

THE AZAD JAMMU AND KASHMIR INTERIM CONSTITUTION ACT 1974

(ACT VIII of 1974)

AN ACT to repeal and, with certain modifications, re-enact the Azad Jammu and Kashmir Government Act, 1970

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

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

AND WHEREAS it is necessary to provide for the better Government and administration of Azad Jammu and Kashmir until such time as the status of Jammu and Kashmir is determined as aforesaid and for that purpose to repeal and re-enact the Azad Jammu and Kashmir Government Act, 1970, with certain modifications;

AND WHEREAS, in the discharge of its responsibilities under the UNCIP Resolutions, the Government of Pakistan has approved of the proposed repeal and re-enactment of the said Azad Jammu and Kashmir Government Act 1970, and authorized the President of Azad Jammu and Kashmir to introduce the present Bill in the Legislative Assembly of Azad Jammu and Kashmir for consideration and passage;

It is hereby enacted as follows:-

1. **Short title and Commencement, etc.**- (1) This Act may be called the Azad Jammu and Kashmir Interim Constitution Act, 1974.
 - (2) It shall come into force on the day on which the Azad Jammu and Kashmir Government Bill 1974 is assented to, or is deemed to have been assented to, by the President.
 - (3) This Bill shall not be presented to the President for assent unless it has been passed by the votes of not less than two-thirds of the total number of members of the Assembly.
 - (4) The President shall assent to this Bill within three days after it has been presented to him for assent under sub-section (2); and, if the President fails to do so, he shall be deemed to have assented to this Bill at the expiration of the said period.
2. **Definitions.**- (1) In this Act, unless there is anything repugnant in the subject or context. -
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‘**Agricultural income**’ means agricultural income as defined for the purpose of the law relating to income tax;

‘**Assembly**’ means the Legislative Assembly of Azad Jammu and Kashmir;

‘Azad Jammu and Kashmir’ means the territories of the State of Jammu and Kashmir which have been liberated by the people of that State and are for the time being under the administration of Government and such other territories as may hereafter come under its administration;

‘Corporation tax’ means any tax on income that is payable by companies in respect of which the following conditions apply:-

- i) the tax is not chargeable in respect of agricultural income;
- ii) no deduction in respect of the tax paid by companies is, by any law which may apply to the tax, authorised to be made from dividends payable by the companies to individuals;
- iii) no provision exists for taking the tax so paid into account in computing for the purpose of income tax the total income individuals receiving such dividends, or in computing the income tax payable by, or refundable to, such individuals;

‘Council’ means the Azad Jammu and Kashmir Council constituted under this Act;

‘Financial year’ means the year commencing on the first day of July and ending on the thirtieth day of June;

‘Government’ means the Azad Government of the State of Jammu and Kashmir;

‘Joint sitting’ means a joint sitting of the Assembly, ¹[the Federal Minister in-charge of the Council Secretariat and the elected members of the Council];

‘Judge’ in relation to the Supreme Court of Azad Jammu and Kashmir or the High Court, includes the Chief Justice of the Supreme Court of Azad Jammu and Kashmir or, as the case may be, High Court and also includes an Additional Judge of the High Court;

‘Muslim’ means a person who believes in the Unity and Oneness of Almighty Allah, His angels, the Books of Allah, the Holy Quran being the last of them, His Prophets, the absolute finality of the Prophet hood of Muhammad(peace be upon him), the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah;

‘Person’ includes any body politic or corporate;

‘President’ means the President of Azad Jammu and Kashmir and includes a person for the time being acting as, or performing the functions of the President of Azad Jammu and Kashmir;

‘Prescribed’ means prescribed by law or rules made thereunder;

‘Property’ includes any right, title or interest in property, movable or immovable, and any means and instruments of production;

‘Remuneration’ includes salary and pension;

¹ Inserted by second Amendment Act (VII) of 1976.

‘Service of Azad Jammu and Kashmir’ means any service, post or office in connection with the affairs of Azad Jammu and Kashmir, including the Council, but does not include service as Chairman of the Council, President, Speaker, Deputy Speaker, Prime Minister, Ministers, Federal Minister in-charge of the Council Secretariat or Advisor appointed under Section 21, ²[Parliamentary Secretary, Advisor to the Prime Minister] or a member of the Assembly or member of the Council;

‘Speaker’ means Speaker of the Assembly and includes any person acting as the Speaker of the Assembly;

‘State Property’ means any movable or immovable property as belonged to the State of Jammu and Kashmir or its former Rulers or a Raja and is within the territories of Pakistan;

‘State Subject’ means a person for the time being residing in the Azad Jammu and Kashmir or Pakistan who is a ‘State Subject’ as defined in the late Government of the State of Jammu and Kashmir Notification No. I-L/84 dated the 20th April, 1927, as amended from time to time;

‘Taxation’ means the imposition of any tax or duty, whether general, local or special and ‘tax’ shall be construed accordingly;

‘Tax on income’ includes a tax in the nature of an excess profits tax or business profits tax.

- (2) In this Act, Act of the Assembly, or ‘Act of the Council’ shall include an Ordinance promulgated by the President under sub-section (1) of Section 41, or as the case may be, under sub-section (4) of that section.
- ³[(3) A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) the last of the prophets or claims to be Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognizes such a claimant as a prophet or religious reformer, is not a Muslim for the purposes of this Act or law.]
3. **Islam to be State religion.** - Islam shall be the State religion of Azad Jammu and Kashmir.
4. **Fundamental Rights.** - (1) Any law or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this section, shall, to the extent of such inconsistency, be void.
- (2) ⁴[No law shall be made] which takes away or abridges the rights so conferred and any law made in contravention of this sub-section shall, to the extent of such contravention, be void.
- (3) The provisions of this section shall not apply to any law relating to the members of the defence services or of the forces charged with the maintenance of public

² Inserted by tenth Amendment Act 1993.

³ Added by 3rd Amendment Act 1976

⁴ Substituted by 1st Amendment Act 1975.

order for the purpose of ensuring proper discharge of their duties or the maintenance of discipline among them.

(4) **The Rights:**

1. **Security of person.**- No person shall be deprived of life or liberty saves in accordance with law.

2. **Safeguard as to arrest and detention.** - (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) Nothing in sub-paragraphs (1) and (2) shall apply to any person-

- (a) who for the time being is an enemy alien, or
- (b) who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding three months unless the Review Board set up by the Government has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order.

Provided that the authority making any such order may refuse to disclose facts which such authority consider it to be against the public interest to disclose.

3. **Slavery and forced labour prohibited.** - (1) No person shall be held in slavery, and no law shall permit or, in any way, facilitate the introduction into Azad Jammu and Kashmir of slavery in any form.

(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph shall be deemed to affect compulsory service-

(a) by persons undergoing punishment for offence against any law; or

(b) required by any law for a public purpose.

4. **Protection against retrospective punishment.** - No law shall authorize the punishment of a person-
 - (a) for an act or omission that was not punishable by law at the time of the act or omission; or
 - (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.
5. **Freedom of movement.** - Subject to any reasonable restrictions imposed by law in the public interest, every State Subject shall have the right to move freely throughout Azad Jammu and Kashmir territory and to reside and settle in any part thereof.
6. **Freedom of assembly.** - Every State Subject shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.
7. **Freedom of association.** - (1) Subject to this Act, every State Subject shall have the right to form association or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order.
 - (2) No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan.
8. **Freedom of trade, business or profession.**- Every State Subject possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.

Provided that nothing in this paragraph shall prevent-

- (a) the regulation of any trade or profession by a licensing system; or
 - (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
 - ⁵[(c) the carrying on, by Government or Council, or by a corporation controlled by Government or the Council, of any trade, business, industry or service, to the exclusion, complete or partial, or other persons.]
9. **Freedom of speech.** - Every State Subject shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by the law in the interest of the security of Azad Jammu and Kashmir, friendly relations with Pakistan, public order, decency or

⁵ Substituted by 1st Amendment Act 1975.

morality, or in relation to contempt of Court, defamation or incitement to an offence.

- 10. Freedom of religion.-** Subject to law, public order and morality-
- (a) every State Subject has the right to profess and practice his religion; and
 - (b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship:

Provided that nothing contained in sub-paragraphs (a) and (b) shall be so construed as to abridge the authority to promulgate laws which may prescribe prohibition or penalty for conversion from Islam or the act of converting or the attempt of converting a Muslim to some other religion.

- 11. Safeguard against taxation purposes of any particular religion. -** No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

- 12. Safeguard as to educational institutions in respect of religion etc. -**

(1) No person attending any educational institution shall be required to receive religious instructions or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No State Subject shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the Government shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(6) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any society or educationally backward class of State Subjects.

- 13. Provision as to property. -** Subject to any reasonable restrictions imposed by law in the public interest, every State Subject shall have the right to acquire, hold and dispose of property.

14. Protection of property. - (1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation thereof and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph shall affect the validity of-

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or

⁶[(c) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law; or

(d) any law providing for the taking over of the management of any property by the Government for a limited period, either in the public interest or in order to secure the proper management of property, or for the benefit of its owner; or

(e) any law providing for the acquisition of any class of property for the purpose of –

(i) providing education and medical aid to all or any specified class of State Subjects; or

(ii) providing housing and public facilities and service such as roads, water supply, sewerage, gas and electric power to all or any specified class of State Subjects; or

(iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or

(f) any law in force immediately before the coming into force of this Act.]

Explanation: In sub-paragraph (2) and (3), ‘property’ shall mean immovable property, or any commercial or industrial undertaking or any interest in any undertaking.

15. Equality of State Subjects.- All state subjects are equal before law and are entitled to equal protection of law.

⁶ Substituted by 1st Amendment Act 1975.

16. **Non-discrimination in respect of access to public places.** In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any State Subject on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.
17. **Safeguard against discrimination in services.-** No State Subject otherwise qualified for appointment in the services of Azad Jammu and Kashmir shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or sex:

Provided that, in the interest of the said service, specified posts or services may be reserved for members of either sex.

18. **Abolition of untouchability.** - Untouchability is abolished, and its practice in any form is forbidden and shall be declared by law to be an offence.

5. **President.-** ⁷[(1) There shall be a President of Azad Jammu and Kashmir, who shall be elected by the members of the joint sitting by the votes of majority of the total membership of the joint sitting in such manner as may be prescribed.

Provided that, if no person secures such majority in the first poll, a second poll shall be held between the persons who secure the two highest numbers of votes in the first poll and the person who secure a majority of votes of the members present and voting shall be declared to have been elected as President:

Provided further that, if the number of votes secured by two or more persons securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of votes of the members present and voting.]

- (2) The election to the office of President shall be conducted under the control and supervision of the Chief election Commissioner.
- (3) The election of the President under sub-section (2) shall not be called in question in any Court or before any Tribunal or other authority.

