

THE AZAD JAMMU AND KASHMIR STATE COUNCIL

ORDINANCE, 1970

(Ordinance VI of 1970)

(Passed under Government Order No. 2829-2879/SL/70, Dated the July 18, 1970).

WHEREAS it is necessary to provide for the constitution of a State Council elected on the basis of adult franchise ;

It is hereby enacted as follows :-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir¹ [Legislative Assembly] Ordinance, 1970.
(2) It shall come into force at once.
2. **Composition of the State Council:-** As soon as may be after the promulgation of this Ordinance and notwithstanding anything contained in the Azad Jammu and Kashmir Government Act, 1968, there shall be constituted in the manner hereinafter appearing [Legislative Assembly] consisting of:
 - (1) ² [twenty nine]³ members to be elected by the State Subjects residing in the territories now under the administration of the Azad Government of the State of Jammu and Kashmir;
 - (2) ⁴ [six] members to be elected from amongst themselves by the refugees from the occupied areas of districts of Muzaffarabad, Anantnag (Islamabad) and Baramulla as these existed on 14th day of August, 1947, who are now residing in any of the provinces of the Punjab, Baluchistan, Sind and North-West Frontier Province⁵ [and Federal Capital of Pakistan and Federally Administered Tribal Areas.]

¹ Substituted vide section 3 of act I of 1975 original word was 'State Council'.

² Substituted vide section 2(a) of Act I of 1975 original word was 'sixteen'.

³ Substituted vide section 2(a) of Act I of 2006 original word was "twenty-eight".

⁴ Substituted vide section 2(b) of Act I of 1975 original word was 'four'.

⁵ Added vide section 2(i) of Act XXVI of 1986.

Note: Saving clause was provided as Section 3 of amending Act [Act XXVI of 1986] which is as under:-

" 3. **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 Azad Jammu and Kashmir Legislative Assembly (Amendment) Ordinance, 1977 (Ordinance XI of 1977) 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 Act."

(3) ¹ [six Mmembers to be elected from amongst themselves by such of the State Subjects from occupied areas of distrcts of Jammu, Kathua, Reasi, Udhampur, Poonch State and Mirpur as existed on 14th day of August, 1947 and Mangla Dam affectees who are now residing in any of the Province of Pakistan.]²

(4) ³ ⁴[Five] woman member to be elected by the⁵[forty one]⁶ elected members of the [Legislative Assembly]; but this clause shall not be construed as making a woman ineligible for election to any other seat in the State Council.

⁷[(5) One who shall be from amongst the Ulema-e-Deen or Mushaikh and well-versed with the teachings of Islam, shall be elected by the directly elected members.

(6) One, who shall be from amongst the Jammu and Kashmir State Subjects residing abroad, shall also be elected by the directly elected members.

(7) One, who shall be from amongst the technocrats and other professionals, shall also be elected directly elected members.”

Explanation.

- (a) “Technocrat and professional” shall include an Agriculturist Economist, Educationist, Lawyer, Doctor, Engineer, Scientist ⁸[and Journalist having Masters degree in Journalism or Mass Communication], with at least ten years experience, or any person having special education in any branch of knowledge with the same experience;
- (b) ⁹[Omitted]

¹Substituted vide section 2(c) of Act I of 1975 original word was 'four'.

² Substituted vide Section 5 of Act XXXV of 2017. Original were as: ² [six] members to be elected from amongst themselves by such of the State Subjects from other parts of the State of Jammu and Kashmir, and State Subjects originally residing in territories under the administration of Azad Government of the State of Jammu and Kashmir, as are now residing in the Provinces² [and the areas] referred to in clause (2) ;

³ Substituted vide Section 2(a) of Act VII of 1987. Original words: two

⁴ Substituted vide section 2(d)(i) of Act I of 1975 original word was 'one'.

⁵ Substituted vide section 2(d)(ii) of Act I of 1975 original word was 'twenty four'.

⁶ Substituted vide Section 2(b) of Act I of 2006. Original words: forty

⁷ Added vide Section 2(b) of Act VII of 1987.

⁸ Added vide Section 2 of Act XXVII of 2014.

⁹ Omitted vide Section 2 of Act VIII of 1992. Original Words were: “aalim” or “sheikh” means a Muslim scholar with high qualification in religious education or specialized knowledge in “Faiqah” “Tafseer” and “Hadith” to his credit and engaged for at least ten years in dissemination or preaching of these subjects as “aalim-e-din” or “Shaikh”.