on which the decision shall take effect.

   (3) Every decision of the High Court shall be published in the official Gazette.

   (4) If any law or provision of law is held by the High Court to be repugnant to the Injunctions of Islam,—

   (a) the President shall take steps to amend the law so as to bring such law or provisions into conformity with the Injunctions of Islam; and

   (b) such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the High Court takes effect.

   (5) A party to any proceedings before the High Court under sub-section (1) may be represented by a legal practitioner who is a Muslim who has been enrolled as an advocate of a High Court for a period of not less than five years or as an advocate of the Supreme Court or by a jurisconsult selected by the party from out of a panel of jurisconsults maintained by the High Court for the purpose.
(6) For being eligible to have his name borne on the panel of jurisconsults referred to in sub-section (5), a person shall be an aalim who, in the opinion of the High Court, is well-versed in Shariat.

(7) A legal practitioner or jurisconsult representing a party before the High Court shall not plead for the party but shall state, expound and interpret the Injunctions of Islam relevant to the proceedings so far as may be known to him and submit to the Court a written statement of his interpretation of such injunctions of Islam.

(8) The High Court may invite any person in Azad Jammu and Kashmir or Pakistan whom the High Court considers to be well-versed in Islamic law to appear before it and render such assistance as may be required of him.

(9) No Court fee shall be payable in respect of any petition or application made to a High Court under this section.

(10) For the purpose of the exercise of the jurisdiction conferred by this Section there shall be constituted in the High Court a Bench consisting of three Muslim Judges of the High Court, to be called the Shariat Bench; and reference in the preceding sub-sections to the High Court shall be construed as a reference to the Shariat Bench.

5. **Appeal to Supreme Court** - (1) Any party to any proceedings before the High Court under Section 4 aggrieved by the final decision of the High Court in such proceedings may, within sixty days of such decision, prefer an appeal to the Supreme Court.

(2) The provisions of sub-sections (2) to (9) of Section 4 shall apply to and in relation to the Supreme Court as if reference in those provisions to High Court were a reference to the Supreme Court.

(3) For the purpose of the exercise of the jurisdiction conferred by this Section there shall be constituted in the Supreme Court, a Bench consisting of three Muslim Judges of the Supreme Court, to be called the Shariat Appellate Bench; and reference in the proceeding sub-sections to the Supreme Court shall be construed as a reference to the Shariat Appellate Bench.

6. **Pending Proceedings to Continue** - Nothing in Section 4 or section 5 shall be deemed to require any proceedings pending in any court or tribunal immediately before the commencement of this Ordinance or initiated after such commencement, to be adjourned or stayed by reason of a petition having been made to the High Court or the Supreme Court for a decision as to whether or not a law or provision of law relevant to the decision of the
point in issue in such proceedings is repugnant to the Injunctions of Islam; and such proceedings shall continue, and the point in issue therein shall be decided, in accordance with the law for the time being in force.

7. **Power to Make Rules.**—(1) The Supreme Court, in consultation with the High Court, 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 make provision in respect of all or any of the following matters:-

(a) regulation of the practice and procedure of the High Court and the Supreme Court in the exercise of jurisdiction under this Ordinance;

(b) the maintenance by the High Court and the Supreme Court of a panel of jurisconsults and of ulama who may be invited by the High Court or, as the case may be, Supreme Court to appear before it and render assistance to it in the performance of its functions under this Ordinance and the qualifications of such ulama; and

(c) the scale of payment of the honorarium, traveling allowance and daily allowance to be paid to ulama, jurisconsults, experts and witnesses summoned by the High Court or the Supreme Court in the performance of its functions under this Ordinance.

8. **Savings.**—Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or power exercised under the provision of the Constitution of Shariat Benches of Superior Courts Ordinance 1979 (Ordinance XXIV of 1979) or its succeeding ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN ORDINANCE

to make provision relating to the execution of the punishment of whipping

WHEREAS it is expedient to make provision relating to the execution of the punishment of whipping;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, 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 Execution of the Punishment of Whipping Ordinance, 1980.

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

   (3) It applies to the execution of the punishment of whipping imposed under any law for the time being in force.

   (4) It shall come into force at once.

2. Definitions.- In this Ordinance, unless there is anything repugnant in the subject or context, "authorised medical officer" means a Medical Officer, howsoever designated, authorised by Government.

3. Ordinance to Override Other Laws.- The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

4. Specifications of Whip.- The whip, excluding its handle, shall be of one single piece only and preferably be made of leather, or a cane or a branch of a tree, having no knob or joint on it, and its length and thickness shall not exceed 1.22 meters and 1.25 cm, respectively.
5. **The Conditions and Mode of Execution of Punishment of Whipping.** - The following provisions shall apply to the execution of the punishment of whipping, namely:-

(a) before the execution of the punishment commences, the convict shall be medically examined by the authorised medical officer so as to ensure that the execution of the punishment will not cause the death of the convict;

(b) if the convict is too old or too weak, having regard to the sentence of whipping awarded, the number of stripes shall be applied in such manner and with such intervals that the execution of the punishment does not cause his death;

(c) if the convict is ill, the execution of the punishment shall be postponed until the convict is certified by the authorised medical officer to be physically fit to undergo the punishment;

(d) if the convict is a woman who is Pregnant, the execution of the punishment shall be postponed until the expiration of a period of two months after the birth of child or miscarriage, as the case may be;

(e) if, at the time of the execution of the punishment, the weather is too cold or too hot, the execution shall be postponed until the weather has become normal;

(f) the punishment shall be executed in the presence of the authorised medical officer at such public place as the Court may direct or the Government may appoint for the purpose;

(g) the person appointed to execute the punishment shall be impartial and of nature under standing;

(h) he shall apply the whip with moderate force without raising his hand above his head so as not to lacerate the skin of the convict;

(i) after he has applied a stripe, he shall raise the whip aloft and shall not pull it off ;

(j) the stripes shall be spread over the body of the convict, so, however stripes shall not be applied on the head, face, stomach or chest or the delicate parts of the body of the convict ;

(k) such clothes of the convict shall be left on the body of the convict as are required by the Injunctions of Islam to be put on;
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(1) the stripes shall be applied, in the case of a male, while he is standing and, in the case of a female, while she is sitting; and

(m) if, after the execution of the punishment has commenced, the authorised medical officer is of the opinion that there is apprehension of the death of the convict, the execution of the punishment shall be postponed until the authorised medical officer certifies him physically fit to undergo the remainder of the punishment.

6. Custody of Convict Pending Execution of Punishment, etc.-
(1) In the case of a convict to whom only the punishment of whipping has been awarded, he shall, until the execution of the punishment is completed, be dealt with as if sentenced to simple imprisonment.

(2) If, in the opinion of the authorised medical officer, a convict cannot, because of old age, ill health or for any other reason, undergo the whole or any part of the punishment of whipping, the case shall be referred to the Court which may order the execution of the punishment in such manner as it may deem fit.

7. Powers to Make Rules.- The Government may, by notification in the official Gazette, make rules for the purposes of carrying into effect the provisions of this Ordinance.

8. Saving.- Notwithstanding any judgment, decree or Order of any court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Execution of the punishment of whipping Ordinance, 1979 (Ordinance XXV of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Brigadier Mohammad Hayat Khan)
President

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN ORDINANCE further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and Commencement.** - (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1980.
   (2) It shall come into force at once.

2. **Insertion of New Section 382-A, 382-B and 382-C, Act V of 1898.** - In the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in Azad Jammu and Kashmir, hereinafter referred to as the said Code, after Section 382, the following new Sections 382-A, 382-B, and 382-C shall be inserted:

   "382-A. Postponement of Execution of Sentences of Imprisoned under Section 476 or for a Period of Less than one Year:- Notwithstanding anything contained in Section 383 or 391, where the accused—
   (a) is awarded any sentence of imprisonment under Section 476, or
   (b) is sentenced in cases other than those provided for in Section 381, to imprisonment whether with or without fine or whipping, for a period of less than one year, the sentence shall not, if the accused furnishes bail to the satisfaction of the Court for his appearance at such time
and place as the Court may direct, be executed, until the expiry of the period prescribed for making an appeal against such sentence or, if an appeal is made within that time, until the sentence of imprisonment is confirmed by the Appellate Court, but the sentence shall be executed as soon as practicable after the expiry of the period prescribed for making an appeal, or, in case of an appeal, as soon practicable after the receipt of the order of the Appellate Court confirming the sentence.

382-B. **Period of Detention to be Considered while Awarding Sentence of Imprisonment.** Where a Court decides to pass a sentence of imprisonment on an accused for an offence, it shall take into consideration the period, if any, during which such accused was detained in custody for such offence.

382-C. **Scandalous or False and Frivolous Pleas to be Considered in Passing Sentence.** In passing a sentence on an accused for any offence, a Court may take into consideration any scandalous or false and frivolous plea taken in defence by him or on his behalf.”

3. **Amendment of Section 497, Act V of 1898.** In the said Code in Section 497, in sub-section (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following provision shall be added, namely :-

"Provided further that the Court shall, except where it is of opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail :-

(a) who, being accused of any offence not punishable with death, has been detained for such offence for a continuous period exceeding one year and whose trial for such offence has not concluded ; or

(b) who, being accused of an offence punishable with death has been detained for such offence for a continuous period exceeding two years and whose trial for such offence has not concluded."

4. **Amendment of Second Schedule, Act V of 1898.** In the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Azad Jammu and Kashmir, in the Second Schedule, for the heading 'Offences Against other Laws' and the entries thereunder the following heading and entries shall be substituted, namely:-
<table>
<thead>
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<td>If punishable with death imprisonment for life, imprisonment exceeding 7 years, amputation of hand or foot or both hand and foot or with whipping exceeding 80 stripes with or without any other of the said punishment.</td>
<td>May arrest without warrant</td>
<td>Warrant</td>
<td>Not bailable</td>
<td>Not compoundable</td>
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<td>Zilae Adalat</td>
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<td>Ditto</td>
<td>Ditto</td>
<td>Ditto except in cases under the Arms Act, 1878, Section 19, which shall be bailable.</td>
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<td>Zilae Adalat</td>
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<tr>
<td>If punishable with imprisonment for 3 years upwards, but not exceeding 7 years or with whipping not exceeding 80 stripes with or without imprisonment.</td>
<td>Shall not arrest without warrant</td>
<td>Summons</td>
<td>Bailable</td>
<td>Ditto</td>
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<td>Tehsili Adalat</td>
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<td>Ditto</td>
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<td>Tehsili Adalat</td>
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(Mohammad Hayat Khan)
President

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th February, 1980.

No. 1026/LD/80. The following Ordinance made by the President on the 20th day of February, 1980, is hereby published for general information:-

(ORDINANCE XXX OF 1980)

AN
ORDINANCE

to modify the existing law relating to prohibition of intoxicants so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah

WHEREAS it is necessary to modify the existing law relating to prohibition of intoxicants so as to bring it in conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Prohibition (Enforcement of Had) Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context,-

   (a) “adult” means a person who has attained the age of eighteen years or puberty;

   (b) “authorised medical officer” means a medical officer, whosoever designated, authorised by the Government;

   (c) “bottle” or “bottling” means to transfer intoxicating liquor from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale, whether
any process of manufacture be employed or not, and includes rebottling;

(d) "buy" or "buying" includes any receipt by way of gift or otherwise;

(e) "Collector" means any person appointed under this Ordinance to exercise or perform all or any of the powers or functions of a Collector under this Ordinance;

(f) "hadd" means punishment ordained by the Holy Quran or Sunnah;

(g) "intoxicant" means an article specified in the Schedule and includes intoxicating liquor and other article or any substance which the Government may, by notification in the official Gazette, declare to be an intoxicant for the purposes of this Ordinance;

(h) "intoxicating liquor" includes toddy, spirits of wine, wine, beer and all liquids consisting of or containing alcohol normally used for purposes of intoxication, but does not include a solid intoxicant even in liquefied;

(i) "manufacture" includes every process, whether natural or artificial, by which any intoxicant is produced, prepared or blended, and also re-distillation and every process for the rectification of intoxicating liquors;

(j) "place" includes a house, shed, enclosure, building, shop, tent, vehicle, vessel and aircraft;

(k) "Prohibition Officer" means the Collector or any officer appointed or invested with powers under section 21;

(l) "public place" means a street, road, thoroughfare, park, garden or other place to which the public have free access and includes a hotel, restaurant, motel, mess and club, but does not include the residential room of a hotel in the occupation of some person;

(m) "rectification" includes every process whereby intoxicating liquors are purified, coloured or flavored by mixing any material therewith;

(n) "sale" or "selling" includes any transfer by way of gift or otherwise;

(o) "tazir" means any punishment other than hadd; and

(p) "transport" means to move from one place to another.
CHAPTER II
PROHIBITION AND PENALTIES

3. **Precipitation of Manufacture, etc., of Intoxicants.** - Whoever--
   (a) imports, exports, transports, manufactures or processes any intoxicant; or
   (b) bottles any intoxicant; or
   (c) sells or serves any intoxicant; or
   (d) allows any of the acts aforesaid upon premises owned by him or in his immediate possession;

   shall be punishable with imprisonment of either description for a term which may extend to five years and with whipping not exceeding thirty stripes, and shall also be liable to fine.

4. **Owning or Possessing Intoxicant.** - Whoever owns, possesses or keeps in his custody any intoxicant shall be punished with imprisonment of either description for a term which may extend to two years, or with whipping not exceeding thirty stripes, and shall also be liable to fine.

5. **Section 3 or Section 4 not to Apply to Certain Acts.** - Nothing contained in section 3 or section 4 shall apply to any act done under, and in accordance with, the provisions of this Ordinance, or the terms of any rule, notification, order or licence issued thereunder.

6. **Drinking.** - Whoever, intentionally and without ikrah or iztirar, takes an intoxicant by any means whatsoever, whether such taking causes intoxication or not, shall be guilty of drinking.

   **Explanation.** - In this section,-
   (a) "ikrah" means putting any person in fear of injury to the person, property or honour of that or any other person; and
   (b) "iztirar" means a situation in which a person is in apprehension of death due to extreme hunger or thirst or serious illness.

7. **Two Kinds of Drinking.** - Drinking may be either drinking liable to hadd or drinking liable to tazir.

8. **Drinking liable to hadd.** - Whoever being an adult Muslim takes intoxicating liquor by mouth is guilty of drinking liable to hadd and shall be punished with whipping numbering eighty stripes:

   Provided that the punishment shall not be executed unless it is confirmed by the Court to which an appeal from the
order of conviction lies; and, until the punishment is confirmed and executed, the convict shall, subject to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to the grant of bail or suspension of sentence, be dealt with in the same, manner as if sentenced to simple imprisonment.

9. **Proof of Drinking Liable to Hadd.** - The proof of drinking liable to hadd shall be in one of the following forms, namely:-

(a) the accused makes before a Court of competent jurisdiction a confession of the commission of drinking liable to hadd; and

(b) at least two Muslim adult male witnesses, about whom the Court is satisfied, having regard to the requirement of *tazkiyah-al-shuhood*, that they are truthful persons and abstain from major sins (kabair), give evidence of the accused having committed the offence of drinking liable to hadd.

**Explanation.** - In this section, *tazkiyah-al-shuhood* means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

10. **Cases in which Hadd shall not be Enforced.** - (1) Hadd shall not be enforced in the following cases, namely:-

(a) when drinking is proved only by the confession of the convict but he retracts his confession before the execution of hadd; and

(b) when drinking is proved by testimony, but before the execution of hadd, any witness resides from his testimony so as to reduce the number of witnesses to less than two.

(2) In a case mentioned in (1), the Court may order retrial in accordance with the Code of Criminal Procedure 1898 (Act V of 1898).

11. **Drinking Liable to Tazir.** - Whoever --

(a) being a Muslim is guilty of drinking which is not liable to hadd under section 8 or for which proof in either of the forms mentioned in section 9 is not available and the Court is satisfied that the offence stands proved by the evidence on the record ;

(b) being a non Muslim Stale Subject, is guilty of drinking; or

(c) being a non-Muslim who is not a State Subject, is guilty of drinking at a public place; shall be liable to tazir and
shall be punished with imprisonment of either
description for a term which may extend to three years
or with whipping not exceeding thirty stripes, or with
both.

12. **Arrest on Suspicion of Violation of Section 8 or Section 11.**—
(1) No Police officer shall detain or arrest any person on
suspicion that he has taken an intoxicant in violation of section 8
or Section 11 unless he has asked such person to accompany him
to an authorised medical officer for examination and such person
either refuses to so accompany him or, having been examined by
the medical practitioner, is certified by him to have taken an
intoxicant.

(2) Whoever contravenes the provisions of sub-section (1)
shall be 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.

13. **Punishment for Vexatious Delay.**— Any officer or person
exercising powers under this Ordinance who vexatiously and
unnecessarily delays forwarding to a Prohibition Officer any
person arrested or any article seized under this Ordinance shall
be punishable with fine which may extend to one thousand
rupees.

14. **Things Liable to Confiscation.**— In any case in which an offence
has been committed under this Ordinance, the intoxicant, still,
utilis, implement or apparatus in respect or by means of which
the offence has been committed shall be liable to confiscation
along with the receptacles, packages, coverings, animals, vessels,
carts or other vehicles used to hold or carry the same.

15. **Confiscation how Ordered.**— (1) In any case involving anything
liable to confiscation under this Ordinance, the Court deciding
the case may order such confiscation despite the acquittal of the
person charged.

(2) When an offence under this Ordinance has been
committed but the offender is not known or cannot be found, or
when anything liable to confiscation under this Ordinance and
not in the possession of any person cannot be satisfactorily
accounted for, the case shall be inquired into and determined by
the Collector or other Prohibition Officer incharge of the District
or any other officer authorised by the Government in this behalf,
who may order such confiscation:

Provided that no such order shall be made until the
expiration of fifteen days from the date of seizure of the things
intended to be confiscated or without hearing the persons, if any,
claiming any right thereto, and evidence, if any, which they produce in support of their claims.

16. **Cognizance of Certain Offences.**—(1) The following offences shall be cognizable, namely:

(a) an offence punishable under section 3; and

(b) an offence punishable under section 4, section 8 or section 11, if committed at a public place.

(2) No Court shall take cognizance of an offence punishable under --

(a) section 12 or section 13, save on a complaint made by the person in respect of whom the offence has been committed; and

(b) section 20, save on a complaint made by, or under the authority of, a Prohibition Officer.

**CHAPTER-III**

**LICENCES FOR MEDICINAL OR SIMILAR OTHER PURPOSE**

17. **Licences for Bonafide Medicinal or other Purposes.**—The Government or, subject to the control of the Government, the Collector, may issue licences to any person in respect of any institution, whether under the management of Government or not,—

(a) for the manufacture, import, transport, sale or possession of any intoxicant or article containing intoxicating liquor on the ground that such intoxicant or article is required by such person in respect of such institution for a **bonafide** medicinal, scientific, industrial or similar other purposes; or

(b) for the export of any intoxicant or article containing intoxicating liquor.

18. **Form and Conditions of Licences.**—Every licence issued under this Ordinance shall —

(a) be granted on payment of such fee, if any, for such period and on such conditions; and

(b) be in such form and contain such particulars, as the Government may direct, either generally or in any particular case.

19. **Power to Cancel or Suspend Licences.**—(1) The Collector may cancel or suspend a licence —

(a) if any fee payable by the holder thereof be not duly paid; or
in the event of any breach by the holder thereof or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of the licence.

(2) The Collector shall cancel a licence if-

(a) the holder thereof is convicted of any offence under this Ordinance; or

(b) the purpose for which the licence is granted ceases to exist.

(3) As and when any licence is cancelled under sub-section (1) or sub-section (2), the holder thereof shall at once declare to the Collector the stock of intoxicating liquor or articles containing such liquor lying with him, and dispose of such stock to such authorised person as the Collector may specify.

20. **Penalty for the Breach of Conditions of Licence.**- In the event of any breach by the holder of a licence, or by his servant or by any one acting with his express or implied permission on his behalf, of any of the terms and conditions of the licence, such holder shall, in addition to the cancellation or suspension of the licence, and in addition to any other punishment to which he may be liable under this Ordinance, be punishable with imprisonment of either description for a term which may extend to one year and with fine, unless he proves that he exercised all due diligence to prevent such breach; and any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence, also be liable to the same punishment.

CHAPTER-IV
ESTABLISHMENT AND CONTROL

21. **Appointment of Officers.**- The Government may, from time to time, by notification in the official Gazette, appoint an officer to exercise all the powers of a Collector under this Ordinance in any area specified in the notification and to have the control of the administration of the provisions of this Ordinance in such area;

(b) appoint officers with such designations, powers and duties as the Government may think fit to assist the Collector or other Prohibition Officer; and

(c) delegate to any prohibition Officer all or any of its powers under this Ordinance.
22. **Issue of Search Warrants.** - (1) If any Collector, Prohibition Officer, Magistrate or Qazi, upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under section 3, section 4, section 8, or section 11 has been committed, he may issue a warrant for the search for any intoxicant, material, still, utensil, implement or apparatus in respect of which the alleged offence has been committed.

(2) Any person who has been entrusted with the execution of such a warrant may detain and search and, if he thinks proper, but subject to the provisions of sub-section (1) of Section (12) arrest any person found in the place searched, if he has reason to believe such person to be guilty of an offence under Section 3, Section 4, Section 8 or Section 11.

23. **Powers of Prohibition Officer.** - In addition to the powers conferred on him by the foregoing provisions of this Ordinance, a Prohibition Officer shall have all the powers conferred on the officer in charge of a police station while conducting an investigation into a cognizable offence.

24. **Enhanced Punishment for Certain Offences after Previous Conviction.** - Whoever, having been convicted by a Court of an offence punishable under this Ordinance, shall be guilty of that offence shall, in addition to the punishment provided for that offence, be awarded for every such subsequent offence the punishment of imprisonment provided for that offence.

25. **Punishment for Attempt to Commit Offence Punishable under this Ordinance.** - Whoever attempts to commit an offence punishable under this Ordinance or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be punished, in the case of an offence punishable under section 8, with rigorous imprisonment for a term which may extend to two years, and in other cases, with imprisonment for a term which may extend to one-half of the longest term provided for that offence, or with such whipping or fine as is provided for the offence, or with any two of, or all, the punishments.

26. **Application of Certain Provisions of the Penal Code (Act XLV of 1860).** - (1) Unless otherwise expressly provided in this Ordinance, the provisions of sections 34 to 38 of Chapter II, sections 63 to 72 of Chapter III, and Chapters V and VA of the
Penal Code (Act XLV of 1860), shall apply *mutatis mutandis*, in respect of offences under this Ordinance.

(2) Whoever is guilty of the abetment of an offence liable to *hadd* under this Ordinance shall be liable to the punishment provided for such offences as *tazir*.

27. **Application of Code of Criminal Procedure, 1898 (Act V of 1898).**— (1) Unless otherwise expressly provided in this Order, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, shall apply, *mutatis mutandis*, in respect of cases under this Ordinance:

Provided that, if it appears in evidence that the offender has committed a different offence under any other law, he may, if the Court is competent to try that offence and to award punishment therefore, be convicted and punished for that offence.

(2) The provisions of sub-section (3) of section 391 or section 393 of the said Code shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(3) The provisions of Chapter XXIX of the said Code shall not apply in respect of the punishment awarded under section 8.

28. **Indemnity.**— No suit, prosecution or other legal proceeding shall lie against the Government, a Police Officer, a Prohibition Officer or any other officer in respect of anything which is in good faith done under this Ordinance or the rules made thereunder.

29. **Ordinance to Override other Laws.**— This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.


31. **Presiding Officer of Court to be a Muslim.**— The Presiding Officer of the Court by which a case is tried, or an appeal is heard, under this Ordinance shall be a Muslim:

Provided that, if the accused is a non-Muslim, the Presiding Officer may be a non-Muslim.
32. **Power to Make Rules.**—(1) The Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules—

(a) for the issue of licences and the enforcement of the conditions thereof;

(b) prescribing the powers to be exercised and the duties to be performed by Prohibition Officers in furtherance of the objects of this Ordinance;

(c) determining the local jurisdiction of Prohibition Officers in regard to inquiries and investigation;

(d) authorising any officer to exercise any power or perform any duty under this Ordinance;

(e) regulating the delegation by the Collectors or other prohibition Officers of any powers conferred on them by under this Ordinance;

(f) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original appellate, passed by an authority other than a Court under this Ordinance or under any rules made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and procedure for dealing therewith;

(g) for the disposal of articles confiscated and of the proceeds thereof; and

(h) examination of persons referred to in section 12.

33. **Pending Cases.**—Nothing in this Ordinance shall be deemed to apply to cases pending before any court immediately before the commencement of this Ordinance or to offence committed before such commencement.

34. **Savings.**—Notwithstanding any judgment, decree or order of any court including the High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Prohibition (Enforcement of Hadd) Ordinance, 1979 (Ordinance XXVII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

**THE SCHEDULE**

{See Section 2 (f)}

1. The leaves, small stalks and flowerings or fruiting tops of the Indian hemp plant (*cannabis sativa* L.) including all forms known as *bhang, siddhi* or *ganja*.

2. **Charas**, that is the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing or transport.

3. Any mixture, with or without natural materials, of any or the articles mentioned in entries 1 and 2, or any drink prepared there from.

4. Opium and opium depravities and defined in the Dangerous Drugs Act, 1930 (II of 1930).

5. Coca leaf and coca derivatives and defined in the aforesaid Act,

6. Hashish.

(Brigadier Mohammad Hayat Khan)  
President,  

__________________________  
sd/-

(Khalil Ahmed Qureshi)  
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th February, 1980.

No. 1027/LD/80. The following Ordinance made by the
President on the 20th day of February, 1980, is hereby published for
general information:

(ORDINANCE XXXI OF 1980)

AN
ORDINANCE
to bring in conformity with the injunctions of Islam the law relating to
certain offences against property

WHEREAS it is necessary to modify the existing law relating to
certain offences against property, so as to bring it in conformity with the
Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim
Constitution Act, 1974, the President is pleased to make promulgate the
following Ordinance:

PRELIMINARY

1. **Short title, Extent and Commencement.**- (1) This Ordinance
may be called the Offences Against Property (Enforcement of
Hudood) Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything
repugnant in the subject or context,

   (a) "adult" means a person who has attained the age of
eighteen years or puberty;

   (b) "authorised medical officer" means a medical officer,
howsoever designated, authorised by Government;

   (c) "hadd" means punishment ordained by the Holy Quran
or Sunnah;

   (d) "hirz" means an arrangement made for the custody of
property;

**Explanation 1.**- Property placed in a house, whether its
door is closed or not, or in an almirah or a box or other
container or in the custody of a person, whether he is paid for such custody or not, is said to be in hirz.

**Explanation 2.** If a single family is living in a house, the entire house will constitute a single hirz, but if two or more families are living in one house in severalty, the portion in the occupation of each family will constitute a separate hirz.

*(e)* "imprisonment for life" means imprisonment till death;

*(f)* "nisab" means the nisab as laid down in section 6;

*(g)* "tazir" means any punishment other than hadd; and all other terms and expressions not defined in this Ordinance shall have the same meaning as in the Penal Code (Act XLV of 1860), or the Code of Criminal Procedure, 1898 (Act V of 1898)

3. **Ordinance to Override other Laws.** The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

4. **Two Kinds of Theft.** Theft may be either theft liable to hadd or theft liable to tazir.

5. **Theft Liable to Hadd.** Whoever, being an adult, surreptitious commits, from any hirz theft of property of the value of the nisab or more, not being stolen property, knowing that it is or likely to be of the value of the nisab or more, is, subject to the provisions of this Ordinance, said to commit theft liable to hadd.

   **Explanation 1.** In this section, "stolen property" does not include property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed.

   **Explanation 2.** In this section, "surreptitiously" 'means that the person committing the theft commits such theft believing that the victim of theft does not know of his action. For surreptitious removal of property it is necessary that, if it is day time, which includes one hour before sunrise and two hours after sunset, surreption should continue till the completion of the offence and if it is night surreption need not continue after commencement of the offence.

6. **Nisab.** The nisab for theft liable to hadd is four decimal four five seven (4.457) grams of gold, or other property of equivalent value, at the time of theft.

   **Explanation.** If theft is committed from the same hirz in more than one transaction, or from more than one hirz and the value of the stolen property in each case is less than the nisab it
is not theft liable to hadd, even if the value of the property involved in all the cases adds up to or exceeds, the nisab.

ILLUSTRATIONS

(a) A enters a house occupied by a single family and remove from various rooms property the value of which adds up to or exceeds, the nisab such theft is liable to hadd, even though the value of the property removed from any of the rooms does not amount to the nisab. If the house is occupied by more than one family and the value of the property removed from the hirz of any one family is less than the nisab, than the theft is not liable to hadd, even though the value of the properties removed adds up to, or exceeds, the nisab.

(b) A enters a house several times and removes from the house on each occasion property the value of which does not amount to the nisab. Such theft is not liable to hadd, even though the value of the properties removed adds up to, or exceeds, the nisab.

7. Proof of the Theft Liable to Hadd.- The proof of theft liable to hadd shall be in one of the following forms, namely:-

(a) the accused pleads guilty of the commission of theft liable to hadd: and

(b) at least two Muslim adult male witnesses, other than the victim of the theft, about whom the Court is satisfied, having regard to the requirements of tazkiya Al-shuhood, that they are truthful persons and abstain from major sins (kabair) give evidence as eye-witnesses of the occurrence:

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslim:

Provided further that the statement of the victim of the theft or the person authorised by him shall be recorded before the statements of the eye-witnesses are recorded.

Explanation.- In this section, tazkiya Al-shuhood means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

8. Commission of Theft Liable to Hadd by More than one Person.- Where theft liable to hadd is committed by more than one person and the aggregate value of the stolen property is such that, if the property is divided equally amongst such of them as have entered the hirz, each one of them gets a share which
amounts to, or exceeds, the nisab, the hadd shall be imposed on all of them who have entered the hirz whether or not each one of them has moved the stolen property or any part thereof.

9. **Punishment for Theft Liable to Hadd.**

   (1) Whoever commits theft liable to hadd for the first time shall be punished with amputation of his right hand from the joint of the wrist.

   (2) Whoever commits theft liable to hadd for the second time shall be punished with amputation of his left foot up to the ankle.

   (3) Whoever commits theft liable to hadd for the third time, or any time subsequent thereto, shall be punished with imprisonment for life.

   (4) Punishment under sub-section (1) or sub-section (2) shall not be executed unless it is confirmed by the Court to which an appeal from the order of conviction lies, and, until the punishment is confirmed and executed, the convict shall be dealt within the same manner as if sentenced to simple imprisonment.

   (5) In the case of a person sentenced to imprisonment for life under sub-section (3), if the High Court is satisfied that he is sincerely penitent, he may be set at liberty on such terms and conditions as the Court may deem fit to impose.

   (6) Amputation shall be carried out by an authorised medical officer.

   (7) If, at the time of the execution of hadd, the authorised medical officer is of the opinion that the amputation of hand or foot may cause the death of the convict, the execution of hadd shall be postponed until such time as the apprehension of death ceases.

10. **Cases in Which Hadd shall not be Imposed.** Hadd shall not be imposed in the following cases, namely :-

    (a) When the offender and victim of the theft are related to each other as-

       (i) spouses;

       (ii) ascendants, paternal or maternal;

       (iii) decedents paternal or maternal;

       (iv) brothers or sisters of father or mother; or

       (v) brothers or sisters or their children;

    (b) when a guest has committed theft from the house of his host;
(c) when a servant or employee has committed theft from the hirz of his master or employer to which he is allowed access;

(d) when the stolen property is wild grass, fish, bird, dog, pig, intoxicant, musical instrument, or perishable foodstuffs, for the preservation of which provision does not exist;

(e) when the offender has a share in the stolen property the value of which, after deduction of his share, is less than the nisab;

(f) when a creditor steals his debtor's property the value of which, after deduction of the amount due to him, is less than the nisab;

(g) when the offender has committed theft under ikrah or iztirar;

**Explanation.** In this clause

(i) "ikrah" means putting any person in fear of injury to the person, property or honour of that or any other person; and

(ii) "iztirar" means a situation in which a person is in apprehension of death due to extreme hunger or thirst.

(h) when the offender, before his apprehension, has, on account or repentance, returned the stolen property to the victim and surrenders himself to the authority concerned.

11. **Cases in which Hadd shall not be Enforced.** (1) Hadd shall not be enforced in the following cases, namely:-

(a) when theft is proved only by the confession of the convict, but he retracts his confession before the execution of hadd;

(b) when theft is proved by testimony, but before the execution of hadd, any witness resiles from his testimony so as to reduce the number of eye-witnesses to less than two;

(c) when, before the execution of hadd, the victim withdraws his allegation of theft or states that the convict had made a false confession or that any of the eye-witnesses have deposed falsely, and the number of eye-witnesses is thereby reduced to less than two; and
(d) when the left hand or the left thumb or at least two fingers of the left hand or the right foot of the offender are either missing or entirely unserviceable.

(2) In the case mentioned in clause (a) of sub-section (1) the Court may order retrial.

(3) In a case mentioned in clause (b), or clause (c), or clause (d) of sub-section (1), the Court may award tazir on the basis of the evidence on record.

12. **Return of Stolen Property** - (1) If the stolen property is found in the original or in an identifiable form, or in a form into or for which it may have been converted or exchanged, it shall be or caused to be returned to the victim, whether it is in the possession of, or has been recovered from, the offender or any other person.

(2) If the stolen property is lost or consumed while in the offender's possession and the hadd is enforced against him, the offender shall not be required to pay compensation.

13. **Theft LIABLE to Tazir** - Whoever commits theft which is not liable to hadd, or for which proof in either of the forms mentioned in Section 7 is not available, or for which hadd may not be imposed or enforced under this Ordinance, shall be liable to tazir.

14. **Punishment for Theft LIABLE to Tazir** - Whoever commits theft liable to tazir shall be awarded the punishment provided for the offence of theft in the Penal Code (Act XLV of 1860).

15. **Definition of Haraabah** - When any one or more persons, whether equipped with arms or not, make show of force for the purpose of taking away the property of another and attack him or cause wrongful restraint or put him in fear of death or hurt, such person or persons are said to commit haraabah.

16. **Proof of Haraabah** - The provisions of Section 7 shall apply mutatis mutandis, for the proof of haraabah.

17. **Punishment for Haraabah** - (1) Whoever, being an adult, is guilty of haraabah in the course of which neither any murder has been committed nor any property has been taken away shall be punished with whipping not exceeding thirty stripes and with rigorous imprisonment until the Court is satisfied of his being sincerely penitent:

   Provided that the sentence of imprisonment shall in no case be less than three years.

(2) Whoever, being an adult, is guilty of haraabah in the course of which no property has been taken away but hurt has
been caused to any person shall, in addition to the punishment provided for in sub-section (1), be punished for causing such hurt in accordance with such other law as may for the time being be applicable.

(3) Whoever, being an adult, is guilty of *haraabah* in the course of which no murder has been committed but property the value of which amounts to, or exceeds, the *nisab* has been taken away shall be punished with amputation of his right hand from the wrist and of his left foot from the ankle:

Provided that, when the offence of *haraabah* has been committed conjointly by more than one person, the punishment of amputation shall be imposed only if the value of the share of each one of them is not less than the *nisab*:

Provided further that, if the left hand or the right foot of the offender is missing or is entirely unserviceable, the punishment of amputation of the other hand or foot, as the case may be, shall not be imposed, and the offender shall be punished with rigorous imprisonment for a term which may extend to fourteen years and with whipping not exceeding thirty stripes.

(4) Whoever, being an adult, is guilty of *haraabah* in the course of which he commits murder shall be punished with death imposed as *hadd*.

(5) Punishment under sub-section (3), except that under the second proviso thereto, or under sub-section (4), shall not be executed unless it is confirmed by the Court to which an appeal from the order of conviction lies, and if the punishment be of amputation, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

(6) The provisions of sub-section (6) and sub-section (7) of section 9, shall apply to the execution of the punishment of amputation under this section.

18. **Cases in which Punishment of Amputation or Death for Haraabah shall not be Imposed or Enforced.** - The punishment of amputation or death shall not be imposed or enforced for the offence of haraabah in cases in which *hadd* may not be imposed for theft liable to *hadd* and the provisions of Section 10 and Section 11 shall apply, *mutatis mutandis*, to such cases.

19. **Return of Property taken away During Haraabah.** - The provisions of Section 12 shall apply, *mutatis mutandis*, for return of property taken away during *haraabah*, so, however, that sub-section (2) of the said section shall have effect as if, for
the word "hadd" therein, the words "punishment of amputation of death" were substituted.

20. **Punishment for Haraabah Liable to Tazir**.- Whoever commits haraabah which is not liable to the punishment provided for in Section 17 or for which proof in either of the forms mentioned in Section 7 is not available, or for which punishment of amputation or death may not be imposed or enforced under this Ordinance shall be awarded the punishment provided in the Penal Code (Act XLV of 1860), for the offence of dacoity, robbery or extortion, as the case may be.

21. **Punishment for Rassagiri or Patharidari**.- (1) Whoever extends patronage, protection or assistance in any form to, or harbours, any person or group of persons engaged in the theft of cattle, on the understanding that he shall receive one or more of that cattle in respect of which the offence is committed, or a share in the proceeds thereof, is said to commit "rassagiri" or "patharidari".

(2) Whoever commits "rassagiri or patharidari" shall be punished with rigorous imprisonment for a term which may extent to fourteen years, or with whipping not exceeding seventy stripes, and with confiscation of all his immovable property and with fine.

22. **Punishment for Attempts to Commit Offence Punishable by this Ordinance**.- Whoever attempts to commit an offence punishable under this Ordinance, or to cause such an offence to committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Ordinance for the punishment of such attempt, be punish with imprisonment of either description for a term which may extend to ten years.

**ILLUSTRATIONS**

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore, is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z’s pocket. A fails in the attempt in consequence of Z’s having nothing in his pocket. A is guilty under this section.

23. **Application of Certain Provisions of Penal Code (Act XLV of 1860)**.- (1) Unless otherwise expressly provided in this Ordinance, the provisions of sections 34 to 38 of Chapter II,
section 71 and section 72 of Chapter III, and section 149 of Chapter VIII of the Penal Code (Act XLV of 1860), shall apply, mutatis mutandis, in respect of offences under this Ordinance.

(2) Whoever is guilty of the abetment of an offence liable to hadd under this Ordinance shall be liable to the punishment provided for such offence as tazir.


Provided that, if it appears in evidence that the offender has committed a different offence under any other law, he may, if the Court is competent to try that offence and to award punishment therefore, be convicted and punished for that offence.

(2) The provisions of sub-section (3) of Section 391 or Section 393 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(3) The provisions of Chapter XXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in respect of punishments awarded under Section 9 or Section 17 of this Ordinance.


26. Presiding Officer of Court to be a Muslim.—The presiding Officer of the Court by which a case is tried, or an appeal is heard, under this Ordinance shall be a Muslim:

Provided that, if the accused is a non-Muslim, the presiding Officer may be a non-Muslim.

27. Repeal.—Sections 16 to 22 of the Azad Jammu and Kashmir Islamic (Tazirati) Qawanin Nafaz Act, 1974 are hereby repealed

28. Pending Cases.—Nothing in this Ordinance shall be deemed to apply to cases pending before any Court immediately before the commencement of this Ordinance, or to offences committed before such commencement.
29. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under provisions of the Offences against Property (Enforcement Hudood) Ordinance, 1979 (Ordinance XXVII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th February, 1980.

No. 1028/SL/80. The following Ordinance made by the President on the 20th day of February, 1980, is hereby published for general information:-

(ORDINANCE XXXII OF 1980)

AN
ORDINANCE

to bring in conformity with the Injunctions of Islam the law relating to the offence of qazf

WHEREAS it is necessary to modify the existing law relating to qazf so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Offence of Qazf (Enforcement of Hadd) Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.** - In this Ordinance, unless there is anything repugnant in the subject or context".,

   (a) "adult", "hadd", "tazir", "zina" and "zina-bil-jabr" have the same meaning as in the Offence of Zina (Enforcement of Hudood) Ordinance, 1979; and

   (b) all other terms and expressions not defined in his Ordinance shall, have the same meaning as in the Penal Code (Act XLV of 1860) or the Code of Criminal Procedure, 1898 (Act V of 1898).

3. **Qazf.** - Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes an imputation of Zina concerning any person intending to harm, or knowing or having reason to believe that such imputation will
harm, the reputation, or hurt the feelings, of such person, is said, except in the cases hereinafter excepted, to commit qazf.

**Explanation 1.** - It may amount to qazf to impute zina to a deceased person, if the imputation would harm the reputation, or hurt the feelings, of that person if living, and is hurtful to the feelings of his family or other near relatives.

**Explanation 2.** - An imputation in the form of an alternative or expressed ironically, may amount to qazf.

**First Exception (Imputation of Truth which Public good Requires to be Made or Published).** - It is not qazf to impute zina to any person if the imputation be true and made or published for the public good. Whether or not it is for the public good is a question of fact.

**Second Exception (Accusation Preferred in good faith to Authorised Person).** - Save in the cases hereinafter mentioned, it is not qazf to prefer in good faith an accusation of zina against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation;

(a) A complainant makes an accusation of zina against another person in a court, but fails to produce four witnesses in support thereof before the court.

(b) According to the finding of the court, a witness has given false evidence of the commission of zina or zina-bil-jabr.

(c) According to the finding of the court, a complainant has made a false accusation of zina-bil-jabr.

4. **Two Kinds of Qazf.** - Qazf may be either qazf liable to hadd or qazf liable to tazir.

5. **Qazf Liable to Hadd.** - Whoever, being an adult, intentionally and without ambiguity commits qazf of zina liable to hadd against a particular person who is a muhsan and capable of performing sexual intercourse it, subject to the provisions of this Ordinance, said to commit qazf liable to hadd.

**Explanation 1.** - In this section, "muhsan" means a sane and adult Muslim who either has had no sexual intercourse or has had such intercourse only with his or her lawfully wedded spouse.

**Explanation 2.** - If a person makes in respect of another person the imputation that such other person is an illegitimate child, or refuses to recognize such person to be a legitimate child, he shall be deemed to have committed qazf liable to hadd in respect of the mother of that person.
6. **Proof of Qazf Liable to Hadd.** - Proof of qazf liable to hadd shall be in one of the following forms, namely:

   (a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence;

   (b) the accused commits qazf in the presence of the Court; and

   (c) at least two Muslim adult male witnesses, other than the victim of the qazf, about whom the Court is satisfied, having regard to the requirements of tazkiya al-shuhood, that they are truthful persons and abstain from major sins (kabair) give direct evidence of the commission of qazf;

   Provided that, if the accused is a non-Muslim, the witnesses may be non Muslims:

   Provided further that the statement of the complainant or the person authorised by him shall be recorded before the statements of the witnesses are recorded.

7. **Punishment of Qazf Liable to Hadd.** - (1) Whoever commits qazf liable to hadd shall be punished with whipping numbering eighty stripes.

   (2) After a person has been convicted for the offence of qazf liable to hadd, his evidence shall not be admissible in any court of law.

   (3) A punishment awarded under sub-section (1) shall not be executed until it has been confirmed by the Court to which an appeal from the Court awarding the punishment lies; and, until the punishment is confirmed and executed, the convict shall, subject to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to the grant of bail or suspension of sentence, be dealt with in the same manner as if sentenced to simple imprisonment.

8. **Who can File a Complaint.** - No proceedings under this Ordinance shall be initiated except on a report made to the police or a complaint lodged in a Court by the following, namely:

   (a) if the person in respect of whom the qazf has been committed be alive, that person, or any person authorised by him; or

   (b) if the person in respect of whom the qazf has been committed be dead, any of the ascendants or descendants of that person.
9. **Cases in which Hadd shall not be Imposed or Enforced.** - (1) Hadd shall not be imposed for qazf in any of the following cases, namely :-

(a) when a person has committed qazf against any of his descendants:

(b) when the person in respect of whom qazf has been committed and who is a complainant has died during the pendency of the proceedings ; and

(c) when the imputation has been proved to be true.

(2) In a case in which, before the execution of hadd the complainant withdraws his allegation of qazf or states that the accused had made a false confession or that any of the witnesses had deposed falsely and the number of witnesses is thereby reduced to less than two, hadd shall not be enforced, but the Court may order retrial or award tazir on the basis of the evidence on record.

10. **Qazf Liable to Tazir.** - Whoever commits qazf which is not liable to hadd, or for which proof in any of the forms mentioned if section 6 is not available, or for which hadd may not be imposed or enforced under Section 9, is said to commit qazf liable to tazir.

11. **Punishment for Qazf Liable to Tazir.** - Whoever commits qazf liable to tazir shall be punished with imprisonment of either description for a term which may extend to two years and with whipping not exceeding forty stripes, and shall also be liable to fine.

12. **Printing or Engraving Matter Known to be of the Nature, Referred to in Section 3.** - Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is of the nature referred to in Section 3, shall be punished with imprisonment of either description for a term which may extend to two years, or with whipping not exceeding thirty stripes, or with fine, or with any two of, or all, the punishments.

13. **Sale of Printed or Engraved Substance Containing Matter of the Nature Referred to in Section 3.** - Whoever sells or offers for sale any printed or engraved substance containing matter of the nature referred to in section 3, knowing that it contains such matter, shall be punished with imprisonment of either description for a term which may extend to two years, or with whipping not exceeding thirty stripes, or with fine, or with any two of, or all, the punishments.
14. **Lian.** (1) When a husband accuses before a Court his wife who is muhsan within the meaning of section 5, of zina and the wife does not accept the accusation as true, the following procedure of lian shall apply, namely:

(a) the husband shall say upon oath before the Court: "I swear by Allah the Almighty and say I am surely truthful in my accusation of zina against my wife (name of wife)" and, after he has said so four times, he shall say: "Allah's curse be upon me if I am a liar in my accusation of zina against my wife (name of wife)"

(b) the wife shall, in reply to the husband's statement made in accordance with clause (a), say upon oath before the Court: "I swear by Allah the Almighty that my husband is surely a liar in his accusation of zina against me" and, after she has said so four times, she shall say: "Allah's wrath be upon me if he is truthful in his accusation of zina against me."

(2) When the procedure specified in sub-section (1) has been completed, the Court shall pass an order dissolving the marriage between the husband and wife, which shall operate as a decree for dissolution of marriage and no appeal shall lie against it.

(3) Where the husband or the wife refuses to go through the procedure specified in sub-section (1), he or, as the case may be, she shall be imprisoned until –

(a) in the case of the husband, he has agreed to go through the aforesaid procedure; or

(b) In the case of the wife, she has either agreed to go through the aforesaid procedure or accepted the husband's accusation as true.

(4) A wife who has accepted the husband's accusation as true shall be awarded the punishment for the offence of zina liable to hadd under the Imposition of Hudood for the Offence of Zina Ordinance, 1979.

15. **Punishment for Attempt to Commit Offence Punishable under this Ordinance.** Whoever attempts to commit an offence punishable under this Ordinance, or to cause such an attempt to be committed, and in such attempt does any act towards the commission of the offence, shall be punished with imprisonment for a term which may extend to one-half of the longest term provided for the offence, or with such whipping or fine as is provided for the offence, or with any two of, or all, the punishments.
16. **Application of Certain Provisions of Penal Code (Act XLV of 1860).** - (1) Unless otherwise expressly provided in this Ordinance, the provisions of sections 34 to 38 of Chapter II, Sections 63 to 72 of Chapter III and Chapters V and VA of the Penal Code (Act XLV of 1860), shall apply, *mutatis mutandis*, in respect of offences under this Ordinance.

(2) Whoever is guilty of the abetment of an offence liable to *hadd* under this Ordinance shall be liable to the punishment provided for such offence as *tazir*.

17. **Application of the Code of Criminal Procedure, 1898 (Act V of 1898).** - (1) Unless otherwise expressly provided in this Ordinance, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, shall apply, *mutatis mutandis*, in respect of cases under this Ordinance:

Provided that, if it appears in evidence that the offender has committed a different offence under any other law, he may, if the Court is competent to try that offence and award punishment therefore, be convicted and punished for that offence.

(2) The provisions of sub-section (3) of Section 391 or section 393 of the said Code shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(3) The provisions of Chapter XXIX of the said Code shall not apply in respect of a punishment awarded under Section 7 of this Ordinance.


19. **Presiding Officer of Court to be a Muslim.** - The Presiding Officer, of the Court by which a case is tried, or an appeal is heard, under this Ordinance, shall be a Muslim.

20. **Ordinance to Override other Laws.** - The Provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

21. **Pending Cases.** - Nothing in this Ordinance shall be deemed to apply to cases pending before any Court immediately before the
commencement of this Ordinance, or to offences committed before such commencement.

22. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance XXIX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir
Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th February, 1980.

No. 1029/SL/80. The following Ordinance made by the President on the 20th day of February, 1980, is hereby published for general information:-

(ORDINANCE XXXIII OF 1980)

AN
ORDINANCE

to bring in conformity with the injunctions of Islam the law relating to the offence of zina

WHEREAS it is necessary to modify the existing law relating to zina so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Offence of Zina (Enforcement of Hudood) Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

2. **Definitions.** - In this Ordinance, unless there is anything repugnant in the subject or context,-
   
   (a) "adult" means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty;
   
   (b) "hadd" means punishment ordained by the Holy Quran or Sunnah;
   
   (c) "un-marriage" means marriage which is not void according to the personal law of the parties, and "married" shall be construed accordingly;
   
   (d) "muhsan" means –
      
      (i) a Muslim adult man who is not insane and has had sexual intercourse with a Muslim adult
woman who at the time he had sexual intercourse with her, was married to him and was not insane; or

(ii) a Muslim adult woman who is not insane and has had sexual intercourse with a Muslim adult man who, at the time she had sexual intercourse with him, was married to her and was not insane; and

(e) "tazir" means any punishment other than hadd, and all other terms and expressions not defined in this Ordinance shall have the same meaning as in the Penal Code (Act XLV of 1860) or the Code of Criminal Procedure, 1898 (Act V of 1898).

3. **Ordinance to Override other Laws.**- The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

4. **Zina.**- A man and a woman are said to commit 'Zina' if they wilfully have sexual intercourse without being validly married to each other.

**Explanation.**- Penetration is sufficient to constitute the sexual intercourse necessary to the offence of zina.

5. **Zina Liable to Hadd.**- (1) Zina is zina liable to hadd if –

(a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be, married; or

(b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be, married.

(2) Whoever is guilty of zina liable to hadd shall, subject to the provisions of this Ordinance,-

(a) if he or she is a muhsan, be stoned to death at a public place; or

(b) if he or she is not a muhsan be punished, at a public place with whipping numbering one hundred stripes.

(3) No punishment under sub-section (2) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies; and if the punishment be of whipping, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.
6. **Zina-Bil-Jabr.**— (1) A person is said to commit *zina-bil-jabr* if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following circumstances, namely:—

(a) against the will of the victim,

(b) without the consent of the victim,

(c) with the consent of the victim, when the consent has been obtained by putting in fear of death or of hurt, or

(d) with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.

**Explanation.**—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of *zina-bil-jabr*.

(2) *Zina-bil-jabr* is *zina-bil-jabr* liable to *hadd* if it is committed in the circumstances specified in sub-section (1) of section 5.

(3) Whoever is guilty of *zina-bil-jabr* liable to *hadd* shall, subject to the provisions of this Ordinance,—

(a) if he or she is a *muhsan*, be stoned to death at a public place; or

(b) if he or she is not a *muhsan* be punished with whipping numbering one hundred stripes, at a public place, and with such other punishment, including the sentence of death as the Court may deem fit having regard to the circumstances of the case.

(4) No punishment under sub-section (3) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies; and if the punishment be of whipping, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

7. **Punishment for Zina or Zina-Bil-jabr where Convict is not an Adult.**—A person guilty of *zina* or *zina-bil-jabr* shall, if he is not an adult, be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both, and may also be awarded the punishment of whipping not exceeding thirty stripes:
Provided that, in the case of *zina-bil-jabr*, if the offender is not under the age of fifteen years, the punishment of whipping shall be awarded with or without any other punishment.

8. **Proof of Zina or Zina Bil-jabr Liable to Hadd.**- Proof of *zina*, or *zina-bil-jabr*, liable to hadd shall be in one of the following forms, namely:-

   (a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence; or

   (b) at least four Muslim adult male witnesses, about whom the Court is satisfied, having regard to the requirements of *tazkiyah al-shuhood*, that they are truthful persons and abstain from major sins (*kabair*), give evidence as eye-witnesses of the act of penetration necessary to the offence:

   Provided that if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.

*Explanation.*- In this section "*tazkiyah Al-shuhood*" means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

9. **Cases in which Hadd shall not be Enforced.**- (1) In a case in which the offence of *zina* or *zina-bil-jabr* is proved only by the confession of the convict, *hadd*, or such part of it as is yet to be enforced, shall not be enforced if the convict retracts his confession before the *hadd* or such part is enforced.

   (2) In a case in which the offence of *zina* or *zina-bil-jabr* is proved only by testimony, *hadd*, or such part of it as is yet to be enforced, shall not be enforced if any witness resiles from his testimony before *hadd* or such part is enforced, so as to reduce the number of eye-witnesses to less than four.

   (3) In the case mentioned in sub-section (1), the Court may order retrial.

   (4) In the case mentioned in sub-section (2), the Court may award *tazir* on the basis of the evidence on record.

10. **Zina or Zina-bil-jabr Liable to Tazir.**- (1) Subject to the provisions of section 7, whoever commits *zina* or *zina-bil-jabr* which is not liable to *hadd*, or for which proof in either of the forms mentioned in section 8 is not available and the punishment of *qazf* liable to *hadd* has not been awarded to the complainant, or for which hadd may not be enforced under this Ordinance, shall be liable to *tazir*. 
(2) Whoever commits zina liable to tazir shall be punished with rigorous imprisonment for a term which may extend to ten years and with whipping numbering thirty stripes, and shall also be liable to fine.

(3) Whoever commits zina-bil-jabr liable to tazir shall be punished with imprisonment for a term which may extend to twenty-five years and, if the punishment be one of imprisonment, shall also be awarded the punishment of whipping numbering thirty stripes.

11. **Kidnapping, Abducting or Inducing Woman to Compel for Marriage, etc.** - Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life and with whipping not exceeding thirty stripes, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in the Penal Code (Act XLV of 1860), or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

12. **Kidnapping or Abducting in Order to Subject Person to Unnatural Lust.** - Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a term which may extend to twenty-five years, and shall also be liable to fine, and, if the punishment be one of imprisonment, shall also be awarded the punishment of whipping not exceeding thirty stripes.

13. **Selling Person for Purposes of Prostitution, etc.** - Whoever sells, lets to hire, or otherwise disposes of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment for life and with whipping not exceeding thirty stripes, and shall also be liable to fine.
EXPLANATIONS

(a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

(b) For the purposes of this Section and Section 18, "illicit intercourse" means sexual intercourse between persons not united by marriage.

14. **Buying Person for Purposes of Prostitution, etc.**- Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment for life and with whipping not exceeding thirty stripes, and shall also be liable to fine.

Explanation.- Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

15. **Cohabitation Caused by a Man Deceitfully Inducing a Belief Lawful Marriage.**- Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawful married to him and to cohabit with him in that belief, shall be punished with rigorous imprisonment for a term which may extend to twenty-five years and with whipping not exceeding thirty stripes, and shall also be liable to fine.

16. **Enticing or Taking away or Detaining with Criminal Intent a Woman.**- Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment of either description for a term which may extend to seven years and with whipping not exceeding thirty stripes, and shall also be liable to fine.

17. **Mode of Execution of Punishment of Stoning to Death.**- The punishment of stoning to death awarded under Section 5 or Section 6 shall be executed in the following manner, namely:-

Such of the witnesses who deposed against the convict as may be available shall start stoning him and, while stoning is
being carried on, he may be shot dead, whereupon stoning and
shooting shall be stopped.

18. **Punishment for Attempting to Commit an Offence.** - Whoever
attempts to commit an offence punishable under this Ordinance
with imprisonment or whipping, or to cause such an offence to
be committed, and in such attempt does any act towards the
commission of the offence shall be punished with imprisonment
for a term which may extend to one-half or the longest term
provided for that offence, or with whipping not exceeding thirty
stripes, or with such fine as is provided for the offence, or with
any two of, or all, the punishments.

19. **Application of Certain Provisions of Penal Code (Act XLV of
1860) and Amendment.** - (1) Unless otherwise expressly
provided in this Ordinance, the provisions of Sections 34 to 38 of
Chapter II, Sections 63 to 72 of Chapter III and Chapter V and
VA of the Penal Code (Act XLV of 1860), shall apply, *mutatis
mutandis*, in respect of offences under this Ordinance.

(2) Whoever is guilty of the abetment of an offence liable to
*hadd* under this Ordinance shall be liable to the punishment
provided for such offence as *tazir*.

(3) In the Penal Code (Act XLV of 1860).- 

(a) Section 366, Section 372, Section 373, Section 375 and
Section 376 of Chapter XVI and Section 493, Section 497 and Section 498 of Chapter XX shall stand repealed;
and

(b) in Section 367 the words and comma "or to the unnatural
lust of any person," shall be omitted.

20. **Application of Code of Criminal Procedure (Act V of 1898),
and Amendment.** - (1) The provisions of the Code of Criminal
procedure, 1898 (Act V of 1898), hereafter in this section
referred to as the Code, shall apply, *mutatis mutandis*, in
respect of cases under this Ordinance:

Provided that, if it appears in evidence that the offender
has committed a different offence under any other law, he may,
if the Court is competent to try that offence and award
punishment therefore, be convicted and punished for that
offence.

(2) The provisions of Section 198, Section 199, section
199A or section 199B of the Code shall not apply to the
cognizance of an offence punishable under section 15 or section
16 of this Ordinance.
(3) The provisions of sub-section (3) of Section 391 or section 393 of the Code shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(4) The provisions of Chapter XXIX of the Code shall not apply in respect of punishments awarded under section 5 or section 6 of this Ordinance.

(5) In the Code, Section 561 shall stand repealed.


22. Presiding Officer of Court to be Muslim.- The Presiding Officer of the Court by which a case is tried, or an appeal is heard, under this Ordinance shall be a Muslim:

Provided that, if the accused is a non-Muslim the Presiding Officer may be a non-Muslim.

23. Pending cases.- Nothing in this ordinance shall be deemed apply to the cases pending before any Court immediately before the commencement of this ordinance, or to offences committed before such commencement.

24. Savings.- Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made proceedings initiated, jurisdiction or powers exercised under the provisions of Zina (Enforcement of Hudood) ordinance, 1979 (Ordinance XXX of 1979), or its succeeding ordinance issued form time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under the Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated 21st February, 1980.

No. 1061/LD/80. The following Ordinance made by the President on the 21st day of February, 1980, is hereby published for general information:

(ORDINANCE XXXIV OF 1980)

AN
ORDINANCE

to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department

WHEREAS it is expedient to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, Extent and Commencement.** (1) This Ordinance may be called the Incomplete Projects (Recovery of Payments) Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

2. **Recovery of Amounts etc.** (1) Notwithstanding anything contained in any other law for the time being in force or in any agreement or other instrument, if on the scrutiny of record and after such inquiry as it may consider necessary, the Government is satisfied that any amount advanced or payment made to any person out of Peoples Works Programme and World Food Programme Funds during the period from 1st January, 1970 to 11th August, 1977, was made for the completion of a sanctioned scheme which was not completed or because of the political affiliation of such person, the Government or an officer authorised by it in this behalf, by notice in writing, require such person to complete the scheme or to refund the amount of such
payment to the Government, within such time as may be specified in the notice.

(2) Any amount not paid within the period specified in the notice issued under sub-section (1) shall, without prejudice to any other mode of recovery under any law, be recoverable as an arrear of land revenue.

3. **Punishment:** Whoever contravenes any of the provisions of this Ordinance or orders issued thereunder shall be punishable with imprisonment for a term which may extend to seven years or with fine, which in case of default in the repayment of amount shall not be less than the amount outstanding against him.

4. **Cognizance of Offence:** (1) Offences under this Ordinance shall be cognizable, non-bailable, and triable by a Magistrate of the First Class with Section 30 Powers.

5. **Savings:** Notwithstanding any judgment, decree or Order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Incomplete Projects (Recovery of Payments) Ordinance, 1978(Ordinance XLIII of 1978) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd-
(Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

to provide for law relating to the Upper Chhatter Housing Scheme

WHEREAS it is expedient to provide for law relating to the Upper Chhatter Housing Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and Commencement:** (1) This Ordinance may be called the Upper Chhatter Housing Scheme Ordinance, 1980.

   (2) It shall come into force at once.

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

   (a) 'Committee' means a committee set up under Section 3 of this Ordinance;

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

   (c) 'Member' means a member of the Committee and shall include an ex-officio member.

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

   (2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed 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) The Committee shall ordinarily meet for the transaction of business at such place as may be determined by the Chairman.

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

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

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

(6) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Committee within ten days from the date of such meeting.

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 Ordinance 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 purpose of this Ordinance.

(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 Ordinance 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 power of the Committee are delegated under this Ordinance, shall not be questioned in any Court.

9. **Powers and Duties of the Committee**:- (a) The Committee shall prepare schemes for the allotment of plots in the Upper
Chhattar Housing Scheme and take such measures as may be necessary for carrying out the purposes of this Ordinance;

(b) have the powers 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 charges as awarded by the Collector including 15% compulsory acquisition charges, if any, and the development charges which may be determined by such agency;

(c) 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 plots sold or any part thereof or of other dues;

(d) cause the removal of any construction which obstructs the execution of its scheme and may issue interim in 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 the Government;

(e) have the power to sell, lease or rent the plots and realise their price, rent or other dues in lump-sum or in installments according to the regulations issued by the Government from time to time.

10. **Cancellation of Allotment**.- The Committee may, in case of default in the payment of installments 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 Ordinance or any order made thereunder shall be recoverable as arrears of land revenue.

12. **Committee to Control Private Construction**.- The Committee shall have the power to control the construction of private buildings in accordance with the rules.

13. **Punishment**.- Whoever contravenes any provision of this Ordinance or of any rule, regulation or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.
14. **Cognizance of Offence:**— No Court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an officer authorised for the purpose by the committee.

15. **Power to Make Rules:**— the Committee, with the previous sanction of the Government, may make rules for carrying out the purposes of this Ordinance.

16. **Power to make Regulations:**— The Committee may, with the previous sanction of the Government, make regulation to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the said rules.

17. **Savings:**— Notwithstanding any judgment decree or Order of any court including High Court, every thing done, all actions taken, notification issued, Orders or appointments made, proceedings initiated, jurisdiction or power exercised under the provisions of the Upper Chhattar Housing Scheme Ordinance, 1978 (Ordinance VI of 1978) or its succeeding Ordinances issued form time to time shall be deemed to have been validly done, taken, issued, make, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
AN ORDINANCE

to provide for law relating to the punishment for withholding informations required by the Government for efficient conduct of an inquiry

WHEREAS it is expedient to provide for law relating to the punishment for withholding information required by the Government for efficient conduct of an inquiry, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement**:- (1) This Ordinance may be called the Conduct of Inquiry (Punishment for withholding Information) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects and persons in the service of Azad Jammu & Kashmir wherever they may be.

(3) It shall come into force at once.

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

(a) 'Chief Executive' means the Chief Executive of Azad Jammu and Kashmir;

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

(c) 'Order' includes directions and letters of any kind;

3. **Power to Obtain Information**:- (1) Notwithstanding anything contained in any other law for the time being in force the Government, or a person authorised by it in this behalf, may by
order require any person to furnish or produce to any specified authority or person any such information or document in his possession or under his control as may be specified in the order being information or document which the Government or the person authorised by it considers it necessary or expedient for efficient conduct of inquiry by an Inquiry Commission.

(2) If any person withholds or fails to furnish any information or document in compliance with an order made under sub-section (1), he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

**False Statement:** If any person,-

(i) when required by or under the provisions of this Ordinance to make any statement or furnish any information makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular; or

(ii) makes any such statement as aforesaid in any account, declaration or other document which he is required by or under the provisions of this Ordinance to furnish, he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine or with both.

4. **Power to Require Production of Books, etc:** (1) Where any person is required by or under any of the provisions of this Ordinance to make any statement or furnish any statement or furnish any information to any authority that authority made order, with a view to verifying the statement may be or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-section (1), he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

5. **Cognizance of Contraventions of the Provisions of this Ordinance:** (1) No Court or Tribunal shall take cognizance of any contravention of the provisions of this Ordinance or of any Order made thereunder except on a report in writing of the facts constituting such contravention, made by the Chief Executive.

(2) Offences under this Ordinance shall be non cognizable and bailable and shall be triable by a Magistrate of the first class under the Code of Criminal Procedure.
6. **Indemnity:** No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Ordinance.

7. **Power to Make Rules:** The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

8. **Savings:** Notwithstanding any judgment, decree of Order of any court including High Court, everything done, all action taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provision of the Conduct of Inquiry (Punishment for withholding Information) Ordinance, 1978 (Ordinance VII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-

Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the February 23, 1980

No. 1077/SL/80. The following Ordinance made by the President on the 18th day of February, 1980, is hereby published for general information:

(ORDINANCE XXXVII OF 1980)

AN 
ORDINANCE 
to amend the Companies Act, 1913

WHEREAS it is expedient to amend the Companies Act, 1913 (VII of 1913), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.** (1) This Ordinance may be called the Companies (Amendment) Ordinance 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 2, Act VII of 1913.** In the Companies Act, 1913 (Act VII of 1913), hereinafter referred to as the said Act, in Section 2, in sub-section (1) in clause (15), after the word 'Registrar' the commas and words “additional registrar, joint registrar, deputy registrar,” shall be inserted.

3. **Amendment of Section 11, Act VII of 1913.** In the said Act, in Section 11.-

   (a) in sub section (3) in clause (a) after the words 'Bank of Pakistan, the comma and words “Finance or any derivative thereof” shall be inserted;

   (b) after sub-section (3-A), the following new sub-section shall be inserted namely:-

   "(3-B) No company shall be registered by a name which contains any word which in the opinion of the Azad Government of the State of Jammu and Kashmir is undesirable or deceptive or is designed to exploit the religious susceptibilities of people."
(3-C) A Company in existence immediately before the commencement of the Companies (Amendment) Ordinance, 1979 which has in its name –

(a) the words 'Finance' shall, within thirty days of such commencement; or

(b) any such word as is referred to in sub-section (3-B) shall within thirty days of the day on which the Azad Government of the State of Jammu and Kashmir declares that the company has such a word in its name, alter its name with sanction of the registrar.

(3-D) If a company acts in contravention of sub-section (3-B) or sub-section (3-C), the company and every officer of the company who is knowingly and wilfully in default shall be liable to a fine not exceeding ten thousand rupees and to a further fine not exceeding one thousand rupees for every day during which the default continues”.

4. **Amendment of Section 22, Act VII of 1913.** In the said Act, Section 22 shall be re-numbered as sub-section (1) of that section and -

(a) in sub-section (1), re-numbered as aforesaid, after the word "them" at the end, the words and commas "if the company is being formed for lawful purposes, none of its objects stated in the memorandum is undesirable or deceptive or insufficiently expressive all the requirements of law have been met and company is authorised to be registered" shall be added; and

(b) after sub-section (1), re-numbered and amended as aforesaid, the following new sub-sections shall be added, namely

"(2) If registration of the memorandum is refused, any of the subscribers of the memorandum may, within thirty days of the order of refusal, prefer an appeal -

(a) where the order of refusal has been passed by an additional registrar, a joint registrar, a deputy registrar or an assistant registrar, to the registrar; and

(b) where the order of refusal has been passed, or upheld in appeal, by the registrar, to the Azad Government of the State of Jammu and Kashmir."
(3) An order of the Government of Azad Jammu and Kashmir under sub-section (2) shall be final and shall not be called in question before any Court or other authority.

5. **Amendment of Section 76, Act VII of 1913.**- In the said Act, in Section 76, sub-section (2) for the words "five hundred rupees" the words "twenty thousand rupees and a further fine not exceeding two thousand rupees for every day during which the default continues" shall be substituted.

6. **Amendment of Section 133, Act VII of 1913.**- In the said Act, in section 133 in sub-section (3) for the words "five hundred rupees" the words "twenty thousand rupees and with a further fine not exceeding two thousand rupees for every day during which the default continues" shall be substituted.

7. **Amendment of Section 137, Act VII of 1913.**- In the said Act, in section 137,

(a) for sub-section (1) the following shall be substituted, namely:-

"(1) Where, on perusal of any document which is submitted to him under this Act, or of any notice, advertisement or other communication, or otherwise, the registrar is of opinion that any information, explanation or document is necessary with respect to any matter, he may, by a written order, call upon the company and any of its directors or officers to furnish such information or explanation in writing, or such document, within such time as he may specify in the order"; and

(b) in sub-section (3) for the words and comma "to a fine not exceeding fifty rupees in respect of each offence", the words, commas and semi-colon "in respect of each offence to a fine not exceeding to twenty thousand rupees and to a further fine not exceeding two thousand rupees for every day during which the default continues and every officer of the company who knowingly and willfully authorizes or permits, or is a party to the default, shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both,” shall be substituted.

8. **Amendment of Section 140, Act VII of 1913.**- In the said Act, in section 140, in sub-section (3), for the words liable to a fine not exceeding fifty rupees in respect of each offence" the words and comma "punishable in respect of each offence with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine” shall be substituted.
9. **Insertion of New Section 153-C, Act VII of 1913.-** In the said Act, after section 153-B, the following new section shall be inserted namely:

"153-C. Prevention of Mismanagement or Oppression of Members:-(1) If any member or members holding not less than one tenth of the issued share Capital of a company complains or complain, or the Azad Government of the State of Jammu and Kashmir is of the opinion, that the affairs of the company are being conducted ducted in an unlawful or fraudulent manner, or in a manner not provided for in its memorandum, or in a manner oppressive to the member or any of the members, or are being conducted in manner prejudicial to the public interest, such member or members or, as the case may be, the Azad Government of the State of Jammu and Kashmir may make an application to the Court by petition; and the Court may make such order as it think fit in the circumstances for regulating the conduct of the affair of the company and matters ancillary thereto.

(2) Where an order is made under sub-section (1) on the application of any member or members, the company in relation to which the Order is made shall cause a certified copy thereof to be delivered to the registrar for registration within fourteen days after the completion of the order, and if default is made in complying with this subsection, the company and every officer of the company who is knowingly and willfully in default shall be liable to a fine not exceeding five thousand rupees and to a further fine not exceeding five hundred rupees for every day during which the default continues."

10. **Amendment of Section 166, Art VII of 1913.-** In the said Act, in section 166, in the proviso, in clause (aa), sub-section (i) shall be omitted.

11. **Amendment of Section 170, Act VII of 1913.-** In the said Act in section 170, after sub-section (1) the following new sub-section shall be added, namely:-

"(1-A) If on a petition presented by any member or the registrar, the Court is of the opinion that, although the facts would justify the making of a winding up order, the making of such order would unfairly prejudice the member or members concerned the Court may make such order as it thinks fit in the circumstances for regulating the conduct
of the affair of the company and bringing to an end the matters complained of."

12. **Amendment of Section 248, Act VII of 1913.-** In the said Act, in section 248 in sub-section (2) for the words “and assistant registrars as it thinks necessary for the registration of companies under this Act” the commas and words "additional registrars, joint registrar, deputy registrars and assistant registrars' as it thinks necessary” shall be substituted.

13. **Amendment of Section 249-A, Act VII of 1913.-** In the said Act, in section 249-A,-

(a) for the marginal heading the following shall be substituted namely:-

"Enforcing compliance with provisions of Act.” and

(b) in subsection (1),-

(i) the words and commas "which requires it to file with, deliver or send to the registrar any return account or other document, or to give notice to him of any matter,” shall be omitted; and

(ii) for the word "fourteen" the word "thirty" shall be substituted.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

to amend the Pakistan Administration of Evacuee Property Act, 1957

WHEREAS it is expedient to provide the measures for the permanent social and economic rehabilitation of allottees of evacuee property by granting proprietary rights in such allotted evacuee property;

AND WHEREAS the Government of Pakistan has also consented to the grant of such proprietary rights to the refugees in allotted evacuee property;

AND WHEREAS it is necessary to amend the Pakistan Administration of evacuee Property) Act, 1957, as in force in Azad Jammu and Kashmir for aforesaid purposes;

AND WHEREAS the President is satisfied that circumstances exist when render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement.**-(1) This Ordinance may be called the Pakistan Administration of Evacuee Property (Amendment) Ordinance, 1980.
   (2) It shall extend to the whole of Azad Jammu and Kashmir Territory.
   (3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context,-
   (a) 'Act' means Pakistan Administration of Evacuee Property Act, 1957, as adapted in Azad Jammu and Kashmir;
   (b) 'Allottee of evacuee property' shall mean the person or persons holding the allotment of any evacuee property under the Rehabilitation Act, 1956 as adapted in Azad
Jammu and Kashmir at the time of enforcement of this Ordinance and shall include any person to whom any evacuee property is allotted in future under the said Act or any other law for the time being in force;

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

(d) 'Owner' shall mean the owner of the evacuee property as shown immediately before the war of liberation in 1947 or his heirs survivors or successors who are by his personal law entitled to inheritance;

(e) 'Rehabilitation Commissioner' means an officer appointed as such by the Government under the provisions of Pakistan Rehabilitation Act, 1956, as adopted in Azad Jammu and Kashmir.

3. **Addition of Section 18-A, Act XII of 1957**.- In the Pakistan Administration of Evacuee Property Act, 1957 (Act XII of 1957) as adapted in the Azad Jammu and Kashmir, after Section 18, the following shall be added, namely: -

"18-A. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provision of the next following sub sections the allottees holding allotment of evacuee property in Azad Jammu and Kashmir shall enjoy the proprietary rights in respect of such property so, however, that such allottee, and every other person to whom any such property is transferred, by the allottee whether by way of sale, gift, mortgage or otherwise, shall hold the property subject to the condition that, if the owner of such property shall return to Azad Jammu and Kashmir at the time when a plebiscite is about to be, or is being, held in the State of Jammu and Kashmir in accordance with the UNCIP Resolution of the fifth day of January 1949, and shall claim the property, the allottee or other person holding that property shall surrenders the property in favour of the person who is declared to be the rightful owner by the Custodian paying to the allottee or transferee the cost of any improvement made in the property.

(2) The proprietary rights in pursuance of sub-section (1) shall be granted by the Custodian to every allottee after realizing from such allottee the cost and other dues prescribed by the rules, in the form of 'Proprietary Rights Transfer Order' on the certificate of Entitlement from the Rehabilitation Commissioner.
(3) The Rehabilitation Commissioner shall issue a Certificate of the Entitlement under sub-section (2) after satisfying himself to the effect:-

(a) that the allottee is entitled to the allotment of evacuee property in Azad Kashmir;

(b) that the allotment has been made by the competent authority;

(c) that the allotment is within scale prescribed by the Government from time to time:

Provided that the land in respect of which an allottee has received compensation from the Government shall be excluded for the purposes of entitlement from the maximum limit of entitlement; and

(d) that the allottee has filed a form of holding of evacuee property prescribed by the Custodian of Evacuee Property.

(4) The order of Rehabilitation Commissioner refusing to issue a Certificate of entitlement shall be appealable to an officer authorised by Government in this behalf.

(5) An order of Custodian granting or refusing to grant proprietary rights under sub-section (1) shall be revisable by Divisional Bench of High Court.

(6) The Rehabilitation Commissioner or as the case may be the Custodian may review his own order to correct any clerical mistake or such omission which is apparent on the face of record:

Provided that no order shall be reviewed without notice to the parties likely to be affected the review.

(7) The period of limitation for appeal review or revision under sub-sections (4) and (5) shall be 90 days from the date of order or the date on which it is communicated to person concerned whichever is later."

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIATE, 
MUZAFFARABAD.

Dated the February 23, 1980.

No. 1107/LD/80. The following Ordinance made by the 
President on the 22nd day of February, 1980 is hereby published for 
general information:-

(ORDINANCE XXXIX OF 1980)

AN 
ORDINANCE 
to amend the Azad Jammu and Kashmir Acquisition of Land 
(Housing and Development Schemes) Ordinance, 1980 

WHEREAS it is expedient to amend the Azad Jammu and 
Kashmir Acquisition of Land (Housing and Development Schemes) 
Ordinance, 1980 (Ordinance II of 1980) in the manner hereinafter 
appearing;

AND WHEREAS the President is satisfied that circumstances 
extist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred 
by sub-section (1) of Section 41 of the Azad Jammu and Kashmir 
Interim Constitution Act, 1974, 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 Acquisition of Land 
(Housing and Development Schemes) (Amendment) 
Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 7, Ordinance II of 1980.**- In the 
Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980 (Ordinance II of 1980), in Section 7, after clause (i) the following proviso shall be added, namely :-

"Provided that the maximum rate of compensation so 
determined in the notified Master Plan Areas for housing 
schemes by the Collector shall not exceed rupees twenty 
thousands per kanal in the district headquarters of 
Muzaffarabad, Rawalakot, Mirpur and Kotli, rupees ten
thousands per kanal in Tehsil headquarter and five thousands per kanal in other areas."

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd –
(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 24th February, 1980.

No……../LD/80. The following ordinance made by the President on the 23rd day of February, 1980, is hereby published for general information:-

(ORDINANCE XL OF 1980)

AN 
ORDINANCE 
to provided for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir Territory and to Consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith.

WHEREAS it is expedient to provide for the constitution of Local Government institutions throughout the Azad Jammu Kashmir Territory and consolidate and amend certain laws relating to Local Government to provide for certain matter connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THREFORE, in exercise of the powers conferred by sub-section (1) Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Local Government Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.** - In this Ordinance, unless the context otherwise requires:-

   (i) 'Building' includes any shop, house, hut, outhouse-shed or stable built of any material and used for any purpose and also includes a wall and a well ;

   (ii) 'Bye-laws' means bye-laws made under this Ordinance;

   (iii) 'Cantonment Board' means a Cantonment Board constitute under the Cantonment Act, 1924 (II of 1924) as adopted in Azad Jammu and Kashmir;
'Chairman' means the Chairman of the local Council constituted under this Ordinance;

'Collector' means the Chief Officer In charge of the revenue administration of the District concerned, and includes a Deputy Commissioner, and any other officer especially appointed by the Government to perform all or any of the functions of a Collector under this Ordinance;

'Commissioner' means the Chief Officer In charge of the revenue administration and includes any officer especially appointed by the Government to perform all or any of the functions of a Commissioner under this Ordinance;

'Dehi Council' Dehi Council means a Dehi Council constituted under this Ordinance;

‘District’ means a revenue district;

'District Council' means a Council for the district constituted under this Ordinance;

'Elected Member' means a member who has been chosen in election by the elector under the provisions of this Ordinance;

‘Election Commissioner’ means the Election Commissioner appointed under this Ordinance and includes an additional and a Deputy Election Commissioner;

'Elector' means a person who is entitled to vote at an election and whose name appears in the Electoral Rolls;

'Function' includes powers to be exercised and duties to be discharged;

'Government' means the Azad Government of the State of Jammu and Kashmir;

'Infectious disease' means cholera, plague, small pox, and tuberculosis and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;

'Local Area' means the area under the jurisdiction of a local Council;

'Local Council' means a Council constituted under this Ordinance and includes Union Council, Markaz Council,
(xviii) 'Markaz.' means an area decided to be a Markaz under this Ordinance;

(xix) 'Markaz Council' means a Markaz Council constitute under this Ordinance;

(xx) 'Member' means a member of Local Council;

(xxi) ‘Municipal Committee' means a Municipal Committee constituted under this Ordinance;

(xxii) ‘Rules' means rules made under this Ordinance;

(xxiii) ‘Rural Area’ means an area which is not an Urban Area;

(xxiv) ‘Town' means an area declared as notified area and includes an area declared to be a town under this Ordinance;

(xxv) ‘Town Committee' means a Town Committee constituted under the Ordinance;

(xxvi) 'Union means an area declared to be a union under this Ordinance;

(xxvii) ‘Union Council' means a union council constituted under this Ordinance; and

(xxviii) 'Urban Area” means an area which has been declared by the Government to be an Urban Area.

3. **Election Commissioner**- (1) The Government may appoint an Election Commissioner, who shall be responsible for the organization, conduct a supervision of elections to the local Government institutions and matters connected therewith.

(2) The Government may appoint an Additional or a Deputy Election Commissioner to assist the Election Commissioner in performance of his functions under the provisions of this Ordinance:

Provided that any appointment made, order passed, notification issued and action taken before the Commencement of this Ordinance shall be deemed to have been validly made, passed, issued or taken under the provisions of this Ordinance.

4. (1) The Government may in the prescribed manner, divide the urban and rural area of a district, as the case may be, separately into a number of areas and declare by notification each such area to be a Local Council.
(2) The Government may by notification in the official Gazette, delegate any of its power under sub-section (1), to the Election Commissioner.

5. **Local Councils:** As soon as may be, the following Local councils shall be constituted in accordance with the provisions of this Ordinance.

   (a) A Dehi Council for each Deh (village) or a group of village as the case may be.
   
   (b) A union council for each union.
   
   (c) A Markaz Council for each Markaz.
   
   (d) A District Council for each District.
   
   (e) A Town Committee for an urban area consisting of such number of members as may be prescribed.
   
   (f) A Municipal Committee for an urban area consisting of more than ten thousand population except in the case of a district headquarters where a Municipal Committee shall be constituted irrespective of its population.

6. Every local council shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provision of this Ordinance and the rules, to acquire, hold and transfer property both movable and immovable and shall by its name use or be used.

7. Government may, by notification, specify the name by which any local council shall be known and unless the name of a local council is so specified it shall be known as the local council of the place where its office is situated.

**COMPOSITION OF LOCAL COUNCILS**

**UNION COUNCILS:**

8. (1) A Union Council shall subject to the other provisions of this Ordinance, consist of such number of members as may be fixed by the Government.

   (2) The principles to be followed in determining the members shall be prescribed.

   (3) No official shall be a member of the Union Council.

   (4) The members of Union Council will elect from among themselves a Chairman/Vice Chairman of the Union Council.

**MARKAZ COUNCIL:**

9. (1) A Markaz Council shall consist of such members as may, by notification, be fixed by the Government.
(2) The Chairman of the Union Councils shall ex-officio be the non-official member of the Markaz Council within whose jurisdiction the Union Councils lie.

(3) Where the members of a Union Council in a Markaz is less than three, the vice-Chairman of the Union Council shall also be the members of the Markaz Council. In addition to this the Union council will elect one member from amongst its members to act as member of the Markiz Council.

(4) The officer of the nation building departments at the Markaz level shall ex-officio be the official members of the Markaz Council, but they shall not have any right of vote. Their names shall be notified by the Government.

(5) The non-official members of a Markaz Council shall, in the prescribed manner elect one of its members to be its Chairman and Vice Chairman.

**DISTRICT COUNCIL:**

10. (1) A District Council shall consist of such number of members as may, by notification, be fixed by the Government.

(2) The officers of the nation building departments at the district level shall ex-officio be the official members of the District Council, but they shall not have any right of vote. They shall be notified by the Government.

(3) The non-official members of the District council shall be elected directly at the ratio of the two members from each Markaz of 25,000 populations and one member for every additional 10,000 population of each Markaz:

Provided that where the total population is not exactly divisible by 10000 the reminder shall be disregarded if it is less than 6000 and shall be counted as 10000 if it is 6000 or more.

(4) The non-official members of the District Council, shall elect one of its members as Chairman/Vice Chairman.

**DEHI COUNCIL:**

11. (1) There shall be a Dehi Council for each Village having a population of not less than 500. In case the population of a Village is less than 500 it may be grouped with an adjoining Village to form the area of a Dehi Council.

(2) A Dehi Council shall consist of such number of members as may, by notification, be fixed by the Government.

(3) The members of a Dehi Council shall be nominated by the Union Council in a prescribed manner.
(4) The Dehi Council shall be non-formal bodies and shall not constitute a tier of local Government.

12. **Town Committee:**
   
   (1) A Town Committee shall consist of such number of elected members, as may be fixed by the Government.
   
   (2) The elected members of the Town Committee shall, in the prescribed manner, elect one of its members as its Chairman/Vice Chairman.

13. **Municipal Committees:**
   
   (1) A Municipal Committee shall consist of such number of members as may by notification be fixed by the Government.
   
   (2) The elected members of Municipal Committee shall, in the prescribed manner elect one of members to be its Chairman/Vice Chairman.
   
   (3) The elected chairman of a Municipal Committee shall be ex-officio members of the District Council. He shall be deemed to be the non-official member of the District Council.

14. A member and a Chairman/Vice Chairman of a local council shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

15. **Declaration of Properties.** Every Chairman, Vice-Chairman and member shall, before the enters upon his office authorized by the Government in this behalf and in such manner as the Government may direct, file a declaration in writing of properties, both moveable and immovable, whether within or outside Azad Kashmir or Pakistan, which he or any member of his family owns or has in his possession or under his control or in which he or any member of his family has any beneficial interest, in the form set out in the tenth Schedule.

**Explanation.** For the purposes of this Section, the expressions member of his family in relation to a person means--

(a) the spouse of such person; and

(b) such of the children, parents, brothers, and sisters as reside with, and or wholly dependent upon such person.

16. A Chairman/Vice Chairman of a Local 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 constituting the Local Council.

17. **WARDS**
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(1) For the purpose of elections to Local Council, the area under its jurisdiction shall be divided in the following manner:

(a) Union Council- Each Union Council would be a multi member ward and would elect as many members as are notified by the Government.

(b) District Council- Each Markaz would be a ward and the number of members would be as fixed under the law.

(c) Town Committee- Would have such number of single member ward as may be fixed by the Government.

(d) Municipal Committee- Would have such number of single member ward as may be fixed by the Government.

(2) The Government or the Election Commissioner may declare any area or ward of a Local Council to be a multi member area or ward, as the case may be.

18. **Electoral Rolls.**

(1) For each ward there shall be maintained, in the prescribed manner, a register in which shall be entered the names of persons who possess the qualifications and are not subject to any of the disqualifications specified in the second schedule.

(2) The register maintained under sub-section (1) shall be the electoral roll for the ward:

Provided that for the first elections under this ordinance the electoral rolls prepared by the Chief Election Commissioner for election to the Assembly would be used after such arrangement as may be necessary provided that no name shall be omitted or added.

(3) The electoral roll shall from time to time be amended and revised in the prescribed manner.

(4) The inclusion of a disqualified person in, or the omission of a qualified person from, the electoral roll, or any other defect in its preparation or maintenance shall not, by itself, vitiate any election to, or any act or proceedings of, any local council constituted on the basis of such electoral roll.

19. **Election:**

Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an election of a local council.
20. **Elected Members:**
   (1) For each ward there shall be chosen, in the prescribed manner, by the electors whose names appear for the time being on the electoral rolls for that ward, such number of members as is fixed under sub-section (2) from amongst such electors in the local Council in which the ward lies as possess the qualification and are not subject to any of the disqualifications specified in the second schedule.

   (2) The number of members to be elected from any ward shall be fixed by the Government.

21. (1) No person shall contest any election to any local council on the basis of any direct or indirect affiliation to a political party, organization or body or institution.

   (2) No person can present himself as a candidate or nominee of any political party or receive any financial assistance or use any document, sign, insignia, or flag inducting association with any political party.

   (3) No candidate shall seek vote on political party basis or on the basis of any political party’s manifesto.

   (4) A candidate is prohibited from seeking vote or support by attributing direct or indirect party affiliation to any of their opponents.

22. **Contravention.** Any contravention of the provisions contained in Section 21 shall make a candidate liable to be disqualified from contesting elections for a period of four years and if elected he can also be removed for similar reason and debarred from election for the same period.

**TERM OF OFFICE OF LOCAL COUNCILS**

23. **Term of Office:**
   (1) The term of office of a local council shall be a period of four years commencing from the date on which it assumes office.

   (2) A local council shall assume office on such date, not later than thirty days from the day on which the names of its members are notified in the prescribed manner, as may be fixed by the Government.

24. **Casual Vacancy.** - If the seat of an elected member becomes vacant during the term of office of a local council, a new member shall be elected within 60 days from the date the seat falls vacant and such member shall hold office for the remaining term.
25. **Resignation and Removal of Members:** (1) A Vice Chairman or member of a local council may resign his office by tendering his resignation in writing to the Chairman, and if he is the Chairman of Union Council, Municipal Committee to the Government and the seat of the member, or the office of Chairman, as the case may be, shall become vacant when the resignation is received by the competent authority.

(2) A number of a local council shall render himself liable to removal from membership:-

(a) If he incurs any of the disqualifications specified in Part II of the Second Schedule;

(b) If he without reasonable excuse, absents himself from three consecutive meetings of any local council; or

(c) If he is guilty of an abuse of power or of any misconduct in the discharge of his duties as a member or has been responsible for any loss or misappropriation of any money or property of any local council, or any local body or other local authority. or

(d) refuse to take oath.

**Explanation.**- In this sub-section ‘Misconduct’ includes bribery, corruption and misappropriation or willful diversion of funds of the local council or any attempt at, or abetment of such mis-conduct.

(3) A member or Chairman or Vice-Chairman removed under sub-section may prefer an appeal in the manner prescribed by the officer or authority as may be appointed by the Government.

(4) A Chairman or Vice-Chairman removed from office shall cease to be member.

(5) No court shall have jurisdiction to inquire into or question the validity of anything done, or any order made or passed under this section.

26. **Notification of Election, Resignation and Removal of Chairman, Vice Chairman and Members.**- The election, resignation or removal of a Chairman, Vice Chairman or member on vacation of office by Chairman, Vice-Chairman or a member of Local Council shall be notified.

27. **Function of Local Councils.**-- Subject to rules, and such directions as the Government may from time to time, and within the limits of funds at its disposal, a Dehi/Union Council, Markaz, District Council, Municipal Committee and Town Committee shall undertake the functions as enumerated in third, fourth and
fifth Schedules respectively as are required to be undertaken by it and may undertake such other function-
(a) as are declared by the Government to be appropriate matters for administration by them; and
(b) all or any of the functions so given which be undertaken by them.

28. Police and Defence Functions of Dehi or -Union Councils.--
(1) The Government may establish a Village Police Force in such rural areas as may be notified from time to time and may by rules regulate the appointment, the training and discipline, and the terms and conditions of service of the members of such police Force.
(2) The Village Police shall exercise such powers and discharge such duties as are specified in Part III of the third schedule.
(3) Where the Collector is of the opinion that in any Dehi, Union or a Part thereof, special measures are required to secure village defence or public security, he may by order, require that all or any of the able bodied adult male inhabitants of the Union or such Part thereof shall be liable to patrol duty for such period and in such manner as may be specified in the order.
(4) Where an order is made under sub-section (3) the Dehi, Union Council shall exercise such powers and discharge such duties as may be prescribed.

29. Revenue and General Administrative Functions. (1) It shall be the duty of the every Dehi and Union Council-
(a) to assist the Village revenue officials in the union, by whatever name called or however designated in the proper performance of their duties with regard to the collection of rent or land revenue, and the general administration;
(b) to render such assistance in the preparation of records and assessments and in the work of survey or crop inspection, and of other branches of revenue administration in the union as the Collector may require;
(c) to report to the police the commission of any offence bring to the notice of the police the presence in the Dehi of persons of notorious character, and to assist in the investigation and prevention of crime, and in arresting criminals;
(d) to report to competent authority all cases of damage to or encroachments upon any public road, street or way, or any public place, building or property;

(e) to publicize in the Dehi or Union all matters the publicity of which is required by the Government or other competent authority;

(f) to assist officials in the execution of their official duties and to furnish such information as may be required by them for official purposes.

(2) Nothing in sub-section (1) shall be construed as authorizing the local council to interfere in the performance by any official of his official duties.

30. **Functions Relating to Agricultural Development etc:** (1) A Dehi/Union Council shall be responsible for agricultural, industrial and community development in the Dehi or Union and may for that purpose, perform such functions as may be prescribed.

(2) A Dehi or Union Council, may for the purpose of national re-construction, adopt such measure and perform such functions as may be prescribed.

31. **Functions of Markaz Council.** (1) Subject to rules a Markaz council may, and if so required by the District Council shall undertake all such functions in the Markaz, as the District Council is competent to undertake in the District.

(2) The Government may direct from time to time and entrust any function to the Markaz Council.

(3) In the performance of their functions the Markaz Councils shall be responsible to the District Council concerned and shall act in accordance with directions as the District Council may from time to time give.

32. **Functions of District Council.**- (1) Subject to rules a District Council shall within the limits of the funds at its disposal make adequate arrangements for carrying out the requirements of the District in respect of matters enumerated in Schedule IV.

(2) A District Council shall coordinate the activities of all local councils and municipal bodies within the District.

33. **Function of Town Committee and Functions of Municipal Committee.**- The functions of a town and Municipal Committees shall be as specified in the fifth schedule to this Ordinance.
34. **Transfer of Functions.** - The Government may from time to time direct that any service maintained by a local council shall be transferred to the control of the Government or any service maintained by the Government shall be transferred to the control of a local council.

35. **Executive Powers.** (1) The executive powers of a local council shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

(2) Save as otherwise provided in this ordinance and the rules, the executive powers of a local council shall vest in and be exercised by its Chairman, either directly or through other persons authorized by him in accordance with the rules.

(3) All acts of a local council, whether executive or not, shall be expressed to be taken in the name of the local council, and shall be authenticated in the manner prescribed.

36. **Disposal of Business.** (1) All business of a local Council shall, to the extent and in the manner prescribed, be disposed of at its meetings, or through its committees/Sub-Committees or by its Chairman.

(2) All meetings of a local council shall be presided over by its Chairman, and unless otherwise provided by this Ordinance, in his absence by Vice Chairman or a member chosen for that purpose by the members present.

(3) A local council shall have power to act notwithstanding any vacancy caused.

(4) No proceedings shall be invalid by reasons only that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(5) Minutes of the meetings of a local council shall be drawn up and recorded in a book to be kept for the purpose.

(6) All decisions taken by a local council shall be reported to the respective competent authority within the prescribed period.

37. **Committees and Sub-Committees of Local Councils.** - A local council may appoint such committee or sub-committees consisting of its members and co-opted members, if and to perform such functions as may be prescribed.

38. **Contracts.** - (1) All contracts made by or on behalf of a local council shall be-

(a) in writing and expressed to be made in the name of the local council;
executed in such manner as may be prescribed; and reported to the local council by the Chairman at the meeting next following the execution of the contract.

(2) A local council may, by resolution, lay down the procedure that shall regulate the making of various contracts and in the execution of contracts the Chairman shall act in accordance with such resolutions.

(3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the local council.

39. **Works.** - The Government may by rules provide for -
   
   (a) the preparation of plans and estimates for work to be executed by a local council;
   
   (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and
   
   (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

40. **Records, Reports and Returns.** - A local council shall -
   
   (a) maintain such record of its working as may be prescribed;
   
   (b) prepare and publish such periodical reports and returns as may be prescribed; and
   
   (c) adopt such other measures as may be necessary, or may be specified by the Government from time to time for the publication of information about the working of the local council.

41. **Local Council's Service.** (1) There shall be constituted a Local Council Service in such manner and subject to such conditions as may be prescribed.

   (2) The Government may from time to time specify the posts in the local councils which shall be filled by persons belonging to the local Council service.

42. **Servants of Local Councils.** (1) The Government may, on the prescribed term and conditions, appoint a Secretary and one or more Principal Officers to be the servants of a local Council who shall perform such functions as are assigned to them in relation to such local council by or under this ordinance.

   (2) A local council may, and it so required by the Government authority shall on the prescribed terms and
conditions, employ such other servants as are deemed necessary for be efficient performance of its functions under this ordinance.

(3) If in the opinion of the Government the number of servants employed by local council under sub-sections (2) or the remuneration fixed for any of them is excessive, the local councils shall, on being required by the Government to do so, reduce the number of servants or the remuneration of any of them as the case may be.

(4) Subject to the provisions of this ordinance and the rules-
(a) the Government may suspend, remove, dismiss, or otherwise punish any person appointed under subsection (1); and
(b) the local council may suspend, remove, dismiss or otherwise punish any person appointed under subsection (2).

(5) The Government may transfer any of the persons appointed under sub-section (1) from one local council to another local council within its jurisdiction.

43. Provident Fund, Pension and other Facilities for Servants of Local Councils.- (1) A local council may establish and maintain a provident fund and require any of its servants to contribute to such Fund, and may itself contribute to it in such manner and proportion may be prescribed.

(2) A local council may, in the prescribed manner, and with the previous sanction of the Government, provide for the payment of pension to its servants after retirement.

(3) A local council may, with the previous sanction of the Government grant a special pension or gratuity to the family of any servant who dies or disease or injury contracted or suffered in the discharge of official duties.

(4) A local council may, in the prescribed manner, operate a scheme of social insurance for its employees, and require its employees to subscribe to it.

44. Service Rules. - the Government may by rules-
(a) prescribe the conditions of service of the servants of local councils;
(b) prescribe the grades of pay for the servants of local councils;
(c) prescribe a schedule of establishment setting forth the staff that shall be employed by a local council;
(d) prescribe the qualifications for various posts under local council;
(e) prescribe the principles to be followed in making appointments to various posts under local councils;
(f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of local councils, and provide for penalties and appeals against orders imposing penalties;
(g) provide for other matters necessary for the efficient discharge of their duties by the servants of local councils.

45. **Constitution of Local Funds.** - (1) For every local council there shall be formed local Fund which shall be known as –

(a) the Deh Fund in the case of a Dehi Council;
(b) the Union Fund, in the case of the Union Council;
(c) The town Fund, in the case of a town Committee;
(d) the Markaz Fund, in the case of a Markaz Council;
(e) the District Fund, in the case of a District Council;
(f) the Municipal funds in the case of a Municipal Committee.

(2) To the credit of the local fund formed under Sub-section (1) shall be placed –

(a) the balance of such fund as on the coming into force of this ordinance is at the disposal of the local body, if any, of which the local council concerned is the successor;
(b) the proceeds of all taxes, rates, tolls, fees and other charges levied by the local council under this ordinance;
(c) all rents and profits payable or accruing to the local council from the property vested in or managed by the council;
(d) all sums received by the local council in the performance of its functions under this Ordinance or under any law for the time being in force;
(e) all sums contributed by individuals or institutions, or other local councils, or by local bodies or other local authorities;
(f) all receipts accruing from the trust placed under the management of the local council;
(g) all grants made by the Government and other authorities;
(h) all loans raised, and all profits accruing from investments; and

(i) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the local council.

46. **Custody or Investment of Local Funds and Establishment of Special Fund.** - (1) The money credited to a local fund shall be kept in a Government Treasury, or in bank transacting the business of a Government Treasury, or in such other manners may be specified by the Government from time to time.

(2) A local council may invest any portion of the local Fund in such manner as may be prescribed.

(3) A local council may, and if required by the Government shall, established and maintain a separate fund for any special purpose, which shall be administered and regulated in such manner as may be prescribed.

47. **Application of the Local Funds.** - The moneys from time to time credited to local Funds shall be applied in the following order of preference:-

Firstly, in the payment of salaries and allowance to the servants of the local council;

Secondly, in the payment of loans;

Thirdly, in meeting the expenditure charged on the local Fund under this ordinance;

Fourthly, in the fulfillment of any obligation and in the discharge of a duty imposed on the local council under this ordinance or under any other law for the time being in force;

Fifthly, in meeting the expenditure declared by local council, with the previous sanction of Government to be an appropriate charge on the local Funds; and

Sixthly, in meeting the expenditure declared by the Government to an appropriate charge on the local Fund.

48. **Charged Expenditure.** - (1) The following expenditure shall be charged on the local fund, that is to say:-

(a) all sums to be paid to, or in connection with the employment of, any Government servant he is or has been in the service of the local council.

(b) such sums as the local council may be required by the Government to contribute towards the conduct of elections, the maintenance of the Local councils service,
the auditing of accounts, and such other matters as may
from time to time be specified by the Government.

(c) any sums required to satisfy any judgment, decree or
award against the local council by any court or tribunal;
and

(d) any expenditure declared by the Government to be so
charged.

(2) If any expenditure charged on the local Funds is not paid
the Government may, by order, direct the person or persons
having the custody of the local fund to pay such amount, or so
much thereof as may from time to time be possible, from the
balance of the local Fund.

49. Budget.- (1) Every local council shall, in the prescribed manner,
prepare and sanction, before the commencement of each
financial year, a statement of its estimated receipts and
expenditure for that year, hereinafter referred to as the budget,
and forward a copy thereof to the Government.

(2) If the budget is not prepared or sanctioned by a local
council before the commencement of any financial year, the
Government may have the necessary statement prepared and
certify it, and such certified statement shall be deemed to be the
sanctioned budget of the local council.

(3) Within thirty days of the receipt of the copy of a budget
under subsection (1) the Government may, by order, modify it,
and the budget so modified shall be deemed to be the
sanctioned budget of the local council.