⁸[(3-A) Election to the office of President shall be held not earlier than sixty days not later than thirty days before the expiration of the term of the President in office, if the election cannot be held within that period because the Assembly is dissolved, within thirty days of the general election to the Assembly.]

- (4) No person shall be qualified for election as President unless,-
- (a) he is Muslim;
 - (b) he has attained the age of thirty-five years;
 - (c) his name appears on the electoral roll prepared for election of the members of the Assembly; and

⁷ Substituted By 1st Amendment Act 1975.

⁸ Inserted by 1st Amendment Act 1975.

(d) he is qualified to be elected as member of the Assembly.

(5) Subject to the provisions of this Act, the President shall hold office for a period of five years from the date on which he enters upon his office and shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(6) Before he enters upon his office, the President shall make before the Chief Justice of ⁹[Azad Jammu and Kashmir] an oath in the form set out in the First Schedule:

Provided that this provision will not apply to a person acting as President:

Provided further that the oath made or deemed to have been made under the provisions of the Azad Jammu and Kashmir Government Act 1970 shall be deemed to have been made under this Act.

(7) The President may resign his office by writing under his hand addressed to the Speaker of the Assembly. ¹⁰[.....]

¹¹[(8) The President shall not be a member or candidate for election as member, of the Assembly and if a member of the Assembly is elected as President his seat in the Assembly shall become vacant on the day he enters upon his office.]

6. Removal of President. - (1) If one-third of the total number of members of the ¹²[Joint Sitting] give a notice in writing to the Speaker of the Assembly of their intention to move a resolution of no confidence against the President, the Speaker shall convene a meeting of the ¹³[Joint Sitting] not later than two weeks from the date of receipt of the notice.

(2) The President shall have the right to appear before the ¹⁴[joint sitting] during the consideration of the resolution under sub-section (1) and to make a statement if he so desires.

(3) If the resolution under sub-section (1) is passed by the ¹⁵[joint sitting] by the votes of not less than two-thirds of the total number of members of the ¹⁶[joint sitting], the President shall forthwith cease to hold office.

7. President to act on advice, etc.- (1) ¹⁷[Subject to an express provision to the contrary in this Act], in the performance of his functions, the President shall act on and in accordance with the advice of the Prime Minister and such advice shall be binding on him.

(2) The question whether any, and if so what, advice was tendered to the President by the Prime Minister shall not be enquired into any Court.

⁹ Substituted by *ibid*.

¹⁰ Omitted by 1st Amendment Act 1975.

¹¹ Substituted by *ibid*.

¹² Substituted by *ibid*.

¹³ Substituted by *ibid*.

¹⁴ Substituted by *ibid*.

¹⁵ Substituted by *ibid*.

¹⁶ Substituted by *ibid*.

¹⁷ Substituted by *ibid*.

8. **Acting President.**- At any time when the President is unable to perform the functions of his office due to absence, illness or any other cause, the Speaker of the Assembly shall act ¹⁸[.....] as President and shall perform the functions of President.
9. **Casual vacancy in the office of President.** - Where the office of President falls vacant due to death, resignation or any other cause, the Speaker of the Assembly ¹⁹[.....] shall, -
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- (a) Perform the functions of President till such time as a new President is elected; and
- (b) cause an election to the office of President to be held within a period of ²⁰[thirty days] from the date on which the office falls vacant ²¹[or, if the election cannot be held within that period because the Assembly is dissolved, within thirty days of the general elections to the Assembly.]
10. **President's power of pardon and reprieve.**- The President ²²[shall have] power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any Court, Tribunal or other authority:
²³[Provided that this power shall not be exercised in respect of sentences of "hadd" "qisas" and "Diyyat".]
11. **Plebiscite Advisor.**- The President may appoint a Plebiscite Advisor to advise the Government in relation to the holding of a plebiscite in the State of Jammu and Kashmir in terms of the UNCIP Resolutions.
12. **The Government.** - (1) Subject to this Act, the executive authority of Azad Jammu and Kashmir shall be exercised in the name of the President by the Government, consisting of the Prime Minister and the Ministers, which shall act through the Prime Minister who shall be the Chief Executive of Azad Jammu and Kashmir.
- (2) In the performance of his functions under this Act, the Prime Minister may act either directly or through the Ministers.
- (3) The Prime Minister and the Ministers shall be collectively responsible to the Assembly.
- ²⁴[(4) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

¹⁸ Omitted by 1st Amendment Act 1975.

¹⁹ Omitted by *ibid*.

²⁰ Substituted by *ibid*.

²¹ Added by *ibid*.

²² Substituted by 10th Amendment Act 1993.

²³ Added by *ibid*.

²⁴ Inserted by 1st Amendment Act 1975.

- (5) The Government may regulate the allocation and transaction of its business and may for the convenient transaction of that business delegate any of its functions to officers or authorities subordinate to it.]

13. The Prime Minister: - (1) The Assembly shall meet on the thirtieth (30th) day following the day on which a general election to the Assembly is held, unless sooner summoned by the President.

- (2) After the election of the Speaker, ²⁵[and the Deputy Speaker,] the Assembly shall, to the exclusion of any other business, proceed to elect, without debate one of its Muslim members to be the Prime Minister.

- (3) The Prime Minister shall be elected by the votes of the majority of the total membership of the Assembly;

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of the members present and voting.

- (4) The member elected under section (3) shall be called upon by the President to assume the office of Prime Minister and he shall, before entering upon the office, make before the President oath in the form set out in the First Schedule.

14. Ministers.-(1) The Prime Minister shall appoint Ministers from amongst the members of the Assembly:

²⁶[Provided that a Minister may be appointed from amongst the elected members of the Council.]

- (2) Before entering upon office, a Minister shall make before the President oath in the form set out in the First Schedule.

- (3) A Minister may, by writing under his hand addressed to the Prime Minister, resign his office or may be removed from office by the Prime Minister.

²⁷[**14-A. Parliamentary Secretaries.**- (1) The Prime Minister may appoint Parliamentary Secretaries from amongst the members of the Assembly to perform such functions as may be prescribed.

- (2) A Parliamentary Secretary may, by writing under his hand addressed to the Prime Minister, resign his office or may be removed from office by the Prime Minister.]

15. Prime Minister continuing in office.- (1) The Prime Minister shall continue to hold office until his successor enters upon the office of the Prime Minister.

²⁵ Inserted by 1st Amendment Act 1975.

²⁶ Inserted by 10th Amendment Act 1993.

²⁷ Inserted by 10th Amendment Act 1993.

- (2) Nothing in Section 13 or Section 14 shall be construed to disqualify the Prime Minister or a Minister continuing in office during the period the Assembly stands dissolved.
- 16. Resignation of Prime Minister:** - (1) Subject to sub-section (2) the Prime Minister may, by writing under his hand addressed to the President, resign his office and, when the Prime Minister resigns, the Ministers shall cease to hold office.
 - (2) The Prime Minister, and at the request of the Prime Minister, a Minister shall continue to perform the functions of the office of Prime Minister or, as the case may be, Minister until a new Prime Minister has been elected and has entered upon his office.
 - (3) If the Assembly is in session at the time when the Prime Minister resigns his office, the Assembly shall forthwith proceed to elect a Prime Minister, and if the Assembly is not in session the President shall for that purpose summon it to meet within fourteen days of the resignation.
- 17. Minister performing functions of Prime Minister.-** (1) In the event of the death of the Prime Minister or the office of the Prime Minister becoming vacant by reason of his ceasing to be member of the Assembly, the most senior Minister for the time being shall be called upon by the President to perform the functions of that office and the Ministers shall continue in office until a new Prime Minister has been elected and has entered upon his office.
 - (2) If the Assembly is in session at the time when the Prime Minister dies or the office of the Prime Minister becomes vacant the Assembly shall forthwith proceed to elect a Prime Minister, and if the Assembly is not in session the President shall for that purpose summon it to meet within fourteen days of the death of the Prime Minister or, as the case may be, of the office becoming vacant.
 - (3) When, for any reason, the Prime Minister is unable to perform his functions, the most senior Minister for the time being shall perform functions of Prime Minister until the Prime Minister resumes his functions.
 - (4) In this section 'most senior Minister' means the Minister for the time being designated as such by the Prime Minister.
- 18. Vote of no-confidence against Prime Minister.-** (1) A resolution for a vote of no-confidence (hereinafter in this section referred as the resolution) may be passed against the Prime Minister by the Assembly.
 - (2) A resolution shall not be moved in the Assembly unless by the same resolution the name of another member of the Assembly is put forward as the successor.
 - (3) A resolution shall not be moved in the Assembly while the Assembly is considering demands for grants submitted to it in the Annual Budget.
 - (4) A resolution shall not be voted upon before the expiration of three days, or later than seven days, from the date on which it is moved in the Assembly.
 - (5) If the resolution is passed by majority of the total membership of the Assembly, the President shall call upon the person named in the resolution as the successor

to assume office and, on his entering upon office his predecessor and the Minister appointed by him shall cease to hold office.²⁸[.....]

- (6) If a resolution is not passed another such resolution shall not be moved until a period of six months has elapsed.

19. Extent of executive authority of Government.-(1) Subject to this Act, the executive authority of the Government shall extend to the matters with respect to which the Assembly has power to make laws.

- (2) The executive authority of the Government shall be so exercised as:-
- (a) not to impede or prejudice the responsibilities of the Government of Pakistan ²⁹[in relation to the matters specified in sub-section (3) of section 31;] and
- (b) to secure compliance with the laws made by the Council.
- (3) Notwithstanding anything contained in this Act, the Government may with the consent of the Council, entrust, either conditionally or unconditionally, to the Council, or to its officer's functions in relation to any matter which the executive authority of the Government extends.

20. Advocate-General. - (1) The President shall appoint a person, being a person qualified to be appointed a Judge of the High Court, to be the Advocate-General for Azad Jammu and Kashmir.

- (2) It shall be the duty of the Advocate-General to give advice to Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Government.
- (3) The Advocate General shall hold office during the pleasure of the President.
- (4) The Advocate General may, by writing under his hand addressed to the President resigns his office.
- (5) The Person holding the office as Advocate-General immediately before the commencement of this Act shall be deemed to be the Advocate-General, appointed under this Act.

21. Azad Jammu and Kashmir Council.-(1) There shall be an Azad Jammu and Kashmir Council consisting of-

- (a) the Prime Minister of Pakistan;
- (b) the President;
- (c) five members to be nominated by the Prime Minister of Pakistan from time to time amongst Federal Minister and members of Parliament ;
- (d) The Prime Minister of Azad Jammu and Kashmir or a person nominated by him; and

²⁸ Proviso omitted by 9th Amendment Act 1988.

