

**(Act XI of 1971)**

WHEREAS it is expedient to make provision for enquiry being made into complaints against issuance of false State Subject Certificates ;

It is hereby enacted as follows :-

1. **Short title commencement and extent:-** (1) This Act may be called the Azad Jammu and Kashmir State Subject Certificate Cancellation Act, 1971.
  - (2) It shall come into force at once.
  - (3) It extends to the whole of Azad Jammu and Kashmir.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:
  - (i) 'false State Subject Certificate' means a State Subject Certificate obtained or issued on evidence which the person obtaining, or the officer issuing, either knows or has reason to believe to be false or does not believe to be true and includes a forged State Subject Certificate ;
  - (ii) 'State Subject Certificate' means a State Subject Certificate issued under the Rules contained in the late Government of the State of Jammu and Kashmir Council Order No. 804 of 1935;
  - (iii) 'Special Board' means a Board constituted under Section 3.
3. **Constitution of Special Board:-** The Government may by notification in the official Gazette, constitute a Special Board comprising of a Chairman and two other members appointed by the Government.

**Functions of the Special Board:-** The Special Board, either of its own motion or on a complaint by any person, may, at any time, enquire into and cancel a Certificate which is found to be false State Subject Certificate.

**Powers of special Board:-** (1) The Special Board shall have the Powers of a civil court trying a suit under the code of Civil procedure, 1908 (Act V of 1908), as in force in Azad Jammu and Kashmir, in respect of the following matters, namely :- summoning and enforcing the attendance of any person and examining him on oath ;

requiring the discovery and production of any documents ;

receiving evidence on affidavits ;

(a) issuing commissions for the examination of

witnesses or documents.

(2) The Special Board may require any person, subject to any privilege which he may claim under any law for the time being in force, to furnish such information as, in the opinion of the Special Board, may be of assistance to it for the purpose of an enquiry under this Act.

6. **Punishment:-** (1) Any person found to have obtained or helped in obtaining a false State Subject Certificate shall be punished with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine which may extend to one thousand rupees.

(2) Any Government servant who is found to have issued, or recommended the issuance of a false State Subject Certificate shall be punished with imprisonment of either description which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

7. **Procedure in the trial:-** (1) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in Azad Jammu and Kashmir, shall apply to the trial of cases under this Act so far as they are not inconsistent with the provisions of this Act.

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), as in force, in Azad Jammu and Kashmir or any other law for the time being in force, the previous sanction of the Government shall be required for the prosecution of a Government servant for an offence under sub-section (2) of Section 6 and such sanction shall be sufficient for the prosecution of the Government servant for such offence.

8. **Supply of Copies of previous statement:-** The previous statements of the witnesses to be examined for the prosecution at the trial shall be supplied to the accused at least one week before the commencement of the trial.

9. **Power to make rules:-** The Government may make rules to carry out the purposes of this Act.