(4) At any time before the expiry of the financial year to
which a budget relates, a revised budget for the year may, if
necessary, be prepared and sanctioned, and such revised budget
shall, so far as may, subject to provision of this Section
applicable to a budget.

(5) Where any local council assumes office under this
ordinance for the first time, its budget for the financial year
during which it assumes office shall relate to the remaining
period of that year, and the other provisions of this section shall
mutatis mutandis apply accordingly.

50. ACCOUNTS.- (1) Accounts of the receipts and expenditure of a
local council shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared
after the close of every financial year, and shall be transmitted to
the Government by such date as may be prescribed.
(3) A copy of the annual statement of accounts and such other statements as may be prescribed shall be placed at a conspicuous place in the office of the local council concerned for public inspection, and all objections or suggestions cornering such accounts received from the public shall be considered by the local council and brought to the notice of the audit authority referred to in section 51.

51. **AUDIT.** (1) The accounts of every local council shall be audited in such manner, after such intervals and by such authority as may be prescribed.

(2) The audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the Chairman or any member or servant of the local council concerned.

(3) On the completion of audit, the Local council shall in the prescribed manner, submit to the Government an audit report which shall, among other things, mention –

(a) cases of embezzlement;
(b) cases or loss, waste or misapplication of the Local funds;
and
(c) cases of other irregularities in the maintenance of accounts.

52. **LOANS.** (1) Subject to the provisions of this Ordinance and the rules, the local Authorities Loans Act, 1914 (IX of 1914) and any other law for the time being in force, a local council may, with the previous sanction of the Government raise loans in the prescribed manner, and make suitable arrangements, to the satisfaction of the Government, for the repayment of the loans in such installments as may be fixed.

(2) A local council, may and if required by the Government shall, establish and maintain such separate funds as may be necessary for the repayment of loans, the Government may, among other things, require that any specified items of income of the local council shall wholly or in part be earmarked for and applied in the repayment of loans.

53. **Property of Local Councils.** (1) The Government may by rules--

(a) determine the property which shall vest in local councils;
(b) Provide for the management, maintenance, improvement and development of the property belonging to or vesting in local councils;
(c) regulate the alienation of such property; and  
(d) provide for the compulsory acquisition of such immovable property as may be required by a local council for the purposes of this Ordinance.  

(2) A local council may –  
(a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it of which is placed under its charge;  
(b) apply such property for the purpose of this Ordinance or the rules;  
(c) acquire or transfer by grant gift, sale, mortgage, lease, exchange or otherwise any property with the previous sanction of such authority as may be prescribed.  

54. **Development Plans.** (1) A local council may, and if required by the Government shall, prepare and implement development plans for such periods and in such authority as may be specified.  
(2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for –  
(a) the promotion, improvement and development of such function or functions of the local council as may be specified;  
(b) the manner in which the plan shall be financed, executed, implemented and supervised;  
(c) the agency through which the plan shall be executed and implemented; and  
(d) such other matters as may be necessary.  
(3) The Government may direct that any specified items of income of a local council shall wholly or in part be earmarked for and applied in the implementation of a development plan.  
(4) The development plans of local councils in a District, may be consolidated such manner as may be prescribed.  

55. **Surcharge.** Every member of a local council, every official or servant of a local council, and every person charged with the administration of the affair of a local council, or acting with the administration of the affairs of a local council, shall be liable for the loss, waste or misapplication of any money or property belonging to a local council, which is a direct consequence of his negligence or misconduct, and the liability of such member, official servant or person shall be determined by the Government in the prescribed manner, and the amount for which he is held
liable shall be recoverable as a public demand or as arrears of land revenue.

56. **Taxes to be Levied.** (1) A local council, with the previous sanction of the Government may, levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Sixth Schedule.

(2) The Government may, by notification in the official gazette, specify separately the taxes, rates, tolls and fees mentioned in the aforesaid Schedule which may be levied respectively by a District Council, by a Union Council, where such notification has been issued, no District Council shall be competent to levy any tax, rate, toll or fee leviable by a Union Council and no Union Council shall be competent to levy any tax, rate, toll or fee leviable by a District Council.

(3) No Markaz Council shall have the power to levy any tax, rate, toll or fee and such Councils shall be financed by the Government.

57. **Notification Enforcement of Taxes.** (1) All taxes, rates, tolls and fees levied by a District or Union or Dehi council shall be notified in the prescribed manner and shall unless otherwise directed by the Government, be subject to previous publication.

(2) Where a proposal for the levy of a tax, rate, toll or fee, or for a modification of a tax, rate, toll or fee which is in force is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll or fee or the modification shall come into force on such date.

58. **Model Tax Schedule.** The Government may frame model tax schedules, and where such schedules have been framed, District and Union and Dehi Councils shall be guided by them in levying a tax rate, toll or fee.

59. **Directions with Regard to Levy of Tax etc.** (1) The Government may direct any local council except Markaz Council,

(a) to levy any tax, rate, toll or fee which the Council is competent to levy under Section 53;

(b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified; or

(c) to suspend or abolish the levy of any such tax, rate, toll or fee.
(2) If a direction issued under sub-section (1) is not complied with, within the specified time, if any, the Government may make an order giving effect to the direction.

60. **Liability on Account of Taxes**.— (1) A local council may, by notice, call upon any person to furnish such information, produce such record or accounts or to such goods or animal liable to any tax, rate, toll or fee, as may be necessity for the purpose of determining the liability of such person, goods or animals to a tax, rate, tool or fee or the assessment thereof.

(2) Any official of a local council authorized in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of each building or premises to any tax or inspecting any goods or animal therein liable to any tax.

(3) Any official of a local council authorized in this behalf may, in the prescribed manner, seize and dispose of any goods on which any octroi, terminal tax or toll as due and is not paid.

61. **Collection and Recovery of Taxes etc**.— (1) Unless otherwise provided, all taxes, tolls and fees levied under this Ordinance shall be collected in the prescribed manner by the village revenue officials responsible for the collection of land revenue.

(2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a local council under this Ordinance shall be recoverable as a public demand or as arrears of land revenue.

(3) Notwithstanding the provisions of sub-section (2) The Government may empower any local council to recover arrears of taxes, rates, tolls fees and other moneys claimable by the council under this Ordinance by distress and sale of the moveable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

(4) The Government may by rules specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised and prescribe the manner in which it shall be exercised.

62. **Deduction of Taxes from Salaries**.— If a local council levies a tax on professions, trades, or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such persons, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the local fund of the council.
63. **Petitions Against Valuation, Assessment etc.** - No assessment of a tax, rate, toll or fee under this Ordinance or valuation thereof, or the liability of person to be so taxed, shall be called in question except by a petition presented to such authority in such manner and within such period as may be prescribed.

64. **Taxation Rules.** - (1) All taxes, rates, tolls, fees and other charges levied by a local council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

   (2) Rules framed under this section may, among other matters, provide for the obligations of the tax-payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

65. **Conduct of Elections.** - Subject to such directions as may from time to time be issued by the Election Commissioner, all elections to local councils under this Ordinance shall be organized and conducted in accordance with the rules, and such rules may provide for all matters connected therewith or incidental thereto, including by elections, corrupt or illegal practices and other election offences and penalize therefore, submission, trial and disposal of election petitions.

66. **Supervision Over Local Councils.** - The Government shall exercise general supervision and control over the local councils in order to ensure that their activities conform the purposes of this Ordinance.

67. **Control Over the Activities of Local Councils.** - (1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of a local council is not in conformity with law, or is in any way against public interest, the Government may by order,-

   (a) Quash the proceedings;

   (b) Suspend the execution of any resolution passed or order made by the council;

   (c) Prohibit the doing or anything proposed to be done; and

   (d) Require the local council to take such action as may be specified.

   (2) Where an order under Sub-section (1) is made by the Government, the local council concerned may, within thirty days of the receipt of the order, represent against it and the Government shall, within thirty days of the receipt of the representation, either confirm or modify or set aside the order.
(3) If for any reason the order is not confirmed or modified within the aforesaid period, it shall be deemed to have been set aside.

68. **Power of the Government to Give Directions to Local Councils** - (1) The Government may direct any local council, or any person or authority responsible thereto, to take, within such period as may be specified, such action as may be necessary for carrying out the purposes of this Ordinance.

(2) Where after due enquiry the Government is satisfied that a local council or person or authority has failed to comply with any direction made under Sub-section (1) the Government may appoint a person or persons to give effect to such directions, and may further direct that the expenses incurred in connection therewith shall be borne by the local council.

(3) Should the expenses be not so paid, the Government may make an order directing the person having the custody of the balance of the Local Fund of the council to pay the expenses, or so much thereof as may from time to time be possible?

69. **Inquiry into the Affairs of Local Councils** - (1) The Government may either sue motu or on an application made to it by any person, cause an enquiry to be made by such officer as may be authorized by it in this behalf into the affairs of a local council generally, or into any particular matter concerning a local council.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a court under the Code of Civil procedure, 1908 (Act V of 1908), to take evidence and to complete the attendance of witnesses and the production of documents.

(3) The Government may make an order in respect of the costs of the enquiry and the parties by whom it shall be paid.

(4) Any amount payable under Sub-section (3), by any person, not being a local council, shall be recoverable as a public demand or arrears of land revenue.

70. **Suspension of Particular Departments or Institutions** - (1) If after such enquiry as may be necessary is not able to run a particular department or institution, efficiently it may, by notification in the official Gazette, suspend the authority of the local council over such department or institution for such period as may be specified in the order.

(2) Where the authority of a local council over any department or institution is so suspended, the Government may itself take over the management of such department or institution.
or make such other arrangements as it thinks fit, and may require
the local council, or in case the local council failed to place such
amount as may be necessary for the management of such
department or institution at the disposal of Government.

71. **Supersession of Local Councils.** (1) If, after such inquiry as
may be necessary, the Government is of the opinion that a local
council –
(a) is unable to discharge or persistently failed in
discharging its duties; or
(b) is unable to administer its affairs or meet its financial
obligations; or
(c) generally acts in manner contrary to public interests; or
(d) Otherwise, exceeds or abuses its powers, the
Government may after hearing objection from local
council may, by notification in the official Gazette
declare the local council to be superseded for such
period not exceeding the residue of term of such local
council, as may be specified.

(2) On the publication of a notification under Sub-
section (1)---
(a) Persons holding office as Chairman/Vice Chairman and
members of the local council shall cease to hold office;
(b) all functions of the local council shall, during the period
of supersession, be performed by such person or
authority as the Government may appoint in this behalf;
(c) all funds and property belonging to the local council
shall during the period of supersession, vest in the
Government.

(3) On the expiry of the period of supersession, the local
council shall be reconstituted in accordance with the provisions
of this ordinance and the rules.

72. **Training Institutions.** (1) The Government may set up schools,
colleges or other institutions for the training of the members and
staff of local councils, and for the promotion of research in local
Government and allied subjects, and man by rules provide –
(a) for the administration of such schools, colleges and other
institutions;
(b) for the compulsory training of members and staff;
(c) for the courses to be studied; and
(d) for the holding of examinations and the awards of diploma and certificate to successful candidates.

(2) Every local council shall pay towards the cost of the institutions set up under Sub-section (1) in such proportions, as the Government may from time to time determine.

73. **Joint Committees:** Any local council may join any other local council or council in appointing a joint Committee for any purpose in which such councils may jointly interested and may delegate to such joint committee any power which may be exercised by it, including the power to make regulations for the conduct business.

74. **Dispute Between Councils:** If any dispute arises between two or more local councils, the matter shall be referred –
   
   (a) to the collector, if the parties concerned are in same District;
   
   (b) to the Commissioner if the parties concerned are in different districts;
   
   (c) to the Government, if one of the parties is a cantonment Board and the decision of the authority to which the dispute is so referred shall be final.

75. **Offences:** Every act or omission specified in the Ninth Schedule shall be an offence under this Ordinance.

76. **Punishment:** An offence under this Ordinance shall be punished with fine which may extend to two hundred rupees and if the offence is a continuing one, with a further fine which may extend to twenty rupees for everyday of the date of the first commission during which period the offender has persisted in the offence.

77. **Compounding of Offences:** The Chairman or any person generally or specially authorized by the local council in this behalf may compound any offence under this Ordinance.

78. **Cognizance of Offences:** No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman or a person generally or specially authorized the local council in this behalf.

79. **Appeals:**
   
   (1) Any person aggrieved by an order passed by a local council or its Chairman in pursuance of this Ordinance or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.
   
   (2) Any order passed in appeal shall be final and shall not be called in question in any court.
80. **Duties of Police.** It shall be the duty of all police officers to give immediately information to the chairman or an official of the local council concerned of commission of any offence under this ordinance and to assist the officials and servants of local councils in the exercise of their lawful authority.

81. **Standing Orders.** The Government may, by standing orders issued from time to time:
   
   (a) define and regulate the relation of local councils inters, other local authorities;
   
   (b) provide for coordinating the activities of local councils and Government departments;
   
   (c) provide for giving financial assistance to local councils, including the making of grants for specified purposes on specified terms and conditions;
   
   (d) Provide for the making of financial contributions by one local council to another local council or to any other local authority;
   
   (e) Provide for the general guidance of local council in carrying out the purposes of this ordinance.

82. **Power to Make Rules** (1) The Government may make rules to carry out the purposes of this Ordinance.
   
   (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters enumerated in the Seventh Schedule and all matters incidental, consequential and supplemental thereto.

83. **Bye-Laws.** (1) A local council may, and if required by the Government shall, make bye-laws, not inconsistent with rules to carry out the purposes of this ordinance.
   
   (2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters enumerated in Part 1 of the Eighth schedule, and all matters incidental, consequential and supplemental thereto.

84. **Regulations.** A local council may make regulations to regulate the procedure in respect of all or any of matters enumerated in Part II of the Eighth Schedule and all matters incidental, consequential and supplemental thereto.

85. **General Provisions Relating to Rules, etc.** (1) All by-laws shall be made subject to the sanction of the Government and the Government may sanction any bye-laws or regulations subject to modifications.
The Government may frame model bye-laws and regulations, and in framing their bye-laws and regulations the local councils shall be guided by such model bye-laws and regulations.

All rules shall be notified in the official Gazette, and all bye-laws and regulations shall be published in such manner as in the opinion of the authority making them be best adapted for informing the residents of the local area concerned.

Copies of rules and of bye-laws and regulations pertaining to a local council shall be kept available at the office of the local council concerned for inspection and sale.

All rules and bye-laws when duly made shall be deemed to form part of this Ordinance and shall have effect accordingly.

86. Delegation of Powers.- (1) The Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance or the rules or bye-law to any officer of the Government.

87. Institution of Suits Against Local Council, etc.- No suit shall be instituted against a local Council or against any member, official or servant of a local council in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a local council, delivered or left at its office and in the case of a member, official, or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaints shall contain a statement that such notice has been so delivered or left.

88. Notice and Service Thereof.- (1) Where anything is required to be done or not to be done by any person under this ordinance or the rules or bye-laws a notice shall be served on the person concerned specifying the time within which requirement shall be complied with.

(2) No notice shall be invalid for defect of form;

(3) Every notice shall, unless otherwise provided, be served or presented giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his place of abode or business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the local council concerned.
89. **Records to be Public Documents.**- All records prepared or registers maintained under this Ordinance shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (I of 1872) and shall be presumed to be genuine until the contrary is proved.

90. **Members and Servants of Local Councils to be Public Servants.**- Every member and every servant of a local council and every other person duly empowered to act on behalf of local council, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

91. **Protection of Action Taken in Good Faith etc.**- No suit, prosecution or other legal proceedings shall lie against the Government or any local council or against any person authorized by either, for anything done in good faith intended to be done under this Ordinance, or for any damage caused or likely to be caused by any such thing.

92. **Interim Authorities, Rules, Bye-Laws, Taxes etc.**- (1) In any area within the jurisdiction of a local body or bodies in which the provisions of this Ordinance are brought into force but a local council is not constituted, the Government, notwithstanding anything in this Ordinance, may, by order, empower any person or persons to perform all or any of the functions of such body or bodies as had jurisdiction therein immediately before such enforcement, or such functions of a local council or councils under this Ordinance as may be specified in the order, until a properly constituted local council for the local area assumes office in accordance with the provisions of this Ordinance.

(2) Where a local council is constituted under this Ordinance in any area, not being an area within the jurisdiction of any local body, the Government may enforce such rules and without observing the procedure for previous publication, such bye-laws and such taxes, rates, tolls, or fees in that area for such period, not exceeding six months as may be considered necessary, for enabling the local council so constituted to prepare for carrying out the purposes of this Ordinance.

93. **Interim Arrangement for the Maintenance of Institutions to be Transferred to Local Council.**- Where on the enforcement of this Ordinance in any local area any service undertaken or institution maintained by the Government is required under any of the provisions of this Ordinance to be compulsorily undertaken or maintained by a local council, such service or institution shall not-withstanding anything contained in this Ordinance continue to be undertaken or maintained by the
Government until the management thereof is duly transferred to the local council.

94. **Repeals and Savings.** - (1) On the coming into force of this Ordinance in any area the enactments mentioned in the First Schedule shall, if and in so far as applicable to that area, stand repealed.

(2) Where any enactment stands repealed under sub-section (1), any appointment, rule, regulation or bye-laws made, notification, order or notice issued, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not in consistent with the provisions of this Ordinance and the rules, be deemed to have been respectively made, issued, imposed or assessed, entered into, instituted or taken under this Ordinance.

(3) Notwithstanding any thing contained in this ordinance, the provisions of this ordinance shall not effect in any way, the provisions of the Mirpur Development Authority, Ordinance, 1974.

95. **Removal of Difficulties.** - If any difficulty arises in carrying out the provisions of this Ordinance, the Government may issue such order as may be necessary in furtherance of the objects of this ordinance.

96. **Savings.** - Notwithstanding any judgment, decree or order of any court including High Court, everything done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Local Government Ordinance, 1979 (Ordinance LXXXVI 1979) or its succeeding Ordinance issued from time to time shall be deemed to validly done, taken, issued, made, initiated or exercised under this Ordinance.


(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd –

(Khalil Ahmed Qureshi)
Secretary Law.
FIRST SCHEDULE.


THE SECOND SCHEDULE.

Qualifications and Disqualifications of Electors and Members.
Part I - Qualifications and Disqualifications of Electors.

1. Qualifications of electors - A person shall be entitled to be an elector if-
   (a) he is a National of the Jammu and Kashmir State;
   (b) he is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral roll commences;
   (c) he has been resident in the local council area a period of not less than six months immediately preceding the first day of January in the year in which the preparation or revision of the electoral roll commences; and
   (d) he is not subject to any disqualification for being an elector.

Explanation:- (1) The expression ‘National of the Jammu and Kashmir State’ means a person who falls within the definition of a State-Subject as defined under the State Law.

Explanation: - (2) A person shall be deemed to be a resident in a local council if he ordinarily resides, or owns or possesses dwelling house therein:

Provided that any person who holds a public office, or is in the service of Government, shall during any period for which he holds such office or is employed in such service, be deemed to be a resident in the Town or Union or Dehi in which he would have been resident if he had not held such office or had not been so employed.

2. Disqualifications of Electors.- A person shall be disqualified for being an elector:-
   (a) if he is of unsound mind and stands so declared by a competent court;
   (b) if he has been convicted of an offence or a corrupt or illegal practice relating to elections, or has been found
guilty of any such offence or practice in any proceedings for questioning the validity or regularity of an election, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf has elapsed from the date of the order, or from the date of the expiration of the sentence, if any.

Part II

Qualifications and Disqualifications of Candidates and Members

1. **Qualifications of Candidates.**— A person who is not less than twenty-five years of age on the first day of January preceding the election shall be qualified to be elected as a member of local council if his name appears for the time being on the electoral roll for the local council concerned, and he does not suffer from disqualifications mentioned in Part I.

2. **Disqualification of Candidates.**— A person shall be disqualified for being a member or a candidate for the membership of a local council—

   (a) If he has ceased to be a National of the Jammu and Kashmir State or has voluntarily acquired the citizenship of a foreign state, or has made a declaration of allegiance to adherence to a foreign State;

   (b) if he is an undercharged insolvent;

   (c) if he has been ordered to execute a bond under section 110 of the Code of Criminal Procedure, 1898 (Act V of 1898) or has been on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term of not less than six months, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf, has elapsed from the date of the expiration of the period of the bond or sentence, as the case may be;

   (d) if he is whole-time salaried official in the service of Government, or of a public statutory corporation, a local council, or a local body or other local authority;

   (e) if he is under contract for work to be done for or goods to be supplied to the local council concerned, or his otherwise any pecuniary interest in its affairs;

   (f) if he is for the time being disqualified for membership of an elective body or under any law for the time being in force;
(g) if he has been on conviction for any offence sentenced to transpiration for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

(h) if 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 has elapsed since his dismissal;

(i) if he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity of Pakistan, security of Azad Jammu and Kashmir or Pakistan, or morality, or the maintenance of Public under, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or which defames or brings into ridicule the judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed Forces of Pakistan; or

(j) he has been removed or compulsorily retired from the service of Azad Jammu and Kashmir or Pakistan on the ground of misconduct unless a period of three years has elapsed since his removal of compulsory retirement; or

(k) he has been in the service of Azad Jammu and Kashmir or Pakistan or of any statutory body or anybody which is owned or controlled by the Government or the Government of Pakistan, or in which any of the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of corrupt or illegal practice under any other law for the time being enforce, unless a period of seven years has elapsed from the date on which that order takes effect; or

(m) he has been convicted under Section 8 of the Azad Jammu and Kashmir Political Parties Ordinance, 1979, unless a period of five-years has elapsed from the date of such conviction ; or

(n) he is for the time being disqualified from being elected or chosen as a member of the Legislative Assembly of Azad Jammu and Kashmir under any law for the time being enforce.
THE THIRD SCHEDULE
FUNCTIONS OF DEHI COUNCIL, UNION COUNCIL AND
VILLAGE POLICE

Part I - Functions of Dehi Council
Part II - Functions of Union Council
Part III- Powers and duties of village police

FUNCTIONS OF DEHI COUNCIL

1. Such Functions in connection with 'Zakat' and 'Usher' as may be assigned by government under relevant laws.

2. Relief for the widows, orphans, the poor and persons in distress.

3. Conciliation where the parties belong to the same village.

4. Prevention and abatement of nuisances in public ways, public streets and public places.

5. Sanitation, conservancy, and the adoption of other measures for the cleanliness of the Dehi.

6. Regulation of the collection, removal and disposal of manure and the street sweepings.

7. Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous to public health.

8. Regulation or prohibition of the watering of cattle, bathing or washing or near wells, ponds or other sources of water reserved for drinking purposes.

9. Regulation or prohibition of the steeping of hemp, jute or other plants in the or near ponds or other sources of water supply.

10. Regulation or prohibition of dying or tanning of skins within residential areas.

11. Holding of fairs and shows.

12. Celebration of the public festivals.

13. Promotion of public games and sports.

14. Adoption of measures for increased food production.

15. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.

16. To report to the police, the commission of any offence to bring to the notice of the police, person in Dehi, of persons of notorious character and to assist in the investigation and enervation of crime and arresting criminals.
such other functions as may be delegated by the Union Council.

**PART II**

**FUNCTION OF UNION COUNCIL.**

1. Conciliation Courts (excluding cases assigned to Dehi Councils).
2. Such functions in connection with 'Zakat' and 'Usher' as may be assigned by the Government under relevant law.
4. Prohibition of the use of the water of Wells, ponds and other sources of water supply suspected to be dangerous to public health.
5. Holding of fairs and shows.
6. Promotion of public games and sports.
7. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.
8. To report to the police, the commission of any offence to bring to the notice of the police, person in Dehi, of persons of notorious character and to assist in the investigation and prevention of and arresting criminals.
9. Coordination of development activities of all nations building Department in particulars Agriculture Sector.
10. Adoption of necessary measures to promote Islamic values and ways of life.
11. Registration of births and deaths and the maintenance of such vital statistics as may be prescribed.
12. Plantation and preservation of trees in general and plantation and preservation of trees on public ways, public streets and public places in particular.
13. Lighting of public ways, public streets and public places.
14. Management and maintenance of 'Shamilats' burial grounds, common meeting places and other common property.
15. Prevention and regulation of encroachment of public ways, public streets and public places.
16. Regulation of the disposal of cases of dead animals.
17. Regulation of the slaughter of animals.
18. Provision and maintenance of wells, water pumps, tanks, ponds and other works for the supply of water.
19. Adoption of measures for preventing the contamination of the sources of water supply for drinking.
20. Provision and maintenance of accommodation for travelers.
21. Voluntary registration of the sale of cattle and other animals.
22. Provision and maintenance of public ways and public streets.
23. Provisions, and maintenance of public places, public open places, public gardens and public grounds.
24. Regulation of the erection and re-erection of buildings in the Union.
25. Regulation of the dangerous buildings and structures.
26. Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
27. Regulation of prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
28. Provision of relief measures in the event of any fire, flood, hailstorm, earth quake or other natural calamity.
29. Agricultural, industrial and community development, promotion and develop of cooperative movements, village industries, forests, livestock and fisheries.
31. Provision of libraries and reading rooms.
32. Cooperation with other organizations engaged in activities similar to those of Dehi Council.
33. Aid in the promotion of education under the direction of the District Council.

PART --- III.

POWERS AND DUTIES OF VILLAGE POLICE.

Every Village Kotwal or other member belonging to the village Police, by whatever name called or however designated shall exercised the powers and discharge the duties enumerated hereunder :-

1. He shall keep watch and ward in the Dehi.
2. He shall assist the Police to the best of his ability in all matters connected with the pension and detection of crimes, and the apprehension of offenders.
3. He shall assist the Chairman and the Union, Dehi in the Council performance of their official functions.
4. He shall, unless otherwise provided, report in person on the state of his beat for a fortnight to the officer in charge of the police-station within the limits of which the Union is situated.

5. He shall observe and from time to time report to the officer in charge of the Police Station the movement of all bad characters in the Dehi, Union, and shall report the arrival of suspicious characters in the neighbourhood.

6. He shall report to the officer in charge of the police station such information as he obtain respecting any person found lurking in the Dehi, Union, who has ostensible means of sub-sentence, or who cannot give a satisfactory account himself.

7. He shall keep the officer in charge of the police station informed of all disputes are likely to lead to any riot of serious affray, and of all intelligence he reserves affecting the public peace in the Union.

8. He shall report to the office in charge of the police station any information he may obtain respecting the commission of, or intention to commit, any of the following offences in the Dehi, Union, that is to say :-
   (a) rioting;
   (b) concealment of birth by secret disposal of dead body;
   (c) Exposure of a child;
   (d) mischief by fire;
   (e) mischief to animals by poisoning;
   (f) attempt to commit culpable homicide or suicide; and
   (g) attempt to commit or abet the commission of any of the above offences.

9. He shall to the best of his ability, prevent, and he may interpose for the purpose of preventing the commission of, any offence specified in paragraph (5), or any other cognizable offence.

10. He shall maintain a Birth and Death Register and shall report all births and deaths within his beat to the Dehi or Union Council.

11. He shall immediately give information to the Dehi or Union Council of the outbreak of any epidemic or infectious disease among the human beings or animals, or crop disease, or pest attack.

12. He shall immediately give information to the Dehi or Union Council of damage to any embankment or irrigation work.

13. He shall supply any local information required for official purposes.
14. He shall assist the village revenue officials in the collection and recovery of rent or land revenue, taxes, rates, tolls, fees and other dues.

15. He shall report to the Dehi or Union Council any information that he may obtain respecting the commission of or intention to commit any offence under this ordinance.

16. He shall immediately give information to the Dehi or Union Council of any damage or obstruction to, or encroachment on any property, moveable or immovable to or vesting in any local council, and may interpose for the prevention of any such damage, obstruction of encroachment.

17. He shall serve processes upon person's resident within the Dehi or Union.

18. He may without an order from a magistrate, and without a warrant, arrest-

(a) Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or creditable information has been received or a reasonable suspicion exists of his having been so concerned;

(b) any person having in his possession, without lawful excuse any implement of house-breaking;

(c) any person who has been proclaimed an offender under the Code of criminal procedure, 1898 (Act V of 1898) or by an order of the Government;

(d) any person in whose possession any thing is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

(e) any person who has escaped or attempts to escape from lawful custody;

(f) any person who obstructs a public servant in the execution of his official duties;

(g) any person reasonably suspected of being a deserter from the Azad Kashmir Regular forces, the Pakistan Army, Navy or Air Force; and

(h) any released convict committing a breach of any rule under sub-section (3) of Section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898).
19. He shall assist private persons in making such arrest as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the police station.

20. He shall take charge of all persons arrested by the village officials, or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so take charge of by him, or any person or persons he himself may arrest, before the officer in charge, of the police station; provided that during the hours of darkness the person or persons arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police station.

21. He shall carry out such other duties as are entrusted to him from time to time in accordance with the rules.

THE FOURTH SCHEDULE

FUNCTION OF DISTRICT COUNCIL

1. Such functions in connection with Zakat and Usher as may be assigned by Government under relevant law.
2. Provision and maintenance of libraries and reading rooms.
3. Provision and maintenance of Primary Schools/other educational institutions.
4. Provision and maintenance of hospitals and dispensaries, including veterinary hospitals and dispensaries.
5. Provision, maintenance and improvement of public roads, culverts, and bridges.
6. Plantation and preservation of trees on roadsides and public places.
7. Provision and maintenance of public gardens, public playgrounds and public places.
8. Maintenance and regulation of public ferries other than those maintained by Government Departments.
10. Provision and maintenance of seraes, a dakbungalows, zailghars, rest-house and other buildings for the convenience of travellers.
13. Holding of fairs and shows.
14. Promotion of public games and sports.
15. Celebration of public festivals.
16. Promotion of sanitation and public health.
17. Prevention, regulation and control of infectious diseases.
18. Enforcement of vaccination.
19. Protection of food stuffs, and prevention of adulteration.
20. Registration of marriages.
21. Registration of the sale of cattle.
22. Provision of water-supply, construction, repair and maintenance of water works and other sources of water supply.
23. Agricultural, industrial and community development, promotion of national instruction, promotion and development of co-operative movement and village industries.
24. Adoption of measures for increased agricultural production.
25. Regulation of traffic, licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
26. Improvement of the breeding of cattle, horses and other animals, and the prevention of cruelty to animals.
27. Relief measures in the event of any fire, flood, hail-storm, earthquake, famine or other natural calamity.
28. Cooperation with other organizations engaged in activities similar to those of the District Council.
29. Any other functions that may be directed by Government to be undertaken by District Council either generally or by a particular District Council.
30. Provisions and maintenance of schools other than primary schools.
31. Construction and maintenance of buildings to be used as hostels for students.
32. Provision of Scholarships.
33. Training of teachers.
34. Payment of grants and subsidies to educational institutions.
35. Promotion and assistance of educational societies.
36. Undertaking of educational surveys, framing of educational plans and implementation thereof.
37. Promotion of adult education.
39. Publication of school books and the maintenance of printing presses.
40. Provision of school books to orphans and indigent students free of cost or at concessional rates.
41. Maintenance of depots for the sale of school books and articles of stationery.
42. Any other measures likely to promote the cause of education.
43. Organization of general cultural activity.
44. Establishment and maintenance of information centers.
45. Organization of museum, exhibitions and art galleries.
46. Maintenance of radio sets at public institutions and public places.
47. Provision and maintenance of public halls, public meeting places and community centers.
48. Furtherance of civic education and the dissemination of information on such matters as local government, rural reconstruction, hygiene, community development agriculture, industries, cattle breeding and other matters of public interest.
50. Reception of distinguished visitors.
51. Encouragement of national and regional languages.
52. Promotion of Physical culture, the encouragement of public games and sports and the organization of rallies, matches and tournaments.
53. Preservation of the historical and indigenous characteristics of the local area.
54. Any other measures likely to promote cultural progress and advancement.
55. Establishment, management and maintenance of welfare homes, asylums, orphanages, widow-homes and other institutions for the relief of the distressed.
56. Burial and cremation of paupers found dead with in the local area.
57. Prevention of beggary, prostitution, gambling, taking of injuries drugs and consumption of alcohol liquor, juvenile delinquency and other social evils.
58. Promotion of social, civic and patriotic virtues among the people and discouraging rochial, racial, tribal and sectarian prejudices.
59. Organization of social service volunteers.
60. Organization of legal aid for the poor.
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61. Adoption of measures for the promotion of the welfare of women, backward classes, and children and families of the persons serving in the Armed Forces.

62. Adoption of measures for the settlement of disputes by conciliation and arbitration.

63. Any other measures likely to promote social welfare.

64. Establishment and maintenance of model agricultural farms.

65. Popularization of improved methods of agriculture, maintenance of improved agricultural implements and the lending of such implements to cultivators, and adoption of measures for bringing waste lands under cultivation.

66. Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the maintenance of fodder reserves.

67. Promotion of agricultural credit, agricultural education, and adoption of other measures likely to promote agricultural development.

68. Construction and repair of embankments, supply, storage, and control of water for agricultural purposes.

69. Preservation and reclamation of soil and the drainage and reclamation of swamps.

70. Management, protection and maintenance of village forests.

71. Provision, regulation and maintenance of markets.

72. Provision of facilities for the procurement of raw materials and the marketing of products of village industries.

73. Establishment, maintenance and management of industrial schools and the training of workers in village industries.

74. Adoption of other measures likely to promote the development of village industries.

75. Organisation, maintenance and management of village stores.

76. Popularization of the cooperative movement and the promotion of education in co-operation.

77. Any other measures likely to promote economic welfare.

78. Promotion of education in public health.

79. Framing and implementation of anti-malaria schemes, and schemes for the prevention and control of infectious diseases.

80. Provision and maintenance of mobile medical aid units.

81. Organization and maintenance of first aid centers.
82. Promotion and encouragement of sciences for the provision of medical aid.
83. Promotion of medical education and the payment of grants to institutions for medical workers.
84. Medical inspection of compounders, dispensers, nurses and other medical workers.
85. Establishment, management, maintenance and the visiting of Unani, Ayurvedic and Homoeopathic dispensaries.
86. Establishment, management, maintenance and the visiting of health centers, maternity centers and centers for the welfare of infants and children the training of Dais and the adoption of other measures likely to promote the health and welfare of women, infants and children.
87. Measures to alleviate diseases of animals and birds and the prevention and control of contagious diseases among birds and animals.
88. Preservation of cattle wealth.
89. Provision, maintenance and improvement of pastures and grassing grounds.
90. Regulation of milk supply, establishment of milk colonies, and provision and regulation of sanitary stables.
91. Establishment and maintenance of Cattle farms and dairies.
92. Any other measures likely to promote public health, animals, husbandry and welfare of birds.
93. Improvement of the means of communications.
94. Drainage, water-supply, pavement of streets and other works of public utility.
95. Farming and execution of village plans, village improvement schemes, town planning schemes and regional planning schemes.
96. Maintenance of maps for local areas.
97. Construction, management and maintenance of such other works of public utility not specified elsewhere as may be required for fulfilling any obligation imposed by or under this Ordinance or any other law for the time being in force.
98. Measures likely to promote their religious and moral advancement and increase the material prosperity of the local area and its inhabitants.
SCHEDULE V

COMPULSORY FUNCTIONS OF MUNICIPAL COMMITTEES
AND TOWN COMMITTEES.

Such Function in connection with Zakat and Usher as may be assigned by Government under relevant law.

A. PUBLIC HEALTH.

1. **Responsibility for Sanitation.**
   A Municipal Committee shall be responsible for the sanitation of the Municipality.

2. **Insanitary Buildings and Land.**
   (1) A Municipal Committee may, by notice or require the owner or occupier of any building or land which is in an insanitary or unwholesome state-
       (a) to clean or otherwise put it in a proper state;
       (b) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation; and
       (c) to lime-wash the building and to make such essential repairs as may be specified in the notice.
   (2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified in the notice, the Municipal Committee may cause the necessary steps to be taken at the expense of the owner or the occupier, and the cost so incurred by the Municipal Committee shall be deemed to be a tax-levied on the owner or the occupier under this ordinance.

3. **Removal Collection and Disposal of Refuse.**
   (1) A municipal Committee shall make adequate arrangements for the removal of refuse from all public roads and streets public latrines, Urinals drains and all buildings and land vested in the Municipal Committee and for the collection and proper disposal or such refuse.
   (2) The occupiers of all other buildings and lands within the Municipality shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the Municipal Committee.
   (3) The Municipal Committee shall cause public dustbins or other suitable receptacles to be provided at suitable places and in proper and convenient, situation in streets or other public places and where such dust-bins or receptacles are provided, the Municipal Committee may by public notice, require that all refuse accumulating in any premises or land shall be deposited...
by the owner or occupier of such premises or land in such dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Municipal Committee or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Municipal Committee shall be the property of the Municipal Committees.

4. **Latrines and Urinals.** (1) A Municipal Committee shall provide and maintain in sufficient number and in proper situations, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in proper state to the satisfaction of the Municipal Committee and shall employ such staff for the purpose as may be necessary or as may be specified by the Municipal Committee.

(3) Where any premises are without privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Municipal Committee may, by notice, require the owner of such premises…

(a) to provide such or such additional privy or urinal accommodation as may be specified in the notice;

(b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;

(c) to remove the privy or urinal; and

(d) where there, is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation.

5. **Births and Deaths.** A Municipal Committee shall register all births and deaths within the limits of the Municipality and information, of such births and deaths shall be given by such persons or authorities and shall be registered in such manner as the bye-laws may provide.

6. **Infectious Diseases.** (1) A Municipal Committee shall adopt measures to prevent infectious diseases and to restrain infection within the Municipality.

(2) A Municipal Committee shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.
B. WATER SUPPLY.

7. **Water Supply:** (1) A Municipal Committee shall provide or cause to be provided to the Municipality a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the Municipal Committee shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

8. **Private Sources of Water Supply:** (1) All private sources of water supply within Municipality shall be subject to control, regulation and inspection by the Municipal Committee.

(2) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Municipal Committee.

(3) A Municipal Committee may by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes;

(a) to keep the same in good order and to clean it from time to time of silt, refuse and desaying matter;

(b) to protect the same from contamination in such manner as the Municipal Committee directs; and

(c) if the water therein is proved to the satisfaction of the Municipal Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

C. DRAINAGE

9. **Drainage:** (1) A Municipal Committee shall provide an adequate system of Public drains in the Municipality and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the Municipality may, with the previous permission of the Municipal Committee, and subject to such terms and conditions including the payment of fees as the Municipal Committee may impose cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the Municipal Committee.

(4) Subject to the provision of any other law for the time being in force a Municipal Committee may be notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the
part of owner, tenant or occupier thereof to comply with such
directions shall be offence under this ordinance.

(5) A Municipal Committee may, by notice require the
owner of any building, land or an industrial concern within the
Municipality;
(a) to construct such drains within the building or land or
the street adjoining such building or land and to take
such other measures for treatment and disposal of
effluent as may be specified in the notice.

(6) In case of failure of the owner to comply with the
requirements of notice under sub-section (5) the
Municipal Committee may itself cause to carry out
requirements and the cost so incurred shall be deemed to
be a tax levied on the owner of the building or land, as
the case may be under this Ordinance.

10. **Drainage and Sewerage Schemes for Commercial and
Industrial Area/Areas.**  (1) A Municipal Committee may
through a notice require the owners, tenants and occupiers of
commercial and industrial concerns in any area or areas within a
Municipality to have at their own cost prepared, a scheme for the
adequate and safe drainage and disposal of their wastes and
effluent of the quality permitted under the rules or the bye-laws
and submit to the Municipal Committee within the time
specified in the notice; provide that the time limit may be
extended by the Municipal Committee for a maximum period of
three months at the request of the owners, tenants or occupiers of
the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as
approved by the Municipal Committee with modification, if any
shall be executed and implemented by the owners, tenants or
occupiers of the commercial or industrial units at their expense
in such manner and within such time as may be specified by the
Municipal Committee.

(3) In case of the failure of the owners, tenants or occupiers
of the commercial or industrial concerns to comply with the
provisions of sub-section (1) and (2) the Municipal Committee
may itself prepare the drainage, sewerage and disposal scheme
and execute and implement it after approval by Government at
its own expense and the cost so incurred shall, under this
Ordinance be deemed to be a tax levied on the owners, tenants or
occupiers of the industrial and commercial units concerned.
(D). ARTICLES OF FOOD AND DRINK.

11. Private Markets. (1) No private market for the sale of articles of food or drink or animals shall be established or maintained within a Municipality except under a licence granted by the Municipal Committee and in conformity with conditions of such license.

(2) A Municipal Committee may levy fees in the respect of private market in the prescribed manner.

(3) A Municipal Committee may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period as may be specified in the notice.

12. Slaughter Houses. - A Municipal Committee shall provide and maintain at such site or sites within or outside the limits of the Municipality one or more slaughter houses for the slaughter of animals or sale of any specified description of animals.

(E). ANIMALS AND CATTLE.

13. Prohibition on Picketing or Gathering in Street. - No animals shall be picketed or gathered in such streets or places as may be specified by the Municipal Committee and any animals found picketed or gathered in any such street or place shall be liable to seizure and impounding.

14. Prohibition Against Keeping and Maintaining Cattle. - (1) Notwithstanding anything to the contrary contained in any other law or any agreement, instrument custom or usage or decree, judgment or order of any court or other authority …

(a) no, person shall, after the expiry of the period allowed under sub-section (2) keep or maintain cattle in any part of a prohibited zone; provided that the prohibition shall not apply to:

(i) cattle kept confide for sacrificial purposes;

(ii) cattle kept for drawing carts or use in mills with the permission of the Municipal Committee and subject to such conditions as it may impose;

(iii) cattle under treatment in any veterinary hospital;

(iv) Cattle brought to a cattle market demarcated by the Municipal Committee for the purpose of sale; and
cattle brought to a slaughter-house or kept by butchers for the purpose of slaughter within the area demarcated by the Municipal Committee.

(b) no person shall, within the limits of the Municipal Committee keep, other, stall, feed or grease any cattle on any road, street or through fare or in any public place.

(2) The Municipal Committee may, by a general or specified order direct that any person in charge of cattle shall remove the cattle from the prohibition order may be allowed to keep and maintain their cattle at the places earmarked as “Cattle Colonies" by the Municipal Committee on such terms and conditions as it may impose.

15. Dangerous Animals.- A Municipal Committee may, by, bye-laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such by-laws among other matters, provide for the detention destruction or disposal of otherwise of such animals.

16. Disposal Carcasses. Whenever an animal in the charge of a person dies, otherwise animals by being slaughtered for sale or consumption or for some other religious purpose such person shall either-

(a) convey the carcasses within twenty four hours to a place if any, fixed by the Municipal Committee for the disposal of the dead bodies of animals or to a place beyond the limits of the Municipality not being a place within one mile of such limits; or

(b) give notice of the death to the Municipal Committee whereupon the Municipal Committee shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

(F) EDUCATION

17. Educational Institutions.- (1) A Municipal Committee shall establish, maintain and manage such educational institutions as may be required by Government may with the previous approval of Government maintain such other educational institutions as may be necessary for the promotions of education in the municipality.
(2) All educational institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed as standards.

(3) A Municipal Committee may, with the previous approval of Government give financial aid to private educational institutions within the municipality.

18. **Compulsory Education.** - Subject to any law for the time being in force, a municipal Committee shall be responsible for enforcement of compulsory education in the municipality and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age in the municipality attends a school recognized by the municipal Committee.

(G) **PUBLIC SAFETY.**

19. **Fire Fighting.** - (1) For the prevention and extinction of fire, a Municipal Committee shall maintain a fire brigade consisting of such staff and such number of fire Stations and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of the fire within a municipality any Magistrate, any official of a fire brigade directing the operations and any police officer not below the rank of Sub-Inspector, may,-

(a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or saving life and property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire, break into or through, or pull down, or cause to be broken into or through, or pulled down, or use for the passage of houses or either appliances, and premises ;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons incharge of any fire engine to render such assistance as may be possible; and

(f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

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(4) A Municipal Committee shall prepare fire fighting plan and revise it at least once a year.

20. **Civil Defence** - A Municipal Committee shall be responsible for the Civil Defence of the municipality, and it shall, in this behalf perform such functions as may be specified by Government.

21. **Floods** - For the fighting of floods, rescuing of people from the flood affected areas, and affording relief to flood stricken people a Municipal Committee shall provide such boat appliances and equipments as may be specified by Government.

22. **Dangerous and Offensive Articles and Trades** (1) The articles and trades given in the first schedule shall be deemed to be dangerous or offensive for the proposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Municipal Committee, -

(a) no person shall carry on any dangerous or offensive trades;

(b) no premises shall be used or suffered to be used for any dangerous trade; and

(c) no person shall store or keep in any premises --

(i) any dangerous or offensive article except for domestic use, or

(ii) any dangerous or offensive article in excess of such limits as may be fixed by bye-laws.

(3) A Municipal Committee may, with the previous sanction of Government prepare and enforce a scheme providing for the prohibition of dangerous and offensive trades in specified areas within the municipality and for the restriction of such trades in any area not so specified.

**H TOWN PLANNING**

23. **Master plan** - A Municipal Committee shall draw up master plan for the municipality which shall, among other matter provide for:

(a) a survey of the municipality including its history, statistics, public service and other particulars;

(b) development, expansion and improvement of any area with in the municipality; and

(c) restrictions, regulation and prohibitions to be imposed with regard to this development of sites, and the erection and re-erection of buildings within the municipality.
24. **Site Development Schemes.**— (1) Where a Master plan has been drawn and such Master plan has been approved, or without any modifications by government, no owner of land exceeding such area as may be specified in this behalf in the master plan so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master plan, except in conformity with the provisions of a site Development Scheme sanctioned.

(2) Where a Master plan has not been drawn up under section 23 no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provision of site development schemes, sanctioned by the municipal committee.

(3) Among other matters, a site development scheme may provide for—

(a) the division of the site into plots;
(b) the streets, drains and open spaces to be provided;
(c) The land to be reserved for public utility services, and to be transferred to Municipal Committee.
(d) the land to be acquired by the municipal Committee;
(e) the price of plots;
(f) the works that shall be executed at the cost of the owner of the site or sites; and
(g) the period during which the area shall be developed.

(4) The land reserved for public utility services in site Development scheme shall be transferred free of cost by the owner or the owners to the Municipal Committee before the sanction of the scheme. Such land shall not be converted or used for any other purpose than as shown in the scheme except, with the sanction of the Government.

25. **Execution of Site-Development Schemes.**— (1) The execution of a site Development scheme shall be subject to the inspection and control of the Municipal Committee and the Committee may give such directions with regard to the execution of the schemes as may be necessary for the proper development of site.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned site development scheme, the Municipal Committee may, by notice, require the owner of such area or the person who has contravened to the provisions to make such alteration in the site as may be specified in the notice and where such alteration is not
made or for any reason cannot be carried out, the Municipal Committee may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a site Development scheme has been sanctioned is not developed within the period provided in the site development scheme and further extension is not allowed by the Municipal Committee or the Development is not in conformity with terms of the site development scheme, the Municipal Committee may in the prescribed manner, take over the development of the site and execute the necessary works and the cost incurred there on by the Municipal Committee shall be deemed to be a tax levied on the owner or owners under this Ordinance.

(I) BUILDING CONTROL.

26. Erection and Re-erection of Building.- (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved and the building plan indicating the purpose or purposes for which the building is to be used has been sanctioned by the Municipal Committee.

(2) A person intending to erect or re-erect a building shall apply for sanction in the manner provided in the bye-laws and shall pay such fees as may be levied by the Municipal Committee.

(3) Where a plan to relay a street has been approved by a Municipal Committee, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall, adopt the approved building or street line and for this purpose any space required to be left vacant shall vest in the Municipal Committee.

(4) All building applications presented under this section shall be registered in the manner provided in the bye-laws and shall be disposed of as early as possible but not later than sixty days from the date of the registration of the application, and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the building bye-laws or the Master plan or site development scheme, if any.

(5) A Municipal Committee may for reasons to be stated in writing rejected a site plan or a building plan but any person aggrieved thereby may appeal to Government within thirty days
of the order of rejection, and the order passed by Government in appeal shall be final.

(6) A Municipal Committee may sanction a site plan or building plan subjects to such modifications or terms as may be specified in the order of sanction.

(7) Nothing in this section shall apply to any work, addition or alteration which the Municipal Committee may by bye-laws declared to be exempt.

27. **Completion of Buildings, Alteration of Building, etc.**

(1) Every person who has erected or re-erected a building within thirty days of the completion of the building report such completion to the Municipal Committee.

(2) The Municipal Committee shall cause every building which has been completed to be inspected and if it has been constructed in violation or contravention of any provision of this ordinance the rule or the bye-laws or of the Master plan or site development scheme, if any, the Municipal Committee may require the alteration of the building so as to be in compliance with and where such alteration is not possible the Municipal Committee may require the building or any part thereof to be demolished or on the application of the owner of such building compound the offence; provided that no offence shall be compounded if it involves any violation or contravention of the provisions of Master plan or of a sanctioned site development scheme or if the building has been constructed or cause other than it was shown to be used in the sanctioned building plan.

(3) If a building is required to be demolished under the provisions of sub-section (2) and such requirements not complied with within the specified period the Municipal Committee may have the building demolished through its own agency, and the cost so incurred thereon by the Municipal Committee shall be deemed to be tax levied on the owner or occupier of the building under this Ordinance.

28. **Regulation of Buildings.**

(1) Except with the prior sanction of the Municipal Committee no building shall be put to a use other than the use as shown in the sanctioned building plan according to which it was erected or re-erected; provided that the municipal Committee shall not sanction any change in the use of a building which may be in violation or contravention of the Master plan, of site development scheme if any.

(2) If any building or anything fixed thereon be deemed by the Municipal Committee to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of
any neighbouring building or to any occupier thereof or to passers-by the Municipal Committee may by notice require the owner or occupier of such building to demolish or to take such action in regard to the building as may be specified in the notice, and if there is default the Municipal Committee may take necessary steps itself, and the cost shall be a tax levied on the owner or occupier of the building under this Ordinance.

(3) If a building is in a dangerous condition or other-wise unfit for human habitation, the Municipal Committee may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Municipal Committee.

(4) If the building is in dangerous condition and declared unfit for human habitation, the Municipal Committee may for the purpose of demolition eject, the owner or occupier from such building with such necessary force as may be required.

(J) STREETS.

29. **Public Streets.** (1) A Municipal Committee shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) A Municipal Committee shall in the prescribed manner, prepare and execute road Maintenance and Development Programme which shall form part of the budget.

30. **Streets.** (1) No new street shall be laid out except with the previous sanction if the Municipal Committee, and in conformity with the terms and condition of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.

(3) The Municipal Committee may by notice require that any street may be paved, metalled, drained, channeled, approved or lighted in such manner as may be specified and in the event to default, the Municipal Committee may have the necessary work done through its agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

31. **Encroachment.** (1) No person shall make an encroachment moveable or immovable on an open spaces or land vesting in or managed, maintained or controlled by a Municipal Committee, on or over or under a street, road, graveyard, within the municipal limits or a drain except under a licence granted by the
Municipal Committee and to the extent permitted by such licence.

(2) Municipal committee may remove the encroachment mentioned in sub-section (1) with such force as may be necessary.

(3) Whoever trespasses into or is in wrongful occupation of a building or property which vests in or is managed, maintained or controlled by a Municipal Committee may in addition to any other penalty to which he may be liable under this Ordinance or any other law for the time being in force, after such notice, as may be provided by the Municipal Committee, be ejected from such force as may be necessary.

(4) Any person aggrieved by notice issued under sub-section (3) may, within seven days of the service of notice, appeal to such authority as may be appointed by Government in this behalf whose decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for an encroachment removed under this section.

32. **Street Lighting.**— (1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Municipal Committee oil, gas, electricity or such other illuminant as the Municipal Committee may determine.

(2) A Municipal Committee may frame and enforce street lighting scheme.

33. **Street Watering.** A Municipal Committee shall take such measure as may be necessary for the comfort and convenience of the public, and may, for this purpose maintain such vehicles, staff and other apparatus as may be necessary.

34. **Traffic Control.**— (1) A Municipal Committee shall under bye-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A Municipal Committee may provide parking mats on such public places as may be determined by it.

35. **Public Vehicles.** (1) No person shall keep or let for hire, or drive or propel within the limits of a municipality any public vehicle, other than a motor vehicle except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.
(2) No person or other animal shall be used for drawing a public vehicle within the limits of a municipality except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(3) A Municipal Committee shall in such manner as bye-laws may provide and with the previous approval of Government, fix the rate of fares for the use of public vehicles and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation --- In this section a public vehicle means any vehicle which ordinarily used for hire.

(K) ARBORICULTURE.

36. Arboriculture. A Municipal Committee shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

OPTIONAL FUNCTIONS OF MUNICIPAL COMMITTEES.

37. Optional Functions. A Municipal Committee may, and if required by Government shall undertake the following functions.

(A) PUBLIC HEALTH.

38. Promotion of Public Health. Subject to the provisions of this ordinance and the rules, a Municipal Committee may take such measures for prompting public health, including education in health, as it considers necessary or as the case may be, the Government directs.

39. A Municipal Committee may –
   (a) establish, maintain or manage or contribute towards the maintenance of health centers, maternity centers for the welfare of women, infants and children; and
   (b) Provide for the training of dais.

40. Hospital and Dispensaries. A Municipal Committee may establish, maintain and manage, in the prescribed manner, such number of hospital and dispensaries as may be necessary.

41. Medical Aid and Relief Medical Education. A Municipal Committee may take such measure as may be necessary or as may be specified by the Government for--
   (a) the provision maintenance and management of first Aid centers;
   (b) the provision, maintenance and management of mobile medical aid units;
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(c) the provision and encouragement of societies for the medical aid;
(d) the promotion of medical education;
(e) the payment of grants to institutions for medical relief;
and
(f) the medical inspection of school children.

42. **Environment Pollution.** (1) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of air by the gases, dust or other substances exhausted or emitted by automobiles, engines, factories, brick or lime kilns, crushing machines for grinding stone, salt or other materials and such sources of air pollution as the bye-laws may provide.

(2) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manners as the bye-laws may provide.

**(B) DHOBI GHATS FERRIES ETC.**

43. (1) A Municipal Committee may from time to time;
(a) set up suitable places for use by the public for bathing for washing clothes, or for drying clothes;
(b) specify the time at which and the sex of persons by whom such places may be used; and
(c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run Hamaam or a bath for public use except under a licence granted by the Municipal Committee, and in conformity with the conditions and terms of such licence.

44. **Dhobi Ghats.** A Municipal Committee may provide dhobi ghats and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.

45. **Public Water Sources.** (1) A Municipal Committee may, with the previous sanction of the Government declare any source of water spring river tank, pond or public stream or any part thereof within the municipality, which is not private property to be a public water source;

(2) A Municipal Committee may in respect of any public water course provide such amenities make such arrangements for life saving execute such works and subject to the provisions of any law for the time being in force relating to irrigation drainage and navigation regulate the use thereof as the bye-laws may provide.
46. **(1)** A Municipal Committee may by bye-laws provide for the licensing of boats and other vessels plying for hire in a public water course and may specify the terms and conditions for the grant of licences and the fees to be charged therefore.

**(2)** The Government may declare any part of the public water-course to be a public ferry and may entrust the management thereof to the Municipal Committee which shall manage and operate the public ferry in such manner and levy such tolls as may be necessary.

47. A Municipal Committee may with the previous sanction of the Government declare any public water course as public fishery and thereupon the right of fishing in such water course shall vest in the Municipal Committee which may exercise such right in such manner as may be provided by bye-laws.

**(C) ARTICLES OF FOOD AND DRINKS.**

48. **Bye-laws for Articles of Food and Drink.** A Municipal Committee may, by bye-laws:-

**(a)** Prohibit the manufacture, sale or preparation or the exposure for sale or any specified article of food or drink in any place or premises not licensed by the Municipal Committee;

**(b)** Prohibit the import into the Municipality for sale or the hawking for sale of any specified article of food or drink by person not so licensed;

**(c)** prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;

**(d)** regulate for the seizure and manner of transport within the municipality of any specified articles of food or drink;

**(e)** regulate the grant and withdrawal of licence under this section and the levying of fees therefore; or

**(f)** provide for the seizure and disposal of any animal poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

49. **Milk Supply.** (1) Except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence no person shall within the municipality keep milk cattle for the sale of milk, or sell milk or export or import milk for sale or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for such purpose.
(2) A Municipal Committee may in the prescribed manner, and with the previous sanction of Government, form and enforce a milk supply scheme which may among other matters provide for the establishment of milk mens colonies, the prohibition of the keeping of milk cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

50. **Public Markets.**—(1) A Municipal Committee may establish and maintain public markets or may provide places for use as public markets other than those meant for the disposal of form product, for the sale of articles of food and drink and of animals and secure the proper management and sanitation of such markets.

(2) A Municipal Committee may in respect of a public market, provide by bye-laws—

(a) the fees to be charged for the use of or, for the right to expose goods in the market;

(b) the fees to be levied on vehicles and animals bringing goods therein for sale;

(c) the fees to be charged for the use of shops, stalls, pens or stamps;

(d) the fees to be charged in respect of animals brought for sale or sold; and

(e) the fees to be charged for broker, commission agents, weigh-men and other persons practicing their calling therein.

(D) **ANIMAL HUSBANDRY**

51. **Animals Husbandry.**—(1) A Municipal Committee may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Municipal Committee may by bye-laws define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases including the compulsory inoculation of animals and the subjecting to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers’ of any such disease.

52. **Animals Homes and Forms.**—(1) A Municipal Committee may with the previous approval of the Government establish, maintain and manage animal homes where subject to such terms and conditions and on the payment of such fees and other
charges the bye-laws may provide the animals of private persons may be kept.

(2) A Municipal Committee may with the previous approval of the Government establish, maintain and manage cattle farms and poultry farms and such farm shall be managed and administered in such manner as the bye-laws may provide.

53. **Registration of the Sale of Cattle.** - Municipal Committee may, by bye-law require that every sale of such of the animals as may be specified shall be registered with the municipal Committee in such manner and subject to the payment of such a fees as the bye-laws may provide.

54. **Livestock Improvement.** - A Municipal Committee may, with the previous approval of the Government, farm and execute a livestock scheme, which may among other matters provide that no person shall keep such animals above such age as may be specified unless they are castrated or are certified by competent authority to be fit for breeding.

55. **Cattle Show Zoo etc.** (1) A Municipal Committee may hold cattle shows and fairs within the limits of the municipality and charge such fees from the people attending such shows or fairs as the bye-laws may provide.

(2) A Municipal Committee may, with the previous approval of the Government maintain or contribute towards the maintenance of zoological garden.

(E) **PUBLIC SAFETY.**

56. **Famine.** In the event of a famine, a Municipal Committee may, with the sanction of the Government, execute such famine works and order such famine relief measures as it may be specified by the Government.

57. **Burial and Burning Places.** - (1) A Municipal Committee may provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places.

(2) The Government may, by notification in the official gazette, declare that any burial or burning place which is open to public for burial or burning, shall vest in Municipal Committee and thereupon such burial or burning place shall vest in a Municipal Committee shall take all measures necessary for the proper maintenance and administration thereof.

(3) A burial or burning place which is not administered by a Municipal Committee shall be registered with the Municipal Committee and shall be subject to regulation supervision and
inspection by the Municipal Committee, in such manner as the bye-laws may provide.

(4) No new burial or burning place shall be established within a municipality, except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(F) TREES PARKS, GARDENS AND FOREST.

58. Gardens. (1) A Municipal Committee may lay-out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.

(2) For every public gardens there shall be framed and enforced, in the prescribed manner, a garden Development plan, which shall provide for the development and improvement of the garden.

59. Open Spaces. A Municipal Committee may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.

60. Forests. A Municipal Committee may in the prescribed manner frame and enforce Forest plans providing for the improvement development in accordance with such plans.

61. Nuisances Pertaining to Trees and Plantations. (1) A Municipal Committee may, by bye-laws determine the posts of trees and plants and provide for their destruction.

(2) If any land or premises, within a municipality is grown with rank or noxious vegetation, or under growth, a Municipal Committee may by notice require the owner or occupier of such land or premises to clear such vegetation or under-growth within a specified time and if he fails to do so within such time the Municipal Committee may have such vegetation or under-growth cleared and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier under this ordinance.

(3) A Municipal Committee may in the manner provided in the bye-laws require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang or are likely to interfere with the traffic or are otherwise inconvenient.

(4) A Municipal Committee may in the manner provided in the bye-laws prohibit the cultivation of any crop which is
considered dangerous to public health within such part of the municipality as may be specified.

62. **Tanks and Low-lying Areas**.- A Municipal Committee may take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying as it thinks fit or as the case may be the Government directs.

(G) **EDUCATION.**

63. **A Municipal Committee, may** --

(a) construct and maintain buildings to be used as hostels for students;
(b) give scholarships to deserving or specially bright students;
(c) provide for the training of teachers;
(d) promote adult education;
(e) provide school books to orphans and intelligent students free of cost or at confessional rates;
(f) maintain depots for the sale of school books and articles of stationery; and

(g) with the previous approval of Government --

(i) promote and assist educational societies;
(ii) undertake educational survey and enforce educational plans; and
(iii) provide, whether free of charge or on payment, milk or meals for school children.

(H) **CULTURE.**

64. **A Municipal Committee may** --

(a) establish and maintain information centers for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
(b) maintain radio and television sets at public institutions and public places;
(c) organise museums, exhibitions and art galleries;
(d) provide and maintain public halls and community centers;
(e) celebrate the national occasions;
(f) provide for the reception of distinguished visitors visiting the Municipality;
(g) encourage national and regional languages;
(h) promote physical culture and encourage public games and sports and organize rallies and tournaments;
(i) promote tours to the Municipality and adopt measures for the preservation of the historical and indigenous characteristics of the Municipality; and
(j) Provide promote or subsidies facilities for the recreation of the public.

65. **Libraries.** A Municipal Committee may establish and maintain such public libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

66. **Fairs and Show etc.** A Municipal Committee may make such arrangements on the occasion of any fairs, shows or public festivals within the Municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows.

(I)- **SOCIAL WELFARE.**

67. **Social Welfare.** A Municipal Committee may --

(a) establish, manage and maintain welfare home asylums, orphanages, widow homes and other institutions for the relief of the distressed;
(b) provide for the burial and burning of paupers found dead within the Municipality at its own expense;
(c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor juvenile delinquency and other social evils;
(d) organize social service volunteers; and
(e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in Armed Forces and women and children.

(J)- **MUNICIPAL POLICE**

68. **Municipal Police.** (1) A Municipal Committee may, and if directed by Government shall maintain such police force, to be known as Municipal Police as may be necessary.

(2) The Municipal police shall be a police force within the meaning of section 2 of the police Act, 1861 and shall consist of such number of officers and men who shall receive such pay and conditions as the Government may from time to time determine.
The Government may notwithstanding anything contained in the police Act, 1861 or in any other law prescribe the duties which the Municipal police may or may not be required to perform.

Any officer or servant of a Municipal Committee who is empowered in that behalf by a general or special order of the Government, may exercise the powers of a police officer for such purposes of this Ordinance as may be specified in such order.

Additional Functions. Nothing contained in this chapter shall preclude Municipal Committee to perform such functions as may be assigned to it by or under any other law.

Development Plans. Preparation and implementation of development plans.

Sponsoring and promoting community development projects.

Promotion, execution and implementation of commercial schemes.

THE SIXTH SCHEDULE.

Taxes, Rates, Tools and Fees which may be levied by District, Union Councils, Town/Municipal Committees.

1. Tax on the annual value of buildings and lands.
2. Tax on land not subject to local rate.
3. Tax on hearts.
4. Tax on the transfer of immovable property.
5. Tax on the import of goods for consumption, use or sale in a local area.
6. Tax on the export of goods from a local area.
7. Tax on the professions, trades and callings.
8. Tax on births, marriages and feasts.
9. Tax on advertisements.
10. Tax on cinemas, dramatic and theatrical shows, and other entertainments and amusements.
11. Tax on animals.
12. Tax on vehicles (other than motor vehicle) including carts and bicycles, and all kinds of boats.
13. Tolls on roads, bridges and ferries.
14. Lighting rate.
15. Drainage rate.
16. Rate for the remuneration of village police.
17. Rate for the execution of any work of public utility.
18. Conservancy rate.
19. Rate for the provision of water works or the supply of water.
20. Fees on applications for the erection and work erection of buildings.
21. School fees in respect of schools established or maintained by a local council.
22. Fees for the use of benefits derived from any works of public utility maintained by a local council.
23. Fees at fairs, agricultural shows, industrial exhibitions, tournaments, and other public gatherings.
24. Fees for markets.
25. Fees for licensees sanctions and permits granted by a Local council.
26. Fees for specific services rendered by a local council.
27. Fees for the slaughtering of animals.
28. Any other tax which the Government is empowered to levy by law.
29. A special community tax on the adult males for the construction of any public work of general utility for the inhabitants of the local area concerned, unless the local council concerned exempts any person in lieu of doing voluntarily labour or having it done on his behalf.

THE SEVENTH SCHEDULE.

MATTERS RESPECTING WHICH RULES MAY BE MADE

1. Organization and conduct of elections under this Ordinance, and matters connected therewith or incidental thereto, including by-elections and corrupt or illegal practices and other election offences, and penalties therefore, and the submission trial and disposal of election petitions.
2. Election of Chairman/Vice Chairman.
3. Prescription of the form of oath of office by members.
4. Regulation of the functions of Dehi Union Councils with regard to village defence and village police, including appointment, the terms and conditions, and the training and discipline of members of the village police.
5. Functions of local councils with regard to national reconstruction, the agricultural, industrial and community development, and food production.

6. The manner in which any Advisory Committees shall be constituted and their functions.

7. The manner in which schemes for undertaking commercial or business enterprises by local councils may be promoted, administered, executed and implemented.

8. Regulations of the execution of works by Local councils.

9. Regulation of the making of contracts on behalf of local councils.

10. Prescription of records, reports and returns to be maintained, prepared or published by local councils.

11. Constitution and regulation of the local councils Service.

12. Regulation of matters referred to in Section 39 pertain to servants of local councils.

13. Administration, regulation, custody, investment and operation of local funds, and special funds.


15. Maintenance of accounts and their audit.

16. Regulation of the raising and re-payment of loans by local councils.

17. Determination of the property that shall vest in local council and other matters specified in section 53.

18. Preparation, regulation, consolidation, sanction and implementation of development plan.

19. The manner in which and the authority by whom, members, officials and servants of local council, and other persons may be surcharged under Section 55.

20. Regulation of the assessment and collection of the local rate, and the distribution of the proceeds thereof between District and Union Councils.

21. Regulation of the Assessment, collection, and administration of taxes, rates, tolls, and fees, and all matters relating thereto.

22. The manner in which, and the authority to whom appeal shall lie against the orders of local councils.

23. The manner in which local councils shall be inspected and the powers of inspecting officials.
24. Any other matter required under any of the provision of this ordinance to be prescribed.

THE EIGHTH SCHEDULE

MATTERS FOR BYE-LAWS AND REGULATIONS

PART I-

MATTERS RESPECTING WHICH BYE-LAWS MAY BE MADE

1. Registration of birth and deaths and marriages.
2. Registration of the sale of cattle and animals.
3. Registration, management and regulation of orphanages, widow-homes and other institutions for the relief of the poor.
4. Organization of village defence, and adoption of measures for village safety and security.
5. Regulation and management of Shamilats and other common property.
6. Regulation of burning and burial grounds.
7. Regulation of the slaughter of animals and construction and maintenance of slaughters houses.
8. Detention and destruction of stray dogs.
12. Regulation of milk supply.
13. Regulation of stables.
15. Prevention or abetment of nuisances.
16. Regulation of the erection and re-erection of buildings.
17. Regulation of dangerous building and structures.
18. Regulation of dangerous and offensive trades.
21. Regulation of traffic.
22. Organization and regulation of fairs, shows, tournaments and other public gatherings.
23. Enforcement of compulsory education.
24. Prevention of beggary, juvenile delinquency, prostitution and other social evils.
25. Specification of purposes for which licenses shall be required, and the terms and conditions subject to which licenses may be issued.

26. Promotion and furtherance of any of the functions of local councils, and the carrying out of any of the purpose of this ordinance not provided for in the rules.

PART II
MATTERS RESPECTING WHICH REGULATIONS MAY BE MADE

1. Conduct of business by local councils, prescription of quorum, the asking of questions, add other matters.

2. Constitution and functions of committees and sub Committees of local councils, do-option of members thereon and conduct of business by them.

3. Any matter required by or under any of the provisions of this Ordinance to be determined by regulations.

THE NINTH SCHEDULE
OFFENCES UNDER THE ORDINANCE

1. Evasion of the payment of a tax or other impost lawfully levied by a local council.

2. Failure to furnish on requisition information in respect of any matter which a local council is authorized to call for under any of the provisions of this Ordinance or the rules or bye-laws or furnishing wrong information.

3. Doing an act without licence or permission, when the doing of such act required a licence or permission under any of the provisions of this ordinance or the rules or bye-laws.

4. Erection or re-erection of a building without the sanction required under this ordinance.

5. Carrying on the dangerous or offensive trade without trade without such sanction.

6. Making an encroachment on any public road, public street or public place without the sanction of the prescribed local council.

7. Doing an act by which water for drinking is rendered foul or unfit for use.

8. Using water for drinking from any source which is suspected to be dangerous to public health and the use whereof has been prohibited under this ordinance.

9. Watering cattle or animals, or bathing or washing at or near a well or other source drinking water for public.
10. Stepping hemp, jute or any other plant in or near a pond or other excavation within such distance of the residential area as may be specified under this Ordinance;

11. Dyeing or tanning skin within such distance of the residential area as may be so specified.

12. Excavation of earth, stone or any other material within such distance of the residential area as may be so specified.

13. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be so specified.

14. Disposing of carcasses of animals within such distance of the residential area as may be so specified.

15. Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any land or building when so required under this Ordinance.

16. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cesspool, or other receptacle for filth, sullage, water, rubbish or refuse when so required under this ordinance.

17. Failure by the owner or occupier of any land to clear away and remove any vegetation or undergrowth which has been declared under this Ordinance to be injurious to health or offensive to the neighborhood.

18. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering any street, or any branches of trees growing thereon which overhang any street or obstruct the same of cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.

19. Cultivation of such crops, use of such manner of irrigation of the land in such manner as is declared under this Ordinance to be injurious to public health or offensive to the neighborhood.

20. Without the permission required under this Ordinance causing or knowing or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain does not set a part for the purpose.

21. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well, tank or other
source of water-supply, which is declared under this Ordinance to injurious to health or offensive to the neighborhood.

22. Failure by the owner or occupier of any building or land to put up and keep in good condition proper through and pipes for receiving or carrying water of sullage from the building or land when so required under this Ordinance.

23. Failure by a medical practitioner who during the course of such practice becomes cognizant of the existence of any infections disease, to the prescribed local council.

24. Failure by any person cognizant of existence of any infections disease in any building to the communicate the information to the prescribed local council.

25. Failure by the owner to disinfect in infected building or the letting of an infected building without disinfection.

26. Sale of articles of food and drink by a person suffering from any infections disease.

27. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.

28. Feeding or allowing to be fed any animal meant for dairy or food purposes on adulterous substances, filter or refuse of any kind.

29. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.

30. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.

31. Begging importunately for aims, or exposing or exhibiting with the object of ex-citing charity and deformity of disease or any offensive sore or wound.

32. Keeping a brothel or practicing prostitution in such area as may be declared a prohibited area for the purpose.

33. Failure by the owner or occupier of a building to make adequate arrangement for house scavenging when so required under this Ordinance.

34. Cutting down of any tree, or cutting off a branch of any tree, or erection or demolition of any building or part of a building, where such action is declared under this ordinance to be a cause of danger or any annoyance to the public.

35. Laying out, making or commencing to layout or make a street without the sanction of the prescribed local council.
36. Fixing any bill, notice, play card or other paper or means of advertisement against or upon any building or place other than the place fixed for the purpose.

37. Stacking or collecting of timber wood, dry grass, straw or other inflammable material in a manner which is declared under this Ordinance to be dangerous.

38. Picketing parking animals, or collecting carts or vehicles on any street, or using any street as a halting place for vehicles or animals or as a place of encampment without the permission required under this Ordinance.

39. Causing or premising animals to stay.

40. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sunset to half an hour before sunrise.

41. Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to the left or when passing vehicle going in the same direction, to keep to the right of that vehicle, or the follow other specified rules of the road.

42. Playing of music or radio, beating a drum or tom-tom, blowing a horn or trumpet or biting or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued under this Ordinance.

43. Discharging fire arms or letting of fireworks, rockers, fire-balloons or detonators, or engaging in any game in such manner as caused or is likely to cause danger to persons passing by living or working in the neighboring or risk or injury to property.

44. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighborhood.

45. Burying or burning a dead body at a place other than a recognized burial or burning ground without the permission required under this ordinance.

46. Letting loose or setting on ferocious dogs or other dangerous animals.

47. Failure to demolish or otherwise secure a building declared under this ordinance to be dangerous building.

48. Using or allowing the use for human habitation of a building declared under this ordinance to be unfit for human habitation.

49. Failure to lime-wash or repair a building if so required under this ordinance.
50. Doing of any other act which is prescribed as an offence under this ordinance.

51. Contravention of any of the provision of this ordinance the rules or the bye-laws, or of any order, direction, notice or declaration made or issued there under.

52. Attempts and abetments of any of the offences aforesaid.

**TENTH SCHEDULE**

**DECLARATION OF PROPERTIES**

**ACQUIRED BY.................................................(NAME)**

**MEMBER UNION**

MARKAZ/DISTRICT/COUNCIL/MUNICIPAL/TOWN COMMITTEE......................

ELECTORAL UNIT......................................................

I,........................................................................member

Union Council.............................., hereby declare that no immovable and movable property (bond, shares, certificates, securities, insurance, policies, jewellery and motor vehicles), having total value of Rs. 10,000/- or more is held by me and members of my family, except as stated below:-

<table>
<thead>
<tr>
<th>Name</th>
<th>Description of property, areas, and extent of interest held</th>
<th>Name of owner or person in possession or control of property</th>
<th>Relation with the Declarant</th>
<th>Province &amp; District in which property is situated</th>
<th>Approximate value of property</th>
<th>How and when acquired? Whether by inheritanc e, purchase, gift of reward.</th>
<th>Net yearly income from property</th>
<th>Remark s</th>
</tr>
</thead>
</table>

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Signature of the Member
VOLUME VI (1980)
AN
ORDINANCE

to provide for law relating to imposition of restrictions on constructions and alienations in the Master Plan Areas

WHEREAS it is expedient to provide for law relating to imposition of restrictions and alienations in the Master Plan Areas of Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, Extent and Commencement.**—(1) This Ordinance may be called the Imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1980.
   (2) It extends to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context:
   (a) 'Controlling Authority' means a controlling authority set up under Section 3;
   (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
   (c) 'Master Plan' means a Master Plan approved by the Government;
   (d) 'Member' means the member of the Controlling Authority and shall include an ex-officio member.

3. **Setting up of Controlling Authority.**—(1) The Government may set up a Controlling Authority for carrying out the purposes of this Ordinance.
The Controlling Authority shall consist of a Chairman and such other members not exceeding three in number as may be nominated by the Government.

4. **Master Plan Area.** (1) Notwithstanding anything contained in any other law for the time being in force, the Controlling Authority if so required by the Government, shall by notification in the official Gazette, declare any area before drawing up a Master Plan as a notified area for the purposes of this Ordinance.

(2) The Controlling Authority may impose restrictions for regulation or prohibition with regard to the development of sites and the erection and re-erection of buildings within the limits of said notified area for which a Master Plan is drawn or being drawn up at a later stage, as the case may be.

5. **Restriction on Alienation.** No owner or a person having any interest in any land within the notified areas of Master Plan shall alienate any land or portion thereof in any manner whatsoever nor shall create any charge or encumbrance thereon.

6. **Site Development Schemes.** (1) Where a notification has been issued under Section 4 (1), no owner of land in the Master Plan area shall develop the sites or erect or re-erect a building on any plot of land except in conformity with the provision of a site development scheme sanctioned for the area in the manner prescribed.

(2) Where an owner of a land wishes to develop a plot or piece of land belonging to him, for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the Controlling Authority for sanction of his development scheme and the Controlling Authority may on such terms and conditions and on payment of such fee as may be laid down in its rules sanction the same:

Provided that the Controlling Authority may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction at any time before construction if such construction is likely to hamper the objectives or proper execution of the housing scheme in Master Plan Area.

(3) If any area is developed or otherwise dealt with in contravention of the provisions of the Master Plan, the Controlling Authority, may by notice require the owner of such area or the person who has contravened the provision to make such alteration, in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Controlling Authority may require and enforce
the demolition of the offending structure and notwithstanding anything to the contrary contained in any other law, no compensation shall be payable for such demolition.

7. **Liability to Acquisition.**— (1) Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 all land within the Master Plan Area shall be liable to acquisition at any time in accordance with the provisions of Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980.


8. **Jurisdiction of Courts Barred.**— Save as otherwise provided in this Ordinance, no Court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Ordinance, by or at the instance of the Controlling Authority.

9. **Punishment.**— Whoever contravenes any provision of this Ordinance or of any rule, regulation, or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

10. **Cognizance of Offences.**— No Court shall take cognizance of an offence under this Ordinance except upon a complaint made in writing by the officer authorised for the purpose by the Controlling Authority.

11. **Power to Make Rules.**— The Controlling Authority with the previous sanction of the Government may make rules for carrying out the purposes of this Ordinance.

   (Mohammad Hayat Khan)
   President
   Azad Jammu & Kashmir
   Sd/-

   (Syed Mohammad Akram Shah)
   Deputy Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 8th March, 1980.

No. 1419/SL/80. The following Ordinance made by the President on the 8th day of March, 1980, is hereby published for general information:-

(ORDINANCE XLII OF 1980)

AN ORDINANCE to provide for speedy trial of certain offences committed or attempted to be committed by the holders of representative offices

WHEREAS it is expedient to provide for speedy trial of certain offences committed or attempted to be committed by the holders of representative offices in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement.**—(1) This Ordinance may be called the Holders of Representative Offices (Trial of Offences) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context.—

(a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

(b) 'Chief Executive' means the Chief Executive of Azad Jammu and Kashmir;

(c) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974;

(d) 'Government' means the Azad Government of the State of Jammu and Kashmir;
(e) 'Holder of Representative Office' means a person who has held at any time during the period from the 1st December 1970 to the 31st October, 1977,-

(i) under the Azad Jammu and Kashmir Government Act, 1970, the office of President, Minister or member of the Assembly; or

(ii) under the Azad Jammu and Kashmir Interim Constitution Act, 1974, the Office of President, Prime-Minister, Minister, Advisor of the Council or member of the Assembly or of the Council:

Provided that for the purpose of this Ordinance any person in respect of whom a nomination paper was filed and he was a candidate for the elections to the Assembly, which were held in the year 1970, 1975 or were to be held at any time during the year, 1977 or any person who has, at any time, been a Presidential Assistant, Advisor to President, Advisor or Special Assistant to Prime-Minister, during the period December, 1970 and August, 1977, shall be deemed to be a holder of representative office.

(f) 'President' means the President of Azad Jammu and Kashmir;

(g) 'Scheduled Offence' means an offence specified in the Schedule;

(h) 'Special Court' means a Special Court established under this Ordinance and includes a Special Court established at any time before the commencement of this Ordinance.

(i) 'Supreme Court' means the Supreme Court of Azad Jammu and Kashmir.

3. **Ordinance not to Derogate from Other Laws.** - The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any holder of representative office from any proceeding which might, apart from this Ordinance, be instituted against him.

4. **Establishment of Special Court.** - (1) The President may, by notification in the official Gazette, establish one or more Special Courts for the purposes of this Ordinance.
(2) Each Special Court shall consist of a person who is or has been a Judge of Supreme Court or High Court.

(3) A seat of Special Court established under this Ordinance, or a Special Court established at any time before the commencement of this Ordinance, shall be at Murafarabad or at such place as the President may, by notification in the Official Gazette, specify in this behalf.

5. Transfer.- (1) If the President establishes more than one Special Courts, he may, by notification in the official Gazette, distribute the business among such Courts or direct the transfer of any case from one Special Court to another Special Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

(2) The Special Court to which such case is transferred shall deal with the same as if it had been originally presented to, such Court.

6. Offence to be Tried by Special Court.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, a scheduled offence committed by a holder of representative office shall be tried exclusively by a Special Court.

(2) No person shall be prosecuted under the provisions of this Ordinance except with the previous sanction of the Government:

Provided that any sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to include all offices held by him for which he has been or may be prosecuted under the provisions of the Ordinance.

(3) Any prosecution sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinances, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly accorded under this Ordinance.

(4) A person who is convicted for a scheduled offence shall stand disqualified for a period of seven years from being elected or chosen as a member of Assembly or of the Council.

7. Powers and Procedure of Special Court.- (1) A Special Court may pass any sentence authorised by law and shall have all the
powers conferred by the Code of Criminal procedure, 1898 (Act V of 1898), on a High Court exercising original jurisdiction.

(2) Notwithstanding anything contained in any other law for the time being in force, a scheduled offence shall be tried under the provisions of this Ordinance and a Special Court shall also have power to conduct its proceedings and regulate its procedure in all respects as it deems fit.

(3) No trial before a Special Court shall be adjourned for any purpose unless the Special Court is of opinion that the adjournment is necessary in the interests of justice, and, in particular, no trial shall be adjourned by reason of the absence of the accused person due to illness, or if the absence of the accused or his Counsel has been brought about by the accused person himself or if the behavior of the accused person prior to such absence has been, in the opinion of the Special Court, such as it impede the course of justice but, in any such case, the Special Court shall proceed with the trial as it may deem appropriate.

(4) A Special Court shall not, merely by reason of a change in its composition, be bound to recall and rehear any witness who has given evidence and may act on the evidence already recorded by or produced before it.

(5) A Special Court shall have the powers of a High Court to punish its own contempt.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), when a person is accused of more offences than one, he may be charged with, and tried at one trial, for any number of them, irrespective of the kind of such offences or of the time at which, or the person in respect of whom, any or them may have been committed.

(7) No formal complaint or investigation by a Public Servant required by any law relating to the offences mentioned in the Schedule shall be necessary for taking cognizance of an offence when the trial is not to be held under the provisions of this Ordinance nor any period of limitation prescribed by any law shall bar a trial under this Ordinance.

8. **Accused Person to be Competent Witness.** Any person charged with a scheduled offence shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person together with him at the same trial.

Provided that –
(a) he shall not be called as a witness except on his own request;
(b) his failure to give evidence shall not be made the subject of any comment by the prosecution of give rise to any presumption against him or any person charged with him at the same trial;
(c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless –
   (i) the proof that he has committed or been convicted of such offence is admissible in evidence to show that he is guilty of the offence with which he is charged; or
   (ii) he has personally or by his pleader asked questions from any witness or the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature of conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for prosecution; or
   (iii) he has given evidence against any other person charged with the same offence.

9. **Public Prosecutor.-** The Government may appoint one or more Special Public Prosecutors to conduct the prosecution in a case liable by a Special Court and every such Special Public Prosecutor shall be deemed to be a Public Prosecutor for the purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).

10. **Appeal.-** Any person sentenced by a Special Court under this Ordinance may, within thirty days of the decision of the Special Court, prefer an appeal to the Supreme Court.

11. **Appeal in Case of Acquittal.-** The Government may, in any case, direct the Special Public Prosecutor to present an appeal to the Supreme Court within sixty days from an order or order of acquittal passed by a Special Court under this Ordinance.

12. **Bar of Jurisdiction.-** Save as provided in Section 10 no Court shall have any jurisdiction of any kind in respect of any order sentence or proceedings of a Special Court.
13. **Power to Amend the Schedule.-** The Government may, by notification in the official Gazette, omit any entry from, or add any entry to, the Schedule.

14. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under this provisions of Holders of Representative Offices (Trial of Offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

15. **Repeal.-** The Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1979 (Ordinance CLXIX of 1979) The Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1979 (Ordinance CLXXXIX of 1979) and the Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1980 (Ordinance XIX of 1980), are hereby repealed.

**THE SCHEDULE**

*(See Section 2 and 13)*

1. Offences punishable under Sections 403 to 406, 409, 417 to 420, 465 to 468, 471 and 477-A of the Penal Code (Act XLV of 1860) and as attempts, abetments and conspiracies in relation thereto or connected therewith.

2. Offences punishable under the Arms Act, 1878 (II of 1878).


5. Offences punishable under the Forest Regulation, 1930 (II of 1930).


8. Offences punishable under the prevention of Corruption Act, 1950 and as attempts, abetments and conspiracies in relation thereto or connected therewith.


(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the March, 11th 1980.

No.1490/LD/80. The following Ordinance made by the President on the 9th day of March, 1980, is hereby published for general information:—

(ORDINANCE XLIII OF 1980)

AN
ORDINANCE

to provide for (Law relating to profession of Notaries in Azad Jammu and Kashmir)

WHEREAS it is expedient to provide for law relating to the Profession of Notaries in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, Extent and Commencement.**— (1) This Ordinance may be called the Notaries Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

2. **Definitions.**— In this Ordinance unless the context otherwise requires,—
   
   (a) 'instrument' includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;
   
   (b) 'Legal practitioner' means any advocate or attorney of the Supreme Court or any advocate of the High Court or any pleader authorised under any law for the time being in force to practice in any Court of law;
   
   (c) 'notary' means a person appointed as such under this Ordinance;
   
   (d) 'Prescribed' means prescribed by rules made under this Ordinance;
(e) 'Register' means a Register of Notaries to be maintained under section 4.

3. **Power to Appoint Notaries.** The Government, for the whole or any part of Azad Jammu and Kashmir, may appoint as notaries any legal practitioner or other person who possess such qualifications as may be prescribed.

4. **Registers.** (1) The Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by the Government and entitled to practice as such under this Ordinance.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:-

(a) his full name, date of birth, residential and professional address;

(b) the date on which his name is entered in the Register;

(c) his qualification; and

(d) any other particulars which may be prescribed.

5. **Entry of Names in the Register and Issue or Renewal of Certificates of Practice.** (1) Every notary who intends to practice as such shall, on payment to the Government of the prescribed fee, if any, be entitled ,-

(a) to have his name entered in the Register maintained by the Government under section 4, and;

(b) to a certificate authorising him to practice for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practice after the expiry of the period for which his certificates of practice has been issued under this section shall on application made to the Government and payment of the prescribed fee, if any, be entitled to have the certificates of practice renewed for three years at a time.

6. **Annual Publication of Lists of Notaries.** The Government shall, not later than end of January each year, publish in the official Gazette a list of notaries appointed by the Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. **Seal of Notaries.** Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.
8. **Functions of Notaries.**—(1) A notary may do all or any of the following acts virtue of his office, namely:-

(a) verify, authenticate, certify or attest the execution of any instrument;

(b) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security;

(c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;

(d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;

(e) administer oath to, or take affidavit from, any person;

(f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

(g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Azad Jammu and Kashmir in such form and language as may conform to the law of the place where such deed is intended to operate;

(h) translate, and verify the translation of, any document from one language into another;

(i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. **Bar of Practice without Certificate.**—Subject to the provisions of this section, no person shall practice as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

10. **Renewal of Names from Register.**—The Government may, by order, remove from the Register maintained by it under section 4 the name of the notary if he:

(a) makes a request to that effect; or
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(b) has not paid the prescribed fee required to be paid by him, or
(c) is an un-discharged insolvent; or
(d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practice as a notary.

11. **Construction of References to Notaries Public in other Laws.-** Subject to the provisions of section 16, any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practice under this Ordinance.

12. **Penalty for Falsely Representing to be Notary, etc.-** Any person who,-
   (a) falsely represents that he is a notary without being appointed as such; or
   (b) practices as a notary or does any notarial act in contravention of section 9, shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

13. **Cognizance of Offences.-** (1) No Court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Ordinance save upon complaint in writing made by an officer authorised the Government by general or special order in this behalf.
   (2) No Magistrate other than a Magistrate of the first class shall try an offence punishable under this Ordinance.

14. **Reciprocal Arrangements for Recognition of Notarial Acts done by Foreign Notaries.-** If the Government is satisfied that by the law or practice of any country or place outside Azad Jammu and Kashmir, the notarial acts done by notaries within Azad Jammu and Kashmir are recognised for all or any limited purposes in that country or place, the Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within Azad Jammu and Kashmir for all purposes, or, as the case may be, for such limited purposes as may be specified in the notification.

15. **Power to make Rules.-** (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

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(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter namely:-

(a) the qualifications of a notary, the form and manner in which application for appointment as a notary may be made and the disposal of such applications;

(b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;

(c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption, whether wholly or in part, from such fees in specified classes of cases;

(d) the fees payable to a notary for doing any notarial act;

(e) the form of Registers and the particulars to be entered therein;

(f) the form and design of the seal of a notary;

(g) the manner in which inquiries into allegations or professional or other mis-conduct of notaries may be made;

(h) the acts which a notary may do in addition to those specified in section 8 and manner in which a notary may perform his functions.

16. **Saving of Act XXVI of 1881.** - Nothing in this Ordinance effects the provisions of the Negotiable Instruments Act, 1881 (XXVI of 1881), or any appointment made in pursuance of section 138 of that Act or the powers of any person so appointed.

(Mohammad Hayat Khan)  
President  
Azad Jammu & Kashmir.

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(Khalil Ahmed Qureshi)  
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 12th March, 1980.

No. 1503/LD/80. The following Ordinance made by the President on the 12th day of March, 1980, is hereby published for general information:

(ORDINANCE XLIV OF 1980)

AN ORDINANCE  
to provide for the abolition of Court fee in respect of certain cases.

WHEREAS it is expedient to provide for the abolition of Court fee in respect of certain cases;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Court Fees (Abolition) Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Abolition of Court fee in Certain Cases.**- Notwithstanding anything contained in the Court Fees Act, 1870 (VII of 1870) or any other law for the time being in force, or any rules or orders, no Court fee, shall be payable in, or chargeable by, any Court in respect of –

   (a) any criminal case; and

   (b) any case of civil nature the value of the subject-matter whereof or relief claimed therein, does not exceed twenty five thousand rupees.

3. **Savings.**- Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Court Fee (Abolition) Ordinance, 1979 (Ordinance XXXVI of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly
done or taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

S/d-
(Khalil Ahmed Qureshi)
Secretary Law
Dated the 12th March, 1980.

No. 1504/LD/80. The following Ordinance made by the President on the 12th day of March, 1980, is hereby published for general information:-

(ORDINANCE XLV OF 1980)

AN ORDINANCE to provide for law relating to the disqualification for membership of the Assembly and Council

WHEREAS it is expedient to provide for law relating to the disqualification for membership of the Assembly and Council in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement.** (1) This Ordinance may be called the Holders of Representative Offices (Disqualification) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall also apply to all type of cases pending in any court or tribunal and all state subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect on and from the 13th day of March, 1978.

2. **Definitions.** In this Ordinance, unless there is anything repugnant on the subject or context,-

   (a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

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

   (c) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974;
(d) 'Chief Executive' means the Chief Executive of Azad Jammu and Kashmir:

(e) 'Disqualification Tribunal' means a Disqualification Tribunal established under this Ordinance and includes a Disqualification Tribunal established at any time before the commencement of this Ordinance;

(f) 'Government' means the Azad Government of the state of Jammu and Kashmir;

(g) 'Holders of Representative Office' means a person who has held at any time during the period from the 1st December, 1970 to the 31st October, 1977,

   (i) under the Azad Jammu and Kashmir Government Act, 1970 or during the period the said Act was enforce, the office of President, Presidential Assistant, Minister or Member of Assembly ; or

   (ii) under the Azad Jammu and Kashmir Interim Constitution Act, 1974, the Office of President, Prime-Minister, Speaker, Minister, Advisor of the Council or Member of the Assembly or of the Council:

      Provided that for the purpose of this Ordinance, and person in respect of whom a nomination paper was filed and he was a candidate for the elections to the Assembly, which were held in the year, 1970, 1975, or were to be held at any time during the year, 1977, or any person who has, at any time, been an Advisor to President, Advisor or Special Assistant to Prime Minister, during the period December, 1970 and August, 1977, shall be deemed to be a holder of representative office.

(h) 'mis-conduct' in relation to a holder of a representative office refers to conduct after January, 1970, and includes risging of an election, bribery, corruption, robbery, favouritism, nepotism, wilful mal-administration, wilful mis-application or diversion of public money or moneys collected, weather by public subscription or otherwise or owing or having in his possession or under his control, directly or indirectly, either in his own name or in the name of any other person, any assets, pecuniary resources or property whether within or outside Azad Jammu and Kashmir, disproportionate to his known or
disclosed sources of income, and any other abuse of whatsoever kind of power or position, contravention of any of the provisions of the Minister, Members of Assembly and Council (Declaration of Assets) Ordinance, 1978, and includes any attempt at, or abetment in respect thereof:

(i) 'Public money' shall include money collected, whether by public subscription or otherwise and deposits in Co-operative Banks, whether dissolved or in existence;

(j) 'respondent' means the person in respect of whom a reference is made under sub-section (1) of Section 5;

(k) 'rigging of election' includes any act or thing done by any person, either directly or indirectly with a view to seeing that an election is not conducted honestly, justly, fairly, or in accordance with law and includes an act calculated to influence the result of an election to a seat of Assembly in a fraudulent, underhand or illegal manner, including utilization of Government funds and vehicles in Azad Jammu & Kashmir or Pakistan or funds and vehicles obtained from any other source outside Azad Jammu and Kashmir; and

(l) 'Supreme Court' means the Supreme Court of Azad Jammu and Kashmir.

3. Establishment of Dis-qualification Tribunals.- (1) The Chief Executive may establish such number of dis-qualification tribunals as he may deem necessary.

(2) The Chief Executive if he so deems necessary, may abolish any disqualification tribunal established under sub-section (1) and any case pending before the tribunal so abolished shall be returned to the referring authority who may refer it to any other disqualification tribunal or dispense with such reference.

(3) A Disqualification Tribunal may consist of two or more members from the following:-

(i) person who is a Judge of the Supreme Court or High Court of Azad Jammu and Kashmir;

(ii) an officer of the Armed Forces not below the rank of Brigadier or equivalent;

(iii) a person who is or has been exercising the powers of Sessions Judge;

(iv) a Magistrate of the First Class.
The Chief Executive may appoint a Chairman from amongst the members.

4. **Transfer.** (1) If the Chief Executive establishes more than one Dis-qualification Tribunals, he may by notification in the official Gazette, distribute the business among such Tribunals or direct the transfer of any reference from one Tribunal to another Tribunal, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties of witnesses.

   (2) The Tribunal to which such reference is transferred shall deal with the same as if it had been originally referred or presented to, such Tribunal.

5. **Cases to be Enquired into by the Dis-qualification Tribunal.**

   (1) A Dis-qualification Tribunal shall not proceed to enquire into any charge of misconduct against a holder of representative office except on a reference in writing made to it by the Chief Secretary or an officer nominated in this behalf by the Chief Executive.

   (2) Nothing contained herein or in any other law for the time being in force, shall preclude the Chief Secretary or the officer so nominated from making supplementary or successive references to a Dis-qualification Tribunal in respect of any holder of representative office to enquire into any charge of misconduct not previously referred to it notwithstanding that on an earlier reference in respect of such holder of representative office the Dis-qualification Tribunal has given its findings.

   (3) When the Chief Secretary or the officer so nominated, on the basis of the material placed before him, decides to make a reference to the Dis-qualification Tribunal in respect of a holder of representative office, the Chief Secretary or the officer, as the case may be, shall notify this fact in the official Gazette:

       Provided that in case of supplementary or successive reference no fresh notification shall be required.

   (4) On receiving a reference under sub-section (1), the Disqualification Tribunal shall scrutinize the necessary records forwarded to it by the Chief Secretary or by the officer, nominated in this behalf, relating to the charge mentioned in the reference, and –

       (a) if, as a result of such scrutiny, it is of the opinion that no charge can be established return the reference to the Chief Secretary or the officer, as the case may be, together with its opinion thereon; and
(b) in other case, issue notice to the respondent requiring him to show cause why he should not be proceeded against under this Ordinance.

6. **Powers and Procedure of Dis-qualification Tribunal.**—(1) A Dis-qualification Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :

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

(b) Requiring discovery and production of any documents from any person;

(c) Receiving evidence on affidavits:

(d) Issuing commissions for the examination of witnesses or documents; and

(e) Requisitioning any public record or copy thereof from any Court, office, bank or any other establishment, company or body corporate.

(2) Proceedings before Dis-qualification Tribunal shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Penal Code.

(3) Notwithstanding anything contained in any other law for the time being in force, but subject to rules made under Section 15 of this Ordinance, a Dis-qualification Tribunal shall have the power to conduct its proceedings and regulate its procedure in all respects in any manner it deems fit and may refuse to examine any witness or summon any document. A Dis-qualification Tribunal shall consolidate more than one references made to it in respect of the same person.

(4) Notwithstanding anything contained in any other law for the time being in force, a Dis-qualification Tribunal may receive in evidence –

(a) Statement recorded and the findings arrived at in any judicial inquiry held under any law for the time being in force;

(b) Any statement recorded by a Magistrate, being a statement made by any person who at the time of the trial, is dead or cannot be found or whose attendance cannot be procured without any amount of delay or expense which the Dis-qualification Tribunal considers unreasonable in the circumstances;
(c) Any statement or confession of an accused person recorded by a Magistrate under the Criminal Procedure Code, whether before or after the registration of a case triable by the disqualification tribunal;

(d) No objection to any document or property seized in course of an investigation being received or produced in evidence shall be entertained on any ground whatsoever.

(5) Where it is proved that a holder of representative office, owns or has in his possession or his control, directly or indirectly in his name or in the name of any other person assets, pecuniary resources or property, whether within or outside Azad Jammu and Kashmir, disproportionate to his known or disclosed sources of Income, it shall be presumed unless the contrary is proved that he acquired or obtained such assets, pecuniary resource or property, as the case may be, by corrupt or illegal practice or means.

(6) A Dis-qualification Tribunal shall have the same power to punish its own contempt as the High Court has under the contempt of Court Act, 1926.

(7) If, in the course of a hearing, a member of the Dis-qualification Tribunal is, for any reason, unable to attend any sitting thereof, the proceedings before a Dis-qualification Tribunal in question may continue before the other member of the qualification Tribunal.

(8) A Dis-qualification Tribunal shall not, merely by reason of any charge in the composition or the absence of any of its members, be bound to recall and rehear any witnesses who has already given any evidence and may act on the evidence already given or produced before it.

(9) In the event of any difference of opinion among the members of a Disqualification Tribunal, the matter shall be referred by it to the Chief Justice of Azad Jammu and Kashmir, whose decision shall be final.

(10) (a) A Disqualification Tribunal shall expeditiously dispose of the cases referred to it and shall proceed with all deliberate speed and shall not adjourn the proceedings unless it considers it necessary in the interest of justice to do so.

(b) A Dis-qualification Tribunal shall not be required to write a detailed judgment, it may express its conclusions and the findings in the form of a short order.
(11) (1) No party to the proceedings before a Disqualification Tribunal shall be entitled to be represented by a legal practitioner.

Explanation. - A Public Prosecutor, a Prosecuting Deputy Superintendent of Police, a Prosecuting Inspector shall not be deemed to be a legal practitioner, within the meaning of sub-section (11).

(12) The Chief Secretary may nominate one or more Representatives to represent him before a Disqualification Tribunal or a Court of Appeal, as the case may be.

7. Enquiry by Dis-qualification Tribunal. - (1) In a case under clause (b) of sub-section (4) of Section 5, the Dis-qualification Tribunal shall, after such scrutiny of records and such enquiry as it thinks fit and after giving the respondent an opportunity of being heard, record its finding whether or not the respondent is guilty of misconduct and cause its finding to be published in the official Gazette soon after.

(2) A Dis-qualification Tribunal may proceed against a respondent on whom a notice under clause (b) of sub-section (4) of Section 5 cannot be served because his address is not ascertainable or who is absconding, in his absence.

(3) In a case where ex-parte proceedings have been ordered or an ex-parte decision has been made by a Dis-qualification Tribunal against a respondent, the said respondent may apply within a period of 15 days from the commencement of Ordinance No. XXII of 1979, for an order to set it aside and the Tribunal shall make an order setting aside the order or decision, as the case may be, upon such terms as it thinks fit.

(4) A respondent may be found guilty of mis-conduct by the Dis-qualification Tribunal on any one or more of the charges against him.

(5) If a Dis-qualification Tribunal finds a respondent guilty of mis-conduct, he shall stand disqualified for a period of seven years from being elected or chosen as a member of Assembly or of the Council and he shall not, with effect from the date of such finding participate in any manner whatsoever directly or indirectly in any political activity, close door or otherwise, until the aforesaid period has elapsed.

