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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF KASHMIR AFFAIRS AND GILGIT-BALTISTAN

NOTIFICATION

Islamabad, the 1st June, 2018

S. R. O. 704(I)/2018.—The President of Islamic Republic of Pakistan on advice of the Prime Minister of Pakistan is pleased to promulgate "The Government of Gilgit-Baltistan Order, 2018".

AN

ORDER

to provide for political empowerment and good governance in Gilgit-Baltistan

Whereas it is expedient to provide for greater empowerment so as to bring Gilgit-Baltistan at par with other provinces and to initiate necessary legislative, executive and judicial reforms for the aforesaid purposes;

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It is hereby enacted as under:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Government of Gilgit-Baltistan Order, 2018.

(2) It extends to the whole of Gilgit-Baltistan.

(3) It shall come into force at once.

PART-I
INTRODUCTORY

2. **Definitions.**—(1) In this Order, unless there is anything repugnant in the subject or context,—

(a) "Assembly" means the Gilgit-Baltistan Assembly;

(b) "Citizen" means a person who has a domicile or resident of Gilgit-Baltistan and who is a citizen under the Pakistan Citizenship Act, 1951 (II of 1951);

(c) "Council" means the Gilgit-Baltistan Council constituted under this Order;

(d) "Chairman" means the Chairman of the Council who shall be the Prime Minister of Pakistan;

(e) "Federation" means the Federal Government of Islamic Republic of Pakistan;

(f) "Financial year" means the year commencing on the first day of July and ending on the thirtieth day of June;

(g) "Gilgit-Baltistan" means the areas comprising districts of Astore, Diamer, Ghanche, Ghizer, Gilgit, Hunza, Nagar, Skardu, Shigar, Kharmang and such other districts as may be created from time to time;

(h) "Governor" means the Governor of Gilgit-Baltistan and includes a person for the time being acting as Governor;

(i) "Government" means the Government of Gilgit-Baltistan;

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(j) "Judge" in relation to the Gilgit-Baltistan Supreme Appellate Court or the Gilgit-BaltistanChief Court, includes the Chief Judge of the Gilgit-Baltistan Supreme Appellate Court and the Chief Court;

(k) "person" includes any body politic or corporate;

(l) "prescribed" means prescribed by law or rules made thereunder;

(m) "President" means the President of Islamic Republic of Pakistan;

(n) "Prime Minister" means the Prime Minister of the Islamic Republic of Pakistan;

(o) "property" includes any right, title or interest in property, movable or immovable, and any means and instruments of production;

(p) "remuneration" includes salary and pension;

(q) "Service" means the Service of Pakistan, Service of Gilgit-Baltistan and Service of Azad Jammu and Kashmir;

(r) "Service of Gilgit-Baltistan" means any service, post or office in connection with the affairs of Gilgit-Baltistan, but does not include service as Governor, Speaker, Deputy Speaker, Chief Minister, Minister, Parliamentary Secretary, Advisor to the Minister or a member of the Assembly;

(s) "Speaker" means Speaker of the Assembly and includes any person acting as the Speaker of the Assembly; and

(2) Unless the context otherwise require, any other term or expression used but not defined in this Order, shall have the same meanings as are assigned to them in 0f the Constitution of Islamic Republic of Pakistan.

3. **Elimination of exploitation.**—The Government shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.

4. **Right of individuals to be dealt with in accordance with law, etc.**—(1) To enjoy equal protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being in Gilgit-Baltistan

(2) In particular—

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(a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;

(b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and

(c) no person shall be compelled to do that which the law does not require him to do.

5. **Obedience to this Order.**—Obedience to this Order and law is the inviolable obligation of every citizen, wherever he may be, and of every other person for the time being within Gilgit-Baltistan.

