

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

Dated the 7th October, 1979.

No. 4681/SL/79. The following Ordinance made by the President on the 7th day of October, 1979, is hereby published for general information:-

(ORDINANCE CXXXVIII OF 1979)

AN

ORDINANCE

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

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

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

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

1. **Short title, extent and commencement.**- This Ordinance may be called the council of Islamic Ideology (Constitution) Ordinance, 1979.
 - (2) It extend to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant to the subject or context, -
 - (a) 'Assembly' means the Legislative Assembly of Azad Jammu and Kashmir ;
 - (b) 'Council' means the Azad Jammu and Kashmir Council constituted under the Azad Jammu and Kashmir Interim Constitution Act, 1974 ;

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

3. **Composition etc. of Islamic Council.**- (1) There shall be a Council of Islamic Ideology in Azad Jammu and Kashmir.

(2) The Islamic Council shall consist of such members being not less than six and not more than nine as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Azad Jammu and Kashmir and Pakistan.

(3) While appointing members of the Islamic Council, President shall ensure that:-

- (a) so far as practicable various Schools of thought are represented in the Council ;
- (b) one of the members is a person who is or has been a Judge of the Supreme Court or of a High Court ;
- (c) not less than two members are such persons who have been engaged, for a period of not less than ten years in Islamic research or instruction.

(4) The President shall appoint one of the members referred to in clause (b) of sub section (3) to be the Chairman of Islamic Council.

(5) Subject to sub-section (6), a member of the Islamic Council shall hold office for a period of three years ; and

(6) A member may, by writing under his hand addressed to the President, resign his office or may be removed by the

President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.

4. **Reference by Assembly etc.-** The President or the Government may, or if two fifths of its total membership so requires, the Assembly or the Council shall refer to the Islamic Council for advice any question as to whether a Proposed law is or is not repugnant to the injunctions of Islam.
5. **Functions of the Islamic Council:-** (1) the functions of the Islamic Council shall be-
 - (a) to make recommendations to the Government, the Assembly and the Council as to the ways and means of enabling and encouraging the Muslims of Azad Jammu and Kashmir to order their lives individually and collectively in all respect in accordance with the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah ;
 - (b) to advise the Assembly, the Council, the President or the Government on any question referred to the Islamic Council as to whether a proposed law is or is not repugnant to the injunctions of Islam ;
 - (c) to make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam and the stages by which such measures should be brought into effect ; and
 - (d) to compile in a suitable form, for guidance of the Assembly, the Council, the President and the Government, such injunctions of Islam as can be given legislative effect.
- (2) When under Section 4, a question is referred by the President, the Assembly or the Council to the Islamic Council, the Islamic Council, shall, within fifteen days thereof, inform the President, the Assembly or the Council, as the case may be, of the period within which the Islamic Council expects to be able to furnish that advice.
- (3) Where the Assembly, the Council, the president or the Government, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of the

Islamic Council is furnished, the law may be made before the advice is furnished ;

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

(4) The Islamic Council shall submit its final report within three years of its appointment, and shall submit an annual interim report. The report, whether interim or final, shall be laid for discussion before the Assembly or the Council, as the case may be, within six months of its receipt, and the Assembly or the Council, as the case may be, after considering the report, shall enact laws in respect thereof within a period of two years of the final report.

6. **Rules of Procedure.**- (a) The proceedings of the Islamic Council shall be regulated by rules of procedure, which have already been framed by the Council ;

(b) Any further amendment, addition or alteration in the existing rules may be made by the Council with the approval of the President.

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

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

(Brigadier Mohammad Hayat Khan)
President
Azad Jammu and Kashmir.

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.