(6) Any person who contravenes, or abets the contravention of the provision of sub-section (5), shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.
8. (1) Any person, wherever he may be, who has been found of misconduct by a Dis-qualification Tribunal established under any law relating to disqualification for the membership of Parliament or of a provincial Assembly for the time being in force in Pakistan shall not participate in any manner whatsoever, directly or indirectly in any political activity, close door or otherwise, until a period of seven years has elapsed following the decision of that Tribunal.

(2) Any person who contravenes, or abets the contravention of the provision of sub-section (1), shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

9. **Appeals to the Supreme Court.**—Any party aggrieved by a final order passed by a Dis-qualification Tribunal may, within thirty days of the date of such order or within thirty days of the commencement of Ordinance XXXIV of 1979, whichever is later, prefer an appeal to the Supreme Court of Azad Jammu and Kashmir.

10. A holder of representative office who has been on conviction for any offence by a Court of Law sentenced to imprisonment for a term not less than two years, shall stand disqualified for a period of seven years from being elected or chosen as a member of Assembly or of the Council and in respect of such person no reference to a disqualification tribunal shall be required or made.

11. No person wherever he may be, in respect of whom a notification has been issued under sub-section (3) of Section 5, shall, with effect from the date of such notification, participate in any manner whatsoever directly or indirectly in any political activity, close door or otherwise, until a Disqualification Tribunal finds him not guilty of mis-conduct or if he is found by the said Tribunal, guilty of mis-conduct a period of seven years has elapsed.

(2) Any person who contravenes, or abets the contravention of the provisions of sub-section (1), shall be punishable with rigorous imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees or with both.

12. **Cognizance of Offence.**—(1) No Court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing made by a police officer.

(2) The offences under this Ordinance shall be cognizable and non-bailable.
13. **Bar of Jurisdiction.**— No Court shall have any jurisdiction of any kind to question the competence of a Disqualification Tribunal or the legality or propriety of any order, finding or proceedings of a Disqualification Tribunal.

14. **Ordinance not to Derogate from other Laws.**— The provisions of this Ordinance shall be in addition to and not in derogation of any other law for the time being in force and nothing in this Ordinance shall prevent or prejudice the trial or punishment of any person under any other such law.

15. **Power to make Rules.**— The Chief Executive, or a person authorised by him in this behalf, may make rules for carrying out the purposes of this Ordinance.

16. **Savings.**— Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Holders of Representative Offices (Disqualification) Ordinance, 1978 (Ordinance IX of 1978) or its succeeding Ordinances issued from time to time shall be darned to have been validly done, taken, issued, made, initiated or exercise under this Ordinance.

(MOHAMMAD HAYAT K.HAN)
President,
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi,)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 19th March, 1980.

No. 1567/SL/80. The following Ordinance made by the President on 16th day of March, 1980, is hereby published for general information:--

(ORDINANCE XLVI of 1980)

AN

ORDINANCE

to provide the law relating to preventive detention and control of persons and publications connected with the maintenance of public Order in Azad Jammu and Kashmir

WHEREAS it is expedient to provide the law for preventive detention and control of persons and publications for reasons concerned with public safety, public interest and the maintenance of public Order in Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, In exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Maintenance of Public Order Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

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: -
   
   (a) 'Code' means, the Code of Criminal Procedure, 1898; and
   

3. **Power to Arrest and Detain Suspected Persons.** - (1) Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, may by an order in writing direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for
such period as may, subject to the other provision of this Section, be specified in the order and Government, if satisfied that for the aforesaid reasons it is, necessary so to do, may, extent from time to time the period of such detention for a period not exceeding six months at a time.

(2) If a District Magistrate or any other servant of Government authorised in this behalf by a general or special order of Government, has reason to believe that any person within his territorial jurisdiction has acted, is acting or is about to act in a manner prejudicial to public safety or the maintenance of public order, he shall forthwith refer the matter to Government for orders.

(3) (a) An order of arrest under sub-section (1) may be addressed to a Police Officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may be necessary. The Police Officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under sub-section (7).

(b) A Police Officer not below the rank of sub-Inspector, is satisfied on receipt of credible information that a person against whom an order of arrest or of arrest and detention has been made under this section is present within his jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him, and there upon commit the arrested person to such custody as may be prescribed under sub-section (7) or if he receives any requisition in this behalf from the Police Officer, or other person to whom the warrant for the person arrested is addressed, make over the custody of the arrested person to such Police Officer or other person.

(4) On receipt of a reference under sub-section (2) Government may:-

(a) reject the reference; or

(b) make an order of arrest and detention in term of sub-section (1).

Explanation.- Whoever is or was a member of an association or its Executive Committee, which association is or has been declared to be unlawful under any law for the time being in force in Azad Jammu and Kashmir, at any time during the period of
seven days immediately before it was so declared to be unlawful, or remains or becomes a member of such an association or its executive committee thereof after it has been so declared to be unlawful shall be deemed to be acting in a manner prejudicial to public safety and the maintenance of public order for the purposes of this section.

(5) (a) Government shall constitute a Board consisting of a Judge of the High Court who shall be nominated by the Chief Justice of the High Court, and a senior officer in the service of Azad Jammu and Kashmir who shall be nominated by the President of Azad Jammu and Kashmir.

(b) No person shall be detained for a period exceeding three months unless the Board has reported, before the expiration of the said period of three months, that there is, in its opinion, sufficient cause for such detention.

(c) Where a person is to be detained for a period exceeding three months, Government shall, before the expiration of the said period of three months, refer his case to the Board.

(d) A person whose case has been referred to the Board under the provisions of clause (c), shall not be entitled to appear by any legal practitioner in any matter connected with the case referred to the Board.

(e) The Board shall after considering the material placed before it and the representation, if any, made by the person whose case has been referred to it, hearing such person, if he so desires, and calling for such further information as it may require from Government or may be placed before it by the person detained, submit its report before the expiration of the period of three months specified in clause (c), to Government whether in its opinion there is sufficient cause for the detention of such person.

(f) The proceedings and the report of the Board excepting that part of the report in which the opinion of the Board is specified, shall be confidential.

(g) If in any case the Board reports that there is, in its opinion, no sufficient cause for the detention of the person whose case has been referred to it, for a period exceeding three months, Government shall rescind the detention order and direct such person to be released on the expiry of the said period of three months. In case the
Board reports that there is, in its opinion, sufficient cause for the detention of such person, Government may, subject to the provision of sub-section (1), continue to detain him for such period as it may deem fit.

(6) Where a detention order has been made under this section the authority making the order shall, as soon as may be, but not later than fifteen days from the date of detention, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

(7) So long as there is in force in respect of any person an order under this section directing that he be detained, he shall, be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as Government may from time to time prescribe by general or special order.

(8) If Government or a District Magistrate has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section, has absconded or is concealing himself so that such order cannot be executed Government or the District Magistrate, as the case may be, may:-

(a) forward a copy of the order, with a declaration that such person cannot be found, to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be arrested and detained were a warrant issue by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer concerned of the reasons which rendered compliance there with impossible and of his whereabouts or taken all possible steps to give such information, be punishable with
imprisonment for a term with which may extend to three years, or with fine, or with both.

(9) Government may at any time, subject to such conditions as it may think fit to impose, release a person detained under this Section and may require him to enter into a bond, with or without sureties, for the due observance of the conditions.

(10) The District Magistrate or any servant of Government referred to in subsection (2), may summon and interrogate or cause the summoning and interrogation of any person, including a person arrested or detained under this section, if in his opinion such interrogation is likely to lead to the discovery of information which may enable the more effective exercise of powers under this Ordinance, whether in respect of the person interrogated or any other person, and the person interrogated under this sub-section shall be bound to answer truthfully and questions pertaining to the subject of the enquiry.

4. **Powers of Photographing etc. of Suspected Persons.** - (1) Government or other authority making an arrest or directing the arrest of a person under Section 3 may by order direct that the arrested person shall :-

(a) let himself be photographed;

(b) allow his finger and thumb impressions to be taken; and

(c) furnish specimen of his handwriting and signature.

(2) If any person contravenes any order made under this section, he shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

5. **Power to Control Suspected Persons.** - (1) Government or the District Magistrate, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to public safety or public interest, or the maintenance of public order, it is necessary so to do, may by order in writing, give any one or more of the following directions, namely, that such person:-

(a) shall not enter, reside or remain in any area that may be specified in the order;

(b) shall reside or remain in any area that may be specified in the order;

(c) shall remove himself from, and shall not return to, any area that may be specified in the order;

(d) shall conduct himself in such manner, abstain from such acts or take such order with any property in his
possession or under his control, as may be specified in the order; and

(c) shall enter into a bond, with or without sureties for the due observance of the directions specified in the order.

(2) An order under sub-section (1) made by the District Magistrate shall not unless Government by special order, otherwise directs, remain in force for more than three months from the making thereof.

(3) Government may at any time cancel or vary any order made by the District Magistrate under sub-section (1).

(4) An order made under clause (a) of sub-section (1) made by Government may specify the area to which the order relates, the whole of Azad Jammu and Kashmir or any part thereof, and an order made by the District Magistrate may specify as such area the whole district or any part thereof:

Provided that no such order made by Government shall direct the exclusion or removal from the Azad Jammu and Kashmir territory of any person ordinarily resident in the territory and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in that district.

(5) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be but not later than fifteen days from the date of service of the order, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

(6) Where a representation is made to Government against an order passed under sub-section (1), Government may, on consideration of the representation and after giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

(7) No order under clause (b) of sub-section (1) shall have effect or a period exceeding three months unless the Board constituted under sub-section (5) of Section 3 has reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for the making of such order; and the provisions of clause (c), (d), (e), (f) and (g) of sub-section (5) of
Section 3 shall mutatis mutandis, apply to the reference made to the Board in regard to any such order.

(8) An order made under sub-section (1) shall remain in force for such period not exceeding two years as may be specified in that order.

6. **Power to Control Publications.**—(1) Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by order in writing addressed to a printer, publisher or editor:

(a) prohibit the printing or publication in any document or class of documents of any matter relating to a particular subject or class of subjects for a specified period, or in a particular issue or issues of a newspaper or periodical;

(b) require that any matter be published in any particular issue or issues of a newspaper or periodical and may while doing so specify the period during which and the manner in which such publication shall take place;

(c) require that any matter relating to a particular subject or class of subjects shall before publication be submitted for scrutiny;

(d) prohibit for a specified period the publication of any newspaper, periodical, leaflet, or other publication, or the use of any press;

(e) require that the name and address of any person concerned in the supply or communication of any news, report or information be furnished to such authority as may be specified in the order;

(f) require that any document connected with the news, report or information referred to in clause (e) be delivered to such authority as may be specified in the order:

Provided that when an order is made under clause (a), (c) or (d):—

(i) No such order shall remain in force for more than two months from the making thereof;

(ii) any person against whom the order has been made may, within ten days of the passing of the order, make a representation to Government or the authority as aforesaid which may on consideration thereof modify, confirm or rescind the order.
(2) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation against the order to Government and afford him the earliest opportunity of doing so:

Provided that the authority making such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

(3) Where a representation is made to Government against an order passed under sub-section (1), Government may on consideration of the representation and giving the person effected an opportunity of being heard, modify, confirm or rescind the order.

(4) In the event of disobedience of an order under this section Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any publication concerned and of any printing press or other instrument or apparatus used in the production of the publication.

7. **Power to Prohibit Entry into Azad Jammu and Kashmir of Newspaper etc.**—(1) Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by notification, prohibit for specified period the bringing into Azad Jammu and Kashmir or any part thereof any newspaper, periodical, leaflet or other publication:

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom an order has been made may within ten days of the passing of the order make a representation to Government or the authority aforesaid which may on consideration thereof modify confirm rescind the order.

(2) In the event of disobedience of an order under this section, Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any newspaper, periodical, leaflet or other publication concerned:
Provided that no such order of seizure, shall be passed without giving the person affected an opportunity of showing cause against the order.

8. **Power to Secure Reports of Public Meetings.** (1) The District Magistrate may, by order in writing depute one or more Police Officers not below the rank of Head Constable, or other persons to attend any public meeting for the purpose of causing a report to be made of the proceedings.

(2) Any such order shall operate as a direction to the person responsible for the convening or the conduct of the meeting to admit free of charge the persons so deputed.

**Explanation.** For the purpose of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

9. **Service of Orders in Writing.** (1) Where under the provisions of this Ordinance any power is to be exercised or any order or direction given by order in writing, then that order in writing:

(a) if it is an order addressed to any servant of Government or authorising any servant of Government to take any action, shall be given in original or by a copy to the servant of Government concerned and shall be his authority for the doing of all things he is required or enable to do under the order;

(b) if it is an order made in respect of or addressed to any person not being a servant of Government, may be served in original or by a copy of the order on the person in respect of whom it is made or whom it is addressed in the manner provided in the Code for the Service of a summon;

(c) if it is an order addressed to the public generally, may be served by publication in such manner as the authority making the order considers best adopted for informing the persons concerned.

(2) Any person on whom an order is served as provided in clause (b) of clause (c) of sub-section (1) shall be deemed to have had notice of such order, and where the person to be served is a corporation, company, bank or association of persons the order may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it at, or sending it addressed to the corporation, company, bank or
association by post to its registered office, or where there is no
registered office at or to the place where it carries on business.

(3) Where a provision of this Ordinance empowers an
authority, officer or person to take action by notified order, the
provisions of sub-section (1) and (2) shall not apply in relation to
such order, and all persons whom the order concerns shall, upon
its notification be deemed to have been duly informed of it.

10. **Power to Issue Search Warrants.**- The power to issue search
warrants conferred by Section 98 of the Code shall be deemed to
include the power to issue warrants for:-

(a) the search of any place in which any Magistrate
mentioned in that section has reason to believe that any offence
under this Ordinance or any act prejudicial to public safety or the
maintenance of public order has been, is being or is about to be
committed, or that preparation for the commission of any such
offence or act is being made;

(b) the seizure in or on any place searched under clause (a)
of anything which the officer executing the warrant has reason to
believe is being used or is intended to be used for any purpose
mentioned in that clause ; and

(c) the provisions of the Code shall, so far as may be, apply
to searches, made under the authority of any warrant issued and
to the disposal of any property seized under this section.

11. **General Power of Search.**- Any authority on which any power
is conferred by under this ordinance may by General or special
order authorise any person to enter and search any place the
search of which such authority has reason to believe to be
necessary for the purpose of :

(a) ascertaining whether it is necessary or expedient to
exercise such power; or

(b) ascertaining whether any order given, direction made, or
condition prescribed in the exercise of such power has
been duly complied with; or

(c) generally giving effect to such power or securing
compliance with or giving effect to any order given,
direction made or condition prescribed in the exercise or
such power.

12. **Power to give Effect to Orders, etc.**- (1) Any authority, officer
or person who is empowered by or in pursuance of this
Ordinance to make any order, or to exercise any other power
may, in addition to any other action prescribed by or under this
Ordinance, take, or cause to be taken, such steps and use, or
cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention, of such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Ordinance there is no authority, officer or person empowered, to take action prescribed by or under this Ordinance, Government may take or cause to be taken such steps and use, or cause to be used, such force as may in the opinion of Government be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) The power to take steps under sub-section (1) or sub-section (2) includes the power to enter upon any land or other property whatsoever.

13. **Penalty.**- Whoever contravenes any provision of this Ordinance or disobeys or neglects to comply with any order made or direction given in accordance with its provisions shall, where no express provision is made by this Ordinance for the punishment of such contravention, disobedience, or negligence, be punished with imprisonment which may extend to three years, or with fine, or with both.

14. **Abetment of Offences.**- Whoever abets the commission of an offence punishable under this Ordinance shall, whether the act abetted it or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.

15. **Offences Committed by Corporation or Association.**- Where the person committing an offence punishable under this Ordinance is a corporation, company, bank or association of person, any secretary, director or other officer or person concerned with the management thereof shall be punished with the punishment provided to the offence unless he proves, that the offence was committed without his knowledge or consent.

16. **Dissemination of Rumors, etc.**- Whoever:

(a) makes any speech, or

(b) by words whether spoken or written or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report, shall be punished with imprisonment which may extend to three years, or with fine or with both if such speech, statement, rumour, or report :-

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(i) causes or is likely to cause fear or alarm to the public or to any section of the public;

(ii) furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order.

17. **Possession or Conveyance of Prescribed or Prohibited Documents.**

   (1) Whoever without lawful authority:

   (a) has in his possession, or on premises in his occupation or under his control; or

   (b) carries for delivery to another person otherwise than through the post, any document in respect of which a notification under Section 7 is in force, or of which the importation has been prohibited or in respect of which an order of forfeiture has been made under any law for the time being in force or any document prejudicial to public safety or the maintenance of public order shall, unless he proves that he was unaware of the nature of the document, be punished with imprisonment which may extend to one year, or with fine, or with both.

   (2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document of the nature referred to in sub-section (1) shall be punished with imprisonment which may extend to one year, or with fine, or with both.

18. **Wearing of Display of Uniforms or Emblems.**

   Whoever makes or has in his possession or wears, carries or displays any uniform, flag, banner or emblem signifying, or which has been declared by Government by notification to signify association with a movement prejudicial to public safety or the maintenance of public order or with the promotion of any activity prejudicial to public safety or the maintenance of public order shall be punished with imprisonment which may extend to one year, or with fine or with both, and any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

19. **Tampering with Public Servants.**

   Whoever induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant shall be punished with imprisonment which may extend to one year, or with fine, or with both.

20. **Sabotage.**

   (1) No person shall do any act with intention to impair the efficiency or impede the working of or to cause damage to:
(a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government or any local authority;

(b) any road, canal, bridge, culvert, causeway or any telegraph line or post (as defined in the Telegraph Act, 1885);

(c) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

(2) The provision of sub-section (1) shall apply in relation to any commission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

21. **Representation Against Certain Orders.**— (1) Where a representation is received under sub-section (5) of Section 5 against an order under clause (b), clause (c) clause (d) or clause (e) of sub-section (1) of Section 5, Government shall, if the order represented against is not rescinded or cancelled and the order is to have effect for a period exceeding three months forward the case, including the representation, to the Board constituted under sub-section (5) of Section 3.

(2) Where a representation is made to Government under the provisions of sub-section (3) of Section 6 or sub-section (2) of Section 7, Government shall as soon as may be, forward the case, including the representation, to the Board constituted under sub-section (5) of Section 3.

(3) The Board shall, after considering the representation and such further information or material as may be placed before it by Government or the person making the representation, and giving such person an opportunity of being heard, submit its report together with its recommendations to Government.

(4) If the Board reports that the order against which the representation is made is unjustified, the Government shall vacate the order.

22. **Procedure for Trial of Offences.**— (1) In any area the Government may by notification direct that all the offences under this Ordinance, shall, notwithstanding anything in the
Code, be tried in accordance with the procedure prescribed for the trial of summons cases by Chapter XX of the Code, subject in the case of summary trials to the provisions of Section 263 to 265 of the Code.

(2) The provisions of sub-section (1) shall apply to the trial of Offences mentioned therein committed before the notification aforesaid.

23. **Offence under Ordinance to be Cognizable and Non-bailable.** Notwithstanding anything contained in the Code every offence punishable under this Ordinance shall be cognizable and non-bailable.

24. **Jurisdiction Barred.** Except as provided in this Ordinance no proceeding or order taken or made under this Ordinance shall be called in question in any Court and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Ordinance.

25. **Effect of Orders, etc. Inconsistent with other Enactments.** Any order made and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

26. **Operation of other Penal Laws not Barred.** Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or commission which constituted an offence punishable under this Ordinance.

27. **Delegation of Power to Deputy Commissioners.** Government may, by order in writing, direct that the power under sub-section (1) of Section 3 shall, subject to such restrictions as may be specified, be exercisable by any district Magistrate within his jurisdiction.

28. **Power to make rules.** Government may make rules not inconsistent with the provisions of this Ordinance, to carry into effect the purpose thereof.

29. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Maintenance of Public Order Ordinance, 1979 (Ordinance XXXVIII of 1979) or its succeeding Ordinances issued from time to time shall be deemed
to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/-
(Khalil Ahmed Qureshi,)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th March 1980.

No. 1578/LD/80. The following Ordinance made by the 
President on the 20th day of March, 1980 is hereby published for 
general information:-

(ORDINANCE XLVII OF 1980)

AN 
ORDINANCE 
to amend the Azad Kashmir Logging and Saw-Mill Corporation 
Ordinance, 1980.

WHEREAS it is expedient to amend the Azad Kashmir 
Logging and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 
1968) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir 
Interim Constitution Act, 1974, 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 Logging and Saw 
Mill Corporation (Amendment) Ordinance, 1980.

(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, for sub-section (3) 
of the following shall be substituted, namely :-

"(3) Secretary AKMIDC or any other officer nominated by 
the Board shall act as Secretary to the Board of 
Director AKLASC,"

3. Saving.- Notwithstanding any judgment, decree or order of 
any court including High Court, every thing done, all actions 
taken, notifications issued, order or appointments made, 
proceedings initiated, jurisdiction or powers exercised under 
the provisions of the Azad Kashmir Logging and Saw Mill 
Corporation (Amendment) Ordinance, 1977 (Ordinance XXII 
of 1977) or its succeeding Ordinances issued from time to
time shall be deemed to have been validly done, taken, issued
mad initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the March 27th, 1980.

No. LD/Leg.(o) 1696/80. The following Ordinance made by the President on the 27th day of March, 1980, is hereby published for general information:

(ORDINANCE XLVIII OF 1980)

AN
ORDINANCE

to amend the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980

WHEREAS it is expedient to amend the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980 (Ordinance XV of 1980) in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement.** (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) (Amendment) Ordinance, 1980.
   
   (2) It shall come into force at once.

2. **Omission of Section 9, Ordinance XV of 1980.** In the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980 (Ordinance XV of 1980), Section 9 shall be omitted and shall be deemed always to have been so omitted.

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir

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Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 29th March, 1980.

No. I709/LD/80. The following Ordinance made by the President on the 26th day of March, 1980, is hereby published for general information:

(ORDINANCE XLIX OF 1980)

AN
ORDINANCE

to amend the Azad Kashmir Local Government Ordinance, 1980

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Local Government Ordinance, 1980 in the manner herein after appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Local Government (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Third Schedule Ordinance XL of 1980.** In the Azad Jammu and Kashmir Local Government Ordinance, 1980 (Ordinance XL of 1980), in the Third Schedule, item No. 3 shall be omitted and shall be deemed always to have been so omitted.

   (Muhammad Hayat Khan)
   President,
   Azad Jammu & Kashmir.

   Sd/-
   (Khalil Ahmed Qureshi)
   Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the 30th, March, 1980.

No. 1790/SL/80. The following Ordinance made by the President on the 29th day of March, 1980, is hereby published for general information:

(ORDINANCE L OF 1980)

AN ORDINANCE

to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith

WHEREAS it is expedient to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect on and from the 14th day of March, 1978.

2. **Definitions.** - In this Ordinance, unless there is anything repugnant in the subject or context,-

   (a) 'Allotment' includes any grant, lease, exchange, sale, mutation or any other transaction so declared by the Government; and


3. **Cancellation of Allotments.** - (1) Any allotment of Evacuee property, Demarcated Forests, Crown Land (Khalsa-Sarkar) or common Land (Shamlat Deh/Khalsa Maqbuza Assamian Deh) made at any time before the 11th day of August, 1977, which is not covered by any regular scheme or which has been obtained
by using official position or political influence or by means of fraud or mis-representation of facts in violation or relaxation of law, rules, conditions, policy instructions or orders, may, notwithstanding anything contained to the contrary in any law for the time being in force, or any order or decree of a Court, Tribunal or Authority, be cancelled by an Inspection Team appointed by the Government in this behalf or its Chairman, by notification in the official Gazette:

Provided that no order of cancellation shall be passed without giving the allottee a reasonable opportunity of being heard.

(2) On cancellation of allotment, the authority in which the land or building, as the case may be, initially vested shall resume the land or building forthwith.

4. All allotments of the plots or open spaces which were reserved for roads, hospitals, schools, colleges, libraries, play-grounds, gardens, parks, community centers, mosques, graveyards or for such other amenity or community purposes but were subsequently unauthorisedly or by political maneuvers converted into residential or commercial plots and on which no construction has been made are hereby cancelled and the plots or open spaces so cancelled shall be resumed by the authority in which the plots or open spaces initially vested and the amounts, if any paid by the allottees shall be refunded under the normal rules.

5. An Inspection team appointed under sub-section (1) of Section 3 shall also enquire into the allegations of illegal possession of land as hereinbefore specified and inform the authority concerned in writing. The authority concerned after receiving such information shall take immediate necessary action for dis-possession of such illegal occupant.

6. All allotments made under clauses (ii) to (vi) of Section 3, Section 5 or 6 of the Azad Jammu and Kashmir Regularization of Nautors and Grant of Khalsa Land Ordinance, 1974, before making rules for carrying out the purposes of the said Ordinance are hereby cancelled and on cancellation of allotments, the authority in which the land initially vested shall resumed the land forthwith.

7. **Compensation.**- No compensation or claim for improvement other than compensation of any standing crops shall be payable by Government to the outgoing allottee.

8. **Un-authorised Cutting of Trees.**- Notwithstanding anything contained in any other law for the time being in force, an
Inspection Team or its Chairman, appointed under Section 3, may enquire into the allegations of unauthorized sanction or cutting of trees from private forests and submit report to the Government which may take such action as it deem appropriate.

9. **Procedure.** Notwithstanding anything contained in any other law for the time being in force, an Inspection Team shall have the power to conduct its proceedings and regulate its procedure in all respects in any manner it deems fit.

10. **Revision.** Where the allottee is aggrieved by the decision of an Inspection Team or its Chairman, such allottee may submit a petition to the Government or to an officer authorised by it in this behalf, for revision within fifteen days of such decision.

11. **Bar of Jurisdiction.** No Court shall have any jurisdiction of any kind in respect of any order, finding or proceeding under the provisions of this Ordinance.

12. **Indemnity.** No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Ordinance.

13. **Instructions.** The Government may issue such instructions as it deems necessary for carrying out the purposes of this Ordinance and such instructions shall be deemed to form part of this Ordinance and shall have effect accordingly.

14. **Savings.** Notwithstanding any judgment, decree or order of any Court including the High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1978 (Ordinance XV of 1978) or its succeeding Ordinances issued from time to time, shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
Dated the 30th March, 1980.

No. 1791 /LD/80. The following Ordinance made by the President on the 29th day of March, 1980, is hereby published for general information:-

(ORDINANCE LI OF 1980)

AN ORDINANCE

to provide for adaptation and enforcement of the National Guards Act, 1973

WHEREAS it is necessary and expedient to adapt and to enforce the National Guards Act, 1973, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following ordinance:-

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the National Guards (Adaptation) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

(3) It shall come into force at once.

2. **The National Guards Act, 1973, to Apply to Azad Jammu and Kashmir.** - (1) The National Guards Act 1973, of Pakistan, hereinafter referred to as the said Act, and all rules, notifications and orders made thereunder and in force in Pakistan immediately before the commencement of this Ordinance shall, as far as practicable, be in force in Azad Jammu and Kashmir with the following modification:

   (i) The expression 'Provincial Government' in the said Act, shall be construed to refer to the Azad 'Government of the State of Jammu and Kashmir; and

   (ii) All other expression occurring in the said Act shall have the same meaning as are assigned to them under the said Act.
3. **Removal of Difficulties.**—If any difficulty or question arises in giving effect to the provisions of the said Act or in regard to the constructions to be placed on any provision thereof, the Azad Government of the State of Jammu and Kashmir may, from time to time, by notification in the official Gazette, make such provisions as appear to it to be necessary for the purpose of removal of such difficulty.

4. **Savings.**—Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the National Guards (Adaptation) Ordinance, 1977 (Ordinance XXIII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir

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Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law.
(ORDINANCE LII OF 1980)

AN
ORDINANCE
to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.** - (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 510, Act V of 1898.** - In the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Azad Jammu and Kashmir, for Section 510, the following shall be substituted, namely :-

   “510. **Report of Chemical Examiner, Serologist, etc.** - Any document purporting to be a report, under the hand of any Chemical Examiner or Assistant Chemical Examiner to any Serologist finger print expert or fire-arm expert appointed by Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding, under this Code, may without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code:

   Provided that the Court may if it considers necessary in the interest of justice, summon and examine the person by whom such report has been made.”
3. **Saving.** - Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Criminal Procedure Code (Amendment) Ordinance, 1979 (Ordinance XCVIII of 1979) or its succeeding Ordinances, issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir.

Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the March 31, 1980.
No. 1819/LD/80. The following Ordinance made by the President on the 30th day of March, 1980, is hereby published for general information:--

(ORDINANCE LIII OF 1980)

AN
ORDINANCE

to make certain adaptation in the Pakistan Army Act, 1952 (XXXIX of 1952), as in force in Azad Jammu and Kashmir

WHEREAS it is expedient to make certain adaptation in the Pakistan Army Act, 1952 (XXXIX of 1952) as in force in Azad Jammu Kashmir by virtue of Azad Jammu and Kashmir by adaptation of Law Order 1956 (Council Order 43 of 1956);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:--

1. **Short title, Extent and Commencement.** (1) This Ordinance may be called the Pakistan Army Act (Adaptation of Amendments) Ordinance, 1980.
   (2) It shall come into force at once.
   (3) It extends to the whole of Azad Jammu and Kashmir.

2. **Adaptation of Amendments in the Pakistan Army Act, 1952.** (1) The amendments made in the Pakistan Army Act, 1952 (XXXIX of 1952) as in force in Pakistan at any time on or after 6th day of February, 1956, but before the commencement of this Ordinance, shall also be deemed to have been made at the same time in the said Act as in force in Azad Jammu and Kashmir by virtue of the Azad Jammu and Kashmir Adaptation of Law order 1956 (Council Order No. 43/56).
   (2) As soon as amendment is made, at any time on or after the commencement of this Ordinance, in the Pakistan Army Act, 1952 (XXXIX of 1952), as in force in Pakistan, the said Act as in force in Azad Jammu and Kashmir, shall stand amended to the same extent and in the same manner.
3. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all action taken, notifications issued, order or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Pakistan Army Act (Adaptations of amendments) Ordinance, 1979 (Ordinance XCIX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

**Sd/-**
(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the April 3, 1980.

No. 1930/LD/80. The following Ordinance made by the President on the 2nd day of April, 1980, is hereby published for general information:

(ORDINANCE LIV OF 1980)

AN
ORDINANCE

to amend the Holders of Representative Offices (Disqualification) Ordinance, 1980

WHEREAS it is expedient to amend the Holders of Representative Offices (Disqualification) Ordinance, 1980 (Ordinance XLV of 1980) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and Commencement.** (1) This Ordinance may be called the Holders of Representative Offices (Disqualification) (Amendment) Ordinance, 1980.
   
   (2) It shall come into force at once.

2. **Amendment of Section 7, Ordinance No. XLV of 1980.** In the Holders of Representative Offices (Disqualification) Ordinance, 1980 (Ordinance No. XLV of 1980), hereinafter referred to as the said Ordinance, in Section 7, in sub-section (6) for the words "two years" the words "three years" shall be substituted.

3. **Substitution of Section 12, Ordinance No. XLV of 1980.** In the said Ordinance, for Section 12, the following shall be substituted namely:

   "12. Notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898) or in any other law for the time being in force, the offences under this Ordinance
shall be cognizable, non-bailable and triable by Court of Session."

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 10th April, 1980.

No. 2045/LD/80. The following Ordinance made by the
President on the 10th day of April, 1980, is hereby published for general
information:

(ORDINANCE LV OF 1980)

AN
ORDINANCE

to provide for price control and prevention of profiteering and hoarding

WHEREAS it is expedient to provide for price control and
prevention of profiteering and hoarding;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :

1. **Short title, Extent and Commencement.**- (1) This Ordinance
may be called the Price Control and Prevention of Profiteering
Hoarding Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything
repugnant in the subject or context,-

(a) 'Controller' means the Controller of Price and Supplies,
appointed by the Government, and includes any Deputy
or Assistant Controller of Price and supplies so
appointed and any other officer authorised by the
Government to exercise all or any of the powers of the
Controller under this Ordinance ;

(b) 'dealer' means a person carrying on, whether in
conjunction with any other business or not, the business
of selling any essential commodity, whether whole-sale
or retail;

(c) 'essential commodity' means any of the commodities or
classes of commodities mentioned in the Schedule;
(d) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(e) 'importer' means a person importing into Azad Jammu and Kashmir, whether under an import licence granted by the Government or otherwise, any essential commodity from outside Azad Jammu and Kashmir, but does not include a person importing any essential commodity as part of his personal baggage;

(f) 'notified order' means an order notified in the Official Gazette; and

(g) 'Producer' means a person engaged in the manufacture or production of any essential commodity.

3. **Power to make Order, etc.-** (1) The Government, so far as it appears to it to be necessary or expedient for securing equitable distribution of an essential commodity and its availability at fair prices, may, by notified order, provides for regulating the prices, production, movement, transport, supply, distribution disposal and sale of essential commodity and for the prices to be charged or paid for it at any stage of transaction therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide:

(a) for controlling the prices at which any essential commodity may be brought or sold in any area;

(b) for regulating the production, treatment and keeping of any essential commodity;

(c) for regulating, by licences, permits or otherwise, the transport, movement and distribution between the districts of an essential commodity;

(d) for prohibiting the with-holding of sale of an essential commodity ordinarily kept for sale;

(e) for requiring any person holding stock in a district of an essential commodity to sell in another district the whole or a specified part of the stock at such price to such person or class of persons and under such conditions as may be specified in the order;

(f) for fixing the maximum quantity of any essential commodity which may at any time be possessed by a producer or dealer;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the matters aforesaid;
for requiring persons engaged in any of the matters aforesaid in respect of any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business, and to furnish such information relating thereto, as may be specified in the order;

(i) for requiring every importer, producer and dealer to mark the essential commodities with the sale prices and to exhibit on his premises a price list of the essential commodities held by him for sale; and

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been is being or is about to be committed or any records connected therewith, the grant or issue of licenses, permits or other documents and the charging of fees therefore.

4. **Delegation of Powers.**- The Government may, by notified order direct that any power conferred on it by or under this Ordinance shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government as may be specified in the direction.

5. **Effect of Order Inconsistent with other Enactments.**- Any order made under Section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or any instrument having effect by virtue of any enactment other than this Ordinance.

6. **Fixation of Prices.**- (1) Subject to such general or special orders as may be made by the Government under Section 3, the Controller may, by notification in the Official Gazette, fix specific maximum prices of essential commodities and different prices may be fixed for different localities or for different classes or categories of any essential commodities.

(2) No person shall sell or re-sell any essential commodity at a price higher than the maximum price so fixed.

(3) Every dealer, importer, or producer shall supply to the Controller such information regarding the production, importation, purchase, stock, sale or distribution of any of the essential commodities as the controller, may by an order in writing or by a notified order, require.
7. **Penalties.**- (1) Any person who contravenes any order made under Section 3 or a notification issued, or order made under Section 6 shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one lac rupees:

Provided that, if a person convicted for an offence punishable under this sub-section is again convicted for such offence, the term of imprisonment awarded to him shall not be less than one year.

(2) If the order made under Section 3, so provides, any Court trying any contravention of such order may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to the Government.

8. **Attempts and Abetments.**- Any person who attempts to contravene, or abets a contravention of, any order made under Section 3 shall be deemed to have contravened the order:

Provided that a person who buys an essential commodity for his personal consumption or use and not for sale shall not be deemed to have abetted the contravention of an order controlling the prices at which the essential commodity may be sold.

9. **Offences by Corporations.**- If the person contravening an order made under Section 3 is a company or other body corporate or a partnership or other body of individual, every director, manager, Secretary, member or other officer or agent thereof, shall, unless, he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

10. **False Statement.**- If any person:

(i) When required by the order made under Section 3 to make a statement or furnish any information makes any statement or furnishes any statement which is false in any material; particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true; or

(ii) makes any statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

11. **Power to try Offences Summarily.**- Offences punishable under this Ordinance shall be tried by a Magistrate of the First Class who may, if so empowered try the same in the manner provided
in Section 262 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898).

12. **Offences under this Ordinance to be Cognizable and non-Bailable.** Notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force, offences punishable under this Ordinance shall be cognizable and non-bailable.

13. **Power to Amend Schedule.** The Government may by notification in the official Gazette, amend the Schedule so as to add to, or omit from it any commodity or class of commodities.

14. **Presumption as to Order.** (1) No order made by any authority other than a court in exercise of any power conferred by or under this Ordinance shall be called in question in any court.

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Ordinance a court shall, within the meaning of Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

15. **Burden of Proof in Certain Cases.** Whereas any person is prosecuted for contravening any order made under Section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, license or other document, the burden of proving that he has such authority, permit, or license or other documents shall be on him.

16. **Protection of Action taken under the Ordinance.** (1) No suit, Prosecution or other legal proceeding shall lie against any Person for anything which is in good faith done or intended be done in pursuance of any order made under Section 3.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under Section 3.

17. **Savings.** Notwithstanding any judgment, decree or order or any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceeding initiated, jurisdiction or powers exercised under the provisions of the Price Control and Prevention of Profiteering and Hoarding Ordinance, 1978 (Ordinance LIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.
VOLUME VI (1980)

SCHEDULE
(See Section 2)


(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 14th April, 1980.

No. 2091/LD/80. The following Ordinance made by the President on the 12th day of April, 1980, is hereby published for general information:—

(ORDINANCE LVI OF 1980)

AN
ORDINANCE
further to amend the Azad Kashmir Courts and Laws Code, 1949

WHEREAS it is expedient to amend the Azad Kashmir Courts and Laws code, 1949, for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Courts and Laws Code (Amendment) Ordinance. 1980.

(2) It shall come into force at once.

2. Insertion of Section 26A, Azad Kashmir Courts and Laws Code, 1949.— In the Courts and Laws Code, 1949 after Section 26, the following new Section shall be inserted, namely :-

"26-A.-General provisions relating to the judicature.- A person who has hold office as a permanent Judge –

(a) of the Azad Jammu and Kashmir Judicial Board or Supreme Court of Azad Jammu and Kashmir, shall not plead or act in any court or before any authority in Azad Jammu and Kashmir; and
(b) of the High Court, shall not plead or act in any court or before any authority within its jurisdiction."

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 14th April, 1980.

No. 2092/LD/80. The following Ordinance made by the 
President on the 12th day of April, 1980, is hereby published for general 
information :-

(ORDINANCE LVII OF 1980)

AN 
ORDINANCE 

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of 
Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter 
appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, the President is pleased to make and promulgate 
the following Ordinance :-

1. **Short title and Commencement.** -(1) This Ordinance may be 
called the Code of Criminal Procedure (Amendment) Ordinance, 
1980.

   (2) It shall come into force at once.

2. **Amendment of Section 497, Act V of 1898:-** In the Code of 
Criminal Procedure, 1898 (Act V of 1898), as in force in Azad 
Jammu and Kashmir, in Section 497, as amended by Ordinance 
XXIX of 1980, in the Third proviso between the word 'that' and 
'the' commas and the words 'notwithstanding anything contained 
in Section 27 of the Azad Jammu and Kashmir Islami (Tazirati 
Qawanin Nafaz) Act, 1974, shall be inserted.

(Mohammad Hayat Khan) 
President, 
Azad Jammu & Kashmir.

Sd/-

(Khalil Ahmed Qureshi) 
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the April 15th, 1980.

No. 2117/LD/80. The following Ordinance made by the President on the 14th day of April, 1980, is hereby published for general information :-

(ORDINANCE LVIII OF 1980)

AN ORDINANCE further to amend the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980 (Ordinance II of 1980) in the manner hereinafter operating;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make promulgate the following Ordinance :-

1. **Short title and Commencement.**— (1) This Ordinance may be called the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Insertion of new Section 15-A in Ordinance II of 1980.**— In Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980 (Ordinance II of 1980) after Section 15, a new Section 15-A shall be inserted and shall be deemed always to have been so inserted, namely:-

"15-A. Abatement of Suits and other Proceedings" (1) All references, suits, appeals and applications regarding any matter now within the jurisdiction of the Commissioner under the provisions of the Ordinance No. CXIII of 1979 pending in any court under any law on the subject, immediately before the commencement of this Ordinance, shall abate forthwith:

Provided that any party to such reference, suit, appeal or application may, within ninety days of the commencement of
this Ordinance, prefer an appeal to the commissioner in respect of any such matter which is in issue in such reference, suit, appeal or application.

(2) Subject to the provisions of Section 11 any proceedings in a reference or appeal pending immediately before coming into force of this Ordinance shall be completed by the Commissioner in accordance with the provisions of the Ordinance.

(3) Any notification issued under any law on the subject, so far as they are not inconsistent with provisions of the Ordinance shall be deemed to have been issued under the provisions of the said Ordinance.

(Mohammad Hayat Khan)  
President  
Azad Jammu & Kashmir  

Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 19th April, 1980.

No.2264 /SL/80. The following Ordinance made by the President on the 16th day of April, 1980, is hereby published for general information:-

(ORDINANCE LIX OF 1980)

AN
ORDINANCE
to amend the Jammu and Kashmir Forest Regulation 1930

WHEREAS it is expedient to amend the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance.-

1. **Short title and Commencement.**-(1) This Ordinance may be called the Jammu and Kashmir Forest Regulation, 1930 (Amendment) Ordinance, 1980.
   
   (2) It shall come into force at once.

2. **Amendment of Section 6, Forest Regulation II of 1930.**- In the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), hereinafter referred to as the said Regulation, in Section 6, in sub-section (1) :-

   (a) After clause (i), in the penal provision, for the words 'five hundred' the words 'one thousand' shall be substituted;

   (b) After clause (v) the following new clause shall be inserted, namely:-

   "(vi) Where timber obtained from State/Crown Forests or Government Depots at any rate or from trees of revenue assessed or evacuee land, although out and procured after due permission from the competent authority is used for any other purpose, other than one for which it was obtained or it is sold, the price of such timber shall be determined and charged at double the
market rates prevalent at the time of the disposal of the case, market rate of such timber shall be determined by the D.F.O.”;

(c) Existing clause (vi) shall be re-numbered as clause (vii).

3. **Amendment of Section 28, Regulation II of 1930.** In the said Regulation, in Section 28, after sub-section (2) the following new sub-section (2A) shall be inserted, namely:

“(2-A) Any person driving a vehicle or cart or the boatman of a boat, as the case may be which has been used in the commission of Forest Offence shall be punishable with a simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.”

4. **Amendment of Section 56, Regulation II of 1930.** In the said Regulation, in Section 56, between the words 'Regulation' and 'or' the words 'except Section 28' shall be inserted.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

—________

Sd/-

(Syed Mohammad Akram Shah)
Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th April, 1980.

No. 2283/LD/80. The following Ordinance made by the President on the 20th day of April, 1980, is hereby published for general information :-

(ORDINANCE LX OF 1980)

AN ORDINANCE to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 2, Ordinance X of 1970.** - In the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) herein-after referred to as the said Ordinance, in Section 2, after clause (xxiv) the following new clause (xxv) shall be inserted, namely :-

   "(xxv) 'Validly nominated candidate' means a candidate whose nomination has been accepted;"

   and existing clause (xxv) shall be re-numbered as clause (xxvi).

3. **Amendment of Section 5, Ordinance X of 1970.** - In the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970), in Section 5, for subsection (2) the following shall be substituted, namely :-

   "(2) A person shall be disqualified for being elected or chosen and for being, a member,-"
(a) if, as provided in Section 24 of the Azad Jammu and Kashmir Interim Constitution Act, 1974,-

(i) he is of unsound mind and stands so declared by competent court; or

(ii) he is un-discharged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent; or

(iii) he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

(iv) he holds any office of profit 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 other than an office specified in the Second Schedule; or

(v) he has been dismissed for mis-conduct from the service of Azad Jammu and Kashmir or the service of Pakistan unless a period of five years has elapsed since his dismissal; or

(b) if he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(c) if he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity of Pakistan, or security of Azad Jammu and Kashmir or Pakistan, or morality, or the maintenance of Public Order, or the Integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or which defames or brings into ridicule the judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed Forces of Pakistan: or

(d) if-
he has been removed or compulsorily retired from the service of Jammu and Kashmir or Pakistan on the ground of misconduct unless a period of three years has elapsed since his removal or compulsory retirement; or

(ii) he has been in the service of Azad Jammu and Kashmir or Pakistan of any statutory body or any body which is owned or controlled by the "Government or the Government or the Government of Pakistan, on which any of the Government has a controlling share or interests unless a period of two years has elapsed since he ceased to be in such service; or

(iii) he is found guilty of corrupt or illegal practice under any other law for the time being in force, unless period of seven years has elapsed from the date on which that order takes effect; or

(iv) he has, at any time on or after the ninth day of September, 1979, been an office-bearer of a political party dissolved under sub-section (2) of Section 7 of the Azad Jammu and Kashmir Political Parties Ordinance, 1979 and has not, before a declaration in respect of such party is made under sub-section (1) of that section, resigned, or pub announced disassociation, from such party, unless a period of five years has elapsed from the date of such dissolution; or

(v) he has been convicted under Section 8 of the Azad Jammu and Kashmir Political Parties Ordinance, 1979, unless a period of five years has elapsed from the date of such conviction; or

(vi) he is a member of a political party which is not eligible under the political parties Ordinance, 1979 to participate in an election to a seat in the Legislative
Assembly or to nominate or put up a candidate at any such election; or

(vii) he is a member of a political party which has not been registered, or the registration of which has been cancelled, under the Azad Jammu and Kashmir Political Parties Ordinance, 1979; or

(viii) he is for the time being dis-qualified from being elected or chosen as a member of the legislative Assembly of Azad Jammu and Kashmir under any law for the time being in force; or

(ix) he has, during the period of two months preceding the publication of the notification under Section 10, been a member or supporter of or associated with, a political party, unless he is put up by that political party as a candidate; or

(x) if, he, whether by himself or by any person or body of persons 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 this clause shall not apply to a person—

(a) 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

(b) where the contract has been entered into by or on behalf of a public company as defined in the Companies Act, 1913 (VI of 1913), of which he is a share-holder but is neither a director holding
in office of profit under the company nor a managing agent: or

(c) 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 separate business in which he has no share or interest.

Explanation I.- In sub-clause (iv) and (v) of clause (a) and sub-clause (i) and (ii) of clause (d) 'Service of Azad Jammu and Kashmir and Service of Pakistan' have the same meaning as assigned to them in Section 2 of the Azad Jammu and Kashmir Interim Constitution Act, 1971 and in Article 260 of the Constitution of Pakistan respectively.

Explanation—II.- In sub-clause (iv) of clause (d) 'office-bearer of a political party' means in office-bearer at the National or District set up of tin party otherwise than as a mere member of the Working, Central, District or other committee of party.

Explanation—III.- In sub-clause (x) of clause (d) 'goods' does not include agricultural produce or commodity grown or produced by him or such goods as lie is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(3) If a person having been elected to the Azad Jammu and Kashmir Legislative Assembly as a candidate or nominee of a political party, withdraws himself from that party, he shall, from the date of such withdrawal, be disqualified from being a member of the Assembly for the unexpired period of his term unless he has been reflected at a bye-election held after his dis-qualification.

4. Amendment of Section 10, Ordinance X of 1970.- In the said Ordinance, in Section 10 -

(a) in sub-section (1) for clause (a) the following shall be substituted, namely :"(a) a day on or before which nomination of the candidate is to be made."

(b) in sub-section (3) for the word "before" the word 'by' shall be substituted.

5. Insertion of Section 10-A, Ordinance X of 1970.- In the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) after Section 10 the following new Section shall be inserted, namely: "(10-A) Alteration in Election Programme.—Notwithstanding anything contains in Section 10, the Commissioner may at any time after the issue of notification under sub-section (1) of that Section, make such alterations in the programme announced in
that notification for the different stages of the election as may in his opinion be necessary.

6. **Amendment of Section 11, Ordinance X of 1970.** In the said Ordinance, in Section 11,-
   (a) after sub-section (3), the following proviso shall be added:
   
   "Provided that a candidate may deliver or cause to be delivered, to the Commissioner a duplicate of the nomination paper on or before the nomination day or may send it to the Commissioner by registered post so as to reach him on or before that day."
   
   (b) in sub-section (5) the words 'except the one received first by the Returning Officer' shall be omitted.

7. **Amendment of Section 13, Ordinance X of 1970.** In the said Ordinance, in Section 13,-
   (a) In sub-section (3), in clause (d), in sub-section (ii) of the proviso, between the word 'nature' 'and' the words and comma, including an error in regard to the name, serial number in the Electoral Roll or other particulars of the candidate, his proposer, or seconder shall be inserted.
   
   (b) for sub-sections (4) and (5) the following shall be substituted, namely:-
   
   (4) The Returning Officer shall endorse on each nomination paper decision accepting or rejecting it and shall, in the case of rejection, record the reasons for rejection and, in the case of an objection being raised to his decision to accept the nomination paper, record brief reasons for rejecting the objection.
   
   (5) Any person aggrieved by an order under sub-section "(4) may appeal within a prescribed period to the Commissioner whose decision shall be final.
   
   (6) Announcement of the day and time appointed for the hearing of an appeal under sub-section (5) over the radio or by publication in the press shall be deemed to be sufficient notice of the day and time so appointed."

8. **Insertion of New Section 13-A, Ordinance X of 1970.** In the said Ordinal, after Section 13 the following new Section 13-A, shall be inserted, namely:

"13-A. **Action on duplicate of nomination paper.** - (1) In a case in which the Returning Officer denies receipt of the
nomination paper of a candidate and the candidate asserts that the duplicate of the nomination paper had

18. **Amendment of Section 53, Ordinance X of 1970.**- In the said Ordinance, in Section 53 for sub-section (2) the following shall be substituted, namely :-

"(2) An Election Tribunal shall consist of a person who 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."

19. **Amendment of Section 64, Ordinance X of 1970.**- In the said Ordinance, in Section 64, in sub-section (1) clause (a) and (b) shall be omitted.

20. **Amendment of Section 86, Ordinance X of 1970.**- In the said Ordinance in Section 86 -

(a) after the word and comma 'Ordinance', the words, brackets and figures 'or any person required under sub-section (2) of Section 4, to perform any functions or render any assistance, shall be inserted; and

(b) after the word 'omission' at the end, the comma and words, 'or fails to perform such functions or render such assistance' shall be added.

21. **Amendment of Section 88, Ordinance X of 1970.**- In the said Ordinance, in Section 88, after the words 'Police Officer' twice occurring, the words 'member of the armed forces' shall be inserted.

22. **Substitution of Section 92, Ordinance X of 1970.**- In the said Ordinance, for section 92 the following shall be substituted, namely:-

"92. **Commissioner to ensure fair election etc.** Save as otherwise provided, the Commissioner may-

(a) Stop the polls at any stage of the election, if he is convinced that he shall not be able to ensure the conduct of the election justly, fairly and in accordance with law due to large scale malpractices, including coercion, intimidation and pressures, prevailing at the election;

(b) revise an order passed by an officer under this Ordinance, or the rules, including rejection of ballot papers; and

(c) issue such instructions and exercise such powers, and make such consequential orders, as may, in his opinion, be necessary for ensuring that the election is conducted honestly, justly and fairly, and in accordance with the provisions of this Ordinance, and the Rules.'

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23. **Insertion of Section 92-A, Ordinance X of 1970.**- In the said Ordinance, after Section 92, the following new Section shall be inserted, namely:

"92-A. Directions of Commissioner in certain matters.-
Anything required to be done for carrying out the purposes of this Ordinance, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Commissioner may direct."

24. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance, 1977 (Ordinance VI of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.
Sd/-
Khalil Ahmed Qureshi)
Secretary Law
NO. 2284/LD/80. The following Ordinance made by the President on the 20th day of April, 1980 is hereby published for general information:-

(ORDINANCE LXI OF 1980)

AN ORDINANCE to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976, (Act II of 1976) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Chhamb Area Administration and Development (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 2, Act II of 1976:**— In the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976 (Act II of 1976), hereinafter referred to as the said Act, in Section 2, for sub-section (3) the following shall be substituted, namely:-

"(3) 'Deputy Commissioner' means the Deputy Commissioner of Mirpur District and any other person appointed as Deputy Commissioner to perform the duties as such under this Act."

3. **Amendment of Section 4, Act II of 1976:**— In the said Act, in Section 4, in sub-section (1), for clause (i), (ii), (iii), and (iv) the following shall be substituted, namely :-

"(i) 1965 War refugees from Indian held part of the State of Jammu and Kashmir duly registered with the Deputy
Commissioner of the respective districts in Azad Jammu and Kashmir;

(ii) Ex-Servicemen;

(iii) 1971 War displaced persons;

(iv) land owners of the Chhamb Area who have not been allotted any agricultural land either in Pakistan or in Azad Jammu and Kashmir in lieu of land held by them in Chhamb Area or whose allotment of land is less than the land they owned in Chhamb Area prior to October, 1947.”

3. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Chhamb Area Administration and Development (Amendment) Ordinance, 1977 (Ordinance VIII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-
Khalil Ahmed Qureshi
Secretary Law
No. 2285/LD/80. The following Ordinance made by the President on the 20th day of April, 1980, is hereby published for general information:-

(ORDINANCE LXII OF 1980)

AN

ORDINANCE

to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith

WHEREAS it is expedient to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Transfer of Properties (Prohibition) Ordinance, 1980.

(2) It shall extend to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once.

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

(a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

'Government' means the Azad Government of the State of Jammu and Kashmir;

'Specified person' means any person who has, at any time, been a Prime Minister, Minister, Advisor or Special Assistant to Prime Minister, Presidential Assistant or member of the Legislative Assembly, during the period December, 1970 and August, 1977, or who has, at any time, been a member of the Council during the period July, 1975 and August, 1977 or any other person as may be notified by the Government in the official Gazette.

3. **Prohibition of Transfer of Property Generally:** The Government may, by notification in the official Gazette, declare that for such period as may be specified in the notification, the transfer of any property or class of property, or the creation of any right or interest therein or encumbrance thereon, by or on behalf of any person, specified in the notification, shall be prohibited, and where any such declaration has been made, no such transfer or creation shall be made during that period.

4. **Prohibition of Transfer of Property by Specified Persons:** No creation or transfer of any right or interest in or encumbrance upon any property made in any manner whatsoever after commencement of this Ordinance by or on behalf of a specified person shall be effective so as to confer any right or remedy on any party thereto or on any person claiming under any such party, until such date as may be notified by the Government in the official Gazette.

**Explanation:** In this section the 'property' shall have the same meaning as explained in the 'explanation' to Section 3 of the Members of Assembly and Council (Declaration of Assets) Ordinance, 1978.

5. **Penalty:** Any person who –

(a) contravenes, or resists or interferes with the enforcement of the provisions of this Ordinance or any rule or order made thereunder; or
in an application or in any proceedings under this Ordinance, furnishes or abets or has reasons to believe to be false, or fraudulently conceals or misrepresents facts, or abets such concealment or misrepresentation, shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine or with both or forfeiture of the whole or part of his properties.

6. **Bar of Jurisdiction**: No court shall grant any injunction or make any order, nor shall any court entertain any proceeding, in relation to anything done under this Ordinance.

7. **Indemnity**: No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything in good faith done or intended to be done under this Ordinance.

8. **Delegation of Powers**: The Government may, by notification in the official Gazette, direct that all or any of its powers under this Ordinance shall be exercised also by such officer or authority as may be so specified.

9. **Ordinance to Override other Laws**: The provisions of this Ordinance, or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

10. **Power to make Rules**: The Government may, by notification in the Official Gazette, make such rules as appear to it to be necessary for carrying out the purposes of this Ordinance.

11. **Removal of Difficulties**: If any difficulty arises in giving effect to any provisions of this Ordinance, the Government may make such order, as it considers necessary or expedient for the purpose of removing that difficulty.

12. **Savings**: Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceeding initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Transfer of property (Prohibition) Ordinance, 1977 (Ordinance XXIV of
1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD

Dated the April 26, 1980.

No. 2373/LD/80. The following Ordinance made by the President on the 26th day of April, 1980 is hereby published for general information:

(ORDINANCE LXIV OF 1980)

AN
ORDINANCE
to amend the Azad Jammu and Kashmir Legislative Assembly Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly Ordinance, 1970 (Ordinance VI of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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, (Amendment) Ordinance, 1980.
(2) It shall come into force at once.

2. **Amendment of Section 2, Ordinance XI of 1970.-** In the Azad Jammu and Kashmir Legislative Assembly Ordinance 1970 (Ordinance VI of 1970), in Section 2,-

   (i) in clause (2) after the words 'North-West Frontier Province', at the end, the words 'and Federal Capital and Federally Administered Tribal Areas' shall be added;

   (ii) in clause (3), between the words 'Province' and 'referred', the words 'and the areas' shall be inserted.

3. **Savings.-** Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Legislative Assembly (Amendment) Ordinance, 1977 (Ordinance XI of 1977) or its succeeding Ordinances issued from time to time shall be deemed
to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law.
Dated the April 26, 1980.

No. 2374/SL/80. The following Ordinance made by the President on the 26th day of April, 1980, is hereby published for general information:-

(ORDINANCE LXV OF 1980)

AN ORDINANCE to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service

WHEREAS it is expedient to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, Extent and Commencement**:- (1) This Ordinance may be called the Constitution of Review Boards Ordinance, 1980.

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

   (3) It shall come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.

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

   (a) 'Competent Authority' means the Chief Executive of Azad Jammu and Kashmir or any person authorised by him to exercise the powers of competent authority under this Ordinance;

   (b) 'Person who was in Government service' includes every person who was on or after the first day of July, 1975 in the service of Azad Jammu and Kashmir or who held a civil post in connection with the affairs of the Government but does not include a Judge of the Supreme Court or the High Court;
(c) 'Person who was in Corporation service' means every person who was on or after the first day of July, 1975; in the employment of a corporation or other institution set up or established by the Government or by or under any law for the time being in force and includes the Chairman and the Managing Director of, and holder or any other office in, such corporation or institution;

(d) 'Compulsorily removed' means dismissed or removed or prematurely retired from service and includes premature retirement ordered on completion of twenty five years service but does not include termination of service on giving notice as provided in the terms and condition of service of the affected person.

3. Applications.- (a) Any person who was in Government service and was compulsorily removed from such service between the first day of July, 1975, and the eleventh day of August, 1977, and every person who was in corporation service and was removed from service may submit a review petition to the competent authority;

(b) A person referred to in clause (a) whose appeal or petition against compulsory removal from service was on the date of coming into force of the Ordinance No. XXVIII of 1977, pending in a court or with the Service Tribunal may submit a review petition under that sub-section only after he has withdrawn his appeal or petition from the court or Service Tribunal, as the case may be;

(c) A petition under clause (a), shall be accompanied by a copy of the order of compulsory removal from service passed against the petitioner and the grounds on which he seeks review of that order;

(d) All petitions under this Ordinance shall reach the Chief Secretary on or before the date to be notified in this behalf:

(e) A petition submitted by any person referred to in clause (a) at any time after the thirteenth day of September, 1977, but before the commencement of the Ordinance No. XXVIII of 1977 shall be deemed to be a review petition submitted under that Ordinance.

4. The competent authority may set up such number of review boards consisting of such members as it may deem fit.

5. (a) A review board, on receipt of a review petition forwarded to it by the competent authority shall review the said petition and, after giving an opportunity to a petitioner of being heard and making such further inquiry as it may deem
appropriate submit its report together with its recommendations to the competent authority who may pass such order as he may deem appropriate:

Provided that any order passed on a petition, including an order of reinstatement shall not entitle a petitioner to any damages, compensation or arrears of emoluments or other benefits for the period he remained out of service. This period shall be considered as leave without pay.

(b) The orders passed by the competent authority on a report submitted by a review board set up under the Ordinance and consequential orders shall be final and shall not be called in question before any court, tribunal or authority.

6. A review board shall determine its own procedure and shall, in the performance of its functions be guided by such direction as the competent authority may issue from time to time.

7. All heads of department and offices and other authorities who possess any records or informations in respect of persons who submit petitions under this Ordinance, shall, on receipt of request from the review board, provide it with all record and information and render all other possible assistance in the disposal of petition as may be required of them.

8. All actions taken by the Review Board not formally set up under this Ordinance, to receive petitions, to give hearing to the petitioners and to enquire into petitions, and all recommendations made by such Board, shall be deemed to have been validly taken or made.

9. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of Constitution of Review Board Ordinance, 1977 (Ordinance XXVIII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

(Sd/-)
(Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the April 26, 1980.

No. 2375/LD/80. The following Ordinance made by the President on the 26th day of April, 1980, is hereby published for general information:-

(ORDINANCE LXVI OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir De-limitation of Constituencies Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir De-limitation of Constituencies Ordinance, 1970 (Ordinance VII of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 De-limitation of Constituencies (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 7, Ordinance VII of 1970:** In the Azad Jammu and Kashmir De-limitation of Constituencies Ordinance, 1970 (Ordinance VII of 1970), hereinafter referred to as the said Ordinance, in Section 7;

   (1) in sub-section (1), in clause (b)-

   (i) between the words 'Province' and 'divide' the words 'and Federal Capital and Federally Administered Tribal Areas' shall be inserted; and

   (ii) between the words 'Provinces' and 'into' the words 'or areas' shall be inserted.

(2) In sub-section (2) in clause (b), between the words 'Province' and 'shall' the words 'or areas' shall be inserted.

3. **Amendment of Schedule II, Ordinance VII of 1970:** In the said Ordinance, in Schedule II, after the words 'North-West
Frontier Province' wherever occurring, the words 'Federal Capital and Federally Administered Tribal Areas' shall be added.

4. **Savings.** Notwithstanding any judgment, decree or Order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir De-limitation of Constituencies (Amendment) Ordinance, 1977 (Ordinance XXXIII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President.
Azad Jammu & Kashmir.

Sd –
(Khalil Ahmed Qureshi)
Secretary Law.
No. 2376/SL/80. The following Ordinance made by the President on the 26th day of April, 1980, is hereby published for general information:

(ORDINANCE LXVII OF 1980)

AN
ORDINANCE

to provide for the law relating to the repayment and recovery of loans advanced by the Cooperative Banks

WHEREAS on account of promulgation of Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1977 all the Cooperative Banks except the Azad Kashmir Government Cooperative Bank, functioning on or before the 7th January, 1977 have ceased functioning as such & banks and heavy loans advanced by these banks are outstanding;

AND WHEREAS it is expedient to provide for the repayment and recovery of these loans in order to facilitate the payment to the depositors and creditors of these banks;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement** - (1) This Ordinance may be called the Cooperative Banks (Repayment and Recovery of Loans) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir territory and shall apply to the debtors and borrowers of the Cooperative Banks wherever they may be.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 26th day of December, 1977 and shall override all other laws.

2. **Definitions** - In this Ordinance, unless there is anything repugnant in the subject or context,-
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(a) 'Borrower' includes in the case of a benami loan, the real beneficiary or recipient of a loan as determined by the Registrar;

(b) 'Cooperative Bank' means a Cooperative Society carrying on banking business immediately before coming into force of the Establishment of Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1977;

(c) 'Cooperative Society' means any society established and registered under the provisions of the Cooperative Societies Act, 1925 or under any other law for the time being in force relating to the registration of Cooperative Societies;

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

(e) 'Loan' includes a benami loan, an advance, a cash credit an overdraft, a packing credit, a bill discounted and purchased, letter of credit, any other financial accommodation or engagement provided by a Cooperative Bank to a borrower or any transaction which in the opinion of the Registrar is in substance a loan whether based on a valid instrument or not.

**Explanation** - 'Benami loan' means a loan the real beneficiary or recipient whereof is a person other than the person in whose name the loan is advanced or granted.

(f) 'Registrar' means the Registrar Cooperative Societies, Azad Government of the State of Jammu and Kashmir or any other officer specially appointed or empowered as such by the Government;

(g) 'Provincial Cooperative Bank' means Azad Kashmir Government Cooperative Bank Ltd. or any co-operative Society as defined and notified under clause (p) of Section 2 of the Establishment of Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976, as adapted in Azad Jammu and Kashmir;

(h) 'Unsecured or insufficiently secured loan' means a loan which is not secured by mortgage, pledge, hypothecation, assignment of such property of the borrower or of his surety or of both as the Registrar may think adequate.
3. **Payment and Securing of Loans.** Notwithstanding anything contained in any other law for the time being in force or in any agreement or other instrument, award or decree of any Court, every loan payable to a cooperative bank shall, unless repaid earlier, be repaid to the Provincial Cooperative Bank in case of Cooperative Banks which stand dissolved under Section 42, subsection (4) of the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976, as adapted in Azad Jammu and Kashmir, and to the successor Cooperative Society in case of Cooperative Banks which have been converted into non-banking societies under sub-section (5) of the said section, in the following manner, that is to say:

(a) not less than twenty percent of the loan shall be paid within sixty days from the commencement of the Ordinance No. XXXIV of 1977 or in such extended period not exceeding thirty days as the Registrar may fix;

(b) the balance of the loan after payment as aforesaid shall, within one month from the expiry of the period mentioned in clause (a), be secured by mortgage, pledge, hypothecation or assignment of such property of the borrower or his surety or of both as the Registrar may think adequate and shall be repaid in such installments within a period not exceeding one year from the commencement of the Ordinance No. XXXIV of 1977 as the Registrar directs:

Provided that the Registrar may, if he considers necessary in case in which not less than fifty percent of the loan has been repaid within the aforesaid period of one year, extend the period by a further period and such further period shall not exceed nine months.

4. **Recovery of Loans.** (1) If the amount of any loan or any part thereof to be repaid in accordance with the provisions of section 3, is not paid within the period or periods specified in the said section, the same may be recovered by the Registrar according to the law and under the rules for the time being in force for the recovery of arrears of land revenue and while doing so he may exercise all or any of the powers of Collector under the Land Revenue Act and the rules made thereunder.

(2) Where –

(a) the borrower is a company, partnership or association of persons and the assets of such company, partnership or
association are not sufficient to meet the total liability, including the loans payable under this Ordinance of such company, partnership or association;

(b) the borrower is an individual person and his assets are not sufficient to meet his total liability; and the Registrar is of the opinion, after such enquiry as he may deem fit, to hold in the matter, that the loan has been appropriated by any director, share-holder, partner or member, as the case may be, of such company, partnership or association or any other person and, in case of an individual borrower by any other person than the borrower himself, the loan shall be recoverable from the person who has appropriated the loan as aforesaid and his assets as if the loan had been taken by him.

(3) The recovery under this section shall not save a borrower from any other means of recovery or punishment provided in this Ordinance or rules made thereunder or under any other law for the time being in force.

5. (1) In respect of Cooperative Banks which stand dissolved by the operation of section 42, sub-section (4) of the Establishment of Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976, as adapted in Azad Jammu and Kashmir, the Provincial Cooperative Bank and in respect of the cooperative banks which have been converted into non-banking societies under subsection (5) of section 42 of the said Ordinance, such societies, shall, within thirty days of the commencement of this Ordinance, or within such extended period as the Registrar may allow, furnish to the Registrar full particulars in respect of all cases of loans required to be repaid under section 3.

(2) On receipt of information under sub-section (1) in respect of any loan the Registrar shall cause notice to be issued to the borrower requiring him to repay and secure the loan.

(3) Where any borrower to whom notice under sub-section (2) is issued does not admit the loan or any liability arising therefrom, he shall within thirty days of the receipt of notice, or within such farther period as the Registrar may, in special circumstances allow, submit either personally or by registered post (acknowledgement due), a written statement to that effect to the Registrar, who thereupon shall cause notice to be issued to the bank or society concerned, and shall, after making such inquiry as he considers necessary, and giving the parties reasonable opportunity of being heard, decide about the liability.
(4) The decision of the Registrar under sub-section (3) shall be final and shall not be called in question in any Court.

6. **Power of Registrar when making Inquiry.** - The Registrar shall, for the purpose of making any inquiry under this Ordinance, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit, 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 or production of any document;
(c) requisitioning any public record from any Court or office;
(d) issuing commission for the examination of witness;
(e) appointing guardians or next friends of persons who are minors or of unsound mind;
(f) adding legal representatives of deceased borrowers or sureties;
(g) substituting the names of rightful parties;
(h) Consolidation of cases; and
(i) any other matter which may be prescribed by rules, made under Section 7.

7. **Rules.** - The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

8. **Detention in Civil Prison.** - The Registrar may send a borrower or debtor or his surety to Civil Prison if any one of them is not ready or had failed to furnish security to the satisfaction of the Registrar when so required by him under Section 3 and may keep them or any one of them in the prison till such security is furnished by them or any one of them.

9. **Restrictions on Alienations:** (1) Where any person owing a loan to a Cooperative Bank has, on or after the 7th day of January, 1977, alienated any property by sale, exchange, gift, mortgage or will, otherwise than by or under an order or decree of a Court or with the special permission of the Government, granted by an order in writing, subject to such conditions as may be specified therein, such alienation shall not operate to transfer any right, title or interest in the property of the borrower unless the loan due from the borrower has been repaid.

   (2) Any alienation as aforesaid shall become void upon a declaration to that effect made by the Registrar and published in
the official Gazette and this declaration shall have effect of and be acted upon as a decree of a Civil Court.

(3) Any party aggrieved by a declaration made by the Registrar under sub-section (2) may prefer an appeal to Government against such declaration and the order made by Government on such appeal shall be final and shall not be open to question in any Court.

10. **Punishment.** - (1) Whoever contravenes any of the provisions of this Ordinance or the rules made thereunder shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both:

Provided that the proceeding under this sub section are any result thereof shall not save a barrower from any other means of recovery or punishment provided in this ordinance or the rules made there under or under any other laws for the time being inforced.

(2) Any person who obstructs or resist the enforcement of any order made under this ordinance shall be punished with rigorous imposition which may extend to seven years, or with fine, are with both.

11. **Cognizance of Offence.** - (1) Offences under this Ordinance shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in any other law for the time being in force offences under this Ordinance shall be triable by a Magistrate of the First Class.

12. **Assistance to Registrar.** - All officers and servants of the Government shall assist the Registrar in the performance of his functions.

13. **Bar of Jurisdiction.** - (1) No Court or other authority shall have jurisdiction:

(a) to entertain or adjudicate upon any matter which the Government, or the Registrar is empowered by or under this Ordinance or the rule, framed thereunder to dispose of or determine; or

(b) to question the legality or validity of anything done under this Ordinance or the rules framed thereunder by the Government or the Registrar.

(2) No Court or other authority shall be competent to grant an injection or other order in relation to any proceeding before the Government, the Registrar or anything done or to be done by or at the instance of the Government, the Registrar under this Ordinance or the rules framed thereunder.
(3) Any proceeding pending before any Civil Court, including the High Court and the Supreme Court, in respect of any matter to which this Ordinance relates shall abate forthwith and no such proceeding shall henceforth be taken cognizance of by any such Court.

14. **Savings.** Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Cooperative Banks (Re-payment and Recovery of Loans) Ordinance 1977 (Ordinance XXXIV of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validity done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.
Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the April 26, 1980.

No.2377/LD/80. The following Ordinance made by the President on the 26th day of April, 1980, is hereby published for general information:-

(ORDINANCE LXVIII OF 1980)

AN ORDINANCE
to set up an organization for the assessment, collection and disbursement of Zakat and Ushr

WHEREAS it is necessary to set up an organization for the assessment, collection and disbursement of Zakat and Ushr and to provide for matters connected therewith;

AND WHEREAS Islam ordains all Muslims to adhere to the teachings of the Holy Quran and Sunnah;

AND WHEREAS Azad Jammu and Kashmir being an Islamic State, must provide for the implementation of Islamic Precepts;

AND WHEREAS Zakat, including Ushr, is one of the fundamental Pillars (Iarakan) of Islam;

AND WHEREAS the prime objective of the collection of Zakat and Ushr, and expenditure therefrom, is to assist the needy, the indigent and the poor;

AND WHEREAS the rates of Zakat and Ushr, as also the purposes for the utilization of Zakat and Ushr are specified in Shariat;

AND WHEREAS Shariat enjoins all Muslims, who are sahib-e-nisab, to pay, and the State to arrange for the proper collection and utilization of Zakat and Ushr, and also allows such Muslims to utilize for the purposes authorised by Shariat the part thereof not collected by the State;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-
CHAPTER-1
PRELIMINARY.

1. **Short title, Extent and Commencement.** - (1) This Ordinance may be called the Zakat and Ushr (Organization) Ordinance, 1980.
   (2) It extends to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions.** - In this Ordinance, unless there is anything repugnant in the subject or context,-
   (a) 'Chief Administrator' means a person appointed as such under Section 6, and includes an officer authorised by him to exercise or perform any power or function of Chief Administrator under this Ordinance;
   (b) 'Council' means a Council constituted under Section 3;
   (c) 'District Committee' means a committee constituted under Section 5;
   (d) 'Government' means the Azad Government of the State of Jammu and Kashmir;
   (e) 'Local Committee’ means a committee constituted under Section 7 ;
   (f) 'Locality' means the area within the jurisdiction of a Local Committee;
   (g) 'Markaz' means a Markaz as defined in the Local Government Ordinance, 1979;
   (h) 'Markaz Committee' means a committee constituted under Section 6;
   (i) 'President’ means President of Azad Jammu and Kashmir;
   (j) 'Prescribed' means prescribed by rules ; and
   (k) 'Rules' means rules made under this Ordinance.

CHAPTER II
ORGANIZATION AND ADMINISTRATION

3. **Zakat Council.** - (1) The Government shall, by notification in the Official Gazette, establish a Zakat Council, to exercise general superintendence and control on matters relating to Zakat and Ushr in accordance with the policy.
   (2) the Council shall consist of -
   (a) a Chairman;
(b) three persons, of whom two shall be Ulama, to be nominated by the President on the recommendation of the Council of Islamic Ideology;
(c) four persons, one from each District, to be nominated by the President;
(d) the Secretary to the Government in the Finance Department;
(e) the Secretary to the Government in the Local Government and Social Welfare Department; and
(f) the Chief Administrator, who shall also be the Secretary to the Council.

(3) The Chairman of the Council shall be a person who is, or has been a Judge of the High Court, to be nominated by the President in consultation with the Chief Justice of the High Court.

(4) The Chairman and other members of the Council, not being an ex-officio member, shall hold office for a term of three years and shall be eligible for re-appointment for a similar term:

(5) The Chairman or a member, not being an ex-officio member, may, by writing under his hand addressed to the President resign his office:

Provided that he shall continue to hold office until his resignation is accepted by the President.

(6) Any vacancy in the office of Chairman or a member, other than an ex-officio member, shall be filled by the nomination, in accordance with sub-section (2) or sub-section (3) as the case may be, of a person qualified to hold the office.

(7) The Chairman or member nominated under sub-section (6) shall hold office for the unexpired term of his predecessor.

4. **Chief Administrator:** (1) For carrying out the purposes of this Ordinance, there shall be appointed by the Government, a Chief Administrator.

(2) The Chief Administrator shall have such status, grade, tenure and other terms and conditions of service as may be determined by the Government.

(3) The Chief Administrator shall act under the general superintendence and control of and in accordance with the policy guidelines given by the Council and perform such functions as are assigned to him by or under this Ordinance.
5. **District Zakat and Ushr Committees.** - (1) In each district, a District Zakat and Ushr Committee shall be constituted by the Council.

(2) The District Zakat and Ushr Committee shall consist of:

(a) Chairman.- The Chairman of the District Council shall be the Chairman of the District Zakat and Ushr Committee.

(b) Deputy Commissioner of the District.

(c) One representative of each Markaz Council who shall be elected by the members of the Markaz Zakat and Ushr Committee.

(d) The Chairman of the Municipal/Town Committee.

(e) In any district where there is a District Social welfare officer appointed by the Government, the District Committee may co-opt him as ex-officio member of the committee.

(3) The District Committee so constituted shall be duly notified by the Council.

(4) The Chairman and other members of the District Committee, not being the ex-officio member shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(5) The Chairman or a member, not being the ex-officio member, may by writing under his hand addressed to the council, resign his office:

Provided that he shall continue to hold office until his resignation is accepted by the Council.

(6) Any vacancy in the office of Chairman or a member, other than the ex-officio member shall be filled in accordance with clause (c), of sub-section (2).

(7) The Chairman or member nominated under sub-section (6) shall hold office for the unexpired term of his predecessor.

6. **Markaz Zakat and Ushr Committees.** - (1) There shall be constituted a Markaz Zakat and Ushr Committee in each Markaz.

(2) The Markaz Zakat and Ushr Committee shall consist of:

(a) Chairman, who shall be elected by the members of the Markaz council and District Councillors of that Markaz from amongst themselves;

(b) Assistant Commissioner/Tehsildar;

(c) The members of the Markaz Council;
(d) The members of District Council elected from that Markaz.

(3) The Markaz Committee so constituted shall be duly notified by the District Committee concerned.

(4) The Chairman and members of a Markaz Committee, not being the ex-officio member, shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(5) The Chairman or a member, not being the ex-officio member, may, by writing under his hand addressed to the Markaz Committee, resign his office:

Provided that he shall continue to hold office until his resignation is accepted by the Markaz Committee.

(6) Any vacancy in the office of Chairman or member, other than the ex-officio member, shall be filled by the election, in accordance with clauses (c) and (d) of sub-section (2).

(7) The Chairman or the member elected under sub-section (6) shall hold office for the unexpired term of his predecessor.

7. **Local Zakat and Ushr Committees.**—(1) A local Zakat and Ushr Committee shall be constituted for—

(a) each revenue estate in settled area;

(b) each deh or village in non-settled rural area; and

(c) each ward in urban area:

Provided that, if in the opinion of the Council, the population of a revenue estate, deh or village is too large or too small to have one Local Zakat and Ushr Committee, such revenue estate deh or village may be divided into two or more localities or grouped with any other revenue estate, deh or village to form one locality.

**Explanation.**—In this sub-section,—

(a) 'urban area' means an area within the local limits of a Municipal Committee or Town Committee;

(b) 'rural area' means area other than urban area;

(c) 'settled rural area' means rural area for which revenue settlement record exists;

(d) 'non-settled rural area' means rural area other than settled rural area; and

(e) 'ward' means a distinct and compact locality, the population of which does not exceed five thousand approximately.
(2) A local Committee shall consist of –
(a) in Dehi.- (a) the Chairman of the union council shall be the Chairman of the Local Zakat and Ushr Committee;
(b) members of the union council;
(c) the chairman of Dehi council.
(3) in cities or towns.-
(a) the chairman of the Municipal or town committee;
(b) members of the Municipal or town committee.
(4) The Chairman and other members of the Local Committee shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.
(5) The Chairman or a member may, by writing under his hand addressed to the local Committee, resign his office:
Provided that he shall continue to hold office until his resignation is accepted by the local Committee.
(6) Any vacancy in the office of Chairman or member shall be filled by the election in accordance with the provisions of local Government Rules.
(7) The Chairman or the member elected under sub-section (6) shall hold office for the un-expired term of his predecessor.

CHAPTER III
MISCELLANEOUS

8. **Vacancy, etc., not to invalidate acts or proceedings.**— (1) Notwithstanding anything contained in this Ordinance, a Council or Committee established or constituted thereunder for the first time shall be deemed to be duly established or constituted even if its strength is less than the strength specified in this Ordinance be not more than two.
(2) No act or proceeding of a Council or Committee established or constituted under this Ordinance shall be invalid by reason only of a defect in the constitution of, or the existence of a vacancy in such Council or Committee.

9. **Person to preside at meetings in the absence of Chairman.**— If the office of Chairman of a Council or Committee established or constituted under this Ordinance is for the time being vacant, or the Chairman is absent from a meeting of the Council or Committee the meetings thereof or, as the case may be, the meeting from which the Chairman is absent, shall be presided at-
(a) in the case of a Council, by the Chief Administrator;
in the case of a District Committee, by the Deputy Commissioner;
(c) in the case of a Markaz Zakat and Ushr Committee, by the Assistant Commissioner; and
(d) in the case of a Local Committee, by the member elected by the members present.

10. **Power of supersession and removal.**—(1) If, after such inquiry as may be necessary, the Council is of the opinion that a Committee constituted under this Ordinance—

(a) is unable to discharge or persistently fails in discharging its duties, or
(b) is unable to administer its affairs, or
(c) generally acts in a manner contrary to public interest, or
(d) otherwise exceeds or abuses its powers, the Council may, by a resolution, declare the Committee to be superseded for such period not exceeding one year as may be specified in the resolution:

Provided that the period of supersession may, if the Council considers it necessary to do so be extended beyond a period of one year.

(2) When a resolution is passed under sub-section (1) in respect of a Committee—

(a) the persons holding office as Chairman and members of the Committee to which the resolution relates shall cease to hold office;
(b) all functions of the Committee shall, during the period of supersession, be performed by an Administrator not being an official, appointed by the Council; and
(c) before the expiry of the period of supersession, elections shall be held and nominations made in accordance with the provisions of this Ordinance and the rules to reconstitute the Committee.

(3) If, after such inquiry as may be necessary, the Council is of the opinion that the Chairman or a member of a Committee constituted under this Ordinance has—

(a) without reasonable excuse, absented himself from three consecutive meetings of the Committee; or
(b) been guilty of abuse of power or of misconduct in the discharge of his duties as Chairman or member, or has

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been responsible for any loss or misapplication of any money or property of the Committee; or

(c) become physically disabled from performing his functions as Chairman or member, the Council may, by a resolution, remove such Chairman or member from office.

Explanation. - For the purposes of clause (b), 'misconduct' means bribery, corruption, jobbery, favoritism, nepotism, wilful mal-administration or wilful diversion of funds, and includes any attempt at, or abetment of, such misconduct.

(4) When the Chairman or member of a Committee is removed from office under sub-section (3), the vacancy in the office of such Chairman or member shall be filled, within such time as the Council may determine, by the election, selection or nomination, as the case may be, in accordance with the provisions of this Ordinance, of a person qualified to hold the office.

(5) The Chairman or member elected, selected or nominated under sub-section (4) shall hold office for the unexpired term of his predecessor.

(6) The Council may delegate to a District Committee all or any of its powers under the preceding provisions of this section in respect of a Committee other than a District Committee.

11. Officers and staff. - Except where otherwise provided in this Ordinance, to enable the authorities constituted or appointed under this Ordinance to perform their functions, such officers and staff may be appointed, on such terms and conditions, and by such authorities, as may be prescribed.

12. Certain persons to be public servants. - Every person engaged in or employed for, the administration of this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

13. Indemnity and bar of jurisdiction. - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Ordinance or any rule.

(2) No Court shall call in question, or permit to be called in question, anything done or any action taken under this Ordinance or any rule.

(3) No Court shall grant any injunction or make any order, nor shall any Court entertain any proceedings, in relation to any
thing done or any action taken or intended to be done or taken under this Ordinance or any rule.

14. **Power to make rules.** The Council may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

15. **Provision of this Ordinance to override other laws.** The provisions of this Ordinance shall prevail notwithstanding anything contained to the contrary in any other law, for the time being in force.

16. **Removal of difficulties.** The Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Ordinance.


18. **Savings.** Notwithstanding and judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Zakat and Ushr (Organization) Ordinance, 1979 (Ordinance CLXXVII of 1979) or its succeeding Ordinances issued form time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

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(Sd/-)
(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 28th April, 1980.

No. 2925/LD/80. The following Ordinance made by the President on the 27th day of April, 1980, is hereby published for general information:-

(ORDINANCE LXIX OF 1980)

AN 
ORDINANCE 
to provide for law relating to the Hill Station Housing Schemes 

WHERAS it is expedient to provide for law relating to the Hill Station Housing Scheme, Chhotta Gala, Chikar and Dhirkote in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (l) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance .-

1. **Short title and Commencement:** (1) This Ordinance may be called the Hill Station Housing Schemes Ordinance, 1980.

   (2) It shall come into force at once.

2. **Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context.--

   (a) "Committee" means a Committee set up under Section 3 of this Ordinance.

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

   (c) "Hill Station Housing Schemes" means Hill Station Housing Schemes Chhota Gala, Chikar and Dhirkote;

   (d) "Member" means a member of the Committee and shall include an ex-officio member.

3. **Setting up of Committee.** (1) The Government may set up a Committee for carrying out the purposes of this Ordinance.

   (2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed 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 consider necessary for the efficient performance of its functions.

5. **Meeting of the Committee.** - (1) The Committee shall ordinarily meet for the transaction of business at such place as may be determined by the Chairman.
   
   (2) The quorum necessary for the transaction of business shall be three members including Chairman.
   
   (3) Every meeting shall be presided over by the Chairman or in his absence by 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 votes of the members present and in case of equality of votes, the presiding officer shall have a 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.
   
   (6) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Committee within ten days from the date of such meeting.

6. **Delegation of power by the Committee.** - The Committee may from time to time, by general of 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 Ordinance 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 Ordinance.
   
   (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 Ordinance 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 Order of the Appellate Authority the decision of the Committee shall be final.
8. **Bar of Jurisdiction.** - The order of proceedings of the Appellate Authority or the Committee or of any person to whom powers of the Committee are delegated under this Ordinance, shall not be questioned in any Court.

9. **Powers and duties of the Committee.** (a) The Committee shall prepare schemes for the allotment of plots in the Hill Station Housing Schemes at Chhota Gala, Chikar and Dhirkote and take such measures as may be necessary for carrying out the purposes of this Ordinance;

(b) Have the powers 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 charges as awarded by the Collector including 15% compulsory acquisition charges, if any, and the development charges which may be determined by such agency;

(c) 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;

(d) cause the removal of any construction which obstructs the execution of its scheme 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 to building or structures:

Provided that this clause shall not apply to works executed by an agency of the Government;

(e) have the power to sell, lease, or rent the plots and realise their price, rent or other dues in lumpsum or in installments according to the regulations issued by the Government from time to time;

(f) Prepare, implement and enforce schemes for development of housing, water-supply, drainage and promotion of tourism.

10. **Cancellation of allotment.** - The Committee may, in case of default in the payment of instalments of 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 Ordinance or any order made thereunder shall be recoverable as arrears of land revenue.

12. **Committee to control private construction.** - The Committee shall have the power to control the construction of private buildings in accordance with the rules.

13. **Punishment.** - Whoever contravenes any provision of this Ordinance or of any rule; regulation or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

14. **Cognizance of offence.** - No Court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an Officer authorised for the purpose by the Committee.

15. **Power to make rules.** - The Committee, with the previous sanction of the Government, may make rules for carrying out the purposes of this Ordinance.

16. **Power to make Regulations.** - The Committee may, with the previous sanction of the Government, make regulations to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the said rules.

17. **Savings.** - Notwithstanding any judgment, decree or order of any court including High Court every thing done all actions taken, notifications issued, orders or appointments made, proceedings initialed, jurisdiction or powers exercised under the provisions of the Hill Station Housing Schemes Ordinance, 1979 (Ordinance LIV of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initialed or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir.

Sd - (Khalil Ahmed Qureshi)  
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 3rd May, 1980.

No. 2536/LD/80. The following Ordinance made by the President on the 2nd day of May, 1980, is hereby published for general information:

(ORDINANCE LXX OF 1980)

AN ORDINANCE

further to amend the Azad Kashmir Courts and Laws Code 1949

WHEREAS it is expedient to amend the Azad Kashmir Courts and Laws Code, 1949, for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make promulgate the following Ordinance :-

1. Short title and commencement. - (1) This Ordinance may be called the Azad Kashmir Courts and Laws Code (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of Section 5, Azad Kashmir Courts and Laws Code 1949. - In the Azad Kashmir Courts and Laws Code, 1949 hereinafter referred as the said Code, in Section 5 in sub-section (1),-

(a) for the words two or three other the words 'three or more' shall be substituted; and

(b) after sub-section (1) the following new sub-section (1-A) shall be inserted and shall be deemed always to have been so inserted, namely: -

“(I-A) At any time when-

(a) the office of the Chief Justice of the High Court is vacant; or

(b) the Chief Justice of the High Court is absent or is unable to perform the functions of his office due to any other cause, the President shall
appoint the most senior of the other Judges of the High Court to act as Chief Justice.”

3. **Insertion of Section 26-A, Azad Kashmir Courts and Law Code, 1949.-** In the said Code, after Section 26, the following new section shall be inserted, namely:

“26-A.- General provisions relating to the judicature.- A person who has held office as a permanent Judge –

(a) of the Azad Jammu and Kashmir Judicial Board or Supreme Court of Azad Jammu and Kashmir, shall not plead or act in any court or before any authority in Azad Jammu and Kashmir; and

(b) of the High Court, shall not plead or act in any court or before any authority within its jurisdiction.”


(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
AN
ORDINANCE

to provide for law relating to the Acquisition of Land for Housing and Development Schemes in Azad Jammu and Kashmir and for matters ancillary thereto

WHEREAS it is expedient to provide for law relating to Acquisition of Land for Housing and Development Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Acquisition of Land (Housing and Development Schemes) Ordinance, 1980.
   (2) It shall extend to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions.** - (1) In this Ordinance unless there is any thing repugnant in the subject or context,-
   (a) 'Collector' means the Collector of a District and includes any Officer specially empowered by the Government to perform the functions of a Collector under this Ordinance;
   (b) 'Commissioner' means the Chief Officer Incharge of Revenue and General Administration of Azad Jammu and Kashmir;
   (c) 'Deputy Commissioner' means the Chief Officer Incharge of the General Administration of a District;
(d) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(e) 'Official Development Agency' means any nation building Department and includes;
   (i) Autonomous and Semi-autonomous bodies established as such under any law for the time being in force;
   (ii) any Organization or Organizations that the Government may declare to be official Development Agency;

(f) 'Housing Scheme’ means a scheme which provides for residential sites, houses or apartments including ancillary land uses such as -
   (i) building and other facilities for health, education, culture, transportation, communication and shopping;
   (ii) environmental improvements; and
   (iii) utility services, that is to say water supply, drainage, sewerage, sanitation, electricity and fuel;

(g) 'Prescribed' means prescribed by the rules.

(2) Save as otherwise provided in this Ordinance or where context otherwise requires all terms and expressions used but not defined in this Ordinance shall bear the same meanings as they bear in Land Acquisitions Act, 1894 (Act I of 1894).

3. **Liability to acquisition.** Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or any other Law for the time being in force, all land within Azad Jammu and Kashmir shall be liable to acquisition at any time under this Ordinance for Development and Housing Schemes approved and notified by Government or Official Development Agency so empowered by the Government by notification in the Official Gazette.

4. **Publication of Notification and Land to be marked out and measured.** When any land is proposed to be acquired under this Ordinance, the Collector shall cause a notice to be published in the official Gazette with details of the property and thereafter shall cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof a plan shall be made of the same.
5. **Notice to persons interested.**-(1) The Collector shall then cause public notice to be given at convenient places on or near the land to be acquired stating that the Government intends to acquire and take possession of the land, and that claims to compensation for all interests in such land may be made to him. He shall also inform all the owners and the claimants of interests in such land by giving them a special notice of 19 days in accordance with rules.

(2) Such notice shall state the particulars of land so needed and shall require all person interested in the land to appear personally or by agent before the Collector at a date, time and place therein mentioned (such period not being earlier than 10 days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 5 and the Collector may require any such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested.

6. **Inquiry and award by Collector.**- On the day so fixed, or any other subsequent days to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections, if any, whether interested persons or claimants are present or not after service of the notice and shall determine:

(i) the correct area of the land;

(ii) compensation which in his opinion, having regard to the provisions of this Ordinance, is reasonable; and

(iii) apportionment of such compensation among all the claimants or persons known or believed to be interested in the land whether or not they have appeared before him.

7. **Matters to be considered in determining compensations.**-(1) In determining the amount of compensation to be awarded for land acquired under this Ordinance the Collector shall take into consideration:

(i) market value of the land to be determined on the basis of two years average sale price of land similarly situated and put to similar use proceeding the date of notification under Section 4:
(ii) the damage if any, sustained by the person interested at the time of taking possession of the land by reason of severing such land from the other land;

(iii) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings; and

(iv) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change;

(v) the damage sustained by the person interested by the reason of dispossession of any standing crops or trees or building or other structure or installations which may be existing on the land.

(2) in addition to the market value of the land as above provided, the Collector shall in every case award a sum of fifteen per centum on such market value, in consideration of compulsory nature of acquisition.

8. **Payment of compensation.** The payment of compensation shall be in cash or by cheque, and shall be made in the prescribed manner.

9. **Power to take possession.** When the Collector has made an award and objections and claims to compensation have been decided, the Government or the Official Development Agency shall take possession of the land, which land thereupon shall vest absolutely in Government or, as the ease may be, in the Official Development Agency:

   Provided that possession shall not be taken of any land under this Section without giving to the occupier thereof at least 24 hours notice, or such longer notice as may be reasonable and sufficient to enable such occupier to remove his movable property without unnecessary inconvenience.

10. **Acquisition in case of urgency.** In case of urgency the Deputy Commissioner, may, immediately after the publication of notice published under Section 5(1) authorised the Collector through a notification published in the Official Gazette to enter upon and take possession of land which shall there upon vest absolutely in Government or the Official Development Agency, as the case may be, free from all encumbrances:
Provided that the Collector shall not take possession under this Section without giving to the occupier thereof at least 24 hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building or land without unnecessary inconvenience.

11. **Appeal and Review.**

(1) The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be, may accept the award and intimate their acceptance in writing to the Collector within fifteen days of making the award.

(2) The Government, or the Official Development Agency, or any person aggrieved by an award of the Collector may, within one month of such an award, file an appeal to the Commissioner. Where the affected party had no intimation of the award, the appeal may be filed within six weeks of the award. The Commissioner may, after giving, the Government or, as the case may be the Official Development Agency and the person effected by award or their agents, an opportunity of being heard, make such order as he may deem fit.

(3) The order of the Commissioner made on appeal shall be final and shall not be called into question in any Court.

(4) The Collector or the Commissioner either of his own motion or on an application made in this behalf by the Government, or as the case may be, Official Development Agency or any affected person may, at any time review an order made by himself or his predecessor, in so far as it corrects an Arithmetical, clerical or patent error or mistake only.

(5) Any amount paid to any person which is found for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award, shall be recoverable as arrear of land Revenue and the Collector shall call upon such person to refund it.

12. **Powers of the Collector.**

When the acquiring any land or determining compensation therefore or carrying out any other purpose of this Ordinance, the Collector may:

(a) require any person by order in writing to furnish such information in his possession pertaining to any land as may be specified in the order; and

(b) enter or authorise any person to enter upon land and take such action as may be necessary.
13. **Collector and Commissioner to have powers of Civil Courts etc.** - The Collector making an enquiry or conducting any proceedings under this Ordinance or the Commissioner exercising the powers of appeal or deciding a Review petition under this Ordinance shall have the same powers in respect of the following matters as are vested in a Civil Court, when trying a suit, under the Code of Civil procedure, 1908 (Act V of 1908) namely:-

(a) summoning and enforcing attendance of any person, examining him on oath or affirmation;
(b) requiring the discovery and production of any document;
(c) requisitioning any record from any Court or Office;
(d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;
(e) appointing guardians ad litem or next friends;
(f) adding or substituting representatives of deceased parties to proceedings;
(g) adding or dropping parties from pending proceedings; and
(h) any other matter connected with the holding of an enquiry or hearing of an appeal.

14. **Powers of Government to give directions to the Deputy Commissioner.** - The Government may give directions to the Deputy Commissioner with respect to the exercise of his powers and the discharge of functions under this Ordinance and the Deputy Commissioner shall be guided, by, and act in accordance with such directions.

15. **Powers to withdraw from acquisition proceedings.** - The Deputy Commissioner with the approval of the Government can leave out from acquisition proceedings any land, notified under this Ordinance, of which possession has not been taken.

16. **Abatement of suit and other proceedings.** - (1) All references, suits, appeals and applications regarding any matter now within the jurisdiction of the Commissioner under the provisions of the Ordinance No. CXIII of 1979 pending in any court under any law on the subject, immediately before the commencement of this Ordinance, shall abate forthwith:

Provided that any party to such reference, suit, appeal or application may within ninety days if the commencement of this Ordinance, prefer an appeal to the Commissioner in respect of
any such matter which is in issue in such reference, suit, appeal or application.

(2) Subject to the provisions of Section II any proceedings in a reference or appeal pending immediately before coming into force of this Ordinance shall be completed by the Commissioner in accordance with the provisions of the Ordinance.

(3) Any notification issued under any law on the subject, so far as they are not in consistent with the provisions of the Ordinance, shall be deemed to have been issued under the provisions of the said Ordinance.

17. **Bar of Jurisdiction.**- Any notification issued, directions given and decision made or orders passed by the Government or by any competent authority under this Ordinance shall not be questionable in any Court of Law.

18. **Powers to make rules.**- The Government may make rules to give effect to the provisions of this Ordinance.

19. **Savings.**- Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1979 (Ordinance CXIII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the May 10th, 1980.

No. 2606/SL/80. The following Ordinance made by the President on the 6th day of May, 1980, is hereby published for general information:-

(ORDINANCE LXXII OF 1980)

AN

ORDINANCE

to adapt and enforce the Drugs Act, 1976, of Pakistan in Azad Jammu and Kashmir

WHEREAS it is expedient to adapt and enforce the Drugs Act, 1976 (Act XXXI of 1976) of Pakistan in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by it under sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, Extent and Commencement.**-(1) This Ordinance may be called the Drugs Act (Adaptation) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:** Please see Ordinance No. III of 1980, as this Ordinance is re-promulgated with similar provisions.
(ORDINANCE LXXIII OF 1980)

AN
ORDINANCE

to provide for adaptation and enforcement of the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976

WHEREAS it is necessary and expedient to adapt and to enforce the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance 1976, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

(3) It shall come into force at once.

**Note:-** Please see Ordinance No. IV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the May 10, 1980.

No. 2608/LD/80. The following Ordinance made by the
President on the 9th day of May, 1980, is hereby published for general
information:

(ORDINANCE LXXV OF 1980)

AN
ORDINANCE
to provide for the formation and regulation of political parties

WHEREAS it is expedient to provide for the formation and
regulation of political parties, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Political Parties
Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and
shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once.

2. **Definition:**- In this Ordinance, unless there is anything
repugnant in the subject of contest,-

(a) ‘Constitution’ means the Azad Jammu and Kashmir
Interim Constitution Act, 1974;

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

(c) 'Political party' includes a group or combination
of persons which are operating for the purpose of
propagating any political opinion or including in any
other political activity.

3. **Formation of Certain Political Party Prohibition.**- (1) No
political parties shall be formed with the object of propagation
any opinion or acting in any manner prejudicial to the Islamic
Ideology or the sovereignty and integrity of Pakistan or security
of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.

(2) No person shall form, organise, set up or convene a foreign aided party or in any way be associated with any such party.

Explanation.- In sub-section (2) 'Foreign aided party” means a political party which -

(a) has been formed or organized at the instance of any Government or political party of a foreign country; or

(b) is affiliated to or associated with any Government or political party of a foreign country; or

(c) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or any portion of its funds from foreign nationals.

4. Political Parties to Submit Accounts, etc.- Every Political party shall in such manner and form and at such time as may provided by rules made by the Government, account to the source of its funds and submit its finances and accounts to audit by, an officer or authority authorised by the Chief Election Commissioner in this behalf:

Provided that every political party in existence at the time of commencement of this Ordinance, shall account for the source of its funds, and submit its finances and accounts to audit, within fifteen days of the publications of the rules made under this Ordinance.

Explanation.- In this section and in section 5 'Chief Election Commissioner” means the Chief Election Commissioner appointed under Section 50 of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

5. Registration of Political Parties.- (1) Every, political party in existence at the commencement of this Ordinance shall, within one month of such commencement and every political party formed after such commencement shall, within one month of its being formed, apply to the Chief Election Commissioner for registration.

(2) An application under sub-section (1) shall be made on behalf of a political party by such person and in such form, and shall be accompanied by such documents besides a copy of its constitution, a list of the names of all its office bearers at the national level and a statement of its total membership in each district, as district as the Chief Election Commissioner may by notification in the official Gazette specify.
(3) The Chief Election Commissioner shall register a political party applying for registration in accordance with sub-section (2) if he is satisfied that the political party -

(a) has published a formal manifesto, that is to say, the party's foundation document or constitution giving its aims and objects and provided therein for elections of its office bearers being held periodically; or

(b) has undertaken to publish any amendment to any document referred to in clause (a) as and when such amendment is made and;

(c) has belief in the Ideology of Pakistan or the Ideology of the State's accession to Pakistan and the integrity and sovereignty of Pakistan; and

(e) has submitted its accounts as required by Section 4.