PART-II

FUNDAMENTAL RIGHTS AND PRINCIPLES OF POLICY

CHAPTER

FUNDAMENTAL RIGHTS

6. **Definition of Government.**—In this Part, unless the context otherwise requires, "the Government" means the Prime Minister, the Government, the Assembly, and such other local or other authorities in Gilgit-Baltistan as are by law empowered to impose any tax or cess.

7. **Laws inconsistent with or in derogation of Fundamental Rights to be void.**—(1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.

(2) The Government shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void.

(3) The Provisions of this Article shall not apply to any law relating to members of the Armed Forces, or of the Police or of such other forces as are charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them and no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter.

(4) The rights conferred by this Chapter shall not be suspended except

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as expressly provided by this Order.

8. **Security of person.**—No person shall be deprived of life or liberty save in accordance with law.

9. **Safeguard as to arrest and detention.**—(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) Nothing in sub-sections (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorize the detention of a person for a period exceeding three months unless the Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of three months, unless the Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

Explanation I.—In this section, "the Review Board" means, a Board appointed by the Chief Judge of the Supreme Appellate Court of Gilgit-Baltistan consisting of a Chairman, the Secretary of the Department concerned with Home Affairs and a person, who is or has been a Judge of the Supreme Appellate Court or the Chief Court.

Explanation II.—The opinion of the Review Board shall be expressed in terms of the views of the majority of its members.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, within fifteen days from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity

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of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case:

Provided that this sub-section shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy, or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistanor any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in any law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity.

(8) The Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this section shall apply to any person who for the time being is an enemy alien.

10. **Right to fair trial.**—For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

11. **Slavery and forced labour prohibited.**—(1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Gilgit-Baltistan of slavery in any form.

(2) All forms of forced labour and traffic in human beings is prohibited.

(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

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(4) Nothing in this sub-section shall be deemed to affect compulsory service—

(a) by persons undergoing punishment for offences under any law; or

(b) required by any law for a public purpose.

12. **Protection against retrospective punishment.**—No law shall authorize the punishment of a person—

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

13. **Protection against double punishment and self-incrimination.**—No person—

(a) shall be prosecuted or punished for the same offence more than once; or

(b) shall, when accused of an offence, be compelled to be a witness against himself.

14. **Inviolability of dignity of man, etc.**—(1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of extracting evidence.

15. **Freedom of movement.**—Every citizen shall have the right to remain in, and, subject to any reasonable restrictions imposed by law in the public interest, enter and move freely throughout Gilgit-Baltistan and to reside and settle in any part thereof.

16. **Freedom of assembly.**—Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

17. **Freedom of association.**—(1) Subject to this Order, every citizen shall have the right to form association or unions, subject to any reasonable

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restrictions imposed by law in the interest of morality or public order.

(2) No person or political party in the area comprising Gilgit-Baltistan shall propagate against, or take part in activities prejudicial or detrimental to the ideology of Pakistan.

(3) Every citizen, not being in the Service, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan or any part thereof and such law shall provide that where the Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan or any part thereof, the Government of Gilgit-Baltistan shall, within fifteen days of such declaration, refer the matter to the Supreme Appellate Court whose decision on such reference shall be final.

(4) Every political party shall account for the source of its funds in accordance with law.

18. **Freedom of trade, business or profession.**—Every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this section shall prevent-

(a) the regulation of any trade or profession by a licensing system; or

(b) the regulation of trade, commerce or industry in the interest of free competition therein; or

(c) the carrying on, by Government or by a corporation controlled by Government, of any trade, business, industry or service, to the exclusion, complete or partial, or other persons.

19. **Freedom of speech.**—Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security, public order, decency or morality, or in relation to contempt of Court, commission of, or incitement to an offence.

20. **Right to information.**—Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

21. **Freedom to profess religion and manage religious institutions.**—Subject to law, public order and morality,—

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(a) every citizen has the right to profess and practice his religion; and

(b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship.

22. **Safeguard against taxation for purposes of any particular religion.**—No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

23. **Safeguard as to educational institutions in respect of religion etc.**—(1) No person attending any educational institution shall be required to receive religious instructions or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any society or educationally backward class.

