

THE PUBLIC AND REPRESENTATIVE OFFICES (DIS-QUALIFICATION) ACT, 1950.

An Act to provide for the debarring from public life for a suitable period of persons judicially found guilty of misconduct in any public office or representative capacity or in any matter relating thereto :-

Whereas it is necessary to provide for the debarring from public life for a suitable period of persons judicially found guilty of misconduct in any public office or representative capacity or in any matter relating thereto :-

It is hereby enacted as follows:-

1. (i) This Act may be called the Public and Representative Offices (Disqualification) Act, 1950.
(ii) It extends to all the Territory under the administration of the Azad Kashmir Government.
(iii) It shall come into force at once and shall be deemed to have taken effect on the 24th of October, 1947.
2. (i) Notwithstanding anything in any other Act for the time being in force any person who is found guilty by the Azad Kashmir High Court moved in this behalf by the Azad Kashmir Government, of misconduct in or in any matter relating to his office or capacity as a Minister, Deputy Minister, Parliamentary Secretary of the Azad Kashmir Government, or as a member of the Legislature shall, upon the public notification of the Order of the Azad Kashmir Government in this behalf and for such period not exceeding ten years as the Government may appoint in the order, be disqualified for being and for being chosen as a Minister, Deputy Minister, or Parliamentary Secretary, a Member of Legislature, any local body or local authority and shall also be ineligible for holding any office of profit under the Government.
(ii) The Tribunal set up under sub-section (i) shall consist of such two or more High Court Judges as the Azad Kashmir Cabinet seems fit to appoint.
(iii) In making any order under sub-section (i) the Azad Kashmir Government shall act in its discretion. In this section:-

‘Misconduct’ include bribery, corruption, jobbery, favouritism, nepotism, willful maladministration, willful misapplication or diversion of public moneys, or moneys collected, whether by public subscription or otherwise, by or at the instance of persons holding honorary or

stipendiary office under the Azad Kashmir Government and any other abuse of official power or position or any abetment thereof, 'local authority' means a body or authority entitled to or entrusted by the Azad Kashmir Government with the control or management of a local fund.

3. Notwithstanding anything in any other law for the time being in force or in any rule or standing order where any person becomes disqualified as provided in section 2, his office seat or place as such Minister, Deputy Minister, Parliamentary Secretary or member as is mentioned in that section shall become forthwith vacant.
4. Nothing in this Act shall prevent or prejudice the trial and punishment of any such person as aforesaid under any other law for the time being in force for any offence which he may have committed in his office or capacity as aforesaid or in any matter relating thereto, nor shall anything in such law prevent or prejudice the operation of this Act.
5. Any order passed by the Azad Kashmir Cabinet under Section 2, shall be final and shall not be called in question in any Court.
6. The Azad Kashmir Government may frame such rules as it considers necessary to carry out the purposes of this Act.