(4) If a political party which has been registered under sub-section (3) -

(a) fails or has failed to submit its accounts within the period specified in section 4 or the rules made thereunder;

(b) fails to hold election of any office-bearer within the time allowed by, and in accordance with, its constitution and rules;

(c) propagates any opinion, or acts in any manner prejudicial to the Ideology of Pakistan or the Ideology of the State's accession to Pakistan, or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality or the maintenance of public order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or defame or brings its to ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;

(f) receives any aid Financial or otherwise, from the Government or any political party of a foreign country, or any portion of its funds from foreign nationals; or

(g) does or omits to do any such act or things as would have resulted in registration being refused to it in the first instance, than, without prejudice to any action that may be taken in respect of the political party under Section 8 the Chief Election Commissioner may, after giving the
political party an opportunity of showing cause against the action proposed to be taken, cancel its registration.

(5) The cancellation of the registration of a political party under sub-section (4) shall be notified by the Chief Election Commissioner in the official Gazette.

(6) political party which has not been registered ruder sub-section (3) or the registration of which has been cancelled under sub-section (4), shall not be eligible to participate in an election to a seat in the Legislative Assembly of Azad Jammu and Kashmir or the Azad Jammu and Kashmir Council or to nominate or put up a candidate at any such election.

6. Certain Political Parties to be Eligible to Participate in forthcoming Elections.- (1) The provisions of this section shall have effect notwithstanding anything contained in Section 5.

(2) The Election Commissioner hereinafter referred as Commissioner shall, by notification in the Official Gazette call upon the political parties which had complied with the provisions of Section 4 but had not applied for registration under Section 5 to furnish to the commissioner within such times as may be specified in the notification answers to a questionnaire published therewith.

(3) Answers to a questionnaire referred to in sub-section (2) shall be furnished on behalf of a political party by such person, and shall be companied by such documents besides a copy of its constitution and manifesto a list of the names of its office bearers at the national level and a statement of its total membership in each District as may be specified in the notification published under the said sub-section.

(4) If after giving a political party which has furnished answers to the questionnaire as required by sub-section (2) an opportunity of being heard the Commissioner is satisfied that the party has fulfilled the requirements of sub-section (3) of Section 5, the Commissioner shall declare the political party by notification in the Official Gazette to be eligible to participate in an election to a seat in a Legislative Assembly and to nominate or put up a candidate at any such election.

7. Lawful Political Activates.- Subject to the provisions of Section 3 it shall be lawful-

(1) for any body of individuals or an association of persons to form, organize or set up a political party; or

(2) for any person, not being in the service of Azad Jammu and Kashmir or Pakistan.-
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(a) to be a member or office bearer of or be otherwise associated with, a political party; or
(b) for the purposes of an election to be held under the constitution, to hold himself out or any other person, not being a person in the service of Azad Jammu and Kashmir or Pakistan, as a member or to have the support of a political party, the formation, organization or setting up of which is not prohibited by this ordinance.

8. **Dissolution of Political Parties.**—(I) Where the Government is satisfied that a political party is a foreign aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality, or maintenance of public order or has contravened the provisions of Section 1, it shall make such a declaration and publish the same in the official Gazette, and upon such publication, the political party concerned shall, subject to the provisions of sub-section (2) stand dissolved, and its all properties and funds shall be forfeited to the Government.

(2) Within fifteen days of the making of a declaration under sub-section (1) the Government shall refer the matter to the Supreme Court whose decision on such reference shall be final.

9. **Penalty.**—(1) Any person who, after the dissolution of a political party under Section 8, holds himself out as a member or office-bearer of that party, or acts for or otherwise associates himself with that party, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) If any person who was an office-bearer of a political party at the time of its dissolution under sub-section (2) of Section 8 indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

10. **Certain Disqualifications for being a Member of Assembly or of the Council.**—(1) Person who has-

(a) at any time on or after the 10th day of April, 1975 been an office-bearer of a political party dissolved under sub-section (2) of Section 8 and has not before a declaration in respect of such party is made under sub-section (1) of that section, resigned from of publicly announced his dis-association with such party; or

(b) been convicted under section 9, shall be disqualified from being a member of Assembly or the Council or a
local body and from being elected or chosen as such a member for a period of five years from the date of such dissolution or conviction, as the case may be.

**Explanation.-** In this section ‘office-bearer of a political party’ means an office bearer at the national or district set up of that party otherwise than as a mere member of the working central, district or other committee of the party.

(2) A person who has at any time on or after the 11th day of August, 1977 been a member of a political party dissolved under sub-section (2) of Section 8 and convicted for an office committed before such dissolution and punishable with imprisonment for a term which is not less than two years shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of seven years from the date of such dissolution.

11. **Sanction for Prosecution.-** No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.

12. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Political Parties Ordinance, 1979 (Ordinance CXX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law.
Dated the 11th May, 1980.

No. 2628/LD/80. The following Ordinance made by the President on the 8th day of May, 1980, is hereby published for general information:

(ORDINANCE LXXVI OF 1980)

AN
ORDINANCE

further to amend the Holders of Representative Offices (Trial of Offences) Ordinance, 1980

WHEREAS it is expedient to amend the Holders of Representative Offices (Trial of Offences) Ordinance, 1980 (Ordinance XLII of 1980) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and Commencement.**—(1) This Ordinance may be called the Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 2, Ordinance XLII of 1980.**—In the Holders of Representative Offices (Trial of Offences) Ordinance 1980 (Ordinance XLII of 1980), hereinafter referred to as the said Ordinance, in Section 2, in clause (e) :-

   (a) in sub-clause (i), between the words 'President' and 'Minister' the word and comma 'Speaker', shall be inserted and shall be deemed always to have been so inserted; and

   (b) in sub-clause (ii) between the words 'President' and 'Prime Minister' the word and comma 'Speaker', shall be inserted and shall be deemed always to have been so inserted.

3. **Amendment of Section 6, Ordinance XLII of 1980.**—In the said Ordinance, in Section 6,-

   (a) in sub-section (2), the word 'Previous' shall be deleted;
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(b) for sub-section (3) the following shall be substituted:-
"(3) Any prosecution sanction accorded at any time after the enforcement of the Holders of Representative Offices (Trial of Offences) Ordinance, 1978 (Ordinance VIII of 1978) shall be deemed to have been validly accorded under this Ordinance and shall be conclusive proof of the fact that it was accorded after due process of the case and that it complies with the provisions of the relevant laws;"

and

(c) after sub-section (3) the following new sub-section (3-A) and (3-B) shall be added:-

"(3-A) The provision of sub-section (3) shall apply to all cases including appeals pending before any court.

(3-B) The legality or propriety of any order passed by the Government under this Ordinance shall not be called in question in any court including a Special Court or the Appellate Court thereof".

4. Amendment of Section 7, Ordinance XLII of 1980.- In the said Ordinance, in Section 7,-

(a) in sub-section (7), between the words 'Public Servant' and 'required' the words figures, and brackets "sanction for prosecution except under section 6 (2)" shall be inserted:

(b) After sub-section (7), the following new sub-section (8) shall be added,-

"(8) A Special Court may convict a person of any scheduled offence proved on the basis of evidence produced before it, notwithstanding the fact that the accused was not charged for the same."

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd/-

(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 11th May, 1980.

No. 2626/LD/80. The following Ordinance made by the
President on the 11th day of May, 1980, is hereby published for general
information :-

(ORDINANCE LXXVII OF 1980)

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 President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Electoral Rolls
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:-** Please see Ordinance No. VIII of 1980, as this Ordinance is
re-promulgated with similar provisions.
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 11th May, 1980.

No. 2627/SL/80. The following Ordinance made by the President on 11th day of May, 1980, is hereby published for general information:-

(ORDINANCE LXXVIII OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Waqf Properties Act, 1960

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Waqf Properties Act, 1960 (Act IX of 1960) for the purposes herein after appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Waqf Properties (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

**Note:-** Please see Ordinance No. VII of 1980, as this Ordinance is re-promulgated with similar provisions.
No. 2724/SL/80. The following Ordinance made by the President on the 15th day of May, 1980, is hereby published for general information:

(ORDINANCE LXXIX OF 1980)

AN ORDINANCE
to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Motor Vehicles (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. IX of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the May 17, 1980.

No. 275I/LD/80 The following Ordinance made by the President on the 14th day of May, 1980, is hereby published for general information:-

(ORDINANCE LXXX OF 1980)

AN
ORDINANCE

further to amend the Azad Jammu and Kashmir Local Government Ordinance, 1980

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Local Government Ordinance, 1980, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Local Government (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 24, Ordinance XL of 1980.** - In the Azad Jammu and Kashmir Local Government Ordinance, 1980, (Ordinance XL of 1980), in Section 24, for the figures '60' the figures '120' shall be substituted and shall be deemed always to have been so substituted."

   (Mohammad Hayat Khan)  
   President,  
   Azad Jammu & Kashmir.

   Sd/-
   (Syed Mohammad Akram Shah)  
   Deputy Secretary Law.

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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 17th May, 1980.

No. 2752/LD/80. The following Ordinance made by the President on the 15th day of May, 1980, is hereby published for general information :-

(ORDINANCE LXXXI OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980, (Ordinance LXXI of 1980) in the manner hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Acquisition of Land (Housing and Development Schemes) (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of Section 2, Ordinance LXXI of 1980.- In the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1980 (Ordinance LXXI of 1980), hereinafter referred to as the said Ordinance, in Section 2, after clause (b) the following new clause (bb) shall be inserted and shall be deemed always to have been so inserted.

"(bb) 'Development Scheme' means any public welfare Scheme including Water supply, Roads, public buildings, Electric installation and land used for Industrial purposes or any other similar purpose specified by the official Development Agency."
3. **Amendment of Section 9, Ordinance LXXI of 1980.** - In the said Ordinance in Section 9, the words and comma 'Objections and claims to compensation have been decided' shall be deleted and shall be deemed always to have been so deleted.

4. **Amendment of Section 16, Ordinance LXXI of 1980.** - In the said Ordinance in sub-section (1) of Section 16, the colon at the end shall be omitted and after that the words 'except the Supreme Court of Azad Jammu and Kashmir' shall be added, and shall be deemed to have been so added from 14th day of April, 1980."

(Mohammad Hayat Khan)
President
Azad. Jammu and Kashmir,

Sd/-
(Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the May, 21, 1980.

No. 2809/LD/80. The following Ordinance made by the President on the 18th day of May, 1980, is hereby published for general information:-

(ORDINANCE LXXXII OF 1980)

AN
ORDINANCE

further to amend the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980.

WHEREAS it is expedient to amend the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980 (Ordinance XV of 1980) in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement.** - (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 8, Ordinance XV of 1980.** - In the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980 (Ordinance No. XV of 1980) in section 8,-

   (a) after the figure "8" the figure and brackets "(1)" shall be inserted and shall be deemed always to have been so inserted; and

   (b) after sub-section (1), as amended aforesaid, the following shall be added and shall be deemed always to have been so added;
“(2) In case of conviction under this Ordinance the property involved in the case shall stand forfeited to the Government.”

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)  
Secretary Law
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 25th May, 1980.

No. 2866/LD/80. The following Ordinance made by the President on the 16th day of May, 1980, is hereby published for general information:

(ORDINANCE LXXXIII OF 1980)

AN
ORDINANCE
to make provisions for the Constitution of the Azad Jammu and Kashmir Advisory Council

WHEREAS it is expedient to make provisions for the Constitution of the Azad Jammu and Kashmir Advisory Council for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Advisory Council Ordinance, 1980.

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

(3) It shall come into force at once.

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

(a) 'Advisory Council' means the Azad Jammu and Kashmir Advisory Council Constituted under this Ordinance;

(b) 'Chairman' means the Chairman of the Azad Jammu and Kashmir Advisory Council;

(c) Chief Executive' means the Chief Executive of Azad Jammu and Kashmir; and

(d) 'Member' means the member of the Azad Jammu and Kashmir Advisory Council.

3. **Composition etc. of the Council.**- (1) There shall be an Advisory Council in Azad Jammu and Kashmir.
(2) The Advisory Council shall consist of—

(i) Chief Executive

(ii) Advisors/Ministers

(iii) Chairman and Vice Chairman District Councils Ex-officio and Chairman Municipal Committee

(iv) Three members from 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, Sindh, North-West Frontier Province, Federal Capital and Federally Administered Tribal Areas.

(v) Three members from such of the State subjects from other parts of the State of Jammu and Kashmir and State subject originally residing in territories under the administration of Azad Government of the State of Jammu and Kashmir as are now residing in the Provinces and the areas referred to in clause

(vi) Such other persons as may be nominated by the Chief Executive.

(3) A member other than an advisor/Minister may at any time resign from membership by addressing a letter to the Chief Executive and the resignation shall take effect from the date on which it is accepted by the Chief Executive.

(4) A casual vacancy in the office of the member of the Advisory Council may be filled in by the Chief Executive.

4. **Reconstitution and Dissolution of the Advisory Council.**- The Chief Executive may at any time dissolve or reconstitute the Advisory Council.

5. **Functions of the Advisory Council.**- The Advisory Council shall perform such functions as may be assigned to it by the Chief Executive.

6. **Meetings.**- (1) The Advisory Council shall meet as often as necessary but at least once in three months.

(2) The meeting shall be held on such date and at such place and time as may be fixed by the Chairman.

(3) The meeting shall be presided over by the Chairman.

7. **Notice of the meeting.**- (1) The Secretary of the Advisory Council shall inform the members of the Council of the date, time and place of the meeting by a notice circulated at least seven days before the meeting.
(2) The notice under sub-section (1) shall be accompanied by an agenda which shall be prepared by the Secretary with the approval of the Chairman:

Provided that with the permission of the Chairman supplementary agenda may be circulated to the members at a shorter notice.

8. **Notice of items by members.**— (1) A member may give fifteen days notice for inclusion of an item in the agenda.

(2) The notice under sub-section (1) shall be given in writing addressed to the Secretary of the Advisory Council and signed by the member giving notice and shall be delivered at the Secretariat of the Advisory Council on any working day during the office hours.

9. **Transaction of business.**— The business to be transacted at a meeting shall be taken up in the order in which it is entered in the agenda:

Provided that the Chairman may, for any reason vary such order or bring before the meeting any matter not included in the agenda.

10. **Summoning of persons by the Advisory Council.**— An Officer of the Government or any statutory body set up by the Government may be required by the Chairman to attend the meeting of the Advisory Council or its Committees.

11. **Minutes of meeting.**— The minutes of a meeting shall be drawn up and circulated to all the members as soon as possible after the approval of the Chairman.

12. **Adjournment of the Advisory Council.**— The Chairman may at any time adjourn the meeting.

13. **Appointment of Committees.**— The Chairman may appoint any number of Committees including their Chairman to facilitate the performance of the functions of the Advisory Council and assigned to them such functions as may be determined by the Chairman.

14. **Traveling allowance and Daily Allowance to the Members.**— (1) A member shall be entitled to draw a traveling allowance for a journey performed for the purpose of attending the meeting of the Advisory Council or of a Committee from the place where he ordinarily resides to the place where the meeting of the Advisory Council or of a Committee is held and for the return journey from the last-mentioned place to the first-mentioned place at the rate admissible to a Government Servant of the First Grade
equivalent to NPS 20 under the Azad Jammu and Kashmir Traveling Allowance Rules.

(2) A member shall be entitled to a daily allowance as admissible in accordance with the Azad Jammu and Kashmir Traveling Allowance Rules.

15. **Residuary powers of the Chairman.** All matters not specifically provided above shall be regulated in such manner as the Chairman may deem fit.

16. The Secretariat of the Legislative Assembly of Azad Jammu and Kashmir will function as the Secretariat of the Advisory Council and the Secretary of the Legislative Assembly of Azad Jammu and Kashmir will act as the Secretary of the Advisory Council.

17. **Power to make rules.** The Chairman may, by notification in the official Gazette, make rules for carrying-out the purposes of this Ordinance.

(Mohammad Hayat Khan)
President

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 26th May, 1980.

No. 2963/LD/80. The following Ordinance made by the President on the 26th day of May, 1980, is hereby published for general information:-

(ORDINANCE LXXXIV of 1980)

AN
ORDINANCE
to amend the National Registration Act, 1975

WHEREAS it is expedient to amend the National Registration Act, 1975 (VI of 1975) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.** (1) This Ordinance may be called the National Registration Act, (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 2, Act VI of 1975.** In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act, in Section 2, in clause (d), for the words “Deputy Registrar-General or a District Registrar or Registrar” the word “Joint Registrar-General or Deputy Registrar-General or Assistant Registrar-General or District Registrar or Registrar or Inspector” shall be substituted.

3. **Amendment of Section 3, Act VI of 1975.** In the said Act in Section 3,-

(a) in sub-section (1), for clause (b), and (c) the following shall be substituted, namely:-

“be a Joint Registrar General and as many Deputy Registrar General, Assistant Registrar-General, District Registrars, Registrars and Inspectors as it may consider necessary”; and (b) for sub-section (2) the following shall be substituted, namely:-

“(2) The Joint Registrar-General and every Deputy Registrar-General, Assistant Registrar-General, District Registrar,
Registrar and Inspector shall exercise his powers and perform his functions under this Act and Rules:

(a) within such area as the Registrar-General, subject to the general supervision and control of the Government, may direct; and

(b) under the general supervision and control of, and in accordance with such, instructions as may be given in this behalf by, the Registrar-General.

4. **Amendment of Section 4, Act VI of 1975.** In the said Act, in Section 4:

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

"(2) Application for registration shall be made in such form and to such authority as may be prescribed;" and (b) after sub-section (2) substitute as aforesaid, the following new sub-section shall be added, namely:

“(3) An application for registration in respect of newly born citizen shall be made within sixty days of such birth.”

5. **Amendment of Section 5, Act VI of 1975.** In the said Act, in Section 5, in sub-section (1) for the words and figures “Containing the particular set out in Schedule II to this Act” the words "In the prescribed form" shall be substituted.

6. **Amendment of Section 7, Act VI of 1975.** In the said act, in Section 7, in sub-section (1), for the following new sub-section shall be inserted namely:

“(1A) when a citizen who has not attained the age of eighteen years dies, a parent or the guardian of such citizen shall report the death to the District Registrar within sixty days of such death.”

7. **Amendment of Section 11 Act VI of 1975.** In the said Act in section 11, the existing provision shall be renumbered as sub-section (1) of the said Section and, after sub-section (1) renumbered as aforesaid, the following new sub-section shall be added, namely:

“(2) any person who attests or verifies any statement or information made or furnished for the purpose of this Act which he knows or has reason to believe to be false in any material particular or which he does not believe to be true shall be punishable with fine not exceeding one thousand rupees, or with simple imprisonment for a period not exceeding three months, or with both.”
8. **Insertion of new Section 17-A, Act VI of 1975**:- In the said Act, after Section 17, the following new section shall be inserted namely:

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17-A: Power to exempt:- The Registrar General or an officer authorised by him in this behalf may, by order, in special circumstances to be recorded in writing, exempt any person or class of person from the requirement of possessing or producing an identity card for any purpose which it is required by or under this Act to be possessed or produced.
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9. **Omission of Schedules I and II, Act VI of 1975**.- In the said Act, Schedule I and Schedule II shall be omitted.

10. **Insertion of new Section 18-A, Act VI of 1975**.- In the said Act after Section 18, the following new Section shall be inserted and shall be deemed always to have been so inserted, namely:

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18-A: The Directorate General of Registration, Government of Pakistan under the said Act shall, in respect of issue of Identity Cards and registration of persons, have and exercise in the territory of Azad Jammu and Kashmir the same jurisdiction and powers as they do in Pakistan.
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11. **General amendment Act VI of 1975**.- In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act for the expression 'Registrar-General,' 'Joint Registrar-General' 'Deputy Registrar-General' and 'Assistant Registrar General'. wherever occurring, the expressions 'Director General' 'Director,' 'Deputy Director' and 'Assistant Director' shall respectively, be substituted.

12. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the National Registration Act, (Amendment) Ordinance, 1979 (Ordinance CXXVII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 27th May, 1980.

No. 3007/SL/80. The following Ordinance made by the President on the 27th day of May, 1980, is hereby published for general information:

(ORDINANCE LXXXVI OF 1980)

AN
ORDINANCE

to extend the scope and functions of the Fauji Foundation of Pakistan to the territory of Azad Jammu and Kashmir

WHEREAS it is expedient to extend the scope and functions of Fauji Foundation of Pakistan to Azad Jammu and Kashmir for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that Circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. Short title and commencement.- (1) This Ordinance may be called the Fauji Foundation of Pakistan (Extension of Scope and Functions to Azad Jammu and Kashmir) Ordinance, 1980.

(2) It shall come into force at once.

Note:- Please see Ordinance No. XIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 1st June, 1980.

No. 3090/SL/80. The following Ordinance made by the president on the 1st day of June, 1980, is hereby published for general information:-

(ORDINANCE LXXXVII OF 1980)

AN
ORDINANCE
to amend the Mirpur Development Authority Ordinance, 1974

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement:- (1) this Ordinance may be called the Mirpur Development Authority (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

Note:- Please see Ordinance No. XIV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT0 OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 1st June, 1980.

No. 3091/SL/80. The following Ordinance made by the President on the 1st day of June, 1980, is hereby published for general information:-

(ORDINANCE LXXXV111 OF 1980)

AN 
ORDINANCE 
to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council

WHEREAS it is expedient to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.** - (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect from 21st day of September, 1977.

2. **Definitions.** - In this Ordinance, unless there is anything repugnant in the subject or context,-

   (a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

   (b) 'Chief Executive' means the Chief Executive of the Azad Jammu and Kashmir;

   (c) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974;

3. (1) Any person who has, at any time, been a President, Speaker, Minister, Presidential Assistant or Member of Assembly during the period December 1970 and May, 1975, or who has at any time, been a President, Prime Minister, Speaker, Minister, Advisor to the President, Advisor or Special Assistant to the Prime Minister or Member of the Legislative Assembly of the Council during the period June, 1975, and August 1977 shall submit to the Chief Executive within such period as may be notified by the Chief Executive in this behalf, a statement of properties and assets, both movable and immovable whether within or outside the Azad Jammu and Kashmir, which he owns, or has in his possession or under his control, directly or indirectly either in his name or in the name of any other person shall also furnish such other information relating to such properties and assets as the Chief Executive may require:

**Explanation.** "Property" shall include -

(1) Lands rural or urban, all types of building and structures whether completed or under construction, compounds and enclosures of any type, factories and firms registered or otherwise;

(b) All types of machines whether fixed or movable including mechanical transport, tractors and similar machines but excluding machines used for house-hold purposes;

(c) Jewellery, precious stones all types in any form, pearls, gold, silver and other precious metals in any form;

(d) Contracts, depots, import and export licences, route permits, agencies granted to or obtained by a person, in his own name or in the name of any other person from the Government or any corporation or institution including autonomous and semi-autonomous body or association, controlled by the Government or in which the Government has any interest;

(e) Certificates, insurance policies, securities, bonds, bank balances, whether within or outside Azad Jammu and Kashmir, cash in any type of currency, shares, stocks, debentures or any other instrument carrying pecuniary benefits or advantages to a person;

(f) Any other movable or immovable property, not being a property used for house-hold purposes.

(2) In his statement of properties and assets the person concerned shall specify the properties and the assets held by him at the time when he was appointed/elected as a President, Prime...
Minister, Speaker, Minister, Presidential Assistant, Advisor to the President, Special Assistant, or Advisor to the Prime Minister or elected as a Member of the Assembly or of the Council and the properties and assets held by him when he ceased to be a Minister or Member of the Assembly or of the Council.

(3) Upon receiving a statement under sub-section (2), the Chief-Executive after making such inquiries through a commission of Inquiry to be appointed by him and in such other manner as he may think fit determine the correctness or otherwise of the statement and also the legality or property of acquisition of such properties and assets by the person concerned.

4. If the Chief Executive is of the opinion that any person mentioned in Section 3 has acquired any property or assets by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful mal-administration, wilful misapplication or diversion of public money or by abuse of whatever kind of official power or position the Chief Executive may direct such action to be taken against such person, as the Chief Executive may deem fit.

5. A person, who being required to submit to the Chief Executive a statement of his properties and assets fails to submit statement or knowingly submits a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.

6. (1) Save as otherwise provided in Section 7, 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/or fine and/or forfeiture 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 bonafide requirements, the sale, transfer, disposal of his property which he is required to do under any law or to meet any lawful obligation in pursuance of any direction or order of a Court or other lawful authority.

7. (1) A person who owns, or has in possession or under his control directly or indirectly, either in his own name or in the name of any other person, any property or assets which the Chief Executive has reason to believe have been acquired by unlawful or, improper means or by means of bribery, corruption, jobbery,
favouritism, nepotism, wilful mal-administration, wilful misapplication or diversion of public money or by abuse of whatever kind of official power or position shall surrender such properties and assets in favour of the Government, in such manner, to such person and within such time as the Chief Executive or a person authorised by him in this behalf may by order, specify.

(2) Subject to the provisions of Section 11, no action of any kind shall be taken against a person who surrenders the properties and assets he is required to surrender under subsection (1) except the forfeiture of such assets.

8. (1) 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 7, but fails to so surrender shall be punishable with rigorous imprisonment for a term which may extent to fourteen years and/or fine and/or forfeiture of the whole or part of his properties and assets.

(2) In case of conviction under this ordinance, the property involved in the case shall stand forfeited to the Government.

9. (1) All Departments of the Government and of Corporation or institutions including autonomous or semi-autonomous bodies or associations controlled by the Government or in which the Government has any interest, which are concerned with the allotment of rural or urban land, the issuance of contracts, import, export licences, route permits or allotment of depots or agencies and selling or purchase of shares and stocks, shall within such period as may be specified by the Chief Executive from time to time submit to the Chief Executive, full particulars of the properties mentioned in this Section which have been issued, allotted, granted, purchased or sold to persons, mentioned in sub-section (1) of Section 3 between December, 1970 and August, 1977.

(2) The Department concerned may obtain the list of the persons mentioned in sub-section (1) of Section 3 from the Secretary Services and General Administration Department or Secretary Legislative Assembly or Secretary Council, as the case may be.

10. Notwithstanding anything contained in any law for the time being in Force, a person who is required to submit a statement of properties and assets under this Ordinance, shall be dis-qualified from being elected or chosen as, and from being a member of Assembly or of the Council, if the properties and assets acquired by him during the period he remained as a President, Prime
Minister, Speaker, Minister, Presidential Assistant, Advisor to the Prime Minister, Special Assistant or Advisor to the Prime Minister or Member of Assembly or of the Council, are found by the Chief Executive to be dis-proportionate to his known sources of income, and the Chief-Election Commissioner of Azad Jammu and Kashmir shall be informed accordingly:

Provided if, before the elections are held, a candidate of a political party from any constituency is disqualified under the provisions of this Section, all parties shall be entitled to nominate from candidates for that constituency and election in that constituency be held on such date as the Chief Election Commissioner may notify in this behalf:

Provided further that, if the person disqualified as aforesaid is an independent candidate, election in the constituency concerned shall not be postponed unless there is no other contesting candidate in that constituency.

11. **Savings:** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Ministers Members of Assembly and Council (Declaration of Assets) Ordinance, 1978 (Ordinance XV of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir
Sd/- (Khalil Ahmed Qureshi)
Secretary Law
THE SCHEDULE
(See Section 3)
DECLARATION OF ASSETS

I, ------------ son of ------------ resident of ------------ Legislative Ex-Minister/Presidential Assistant/Special Assistant or Adviser to the Prime Minister/Member of the Assembly/Member of the Council, from constituency No. --- hereby declare that no immovable or movable property, mentioned in section 3 of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1977, is held by me or my dependents, except as stated below:

PART 1

Properties and assets held at the time of becoming a Minister, Presidential Assistant, Special Assistant or Adviser to the Prime Minister, member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated</th>
<th>Particulars of movable property</th>
<th>Particulars of pearls, precious stones, jewellary etc.</th>
<th>Extent of interest in property</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance</th>
<th>Remarks</th>
</tr>
</thead>
</table>

PART II

Properties and assets held at the time of becoming a Minister, Presidential Assistant, Special Assistant or Adviser to the Prime Minister, member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated</th>
<th>Particulars of movable property</th>
<th>Particulars of pearls, precious stones, jewellary etc.</th>
<th>Extent of interest in property</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance</th>
<th>Remarks</th>
</tr>
</thead>
</table>

Signature ..........................................
Address .............................................
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 1st June, 1980.

No. 3092/SL/80. The following Ordinance made by the President on the 1st day of June, 1980, is hereby published for general information:

(ORDINANCE LXXXIX OF 1980)

AN
ORDINANCE
to provide for Azad Jammu and Kashmir Public Service Commission

WHEREAS it is expedient to provide for Azad Jammu and Kashmir Public Service Commission and for matters ancillary thereto in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 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 Public Service Commission Ordinance, 1980.

(2) It shall come into force at once.

Note:- Please see Ordinance No. XVI of 1980, as this Ordinance is re-promulgated with similar provisions.
AN ORDINANCE to provide for law relating to the appointment of Commission of Inquiry

WHEREAS it is expedient to provide for law relating to the appointment of Commission of Inquiry for the purpose of making inquiry into any matter of public importance, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.**— (1) This Ordinance may be called the Commissions of Inquiry Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects, wherever they may be.

   (3) It shall come into force at once.

**Note:**— Please see Ordinance No. XVII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 1st June, 1980.

No. 3094/LD/80. The following Ordinance made by the President on the 1st day of June, 1980, is hereby published for general information:

(ORDINANCE XCI OF 1980)

AN
ORDINANCE

further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Civil Servants (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. XVIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 3rd June, 1980.

No. 3134/LD/80. The following Ordinance made by the
President on the 3rd day of June, 1980, is hereby published for general
information:

(ORDINANCE XCII OF 1980)

AN 
ORDINANCE

to restrict the increase of rent of certain premises within the limits of
urban areas and the eviction of tenants therefrom in Azad Jammu and
Kashmir

WHEREAS it is expedient in the public interest to restrict the
increase of rent of certain premises within the limits of Urban Areas and
the eviction of tenants therefrom in Azad Jammu and Kashmir in the
manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which under it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Rent Restriction
Ordinance, 1980.

(2) It extends to all the urban areas in Azad Jammu and
Kashmir.

(3) Nothing contained in this Ordinance shall be deemed to
affect any evacuee Property as defined in the Pakistan
Administration of Evacuee Property) Act, 1957 as adapted in

2. 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) "Building" means any building or part of a building let
for any purpose, whether being actually used for that
purpose or not, including any land godowns, out-houses,
together with furniture let therewith but does not include a room in a "sarai", hotel, hostel or boarding house;

(c) "Controller" means a judicial officer who is appointed by the Government to perform the functions of a Controller under this Ordinance;

(d) "Landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf or for the benefit of any other person or as a trustee, guardian, receiver executor or administrator for any other person, and includes a tenant who sub-lets any building or rented land in the manner hereinafter authorised and every person from time to time deriving title under a landlord;

(e) "non-residential building" means a building being used solely for the purpose of business or trade;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "rented land" means any land let separately for the purpose of being used principally for business or trade;

(h) "residential building" means any building which is not a non-residential building;

(i) "Scheduled building" means a residential building which is being used by a person engaged in one of the professions specified in the Schedule to this Ordinance, partly for his business and partly for his residence;

(j) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes (i) a tenant continuing in possession after the termination of the tenancy in his favour, and (ii) the wife and children of a deceased tenant, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or person to whom the collection of rent or fees in a public market, cart-stand, or slaughter-house or of rents for shops has been framed out or leased by a municipal, town or notified area committee or by a Development authority; and

(k) "Urban area" means any area administered by a Municipality, a municipal committee, a town committee or a notified areas committee as defined above.

3. Government or any officer authorised by it in this behalf may direct by notification published in the official Gazette that all or
any of the provisions of this Ordinance shall not apply to any particular building or rented land or any class of buildings or rented lands.

4. (1) Controller shall, on an application by the tenant or landlord of a building or rented land, fix fair rent for such building or rented land after holding such enquiry as the Controller thinks fit.
(2) The fair rent shall be fixed after taking into consideration the following factors:
   (a) The rent of the same building or similar accommodation in similar circumstances prevailing in the locality at the time of and during the period of twelve months prior to the date of making application;
   (b) the rise in the cost of construction of and the repairing charges as well as the imposition of new taxes after the commencement of the tenancy; and
   (c) the rental value of the building or rented land entered in the Property Tax Assessment Register of the Taxation Department or the local body relating to the period mentioned in clause (a), if any.
(3) The fair rent fixed under this section shall be payable by the tenant from a date to be fixed by the Controller not earlier than the date of filing the application.
(4) If the fair rent fixed under sub-section (2) exceeds the rent being paid by the tenant on the date of the filing of the application under this section, the maximum increase of rent payable by the tenant shall not be more than 25% of the rent already being paid by him.

5. (1) When the fair rent of a building or rented land has been fixed under Section 4, or where the rent of any building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such fair rent shall, during the continuance of tenancy, be permissible within a period of three years from the date fixed by the Controller under sub-section (3) of Section 4, or from the date of agreement, as the case may be, except in cases where some addition, improvement or alteration has been carried out at the landlord's expense, and at the request of the tenant.
(2) The fair rent as increased on grounds of some addition, improvement or alteration made permissible under this Section shall not exceed the fair rent payable under this Ordinance for a similar building or rented land in the same locality with such addition, improvement or alteration and it shall not be chargeable
until such addition, improvement or alteration has been completed.

(3) Any dispute between the landlord and tenant in regard to any increase claimed on grounds of some addition, improvement or alteration made permissible under this Section shall be decided by the Controller.

6. (1) Save as provided in Section 5, when the Controller has fixed the fair rent of a building or rented land under Section 4:

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void.

(c) any sum in excess of the fair rent paid in respect of any use or occupation of the building or rented land from the date of application for the fixation of fair rent shall be refunded to the person by whom it was paid or at the option of such person, otherwise adjusted.

(2) Nothing in this Section shall apply to the recovery of any rent which become due before the 1st January, 1946.

7. (1) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building or rented land require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Nothing in this Section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1946.

8. (1) Where any sum has, before the date of publication of this Ordinance been paid by the tenant, which sum is by reason of the provisions of this Ordinance irrecoverable, such sum may, without prejudice to any other method of recovery be deducted by the tenant by whom it was paid, or by his legal representative, from any rent payable by him to such landlord or to his legal representative:

Provided that the tenant before making such deduction obtains the approval of the Controller by an application made to him within six months of the said date.

Explanation.- In computing the said period of six months the time spent after date of the payment, in the proceedings for
determination of fair rent shall be excluded.

(2) In this Section the expression 'legal representative', has the same meaning as in the Code of Civil Procedure, 1908 and includes, in the case of joint family property, the joint family of which the deceased person was a member.

9. (1) Notwithstanding anything contained in any other provision of this Ordinance, a landlord shall, subject to the approval of the Controller, be entitled to increase the rent of building or rented land if after the commencement of this Ordinance a fresh rate, cess or tax is levied in respect of the building or rented land by the Government or any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of this Ordinance:

Provided that the increase in rent shall not exceed one half of the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any other law for the time being in force or any agreement, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in any amount of the rent payable or otherwise save as provided in sub-section (1).

10. (1) No landlord or his contractor, workman, or servant shall without the previous consent of the Controller or save for the purpose of affecting repairs or complying with a requisition from a Municipal Committee wilfully disturb any convenience or easement annexed to the premises or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service comprised in the fair rent.

(2) A tenant in occupation of a building or rented land may, if the landlord has contravened the provisions of this section, make and application to the Controller complaining of such contravention.

(3) If the controller, on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

11. No person shall convert a residential building into a non-residential building, except with the permission in writing of the Controller.

12. If a landlord fails to make the necessary repairs other than structural alterations, to a building, it shall be competent for the
Controller to direct, on application by the tenant and after such inquiry as the Controller may think necessary that such repairs may be made by the tenant, and that the cost thereof, may be deducted from the rent which is payable by him.

13. (1) Where a local authority, in exercise of its functions under any law for the time being in force directs the owner of a building to make such repairs to the building as may be specified and on failure of the owner to comply with such direction, the tenant is directed to make the said repairs, the tenant may comply with the direction.

(2) The amount of the expenses incurred by the tenant under sub-section (1) shall be submitted to the local authority concerned, which shall after the due verifications, certify the cost of repairs and the tenant may thereon deduct the amount so certified from the rent payable by him.

14. (1) A tenant in possession of a building or rented land shall not be evicted there from in execution of a decree passed before or after the commencement of this Ordinance or otherwise, and whether before or after the termination of the tenancy except in accordance with the provisions of this Section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that:

(i) the tenant has not paid or tendered rent due by him in respect of the building or rented land, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord, or in the absence of any such agreement, within sixty days from the period for which rent is payable; or

(ii) the tenant has, without written consent of the landlord:

(a) transferred his right under the lease or sub-let entire building or tented land or any portion thereof; or

(b) used the building or rented land for a purpose other than that for which it was leased or his infringed any condition of the tenure on which the building or rented land is held by the landlord; or

(iii) the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land and; or
the tenant has been guilty of such acts and conduct as are a nuisance to the occupants of buildings in the neighborhood; or

where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

the building or rented land is reasonably and in good faith required by the landlord for the reconstruction or erection of a building on the site, and the landlord has obtained the necessary sanction for the said reconstruction or erection from a Municipal Committee or Town Committee for the area where such building or rented land is situated. The Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate.

**Explanation.** For the purpose of this clause:-

(i) Where the water charges or electricity charges or both are payable by the tenant to the landlord such charges shall be deemed rent;

(ii) rent remitted by money order to the landlord or deposited in the office of the Controller having jurisdiction in the area where the building or rented land is situated shall be deemed to have been duly tendered.

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession:-

(i) in the case of a residential building, if-

(a) he requires it in good faith for his own occupation or for the occupation of any of his children;

(b) he is not occupying another residential building suitable for his needs at the time in the same urban area in which such building is situated; and
(c) he has not vacated such a building without sufficient cause after the commencement of this Ordinance in the said urban area;

(ii) in the case of a non-residential building or a scheduled or rented land if:-

(a) he requires it in good faith for his own use or for the use for any of his male children;

(b) he or his said child is not occupying in the same urban area in which such building is situated for the purpose of his business any other such building or rented land, as the case may be, suitable for his needs at the time, and

(c) he has not vacated such a building or rented land without sufficient cause after the commencement of this Ordinance in the said urban area:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before expiry of such period:

Provided further that where the landlord had obtained possession of a residential, scheduled or non-residential building or rented land under the provisions of sub-paragraph (1) or sub-paragraph (ii) he shall not be entitled to apply again under the said Sub-Paragraphs for the possession of any other building of the same class or rented land unless such residential, scheduled or non-residential building or land is no longer suitable for his needs at the time.

(d) The Controller shall, if he is satisfied that the claim of the landlord is bonafide make an order directing the tenant to put the landlord in possession of the building or rented land on such date as
may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate:

Provided further that if the application is in respect of a residential building, the Controller shall direct the tenant within four weeks of the application to put the landlord in possession of the building if, after summary enquiry, he is satisfied that the tenant, his wife or any of his dependent children owns a residential building, within the same urban area.

(4) Where a landlord who has obtained possession of a building or rented land pursuance of an order made under sub-paragraph (i) or sub-paragraph (ii) paragraph (a) of sub-section (3), does not himself or where the building has been got vacated for the occupation of any of his children such child does not occupy it within one month of the date of obtaining possession, or having been so occupied is relate within two months of the said date to any person other than original tenant, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where a landlord has obtained possession of a building in pursuance of an order under clause (vi) of sub-section (2) of this section and does not have the building demolished within a period of four months from the date of taking possession of the same or does not construct the new building within a further period of two years after the expiry of the period of four months from the date of making possession of the same he shall, unless he satisfies the Court that he was unable to construct the building within the prescribed time for reasons beyond his control, be punished with imprisonment for a term which may extend to six months or with fine or with both.
(6) Where a landlord has been convicted under the provisions of sub-section (5) the tenant, who has been evicted from the building or rented land in respect of which the landlord is convicted, may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land, and except in the case of a building which has been demolished the Controller shall make and order accordingly.

(7) Where, in pursuance of an order under clause (v) of subsection (2), landlord has obtained possession of a building in this sub-section referred to as the old building, and constructs a new building on the same site, the tenant who has been evicted from the old building may, before the completion of the new building and its occupation by another person, apply to the controller for an order directing that he be put in possession of such area in the new building as does not exceed the area of the old building of which he was in occupation, and the Controller shall make an order accordingly in respect of the area applied for or such smaller area as considering the location and type of the new building and the needs of the tenant he deems just, and on payment of rent to be determined by him on the basis of rent of similar accommodation in the locality.

(8) In proceeding under this Section on the first date of hearing or as soon as possible after that date and before issues are framed, the Controller shall direct the tenant to deposit all the rent due from him, and also to deposit regularly till the final decision of the case, before the fifteenth day of each month the monthly rent due from him. If there is any dispute about the amount of rent due or the rate of rent, the Controller shall determine such amount approximately and direct that the same be deposited by the tenant before a date to be fixed for the purpose. If the tenant makes default in the compliance of such an order, then if he is the petitioner, his application shall be dismissed summarily and if he is the respondent his defence shall be struck off and to landlord put into possession of the property without taking any further proceedings in the case. The Controller shall finally determine the amount of rent due from the tenant and direct that the same may be paid to the landlord, subject to adjustment of the approximate amount deposited by the tenant.

(9) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may directed that compensation not exceeding ten times the monthly rent be paid by such landlord to the tenant.
The rent deposited by the tenant under this Section shall, subject to the final determination of rent as payable by the tenant, be paid to the landlord at the conclusion of the proceedings or on such earlier date as may be specified by the Controller.

15. **Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.**

(1) Notwithstanding anything contained in this Ordinance or any law for the time being in force –

(a) in a case where the landlord has died; or

(b) in a case where the landlord is a salaried employee and has retired or is due to retire within a period of six months, a notice in writing may be given by such landlord or the widow or minor of the deceased landlord, as the case may be, to the tenant of a residential building informing him that he or she needs the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

Provided that no application under this Section shall be maintainable if it is made after six months from the date of the death of the landlord or, in the case of the retirement of a salaried person, before six months from or after six months of the date of his retirement:

Provided further that, in a case where the landlord has died or a salaried person has retired before the commencement of this Ordinance an application may be made within a period of six months from the date of such commencement.

(2) The right to seek adjustment under sub-section (1) shall also be available to a landlord of a residential building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of a landlord referred to in sub-section (1) or sub-section (2) who happens to be a landlord of more than one residential building whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such residential buildings only.

(4) A landlord referred to in clause (b) of sub-section (1) or in sub-section (2) who is in occupation of a residential building owned by him shall not be entitled to seek adjustment of a tenant from a residential building situated in the locality in which the building in occupation of the landlord is situated unless he offer
the building in his occupation in exchange of the building in possession of the tenant on such terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate of rent determined by the Controller.

(5) A tenant who on receipt of the notice referred to in sub-section (1) fails to deliver vacant possession of the building to the landlord or the landlord or the widow or minor orphan of the deceased landlord within the time allowed in the notice shall be liable to be adjusted summarily by the Controller on an application being made to him in this behalf.

(6) On an application being made to him under sub-section (5) the Controller shall issue a notice to the tenant and on being satisfied with the bona fide of the request of the landlord or the widow or minor orphan of a deceased landlord, shall order the summary ejectment of the tenant.

(7) A landlord or a widow or orphan of a deceased landlord referred to in sub-section (1) or sub-section (2) who, within one year of his having obtained possession of a building as provided for in sub-section (6), relates the buildings to any person other than the previous tenant, shall be punishable with fine which may extend to rupees five thousand unless the benefit derived by the landlord is greater than the amount of fine in which case it shall be equal to the annual rent obtained by him relating the building.

16. Where the ownership of a building in the possession of a tenant or rented land has been transferred by way of sale, gift, inheritance or in any other manner, whatsoever from one person to another, the new owner shall send an intimation of such transfer in writing by registered post, to the tenant of such building or rented land, and the tenant shall not be deemed to have defaulted in the payment or rent for the purposes of clause (i) of sub-section (2) of Section 14, if the rent due is paid within thirty days from the date when the intimation should in the normal course have reached him.

17. The Controller shall summarily reject any application under subsection (2) or under sub-section (3) of section 14 which raises substantially the same issues as have been finally decided in a former proceeding under this Ordinance.

18. **Appeal.** (1) Any party aggrieved by an order of the Controller finally disposing of an application made under this Ordinance
may, within thirty days of the date of such order, prefer an appeal in writing to the District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed, is situated:

Provided that no appeal shall lie against an order made by a Controller under sub-section (6) of Section 14 determining approximately the amount of rent and directing the tenant to deposits all the rent due.

Provided further that no appeal shall be from an interlocutory order passed by the Controller.

(2) On such appeal being preferred, the District Judge may hear it himself or refer it for disposal to an Additional District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed is situated.

(3) The District Judge may recall an appeal made over by him to an Additional District Judge and either hear it himself or refer it for disposal to another Additional District Judge having jurisdiction as provided in sub-section (2).

(4) On such appeal being preferred, the appellate authority may stay the operation of the order appealed against.

(5) The appeal to authority admitting an appeal for hearing shall have the same powers to direct the tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then, if he is the appellant, his appeal shall be dismissed summarily and, if he is the respondent, his defence shall be struck off.

(6) The appellate authority shall decide the appeal after sending for the record of the case from the Controller and after giving the parties an opportunity of being heard, and, if necessary for making such further inquiry as it thinks fit, either personally or through the Controller.

(7) The order of the Controller, subject to the result of appeal, if any, shall be final and shall not be called in question in any Court of law, including High Court, by suit, appeal or otherwise.

19. On the application of any of the parties and after notice to the parties and after being such of them as desire to be heard, or of its own motion without such notice:-

(a) the appellate authority may at any stage withdraw any application pending with a Controller subordinate to it and transfer the same for disposal to any other Controller
subordinate to it and competent to try or dispose of the same;
(b) the High Court may at any stage withdraw any appeal pending with any Appellate authority and transfer the same for disposal to any other Appellate Authority subordinate to it and competent to dispose of the same.

20. (1) For the purposes of this Ordinance an Appellate Authority or a Controller appointed under this Ordinance shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a Court under the Code of Civil Procedure, 1908.
(2) The Controller shall for the purpose of Section 480 of the Code of Criminal Procedure 1898, be deemed to be a Court.

21. Every order made under section 10, section 13, Section 19 and every order passed in appeal under section 22 shall be executed by the Controller as if it were a decree of a Civil Court.

22. Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf such particulars in respect of such building or rented land as may be prescribed.

23. (1) If any person contravenes any of the provisions of sub-section (1) of Section 10, Section 11 or Section 22 he shall be punished with fine which may extend to one thousand rupees.
(2) No Court shall take cognizance of an offence under this Section except upon:-
(a) a complaint of facts, which constitute such offence, filed with the sanction of the Controller in writing; or
(b) a report in writing of such facts made by the Controller.

24. Government may by notification make rules for the purpose of carrying out all or any of the provision of this Ordinance.

25. (a) Any order made by a Controller or Rent Controller or any Court or appellate or provisional authority in any proceedings under any of the said enactments before the commencement of the Rent Restriction Act, 1952, before the first day of July, 1946, shall be deemed to have effect as an order under this Ordinance;
(b) all proceedings which immediately before the commencement of this Ordinance were pending with any Controller or Appellate Authority under the Azad Jammu and Kashmir Rent Restriction Act, 1952, shall stand transferred to and be continued before the Controller or the Appellate
Authority, as the case may be, appointed under this Ordinance as if the same were instituted under the provisions of this Ordinance and any order made in any such proceedings as aforesaid shall for all purposes have effect as an order made under this Ordinance.

26. **Repeal.** - The Azad Kashmir Rent Restriction Act, 1952 (Council Order No. 659/52) is hereby repealed.

27. **Savings.** - Notwithstanding any judgment, decree or order of any court including, High Court, every thing done, all actions taken notifications issued orders & appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Rent Restriction Ordinance, 1980 (Ordinance XX of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

_Sd/- (Khalil Ahmed Qureshi)_
Secretary Law

Dated the 7th June, 1980.

No. 3237/LD/80. The following Ordinance made by the President on the 4th day of June, 1980, is hereby published for general information:

(Ordinance XCIII of 1980)

An

Ordinance

to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices

Whereas it is expedient to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices;

And whereas the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Administrative Vigilance Commission Ordinance, 1980.
   (2) It shall come into force at once.
   (3) It extends to the whole of Azad Jammu and Kashmir.
   (4) It shall apply to -
   (a) All agencies, public servants and other functionaries under the administrative control of the Government; and
   (b) Such agencies, public servants and other functionaries operating or working in the Azad Jammu and Kashmir as are under the administrative control of the Council but in respect of whom the Council authorizes the Commission to exercise powers under the provisions of this Ordinance:

   Provided that the Government may by notification exempt specified public servants, other
functionaries are agencies from the operation of all or any of the provisions of this Ordinance.

2. **Definitions.**—In this Ordinance unless the subject or context requires otherwise—

(i) 'administrative excess' means a decision, recommendation, act or omission which—

(a) is contrary to law, rules, regulations or established practice; or

(b) is patently perverse, unreasonable, unjust, biased, oppressive, or discriminatory; or

(c) is based on irrelevant grounds; or

(d) involves the exercise of power or the failure or refusal to do so, for corrupt or improper motives; or

(e) has been unduly delayed or withheld.

(ii) 'agency' means a department or office of Government or any of its units or branches and includes a local body, a statutory corporation established, or a company whole or partly controlled, by Government, and any officer, employee or member thereof acting or purporting to act in exercise of his duties.

(iii) 'Chairman' means the Chairman of the Commission;

(iv) 'Commission' means the Azad Jammu and Kashmir Administrative Vigilance Commission;

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

(vi) 'member' means member of the Commission;

(vii) 'Ordinance' means the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980;

(viii) 'President' means the President of Azad Jammu and Kashmir;

(ix) 'Public servant' means a public servant as defined in Section 21 of the Penal Code, 1860 (XLV of 1860) and includes a Minister, Advisor and also the Chairman, Managing Director, Director or other officer or employee of a statutory corporation or a company referred to in clause (ii), appointed by or with the approval of Government or paid out of the fund of such corporation or company.
CHAPTER II
CONSTITUTION OF THE COMMISSION

3. (1) There shall be established a Commission to be known as the Azad Jammu and Kashmir Administrative Vigilance Commission.

(2) The Commission shall act independently and shall not be subject to the direction of any executive authority.

4. (1) The Commission shall consist of a Chairman and such number or members as may be determined by the President.

(2) The Chairman and the Members shall be appointed by the President:

Provided that no person shall be appointed as Chairman or member who belongs to any political party or is involved in any political activity.

(3) The Chairman and the members shall hold office during the pleasure of the President.

(4) The seniority amongst members shall be determined in the prescribed manner.

5. (1) The Chairman shall carry the status of a Minister/Advisor and shall receive such salary, allowances and other benefits as may be determined by the President.

(2) A member shall carry such status as may be determined by the President in consultation with the Chairman and shall receive such salary allowances and other benefits as may be determined by the President.

6. When a temporary vacancy occurs in the office of the Chairman, the senior most members shall act as the Chairman till the appointment of a regular incumbent.

7. The Commission may, whenever it thinks fit, establish vigilance committees or other committees at specified places for carrying out such functions of the Commission as are assigned to them by the Commission.

8. (1) The Chairman shall be the Chief Executive of the Commission.

(2) The Commission shall regulate its own procedure for the conduct of its business or the exercise of its powers.

(3) The Chairman may distribute the work of the Commission amongst its members and may from time to time vary such distribution.
9. (1) The Commission may appoint such officers and employees as it may deem necessary to discharge its responsibilities under the Ordinance.
   (2) The Commission may prescribe the terms and conditions of appointments of its officers and employees with the approval of the President.

10. The Commission may set up standing advisory Committees or appoint advisors with or without remuneration to assist it in the discharge of its duties under the Ordinance.

11. (1) The Commission may appoint vigilance officers or vigilance committees for any agency to carry out its functions in that agency.
   (2) The Commission may specify the duties and functions of such vigilance officers or vigilance committees.

CHAPTER-III
FUNCTIONS OF THE COMMISSION

12. (1) The Commission may, on a complaint or of its own motion, investigate any act pertaining to any agency, a public servant or other functionary.
   (2) Nothing contained in sub-section (1) shall be deemed to preclude the commission from entertaining and investigating a complaint or representation made to it by a public servant or other functionary against the agency in which he is or has been working in respect of any of the matters relating to his service.

13. The Commission may, whenever it thinks fit inspect or cause to be inspected any office or unit of an agency for any of the purposes of the Ordinance.

14. (1) The Commission may examine or cause to be examined any law, rule, regulation, procedure, practice or form of any agency which in its opinion is deficient, ambiguous or hinders speedy redress, or is a source of inconvenience to the public or otherwise contributes towards the commission of administrative excesses.
   (2) The Commission may obtain the opinion of the agency concerned in that matter referred to in sub-section (1) and of its own experts or advisors and make recommendation for the alteration or substitution of any law, rule, regulation, procedure, practice or form.

15. The Commission may inquire into areas of misuse or abuse of power or corruption for suggesting remedial measures including enactment of legislation.
16. For carrying out the objectives of the Ordinance, the Commission may arrange for studies to be made or research to be conducted.

CHAPTER-IV
POWERS OF THE COMMISSION

17. All public servants and other functionaries shall when required to do so, assist the Commission in the discharge of its responsibilities under the Ordinance.

18. The Commission may, in the interest of administrative justice, while dealing with individual cases or otherwise require an agency to define its powers more precisely, lay down the criteria for exercise of discretion, prescribe time limits for the disposal of particular case, frame rules whenever necessary and may require compliance of its direction within a specified time.

19. If the Commission has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him it may refer the matter to the appropriate authority for necessary action to be taken within the time specified.

20. (1) The Commission shall have the powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908), as in force in Azad Jammu and Kashmir, in respect of the following matter namely:-
   (a) summoning and enforcing the attendance of any person and examining him on oath;
   (b) requiring the discovery and production of any document;
   (c) receiving evidence on affidavit; and
   (d) issuing commission for the examination of any witness or document.

(2) The Commission shall have the power to require any person to furnish information on such points or matters as in the opinion of the Commission, may be useful for, or relevant to, the subject matters of an inquiry.

(3) The Commission may appoint any person for recording evidence and examining documents in connection with the proceedings under the Ordinance.

(4) A person appointed under sub-section (3) shall have all the powers of the Commission under sub-section (1) and (2) and shall present to the Commission a summary of the issues and findings in the case.
The Commission shall have the same powers as the High Court has to punish any person who –

(a) abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission passed under sub-section (1) or sub-section (2);

(b) scandalizes the Commission or otherwise does anything which tends to bring the Commission, its Chairman or member in relation to his office, into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Commission; or

(d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comment made in good faith and in public interest on the working of the Commission or on its final report after the completing of the investigation shall not constitute contempt of the Commission.

(6) The exercise of the power conferred on the Commission by sub-section (5) shall be regulated by rules made by the Commission.

21. The Commission may prescribe the manner in which complaints are to be received by and dealt with by it and the scope and the manner in which investigations are to be made and reports or replies sent to it.

22. (1) If, having considered a complaint and such other material as it deems fit the Commission is of the opinion that the act complained of amounts to an administrative excess, it shall communicate its findings advising the agency concerned to:

(a) consider the matter further;

(b) modify or cancel an act or a decision;

(c) alter a regulation or a ruling;

(d) explain more fully the act or decision in question;

(e) dispose of the case within a specified time; or

(f) take any other step.

(2) If the Commission as desires, the agency shall within such time as may be specified, inform it about the action taken on its advice or the reasons for that complying with the same.
(3) Where the Commission has been authorised by the Council under clause (b) of sub-section (4) of Section 1 of the Ordinance to exercise powers under the provisions of the Ordinance in respect of agencies, public servants or other functionaries under the administrative control of the Council, the Commission shall communicate its advice as specified under sub-section (1) to the agency concerned and if the agency does not inform the Commission about the action taken on its advice or the reason for not complying with it within such time as may be specified, the Commission may communicate its recommendations to the Council for suitable action.

23. If there is a difference of opinion between the Commission and an agency with regard the implementation of an advice given by the Commission, the Commission may refer the matter to the President whose decision shall be final.

24. If any agency, public servant or other functionary fails to comply with a direction of the Commission, it may besides taking other action under the Ordinance refer the matter to the appropriate authority for taking disciplinary action against the person disregarding the direction of the Commission.

25. (1) The Commission may, where necessary, call upon a public servant, other functionary or an agency to show cause why cost and compensation be not awarded to an aggrieved party, for any loss or damage suffered by him on account of any administrative excess, committed by such public servant, other functionary or agency, and after considering the explanation, and hearing such public servant, other functionary or agency, if necessary, award reasonable cost or compensation to the aggrieved party.

(2) The cost or compensation awarded under sub-section (1) shall be recoverable as arrears of land revenue.

26. The Commission may delegate any of its powers to any of its officers or to a vigilance officer or a vigilance committee, to be exercised subject to such conditions as may be laid down provided that the power to make a report under sub-section (1) of Section 27 shall not be so delegated.

CHAPTER--V
ANNUAL AND OTHER REPORTS

27. (1) The Commission shall publish an annual report of its activities within three months of the close of the financial year to which it relates.
(2) The Commission may, from time to time publish its conclusion, recommendations or suggestions in respect of any case or matter dealt with by it under the ordinance.

(3) The Commission may, where the conduct of a public servant, other functioning or agency is proposed to be criticized in the report under sub-section (1) or as matters under sub-section (2), give the public servant, other functionary or agency as the case may be, an opportunity to explain his or its position and after considering such explanation as may be offered decide whether the proposed criticism would stand, be modified or be not published.

CHAPTER VI
MISCELLANEOUS

28. The provisions of the Ordinance shall take effect notwithstanding anything to the contrary contained in any other law for the time being in force.

29. (1) Except as otherwise provided no action taken, order made, things done or powers exercised under the Ordinance shall be called in question by or before any court or authority.

(2) No suit or legal proceeding shall lie against the Chairman or any member or servant or advisor or expert of the Commission or any officer appointed under sub-section (3) of Section 20 or a vigilance officer or a vigilance committee appointed under Section 7 and 11 for anything done in good faith under the provision of the Ordinance.

30. The Commission may make rules for carrying out the purposes of the Ordinance.

31. Savings.- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980 (Ordinance XXI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Syed Muhammad Akram Shah)
Deputy Secretary Law.

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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th June, 1980.

No. 3238/LD/80. The following Ordinance made by the
President on the 4th day of June, 1980, is hereby published for general
information:

(ORDINANCE XCIV OF 1980)

AN
ORDINANCE

to make the provisions for the establishment of conciliation courts in
Azad Jammu and Kashmir

WHEREAS the Local Government Institutions have been set up
and it is expedient to make provisions for the establishment of
conciliation courts to enable the people to settle certain disputes through
conciliation, and for matters ancillary thereto;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Conciliation Courts
Ordinance, 1980.

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

(3) It 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 there is anything
repugnant in the subject or context,-

(a) ‘Cognizable offence' means a cognizable offence as
defined in Section 4 of the Code of Criminal Procedure,
1898 (Act V of 1898) as in force in Azad Kashmir;

(b) 'Conciliation Court' means a Conciliation Court
constituted under this Ordinance;

(c) 'Appellate Authority' means in the cases of Criminal and
Civil nature the District Magistrate and District Judge
respectively of the concerned District,
(d) 'Degree' means a decree as defined in Section 2 of the Code of Civil Procedure, 1908 (Act of 1908) as in force in Azad Kashmir;

(e) 'District Judge' shall include as Additional District Judge, a Subordinate judge and a Civil Judge;

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

(g) 'Party' shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Conciliation Court adds as party to such dispute;

(h) 'Union' means an area declared to be a Union under the Azad Jammu a Kashmir Local Government Ordinance, 1979;

(i) 'Union Council' means a Union Council constituted under the aforesaid Ordinance.

3. Cases referable to conciliation. (1) Notwithstanding anything contained the Code of Criminal Procedure, 1898 (Act V of 1898), or in the Code of Civil Procedure, 1908 (Act V of 1908):-

(a) All cases falling under Part I of the Schedule shall, save as otherwise provided hereinafter, be referred to conciliation under this Ordinance, and no civil or criminal Court shall have jurisdiction to try any such case ; and

(b) any of the cases falling under Part II of the Schedule may be so referred if all the parties thereto agree to such a reference.

(2) The following cases relating to matters falling under Section B of Part I of the Schedule or under Section B of Part II thereof shall be excluded from conciliation, namely:-

(a) Cases in which the interest of a minor is involved;

(b) cases where provision for arbitration has been made in a contract between the parties;

(c) cases by or against the Government or a public corporation or local bodies Bank or a Public servant acting in the discharge of his duty ;

(d) cases which according to the customary law of a community are referable to a community panchayat.

(3) Government may, by notification in the Official Gazette, add to the Schedule any class of cases relating to such disputes
between private parties as are of a local nature and are capable of settlement by compromise.

(4) Nothing in this Section shall apply to cases relating to an offence specified in the Schedule if the accused had previously been convicted of a cognizable offence.

4. Application for constitution of a Conciliation Court.- (1) Where a case is, under this Ordinance referable to conciliation, any party to the dispute may, in the prescribed manner, and on payment of the prescribed fee, apply to the Chairman of the Union Council concerned for the constitution of a Conciliation Court for the settlement of a dispute, and unless the Chairman, for reasons to be recorded in writing, rejects the application, he shall proceed to constitute, in the prescribed manner, a Conciliation Court for the purpose:

Provided that no application under this Section shall be made against a person of unsound mind.

(2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is malafide or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the appellate Authority, or to such other authority as may be prescribed.

5. Conciliation Courts, their composition, etc.- (1) A Conciliation Court shall be a body consisting of a Chairman and two representatives to be nominated, in the prescribed manner, by each of the parties to the dispute:

Provided that one of the two representatives so nominated shall, be a member of the Union Council concerned.

(2) The Chairman of the Union Council shall be the Chairman of the Conciliation Court, but where he is, owing to illness or any other cause, unable to act as Chairman, or does not, on account of any personal consideration, wish to do so or his impartiality is challenged by any party to the dispute, any other person appointed in the prescribed manner, not being a person nominated by any party, shall be the Chairman of the Court.

(3) If either party to the dispute consists of more than one person, the Chairman shall call upon the person constituting that party to nominate the two representatives, on its behalf, and if they fail to nominate, shall authorise any one of the such persons to do so, and thereupon the person so authorised shall alone have the right to nominate such representatives.
(4) Where representatives required under this section to be nominated are not nominated within the prescribed time, then -

(a) If the case falls under part I of the schedule, the Conciliation Court shall, without such representatives, for the purpose of this Ordinance and Conciliation shall proceed accordingly; and

(b) If the case falls under Part II of the Schedule, the Chairman shall issue a certificate that conciliation has failed.

6. **Jurisdiction of Conciliation Courts, etc.** A Conciliation Court shall be constituted and shall have jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the Union in which the offence has been committed or the cause of action arisen.

7. **Power of Conciliation Courts to award compensation.**

   (1) Save as other provided in this Ordinance, a Conciliation Court shall have no power to pass a sentence of imprisonment or fine, but if it holds a person guilty of an offence specified in the Schedule, it may order the accused to pay to the aggrieved person compensation the amount of which may not exceed two hundred and fifty rupees, but if the offence is one punishable under Section 428 or Section 429 of the Penal Code (Act XLV of 1860) in force in Azad Kashmir the amount of compensation may exceed two hundred and fifty rupees but not five hundred rupees.

   (2) In a case relating to a matter falling under Section B of Part I of the Schedule or under Section B of Part II thereof, the Conciliation Court shall have the power to order payment of money up to the amount specified therein in respect of such matter or delivery of property to the person entitled thereto.

8. **Finality of the decisions of Conciliation Courts.**

   (1) Where in a case referred to conciliation under this Ordinance the decision of the Conciliation Court is unanimous, or, if the case falls under Part I of the Schedule, the decision is by a majority of four to one, the decision shall be binding on the parties and shall be enforceable in accordance with the provision of this Ordinance:

   Provided that such decision may be set aside by the Appellate Authority if it is of the opinion that the Conciliation Court does not have the jurisdiction to try the case.

   (2) If the decision of a Conciliation Court is by majority of three to two, and the case falls under Part I of the Schedule, any party may, within thirty days of the decision, apply, in the prescribed manner.
(a) to the Appellate Authority, if the case relates to matter falling under Section A of that part; or
(b) to the District Judge if the case relates to a matter falling under Section B thereof, and Appellate Authority or the District Judge, as the case may be, if satisfied that there has been a failure of justice, may set aside or modify the decision, or direct that the dispute be referred back to the Conciliation Court for reconsideration.

(3) If the decision of Conciliation Court is not unanimous, and the case falls under Part II of the Schedule, the Court shall issue a certificate that conciliation has failed.

(4) Notwithstanding anything in any law any matter decided by a Conciliation Court in accordance with the provisions of this Ordinance shall not be tried in any Court, including a Conciliation Court.

9. **Enforcement of decree.**- (1) Where a Conciliation Court decides to award compensation to a person or to order the delivery of property, it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property is delivered in the presence of the Conciliation Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

(3) Where a decree relates to payment of compensation and the decretal amount is not paid within the prescribed time, the same shall, if the Chairman of the Conciliation Court so directs, be recovered as arrears of land revenue, and on a recovery, shall be paid to the decree-holder.

(4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to such Civil Court as the District Judge may, by special or general order, direct, and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

(5) A Conciliation Court may, if thinks fit, direct that the amount of compensation be paid in such installments as it may fix.

10. **Procedure on failure of Conciliation.**- Where a certificate is issued that conciliation has failed, either under clause (b) of sub-section (4) of Section 5 or under sub-section (3) of Section 8, any party to the dispute may seek its remedy in the Court in
which it would in law be entitled to seek such remedy if this Ordinance had not been promulgated.

11. **Power of Conciliation Courts to summon witnesses etc.**- (1) A Conciliation Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document:

Provided that--

(a) no person who is exempt from personal appearance in Court under sub-section (1) of Section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), shall be require to appear-in person;

(b) a Conciliation Court may refuse to summon a witness or to enforce a summon already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable;

(c) a conciliation Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as he would think sufficient for defraying his traveling other expenses.

(2) If any person to whom a Conciliation Court has issued summons to appear and give evidence or to produce or cause the production of any document before it willfully disobeys such summons, the Conciliation Court may take cognizance of such disobedience, and, after giving such person an opportunity to explain, sentence him to a fine not exceeding twenty-five rupees.

12. **Contempt of Conciliation Courts.**- A person shall be guilty of contempt of Conciliation Court if he, without lawful excuse, -

(a) offers any insult to the Conciliation Court or any member thereof while the Court is functioning as such; or

(b) causes any interruption in the work of the Conciliation Court; or

(c) fails to produce or deliver a document when ordered by the Conciliation Court to do so; or

(d) refuses to answer any question of the Conciliation Court which he is bound to answer; or
refuses to take oath to state the truth or to sign any statement made by him when required by the Conciliation Court to do so; and the Conciliation Court, may, without any complaint having been made to its forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

13. **Recovery of fine.**— (1) Where a Conciliation Court imposes a fine under Section 11 or Section 12 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the nearest Magistrate who shall proceed to recover it in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as if it were fine imposed by himself, and such Magistrate may also sentence the accused to imprisonment in default of payment of such fine.

(2) All fines paid to a Conciliation Court under Section 11 and 12 or collected on behalf of a Conciliation Court under this Section shall form part of the funds of the Union Council concerned.

14. **Limitation etc, in certain cases.**— Where a case relating to a matter falling under Section B of Part II of the Schedule is referred to Conciliation and conciliator fails, and the case is subsequently taken to a Civil Court, in computing the period of limitation prescribed therefore by or under any law for the time being in force the time spent on conciliation proceedings, commencing from the date of the application made under Section 4 and ending on the day the certificate of failure of conciliation is issued, shall, notwithstanding anything in the Limitation Act, 1908 (IX of 1908), be excluded.

15. **Procedure.**— (1) Save as otherwise expressly provided by or under this Ordinance the provisions of the Evidence Act, 1872 (1 of 1872), the Code of Criminal Procedure, 1898 (Act, V of 1898) and of the Code of Civil Procedure, 1908 (Act, V of 1908) as in force in Azad Kashmir shall not apply to proceedings before any Conciliation Court.

(2) Sections 8 to 11 of the Oaths Act, 1873 (X of 1873), shall apply to all proceedings before Conciliation Courts.

16. **No appearance through Counsel.**— (1) Notwithstanding anything contained in the Legal Practitioners Act, 1879 (XVIII of 1879), no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Conciliation Court or other authority exercising powers under this Ordinance.
(2) If a person required under this Ordinance to appear before a Conciliation Court is a pardanashin lady, the Conciliation Court may permit her to be represented by a duly authorised agent who shall in no case be a paid agent.

17. **Transfer of certain cases.** (1) Where the Appellate Authority, is of the opinion that the circumstances of a case relating to a matter falling under Section A of Part I of the Schedule or under Section A of Part II thereof and pending before a Conciliation Court are such that the public interest and the ends of justice demand its trial in a Criminal Court, the said Authority may, notwithstanding anything contained in this Act withdraw the same from the conciliation Court and direct that it be referred to the Criminal Court for trial and disposal.

(2) A Conciliation Court may, if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused, forward the case to the Criminal Court for trial and disposal.

(3) The District Judge may for reasons to be recorded, withdraw any civil case from a Conciliation Court and direct that it be referred to a Civil Court for disposal.

18. **Investigation by Police.** Nothing in this Ordinance shall prevent the police from investigation of a cognizable case by reason of the fact that the case relates to an offence specified in Section A of Part I of the Schedule, but if any such case is taken to a Criminal Court, Court may, if it thinks fit, direct that it be referred to conciliation under this Ordinance.

19. **Pending cases.** This Ordinance shall not apply to cases referable under this Ordinance to conciliation which, immediately before the coming into force of this Ordinance are pending in any Civil or Criminal Court, and such cases shall be disposed of by those Courts as if this Ordinance had not been promulgated:

    Provided that if all the parties to any such case agree to have the same decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of this Ordinance.

20. **Power to exempt.** Government may, by notification in the Official Gazette exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Ordinance.

21. **Power to make rules.** Government may, by notification in the Official Gazette make rules to carry into effect the provisions of this Ordinance.

23. **Savings.** - Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Conciliation Courts Ordinance, 1980 (Ordinance XXII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.

**SCHEDULE**

**(PART I)**

**SECTION A CRIMINAL CASES**

1. Section 143 and 147 of the Azad Kashmir Penal Code (Act XLV of 1860) read with the Third or the Fourth clause of Section 141 of that Code, as in force in Azad Kashmir when the common object of the unlawful assembly is to commit an offence under Section 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful Assembly.


3. Section 403, 406, 417 and 420 Azad Kashmir Penal Code, when the amount in respect of which the offence is committed does not exceed one hundred rupees.

4. Section 427 Azad Kashmir Penal Code, when the value of the property involved does not exceed one hundred rupees.

5. Section 428 and 429 Azad Kashmir Penal Code, when the value of the animal does not exceed one hundred rupees.

6. Section 24, 26 and 27 of the Cattle Trespass Act, 1871 (1 of 1871).

7. Attempts to commit or the abetment of the commission of any of the above offence-
SECTION B CIVIL CASES

1. Suit for the recovery of money due on contracts, receipts or other documents.
2. Suit for the recovery of movable property or for the value or for the value thereof.
3. Suit for compensation for the wrongfully taking or demeaning movable property.
4. Suit for damages by cattle trespass.

When the amount claimed, or the price of movable property, does not exceed five hundred rupees;

PART II
SECTION A - CRIMINAL CASES.

2. Sections 403, 406, 417 and 420 Azad Kashmir Penal Code when the amount in respect of which the offence is committed exceeds one hundred rupees, but does not exceed two hundred and fifty rupees.
3. Section 408 Azad Kashmir Penal Code when the value of the property involve does not exceed two hundred and fifty rupees.
4. Section 428 and 429 Azad Kashmir Penal Code when the value of the animal exceeds one hundred rupees but does not exceed five hundred rupees.
5. Section 451 Azad Kashmir Penal Code when the offence is committed with intention of committing any of the offence mentioned in Section A of Part I of this Schedule or in this Section,
6. Attempt to commit or the abetment of the Commission of any of the above offences.

SECTION B - CIVIL CASES.

All civil cases mentioned in Section B of Part I of this Schedule, in which the value of the claim exceeds five hundred rupees but does not exceed one thousand rupees.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 7th June, 1980.

No. 3239/SL/78. The following ordinance made by the President on the 7th day of June, 1980, is hereby published for general information:-

(ORDINANCE XCV OF 1980)

AN
ORDINANCE

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

WHEREAS it is expedient to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 of the Interim Constitution Act, 1974;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 4 to the Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and Commencement**- (1) This Ordinance may be called the Council of Islamic Ideology (Constitution) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXIII of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the 7th June, 1980.

No. 3240/SL/80. The following Ordinance made by the President on the 7th day of June, 1980, is hereby published for general information:

(ORDINANCE XCVI OF 1980)

AN ORDINANCE to provide the measures for the preservation and protection of antiquities

WHEREAS it is expedient to provide the law for the preservation and protection of antiquities and to provide for the matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Antiquities Ordinance, 1980.
   (2) It extends to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

Note:- Please see Ordinance No. XXIV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th June, 1980.

No.3241/SL/80. The following Ordinance made by the President
on the 7th day of June, 1980, is hereby published for general
information:-

(ORDINANCE XCVII OF 1980)

AN
ORDINANCE

to re-constitute and re-organize the Board of Intermediate and Second
Education in Azad Jammu and Kashmir

WHEREAS it is expedient to re-constitute and re-organize Board
of Intermediate and Secondary Education in Azad Jammu Kashmir;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Board of

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

(3) It shall come into force at once.

**Note:** Please see Ordinance No. XXV of 1980, as this Ordinance is
re- promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 12th June, 1980.

No. 3379/SL/80. The following Ordinance made by the President on the 11th day of June, 1980, is hereby published for general information:-

(ORDINANCE XCVIII OF 1980)

AN
ORDINANCE
to amend the Mirpur Development Authority Ordinance, 1974

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974, (Ordinance IV of 1974), for the purposes hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and Commencement. - (1) This Ordinance may be called the Mirpur Development Authority (Amendment) Ordinance 1980.

(2) It shall come into force at once.

2. Insertion of Section 48-A, Ordinance IV of 1974.- In the Mirpur Development Authority Ordinance, 1974 (Ordinance No. IV of 1974), after section 48 the following new Section 48-A shall be inserted and shall be deemed always to have been so inserted namely:

“48-A.- Nothing in this Ordinance or in any rule or regulation shall be construed to limit or abridge the power of the Government to deal with any case in such manner as may appear to it to be just and equitable."

(Mohammad Hayat Khan)
President
Azad Jammu And Kashmir.

Sd - (Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the June 14, 1980.

No. 3409/SL/80. The following Ordinance made by the President on the 12th day of June, 1980, is hereby published for general information:-

(ORDINANCE XCIX OF 1980)

AN
ORDINANCE

to provide for the law relating to the Forests protection and distribution of timber through local bodies

WHEREAS it is expedient to provide for the law relating to Forest protection and distribution of timber though local bodies;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Protection of Forests and Distribution of Timber Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.** All words used but not otherwise defined in this Ordinance, shall be deemed to have the same meanings as attributed to them in the Forest Regulation, 1930.

(a) 'Chairman' means the Chairman of the Union Council;

(b) "Collector" means the collector appointed under the Land Revenue Act;

(c) 'Committee" means committee constituted under this Ordinance;

(d) "Forest Department" means the Forest Department of the Azad Government of the State of Jammu and Kashmir;

(e) "Member" means the elected or co-opted member of the Union Council;
(f) "Revenue Officer" means the Revenue officer of the Revenue Department of the Azad Government of the State of Jammu and Kashmir;


3. **Composition of Forest Committee.** Notwithstanding anything contained to the contrary in any other law for the time being in force, in each Union Council, the Chairman shall constitute a Committee known as forest Committee consisting of three elected members of the Union Council besides the Chairman of the Union Council who will be the Chairman of this Committee, one official of the Forest Department will be the co-opted member of this Committee for trial and final disposal of the forest cases under this Ordinance.

4. **Jurisdiction of Forest Committee.** (1) The jurisdiction of the Forest Committee, unless otherwise prescribed by the Government, shall extend to the area, which falls within the Local limits of Union Council concerned. Union Council Forest Committee shall not be competent to take notice of any disposal arising out of a forest contract or a lease.

(2) All forest damage cases upto the value of rupees one thousand to which this Ordinance apply shall be instituted into Union Council, provided that such cases which have not been withdrawn under the laws for the time being in force, may, instituted in the Courts before coming into force of this Ordinance be transferred to the respective Union Councils.

5. **Powers.** (1) The Committee shall be competent to direct an accused to pay the compensation and price for the damage done to a forest which shall be assessed as provided in the forest Regulation, 1930 as amended from time to time.

(2) In case of damage to the forests, where culprits cannot specified, the Committee may impose a collective compensation for the damage so caused and direct the same to be paid by the persons residing in the locality.

(3) Where a person is found to have encroached upon or is in unlawful possession of the forest land, he shall be ejected by the Committee. Local Revenue, Forest and Police authorities shall render all possible help to the Committee in this respect.

6. **Compensation/Recovery.** (1) The price and compensation so recovered from the culprits under this Ordinance, half of such
compensation and price shall be deposited in the Government Treasury as forest revenue, whereas the remaining half of the compensation so realized may be utilized with consultation of the Forest Department for the development and protection of the forests of that area or locality. Proper accounts be maintained shall by the Union Council/Committee for the amount.

(2) The amount of price and compensation awarded by the Union Council/Committee may be recovered as arrears of the land revenue through the Collector.

7. Procedure.- Notwithstanding any thing contained to the contrary in any other law;

(1) The concerned Forest official shall get the damage report registered in the Range Office and the Range Officer shall immediately forward the case to the concerned Union Council through Block Officer for settlement. The Block Officer (Incharge Block) shall appear before the Committee as a representative of the Forest Department for conducting the case.

(2) When the Chairman is of the opinion that the case should be tried by an ordinary court on the grounds that in case conviction, punishment of imprisonment would be appropriate or the transfer of the case is necessary for any other reason, he may forward the case to the Magistrate competent to try the same under the law.

(3) All cases under this Ordinance shall be tried summarily according to the procedure laid down in the Code of Criminal Procedure as in force in Azad Jammu and Kashmir for summary trials.

(4) The Chairman shall exercise the powers of a Magistrate of first class for the purpose of summoning of accused person or persons and witnesses and for compelling their attendance by issuing warrants of arrest. The summonses or warrants shall be Served through the village Police. If no village Police is constituted till then through local Police.

(5) Where an accused person absents himself from the Committee, the trial shall proceed against him in his absence.

(6) The decision of the Committee shall be according to the opinion of the majority of the members of the Committee hearing the case. When the members are so divided that majority cannot be ascertained, the chairman shall have a casting vote and decision shall follow accordingly.
(7) A legal practitioner may appear before the Committee to conduct the case on behalf of the party.

(8) The decision of the Committee shall be in writing and shall be signed by the Chairman and the members of the Committee hearing the case.

(9) The record of the proceedings of the case, and statements recorded shall be maintained properly.

(10) The judgment shall specify the allegation of the prosecution, the plea of the accused, the points of determination, the evidence in support and the decision thereof.

(11) Any member of the Committee may record a dissenting judgment.

8. **Meeting.** The meeting of the Committee shall be convinced by the Chairman from time to time, but at least twice a month for disposal of forest cases. The quorum for meeting of the Committee shall be $\frac{51}{100}$ of the members of the Council or Committee.

9. **Appeal.** An appeal shall lie within 30 days against the decision of the Committee to the Forest Magistrate specially empowered by the Government in this behalf.

10. **Other functions and powers of the Union Council.**

   (1) Subject to the general control and supervision of the Chief Conservator of Forests, Conservators of Forests and Divisional Forest Officers, the function of allotting the trees and timber to the connectionists every year during the usual period (April and October) shall be performed by the Union Councils. The concerned Divisional Forest Officer shall get the marking of trees conducted in advance. The marking lists specifying the quantity or number of trees or timber to be issued at concession and Zamidari rates separately (for distribution every year), shall be sent to the concerned Union Council for distribution purpose. The concerned Union Council shall allot trees or timber to the persons whose needs are genuine and entitled to such concessions List of persons with particulars, who have been allotted timber or trees, shall be sent to the concerned Range Officer for issuing permits in their favour.

   (2) Where Revenue record particularly field map is available, the Chairman Union Council will be competent to accord sanction to the, cutting of maximum of two trees from the revenue assessed land to owners of such land and to allottees of evacuee land for the repairs or construction or reconstruction of
their own houses. Where the field map is not available, the Union Council after getting verification from the Local Revenue and Forests staff may recommend the case to the Forest Range Officer for according permission to cut upto maximum two trees for self utilization:

Provided that where tree is cut from revenue assessed or evacuee land except where the competent authority grants permission for bonafide personal use or gifting the tree for use in the same village, the amount of compensation shall be assessed at the price of the trees at lease rates or Zamidari rate, as the case may be, prevalent at the time of the disposal of the case.

(3) The Divisional Forest Officer shall sanction upto a maximum of two trees free of cost, at the recommendation of the Chairman, Union Council, for the reconstruction of houses destroyed by natural calamities.

(4) The Divisional Forest Officer shall sanction upto a maximum of two trees free of cost, at the recommendation of the Chairman, Union Council, for the construction or repairs of village Mosques.

(5) The Dehi and Union Councils shall provide every assistance to the local forest staff in tracing out culprits in forest damage cases.

(6) It shall be the duty of the members of Dehi and Union Council to accept "superdnama" of the confiscated or seized material during the course of investigation of forest damage.

(7) Where it is proposed by the Forest Department to effect closures in the forest and private areas, it shall be the duty of the members of the Union or Dehi Council to preserve such areas for reforestation or regeneration purposes.

(8) The grant of the establishment of timber and firewood depots on behalf of the public shall be given on the recommendation of the Union Councils.

(9) Each Dehi Council shall establish cattle ponds at appropriate places within their jurisdictions and maintain the same as provided in Cattle Tresspass Regulation 8 of 1920 and rules made thereunder.

(10) It shall be the duty of the Union Council concerned to furnish a certificate to the Divisional Forest Officer concerned regarding the proper and bonafide personal use of the tree or timber issued to the concessionists.
11. **Power to make Rule.** - The Government may make rules for carrying out the purposes of this Ordinance.

(Mohammad Hayat Khan)
President
A/ad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the 14th June, 1980.

No. 3410/LD/80. The following Ordinance made by the  
President on the 14th day of June, 1980 is hereby published for general  
information:-

(ORDINANCE C OF 1980)

AN  
ORDINANCE  
to provide for the prohibition of cutting of trees or causing damage to the  
standing and growing trees near the line of control in Azad Jammu and Kashmir

WHEREAS it is expedient to provide for the prohibition of  
cutting of trees and causing damages to the standing and growing trees  
1,000 yards (914.4 meters) of the line of control in Azad Jammu and  
Kashmir and for matters ancillary thereto;  
AND WHEREAS the President is satisfied that circumstances  
exist which render it necessary to take immediate action;  
NOW, THEREFORE, in exercise of the powers conferred by  
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim  
Constitution Act, 1974, the President is pleased to make and promulgate  
the following Ordinance :-

1. **Short title, extent and commencement.** (1) This Ordinance  
may be called the Cutting of Trees (Prohibition) Ordinance,  
1980.  
(2) It extends to the whole of Azad Jammu and Kashmir.  
(3) It shall come into force at once.

2. **Definitions.** In this ordinance unless there is anything repugnant  
in the subject or context.-  
(a) 'formation' means Corps Division or Brigade of the  
Pakistan Army;  
(b) 'local formation commander' in relation to an area,  
means an officer for the time being in command of the  
formation in the area; and  
(c) 'tree' means a large plant with the self supporting trunk

3. **Cutting etc., of trees prohibited.** Notwithstanding anything  
contained in any other law for the time being in force, no person shall, without the prior written approval of the local formation

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commander or an officer authorised by him in this behalf, cut, fell or damage or cause to be cut, felled or damaged any tree growing within 1,000 yards (914.4 meters) belt along the line of control in Azad Jammu and Kashmir:

Provided that this Ordinance shall not affect the existing lease/contracts and any action taken, any thing done or intended to be done there under.

4. **Penalty.-** Whoever contravenes the provisions of this Ordinance or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

5. **Power to make rules.-** The Azad Government of the State Jammu and Kashmir may make rules for carrying out the purposes of this Ordinance.

6. **Savings.-** Notwithstanding any judgment, decree or order any court including High Court, every thing done, all action taken, notifications issued, orders or appointments made proceedings initiated, jurisdiction or powers exercised under the provisions cutting of Trees (Prohibition) Ordinance, 1980 (Ordinance XXVI of 1980), or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir
Sd/- (Khalil Ahmed Qureshi)
Secretary law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIMANTARY AFFAIRS SRCRETARTAT,
MUZAFFARABAD.

Dated the June, 21, 1980.

No. 2167/LD/80. The following Ordinance made by the
President on the 18th day of June, 1980, is hereby published for general
information:-

(ORDINANCE CI OF 1980)

AN
ORDINANCE
to amend the Companies Act, 1913

WHEREAS it is expedien
t to amend the Companies Act, 1913
(VII of 1913), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferre
d by
sub-
section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and commencement.**- (1) This Ordinance may be
called the Companies (Am
endment) Ordinance, 1980.
(2) It shall come into force at once.

2. **Amendment of Section 2, Act VII of 1913.**- In the Companies
Act, 1913 (Act VII of 1913), hereinafter referred to as the said
Act, in Section 2, in sub-section (1) , in clause (15), after the
word 'Registrar' the commas and words "Additional Registrar,
Joint Registrar, Deputy Registrar' shall be inserted,

3. **Amendment of Section 11, Act VII of 1913.**- In the said Act,
in Section 11.-
(a) in sub-section (3), in clause (a), after the words 'Bank of
Pakistan, the comma and words, 'Finance' or any
derivative thereof shall be inserted;
(b) after sub-section (3-A), the following new sub-section
shall be inserted namely:-
"(3-B) No company shall be registered by a name
which contains any word which, in the opinion
of the Azad Government of the State of Jammu
and Kashmir, is undesirable or deceptive or" is
designed to exploit the religious susceptibilities
of the people.
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(3-C) A Company in existence immediately before the commencement of the Companies (Amendment) Ordinance, 1980, which has in its name -

(a) the word 'Finance' shall, within thirty days of such commencement; or
(b) any such word as is referred to in sub-section (3-B) , shall, within thirty days of the day on which the Azad Government of the State of Jammu and Kashmir declares that the company has such a word in its name, alter its name with sanction of the registrar.

(3-D) If a company acts in contravention of sub-section (3-B) or sub-section (3-C), the company and every officer of the company who is knowingly and wilfully in default shall be liable to a fine not exceeding ten thousand rupees and to a further fine not exceeding one thousand rupees for every day during which the default continues".

4. Amendment of Section 22, Act VII of 1913.- In the said Act, Section 22 shall be re-numbered as sub-section (1) of that Section, and -

(a) in sub-section (1), re-numbered as aforesaid, after the word "them" at the end, the words and commas "if the company is being formed for lawful purposes, none of its objects stated in the memorandum is undesirable or deceptive or insufficiently expressive all the requirements of law have been met and the" company is authorised to be registered shall be added; and
(b) after sub-section (1), re-numbered and amended as aforesaid, the following new sub-sections shall be added, namely:-

(2) If registration of the memorandum is refused, any of the subscribers of the memorandum may, within thirty days of the order of refusal, prefer and appeal –

(3) An order of the Government of Azad Jammu and Kashmir under sub-section (2) shall be final and shall not be called in question before any Court or other authority."

5. Amendment of Section 76, Act VII of 1913.- In the said Act in Section 76, in sub-section (2) for the words five hundred rupees the words "twenty thousand rupees and to a further fine no
exceeding two thousand rupees for every day during which the default continues” shall be substituted.

6. **Amendment of Section 133, Act VII of 1913.-** In the said Act in Section 133, in sub-section (3), for the words five hundred rupees the words "twenty thousand rupees and with a further fine not exceeding two thousand rupees for every day during which the default continues shall be substituted.

7. **Amendment of Section 137, Act VII of 1913.-** In the said Act in section 137, -

(a) for sub-section (1) the following shall be substituted, namely “(a) Where, on perusal of any document which is submitted to him under this Act, or of any notice, advertisement or other communication, or otherwise, the registrar is of opinion that any information, explanation or document is necessary with respect to any matter, he may by a written order call upon the company and any of its directors or officers to furnish such information or explanation in writing, or such document within such time as he may specify in the order," ; and

(b) in sub-section (3), for the words and comma "to a fine not exceeding fifty rupees in respect of each offence" the words commas and semi-colon “in respect of each offence to fine not exceeding twenty thousand rupees and to a further fine not exceeding two thousand rupees for every day during the default continues and every officer of the company who knowingly and wilfully authorizes or permits, or is a party to the default shall be punishable with imprisonment if either description for a term which may extend to one year or with fine, or with both;" shall be substituted.

8. **Amendment of Section 140, Act VII of 1913.-** In the said Act, in Section 140, in sub-section (3), for the words "liable to a fine not exceeding fifty rupees in respect of each offence" the words commas and semi-colon "in respect of each offence with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine" shall be substituted.

9. **Insertion of new Section 153-C, Act VII of 1913.-** In the said Act, after section 153-B the following new Section shall be inserted namely:-

"153-C. Prevention of mismanagement or oppression of members.-

(1) If any member or members holding not less than one-tenth of the issued share Capital of a company
complains or complain, or the Azad Government of the
State of Jammu and Kashmir is of the opinion, that the
affairs of the company are being conducted in an
unlawful or fraudulent manner, or in a manner not
provided for in its memorandum, or in a manner
oppressive to the member or any of the members, or are
being conducted in a manner prejudicial to the public
interest, such member or members or, as the case may
be, the Azad Government of the State of Jammu and
Kashmir may make an application to the Court by
petition; and the Court may make such order as it thinks
fit in the circumstances for regulating the conduct of the
affairs of the company and matters ancillary thereto.

(2) Where an order is made under sub-section (I) on
the application of any member or members, the company
in relation to which the order is made shall cause a
certified copy thereof to be delivered to the registrar for
registration within fourteen days after the completion of
the order, and if default is made in complying with this
subsection, the company and every officer of the
company who is knowingly and wilfully in default shall
be liable to a fine not exceeding five thousand rupees
and to a further fine not exceeding five hundred rupees
for every day during which the default continues."

10. **Amendment of Section 166, Act VII of 1913.** - In the said Act,
in Section 166 in the proviso, in clause (aa) sub-clause (i) shall
be omitted.

11. **Amendment of Section 170, Act VII of 1913.** - In the said Act,
in Section 170, after sub-section (I), the following new sub-
section shall be added, namely :-

"(I-A) If on a petition presented by any member or the registrar,
the Court is of the opinion that, although the facts would justify
the making of a winding up order, the making of such order
would unfairly prejudice the member or members concerned, the
Court may make such order as it thinks fit in the circumstances
for regulating the conduct of the affair of the company and
bringing to an end the matters complained of."

12. **Amendment of Section 248, Act VII of 1913.** - In the said Act,
in Section 248 in sub-section (2), for the words an assistant
registrar as it thinks necessary for the registration of companies
under this Act", the commas and words "additional registrars,
joint registrars, deputy registrars and assistant registrars as it
thinks necessary" shall be substituted.
13. **Amendment of Section 249-A Act VII of 1913.**- In the said Act, in Section 249-A.-
   
   (a) for the marginal heading the following shall be substituted, namely:-
   "Enforcing compliance with provisions of Act.”; and
   
   (b) in sub-section (1),-
   
   (i) the words and commas "which requires it to file with, deliver or send to the registrar any return, account or other document, or to give notice to him of any matter,” shall be omitted: and
   
   (ii) for the word "fourteen" the word "thirty" shall be substituted.

14. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the companies (Amendment) Ordinance, 1980 (Ordinance XXXVII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

   (Mohammad Hayat Khan)
   President,
   Azad Jammu & Kashmir.

   Sd/- (Syed Mohammad Akram shah)
   Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20\textsuperscript{th} June, 1980.

No. 3485/LD/80. The following Ordinance made by the
President on the 20\textsuperscript{th} day of June, 1980, is hereby published for general
information:-

\textbf{(ORDINANCE CII OF 1980)}

\textbf{AN ORDINANCE}

to provide for law relating to the constitution of the Shariat Benches of
Superior Courts

WHEREAS it is expedient to provide for law relating to the
constitution of Shariat Benches of Superior Courts, in the manner
hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. \textbf{Short title, and commencement}.- (1) This Ordinance may be
called the Constitution of Shariat Benches of Superior Courts
Ordinance, 1980.

(2) It shall come into force at once.

Note:- Please see Ordinance No. XXVII of 1980, as this Ordinance is
re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 21st June, 1980.

No. 3486/LD/80. The following Ordinance made by the President on the 20th day of June, 1980, is hereby published for general information:

(ORDINANCE CIII OF 1980)

AN ORDINANCE
to make provision relating to the execution of the punishment of whipping

WHEREAS it is expedient to make provision relating to the execution of the punishment of whipping;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, 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 Execution of the Punishment of Whipping Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.

   (3) It applies to the execution of the punishment of whipping imposed under any law for the time being in force.

   (4) It shall come into force at once.

Note:- Please see Ordinance No. XXVIII of 1980, as this Ordinance is re-promulgated with similar provisions.
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFAVARABAD.

Dated the 21st June, 1980.

No. 3487/LD/80. The following Ordinance made by the
President on the 20th day of June, 1980, is hereby published for general
information:

(ORDINANCE CIV OF 1980)

AN
ORDINANCE
further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of
Criminal Procedure, 1898 (Act V of 1898), for the purposes herein-
appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and commencement.** - (1) This Ordinance may be
called the Code of Criminal Procedure (Amendment) Ordinance,
1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. XXIX of 1980, as this Ordinance is
re-promulgated with similar provisions.
AN ORDINANCE

to modify the existing law relating to prohibition of intoxicants so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah

WHEREAS it is necessary to modify the existing law relating to prohibition of intoxicants so as to bring it in conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, 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 Prohibition (Enforcement of Had) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:** Please see Ordinance No. XXX of 1980, as this Ordinance is re-promulgated with similar provisions.
AN ORDINANCE
to bring in conformity with the Injunctions of Islam the Law relating to certain offences against property

WHEREAS it is necessary to modify the existing law relating to certain offences against property, so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make promulgate the following Ordinance:-

PRELIMINARY
1. **Short title, extent and commencement.** (1) This Ordinance may be called the Offences Against Property (Enforcement of Hudood) Ordinance, 1980.
   (2) It extends to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXXI of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th June, 1980.

No. 3490/SL/80. The following Ordinance made by the President on the 20th day of June, 1980, is hereby published for general information:

(ORDINANCE CVII OF 1980)

AN
ORDINANCE

to bring in conformity with the Injunctions of Islam the law relating to the offence of qazf

WHEREAS it is necessary to modify the existing law relating to qazf so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Offence of Qazf (Enforcement of Hadd) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:-** Please see Ordinance No. XXXII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th June, 1980.

No. 3491/SL/80. The following Ordinance made by the President
on the 20th day of June, 1980, is hereby published for general
information:-

(ORDINANCE CVIII OF 1979)

AN
ORDINANCE
to bring in conformity with the Injunctions of Islam the law relating to
the offence of zina

WHEREAS it is necessary to modify the existing law relating to
zina so as to bring it in conformity with the Injunctions of Islam as set
out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
Sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. Short title, extent and commencement:-(1) This Ordinance
may be called the Offence of Zina (Enforcement of Hudood)
Ordinance, 1980.

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

(3) It shall come into force at once.

Note:- Please see Ordinance No. XXXIII of 1980, as this Ordinance
is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated 22nd June, 1980.

No. 3507/LD/80. The following Ordinance made by the President on the 21st day of June, 1980, is hereby published for general information:-

(ORDINANCE CIX OF 1980)

AN ORDINANCE to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department

WHEREAS it is expedient to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.** - (1) This Ordinance may be called the Incomplete Projects (Recovery of Payments) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXXIV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 22nd June, 1980.

No.3508/SL/80. The following Ordinance made by the President
on the 21st day of June, 1980, is hereby published for general
information:-

(ORDINANCE CX OF 1980)

AN
ORDINANCE
to provide for law relating to the Upper Chhattar Housing Scheme

WHEREAS it is expedient to provide for law relating to the
Upper Chhattar Housing Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance:-

1. **Short title and commencement**: (1) This Ordinance may be
called the Upper Chhattar Housing Scheme Ordinance, 1980.

   (2) It shall come into force at once.

**Note**: Please see Ordinance No. XXXV of 1980, as this Ordinance is
re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated: the 22nd June, 1980.

No 3509/LD/80. The following Ordinance made by the President on the 21st day of June, 1980, is hereby published for general information:-

(ORDINANCE CXI OF 1980)

AN
ORDINANCE

to provide for law relating to the punishment for withholding informations required by the Government for efficient conduct of an inquiry

WHEREAS it is expedient to provide for law relating to the punishment for withholding informations required by the Government for efficient conduct of an inquiry, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :

1. **Short title, extent and commencement:**

(1) This Ordinance may be called the Conduct of Inquiry (Punishment for withholding Information) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once.

**Note:** Please see Ordinance No. XXXVI of 1980, as this Ordinance is re- promulgated with similar provisions.
Dated the 22nd June, 1980

No. 3510/LD/80. The following Ordinance made by the President on the 21st day of June, 1980, is hereby published for general information:

(ORDINANCE CXII OF 1980)

AN ORDINANCE
to make provisions relating to the assessment, collection and disbursement of Zakat and Ushr.

WHEREAS it is necessary to make provisions relating to the assessment, collection and disbursement of Zakat and Ushr and matters connected therewith or incidental thereto.

AND WHEREAS, Azad Jammu and Kashmir, being an Islamic State, must provided for the implementation of Islamic precepts;

AND WHEREAS Zakat, including Ushr, is one of the fundamental pillars (Arkan) of Islam;

AND WHEREAS the prime objective of the collection of Zakat and Ushr, and disbursements therefrom, is to assist the needy, the indigent and the poor;

AND WHEREAS the rates of Zakat and Ushr, as also the purposes for the utilization of Zakat and Ushr, are specified in Shariah;

AND WHEREAS Shariah enjoins upon all Muslims who are SAHIB-I-NISAB to pay, and the State to arrange for the proper collection, disbursement and utilization of Zakat and Ushr and also allows such Muslims to disburse for the purposes authorized by Shariah the part thereof not collected by the State;

AND WHEREAS the President is satisfied that circumstance exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

CHAPTER-I
PRELIMINARY

1. **Short title, extent, application and commencement.** (1) This Ordinance may be called the Zakat and Ushr Ordinance, 1980.
(2) It extends to the whole of Azad Jammu and Kashmir, but applies only to Muslim State Subject of Azad Jammu and Kashmir and a company, or other association of persons, or body of individuals whether incorporated or not, majority of the shares of which is owned, or the beneficial ownership of which is held by such State subjects.

(3) In respect of a person who may believe that the whole or any part of the recoveries effected from him in the manner laid down in this Ordinance are not according to his belief, such recoveries shall nevertheless be made, but shall be deemed to be contribution to Zakat Fund on the Part of that person.

**Explanation.** In this Ordinance reference to Zakat deductible at source or to Ushr realisable on compulsory basis shall be construed to imply a reference to contributions to Zakat Fund also.

(4) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Ordinance.

2. **Definitions.** In this Ordinance, unless there is any thing repugnant in the subject or context--

(i) 'annuity' means the sum payable periodically, according to the annuity policy conditions, to an annuitant during his life-time, or for a fixed number of years, as the case may be and includes the scheme or postal annuities as notified by the Government;

(ii) 'assets' means assets liable to Zakat as provided in this Ordinance;

(iii) 'atiyyat' means voluntary donations to the Zakat Funds, otherwise than on account of Zakat or Ushr, and includes SADAQAT-I-NAFILAH;

(iv) 'Council' means the Zakat Council established under Section 12;

(v) 'Chief Administrator’ means a person appointed as such under Section 13, and includes an officer authorised by him to exercise or perform any power or function of Chief Administrator under this Ordinance;

(vi) 'company' means a company as defined in the Companies Act, 1913 (VII of 1913);

(vii) 'Deducting Agency' means a bank, post office or other institution referred to in the sixth column of the First Schedule;
(viii) 'Deduction Date' means, in respect of the assets mentioned in the First Schedule, the date or dates on which Zakat is to be deducted at source and which is or are specified in the fifth column of that Schedule;

(ix) 'District Committee' means a District Zakat and Ushr Committee constituted under Section 14;

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

(xi) 'Government Security' has the same meaning as in the Securities Act, 1920 (X of 1920) of Pakistan;

(xii) 'insurer' means the State Life Insurance Corporation of Pakistan or Postal Life Insurance;

(x) 'Local Committee' means a Local Zakat and Ushr Committee constituted under Section 15;

(xi) 'locality' means the area within the jurisdiction of a Local Committee;

(xii) 'maturity value' means the sum payable, according to stipulated conditions, on survival of the life assured to the specified age or to the end of the term of the policy;

(xiii) 'Prescribed' means prescribed by rules.