24. **Provisions as to property.**—Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to acquire, hold and dispose of property.

25. **Protection of property.**—(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation thereof and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

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(3) Nothing in this sub-section shall, affect the validity of—

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or

(c) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law ; or

(d) any law providing for the taking over of the management of any property by the Government for a limited period, either in the public interest or in order to secure the proper management of the property, or for the benefit of its owner; or

(e) any law providing for the acquisition of any class of property for the purpose of—

(i) providing education and medical aid to all or any specified class of citizen; or

(ii) providing housing and public facilities and services such as roads, water supply, sewerage, gas and electric power to all or any specified class of citizen; or

(iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or

(f) any law in force immediately before the coming into force of this Order:

Explanation.—In sub-sections (2) and (3), the expression 'property' means immovable property, or any commercial or industrial undertaking, or any interest in any undertaking.

(4) The adequacy or otherwise of any compensation provided for by any such law as is referred to in this section, or determined in pursuance thereof, shall not be called in question in any court.

26. **Equality of citizens.**—(1) All citizens are equal before law and are entitled to equal protection of law.

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(2) There shall be no discrimination on the basis of gender.

(3) Nothing in this section shall prevent the Government from making any special provision for the protection of women and children.

27. **Right to education.**—The Government shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.

28. **Non-discrimination in respect of access to public places.**—In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, gender or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

29. **Safeguard against discrimination in services.**—No citizen otherwise qualified for appointment in the service of Gilgit-Baltistan, shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or gender:

Provided that, in the interest of the said service, specified posts or services may be reserved for members of either sex.

30. **Preservation of language, script and culture.**—Subject to section 111 any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.

CHAPTER-2

PRINCIPLES OF POLICY

31. **Principles of Policy.**—(1) It is the responsibility of each organ and authority of the Government, and of every person performing functions on behalf of any organ or authority of the Government, to act in accordance with Principlesof Policy set out in Chapter 2 of Part-II of the Constitution of Islamic Republic of Pakistan in so far as they relate to the functions of the organ or authority.

(2) In so far as the observance of any particular Principle of Policy referred in sub-section (1) may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of resources.

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(3) In respect of each year, the Governor, in relation to the affairs of the Gilgit-Baltistan shall cause to be prepared and laid before the Assembly, a report on the observance and implementation of the Principles of Policy and provision shall be made in the rules of procedure of the Assembly, for discussion on such report.

32. **Responsibility with respect to Principles of Policy.**—(1) The responsibility of deciding whether any action of an organ or authority of the Government, or of a person performing functions on behalf of an organ or authority of the Government, is in accordance with the Principles of Policy is that of the organ or authority of the Government, or of the person, concerned.

(2) The validity of an action or of a law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the Government or any organ or authority thereof or any person on such ground.

PART-III

GOVERNOR

33. The Governor.—(1)There shall be a Governor of the Gilgit-Baltistan who shall be appointed by the President on the advice of the Prime Minister.

(2) When the Governor, by reason of absence from Gilgit-Baltistan or for any other cause, is unable to perform his functions, the Speaker of the Assembly and in his absence any other person as the President may nominate shall perform the functions of Governor until the Governor returns to Gilgit-Baltistan or, as the case may be, resumes his functions.

(3) A person shall not be appointed a Governor unless he is qualified to be elected as a member of the Assembly and is not less than thirty-five years of age and is a registered voter and resident of Gilgit-Baltistan.

(4) The Governor shall hold office during the pleasure of the President and shall be entitled to such salary, allowances and privilegesas the President may determine.

(5) The Governor may, by writing under his hand addressed to the President, resign his office.

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(6) The President may make such provision as he thinks fit for the discharge of the functions of the Governor in any contingency not provided for in this Order.

(7) Before entering upon office, the Governor shall make before the Chief Judge of the Gilgit-Baltistan Supreme Appellate Court an oath in the form set out in the First Schedule.