²⁹ Substituted by 1st Amendment Act 1975.

- (e) six members to be elected by the Assembly from amongst State Subjects in accordance with the system of proportional representation by means of the single transferable Vote.
- (2) The Prime Minister of Pakistan shall be the Chairman of the Council.
- (3) The President shall be the Vice Chairman of the Council.
- ³⁰[(3-A) The Federal Minister of State for Kashmir Affairs and Northern Affairs shall be an ex-officio member of the Council.]
- (4) The qualifications and disqualifications for being elected, as, and for being, a member of the Council shall, in the case of a member referred to in clause (e) of sub-section (1), be the same as these for being elected as, and for being a member of the Assembly.
- ³¹[(4-A) The seat of a member of the Council elected by the Assembly, hereinafter referred to as an elected member, shall become vacant if; ---
- (a) he resigns his seat by notice in writing under his hand addressed to the Chairman or, in his absence, to the Secretary of the Council;
- (b) if he is absent, without the leave of the Chairman, from thirty consecutive sittings of the Council;
- (c) he fails to make the oath referred to in sub-section (6) within a period of ninety days after the date of his election, unless the Chairman, for good cause shown, extends the period; or
- (d) he ceases to be qualified for being a member under any provision of this Act or any other law.
- (4-B) If any question arises whether a member has, after his election, become disqualified from being a member of the Council, the Chairman shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a member and his seat shall become vacant.
- (4-C) An election to fill a vacancy in the office of an elected member shall be held not later than thirty days from the occurrence of the vacancy or, if the election cannot be held within that period because the Assembly is dissolved, within thirty days of the general election to the Assembly.
- (4-D) The manner of election of elected members and filling of a casual vacancy in the office of an elected member shall be such as may be prescribed.]
- (5) ³²[An elected member] shall hold office for a term of five years from the day he enters upon his office;
- ³³[Provided that an elected member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.]

³⁰ Added by 2nd Amendment Act 1976.

³¹ Added by 1st Amendment Act 1975.

³² Substituted by 1st Amendment Act 1975.

- (6) ³⁴[An elected member] shall, before entering upon office make before the Chairman oath in the form set out in the First Schedule.
- (7) ³⁵[The executive authority of the Council shall extend to all matters with respect to which the Council has power to make laws and shall be exercised, in the name of the Council, by the Chairman who may act either directly or through the Secretariat of the Council of which a Federal Minister nominated by the Chairman from amongst the members of the Council and not more than three advisors appointed by the Chairman shall be in-charge.
- Provided that the Council may direct that, in respect of such matter as it may specify, its authority shall be exercisable by the Vice Chairman of the Council, subject to such condition, if any, as the Council may specify.
- (8) An Advisor may be appointed from amongst the elected members or the members of the Assembly.
- (9) An Advisor shall, before entering upon office, make before the Chairman oath in the form set out in the First Schedule.
- (10) An Advisor who is a member of the Assembly and ³⁶[the Federal Minister of the State for Kashmir Affairs and Northern Affairs] shall have the right to speak in, and otherwise take part in the proceedings of the Council, but shall not by virtue of this sub-section be entitled to vote.
- (11) The Council may make rules for regulating its procedure and the conduct of its business, and shall have power to act notwithstanding any vacancy in the membership thereof, any proceedings of the Council shall not be invalid on the ground that a person who was not entitled to do so sat, voted or otherwise took part in the proceedings.
- (12) Orders and other instruments made and executed in the name of the Council shall be authenticated in such manner as may be specified in rules to be made by the Council and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not any order or instrument made or executed by the Council.
- (13) Chairman may regulate the allocation and transaction of the business of the Council and may, for the convenient transaction of that business delegate any of its function to officers and authorities subordinate to it.]

Explanation. - In this section, ‘Chairman’ means Chairman of the Council.

- [³⁷(14) The words ‘The Prime Minister of Pakistan’ wherever occurring in this section shall be deemed to include the person for the time being exercising the powers and performing the functions of the Chief Executive of Pakistan.

³³ Added by *ibid*.

³⁴ Substituted by *ibid*.

³⁵ Substituted by *ibid*.

³⁶ Substituted by 2nd Amendment Act 1976.

³⁷ Added by 5th Amendment Act 1977.

- 22. Legislative Assembly.** - (1) The Legislature of Azad Jammu and Kashmir shall consist of Legislative Assembly consisting of ³⁸[forty- nine] members of whom-
- (a) ³⁹[forty one] shall be elected directly on the basis of adult franchise; and
 - (b) ⁴⁰[five], who shall be women, shall be elected by the directly elected members;
 - ⁴¹[(c) One, who shall be from amongst the Ulema-e-Din or Mushaikh and well-versed with the teaching of Islam, shall be elected by the directly elected members;
 - (d) One, who shall be from amongst the Jammu and Kashmir State Subjects residing abroad, shall be elected by the directly elected members; and
 - (e) One, who shall be from amongst the technocrats and other professionals, shall also be elected by the directly elected members.]
- (2) The manner of election of the members of the Assembly and the manner of filling casual vacancies shall be such as may be prescribed.
- (3) Every Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.
- ⁴²[(4) A general election to the Assembly shall be held within a period of sixty days immediately preceding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and result of the election shall be declared not later than fourteen days before that day.]
- 23. Oath of members of the Assembly.** - (1) A person elected as a member of the Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in the form set out in the First Schedule.
- (2) The oath may be made at any time whether or not the Assembly is in session.
 - (3) If any person sits or votes in the Assembly knowing that he is not qualified to be, or is disqualified from being, a member of the Assembly he shall be liable in respect of every day on which he so sits or votes to a penalty of two-hundred rupees a day which may be recovered from him as a debt to the Government recoverable as arrears of land revenue.
- 24. Qualification of members of the Assembly.** - (1) A person shall be qualified to be elected as, and to be, a member of the Assembly if-
- (a) he is a State Subject;
 - (b) he is not less than twenty-five years of age; and

³⁸ Substituted by 11th Amendment Act 2005.

³⁹ Substituted by *ibid*.

⁴⁰ Substituted by 7th Amendment Act 1986.

⁴¹ Added by *ibid*.

⁴² Added by 5th Amendment Act 1977.

- (c) his name appears on the electoral roll of any constituency in Azad Jammu and Kashmir or Pakistan.
- (2) A person shall be disqualified from being so-elected if-
- (a) he is of unsound mind and stands so declared by competent Court; or
 - (b) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent; or
 - (c) he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or
 - (d) 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
 - (e) 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
 - (f) he is otherwise disqualified from being of a member of the Assembly by this Act or by or under any other Law.

25. Seat in Assembly becomes vacant under certain circumstances. (1) The seat of a member of the Assembly shall become vacant if-

- (a) he resigns his seat by notice in writing under his hand addressed to the Speaker, in his absence, to the Secretary of the Assembly; or
- (b) he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly; or
- (c) he fails to make the oath referred to in Section ⁴³[23], within a period of ninety days after the date of his election unless the Speaker for good cause shown extends the period; or
- (d) he is elected as a member of the Council ; or
- (e) He ceases to be qualified for being a member under any provision of this Act or any other law.

⁴⁴[(1-A) If the member of the Assembly is elected to more than one seat, he shall within a period of thirty days after the declaration of result for the last such seat, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days except the seat to which he has been last elected or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was filed last.]

⁴³ Substituted by 1st Amendment Act 1975.

⁴⁴ Inserted by *ibid*.

- (2) If any question arises whether a member of Assembly has, after his election become disqualified from being a member of the Assembly, the Speaker shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified the member shall cease to be a member and his seat shall become vacant.
- ⁴⁵[(3) When except by dissolution of the Assembly, a seat in the Assembly has become vacant not later than one hundred and twenty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.]
- 26. Right to address and take part in Assembly proceedings.-** (1) The President may address the Assembly and send messages to the Assembly.
- (2) The Advocate General shall have the right to speak, and otherwise take part in proceedings of the Assembly or of any of its committees, but shall not by virtue of this section have the right to vote.
- 27. Meeting of the Assembly.-** (1) The Assembly shall assemble at such times and at such places as the President may appoint; and the President may prorogue a session of the Assembly except when the Assembly has been summoned by the Speaker.
- (2) Any meeting of the Assembly may be adjourned by the Speaker or other person presiding thereat.
- (3) There shall be at least ⁴⁶[four] sessions of the Assembly every year and ⁴⁷[three] months shall not intervene between the first sitting of the Assembly in one session and its first sitting in the next session.
- ⁴⁸[(4) On a requisition signed by not less than one-fourth of the total membership of the Assembly, the Speaker shall summon the Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition; and when the Speaker has summoned the Assembly, only he may prorogue it.]
- 28. Dissolution of Assembly.-** ⁴⁹[(1)] The President shall dissolve the Assembly if so advised by the Prime Minister, and the Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation.- Reference in this section to Prime Minister shall not be construed to include reference to a Prime Minister against whom a resolution for a vote of no-confidence has been moved in the Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the Assembly or a Minister performing the functions of Prime Minister under sub-section (1) or sub-section (3) of section 17.

⁴⁵ Added by 5th Amendment Act 1977.

⁴⁶ Substituted by 10th Amendment Act 1993.

⁴⁷ Substituted by *ibid*.

⁴⁸ Added by 1st Amendment Act 1975.

⁴⁹ Inserted by 5th Amendment Act 1977.

⁵⁰[(2) When the Assembly is dissolved a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the result of the election shall be declared not later than fourteen days after the conclusion of the polls.]

29. Speaker of the Assembly. - (1) The Assembly shall, at its first meeting or as soon thereafter as may be, elect from amongst its member a Speaker ⁵¹[and a Deputy Speaker] of the Assembly.

(2) Before entering upon office, a member of the Assembly elected as Speaker ⁵²[or Deputy Speaker] shall make before the Assembly an oath in the form set out in the First Schedule.

(3) All the Proceedings of the Assembly shall be conducted in accordance with Rules of Procedures made by the Assembly and approved by the President.

⁵³[(4) The speaker shall preside at the meetings of the Assembly and, when the office of the Speaker is vacant, or the Speaker is absent or is unable to perform his functions due to any cause, the Deputy Speaker shall act as Speaker, and if at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to any cause, such member of the Assembly present as may be determined by the Rule of Procedure of the Assembly shall preside at the meeting of the Assembly.

(5) So often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall elect one of its members to fill the office.]

(6) The Speaker may resign his office by writing under his hand addressed to the President.

⁵⁴[(6-A) The Deputy Speaker may resign his office by writing under his hand addressed to the Speaker;]

(7) The office of the Speaker ⁵⁵[or Deputy Speaker] shall become vacant if.

(a) except as provided in sub-section (8) he ceases to be a member of the Assembly; or

(b) he is removed from office by a resolution of the Assembly, of which not less than seven day's notice by not less than one-fourth of the total membership of the Assembly has been given and which is passed by a majority of total membership of the Assembly.