(xiv) 'Produce' means gross agricultural, horticultural or forest produce;

(xv) 'Provident Fund' has the same meaning as in the Provident Funds Act or Rules made thereunder;

(xvi) 'recognised Provident Fund' means a Provident Fund recognised as such, by the competent authority, under the Income Tax Ordinance, 1979 (XXXI of 1979);

(xvii) 'return' means income, however described, accruing on an asset;

(xviii) 'rules' means rules made under this Ordinance;

(xix) 'SAHIB-I-NISAB' means a person who is liable to pay Zakat or Ushr under this Ordinance, but does not include:

(a) the Government, Azad Jammu and Kashmir Council or a local authority;

(b) a statutory corporation, a company or other enterprise owned wholly, directly or indirectly, by the Government, Azad Jammu and Kashmir Council, a local authority or a corporation owned by the Government or the Azad Jammu
and Kashmir Council, either singly or jointly with one or more of the other three;

(c) a subsidiary of a statutory corporation, a company or other enterprise referred to in sub-clause (b);

(d) the National Investment (Unit) Trusts;

(e) an ICP Mutual Fund;

(f) a recognised Provident Fund;

(g) any Unit Fund maintained by the Defence Services, including the Civil Armed Forces;

(h) a Zakat Fund; or

(i) an institution, fund, trust endowment or society, registered as a charitable organization under the Societies Registration Act, 1860 (XXI of 1860) or a Company registered under section 26 of the Companies Act, 1913 (VII of 1913), and approved by the Azad Jammu and Kashmir Central Board of Revenue for the purposes of section 47 of the Income Tax Ordinance, 1979 (XXXI of 1979);

(xxiii) 'security' means any stock, share, scrip, debenture, bond, pre-organisation certificate, or instrument commonly known as security;

(xxiv) 'share' means a share in the share-capital of a company or in any body corporate established by or under a Federal or Provincial laws, of Pakistan or under any law for the time being in force in Azad Jammu and Kashmir and includes stock;

(xxv) 'surrender value' means the sum payable by an insurer on Cancellation of a life-insurance policy or annuity according to stipulated terms and conditions, at any time before maturity benefits become available;

(xxvi) 'survival benefit' means the amount payable according to life-insurance policy conditions, during the currency of a policy, on survival of the life assured to the specified; date as stipulated in the policy;

(xxvii) 'Valuation Date' means;

(a) In respect of assets mentioned in the First Schedule such date or dates as is or are specified in the third column of that Schedule;
(b) in respect of Ushr compulsorily realisable under this Ordinance, such date or dates as may be prescribed or as may be notified by the Chief Administrator and

(c) in respect of items mentioned in the Second Schedule, such date or dates is or are specified in the fourth column of that Schedule for the evaluation of the assets or the produce, in order to determine Zakat or Ushr liability, and any date prescribed or notified may also be a date which precedes the making of the rules or the publication of the notification, as the case may be;

(xxviii) 'Zakat Fund' means a Fund established under sections and

(xxix) 'Zakat year' means year according to the Hijra calendar for which Zakat is chargeable, commencing on the first day of Remadhan-ul-Mubarak and ending with the last day of the following Shaban-ul-Moazzam;

Provided that the first Zakat year shall commence with the commencement of this Ordinance and end with the last day of Shaban-ul-Moazzam, 1401 A.H.

CHAPTER—II
ZAKAT

3. **Charge and collection of Zakat.**—(1) Subject to the other provisions of this Ordinance, Zakat in respect of assets mentioned in the First Schedule shall be charged and collected on compulsory basis, for each Zakat year, at the rates and in the manner specified therein, and as may be prescribed, from every person (other than a person excluded from the definition of 'shaib-i-nisab') who owns or possesses such assets on the Valuation Date:

Provided that where an assets mentioned in the first Schedule has been assigned by the person owning or possessing it, in favour of another person, Zakat in respect of that asset shall be charged and collected on compulsory basis as if the asset had not been so assigned.

(2) In determining the amount to be collected as Zakat on compulsory basis, the value of an asset on which Zakat is deductible, only on account of debts which have been -

(a) Primarily secured by that asset;
(b) used for the creation of an asset on which Zakat is deductible at source; and

(c) obtained from the Deducting Agency having custody of the asset securing the debt in clause (a) and of the asset created under clause (b).

(3) Where a person from whom Zakat has been deducted at source proves that-

(a) he is not a Muslim, or

(b) he is not a State Subject of Azad Jammu and Kashmir; or

(c) the amount deducted from him is more than what is due under this Ordinance; either

(i) on account of error apparent from the record, or

(ii) on account of reduction provided for in subsection (2) not having been duly allowed to him, the amount so deducted, or, as the case may be, the amount so deducted in excess shall be refunded to him in the prescribed manner.

(4) Where the recovery of Zakat deductible at source, in respect of any of the assets mentioned in the First Schedule, falls into arrears, the Chief Administrator may forward to the Collector of the district concerned a duly signed certificate specifying the amount of arrears due and the particulars of the person from whom due, and the Collector shall, on receipt of such certificate, proceed to recover the amount so specified, as if it were an arrear of land revenue.

(5) A 'sahib-i-nisab' may pay either to a Zakat Fund or direct to those eligible under Shariah to receive Zakat so much of the Zakat due under Shariah as is not deductible at source under this Ordinance, for example, that due in respect of assets mentioned in the Second Schedule.

(6) Any amount deducted at source as Zakat by the Deducting Agency from any person shall be treated as payment of Zakat on behalf of such person.

4. **Secrecy of information.** Any information furnished or collected in connection with the deduction of Zakat at source under this Ordinance shall be treated as secret and shall not be used for any other purpose, including the assessment or collection of any tax.
CHAPTER—III
USHR

5. **Charge and collection of Ushr.**—(1) Subject to the other provisions of this Ordinance, there shall be charged and collected, on compulsory basis, in such manner as is laid down in section 6, and as may be prescribed, from every land-owner, grantee, allottee, lessee, lease holder or land holder (other than a person excluded from the definition of sahib-i-nisab) Ushr at the rate of five percent of his share of the produce, as on the Valuation Date:

Provided that if any plot of land is used principally for growing one crop and a small portion thereof, not exceeding one-fourth of an acre, is used for growing another crop, Ushr shall not be charged in respect of the produce of such small portion.

**Explanation:** In this Section and Section 6, 'land-owner' 'grantee' 'allottee' 'lessee' 'lease-holder' and 'land-holder' shall have the same meaning as in the laws relating to land administration and 'land-holder' includes a person in possession of any plot of land who has grown a crop on such plot.

(2) An individual land-owner, grantee, allottee, lessee, leaseholder or land-holder shall be exempted from the compulsory levy of Ushr if:

(a) he is eligible under Shariah to receive Zakat; or

(b) the produce from his land is less than five 'wasqa' (--- 948 Kilograms) of wheat, or its equivalent in value in the case of other crops liable to Ushr.

(3) The currency equivalent of five 'wasqa' of wheat in Value shall be such as may be modified for each Zakat year by the Chief Administrator.

(4) Ushr shall be the first charge on the produce.

(5) Ushr shall be collected in cash;

Provided that, where the produce consists of wheat, paddy or maize, Ushr, at the option of the Council, may be collected in kind.

(6) A 'sahib-i-nisab' may pay either to the Local Zakat Fund or directly to those eligible under Shariah to receive Zakat, so much of the Ushr due under Shariah as is not compulsorily realisable under this Ordinance, for example, in respect of item 9 of the second schedule.
6. **Mode of Assessment and collection of Ushr.**—(1) A Local Committee shall be supplied by the Revenue Department, and such other department or official agency or any other person as may be determined by the Chief Administrator, in respect of a land owner, grantee, allottee, lessee, lease-holder or land holder in the locality, in the prescribed form and manner, with the record containing such information for a crop season as may be required for the purposes of this Ordinance.

(2) An assesses may compute his Ushr liability on self-assessment basis and communicate the same to the Local Committee in such form and manner as may be prescribed and, while so computing his Ushr liability, shall be entitled to reduce as an allowance for expenses on production one-fourth of the total value of his produce.

(3) If the Local Committee finds that an assessee's self-assessment of his Ushr liability is acceptable, it shall notify it to the assesses as the Ushr demand of that assesses.

(4) Where an assessee fails to communicate to the Local Committee his self-assessment of Ushr liability under sub-section (2), or a Local Committee does not find the self-assessment of the Ushr liability by an assessee acceptable under sub-section (3), the Local Committee shall, after taking into consideration the information furnished to it under sub-section (1) and any other information that it may deem relevant, adopting such procedure as it may deem fit, and allowing the reduction provide for in sub-section (2), make its own assessment of Ushr realisable on compulsory basis under this Ordinance, and notify the demand to the assesses in the prescribed form and manner.

(5) In the case of a lease in force immediately before the commencement of this Ordinance, the liability of the lesser and the lessee to pay Ushr shall be equitably apportioned between them by the Local Committee.

(6) An assessee aggrieved by the assessment under sub-section (4) or, as the case may be, the lesser or the lessee aggrieved by the apportionment under sub-section (5), may, within such time as may be prescribed, apply in the prescribed form and manner to the Local Committee for a review of the assessment or, as the case may be, the apportionment.

(7) The Local Committee shall, within such time as may be prescribed, give its decision on the application for review, and such decision shall be final and shall not be questioned before any court or other authority.
(8) The demand as determined under sub-section (3), or, as the case may be, under sub-section (4) or sub-section (7), shall be paid by the assessee and collected by the Local Committee in such manner as may be prescribed.

(9) Where the recovery of Ushr compulsorily realisable under this Ordinance falls into arrears, the Chairman of the Local Committee shall forward to the Collector of the district concerned a duly signed certificate specifying the amount of arrears due and the particulars of the person from whom due and the Collector shall, on receipt of such certificate, proceed to recover the amount so specified as if it were an arrear of land revenue.

CHAPTER—IV
ZAKAT FUNDS

7. Establishment of Zakat Fund: - There shall be established the following Zakat Funds, namely:-

(a) Azad Kashmir Zakat Fund to which shall be credited-

(i) the Zakat deducted at source;

(ii) the Zakat paid into it voluntarily;

(iii) the transfer, if any, from the Local Zakat Funds; and

(iv) the grants, ATIYYAT and any other receipts;

(b) a Local Zakat Fund for each Local Committee to which shall be credited--

(i) the proceeds of Ushr;

(ii) the Zakat paid into it voluntary;

(iii) the transfers to it from the Azad Kashmir Zakat Fund; and

(iv) the grants, ATIYYATT and any other receipts.

8. Utilization of Zakat Funds.- the money in a Zakat Fund shall be utilized for the following purposes, namely:-

(a) assistance to the needy, the indigent and the poor, particularly orphans and widows, the handicapped and the disabled delegable to receive Zakat under Shariah for their subsistence or rehabilitation, either directly or indirectly through assistance to DEENI-MADARIS of vocational educational institutions or public hospitals, clinics, dispensaries or health laboratories;

Provided that the lists of such individuals and institutions as are to be assisted directly and indirectly
from a Local Zakat Fund shall be prepared and maintained, according to prescribed basis and manner, by the local Committee in whose jurisdiction the individuals ordinarily resides, or the institutions through which they are to be assisted are situated, as the case may be;

Provided further that the list of institutions through which assistance from Azad Kashmir Zakat Fund is to be given shall be prepared and maintained, according to prescribed basis and manner, by the Council and;

(b) expenditure on the collection, disbursement and administration of Zakat and Ushr;

Provided that the expenditure on the Zakat Council and the administrative organisation of the Chief Administrator shall be met by the Government, and that on a local Committee from the Local Zakat Fund not exceeding ten per cent of the receipts in that Fund during the year;

Provided further that the banking services and the services connected with the assessment or collection of Zakat or Ushr realisable on compulsory basis under this Ordinance shall be rendered free of charge, except that the Chief Administrator in regard to Ushr, may authorise payment of remuneration for any specified services; and

(c) any other purpose permitted by shariah.

9. **Disbursements from Zakat Funds**.- (1) The Council may from Azad Kashmir Zakat Fund make disbursements, and transfer funds to a Local Zakat Fund, in such form and manner as may be prescribed and as would help in ensuring satisfaction of the needs of the needy and the poor through out its jurisdiction, as far as possible, on a uniform basis.

(2) A Local Committee shall disburse, or incur expenditure from the Local Fund, in the prescribed manner, for authorised purposes within the locality, particularly for the benefit of the individuals and the institutions under clause (a) of Section 8;

Provided that a Local Committee may or, if so required by the Council, shall transfer from the Local Zakat Fund to the Azad Kashmir Zakat Fund, funds Surplus to its needs.

10. **Accounts**.- (1) The accounts of the Azad Kashmir Zakat Fund, and a Local Zakat Fund shall be maintained and operated,
respectively, by the Chief Administrator, and the Local Committee, in such form and manner as may be prescribed.

(2) The records of the accounts of the Zakat Funds shall be preserved for such period, and shall be made available for audit or inspection to such persons or agencies, and in such manner, as may be prescribed.

11. **Audit.-** (1) To carry out audit of the Azad Kashmir Zakat Fund annually or at shorter intervals, the Council, shall appoint Auditors, being persons who are, in its opinion, qualified for the purpose.

(2) To carry out audit of the Local Zakat Funds within a district annually or at shorter intervals, the District Committee shall appoint auditors being persons who are, in its opinion, qualified for the purpose.

(3) The audit performed by auditors under sub-section (1) and (2) shall include propriety audit.

(4) The annual report of the auditors on the Azad Kashmir Zakat Fund shall be laid before the Legislative Assembly and that on a Local Zakat Fund before the District Council concerned established under the law relating to local Government.

(5) Nothing in this Section shall be deemed to prevent -

(a) the auditor-General of Azad Jammu and Kashmir from auditing any of the Zakat Funds;

(b) the Council from getting audited any of the Local Zakat Funds; or

(c) a Local Committee from getting its own Local Zakat Fund audited.

**CHAPTER— V**

**ORGANIZATION AND ADMINISTRATION**

12. **Zakat Council.-** (1) The Government shall, by notification in the Official Gazette, establish a Zakat Council to provide policy guidelines for, and to exercise general Superintendence and control on matters relating to Zakat and Ushr, particularly the Zakat Funds and maintenance of their accounts.

(2) The Council shall consist of -

(a) a chairman;

(b) three persons, of whom two shall be Ulama, to be nominated by the President in Consultation with the Council of Islamic Ideology;
(c) four persons, one from each District, to be nominated by the President;
(d) the Secretary to the Government in the Finance Department;
(e) the Secretary to the Government in the Amoor-e-Dinia Department; and
(f) the Chief Administrator, who shall also be the Secretary to the Council.

(3) The Chairman of the Council shall be a person who is, or has been a Judge of the High Court, to be nominated by the President in consultation with the Chief Justice of the High Court.

(4) The Chairman and the other members of the Council, not being an ex-officio member, shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(5) The Chairman or a member, not being an ex-officio member, may, by writing under his hand addressed to the President resign his office:

Provided that he shall continue to hold office until his resignation is accepted by the President.

(6) Any vacancy in the office of the Chairman or a member, other than an ex-officio member, shall be filled by the nomination, in accordance with sub-section (2) or sub-section (3), as the case may be, of a person qualified to hold the office.

(7) The Chairman or member nominated under sub-section (6) shall hold office for the unexpired term of his predecessor.

13. **Chief Administrator**:— (1) For carrying out the purposes of this Ordinance, there shall be appointed by the Government a Chief Administrator.

(2) The Chief Administrator shall have such status, grade, tenure and other terms and conditions of service as may be determined by the Government.

(3) The Chief Administrator shall act under the general superintendence and control of and in accordance with the policy guidelines given by the Council and perform such functions as are assigned to him by or under this ordinance.

14. **District Zakat and Ushr Committee**:— (1) In each district, a District Zakat and Ushr Committee shall be constituted by the Council.
The District Committee shall, subject to such guidelines as may be given by the Council --

(a) Oversee, generally, the functioning of, and, more particularly, the assessment of Ushr and the collection of Zakat, Ushr and atiyyat, and the disbursement and utilization of the moneys in the Local Zakat Funds, by the Local Committee in the district;

(b) For the purposes mentioned in clause (a), make plans for the district, in such form and manner as may be prescribed;

(c) Compile accounts of the Local Zakat Funds, for the district, in such form and manner as may be prescribed;

(d) Arrange in the prescribed manner, audit of the Local Zakat Funds in the district; and

(e) Tender to the Council advice on any matter specified by it.

The District Committee shall consist of a Chairman, who shall be non-official, the Deputy Commissioner of the district one non-official member from each tehsil or sub-division in the district and one member to be nominated by the District Council of the district from amongst its non-official Muslim member.

Provided that, where the numbers of tehsils or sub-divisions in a district is less than five, the number of members other than the Chairman, the Deputy Commissioner and the number of members other than the Chairman, the Deputy Commissioner and the member nominated by the District Council shall be raised to five;

Provided further that, in any district where there is a District Social Welfare Officer appointed by the Government the District Committee may co-opt him as a member of the Committee, ex-officio.

The Chairman shall be nominated by the Council and the members shall be nominated by the Council in consultation with the Chairman.

Provided that the Chairman shall be an adult Muslim who ordinarily resided in the district and the member from a tehsil or sub-division shall be an adult Muslim who ordinarily resides in that tehsil, or sub-division.

The District Committee so constituted shall be duly notified by the Council.
(6) The Chairman and other members of the District Committee not being the ex-officio member, shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(7) The Chairman or a member, not being the ex-officio member, may by writing under his hand addressed to the Council, resign his office;

Provided that he shall continue to hold office until his resignation is accepted by the Council.

(8) Any vacancy in the office of Chairman or a member other than the ex-officio member, shall be filled in accordance with sub-section (4) of a person qualified to hold the office.

(9) The Chairman or member nominated under sub-section (8) shall hold office for the un-expired term of his predecessor.

15. Local Zakat and Ushr Committee.- (1) A local Zakat and Ushr Committee shall be constituted for:

(a) each revenue estate in settled rural area;
(b) each dehi or village in non-settled rural area; and
(c) each ward in urban area;

Provided that, if in the opinion of the Council the population of a revenue estate, dehi or village is too large or too small to have one Local Zakat and Ushr Committee such revenue estate, dehi or village may, if too large, be divided into two or more localities, or, if too small grouped with any other revenue estate, dehi or village to form one locality.

Explanation. - In this Sub-section -

(a) 'Urban area' means area within the local limits of a Municipal Committee, Cantonment Board or Town Committee;
(b) 'Rural area' means area other than urban area;
(c) 'settled rural area’ means rural area for which revenue settlement record exists;
(d) 'non-settled rural area' means rural area other than settled 'rural area; and
(e) 'ward' means a district and compact locality, the population of which does not exceed five thousand approximately.

(2) The Local Committee shall subject to such guide-line as may be given by the Council or the District Committee.
(a) determine Ushhr demand compulsorily realizable under this Ordinance and collect Zakat, Ushhr and atiyyat, and disburse and utilise the moneys in the Local Zakat Fund;

(b) For the Purposes mentioned in clause (a), make plan for the locality;

(c) Prepare and maintain accounts of the Local Zakat Fund in such form and manner as may be prescribed.

(3) The Local Committee shall consist of seven members selected by the residents of the locality in the manner specified in sub-section ().

(4) and one member to be nominated by the Union Council in whose jurisdiction the locality is situated, from amongst its non-official Muslim members, being a member who is a resident of the locality, or if there is no such member who is a resident of a nearby locality.

(4) The District Committee shall constitute a team of two or more persons to organise a public gathering of the adult Muslim residents of a locality and to call upon them to select, in the prescribed manner, seven adult Muslim residing in that locality who enjoy their trust to be the members of the Local Committee.

Provided that a person who is a member of a team constituted for the selection of members of a Local Committee shall not be eligible to be a member of such Local Committee, and a person who is a salaried employee of Government or of a local authority, or of a corporation set up, owned or controlled by Government, shall not be eligible to be a member of a Local Committee.

(5) Any person such as is referred to in the proviso to sub-section (4) who may have been selected or elected as a member or Chairman of a Local Committee under the Zakat and Ushhr (Organisation) Ordinance, 1979, shall cease to hold office on the commencement of this Ordinance.

(6) If, at the time of selection, any adult Muslim resident of the locality present in the gathering raises objection with respect to another person so present that such other person.

(a) is not a Muslim;
(b) is not an adult;
(c) is not a resident of the locality;
(d) is an undischarged insolvent; or
(e) is of unsound mind;
or being a person proposed to be selected as a member of
the Local Committee, suffers from any of the said
disqualifications, or has, during the period of three years
proceeding the date of selection, been ordered to execute a bond
under section 108, 109 or 110 of the Code of Criminal
Procedure, 1898 (Act V of 1898), or been convicted for an
offence involving moral turpitude, or been declared a goonda
under the law relating to the control of goondas, the team of
persons organizing to the gathering shall make a summary
inquiry and give a decision on the objection raised; and, in case
the members of the team are equally divided in their opinion, the
member of the team nominated by the District Committee to be
its Convenor shall have a second vote.

(7) The member of a Local Committee shall elect one of
their number, preferably a person who is literate, to be the
Chairman of the Local Committee; and, if two or more persons
secure an equal number of votes, the result of the election shall
be determined by drawing lots.

(8) The Local Committee so constituted shall be duly
notified by the District Committee concerned.

(9) Any adult Muslim resident of a locality who is aggrieved
by the conduct or the result of the proceedings for the selection
of the members, or the election of the Chairman of the Local
Committee concerned may prefer an appeal to the District
Committee;

Provided that the District Committee shall not grant any
injunction or make any interim order, including a stay order
during the period an appeal is pending.

(10) The District Committee to which an appeal under sub-
section (9) is preferred shall decide the appeal within such time
as may be prescribed; and the decision of the district Committee
shall be final and shall not be called in question before any court
or other authority.

(11) The Chairman and members of the Local Committee
shall hold office for 3 terms of three years and shall be eligible
for re-election or re-selection, as the case may.

(12) The Chairman or a member may, by writing under his
hand addressed to the Local Committee, resign his office;

Provided that he shall continue to hold office until his
resignation is accepted by the Local Committee.

(13) Any vacancy in the office of Chairman or member shall
be filled by the election or selection, as the case may be, of a
person qualified to hold the office, in accordance with the provisions of sub-section (4) or, as the case may be, sub-section (7).

(14) The Chairman or the member elected or selected, as the case may be under sub-section (13), shall hold office for the unexpired term of his predecessor.

16. **Vacancy, etc., not to invalidate Acts or proceedings.** (1) Notwithstanding anything contained in this Ordinance;
   (a) a Council or Committee established or constituted thereunder for the first time shall be deemed to be duly established or constituted even if its strength is less than the strength specified in this Ordinance by not more than two;
   (b) The Chairman of a Local Committee holding office immediately before the commencement of this Ordinance shall be deemed to be duly elected as such Chairman.

(2) No act or proceeding of a Council or Committee established or constituted under this Ordinance shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of such Council or Committee.

17. **Person to preside at meetings in the absence of Chairman.** If the office of Chairman of a Council or Committee established or constituted under this Ordinance is for the time being vacant, or the Chairman is absent from a meetings of the Council or Committee, the meeting thereof or, as the case may be, the meeting from which the Chairman is absent, shall be presided at-
   (a) in the case of a Council, by the Chief;
   (b) in the case of a District Committee, by the Deputy Commissioner;
   (c) in the case of a Local Committee, by the member elected by the members present.

18. **Power of Supersession and removal.** (1) If, after such inquiry as may be necessary, the Council is of the opinion that a Committee constituted under this Ordinance --
   (a) is unable to discharge or persistently fails in discharging its duties, or
   (b) has, without reasonable excuse, absented himself from three consecutive meetings of the Committee;
   (c) has been guilty of abuse of power or of misconduct in the discharge of his duties as Chairman or member, or
been responsible for any loss or misapplication of any money or property of the Committee, or
(d) is unable to administer its affairs, or
(e) acts in a manner contrary to public interest, or
(f) otherwise exceeds or abuses its powers, the Council may, by a resolution, declare, the Committee to be superseded for such period not exceeding one year as may be specified in the resolution:

Provided that the period of super session may, if the Council considers it necessary to do so, be extended beyond a period of one year.

(2) When a resolution is passed under sub-section (1) in respect of a Committee -

(a) the persons holding office as Chairman and members of the Committee to which the resolution relates, shall case to hold office:

(b) all functions of the Committee shall, during the period of super session, be performed by an Administrator, not being an official, appointed by the Council; and

(c) before the expiry of the period of super session, elections shall be held and selection or nominations made in accordance with the provisions of this Ordinance to reconstitute the Committee.

(3) If, after such inquiry as may be necessary, the Council is of the opinion that the Chairman or a member of a Committee constituted under this Ordinance-

(a) was at the time of his selection, election or nomination;

(i) not a Muslim;

(ii) not an adult;

(iii) not a resident of the area within the jurisdiction of the Committee;

(iv) an un-discharged insolvents; or

(v) not of sound mind;

(b) has been, during the period of three years preceding the date of his selection, election or nomination,

(i) ordered to execute a bond under section 108, 109 or 110 of the Code of Criminal Procedure, 1898 (Act V of 1898); or
(ii) convicted for an offence involving moral turpitude; or

(iii) declared GOONDA under the law relating to the control of goodness;

(c) has after his selection, election or nomination, incurred any of the disqualifications referred to in sub-clause (i), (iii), (iv), or (v) of clause (a) or sub-clause (i), (ii), or (iii) of clause (b)

(d) has become physically disabled from performing functions as Chairman or member, the Council may, by a resolution, remove such Chairman or member office.

**Explanation:** For the purposes of clause (e), 'misconduct' means bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration or wilful diversion of funds, and includes any attempt at or abetment of, such misconduct.

(4) When the Chairman or member of a Committee is removed from, or otherwise ceases to hold office, the vacancy in the office of such Chairman or member shall be filled within such time as the Council may determine, by the election, selection or nomination, as the case may be, in accordance with the provisions of this Ordinance, of a person qualified to hold the office.

(5) The Chairman or member elected, selected or nominated under sub-section (4) shall hold office for the un-expired term of his predecessor.

(6) The Council may delegate to a District Committee all or any of its powers under the preceding provisions of this section in respect of a Committee other than a District Committee.

(7) The Chairman or a member of a Committee superseded under sub-section (1), or a Chairman or member removed from office under sub-section (3), may, within such time, and in such form and manner, as may be prescribed, apply to the Council for a review of its decision; and the decision of the Council, given after giving to the applicant an opportunity of being heard shall be final and shall not be called in question before any court or other authority.

**Explanation:** In this sub-section, reference to 'Council' shall, where the powers of the Council are exercised by a District Committee in pursuance of sub-section (6), be construed as a reference to District Committee.
19. **Officers and Staff:** The administrative organisation of the Chief Administrator shall be a Department or a part of a Department of the Government, and, except where other-wise provided in this Ordinance, to enable the Committees constituted under this Ordinance to perform their functions, such officers and staff may be appointed on such terms and conditions, and by such authorities, as may be prescribed.

20. **Certain persons to be public servants:** Every person engaged in, or employed for, the administration of this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XIV of 1860).

**CHAPTER—'VI'

**MISCELLANEOUS.**

21. **Exemption:** The Government may, in consultation with the Council of Islamic Ideology, exempt, by notification in the official Gazette, any specified class of cases or persons from payment of compulsory levy of Zakat or Ushr.

22. **Certain Tax Concessions:** (1) Notwithstanding anything contained in any other law for the time being in force,-
   
   (a) in determining the tax liability of an assesses for an assessment year,-
   
   (i) under the Income Tax Ordinance, 1979 (XXXI of 1979), his taxable income shall be reduced by the amount paid by him to a Zakat Fund, during the previous year relevant to that assessment year; and
   
   (ii) under the Wealth-tax Act, 1963 (XV of 1963), his assets in respect of which Zakat or contribution in lieu thereof, has been deducted at source during the year relevant to that assessment year shall be excluded from his taxable wealth; and
   
   (b) land-revenue and development cess shall not be levied or land on the produce of which Ushr or contribution in lieu thereof, has been charged on compulsory basis.

   (2) Nothing in the preceding sub-section shall be deemed to affect the liability to pay income tax, wealth tax, land-revenue or development cess in respect of any period preceding the enforcement of the relevant provisions of this Ordinance.
23. **Power to make rules**: The Council may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

24. **Power to call for information and issue directions**: The Council, the Chief Administrator, a District Committee or a Local Committee, may, within its or his jurisdiction, call for such information or record from, and issue such directions to, the concerned persons or agencies as may be necessary for the performance of its or his functions under this Ordinance.

25. **Indemnity and Bar of Jurisdiction**.
   (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under the Ordinance or any rule.
   (2) No court shall call in question, or permit to be called in question, anything done or any action taken under this Ordinance or any rule.
   (3) No Court shall grant any injunction or make any order, nor shall any court entertain any proceedings in relation to anything done or intended to be done or any action taken or intended to be taken under this Ordinance or any rule.

26. **Removal of Difficulties**: The Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Ordinance.


   (Mohammad Hayat Khan)
   President,
   Azad Jammu & Kashmir.

   Sd/- (Khalil Ahmed Qureshi)
   Secretary Law.
## FIRST SCHEDULE
(SEE SECTION 2 AND 3)
ASSETS SUBJECT TO COMPULSORY LEVY OF ZAKAT
THROUGH DEDUCTION-AT-SOURCE
FOR CREDIT TO THE AZAD KASHMIR

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Description</th>
<th>Calculation</th>
<th>Applicability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saving Bank Accounts and similar accounts by whatever name described (excluding foreign currency accounts with the banks operating in Azad Jammu and Kashmir, post office, National Savings Centers and financial institutions keeping such accounts)</td>
<td>2.5 % of the amount standing to the credit of an account at the commencement of the day on the Valuation Date. (in case, the amount standing to the credit of an account is Rs. 100/- or less, no deduction will be made).</td>
<td>As notified by the Chief Administrator for the Zakat Year. The bank office Centre or institution, as the case may be, keeping the account.</td>
</tr>
<tr>
<td>2</td>
<td>Notice deposit receipts and accounts and pts with terms of maturity of nine months or less and similar receipt accounts by whatever name described (excluding foreign currency receipts and accounts) with the banks operating in Azad Jammu and Kashmir post, offices, National Savings Centers and Financial institutions issuing such receipts and keeping such accounts.</td>
<td>2.5 Of The Face Value Of A Receipt Or The Amount Standing To The Credit Of An Account At Commencement of the day on the Valuation Date in each Zakat year.</td>
<td>As notified by the Chief Administrator for the Zakat Year. The date on which the first return is paid, or the date of encashment/withdrawal, whichever be earlier, following the valuation date. In case the amount of first return is less than the amount of Zakat due, the entire amount of the return will be appropriated towards Zakat and the unrealized balance shall be deducted from the subsequent returns or at the time of encashment from the encash value, as the case may be. The bank, office, Centre or institution, as the case may be, issuing the receipt or keeping the account, and responsible for paying the return or the amount encashed/withdraw.</td>
</tr>
<tr>
<td>3</td>
<td>Fixed Deposit Receipt (other than those mentioned in serial number 2) and Accounts (excluding foreign currency receipts and accounts) and certificates (e.g. Khas Deposit Certificates), by whatever name described.</td>
<td>2.5 % of the face value of a receipt or a certificate or the amount standing to the credit of an account at the commencement of the day on the Valuation Date, in each Zakat year.</td>
<td>The date on which the first return is paid, or the date of encashment/withdrawal, whichever be earlier in the Zakat year. The bank, office, Centre case may be, issuing the receipt or certificate or keeping the account and responsible for paying the return or encashment/withdraw.</td>
</tr>
<tr>
<td>4.</td>
<td>Savings/deposit certificate (e.g. Defense savings Certificates, National Deposit Certificate), receipts and accounts by whatever name described issued or kept by the banks operating in Azad Jammu and Kashmir, post office, National Savings Centers, Financial institutions, statutory corporations and companies, on which return is receivable by the holder periodically or is received earlier than maturity.</td>
<td>The date of maturity or of encashment/withdrawal, whichever be earlier.</td>
<td>2.5 % of the payable value of certificates or receipts or the amount standing to the credit of an account, on the date of maturity or encashment/withdrawal, as the case may be.</td>
</tr>
<tr>
<td>5.</td>
<td>Units of the National Investment (Unit) Trust.</td>
<td>The date on which the first return becomes due or the date of surrender, whichever be earlier in the Zakat year.</td>
<td>2.5% of the applicable repurchase value of the Units as on the Valuation date in each Zakat year.</td>
</tr>
<tr>
<td>6.</td>
<td>I.C.P Mutual fund Certificate</td>
<td>The date on which the first return becomes due in the Zakat year.</td>
<td>2.5% Of The Face Value, Of The Market Value Based On The Closing Rate At The Karachi Stock Exchange, Whichever Be Lower As On The Valuation date in each Zakat year.</td>
</tr>
<tr>
<td>7.</td>
<td>Government securities (other)</td>
<td>The date on which the first</td>
<td>25% of the value of the</td>
</tr>
<tr>
<td>8. Securities including shares and debentures of statutory corporations or companies (excluding those held in the name of statutory corporation or a company and those mentioned at serial number 5, 6 and 7), on which return is payable periodically or otherwise, and is paid.</td>
<td>The date on which the first return becomes due or the date of encashment/ redemption whichever be earlier in the Zakat year.</td>
<td>Government securities on the Valuation date of encashment/ redemption, whichever be earlier in the Zakat year.</td>
<td>The date of encashment/ redemption, whichever be earlier in the Zakat year.</td>
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</tr>
<tr>
<td>9. Annuities</td>
<td>The date of accrual of annuity benefit or the date of surrender whichever be earlier in the Zakat Year.</td>
<td>If listed on the stock exchange, 2.5% of the paid-up value, or the market value based on the closing rate at Karachi Stock Exchange, whichever be lower as on the valuation date, in the each Zakat year. If not listed on the stock exchange, 2.5% of the paid-up value on the valuation date in each Zakat year.</td>
<td>The date on which the first return is paid or the date of encashment/ redemption whichever be earlier in the Zakat year.</td>
</tr>
<tr>
<td>10. Life insurance policies.</td>
<td>The date of maturity or of accrual of survival benefit or surrender.</td>
<td>2.5% of the value on maturity or of survival benefit or of surrendered value, as the case may be.</td>
<td>The date of payment of value on maturity or of survival benefit or of surrender value.</td>
</tr>
<tr>
<td>11. Provident Funds</td>
<td>The date of final settlement and the date of drawal of non-refundable advance, as the case may be.</td>
<td>In case of final settlement, 2.5% of the amount (excluding the employers contribution and the return accrued on that contribution, standing to the credit of the Provident Fund subscriber, as on the date of final settlement.</td>
<td>Same as the Valuation date given in column 3 for this item.</td>
</tr>
</tbody>
</table>

In case of drawal of Non-refundable advance, 2.5% of the amount drawn as Non-refundable advance.
Note:-

1. Deduction at source exceeding two and one-half percent of the value of an asset specified in this Schedule shall not be made in respect of that asset within the same Zakat year.

2. If the amount to be deducted at source at Zakat, in a particular case, is less than a rupee, it shall not be charged, and if it is more than a rupee but has a fraction of a rupee, fifty paisas and more shall be treated as the next higher rupee and less than fifty paisas shall not be charged.

3. The Valuation dated the deduction date for serial number 1 of this schedule will be notified by the Chief administrator simultaneously and the deduction date shall be deemed to be a public holiday for banks only, within the meaning of the Negotiable Instruments Act, 1881 (XXVI of 1881), Banks shall however, remain open for the their employees.
SECOND SCHEDULE
(See Section 2, 3 (5) and (5))

Items not subject to compulsory levy of Zakat but on which Zakat is payable be every Sahib-e-Nisab according to the relevant Nisab, on Self-assessment basis, either to a Zakat Fund or to any individual or institution, eligible, under the Shariah, to receive Zakat.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>ITEMS</th>
<th>Rate and basis for self Assessment</th>
<th>The Valuation Date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gold, silver, precious metals and stones and manufactures thereof.</td>
<td>2.5% of the market value, as on the Valuation Date.</td>
<td>The date as may be determined by the Sahib-e-Nisab.</td>
</tr>
<tr>
<td>2.</td>
<td>Cash</td>
<td>2.5% of the amount, as on the Valuation Date.</td>
<td>The date of annual closing of accounts.</td>
</tr>
<tr>
<td>3.</td>
<td>Prize Bonds.</td>
<td>2.5% of the face value, as on the Valuation dated.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Current Accounts, foreign currency accounts, non-resident rupee accounts and other accounts certificates, receipts, Units of National Investment (Unit) Trust, ICP-Mutual Fund Certificates, Government securities, annuities, life insurance polices, and Provident Fund balances to the extent not subject to compulsory levy of Zakat under the First Schedule.</td>
<td>2.5% of the value of the asset as on the Valuation Date.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Loans receivable, excepting loans receivable by banks, other financial institutions, statutory corporations and companies.</td>
<td>2.5% of the amount of loans receivable as on the Valuation Date.</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Securities including shares and debentures, to the extent not subject to compulsory levy of Zakat under the First Schedule.</td>
<td>If listed on the stock exchange, 2.5% of the market value (i.e. the closing rate at the Karachi Stock Exchange), as on the Valuation Date. If not listed on the stock exchange, 2.5% of the paid-up value, as on the valuation Date.</td>
<td></td>
</tr>
</tbody>
</table>
7. Stock-in-trade of  
(a) Commercial undertakings (including dealers in real estate).  
(b) Industrial undertakings.  

<table>
<thead>
<tr>
<th></th>
<th>Stock-in-trade of</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Commercial</td>
<td>(a)</td>
<td>2.5% of the book value, or, at the option of the Sahib-e-Nisab, the market value, as on the Valuation Date.</td>
</tr>
<tr>
<td></td>
<td>undertakings</td>
<td>(b)</td>
<td>2.5% of the book value, or, at the option of the Sahib-e-Nisab, the market value of raw materials and finished goods, as on the Valuation Date.</td>
</tr>
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<thead>
<tr>
<th></th>
<th>Mineral Production.</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>5% of the market value of the mineral excavated, as on the Valuation Date.</td>
<td></td>
<td>The date of sale.</td>
</tr>
</tbody>
</table>

9. Agricultural (including horticultural and forest) product:  
(a) Tenant’s share.  
(b) Other than the tenant’s share.  

<table>
<thead>
<tr>
<th></th>
<th>Agricultural (including horticultural and forest) product:</th>
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<tbody>
<tr>
<td></td>
<td>(a) Tenant’s share.</td>
</tr>
<tr>
<td></td>
<td>(i) 10% of the produce, as on the Valuation Date, in the barani area; and</td>
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<td></td>
<td>(ii) 5% of the produce, as on the Valuation Date, in the non-barani area.</td>
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<td></td>
<td>(b) 5% over and above the compulsory 5% in the barani area, as on the Valuation Date.</td>
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<td></td>
<td>The date or dates as may be prescribed or as may be notified by the Chief Administrator.</td>
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</tbody>
</table>

10. Animals (fed free in pastures):  
(a) Sheep or goats.  

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<tr>
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<th>Animals (fed free in pastures):</th>
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<tbody>
<tr>
<td></td>
<td>(a) Sheep or goats.</td>
</tr>
<tr>
<td></td>
<td>(i) For owners of one to 39 heads- Nil:</td>
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<td></td>
<td>(ii) For owners of 40 to 120 heads. one sheep/goat.</td>
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<td></td>
<td>(iii) For owners of 121 to 400 heads.</td>
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<td></td>
<td>The date or dates as may be prescribed, or as may be notified by the Chief Administrator.</td>
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</tbody>
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<tr>
<td>11.</td>
<td>Fish and other catch/produce of the sea, except catches by indigenous techniques.</td>
<td>2.5% of the value as on the Valuation Date.</td>
</tr>
<tr>
<td>12.</td>
<td>Wealth and financial assets other than those listed in the schedules on which Zakat is payable according As per Shariah.</td>
<td></td>
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</tbody>
</table>
to Shariah.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIATE,
MUZAFFARABAD.

Dated the 22nd June, 1980.

No. 3540/LD/80. The following Ordinance made by the president on the 22nd day of June, 1980 is hereby published for general information:-

(ORDINANCE CXIII OF 1980)

AN
ORDINANCE

to amend the Pakistan Administration of Evacuee Property Act, 1957

WHEREAS it is expedient to provide the measures for the permanent social and economic rehabilitation of allottees of evacuee property by granting proprietary rights in such allotted evacuee property;

AND WHEREAS the Government of Pakistan has also consented to the grant of such proprietary rights to the refugees in allotted evacuee property;

AND WHEREAS it is necessary to amend the Pakistan administration of evacuee Property) Act, 1957, as in force in Azad Jammu and Kashmir for aforesaid purposes;

AND WHEREAS the President is satisfied that circumstances exist when render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Pakistan Administration of Evacuee Property (Amendment) Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context,-

   (a) 'Act' means Pakistan Administration of Evacuee Property Act, 1957, as adapted in Azad Jammu and Kashmir;
(b) 'Allottee of evacuee property' shall mean the person or persons holding the allotment of any evacuee property under the Rehabilitation Act, 1956 as adapted in Azad Jammu and Kashmir at the time of enforcement of this Ordinance and shall include any person to whom any evacuee property is allotted in future under the said Act or any other law for the time being in force;

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

(d) 'Owner' shall mean the owner of the evacuee property as shown immediately before the war of liberation in 1947 or his heirs survivors or successors who are by his personal law entitled to inheritance;

(e) 'Rehabilitation Commissioner' means an officer appointed as such by the Government under the provisions of Pakistan Rehabilitation Act, 1956, as adopted in Azad Jammu and Kashmir.

3. **Addition of Section 18-A, Act XII of 1957.** In the Pakistan Administration of Evacuee Property Act, 1957 (Act XII of 1957) as adapted in the Azad Jammu and Kashmir, after Section 18, the following shall be added, namely: -

"18-A. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provision of the next following sub sections the allottees holding allotment of evacuee property in Azad Jammu and Kashmir shall enjoy the proprietary rights in respect of such property so, however, that such allottee, and every other person to whom any such property is transferred, by the allottee whether by way of sale, gift, mortgage or otherwise, shall hold the property subject to the condition that, if the owner of such property shall return to Azad Jammu and Kashmir at the time when a plebiscite is about to be, or is being, held in the State of Jammu and Kashmir in accordance with the UNCIP Resolution of the fifth day of January 1949, and shall claim the property, the allottee or other person holding that property shall surrenders the property in favour of the person who is declared to be the right-ful owner by the Custodian paying to the allottee or transferee the cost of any improvement made in the property.

(2) The proprietary rights in pursuance of subsection (1) shall be granted by the Custodian to every
allottee after realizing from such allottee the cost and other dues prescribed by the rules, in the form of 'Proprietary Rights Transfer Order' on the certificate of Entitlement from the Rehabilitation Commissioner.

(3) The Rehabilitation Commissioner shall issue a Certificate of the Entitlement under sub-section (2) after satisfying himself to the effect:-

(a) that the allottee is entitled to the allotment of evacuee property in Azad Kashmir;

(b) that the allotment has been made by the competent authority;

(c) that the allotment is within scale prescribed by the Government from time to time:

Provided that the land in respect of which a allottee has received compensation from the Government shall be excluded for the purposes of entitlement form the maximum limit of entitlement; and

(d) that the allottee has filed a form of holding of evacuee property prescribed by the Custodian of Evacuee Property.

(4) The order of Rehabilitation Commissioner refusing to issue a Certificate of entitlement shall be appealable to an officer authorised by Government in this behalf.

(5) An order of Custodian granting or refusing to grant proprietary rights under sub-section (1) shall be revisable by Divisional Bench of High Court.

(6) The Rehabilitation Commissioner or as the case may be the Custodian may review his own order to correct any clerical mistake or such omission which is apparent on the face of record:

Provided that no order shall be reviewed with out notice to the parties likely to be affected the review.

(7) The period of limitation for appeal review or revision under sub-sections (4) and (5) shall be 90 days from the date of order or the date on which it is communicated to person concerned whichever is later."
4. **Savings.** Notwithstanding any judgment, decree or order of any court including High court; every thing done, all actions taken, notifications issued, orders appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Pakistan Administration of Evacuee Property (Amendment) Ordinance, 1980 (Ordinance XXXVIII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Kahn)  
President,  
Azad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi)  
Secretary Law.
Dated the 23rd June, 1980.

No. 3541/LD/80. The following Ordinance made by the President on the 23rd day of June, 1980, is hereby published for general information:

(ORDINANCE CXIV OF 1980)

AN ORDINANCE to provide for law relating to imposition of restrictions on constructions and alienations in the Master Plan Areas

WHEREAS it is expedient to provide for law relating to imposition of restrictions and alienations in the Master Plan Areas of Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and Promulgate the following Ordinance:-

1. **Short title, extent and commencement.** - (1) This Ordinance may be called the Imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1980.

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

   (3) It shall come into force at once.

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

   (a) 'Controlling Authority' means a controlling authority set up under Section 3;

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

   (c) 'Master Plan' means a Master Plan approved by the Government;

   (d) 'Member' means the member of the Controlling Authority and shall include an ex-officio member.
3. **Setting up of Controlling Authority.**—(1) The Government may set up a Controlling Authority for carrying out the purposes of this Ordinance.
   
   (2) The Controlling Authority shall consist of a Chairman and such other members not exceeding three in number as may be nominated by the Government.

4. **Master Plan Area.**—(1) Notwithstanding anything contained in any other law for the time being in force, the Controlling Authority if so required by the Government, shall by notification in the official Gazette, declare any area before drawing up a Master Plan as a notified area for the purposes of this Ordinance.
   
   (2) The Controlling Authority may impose restrictions for regulation or prohibition with regard to the development of sites and the erection and re-erection of buildings within the limits of said notified area for which a Master Plan is drawn or being drawn up at a later stage, as the case may be.

5. **Restriction on alienation.**—No owner or a person having any interest in any land within the notified areas of Master Plan shall alienate any land or portion thereof in any manner whatsoever nor shall create any charge or encumbrance thereon.

6. **Site Development Schemes.**—(1) Where a notification has been issued under Section 4 (1), no owner of land in the Master Plan area shall develop the sites or erect or re-erect a building on any plot of land except in conformity with the provision of a site development scheme sanctioned for the area in the manner prescribed.
   
   (2) Where an owner of a land wishes to develop a plot or piece of land belonging to him, for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the Controlling Authority for sanction of his development scheme and the Controlling Authority may on such terms and conditions and on payment of such fee as may be laid down in its rules sanction the same:

   Provided that the Controlling Authority may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction at any time before construction if such construction is likely to hamper the objectives or proper execution of the housing scheme in Master Plan Area.

   (3) If any area is developed or otherwise dealt with in contravention of the provisions of the Master Plan, the Controlling Authority, may by notice require the owner of such
area or the person who has contravened the provision to make such alteration, in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Controlling Authority may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any other law, no compensation shall be payable for such demolition.

7. **Liability to acquisition.** (1) Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 all land within the Master Plan Area shall be liable to acquisition at any time in accordance with to provisions of Azad Jammu and Kashmir Acquisition of land (Housing and Development Schemes) Ordinance, 1980.


8. **Jurisdiction of Courts barred.** Save as otherwise provided in this Ordinance, no Court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Ordinance, by or at the instance of the Controlling Authority.

9. **Punishment.** Whoever contravenes any provision of this Ordinance or of any rule, regulation, or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

10. **Cognizance of offences.** No Court shall take cognizance of an offence under this Ordinance except upon a complaint made in writing by the officer authorised for the purpose by the Controlling Authority.

11. **Power to make rules.** The Controlling Authority with the previous sanction of the Government may make rules for carrying out the purposes of this Ordinance.

12. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, everything done, all action taken, notifications issued, orders or appointments made proceedings initiated, jurisdiction or power exercised under the provisions of the Imposition of Restriction (on construction and alienation in Master Plan Area) Ordinance, 1980 (Ordinance XLI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated
or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 24th June, 1980.  
No 3560/LD/80. The following ordinance made by the President on the 23rd day of June, 1980, is hereby published for general information:-

(ORDINANCE CXV OF 1980)

AN ORDNANCE

to provided for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir Territory and to Consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith.

WHEREAS it is expedient to provide for the constitution of Local Government institutions throughout the Azad Jammu Kashmir Territory and consolidate and amend certain laws relating to Local Government to provide for certain matter connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Local Government Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.** - In this Ordinance, unless the context otherwise requires:-

   (i) 'Building' includes any shop, house, hut, outhouse-shed or stable built of any material and used for any purpose and also includes a wall and a well;

   (ii) 'Bye-laws' means bye-laws made under this Ordinance;

   (iii) 'Cantonment Board' means a Cantonment Board constitute under the Cantonment Act, 1924 (II of 1924) as adapted in Azad Jammu and Kashmir;
(iv) 'Chairman' means the Chairman of the local Council constituted under this Ordinance;
(v) 'Collector' means the Chief Officer in charge of the revenue administration of the District concerned, and includes a Deputy Commissioner, and any other officer especially appointed by the Government to perform all or any of the functions of a Collector under this Ordinance;
(vi) 'Commissioner' means the Chief Officer Incharge of the revenue administration and includes any officer especially appointed by the Government to perform all or any of the functions of a Commissioner under this Ordinance;
(vii) 'Dehi Council' Dehi Council means a Dehi Council constituted under this Ordinance;
(viii) "District" means a revenue district;
(ix) 'District Council' means a Council for the district constituted under this Ordinance;
(x) 'Elected Member' means a member who has been chosen in election by the elector under the provisions of this Ordinance;
(xi) "Election Commissioner" means the Election Commissioner appointed under this Ordinance and includes an additional and a Deputy Election Commissioner;
(xii) "Elector" means a person who is entitled to vote at an election and whose name appears in the Electoral Rolls;
(xiii) 'Function' includes powers to be exercised and duties to be discharged;
(xiv) 'Government' means the Azad Government of the State of Jammu and Kashmir;
(xv) 'Infectious disease' means cholera, plague, small pox, and tuberculosis and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;
(xvi) 'Local Area' means the area under the jurisdiction of a local government.
(xvii) 'Local Council' means a Council constituted under this Ordinance and includes Union Council, Markaz Council,
District Council, Town Committee and Municipal Committee;

(xviii) 'Markaz,' means an area decided to be a Markaz under this Ordinance;

(xix) 'Markaz Council' means a Markaz Council constitute under this Ordinance;

(xx) 'Member' means a member of Local Council;

(xxi) 'Municipal Committee' means a Municipal Committee constituted under this Ordinance;

(xxii) 'Rules' means rules made under this Ordinance;

(xxiii) 'Rural Area' means an area which is not an Urban Area;

(xxiv) 'Town' means an area declared as notified area and includes an area declared to be a town under this Ordinance;

(xxv) 'Town Committee' means a Town Committee constituted under the Ordinance;

(xxvi) 'Union means an area declared to be a union under this Ordinance;

(xxvii) 'Union Council' means a union council constituted under this Ordinance; and

(xxviii) 'Urban Area' means an area which has been declared by the Government to be an Urban Area.

3. **Election Commissioner.** - (1) The Government may appoint an Election Commissioner, who shall be responsible for the organization, conduct and supervision of elections to the local Government institutions and matters connected therewith.

(2) The Government may appoint an Additional or a Deputy Election Commissioner to assist the Election Commissioner in performance of his functions under the provisions of this Ordinance:

Provided that any appointment made, order passed, notification issued and action taken before the Commencement of this Ordinance shall be deemed to have been validly made, passed, issued or taken under the provisions of this Ordinance.

4. (1) The Government may in the prescribed manner, divide the urban and rural area of a district, as the case may be, separately into a number of areas and declare by notification each such area to be a Local Council.
(2) The Government may by notification in the official Gazette, delegate any of its power under sub-section (1), to the Election Commissioner.

5. **Local Councils**: As soon as may be, the following Local councils shall be constituted in accordance with the provisions of this Ordinance.

(a) A Dehi Council for each Deh (village) or a group of village as the case may be.
(b) A union council for each union.
(c) A Markaz Council for each Markaz.
(d) A District Council for each District.
(e) A Town Committee for an urban area consisting of such number of members as may be prescribed.
(f) A Municipal Committee for an urban area consisting of more than ten thousand population except in the case of a district headquarters where a Municipal Committee shall be constituted irrespective of its population.

6. Every local council shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provision of this Ordinance and the rules, to acquire, hold and transfer property both movable and immovable and shall by its name sue or be sued.

7. Government may, by notification, specify the name by which any local council shall be known and unless the name of a local council is so specified it shall be known as the local council of the place where its office is situated.

**Composition of Local Councils**

**Union Councils**: 

8. (1) A Union Council shall subject to the other provisions of this Ordinance, consist of such number of members as may be fixed by the Government.
(2) The principles to be followed in determining the members shall be prescribed.
(3) No official shall be a member of the Union Council.
(4) The members of Union Council will elect from among themselves a Chairman/Vice Chairman of the Union Council.

**Markaz Council**: 

9. (1) A Markaz Council shall consist of such members as may, by notification, be fixed by the Government.
(2) The Chairman of the Union Councils shall ex-officio be the non-official member of the Markaz Council within whose jurisdiction the Union Councils lie.

(3) Where the members of a Union Council in a Markiz is less than three, the vice-Chairman of the Union Council shall also be the members of the Markaz Council. In addition to this the Union council will elect one member from amongst its members to act as member of the Markiz Council.

(4) The officer of the nation building departments at the Markaz level shall ex-officio be the official members of the Markaz Council, but they shall not have any right of vote. Their names shall be notified by the Government.

(5) The non-official members of a Markaz Council shall, in the prescribed manner elect one of its members to be its Chairman and Vice Chairman.

District Council:

10. (1) A District Council shall consist of such number of members as may, by notification, be fixed by the Government.

(2) The officers of the nation building departments at the district level shall ex-officio be the official members of the District Council, but they shall not have any right of vote. They shall be notified by the Government.

(3) The non-official members of the District council shall be elected directly at the ratio of the two members from each Markaz of 25,000 populations and one member for every additional 10,000 population of each Markiz.

Provided that where the total population is not exactly divisible by 10000 the reminder shall be disregarded if it is less than 6000 and shall be counted as 10000 if it is 6000 or more.

(4) The non-official members of the District Council, shall elect one of its members as Chairman, Vice Chairman.

Dehi Council:

11. (1) There shall be a Dehi Council for each Village having a population of not less than 500. In case the population of a Village is less than 500 it may be grouped with an adjoining Village to form the area of a Dehi Council.

(2) A Dehi Council shall consist of such member of members as may, by notification, be fixed by the Government.

(3) The members of a Dehi Council shall be nominated by the Union Council in a prescribed manner.
(4) The Dehi Council shall be non-formal bodies and shall not constitute a tier of local Government.

**Town Committee:**

12. (1) A Town Committee shall consist of such number of elected member, as may be fixed by the Government.

(2) The elected members of the Town Committee shall, in the prescribed manner, elect one of its members as its Chairman/Vice Chairman.

13. **Municipal Committees:**

(1) A Municipal Committee shall consist of such number of members as may by notification be fixed by the Government.

(2) The elected members of Municipal Committee shall, in the prescribed manner elect one of member to be its Chairman/Vice Chairman.

(3) The elected chairman of a Municipal Committee shall be ex-officio members of the District Council. He shall be deemed to be the non-official member of the District Council.

14. A member and a Chairman/Vice Chairman of a local council shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

15. **Declaration of properties.** Every Chairman, Vice-Chairman and member shall, before the enters upon his office authorized by the Government in this behalf and in such manner as the Government may direct, file a declaration in writing of properties, both moveable and immovable, whether within or outside Azad Kashmir or Pakistan, which he or any member of his family owns or has in his possession or under his control or in which he or any member of his family has any beneficial interest, in the form set out in the tenth Schedule.

**Explanation.** For the purposes of this Section, the expressions member of his family in relation to a person means-

(a) the spouse of such person; and

(b) such of the children, parents, brothers, and sisters as reside with, and or wholly dependent upon such person.

16. A Chairman/Vice Chairman of a Local 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 constituting the Local Council.
WARDS

17. (1) For the purpose of elections to Local Council, the area under its jurisdiction shall be divided in the following manner:-

(a) Union Council Each Union Council would be a multi member ward and would elect as many members as are notified by the Government.

(b) District Council Each Markaz would be a ward and the number of members would be as fixed under the law.

(c) Town Committee. Would have such number of single member ward as may be fixed by the Government.

(d) Municipal Committee Would have such number of single member ward as may be fixed by the Government.

(2) The Government or the election Commissioner may declare any area or ward of a Local Council to be a multi member area or ward, as the case may be.

18. **Electoral Rolls.**

(1) For each ward there shall be maintained, in the prescribed manner, a register in which shall be entered the names of persons who possess the qualifications and are not subject to any of the disqualifications specified in the second schedule.

(2) The register maintained under sub-section (1) shall be the electoral roll for the ward:

Provided that for the first elections under this ordinance the electoral rolls prepared by the Chief Election Commissioner for election to the Assembly would be used after such rearrangement as may be necessary provided that no name shall be omitted or added.

(3) The electoral roll shall from time to time be amended and revised in the prescribed manner.

(4) The inclusion of a disqualified person in, or the omission of a qualified person from, the electoral roll, or any other defect in its preparation or maintenance shall not, by itself, vitiate any election to, or any act or proceedings of, any local council constituted on the basis of such electoral roll.

19 **Election:**

Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an election of a local council.
20. **Elected Members:**

(1) For each ward there shall be chosen, in the prescribed manner, by the electors whose names appear for the time being on the electoral rolls for that ward, such number of members as is fixed under sub-section (2) from amongst such electors in the local Council in which the ward lies as possess the qualification and are not subject to any of the disqualifications specified in the second schedule.

(2) The number of members to be elected from any ward shall be fixed by the Government.

21. (1) No person shall contest any election to any local council on the basis of any direct or indirect affiliation to a political party, organization or body or institution.

(2) No person can present himself as a candidate or nominee of any political party or receive any financial assistance or use any document, sign, insignia, or flag inducting association with any political party.

(3) No candidate shall seek vote on political party basis or on the basis of any political party’s manifesto.

(4) A candidate is prohibited from seeking vote or support by attributing direct or indirect party affiliation to any of their opponents.

22. **Contravention.-** Any contravention of the provisions contained in Section 21 shall make a candidate liable to be disqualified from contesting elections for a period of four years and if elected he can also be removed for similar reason and debarred from election for the same period.

**TERM OF OFFICE OF LOCAL COUNCILS**

23. **Term of Office:**

(1) The term of office of a local council shall be a period of four years commencing from the date on which it assumes office.

(2) A local council shall assume office on such date, not later than thirty days from the day on which the names of its members are notified in the prescribed manner, as may be fixed by the Government.

24. **Casual vacancy.** - If the seat of an elected member becomes vacant during the term of office of a local council, a new member shall be elected within 60 days from the date the seat falls vacant and such member shall hold office for the remaining term.
25. **Resignation and removal of members:** (1) A member of a local council may resign his office by tendering his resignation to the Chairman, and if he is the Chairman, of Union Council Municipal Committee to the Government and the seat of the member, or the office of Chairman, as the case may be, shall become vacant when the resignation is received by the competent authority.

(2) A number of a local council shall render himself liable to removal from membership:

(a) If he incurs any of the disqualifications specified in Part II of the Second Schedule;

(b) If he without reasonable excuse, absents himself from three consecutive meetings of any local council; or

(c) If he is guilty of an abuse of power or of any misconduct in the discharge of his duties as a member or has been responsible for any loss or misappropriation of any money or property of any local council, or any local body or other local authority.

(3) An elected member of a local council shall be removed in accordance with the rules, as may be prescribed.

(4) No court shall have jurisdiction to enquire into or question the validity of anything done, or any order made or passed under this section.

26. **Notification of Election, resignation and removal of members:** The election, resignation or removal of a chairman, a vice-chairman or a member or a vacation of office by a chairman, vice chairman or a member of a local council shall be notified.

27. **Function of local Councils:** Subject to rules, and such directions as the Government may from time to time, and within the limits of funds at its disposal, a Dehi/Union Council, Markaz, District Council, Municipal Committee and Town Committee shall undertake the functions as enumerated in third, fourth and fifth Schedules respectively as are required to be undertaken by it and may undertake such other function-

(a) as are declared by the Government to be appropriate matters for administration by them; and

(b) all or any of the functions so given which be undertaken by them.

28. **Police and defence functions of Dehi or -Union Councils:** (1) The Government may establish a Village Police Force in such rural areas as may be notified from time to time and may by
rules regulate the appointment, the training and discipline, and
the terms and conditions of service of the members of such
police Force.

(2) The Village Police shall exercise such powers and
discharge such duties as are specified in Part III of the third
schedule.

(3) Where the Collector is of the opinion that in any Dehi,
Union or a Part thereof, special measures are required to secure
village defence or public security, he may by order, require that
all or any of the able bodied adult male inhabitants of the Union
or such Part thereof shall be liable to patrol duty for such period
and in such manner as may be specified in the order.

(4) Where an order is made under sub-section (3) the Dehi,
Union Council shall exercise such powers and discharge such
duties as may be prescribed.

29. **Revenue and general administrative functions.** (1) It shall be
the duty of the every Dehi and Union Council-

(a) to assist the Village revenue officials in the union, by
whatever name called or however designated in the
proper performance of their duties with regard to the
collection of rent or land revenue, and the general
administration;

(b) to render such assistance in the preparation of records
and assessments, and in the work of survey or crop
inspection, and of other branches of revenue
administration in the union as the Collector may require;

(c) to report to the police the commission of any offence
bring to the notice of the police the presence in the Dehi
of persons of notorious character, and to assist in the
investigation and prevention of crime, and in arresting
criminals;

(d) to report to competent authority all cases of damage to or
encroachments upon any public road, street or way, or
any public place, building or property;

(e) to publicize in the Dehi or Union all matters the
publicity of which is required by the Government or
other competent authority;

(f) to assist officials in the execution of their official duties
and to furnish such information as may be required by
them for official purposes.
(2) Nothing in sub-section (1) shall be constructed as authorizing the local council to interfere in the performance by any official of his official duties.

30. Functions relating to agricultural development etc:
   (1) A Dehi/Union Council shall be responsible for agricultural, industrial and community development in the Dehi or Union and may for that purpose, perform such functions as may be prescribed.

   (2) A Dehi or Union Council, may for the purpose of national re-construction, adopt such measure and perform such functions as may be prescribed.

31. Functions of Markaz Council:
   (1) Subject to rules a Markaz council may, and if so required by the District Council shall undertake all such functions in the Markaz, as the District Council is competent to undertake in the District.

   (2) The Government may direct from time to time and entrust any function to the Markaz Council.

   (3) In the performance of their functions the Markaz Councils shall be responsible to the District Council concerned and shall act in accordance with directions as the District Council may from time to time give.

32. Functions of District Council:
   (1) Subject to rules a District Council shall within the limits of the funds at its disposal make adequate arrangements for carrying out the requirements of the District in respect of matters enumerated in Schedule IV.

   (2) A District Council shall coordinate the activities of all local councils and municipal bodies within the District.

33. Function of Town Committee and functions of Municipal Committee:
   The functions of a town and Municipal Committees shall be as specified in the fifth schedule to this Ordinance.

34. Transfer of functions:
   The Government may from time to time direct that any service maintained by a local council shall be transferred to the control of the Government or any service maintained by the Government shall be transferred to the control of a local council.

35. Executive powers:
   (1) the executive powers of a local council shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

   (2) Save as otherwise provided in this ordinance and the rules, the executive powers of a local council shall vest in and be
exercised by its Chairman, either directly or through other persons authorized by him in accordance with the rules.

(3) All acts of a local council, whether executive or not, shall be expressed to be taken in the name of the local council, and shall be authenticated in the manner prescribed.

36. **Disposal of business.** - (1) All business of a local Council shall, to the extent and in the manner prescribed be disposed of at its meetings, or through its committees/Sub-Committees or by its Chairman.

(2) All meetings of a local council shall be presided over by its Chairman, and unless otherwise provided by this Ordinance, in his absence by Vice Chairman or a member chosen for that purpose by the members present.

(3) A local council shall have power to act notwithstanding any vacancy caused.

(4) No proceedings shall be invalid by reasons only that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

(5) Minutes of the meetings of a local council shall be drawn up and recorded in a book to be kept for the purpose.

(6) All decisions taken by a local council shall be reported to the respective competent authority within the prescribed period.

37. **Committees and Sub-Committees of Local Councils.** - A local council may appoint such committee or sub-committees consisting of its members and co-opted members if and to perform such functions as may be prescribed.

38. **Contracts.** - (1) All contracts made by or on behalf of a local council shall be-

(a) in writing and expressed to be made in the name of the local council;

(b) executed in such manner as may be prescribed; and reported to the local council by the Chairman at the meeting next following the execution of the contract.

(2) A local council may, by resolution, lay down the procedure that shall regulate the making of various contracts and in the execution of contracts the Chairman shall act in accordance with such resolutions.

(3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the local council.
39. **Works:** - The Government may by rules provide for -

(a) the preparation of plans and estimates for work to be executed by a local council;

(b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and

(c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

40. **Records, Reports and Returns.** - A local council shall -

(a) maintain such record of its working as may be prescribed;

(b) prepare and publish such periodical reports and returns as may be prescribed; and

(c) adopt such other measures as may be necessary, or may be specified by the Government from time to time for the publication of information about the working of the local council.

41. **Local council's service.** (1) There shall be constituted a Local Council Service in such manner and subject to such conditions as may be prescribed.

(2) The Government may from time to time specify the posts in the local councils which shall be filled by persons belonging to the local Council service.

42. **Servants of Local Councils.** (1) The Government may, on the prescribed term and conditions, appoint a Secretary and one or more Principal Officers to be the servants of a local Council who shall perform such functions as are assigned to them in relation to such local council by or under this ordinance.

(2) A local council may, and it so required by the Government authority shall on the prescribed terms and conditions, employ such other servants as are deemed necessary for the efficient performance of its functions under this ordinance.

(3) If in the opinion of the Government the number of servants employed by local council under sub-sections(2) or the remuneration fixed for any of them is excessive, the local councils shall, on being required by the Government to do so, reduce the number of servants or the remuneration of any of them as the case may be.

(4) Subject to the provisions of this ordinance and the rules-
(a) the Government may suspend, remove, dismiss, or otherwise punish and son appointed under sub-section (1); and
(b) The local council may suspend, remove, dismiss or otherwise punish any person appointed under sub-section (2)
(5) The Government may transfer any of the persons appointed under sub-section (1) from one local council to another local council within its jurisdiction.

43. **Provident Fund, Pension and other facilities for Servants of local councils.** - (1) A local council may establish and maintain a provident fund and require any of its servants to contribute to such Fund, and may itself contribute to it in such manner and proportion may be prescribed.
(2) A local council may, in the prescribed manner, and with the previous sanction of the Government, provide for the payment of pension to its servants after retirement.
(3) A local council may, with the previous sanction of the Government grant a special pension or gratuity to the family of any servant who dies or disease or injury contracted or suffered in the discharge of official duties.
(4) A local council may, in the prescribed manner, operate a scheme of social insurance for its employees, and require its employees to subscribe to it.

44. **Service Rules.** - the Government may by rules-
(a) prescribe the conditions of service of the servants of local councils;
(b) prescribe the grades of pay for the servants of local councils;
(c) prescribe a schedule of establishment selling forth the stall that shall be employed In a local council;
(d) prescribe the qualifications for various posts under local council;
(e) prescribe the principles to be followed in making appointments to various posts under local councils;
(f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of local councils, and provide for penalties and appeals against orders imposing penalties;
provide for other matters necessary for the efficient discharge of their duties by the servants of local councils.

45. Constitution of local funds. - (1) For every local council there shall be formed local Fund which shall be known as –
(a) the Dehi Fund, in the case of a Dehi Council;
(b) the Union Fund, in the case of the Union Council;
(c) The town Fund, in the case of a town Committee;
(d) the Markaz Fund, in the case of a Markaz Council;
(e) the District Fund, in the case of a District Council;
(f) the Municipal funds, in the case of a Municipal Committee.

(2) To the credit of the local fund formed under Sub-section (1) shall be placed --
(a) the balance of such fund as on the coming into force of this ordinance is at the disposal of the local body, if any, of which the local council concerned is the successor;
(b) the proceeds of all laves rules, tolls, fees and other charges levied by the local council under this ordinance;
(c) all rents and profits payable or accruing to the local council from the property vested in or managed by the council;
(d) all sums received by the local council in the performance of its functions under this Ordinance or under any law for the time being in force;
(e) all sums contributed by individuals or institutions, or other load councils, or by local bodies or other local authorities;
(f) all receipts accruing from the trust placed under the management of the local council;
(g) all grants made by the Government and other authorities;
(h) all loans raised, and all profits accruing from investments; and
(i) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the local council.

46. Custody or investment of local Funds and establishment of special fund. - (1) The money credited to a local fund shall be kept in a Government Treasury, or in bank transacting the
business of a Government Treasury, or in such other manners may be specified by the Government from time to time.

(2) A local council may invest any portion of the local Fund in such manner as may be prescribed.

(3) A local council may, and if required by the Government shall, established and maintain a separate fund for any special purpose, which shall be administered and regulated in such manner as may be prescribed.

47. **Application of the local Funds.** - The moneys from time to time credited to local Funds shall be applied in the following order of preference:

*Firstly,* in the payment of salaries and allowance to the servants of the local council;

*Secondly,* in the payment of loans;

*Thirdly,* in meeting the expenditure charged on the local Fund under this ordinance;

*Fourthly,* in the fulfillment of any obligation and in the discharge of a duty imposed on the local council under this ordinance or under any other law for the time being in force;

*Fifthly,* in meeting the expenditure declared by local council, with the previous sanction of Government to be an appropriate charge on the local Funds; and

*Sixthly,* in meeting the expenditure declared by the Government to an appropriate charge on the local Fund.

48. **Charged Expenditure.** - (1) The following expenditure shall be charged on the local fund, that is to say:

(a) all sums to be paid to, or in connection with the employment of, any Government servant who is or has been in the service of the local council.

(b) such sums as the local council may be required by the Government to contribute towards the conduct of elections, the maintenance of the Local councils service, the auditing of accounts, and such other matters as may from time to time be specified by the Government.

(c) any sums required to satisfy any judgment, decree or award against the local council by any court or tribunal; and

(d) any expenditure declared by the Government to be so charged.
(2) If any expenditure charged on the local Funds is not paid
the Government may, by order, direct the person or persons
having the custody of the Local fund to pay such amount, or so
much thereof as may from time to time be possible, from the
balance of the local Fund.

49. **Budget.**- (1) Every local council shall, in the prescribed manner,
prepare and sanction, before the commencement of each
financial year, a statement of its estimated receipts and
expenditure for that year, hereinafter referred to as the budget,
and forward a copy thereof to the Government.

(2) If the budget is not prepared or sanctioned by a local
council before the commencement of any financial year, the
Government may have the necessary statement prepared and
certify it, and such certified statement shall be deemed to be the
sanctioned budget of the local council.

(3) Within thirty days of the receipt of the copy of a budget
under sub-section (1) the Government may, by order, modify it,
and the budget so modified shall be deemed to be the sanctioned
budget of the local council.

(4) At any time before the expiry of the financial year to
which a budget relates, a revised budget for the year may, if
necessary, be prepared and sanctioned, and such revised budget
shall, so far as may, subject to provision of this Section
applicable to a budget.

(5) Where any local council assumes office under this
ordinance for the first time, its budget for the financial year
during which it assumes office shall relate to the remaining
period of that year, and the other provisions of this section shall
mutatis mutandis apply accordingly.

50. **Accounts.**- (1) Accounts of the receipts and expenditure of a
local council shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared
after the close of every financial year, and shall be transmitted to
the Government by such date as may be prescribed.

(3) A copy of the annual statement of accounts and such
other statements as may be prescribed shall be placed at a
conspicuous place in the office of the local council concerned for
public inspection, and all objections or suggestions concerning
such accounts received from the public shall be considered by
the local council and brought to the notice of the audit authority
referred to in Section 51.
51. **Audit** - (1) The accounts of every local council shall be audited in such manner, after such intervals and by such authority as may be prescribed.

(2) The audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the Chairman or any member or servant of the local council concerned.

(3) On the completion of audit, the Local council shall in the prescribed manner, submit to the Government an audit report which shall, among other things, mention –

(a) cases of embezzlement;
(b) cases or loss, waste or misapplication of the Local funds; and
(c) cases of other irregularities in the maintenance of accounts.

52. **Loans** - (1) Subject to the provisions of this Ordinance and the rules, the local Authorities Loans Act, 1914 (IX of 1914) and any other law for the time being in force, a local council may, with the previous sanction of the Government raise loans in the prescribed manner, and make suitable arrangements, to the satisfaction of the Government, for the repayment of the loans in such installments as may be fixed.

(2) A local council, may and if required by the Government shall, establish and maintain such separate funds as may be necessary for the repayment of loans, the Government may, among other things, require that any specified items of income of the local council shall wholly or in part be earmarked for and applied in the repayment of loans.

53. **Property of local councils** - (1) The Government may by rules –

(a) determine the property which shall vest in local councils;
(b) Provide for the management, maintenance, improvement and development of the property belonging to or vesting in local councils;
(c) regulate the alienation of such property; and
(d) provide for the compulsory acquisition of such immovable property as may be required by a local council for the purposes of this Ordinance.

(2) A local council may --

(a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it of which is placed under its charge;
(b) apply such property for the purpose of this Ordinance or the rules;
(c) acquire or transfer by grant gift, sale, mortgage, lease, exchange or otherwise any property with the previous sanction of such authority as may be prescribed.

54. **Development plans.** (1) A local council may, and if required by the Government shall, prepare and implement development plans for such periods and in such authority as may be specified.
(2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for –
(a) the promotion, improvement and development of such function or functions of the local council as may be specified;
(b) the manner in which the plan shall be financed, executed, implemented and supervised;
(c) the agency through which the plan shall be executed and implemented; and
(d) such other matters as may be necessary.
(3) The Government may direct that any specified items of income of a local council shall wholly or in part be earmarked for and applied in the implementation of a development plan.
(4) The development plans of local councils in a District, may be consolidated such manner as may be prescribed.

55. **Surcharge.** Every member of a local council, every official or servant of a local council, and every person charged with the administration of the affairs of a local council, or acting with the administration of the affairs of a local council, shall be liable for the loss, waste or misapplication of any money or property belonging to a local council, which is a direct consequence of his negligence or misconduct, and the liability of such member, official servant or person shall be determined by the Government in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand or as arrears of land revenue.

56. **Taxes to be levied.** (1) A local council, with the previous sanction of the Government may, levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Sixth Schedule.
(2) The Government may, by notification in the official gazette, specify separately the taxes, rates, tolls and fees mentioned in the aforesaid Schedule which may be levied
respectively by a District Council, by a Union Council, where such notification has been issued, no District Council shall be competent to levy any tax, rate, toll or fee leviable by a Union Council and no Union Council shall be competent to levy any tax, rate, toll or fee leviable by a District Council.

(3) No Markaz Council shall have the power to levy any tax, rate, toll or fee and such Councils shall be financed by the Government.

57. **Notification enforcement of taxes**- (1) All taxes, rates, tolls and fees levied by a District or Union or Dehi council shall be notified in the prescribed manner and shall unless otherwise directed by the Government, be subject to previous publication.

(2) Where a proposal for the levy of a tax, rate, toll or fee, or for a modification of a tax, rate, toll or fee which is in force is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll or fee or the modification shall come into force on such date.

58. **Model tax schedule**- The Government may frame model tax schedules, and where such schedules have been framed, District and Union and Dehi Councils shall be guided by them in levying a tax rate, toll or fee.

59. **Directions with regard to levy of tax etc.** (1) The Government may direct any local council except Markaz Council;

(a) to levy any tax, rate, toll or fee which the Council is competent to levy under Section 56;

(b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified; or

(c) to suspend or abolish the levy of any such tax, rate, toll or fee.

(2) If a direction issued under sub-section (1) is not complied with, within the specified time, if any the Government may make an order giving effect to the direction.

60. **Liability on account of taxes**- (1) A local council may, by notice, call upon any person to furnish such information, produce such record or accounts or to such goods or animal liable to any tax, rate, toll or fee, as may be necessity for the purpose of determining the liability of such person, goods or animals to a tax, rate, tool or fee or the assessment thereof.

(2) Any official of a local council authorized in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of each building or
premises to any tax or inspecting any goods or animal therein liable to any tax.

(3) Any official of a local council authorized in this behalf may, in the prescribed manner, seize and dispose of any goods on which any octroi, terminal tax or toll as due and is not paid.

61. **Collection and recovery of taxes etc.**—(1) Unless otherwise provided, all taxes, tolls and fees levied under this Ordinance shall be collected in the prescribed manner by the village revenue officials responsible for the collection of land revenue.

(2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a local council under this Ordinance shall be recoverable as a public demand or as arrears of land revenue.

(3) Notwithstanding the provisions of sub-section (2), the Government may empower any local council to recover arrears of taxes, rates, tolls fees and other moneys claimable by the council under this Ordinance by distress and sale of the moveable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

(4) The Government may by rules specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised and prescribe the manner in which it shall be exercised.

62. **Deduction of taxes from salaries.**—If a local council levies a tax on professions, trades, or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such persons, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the local fund of the council.

63. **Petitions against valuation, assessment etc.**—No assessment of a tax, rate, toll or fee under this Ordinance or valuation thereof, or the liability of person to be so taxed, shall be called in question except by a petition presented to such authority in such manner and within such period as may be prescribed.

64. **Taxation Rules.**—(1) All taxes, rates, tolls, fees and other charges levied by a local council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

(2) Rules framed under this Section may, among other matters, provide for the obligations of the tax-payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.
65. **Conduct of elections.**- (1) Subject to such directions as may from time to time be issued by the Election Commissioner, all elections to local councils under this Ordinance shall be organized and conducted in accordance with the rules, and such rules may provide for all matters connected therewith or incidental thereto, including by elections, corrupt or illegal practices and other election offences and penalize therefore, submission, trial and disposal of election petitions.

66. **Supervision over local councils.**- The Government shall exercise general such vision and control over the local councils in order to ensure that their activities confirm the purposes of this Ordinance.

67. **Control over the activities of local councils.**- (1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of a local council is not in conformity with law, or is in any way against public interest, the Government may by order, -

(a) Quash the proceedings;
(b) Suspend the execution of any resolution passed or order made by local council;
(c) Prohibit the doing or anything proposed to be done; and
(d) Require the local council to take such action as may be specified.

(2) Where an order under sub-section (1) is made by the Government, the local council concerned may, within thirty days of the receipt of the order, represent against it and the Government shall, within thirty days of the receipt of the representation, either confirm or modify or set aside the order.

(3) If for any reason the order is not confirmed or modified within the aforesaid period, it shall be deemed to have been set aside.

68. **Power of the Government to give directions to local councils** -

(1) The Government may direct any local council, or any person or authority responsible thereto, to take, within such period as may be specified, such action as may be necessary for carrying out the purposes of this Ordinance.

(2) Where after due enquiry the Government is satisfied that a local council or person or authority has failed to comply with any direction made under sub-section (1) the Government may appoint a person or persons to give effect to such directions, and may further direct that the expenses incurred in connection therewith shall be borne by the local council.
Should the expenses be not so paid, the Government may make an order directing the person having the custody of the balance of the Local Fund of the council to pay the expenses, or so much thereof as may from time to time be possible.

69. **Inquiry into the affairs of local councils.** - (1) The Government may either sue motto or on an application made to it by any person, cause an enquiry to be made by such officer as may be authorized by it in this behalf into the affairs of a local council generally, or into any particular matter concerning a local council.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a court under the Code of Civil procedure, 1908 (Act V of 1908), to take evidence and to complete the attendance of witnesses and the production of documents.

(3) The Government may make an order in respect of the costs of the enquiry and the parties by whom it shall be paid.

(4) Any amount payable under sub-section (3), by any person, not being a local council, shall be recoverable as a public demand or arrears of land revenue.

70. **Suspension of particular Departments or Institutions.** - (1) If after such enquiry as may be necessary is not able to run a particular department or institution, efficiently it may, by notification in the official Gazette, suspend the authority of the local council over such department or institution for such period as may be specified in the order.

(2) Where the authority of a local council over any department or institution is so suspended, the Government may itself take over the management of such department or institution or make such other arrangements as it thinks fit, and may require the local council, or in case the local council failed to place such amount as may be necessary for the management of such department or institution at the disposal of Government.

71. **Supersession of local councils.** - (1) If, after such inquiry as may be necessary, the Government is of the opinion that a local council –

(a) is unable to discharge or persistently failed in discharging its duties; or

(b) is unable to administer its affairs or meet its financial obligations; or

(c) generally acts in manner contrary to public interests; or

(d) Otherwise exceeds or abuses its powers, the Government may after hearing objection from local council may, by
notification in the official Gazette declare the local council to be superseded for such period not exceeding the residue of term of such local council, as may be specified.

(2) On the publication of a notification under sub-section (1)-

(a) persons holding office as Chairman/Vice Chairman and members of the local council shall cease to hold office;

(b) all functions of the local council shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf;

(c) all funds and property belonging to the local council shall during the period of supersession, vest in the Government.

(3) On the expiry of the period of supersession, the local council shall be reconstituted in accordance with the provisions of this ordinance and the rules.

72. **Training institutions**.- (1) The Government may set up schools, colleges or other institutions for the training of the members and staff of local councils, and for the promotion of research in local Government and allied subjects, and may by rules provide –

(a) for the administration of such schools, colleges and other institutions;

(b) for the compulsory training of members and staff;

(c) for the courses to be studied; and

(d) for the holding of examinations and the awards of diploma and certificate to successful candidates.

(2) Every local council shall pay towards the cost of the institutions set up under sub-section (1) in such proportions, as the Government may from time to time determine.

73. **Joint Committees**.- Any local council may join any other local council or council in appointing a joint Committee for any purpose in which such councils may jointly interested and may delegate to such joint committee any power which am be exercised by it, including the power to make regulations for the conduct business.

74. **Dispute between councils**.- If any dispute arises between two or more local councils, the matter shall be referred –

(a) to the collector, if the parties concerned are in same District;
(b) to the Commissioner if the parties concerned are in different districts;
(c) to the Government, if one of the parties is a cantonment Board and the decision of the authority to which the dispute is so referred shall be final.

75. **Offences.**- Every act or omission specified in the Ninth Schedule shall be an offence under this Ordinance.

76. **Punishment.**- An offence under this Ordinance shall be punished with fine which may extend to two hundred rupees and if the offence is a continuing one, with a further fine which may extend to twenty rupees for everyday of the date of the first commission during which period the offender has persisted in the offence.

77. **Compounding of offences.**- The Chairman or any person generally or specially authorized by the local council in this behalf may compound any offence under this Ordinance.

78. **Cognizance of offences.**- No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman or a person generally or specially authorized the local council in this behalf.

79. **Appeals.**-(1) Any person aggrieved by an order passed by a local council or its Chairman in pursuance of this Ordinance or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.

(2) Any order passed in appeal shall be final and shall not be called in question in any court.

80. **Duties of Police.**- It shall be the duty of all police officers to give immediately information to the chairman or an official of the local council concerned of commission of any offence under this ordinance and to assist the officials and servants of local councils in the exercise of their lawful authority.

81. **Standing Orders.**- The Government may, by standing orders issued from time to time:-

(a) define and regulate the relation of local councils inters, other local authorities;
(b) provide for coordinating the activities of local councils and Government departments;
(c) provide for giving financial assistance to local councils, including the making of grants for specified purposes on specified terms and conditions;
(d) Provide for the making of financial contributions by one local council to another local council or to any other local authority;

(e) Provide for the general guidance of local council in carrying out the purposes of this ordinance.

82. **Power to make rules**

(1) The Government may make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters enumerated in the Seventh Schedule and all matters incidental, consequential and supplemental thereto.

83. **Bye-Laws.**

(1) A local council may, and if required by the Government shall, make bye-laws, not inconsistent with rules to carry out the purposes of this ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters enumerated in Part I of the Eighth schedule, and all matters incidental, consequential and supplemental thereto.

84. **Regulations.**

A local council may make regulations to regulate the procedure in respect of all or any of matters enumerated in Part II of the Eighth Schedule, and all matters incidental, consequential and supplemental thereto.

85. **General provisions relating to rules, etc.**

(1) All by-laws shall be made subject to the sanction of the Government and the Government may sanction any bye-laws or regulations subject to modifications.

(2) The Government may frame model bye-laws and regulations, and in framing their bye-laws and regulations the local councils shall be guided by such model bye-laws and regulations.

(3) All rules shall be notified in the official Gazette, and all bye-laws and regulations shall be published in such manner as in the opinion of the authority making them be best adapted for informing the residents of the local area concerned.

(4) Copies of rules and of bye-laws and regulations pertaining to a local council shall be kept available at the office of the local council concerned for inspection and sale.

(5) All rules and bye-laws when duly made shall be deemed to form part of this Ordinance and shall have effect accordingly.

86. **Delegation of powers.**

(1) The Government may, by notification in the official Gazette, delegate any of its powers
under this Ordinance or the rules or bye-law, to any officer of the Government.

87. **Institution of suits against local council etc.** - No suit shall be instituted against a local Council or against any member, official or servant of a local council in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a local council, delivered or left at its office and in the case of a member, official, or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaintiffs shall contain a statement that such notice has been so delivered or left.

88. **Notice and service thereof.** - (1) Where anything is required to be done or not to be done by any person under this ordinance or the rules or bye-laws a notice shall be served on the person concerned specifying the time within which requirement shall be complied with.

(2) No notice shall be invalid for defect of form:

(3) Every notice shall, unless otherwise provided, be served or presented giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his place of abode or business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the local council concerned.

89. **Records to be public documents.** - All records prepared or registers maintained under this Ordinance shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (I of 1872) and shall be presumed to be genuine until the contrary is proved.

90. **Members and servants of local councils to be public servants.** - Every member and every servant of a local council and every other person duly empowered to act on behalf of local council, shall be deemed to be a public servant within the meaning of Section 21 of the penal code (Act XLV of 1860).

91. **Protection of action taken in good faith etc.** - No suit, prosecution or other legal proceedings shall lie against the Government or any local council or against person authorized by either, for anything done in good faith intend done under this Ordinance, or for any damage caused or likely to be caused by any such thing.
92. **Interim authorities, rules, bye-laws, taxes etc.** - (1) In any area within the jurisdiction of a local body or bodies in which the provisions of this Ordinance are brought into force but a local council is not constituted, the Government, notwithstanding anything in this Ordinance, may, by order, empower any person or to perform all or any of the functions of such body or bodies as had jurisdiction therein immediately before such enforcement, or such functions of a local council or councils under this Ordinance as may be specified in the order, until a properly constituted local council for the local area assumes office in accordance with the provisions of this Ordinance.

(2) Where a local council is constituted under this Ordinance in any area, not being an area within the jurisdiction of any local body, the Government may enforce such rules and without observing the procedure for previous publication, such bye-laws and such taxes, rates, tolls, or fees in that area for such period, not exceeding six months as may be considered necessary, for enabling the local council so constituted to prepare for carrying out the purposes of this Ordinance.

93. **Interim arrangement for the maintenance of institutions to be transferred to local council.** - Where on the enforcement of this Ordinance in any local area any service undertaken or institution maintained by the Government is required under any of the provisions of this Ordinance to be compulsorily undertaken or maintained by a local council, such service or institution shall not-withstanding anything contained in this Ordinance continue to be undertaken or maintained by the Government until the management thereof is duly transferred to the local council.

94. **Repeals and protection.** - On the coming into force of this Ordinance in any area the enactments mentioned in the First Schedule shall, if and in so far as applicable to that area, stand repealed.

(2) Where an enactment stands repealed under sub-section (1), any appointment, rule, regulation or bye-laws made, notification, order or notice issued, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not in consistent with the provisions of this Ordinance and the rules, be deemed to have been respectively made, issued, imposed or assessed, entered into, instituted or taken under this Ordinance.

95. **Removal of difficulties.** - If any difficulty arises in carrying out the provisions of this Ordinance, the Government may issue such
order as may be necessary in furtherance of the objects of this ordinance.

96. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, everything done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Local Government Ordinance, 1979 (Ordinance LXXXVI of 1979) or its succeeding Ordinance issued from time to time shall be deemed to validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.

**THE FIRST SCHEDULE.**


**THE SECOND SCHEDULE.**

Qualifications and Disqualifications of Electors and Members.

Part I - Qualifications and Disqualifications of Electors.

1. **Qualifications of electors -** A person shall be entitled to be an elector if-

(a) he is a National of the Jammu and Kashmir State;
(b) he is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral roll commences;
(c) he has been resident in the local council area a period of not less than six months immediately preceding the first day of January in the year in which the preparation or revision of the electoral roll commences ; and
(d) he is not subject to any disqualification for being an elector.

*Explanation:*- (1) The expression ‘National of the Jammu and Kashmir State’ means a person who falls
within the definition of a State-Subject as defined under the State Law.

Explanation :- (2) A person shall be deemed to be a resident in a local council if he ordinarily resides, or owns or possesses dwelling house therein:

Provided that any person who holds a public office, or is in the service of Government, shall during any period for which he holds such office or is employed in such service, be deemed to be a resident in the Town or Union or Dehi in which he would have been resident if he had not held such office or had not been so employed.

2. **Disqualifications of electors**. - A person shall be disqualified for being an elector:

(a) if he is of unsound mind and stands so declared by a competent court;

(b) if he has been convicted of an offence or a corrupt or illegal practice relating to elections, or has been found guilty of any such offence or practice in any proceedings for questioning the validity or regularity of an election, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf has elapsed from the date of the order, or from the date of the expiration of the sentence, if any.

**Part II**

**Qualifications and Disqualifications of Candidates and Members**

1. **Qualifications of candidates**. - A person who is not less than twenty-five year of age on the first day of January preceding the election shall be qualified to be elected as a member of local council if his name appears for the time being on the electoral roll for the local council concerned, and he does not suffer from a disqualifications mentioned in Part I.

2. **Disqualification of candidates**. - A person shall be disqualified for being a member or a candidate for the membership of a local council –

(a) If he has ceased to be a National of the Jammu and Kashmir State or has voluntarily acquired the citizenship of a foreign state, or has made a declaration of allegiance to adherence to a foreign State;

(b) if he is an undischarged insolvent;

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(c) if he has been ordered to execute a bond under Section 110 of the Code of Criminal Procedure, 1898 (Act V of 1898) or has been on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term of not less than six months, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf, has elapsed from the date of the expiration of the period of the bond or sentence, as the case may be;

(d) if he is whole-time salaried official in the service of Government, or of a public statutory corporation, a local council, or a local body or other local authority;

(e) if he is under contract for work to be done for or goods to be supplied to the local council concerned, or his otherwise any pecuniary interest in its affairs;

(f) if he is for the time being disqualified for membership of an elective body or under any law for the time being in force;

(g) if he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

(h) if 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 has elapsed since his dismissal;

(i) if he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity of Pakistan, security of Azad Jammu and Kashmir or Pakistan, or morality, or the maintenance of Public order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or which defames or brings into ridicule the judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed Forces of Pakistan; or

(j) he has been removed or compulsorily retired from the service of Azad Jammu and Kashmir or Pakistan on the ground of misconduct unless a period of three years has elapsed since his removal of compulsory retirement; or

(k) he has been in the service of Azad Jammu and Kashmir or Pakistan or of any statutory body or anybody which is owned or controlled by the Government or the Government of Pakistan, or in which any of the
Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of corrupt or illegal practice under any other law for the time being enforce, unless a period of seven years has elapsed from the date on which that order takes effect; or

(m) he has been convicted under Section 8 of the Azad Jammu and Kashmir Political Parties Ordinance, 1979, unless a period of five years has elapsed from the date of such conviction; or

(n) he is for the time being disqualified from being elected or chosen as a member of the Legislative Assembly of Azad Jammu and Kashmir under any law for the time being enforced.

THE THIRD SCHEDULE

FUNCTIONS OF DEHI COUNCIL, UNION COUNCIL AND VILLAGE POLICE

Part I - Functions of Dehi Council
Part II - Functions of Union Council
Part III - Powers and duties of village police

FUNCTIONS OF DEHI COUNCIL

1. Such Functions in connection with 'Zakat' and 'Usher' as may be assigned by Government under relevant laws.
2. Relief for the widows, orphans, the poor and persons in distress.
3. Conciliation where the parties belong to the same village.
4. Prevention and abatement of nuisances in public ways, public streets and public places.
5. Sanitation, conservancy, and the adoption of other measures for the cleanliness of the Dehi.
6. Regulation of the collection, removal and disposal of manure and the street sweepings.
7. Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous to public health.
8. Regulation or prohibition of the watering of cattle, bathing or washing or near wells, ponds or other sources of water reserved for drinking purposes.
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9. Regulation or prohibition of the steeping of hemp, jute or other plants in the or near ponds or other sources of water supply.
10. Regulation or prohibition of dying or tanning of skins within residential areas.
11. Holding of fairs and shows.
12. Celebration of the public festivals.
13. Promotion of public games and sports.
14. Adoption of measures for increased food production.
15. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.
16. To report to the police, the commission of any offence to bring to the notice of the police, person in Dehi, of persons of notorious character and to assist in the investigation and prevention of crime and arresting criminals.
17. Such other functions as may be delegated by the Union Council.

PART II

FUNCTION OF UNION COUNCIL.

1. Conciliation Courts (excluding cases assigned to Dehi Councils).
2. Such functions in connection with 'Zakat' and 'Usher' as may be assigned by the Government under relevant law.
4. Prohibition of the use of the water of Wells, ponds and other sources of water supply suspected to be dangerous to public health.
5. Holding of fairs and shows.
6. Promotion of public garrets and sports.
7. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.
8. To report to the police, the commission of any offence to bring to the notice of the police, person in Deh, of persons of notorious character and to assist in the investigation and prevention of and arresting criminals.
9. Coordination of development activities of all nations building Department in particulars Agri. Sector.
10. Adoption of necessary measures to promote Islamic values and ways of life.
11. Registration of births and deaths and the maintenance of such vital statistics as may be prescribed.
12. Plantation and preservation of trees in general and plantation and preservation of trees on public ways, public streets and public places in particular.
13. Lighting of public ways, public streets and public places.
14. Management and maintenance of 'Shamilats' burial grounds, common meeting places and other common property.
15. Prevention and regulation of encroachment of public ways, public streets and public places.
16. Regulation of the disposal of carcasses of dead animals.
17. Regulation of the slaughter of animals.
18. Provision and maintenance of wells, water pumps, tanks, ponds and other works for the supply of water.
19. Adoption of measures for preventing the contamination of the sources of water supply for drinking.
20. Provision and maintenance of accommodation for travelers.
21. Voluntary registration of the sale of cattle and other animals.
22. Provision and maintenance of public ways and public streets.
23. Provisions, and maintenance of public places, public open places, public gardens and public grounds.
24. Regulation of the erection and re-erection of buildings in the Union.
25. Regulation of the dangerous buildings and structures.
26. Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
27. Regulation of prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
28. Provision of relief measures in the event of any fire, flood, hail storm, earth quake or other natural calamity.
29. Agricultural, industrial and community development, promotion and develop of cooperative movements, village industries, forests, livestock and fisheries.
30. Provision of first aid centers,
31. Provision of libraries and reading rooms.
32. Cooperation with other organizations engaged in activities similar to those of Dehi Council.

33. Aid in the promotion of education under the direction of the District Council.

PART --- III.

POWERS AND DUTIES OF VILLAGE POLICE.

Every Village Kotwal or other member belonging to the village Police, by whatever name called or however designated shall exercised the powers and discharge the duties enumerated hereunder :-

1. He shall keep watch and ward in the Deh.

2. He shall assist the Police to the best of his ability in all matters connected with the prevention and detection of crimes, and the apprehension of offenders.

3. He shall assist the Chairman and the Union, Dehi Council in the performance of their official functions.

4. He shall, unless otherwise, provided, report in person on the state of his beat for a fortnight to the officer in charge of the police-station within the limits of which the Union is situated.

5. He shall observe and from time to time report to the officer in charge of the police station the movement of all bad characters in the Deh, Union, and shall report the arrival of suspicious characters in the neighborhood.

6. He shall report to the officer in charge of the police station such information as he may obtain respecting any person found lurking in the Deh, Union, who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself.

7. He shall keep the officer in charge of the police station informed of all disputes are which likely to lead to any riot or serious affray, and of all intelligence he receive affecting the public peace in the Union.

8. He shall report to the office in charge of the police station any information he may obtain respecting the commission of, or intention to commit, any of the following offences in the Deh, Union, that is to say :-

   a. rioting;
   b. concealment of birth by secret disposal of dead body;
   c. exposure of a child;
   d. mischief by fire;
e. mischief to animals by poisoning;
f. attempt to commit culpable homicide or suicide; and
g. attempt to commit or abet the commission of any of the above offences.

9. He shall to the best of his ability, prevent, and he may interpose for the purpose of preventing the commission of, any offence specified in paragraph (5), or any other cognizable offence.

10. He shall maintain a Birth and Death Register and shall report all births and deaths within his beat to the Dehi or Union Council.

11. He shall immediately give information to the Dehi or Union Council of the outbreak of any epidemic or infectious disease among the human beings or animals, or crop disease, or pest attack.

12. He shall immediately give information to the Dehi or Union Council of damage to any embankment or irrigation work.

13. He shall supply any local information required for official purposes.

14. He shall assist the village revenue officials in the collection and recovery of rent or land revenue, taxes, tolls, fees and other dues.

15. He shall report to the Dehi or Union Council any information that he may obtain respecting the commission of or intention to commit any offence under this ordinance.

16. He shall immediately give information to the Dehi or Union Council of any damage or obstruction to, or encroachment on any property, moveable or immovable to or vesting in any local council, and may interpose for the prevention of any such damage, obstruction of encroachment.

17. He shall serve processes upon person's resident within the Dehi or Union.

18. He may without an order from a magistrate, and without a warrant, arrest-

(a) Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned;

(b) any person having in his possession, without lawful excuse any implement of house-breaking;
any person who has been proclaimed an offender under the Code of Criminal Procedure, 1898 (Act V of 1898) or by an order of the Government;

(d) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

(e) any person who has escaped or attempts to escape from lawful custody;

(f) any person who obstructs a public servant in the execution of his official duties;

(g) any person reasonably suspected of being a deserter from the Azad Kashmir Regular forces, the Pakistan Army, Navy or Air Force; and

(h) any released convict committing a breach of any rule under sub-section (3) of Section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898).

19. He shall assist private persons in making such arrest as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the police station.

20. He shall take charge of all persons arrested by the village officials, or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so take, charge of by him, or any person or persons he himself may arrest, before the officer in charge of the police station; provided that during the hours of darkness the person or persons arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police station.

