

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

Dated the 2nd October, 1979.

No. 4612/SL/79. The following Ordinance made by the President on the 1st day of October, is hereby published for general information:-

(ORDINANCE CXXXII of 1979)

AN

ORDINANCE

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

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

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

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

1. **Short title, extent and commencement.-** (1) This Ordinance may be called the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1979.
(2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.
(3) It shall come into force at once and shall be deemed have taken effect from 21st day of September, 1977.
2. **Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context ,-

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

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

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

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

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

Explanation.- "Property" shall include -

- (1) (a) Lands rural or urban, all types of building and structures whether completed or under construction, compounds and enclosures of any type, factories and firm registered or otherwise ;
- (b) All types of machines whether fixed or movable including mechanical transport, tractors and similar machines, but excluding machines used for household purposes ;
- (c) Jewellery, precious stones all types in any form gold, silver and other precious metals in any form ;
- (d) Contracts, depots, import and export licenses permits, agencies granted to or obtained by a person

in his own name or in the name of any other person from the Government or any corporation or institution including autonomous and semi-autonomous body or association, controlled by the Government or in which the Government has any interest ;

- (e) Certificates, insurance policies, securities, bonds, bank balances, whether within or outside Azad Jammu and Kashmir, cash in any type of currency, shares, stocks, debentures or any other instrument carrying pecuniary benefits or advantages to a person ;
- (f) Any other movable or immovable property, not being a property used for house-hold purposes.

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

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

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

taken against such person, as the Chief Executive may deem fit.

5. A person, who, being required to submit to the Chief Executive a statement of his properties and assets fails to submit statement or knowingly submits a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.
6. (1) save as otherwise provided in section 7, a person who sells, transfers or otherwise disposes of any of the properties and assets in respect of which he is required to submit a statement under this Ordinance shall be punishable with rigorous imprisonment for a term which may extent to 7 year and/or fine and/or forfeiture of the whole or part of his properties and assets.
(2) Nothing in this section shall apply to the operation of any bank account by a person for meeting his bonafide requirements, the sale, transfer, disposal of his property which he is required to do under any law or to meet any lawful obligation in pursuance of any direction or order of a court or other lawful authority.
7. (1) A person who owns, or has in possession or under his control directly or indirectly, either in his own name or in the name of any other person, any property or assets which the Chief Executive has reason to believe have been acquired by unlawful or, improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful mal-administration, wilful misapplication or diversion of public money or by abuse of whatever kind of official power or position shall surrender such properties and assets in favour of the Government, in such manner, to such person and within such time as the Chief Executive or a person authorised by him in this behalf may by order, specify.
(2) subject to the provisions of section 11, no action of any kind shall be taken against a person who surrenders the properties and assets he is required to surrender under sub-section (1), except the forfeiture of such assets.
8. A person who owns, or has in possession or under his control, any property or assets which he is required to surrender under section 7, but fails to so surrender shall be punishable with regurious impersonment for a term which may extend to fourteen years and /or fine and/or forfeiture of the whole or part of his properties and assets.
9. No Court or Tribunal shall take cognizance of an offence under

section 5, 6 and 7 of this Ordinance unless the Chief Executive has recommended punitive action against the accused.

10. (a) All Departments of the Government and of Corporation or institutions including autonomous or semi-autonomous bodies or associations controlled by the Government or in which the Government has any interest, which are concerned with the allotment of rural or urban land, the issuance of contracts, import, export licences, route permits or allotment of depots or agencies and selling or purchase of shares and stocks, shall within such period as may be specified by the Chief Executive from time to time submitted to the Chief Executive, full particulars of the properties mentioned in this Section which have been issued, allotted, granted, purchased or sold to persons, mentioned in sub-section (1) of Section 3 between December, 1970 and August, 1977.

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

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

Provided if, before the elections are held, a candidate of a political party from any constituency is disqualified under the provisions of this Section, all parties shall be entitled to nominate fresh candidates for that constituency and election in that constituency be held on such later date as the Chief Election

Commissioner may notify in this behalf:

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

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

(Mohammad Hayat Khan)
President.
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law

553

THE SCHEDULE
(SEE SECTION 3)
DECLARATION OF ASSETS.

I, resident of
 Ex-President/Prime Minister/Speaker/Minister/Presidential Assistant/Special Assistant or Advisor to
 the Prime Minister/Member of the Legislative Assembly/Member of the Council, from Constitution
 No. hereby declare that no immovable property or immovable property, mentioned in
 section 3 of the Ministers, Members of Assembly and Council (Declaration of Assets) Ordinance, 1979
 is held by me or any dependents, except as stated below :-

PART I

Properties and assets held at the time of becoming President, Prime Minister, Minister, Presidential
 Assistant, Special Assistant of Advisor to the Prime Minister, Member of Assembly of the Council.

Name	In whose name held	District in which the immovable property is situated	Particulars of movable property	Particulars of pearls, precious stones, jewellery etc.	extent of interest in property	Approximate value of property	How acquired whether by purchase, gift or inheritance.	Remarks
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PART II

Properties and assets held at the time ceasing to be President, Prime Minister, Minister, Speaker
 Presidential Assistant, Special Assistant or Advisor to the Prime Minister, Member of Assembly or of the Council.

Name	In whose name held	District in which the immovable property is situated	Particulars of movable property	Particulars of pearls, precious stones, jewellery etc.	Extent of interest in property	Approximate value of property	How acquired whether by purchase, gift or inheritance.	Remarks
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No. 32141-32260/PS/79 Dated 5-10-1979

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 and Government of the State of Jammu and Kashmir

Signature
 Address