(8) When the Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

30. Voting in Assembly and quorum. (1) Subject to this Act,

⁵⁰ Added by *ibid*,

⁵¹ Inserted by 1st Amendment Act 1975.

⁵² Inserted by *ibid*.

⁵³ Substituted by *ibid*.

⁵⁴ Inserted by 1st Amendment Act 1975.

⁵⁵ Inserted by *ibid*.

- (a) a decision in the Assembly shall be taken by a majority of the votes of the members present and voting but the Speaker or the person presiding in his absence shall not vote except when there is an equality of votes in which case he shall exercise his casting vote;
 - (b) the Assembly may act notwithstanding any vacancy in its membership; and
 - (c) any proceedings in the Assembly shall not be invalid on the ground that some person who was not entitled to do so sat, voted or otherwise took part in the proceedings.
- (2) If at any time during the meeting of the Assembly the attention of the person presiding at the meeting is drawn to the fact that ⁵⁶[number of the members is less than one-third of the total membership of the Assembly], it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting ⁵⁷[till such number of the] members are present.

⁵⁸**[30-A. Restriction on discussion in Assembly etc.-** No discussion shall take place in the Assembly or the Council or the joint sitting with respect to the conduct of the any Judge of the Supreme Court of Azad Jammu and Kashmir or the High Court in the discharge of his duties.

30-B. Finance Committee.-(1) The expenditure of the Assembly within authorized appropriation shall be controlled by the Assembly acting on the advice of the Finance Committee.

- (2) The Finance Committee shall consist of the Speaker, the Finance Minister and such other members as may be elected thereto by the Assembly.
- (3) The Finance Committee may make rules for regulating its procedure.

30-C. Secretariat of Assembly.- (1) The Assembly shall have a separate Secretariat.

- (2) The Assembly may by laws regulate the recruitment and condition of service of persons appointed to the Secretarial Staff of the Assembly.
- (3) Until provision is made by the Assembly under sub-section (2), the persons appointed to the Secretarial Staff of the Assembly continue to be governed by conditions of service for the time being applicable to them.]

31. Legislative Power. - (1) Subject to the succeeding provisions of this section, both the Council and the Assembly shall have the power to make laws-

- (a) for the territories of Azad Jammu and Kashmir;
- (b) for all State Subjects wherever they may be; and
- (c) for the officers of the Council or as the case may be, the Government, wherever they may be.

⁵⁶ Substituted by 10 Amendment Act 1993.

⁵⁷ Substituted by *ibid*.

⁵⁸ Inserted by 1st Amendment Act 1975.

- (2) Subject to sub-section (3), ---
- (a) the Council shall have exclusive power to make laws with respect to any matter in the Council Legislative List set out in the Third Schedule, hereinafter referred to as the Council Legislative list; and
- (b) the Assembly shall, and the Council shall not, have power to make laws with respect to any matter not enumerated in the Council Legislative list.
- (3) Neither the Council nor the Assembly shall have the power to make any law concerning, ---
- (a) the responsibilities of the Government of Pakistan under the UNCIP Resolutions;
- (b) the defence and security of Azad Jammu and Kashmir;
- (c) the current coin or the issue of the bills, notes or other paper currency; or
- (d) the external affairs of Azad Jammu and Kashmir including foreign trade and foreign aid.
- (4) No tax shall be levied for the purposes of the territories of Azad Jammu and Kashmir except by or under the authority of an Act of the Council or the Assembly.
- (5) No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

32. Reference to Council of Islamic Ideology. - (1) If one-third of the total number of the members of the Assembly ⁵⁹[or, as the case may be, the Council] so requires, the Assembly ⁶⁰[or, as the case may be the Council] shall refer to the Council of Islamic Ideology constituted under the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Islamic Council) for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

- (2) When a question is referred by the Assembly ⁶¹[or, as the case may be, the Council] to the Islamic Council, the Islamic Council Shall, within fifteen days thereof, inform the Assembly ⁶²[or, as the case may be, the Council] of the period within which the Council expects to be able to furnish that advice.
- (3) Where the Assembly ⁶³[or, as the case may be, the Council] 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 Injunctions of Islam, the

⁵⁹ Inserted by 1st Amendment Act 1975.

⁶⁰ Inserted by *ibid*.

⁶¹ Inserted by *ibid*.

⁶² Inserted by *ibid*.

⁶³ Inserted by *ibid*.

Assembly ⁶⁴[or, as the case may be, the Council] shall reconsider the law so made.

33. Amendment of this Act. – ⁶⁵[(1) The provisions of this Act may be amended in accordance with the following provisions:

Provided that no amendment shall be made in Section 31, this Section or Section 56 saves with the prior approval of the Government of Pakistan.]

- (2) A Bill to amend this Act may originate either in the Council or in the Assembly.
- (3) Within fourteen days of the day on which a Bill to amend this Act is introduced in the Council or the Assembly, the President shall summon a joint sitting and if the Bill is passed in the joint sitting, ⁶⁶[.....] with or without amendment, by the votes of the majority ⁶⁷[of the total membership of the joint sitting], the Bill shall be presented to the President for assent.

⁶⁸[33-A. **Procedure at joint sitting.** - (1) The President may, after consultation with the Chairman of the Council and the Speaker makes rules as to the procedure with respect to the joint sittings.

- (2) At a joint sitting, the Speaker or, in his absence, such person as may be determined by the rules made under sub-section (1) shall preside.
- (3) The President may address a joint sitting and send messages to a joint sitting.
- (4) The Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, a joint sitting or any of its committees, but shall not by virtue of this section have the right to vote.]

34. General provisions regarding Council, etc.- (1) The validity of any proceedings in the Council, the Assembly or a joint sitting shall not be questioned in any Court.

- (2) An officer or member or an authority in whom powers are vested for the regulation of proceedings, conduct of business, maintain order in the Council, the Assembly, or a joint sitting shall not, in relation to the exercise by him of any of those powers, be subject to the jurisdiction of any Court.
- (3) A member of, or a person entitled to speak in, the Council, the Assembly or joint sitting, shall not be liable to any proceedings in any Court in respect of anything said by him or any vote given by him in the Council, the Assembly or a joint sitting or in any Committee thereof.
- (4) A person shall not be liable to any proceedings in any Court in respect of publication by or under the authority of the Council, the Assembly or a joint sitting, of any report, paper, vote or proceedings.

⁶⁴ Inserted by 1st Amendment Act 1975.

⁶⁵ Substituted by *ibid.*

⁶⁶ Omitted by *ibid.*

⁶⁷ Inserted by *ibid.*

⁶⁸ Inserted by *ibid.*

- (5) No process is issued by a Court or other authority shall, except with the leave of the Chairman of the Council or the Speaker be served or executed within the precincts of the place where a meeting of the Council or, as the case may be, the Assembly is being held.
- (6) Subject to this Section, the privileges of the Council, the Assembly, the Committees and members of the Council, or the Assembly and of the persons entitled to speak in the Council, or the Assembly, may be determined by law.
- 35. Authentication of Bills passed by the Council.-** A Bill passed by the Council shall not require the assent of the President and shall, upon its authentication by the Chairman of the Council, become law and be called an Act of the Council.
- 36. President's assent to Bills.-**(1) Subject to this Act, when a Bill has been passed by the Assembly or a joint sitting, it shall be presented to the President for assent.
- (2) The President shall assent to a Bill within seven days after it has been presented to him for assent under sub-section (1) or under section 33; and if the President fails to do so he shall be deemed to have assented to the Bill at the expiration of the said period.
- (3) When the President has assented or is deemed to have assented to a Bill, it shall become law and be called, ---
- (a) in the case of Bill to amend this Act, an Act of Azad Jammu and Kashmir; and
- (b) in the case of a Bill with respect to any other matter, an Act of the Assembly.
- 37. Council Consolidated Fund.-** (1) All the revenues received by the Council, all loans raised by the Council and all moneys received by it in repayment of any loan ⁶⁹[.....] shall form part of a Consolidated Fund, to be known as the Council Consolidated Fund.
- ⁷⁰(2) All other moneys;
- (a) received by or on behalf of the Council; or
- (b) received by or deposited with the Supreme Court of Azad Jammu and Kashmir or any other Court established under the authority of the Council;
- shall be credited to the Public Account of the Council;
- (2-A) The custody of the Council Consolidated Fund, the payment of moneys into that Fund, the withdrawal of money therefrom, the custody of other moneys received by or on behalf of the Council, their payment into, and withdrawal from, the Public Account of the Council, and all matters connected with or ancillary to the matters aforesaid, shall be regulated by Act of the Council or, until provision in that behalf is so made by rules made, by the Chairman of the Council.]
- (3) The Council shall, in respect of every financial year, cause to be prepared, and approve, a statement of the estimated receipts and expenditure of the Council for that year.

⁶⁹ Omitted by 1st Amendment Act 1975.

⁷⁰ Substituted by *ibid*.

- (4) The Chairman of the Council shall authenticate by his signature the statement approved by the Council under sub-section, (3); and no expenditure from the Council Consolidated Fund shall be deemed to be duly authorized unless it is specified in the statement so authenticated.

⁷¹[(5) If in respect of any financial year it is found;

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the statement referred to in sub-section (3) for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that year;

the Chairman of the Council shall have power to authorise expenditure from the Council Consolidated Fund and shall cause to be laid before the Council a supplementary statement or, as the case may be, an excess statement, setting out the amount of that expenditure, and the provision of sub-sections (3) and (4) shall apply to those statements as they apply to the statement referred to in sub-section (3).

- (6) Notwithstanding anything contained in the foregoing provisions of this section, the Council shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in sub-section (3) and (4).]

⁷²[**37-A. Azad Jammu and Kashmir Consolidated Fund.**- (1) All revenue received by the Government, all loans raised by the Government, and all moneys received by it in repayment of any loan, shall form part of a Consolidated Fund, to be known as the Azad Jammu and Kashmir Consolidated Fund.

- (2) All other moneys;
- (a) received by or on behalf of the Government; or
- (b) received by or deposited with the High Court or any other Court established under the authority of the Government;

shall be credited to the Public Account of the Government.

- (3) The custody of the Azad Jammu and Kashmir Consolidated Fund, the payment of money into that Fund, the withdrawal of moneys there-from, the custody of other moneys received by or on behalf of the Government, their payment into, and withdrawal from the Public Account of the Government and all matters connected with or ancillary to the matters aforesaid, shall be regulated by Act of the Assembly or, until provision in that behalf is so made by rules made, by the President.]

⁷¹ Inserted by 1st Amendment Act 1975.

⁷² Inserted by *ibid*.