21. He shall carry out such other duties as are entrusted to him from time to time in accordance with the rule.

THE FOURTH SCHEDULE

FUNCTION OF DISTRICT COUNCIL

1. Such functions in connection with Zakat and Usher as may be assigned by Government under relevant law.

2. Provision and maintenance of libraries and reading rooms.

3. Provision and maintenance of Primary Schools/other educational institutions.

4. Provision and maintenance of hospitals and dispensaries, including veterinary hospitals and dispensaries.
5. Provision, maintenance and improvement of public roads, culverts, and bridges.
6. Plantation and preservation of trees on roadsides and public places.
7. Provision and maintenance of public gardens, public playgrounds and public places.
8. Maintenance and regulation of public ferries other than those maintained by Government Departments.
10. Provision and maintenance of seraes, a dakbungalows, zailghars, rest-house and other buildings for the convenience of travelers.
13. Holding of fairs and shows.
14. Promotion of public games and sports.
15. Celebration of public festivals.
16. Promotion of sanitation and public health.
17. Prevention, regulation and control of infectious diseases.
18. Enforcement of vaccination.
19. Protection of food stuffs, and prevention of adulteration.
20. Registration of marriages.
21. Registration of the sale of cattle.
22. Provision of water-supply, construction, repair and maintenance of water works and other sources of water supply.
23. Agricultural, industrial and community development, promotion of national reconstruction, promotion and development of cooperative movement and village industries.
24. Adoption of measures for increased agricultural production.
25. Regulation of traffic, licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
26. Improvement of the breeding of cattle, horses and other animals, and the prevention of cruelty to animals.
27. Relief measures in the event of any fire, flood, hail-storm, earthquake, famine or other natural calamity.
28. Cooperation with other organizations engaged in activities similar to those of the District Council.
29. Any other functions that may be directed by Government to be undertaken by District Council either generally or by a particular District Council.
30. Provisions and maintenance of schools other than primary schools.
31. Construction and maintenance of buildings to be used as hostels for students.
32. Provision of Scholarships.
33. Training of teachers.
34. Payment of grants and subsidies to educational institutions.
35. Promotion and assistance of educational societies.
36. Undertaking of educational surveys, framing of educational plans and implementation thereof.
37. Promotion of adult education.
39. Publication of school books and the maintenance of printing presses.
40. Provision of school books to orphans and indigent students free of cost or at concessional rates.
41. Maintenance of depots for the sale of school books and articles of stationery.
42. Any other measures likely to promote the cause of education.
43. Organisation of general cultural activity.
44. Establishment and maintenance of information centers.
45. Organisation of museum, exhibitions and art galleries.
46. Maintenance of radio sets at public institutions and public places.
47. Provision and maintenance of public halls, public meeting places and community centers.
48. Furtherance of civic education and the dissemination of information on such matters as local government, rural reconstruction, hygiene, community development agriculture, industries, cattle breeding and other matters of public interest.
50. Reception of distinguished visitors.
51. Encouragement of national and regional languages.
52. Promotion of Physical culture, the encouragement of public
games and sports and the organization of rallies, matches and
tournaments.
53. Preservation of the historical and indigenous characteristics of
the local area.
54. Any other measures likely to promote cultural progress and
advancement.
55. Establishment, management and maintenance of welfare homes,
asylums, orphanages, widow-homes and other institutions for the
relief of the distressed.
56. Burial and cremation of paupers found dead with in the local
area.
57. Prevention of beggary, prostitution, gambling, taking of injuries
drugs and consumption of alcohol liquor, juvenile delinquency
and other social evils.
58. Promotion of social, civic and patriotic virtues among the people
and discouragingacial, racial, tribal and sectarian prejudices.
59. Organization of social service volunteers.
60. Organization of legal aid for the poor.
61. Adoption of measures for the promotion of the welfare of
women, backward classes, and children and families of the
persons serving in the Armed Forces.
62. Adoption of measures for the settlement of disputes by
conciliation and arbitration.
63. Any other measures likely to promote social welfare.
64. Establishment and maintenance of model agricultural farms.
65. Popularization of improved methods of agriculture, maintenance
of improved agricultural implements and the lending of such
implements to cultivators, and adoption of measures for bringing
waste lands under cultivation.
66. Maintenance of crop statistics, protection of crops, the lending of
seeds for sowing purposes, distribution of fertilizers and the
popularization of their use and the maintenance of fodder
reserves.
67. Promotion of agricultural credit, agricultural education, and
adoption of other measures likely to promote agricultural
development.
68. Construction and repair of embankments, supply, storage, and
control of water for agricultural purposes.
69. Preservation and reclamation of soil and the draings and reclamation of swamps.
70. Management, protection and maintenance of village forests.
71. Provision, regulation and maintenance of markets.
72. Provision of facilities for the procurement of raw materials and the marketing of products of village industries.
73. Establishment, maintenance and management of industrial schools and the training of workers in village industries.
74. Adoption of other measures likely to promote the development of village industries.
75. Organisation, maintenance and management of village stores.
76. Popularization of the cooperative movement and the promotion of education in co-operation.
77. Any other measures likely to promote economic welfare.
78. Promotion of education in public health.
79. Framing and implementation of anti-malaria schemes, and schemes for the prevention and control of infectious diseases.
80. Provision and maintenance of mobile medical aid units.
81. Organization and maintenance of first aid centers.
82. Promotion and encouragement of sciences for the provision of medical aid.
83. Promotion of medical education and the payment of grants to institutions for medical workers.
84. Medical inspection of compounders, dispensers, nurses and other medical workers.
85. Establishment, management, maintenance and the visiting of Unani, Ayurvedic and Marsecopathic dispensaries.
86. Establishment, management, maintenance and the visiting of health centers, maternity centers and centers for the welfare of infants and children the training of Dais and the adoption of other measures likely to promote the health and welfare of women, infants and children.
87. Measures to alleviate diseases of animals and birds and the prevention and control of contagious diseases among birds and animals.
88. Preservation of cattle wealth.
89. Provision, maintenance and improvement of pastures and grassing grounds.
90. Regulation of milk supply, establishment of milk colonies, and provision and regulation of sanitary stables.
91. Establishment and maintenance of Cattle farms and dairies.
92. Any other measures likely to promote public health, animals, husbandry and welfare of birds.
93. Improvement of the means of communications.
94. Drainage, water-supply, payment of streets and other works of public utility.
95. Farming and execution of village plans, village improvement schemes, town planning schemes and regional planning schemes.
96. Maintenance of maps for local areas.
97. Construction, management and maintenance of such other works of public utility not specified elsewhere as may be required for fulfilling any obligation imposed by or under this Ordinance or any other law for the time being in force.
98. Measures likely to promote their religious and moral advancement and increase the material prosperity of the local area and its inhabitants.

SCHEDULE V

COMPULSORY FUNCTIONS OF MUNICIPAL COMMITTEES AND TOWN COMMITTEES.

1. Such Function in connection with Zakat and Usher as may be assigned by Government under relevant law.
   
   A. PUBLIC HEALTH.
   
   1. Responsibility for sanitation.
      A Municipal Committee shall be responsible for the sanitation of the Municipality.
   
   2. Insanitary buildings and land.
      (1) A Municipal Committee may, by notice or require the owner or occupier of any building or land which is in an insanitary or unwholesome state-
      (a) to clean or otherwise put it in a proper state;
      (b) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation; and
      (c) to lime-wash the building and to make such essential repairs as may be specified in the notice.
      (2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified
in the notice, the Municipal Committee may cause the necessary steps to be taken at the expense of the owner or the occupier, and the cost so incurred by the Municipal Committee shall be deemed to be a tax-levied on the owner or the occupier under this ordinance.

3. **Removal Collection and disposal of refuse.** (1) A Municipal Committee shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and land vested in the Municipal Committee and for the collection and proper disposal or such refuse.

   (2) The occupiers of all other buildings and lands within the Municipality shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the Municipal Committee.

   (3) The Municipal Committee shall cause public dustbins or other suitable receptacles to be provided at suitable places and in proper and convenient situation in streets or other public places and where such dust-bins or receptacles are provided, the Municipal Committee may by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.

   (4) All refuse removed and collected by the staff of the Municipal Committee or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Municipal Committee shall be the property of the Municipal Committees.

4. **Latrines and urinals.** (1) A Municipal Committee shall provide and maintain in sufficient number and in proper situations, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

   (2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in proper state to the satisfaction of the Municipal Committee and shall employ such staff for the purpose as may be necessary or as may be specified by the Municipal Committee.

   (3) Where any premises are without privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Municipal Committee may, by notice, require the owner of such premises…
(a) to provide such or such additional privy or urinal accommodation as may be specified in the notice;
(b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;
(c) to remove the privy or urinal; and
(d) where there, is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation.

5. **Births and deaths.**—A Municipal Committee shall register all births and deaths within the limits of the Municipality and information of such births and deaths shall be given by such persons or authorities and shall be registered in such manner as the bye-laws may provide.

6. **Infectious diseases.**—(1) A Municipal Committee shall adopt measures to prevent infectious diseases and to restrain infection within the Municipality.

(2) A Municipal Committee shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

**B. WATER SUPPLY.**

7. **Water Supply:**—(1) A Municipal Committee shall provide or cause to be provided to the Municipality a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the Municipal Committee shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

8. **Private sources of water supply.**—(1) All private sources of water supply within Municipality shall be subject to control, regulation and inspection by the Municipal Committee.

(2) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Municipal Committee.

(3) A Municipal Committee may by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes.

(a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying matter;
(b) to protect the same from contamination in such manner as the Municipal Committee directs; and

(c) if the water therein is proved to the satisfaction of the Municipal Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

C. DRAINAGE

9. Drainage.- (1) A Municipal Committee shall provide an adequate system of Public drains in the Municipality and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the Municipality may, with the previous permission of the Municipal Committee, and subject to such terms and conditions including the payment of fees as the Municipal Committee may impose cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control regulation and inspection by the Municipal Committee.

(4) Subject to the provision of any other law for the time being in force a Municipal Committee may be notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions shall be offence under this ordinance.

(5) A Municipal Committee may, by notice require the owner of any building, land or an industrial concern within the Municipality.

(a) to construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent as may be specified in the notice.

(b) In case of failure of the owner to comply with the requirements of notice under sub-section (5) the Municipal Committee may itself cause to carry out requirements and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be under this Ordinance.

10. Drainage and sewerage schemes for commercial and industrial area/areas (1) A Municipal Committee may through a notice requisite the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within a Municipality to have at their own cost prepared, a scheme for the
adequate and safe drainage and disposal if their wastes and effluent of the quality permitted under the rules or the bye-laws and submit to the Municipal Committee within the time specified in the notice; provide that the time limit may be extended by the Municipal Committee for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the Municipal Committee with modification, if any shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Municipal Committee.

(3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of sub-section (1) and (2) the Municipal Committee may itself prepare the drainage, sewerage and disposal scheme and execute and implement it after approval by Government at its own expense and the cost so incurred shall, under this Ordinance be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

(D). ARTICLES OF FOOD AND DRINK.

11. Private Markets. (1) No private market for the sale of articles of food or drink or animals shall be established or maintained within a Municipality except under a licence granted by the Municipal Committee and in conformity with conditions of such license.

(2) A Municipal Committee may levy fees in the respect of private market in the prescribed manner.

(3) A Municipal Committee may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period as may be specified in the notice.

12. Slaughter houses.- A Municipal Committee shall provide and maintain at such site or sites within or outside the limits of the Municipality one or more slaughter houses for the slaughter of animals or sale of any specified description of animals.

(E). ANIMALS AND CATTLE.

13. Prohibition on Picketing or gathering in street.- No animals shall be picketed or gathered in such streets or places as may be specified by the Municipal Committee and any animals found
picketed or gathered in any such street or place shall be liable to seizure and impounding.

14. **Prohibition against: keeping and maintaining cattle.**- (1) Notwithstanding anything to the contrary contained in any other law or any agreement, instrument custom or usage or decree, judgment or order of any court or other authority …

(a) no, person shall, after the expiry of the period allowed under sub-section (2) keep or maintain cattle in any part of a prohibited zone; provided that the prohibition shall not apply to:

(i) cattle kept bonafide for sacrificial purposes;

(ii) cattle kept for drawing carts or use in mills with the permission of the Municipal Committee and subject to such conditions as it may impose;

(iii) cattle under treatment in any veterinary hospital;

(iv) Cattle brought to a cattle market demarcated by the Municipal Committee for the purpose of sale; and

(v) cattle brought to a slaughter-house or kept by butchers for the purpose of slaughter within the area demarcated by the Municipal Committee.

(b) no person shall, within the limits of the Municipal Committee keep, stall, feed or graze any cattle on any road, street or inorough fare or in any public place.

(2) The Municipal Committee may, by a general or specified order direct that any person in charge of cattle shall remove the cattle from the prohibition order may be allowed to keep and maintain their cattle at the places earmarked as “Cattle Colonies" by the Municipal Committee on such terms and conditions as it may impose.

15. **Dangerous animals.**- A Municipal Committee may, by, bye laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such by-laws among other matters, provide for the detention destruction or disposal of otherwise of such animals.

16. **Disposal carcasses.** Whenever an animal in the charge of a person dies, otherwise animals by being slaughtered for sale or consumption or for some other religious purpose such person shall either-
(a) convey the carcasses within twenty four hours to a place if any, fixed by the Municipal Committee for the disposal of the dead bodies of animals or to a place beyond the limits of the Municipality not being a place within one mile of such limits; or

(b) give notice of the death to the Municipal Committee whereupon the Municipal Committee shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

(F) EDUCATION

17. Educational Institutions.- (1) A Municipal Committee shall establish, maintain and manage such educational institutions as may be required by Government may with the previous approval of Government maintain such other educational institutions as may be necessary for the promotions of education in the municipality.

(2) All educational institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall confirm to such standards as may be prescribed as standards.

(3) A Municipal Committee may, with the previous approval of Government give financial aid to private educational institutions within the municipality.

18. Compulsory education.- Subject to any law for the time being in force, a municipal Committee shall be responsible for enforcement of compulsory education in the municipality and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age in the municipality attends a school recognized by the municipal Committee.

(G) PUBLIC SAFETY.

19. Fire fighting.- (1) For the prevention any extinction of fire, a Municipal Committee shall maintain a fire brigade consisting of such staff and such number of fire Stations and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of the fire within a municipality any Magistrate, any official of a fire brigade directing the operations and any police officer not below the rank of Sub-Inspector, may

(a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or saving life and property;

(b) close any street or passage in or near which any fire is burning;
for the purpose of extinguishing the fire, break into or through, or pull down, or cause to be broken into or through, or pulled down, or use for the passage of houses or either appliances, and premises;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons incharge of any fire engine to render such assistance as may be possible; and

(f) generally take such measures as may appear necessary for the preservation of life and property.

No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) A Municipal Committee shall prepare fire fighting plan and revise it at least once a year.

20. **Civil Defence**.- A Municipal Committee shall be responsible for the Civil Defence of the municipality, and it shall, in this behalf perform such functions as may be specified by Government.

21. **Floods**.- For the fighting of floods, rescuing of people from the flood affected areas, and affording relief to flood stricken people a Municipal Committee shall provide such boat appliances and equipments as may be specified by Government.

22. **Dangerous and offensive articles and trades.** (1) The articles and trades given in the first schedule shall be deemed to be dangerous or offensive for the proposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Municipal Committee --

(a) no person shall carry on any dangerous or offensive trades; and

(b) no premises shall be used or suffered to be used for any dangerous trade; and

(c) no person shall store or keep in any premises --

(i) any dangerous or offensive article except for domestic use; or

(ii) any dangerous or offensive article in excess of such limits as may be fixed by bye-laws.

(3) A Municipal Committee may, with the previous sanction of Government prepare and enforce a scheme providing for the prohibition of dangerous an-offensive trades in specified areas
within the municipality and for the restriction of such trades in any area not so specified.

**II TOWN PLANNING**

23. **Master plan.**- A Municipal Committee shall draw up master plan for the municipality which shall, among other matters provide for:

(a) a survey of the municipality including its history, statistics, public service and other particulars;

(b) development, expansion and improvement of any area within the municipality; and

(c) restrictions, regulation and prohibitions to be imposed with regard to this development of sites, and the erection and re-erection of buildings within the municipality.

24. **Site Development schemes.**- (1) Where a Master plan has been drawn and such Master plan has been approved, or without any modifications by government, no owner of land exceeding such area as may be specified in this behalf in the master plan so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master plan, except in conformity with the provisions of a site Development Scheme sanctioned.

(2) Where a Master plan has not been drawn up under Section 23 no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provision of site development schemes, sanctioned by the municipal committee.

(3) Among other matters, a site development scheme may provide for--

(a) the division of the site into plots;

(b) the streets, drains and open spaces to be provided;

(c) The land to be reserved for public utility services, and to be transferred to Municipal Committee.

(d) the land to be acquired by the municipal Committee;

(e) the price of plots;

(f) the works that shall be executed at the cost of the owner of the site or sites; and

(g) the period during which the area shall be developed.

(4) The land reserved for public utility services in site Development scheme shall be transferred free of cost by the owner or the owners to the Municipal Committee before the
sanction of the scheme. Such land shall not be converted or used for any other purpose than as shown in the scheme except, with the sanction of the Government.

25. **Execution of Site-Development Schemes.** - (1) The execution of a site Development scheme shall be subject to the inspection and control of the Municipal Committee and the Committee may give such directions with regard to the execution of the schemes as may be necessary for the proper development of site.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned site development scheme, the Municipal Committee may, by notice, require the owner of such area or the person who has contravened to the provisions to make such alteration in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Municipal Committee may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a site Development scheme has been sanctioned is not developed within the period provided in the site development scheme and further extension is not allowed by the Municipal Committee or the Development is not in conformity with terms of the site development scheme, the Municipal Committee may in the prescribed manner, take over the development of the site and execute the necessary works and the cost incurred there on by the Municipal Committee shall be deemed to be a tax levied on the owner or owners under this Ordinance.

(I) BUILDING CONTROL.

26. **Erection and re-erection of building.** - (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved and the building plan indicating the purpose or purposes for which the building is to be used has been sanctioned by the Municipal Committee.

(2) A person intending to erect or re-erect a building shall apply for sanction in the manner provided in the bye-laws and shall pay such fees as may be levied by the Municipal Committee.

(3) Where a plan to relay a street has been approved by a Municipal Committee, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall, adopt the approved building or street line and for this purpose any
space required to be left vacant shall vest in the Municipal Committee.

(4) All building applications presented under this section shall be registered in the manner provided in the bye-laws and shall be disposed of as early as possible but not later than sixty days from the date of the registration of the application, and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the building bye-laws or the Master plan or site development scheme, if any.

(5) A Municipal Committee may for reasons to be stated in writing rejected a site plan or a building plan but any person aggrieved thereby may appeal to Government within thirty days of the order of rejection, and the order passed by Government in appeal shall be final.

(6) A Municipal Committee may sanction a site plan or building plan subjects to such modifications or terms as may be specified in the order of sanction.

(7) Nothing in this section shall apply to any work, addition or alteration which the Municipal Committee may by bye-laws declared to be exempt.

27. **Completion of buildings alteration of building etc.**

(1) Every person who has erected or re-erected a building within thirty days of the completion of the building report such completion to the Municipal Committee.

(2) The Municipal Committee shall cause every building which has been completed to be inspected and if it has been constructed in violation or contravention of any provision of this ordinance the rule or the bye-laws or of the Master plan or site development scheme, if any, the Municipal Committee may require the alteration of the building so as to be in compliance with and where such alteration is not possible the Municipal Committee may require the building or any part thereof to be demolished or on the application of the owner of such building compound the offence; provided that no offence shall be compounded if it involves any violation or contravention of the provisions of Master plan or of a sanctioned site development scheme or if the building has been constructed or cause other than it was shown to be used in the sanctioned building plan.

(3) If a building is required to be demolished under the provisions of sub-section (2) and such requirements not complied with within the specified period the Municipal
Committee may have the building demolished through its own agency, and the cost so incurred thereon by the Municipal Committee shall be deemed to be tax levied on the owner or occupier of the building under this Ordinance.

28. **Regulation of buildings.**-(1) Except with the prior sanction of the Municipal Committee no building shall be put to a use other than the use as shown in the sanctioned building plan according to which it was erected or re-erected; provided that the municipal Committee shall not sanction any change in the use of a building which may be in violation or contravention of the Master plan, or site development scheme if any.

(2) If any building or anything fixed thereon be deemed by the Municipal Committee to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighboring building or to any occupier thereof or to passers-by the Municipal Committee may by notice require the owner or occupier of such building to demolish or to take such action in regard to the building as may be specified in the notice, and if there is default the Municipal Committee may take necessary steps itself, and the cost shall be a tax levied on the owner or occupier of the building under this Ordinance.

(3) If a building is in a dangerous condition or other-wise unfit for human habitation, the Municipal Committee may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Municipal Committee.

(4) If the building is in dangerous condition and declared unfit for human habitation, the Municipal Committee may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required.

(J) **STREETS.**

29. **Public Streets.**-(1) A Municipal Committee shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) A Municipal Committee shall in the prescribed manner, prepare and execute road Maintenance and Development Programme which shall form part of the budget.

30. **Streets.**-(1) No new street shall be laid out except with the previous sanction if the Municipal Committee, and in conformity with the terms and condition of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.
(3) The Municipal Committee may by notice require that any street may be paved, metalled, drained, channeled, approved or lighted in such manner as may be specified and in the event to default, the Municipal Committee may have the necessary work done through its agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

31. Encroachment. (1) No person shall make an encroachment moveable or immovable on an open spaces or land vesting in or managed, maintained or controlled by a Municipal Committee, on or over or under a street, road, graveyard, within the municipal limits or a drain except under a licence granted by the Municipal Committee and to the extent permitted by such licence.

(2) Municipal committee may remove the encroachment mentioned in sub-section (1) with such force as may be necessary.

(3) Whoever trespasses into or is in wrongful occupation of a building or property which vests in or is managed, maintained or controlled by a Municipal Committee may in addition to any other penalty to which he may be liable under this Ordinance or any other law for the time being in force, after such notice, as may be provided by the Municipal Committee, be ejected from such force as may be necessary.

(4) Any person aggrieved by notice issued under sub-section (3) may, within seven days of the service of notice, appeal to such authority as may be appointed by Government in this behalf whose decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for an encroachment removed under this section.

32. Street lighting.- (1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Municipal Committee oil, gas, electricity or such other illuminant as the Municipal Committee may determines.

(2) A Municipal Committee may frame and enforce street lighting scheme.

33. Street Entering.- A Municipal Committee shall take such measure as may be necessary for the comfort and convenience of
the public, and may, for this purpose maintain such vehicles, staff and other apparatus as may be necessary.

34. **Traffic control.** A Municipal Committee shall under bye-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A Municipal Committee may provide parking meters on such public places as may be determined by it.

35. **Public vehicles.** (1) No person shall keep or let for hire, or drive or propel within the limits of a municipality any public vehicle, other than a motor vehicle except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(2) No person or other animal shall be used for drawing a public vehicle within the limits of a municipality except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(3) A Municipal Committee shall in such manner as bye-laws may provide and with the previous approval of Government, fix the rate of fares for the use of public vehicles and no person plying a public vehicle shall charge a fare in excess thereof.

**Explanation** --- In this section a public vehicle means any vehicle which ordinarily used for hire.

(K) ARBORICULTURE.

36. **Arboriculture.** A Municipal Committee shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

**OPTIONAL FUNCTIONS OF MUNICIPAL COMMITTEES.**

37. **Optional Functions.** A Municipal Committee may, and if required by Government shall undertake the following functions.

(A) **PUBLIC HEALTH.**

38. **Promotion of Public Health.** Subject to the provisions of this ordinance and the rules, a Municipal Committee may take such measures for promoting public health, including education in health, as it considers necessary or as the case may be, the Government directs.
39. **A Municipal Committee may** –
   (a) establish, maintain or manage or contribute towards the maintenance of health centers, maternity centers for the welfare of women infants and children; and
   (b) provide for the training of dais.

40. **Hospital and dispensaries.**- A Municipal Committee may establish, maintain and managed, in the prescribed manner, such number of hospital and dispensaries as may be necessary.

41. **Medical aid and relief medical education.**- A Municipal Committee may take such measure as may be necessary or as may be specified by the Government for--
   (a) the provision maintenance and management of first Aid centers;
   (b) the provision, maintenance and management of mobile medical aid units;
   (c) the provision and encouragement of societies for the medical aid;
   (d) the promotion of medical education;
   (c) the payment of grants to institutions for medical relief; and
   (f) the medical inspection of school children.

42. **Environment pollution.**- (1) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of air by the gases, dust or other substances exhausted or emitted by automobiles, engines, factories, brick or lime kilns, crushing machines for grinding stone, salt or other materials and such sources of air pollution as the bye-laws may provide.
   (2) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manners as the bye-laws may provide.

43. **(B) DHOBI GHATS FERRIES ETC.**
   (1) A Municipal Committee may from time to time-
   (a) set up suitable places for use by the public for bathing for washing clothes, or for drying clothes;
   (b) specify the time at which and the sex of persons by whom such places may be used; and
   (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.
(2) No person shall establish, maintain or run Hamaam or a bath for public use except under a licence granted by the Municipal Committee, and in conformity with the conditions and terms of such licence.

44. **Dhobi Ghats.** - A Municipal Committee may provide dhobi ghats and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.

45. **Public Water sources.** - (1) A Municipal Committee may, with the previous sanction of the Government declare any source of water spring river tank, pond or public stream or any part thereof within the municipality, which is not private property to be a public water source;

(2) A Municipal Committee may in respect of any public water course provide such amenities make such arrangements for life saving execute such works and subject to the provisions of any law for the time being in force relating to irrigation drainage and navigation regulate the use thereof as the bye-laws may provide.

46. (1) A Municipal Committee may by bye-laws provide for the licensing of boats and other vessels plying for hire in a public water course and may specify the terms and conditions for the grant of licences and the fees to be charged therefore.

(2) The Government may declare any part of the public water-course to be a public ferry and may entrust the management thereof to the Municipal Committee which shall manage and operate the public ferry in such manner and levy such tolls as may be necessary.

47. A Municipal Committee may with the previous sanction of the Government declare any public water course as public fishery and thereupon the right of fishing in such water course shall vest in the Municipal Committee which may exercise such right in such manner as may be provided by bye-laws.

(C) **ARTICLES OF FOOD AND DRINKS.**

48. **Bye-laws for articles of food and drink.** - A Municipal Committee may, by bye-laws-

(a) Prohibit the manufacture, sale or preparation or the exposure for sale or any specified article of food or drink in any place or premises not licensed by the Municipal Committee;

(b) Prohibit the import into the Municipality for sale or the hawking for sale of any specified article of food or drink by person not so licensed;
(c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;

(d) regulate for the seizure and manner of transport within the municipality of any specified articles of food or drink;

(e) regulate the grant and withdrawal of licence under this section and the levying of fees therefore; or

(f) provide for the seizure and disposal of any animal poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

49. **Milk Supply.**—(1) Except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence no person shall within the municipality keep milk cattle for the sale of milk, or sell milk or export or import milk for sale or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for such purpose.

(2) A Municipal Committee may in the prescribed manner, and with the previous sanction of Government form and enforce a milk supply scheme which may among other matters provide for the establishment of milk mens colonies the prohibition of the keeping of milk cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

50. **Public markets.**—(1) A Municipal Committee may establish and maintain public markets or may provide places for use as public markets other than those meant for the disposal of form product, for the sale of articles of food and drink and of animals and secure the proper management and sanitation of such markets.

(2) A Municipal Committee may in respect of a public market, provide by bye-laws,

(a) the fees to be charged for the use of or, for the right to expose good in the market;

(b) the fees to be liveried on vehicles and animals bringing goods therein for sale;

(c) the fees to be charged for the use of shops, stalls pens or stamps;

(d) the fees to be charged in respect of animals brought for sale or sold; and
(e) the fees to be charged from broker, commission agents, weigh-men and other persons practicing their calling
therein.

(D) ANIMAL HUSBANDRY

51. Animals Husbandry. (1) A Municipal Committee may provide for the establishment, maintenance and management of veterinary hospital and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospital and dispensaries.

(2) A Municipal Committee may by bye-laws define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases including the compulsory inoculation of animals and the subject to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such disease.

52. Animals homes and forms.- (1) A Municipal Committee may with the previous approval of the Government establish, maintain and manage animal homes where subject to such terms and conditions and on the payment of such fees and other charges the bye-laws may provide the animals of private persons may be kept.

(2) A Municipal Committee may with the previous approval of the Government establish, maintain and manage cattle farms and poultry farms and such farm shall be managed and administered in such manner as the bye-laws may provide.

53. Registration of the sale of cattle.- Municipal Committee may, by bye-law require that every sale of such of the animals as may be specified shall be registered with the municipal Committee in such manner and subject to the payment of such a fees as the bye-laws may provide.

54. Livestock improvement.- A Municipal Committee may, with the previous, approval of the Government, farm and execute a livestock scheme, which may among other matters provide that no person shall keep such animals above such age as may be specified unless they are castrated or are certified by competent authority to be fit for breeding.

55. Cattle Show Zoo etc. (1) A Municipal Committee may hold cattle shows and fairs within the limits of the municipality and charge such fees from the people attending such shows or fairs as the bye-laws may provide.
(2) A Municipal Committee may, with the previous approval of the Government maintain or contribute towards the maintenance of zoological garden.

(E) PUBLIC SAFETY.

56. Famine. In the event of a famine, a Municipal Committee may, with the sanction of the Government, execute such famine works and order such famine relief measures as it may be specified by the Government.

57. Burial and burning places.- (1) A Municipal Committee may provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places.

(2) The Government may, by notification in the official gazette, declare that any burial or burning place which is open to public for burial or burning, shall vest in Municipal Committee and thereupon such burial or burning place shall vest in a Municipal Committee shall take all measures necessary for the proper maintenance and administration thereof.

(3) A burial or burning place which is not administered by a Municipal Committee shall be registered with the Municipal Committee and shall be subject to regulation supervision and inspection by the Municipal Committee, in such manner as the bye-laws may provide.

(4) No new burial or burning place shall be established within a municipality, except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(F) TREES PARKS, GARDENS AND FOREST.

58. Gardens. (1) A Municipal Committee may lay-out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.

(2) For every public gardens there shall be framed and enforced, in the prescribed manner, a garden Development plan, which shall provide for the development plan, which shall provide for the development and improvement of the garden.

59. Open spaces.- A Municipal Committee may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.
60. **Forests.** A Municipal Committee may in the prescribed manner frame and enforce Forest plans providing for the improvement development in accordance with such plans.

61. **Nuisances pertaining to trees and plantations.** (1) A Municipal Committee may, by bye-laws determine the posts of trees and plants and provide for their destruction.

   (2) If any land or premises, within a municipality is grown with rank or noxious vegetation, or under growth, a Municipal Committee may by notice require the owner or occupier of such land or premises to clear such vegetation or under-growth within a specified time and if he fails to do so within such time the Municipal Committee may have such vegetation or under-growth cleared and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier under this ordinance.

   (3) A Municipal Committee may in the manner provided in the bye-laws require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang or are likely to interfere with the traffic or are otherwise inconvenient.

   (4) A Municipal Committee may in the manner provided in the bye-laws prohibit the cultivation of any crop which is considered dangerous to public health within such part of the municipality as may be specified.

62. **Tanks and low-lying areas.** A Municipal Committee may take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying as it thinks fit or as the case may be the Government directs.

(G) **EDUCATION.**

63. A Municipal Committee, may --

   (a) construct and maintain buildings to be used as hostels for students;

   (b) Give scholarships to deserving or specially bright students;

   (c) provide for the training of teachers;

   (d) promote adult education;

   (e) provide school books to orphans and intelligent students free of cost or at concessional rates;

   (f) maintain depots for the sale of school books and articles of stationery; and

   (g) with the previous approval of Government --
(i) promote and assist educational societies;
(ii) undertake educational survey and enforce educational plans; and
(iii) provide, whether free of charge or on payment milk or meals for school children.

(H) CULTURE.

64. A Municipal Committee may --
   (a) establish and maintain information centers for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
   (b) maintain radio and television sets at public institutions and public places;
   (c) organize museums, exhibitions and art galleries;
   (d) provide and maintain public halls and community centers;
   (e) celebrate the national occasions;
   (f) provide for the reception of distinguished visitors visiting the Municipality;
   (g) encourage national and regional languages;
   (h) promote physical culture and encourage public games and sports and organize rallies and tournaments;
   (i) promote tours to the Municipality and adopt measures for the preservation of the historical and indigenous characteristics of the Municipality; and
   (j) provide promote or subsidies facilities for the recreation of the public.

65. Libraries.- A Municipal Committee may establish and maintain such public libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

66. Fairs and show etc.- A Municipal Committee may make such arrangements on the occasion of any fairs, shows or public festivals within the Municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows.

(I) SOCIAL WELFARE.

67. Social Welfare.- A Municipal Committee may --
(a) establish, manage and maintain welfare home asylums, orphanages, widow homes and other institutions for the relief of the distressed;
(b) provide for the burial and burning of paupers found dead within the Municipality at its own expense;
(c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor juvenile delinquency and other social evils;
(d) organize social service volunteers; and
(e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in Armed Forces and women and children.

(J)- MUNICIPAL POLICE

68. Municipal Police.- (1) A Municipal Committee may, and if directed by Government shall maintain such police force, to be known as Municipal Police as may be necessary.
(2) The Municipal police shall be a police force within the meaning of Section 2 of the Police Act, 1861 and shall consist of such number of officers and men who shall receive such pay and conditions as the Government may from time to time determine.
(3) The Government may notwithstanding anything contained in the Police Act, 1861 or in any other law prescribe the duties which the Municipal police may or may not be required to perform.
(4) Any officer or servant of a Municipal Committee who is empowered in that behalf by a general or special order of the Government, may exercise the powers of a police officer for such purposes of this Ordinance as may be specified in such order.

69. Additional functions. Nothing contained in this chapter shall preclude Municipal Committee to perform such functions as may be assigned to it by or under any other law.

70. Development plans.- Preparation and implementation of development plans.

71. Sponsoring and promoting community development projects.

72. Promotion, execution and implementation of commercial schemes.
THE SIXTH SCHEDULE.
Taxes, Rates, Tools and Fees which may be levied by District, Union Councils, Town/Municipal Committees.

1. Tax on the annual value of buildings and lands.
2. Tax on lands not subject local rate.
3. Tax on hearts.
4. Tax on the transfer of immovable property.
5. Tax on the import of goods for consumption, use or sale in a local area.
6. Tax on the export of goods from a local area.
7. Tax on the professions, trades and callings.
8. Tax on births, marriages and feasts.
9. Tax on advertisements.
10. Tax on cinemas, dramatic and theatrical shows, and other entertainments and amusements.
11. Tax on animals.
12. Tax on vehicles (other than motor vehicle) including carts and bicycles, and all kinds of boats.
13. Tolls on roads, bridges and ferries.
14. Lighting rate.
15. Drainage rate.
16. Rate for the remuneration of village police.
17. Rate for the execution of any work of public utility.
18. Conservancy rate.
19. Rate for the provision of water works or the supply of water.
20. Fees on applications for the erection and re-erection of buildings.
21. School fees in respect of schools established or maintained by a local council.
22. Fees for the use of benefits derived from any works of public utility maintained by a local council.
23. Fees at fairs, agricultural shows, industrial exhibitions, tournaments, and other public gatherings.
24. Fees for markets.
25. Fees for licensees sanctions and permits granted by a Local council.
26. Fees for specific services rendered by a local council.
27. Fees for the slaughtering of animals.
28. Any other tax which the Government is empowered to levy by law.
29. A special community tax on the adult males for the construction of any public work of general utility for the inhabitants of the local area concerned, unless the local council concerned exempts any person in lieu of doing voluntarily labour or having it done on his behalf.

THE SEVENTH SCHEDULE.

MATTERS RESPECTING WHICH RULES MAY BE MADE

1. Organization and conduct of elections under this Ordinance, and matters connected therewith or incidental thereto, including by-elections and corrupt or illegal practices and other election offences, and penalties therefore, and the submission trial and disposal of election petitions.
2. Election of Chairman/Vice Chairman.
3. Prescription of the form of oath of office by members.
4. Regulation of the functions of Dehi Union Councils with regard to village defence and village police, including appointment, the terms and conditions, and the training and discipline of members of the village police.
5. Functions of local councils with regard to national reconstruction, the agricultural, industrial and community development, and food production.
6. The manner in which any Advisory Committees shall be constituted and their functions.
7. The manner in which schemes for undertaking commercial or business enterprise by local councils may be promoted, administered, executed and implemented.
8. Regulations of the execution of works by Local councils.
9. Regulation of the making of contracts on behalf of local councils.
10. Prescription of records, reports and returns to be maintained, prepared or published by local councils.
11. Constitution and regulation of the local councils Service.
12. Regulation of matters referred to in Section 39 pertain to servants of local councils.
13. Administration, regulation, custody, investment and operation of local funds, and special funds.
15. Maintenance of accounts and their audit.
16. Regulation of the raising and re-payment of loans by local councils.
17. Determination of the property that shall vest in local council and other matters specified in Section 50.
18. Preparation, regulation, consolidation, sanction and implementation of development plan.
19. The manner in which and the authority by whom, members, officials and servants of local council, and other persons may be surcharged under Section 52.
20. Regulation of the assessment and collection of the local rate, and the distribution of the proceeds thereof between District and Union Councils.
21. Regulation of the Assessment, collection, and administration of taxes, rates, tolls, and fees, and all matters relating thereto.
22. The manner in which, and the authority to whom appeal shall lie against the orders of local councils.
23. The manner in which local councils shall be inspected and the powers of inspecting officials.
24. Any other matter required under any of the provision of this ordinance to be prescribed.

THE EIGHTH SCHEDULE
MATTERS FOR BYE-LAWS AND REGULATIONS
PART I-MATTERS RESPECTING WHICH BYE-LAWS MAY BE MADE
1. Registration of birth and deaths and marriages.
2. Registration of the sale of cattle and animals.
3. Registration, management and regulation of orphanages, widow-homes and other institutions for the relief of the poor.
4. Organization of village defence, and adoption of measures for village safety and security.
5. Regulation and management of Shamilats and other common property.
6. Regulation of burning and burial grounds.
7. Regulation of the slaughter of animals and construction and maintenance of slaughters houses.
8. Detention and destruction of stray dogs.
12. Regulation of milk supply.
13. Regulation of stables.
14. Presentation of encroachments.
15. Presentation or abetment of nuisances.
16. Regulation of the erection and re-erection of buildings.
17. Regulation of dangerous building and structures.
18. Regulation of dangerous and offensive trades.
21. Regulation of traffic.
22. Organization and regulation of fairs, shows, tournaments and other public gatherings.
23. Enforcement of compulsory education.
24. Prevention of beggary, juvenile delinquency, prostitution and other social evils.
25. Specification of purposes for which licenses shall be required, and the terms and conditions subject to which licenses may be issued.
26. Promotion and furtherance of any of the functions of local councils, and the carrying out of any of the purpose of this ordinance not provided for in the rules.

**PART II**

**MATTERS RESPECTING WHICH REGULATIONS MAY BE MADE**

1. Conduct of business by local councils, prescription of quorum, the asking of questions, add other matters.
2. Constitution and functions of committees and sub Committees of local councils, do-option of members thereon and conduct of business by them.
3. Any matter required by or under any of the provisions of this Ordinance to be determined by regulations.
THE NINTH SCHEDULE
OFFENCES UNDER THE ORDINANCE

1. Evasion of the payment of a tax or other impost lawfully levied by a local council.

2. Failure to furnish on requisition information in respect of any matter which a local council is authorized to call for under any of the provisions of this Ordinance or the rules or bye-laws or furnishing wrong information.

3. Doing an act without licence or permission, when the doing of such act required a licence or permission under any of the provisions of this ordinance or the rules or bye-laws.

4. Erection or re-erection of a building without the sanction required under this ordinance.

5. Carrying on the dangerous or offensive trade without trade without such sanction.

6. Making an encroachment on any public road, public street or public place without the sanction of the prescribed local council.

7. Doing an act by which water for drinking is rendered foul or unfit for use.

8. Using water for drinking from any source which is suspected to be dangerous to public health and the use whereof has been prohibited under this ordinance.

9. Watering cattle or animals, or bathing or washing at or near a well or other source drinking water for public.

10. Steeping hemp, jute or any other plant in or near a pond or other excavation within such distance of the residential area as may be specified under this Ordinance;

11. Dyeing or tanning skin within such distance of the residential area as may be so specified.

12. Excavation of earth, stone or any other material within such distance of the residential area as may be so specified.

13. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be so specified.

14. Disposing of carcasses of animals within such distance of the residential area as may be so specified.

15. Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any land or building when so required under this Ordinance.
16. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cesspool, or other receptacle for filth, sullage, water, rubbish or refuse when so required under this ordinance.

17. Failure by the owner or occupier of any land to clear away and remove any vegetation or undergrowth which has been declared under this Ordinance to be injurious to health or offensive to the neighborhood.

18. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering any street, or any branches of trees growing thereon which overhang any street or obstruct the same of cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.

19. Cultivation of such crops, use of such manner of irrigation of the land in such manner as is declared under this Ordinance to be injurious to public health or offensive to the neighborhood.

20. Without the permission required under this Ordinance causing or knowing or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain does not set a part for the purpose.

21. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well, tank or other source of water-supply, which is declared under this Ordinance to injurious to health or offensive to the neighbourhood.

22. Failure by the owner or occupier of any building or land to put up and keep in good condition proper through and pipes for receiving or carrying water of sullage from the building or land when so required under this Ordinance.

23. Failure by a medical practitioner who during the course of such practice, becomes cognizant of the existence of any infectious disease, to the prescribed local council.

24. Failure by any person cognizant of existence of any infectious disease in any building to communicate the information to the prescribed local council.

25. Failure by the owner to disinfect in infected building or the letting of an infected building without disinfection.

26. Sale of articles of food and drink by a person suffering from any infectious disease.
27. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.

28. Feeding or allowing to be fed any animal meant for dairy or food purposes on adulterous substances, filter or refuse of any kind.

29. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.

30. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.

31. Begging importantly for aims, or exposing or exhibiting with the object of exciting charity and deformity of disease or any offensive sore or wound.

32. Keeping a brothel or practicing prostitution in such area as may be declared a prohibited area for the purpose.

33. Failure by the owner or occupier of a building to make adequate arrangement for house scavenging when so required under this Ordinance.

34. Cutting down of any tree, or cutting off a branch of any tree, or erection or demolition of any building or part of a building, where such action is declared under this ordinance to be a cause of danger or any annoyance to the public.

35. Laying out, making or commencing to layout or make a street without the sanction of the prescribed local council.

36. Fixing any bill, notice, play card or other paper or means of advertisement against or upon any building or place other than the place fixed for the purpose.

37. Stacking or collecting of timber wood, dry grass, straw or other inflammable material in a manner which is declared under this Ordinance to be dangerous.

38. Picketing parking animals, or collecting carts or vehicles on any street, or using any street as a halting place for vehicles or animals or as a place of encampment without the permission required under this Ordinance.

39. Causing or premising animals to stay.

40. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sunset to half an hour before sunrise.

41. Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to the left or when passing vehicle going in the same direction, to keep to the right of that vehicle, or the follow other specified rules of the road.
42. Playing of music or radio, beating a drum or tom-tom, blowing a horn or trumpet or biting or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued under this Ordinance.

43. Discharging fire arms or letting of fireworks, eracuess, fire-balloons or detonators, or engaging in any game in such manner as caused or is likely to cause danger to persons passing by living or working in the neighboring or risk or injury to property.

44. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.

45. Burying or burning a dead body at a place other than a recognized burial or burning ground without the permission required under this ordinance.

46. Letting loose or setting on ferocious dogs or other dangerous animals.

47. Failure to demolish or otherwise secure a building declared under this ordinance to be dangerous building.

48. Using or allowing the use for human habitation of a building declared under this ordinance to be unfit for human habitation.

49. Failure to lime-wash or repair a building if so required under this ordinance.

50. Doing of any other act which is prescribed as an offence under this ordinance.

51. Contravention of any of the provision of this ordinance the rules or the bye-laws, or of any order, direction, notice or declaration made or issued there under.

52. Attempts and abetments of any of the offences aforesaid.

TENTH SCHEDULE

DECLARATION OF PROPERTIES

ACQUIRED BY………………………………………………(NAME)

MEMBER UNION
MARKAZ/DISTRICT/COUNCIL/MUNICIPAL/TOWN
COMMITTEE…………………………

ELECTORAL UNIT…………………………………………………………

I,……………………member Union Council…………….,hereby declare that no immovable and movable property (bond, shares, certificates, securities, insurance, policies, jewellery and motor vehicles),
having total value of Rs. 10,000/- or more is held by me and members of my family, except as stated below:

<table>
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<tr>
<th>Name</th>
<th>Description of property, areas, and extent of interest held.</th>
<th>Name of owner or person in possession or control of property</th>
<th>Relation with the Declarant</th>
<th>Province &amp; District in which property is situated</th>
<th>Approximate value of property.</th>
<th>How and when acquired? Whether by inheritance, purchase, gift of reward.</th>
<th>Net yearly income from property.</th>
<th>Remarks</th>
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Signature of Member……………………
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIMANTARY AFFAIRS SECRETARIATE,  
MUZAFFARABAD.  

Dated the 3rd July, 1980.

No. 3737/LD/80. The following Ordinance made by the  
President on the 2nd day of July, 1980, is hereby published for general  
information:-

(ORDINANCE CXVI OF 1980)

AN  
ORDINANCE  
to amend the Azad Jammu and Kashmir Political Parties Ordinance,  
1980

WHEREAS it is expedient to amend the political Parties  
Ordinance, 1980 in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that  
circumstances exist which render it necessary to take immediate  
action;

NOW, THEREFORE, in exercise of the powers conferred  
by sub-section (1) of Section 41 of the Azad Jammu and Kashmir  
Interim Constitution Act, 1974, 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 Political Parties  
(Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 7, Ordinance LXXV of 1980:** In the  
(Ordinance LXXV of 1980), hereinafter referred to as the said  
Ordinance in Section 7, for sub-section (2) the following shall be  
substituted and shall be deemed always to have been so  
substituted, namely:-

   "(2) for any person, except a person, -

   (i) who is in the service of Azad Jammu and Kashmir or  
       Pakistan; or

   (ii) who has been in the service of Azad Jammu and  
       Kashmir or Pakistan, or a person who has held office as  
       a Judge of the Supreme Court or of the High Court  
       unless a period of seven years has elapsed since he  
       ceased to be in such service or office; or

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who has been convicted under any law for the time being enforce by any Court or any other Authority having such jurisdiction against which no appeal is provided, unless a period of seven years has elapsed from the date of such conviction -

(a) to be a member or office- bearer of, or be otherwise associated with, a Political party; or

(b) for the purpose of an election to be held under the constitution, to hold himself out or any other person, not being a person in the service of Azad Jammu and Kashmir or Pakistan, as a member or Schedule;

(h) 'Special Court' means a Special Court established under this Ordinance and includes a Special Court established at any time before the commencement of this Ordinance.

(i) 'Supreme Court' means the Supreme Court of Azad Jammu and Kashmir.

3. **Ordinance not to derogate from other laws.** The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any holder of representative office from any proceeding which might, apart from this Ordinance, be instituted against him.

4. **Establishment of Special Court.**

(1) The President may, by notification in the official Gazette, establish one or more Special Courts for the purposes of this Ordinance, be instituted against him.

(2) Each Special Court shall consist of a person who is or has been a Judge of Supreme Court or High Court.

(3) A seat of Special Court established under this Ordinance, or a Special Court established at any time before the commencement of this Ordinance, shall be at Muzaffarabad or at such place as the President may, by notification in the Official Gazette, specify in this behalf.

5. **Transfer.** (1) If the President establishes more than one Special Courts, he may, by notification in the official Gazette, distribute the business among such Courts or direct the transfer of any case from one Special Court to another Special Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.
(2) The Special Court to which such case is transferred shall deal with the same as if it had been originally presented to, such Court.

6. **Offence to be tried by Special Court.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, a scheduled offence committed by a holder of representative office shall be tried exclusively by a Special Court.

(2) No person shall be prosecuted under the provisions of this Ordinance except with the previous sanction of the Government:

   Provided that any sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time for the prosecution of a holder of representative office in one capacity shall be deemed to include all offices held by him for which he has been or may be prosecuted under the provisions of the Ordinance.

(3) Any prosecution sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinances, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly accorded under this Ordinance.

(4) A person who is convicted for a scheduled offence shall stand disqualified for a period of seven years from being elected or chosen as a member of Assembly or of the Council.

7. **Powers and procedure of Special Court.**—(1) A Special Court may pass any sentence authorised by law and shall have all the powers conferred by the Code of Criminal Procedure, 1898 (Act V of 1898), on a High Court exercising original jurisdiction.

(2) Notwithstanding anything contained in any other law for the time being in force, a scheduled offence shall be tried under the provisions of this Ordinance and a Special Court shall also have power to conduct its proceedings and regulate its procedure in all respects as it deems fit.

(3) No trial before a Special Court shall be adjourned for any purpose unless the Special Court is of opinion that the adjournment is necessary in the interests of justice, and, in particular, no trial shall be adjourned by reason of the absence of the accused person due to illness, or if the absence of the accused or his Counsel has been brought about by the accused person himself or if the behavior of the accused person prior to such
absence has been, in the opinion of the Special Court, such as it impedes the course of justice but, in any such case, the Special Court shall proceed with the trial as it may deem appropriate.

(4) A Special Court shall not, merely by reason of a change in its composition, be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded by or produced before it.

(5) A Special Court shall have the powers of a High Court to punish its own contempt.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), when a person is accused of more offences than one, he may be charged with, and tried at one trial, for any number of them, irrespective of the kind of such offences or of the time at which, or the person in respect of whom, any of them may have been committed.

(7) No formal complaint or investigation by a Public Servant required by any law relating to the offences mentioned in the Schedule shall be necessary for taking cognizance of an offence when the trial is not to be held under the provisions of this Ordinance nor any period of limitation prescribed by any law shall bar a trial under this Ordinance.

(8) A Special Court may convict a person of any scheduled offence proved on the basis of evidence produced before it, notwithstanding the fact that the accused was not charged for the same.

8. **Accused person to be competent witness.**— Any person charged with a scheduled offence shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person together with him at the same trial.

   Provided that –

   (a) he shall not be called as a witness except on his own request;

   (b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against him or any person charged with him at the same trial;

   (c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless –

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(i) the proof that he has committed or been convicted of such offence is admissible in evidence to show that he is guilty of the offence with which he is charged; or

(ii) he has personally or by his pleader asked questions from any witness or the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature of conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for prosecution; or

(iii) he has given evidence against any other person charged with the same offence.

9. **Public Prosecutor.**- The Government may appoint one or more Special Public Prosecutors to conduct the prosecution in a case triable by a Special Court and every such Special Public Prosecutor shall be deemed to be a Public Prosecutor for the purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).

10. **Appeal.**- Any person sentenced by a Special Court under this Ordinance may, within thirty days of the decision of the Special Court, prefer an appeal to the Supreme Court.

11. **Appeal in case of acquittal.**- The Government may, in any case, direct the Special Public Prosecutor to present an appeal to the Supreme Court within sixty days from an order or order of acquittal passed by a Special Court under this Ordinance.

12. **Bar of Jurisdiction.**- Save as provided in Section 10, no Court shall have any jurisdiction of any kind in respect of any order, sentence or proceedings of a Special Court.

13. **Power to amend the Schedule.**- The Government may, by notification in the official Gazette, omit any entry from, or add any entry to, the Schedule.

14. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under this provisions of Holders of Representative Offices (Trial of Offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

THE SCHEDULE
See Section 2 and 13)

1. Offences punishable under Sections 403 to 406, 409, 417 to 420, 465 to 468, 471 and 477-A of the Penal Code (Act XLV of 1860) and as attempts, abetments and conspiracies in relation thereto or connected therewith.
2. Offences punishable under the Arms Act, 1878 (II of 1878)
3. Offences punishable under the Income Tax Act, 1922 (XI of 1922)
5. Offences punishable under the Forest Regulation, 1930 (II of 1930)
8. Offences punishable under the Prevention of Corruption Act, 1950 and as attempts, abetments and conspiracies in relation thereto or connected therewith.
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(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR,  
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the 9th July, 1980.

No.1490/LD/80. The following Ordinance made by the President on the 9th day of July, 1980, is hereby published for general information:--

(ORDINANCE CXVIII OF 1980)

AN

ORDINANCE

to provide for (law relating to profession of Notaries in Azad Jammu and Kashmir)

WHEREAS it is expedient to provide for law relating to the Profession of Notaries in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.-** (1) This Ordinance may be called the Notaries Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.-** In this Ordinance unless the contest otherwise requires,-

   (a) 'instrument' includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

   (b) 'Legal practitioner' means any advocate or attorney of the Supreme Court or any advocate of the High Court or any pleader authorised under any law for the time being in force to practice in any Court of law;

   (c) 'notary' means a person appointed as such under this Ordinance;
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(e) administer oath to, or take affidavit from, any person;
(f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;
(g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Azad Jammu and Kashmir in such form and language as may conform to the law of the place where such deed is intended to operate;
(h) translate, and verify the translation of, any document from one language into another;
(i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. **Bar of practice without certificate.** Subject to the provisions of this Section, no person shall practice as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under Section 5.

   Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

10. **Renewal of names from Register.** The Government may, by order, remove from the Register maintained by it under Section 4 the name of the notary, if he,

   (a) makes a request to that effect; or
   (b) has not paid the prescribed fee required to be paid by him, or
   (c) is an un-discharged insolvent; or
   (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practice as a notary.

11. **Construction of references to notaries public in other laws.** Subject to the provisions of Section 16, any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practice under this Ordinance.

   605
12. **Penalty for falsely representing to be notary, etc.-** Any person who,-

   (a) falsely represents that he is a notary without being appointed as such;

   (b) practices as a notary or does any notarial act in contravention of section 9 shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

13. **Cognizance of offences.-** (1) No Court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Ordinance save upon complaint in writing made by an officer authorized by the Government by general or special order in this behalf.

   (2) No Magistrate other than a Magistrate of the first class shall try an offence punishable under this Ordinance.

14. **Reciprocal arrangements for recognition of notarial acts done by foreign notarial:**- If the Government is satisfied that by the law or practice of any country or place outside Azad Jammu and Kashmir, the notarial acts done by notaries within Azad Jammu and Kashmir are recognised for all or any limited purposes in that country or place, the Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within Azad Jammu and Kashmir for all purposes, or, as the case may be, for such limited purposes as may be specified in the notification.

15. **Power to make rules.-** (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

   (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter namely:-

   (a) the qualifications of a notary, the form and manner in which application for appointment as a notary may be made and the disposal of such applications;

   (b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;
(c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption, whether wholly or in part, from such fees in specified classes of cases;

(d) the fees payable to a notary for doing any notarial act;

(e) the form of Registers and the particulars to be entered therein;

(f) the form and design of the seal of a notary;

(g) the manner in which inquiries into allegations or professional or other misconduct of notaries may be made;

(h) the acts which a notary may do in addition to those specified in Section 8 and manner in which a notary may perform his functions.

16. **Validation of Act XXVI of 1881** - Nothing in this Ordinance effects the provisions of the Negotiable Instruments Act 1881 (XXVI of 1881), or any appointment made in pursuance of Section 138 of that Act or the powers of any person so appointed.

17. **Savings.** - Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Notaries ordinance, 1980 (Ordinance XLIII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi),
Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 12th July, 1980.

No. 3845/LD/80. The following Ordinance made by the President on the 12th day of July, 1980, is hereby published for general information:

(ORDINANCE CXIX OF 1980)

AN ORDINANCE
to provide for the abolition of Court fee in respect of certain cases.

WHEREAS it is expedient to provide for the abolition of Court fee in respect of certain cases;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Court Fees (Abolition) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XLIV of 1980, as this Ordinance is re-promulgated with similar provisions.
No. 3846/LD/80. The following Ordinance made by the President on the 12th day of July, 1980 is hereby published for general information:

(ORDINANCE CXX OF 1980)

AN ORDINANCE
to provide for law relating to the disqualification for membership of the Assembly and Council

WHEREAS it is expedient to provide for law relating to the disqualification for membership of the Assembly and Council in the manner hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement**.- (1) This Ordinance may be called the Holders of Representative Offices (Disqualification) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall also apply to all type of cases pending in any court or tribunal and all state subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect on and from the 13th day of March, 1978.

**Note:-** Please see Ordinance No. XLV of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the 16th July, 1980.

No. 3932/SL/80. The following Ordinance made by the President on 16th day of July, 1980, is hereby published for general information:-

(ORDINANCE CXXI of 1980)

AN

ORDINANCE

to provide the law relating to preventive detention and control of persons and publications connected with the maintenance of public Order in Azad Jammu and Kashmir

WHEREAS it is expedient to provide the law for preventive detention and control of persons and publications for reasons concerned with public safety, public interest and the maintenance of public Order in Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Maintenance of Public Order Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:**— Please see Ordinance No. XLVI of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 16th July, 1980.

No. 3950/LD/80. The following Ordinance made by the
President on the 16th day of July, 1980, is hereby published for general
information :-

(ORDINANCE CXXII OF 1980)

AN
ORDINANCE

to amend the Zakat and Ushr Ordinance, 1980

WHEREAS it is expedient to amend the Zakat and Ushr
Ordinance, 1980 (Ordinance CXII of 1980) in the manner hereinafter
appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and Commencement.** (1) This Ordinance may be
called the Zakat and Ushr (Amendment) Ordinance, 1980.

   (2) It shall come into force at once and shall be deemed to
have taken effect on and from the 21st day of June, 1980.

2. **Amendment of Section 2, Ordinance CXII of 1980.** In the
   Zakat and Ushr Ordinance, 1980 (Ordinance CXII of 1980),
   hereinafter referred to as the said Ordinance, in Section 2, after
   clause (xv) the following new clauses shall be inserted, namely:-
   "(xv-a) 'Markaz' means a Markaz as defined in the Local
   Government Ordinance, 1980;
   (xv-b) 'Markaz Committee' means a Committee constituted
   under Section 14-A".

3. **Amendment of Section 14, Ordinance CXII of 1980.** In the
   said Ordinance, for Section 14, the following shall be
   substituted, namely :-
"14. **District Zakat and Ushr Committee.** (1) In each district, a district Zakat and Ushr Committee shall be constituted by the Council.

(2) The District Committee shall, subject to such guidelines as may be given by the Council –

(a) Oversee, generally, the functioning of, and, more particularly, the assessment of Ushr and the collection of Zakat, Ushr and atiyyat, and the disbursement and utilization of the moneys in the Local Zakat Funds, by the Local Committee in the district;

(b) For the purposes mentioned in clause (a), make plans for the district, in such form and manner as may be prescribed;

(c) Compile accounts of the Local Zakat Funds, for the district, in such form and manner as may be prescribed;

(d) Arrange in the prescribed manner, audit of the Local Zakat funds in the district; and

(e) Tender to the Council advice on any matter specified by it.

(3) The District Zakat and Ushr Committee shall consist of:-

(a) Chairman. The Chairman of the District Council shall be the Chairman of the District Zakat and Ushr Committee.

(b) Deputy Commissioner of the District.

(c) One representative of each markaz council who shall be elected by the members of the Markaz Zakat and Ushr Committee.

(d) The Chairman of the Municipal/Town Committee;

Provided that, in any District where there is a District Social Welfare Officer appointed by the Government, the District Committee may coopt him as an ex-officio member of the Committee.

(4) The District Committee so constituted shall be duly notified by the Council.

(5) The Chairman and other members of the District Committee not being the ex-officio member shall hold offices for a term of three years and shall be eligible for re-appointment for a similar term.
The Chairman or a member, not being the ex-officio member, may by writing under his hand addressed to the council, resign his office.

Provided that he shall continue to hold office until his resignation is accepted by the Council.

Any vacancy in the office of Chairman or a member, other than the ex-officio member, shall be filled in accordance with clause (c) of sub-section (3) by a person qualified to hold the office.

The Chairman or member nominated under sub-section (7) shall hold office for the un-expired term of his predecessor.

Insertion of Section 14-A, Ordinance CXII of 1980.- In the said Ordinance, after Section 14, the following new section 14-A, shall be inserted, namely;

"14-A. Markaz Zakat and Ushr Committees.- (1) There shall be constituted a Markaz Zakat and Ushr Committee in each Markaz.

(2) The Markaz Zakat and Ushr Committee shall consist of;

(a) Chairman, who shall be elected by the members of the Markaz Council and District Councilors of that Markaz from amongst themselves;

(b) Assistant Commissioner/Tehsildar;

(c) The members of the Markaz Council;

(d) The members of District Council elected from that Markaz.

(3) The Markaz Committee, so constituted shall be duly notified by the District Committee concerned.

(4) The Chairman and members of a Markaz Committee not being the ex-officio member shall hold office for a term of three years and shall be eligible for re-appointment for similar term.

(5) The Chairman or a member, not being the ex-officio member may by writing under his hand addressed to the Markaz Committee, resign his office;

Provided that he shall continue to hold office until his resignation is accepted by the Markaz Committee.

(6) Any vacancy in the office of Chairman or member, other than the ex-officio member, shall be filled by the election, in accordance with clauses (c) and (d) of sub-section (2).
The Chairman or the member elected under sub-Section (6) shall hold office for the unexpired term of his predecessor.

5. **Substitution of Section 15, Ordinance CXII of 1980.** In the said ordinance, for Section 15 the following shall be substituted, namely:

"15. **Local Zakat and Ushr Committees.**—(1) A Local Zakat and Ushr Committee shall be constituted for:

(a) each revenue estate in settled area;
(b) each dehi or village in non-settled rural area; and
(c) each ward in urban area;

Provided that, if in the opinion of the Council, the population of a revenue estate, dehi or village is too large or too small to have one Local Zakat and Ushr Committee such revenue estate, dehi or village may be divided into two or more localities or grouped with any other revenue estate, dehi or village to form one locality.

**Explanation.** In this sub-section:

(a) ‘Urban area’ means a area within the local limits of a Municipal Committee or Town Committee;
(b) ‘rural area’ means other than urban area;
(c) ‘settled rural area’ means rural area for which revenue settlement record exists;
(d) ‘non-settled rural area’ means rural area other than settled rural area; and
(e) ‘ward’ means a district and compact locality, the population of which does not exceed five thousand approximately.

(2) A Local Committee shall consist of:

(a) in Dehi:—The Chairman of the Union Council shall be the Chairman of the Local Zakat and Ushr Committee;
(b) members of the union councils;
(c) the Chairman of Dehi Council.

(3) In cities or towns.—

(a) The Chairman of the Municipal or town committee; and
(b) members of the Municipal or town committee.
(4) The Chairman and other members of the Local Committee shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(5) The Chairman or a member may, by writing under his hand addressed to the Local Committee, resign his office:

    Provided that he shall continue to hold office until his resignation is accepted by the Local Committee.

(6) Any vacancy in the office of Chairman or member shall be filled by the election in accordance with the provisions of Local Government Rules.

(7) The Chairman or the member elected under sub-section (6) shall hold office for the unexpired term of his predecessor.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the July 19, 1980.

No. 3960/LD/80. The following Ordinance made by the president on the 19th day of July, 1980, is hereby published for general information:

(ORDINANCE CXXIII OF 1980)

AN ORDINANCE to amend the General Clauses Act, 1897

WHEREAS it is expedient to amend the General Clauses Act, 1897, as adapted in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to makes and promulgate the following Ordinance:-

1. **Short title and commencement.**— (1) This Ordinance may be called the General Clauses Act (Amendment) Ordinance, 1980.

   (2) It shall come into force at once and shall always be deemed to have taken effect from the 11th day of August, 1977

2. **Addition of sub-section (4), section 5.**— In the General Clause Act, 1897, as adapted in Azad Jammu and Kashmir, hereinafter referred to as the said Act, in Section 5, after sub-section (3) the following new sub-section (4) shall be added, namely:-

   “(4) Unless the contrary is expressed any ordinance made and promulgated by the President, after 11th day of August, 1977, shall be construed as coming into operation on the day on which it receives the assent of the President

3. **Insertion of Section 6-B, General Clauses Act 1897.**— In the said Act, after Section 6-A the following new section 6-B, shall be inserted, namely:-

   “6-B. (1) The provisions of Sections 6 and 6-A, shall apply to all Ordinances made and promulgated by the President at any time after the 11th day of August, 1977, and notwithstanding the repeal of any such Ordinance by operation of sub-section (2) (a) of Section 41 of the
Azad Jammu & Kashmir Interim Constitution Act, 1974 or otherwise, any legal proceeding, investigation remedy in respect of any such right, privilege, obligation liability, penalty forfeiture or punishment shall not be effected.

(2) Any investigation, legal proceeding or remedy may be instituted, continued or enforced and penalty, forfeiture or punishment may be imposed as if the Ordinance had not expired or repealed.

(3) All legal proceedings initiated under any Ordinance after 11th day of August, 1977, which are pending in any Court on the day of promulgation of this Ordinance or those which have been completed shall be deemed to have been validly continued or completed.

(4) No Court including Special Court or Appellate Court thereof shall question the legality or propriety of continuance or completion of such proceeding.

4. Amendment of Section 30, General Clauses Act, 1897. – In the said Act, in Section 30, the following words shall be added after the words “Government of India Act, 1935” or an Ordinance made and promulgated by the President of Azad Jammu & Kashmir, under the Azad Jammu & Kashmir Interim Constitution Act, 1974.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

_________________________
Sd/- (Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th July, 1980.

No. 3963/LD/80. The following Ordinance made by the
President on the 20th day of July, 1980 is hereby published for general
information :-

(ORDINANCE CXXIV OF 1980)

AN

ORDINANCE

to amend the Azad Kashmir Logging and Saw-Mill Corporation
Ordinance, 1980.

WHEREAS it is expedient to amend the Azad Kashmir Logging
and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968) for
the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Logging and Saw Mill
Corporation (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

**Note:** Please see Ordinance No. XLVII of 1980, as this Ordinance is
re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the: 22-7-1980.

No. 4053/LD/80. The following Ordinance made by the 
President on the 21st day of July, 1980, is hereby publish for general 
information :-

(ORDINANCE CXXV OF 1980)

AN 
ORDINANCE 
to provide proper facilities for higher education and to establish a 
University in the territory of Azad Jammu and Kashmir 

WHEREAS it is expedient to provide proper facilities for higher 
education and research in Azad Jammu and Kashmir, and to establish a 
University in the territory of Azad Jammu and Kashmir in the manner 
hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, the President is pleased to make and promulgate 
the following Ordinance :-

CHAPTER-1 
PRELIMINARY

1. **Short title and Commencement.**— (1) This Ordinance may be 
called the University of Azad Jammu and Kashmir Ordinance, 
1980.

(2) It shall come into force at once.

2. **Definitions.**— In this Ordinance, unless there is anything 
repugnant in the subject or context,-

(a) ‘Academic Council' means the Academic Council of the 
University;

(b) 'Affiliated Colleges' means an educational institution 
affiliated to the University but not maintained or 
administered by it;

(c) 'Authority' means any of the authorities of the University 
specified in this Ordinance;
(d) Collaborating University' means a University conducting instructional programmes in collaboration with the University of Azad Jammu and Kashmir;

(e) 'Chancellor' means the Chancellor of the University;

(f) 'Commission' means the University Grants Commission;

(g) 'Constituent College' means a College maintained and administered by the University;

(h) 'Dean' means Dean of a constituent college;

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

(j) 'Institute' means an Institute set up by the University;

(k) 'Officer' means an Officer of the University specified in this Ordinance;

(l) 'Prescribed' means prescribed by Statutes, Regulations and Rules;

(m) 'Principal' means the Principal of an affiliated college;

(n) 'Statutes' 'Regulations' and Rules' means the Statutes, Regulations and Rules made or deemed to have been made under this Ordinance;

(o) ' Syndicate' means the Syndicate of the University;

(p) Teachers' include Professors, Associate Professors, Assistant Professors and Research Associates engaged whole time by the University for teaching post M.A./M.Sc. classes and such other persons as may be recognised to be teachers by the Syndicate;

(q) 'University' means the University of Azad Jammu and Kashmir;

(r) 'University College' means a constituent College;

(s) 'University Teacher' means a whole-time teacher appointed and paid by the University; and

(t) 'Vice-Chancellor' means the Vice-Chancellor of the University;

CHAPTER—II

THE UNIVERSITY

3. In corporation.- (1) There shall be established a University to be called the University of Azad Jammu and Kashmir with its seat at Muzaffarabad during winters and at Rawalakot during summers.
(2) The University shall consist of -
(i) the Chancellor, the Vice-Chancellor, the Deans of Colleges, and the Directors of Institutes;
(ii) the members of the Syndicate, the Academic Council and other authorities of the University;
(iii) the University teachers and Professors Emeritus;
(iv) the Registrar, the Director of Finance and Planning, the Controller of Examinations, the Librarian and the University Auditor; and
(v) such other officers as may be prescribed.

(3) The University shall be a body corporate by the name of University of Azad Jammu and Kashmir. It shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) The University shall be competent to acquire and hold property, both movable and immovable and to lease, sell or order transfer any movable and immovable property which may have become vested in or been acquired by it.

(5) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held in trust by and for the constituent colleges and all liabilities legally subsistent against the said colleges shall stand transferred to the University by this Ordinance.

4. **Powers of the University.**

   (1) To provide for instruction in such branches of learning as it may deem fit, and to make provision for research and for the advancement and dissemination of knowledge in such manner as it may determine;

   (2) To prescribe courses of studies to be conducted by it.

   (3) To hold examination and to award and confer degrees, diplomas, certificates and other academic distinctions to and or persons who have been admitted to and have passed its examinations under prescribed conditions.

   (4) To confer in the manner prescribed honorary degrees or other distinctions on persons approved for the purpose.

   (5) To provide for such instruction for persons not being students of the University as it may determine and to grant certificates and diplomas to such persons.

   (6) To confer degrees on persons who have carried on independent research under prescribed conditions.
(7) To accept the examinations passed, and the periods of study spent, by students of the University at other universities and places of learning as equivalent to such examinations and to periods of study in the University as it may determine, and to withdraw such acceptances.

(8) To cooperate with other universities and public authorities in such manner and for such purposes as it may determine.

(9) To institute Professorships, Associate Professorships, Assistant Professorships and Research Associateships and any other posts and appoint persons thereto.

(10) To create posts for research, extension, administration and other related purposes and to appoint persons thereto.

(11) To institute and award fellowships, scholarships, exhibitions, bursaries, medals and prizes under prescribed conditions.

(12) To establish Institutes, Faculties, Libraries, Laboratories, Workshops, Museums and other centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may determine.

(13) To control the residence of the students of the University and to institute and maintain halls of residence.

(14) To supervise and control the discipline of students of the University, to promote extra-curricular and recreational activities of such students, and to make arrangements for promoting their health, moral development and general welfare.

(15) To demand and receive such fees and other charges as it may determine.

(16) To make provisions for research and advisory services and with these objects to enter into arrangements with other institutions or with public bodies under prescribed conditions.

(17) To enter into, carry out, vary or cancel contracts.

(18) To receive and manage property transferred and bequests, trusts, gifts, donations, endowments and other contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions and to convert one kind of property into another, in such manner as it may deem fit.

(19) To provide for the printing and publication of research and other works.
(20) To authorise and agree to the mobility of qualified staff among universities, research organizations and the Government or corporate bodies provided that the rights and privileges of the staff under this arrangement shall be protected.

(21) To do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a place of education, learning and research.

5. **University open to all classes, Creeds, etc.** - The University shall be opened to all persons of either sex of whatever religion, race, creed, class or colour and no person shall be denied the privileges of the University on the ground only of sex, religion, race, caste, creed, class or colour:

   Provided that nothing in this section shall be deemed to prevent religious instruction being given to the students in their own religious faiths in such manner as may be prescribed.

6. **Teaching in the University.** - (1) All recognised teaching in various courses shall be conducted by the University in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations as well as practical work in the laboratories and other methods of instruction.

   (2) The authority responsible for organizing recognised teaching shall be such as may be prescribed.

   (3) The courses and the curricula shall be such as may be prescribed.

   (4) A discipline to be called ‘Islamic and Pakistan Studies’ shall be offered as a compulsory subject in all Institutes provided that non-Muslim students may opt for 'Ethics and Pakistan Studies.

   (5) A degree shall not be awarded to a student unless he has passed the examination in the discipline referred to in sub-section (4).

**CHAPTER—III**

**OFFICERS OF THE UNIVERSITY**

7. **Officers of the University.** - The following shall be the officers of the University, namely:-

   (i) the Chancellor;
   (ii) the Vice-Chancellor;
   (iii) the Deans of University Colleges;
   (iv) the Directors of Institutes;
   (v) the Registrar;
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(vi) the Director Finance and Planning;
(viii) the Controller of Examinations;
(ix) the Librarian;
(x) the University Auditor; and
(xi) such other persons as may be prescribed by the Regulations to be the officers.

8. **Chancellor**:- (1) The President of Azad Jammu and Kashmir shall be the Chancellor of the University.

(2) The Chancellor shall, when present, preside at the convocations of the University and the meetings of the Syndicate.

(3) If the Chancellor is satisfied that the proceedings of any Authority are not in accordance with the provisions of this Ordinance, the Statutes, the Regulations, or the Rules, he may after calling upon such Authority to show cause why such proceedings should not be annulled, by order in writing annual the proceedings.

(4) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

(5) The Chancellor shall have the powers to assents to such statutes as are required to be submitted to him by the Syndicate or withhold assent or refer them back to the Syndicate for reconsideration.

(6) The Chancellor may remove any person from the membership of any Authority, if such person--

(i) has become of unsound mind; or

(ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority; or

(iii) has been convicted by a Court of law of an offences involving moral turpitude; or

(iv) leaves Pakistan for more than one year.

9. **Visitation**:- (1) The Chancellor may cause an inspection or inquiry to be made in respect of any matter connected with the affairs of the University and shall, from time to time, appoint such person or persons as he may deem fit for the purpose of carrying out inspection of-

(i) the University, its buildings, laboratories, libraries, museums, workshops and equipment;

(ii) any institution or hostel maintained by the University;
the teaching, research and other work conducted by the University; and

(iv) the conduct of examinations held by the University.

(2) The Chancellor shall give notice to the Syndicate of his intention to cause an inspection or enquiry to be made under sub-section (1) and the Syndicate shall be entitled to be represented thereat.

(3) The Chancellor shall communicate to the Syndicate his views with regard to the results of an inspection or inquiry made under sub-section (1) and shall, after ascertaining the views of the Syndicate thereon, advice the Syndicate on the action to be taken by it.

(4) The Syndicate shall, within such time as may be specified by the Chancellor, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of an inspection or inquiry communicated to it under sub-section (3).

(5) Where the Syndicate does not, within the time specified by the Chancellor, take action to the satisfaction of the Chancellor, he may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he thinks fit, and the Vice-Chancellor shall comply with such directions.

10. Vice-Chancellor. (1) The Vice-Chancellor shall be appointed by the Chancellor on such terms and conditions as the Chancellor may determine and shall hold office during the pleasure of the Chancellor for a term not exceeding four years.

(2) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Chancellor shall make such arrangements for the performance of the duties of the Vice-Chancellor as he may deem fit.

11. Powers and duties of the Vice-Chancellor. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall ensure that the provisions of this Ordinance, the Statutes, the Regulations and the Rules are faithfully observed, shall promote the general efficiency and good order of the University and shall have all powers necessary to exercise control and enforce discipline over all officers, teachers and other employees and students of the University.

(2) The Vice-Chancellor shall, in the absence of the Chancellor, preside at a convocation of the University and the
meetings of the Syndicate and shall, if present, preside at the meetings, of the Authorities of which he is the Chairman and be entitled to attend and preside at any meeting of any other Authority or body of the University.

(3) The Vice Chancellor may, in an emergency which in his opinion requires immediate action, take such action as he may consider necessary and shall, as soon thereafter as possible, report his action to the Authority or other body which in the ordinary course would have dealt with the matter.

(4) The Vice-Chancellor shall also have the power--

(i) to create and fill posts temporarily for a period not exceeding six months;

(ii) to sanction all expenditure provided for in the approved budget, and to re-appropriate funds within the same major head of expenditure;

(iii) to sanction by re-appropriation an amount not exceeding fifteen thousand rupees for an unforeseen item not provided for in the budget, and report it to the Syndicate at the next meeting;

(iv) to appoint examiners for all examinations of the University after receiving panels of names from the relevant Authorities;

(v) to make such arrangements for the scrutiny of papers, marks and results as he may consider necessary;

(vi) to direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examination and administration and such other activities in the University, as he may consider necessary for the purpose of the University;

(vii) to appoint employees upto Grade 16 in the National Pay Scales;

(viii) to delegate, subject to such conditions, if any, as may be prescribed, any of his powers under this Ordinance to an officer or other employees of the University; and

(ix) to exercise and perform such other powers and function as may be prescribed.

12. **Registrar.** (1) The Registrar shall be whole-time Officer and shall be appointed on such terms and conditions as may be prescribed.

(2) The Registrar shall--
(a) be the custodian of the Common Seal and the academic records of the University;
(b) maintain a Register of Registered Graduates in the prescribed manner;
(c) conduct elections of members to the various Authorities in the prescribed manner;
(d) be the Secretary of the Syndicate, the Academic Council and the Selection Board; and
(e) perform such other duties as may be prescribed.

13. **Director Finance and Planning**- (1) The Director Finance and planning shall be whole-time Officer of the University having qualifications in development, planning or allied discipline. He shall be appointed by the Syndicate on such terms and conditions as it may determine.

(2) The Planning and Development Officer shall--
(a) manage the property, the finances and the investments of the University;
(b) prepare the annual and revised budget estimates of the University and present them to the Finance and Planning Committee;
(c) ensure that the funds of the University are expended for the purposes for which they are provided;
(d) be Secretary of the Finance and Planning Committee;
(e) be responsible for preparing development projects, development budget and other plans for development of the University;
(f) organize and assist in conducting periodic evaluation of academic programmes of the University;
(g) organize studies and make recommendations on consolidation of existing programmes, elimination of infructuous activities, and introduction of new programmes based on new developments in various fields of knowledge;
(h) ensure proper execution of development projects of the University; and
(i) perform such other duties as may be prescribed.

14. **Controller of Examinations**- (1) The Controller of Examinations shall be a whole-time officer of the University and shall be appointed by the Syndicate on such terms and conditions as it may determine.
(2) The Controller of Examinations, shall be responsible for all matters connected with the conduct of examinations and perform such other duties as may be prescribed.

15. **University Auditor.**— (1) There shall be a University Auditor who shall be an officer in the service of Government whose services would be placed at the disposal of the University by the Auditor-General of Azad Jammu and Kashmir.

16. **Other Officers.**— Subject to the provisions of this Ordinance, the terms and conditions of service and the powers and duties of other officers of the University shall be such as may be prescribed.

**CHAPTER—IV**

**AUTHORITIES OF THE UNIVERSITY**

17. **Authorities.**— The following shall be the authorities of the University, namely:-

   (i) the syndicate;
   (ii) the Academic Council;
   (iii) the Boards of Studies;
   (iv) the Selection Board;
   (v) The Advanced Studies and Research Board;
   (vi) the Finance and Planning Committee;
   (vii) the University Discipline Committee; and
   (viii) such other authorities as may be prescribed by Statutes.

18. **The Syndicate.**— (1) The Syndicate shall consist of--

   (i) the Vice-Chancellor who shall be its Chairman;
   (ii) the Chief Justice of the Azad Jammu and Kashmir High Court or a Judge of the Said Court to be nominated by the Chief Justice;
   (iii) the Chairman, University Grants Commission or his nominee;
   (iv) the Secretary, Ministry of Education, Government of Pakistan, or his nominee;
   (v) one representative of the Government of Azad Jammu and Kashmir to be nominated by the Chancellor;
   (vi) the Deans of constituent Colleges;
   (vii) two Principals of affiliated colleges to be nominated by the Chancellor; and
(viii) the Vice-Chancellors of cooperating Universities.

(2) The members of the Syndicate, other than ex-officio members, shall hold office for two years.

(3) The quorum for a meeting of the Syndicate shall be one-half of the total number of members, a fraction being counted as one.

19. **Powers and duties of the syndicate.-** (1) The Syndicate shall be the executive body of the University and shall, subject to the provisions of this Ordinance and the Statutes, exercise general supervision over the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Syndicate shall have the power--

(a) to hold, control and administer the property and funds of the University;

(b) to govern and regulate, with due regard to the advice of the Finance and Planning Committee in this behalf, the finances, accounts and investments of the University and, for that purpose, to appoint such agents as it may think fit;

(c) to consider the annual report and the annual and revised budget estimates and to re-appropriate funds from one major head of expenditure to another;

(d) to transfer and accept transfer of movable or immovable property on behalf of the University;

(e) to enter into, vary, carry out and cancel contracts on behalf of the University;

(f) to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;

(g) to invest any money belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Trust Act 1882 (II of 1882), as adapted in Azad Jammu and Kashmir or in the purchase of immovable property or in such other manner as it may determine, with the like power of varying such investments;

(h) to receive and manage any property transferred, and grants, bequests, trusts, gifts, donations, endowments and other contributions made, to the University, and to administer any funds placed at the disposal of the University for specified purposes;
(i) to provide the buildings, libraries, premises, furnitures, apparatus, equipment and other means required for the purposes of the University, and to establish and maintain halls of residence;

(j) to determine the form, provide for the custody and regulate the use of the Common seal of the University;

(k) to arrange for the inspection of the Institutes;

(l) to institute professorships, Associate Professorships, Assistant Professorships, Research Associate ships and other teaching or research posts, or to suspend or abolish such posts;

(m) to create, suspend or abolish such administrative, research, extension or other posts as may be necessary;

(n) to appoint University teachers and other officers on the recommendations of the Selection Board for teaching and other posts in Grade 17 in the National pay Scale and above;

(o) to appoint Professors Emeritus on such terms and conditions as may be prescribed;

(p) to confer with the prior approval of the Chancellor Honorary Degrees in accordance with the conditions prescribed;

(q) to prescribe the duties of officers teachers and other employees of the University;

(r) to suspend, punish and remove from service in the prescribed manner officers (other than the Vice-Chancellor), teachers and other employees whom it is empowered to appoint;

(s) to report to the Chancellor on matters which have been referred to it;

(t) to appoint members to the various Authorities in accordance with the provisions of this Ordinance;

(u) to propose drafts of Statutes for submission to the Chancellor;

(v) to consider and deal, in the manner indicated in sub-section (2) of Section 25, with the Regulations proposed by the Academic Council;

(w) to regulate, determine and administer all other matters: concerning the University and to this end exercise all necessary powers not specifically mentioned in this Ordinance or the Statutes;
(x) to delegate any of its powers to an Authority or officers or sub-committees; and
(y) to perform such other functions as have been assigned to it by the other provisions of this Ordinance or may be assigned to it by the Statutes.

20. Academic Council.- (1) The Academic Council shall consist of-
   (i) the Vice-chancellor who shall be its Chairman;
   (ii) the Deans of Constituent Colleges;
   (iii) the Directors of Institutes;
   (iv) five Principals of affiliated colleges to be nominated by the Chancellor on the recommendations of Vice-chancellor;
   (v) six senior teachers of the constituent colleges to be nominated by the Chancellor on the recommendations of Vice-chancellor;
   (vi) three persons eminent in arts, sciences and professions, of whom one shall be from each category; and
   (vii) three persons from other educational and research institutions to be nominated by the Chancellor.

(2) The members of the Academic Council other than ex-officio members, shall hold office for two years.

(3) The quorum for a meeting of the Academic Council shall be one-third of the total number of members, a fraction being counted as one.

21. Powers and duties of the Academic Council.- (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Ordinance, the Statutes and other laws, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Academic Council shall have the power--

(a) to advise the Syndicate on academic matters;
(b) to regulate the conduct of teaching, research and examinations;
(c) to regulate the admission of students to the courses of studies and examinations in the University;
(d) to regulate the conduct and discipline of the students of the University;
(e) to propose to the Syndicate schemes for the constitution and organisation of Institutes and Boards of Studies;
(f) to make Regulations, on the recommendations of the Boards of Studies, prescribing the courses of studies and the syllabus for all University examinations:

Provided that, if the recommendations of a Board of studies are not received by the prescribed date, the Academic Council may subject to the approval of the Syndicate, continue for the next year the courses of studies already prescribed for an examination.

(g) to recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University;
(h) to regulate the award of studentships, scholarships, exhibitions, medals and prizes;
(i) to frame Regulations for submission to the Syndicate;
(j) to appoint members to the various Authorities in accordance with the provisions of this Ordinance; and
(k) to perform such other functions as may be prescribed by Statutes.

22. Constitution, functions and powers of other Authorities.- Subject to the provisions of this Ordinance, the constitution, functions and powers of the authorities for which no specific provision, or insufficient provision, has been made in this Ordinance shall be such as may be prescribed by Statutes.

23. Appointment of Committees by the Authority.- The Syndicate, the Academic Council and any other Authority may, from time to time, appoint such standing special or advisory committees. as it may deem fit, and may appoint to such committees persons who are not its members.

CHAPTER—V

STATUTES, REGULATIONS AND RULES

24. Statutes.- (1) Subject to the provisions of this Ordinance, Statutes may be made to regulate or prescribe all or any of the following matters, namely:-

(a) the constitution of pension, insurance, gratuity, provident fund and benevolent fund for University employees;
(b) the scales of pay and other terms and conditions of service of officers, teachers and other employees of the University;
(c) the establishment of Institutes;
(d) the maintenance of the register of Registered Graduates;
(e) the powers and duties of officers and teachers;
(f) the conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
(g) the conditions for appointment of Professors Emeritus and award of honorary degrees;
(h) efficiency and discipline of University employees; and
(i) all other matters which are to be or may be prescribed or regulated by statutes.

(2) The draft of Statutes shall be proposed by the Syndicate to the Chancellor who may approve it, or pass it with such modifications as he may think fit, or may refer it back to the Syndicate for reconsideration or may reject it:

Provided that the Syndicate shall not propose a draft of Statutes affecting the constitution or powers of any authority until such Authority has been given an opportunity of expressing an opinion in writing upon the proposals:

Provided further that the draft of Statutes concerning any of the matters mentioned in clauses (a) and (b) of sub-section (1) shall be forwarded to the Chancellor and shall not be effective until it has been approved by the Chancellor.

(3) Subject to the second proviso to sub-section (2), no Statute shall be valid unless it has been approved by the Chancellor.

25. Regulations: (1) Subject to the provisions, of this Ordinance and the Statutes, Regulations may be made for all or any of the following matters, namely:

(a) the general scheme of studies, including the duration of courses and the number of subjects or papers for an examination;
(b) the courses of study for post M.A. / M.Sc. degrees, diplomas and certificates of the University;
(c) the manner in which the recognised teaching referred to in sub-section (1) of Section 6 shall be organized and conducted;
the admission of students to the University;
the conditions under which students shall be admitted to
the courses and the examinations of the University and
shall become eligible for the award of degrees, diplomas
and certificates;
the conduct of examinations;
fees and other charges to be paid by the students for
admission to the courses of study and the examinations
of the University;
the conduct and discipline of students of the University;
conditions of residence of the students of the University
including the levying of fees for residence in halls of
residence and hostels;
the conditions under which a person shall carry on
independent research to entitle him to a degree;
the institution of fellowships, scholarships, exhibitions,
medals and prizes;
the institution of stipends and free and half-free student-
ships;
the academic costume;
the use of the Library;
the formation of Institutes and Boards of Studies; and
all other matters which are to be or may be prescribed by
Regulations.
(2) The draft of Regulations shall be prepared by the
Academic Council and shall be submitted to the Syndicate which
may approve or withhold approval or refer it back to the
Academic Council for reconsideration:
Provided the Syndicate may frame a Regulation at its
own initiative and approve it after calling for the advice of the
Academic Council.
(3) No Regulation shall be valid unless it has been approved
by the Syndicate.
26. Amendment and repeal of Statutes and Regulations.- The
procedure for adding to, amending or repealing the Statutes and
the Regulations shall be the same as that provided respectively
for the framing or making of Statutes and Regulations.
27. Rules.- (1) The Authorities and the other bodies of the
University may make Rules consistent with this Ordinance, the
Statutes and the Regulations to regulate the conduct of their business and the time and place of meeting and related matters:

Provided that the Syndicate may direct the amendment or the annulment of any Rules made by another authority or body under this section;

Provided further that, if such other authority or body is dissatisfied with such direction, it may appeal to the Syndicate whose decision in the matter shall be final.

(2) The Syndicate may make Rules to regulate any matter relating to the affairs of the University which by this Ordinance is not specifically required to be provided for by Statutes or Regulations.

CHAPTER—VI
UNIVERSITY FUND

28. University Fund.— The University shall have a fund to which shall be credited its income from fees, donations, bequest, endowments, contributions, grants and all other sources.

29. Recovery of University Dues.— The University or any person generally or specially authorised by it may apply to the Collector for recovery of any sum due to the University under any bond or otherwise and the Collector shall thereupon proceed to recover the sum due, as if it were an arrear of land revenue.

30. Audit and Accounts.— (1) The accounts of the University shall be maintained in such manner as may be prescribed.

(2) No expenditure shall be made from the funds of the University unless a bill for its payment has been audited by the University Auditors in conformity with the Statutes.

(3) The annual statement of the accounts of the University signed by the Director Finance and the University Auditor shall be submitted to the Government within six months of the closing of the financial year.

(4) The account place provided for the residence of student; and

(i) that the affiliation of the educational institution will not be injurious to the interest of education or discipline of educational institutions in its neighbourhood.

(2) The application shall further contain an undertaking that after the educational institution is affiliated any transference of and changes in the management and in the teaching staff, save in the case of Government Colleges, shall be forthwith reported to
the University, and that the teaching staff shall possess such qualifications as are or may be prescribed.

(3) The procedure to be followed in disposing of an application for the affiliation of an educational institution shall be such as may be prescribed.

(4) The Syndicate may, on the recommendation of the affiliation Committee, grant or refuse affiliation to an educational institution:

Provided that, affiliation shall not be refused, unless the educational institution has been given an opportunity of making a representation against the proposed decision.

32. **Addition of courses by affiliated educational institution.** - Where an educational institution desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed under sub-section (3) of Section 31 shall, so far as may be, be followed.

33. **Report from affiliated educational institutions.** - (1) Every educational institution affiliated to the university shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the educational institution.

(2) The University may call upon any educational institution affiliated to it to take within a specified period such action as may appear to the University to be necessary in respect of any of the matters referred to in sub-section (1) of Section 31.

34. **Withdrawal of affiliation.** - (1) If an educational institution affiliated to the University fails at any time to fulfill any of the requirements mentioned in the Ordinance, or if an educational institution has failed to observe any of the conditions of its affiliation, or its affairs are conducted in a manner which is prejudicial to the interests of education the Syndicate may, on recommendation of the Affiliation Committee, and after considering such representation as the educational institution may wish to make, withdraw, either in full or in part, the rights conferred on the educational institution by affiliation or modify such rights.

(2) The procedure to be followed for the withdrawal of affiliation shall be such as may be prescribed.

35. **Appeal against refusal or withdrawal of affiliation.** - An appeal shall lie to the Syndicate against refusal of affiliation to an institution, or withdrawal, in whole or in part, of the rights
CHAPTER—VIII
GENERAL PROVISIONS

36. **Retirement from service.** An officer, teacher or employee of the University shall retire from service –
   (1) on such date, after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct; or
   (2) where no direction given under sub-section (1) on the completion of sixty years of his age.
   **Explanation:** In this section 'competent authority' means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank to the officer, teacher or other employee concerned.

37. **Opportunity to show cause.** Except as otherwise provided, no officer, teacher or other employee of the University holding a permanent post shall be reduced in rank, or removed or compulsorily retired from service, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

38. **Appeal to, and review by, the Syndicate.** (1) Where an order is passed punishing any officer (Other than the Vice-Chancellor), teacher or other employee of the University or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by the Vice-Chancellor or any other officer or teacher of the University, have the right to appeal to the Syndicate, against the order, and, where the order is made by the Syndicate, have the right to appeal to that Authority for review of that order.
   (2) The appeal or application for review shall be submitted to the Vice-Chancellor who shall lay it before the Syndicate with his views.

39. **Pension insurance, gratuity, provident fund and benevolent fund.** (1) The University shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed such pension, insurance, gratuity, provident fund and benevolent fund scheme as it may deem fit.
   (2) Where a provident fund is constituted under this Ordinance, the provisions of the Provident Fund and rules made
thereunder shall apply to such fund as if it were a Government Provident Fund and the University were the Government.

40. **Commencement of term of office of members of Authorities.** When a member of a newly constituted Authority is appointed or nominated, his term of office as fixed under this Ordinance shall commence from such date as may be prescribed.

41. **Filling of casual vacancies in Authorities.** Any casual vacancy among the appointed or nominated members of any Authority shall be filled, as soon as convenient may be, by the person or the body who appointed or nominated the member whose place has become vacant and the person appointed or nominated to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

42. **Filling of vacancies in Authorities in certain circumstances.** Where a vacancy in the membership of an Authority cannot be filled because of--

   (1) the office the holder whereof was to be a member of the Authority ex-officio having ceased to exist;

   (2) the organization, institution or other body, other than the university, having either ceased to exist or to function; or

   (3) the occurrence of other circumstances in which it has become impracticable to fill the vacancy, the vacancy shall be filled in such manner as the Chancellor may direct.

43. **Disputes about membership of Authorities.** Notwithstanding anything contained in this Ordinance, a person nominated or appointed to an Authority shall cease to be a member of such Authority as soon as he ceases to hold the position by virtue of which he was nominated or appointed.

   (2) If a question arises whether any person is entitled to be a member of any Authority, the matter shall be referred to a Committee consisting of the Vice-Chancellor, a Judge of the High Court or Supreme Court to be nominated by the Chief Justice, Azad Jammu and Kashmir Supreme Court and the nominee of the Commission who are members of the Syndicate and the decision of this Committee shall be final and binding.

44. **Proceedings of Authorities not invalidated by vacancies.** No act, proceedings, resolution or decision of any Authority shall be invalid by reason only of any vacancy in or any defect in the constitution of, or in the appointment or nomination of any member of the Authority.
45. **First Statutes.**- Notwithstanding anything contained in this Ordinance, the Statutes set out in the Schedule shall be deemed to be the Statutes framed under section 24 and shall remain in force until they are amended or replaced by new Statutes framed in accordance with this Ordinance.

46. **Transfer of Officers, etc.**- (1) Any officer, teacher, or other employee of the University shall, as the Chancellor may direct, serve for such period as may be fixed or extended from time to time by the Chancellor in any post under any organization in the territory of Azad Jammu and Kashmir. The terms and conditions of service such a transeree shall not be less favorable than those admissible to him in the University.

(2) The Chancellor in consultation with the Vice-Chancellor may fill any post in the University by appointing a person in the service of Azad Jammu and Kashmir Government.

(3) The Chancellor may approve inter-transfer of officer's teachers or other employee of the University, constituent colleges, affiliated colleges, Government, corporate bodies provided that the rights and privileges of such persons under this arrangement are protected under such conditions as may be prescribed.

47. **Bar to jurisdiction.**- No Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to any thing done or purported to have been done or intended to be done under this Ordinance.

48. **Indemnity.**- No suit or legal proceedings shall lie against the Government, the University or any Authority, officer or employee of Government or the University or any person, in respect of any thing which is done, or purported to have been done or is intended to, or has been done under this Ordinance.

49. **Transitional Provisions.**- (1) Notwithstanding anything contained in this Ordinance, the Syndicate shall start functioning as soon as the Chancellor has made nomination of its members.

(2) Immediately on promulgation of the Ordinance the Chancellor shall appoint a Project Director along with helping staff to put the provisions of this Ordinance into effect. Other officers such as Registrar, Director of Finance and Planning, controller of Examinations and Librarian shall be appointed when the University starts functioning fully.

50. **Removal of difficulties.**- If any difficulty arises as to the first constitution or reconstitution of any Authority upon coming into force of this Ordinance or otherwise in giving effect to the provisions of this Ordinance, the Chancellor may, on the
recommendation of the Vice-Chancellor, give appropriate
directions, to remove such difficulty.

THE SCHEDULE
(See Section 45)

THE FIRST STATUTES

1. **Organisation of the University.** (1) The teaching of the University shall be conducted at constituent colleges to be known as University Colleges.

(2) There shall be a Committee of each of the University College which shall consist of -

(i) the Dean of the University College;

(ii) the Professors in the University College;

(iii) one Associate Professor one Assistant Professor and one Lecturer to be nominated by the Syndicate; and

(iv) four Professors of other affiliated colleges to be nominated by the Academic Council.

(3) The members, other than ex-officio members, shall hold office for two years.

(4) The quorum for a meeting of the Committee of the University shall be one-half of the total number of members, fraction being counted as one.

(5) The Committee of each college shall, subject to the general control of the Academic Council and the syndicate, have the power to –

(a) organise courses of study and examinations of the College;

(b) consider any other academic matter related to the College and to report thereon to the Academic Council; and

(c) perform such other functions as may be assigned.

2. **Selection Board.** (1) The Selection Board shall consist of –

(i) the Vice-Chancellor - (Chairman);

(ii) the Chairman or a member of the Azad Jammu and Kashmir Public service Commission to be nominated by the Chairman;

(iii) Chairman of the Commission or his nominee;

(iv) The Principal of the College concerned;
(v) One member of the Syndicate and two other persons of eminence to be appointed by the Syndicate, provided that none of them is an employee of the University College.

(2) The members, other than the ex-officio members shall hold office for two years.

(3) The quorum for a meeting of the Selection Board shall be four.

(4) No member, who is a candidate for the post to which appointment is to be made by the Selection Board, shall take part in the proceedings of the Board.

(5) In selecting candidates for the posts of Professors and Associate Professors, the Selection Board shall co-opt or consult three experts in the subject concerned and in selecting candidates for other teaching posts, two experts in the subject concerned, to be nominated by the Chancellor from a standing list of experts for each subject approved by the Syndicate on the recommendations of the Selection Board and revised from time to time.

3. **Functions of the Selection Board.**—(1) The Selection Board for teaching and other posts shall consider the applications received in response to advertisement and recommended to the Syndicate the names of suitable candidates for appointment to teaching or other posts, as the case may be, and may also recommend :-

   (a) the grant of a higher initial pay in a suitable case for reasons to be recorded; and

   (b) the appointment of an eminently qualified person to a Professorship in the University College on terms and conditions other than those prescribed.

(2) In the event of a difference of opinion between the Selection Board and the Syndicate, the matter shall be referred to the Chancellor whose decision shall be final.

4. **Finance and Planning Committee.**—(1) The Finance and Planning Committee shall consist of:-

   (i) The Vice-Chancellor (Chairman);

   (ii) one member of the Syndicate to be appointed by the Syndicate;

   (iii) one member of the Academic Council to be appointed by the Academic Council;
(iv) two nominees of the Chancellor, one each from the Education Department and Finance Department of the Government of Azad Jammu and Kashmir; and

(v) the Director of Finance and Planning (Member/Secretary).

(2) The term of office of the appointed members shall be two years.

(3) The quorum for a meeting of the Finance and Planning Committee shall be four members.

5. **Functions of the Finance and Planning Committee.** - The functions of the Finance and Planning Committee shall be -

   (a) to consider the annual statement of accounts and the annual and revised budget estimates and advise the Syndicate thereon;

   (b) to review periodically the financial position of the University College;

   (c) to recommend development projects, development budget and other plans for the physical development of the University College and supervise their execution on behalf of the Syndicate;

   (d) to advise the Syndicate on all matters related to planning, development, finances, investments, and accounts of the University College; and

   (e) to perform such other functions as may be prescribed.

6. **Discipline Committee** (1) The Discipline Committee in each constituent/ affiliated college shall consist of -

   (i) Principal of the College to be appointed by the Vice Chancellor;

   (ii) one member to be nominated by the Syndicate;

   (iii) one member to be nominated by the Academic Council;

   (iv) the teacher or officer incharge of student affairs, by whatever name called - Member - Secretary.

   (2) The terms of office of the members of the Committee, other than ex-officio members, shall be two years

   (3) The quorum for a meeting of the Committee shall be four members.

7. **Functions of the Discipline Committee.** (1) The functions of the Discipline Committee shall be -

   (a) to deal with all inter-departmental cases of indiscipline in the University College;
(b) to propose regulations related to conduct of students, maintenance of discipline and breach of discipline;

(c) to suspend, expel or rusticate students on the basis of the inquiry conducted under the prescribed Rules/Regulations; and

(d) to perform such other functions as may be prescribed.

(2) An appeal against the decision of the Discipline Committee shall lie with the Vice Chancellor whose decision shall be final and binding.

8. **Scheme of Studies.** The courses and scheme of studies at the University Colleges shall be, as given in the Annexures I-VI.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir,

Sd./ (Khalil Ahmed Qureshi)
Secretary Law
VOLUME VI (1980)

Annexure—I

PROGRAMME OF STUDIES AT THE UNIVERSITY COLLEGE, MUZAFFARABAD

FIRST YEAR: Term I & II

(a) Compulsory Courses: Credit Hours

i) Islamic Studies 2

ii) Arabic 3

iii) English 2

(b) Elective Subjects:

Three of the following subjects of three Credit Hours each in either Group:

**Group — A**

i) Economics

ii) Statistics

iii) Political Science

iv) Psychology

v) History

vi) Any subject/s in Group B

**Group — B**

i) Chemistry

ii) Physics

iii) Mathematics

iv) Biology

v) Geology

SECOND YEAR: Term III & IV

(a) Compulsory Subjects Credit hours

i) Islamic Studies 3

(at least 50% to be taught in Arabic)

ii) Arabic 2

iii) English 2

(b) Elective Subjects:

Three of the following subjects of three Credit Hours each in either Group:

**Group – A**

i) Economics

ii) Statistics

iii) Political Sciences

iv) Psychology

v) Any subject/s in Group B

vi) History

**Group – B**

i) Chemistry

ii) Physics

iii) Mathematics

iv) Biology

v) Geology

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Term –V

(a) One major subject: (Credit Hours 12 per term) Any one subject taken in Term I to IV or Business Administration.

