

Volume X (1994-2000)
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD

Dated the 26th January, 1994

No.125-29/LD/94. The following ordinance made by the President on the 26th day of January, 1994 is hereby published for general information:-

(ORDINANCE VI OF 1994)

AN
ORDINANCE

to make provisions for the constitution of the Council of Islamic Ideology in Azad Jammu and Kashmir for giving effect to the provisions of Section 31 (5) 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 (5) of the Interim Constitution Act, 1974;

AND WHEREAS the Legislative Assembly is not in session and 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 Council of Islamic Ideology (Constitution) Ordinance, 1994.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant to the subject or context,-
 - (a) 'Chairman' means the Chairman of the Council of Islamic Ideology constituted under this Ordinance;
 - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
 - (c) 'Islamic Council' means the Council of Islamic Ideology constituted under this Ordinance;
 - (d) 'President' means the President of Azad Jammu and

3. **Composition etc, of Islamic Council.-** (1) There shall be a Council of Islamic Ideology in Azad Jammu and Kashmir.
- (2) The Islamic Council shall consist of such members being not less than six and not more than nine as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Azad Jammu and Kashmir and Pakistan.
- (3) While appointing members of the Islamic Council, the President shall ensure that:-
- (a) so far as practicable various schools of thought are represented in the Council;
 - (b) one of the members is a person who is or has been a Judge of the Supreme Court or of a High Court;
 - (c) not less than two members are such persons who have been engaged, for a period of not less than ten years in Islamic Research or Instructions.
- (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;
- Provided that the President may reappoint a member or Chairman for such a period as he may deem fit.
- (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 President/Government.-** The President or the Government may, refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the injunctions of Islamic.
5. **Functions of the Islamic Council.-** (1) The functions of the Islamic Council shall be-
- (a) to make recommendations to the Government, as to the ways and means of enabling and encouraging the

Muslim of Azad Jammu and Kashmir to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah;

- (b) to advise 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 stage by which such measures should be brought into effect; and
- (d) to compile in a suitable form, for guidance of the President and Government, such injunctions of Islam as can be given legislative effect.

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

(3) Where the President or the Government, as the case may be, consider 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 a advice to the Islamic Council and the Council advises that the law is repugnant to the Injunctions of Islam, 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 also submit an annual interim report.

6. **Rules of Procedure.**-(a) The proceeding 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. **Application of Civil Servants Act and Rule.**- All employees of

the Council appointed for carrying out the purposes of this Ordinance shall be civil servants and their terms and conditions of service shall be governed under the provisions of Civil Servants Act, 1976, and rules made thereunder.

8. **Savings.**- Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all actions taken, notifications issued, ordereds or appointments made, proceedings initiated, jurisdictions or powers exercised under the provisions of the Council of Islamic Ideology (Constitutions) Ordinance, 1978 (Ordinance XLI of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have validity done taken, issued, made, initiated or exercised under this Ordinance.

Sd/-
(Sardar Sikandar Hayat Khan)
President
Azad Jammu and Kashmir

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law