38. Budget.- (1) The ⁷³[Government] shall, in respect of every financial year, cause to be laid before the Assembly a statement of the estimated receipts and expenditure for that year, to be called the Annual Budget.

(2) The Annual Budget shall be submitted to the Assembly in the form of demands, for grant and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein:

Provided that, for a period of ten years from the commencement of this Act or the holding of second general election to the Assembly after such commencement, whichever occurs later, a demand shall be deemed to have been assented to without any reduction of the amount specified therein, unless, by the votes of a majority of the total membership of the Assembly, it is refused or assented to subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Government.

(4) The Annual Budget as passed by the Assembly shall be placed before the President who shall authenticate it by his signature.

⁷⁴[(5) If in respect of any financial year it is found;

(a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that need has arisen for expenditure upon some new service not included in the Annual Budget for that year; or

(b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the Government shall have power to authorize expenditure from the Azad Jammu and Kashmir Consolidated Fund and shall cause to be laid before the Assembly a supplementary Budget or, as the case may be, an excess Budget, out setting the amount of that expenditure, and the provisions of this section shall apply to those budgets as they apply to the Annual Budget.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in sub-section (2) for the voting of such grant and the authentication of the Budget as passed by the Assembly in accordance with the provisions of sub-section (4) in relation to the expenditure.]

39. ⁷⁵[Special provisions regarding Budget, etc.]- (1) Where the Annual Budget for any financial year cannot be passed by the Assembly by reason of its having been earlier dissolved, ⁷⁶[the Prime Minister] shall cause to be prepared an Annual Budget for that year and, by his signature, authenticate the Budget.

⁷³ Substituted by 1st Amendment Act 1975.

⁷⁴ Substituted by 1st Amendment Act 1975.

⁷⁵ Substituted by *ibid.*

⁷⁶ Substituted by *ibid.*

- (2) The Annual Budget for any financial year authenticated by the ⁷⁷[Prime Minister] under sub-section (1) shall, for the purposes of this Act, be deemed to have been passed by the Assembly.
- 40. Restriction on expenditure.** - No expenditure shall be incurred by the Government except as authorized by the Annual or supplementary Budget as passed or deemed to have been passed by the Assembly.
- 41. Power to make Ordinance.**-(1) The President may, except when the Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.
- (2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Assembly and shall be subject to like restrictions as the power of the Assembly to make law, but every such Ordinance.
- (a) shall be laid before the Assembly and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution; and
- (b) may be withdrawn at any time by the President.
- (3) Without prejudice to the provisions of sub-section (2), an Ordinance laid before the Assembly shall be deemed to be a Bill introduced in the Assembly.
- (4) The President ⁷⁸[shall] likewise, except when the Council is in session, if so advised by the Chairman of the Council, make, ⁷⁹[promulgate and withdraw] an Ordinance as the circumstances may require; and the provisions of sub-section (2) and sub-section (3) shall apply to the Ordinance so made as if references therein to 'Act of the Assembly' and 'Assembly' were references respectively to 'Act of the Council' and 'Council'.
- ⁸⁰**42. Supreme Court of Azad Jammu and Kashmir.**- (1) There shall be constituted a Supreme Court of Azad Jammu and Kashmir to be the Highest Court of Appeal.
- (2) Subject to the provisions of this Act, the Supreme Court of Azad Jammu and Kashmir shall have such jurisdiction as is or may be conferred on it by this Act or by or under any law.
- ⁸¹[(3) The Supreme Court shall consist of a Chief Justice to be known as Chief Justice of Azad Jammu and Kashmir and two other Judges.]
- (4) The Chief Justice of Azad Jammu and Kashmir shall be appointed by the President on the advice of the Council and each of the other Judges of the

⁷⁷ Substituted by *ibid.*

⁷⁸ Substituted by 1st Amendment Act 1975.

⁷⁹ Substituted by *ibid.*

⁸⁰ Substituted by *ibid.*

⁸¹ Substituted by 10th Amendment Act 1993.

Supreme Court of Azad Jammu and Kashmir shall be appointed by the President on the advice of the Council after consultation with the said Chief Justice.

- (5) A person shall not be appointed a Judge of the Supreme Court of Azad Jammu and Kashmir unless he has-
- (a) for a period of, or for periods aggregating, not less than five years been a Judge of a High Court; or
 - (b) for a period of, or for periods aggregating, not less than fifteen years, been an Advocate or pleader of a High Court.

Explanation. - In this sub-section 'High Court' includes.-

- (a) the High Court of Azad Jammu and Kashmir and a High Court or an equivalent Court that existed in Azad Jammu and Kashmir before the fourteenth day of August, 1947; and
 - (b) a High Court in Pakistan including a High Court that existed in Pakistan at any time before the fourteenth day of August, 1973.
- (6) Before entering upon office, the Chief Justice of Azad Jammu and Kashmir shall make before the President and any other Judge of the Supreme Court of Azad Jammu and Kashmir shall make before the Chief Justice, oath in the form set out in the First Schedule.
- (7) A Judge of Supreme Court of Azad Jammu and Kashmir shall hold office until he attains the age of sixty-five years, unless he sooner resigns or is removed from office in accordance with law.
- (8) At any time when the office of Chief Justice of Azad Jammu and Kashmir is vacant, or the Chief Justice, is absent or 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 Supreme Court of Azad Jammu and Kashmir to act as Chief Justice of Azad Jammu and Kashmir.
- (8-A) If at any time it is not possible for want of quorum of the Judges of the Supreme Court to hold or continue any sitting of the Court, or for any other reason it is necessary to increase temporarily the number of Judges of the Supreme Court, the Chief Justice of Azad Jammu and Kashmir, may in writing:
- ⁸²(a) With the approval of the President, request a person who has held the office of a Judge of that Court, the Supreme Court of Pakistan or the Judicial Board or has held office of Judge of the High Court for a minimum period of three years and since whose ceasing to hold that office three year have not elapsed; or
 - (b) With the approval of the President and, except in the case of Chief Justice, with the consent of the Chief Justice of High Court, require a Judge of that Court who has held office as such judge for a minimum period of three years; or

⁸² Substituted by 4th Amendment Act 1977.

- (c) With the approval of President, request any person qualified for appointment as Judge of the Supreme Court], to attend sittings of the Supreme Court as an ad-hoc Judge for such period as may be necessary and while so attending and ad-hoc Judge shall have the same power and jurisdiction as a Judge of the Supreme Court.
- (9) The remuneration and other terms and conditions of service of a Judge of the Supreme Court of Azad Jammu and Kashmir shall be as provided in the Fourth Schedule.
- (10) Subject to the succeeding provisions of this Section, the Supreme Court of Azad Jammu and Kashmir shall have jurisdiction to hear and determine appeals from Judgments, decrees, final orders or sentences of the High Court of Azad Jammu and Kashmir.
- (11) An appeal shall lie to the Supreme Court of Azad Jammu and Kashmir from any Judgment, decree, final order or sentence of the High Court of Azad Jammu and Kashmir:---
 - (a) If the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid; or
 - (b) If the High Court has withdrawn for trial before itself any case from any Court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
 - (c) If the High Court has imposed any punishment on any person for contempt of the High Court; or
 - (d) If the amount or value of the subject-matter of the dispute in the Court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by Act of the Council and the Judgment, decree, or final order appealed from has varied or set aside the Judgment, decree or final order of the Court immediately below; or
 - (e) If the Judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value and the Judgment, decree or final order appealed from has varied or set aside judgment, decree or final order of the Court immediately below; or
 - (f) If the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act.
- (12) An appeal to the Supreme Court of Azad Jammu and Kashmir from a Judgment, decree, order or sentence of the High Court in a case to which sub-section (11) does not apply shall lie only if the Supreme Court of Azad Jammu and Kashmir grants leave to appeal.]

- ⁸³[(13) (a) An appeal to the Supreme Court shall be heard by a Bench consisting of not less than two Judges to be constituted or reconstituted by the Chief Justice;
- (b) if the Judges hearing a petition or an appeal are divided in opinion, the opinion of majority shall prevail;
- (c) If there is no such majority as aforesaid, the petition or appeal, as the case may be, shall be placed for hearing and disposal before another judge to be nominated by the Chief Justice;

Provided that if there is no other Judge, or if no other judge is able to hear the case, the Judgment, decree, order or sentence appealed from shall be deemed to be the Judgment, decree, order or sentence, as the case may be, of the Supreme Court:

Provided further that in case of difference of opinion as aforesaid, if the difference is only in respect of the nature, quantum or extent of the relief, liability, penalty or punishment to be granted or imposed, the decision of the Supreme Court shall be expressed in terms of opinion of the senior of the two Judges.]

- ⁸⁴[(14) The person holding office as Chief Justice of the State of Azad Jammu and Kashmir immediately before the commencement of Azad Jammu and Kashmir Interim Constitution (first Amendment) Act, 1975, shall as from such commencement hold office as Chief Justice of Supreme Court under this Act on the same terms and conditions of service as were applicable to him immediately before such commencement.
- (15) All legal proceedings pending in the Judicial Board, immediately before the commencement of Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975, shall, on such commencement, stand transferred to, and be deemed to be pending before the Supreme Court for determination and any judgment or order of the Judicial Board delivered or made before such commencement shall have the same force and effect as if it had been delivered or made by the Supreme Court.]

- ⁸⁵[42-A. **Issue and execution of processes of Supreme Court** .-(1) The Supreme Court shall have power to issue such directions, orders or decrees and as may be necessary for doing complete justice in any case or matter pending before it including an order for the purpose of securing the attendance of any person or the discovery or production of any document.
- (2) Any such direction, order or decree shall be enforceable throughout Azad Jammu and Kashmir as if it has been issued by the High Court.
- (3) All executive and judicial authorities throughout Azad Jammu and Kashmir shall act in aid of the Supreme Court.

⁸³ Substituted by 10th Amendment Act 1993.

⁸⁴ Added by 3rd Amendment Act 1976.

⁸⁵ Added by 3rd Amendment Act 1976.

- (4) Subject to this Act and law, the Supreme Court may, in consultation with the Council, make rules regulating the practice and procedure of the Court;

Provided that till the new rules are framed, the rules framed by the Judicial Board shall, so far as they are not inconsistent with this Act and any other law, be deemed to have been made by the Supreme Court until altered or amended and references to the Judicial Board in these rules shall be construed to be referred to the Supreme Court.

42-B. Decisions of Supreme Court binding on other Courts.- Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Azad Jammu and Kashmir.]

⁸⁶[**42-C. Seat of the Supreme Court:** - (1) The seat of the Supreme Court shall be at Muzaffarabad.

- (2) The Supreme Court may sit at such other place or places as the Chief Justice of Azad Jammu and Kashmir, with the approval of the President, may appoint.