(b) Following subjects as Minors (Credit Hours 2 per course):

i) Social Sciences (for those who offered science subjects in semester I to IV.

OR

General Science (for those who did not offer science subjects in semester I to IV)

ii) Pakistan and Islamic Studies (option for non-Muslim students : Ethics and Pakistan Studies

Term—VI

Same as Term — V.

Term—VII

Credit Hours

i) Advance Courses in the major subject 8
ii) Research Project 6
iii) Field Work/Rural Development (100 hours in one or two terms)

Term —VIII

Same as in Term — VII.
Note: An additional requirement in Semesters V-VIII will be:
Term papers in Majors.
ii) Seminars.
iii) Sandwich Training-in-Project

Annexure—II

PROGRAMME OF STUDIES AT UNIVERSITY COLLEGE
MIRPUR

Term—I (First Year)  Credit Hours

i) Islamic Studies 2
ii) Arabic 2
iii) Electronics 3  
iv) Applied Physics 3  
v) Applied Chemistry 3  
vi) Applied Mathematics 3

**Term — II (First Year)**

Same as in Term I

**Term — III (Second Year)**

i) Islamic Studies 2  
ii) Arabic 1  
iii) Electronics (Theory 2, Practical 3) 5  
iv) Applied Physics 3  
v) Applied Mathematics 3  
vii) Statistics 2

**Term— IV (Second Year)**

i) Pakistan and Islamic Studies 2  
ii) Arabic 1  
iii) Electronics 5  
vii) Applied Physics 3  
v) Applied Mathematics 3  
v) Social Psychology 2

**Term — V (Third Year)**

i) Electronics 7  
ii) Applied Physics 3  
iii) Applied Mathematics 2  
iv) Social Psychology 2  
v) Applied Economics 2

**Term — VI (Third Year)**

Same as in Term V.

**Term — VII & VIII**

<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
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<tbody>
<tr>
<td>Electronics</td>
<td>14</td>
</tr>
<tr>
<td>Social Sciences (General)</td>
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</tr>
</tbody>
</table>

Note: Emphasis in the Technology shall be on practical training distributed as follows:  
Practicals 75%  
Theory 25%
### PROGRAMME OF STUDIES AT THE UNIVERSITY COLLEGE, RAWALAKOT

#### Term — I (First Year)  
<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Islamic Studies</td>
<td>2</td>
</tr>
<tr>
<td>ii) Arabic</td>
<td>2</td>
</tr>
<tr>
<td>iii) Agro-based Technology</td>
<td>3</td>
</tr>
<tr>
<td>iv) Applied Chemistry</td>
<td>3</td>
</tr>
<tr>
<td>v) General Physics</td>
<td>3</td>
</tr>
<tr>
<td>vi) Applied Biology</td>
<td>3</td>
</tr>
</tbody>
</table>

#### Term — II (First Year)  
Same as in Term -I

#### Term — III (Second Year)  
<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Islamic Studies</td>
<td>2</td>
</tr>
<tr>
<td>ii) Arabic</td>
<td>1</td>
</tr>
<tr>
<td>iii) Agro-based Technology</td>
<td>5</td>
</tr>
<tr>
<td>(2 for theory &amp; 3 for Practical)</td>
<td></td>
</tr>
<tr>
<td>iv) Applied Chemistry</td>
<td>3</td>
</tr>
<tr>
<td>v) Applied Biology</td>
<td>3</td>
</tr>
<tr>
<td>vi) Mathematics</td>
<td>2</td>
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</table>

#### Term — IV (Second Year)  
<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Pakistan and Islamic Studies</td>
<td>2</td>
</tr>
<tr>
<td>ii) Arabic</td>
<td>1</td>
</tr>
<tr>
<td>iii) Agro-based Technology</td>
<td>5</td>
</tr>
<tr>
<td>iv) Applied Chemistry</td>
<td>3</td>
</tr>
<tr>
<td>v) Applied Biology</td>
<td>3</td>
</tr>
<tr>
<td>vi) Mathematics</td>
<td>2</td>
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</tbody>
</table>

#### Term — V (Third Year)  
<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Agro-based Technology</td>
<td>7</td>
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<tr>
<td>ii) Applied Chemistry</td>
<td>3</td>
</tr>
<tr>
<td>iii) Economics</td>
<td>2</td>
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<tr>
<td>iv) Statistics</td>
<td>2</td>
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#### Term — VI (Third Year)  
Same as in Term V.

#### Term — VII and VIII  
<table>
<thead>
<tr>
<th>Course</th>
<th>Credit Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Agro-based Technology</td>
<td>14</td>
</tr>
<tr>
<td>ii) Social Psychology</td>
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</tbody>
</table>
(Note) The emphasis in the Technology shall be on practical training distributed as follows:
Practical  75%
Theory    25%

Annexure—IV

PROGRAMME OF STUDIES UNIVERSITY COLLEGE
KOTLI

Term — I (First Year)                  Credit Hours
i) Islamic Studies:                   2
ii) Arabic                            2
iii) Business English                2
iv) Commerce                          3
v) Economics                          3
vi) Mathematics                       2
vii) Statistics                       2

Term — II

As above.

Term - III (Second Year)

i) Islamic Studies                    1
ii) Arabic                            1
iii) Business English                 2
iv) Commerce                          7
v) Economics                          3
vi) Philosophy (Logic)                2

Term – IV (Second Year)

i) Islamic & Pakistan Studies         1
ii) Arabic                            1
iii) Business English                 2
iv) Commerce                          7
v) Economics                          3
vi) Psychology                        2

Term – V (Third Year)

i) Islamic & Pakistan Studies         1
ii) Commerce                          9
iii) Economics                        2
iv) Statistics                        2
v) Research Methods                   2
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Term – VI (Third Year)

Same As above

Term --VII & VIII

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<table>
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<tbody>
<tr>
<td>i)</td>
<td>Commerce.</td>
</tr>
<tr>
<td>ii)</td>
<td>General Science</td>
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Annexure — V

UNIVERSITY COLLEGE FOR WOMEN MIRPUR

Term – I (First Year)                  Credit Hours

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>i)</td>
<td>Islamic Studies</td>
</tr>
<tr>
<td>ii)</td>
<td>Arabic</td>
</tr>
<tr>
<td>iii)</td>
<td>Textile Tech: (Design &amp; Garmenting) or Electronics</td>
</tr>
<tr>
<td>iv)</td>
<td>Applied Chemistry</td>
</tr>
<tr>
<td>v)</td>
<td>Applied Physics or Biology</td>
</tr>
<tr>
<td>vi)</td>
<td>Applied Mathematics</td>
</tr>
</tbody>
</table>

Term — II (Second Year)

Same as for Term — I.

Term — III (Second Year)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>i)</td>
<td>Islamic Studies</td>
</tr>
<tr>
<td>ii)</td>
<td>Arabic</td>
</tr>
<tr>
<td>iii)</td>
<td>Textile Tech or Electronics</td>
</tr>
<tr>
<td>iv)</td>
<td>Applied Chemistry</td>
</tr>
<tr>
<td>v)</td>
<td>Applied Physics or Biology</td>
</tr>
<tr>
<td>vii)</td>
<td>Applied Mathematics or Economics</td>
</tr>
</tbody>
</table>

Term — IV.
Same as Term III.

Term — V & VI                  Credit Hours

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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>i)</td>
<td>Pakistan &amp; Islamic Studies</td>
</tr>
<tr>
<td>ii)</td>
<td>Textile Tech or Electronics</td>
</tr>
<tr>
<td>iii)</td>
<td>Applied Physics or Biology</td>
</tr>
<tr>
<td>iv)</td>
<td>Applied Statistics</td>
</tr>
<tr>
<td>v)</td>
<td>Social Psychology</td>
</tr>
</tbody>
</table>
VOLUME VI (1980)

Term – VII & VIII

i) Textile Technology or Electronics 14
ii) Social Sciences (General) 2

(Note): Emphasis in the Technology shall be on Practical Training distributed as follows:
Practical 75%
Theory 25%

Annexure VI

PROGRAMME OF STUDIES OF UNIVERSITY COLLEGE OF HOME ECONOMICS MUZAFFARABAD

The Syllabus and Courses of Studies at the University College of Home Economic, Muzaffarabad will be same as for College of Home Economics, Lahore.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 29th July, 1980.

No. 4174/LD/80. The following Ordinance made by the
President on the 27th day of July, 1980, is hereby published for general
information:-

(ORDINANCE CXXVI OF 1980)

AN
ORDINANCE
to amend the Azad Jammu and Kashmir Industries Control and

WHEREAS it is expedient to amend the Azad Jammu and
Kashmir Industries Control and Establishment of Industrial Estates and
Artisan's work Shops Act, 1976 (Act XIV of 1976) for the purposes
hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Industries Control and
Establishment of Industrial Estates and Artisan's Work Shops
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of Section 3, Act XIV of 1976.- In the Azad
Jammu and Kashmir Industries Control and Establishment of
Industrial Estates and Artisan's Work-Shops Act, 1976, (Act XIV
of 1976), for Section 3, the following shall be substituted,
namely:-

3. Restrictions on Establishment and Enlargement of Industrial
undertaking.- No person or body of persons corporated or
incorporated shall expand and modernized or cause to expanded
and modernised or establish or cause to be established any
industrial undertaking except with the prior permission in writing
of the Government:

Provided that permission will not be necessary in the
case of Industrial Projects, where total cost of the machinery is
less than Rs. five million inclusive of the cost of imported machinery up to Rs. 2.5 million, or the machinery to be imported is not banned or restricted under any law, Notification, an Import policy order or any policy decision of the Federal Government of Pakistan or by the Azad Government of the State of Jammu and Kashmir, or the project does not involve foreign investment including investment under non-repatriable and pay-as-you earn schemes.

(Mohammad Hayat Khan)
President

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the July, 29, 1980.

No. 4175/LD/80. The following Ordinance made by the President on the 29th day of July, 1980, is hereby published for general Information:-

(ORDINANCE CXXVII OF 1980)

AN ORDINANCE
further to amend the Azad Jammu and Kashmir Civil Servant Act, 1976

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim constitution Act, 1974, 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 Civil Servants (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 13, Act VI of 1976.**— In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), in Section 13, after Sub-clause (1), the provision shall be deleted and shall be deemed always to have been so deleted.

   (Mohammad Hayat Khan)
   President,
   Azad Jammu & Kashmir.

   Sd/- (Khalil Ahmed Qureshi)
   Secretary Law.
Dated the 29th July, 1980.

No. 4187/SL/80. The following Ordinance made by the President on the 29th day of July, 1980, is hereby published for general information:

(ORDINANCE CXXVIII OF 1980)

AN
ORDINANCE

to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith

WHEREAS it is expedient to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement**.- (1) This Ordinance may be called the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1980.

   (2) it extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect on and from the 14th day of March, 1978.

**Note:** Please see Ordinance No. L of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the 29th July, 1980.

No. 4188 /LD/80. The following Ordinance made by the President on the 29th day of July, 1980, is hereby published for general information:-

(ORDINANCE CXXIX OF 1980)

AN
ORDINANCE

to provide for adaptation and enforcement of the National Guards Act, 1973

WHEREAS it is necessary and expedient to adapt and to enforce the National Guards Act, 1973, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following ordinance:-

1. **Short title, extent and Commencement.**— (1) This Ordinance may be, called the National Guards (Adaptation) Ordinance, 1980.

   (2) it extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. LI of 1980, as this Ordinance is re-promulgated with similar provisions.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 29th July, 1980.

No. 4192/LD/80. The following Ordinance made by the President on the 29th day of July, 1980, is hereby published for general information:-

(ORDINANCE CXXX OF 1980)

AN
ORDINANCE
to provide relief to the distressed persons in Azad Jammu and Kashmir

WHEREAS it is expedient to provide relief to the distressed persons in Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41, of the Azad Jammu and Kashmir Interim Constitution Act, 1974 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 Distressed persons Relief Ordinance, 1980.

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

(3) It shall come into force at once.

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:-

(a) "Competent Officer or Board of officers" means an officer or Board appointed by the Government to function as such under Section 4 of this Ordinance;

(b) "Distressed person" means and includes any person who lives in Azad Jammu and Kashmir and who --

(i) has been physically or financially damaged on account of any accident, fire, epidemic, rains, or any other calamity and in the opinion of the competent officer or Board of officers deserves aid or relief in order to enable him to continue the normal pursuits of his life for the time being or till the effects of the damage subside, or
(ii) is dependent of a person who has lost his life in an accident, fire, epidemic, rains or any other calamity and in the opinion of the competent officer or Board of officers it is expedient to provide him relief;

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

(d) "The Distressed Persons Relief Fund" means a fund created or established as such and operated under this Ordinance;

(e) "State Subject" means a State Subject as defined under the Dogra Regime Government Notification No. I-L/84, dated the 20th April 1927.

3. **The Distressed Persons Relief Fund.** The Government may establish a fund to be called "the Distressed Persons Relief Fund" (hereinafter referred to as "the fund") in order to meet the requirements for relief of distressed persons under this Ordinance or rules made thereunder.

4. **Competent officer or Board of officers.** The Government may appoint or nominate a competent officer or Board of officers to make recommendations to the Government about the distressed person entitled to get relief out of the fund referred to in Section 3. In making recommendations to the Government under this Section, the competent officer or Board of officers shall be guided by the rules made under this Ordinance and the assessment made by the Assessment Committee appointed by the Government for relief assessment purposes.

5. **Recommendations.** In making recommendations to the Government the competent officer or the Board of officers referred to in the foregoing section, may recommend-

(i) the person or persons who deserve relief under this Ordinance;

(ii) the amount of relief;

(iii) manners in which relief is to be given;

(iv) the period for which relief is to continue;

Provided that the maximum relief which can be granted to an individual or Collective cases shall not exceed ten percent of the total loss assessed.

Provided further that in individual cases the relief shall be given in very exceptional and hard cases.
6. **Orders.**- On receipt of the recommendations of the competent officer or the Board of officers, Government may accept, rescind or modify the recommendations or pass such other orders as it deems fit.

7. **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 the particular and without prejudice to the generality of the foregoing provision, such rules may provide-

   (a) The amount of relief for different categories of the distressed persons;

   (b) the manners in which preliminary enquiries should be made;

   (c) the manners in which different accounts, entries or certificates are to be maintained, made or given in this behalf;

   (d) such other matters as are necessary to facilitate to operation of this Ordinance.-

   (Mohammad Hayat Khan)
   President,
   Azad Jammu and Kashmir,
   ___________
   Sd/- (Khalil Ahmed Qureshi)
   Secretary Law
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 30th July, 1980.

No. 4194/LD/80. The following Ordinance made by the President on the 30th day of July, 1980, is hereby published for general information:-

(ORDINANCE CXXXI OF 1980)

AN
ORDINANCE

to make certain adaptation in the Pakistan Army Act, 1952 (XXXIX of 1952), as in force in Azad Jammu and Kashmir

WHEREAS it is expedient to make certain adaptation in the Pakistan Army Act, 1952 (XXXIX of 1952) as in force in Azad Jammu and Kashmir by virtue of Azad Jammu and Kashmir by adaptation of law order 1956 (Council Order 43 of 1956);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.**— (1) This Ordinance may be called the Pakistan Army Act (Adaptation of amendments) Ordinance, 1980.

   (2) It shall come into force at once.

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

**Note:**— Please see Ordinance No. LIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the August 6, 1980.

No. 4378/LD/80. The following Ordinance made by the President on the 4th day of August, 1980, is hereby published for general information:-

(ORDINANCE CXXXII OF 1980)

AN

ORDINANCE

to amend the Imposition of Restrictions (on Construction and alienation in Master Plan Area) Ordinance, 1980

WHEREAS it is expedient to amend the Imposition of Restrictions (on Construction and alienation in Master Plan Area) Ordinance 1980 for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement.**-(1) This Ordinance may be called the Imposition of Restrictions (on construction and alienation in Master Plan Area) (Amendment) Ordinance, 1980.

   (2) It shall come in to force at once.

2. **Amendment of Section 3, Ordinance CXIV of 1980.**- In the Imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1980 (Ordinance CXIV of 1980), in Section 3, after Sub-section (2) the following new sub-sections (3) and (4) shall be added, namely :-

   "(3) The Government may appoint a District Controlling Authority for a District, if it is deemed necessary and where the District Controlling Authority is appointed it shall exercise all the powers of the Controlling Authority within the District concerned under this Ordinance."
(4) The District Controlling Authority shall consist of a Chairman and such other Members as may be nominated by the Government.”

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 10th August, 1980.

No. 4590/LD/80. The following Ordinance made by the President on the 10th day of August, 1980, is hereby published for general information :-

(ORDINANCE CXXXIII OF 1980)

AN

ORDINANCE

to provide for price control and prevention of profiteering and hoarding

WHEREAS it is expedient to provide for price control and prevention of profiteering and hoarding;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Price Control and Prevention of Profiteering Hoarding Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. LV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 16th August, 1980.

No. 4616 /SL/80. The following Ordinance made by the President on the 16th day of August, 1980, is hereby published for general information:–

(ORDINANCE CXXXIV OF 1980)

AN
ORDINANCE

to amend the Jammu and Kashmir Forest Regulation 1930

WHEREAS it is expedient to amend the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Forest Regulation, 1930 (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of Section 6, Forest Regulation II of 1930.- In the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), hereinafter referred to as the said Regulation, in Section 6, in sub-section (1) :–

(a) After clause (i), in the penal provision, for the words 'five hundred' the words 'one thousand' shall be substituted;

(b) After clause (v) the following new clause shall be inserted, namely:–

"(vi) Where timber obtained from State/Crown Forests or Government Depots at any rate or from trees of revenue assessed or evacuee land, although out and procured after due permission from the competent authority is used for any other purpose, other than one for which it was obtained or it is sold, the price of such timber shall be determined and charged at double the
market rates prevalent at the time of the disposal of the case, market rate of such timber shall be determined by the D.F.O."

(c) Existing clause (vi) shall be re-numbered as clause (vii).

3. **Amendment of Section 28, Regulation II of 1930.** In the said Regulation, in Section 28, after sub-section (2) the following new subjection (2A) shall be inserted, namely: -

"(2-A) Any person driving a vehicle or cart or the boatman of a boat, as the case may be which has been used in the commission of Forest Offence shall be punishable with a simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both."

4. **Amendment of Section 56, Regulation II of 1930.-** In the said Regulation, in Section 56, between the words 'Regulation' and 'or' the words 'except Section 28' shall be inserted.

5. **Savings.** Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Forest Regulations, 1930 (Amendment) Ordinance, 1980 (Ordinance LIX of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Abdul Rashid Kiani)
Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th August, 1980.

No. 4653/LD/80. The following Ordinance made by the President on the 20th day of August, 1980, is hereby published for general information:

(ORDINANCE CXXXV OF 1980)

AN

ORDINANCE

to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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, 1980.

   (2) It shall come into force at once.

   **Note:** Please see Ordinance No. LX of 1980, as this Ordinance is re-promulgated with similar provisions.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th August, 1980.

No. 4654/LD/80. The following Ordinance made by the President on the 20th day of August, 1980 is hereby published for general information:—

(ORDINANCE CXXXVI OF 1980)

AN

ORDINANCE
to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Chhamb Area Administration and Development Act, 1976, (Act II of 1976) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Chhamb Area Administration and Development (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

**Note:**— Please see Ordinance No. LXI of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the August, 20, 1980.

No. 4655/LD/80. The following Ordinance made by the President on the 20th day of August, 1980, is hereby published for general information:

(ORDINANCE CXXXVII OF 1980)

AN

ORDINANCE

to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith

WHEREAS it is expedient to provide for law relating to the prohibition of transfer of certain properties, and for matters connected therewith, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Transfer of Properties (Prohibition) Ordinance, 1980.

   (2) It shall extend to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect from 10th day of April, 1978.

**Note:** Please see Ordinance No. LXII of 1980, as this Ordinance is re-promulgated with similar provisions.
VOLUME VI (1980)
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 25th August, 1980.

No. 4841/LD/80. The following Ordinance made by the President on the 23rd day of August, 1980, is hereby published for general information:

(ORDINANCE CXXXIX OF 1980)

AN ORDINANCE to amend the Code of Criminal Procedure, 1980.

WHEREAS it is necessary further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance.

1. **Short title and Commencement.** (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance 1980.

(2) It shall come into force at once.

2. **Amendment of Second Schedule, Act V of 1898.** In the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Azad Jammu and Kashmir, in the second Schedule, for the heading 'Offences Against other Laws' and the entries thereunder the following heading and entries shall be substituted, namely.

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>If punishable with death (imprisonment for life) or imprisonment for 7 years or upward.</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Magistrate of the first class</td>
</tr>
<tr>
<td>If punishable with imprisonment for 3 years and upward, but less than 7</td>
<td>May arrest without warrant</td>
<td>Warrant</td>
<td>No bailable</td>
<td>Not compoundable</td>
<td>Ditto</td>
<td>Court of Session</td>
<td></td>
</tr>
</tbody>
</table>

671
If punishable with imprisonment for 1 year and upwards but less than 3 years.
If punishable with imprisonment for less than 1 year, or with fine only.

<table>
<thead>
<tr>
<th>Years</th>
<th>Section 19, which shall be bailable</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Shall not arrest without warrant</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>Bailable</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>Magistrate of the First or Second class.</td>
<td>Any Magistrate.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Offences against Tazeerat Islami, Hadood and Qasas

- If punishable with death, imprisonment for life, imprisonment exceeding 7 years, amputation of hand or feet or both hand feet or with whipping exceeding 80 stripes with or without any other of the said punishment.
- If punishable with imprisonment for 3 years upwards but not exceeding 7 years or with whipping not exceeding 80 stripes with or without imprisonment.
- If punishable with imprisonment for 1 years and upwards but less than 3 years or with whipping not exceeding 40

<table>
<thead>
<tr>
<th>Years</th>
<th>Warrant</th>
<th>Not bailable</th>
<th>Not compoundable</th>
<th>-----</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>May arrest without Warrant.</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
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<td></td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Adalat</td>
</tr>
<tr>
<td></td>
<td>Shall not arrest without warrant</td>
<td>Summons</td>
<td>Bailable</td>
<td>-----</td>
</tr>
</tbody>
</table>

Tehsil Adalat
stripes with or without imprisonment.

<table>
<thead>
<tr>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>---</th>
<th>Tehsili Adalat</th>
</tr>
</thead>
</table>

(Mohammad Hayat Khan)
President,
Azad Jammu and Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

Amendment of section 3, Act IX of 1976.

(1) This Ordinance may be called the Dowry and Bridal Gifts (Restriction) (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of section 3, Act IX of 1976.- In the Dowry and Bridal Gifts (Restriction) Act, 1976 (IX of 1976), hereinafter referred to as the said Act, in section 3,--

(a) after sub-section (1), the following new sub-section shall be inserted, namely:--

"(IA) No person shall give or accept, or enter into an agreement to give or to accept dowry, bridal gifts or presents of a value exceeding the aggregate value specified in sub-section (1)."; and

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

"(2) No dowry, bridal gifts or presents may be given before six months or after one month of nikah and, if rukhsati takes place some time after nikah after one month of such rukhsati."
3. **Omission of Section 7, Act IX of 1976.-** In the said Act, section 7 shall be omitted.

4. **Substitution of Section 8, Act IX of 1976.-** In the said Act, for Section 8 the following shall be substituted, namely:-

   “8 Declaration regarding expenditure to be submitted to Nikah Khawan.-(1) The father of the bridegroom or any other person who arranges the marriage shall, within fifteen days of the expiry of the period fixed under sub-section (2) of Section 3 for giving dowry, bridal gifts and presents, submit a declaration to the Nikah Khawan solemnly affirming that the total expenditure on the marriage including dowry, bridal gifts, presents and entertainments did not exceed the limits laid down in this Act.

   (2) The Nikah Khawan shall forward the declaration submitted under sub-section (1) to the Tehsil Qazi within fifteen days of receipt of such declaration.

8-A. **Complaints against violation of the Act.**- If any person attending a marriage ceremony is satisfied that the provision of this Act or the rules made thereunder have been contravened in respect of such ceremony, he may submit a complaint, giving full particulars of the contravention, to the Tehsil Qazi.

5. **Amendment of Section 10, Act IX of 1976.-** In the said Act, in Section 10.-

   (a) in sub-section (1), for the words "which may extend to ten thousand rupees" the words "which shall not be less than the amount proved to have been spent in excess of the maximum limits laid down in this Act shall be substituted; and

   (b) in sub-section (3), for the word "nine" the word "three" shall be substituted.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 26th August, 1980.

No. 4870/LD/80. The following Ordinance made by the President on the 26th day of August, 1980, is hereby published for general information:-

(ORDINANCE CXLI OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Legislative Assembly Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly Ordinance, 1970 (Ordinance VI of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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, (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. LXIV of 1980, as this Ordinance is re-promulgated with similar provisions.
AN ORDINANCE

to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service

WHEREAS it is expedient to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and Commencement:** (1) This Ordinance may be called the Constitution of Review Boards Ordinance, 1980.

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

   (3) It shall come into force at once and shall have effect not withstanding anything contained in any other law for the time being in force.

**Note:** Please see Ordinance No. LXV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 26th August, 1980.

No. 4872/LD/80. The following Ordinance made by the President on the 26th day of August, 1980, is hereby published for general information:—

(ORDINANCE CXLIII OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Delimitation of Constituencies Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu and Kashmir De-limitation of Constituencies Ordinance, 1970 (Ordinance VII of 1970) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 De-limitation of Constituencies (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. LXVI of 1980, as this Ordinance is re-promulgated with similar provisions.
No. 4873/SL/80. The following Ordinance made by the President on the 26th day of August, 1980, is hereby published for general information:-

(ORDINANCE CXLIV OF 1980)

AN

ORDINANCE
to provide for the law relating to the repayment and recovery of loans advanced by the Cooperative Banks

WHEREAS on account of promulgation of Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1977 all the Cooperative Banks except the Azad Kashmir Government Cooperative Bank, in Azad Jammu and Kashmir territory, functioning on or before the 7th January, 1977 have ceased functioning as such & banks and heavy loans advanced by these banks are outstanding;

AND WHEREAS it is expedient to provide for the repayment and recovery of these loans in order to facilitate the payment to the depositors and creditors of these banks;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and Commencement:** (1) This Ordinance may be called the Cooperative Banks (Repayment and Recovery of Loans) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir territory and shall apply to the debtors and borrowers of the Cooperative Banks wherever they may be.
(3) It shall come into force at once and shall be deemed to have taken effect on and from the 26th day of December, 1977 and shall override all other laws.

Note:- Please see Ordinance No. LXVII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 27th August, 1980.

No. 4903/LD/80. The following Ordinance made by the President on the 27th day of August, 1980, is hereby published for general information:-

(ORDINANCE CXLV OF 1980)

AN
ORDINANCE

to provide for law relating to the Hill Station Housing Schemes

WHEREAS it is expedient to provide for law relating to the Hill Station Housing Scheme, Chhotta Gala, Chikar and Dhirkote in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (l) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance.-

1. **Short title and Commencement**:- (1) This Ordinance may be called the Hill Stations Housing Schemes Ordinance, 1980.

(2) It shall come into force at once.

**Note:-** Please see Ordinance No. LXIX of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.

Dated the August, 30, 1980.

No. 4965/LD/80, The following Ordinance made by the President on 30th day of August, 1980, is hereby published for general information:

(ORDINANCE CXLVI OF 1980)

AN ORDINANCE to amend the University of Azad Jammu and Kashmir Ordinance, 1980

WHEREAS it is necessary to amend the University of Azad Jammu and Kashmir Ordinance, 1980 (Ordinance No. CXXV of 1980), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim, Constitution Act, 1974, the President is pleased to make and Promulgate the following Ordinance:-

1. **Short title and Commencement**:- (1) This Ordinance may be called the University of Azad Jammu and Kashmir (Amendment) Ordinance, 1980.

   (2) It shall come into force at

2. **Amendment of Section 18, Ordinance CXXV of 1980.**- In the University of Azad Jammu and Kashmir Ordinance, 1980 (Ordinance CXXV of 1980), hereinafter referred to as the said Ordinance, in Section 18, in sub-section (1), after clause (viii) the following new clause (ix) shall be added, namely:-

   "(ix) two eminent Nationals of Jammu and Kashmir to be nominated by the Chancellor on the recommendation of the Vice-Chancellor".

3. **Addition of new Section 51, Ordinance CXXV of 1980.**- In the said Ordinance, after Section 50, the following new Section 51 shall be added, namely:-

   "51. Ordinance not to derogate from other schemes. The provisions of this Ordinance shall be in-addition to, and not in derogation of, any existing course or scheme of Studies".

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4. **Amendment of Annexure III to Ordinance CXXV of 1980.**
In the said Ordinance in Annexure III, in the heading, for the word "RAWALAKOT" the word "KOTLI" shall be substituted.

5. **Amendment of Annexure IV to Ordinance CXXV of 1980.**
In the said Ordinance in Annexure IV in the heading, for the word "KOTLI" the word "RAWALAKOT" shall be substituted.

(Mohammad Hayat Khan)
President,

________
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.

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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS' SECRETARIAT,
MUZAFFARABAD.

Dated the 31st August, 1980.

No. 4972/SL/80. The following Ordinance made by the President
on the 31st day of January, 1980, is hereby published for general
information:-

(ORDINANCE CXLVII OF 1980)

AN
ORDINANCE
to amend the Mirpur Development Authority Ordinance, 1974.

WHEREAS it is expedient to amend the Mirpur Development
Authority Ordinance, 1974 (Ordinance, IV of 1974), for the purposes
hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance:-

1. **Short title and Commencement.** - (1) This Ordinance, may be
called the Mirpur Development Authority (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 48, Ordinance, IV of 1974.** In the
Mirpur Development Authority Ordinance, 1974, (Ordinance, IV
of 1974), in Section 48, after sub-section (3) the following Sub-
section (3-A) and (3-B) shall be added:-

   “(3-A) the Authority may constitute an Allotment Committee
   consisting of such number of members as may be determined in
   consultation with and approval of the Government.

   (3-B) the Allotment Committee constituted under sub-section
   (3-A) shall have all the powers of allotment exercisable by the
   Authority under the provisions of the Ordinance or Rules or
   Regulations framed thereunder.”

   (Mohammad Hayat Khan)
   President
   Azad Jammu and Kashmir
   Sd/-
   (Khalil Ahmed Qureshi)
   Secretary Law
Dated the 2nd September, 1980.

No. 5007/LD/80, The following Ordinance made by the President on 2nd day of September, 1980, is hereby published for general information:—

(ORDINANCE CXLVIII OF 1980)

AN ORDINANCE

further to amend the Azad Jammu and Kashmir Courts and Laws Code, 1949

WHEREAS it is expedient to amend the Azad Kashmir Courts and Laws Code, 1949, for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Courts and Laws Code (Amendments) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 5, Azad Kashmir Courts and Laws Code, 1949.**— In the Azad Kashmir Courts and Laws Code, 1949, hereinafter referred as the said Code, in Section 5 in sub-section (1),—

   (a) for the words 'two or three other' the words 'three or more shall be substituted; and

   (b) after sub-section (1) the following new sub-section (1-A) shall be inserted and shall be deemed always to have been so inserted, namely:—

   "(I-A) At any time when

   (a) the office of the Chief Justice of the High Court is vacant; or

   (b) the Chief Justice of the High Court is absent or is unable to perform the functions of his office due to any other cause;
the President shall appoint the most senior of the other Judges of the High Court to act as Chief Justice.”

3. **Insertion of Section 26-A, Azad Kashmir Courts and Laws Code, 1949.** In the said Code, after Section 26, the following new Section shall be inserted, namely:

"26-A. General provisions relating to the judicature.- A person who has held office as a permanent Judge –

(a) of the Azad Jammu and Kashmir Judicial Board or Supreme Court of Azad Jammu and Kashmir, shall not plead or act in any court or before any authority in Azad Jammu and Kashmir; and

(b) of the High Court, shall not plead or act in any court or before any authority within its jurisdiction.”

(Mohammad Hay at Khan)
President,
Azad Jammu & Kashmir.
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE

to provide for law relating to the Acquisition of Land for Housing and Development Schemes in Azad Jammu and Kashmir and for matters ancillary thereto

WHEREAS it is expedient to provide for law relating to Acquisition of Land for Housing and Development Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Acquisition of Land (Housing and Development Schemes) Ordinance, 1980.
   (2) It shall extend to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions:**
   (1) In this Ordinance unless there is any thing repugnant in the subject or context,-
   (a) 'Collector' means the Collector of a District and includes any Officer specially empowered by the Government to perform the functions of a Collector under this Ordinance;
   (b) ‘Development Scheme’ means any public welfare scheme including water supply, public buildings, electric installations and land used for industrial purposes or any other similar purpose specified by the Official Development Agency.
'Commissioner' means the Chief Officer Incharge of Revenue and General Administration of Azad Jammu and Kashmir;

'deputy Commissioner' means the Chief Officer Incharge of the General Administration of a District;

'Government' means the Azad Government of the State of Jammu and Kashmir;

'Official Development Agency' means any nation building Department and includes;

(i) Autonomous and Semi-autonomous bodies established as such under any law for the time being in force;

(ii) any Organization or Organizations that the Government may declare to be official Development Agency;

'Housing Scheme' means a scheme which provides for residential sites, houses or apartments including ancillary land uses such as -

(i) building and other facilities for health, education, culture, transportation, communication and shopping;

(ii) environmental improvements; and

(iii) utility services, that is to say water supply, drainage, sewerage, sanitation, electricity and fuel;

'Prescribed' means prescribed by the rules.

Save as otherwise provided in this Ordinance or where context otherwise requires all terms and expressions used but not defined in this Ordinance shall bear the same meanings as they bear in Land Acquisitions Act, 1894 (Act I of 1894).

3. **Liability to acquisition.** Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 or any other Law for the time being in force, all land within Azad Jammu and Kashmir shall be liable to acquisition at any time under this Ordinance for Development and Housing Schemes approved and notified by Government or Official Development Agency.

4. **Publication of Notification and Land to be marked out and measured.** When any land is proposed to be acquired under this Ordinance, the Collector shall cause a notice to be published in the official Gazette with details of the property and thereafter
shall cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof a plan shall be made of the same.

5. **Notice to persons interested.** (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be acquired stating that the Government intends to acquire and take possession of the land, and that claims to compensation for all interests in such land may be made to him. He shall also inform all the owners and the claimants of interests in such land by giving them a special notice of 19 days in accordance with rules.

(2) Such notice shall state the particulars of land so needed and shall require all person interested in the land to appear personally or by agent before the Collector at a date, time and place therein mentioned (such period not being earlier than 10 days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 5 and the Collector may require any such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested.

6. **Inquiry and award by Collector.** On the day so fixed, or any other subsequent days to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections, if any, whether interested persons or claimants are present or not after service of the notice and shall determine:

(i) the correct area of the land;

(ii) compensation which in his opinion, having regard to the provisions of this Ordinance, is reasonable; and

(iii) apportionment of such compensation among all the claimants or persons known or believed to be interested in the land whether or not they have appeared before him.

7. **Matters to be considered in determining compensations.** (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance the Collector shall take into consideration:
(i) market value of the land to be determined on the basis of two years average sale price of land similarly situated and put to similar use proceeding the date of notification under Section 4;

(ii) the damage if any, sustained by the person interested at the time of taking possession of the land by reason of severing such land from the other land;

(iii) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings; and

(iv) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change;

(v) the damage sustained by the person interested by the reason of dispossession of any standing crops or trees or building or other structure or installations which may be existing on the land.

(2) in addition to the market value of the land as above provided, the Collector shall in every case award a sum of fifteen per centum on such market value, in consideration of compulsory nature of acquisition.

8. **Payment of compensation.** The payment of compensation shall be in cash or by cheque, and shall be made in the prescribed manner.

9. **Power to take possession.** When the Collector has made an award and objections and claims to compensation have been decided, the Government or the Official Development Agency shall take possession of the land, which land thereupon shall vest absolutely in Government or, as the case may be, in the Official Development Agency:

   Provided that possession shall not be taken of any land under this Section without giving to the occupier thereof at least 24 hours notice, or such longer notice as may be reasonable and sufficient to enable such occupier to remove his movable property without unnecessary inconvenience.

10. **Acquisition in case of urgency.** In case of urgency the Deputy Commissioner, may, immediately after the publication of notice published under Section 5(1) authorised the Collector through a notification published in the Official Gazette to enter upon and
take possession of land which shall thereupon vest absolutely in Government or the Official Development Agency, as the case may be, free from all encumbrances:

Provided that the Collector shall not take possession under this Section without giving to the occupier thereof at least 24 hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building or land without unnecessary inconvenience.

11. **Appeal and Review.**—(1) The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be, may accept the award and intimate their acceptance in writing to the Collector within fifteen days of making the award.

(2) The Government, or the Official Development Agency, or any person aggrieved by an award of the Collector may, within one month of such an award, file an appeal to the Commissioner. Where the affected party had no intimation of the award, the appeal may be filled within six weeks of the award. The Commissioner may, after giving, the Government or, as the case may be the Official Development Agency and the person effected by award or their agents, an opportunity of being heard, make such order as he may deem fit.

(3) The order of the Commissioner made on appeal shall be final and shall not be called into question in any Court.

(4) The Collector or the Commissioner either of his own motion or on an application made in this behalf by the Government, or as the case may be, Official Development Agency or any affected person may, at any time review an order made by himself or his predecessor, in so far as it corrects an Arithmetical, clerical or patent error or mistake only.

(5) Any amount paid to any person which is found for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award, shall be recoverable as arrear of land Revenue and the Collector shall call upon such person to refund it.

12. **Powers of the Collector.**—When the acquiring any land or determining compensation therefor or carrying out any other purpose of this Ordinance, the Collector may;

(a) require any person by order in writing to furnish such information in his possession pertaining to any land as may be specified in the order; and
(b) enter or authorise any person to enter upon land and take such action as may be necessary.

13. **Collector and Commissioner to have powers of Civil Courts etc.** - The Collector making an enquiry or conducting any proceedings under this Ordinance or the Commissioner exercising the powers of appeal or deciding a Review petition under this Ordinance shall have the same powers in respect of the following matters as are vested in a Civil Court, when trying a suit, under the Code of Civil procedure, 1908 (Act V of 1908) namely:

(a) summoning and enforcing attendance of any person, examining him on oath or affirmation;

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

(c) requisitioning any record from any Court or Office;

(d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;

(e) appointing guardians ad litem or next friends;

(f) adding or substituting representatives of deceased parties to proceedings;

(g) adding or dropping parties from pending proceedings; and

(h) any other matter connected with the holding of an enquiry or hearing of an appeal.

14. **Powers of Government to give directions to the Deputy Commissioner.** - The Government may give directions to the Deputy Commissioner with respect to the exercise of his powers and the discharge of functions under this Ordinance and the Deputy Commissioner shall be guided, by, and act in accordance with such directions.

15. **Powers to withdraw from acquisition proceedings.** - The Deputy Commissioner with the approval of the Government can leave out from acquisition proceedings any land, notified under this Ordinance, of which possession has not been taken.

16. **Abatement of suits and other proceedings.** - (1) All references, suit, appeals and application regarding any matter now within the jurisdiction of the Commissioner under the provisions of the ordinance No. CXIII of 1979 pending in any court under any law on the subject, immediately before the commencement of this Ordinance, shall abate forthwith except the Supreme Court of Azad Jammu and Kashmir:
Provided that any party to such reference, suit, appeal or application may, within ninety days from the date of such abetment, prefer an appeal to the Commissioner in respect of any such matter which is in issue in such reference, suit, appeal or application.

(2) Subject to the provisions of Section 11 any proceedings in a reference or appeal pending immediately before coming into force of this Ordinance shall be completed by the Commissioner in accordance with the provisions of the Ordinance.

(3) Any notifications issued under any law on the subject, so far as they are inconsistent with the provisions of the Ordinance, shall be deemed to have been issued under the provisions of the said Ordinance.

17. **Bar of Jurisdiction.**— Any notification issued, directions given and decision made or orders passed by the Government or by any competent authority under this Ordinance shall not be questionble in any Court of Law.

18. **Delegation of powers.**— The Government may, by notification in the official Gazette, delegate all or any of its powers conferred upon it or any officer under this Ordinance to any other officer sub Ordinate to it.

19. **Powers to make rules.**— The Government may make rules to give effect to the provisions of this Ordinance.

20. **Savings.**— Notwithstanding any judgment, decree or order of any Court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Acquisition of Land (Housing and Development Schemes) Ordinance, 1979 (Ordinance CXIII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hay at Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
AN ORDINANCE

to adapt and enforce the Drugs Act, 1976, of Pakistan in Azad Jammu and Kashmir

WHEREAS it is expedient to adapt and enforce the Drugs Act, 1976 (Act XXXI of 1976) of Pakistan in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by it under sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and Commencement.**— (1) This Ordinance may be called the Drugs Act (Adaptation) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:**— Please see Ordinance No. III of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th September, 1980.

No. 5035/LD/80. The following Ordinance made by the President on the 7th day of September, 1980, is hereby published for general information :-

(ORDINANCE CLI OF 1980)

AN
ORDINANCE

to provide for adaptation and enforcement of the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance, 1976

WHEREAS it is necessary and expedient to adapt and to enforce the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking Ordinance 1976, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Adaptation) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

   (3) It shall come into force at once.

**Note:-** Please see Ordinance No. IV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 9th September, 1980.

No. 5085/LD/80. the following Ordinance made by the President on the 9th day of September, 1980, is hereby published for general information:-

(ORDINANCE CLII OF 1980)

AN ORDINANCE to provide for the formation and regulation of political parties

WHEREAS it is expedient to provide for the formation and regulation of political parties, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, 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 Political Parties Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once.

2. **Definition:**— In this Ordinance, unless there is anything repugnant in the subject of contest,-

   (a) ‘Constitution’ means the Azad Jammu and Kashmir Interim Constitution Act, 1974;

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

   (c) 'Political party' includes a group or combination of persons which are operating for the purpose of propagating any political opinion or including in any other political activity.

3. **Formation of certain political party prohibition.**— (1) No political parts shall be formed with the object of propagation any opinion or acting in any manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security
of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.

(2) No person shall form, organise, set up or convene a foreign aided party or in any way be associated with any such party.

**Explanation.** In sub-section (2) 'Foreign aided party' means a political party which -

(a) has been formed or organized at the instance of any Government or political party of a foreign country;

(b) is affiliated to or associated with any Government or political party of a foreign country;

(c) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or any portion of its funds from foreign nationals.

4. **Political Parties to submit accounts, etc.** Every Political Party shall in such manner and form and at such time as may provided by rules made by the Government, account to the source of its funds and submit its finances and accounts to audit by, an officer or authority authorised by the Chief Election Commissioner in this behalf:

Provided that every political party in existence at the time of commencement of this Ordinance, shall account for the source of its funds, and submit its finances and accounts to audit, within fifteen days of the publications of the rules made under this Ordinance.

**Explanation.** In this section and in section 5 'Chief Election Commissioner’ means the Chief Election Commissioner appointed under Section 50 of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

5. **Registration of political parties.** (1) Every, political party in existence at the commencement of this Ordinance shall, within one month of such commencement and every political party formed after such commencement shall, within one month of its being formed, apply to the Chief Election Commissioner for registration.

(2) An application under sub-section (1) shall be made on behalf of a political party by such person and in such form, and shall be accompanied by such documents besides a copy of its constitution, a list of the names of all its office bearers at the national level and a statement of its total
membership in each district, as district as the Chief Election Commissioner may by notification in the official Gazette specify.

(3) The Chief Election Commissioner shall register a political party applying for registration in accordance with sub-section (2) if he is satisfied that the political party -

(a) has published a formal manifesto, that is to say, the party's foundation document or constitution giving its aims and objects and provided therein for elections of its office bearers being held periodically; or

(b) has undertaken to publish any amendment to any document referred to in clause (a) as and when such amendment is made; and

(c) has belief in the Ideology of Pakistan or the Ideology of the State's accession to Pakistan and the integrity and sovereignty of Pakistan; and

(d) has submitted its accounts as required by Section 4.

(4) If a political party which has been registered under sub-section (3)-

(a) fails or has failed to submit its accounts within the period specified in section 4 or the rules made thereunder;

(b) fails to hold election of any office-bearer within the time allowed by, and in accordance with, its constitution and rules;

(c) propagates any opinion, or acts in any manner prejudicial to the Ideology of Pakistan or the Ideology of the State's accession to Pakistan, or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality or the maintenance of public order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or defame or brings its to ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;

(a) receives any aid Financial or otherwise, from the Government or any political party of a foreign country, or any portion of its funds from foreign nationals; or

(b) does or omits to do any such act or things as would have resulted in registration being refused
to it in the first instance, than, without prejudice to any action that may be taken in respect of the political party under Section 8 the Chief Election Commissioner may, after giving the political party an opportunity of showing cause against the action proposed to be taken, cancel its registration.

(5) The cancellation of the registration of a political party under sub-section (4) shall be notified by the Chief Election Commissioner in the official Gazette.

(6) political party which has not been registered ruder sub-section (3) or the registration of which has been cancelled under sub-section (4), shall not be eligible to participate in an election to a scat in the Legislative Assembly of Azad Jammu and Kashmir or the Azad Jammu and Kashmir Council or to nominate or put up a candidate at any such election.

6. Certain political parties to be eligible to participate in forthcoming elections.- (1) The provisions of this section shall have effect notwithstanding anything contained in Section 5.

(2) The Election Commissioner hereinafter referred as Commissioner shall, by notification in the Official Gazette call upon the political parties which had complied with the provisions of Section 4 but had not applied for registration under Section 5 to furnish to the commissioner within such times as may be specified in the notification answers to a questionnaire published therewith.

(3) Answers to a questionnaire referred to in sub-section (2) shall be furnished on behalf of a political party by such person, and shall be companied by such documents besides a copy of its constitution and manifesto a list of the names of its office bearers at the national level and a statement of its total membership in each District as may be specified in the notification published under the said sub-section.

(4) if after giving a political party which has furnished answers to the questionnaire as required by sub-section (2) an opportunity of being heard the Commissioner is satisfied that the party has fulfilled the requirements of sub-section (3) of Section 5, the Commissioner shall declare the political party by notification in the Official Gazette to be eligible to participate in an election to a seat in a Legislative Assembly and to nominate or put up a candidate at any such election.

7. Lawful political activates.- Subject to the provisions of Section 3 it shall be lawful-
(1) for any body of individuals or an association of persons to form, organize or set up a political party; or
(2) for any person, not being in the service of Azad Jammu and Kashmir or Pakistan,-

(a) to be a member or office bearer of or be otherwise associated with, a political party; or
(b) for the purposes of an election to be held under the constitution, to hold himself out or any other person, not being a person in the service of Azad Jammu and Kashmir or Pakistan, as a member or to have the support of a political party, the formation, organization or setting up of which is not

8. **Dissolution of political parties prohibited by this Ordinance.**-

(I) Where the Government is satisfied that a political party is a foreign aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality, or maintenance of public order or has contravened the provisions of section 1, it shall make such a declaration and publish the same in the official Gazette, and upon such publication, the political party concerned shall, subject to the provisions of sub-section (2) stand dissolved, and its all properties and funds shall be forfeited to the Government.

(2) Within fifteen days of the making of a declaration under sub-section (1) the Government shall refer the matter to the Supreme Court whose decision on such reference shall be final.

9. **Penalty.**-(1) Any person who, after the dissolution of a political party under Section 8, holds himself out as a member or office-bearer of that party, or acts for or otherwise associates himself with that party, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) If any person who was an office-bearer of a political party at the time of its dissolution under sub-section (2) of Section 8 indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

10. **Certain disqualifications for being a member of Assembly or of the Council:**-(1) person who has -

(a) at any time on or after the 10th day of April, 1975 been an office-bearer of a political party dissolved under sub-section (2) of Section 8 and has not before a declaration
in respect of such party is made under sub-section (1) of that section, resigned from publicly announced his dis-association with such party; or

(b) been convicted under section 9, shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of five years from the date of such dissolution or conviction, as the case may be.

Explanation.- In this section ‘office-bearer of a political party’ means an office bearer at the national or district set up of that party otherwise than as a mere member of the working central, district or other committee of the party.

(2) A person who has at any time on or after the 11th day of August, 1977 been a member of a political party dissolved under sub-section (2) of Section 8 and convicted for an office committed before such dissolution and punishable with imprisonment for a term which is not less than two years shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of seven years from the date of such dissolution.

11. Sanction for prosecution.- No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.

12. Savings.- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Political Parties Ordinance, 1979 (Ordinance CXX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

(Sd/- Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 11th September, 1980.

No. 5126/LD/80. The following Ordinance made by the President on the 11th day of September, 1980, is hereby published for general information:

(ORDINANCE CLIII OF 1980)

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 President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Electoral Rolls (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

**Note:** Please see Ordinance No.VIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the September, 11, 1980.

No. 5127/SL/80. The following Ordinance made by the President on 11th day of September, 1980, is hereby published for general information:-

(ORDINANCE CLIV OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Waqf Properties Act, 1960

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Waqf Properties Act, 1960 (Act IX of 1960) for the purposes hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Waqf Properties (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:-** Please see Ordinance No. VII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 14th September, 1980.

No. 5282/LD/80. The following Ordinance made by President on 
the 11th day of September, 1980, is hereby published for general 
information:

(ORDINANCE CLV OF 1980)

AN 
ORDINANCE 
to amend the Azad Jammu and Kashmir Education Cess Act, 1975

WHEREAS it is expedient to amend the Azad Jammu and 
Kashmir Education Cess Act, 1975 (Act IV of 1975) for the purposes 
hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, the President is pleased to make and promulgate 
the following Ordinance :-

1. **Short title and Commencement.** (1) This Ordinance may be 

   (2) It shall come into force at once.

2. **Amendment of Section 2, Act IV of 1975.** In the Azad Jammu 
and Kashmir Education Cess Act, 1975 (Act IV of 1975) in 
Section 2, for Sub-section (8), the following shall be substituted, 
namely :-

   “(8) **Cess on issuance and renewal of Arms Licences.** (1) Rupees five per licence on issue or renewal of all type of 
Arms except Pistol, Revolver and muzzle loading.

   (2) Rupees ten per licence in case of Revolver, Pistol and 
muzzle, loading.

   (Mohammad Hayat Khan) 
   President 
   Sd/- (Khalil Ahmed Qureshi) 
   Secretary Law
No. 5298/SL/80. The following Ordinance made by the President on the 15th day of September, 1980, is hereby published for general information:

(ORDINANCE CLVI OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Motor Vehicles (Amendment) Ordinance, 1979.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. IX of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the September 16, 1980.

No. 5314/LD/80. The following Ordinance made by the President on the 16th day of September, 1980, is hereby published for general information:-

(ORDINANCE CLVII OF 1980)

AN
ORDINANCE

to make provisions for the Constitution of the Azad Jammu and Kashmir Advisory Council

WHEREAS it is expedient to make provisions for the Constitution of the Azad Jammu and Kashmir Advisory Council for the purposes hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Advisory Council Ordinance, 1980.

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

   (3) It shall come into force at once.

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

   (a) 'Advisory Council' means the Azad Jammu and Kashmir Advisory Council Constituted under this Ordinance;

   (b) 'Chairman' means the Chairman of the Azad Jammu and Kashmir Advisory Council;

   (c) Chief Executive' means the Chief Executive of Azad Jammu and Kashmir; and

   (d) 'Member' means the member of the Azad Jammu and Kashmir Advisory Council.

3. **Composition etc. of the Council.** - (1) There shall be an Advisory Council in Azad Jammu and Kashmir.
(2) The Advisory Council shall consist of –

(i) Chief Executive
(ii) Advisors/Ministers
(iii) Chairman and Vice Chairman District Councils and Chairman Municipal Committees.
(iv) Three members from 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, Sindh, North-West Frontier Province, Federal Capital and Federally Administered Tribal Areas.
(v) Three members from such of the State subjects from other parts of the State of Jammu and Kashmir and State subject originally residing in territories under the administration of Azad Government of the State of Jammu and Kashmir as are now residing in the Provinces and the areas referred to in clause
(vi) Such other persons as may be nominated by the Chief Members Executive.

(3) A member Other than an advisor/Minister may at any time resign from membership by addressing a letter to the Chief Executive and the resignation shall take effect from the date on which it is accepted by the Chief Executive.

(4) A casual vacancy in the office of the member of the Advisory Council may be filled in by the Chief Executive.

4. **Reconstitution and Dissolution of the Advisory Council.** - The Chief Executive may at any time dissolve or reconstitute the Advisory Council.

5. **Functions of the Advisory Council.** - The Advisory Council shall perform such functions as may be assigned to it by the Chief Executive.

6. **Meetings.** - (1) The Advisory Council shall meet as often as necessary but at least once in three months.

(2) The meeting shall be held on such date and at such place and time as may be fixed by the Chairman.

(3) The meeting shall be presided over by the Chairman.

7. **Notice of the meeting.** - (1) The Secretary of the Advisory Council shall inform the members of the Council of the date,
time and place of the meeting by a notice circulated at least seven days before the meeting.

(2) The notice under sub-section (1) shall be accompanied by an agenda which shall be prepared by the secretary with the approval of the Chairman:

Provided that with the permission of the Chairman supplementary agenda may be circulated to the members at a shorter notice.

8. **Notice of items by members.**—(1) A member may give fifteen days notice for inclusion of an item in the agenda.

(2) The notice under sub-section (1) shall be given in writing addressed to the Secretary of the Advisory Council and signed by the member giving notice and shall be delivered at the Secretariat of the Advisory Council on any working day during the office hours.

9. **Transaction of business.**—The business to be transacted at a meeting shall be taken up in the order in which it is entered in the agenda:

Provided that the Chairman may, for any reason vary such order or bring before the meeting any matter not included in the agenda.

10. **Summoning of persons by the Advisory Council.**—An Officer of the Government or any statutory body set up by the Government may be required by the Chairman to attend the meeting of the Advisory Council or its Committees.

11. **Minutes of meeting.**—The minutes of a meeting shall be drawn up and circulated to all the members as soon as possible after the approval of the Chairman.

12. **Adjournment of the Advisory Council.**—The Chairman may at any time adjourn the meeting.

13. **Appointment of Committees.**—The Chairman may appoint any number of Committees including their Chairman to facilitate the performance of the functions of the Advisory Council and assigned to them such functions as may be determined by the Chairman.

14. **Traveling allowance and Daily Allowance to the Members.**—(1) A member shall be entitled to draw a traveling allowance for a journey performed for the purpose of attending the meeting of the Advisory Council or of a Committee from the place where he ordinarily resides to the place where the meeting of the Advisory Council or of a Committee is held and for the return journey from the last-mentioned place to the first-mentioned place at the
rate admissible to a Government Servant of the First Grade equivalent to NPS 20 under the Azad Jammu and Kashmir Traveling Allowance Rules.

(2) A member shall be entitled to a daily allowance as admissible in accordance with the Azad Jammu and Kashmir Traveling Allowance Rules.

15. **Residuary powers of the Chairman.-** All matters not specifically provided above shall be regulated in such manner as the Chairman may deem fit.

16. The Secretariat of the Legislative Assembly of Azad Jammu and Kashmir will function as the Secretariat of the Advisory Council and the Secretary of the Legislative Assembly of Azad Jammu and Kashmir will act as the Secretary of the Advisory Council.

17. **Power to make rules.-** The Chairman may, by notification in the official Gazette, make rules for carrying-out the purposes of this Ordinance.

18. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification Issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Advisory Council Ordinance, 1980 (Ordinance LXXXIII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
Dated the 21st September, 1980.

No. 5359/LD/ 80. The following Ordinance made by the President on the 21st day of September, 1980 is hereby published for general information:

(ORDINANCE CLVIII OF 1980)

AN ORDINANCE to amend the National Registration Act, 1975

WHEREAS it is expedient to amend the National Registration Act, 1975 (VI of 1975) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.** - (1) This Ordinance may be called the National Registration Act, (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 2, Act VI of 1975.** - In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act, in section 2, in clause (d), for the words “Deputy Registrar-General or a District Registrar or Registrar" the word ‘joint Registrar-General or Deputy Registrar-General or Assistant Registrar-General or District Registrar or Registrar or Inspector" shall be substituted.

3. **Amendment of Section 3, Act VI of 1975.** - In the said Act in section 3,-

   (a) in sub-section (1), for clause (b), and (c) the following shall be substituted, namely:-

   “(b) a Joint Registrar General and as many Deputy Registrar General, Assistant Registrar-General, District Registrars, Registrars and Inspectors as it may consider necessary";

   and (b) for sub-section (2) the following shall be substituted, namely:-
The joint Registrar-General and every Deputy Registrar-General, Assistant Registrar-General, District Registrar, Registrar and Inspector shall exercise his powers and perform his functions under this Act and Rules:

(a) within such area as the Registrar-General, subject to the general supervision and control of the Government, may direct; and

(b) under the general supervision and control of, and in accordance with such, instructions as may be given in this behalf by, the Registrar-General.

4. **Amendment of Section 4, Act VI of 1975.** In the said Act, in Section 4:

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

“(2) Application for registration shall be made in such form and to such authority as may be prescribed;” and

(b) after sub-section (2) substitute as aforesaid, the following new sub-section shall be added, namely:

“(3) An application for registration in respect of newly born citizen shall be made within sixty days of such birth.”

5. **Amendment of section, 5, Act VI of 1975.** In the said Act, in section 5, in sub-section (1) for the words and figure “Containing the particular set out in Schedule II to this Act” the words “In the prescribed form” shall be substituted.

6. **Amendment of section 7, Act VI of 1975.** In the said act, in section 7, in sub-section (1), for the following new sub-section shall be inserted namely:

“(1A) when a citizen who has not attained the age of eighteen years dies, a parent or the guardian of such citizen shall report the death to the District Registrar within sixty days of such death.”

7. **Amendment of section, 11 Act VI of 1975.** (a) In the said Act in section 11, the existing provision shall be renumbered as sub-section (1) of the said Sections and in clause (k), for the words and commas ‘with fine not exceeding fifty rupees or in default of payment of fine, with simple imprisonment for a period not exceeding fifteen days’ the words and commas ‘with rigorous imprisonment for a period not exceeding three months, or with
fine not exceeding one thousand rupees, or with both' shall be substituted.

(b) In Section 11, as amended aforesaid the following new sub-section shall be added, namely:-

“(2) any person who attests or verifies any statement or information made or furnished for the purpose of this Act which he knows or has reason to believe to be false in any material particular or which he does not believe to be true shall be punishable with fine not exceeding one thousand rupees, or with simple imprisonment for a period not exceeding three months, or with both.”

8. Insertion of new Section 17-A, Act VI of 1975:- In the said Act, after Section 17, the following new section shall be inserted namely:-

“17-A: Power to exempt:- The Registrar General or an officer authorised by him in this behalf may, by order, in special circumstances to be recorded in writing, exempt any person or class of person from the requirement of possessing or producing an identity card for any purpose which it is required by or under this Act to be possessed or produced.”

9. Omission of Schedules I and II, Act VI of 1975:- In the said Act Schedule I and Schedule II shall be omitted.

10. Insertion of new Section 18-A, Act VI of 1975:- In the said Act after section 18, the following new section shall be inserted and shall be deemed always to have been so inserted, namely:-

“18-A the Directorate General of Registration, Government of Pakistan under the said Act shall, in respect of issue of Identity Cards and registration of persons, have and exercise in the territory of Azad Jammu and Kashmir the same jurisdiction and powers as they do in Pakistan.”

11. General amendment Act VI of 1975:- In the National Registration Act, 1975 (VI of 1975) hereinafter referred to as the said Act for the expression 'Registrar-General', 'Joint Registrar-General' 'Deputy Registrar-General' and 'Assistant Registrar General' wherever occurring, the expressions 'Director General' 'Director,' 'Deputy Director' and 'Assistant Director' shall respectively, be substituted.

12. Savings. Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of
the National Registration Act, (Amendment) Ordinance, 1979 (Ordinance CXXVII of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

13. **Repeal.** - The National Registration (Amendment) Ordinance, 1979 (Ordinance LXXXIV of 1980) is hereby repealed.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir.
Sd/- (Khalil Ahmed Qureshi
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 21st September, 1980.

No. 5360/LD/80. The following Ordinance made by the President on the 21st day of September, 1980, is hereby published for general information:-

(ORDINANCE CLIX OF 1980)

AN

ORDINANCE

to extend the scope and functions of the Fauji Foundation of Pakistan to the territory of Azad Jammu and Kashmir

WHEREAS it is expedient to extend the scope and functions of Fauji Foundation of Pakistan to Azad Jammu and Kashmir for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that Circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad-Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Fauji Foundation of Pakistan (Extension of Scope and Functions to Azad Jammu and Kashmir) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Extension of Scope and functions of Fauji Foundation.**- (1) The scope and functions of the Fauji Foundation of Pakistan hereinafter referred to as the said foundation, a trust created under the Charitable Endowments Act, 1890 for the benefit of Ex-servicemen and there families, shall extend mutatis mutandis to the Azad Jammu and Kashmir Territory and the said Foundation shall function in the said Territory as it functions in Pakistan.

   (2) The scheme of Administration for the said foundation settled or substituted by the Government of Pakistan under the Charitable Endowments Act, 1890 and rules and regulations made thereunder and the administrative orders issued under either of them shall extend and apply to the Azad Jammu and Kashmir Territory as they apply to Pakistan.
3. **Vesting of Assets of Azad Kashmir Fauji Foundation to the Fauji Foundation of Pakistan.** All assets and liabilities of Azad Kashmir Fauji Foundation subsisted immediately before the commencement of this Ordinance shall vest in the Fauji Foundation of Pakistan forthwith.

4. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Fauji Foundation of Pakistan (Extension of Scope and Functions to Azad Jammu and Kashmir) Ordinance, 1979 (Ordinance CXXIX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

5. **Repeal:** The Fauji Foundation of Pakistan (Extension of Scope and function to Azad Jammu and Kashmir) Ordinance 1980 is hereby repealed.

(Mohammad Hayat Khan)
President,

Sd/- (Khalil Ahmed Qureshi)
Secretary Law-
VOLUME VI (1980)
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 1st October, 1980.

No. 5547/SL/80. The following Ordinance made by the president on the 1st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXI OF 1980)

AN
ORDINANCE
to amend the Mirpur Development Authority Ordinance, 1974

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and Commencement**: (1) this Ordinance may be called the Mirpur Development Authority (Amendment) Ordinance, 1980.

   (2) It shall come into force at once.

2. **Amendment of Section 6, Ordinance IV of 1974**: In the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974) hereinafter referred to as the said Ordinance, in section 6, in sub-section (1) for the words, 'three' the word 'five' shall be substituted.

3. **Amendment of Section 8, Ordinance IV of 1974**: In the said Ordinance in section 8, between the words, 'person' and 'shall' the words and comma 'other than a Government servant', shall be inserted.

4. **Amendment of section 15, Ordinance IV of 1974**: In the said Ordinance, in Section 15, in sub-section (2) after clause (xi), the following shall be added:-

   “(xii) Recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order”.

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5. **Addition of section 31-A, Ordinance IV of 1974:** In the said Ordinance, after section 31, the following new section 31-A shall be inserted, namely:

"31-A Notwithstanding anything contained in any other law for the time being in force, all property of the following nature situated within the 'Specified Areas', shall vest in and be under the control of the authority and shall be held and applied by it for the purposes of this Ordinance:

(i) All lands or other property already acquired for the construction of new Mirpur Town and Hamlets and other townships on the periphery of the Mangla Reservoir;

(ii) All lands or other property which may be acquired by purchase, lease exchange or compulsory acquisition under the Land Acquisition Act, 1894, by the Authority;

(iii) All lands or other property which may be transferred to the Authority by the Government or any other Agency for purposes of control and management or for any other purposes under this Ordinance.

6. **Substitution of Section 39, Ordinance IV of 1974:** In the said Ordinance, for Section 39, the following shall be substituted:

"39. (i) The Authority may retail, or may lease, sell, exchange, rent or otherwise transfer any land vested in it, subject to such terms and conditions as it may impose in this behalf;

(ii) Notwithstanding anything contained in any other law for the time being enforce a certificate of title issued by the Authority in respect of any lease, sale, exchange or transfer of any piece of land within specified areas shall be sufficient proof of the said title and shall be admissible in evidence of that title in any Court Proceeding;

(iii) The Authority may charge such fees for the issue of certificate of title under clause (ii) above as it may fix from time to time with previous sanction of the Government”.

7. **Addition of a new section 42-A:** In the said Ordinance after section 42 a new section 42-A, shall be inserted as under:

'42-A. Removal of Encroachments etc.: (1) The Deputy Commissioner or any other person authorised by the
Authority in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority on any land or property vesting in the Authority.

(2) If any direction under sub-section (1) is not complied with within such time as may be specified therein, the Deputy Commissioner or any person empowered in this behalf by the Authority, may get the encroachment removed and in so doing may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment:

Provided that the Authority may instead of requiring the removal of encroachment accept by way of compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or a special order:

Provided further that the Authority may require an encroachment to be altered partially so far as is necessary to avoid contravention of a Scheme approved by it.

8. **Substitution of Section 48, Ordinance IV of 1974**: In the said Ordinance, for Section 48, the following shall be substituted:

48. **Repeal and Consequential Provisions**: - The New Mirpur Town (Allotment of Land) Act, 1964, hereinafter referred to as the said Act, and rules and orders made thereunder by the Government, are hereby repealed. All assets, rights and all property, movable and Immovable and all interests therein and all debts, liabilities and obligations of the Allotment Committee constituted under the said Act shall stand transferred to and be deemed to be assets, rights property and interests of the Authority established under the Ordinance.

(2) Without prejudice to the general provision under sub-section (1) above, the Authority shall exercise all the powers of Allotment Committee constituted under the said Act, in respect of the plots / property allotted/disposed of to different persons by the said Allotment Committee, including the powers of cancellation in cases of infringement of any condition of allotment;
The Allotment Committee established, altered or substituted by the Government from time to time under the Mirpur Development Authority Ordinance, 1974 shall stand dissolved, and all its powers of allotment and cancellation of allotment shall be exercisable by the Authority. In future the Authority shall prescribe the procedure and make necessary arrangements for the disposal of Estates developed by it, subject to such regulations if any made in this behalf;

The Authority may constitute an Allotment Committee consisting of such number of members as may be determined in consultation with and approval of Government.

The Allotment Committee constituted under sub-section (4) shall have all the powers of allotment exercisable by the Authority under the provision of the Ordinance or Rules or Regulations framed thereunder.

(i)Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any previous Allotment Committee or by the Authority, in an illegal or improper manner, or to undeserving persons or any other irregularity or impropriety has been committed in respect of any matter relating to the allotment or disposal of property etc. then it may appoint a revising authority for scrutiny and suitable orders in respect of such cases;

(ii) All appeals and other proceedings pending with the Appellate Authority created under the said Act, or any other Authorities, in respect of any orders of Allotment, shall be forwarded by the authority/Authorities with whom such appeals or proceedings are pending to the Revising Authority constituted under clause (i) above, and the Revising Authority shall make suitable orders in all cases.

9. **Insertion of Section 43-A, Ordinance IV of 1974:-** In the said ordinance, after section 48 the following new section 48-A shall be deemed always to have been so inserted, namely:-

"48-A - Nothing in this Ordinance or in any rule or regulation shall be construed to limit or abridge the power of the Government to deal with any case in such manner as may appear to it to be just and equitable."

10. **Savings:-** Notwithstanding any judgment, decree or Order of any court including High Court, everything done, all actions taken,
notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Mirpur Development Authority (Amendment) Ordinance, 1977 (Ordinance XVIII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

11. **Repeal**: The Mirpur Development Authority (Amendment) Ordinance, 1980 (Ordinance XCVIII of 1980) and the Mirpur Development Authority (Amendment) Ordinance, 1980 (Ordinance CXLVI of 1980) are hereby repealed.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
No. 5548/SL/80. The following Ordinance made by the President on the 1st day of October, 1980, is hereby published for general information:

(ORDINANCE CLXII OF 1980)

AN ORDINANCE
to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council

WHEREAS it is expedient to provide for law relating to the declaration of assets by the Ministers, Members of the Assembly and Council, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once and shall be deemed to have taken effect from 21st day of September, 1977.

2. **Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context:

(a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir;

(b) 'Chief Executive' means the Chief Executive of the Azad Jammu and Kashmir;

(c) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974;

3. (1) Any person who has, at any time, been a President, Speaker, Minister, Presidential Assistant or Member of Assembly during the period December, 1970 and May, 1975, or who has, at any time, been a President, Prime Minister, Speaker, Minister, Advisor to the President, Advisor or Special Assistant to the Prime Minister or Member of the Legislative Assembly or of the Council during the period June, 1975, and August, 1977 shall submit to the Chief Executive within such period as may be notified by the Chief Executive in this behalf, a statement of properties and assets, both movable and immovable whether within or outside the Azad Jammu and Kashmir, which he owns or has in his possession or under his control, directly or indirectly either in his name or in the name of any other person and shall also furnish such other information relating to such properties and assets as the Chief Executive may require:

**Explanation.** "Property" shall include –

(a) Lands rural or urban, all types of building and structure whether completed or under construction, compound and enclosures of any type, factories and firms registered or otherwise;

(b) All types of machines whether fixed or movable including mechanical transport, tractors and similar machines but excluding machines used for house-hold purpose;

(c) Jewellery, precious stones all types in any form, pearls, gold, silver and other precious metals in any form;

(d) Contracts, depots, import and export licences, route permits, agencies granted to or obtained by a person in his own name or in the name of any other person from the Government or any corporation or institution including autonomous and semi-autonomous body or association, controlled by the Government or in which the Government has any interest;

(e) Certificates, insurance policies, securities, bonds, bank balances, whether within or outside Azad Jammu and Kashmir, cash in any type of currency, shares, stocks, debentures or any other instrument carrying pecuniary benefits or advantages to a person;

(f) Any other movable or immovable property, not being a property used for house-hold purposes.

(2) In his statement of properties and assets the person concerned shall specify the properties and the assets hold by him at the time when he was appointed/elected as a President, Prime
Minister, Speaker, Minister, Presidential Assistant, Advisor to the president, Special Assistant, or Advisor to the Prime Minister or elected as a Member of the Assembly or of the Council and the properties and assets held by him when he ceased to be a Minister or Member of the Assembly or of the Council.

(3) Upon receiving a statement under sub-section (2), the Chief Executive after making such inquiries through a commission of Inquiry to be appointed by him and in such other manner as he may think fit, determine the correctness or otherwise of the statement and also the legality or property of acquisition of such properties and assets by the person concerned.

4. If the Chief Executive is of the opinion that any person mentioned in Section. 3 has acquired any property or assets by unlawful or improper means or by means of bribery, corruption, jobbery, favoritism, nepotism, willful mal-administration, willful misapplication or diversion of public money or by abuse of whatever kind of official power or position the Chief Executive may direct such action to be taken against such person, as the Chief Executive may deem fit.

5. A person, who, being required to submit to the Chief Executive a statement of his properties and assets fails to submit statement or knowingly submits a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.

6. (1) Save as otherwise provided in Section 7, 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/or fine and/or forfeiture 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 bonafide requirements, the sale, transfer, disposal of his property which he is required to do under any law or to meet any lawful obligation in pursuance of any direction or order of a Court or other lawful authority.

7. (1) A person who owns, or has in possession or under his control directly or indirectly, either in his own name or in the name of any other person, any property or assets which the Chief Executive has reason to believe have been acquired by unlawful or, improper means or by means of bribery, corruption, jobbery;
favoritism, nepotism, willful mat-administration, willful misapplication or diversion of public money or by abuse of whatever kind of official power or position shall surrender such properties and assets in favour of the Government, in such manner, to such person and within such time as the Chief Executive or a person authorized by him in this behalf may by order, specify.

(2) Subject to the provisions of Section 11, no action of any kind shall be taken against a person who surrenders the properties and assets he is required to surrender under sub-section (1), except the forfeiture of such assets.

8. (1) 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 7, but fails to so surrender shall be punishable with rigorous imprisonment for a term which may extent to fourteen years and/or fine and/or forfeiture of the whole or part of his properties and assets.

(2) In case of conviction under this ordinance, the property involved in the case shall stand forfeited to the Government.

9. (1) All Departments of the Government and of Corporation or institutions including autonomous or semi-autonomous bodies or associations controlled by the Government or in which the Government has any interest, which are concerned with the allotment of rural or urban land, the issuance of contracts, import, export licences, route permits or allotment of depots or agencies and selling or purchase of shares and stocks, shall within such period as may be specified by the Chief Executive from time to time submit to the Chief Executive, full particulars of the properties mentioned in this Section which have been issued, allotted, granted, purchased or sold to persons, mentioned in sub-section (1) of Section 3 between December 1970 and August, 1997.

(2) The Department concerned may obtain the list of the persons mentioned in sub-section (1) of Section 3 from the Secretary Services and General Administration Department or Secretary Legislative Assembly or Secretary Council, as the case may be.

10. Notwithstanding anything contained in any law for the time being in force, a person who is required to submit a statement of properties and assets under this Ordinance, shall be dis-qualified from being elected or chosen as, and from being a member of Assembly or of the Council, if the properties and assets acquired by him during the period he remained as a President, Prime
Minister, Speaker, Minister, Presidential Assistant, Advisor to the Prime Minister, Special Assistant or Advisor to the Prime Minister or Member of Assembly or of the Council, are found by the Chief Executive to be dis-proportionate to his known sources of income, and the Chief Election Commissioner of Azad Jammu and Kashmir shall be informed accordingly:

Provided if, before the elections are held, a candidate of a political party from any constituency is dis-qualified under the provisions of this Section, all parties shall be entitled to nominate fresh candidates for that constituency and election in that constituency be held on such later date as the Chief Election Commissioner may notify in this behalf:

Provided further that, if the person disqualified as aforesaid is an independent candidate, election in the constituency concerned shall not be postponed unless there is no other contesting candidate in that constituency.

11. **Savings.**—Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1978 (Ordinance XV of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law

**THE SCHEDULE**
(See Section 3)

**DECLARATION OF ASSETS**

I, son of resident of Legislative Ex-Minister/Presidential Assistant/Special Assistant or Adviser to the Prime Minister/Member of the Assembly/Member of the Council, from constituency No.--hereby declare that no immovable or movable property, mentioned in section 3 of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1977, is held by me or my dependents, except as stated below:-
**PART I**

Properties and assets held at the time of becoming a Minister, Presidential Assistant, Special Assistant or Adviser to the Prime Minister, member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated</th>
<th>Particulars of movable property.</th>
<th>Particulars of pearls, precious stones, jewellery etc.</th>
<th>Extant of interest in property.</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance</th>
<th>Remarks</th>
</tr>
</thead>
</table>

**PART II**

Properties and assets held at the time of becoming a Minister, Presidential Assistant, Special Assistant or Adviser to the Prime Minister, member of Assembly or of the Council.

<table>
<thead>
<tr>
<th>Name</th>
<th>In whose name held</th>
<th>District in which the immovable property is situated</th>
<th>Particulars of movable property.</th>
<th>Particulars of pearls, precious stones, jewellery etc.</th>
<th>Extant of interest in property.</th>
<th>Approximate value of property</th>
<th>How acquired whether by purchase, gift or by inheritance</th>
<th>Remarks</th>
</tr>
</thead>
</table>

Signature ...........................................
Address .............................................
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the October, 1st, 1980.

No. 5549/SL/80. The following Ordinance made by the President on the 1st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXIII OF 1980)

AN
ORDINANCE
to provide for Azad Jammu and Kashmir Public Service Commission

WHEREAS it is expedient to provide for Azad Jammu and Kashmir Public Service Commission and for matters ancillary thereto in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 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 Public Service Commission Ordinance, 1980.

   (2) It shall come into force at once.

   **Note:** Please see Ordinance No. XVI of 1980, as this Ordinance is re-promulgated with similar provisions.
VOLUME VI (1980)
VOLUME VI (1980)
VOLUME VI (1980)
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the October, 1st, 1980.

No. 5550/SL/80. The following Ordinance made by the President on the 1st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXIV OF 1980)

AN
ORDINANCE

to provide for law relating to the appointment of Commission of Inquiry

WHEREAS it is expedient to provide for law relating to the appointment of Commission of Inquiry for the purpose of making inquiry into any matter of public importance, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Commissions of Inquiry Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects, wherever they may be.

   (3) It shall come into force at once.

Note:- Please see Ordinance No. XVII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECREFARIAT,
MUZAFFARABAD.

Dated the 1st October, 1980.

No. 5531/LD/80. The following Ordinance made by the
President on the 1st day of October, 1980, is hereby published for
general information :-

(ORDINANCE CLXV OF 1980)

AN
ORDINANCE

further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976

WHEREAS it is expedient further to amend the Azad Jammu
and Kashmir Civil Servants Act, 1976 (Act VI of 1976) in the manner
hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and Commencement.** This Ordinance may be
called the Azad Jammu and Kashmir Civil Servants
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 7, Act VI of 1976.** In the Azad Jammu
and Kashmir Civil Servants Act, 1976 (VI of 1976), in Section
7, after sub-section (4), the following new sub-section (5) shall
be inserted :-

"(5) Notwithstanding anything contained in this Act or in any
other law for the time being in force, a medical practitioner who
following his release from Service with the Armed Forces after
having rendered satisfactory service under the compulsory
Service in the Armed Forces Ordinance 1971 (XXXI of 1971) of
Pakistan for a period of not less than two years, enters
employment of the Government shall be entitled to count
towards his seniority in such employment the period of service
rendered by him under the aforesaid Ordinance and to his pay in
such employment being fixed after giving him credit for the
services so rendered."
3. **Amendment of Section 12, Act VI of 1976.** - In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), hereinafter referred to as the said Act, in Section 12, in clause (iv) for the words “fifty-fifth year” the words ‘sixtieth year’ shall be substituted.

4. **Insertion of new Section 12-A, Act VI of 1976.** - In the said Act, after Section 12, the following new Section 12-A, shall be inserted, namely:

"12-A. Certain persons to be liable to removal or reversion.- Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the sixteenth day of April, 1975 to the eleventh day of August, 1977, may be removed from service or reverted to his lower post or grade, as the case may be, without notice, by the President or a person authorized by him in this behalf, on such date as the President or, as the case may be, the person so authorized may, in the public interest, direct."

5. **Amendment of Section 13, Act VI of 1976.** - In the said Act, in Section 13 after sub-clause (1), the proviso shall be deleted and shall be deemed always to have been so deleted.

6. **Savings.** - Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1977 (Ordinance XII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made initiated or exercised under this Ordinance.


(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 3rd October, 1980.

No. 5586/LD/80. The following Ordinance made by the 
President on the 3rd day of October, 1980, is hereby published for 
general information:-

(ORDINANCE CLXVI OF 1980)

AN 
ORDINANCE 
to restrict the increase of rent of certain premises within the limits of 
urban areas and the eviction of tenants there from in Azad Jammu and 
Kashmir

WHEREAS it is expedient in the public interest to restrict the 
increase of rent of certain premises within the limits of Urban Area and 
the eviction of tenants there from in Azad Jammu and Kashmir in the 
manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances 
exist which under it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, 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 Rent Restriction 
Ordinance, 1980.

(2) It extends to all the urban areas in Azad Jammu and 
Kashmir.

(3) Nothing contained in this Ordinance shall re deemed to 
affect any evacuee Property as defined in the Pakistan 
(Administration of Evacuee Property) Act, 1957 as adapted in 

2. **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) "Building" means any building or part of a building let 
for any purpose, whether being actually used for that 
purpose or not, including any land godowns, out-houses,
together with furniture let therewith but does not include a room in a "sarai", hotel, hostel or boarding house;

(c) "Controller" means a judicial officer who is appointed by the Government to perform the functions of a Controller under this Ordinance;

(d) "Landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf or for the benefit of any other person or as a trustee, guardian, receiver executor or administrator for any other person, and includes a tenant who sub-lets any building or rented land in the manner hereinafter authorised and every person from time to time deriving title under a landlord;

(e) "non-residential building" means a building being used solely for the purpose of business or trade;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "rented land" means any land let separately for the purpose of being used principally for business or trade;

(h) "residential building" means any building which is not a non-residential building;

(i) "Scheduled building" means a residential building which is being used by a person engaged in one of the professions specified in the Schedule to this Ordinance, partly for his business and partly for his residence;

(j) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes (i) a tenant continuing in possession after the termination of the tenancy in his favour, and (ii) the wife and children of a deceased tenant, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or person to whom the collection of rent or fees in a public market, cart-stand, or slaughter-house or of rents for shops has been framed out or leased by a municipal, town or notified area committee or by a Development authority; and

(k) "Urban area" means any area administered by a Municipality, a municipal committee, a town committee or a notified areas committee as defined above.

3. Government or any officer authorised by it in this behalf may direct by notification published in the official Gazette that all or
any of the provisions of this Ordinance shall not apply to any particular building or rented land or any class of buildings or rented lands.

4. (1) Controller shall, on an application by the tenant or landlord of a building or rented land, fix fair rent for such building or rented land after holding such enquiry as the Controller thinks fit.

(2) The fair rent shall be fixed after taking into consideration the following factors:-

(a) The rent of the same building or similar accommodation in similar circumstances prevailing in the locality at the time of and during the period of twelve months prior to the date of making application;

(b) the rise in the cost of construction of and the repairing charges as well as the imposition of new taxes after the commencement of the tenancy; and

(c) the rental value of the building or rented land entered in the Property Tax Assessment Register of the Taxation Department or the local body relating to the period mentioned in clause (a), if any.

(3) The fair rent fixed under this section shall be payable by the tenant from a date to be fixed by the Controller not earlier than the date of filing the application.

(4) If the fair rent fixed under sub-section (2) exceeds the rent being paid by the tenant on the date of the filing of the application under this section, the maximum increase of rent payable by the tenant shall not be more than 25% of the rent already being paid by him.

5. (1) When the fair rent of a building or rented land has been fixed under Section 4, or where the rent of any building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such fair rent shall, during the continuance of tenancy, be permissible within a period of three years from the date fixed by the Controller under sub-section (3) of Section 4, or from the date of agreement, as the case may be, except in cases where some addition, improvement or alteration has been carried out at the landlord's expense, and at the request of the tenant.

(2) The fair rent as increased on grounds of some addition, improvement or alteration made permissible under this Section shall not exceed the fair rent payable under this Ordinance for a similar building or rented land in the same locality with such
addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed.

(3) Any dispute between the landlord and tenant in regard to any increase claimed on grounds of some addition, improvement or alteration made permissible under this Section shall be decided by the Controller.

6. (1) Save as provided in Section 5, when the Controller has fixed the fair rent of a building or rented land under Section 4 :-

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent ;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void.

(c) any sum in excess of the fair rent paid in respect of any use or occupation of the building or rented land from the date of application for the fixation of fair rent shall be refunded to the person by whom it was paid or at the option of such person, otherwise adjusted.

(2) Nothing in this Section shall apply to the recovery of any rent which become due before the 1st January, 1946.

7. (1) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building or rented land require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Nothing in this Section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1946.

8. Where any sum has, before the date of publication of this Ordinance been paid by the tenant, which sum is by reason of the provisions of this Ordinance irrecoverable, such sum may, without prejudice to any other method of recovery be deducted by the tenant by whom it was paid, or by his legal representative, from any rent payable by him to such landlord or to his legal representative:

Provided that the tenant before making such deduction obtains the approval of the Controller by an application made to him within six months of the said date.
Explanation.- In computing the said period of six months the
time spent after date of the payment, in the proceedings for
determination of fair rent shall be excluded.

(2) In this Section the expression 'legal representative', has
the same meaning as in the Code of Civil Procedure, 1908 and
includes, in the case of joint family property, the joint family of
which the deceased person was a member.

9. Notwithstanding anything contained in any other provision of
this Ordinance, a landlord shall, subject to the approval of the
Controller, be entitled to increase the rent of building or rented
land if after the commencement of this Ordinance a fresh rate,
cess or tax is levied in respect of the building or rented land by
the Government or any local authority, or if there is an increase
in the amount of such a rate, cess or tax being levied at the
commencement of this Ordinance:

Provided that the increase in rent shall not exceed one
half of the amount of any such rate, cess or tax or the amount of
the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any other law for
the time being in force or any agreement, no landlord shall
recover from his tenant the amount of any tax or any portion
thereof in respect of any building or rented land occupied by
such tenant by any increase in any amount of the rent payable or
otherwise save as provided in sub-section (1).

10. (1) No landlord or his contractor, workman, or servant shall
without the previous consent of the Controller or save for the
purpose of affecting repairs or complying with a requisition from
a Municipal Committee wilfully disturb any convenience or
easement annexed to the premises or remove, destroy or render
unserviceable anything provided for permanent use therewith or
discontinue or cause to be discontinued any supply or service
comprised in the fair rent.

(2) A tenant in occupation of a building or rented land may,
if the landlord has contravened the provisions of this section,
make and application to the Controller complaining of such
contravention.

(3) If the controller, on inquiry finds that the tenant has been
in enjoyment of the amenities and that they were cut off or with-
held by the landlord without just or sufficient cause, he shall
make an order directing the landlord to restore such amenities.

11. No person shall convert a residential building into a non-
residential building, except with the permission in writing of the
Controller.
12. If a landlord fails to make the necessary repairs other than structural alterations, to a building, it shall be competent for the Controller to direct, on application by the tenant and after such inquiry as the Controller may think necessary that such repairs may be made by the tenant, and that the cost thereof, may be deducted from the rent which is payable by him.

13. (1) Where a local authority, in exercise of its functions under any law for the time being in force directs the owner of a building to make such repairs to the building as may be specified and on failure of the owner to comply with such direction, the tenant is directed to make the said repairs, the tenant may comply with the direction.

(2) The amount of the expenses incurred by the tenant under sub-section (1) shall be submitted to the local authority concerned, which shall after the due verifications, certify the cost of repairs and the tenant may thereon deduct the amount so certified from the rent payable by him.

14. (1) A tenant in possession of a building or rented land shall not be evicted there from in execution of a decree passed before or after the commencement of this Ordinance or otherwise, and whether before or after the termination of the tenancy except in accordance with the provisions of this Section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that:

(i) the tenant has not paid or tendered rent due by him in respect of the building or rented land, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord, or in the absence of any such agreement, within sixty days from the period for which rent is payable; or

(ii) the tenant has, without written consent of the landlord:

(a) transferred his right under the lease or sub-let entire building or rented land or any portion thereof; or

(b) used the building or rented land for a purpose other than that for which it was leased or his infringed any condition of the tenure on which the building or rented land is held by the landlord; or
(iii) the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land and; or

(iv) the tenant has been guilty of such acts and conduct as are a nuisance to the occupants of buildings in the neighborhood; or

(v) where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

(vi) the building or rented land is reasonably and in good faith required by the landlord for the reconstruction or erection of a building on the site, and the landlord has obtained the necessary sanction for the said reconstruction or erection from a Municipal Committee or Town Committee for the area where such building or rented land is situated. The Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate.

**Explanation.** For the purpose of this clause:-

(i) Where the water charges or electricity charges or both are payable by the tenant to the landlord such charges shall be deemed rent;

(ii) rent remitted by money order to the landlord or deposited in the office of the Controller having jurisdiction in the area where the building or rented land is situated shall be deemed to have been duly tendered.

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession:-

(i) in the case of a residential building, if.-

(a) he requires it in good faith for his own occupation or for the occupation of any of his children;

(b) he is not occupying another residential building suitable for his needs at the time in the same
urban area in which such building is situated; and

(c) he has not vacated such a building without sufficient cause after the commencement of this Ordinance in the said urban area;

(ii) in the case of a non-residential building or a scheduled or rented land if:-

(a) he requires it in good faith for his own use or for the use for any of his male children;

(b) he or his said child is not occupying in the same urban area in which such building is situated for the purpose of his business any other such building or rented land, as the case may be, suitable for his needs at the time, and

(c) he has not vacated such a building or rented land without sufficient cause after the commencement of this Ordinance in the said urban area:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before expiry of such period:

Provided further that where the landlord had obtained possession of a residential, scheduled or non-residential building or rented land under the provisions of sub-paragraph (1) or sub-paragraph (ii) he shall not be entitled to apply again under the said Sub - Paragraphs for the possession of any other building of the same class or rented land unless such residential, scheduled or non-residential building or land is no longer suitable for his needs at the time.

(d) The Controller shall, if he is satisfied that the claim of the landlord is bonafide make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the
landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate:

Provided further that if the application is in respect of a residential building, the Controller shall direct the tenant within four weeks of the application to put the landlord in possession of the building if, after summary enquiry, he is satisfied that the tenant, his wife or any of his dependent children owns a residential building, within the same urban area.

(4) Where a landlord who has obtained possession of a building or rented land pursuance of an order made under sub-paragraph (i) or sub-paragraph (ii) paragraph (a) of sub-section (3), does not himself or where the building has been got vacated for the occupation of any of his children such child does not occupy it within one month of the date of obtaining possession, or having been so occupied is relate within two months of the said date to any person other than original tenant, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where a landlord has obtained possession of a building in pursuance of an order under clause (vi) of sub-section (2) of this section and does not have the building demolished within a period of four months from the date of taking possession of the same or does not construct the new building within a further period of two years after the expiry of the period of four months from the date of making possession of the same he shall, unless he satisfies the Court that he was unable to construct the building within the prescribed time for reasons beyond his control, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(6) Where a landlord has been convicted under the provisions of sub-section (5) the tenant, who has been evicted from the building or rented land in respect of which the landlord is convicted, may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land, and except in the case of a building which has been demolished the Controller shall make and order accordingly.

(7) Where, in pursuance of an order under clause (v) of subsection (2), landlord has obtained possession of a building in
this sub-section referred to as the old building, and constructs a new building on the same site, the tenant who has been evicted from the old building may, before the completion of the new building and its occupation by another person, apply to the controller for an order directing that he be put in possession of such area in the new building as does not exceed the area of the old building of which he was in occupation, and the Controller shall make an order accordingly in respect of the area applied for or such smaller area as considering the location and type of the new building and the needs of the tenant he deems just, and on payment of rent to be determined by him on the basis of rent of similar accommodation in the locality.

(8) In proceeding under this Section on the first date of hearing or as soon as possible after that date and before issues are framed, the Controller shall direct the tenant to deposit all the rent due from him, and also to deposit regularly till the final decision of the case, before the fifteenth day of each month the monthly rent due from him. If there is any dispute about the amount of rent due or the rate of rent, the Controller shall determine such amount approximately and direct that the same be deposited by the tenant before a date to be fixed for the purpose. If the tenant makes default in the compliance of such an order, then if he is the petitioner, his application shall be dismissed summarily and if he is the respondent his defence shall be struck off and to landlord put into possession of the property without taking any further proceedings in the case. The Controller shall finally determine the amount of rent due from the tenant and direct that the same may be paid to the landlord, subject to adjustment of the approximate amount deposited by the tenant.

(9) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may directed that compensation not exceeding ten times the monthly rent be paid by such landlord to the tenant.

(10) The rent deposited by the tenant under this Section shall, subject to the final determination of rent as payable by the tenant, be paid to the landlord at the conclusion of the proceedings or on such earlier date as may be specified by the Controller.

15. **Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.** (1) Notwithstanding anything contained in this Ordinance or any law for the time being in force –
(a) in a case where the landlord has died; or
(b) in a case where the landlord is a salaried employee and has retired or is due to retire within a period of six months, a notice in writing may be given by such landlord or the widow or minor of the deceased landlord, as the case may be, to the tenant of a residential building informing him that he or she needs the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

Provided that no application under this Section shall be maintainable if it is made after six months from the date of the death of the landlord or, in the case of the retirement of a salaried person, before six months from or after six months of the date of his retirement:

Provided further that, in a case where the landlord has died or a salaried person has retired before the commencement of this Ordinance an application may be made within a period of six months from the date of such commencement.

(2) The right to seek adjustment under sub-section (1) shall also be available to landlord of a residential building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of a landlord referred to in sub-section (1) or sub-section (2) who happens to be a landlord of more than one residential building whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such residential buildings only.

(4) A landlord referred to in clause (b) of sub-section (1) or in sub-section (2) who is in occupation of a residential building owned by him shall not be entitled to seek adjustment of a tenant from a residential building situated in the locality in which the building in occupation of the landlord is situated unless he offer the building in his occupation in exchange of the building in possession of the tenant on such terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate of rent determined by the Controller.

(5) A tenant who on receipt of the notice referred to in sub-section (1) fails to deliver vacant possession of the building to
the landlord or the landlord or the widow or minor orphan of the deceased landlord within the time allowed in the notice shall be liable to be adjusted summarily by the Controller on an application being made to him in this behalf.

(6) On an application being made to him under sub-section (5) the Controller shall issue a notice to the tenant and on being satisfied with the bonafide of the request of the landlord or the widow or minor orphan of a deceased landlord, shall order the summary ejectment of the tenant.

(7) A landlord or a widow or orphan of a deceased landlord referred to in sub-section (1) or sub-section (2) who, within one year of his having obtained possession of a building as provided for in sub-section (6), relates the buildings to any person other than the previous tenant, shall be punishable with fine which may extend to rupees five thousand unless the benefit derived by the landlord is greater that the amount of fine in which case it shall be equal to the annual rent obtained by him relating the building.

16. Where the ownership of a building in the possession of a tenant or rented land has been transferred by way of sale, gift, inheritance or in any other manner, whatsoever from one person to another, the new owner shall send an intimation of such transfer in writing by registered post, to the tenant of such building or rented land, and the tenant shall not be deemed to have defaulted in the payment or rent for the purposes of clause (i) of sub-section (2) of Section 14, if the rent due is paid within thirty days from the date when the intimation should in the normal course have reached him.

17. The Controller shall summarily reject any application under subsection (2) or under sub-section (3) of section 14 which raises substantially the same issued as have been finally decided in a former proceeding under this Ordinance.

18. **Appeal.**—(1) Any party aggrieved by an order of the Controller finally disposing of an application made under this Ordinance may, within thirty days of the date of such order, prefer an appeal in writing to the District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed, is situated:

Provided that no appeal shall lie against an order made by a Controller under sub-section (6) of Section 14 determining approximately the amount of rent and directing the tenant to deposits all the rent due:
Provided further that no appeal shall be from an interlocutory order passed by the Controller.

(2) On such appeal being preferred, the District Judge may hear it himself or refer it for disposal to an Additional District Judge having jurisdiction over the area where the building or rented land in relation to which the order is passed is situated.

(3) The District Judge may recall an appeal made over by him to an Additional District Judge and either hear it himself or refer it for disposal to another Additional District Judge having jurisdiction as provided in sub-section (2).

(4) On such appeal being preferred, the appellate authority may stay the operation of the order appealed against.

(5) The appeal to authority admitting an appeal for hearing shall have the same powers to direct the tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then, if he is the appellant, his appeal shall be dismissed summarily and, if he is the respondent, his defence shall be struck off.

(6) The appellate authority shall decide the appeal after sending for the record of the case from the Controller and after giving the parties an opportunity of being heard, and, if necessary for making such further inquiry as it thinks fit, either personally or through the Controller.

(7) The order of the Controller, subject to the result of appeal, if any, shall be final and shall not be called in question in any Court of law, including High Court, by suit, appeal or otherwise.

19. On the application of any of the parties and after notice to the parties and after being such of them as desire to be heard, or of its own motion without such notice:-

(a) the appellate authority may at any stage withdraw any application pending with a Controller subordinate to it and transfer the same for disposal to any other Controller subordinate to it and competent to try or dispose of the same;

(b) the High Court may at any stage withdraw any appeal pending with any Appellate authority and transfer the same for disposal to any other Appellate Authority subordinate to it and competent to dispose of the same.

20. (1) For the purposes of this Ordinance an Appellate Authority or a Controller appointed under this Ordinance shall have the same powers of summoning and enforcing the attendance of witnesses
and compelling the production of evidence as are vested in a Court under the Code of Civil Procedure, 1908.

(2) The Controller shall for the purpose of section 480 of the Code of Criminal Procedure 1898, be deemed to be a Court.

21. Every order made under section 10, section 13, Section 19 and every order passed in appeal under section 22 shall be executed by the Controller as if it were a decree of a Civil Court.

22. Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf such particulars in respect of such building or rented land as may be prescribed.

23. (1) If any person contravenes any of the provisions of sub-section (1) of Section 10, Section 11 or Section 22 he shall be punished with fine which may extend to one thousand rupees.

(2) No Court shall take cognizance of an offence under this Section except upon:

(a) a complaint of facts, which constitute such offence, filed with the sanction of the Controller in writing; or

(b) a report in writing of such facts made by the Controller.

24. Government may by notification make rules for the purpose of carrying out all or any of the provision of this Ordinance.

25. (a) Any order made by a Controller or Rent Controller or any Court or appellate or provisional authority in any proceedings under any of the said enactments before the commencement of the Rent Restriction Act, 1952, before the first day of July, 1946, shall be deemed to have effect as an order under this Ordinance;

(b) all proceedings which immediately before the commencement of this Ordinance were pending with any Controller or Appellate Authority under the Azad Jammu and Kashmir Rent Restriction Act, 1952, shall stand transferred to and be continued before the Controller or the Appellate Authority, as the case may be, appointed under this Ordinance as if the same were instituted under the provisions of this Ordinance and any order made in any such proceedings as aforesaid shall for all purposes have effect as an order made under this Ordinance.

26. **Repeal.** The Azad Kashmir Rent Restriction Act, 1952 (Council Order No. 659/52) is hereby repealed.

27. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken
notifications issued, orders or appointments made proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Rent Restriction Ordinance 1980 (Ordinance XX of 1980) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
Dated the 4th October, 1980.

No. 5600/LD/80. The following Ordinance made by the President on the 4th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXVII OF 1980)

AN ORDINANCE

to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices

WHEREAS it is expedient to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Administrative Vigilance Commission Ordinance, 1980.
   (2) It shall come into force at once.
   (3) It extends to the whole of Azad Jammu and Kashmir.
   (4) It shall apply to -
   (a) all agencies, public servants and other functionaries under the administrative control of the Government; and
   (b) Such agencies, public servants and other functionaries operating or working in the Azad Jammu and Kashmir as are under the administrative control of the Council but in respect of whom the Council authorises the Commission to exercise powers under the provisions of this Ordinance:
Provided that the Government may by notification exempt specified public servants, other functionaries are agencies from the operation of all or any of the provisions of this Ordinance.

2. **Definitions.** In this Ordinance unless the subject or context requires otherwise,-

(i) 'administrative excess' means a decision, recommendation, act or omission which,

(a) is contrary to law, rules, regulations or established practice; or

(b) is patently perverse, unreasonable, unjust, biased, oppressive, or discriminatory; or

(c) is based on irrelevant grounds; or

(d) involves the exercise of power or the failure or refusal to do so, for corrupt or improper motives; or

(e) has been unduly delayed or withheld.

(ii) 'agency' means a department or office of Government or any of its units or branches and includes a local body, a statutory corporation established, or a company whole or partly controlled, by Government, and any officer, employee or member thereof acting or purporting to act in exercise of his duties;

(iii) 'Chairman' means the Chairman of the Commission;

(iv) 'Commission' means the Azad Jammu and Kashmir Administrative Vigilance Commission;

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

(vi) 'member' means member of the Commission;

(vii) 'Ordinance' means the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980;

(viii) 'President' means the President of Azad Jammu and Kashmir;

(ix) 'Public servant' means a public servant as defined in Section 21 of the Penal Code, 1860 (XLV of 1860) and includes a Minister, Advisor and also the Chairman, Managing Director, Director or other officer or employee of a statutory corporation or a company referred to in clause (ii) appointed by or with the
approval of Government or paid out of the fund of such corporation or company.

CHAPTER-II
CONSTITUTION OF THE COMMISSION

3. (1) There shall be established a Commission to be known as the Azad Jammu and Kashmir Administrative Vigilance Commission.

(2) The Commission shall act independently and shall not be subject to the direction of any executive authority.

4. (1) The Commission shall consist of a Chairman and such number of members as may be determined by the President.

(2) The Chairman and the Members shall be appointed by the President:

Provided that no person shall be appointed as Chairman or member who belongs to any political party or is involved in any political activity.

(3) The Chairman and the members shall hold office during the pleasure of the President.

(4) The seniority amongst members shall be determined in the prescribed manner.

5. (1) The Chairman shall carry the status of a Minister/Advisor and shall receive such salary, allowances and other benefits as may be determined by the President.

(2) A member shall carry such status as may be determined by the President in consultation with the Chairman and shall receive such salary allowances and other benefits as may be determined by the President.

6. When a temporary vacancy occurs in the office of the Chairman, the senior most members shall act as the Chairman till the appointment of a regular incumbent.

7. The Commission may, whenever it thinks fit, establish vigilance committees or other committees at specified places for carrying out such functions of the Commission as are assigned to them by the Commission.

8. (1) The Chairman shall be the Chief Executive of the Commission.