(8) The Governor shall not hold any office of profit in the Service nor occupy any other position carrying the right to remuneration for the rendering of services.

(9) The Governor shall not be a candidate for election as a member of the Assembly, and, if a member of the Assembly is appointed as Governor, his seat in the Assembly shall become vacant on the day he enters upon his office.

34. Governor to act on advice, etc.—(1) Subject to this Order in the performance of his functions, the Governor shall act in accordance with the advice of the Cabinet or the Chief Minister:

Provided that the Governor may require the Cabinet or, as the case may be, the Chief Minister to reconsider such advice, whether generally or otherwise, and the Governor shall act in accordance with the advice tendered after such reconsideration.

(2) The question whether any, and if so what, advice was tendered to the Governor by the Chief Minister or the Cabinet shall not be inquired into in, or by, any court, tribunal or other authority.

(3) Where the Governor dissolves the Provincial Assembly, notwithstanding anything contained in sub-section (1), he shall on the advice of the President,—

(a) appoint a date, not later than ninety days from the date of dissolution, for the holding of a general election to the Assembly; and

(b) appoint a care-taker Cabinet.

PART-IV

THE GOVERNMENT

35. The Government.—(1) Subject to this Order, the executive authority of Gilgit-Baltistan shall be exercised in the name of the Governor by the Government, consisting of the Chief Minister and Ministers, which shall act through the Chief Minister, who shall be the Chief Executive.

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(2) In the performance of his functions under this Order, the Chief Minister may act either directly or through the Ministers.

36. The Cabinet.—(1) There shall be a Cabinet of Ministers, with the Chief Minister at its head, to aid and advise the Governor in the exercise of his functions.

(2) The Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the Governor.

(3) After the election of the Speaker and the Deputy Speaker, the Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its members to be the Chief Minister.

(4) The Chief Minister shall be elected by the votes of the majority of the total membership of the Assembly:

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secures the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Chief Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further polls shall be held between them until one of them secures a majority of votes of the members present and voting.

(5) The member elected under sub-section (4) shall be called upon by the Governor to assume the office of Chief Minister and he shall, before entering upon the office, make before the Governor oath in the form set out in the First Schedule:

Provided that there shall be no restriction on the number of terms for the office of the Chief Minister.

(6) The Cabinet shall be collectively responsible to the Assembly and the total strength of the Cabinet shall not exceed twelve members or eleven percent of the total membership of the Assembly, whichever is higher:

Provided that the aforesaid limit shall be effective after the next general elections.

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(7) The Chief Minister shall hold office during the pleasure of the Governor, but the Governor shall not exercise his powers under this clause unless he is satisfied that the Chief Minister does not command the confidence of the majority of the members of the Assembly, in which case he shall summon the Assembly and require the Chief Minister to obtain a vote of confidence from the Assembly.

(8) The Chief Minister may, by writing under his hand addressed to the Governor, resign his office.

(9) A Minister who for any period of six consecutive months is not a member of the Assembly shall, at the expiration of that period, cease to be a Minister and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly.

(10) Nothing contained in this section shall be construed as disqualifying the Chief Minister or any other Minister for continuing in office during any period during which the Assembly stands dissolved, or as preventing the appointment of any person as Chief Minister or other Minister during any such period.

(11) The Chief Minister shall not appoint more than two Advisers.

37. **Governor to be kept informed.**—The Chief Minister shall keep the Governor informed on matters relating to administration and on all legislative proposals the Government intends to bring before the Assembly.

38. **Ministers.**—(1) Subject to sub-sections (9) and (10) of section 36, the Governor shall appoint Ministers from amongst members of the Assembly on the advice of the Chief Minister.

(2) Before entering upon office, a Minister shall make before the Governor oath in the form set out in the First Schedule.

(3) A Minister may, by writing under his hand addressed to the Governor, resign his office or may be removed from office by the Governor on the advice of the Chief Minister.