42-D. Review of Judgment of order by the Supreme Court. - The Supreme Court shall have power, subject to the provisions of an Act of the Assembly or the Council and of any rules made by the Supreme Court, to review any Judgment pronounced or any order made by it.

42-E. Supreme Judicial Council: - (1) There shall be a Supreme Judicial Council of Azad Jammu and Kashmir.

- (2) the Supreme Judicial Council shall consist of:-
- (a) the Chief Justice of Azad Jammu and Kashmir who shall be its Chairman.
 - (b) the Senior Judge of the Supreme Court; and
 - (c) the Chief Justice of the High Court.
- (3) A Judge of the Supreme Court or of the High Court shall not be removed from office except as provided by this Section.
- (4) If, on information received from the Supreme Judicial Council or from any other source, the Chairman of the Azad Jammu and Kashmir Council or the President is of the opinion that a Judge of the Supreme Court or of the High Court,---
- (a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or
 - (b) may have been guilty of misconduct,
- the Chairman or the President as the case may be, shall direct the Supreme Judicial Council to inquire into the matter.
- (5) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

⁸⁶ Inserted by 10th Amendment Act 1993.

- (6) If, after inquiring into the matter, the Supreme Judicial Council reports to the Chairman of the Azad Jammu and Kashmir Council that it is of the opinion,---
- (a) that the Judge is incapable of performing the duties of the office or has been guilty of misconduct, and
 - (b) that he should be removed from office,
- the Chairman shall advise the President to remove the Judge from his office and the President shall pass orders accordingly.
- (7) The Supreme Judicial Council shall issue a Code of Conduct to be observed by Judges of the Supreme Court, and of the High Court.
- (8) If at any time the Supreme Judicial Council is inquiring into the conduct of a Judge who is a member of the Supreme Judicial Council, or a member of the Supreme Judicial Council is absent or unable to act due to illness or any other cause, then;
- (a) if such member is the Chief Justice or the Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority;
 - (b) If such member is the Chief Justice of the High Court, the senior most of the other Judges of the High Court, shall act as a member of the Supreme Judicial Council in his place.
- (9) If, upon any matter inquired into by the Supreme Judicial Council, there is difference of opinion amongst its members, the opinion of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

42-F. Power of Supreme Judicial Council to enforce Attendance of persons etc.-(1) For the purpose of inquiring into any matter, the Supreme Judicial Council shall have the same powers as has the Supreme Court, to issue directions or orders for securing the attendance of any person or the discovery or production of any document and any such direction or order shall be enforceable as if it has been issued by the Supreme Court.

- (2) The provisions of Section 45 shall apply to the Supreme Judicial Council as they apply to the Supreme Court and the High Court.

42-G. Bar of Jurisdiction: - The proceedings before the Supreme Judicial Council, and the removal of a Judge under Section 42-E shall not be called in question in any Court.]

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

- ⁸⁷[1-A. (a) The functions of the High Court may be performed by a Single Bench, a Division Bench or a Full Bench.

Provided that the Chief Justice may recall a case pending before a Bench and make it over to another or constitute a larger Bench for the purpose;

⁸⁷ Inserted by 10th Amendment Act 1993.

- (b) In case of difference of opinion in a full Bench, the opinion of the majority shall prevail;
 - (c) In case of difference of opinion in a Division Bench, the matter shall be referred to a third Judge and the decision of the High Court shall be expressed in terms of Judgment of the majority.]
- (2) The person holding office as Chief Justice or other Judge of the High Court immediately before the commencement of this Act shall be deemed to be the Chief Justice or other Judge as the case may be, appointed under this Act.
- ⁸⁸[(2-A). A Judge of High Court shall be appointed by the President on the advice of the Council and after consultation-
- (a) with the Chief Justice of the Azad Jammu and Kashmir, and
 - (b) Except where the appointment is that of Chief Justice, with the Chief Justice of the High Court.]
- (3) ⁸⁹[A person shall not be appointed] as a Judge of the High Court or Advocate-General unless-
- (a) he has for a period, or for periods aggregating, not less than ten years, been an Advocate or Pleader of the High Court of Azad Jammu and Kashmir or a High Court in Pakistan.
- Provided that the term 'High Court' herein shall include a High Court or an equivalent Court that existed at any time before the fourteen day of August, 1947;or
- (b) he has for a period of not less than ten years held a Judicial office out of which not less than three years shall have been as District and Sessions Judge.
- (4) Before he enters upon his office, the Chief Justice of the High Court shall make before President, and an other Judge of the High Court shall make before the Chief Justice, an oath in the form set out in the First Schedule.
- (5) The Chief Justice or a Judge of the High Court shall hold office until he attains the age of sixty-two years unless he sooner resigns or is removed from office in accordance with law:
- Provided that the President may appoint a Retired Judge of any High Court of Pakistan to be the Chief Justice or a Judge of the High Court for a period not exceeding three years and such person shall hold office till he attains the age of sixty-five years.
- (6) If at any time any Judge of the High Court is absent or is unable to perform his functions due to illness or some other cause, the President may appoint a person qualified for appointment as a Judge of the High Court to be an Additional Judge of the High Court for the period for which the Judge is absent or unable to perform his functions.

⁸⁸ Inserted by 1st Amendment Act 1975.

⁸⁹ Substituted by *ibid*.

- (7) A Judge of the High Court shall not,
- (a) hold any other office of profit in the service of Azad Jammu and Kashmir if his remuneration is thereby increased; or
 - (b) Occupy any other position carrying the right to remuneration for the rendering of services, but this sub-section shall not be construed as preventing a Judge from holding or managing private property.
- (8) A person who has held office as a Judge of the High Court shall not hold any office of profit in the service of Azad Jammu and Kashmir, not being a Judicial or quasi-judicial office or the office of Chief Election Commissioner or of Chairman or member of the Public Service Commission, before the expiration of two years after he ceased to hold that office.
- (9) The remuneration and other terms and conditions of Service of Judge of High Court shall be as provided in the ⁹⁰[Fifth Schedule].

⁹¹[43- A. **Acting Chief Justice:** - At any time when:-

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

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

44. Jurisdiction of High Court :- (1) The High Court shall have such jurisdiction as is conferred on it by this Act or by any other law.

- (2) Subject to this Act, the High Court ⁹²[may] if it is satisfied that no other adequate remedy is provided by law.-
 - (a) on the application of any aggrieved party, make an order.-
 - (i) directing a person performing functions in connection with the affairs of Azad Jammu and Kashmir or local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do; or
 - (ii) declaring that any act done or proceedings taken ⁹³[.] by a person performing functions in connection with the affairs of the State or a local authority has been done or taken without lawful authority, and is of no legal effect; or
 - (b) on the application of any person, make an order,---
 - (i) directing that a person in custody in Azad Jammu and Kashmir be brought before the High Court so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

⁹⁰ Substituted by 1st Amendment Act 1975.

⁹¹ Inserted by *ibid*.

⁹² Inserted by 1st Amendment Act 1975.

⁹³ Omitted by *ibid*.

- (ii) requiring a person ⁹⁴[..] holding or purporting to hold a Public office in connection with the affairs of Azad Jammu and Kashmir to show under what authority of law he claims to hold that office; or
 - (c) on the application of any aggrieved person, make an order giving such direction to the person or authority, including the Council and the Government, exercising any power or performing any function in, or in relation to, Azad Jammu and Kashmir as may be appropriate for the enforcement of any of the fundamental rights conferred by this Act.
- (3) An order shall not be made under sub-section (2) of this section on application made by or in relation to a person in the Defence Services in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action taken in relation to him as a member of the Defence Services.
- (4) Where, ---
- (a) application is made to the High Court for an order under clause (a) or clause (e) of sub-section (2); and
 - (b) the Court has reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or otherwise being harmful to the public interest, the Court shall not make an interim order unless the Advocate-General has been given notice of the application and the Court, after the Advocate-General or any officer authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in clause (b) of this sub-section.
- (5) In this Section, unless the context otherwise requires, 'person' includes any body politic or corporate, any authority of or under control of the Council or the Government and any Court or tribunal other than the Supreme Court of Azad Jammu and Kashmir, the High Court or a Court or Tribunal established under a law relating to the Defence Services.

⁹⁵[44-A. **Rules of Procedure.** - Subject to this Act and law, the High Court may in consultation with the Government, make rules regulating the practice and procedure of the Court or of any Court subordinate to it.

44-B. Decision of High Court binding on subordinate Courts. Subject to Section 42-B, any decision of the High Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all Courts subordinate to it.]

⁹⁶[44-C. **Seat of the High Court:** - (1) The permanent seat of the High Court shall be at Muzaffarabad.

⁹⁴ Omitted by *ibid.*

⁹⁵ Inserted by 3rd Amendment Act 1976.

⁹⁶ Inserted by 10th Amendment Act 1993.

- (2) The High Court may, from time to time, sit at such other places as the Chief Justice of the High Court, with the approval of the President, may appoint.]
- 45. Contempt of Court:** - (1) In this Section “Court” means the ⁹⁷[Supreme Court of Azad Jammu and Kashmir] or the High Court.
- (2) A Court shall have power to punish any person who-
- (a) Abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;
 - (b) Scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;
 - (c) Does anything which tends to prejudice the determination of a matter pending before the Court; or
 - (d) Does any other thing, which by law, constitutes contempt of the Court.
- (3) The exercise of the power conferred on a Court by this section may be regulated by law and, subject to law, by rules made by the Court.
- 46. High Court to superintend and control all Courts subordinate to it, etc.-** (1) The High Court shall superintend and control all other Courts that are subordinate to it.
- (2) There shall, in addition to the Supreme Court of Azad Jammu and Kashmir and the High Court, be such other Courts as are established by law.
- (3) A Court so established shall have such jurisdiction as is conferred on it by law.
- (4) No Court shall have any jurisdiction which is not conferred on it by this Act or by or under any other law.
- ⁹⁸**[46-A. Advisory Jurisdiction.-** (1) If, at any time, the Chairman of the Council or the President desires to obtain the opinion of the Supreme Court of Azad Jammu and Kashmir on any question of law which he considers of public importance, he may refer the question to the Supreme Court of Azad Jammu and Kashmir for consideration.
- (2) The Supreme Court of Azad Jammu and Kashmir shall consider a question so referred and report its opinion on the question to the Chairman of the Council or, as the case may be, the President.]
- 47. Administrative Courts and Tribunals:** - (1) Notwithstanding anything herein before contained, ⁹⁹[the Council in respect of matters to which its executive authority extends, and the Assembly in respect of matters to which the executive authority of the Government extends,] may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of.-

⁹⁷ Substituted by 1st Amendment Act 1975.

⁹⁸ Inserted by 1st Amendment Act 1975.

⁹⁹ Inserted by *ibid*.