(2) The Commission shall regulate its own procedure for the conduct of its business or the exercise of its powers.
(3) The Chairman may distribute the work of the Commission amongst its members and may from time to time vary such distribution.

9. (1) The Commission may appoint such officers and employees as it may deem necessary to discharge its responsibilities under the Ordinance.

(2) The Commission may prescribe the terms and conditions of appointments of its officers and employees with the approval of the President.

10. The Commission may set up standing advisory Committees or appoint advisors with or without remuneration to assist it in the discharge of its duties under the Ordinance.

11. (1) The Commission may appoint vigilance officers or vigilance committees for any agency to carry out its functions in that agency.

(2) The Commission may specify the duties and functions of such vigilance officers or vigilance committees.

CHAPTER-III
FUNCTIONS OF THE COMMISSION

12. (1) The Commission may, on a complaint or of its own motion, investigate any act pertaining to any agency, a public servant or other functionary.

(2) Nothing contained in sub-section (1) shall be deemed to preclude the commission from entertaining and investigating a complaint or representation made to it by a public servant or other functionary against the agency in which he is or has been working in respect of any of the matters relating to his service.

13. The Commission may, whenever it thinks fit inspect or cause to be inspected any office or unit of an agency for any of the purposes of the Ordinance.

14. (1) The Commission may examine or cause to be examined any law, rule, regulation, procedure, practice or form of any agency which in its opinion is deficient ambiguous or hinders speedy redress, or is a source of inconvenience to the public or otherwise contributes towards the commission of administrative excesses.

(2) The Commission may obtain the opinion of the agency concerned in that matter referred to in sub-section (1) and of its own experts or advisors and make recommendation for the alteration or substitution of any law, rule, regulation, procedure, practice or form.
15. The Commission may inquire into areas of misuse or abuse of power or corruption for suggesting remedial measures including enactment of legislation.

16. For carrying out the objectives of the Ordinance, the Commission may arrange for studies to be made or research to be conducted.

CHAPTER-IV
POWERS OF THE COMMISSION

17. All public servants and other functionaries shall when required to do so, assist the Commission in the discharge of its responsibilities under the Ordinance.

18. The Commission may, in the interest of administrative justice, while dealing with individual cases or otherwise require an agency to define its powers more precisely, lay down the criteria for exercise of discretion, prescribe time limits for the disposal of particular case, frame rules whenever necessary and may require compliance of its direction within a specified time.

19. If the Commission has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him it may refer the matter to the appropriate authority for necessary action to be taken within the time specified.

20. (1) The Commission shall have the powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908), as in force in Azad Jammu and Kashmir, in respect of the following matter namely:-
   (a) summoning and enforcing the attendance of any person and examining him on oath;
   (b) requiring the discovery and production of any document;
   (c) receiving evidence on affidavit; and
   (d) issuing commission for the examination of any witness or document.

   (2) The Commission shall have the power to require any person to furnish information on such points or matters as in the opinion of the Commission, may be useful for, or relevant to, the subject matters of an inquiry.

   (3) The Commission may appoint any person for recording evidence and examining documents in connection with the proceedings under the Ordinance.

   (4) A person appointed under sub-section (3) shall have all the powers of the Commission under sub-section (1) and (2) and
shall present to the Commission a summary of the issues and findings in the case.

(5) The Commission shall have the same powers as the High Court has to punish any person who –

(a) abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission passed under sub-section (1) or sub-section (2);

(b) scandalizes the Commission or otherwise does anything which tends to bring the Commission, its Chairman or member in relation to his office, into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Commission; or

(d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comment made in good faith and in public interest on the working of the Commission or on its final report after the completing of the investigation shall not constitute contempt of the Commission.

(6) The exercise of the power conferred on the Commission by sub-section (5) shall be regulated by rules made by the Commission.

21. The Commission may prescribe the manner in which complaints are to be, to, received by and dealt with by it and the scope and the manner in which investigations are to be made and reports or replies sent to it.

22. (1) If, having considered a complaint and such other material as it deems fit the Commission is of the opinion that the act complained of amounts to an administrative excess, it shall communicate its findings advising the agency concerned,

(a) to consider the matter further;

(b) to modify or cancel an act or a decision;

(c) to alter a regulation or a ruling;

(d) to explain more fully the act or decision in question;

(e) to dispose of the case within a specified time; or

(f) to take any other step.
(2) If the Commission as desires, the agency shall within such time as may be specified, inform it about the action taken on its advice or the reasons for that complying with the same.

(3) Where the Commission has been authorised by the Council under clause (b) of sub-section (4) of Section 1 of the Ordinance to exercise powers under the provisions of the Ordinance in respect of agencies, public servants or other functionaries under the administrative control of the Council, the Commission shall communicate its advice as specified under sub-section (1) to the agency concerned and if the agency does not inform the Commission about the action taken on its advice or the reason for not complying with it within such time as may be specified, the Commission may communicate its recommendations to the Council for suitable action.

23. If there is a difference of opinion between the Commission and an agency with regard the implementation of an advice given by the Commission, the Commission may refer the matter to the President whose decision shall be final.

24. If any agency, public servant or other functionary fails to comply with a direction of the Commission, it may besides taking other action under the Ordinance refer the matter to the appropriate authority for taking disciplinary action against the person disregarding the direction of the Commission.

25. (1) The Commission may, where necessary, call upon a public servant, other functionary or an agency to show cause why cost and compensation be not awarded to an aggrieved party, for any loss or damage suffered by him on account of any administrative excess, committed by such public servant, other functionary or agency, and after considering the explanation, and hearing such public servant, other functionary or agency, if necessary, award reasonable cost or compensation to the aggrieved party.

(2) The cost or compensation awarded under sub-section (1) shall be recoverable as arrears of land revenue.

26. The Commission may delegate any of its powers to any of its officers or to vigilance officer or a vigilance committee, to be exercised subject to such conditions as may be laid down provided that the power to make a report under subsection (1) of Section 27 shall not be so delegated.
CHAPTER--V
ANNUAL AND OTHER REPORTS

27. (1) The Commission shall publish an annual report of its activities within three months of the close of the financial year to which it relates.

(2) The Commission may, from time to time publish its conclusion, recommendations or suggestions in respect of any case or matter dealt with by it under the ordinance.

(3) The Commission may, where the conduct of a public servant, other functioning or agency is proposed to be criticized in the report under sub-section (1) or as matters under sub-section (2), give the public servant, other functionary or agency as the case may be, an opportunity to explain his or its position and after considering such explanation as may be offered decide whether the proposed criticism would stand, be modified or be not published.

CHAPTER VI
MISCELLANEOUS

28. The provisions of the Ordinance shall take effect notwithstanding anything to the contrary contained in any other law for the time being in force.

29. (1) Except as otherwise provided no action taken, order made, things done or powers exercised under the Ordinance shall be called in question by or before any court or authority.

(2) No suit or legal proceeding shall lie against the Chairman or any member or servant or advisor or expert of the Commission or any officer appointed under sub-section (3) of Section 20 or a vigilance officer or a vigilance committee appointed under Section 7 and 11 for anything done in good faith under the provision of the Ordinance.

30. The Commission may make rules for carrying out the purposes of the Ordinance.

31. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980 (Ordinance XXI of 1980) or its succeeding Ordinances issued
from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance -

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 4th October, 1980.

No. 5601/LD/80. The following Ordinance made by the President on the 4th day of October, 1980, is hereby published for general information:-  

(ORDINANCE CLXVIII OF 1980)  
AN  
ORDINANCE  
to make the provisions for the establishment of conciliation courts in Azad Jammu and Kashmir  
WHEREAS the Local Government Institutions have been set up and it is expedient to make provisions for the establishment of conciliation courts to enable the people to settle certain disputes through conciliation, and for matters ancillary thereto;  
AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;  
NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Conciliation Courts Ordinance, 1980.  
   (2) It extends to the whole of Azad Jammu and Kashmir.  
   (3) It 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 there is anything repugnant in the subject or context,—  
   (a) ‘Cognizable offence’ means a cognizable offence as defined in Section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898) as in force in Azad Kashmir;  
   (b) ‘Conciliation Court’ means a Conciliation Court constituted under this Ordinance;  
   (c) ‘Appellate Authority’ means in the cases of Criminal and Civil nature the District Magistrate and District Judge respectively of the concerned District;
(d) 'Degree' means a decree as defined in Section 2 of the Code of Civil Procedure, 1908 (Act of 1908) as in force in Azad Kashmir;

(e) 'District Judge' shall include as Additional District Judge, a Subordinate judge and a Civil Judge;

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

(g) 'Party' shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Conciliation Court adds as party to such dispute;

(h) 'Union' means an area declared to be a Union under the Azad Jammu and Kashmir Local Government Ordinance, 1979;

(i) 'Union Council' means a Union Council constituted under the aforesaid Ordinance.

3. **Cases referable to Conciliation.**

   (1) Notwithstanding anything contained the Code of Criminal Procedure, 1898 (Act V of 1898), or in the Code of Civil Procedure, 1908 (Act V of 1908):

   (a) all cases falling under Part 1 of the Schedule shall, save as otherwise provided hereinafter, be referred to conciliation under this Ordinance, and no civil or criminal Court shall have jurisdiction to try any such case; and

   (b) any of the cases falling under Part II of the Schedule may be so referred if all the parties thereto agree to such a reference.

   (2) The following cases relating to matters falling under Section B of Part I of the Schedule or under Section B of Part II thereof shall be excluded from conciliation, namely:

   (a) Cases in which the interest of a minor is involved;

   (b) cases where provision for arbitration has been made in a contract between the parties;

   (c) cases by or against the Government or a public corporation or local bodies Bank or a Public servant acting in the discharge of his duty;

   (d) cases which according to the customary law of a community are referable to a community panchayat.

   (3) Government may, by notification in the Official Gazette, add to the Schedule any class of cases relating to such disputes
between private parties as are of a local nature and are capable of settlement by compromise.

(4) Nothing in this Section shall apply to cases relating to an offence specified in the Schedule if the accused had previously been convicted of a cognizable offence.

4. **Application for constitution of a Conciliation Court.**

   (1) Where a case is, under this Ordinance referable to conciliation, any party to the dispute may, in the prescribed manner, and on payment of the prescribed fee, apply to the Chairman of the Union Council concerned for the constitution of a Conciliation Court for the settlement of a dispute, and unless the Chairman, for reasons to be recorded in writing, rejects the application, he shall proceed to constitute, in the prescribed manner, a Conciliation Court for the purpose:

   Provided that no application under this Section shall be made against a person of unsound mind.

(2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is malafide or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the appellate Authority, or to such other authority as may be prescribed.

5. **Conciliation Courts, their Composition, etc.**

   (1) A Conciliation Court shall be a body consisting of a Chairman and two representatives to be nominated, in the prescribed manner, by each of the parties to the dispute:

   Provided that one of the two representatives so nominated shall be a member of the Union Council concerned.

(2) The Chairman of the Union Council shall be the Chairman of the Conciliation Court, but where he is, owing to illness or any other cause, unable to act as Chairman, or does not, on account of any personal consideration, wish to do so or his impartiality is challenged by any party to the dispute, any other person appointed in the prescribed manner, not being a person nominated by any party, shall be the Chairman of the Court.

(3) If either party to the dispute consists of more than one person, the Chairman shall call upon the person constituting that party to nominate the two representatives, on its behalf, and if they fail to nominate, shall authorise any one of the such persons to do so, and thereupon the person so authorised shall alone have the right to nominate such representatives.
Where representatives required under this section to be nominated are not nominated within the prescribed time, then -

(a) If the case falls under part I of the schedule, the Conciliation Court shall, without such representatives, for the purpose of this Ordinance and Conciliation shall proceed accordingly; and

(b) If the case falls under Part II of the Schedule, the Chairman shall issue a certificate that conciliation has failed.

6. **Jurisdiction of Conciliation Courts, etc.** - A Conciliation Court shall be constituted and shall have jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the Union in which the offence has been committed or the cause of action arisen.

7. **Power of Conciliation Courts to award compensation.** - (1) Save as other provided in this Ordinance, a Conciliation Court shall have no power to pass a sentence of imprisonment or fine, but if it holds a person guilty of an offence specified in the Schedule, it may order the accused to pay to the aggrieved person compensation the amount of which may not exceed two hundred and fifty rupees, but if the offence is one punishable under Section 428 or Section 429 of the Penal Code (Act XLV of 1860) in force in Azad Kashmir the amount of compensation may exceed two hundred and fifty rupees but not five hundred rupees.

(2) In a case relating to a matter falling under Section B of Part I of the Schedule or under Section B of Part II thereof, the Conciliation Court shall have the power to order payment of money up to the amount specified therein in respect of a such matter or delivery of property to the person entitled thereto.

8. **Finality of the decisions of Conciliation Courts.** - (1) Where in a case referred to conciliation under this Ordinance the decision of the Conciliation Court is unanimous, or, if the case falls under Part I of the Schedule, the decision is by a majority of four to one, the decision shall be binding on the parties and shall be enforceable in accordance with the provision of this Ordinance:

Provided that such decision may be set aside by the Appellate Authority if it is of the opinion that the Conciliation Court does not have the jurisdiction to try the case.

(2) If the decision of a Conciliation Court is by majority of three to two, and the case falls under Part I of the Schedule, any party may, within thirty days of the decision, apply, in the prescribed manner.
(a) to the Appellate Authority, if the case relates to matter falling under Section A of that part, or (b) to the District Judge if the case relates to a matter falling under Section B thereof, and Appellate Authority or the District Judge, as the case may be, if satisfied that there has been a failure of justice, may set aside or modify the decision, or direct that the dispute be referred back to the Conciliation Court for reconsideration.

(3) If the decision of Conciliation Court is not unanimous, and the case falls under Part II of the Schedule, the Court shall issue a certificate that conciliation has failed.

(4) Notwithstanding anything in any law any matter decided by a Conciliation Court in accordance with the provisions of this Ordinance shall not be tried in any Court, including a Conciliation Court.

9. **Enforcement of decree.**— (1) Where a Conciliation Court decides to award compensation to a person or to order the delivery of property, it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property is delivered in the presence of the Conciliation Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

(3) Where a decree relates to payment of compensation and the decretal amount is not paid within the prescribed time, the same shall, if the Chairman of the Conciliation Court so directs, be recovered as arrears of land revenue, and on a recovery, shall be paid to the decree-holder.

(4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to such Civil Court as the District Judge may, by special or general order, direct, and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

(5) A Conciliation Court may, if thinks fit, direct that the amount of compensation be paid in such installments as it may fix.

10. **Procedure on failure of Conciliation.**— Where a certificate is issued that conciliation has failed, either under clause (b) of subsection (4) of Section 5 or under sub-section (3) of Section 8, any party to the dispute may seek its remedy in the Court in
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which it would in law be entitled to seek such remedy if this Ordinance had not been promulgated.

11. **Power of Conciliation Courts to summon witnesses etc.** - (1) A Conciliation Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document:

Provided that -

(a) no person who is exempt from personal appearance in Court under sub-section (1) of Section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), shall be required to appear in person;

(b) a Conciliation Court may refuse to summon a witness or to enforce a summons already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable.

(c) a conciliation Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as he would think sufficient for defraying his traveling other expenses.

(2) If any person to whom a Conciliation Court has issued summons to appear and give evidence or to produce or cause the production of any document before it willfully disobeys such summons, the Conciliation Court may take cognizance of such disobedience, and, after giving such person an opportunity to explain, sentence him to a fine not exceeding twenty-five rupees.

12. **Contempt of Conciliation Courts.** - A person shall be guilty of contempt of Conciliation Court if he, without lawful excuse, -

(a) offers any insult to the Conciliation Court or any member thereof while the Court is functioning as such; or

(b) causes any interruption in the work of the Conciliation Court; or

(c) fails to produce or deliver a document when ordered by the Conciliation Court to do so; or

(d) refuses to answer any question of the Conciliation Court which he is bound to answer; or
(e) refuses to take oath to state the truth or to sign any statement made by him when required by the Conciliation Court to do so; and the Conciliation Court, may, without any complaint having been made to its forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

13. **Recovery of fine.** (1) Where a Conciliation Court imposes a fine under Section 11 or Section 12 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the nearest Magistrate who shall proceed to recover it in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as if it were fine imposed by himself, and such Magistrate may also sentence the accused to imprisonment in default of payment of such fine.

(2) All fines paid to a Conciliation Court under Section 11 and 12 or collected on behalf of a Conciliation Court under this Section shall form part of the funds of the Union Council concerned.

14. **Limitation etc. in certain cases.** Where a case relating to a matter falling under Section B of Part II of the Schedule is referred to Conciliation and conciliator fails, and the case is subsequently taken to a Civil Court, in computing the period of limitation prescribed therefore by or under any law for the time being in force the time spent on conciliation proceedings, commencing from the date of the application made under Section 4 and ending on the day the certificate of failure of conciliation is issued, shall, notwithstanding anything in the Limitation Act, 1908 (IX of 1908), be excluded.

15. **Procedure.** (1) Save as otherwise expressly provided by or under this Ordinance the provisions of the Evidence Act, 1872 (1 of 1872), the Code of Criminal Procedure, 1898 (Act V of 1898) and of the Code of Civil Procedure, 1908 (Act V of 1908) as in force in Azad Kashmir shall not apply to proceedings before any Conciliation Court.

(2) Sections 8 to 11 of the Oaths Act, 1873 (X of 1873), shall apply to all proceedings before Conciliation Courts.

16. **No appearance through Counsel.** (1) Notwithstanding anything contained in the Legal Practitioners Act, 1879 (XVIII of 1879), no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Conciliation Court or other authority exercising powers under this Ordinance.
(2) If a person required under this Ordinance to appear before a Conciliation Court is a pardanashin lady, the Conciliation Court may permit her to be represented by a duly authorised agent who shall in no case be a paid agent.

17. **Transfer of certain cases.**— (1) Where the Appellate Authority, is of the opinion that the circumstances of a case relating to a matter falling under Section A of Part I of the Schedule or under Section A of Part II thereof and pending before a Conciliation Court are such that the public interest and the ends of justice demand its trial in a Criminal Court, the said Authority may, notwithstanding anything contained in this Act withdraw the same from the conciliation Court and direct that it be referred to the Criminal Court for trial and disposal.

(2) A conciliation Court may, if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused, forward the case to the Criminal Court for trial and disposal.

(3) The District Judge may, for reasons to be recorded, withdraw any civil case from a Conciliation Court and direct that it be referred to a Civil Court for disposal.

18. **Investigation by Police.**— Nothing in this Ordinance shall prevent the police from investigation of a cognizable case by reason of the fact that the case relates to an offence specified in Section A of Part I of the Schedule, but if any such case is taken to a Criminal Court, Court may, if it thinks fit, direct that it be referred to conciliation under this Ordinance.

19. **Pending cases.**— This Ordinance shall not apply to cases referable under this Ordinance to conciliation which, immediately before the coming into force of this Ordinance are pending in any Civil or Criminal Court, and such cases shall be disposed of by those Courts as if this Ordinance had not been promulgated:

   Provided that if all the parties to any such case agree to have the same decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of this Ordinance.

20. **Power to exempt.**— Government may, by notification in the Official Gazette exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Ordinance.

21. **Power to make rules.**— Government may, by notification in the Official Gazette make rules to carry into effect the provisions of this Ordinance.

23. **Savings.** Notwithstanding any judgment, decree or order of any Court including High Court, every thing done all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exerciser under the provisions of the Azad Jammu and Kashmir Conciliation Courts Ordinance, 1980 (Ordinance XXII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.)
SECTION A CRIMINAL CASES

1. Section 143 and 147 of the Azad Kashmir Penal Code (Act XLV of 1860) read with the Third or the Fourth clause of Section 141 of that Code, as in force in Azad Kashmir when the common object of the unlawful assembly is to commit an offence under Section 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful Assembly.


3. Section 403, 406, 417 and 420 Azad Kashmir Penal Code, when the amount respect, of which the offence is committed, does not exceed one hundred rupees.

4. Section 427 Azad Kashmir Penal Code, when the value of the property involved does not exceed one hundred rupees.

5. Section 428 and 429 Azad Kashmir Penal Code, when the value of the animal does not exceed one hundred rupees.

6. Section 24, 26 and 27 of the Cattle Trespass Act, 1871 (1 of 1871).

7. Attempts to commit or the abetment of the commission of any of the above offence.

SECTION B CIVIL CASES

1. Suit for the recovery of money due on contracts, receipts or other documents.

2. Suit for the recovery of movable property or for value thereof.

3. Suit for compensation for the wrongfully taking or damaging movable property.

When the amount claimed, or the price of movable property, does not exceed five hundred rupees;

4. Suit for damages by cattle trespass

PART II

SECTION A CRIMINAL CASES


2. Sections 403, 406, 417 and 420 Azad Kashmir Penal Code when the amount in respect of which the offence is committed exceeds one hundred rupees, but does not exceed two hundred and fifty rupees.
3. Section 408 Azad Kashmir Penal Code when the value of the property involved does not exceed two hundred and fifty rupees.

4. Section 428 and 429 Azad Kashmir Penal Code when the value of the animal exceeds one hundred rupees but does not exceed five hundred rupees.

5. Section 451 Azad Kashmir Penal Code when the offence is committed with intention of committing any of the offences mentioned in Section A of Part I of this Schedule or in this Section.

6. Attempt to commit or the abetment of the Commission of any of the above offences.

SECTION B
CIVIL CASES

All civil cases mentioned in Section B of Part I of this Schedule, in which the value of the claim exceeds five hundred rupees but does not exceed one thousand rupees.
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th October, 1980.

No. 5689/SL/80. The following ordinance made by the President on the 7th day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXIX OF 1980)

AN
ORDINANCE

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

WHEREAS it is expedient to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 of the Interim Constitution Act, 1974;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 4 to the interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and Commencement.**—(1) This Ordinance may be called the Council of Islamic Ideology (Constitution) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th October, 1980.

No. 5690/LD/80. The following Ordinance made by the President on the 7th day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXX OF 1980)

AN
ORDINANCE

to provide the measures for the preservation and protection of antiquities

WHEREAS it is expedient to provide the law for the preservation and protection of antiquities and to provide for the matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Antiquities Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXIV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 7th October, 1980.

No.56911/SL/80. The following Ordinance made by the President on the 7th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXXI OF 1980)

AN
ORDINANCE

to re-constitute and re-organize the Board of Intermediate and Secondary Education in Azad Jammu and Kashmir

WHEREAS it is expedient to re-constitute and re-organize Board of Intermediate and Secondary Education in Azad Jammu Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Board of Intermediate and Secondary Education Ordinance, 1980.

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

(3) It shall come into force at once.

Note:- Please see Ordinance No. XXV of 1980, as this Ordinance is re-promulgated with similar provisions.
No, 5715/SL/80. The following Ordinance made by the President on the 7th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXXII OF 1980)

AN ORDINANCE
to provide for law relating to the constitution of Azad Jammu and Kashmir Shariat Court

WHEREAS in pursuance of Section 31 sub-section (5) of Azad Jammu and Kashmir Interim Constitution Act, 1974, the existing laws are to be brought in conformity with Quran and Sunnah;

WHEREAS it is expedient to provide for law relating to the constitution of Azad Jammu and Kashmir Shariat Court, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Shariat Court Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context,-
   
   (a) 'Council' means the Azad Jammu and Kashmir Council;
   
   (b) 'Chairman' means Chairman of the Court;
   
   (c) 'Court' means the Azad Jammu and Kashmir Shariat Court constituted under this Ordinance;
   
   (d) 'Government' means the Azad Government of the States of Jammu and Kashmir;
   
   (e) 'High Court' means the Azad Jammu and Kashmir High Court;
(f) 'Judge' in relation to the Supreme Court of Azad Jammu and Kashmir or the High Court includes the Chief Justice of Supreme Court or as the case may be High Court and also includes Additional Judge of the High Court;

(g) 'Law' includes any custom or usage having the force of law but for the purpose of exercising jurisdiction under section 4 does not include the Azad Jammu and Kashmir Interim Constitution Act, 1974, Muslim Personal Law, any law relating to the procedure of any Court or Tribunal or, until the expiration of three years from the commencement of this Ordinance any fiscal law or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure;

(h) 'Member' means member of the Court;

(i) 'State Subject' means the State Subject as defined in the Azad Jammu and Kashmir Interim Constitution Act, 1974; and

(j) 'Supreme Court' means the Supreme Court of Azad Jammu and Kashmir.

3. **The Azad Jammu and Kashmir Shariat Court.**— (1) There shall be constituted for the purposes of this Ordinance a Court to be called the Azad Jammu and Kashmir Shariat Court.

(2) The Court shall consist of two members, including the Chairman, to be appointed by the President.

(3) The Chairman shall be a person who is or has, been or is qualified to be a Judge of the Supreme Court and a member shall be a person who is, or has been or is qualified to be a Judge of a High Court.

(4) The Chairman and a member shall hold office for a period not exceeding three years:
Provided that a retired Judge appointed as Chairman or member shall not hold office latter than three years from the date of his retirement.

(5) The principal seat of the Court shall be at Muzaffarabad.

(6) Before entering upon office, the Chairman and a member shall make before the President or a person nominated by him oath in the form set out in the Schedule.

(7) At any time when the Chairman or a member is absent or is unable to perform the functions of his office, the President shall appoint another person qualified for the purpose to act as Chairman or, as the case may be the member.
(8)  
(i) A Chairman who is not a Judge of the Supreme Court shall be entitled to the same salary, allowances and privileges as are admissible to a Judge of the Supreme Court and a member who is not a Judge of a High Court shall be entitled to the same salary, allowances and privileges as are admissible to a Judge of a High Court.

(ii) A sitting Judge if appointed as Chairman or member of the Shariat Court shall be entitled to the same salary, allowances, privileges as are admissible to such Judge, before appointment as Chairman or as the case may be, the member in the Shariat Court.

(iii) A sitting Judge appointed as Chairman, if fails to take oath on the date fixed by the President, in that case in terms of section 42 (8) of Interim Constitution Act, 1974, this will be deemed to be 'any other cause' as sufficient to consider the office of Chief Justice Supreme Court vacant.

4. **Powers, jurisdiction and functions of the Court.**

   (1) The Court may, on the petition of a citizen of Azad Jammu and Kashmir or the Azad Jammu and Kashmir Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.

   (2) If the Court decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision-

   (a) the reasons for its holding that opinion; and

   (b) the extent to which such law or provision is so repugnant and specify the day on which the decision shall take effect.

   (3) If any law or provision of law is held by the Court to be repugnant to the Injunctions of Islam.

   (a) the Chairman of Council in the case of a law with respect to a matter in the Council Legislative List or the President in the case of a law with respect to a matter not enumerated in Council List, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam; and
such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the Court takes effect.

(4) In deciding the cause or a matter pending before the Shariat Court in case of difference of opinion the view of Chairman shall prevail.

5. **Powers and procedure of the Court.**— (1) For the purposes of the performance of its functions, the Court shall have the powers as are vested in the High Court while exercising original civil jurisdiction.

(2) All directions and orders passed or process issued by the Court shall be enforceable and executed in Azad Jammu and Kashmir as if it has been issued by the High Court.

(3) The Court shall have power to conduct its proceedings and regulate its procedure in all respects as it deems fit.

(4) The Court shall have the power of a High Court to punish its own contempt.

(5) A party to any proceedings before the Court under this Ordinance may be represented by a legal practitioner who is a Muslim and has been enrolled as an advocator of a High Court for a period of not less than five years or as an advocate of the Supreme Court or by a juries consult selected by the party from out of a panel of Juries consults maintained by the Court for the purpose.

(6) For being eligible to have his name borne on the panel of juries consults referred to in clause (5), a person shall be an 'aalim' who in the opinion of the Court, is well-versed in Shariat

(7) A legal practitioner or juries consult representing a party before the Court shall not plead for the party but shall state, expound and interpret the Injunctions of Islam relevant to the proceedings so far as may be known to him and submit to the Court a written statement of his interpretation of such Injunctions of Islam.

(8) The Court may invite any person in Azad Jammu and Kashmir or abroad whom the Court considers to be well-versed in Islamic law to appear before it and render such assistance as may be required of him.

(9) No Court fee shall be payable in respect of any petition or application to the Court under this Ordinance.

6. **Bar of Jurisdiction.**— Save as provided under this Ordinance no Court or tribunal, including the Supreme Court and a High Court shall entertain any proceedings or exercise any power or
jurisdiction in any matter when the Shariat Court has the power to adjudicate and determine.

7. **Pending proceedings to continue, etc.** (1) Subject to sub-section (2) nothing in this Ordinance shall be deemed to require any proceedings pending in any Court or tribunal immediately before the commencement of this Ordinance or initiated after such commencement, to be adjourned or stayed by reason only of a petition having been made to the Court for a decision as to whether or not a law or provision of law relevant to the decision of the point in issue in such proceedings is repugnant to the Injunctions of Islam, and all such proceedings shall continue, and the point in issue therein shall be decided, in accordance with the law for the time being in force.

(2) All proceedings pending before any High Court, Shariat Bench or in the Appellate Shariat Bench immediately before the commencement of this Ordinance shall stand transferred to the Court and shall be dealt with by the Court from the stage from which they are so transferred.

(3) The Court in the exercise of its jurisdiction under this Ordinance shall not grant an injunction or make any interim order in relation to any proceedings pending in any other court or tribunal.

8. **Administrative arrangements, etc.** The Government shall make all such administrative arrangements, and make available to the Court the services of such officers and experts, as it may consider necessary for the convenient performance of the functions of the Court.

9. **Power to make rules.** (1) The Court 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 make provision in respect of all or any of the following matters, namely:-

(a) the scale of payment of honoraria to be made to juries consults, experts and witnesses summoned by the Court to defray the expenses, if any, incurred by them in attending for the purposes of the proceedings before the Court; and

(b) the form of oath to be made by a juries consult, expert or witness appearing before the Court.

(3) Until rules are made under sub-section (1) of this Section the Shariat Benches of Superior Courts Rules, 1980,
shall, with the necessary modifications and so far as they are not inconsistent with the provisions of this Ordinance, continue in force.

10. The Chairman or member shall take oath as prescribed in the Schedule.

11. **Repeal.** The Constitution of Shariat Benches or Superior Courts Ordinance (Ordinance CII of 1980) is hereby repealed.

**SCHEDULE.**

'Chairman or member of Azad Jammu and Kashmir Shariat Court, under Section 3 of Azad Jammu and Kashmir Shariat Court Ordinance, 1980.'

I,..................do solemnly swear that, as the Chairman (or a member) of the Azad Jammu and Kashmir Shariat Court, I will discharge my duties, and perform my functions honestly to the best of my ability and faithfully in accordance with law;

And that I will not allow my personal interest to influence my official conduct or my official decisions.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir
Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the October 12, 1980.

No. 5847/SL/80. The following Ordinance made by the President on the 12th day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXIII OF 1980)

AN
ORDINANCE

to provide for the law relating to the Forests protection and distribution of timber through local bodies

WHEREAS it is expedient to provide for the law relating to Forest protection and distribution of timber through local bodies;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Protection of Forests and Distribution of Timber Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.**- All words used but not otherwise defined in this Ordinance, shall be deemed to have the same meanings as attributed to them in the Forest Regulation, 1930.

   (a) 'Chairman' means the Chairman of the Union Council;

   (b) "Collector" means the collector appointed under the Land Revenue Act;

   (c) 'Committee" means committee constituted under this Ordinance;

   (d) "Forest Department" means the Forest Department of the Azad Government of the State of Jammu and Kashmir;

   (e) "Member" means the elected or co-opted member of the Union Council;
"Revenue Officer" means the Revenue officer of the Revenue Department of the Azad Government of the State of Jammu and Kashmir;


3. **Composition of Forest Committee**. Notwithstanding anything contained to the contrary in any other law for the time being in force, in each Union Council, the Chairman shall constitute a Committee known as forest Committee consisting of three elected members of the Union Council besides the Chairman of the Union Council who will be the Chairman of this Committee, one official of the Forest Department will be the co-opted member of this Committee for trial and final disposal of the forest cases under this Ordinance.

4. **Jurisdiction of Forest Committee**. (1) The jurisdiction of the Forest Committee, unless otherwise prescribed by the Government, shall extend to the area, which falls within the Local limits of Union Council concerned. Union Council Forest Committee shall not be competent to take notice of any disposal arising out of a forest contract or a lease.

(2) All forest damage cases up to the value of rupees one thousand to which this Ordinance apply shall be instituted into Union Council;

Provided that such cases which have not been withdrawn under the laws for the time being in force, may, instituted in the Courts before coming into force of this Ordinance be transferred to the respective Union Councils.

5. **Powers**. (1) The Committee shall be competent to direct an accused to pay the compensation and price for the damage done to a forest which shall be assessed as provided in the forest Regulation, 1930 as amended from time to time.

(2) In case of damage to the forests, where culprits cannot specified, the Committee may impose a collective compensation for the damage so caused and direct the same to be paid by the persons residing in the locality.

(3) Where a person is found to have encroached upon or is in unlawful possession of the forest land, he shall be ejected by the Committee. Local Revenue, Forest and Police authorities shall render all possible help to the Committee in this respect.

6. **Compensation Recovery**. (1) The price and compensation so recovered from the culprits under this Ordinance, half of such
compensation and price shall be deposited in the Government Treasury as forest revenue, whereas the remaining half of the compensation so realized may be utilized with consultation of the Forest Department for the development and protection of the forests of that area or locality. Proper accounts be maintained shall by the Union Council/Committee for the amount.

(2) The amount of price and compensation awarded by the Union Council/Committee may be recovered as arrears of the land revenue through the Collector.

7. **Procedure:** Notwithstanding any thing contained to the contrary in any other law;

(1) The concerned Forest official shall get the damage report registered in the Range Office and the Range Officer shall immediately forward the case to the concerned Union Council through Block Officer for settlement. The Block Officer (Incharge Block) shall appear before the Committee as a representative of the Forest Department for conducting the case.

(2) When the Chairman is of the opinion that the case should be tried by an ordinary court on them grounds that in case conviction, punishment of imprisonment would be appropriate or the transfer of the case is necessary for any other reason, he may forward the case to the Magistrate competent to try the same under the law.

(3) All cases under this Ordinance shall be tried summarily according to the procedure laid down in the Code of Criminal Procedure as in force in Azad Jammu and Kashmir for summary trials.

(4) The Chairman shall exercise the powers of a Magistrate of first class for the purpose of summoning of accused person or persons and witnesses and for compelling their attendance by issuing warrants of arrest. The summons or warrants shall be Served through the village Police. If no village Police is constituted till then through local Police.

(5) Where an accused person absents himself from the Committee, the trial shall proceed against him in his absence.

(6) The decision of the Committee shall be according to the opinion of the majority of the members of the Committee hearing the case. When the members are so divided that majority cannot be ascertained, the chairman shall have a casting vote and decision shall follow accordingly.

(7) A legal practitioner may appear before the Committee to conduct the case on behalf of the party.
(8) The decision of the Committee shall be in writing and shall be signed by the Chairman and the members of the Committee hearing the case.

(9) The record of the proceedings of the case, and statements recorded shall be maintained properly.

(10) The judgment shall specify the allegation of the prosecution, the plea of the accused, the points of determination, the evidence in support and the decision thereof.

(11) Any member of the Committee may record a dissenting judgment.

8. **Meeting.** - The meeting of the Committee shall be convened by the Chairman from time to time, but at least twice a month for disposal of forest cases. The quorum for meeting of the Committee shall be 51% of the members of the Council or Committee.

9. **Appeal.** - An appeal shall lie within 30 days against the decision of the Committee to the Forest Magistrate specially empowered by the Government in this behalf.

10. **Other functions and powers of the Union Council.** (1) Subject to the general control and supervision of the Chief Conservator of Forests, Conservators of Forests and Divisional Forest Officers, the function of allotting the trees and timber to the connectionists every year during the usual period (April and October) shall be performed by the Union Councils. The concerned Divisional Forest Officer shall get the marking of trees conducted in advance. The marking lists specifying the quantity or number of trees or timber to be issued at concession and Zamidari rates separately (for distribution every year), shall be sent to the concerned Union Council for distribution purpose. The concerned Union Council shall allot trees or timber to the persons whose needs are genuine and entitled to such concessions List of persons with particulars, who have been allotted timber or trees, shall be sent to the concerned Range Officer for issuing permits in their favour.

(2) Where Revenue record particularly field map is available, the Chairman Union Council will be competent to accord sanction to the, cutting of maximum of two trees from the revenue assessed land to owners of such land and to allottees of evacuee land for the repairs or construction or reconstruction of their own houses. Where the field map is not available, the Union Council after getting verification from the Local Revenue and Forests staff may recommend the case to the Forest Range
Officer for according permission to cut upto maximum two trees for self utilization:

Provided that where tree is cut from revenue assessed or evacuee land except where the competent authority grants permission for bonafide personal use or gifting the tree for use in the same village, the amount of compensation shall be assessed at the price of the trees at lease rates or Zamidari rate, as the case may be, prevalent at the time of the disposal of the case.

(3) The Divisional Forest Officer shall sanction upto a maximum of two trees free of cost, at the recommendation of the Chairman, Union Council, for the reconstruction of houses destroyed by natural calamities.

(4) The Divisional Forest Officer shall sanction upto a maximum of two trees free of cost, at the recommendation of the Chairman, Union Council, for the construction or repairs of village Mosques.

(5) The Deh and Union Councils shall provide every assistance to the local forest staff in tracing out culprits in forest damage cases.

(6) It shall be the duty of the members of Deh and Union Council to accept "superdnama" of the confiscated or seized material during the course of investigation of forest damage.

(7) Where it is proposed by the Forest Department to effect closures in the forest and private areas, it shall be the duty of the members of the Union or Deh Council to preserve such areas for reforestation or regeneration purposes.

(8) The grant of the establishment of timber and firewood depots on behalf of the public shall be given on the recommendation of the Union Councils.

(9) Each Deh Council shall establish cattle ponds at appropriate places within their jurisdictions and maintain the same as provided in Cattle Trespass Regulation 8 of 1920 and rules made thereunder.

(10) It shall be the duly of the Union Council concerned to furnish a certificate to the Divisional Forest Officer concerned regarding the proper and bonafide personal use of the tree or timber issued to the concessionists.

11. **Power to make Rule.** - The Government may make rules for carrying out the purposes of this Ordinance.

12. **Savings.** - Notwithstanding any judgment, decree or Order of any court including High Court, every thing done, all actions taken, notification issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of
the Azad Jammu and Kashmir Protection of Forests and Distribution of Timber Ordinance, 1980 (Ordinance XCIX of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,

Sd/- (Khalil Ahmed Qureshi)
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the October, 14, 1980.

No. 5926/LD/80. The following Ordinance made by the President on the 14th day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXIV OF 1980)

AN ORDINANCE

to provide for the prohibition of cutting of trees or causing damage to the standing and growing trees near the line of control in Azad Jammu and Kashmir

WHEREAS it is expedient to provide for the prohibition of cutting of trees and causing damages to the standing and growing trees 1,000 yards (914.4 meters) of the line of control in Azad Jammu and Kashmir and for matters ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Cutting of Trees (Prohibition) Ordinance, 1980.
   
   (2) it extends to the whole of Azad Jammu and Kashmir.

   (3) It shall come into force at once.

2. **Definitions.** - In this ordinance unless there is anything repugnant in the subject or context.-

   (a) 'formation' means Corps Division or Brigade of the Pakistan Army;

   (b) 'local formation commander' in relation to an area, means an officer for the time being in command of the formation in the area; and

   (c) 'tree' means a large plant with the self supporting trunk

3. **Cutting etc., of trees prohibited.** - Notwithstanding anything contained in any other law for the time being in force, no person shall, without the prior written approval of the local formation commander or an officer authorised by him in this behalf, cut,
fell or damage or cause to be cut, felled or damaged any tree growing within 1,000 yards (914.4 meters) belt along the line of control in Azad Jammu and Kashmir:

Provided that this Ordinance shall not affect the existing lease/contracts and any action taken, any thing done or intended to be done there under.

4. **Penalty.-** Whoever contravenes the provisions of this Ordinance or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

5. **Power to make rules.-** The Azad Government of the State Jammu and Kashmir may make rules for carrying out the purposes of this Ordinance.

6. **Savings.-** Notwithstanding any judgment, decree or Order of any court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Cutting of Trees (Prohibition) Ordinance, 1980 (Ordinance XXVI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir
Sd/- (Khalil Ahmed Qureshi)
Secretary law
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 18th October, 1980.

No. 5981/LD/80. The following Ordinance made by the
President on the 14th day of October, 1980, is hereby published for
general information:-

(ORDINANCE CLXXV OF 1980)

AN
ORDINANCE
to amend the Penal Code, 1860

WHEREAS it is necessary to amend the Penal Code, 1860
(Act XLV of 1860), for the purposes hereinafter appearing;

AND, WHEREREAS, the President is satisfied that
circumstances exist which render it necessary to take immediate
action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir
Interim Constitution Act, 1974, the President is pleased to make and
promulgate the following Ordinance:-

1. **Short title and Commencement.**-(1) This Ordinance may be
called the Penal Code (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Addition of new section 298-A, Act XLV of 1860.-** In the
Pakistan Penal Code, 1860 (Act XLV of 1860), as in force in
Azad Jammu and Kashmir, in Chapter XV, after Section 298,
the following new section shall be added, namely:-

“298-A. **Use of Derogatory Remarks etc., in respect of
Holy Personages.**- Whoever by words, either spoken or
written, or by visible representation or by any imputation
innuendo or insinuation, directly or indirectly, defiles the
sacred name of any wife (Ummul-Mumineen), or members of
the family (Ahle-Bait), of the Holy Prophet (peace be upon
him), or any of the righteous Caliphs (Khulafa-i-Raashideen)
and companions (Shahaaba) of the Holy Prophet (peace be
upon him), shall be punished with imprisonment of either
description for a term which may extend to three years or with fine or with both.”

(Muhammad Hayat Khan)
President,
Sd/-

(Syed Muhammad Akram Shah)
Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 18th October, 1980.

No. 5982/LD/80. The following Ordinance made by the President on the 14th day of October, 1980 is hereby published for general information:-

(ORDINANCE CLXXVI OF 1980)

AN
ORDINANCE
further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of Criminal procedure, 1898, (Act V of 1898) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary, to take immediate action:

NOW, THEREFORE in exercise of the powers conferred by sub-section(1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Schedule- II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in the Azad Jammu and Kashmir, in Schedule II, after the entries relating to Section 298, the following entries shall be inserted, namely:-

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<tr>
<td>“298-A. Use of derogatory remarks etc., in respect of holy personages.”</td>
<td>May arrest without warrant.</td>
<td>Ditto.</td>
<td>Ditto.</td>
<td>Not compoundable</td>
<td>Imprisonment of either description for three years, or fine, or both”</td>
<td>Ditto.</td>
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</table>

(Muhammad Hayat Khan)

President
Azad Jammu and Kashmir
Sd/- (Muhammad Akram Shah)
Deputy Secretary Law.

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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIMANTARY AFFAIRS SRCRETARTAT,
MUZAFFARABAD.

Dated the 18th October, 1980.

No. 5987/LD/80. The following Ordinance made by the
President on the 18th day of October, 1980, is hereby published for
general information:-

(ORDINANCE CLXXVII OF 1980)

AN
ORDINANCE
to amend the Companies Act, 1913

WHEREAS it is expedient to amend the Companies Act, 1913
(VII of 1913), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and Commencement.** (1) This Ordinance may be
called the Companies (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

**Note:** Please see Ordinance No. CI of 1980, as this Ordinance is re-
promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 20th October, 1980.

No. 5990/LD/80. The following Ordinance made by the president on the 20th day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXVIII OF 1980)

AN
ORDINANCE

to make provision relating to the execution of the punishment of whipping

WHEREAS it is expedient to make provision relating to the execution of the punishment of whipping;

AND WHEREAS the president is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, 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 Execution of the Punishment of Whipping Ordinance, 1980.
   
   (2) It extends to the whole of Azad Jammu and Kashmir.

   (3) It applies to the execution of the punishment of whipping imposed under any law for the time being in force.

   (4) It shall come into force at once.

**Note:-** Please see Ordinance No. XXVIII of 1980, as this Ordinance is re-promulgated with similar provisions.
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 21st October, 1980.

No. 5991/LD/80. The following Ordinance made by the
President on the 20th day of October, 1980, is hereby published for
general information:-

(ORDINANCE CLXXIX OF 1980)

AN
ORDINANCE
further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of
Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter
appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :-

1. **Short title and Commencement:** (1) This Ordinance may be
called the Code of Criminal Procedure (Amendment) Ordinance,
1980.

(2) It shall come into force at once.

2. **Insertion of new Section 382-A, 382-B and 382-C, Act V of
1898:** In the Code of Criminal Procedure, 1898 (Act V of
1898), as in force in Azad Jammu and Kashmir, hereinafter
referred to as said Code, after Section 382, the following new
Section 382-A, 382-B, and 382-C shall be inserted:

“382-A. Postponement of execution of sentences of
imprisonment under Section 476 or for a period of
less than one year. Notwithstanding anything contained
in Section 383 or 391, where the accused:-

(a) is awarded any sentence of imprisonment under
Section 476, or

(b) is sentenced in cases other than those provided
for in Section 381, to imprisonment whether
with or without fine or whipping, for a period of
less than one year. the sentence shall not, if the
accused furnishes bail to the satisfaction of the
Court for his appearance at such time and place as the Court may direct, be executed until the expiry of the period prescribed for making an appeal against such sentence or, if an appeal is made within that time, until the sentence of imprisonment is confirmed by the Appellate Court, but the sentence shall be executed as soon as practicable after the expiry of the period prescribed for making an appeal, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

382-B. **Period of detention to be considered while awarding sentence of imprisonment:** Where a Court decides to pass a sentence of imprisonment on an accused for an offence, it shall take into consideration the period, if any, during which such accused was detained in custody for such offence.

382-C. **Scandalous or false and frivolous pleas to be considered in passing sentence:** In passing a sentence on an accused for any offence, a Court may take into consideration any scandalous or false and frivolous plea taken in defence by him or on his behalf."

3. **Amendment of Section 497, Act V of 1898:** In the said Code, in Section 497, in sub-section (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following provision shall be added, namely :-

“Provided further that the Court shall, except where it is of opinion that notwithstanding anything contained in Section 27 of the Azad Jammu and Kashmir Islamic (Tazeerati Qawanin Nafaz) Act, 1974, the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail:-

(a) who, being accused of any offence not punishable with death has been detained for such offence for a continuous period exceeding one year and whose trial for such offence has not concluded; or

(b) who, being accused of an offence punishable with death has been detained for such offence for a continuous
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period exceeding two years and whose trial for such offence has not concluded.”

4. Amendment of Section 510’ Act V of 1898:- In the said Code, for Section 510, the following shall be substituted, namely:-

“510. Report of Chemical Examiner, Serologist etc:- Any document purporting to be a report, under the hand of and Chemical Examiner or Assistant Chemical Examiner to any Serologist, finger print expert or fire- ara expert appointed by Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding, under this Code, may without calling him as a witness, be used as evidence in and inquiry, trial or other proceeding under this Code: Provided that the Court may, if it considers necessary in the interest of justice, summon and examine the person by whom such report has been made.

5. Amendment of Schedule II Act V of 1898.- In the Code of Criminal procedure, 1898 (Act V of 1898) in Schedule II, after the entries relating to Section 298, the following entries shall be inserted, namely:-

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7. Amendment of Second Schedule, Act V of 1898.- In the Code of Criminal Procedure, 1898 (Act V of 1898), in the Second Schedule, for the heading of Offences Against other Laws, and the entries thereunder the following heading and entries shall be substituted, namely:-

(Mohammad Hayat Khan)
President
Azad Jammu and Kashmir

------------------
(Khalil Ahmed Qureshi)
Secretary Law

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## OFFENCES AGAINST OTHER LAWS

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<tr>
<td>If punishable with death, imprisonment for life) or imprisonment for 7 years or upward.</td>
<td>May arrest without warrant.</td>
<td>Warrant</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Court of Session</td>
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<tr>
<td>If punishable with imprisonment for 3 years, and upward, but less than 7 years.</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Magistrate of the first class.</td>
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### Offences against Tazeerate Islami, Hudood and Qasas.

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<td>If punishable with death, imprisonment for life, imprisonment exceeding 7 years, amputation of hand or feet or both hand and feet or with whipping exceed 80 stripes with or without any other of the said punishment.</td>
<td>May arrest without warrant</td>
<td>Warrant</td>
<td>No bailable</td>
<td>Not compoundable</td>
<td>Ditto</td>
<td>Tehsil Adalat</td>
<td></td>
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<tr>
<td>If punishable with imprisonment for 3 years and upwards but not exceeding 7 years or with whipping not exceeding 80 stripes with or without imprisonment.</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Tehsil Adalat</td>
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<tr>
<td>If punishable with imprisonment for 1 year and upwards but less than 3 years or with whipping not exceeding 40 stripes with or without imprisonment.</td>
<td>Shall not arrest without warrant</td>
<td>Summons</td>
<td>Bailable</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Tehsil Adalat</td>
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<td>If punishable with imprisonment for less than 1 year or with whipping not exceeding 10 stripes with or without imprisonment or with fine only.</td>
<td>Ditto</td>
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<td>Tehsil Adalat</td>
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th October, 1980.

No. 5992/LD/80. The following Ordinance made by the
President on the 20th day of October, 1980, is hereby published for
general information:

(ORDINANCE CLXXX OF 1980)

AN
ORDINANCE

to modify the existing law relating to prohibition of intoxicants so as to
bring it in conformity with the Injunctions of Islam as set out in the Holy
Quran and Sunnah

WHEREAS it is necessary to modify the existing law relating to
prohibition of intoxicants so as to bring it in conformity with the
injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim
Constitution Act, 1974, 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 Prohibition (Enforcement of Had) Ordinance, 1980.
   
   (2) it extends to the whole of Azad Jammu and Kashmir.
   
   (3) It shall come into force at once.

   **Note**: Please see Ordinance No. XXX of 1980, as this Ordinance is
   re-promulgated with similar provisions.
No. 5993/LD/80. The following Ordinance made by the President on the 20th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXXXI OF 1980)

AN
ORDINANCE

to bring in conformity with the injunctions of Islam the law relating to certain offences against property

WHEREAS it is necessary to modify the existing law relating to certain offences against property, so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, the President is pleased to make promulgate the following Ordinance:-

PRELIMINARY

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Offences Against Property (Enforcement of Hudood) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XXX of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 20th October, 1980.

No. 5994/SL/80. The following Ordinance made by the President on the 20th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXXXII OF 1980)

AN
ORDINANCE

to bring in conformity with the Injunctions of Islam the law relating to the offence of qazf

WHEREAS it is necessary to modify the existing law relating to qazf so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement**- (1) This Ordinance may be called the Offence of Qazf (Enforcement of Hadd) Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:-** Please see Ordinance No. XXXII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 20th October, 1980.

No. 5995/SL/80. The following Ordinance made by the President on the 20th day of October, 1980, is hereby published for general information:

(ORDINANCE CLXXXIII OF 1980)

AN
ORDINANCE

to bring in conformity with the injunctions of Islam the law relating to the offence of zina

WHEREAS it is necessary to modify the existing law relating to zina so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement**: (1) This Ordinance may be called the Offence of Zina (Enforcement of Hudood) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:-** Please see Ordinance No. XXXIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated 21st October, 1980.

No. 5998/LD/80. The following Ordinance made by the President on the 21st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXXIV OF 1980)

AN ORDINANCE
to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department

WHEREAS it is expedient to provide for the law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement**:- (1) This Ordinance may be called the Incomplete Projects (Recovery of Payments) Ordinance, 1980.

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

(3) It shall come into force at once.

**Note:-** Please see Ordinance No. XXXIV of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the 21st October, 1980.

No.5999/SL/80. The following Ordinance made by the President on the 21st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXXV OF 1980)

AN
ORDINANCE

to provide for law relating to the Upper Chattar Housing Scheme

WHEREAS it is expedient to provide for law relating to the Upper Chattar Housing Scheme, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement**: (1) This Ordinance may be called the Upper Chattar Housing Scheme Ordinance, 1980.

   (2) It shall come into force at once.

**Note**: Please see Ordinance No. XXXV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.


No 6000/LD/80. The following Ordinance made by the President on the 21st day of October, 1980, is hereby published for general information:-

(ORDINANCE CLXXXVI OF 1980)

AN
ORDINANCE

to provide for law relating to the punishment for withholding informations required by the Government for efficient conduct of an inquiry

WHEREAS it is expedient to provide for law relating to the punishment for withholding informations required by the Government for efficient conduct of an inquiry, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement:**

   (1) This Ordinance may be called the Conduct of Inquiry (Punishment for withholding Information) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once.

Note:- Please see Ordinance No. XXXVI of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIMENTARY AFFAIRS SECRETARIATE,
MUZAFFARABAD.

Dated the 21st October, 1980

No. 6001/LD/80. The following Ordinance made by the
president on the 21st day of October, 1980, is hereby published for
general information:--

(ORDINANCE CLXXXVII OF 1980)

AN
ORDINANCE

to make provisions relating to the assessment, collection and
disbursement of Zakat and Ushr.

WHEREAS it is necessary to make provisions relating to the
assessment, collection and disbursement of Zakat and Ushr and matters
connected therewith or incidental thereto.

AND WHEREAS, Azad Jammu and Kashmir, being an Islamic
state, must provided for the implementation of Islamic precepts;

AND WHEREAS zakat, including ushr, is one of the
fundamental pillars (Arkan) of Islam;

AND WHEREAS the prime objective of the collection of Zakat
and Ushr, and disbursements therefrom, is to assist the needy, the
indigent and the poor;

AND WHEREAS the rates of Zakat and Ushr, as also the
purposes for the utilization of Zakat and Ushr, are specified in Shariah;

AND WHEREAS Shariah enjoins upon all Muslims who are
SAHIB-I-NISAB to pay, and the State to arrange for the proper
collection, disbursement and utilization of Zakat and Ushr and also
allows such Muslims to disburse for the purposes authorized by Shariah
the part thereof not collected by the State ;

AND WHEREAS the President is satisfied that circumstance
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance :--
CHAPTER-I
PRELIMINARY

1. **Short title, extent, application and Commencement.** (1) This Ordinance may be called the Zakat and Ushr Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir, but applies only to Muslim State Subject of Azad Jammu and Kashmir and a company, or other association of persons, or body of individuals whether incorporated or not, majority of the shares of which is owned, or the beneficial ownership of which is held by such State subjects.

(3) In respect of a person who may believe that the whole or any part of the recoveries effected from him in the manner laid down in this Ordinance are not according to his belief, such recoveries shall nevertheless be made, but shall be deemed to be contribution to Zakat Fund on the Part of that person.

**Explanation.** In this Ordinance reference to Zakat deductible at source or to Ushr realisable on compulsory basis shall be construed to imply a reference to contributions to Zakat Fund also.

(4) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Ordinance.

**Note:** Please see Ordinance No. CXII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIATE,
MUZAFFARABAD.

Dated the 22nd October, 1980.

No. 6004/LD/80. The following Ordinance made by the
president on the 22nd day of October, 1980 is hereby published for
general information :-

(ORDINANCE CLXXXVIII OF 1980)

AN
ORDINANCE
to amend the Pakistan Administration of Evacuee Property Act, 1957

WHEREAS it is expedient to provide the measures for the
permanent social and economic rehabilitation of allottees of evacuee
property by granting proprietary rights in such allotted evacuee property;

AND WHEREAS the Government of Pakistan has also
consented to the grant of such proprietary rights to the refugees in
allotted evacuee property;

AND WHEREAS it is necessary to amend the Pakistan
Administration of Evacuee Property) Act, 1957, as in force in Azad
Jammu and Kashmir for aforesaid purposes;

AND WHEREAS the President is satisfied that circumstances
exist when render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance:-

1. **Short title, extent and Commencement.**- (1) This Ordinance
may be called the Pakistan Administration of Evacuee Property
(Amendment) Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything
repugnant in the subject or context,-

(a) 'Act' means Pakistan Administration of Evacuee
Property Act, 1957, as adapted in Azad Jammu and
Kashmir;

(b) 'Allottee of evacuee property' shall mean the person or
persons holding the allotment of any evacuee property
under the Rehabilitation Act, 1956 as adapted in Azad Jammu and Kashmir at the time of enforcement of this Ordinance and shall include any person to whom any evacuee property is allotted in future under the said Act or any other law for the time being in force;

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

(d) 'Owner' shall mean the owner of the evacuee property as shown immediately before the war of liberation in 1947 or his heirs survivors or successors who are by his personal law entitled to inheritance;

(e) 'Rehabilitation Commissioner' means an officer appointed as such by the Government under the provisions of Pakistan Rehabilitation Act, 1956, as adopted in Azad Jammu and Kashmir.

3. Addition of Section 18-A, Act XII of 1957.- In the Pakistan Administration of Evacuee Property Act, 1957 (Act XII of 1957) as adapted in the Azad Jammu and Kashmir, after Section 18, the following shall be added, namely :-

"18-A. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provision of the next following sub sections the allottees holding allotment of evacuee property in Azad Jammu and Kashmir shall enjoy the proprietary rights in respect of such property so, however, that such allottee, and every other person to whom any such property is transferred, by the allottee whether by way of sale, gift, mortgage or otherwise, shall hold the property subject to the condition that, if the owner of such property shall return to Azad Jammu and Kashmir at the time when a plebiscite is about to be, or is being, held in the State of Jammu and Kashmir in accordance with the UNCIP Resolution of the fifth day of January 1949, and shall claim the property, the allottee or other person holding that property shall surrenders the property in favour of the person who is declared to be the rightful owner by the Custodian paying to the allottee or transferee the cost of any improvement made in the property.

(2) The proprietary rights in pursuance of sub-section (1) shall be granted by the Custodian to every allottee after realizing from such allottee the cost and other dues prescribed by the rules, in the form of
'Proprietary Rights Transfer Order' on the certificate of Entitlement from the Rehabilitation Commissioner.

(3) The Rehabilitation Commissioner shall issue a Certificate of the Entitlement under sub-section (2) after satisfying himself to the effect:-

(a) that the allottee is entitled to the allotment of evacuee property in Azad Kashmir;

(b) that the allotment has been made by the competent authority;

(c) that the allotment is within scale prescribed by the Government from time to time:

Provided that the land in respect of which an allottee has received compensation from the Government shall be excluded for the purposes of entitlement from the maximum limit of entitlement; and

(d) that the allottee has filed a form of holding of evacuee property prescribed by the Custodian of Evacuee Property.

(4) The order of Rehabilitation Commissioner refusing to issue a Certificate of entitlement shall be appealable to an officer authorised by Government in this behalf.

(5) An order of Custodian granting or refusing to grant proprietary rights under sub-section (1) shall be revisable by Divisional Bench of High Court.

(6) The Rehabilitation Commissioner or as the case may be the Custodian may review his own order to correct any clerical mistake or such omission which is apparent on the face of record:

Provided that no order shall be reviewed without notice to the parties likely to be affected the review.

(7) The period of limitation for appeal review or revision under sub-sections (4) and (5) shall be 90 days from the date of order or the date on which it is communicated to person concerned whichever is later."

4. **Savings:** Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Pakistan Administration of Evacuee Property (Amendment)
Ordinance, 1980 (Ordinance XXXVIII of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 24th February, 1980.

No……../LD/80. The following ordinance made by the President on the 23rd day of February , 1980, is hereby published for general information:-

(ORDINANCE CLXXXIX OF 1980)

AN
ORDINANCE

to provide for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir Territory and to Consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith.

WHEREAS it is expedient to provide for the constitution of Local Government institutions throughout the Azad Jammu Kashmir Territory and consolidate and amend certain laws relating to Local Government to provide for certain matter connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THREFORE, in exercise of the powers conferred by sub-section (1) Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Local Government Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. CXV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 23rd October, 1980.
No. 6033/LD/80. The following Ordinance made by the President on the 23rd day of October, 1980, is hereby published for general information:

(ORDINANCE CXC OF 1980)

AN ORDINANCE to provide for law relating to imposition of restrictions on constructions and alienations in the Master Plan Areas.

WHEREAS it is expedient to provide for law relating to imposition of restrictions and alienations in the Master Plan Areas of Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and Promulgate the following Ordinance:

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1980.
(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.

2. **Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context:
   (a) 'Controlling Authority' means a controlling authority set up under Section 3;
   (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
   (c) 'Master Plan' means a Master Plan approved by the Government;
   (d) 'Member' means the member of the Controlling Authority and shall include an ex-officio member.

3. **Setting up of Controlling Authority.** (1) The Government may set up a Controlling Authority for carrying out the purposes of this Ordinance.
(2) The Controlling Authority shall consist of a Chairman and such other members not exceeding three in number as may be nominated by the Government.

(3) The Government may appoint a district Controlling Authority for the District, if it is deemed necessary and where the District Controlling Authority is appointed it shall exercise all the powers of the Controlling Authority within the District concerned under this Ordinance.

(4) The District Controlling Authority shall consist of Chairman and such other Members as may be nominated by the Government.

4. **Master Plan Area.** - (1) Notwithstanding anything contained in any other law for the time being in force, the Controlling Authority if so required by the Government, shall by notification in the official Gazette, declare any area before drawing up a Master Plan as a notified area for the purposes of this Ordinance.

(2) The Controlling Authority may impose restrictions for regulation or prohibition with regard to the development of sites and the erection and re-erection of buildings within the limits of said notified area for which a Master Plan is drawn or being drawn up at a later stage, as the case may be.

5. **Restriction on alienation.** - No owner or a person having any interest in any land within the notified areas of Master Plan shall alienate any land or portion thereof in any manner whatsoever nor shall create any charge or encumbrance thereon.

6. **Site Development Schemes.** - (1) Where a notification has been issued under Section 4 (1), no owner of land in the Master Plan area shall develop the sites or erect or re-erect a building on any plot of land except in conformity with the provision of a site development scheme sanctioned for the area in the manner prescribed.

(2) Where an owner of a land wishes to develop a plot or piece of land belonging to him, for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the Controlling-Authority for sanction of his development scheme and the Controlling Authority may on such terms and conditions and on payment of such fee as may be laid down in its rules sanction the same:

Provided that the Controlling Authority may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction at any time before construction if such construction is
likely to hamper the objectives or proper execution of the housing scheme in Master Plan Area.

(3) If any area is developed or otherwise dealt with in contravention of the provisions of the Master Plan, the Controlling Authority, may by notice require the owner of such area or the person who has contravened the provision to make such alteration, in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Controlling Authority may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any other law, no compensation shall be payable for such demolition.

7. **Liability to acquisition.** (1) Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 all land within the Master Plan Area shall be liable to acquisition at any time in accordance with to provisions of Azad Jammu and Kashmir Acquisition of land (Housing and Development Schemes) Ordinance, 1980.


8. **Jurisdiction of Courts barred.** Save as otherwise provided in this Ordinance, no Court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Ordinance, by or at the instance of the Controlling Authority.

9. **Punishment.** Whoever contravenes any provision of this Ordinance or of any rule, regulation, or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

10. **Cognizance of offences.** No Court shall take cognizance of an offence under this Ordinance except upon a complaint made in writing by the officer authorised for the purpose by the Controlling Authority.

11. **Power to make rules.** The Controlling Authority with the previous sanction of the Government may make rules for carrying out the purposes of this Ordinance.

12. **Savings:** Notwithstanding any judgment, decree or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, jurisdiction or powers exercised under the provisions of the Imposition of
Restriction (on constructions and alienation in Master Plan Area) Ordinance, 1980 (Ordinance XLI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
AN ORDINANCE
to provide for printing of a health warning on packets of cigarettes

WHEREAS it is expedient to provide for printing of a health warning on packets of cigarettes and for matters connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. Short title, extent and Commencement:- (1) This Ordinance may be called the cigarettes (Printing of warning) Ordinance, 1980.

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

   (3) It shall come into force at once.

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

   (a) ‘Cigarette’ includes Biri;

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

   (c) ‘Health warning’ means health warning specified in section 3; and

   (d) ‘Packet’ includes a wrapper or other container.

3. Printing of health warning:- There shall be printed legibly and prominently, both in English and Urdu, on every packet of cigarettes the following health warning namely:-

   “WARNING: Smoking is injurious to health Ministry of
4. **Prohibition to sell etc:** No person shall:

(a) manufacture packets of cigarettes, or

(b) sell or offer for sale Cigarettes from packets of cigarettes, or

(c) Import or possess or sell or offer for sale packets of cigarettes, on which the health warning is not printed as required by section 3.

5. **Penalties:** (1) Whoever contravenes any provision of section 4 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) Where a Court convicts a person of an offence punishable under sub-section (1) it shall direct that the packets of cigarettes and the cigarettes in respect of which the offence has been committed be forfeited to the Government.

6. **Offences by Companies:** If the person contravening any provision of section 4 be a company or other body corporate, every director, manager, secretary other officer or agent thereof shall, unless he prove that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

7. **Cognizance of offences:** (1) No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Ordinance.

(2) No Court shall take cognizance of any offence punishable under this Ordinance except on a complaint made in writing by a Police officer not below the rank of an Assistant Sub-Inspector or an Excise Officer not below the rank of a sub-Inspector or any other officer authorized in this behalf by the Government.

8. **Powers to make rules:** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 5th November, 1980.

No. 7180/LD/80. The following Ordinance made by the
President on the 5th day of November, 1980, is hereby published for
general information:-

(ORDINANCE CXCIII OF 1980)

AN
ORDINANCE
to amend the Punjab Land Revenue Act, 1887

WHEREAS it is expedient to amend the Punjab Land
Revenue Act, 1887 (Act XVII of 1887), as in force in Azad Jammu
and Kashmir for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir
Interim constitution Act, 1974, the President is pleased to make and
promulgate the following Ordinance :-

1. **Short title and Commencement:** (1) This Ordinance may
be called the Land Revenue Act (Amendment) Ordinance,
1980.

(2) It shall come into force at once.

2. **Amendment of Section 77, Act XVII of 1887:** In the Punjab
Land Revenue Act 1887 (Act XVII of 1887), as in force in
Azad Jammu and Kashmir in Section 77:-

(a) in sub-section (1) after the word “due” at the end, the
colon shall be omitted and thereafter the word “and if
the defaulter owns any property which is owned by
him jointly with others and in the opinion of the
Collector, the defaulter’s share cannot be sold or, if
sold, cannot fetch a reasonable price, the whole of
such property may be sold” shall be added; and

(b) in the proviso the words and comma “no interest save
those of the defaulter alone shall be so proceeded
against, and” shall be omitted.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 8th November, 1980.

No. 7222-23/SL/80. The following Ordinance made by the
President on the 8th day of November, 1980, is hereby published for
general information:--

(ORDINANCE CXCIV OF 1980)

AN
ORDINANCE

to provide for speedy trial of certain offences committed or attempted to
be committed by the holders of representative offices

WHEREAS it is expedient to provide for speedy trial of certain
offences committed or attempted to be committed by the holders
representative offices in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers confined by sub-
section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974. the President is pleased to make and promulgate
the following Ordinance:--

1. **Short title, extent and Commencement.**-(1) This Ordinance
may be called the Holders of Representative Offices (Trial of
offences) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and
shall apply to all State Subjects wherever they may be.

(3) It shall come into force at once.

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

(a) 'Assembly' means the Legislative Assembly of Azad
Jammu and Kashmir;

(b) 'Chief Executive' means the Chief Executive of Azad
Jammu and Kashmir;

(c) 'Council' means the Azad Jammu and Kashmir Council
constituted under the Azad Jammu and Kashmir Interim
Constitution Act, 1974;

(d) 'Government' means the Azad Government of the State
of Jammu and Kashmir;
(e) 'Holder of Representative Office' means a person who has held at any time during the period from the 1st December 1970 to the 31st October, 1977,

(i) under the Azad Jammu and Kashmir Government Act, 1970, the office of President, Minister or member of the Assembly; or

(ii) under the Azad Jammu and Kashmir Interim Constitution Act, 1974, the Office of President, Prime-Minister, Minister, Advisor of the Council or member of the Assembly or of the Council:

Provided that for the purpose of this Ordinance any person in respect of whom a nomination paper was filed and he was a candidate for the elections to the Assembly, which were held in the year 1970, 1975 or were to be held at any time during the year, 1977 or any person who has, at any time, been a Presidential Assistant, Advisor to President, Advisor or Special Assistant to Prime-Minister, during the period December, 1970 and August, 1977, shall be deemed to be a holder of representative office.

(f) 'President' means the President of Azad Jammu and Kashmir;

(g) 'Scheduled Offence' means an offence specified in the Schedule;

(h) 'Special Court' means a Special Court established under this Ordinance and includes a Special Court established at any time before the commencement of this Ordinance.

(i) 'Supreme Court' means the Supreme Court of Azad Jammu and Kashmir.

3. **Ordinance not to derogate from other laws.** - The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any holder of representative office from any proceeding which might, apart from this Ordinance, be instituted against him.

4. **Establishment of Special Court.** - (1) The President may, by notification in the official Gazette, establish one or more Special
Courts for the purposes of this Ordinance, be instituted against him.

(2) Each Special Court shall consist of a person who is or has been a Judge of Supreme Court or High Court.

(3) A seat of Special Court established under this Ordinance, or a Special Court established at any time before the commencement of this Ordinance, shall be at Muzaffarabad or at such place as the President may, by notification in the Official Gazette, specify in this behalf.

5. **Transfer.** (1) If the President establishes more than one Special Courts, he may, by notification in the official Gazette, distribute the business among such Courts or direct the transfer of any case from one Special Court to another Special Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

(2) The Special Court to which such case is transferred shall deal with the same as if it had been originally presented to, such Court.

6. **Offence to be tried by Special Court.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, a scheduled offence committed by a holder of representative office shall be tried exclusively by a Special Court.

(2) No person shall be prosecuted under the provisions of this Ordinance except with the previous sanction of the Government:

Provided that any sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time for the prosecution of a holder of representative office in one capacity shall be deemed to include all offices held by him for which he has been or may be prosecuted under the provisions of the Ordinance.

(3) Any prosecution sanction accorded under the provisions of the Holders of Representative Offices (Trial of offences) Ordinances, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly accorded under this Ordinance.

(4) A person who is convicted for a scheduled offence shall stand disqualified for a period of seven years from being elected or chosen as a member of Assembly or of the Council.
Powers and procedure of Special Court.- (1) A Special Court may pass any sentence authorised by law and shall have all the powers conferred by the Code of Criminal procedure, 1898 (Act V of 1898), on a High Court exercising original jurisdiction.

(2) Notwithstanding anything contained in any other law for the time being in force, a scheduled offence shall be tried under the provisions of this Ordinance and a Special Court shall also have power to conduct its proceedings and regulate its procedure in all respects as it deems fit.

(3) No trial before a Special Court shall be adjourned for any purpose unless the Special Court is of opinion that the adjournment is necessary in the interests of justice, and, in particular, no trial shall be adjourned by reason of the absence of the accused person due to illness, or if the absence of the accused or his Counsel has been brought about by the accused person himself or if the behavior of the accused person prior to such absence has been, in the opinion of the Special Court, such as it impede the course of justice but, in any such case, the Special Court shall proceed with the trial as it may deem appropriate.

(4) A Special Court shall not, merely by reason of a change in its composition, be bound to recall and reheat any witness who has given evidence and may act on the evidence already recorded by or produced before it.

(5) A Special Court shall have the powers of a High Court to punish its own contempt.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), when a person is accused of more offences than one, he may be charged with, and tried at one trial, for any number of them, irrespective of the kind of such offences or of the time at which, or the person in respect of whom, any or them may have been committed.

(7) No formal complaint or investigation by a Public Servant required by any law relating to the offences mentioned in the Schedule shall be necessary for taking cognizance of an offence when the trial is not to be held under the provisions of this Ordinance nor any period of limitation prescribed by any law shall bar a trial under this Ordinance.

accused person to be competent witness.- Any person charged with a scheduled offence shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person together with him at the same trial.

Provided that –
(a) he shall not be called as a witness except on his own request;

(b) his failure to give evidence shall not be made the subject of any comment by the prosecution of give rise to any presumption against him or any person charged with him at the same trial ;

(c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless –

(i) the proof that he has committed or been convicted of such offence is admissible in evidence to show that he is guilty of the offence with which he is charged; or

(ii) he has personally or by his pleader asked questions from any witness or the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature of conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for prosecution ; or

(iii) he has given evidence against any other person charged with the same offence.

9. **Public Prosecutor.** - The Government may appoint one or more Special Public Prosecutors to conduct the prosecution in a case liable by a Special Court and every such Special Public Prosecutor shall be deemed to be a Public Prosecutor for the purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).

10. **Appeal.** - Any person sentenced by a Special Court under this Ordinance may, within thirty days of the decision of the Special Court, prefer an appeal to the Supreme Court.

11. **Appeal in case of acquittal.** - The Government may, in any case, direct the Special Public Prosecutor to present an appeal to the Supreme Court within sixty days from an order or order of acquittal passed by a Special Court under this Ordinance.

12. **Bar of Jurisdiction.** - Save as provided in Section 10 no Court shall have any jurisdiction of any kind in respect of any order sentence or proceedings of a Special Court.
13. **Power to amend the Schedule.** The Government may, by notification in the official Gazette, omit any entry from, or add an entry to, the Schedule.

14. **Savings.** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all action taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under this provisions of Holders of Representative Offices (Trial of Offences) Ordinance, 1978 (Ordinance VIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

**THE SCHEDULE**
*(See Section 2 and 13)*

1. Offences punishable under Sections 403 to 406, 409, 417 to 420, 465 to 468, 471 and 477-A of the Penal Code (Act XLV of 1860) and as attempts, abetments and conspiracies in relation thereto or connected therewith.

2. Offences punishable under the Arms Act, 1878 (II of 1878)

3. Offences punishable under the Income Tax Act, 1922 (XI of 1922)


5. Offences punishable under the Forest Regulation, 1930 (II of 1930)


8. Offences punishable under the prevention of Corruption Act, 1950 and as attempts, abetments and conspiracies in relation thereto or connected therewith.


13 Offences punishable under the Cooperative Banks (Repayment and Recovery of Loans) Ordinance, 1979.

14 Offences punishable under the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1979.


17 The Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974).

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Secretary Law.
Ordinance CXCV of 1980

AN ORDINANCE to provide for law relating to the profession of Notaries in Azad Jammu and Kashmir

WHEREAS it is expedient to provide for law relating to the Profession of Notaries in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by subsection (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.** - (1) This Ordinance may be called the Notaries Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions.** - In this Ordinance unless the context otherwise requires,-

   (a) 'instrument' includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

   (b) 'Legal practitioner' means any advocate or attorney of the Supreme Court or any advocate of the High Court or any pleader authorised under any law for the time being in force to practice in any Court of law;

   (c) 'notary' means a person appointed as such under this Ordinance;
(d) 'Prescribed' means prescribed by rules made under this Ordinance;

(e) 'Register' means a Register of Notaries to be maintained under section 4.

3. **Power to appoint notaries.** - The Government, for the whole or any part of Azad Jammu and Kashmir, may appoint as notaries any legal practitioner or other person who possess such qualifications as may be prescribed.

4. **Registers.** (1) The Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by the Government and entitled to practice as such under this Ordinance.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:-

(a) his full name, date of birth, residential and professional address;

(b) the date on which his name is entered in the Register;

(c) his qualification; and

(d) any other particulars which may be prescribed.

5. **Entry of names in the Register and issue or renewal of certificates of practice.** (1) Every notary who intends to practice as such shall, on payment to the Government of the prescribed fee, if any, be entitled ,

(a) to have his name entered in the Register maintained by the Government under section 4, and

(b) to a certificate authorising him to practice for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practice after the expiry of the period for which his certificates of practice has been issued under this section shall on application made to the Government and payment of the prescribed fee, if any, be entitled to have the certificates of practice renewed for three years at a time.

6. **Annual publication of lists of notaries.** - The Government shall, not later than end of January each year, publish in the official Gazette a list of notaries appointed by the Government and in
practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. **Seal of notaries.**- Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. **Functions of notaries.**- (1) A notary may do all or any of the following acts virtue of his office, namely:-

   (a) verify, authenticate, certify or attest the execution of any instrument;

   (b) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security;

   (c) note or protest the dishonor by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;

   (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;

   (e) administer oath to, or take affidavit from, any person;

   (f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

   (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Azad Jammu and Kashmir in such form and language as may conform to the law of the place where such deed is intended to operate;

   (h) translate, and verify the translation of, any document from one language into another;

   (i) any other act which may be prescribed.

   (2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. **Bar of practice without certificate.**- Subject to the provisions of this section, no person shall practice as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5.

   Provided that nothing in this sub-section shall apply to the presentation of 1 any promissory note, hundi or bill of
exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

10. **Renewal of names from Register.** - The Government may, by order, remove from the Register maintained by it under section 4 the name of the notary if he,-

(a) makes a request to that effect; or

(b) has not paid the prescribed fee required to be paid by him, or

(c) is an un-discharged insolvent; or

(d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practice as a notary.

11. **Construction of references to notaries public in other laws.** - Subject to the provisions of section 16, any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practice under this Ordinance.

12. **Penalty for falsely representing to be notary, etc.** - Any person who,-

(a) falsely represents that he is a notary without being appointed as such; or

(b) practices as a notary or does any notarial act in contravention of section 9 shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

13. **Cognizance of offences.** - (1) No Court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Ordinance save upon complaint in writing made by an officer authorised the Government by general or special order in this behalf.

(2) No Magistrate other than a Magistrate of the first class shall try an offence punishable under this Ordinance.

14. **Reciprocal arrangements for recognition of notarial acts done by foreign notarial.** - If the Government is satisfied that by the law or practice of any country or place outside Azad Jammu and Kashmir, the notarial acts done by notaries within Azad Jammu and Kashmir are recognised for all or any limited purposes in that country or place, the Government may, by notification in the Official Gazette, declare that the notarial acts
lawfully done by notaries within such country or place shall be recognised within Azad Jammu and Kashmir for all purposes, or, as the case may be, for such limited purposes as may be specified in the notification.

15. **Power to make rules.**—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter namely:-

(a) the qualifications of a notary, the form and manner in which application for appointment as a notary may be made and the disposal of such applications;

(b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;

(c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption, whether wholly or in part, from such fees in specified classes of cases;

(d) the fees payable to a notary for doing any notarial act;

(e) the form of Registers and the particulars to be entered therein;

(f) the form and design of the seal of a notary;

(g) the manner in which inquiries into allegations or professional or other misconduct of notaries may be made;

(h) the acts which a notary may do in addition to those specified in section 8 and manner in which a notary may perform his functions.

16. **Validation of Act XXVI of 1881.**—Nothing in this Ordinance effects the provisions of the Negotiable Instruments Act 1881 (XXVI of 1881), or any appointment made in pursuance of section 138 of that Act or the powers of any person so appointed.

17. **Savings.**—Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exerciser under the provisions of the Notaries ordinance, 1980 (Ordinance XLIII of 1980) or its succeeding Ordinances issued from time to time shall be deemed
to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

18. **Repeal.** The Notaries Ordinance, 1980 (Ordinance CXVIII of 1980) is hereby repealed.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir.

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Sd/- (Syed Mohammad Akram Shah),
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.  

Dated the 12th November, 1980.  

No. 7249/LD/80. The following Ordinance made by the President on the 12th day of November, 1980, is hereby published for general information:-  

(ORDINANCE CXCVI OF 1980)  

AN ORDINANCE  

to provide for law relating to the disqualification for membership of the Assembly and Council  

WHEREAS it is expedient to provide for law relating to the disqualification for membership of the Assembly and Council in the manner hereinafter appearing;  

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;  

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-  

1. **Short title, extent and commencement.** (1) This Ordinance may be called the Holders of Representative Offices (Disqualification) Ordinance, 1980.  

(2) It extends to the whole of Azad Jammu and Kashmir and shall also apply to all type of cases pending in any court or tribunal and all state subjects wherever they may be.  

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 13th day of March, 1978.  

**Note:** Please see Ordinance No. XLV of 1980, as this Ordinance is re-promulgated with similar provisions.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.

Dated the 12th November, 1980.

No. 2749-51/LD/80. The following Ordinance made by the President on the 12th day of November, 1980, is hereby published for general information:-

(ORDINANCE CXC VII OF 1980)

AN
ORDINANCE

to provide for the abolition of Court fee in respect of certain cases.

WHEREAS it is expedient to provide for the abolition of Court fee in respect of certain cases;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Court Fees (Abolition) Ordinance, 1980.

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

(3) It shall come into force at once.

Note:— Please see Ordinance No. XLIV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 16th November, 1980.

No. 7319/SL/80. The following Ordinance made by the President on 16th day of November, 1980 is hereby published for general information:-

(ORDINANCE CXCVIII of 1980)

AN
ORDINANCE

to provide the law relating to preventive detention and control of persons and publications connected with the maintenance of public Order in Azad Jammu and Kashmir.

WHEREAS it is expedient to provide the law for preventive detention and control of persons and publications for reasons concerned with public safety, public interest and the maintenance of public Order in Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, In exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, 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 Maintenance of Public Order Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:** Please see Ordinance No. XLVI of 1980, as this Ordinance is re-promulgated with similar provisions.
Dated the 19th November, 1980.

No. 7329/LD/80. The following Ordinance made by the president on the 19th day of November, 1980, is hereby published for general information:

(ORDINANCE CXCIX OF 1980)

AN
ORDINANCE

to amend the General Clauses Act, 1897

WHEREAS it is expedient to amend the General Clauses Act, 1897, as adapted in Azad Jammu and Kashmir, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to makes and promulgate the following Ordinance:-

1. **Short title and Commencement.** (1) This Ordinance may be called the General Clauses Act (Amendment) Ordinance, 1980.

(2) It shall come into force at once and shall always be deemed to have taken effect from the 11th day of August, 1977

Note:- Please see Ordinance No. CXXIII of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 20th November, 1980.

No. 7346/LD/80. The following Ordinance made by the
President on the 20th day of November, 1980 is hereby published for
general information:

(ORDINANCE CC OF 1980)

AN
ORDINANCE

to amend the Azad Kashmir Logging and Saw Mill Corporation
Ordinance, 1980.

WHEREAS it is expedient to amend the Azad Kashmir Logging
and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968) for
the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred
by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Logging and Saw Mill
Corporation (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

*Note:*- Please see Ordinance No. XLVII of 1980, as this Ordinance is
re- promulgated with similar provisions.
VOLUME VI (1980)

THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 19th November, 1980.

No. 7348/LD/80. The following Ordinance made by the President on the 21st day of November, 1980, is hereby publish for general information:-

(ORDINANCE CCI OF 1980)

AN

ORDINANCE

to provide proper facilities for higher education and to establish a University in the territory of Azad Jammu and Kashmir

WHEREAS it is expedient to provide proper facilities for higher education and research in Azad Jammu and Kashmir, and to establish a University in the territory of Azad Jammu and Kashmir in the manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

CHAPTER 1
PRELIMINARY

1. **Short title and Commencement.**- (1) This Ordinance may be called the University of Azad Jammu and Kashmir Ordinance, 1980.

(2) It shall come into force at once.

**Note:-** Please see Ordinance No. CXXV of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated: 27th November, 1980

No. 7490/LD/80. The following Ordinance made by the
President on the 27th day of November, 1980, is hereby published for
general information:

(ORDINANCE CCII OF 1980)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Industries Control and
Establishment of Industrial Estates and Artisan's Work-shops Act, 1976

WHEREAS it is expedient to amend the Azad Jammu and
Kashmir Industries Control and Establishment of Industrial Estates and
Artisan's work Shops Act, 1976 (Act XIV of 1976) for the purposes
hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, 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 Industries Control and
Establishment of Industrial Estates and Artisan's Work Shops
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Amendment of Section 3, Act XIV of 1976.- In the Azad
Jammu and Kashmir Industries Control and Establishment of
Industrial Estates and Artisan's Work-Shops Act, 1976, (Act XIV
of 1976), for Section 3, the following shall be substituted,
namely:-

“3. Restrictions on Establishment and Enlargement of
Industrial undertaking.- No person or body of persons
corporated or incorporated shall expand and modernized
or cause to expanded and modernised or establish or
cause to be established any industrial undertaking except
with the prior permission in writing of the Government:

Provided that permission will not be necessary
in the case of Industrial Projects, where total cost of the
machinery is less than Rs. five million inclusive of the cost of imported machinery upto Rs. 2.5 million, or the machinery to be imported is not banned or restricted under any law, Notification, an Import policy order or any policy decision of the Federal Government of Pakistan or by the Azad Government of the State of Jammu and Kashmir, or the project does not involve foreign investment including investment under non-repatriable and pay-as-you earn schemes.

3. **Savings.** Notwithstanding any judgment, decree or Order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Industries Control and Establishment of Industrial Estates and Artisan’s Work-Shops (Amendment) Ordinance, 1980 (Ordinance CXXVI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been Validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)  
Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 29th November, 1980.

No. 7538/SL/80. The following Ordinance made by the President on the 29th day of November, 1980, is hereby published for general information:-

(ORDINANCE CCIII OF 1980)

AN
ORDINANCE

to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith

WHEREAS it is expedient to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** - (1) This Ordinance may be called the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1980.

   (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.

   (3) It shall come into force at once and shall be deemed to have taken effect on and from the 14th day of March, 1978.

**Note:** Please see Ordinance No. L of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 39th November, 1980.

No. 7539 /LD/80. The following Ordinance made by the President on the 29th day of November, 1980, is hereby published for general information:-

(ORDINANCE CCIV OF 1980)

AN
ORDINANCE

to provide for adaptation and enforcement of the National Guards Act, 1973

WHEREAS it is necessary and expedient to adapt and to enforce the National Guards Act, 1973, of the Government of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following ordinance:-

1. Short title, extent and Commencement.- (1) This Ordinance may be, called the National Guards (Adaptation) Ordinance, 1980.

(2) It extends to the whole of Azad Jammu and Kashmir and applies to all State Subjects wherever they may be.

(3) It shall come into force at once.

Note:- Please see Ordinance No. LI of 1980, as this Ordinance is re-promulgated with similar provisions.
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 29th November, 1980.

No. 7540/LD/80. The following Ordinance made by the
President on the 29th day of November, 1980, is hereby published for
general information:-

(ORDINANCE CCV OF 1980)

AN
ORDINANCE
to provide relief to the distressed persons in Azad Jammu and Kashmir

WHEREAS it is expedient to provide relief to the distressed persons in Azad Jammu and Kashmir;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41, of the Azad Jammu and Kashmir Interim
Constitution Act, 1974 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 Distressed persons Relief Ordinance, 1980.

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

(3) It shall come into force at once.

2. **Definitions.**— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them that is to say:-

(a) "Competent Officer or Board of officers" means an officer or Board appointed by the Government to function as such under Section 4 of this Ordinance;

(b) "Distressed person" means and includes any person who lives in Azad Jammu and Kashmir and who --

(i) has been physically or financially damaged on account of any accident, fire, epidemic, rains, or any other calamity and in the opinion of the competent officer or Board of officers deserves aid or relief in order to enable him to continue the normal pursuits of his life for the time being or till the effects of the damage sub-sidize, or
is dependent of a person who has lost his life in an accident, fire, epidemic, rains or any other calamity and in the opinion of the competent officer or Board of officers it is expedient to provide him relief;

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

(d) "The Distressed Persons Relief Fund" means a fund created or established as such and operated under this Ordinance;

(e) "State Subject" means a State Subject as defined under the Dogra Regime Government Notification No. I-L/84, dated the 20th April 1927.

3. The Distressed Persons Relief Fund. - The Government may establish a fund to be called "the Distressed Persons Relief Fund" (hereinafter referred to as "the fund") in order to meet the requirements for relief of distressed persons under this Ordinance or rules made thereunder.

4. Competent officer or Board of officers. - The Government may appoint or nominate a competent officer or Board of officers to make recommendations to the Government about the distressed person entitled to get relief out of the fund referred to in Section 3. In making recommendations to the Government under this Section, the competent officer or Board of officers shall be guided by the rules made under this Ordinance and the assessment made by the Assessment Committee appointed by the Government for relief assessment purposes.

5. Recommendations. - In making recommendations to the Government the competent officer or the Board of officers referred to in the foregoing section, may recommend-

(i) the person or persons who deserve relief under this Ordinance;

(ii) the amount of relief;

(iii) manners in which relief is to be given;

(iv) the period for which relief is to continue;

Provided that the maximum relief which can be granted to an individual or Collective cases shall not exceed ten percent of the total loss assessed.

Provided further that in individual cases the relief shall be given in very exceptional and hard cases.
6. **Orders.** - On receipt of the recommendations of the competent officer or the Board of officers, Government may accept, rescind or modify the recommendations or pass such other orders as it deems fit.

7. **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 the particular and without prejudice to the generality of the foregoing provision, such rules may provide.

   (a) The amount of relief for different categories of the distressed persons;

   (b) the manners in which preliminary enquiries should be made;

   (c) the manners in which different accounts, entries or certificates are to be maintained, made or given in this behalf;

   (d) such other matters as are necessary to facilitate to operation of this Ordinance.

8. **Savings:** Notwithstanding any judgment, decree or Order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Distressed persons Relief Ordinance, 1980 (Ordinance CXXX of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

   (Mohammad Hayat Khan)
   President,
   Azad Jammu & Kashmir

   Sd/- (Syed Mohammad Akram Shah)
   Deputy Secretary Law
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LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the November, 30, 1980.

No. 7563/LD/80. The following Ordinance made by the
President on the 30th day of November, 1980, is hereby published for
general information;-

(ORDINANCE CCVI OF 1980)

AN
ORDINANCE

to make certain adaptation in the Pakistan Army Act, 1952 (XXXIX of
1952), as in force in Azad Jammu and Kashmir

WHEREAS it is expedient to make certain adaptation in the
Pakistan Army Act, 1952 (XXXIX of 1952) as in force in Azad Jammu
Kashmir by virtue of Azad Jammu and Kashmir by adaptation of law
order 1956 (Council Order 43 of 1956);

AND WHEREAS the President is satisfied that circumstances
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim
Constitution Act, 1974, the President is pleased to make and promulgate
the following Ordinance:-

1. **Short title, extent and Commencement.**— (1) This Ordinance
may be called the Pakistan Army Act (Adaptation of
amendments) Ordinance, 1980.

(2) It shall come into force at once.

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

Note:- Please see Ordinance No. LIII of 1980, as this Ordinance is re-
promulgated with similar provisions.
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR, LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT, MUZAFFARABAD.


No. 7724/LD/80. The following Ordinance made by the President on the 3rd day of December, 1980, is hereby published for general information:

(ORDINANCE CCVII OF 1980)

AN
ORDINANCE
to amend the Holders of Representative Officer (Trial of offences) Ordinance, 1980

WHEREAS it is expedient to amend the Holders of Representative Officer (Trial of offences) Ordinance, 1980 (Ordinance CXCIV of 1980) for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement:** (1) This Ordinance may be called the Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 11, Ordinance CXCIV of 1980:** In the Holders of Representative Offices (Trial of Offences) Ordinance, 1980 (Ordinance CXCIV 1980), in Section 11 for the words “sixty days” the words “six months” shall be substituted and shall be deemed always to have been so substituted.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 10th December, 1980.

No. 7839/LD/80. The following Ordinance made by the President on the 10th day of December, 1980, is hereby published for general information:-

(ORDINANCE CCVIIIOF 1980)

AN
ORDINANCE

to provide for price control and prevention of profiteering and hoarding

WHEREAS it is expedient to provide for price control and prevention of profiteering and hoarding;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.** (1) This Ordinance may be called the Price Control and Prevention of Profiteering Hoarding Ordinance, 1980.

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

   (3) It shall come into force at once.

**Note:-** Please see Ordinance No. LV of 1980, as this Ordinance is re-promulgated with similar provisions.
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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 16th December, 1980.

No.8024 /SL/80. The following Ordinance made by the President on the 16th day of December, 1980, is hereby published for general information:-

(ORDINANCE CCIX OF 1980)

AN
ORDINANCE

to amend the Jammu and Kashmir Forest Regulation 1930

WHEREAS it is expedient to amend the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, 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 Forest Regulation, 1930 (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. **Amendment of Section 6, Forest Regulation II of 1930.-** In the Jammu and Kashmir Forest Regulation, 1930 (Regulation II of 1930), hereinafter referred to as the said Regulation, in Section 6, in sub-section (1) :-

(a) After clause (i), in the penal provision, for the words 'five hundred' the words 'one thousand' shall be substituted;

(b) After clause (v) the following new clause shall be inserted, namely:-

"(vi) Where timber obtained from State/Crown Forests or Government Depots at any rate or from trees of revenue assessed or evacuee land, although out and procured after due permission from the competent authority is used for any other purpose, other than one
for which it was obtained or it is sold, the price of such timber shall be determined and charged at double the market rates prevalent at the time of the disposal of the case, market rate of such timber shall be determined by the D.F.O.”

(c) Existing clause (vi) shall be re-numbered as clause (vii).

3. **Amendment of Section 28, Regulation II of 1930.-** In the said Regulation, in Section 28, after sub-section (2) the following new subjection (2A) shall be inserted, namely:

“(2-A) Any person driving a vehicle or cart or the boatman of a boat, as the case may be which has been used in the commission of Forest Offence shall be punishable with a simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.”

4. **Amendment of Section 56, Regulation II of 1930.-** In the said Regulation, in Section 56, between the words 'Regulation' and 'or' the words 'except Section 28' shall be inserted.

5. **Savings:** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notification issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Forest Regulation 1930 (Amendment) Ordinance, 1980 (Ordinance LIX of 1980) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law
THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, 
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD.

Dated the 27th December, 1980.

No. 8146/LD/80. The following Ordinance made by the 
President on the 27th day of December, 1980, is hereby published for 
general information:-

(ORDINANCE CCXIX OF 1980)

AN 
ORDINANCE 
to provide for law relating to the Hill Station Housing Schemes 

WHERFAS it is expedient to provide to provide for law relating 
to the Hill Station Housing Scheme, Chhotta Gala, Chikar and Dhirkote 
in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances 
exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by 
sub-section (l) of Section 41 of the Azad Jammu and Kashmir Interim 
Constitution Act, 1974, the President is pleased to make and promulgate 
the following Ordinance.-

1. **Short title and Commencement:** (1) This Ordinance may be 
called the Hill Stations Housing Schemes Ordinance, 1980.

(2) It shall come into force at once.

**Note:-** Please see Ordinance No. LXIX of 1980, as this Ordinance is 
re-promulgated with similar provisions.
THE AZAD GOVT OF THE STATE OF JAMMU & KASHMIR, 
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT, 
MUZAFFARABAD. 

Dated the December 31st, 1980.

No. 8296/LD/80. The following Ordinance made by the President on the 31st day of December, 1980, is hereby published for general information:-

(ORDINANCE CCXX OF 1980)

AN 
ORDINANCE 
to regulate the business of real Estate Agents and Motor Vehicles dealers in Azad Jammu and Kashmir

WHEREAS it is expedient to regulate the business of real Estate agents and Motor Vehicles dealers in Azad Jammu and Kashmir in the manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement:** (1) This Ordinance may be called the real Estate agents and Motor Vehicles dealers (Regulation of Business) Ordinance, 1980.

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

   (3) It shall come into force at once.

2. **Definitions:**- In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them.

   (a) ‘Government” means the Azad Government of the State of Jammu and Kashmir;

   (b) “Motor vehicle” means any propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a tractor, a trail and a chassis to which a body has not been attached;

   (c) ‘Motor vehicles dealer” means a person who arranges or negotiates any transaction of sale, exchange, transfer or pledge of a motor vehicle in consideration of some
commission or other remuneration in cash or otherwise or who deals in sale or purchase of motor vehicles;

(d) “prescribed” means prescribed by rules;

(e) “real estate” means immovable property, including land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(f) “real estate agent” means a person who arranges or negotiates any transaction of sale, exchange, mortgage, lease or tenancy of a real estate in consideration of some commission or other remuneration in cash or otherwise;

and

(g) “registering authority” means the District Exercise and Taxation Officer or any other officer notified by the Government for the purpose, in whose jurisdiction the ordinary place of business of the real estate agent or the motor vehicles dealer is situated.

3. **Prohibition of business without registration:** (1) No person shall engage in or carry on the business of a real estate agent or a motor vehicles dealer unless he is registered with the registering authority and holds a valid certificate issued by such authority:

Provided that in the case of a person who is already carrying on the business of a real estate agent or a motor vehicles dealer on the date of commencement of this Ordinance, this provisions shall not be applicable until the expiry of a period of ninety days from the date of such commencement.

(2) A person already carrying on the business of a real estate agent or a motor vehicles dealer on the date of commencement of this Ordinance shall apply for a certificate of registration within a period of ninety days from the date of such commencement.

(3) If any person already carrying on the business of a real estate agent or a motor vehicles dealer on the date of commencement of this Ordinance fails to apply for a certificate of registration as required under sub-section (2), the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for grant of a certificate of registration on payment of a penalty which shall be Rs. five hundred if the application is made within a period of six months and Rs. one thousand if it is made within a period of one year from the date of the commencement of this Ordinance.
4. **Disqualification:** No person shall be registered as a real estate agent or a motor vehicles dealer and granted a certificate of registration if he:-

(a) is a minor; or

(b) is found to be of unsound mind by a court of competent jurisdiction; or

(c) is a declared insolvent; or

(d) has been found guilty of criminal misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude or an abetment of or attempt to commit any such offence by a court of competent jurisdiction; provided that this disqualification will not operate if a period of three years has elapsed since the completion of the sentence imposed on any person in respect of any such offence.

5. **Procedure for registration:**

(1) A person who wishes to obtain a certificate of registration to engage in or carry on the business of a real estate agent or a motor vehicles dealer shall make an application to the registering authority concerned in such form and manner and on payment of such fee and furnishing of such security as may be prescribed;

Provided that such fee shall not be more than rupees two thousand.

(2) The registering authority, on being satisfied that the applicant has fulfilled all the requirements and does not suffer from any of the disqualifications laid down in section 4, shall register him as a real estate agent or a motor vehicles dealer, as the case may be, and grant him a certificate in the prescribed form.

6. **Renewal of registration:**

(1) A certificate of registration issued under section 5 shall be valid for a period of one year only and shall be renewable annually.

(2) A real estate agent or a motor vehicles dealer who wishes to get his certificate of registration renewed shall, within thirty days preceding the date of expiry of his certificate, apply to the registering authority concerned in such form and manner and on payment of such fee as may be prescribed:

Provided that such fee shall not be more than rupees six hundred.

(3) The registering authority, on being satisfied that the applicant has fulfilled all to requirements and does not suffer from any or the disqualifications laid down in section 4, shall
grant a certificate of renewal of registration in the prescribed form.

(4) If a real estate agent or a motor vehicles dealer fails to apply for the renewal of his certificate of registration within the period provided in sub-section (2), the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for renewal of registration on payment of a penalty of rupees one hundred if the application is made within one months and rupees five hundred if it is made within three months of the date when the renewal was due.

7. **Fixation of commission**: Government may prescribe maximum rate of commission or remuneration which a real estate agent or a motor vehicles dealer may charge on any transaction of real estate or motor vehicle arranged or negotiated by him.

8. **Maintenance of record and account etc**: (1) A real estate agent and a motor vehicles dealer shall maintain such accounts and other record of the transactions arranged, negotiated or made by him and in such manner as may be prescribed.

(2) A real estate agent and a motor vehicles dealer shall, as and when required to do so, produce the accounts and other record maintained by him under sub-section (1) before such officer or authority as may be prescribed and shall also supply such information and in such form and within such time as may be required by the authority.

9. **Cancellation and suspension of registration**: (1) The registering authority may, by an order in writing, cancel or suspend a certificate for such period not exceeding three months for a first breach and not exceeding six months for a second or subsequent breach, as may be specified in that order, if it is satisfied that a real estate agent or a motor vehicles dealer has committed a breach of any of the conditions of the certificate or has committed any of the following malpractices:

(i) has maintained or submitted incorrect account of the transactions;

(ii) has arranged or negotiated a transaction knowing that there was a defect in the title of the real estate or the motor vehicles; or

(iii) has charged commission or remuneration at a rate higher than that prescribed:
Provided that no such order shall be passed without giving the person concerned an opportunity to show cause within fifteen days from the date of issue of show cause notice.

(2) Any person aggrieved by an order passed under sub-section (1) may, within thirty days of the passing of the order, prefer an appeal to the Collector, Excise and Taxation, concerned and the decision of the said Collector shall be final.

10. **Offence:** (1) A person who contravenes any of the provisions of this Ordinance shall be punishable with simple imprisonment which may extend to six months or fine which may extend to Rupees five thousand or both.

(2) No court shall take cognizance of an offence under this Ordinance except on a complaint made in writing by the registering authority.

(3) The offences under this Ordinance shall be bailable.

11. **Power to make rules:** Government may make rules for carrying into effect the purposes of this Ordinance.

(Mohammad Hayat Khan)
President,
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law