39. **Chief Minister continuing in office.**—The Governor may ask the Chief Minister to continue to hold office until his successor enters upon the office of Chief Minister.

40. **Vote of no-confidence against Chief Minister.**—(1) A resolution for a vote of no-confidence moved by not less than twenty per centum of the total

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membership of the Assembly may be passed against the Chief Minister by the Assembly.

(2) A resolution referred to in sub-section (1) shall not be voted upon before the expiration of three days, or later than seven days, from the day on which such resolution is moved in the Assembly.

(3) If the resolution referred to in sub-section (1) is passed by a majority of the total membership of the Assembly, the Chief Minister shall cease to hold office.

41. **Extent of executive authority of Government.**—(1)Subject to this Order, the executive authority of the Government shall extend to the matters with respect to which the Assembly has power to make laws:

Provided that, in any matter with respect to which both Prime Minister and the Assembly has power to make laws, the executive authority of the Government shall be subject to, and limited by, the executive authority expressly conferred by this Order or by law made by the Prime Minister

(2) Notwithstanding anything contained in this Order, the Government may with the consent of the Federation, entrust, either conditionally or unconditionally, to the Federation, or to its officers functions in relation to any matter to which the executive authority of the Government extends.

42. **Conferring of functions on subordinate authorities.**—On the recommendation of the Government, the Assembly may by law confer functions upon officers or authorities subordinate to the Government.

43. **Conduct of business of Government.**—(1) All executive actions of the Government shall be expressed to be taken in the name of the Governor.

(2) The Government shall by rules specify the manner in which orders and other instruments made and executed in the name of Governor shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the Governor.

(3) The Government shall also make rules for regulation, allocation and transaction of its business and may for the convenient transaction of that business delegate any of its functions to the officers or authority subordinate to it.

44. **Parliamentary Secretaries.**—(1) The Chief Minister may appoint Parliamentary Secretaries from amongst the members of the Assembly to perform such functions as may be prescribed.

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(2) A Parliamentary Secretary may, by writing under his hand addressed to the Chief Minister, resign his office or may be removed from office by the Chief Minister.

45. Advocate-General.—(1) The Governor, on the advice of the Chief Ministershall appoint a citizen, being a person qualified to be appointed as Judge of the Gilgit-BaltistanChief Court, to be the Advocate-General for Gilgit-Baltistan.

(2) It shall be the duty of the Advocate-General to give advice to Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Government.

(3) The Advocate-General shall hold office during the pleasure of the Governor and shall not engage in private practice so long as he holds the office of the Advocate General.

(4) The Advocate-General may, by writing under his hand addressed to the Governor resign his office.

(5) The person holding the office as Advocate-General immediately before the commencement of this Order shall be deemed to be the Advocate-General, appointed under this Order.

46. Exercise of Powers by the Prime Minister.—The Prime Minister shall perform his functions and exercise his powers in such manner as may be prescribed by rules made by the President

47. Power to pardon and reprieve.—The President shall have power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

PART-VI

THE LEGISLATURE

48. Assembly.—(1)The Assembly shall consist of thirty three members of whom—

(a) twenty four members shall be elected directly on the basis of adult franchise;

(b) sixwomen members shall be elected on the pattern of election of such members in the Provincial Assembly in Pakistan; and

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(c) three technocrats and other professional members shall be elected on the pattern of election of such members in the Provincial Assembly in Pakistan.

Explanation.—In clause (c), the expression "technocrat or other professional" includes a person who is in possession of such qualification or experience as may be prescribed.

(2) A person shall be entitled to vote if,—

(a) he is a citizen;

(b) he is not less than eighteen years of age:

(c) his name appears on the electoral roll for any area in the Gilgit-Baltistan; and

(d) he is not declared by a competent court to be of unsound mind.

(3) The manner of election of the members of the Assembly and the manner of filling casual vacancies and other related matters shall be such as may be prescribed.