- (a) matters relating to the terms and conditions of persons who are or have been in the service of ¹⁰⁰[Azad Jammu and Kashmir] including disciplinary matters;
 - (b) matters relating to claims arising from tortuous acts of ¹⁰¹[the Council or the] Government or any person in the services of ¹⁰²[Azad Jammu and Kashmir] or of any local or other authority empowered by law to levy any tax or cess and any servant or such authority acting in the discharge of his duties as such servant; or
 - (c) matters relating to acquisition, administration and disposal of any property which is deemed to be enemy property under any law.
- (2) Notwithstanding anything herein before contained, where any administrative Court or Tribunal is established under sub-section (1), no other Court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other Court immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment.
- (3) An appeal to the ¹⁰³[Supreme Court of Azad Jammu and Kashmir] from a Judgment, decree, order or sentence of an administrative Court or Tribunal shall lie only if the ¹⁰⁴[Supreme Court of Azad Jammu and Kashmir] being satisfied, that the case involves a substantial question of law of public importance, grants leave to appeal.

¹⁰⁵[47-A. **Employees of Court:**-The Supreme Court and the High Court, with the approval of the President, may make rules providing for the appointment of employees of the Court and for their terms and conditions of employment.]

48. Public Service Commission: - (1) There shall be a Public Service Commission for Azad Jammu and Kashmir which shall consist of such number of members, including a Chairman, and perform such function as may be prescribed.

- (2) The Public Service Commission existing immediately before the commencement of this Act and the persons holding office as Chairman and other members of that Commission immediately before such commencement shall be deemed to have been constituted and appointed under this Act.

49. The Services.-(1) Subject to this Act, the appointment of persons to, and the terms and conditions of service of persons in, the service of Azad Jammu and Kashmir may be regulated by law.

- ¹⁰⁶(2) Until an Act of the Council in respect of persons in the service of Azad Jammu and Kashmir employed in connection with the affairs of the Council, or an Act of

¹⁰⁰ Substituted by ibid

¹⁰¹ Inserted by ibid.

¹⁰² Substituted by ibid.

¹⁰³ Substituted by 1st Amendment Act 1975.

¹⁰⁴ Substituted by ibid.

¹⁰⁵ Inserted by 10th Amendment Act 1993.

the Assembly in respect of such persons employed in connection with the affairs of the Government makes provision for the matters referred to in sub-section (1), all rules and orders in force immediately before the commencement of this Act, shall continue in force and may be, amended from time to time by the Council or, as the case may be, the Government.]

50. Chief Election Commissioner ;- (1) There shall be a Chief Election Commissioner appointed by the President ¹⁰⁷[on the advice of the Council] on such terms and conditions as may be prescribed.

(2) The person appointed as Chief Election Commissioner under the Azad Jammu and Kashmir Government Act, 1970, or deemed to have been so appointed and functioning as such immediately before the commencement of this Act shall be deemed to have been appointed as Chief Election Commissioner under sub-section (1) on the same terms and conditions of service as are applicable to him immediately before such commencement.

¹⁰⁸**[50-A. Auditor-General. -** (1) There shall be an Auditor-General of Azad Jammu and Kashmir who shall be appointed by the President on the advice of the Council.

(2) Before entering upon office, the Auditor-General shall make before the Chief Justice of Azad Jammu and Kashmir oath in the form set out in the First Schedule.

(3) The terms and conditions of service, including the terms of office, of the Auditor-General shall be determined by Act of the Council and, until so determined, by rules made by the Council.

(4) The Auditor-General shall, in relation to:

(a) the accounts of the Council and any authority or body established by the Council; and

(b) the accounts of the Government and any authority or body established by the Government;

Perform such functions and exercise such powers as may be determined, by or under Act of the Council and, until so determined, by rules made by the Council.

(5) The accounts of the Council and of the Government shall be kept in such form and in accordance with such principles and methods as may be determined by the Auditor-General with the approval of the Council.

(6) The reports of the Auditor-General relating to the accounts of the Council shall be submitted to the Chairman of the Council who shall cause them to be laid before the Council; and the reports of the Auditor-General relating to the accounts of the Government shall be submitted to the President who shall cause them to be laid before the Assembly.]

¹⁰⁶ Substituted by 1st Amendment Act 1975.

¹⁰⁷ Inserted by *ibid.*

¹⁰⁸ Inserted by *ibid.*

51. Continuance of existing laws.- Subject to the provisions of this Act, all the laws which, immediately before the commencement of this Act, were in force in Azad Jammu and Kashmir shall continue in force until altered, repealed or amended by an Act of the appropriate authority.

¹⁰⁹[**Explanation.** - In this section.

- (a) “laws’ includes Ordinance, Orders, rules, bye-laws, regulations and any notification and other legal instruments having the force of law; and
- (b) ‘in force’ in relation to any law, means having effect as law whether or not the law has been brought into operation.]

52. General provisions regarding President and Ministers.- (1) ¹¹⁰[The President, the Prime Minister, a Minister or an Advisor shall not.-]

- (a) hold any other office of profit in the service of Azad Jammu and Kashmir or any other country; or
 - (b) occupy any other position carrying the right to remuneration for the rendering of services; but this section shall not be construed as preventing the President, ¹¹¹[the Prime Minister, a Minister or an Advisor] from holding or managing his private property.
- (2) No Criminal proceedings whatsoever shall be instituted or continued against the President ¹¹²[or the Chairman of the Council] while he is in office.
- (3) No civil proceedings in which relief is claimed against the President ¹¹³[or the Chairman of the Council] shall be instituted while he is in office in respect of any thing done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he enters upon his office unless at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him, stating the nature of the proceedings, the cause of the action, the name, description and place of residence of the party by whom the proceedings are to be institution and the relief which he claims.
- (4) Except in relation to proceedings referred to in sub-section (3) no process whatsoever shall be issued from any Court, or Tribunal against the President ¹¹⁴[or the Chairman of the Council,] whether in a personal capacity or otherwise, while he is in office.
- (5) Subject to this Act, ¹¹⁵[the President, the Prime Minister, the Chairman of the Council, the Federal Minister who is a member of the Council, a Minister or an Advisor shall not] except in respect of any thing done or not done by him in contravention of law, be answerable to any Court or Tribunal for the exercise of the powers, or the performance of the duties, of his office or for any act done or

¹⁰⁹ Added by 1st Amendment Act 1975.

¹¹⁰ Substituted by 1st Amendment Act 1975.

¹¹¹ Substituted by *ibid.*

¹¹² Inserted by *ibid.*

¹¹³ Inserted by *ibid.*

¹¹⁴ Inserted by *ibid.*

¹¹⁵ Substituted by 1st Amendment Act 1975.

purporting to be done by him in the exercise of those powers, or in the performance of those duties;

Provided that nothing in this sub-section shall be construed as restricting the right of any person to bring appropriate proceedings against the ¹¹⁶[Council or as the case may be, the] Government.

¹¹⁷**[52-A. Power to acquire property and to make contracts, etc.]**-(1) The executive authority of the Government and of the Council shall extend, subject to any Act of the appropriate authority to the grant, sale, disposition or mortgage of any property vested in, and to the purchase or acquisition of property on behalf of, the Government or as the case may be, the Council, and to the making of contracts.

- (2) All property acquired for the purpose of the Government or of the Council shall vest in the President or, as the case may be, in the Council.
- (3) All contracts made in the exercise of the executive authority of the Government or of the Council shall be expressed to be made in the name of the President or, as the case may be, the Council and all such contracts and all assurances of property made in exercise of that authority shall be executed on behalf of the President or, the Council by such persons and in such manner as the President or as the case may be, the Council may direct or authorize.
- (4) Neither the President, nor the Chairman of the Council, shall be personally liable in respect of any contract or assurance made or executed in the exercise of the executive authority of the Government or, as the case may be, the Council, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.
- (5) Transfer of land by the Government or the Council shall be regulated by law.]

53. Power to issue proclamation.-(1) ¹¹⁸[The President, if so advised by the Chairman of the Council], that a grave emergency exists in which the security of Azad Jammu and Kashmir is threatened by war or external aggression or by internal disturbances the President ¹¹⁹[shall] issue Proclamation of Emergency, hereinafter referred to as 'the Proclamation'.

- (2) A Proclamation shall be laid before a joint sitting which shall be summoned by the President to meet within thirty days of the Proclamation being issued and, ---
 - (a) shall, cease to be in force at the expiration of two months unless before the expiration of that period it has been approved by a resolution of the joint sitting; and
 - (b) Shall, subject to the provisions of clause (a), cease to be in force upon a resolution disapproving the resolution being passed by the votes of the majority of the total membership of the joint sitting.

¹¹⁶ Inserted by *ibid.*

¹¹⁷ Inserted by *ibid.*

¹¹⁸ Substituted by 1st Amendment Act 1975.

¹¹⁹ Substituted by *ibid.*

- (2-A) Notwithstanding anything contained in sub-section (2), if the Assembly stands dissolved at the time when the Proclamation is issued, the Proclamation shall continue in force for a period of four months but, if a general election to the Assembly is not held before the expiration of that period, it shall cease to be in force at the expiration of that period unless it has earlier been approved by a resolution of the Council.]
- (3) A Proclamation may be made before the actual occurrence of war or external aggression if the President is satisfied that there is imminent danger thereof.

53-A. [Deleted by 5th Amendment Act 1977]

54. Power to suspend fundamental rights.-(1) While a Proclamation is in operation, the President may, by order, declare that right to move any Court for the enforcement of such of the rights conferred by section 4 as may be specified in the order, and all proceedings pending in any Court for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

- (2) Every order made under sub-section (1), shall, as soon as may be, laid before the Assembly.

55. Power to vary or rescind Proclamation.-(1) A Proclamation issued under section 53 may be varied or revoked by a subsequent proclamation.

- (2) The validity of any Proclamation issued or order made under Section 53 or Section 54 shall not be questioned in any Court.

56. Act not to derogate from responsibilities of Pakistan.- Nothing in this Act shall derogate from the responsibilities of the Government of Pakistan in relation to the ¹²⁰[matters specified in sub-section (3) of section 31] or prevent the Government of Pakistan from taking such action as it may consider necessary or expedient for the effective discharge of those responsibilities.

¹²¹**56-A. Failure to comply with requirement as to time does not render an act invalid.** - When any act or thing required by this Act to be done within a particular period and it is not done within that period, the doing of the Act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

56-B. Oath of office.-(1) An oath required to be made by person under this Act shall be made in a language that is understood by that person.

- (2) Where, under this Act, an oath is required to be made before a specified person and, for any reason, it is impracticable for the oath to be made before that person, it may be made before such other person as may be nominated by that person.
- (3) Where, under this Act, a person required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath.

¹²⁰ Substituted by 1st Amendment Act 1975.

¹²¹ Inserted by *ibid*.

