

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

Dated the 11<sup>th</sup> May, 1980.

No. 2628/LD/80. The following Ordinance made by the President on the 8<sup>th</sup> day of May, 1980, is hereby published for general information:-

**(ORDINANCE LXXVI OF 1980)**

AN

ORDINANCE

further to amend the Holders of Representative Offices (Trial of Offences) Ordinance, 1980

WHEREAS it is expedient to amend the Holders of Representative Offices (Trial of Offences) Ordinance, 1980 (Ordinance XLII of 1980) for the purposes hereinafter appearing;

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

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

1. **Short title and Commencement.**- (1) This Ordinance may be called the Holders of Representative Offices (Trial of Offences) (Amendment) Ordinance, 1980.  
(2) It shall come into force at once.
2. **Amendment of Section 2, Ordinance XLII of 1980.**- In the Holders of Representative Offices (Trial of Offences) Ordinance 1980 (Ordinance XLII of 1980), hereinafter referred to as the said Ordinance, in Section 2, in clause (e) ,-
  - (a) in sub-clause (i), between the words 'President' and 'Minister' the word and comma 'Speaker', shall be inserted and shall be deemed always to have been so inserted ; and
  - (b) in sub-clause (ii) between the words 'President' and 'Prime Minister' the word and comma 'Speaker', shall be inserted and shall be deemed always to have been so inserted.
3. **Amendment of Section 6, Ordinance XLII of 1980.**- In the said Ordinance, in Section 6,-
  - (a) in sub-section (2), the word 'Previous' shall be deleted;

- (b) for sub-section (3) the following shall be substituted.-  
"(3) Any prosecution sanction accorded at any time after the enforcement of the Holders of Representative Offices (Trial of Offences) Ordinance, 1978 (Ordinance VIII of 1978) shall be deemed to have been validly accorded under this Ordinance and shall be conclusive proof of the fact that it was accorded after due process of the case and that it complies with the provisions of the relevant laws;" and
- (c) after sub-section (3) the following new sub-section (3-A) and (3-B) shall be added:-  
“(3-A) The provision of sub-section (3) shall apply to all cases including appeals pending before any court.  
(3-B) The legality or propriety of any order passed by the Government under this Ordinance shall not be called in question in any court including a Special Court or the Appellate Court thereof”.

4. **Amendment of Section 7, Ordinance XLII of 1980.-** In the said Ordinance, in Section 7,-

- (a) in sub-section (7), between the words 'Public Servant and 'required' the words figures, and brackets "sanction for prosecution except under section 6 (2)" shall be inserted:
- (b) After sub-section (7), the following new sub-section (8) shall be added,-  
"(8) A Special Court may convict a person of any scheduled offence proved on the basis of evidence produced before it, notwithstanding the fact that the accused was not charged for the same."

(Mohammad Hayat Khan)  
President  
Azad Jammu & Kashmir.

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Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law