(4) The Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting.

(5) A general election to the Assembly shall be held within a period of sixty days immediately preceding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and result of the election shall be declared not later than fourteen days before that day.

49. **Oath of members of the Assembly.**—(1) A person elected as a member of the Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in the form set out in the First Schedule.

(2) The oath may be made when the Assembly is in session.

(3) If any person sits or votes in the Assembly knowing that he is not qualified to be, or is disqualified from being a member of the Assembly he shall be liable in respect of every day on which he so sits or votes: shall be guilty of an offence punishable for a term which shall not be less than seven years and a fine which shall not be less than two hundred thousand rupees.

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50. **Qualifications of members of the Assembly.**—(1) A person shall be qualified to be elected as, and to be, a member of the Assembly if—

(a) he is a citizen;

(b) he is not less than twenty-five years of age;

(c) his name appears on the electoral roll of any constituency in Gilgit-Baltistan; and

(d) he is not having dual nationality.

(2) A person shall be disqualifiedfrom being so elected if—

(a) he is of unsound mind and stands so declared by a competent court; or

(b) he is an un-discharged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent; or

(c) he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

(d) he holds any office of profit in the Serviceother than an office which is not a whole time office remunerated either by salary or by fee other than an office specified in the Second Schedule; or

(e) he has been in the Service or of any statutory body or anybody which is owned or controlled by the Government of Pakistan or Gilgit-Baltistan or Azad Jammu and Kashmir or in which such Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(f) he has been dismissed for misconduct from the Serviceunless a period of five years has elapsed since his dismissal; or

(g) he is otherwise disqualified from being a member of the Assembly by this Order or by any other law; or

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(h) he has been convicted by a court of competent jurisdiction for propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan or any part thereof, or the integrity, or independence of the judiciary, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has lapsed since his release; or

(i) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or

(j) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this paragraph shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest:

Explanation.—In this clause goods does not include agricultural produce or commodity

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grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply; or

(k) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(l) he or his spouse or any of his dependents has defaulted in payment of government dues including dues for use of government facilities and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or

(m) he is for the time being disqualified from being elected or chosen as a member of the Assembly under any law for the time being in force.

Explanation.—For the purposes of this paragraph—law shall not include an Ordinance

51. Seat in Assembly becomes vacant under certain circumstances.—(1)The seat of a member of the Assembly shall become vacant if—

(a) he resigns his seat by notice in writing under his hand addressed to the Speaker, in his absence, to the Secretary of the Assembly; or

(b) he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly; or

(c) he fails to make the oath referred to in section 49 within a period of ninety days after the date of his election unless the Speaker for good cause shown extends the period; or

(d) he is elected as a member of the Gilgit-Baltistan Council; or

(e) he ceases to be qualified for being a member under any provision of this Order or any other law.

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(2) If the member of the Assembly is elected to more than one seat, he shall within a period of thirty days after the declaration of result for the last such seat, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days except the seat to which he has been last elected or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was filed last.

(3) If any question arises whether a member of the Assembly has, after his election become disqualified from being a member of the Assembly, the Speaker shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified the member shall cease to be a member and his seat shall become vacant.

(4) When except by dissolution of the Assembly, a seat in the Assembly has become vacant not later than one hundred and twenty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

52. **Right of Governor to address the Assembly.**—(1) The Governor may address the Assembly and may for that purpose require the attendance of the members.

(2) The Advocate General shall have the right to speak and otherwise take part in the proceedings of the Assembly or any Committee thereof of which he may be named a member, but shall not by virtue of this Section be entitled to vote.

53. **Meetings of the Assembly.**—(1) The Assembly shall assemble at such times and at such places as the Governor may appoint, and the Governor may prorogue a session of the Assembly except when the Assembly has been summoned by the Speaker.

(2) Any meeting of the Assembly may be adjourned by the Speaker or other person presiding there at.