56-C. Effect of repeal of laws.-Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of this Act, the repeal shall not, except as otherwise provided in this Act,-

- (a) revive anything not in force or existing at the time at which the repeal takes affect;
- (b) affect the previous operation of the law or anything duly done or suffered under the law;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.]

57. Act to over-ride other laws, etc.-(1) The Provision of this Act shall over-ride and have effect notwithstanding the provisions of any law for the time being in force.

- (2) No Court, including the ¹²²[Supreme Court of Azad Jammu and Kashmir] and the High Court, shall call into question or permit to be called into question, the validity of this Act ¹²³[or an Act to amend it.]

58. Power to make rules. - The President may make rules for carrying out the purpose of this Act.

59. Repeal and saving. - (1) The Azad Jammu and Kashmir Government Act 1970 hereinafter referred to as the said Act, together with the Acts amending it, and the rules made thereunder are hereby repealed.

¹²⁴[(2)]

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THE FIRST SCHEDULE

OATH OF OFFICE

PRESIDENT

[See Section 5(6)]

I, ----- do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, His angels, the Books of Aallah, the Holy Quran being the last of them, his Prophets, the absolute finality of the Prophethood of Muhammad (peace be upon him), the day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

¹²² Inserted by 1st Amendment Act 1975.

¹²³ Added by *ibid*.

¹²⁴ Omitted by 1st Amendment Act 1975.

That, as President of Azad Jammu and Kashmir, I will remain loyal to the Country and to the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as President honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as President:

So help me Allah.

PRIME MINISTER

[Section 13(4)]

I, ----- do solemnly swear that I am Muslim and believe in the Unity and Oneness of Almighty Allah, His angels, the Books of Allah, the Holy Quran the last of them, His Prophets, the absolute finality of the Prophethood of Muhammad (peace be upon him), the day of judgment, and all the requirements and teachings of the Holy Quran and Sunnah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan.

That I will perform my functions as Prime Minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Prime Minister of Azad Jammu and Kashmir;

So help me Allah.

MINISTER

[See Section 14 (2)]

I.....do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan.

That I will perform my functions as minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as minister;

So help me Allah.

**SPEAKER ¹²⁵[OR DEPUTY SPEAKER] OF
LEGISLATIVE ASSEMBLY**

[See sec. 29 (2)]

I.....having been elected as Speaker [or Deputy Speaker] of Azad Jammu and Kashmir Legislative Assembly do hereby solemnly swear in the name of Allah;

¹²⁵ Inserted by 1st Amendment Act 1975.

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Speaker [or Deputy Speaker] of the Legislative Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Speaker [or Deputy Speaker] of the Assembly;

So help me Allah.

MEMBER OF LEGISLATIVE ASSEMBLY OR COUNCIL

[Seen Section 21 (6) and 23 (1)]

I, having been elected as member of the Legislative Assembly [or Council] do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Member of the Legislative Assembly [or Council] honestly and faithfully;

That I will not directly or indirectly communicate or reveal to any person official secret which may come to knowledge as Member of the Legislative Assembly [or Council],

So help me Allah.

CHIEF JUSTICE OF AZAD JAMMU AND KASHMIR, JUDGE OF THE SUPREME COURT OF AJK

[See section 42(6)]

I ... having been appointed Chief Justice of Azad Jammu and Kashmir or Judge of the Supreme Court of Azad Jammu and Kashmir do solemnly swear that I owe allegiance to Allah and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment and will administer justice according to the law in force in Azad Jammu and Kashmir, without fear or favour, affection or ill-will.

OATH OF CHIEF JUSTICE, JUDGE HIGH COURT

[See Section 43(4)]

I,..... having been appointed Chief Justice [or Judge] of the High Court of Judicature, Azad Jammu and Kashmir State, do solemnly swear that I owe allegiance to Allah and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment and will administer justice according to the law in force in Azad Jammu and Kashmir, without fear or favour, affection or ill-will.

OATH OF ADVISOR

[See section 21(9)]

I, do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Advisor honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as advisor.

So, help me Allah.

AUDITOR-GENERAL

[See section 50-A (2)]

I, do hereby solemnly swear in the name of Allah;

That, as Auditor-General of Azad Jammu and Kashmir, I will perform my functions honestly, faithfully in accordance with the Azad Jammu and Kashmir Interim Constitution Act, 1974 and the law and to the best of my knowledge ability and judgment, without fear or favour, affection or ill will.

SECOND SCHEDULE

[See 24 (2) (d)]

1. An office, which is not a whole time office remunerated either by salary or by fee.
2. The office of Lamberdar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title.
3. The offices of the Chairman of the Union Council, Union Committee and Town Committee and of the Vice Chairman of the Municipal Committee and the District Council.
4. Reserve of the Armed Forces.
5. Any other office which is declared by an Act of the Assembly not to disqualify its holder from being elected as, or from being a member of the Assembly.

THIRD SCHEDULE

[See section 31 (2)]

COUNCIL LEGISLATIVE LIST

1. Subject to the responsibilities of the Government of Pakistan under the UNCIP Resolutions, nationality, citizenship and [Nationalisation;] migration from or of into Azad Jammu and Kashmir, and admission into, and emigration and expulsion from, Azad Jammu and Kashmir, including in relation thereto the regulation of the movements in Azad Jammu and Kashmir of persons not domiciled in Azad Jammu and Kashmir.
2. Post and Telegraphs, including Telephones, Wireless, Broadcasting and other like forms of Communication; Post Office Saving Bank.
3. Public debt of the Council, including the borrowing of money on the security of the Council Consolidated Fund.
4. Council public services and Council Public Service Commission.
5. Council pensions, that is to say, pension's payable by the council or out of the Council Consolidated Fund.
6. Administrative Courts for Council Subjects.
7. Council agencies and institutions for the following purpose, that is to say, for research, for professional or technical training, or for the promotion of special studies.

8. Nuclear energy, including-
 - (a) Mineral resources necessary for the generation of nuclear energy;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy;
 - (c) and ionising radiations.
9. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodrome.
10. Beacons and other provisions for safety of aircraft.
11. Carriage of Passengers and goods by air.
12. Copyright, inventions, designs, trade marks and merchandise marks.
13. Opium so far as regards sale for export.
14. Banking, that is to say, the co-ordination with the Government of Pakistan of the conduct of banking business.
15. The law of insurance and the regulation of the conduct of insurance business.
16. Stock-exchange and future markets with object and business not confined to Azad Jammu and Kashmir.
17. Corporations, that is to say, the incorporation regulation and winding up of trading corporations including banking insurance and financial corporation, but not including corporations owned or controlled by Azad Jammu and Kashmir and carrying on business only within Azad Jammu and Kashmir or, co-operative societies, and of corporations, whether trading or not, with object not confined to Azad Jammu and Kashmir, but not including Universities.
18. Planning for economic co-ordination, including planning and co-ordination of scientific and technological research.
19. Highways, continuing beyond the territory of Azad Jammu and Kashmir excluding roads declared by the Government of Pakistan to be strategic importance.
20. Council surveys including geological surveys and Council meteorological organizations.
21. Works, lands and buildings vested in, or in the possession of, the Council for the purposes of the Council (not being Military, Navel or air force works), but as regards property situate in Azad Jammu and Kashmir, subject always to law made by the Legislative Assembly, save in so far as law made by the Council otherwise provides.
22. Census.
23. Establishment of standards of weights and measures.
24. Extension of the powers and jurisdiction of members of a police force belonging to Azad Jammu and Kashmir or any Province of Pakistan to any area in such Province or Azad Jammu and Kashmir, but not so as to enable the police of Azad Jammu and Kashmir or such province to exercise powers and jurisdiction in such Province or Azad Jammu and Kashmir without the consent of the Government of that province or Azad Jammu and Kashmir; extension of the powers and jurisdiction of members of a police force belonging to Azad Jammu and Kashmir or a Province of Pakistan to railway areas outside Azad Jammu and Kashmir or that province.
25. Election to the Council.

26. The salaries, allowances and privileges of the members of the Council and ¹²⁶[Advisors.]
27. Railways.
28. Mineral oil natural gas; liquids and substances declared by law made by the Council to be dangerously inflammable.
29. Development of industries, where development under Council control is declared by law made by the Council to be expedient in the public interest.
30. Removal of prisoners and accused persons from Azad Jammu and Kashmir to Pakistan or from Pakistan to Azad Jammu and Kashmir.
31. Measures to combat certain offences committed in connection with matters concerning the Council and the Government and the establishment of a police force for that purpose ¹²⁷[or the extension to Azad Jammu and Kashmir of the jurisdiction of a police force established in Pakistan for the investigation of offences committed in connection, with matters concerning the Government of Pakistan.]
32. Prevention of the extension from Azad Jammu and Kashmir to Pakistan or from Pakistan to Azad Jammu and Kashmir of infections of contagious diseases or pests affecting men; animals or plants.
33. Population planning and social welfare.
34. Boilers.
35. Electricity.
36. Newspapers, books and printing presses.
37. State Property.
38. Curriculum, syllabus, planning, policy, centres of excellence and standards of education.
39. Sanctioning of cinematography films for exhibition.
40. Tourism.
41. Duties of customs, including export duties.
42. Taxes on income other than agricultural income.
43. Taxes on corporations.
44. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.
45. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 42 and 43 or in lieu of either or both of them.
46. Terminal taxes on goods or passengers carried by railways or air, taxes on their fares and freights.
47. Fees in respect of any of the matters enumerated in this list, but not including fees taken in any Court.

¹²⁶ Substituted by 1st Amendment Act 1975.

¹²⁷ Added by *ibid*.

48. Jurisdiction and powers of all Courts with respect to any of the matters enumerated in this list.
49. Offences against laws with respect to any of the matters enumerated in this list.
50. Inquiries and statistics for the purpose of any of the matters enumerated in this list.
51. Matters which under the Act are within the Legislative competence of the Council or relates to the Council.
52. Resettlement and Rehabilitation of Jammu and Kashmir state refugees in Pakistan.
53. Matters incidental or ancillary to any of the matters enumerated in this list.

¹²⁸**[FOURTH SCHEDULE**

See Section 42 (9)

The Chief Justice and the Judges of the Supreme Court of Azad Jammu and Kashmir shall be entitled to the same salary, allowances, privileges and pension as are admissible to the Chief Justice and the Judges of the Supreme Court of Pakistan.]

¹²⁹**[FIFTH SCHEDULE**

See section 43 (9)

The Chief Justice and the Judges of the High Court of Azad Jammu and Kashmir shall be entitled to the same salary, allowances, privileges and pension as are admissible to the Chief Justice and the Judges of the High Court in Pakistan.

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¹²⁸ Substituted by 10th Amendment Act 1993.

¹²⁹ Substituted by *ibid*.