(3) There shall be at least three sessions of the Assembly every year, and not more than one hundred and twenty days shall intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session:

Provided that the Assembly shall meet for not less than one hundred and thirty working days in each parliamentary year.

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(4) On a requisition signed by not less than one-third of the total membership of the Assembly, the Speaker shall summon the Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition, and when the Speaker has summoned the Assembly, only he may prorogue it.

54. **Dissolution of the Assembly.**—(1) The Governor shall dissolve the Assembly if so advised by the Chief Minister, and the Assembly shall, unless sooner dissolved, stands dissolved at the expiration of the forty-eight hours after the Chief Minister has so advised.

Explanation.—Reference in this section to Chief Minister shall not be construed to include reference to a Chief Minister against whom a notice of a resolution for a vote of no-confidence has been given in the Assembly but has not been voted upon or against whom such a resolution for a vote of no-confidence has been passed or who is continuing in office after his resignation or after the dissolution of the Assembly.

(2) The Governor may also dissolve the Assembly in his discretion, but subject to the previous approval of the President, where a vote of no-confidence having been passed against the Chief Minister, no other member of the Assembly commands the confidence of the majority of the members of the Assembly in accordance with the provisions of this Order, as ascertained in a session of the Assembly summoned for the purpose.

(3) When the Assembly is dissolved a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the result of the election shall be declared not later than fourteen days after the conclusion of the polls.

55. **Speaker of the Assembly.**—(1) After a general election, the Assembly shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Speakerand a Deputy Speaker of the Assembly:

Provided that the period intervening between the declaration of the official result of the election to the Assembly and the date for assumption of office of members shall not exceed thirty days.

(2) Before entering upon office, a member of the Assembly elected as Speaker or Deputy Speaker shall make before the Assembly an oath in the form set out in the First Schedule.

(3) All the proceedings of the Assembly shall be conducted in accordance with rules of procedure made by the Assembly and approved by the Governor.

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(4) The Speaker shall preside the meetings of the Assembly except when a resolution for his removal from the office is being considered and, when the office of the Speaker is vacant, or the Speaker is absent, or is unable to perform his functions due to any cause, the Deputy Speaker shall act as Speaker and if at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to any cause, such member of the Assembly present as may be determined by the Rules of Procedure of the Assembly shall preside at the meeting of the Assembly.

(5) Soon after as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall elect one of its members to fill the office.

(6) The Speaker may resign from his office by writing under his hand addressed to the Governor.

(7) The Deputy Speaker may resign his office by writing under his hand addressed to the Speaker.

(8) The office of the Speaker or Deputy Speaker shall become vacant if—

(a) except as provided in sub-section (9) he ceases to be a member of the Assembly; or

(b) he is removed from office by a resolution of the Assembly, of which not less than seven days' notice by not less than one-fourth of the total membership of the Assembly has been given and which is passed by a majority of total membership of the Assembly.

(9) When the Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

56. **Voting in Assembly and quorum.**—(1) Subject to this Order,—

(a) a decision in the Assembly shall be taken by a majority of the votes of the members present and voting but the Speaker or the person presiding in his absence shall not vote except when there is an equality of votes in which case he shall exercise his casting vote;

(b) the Assembly may act notwithstanding any vacancy in its membership; and

(c) any proceedings in the Assembly shall not be invalid on the ground that some person who was not entitled to do so sit, voted or otherwise took part in the proceedings.

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(2) If at any time during the meeting of the Assembly the attention of the person presiding at the meeting is drawn to the fact that number of the members is less than one-third of the total membership of the Assembly, it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting till such number of members are present.

57. **Restriction on discussion in Assembly.**—No discussion shall take place in the Assembly with respect to matters relating to foreign affairs, defense, internal securityand conduct of any Judge in the discharge of his duties.

58. **Finance Committee.**—(1) The expenditure of the Assembly within authorized appropriation shall be controlled by the Assembly acting on the advice of the Finance Committee.

(2) The Finance Committee shall consist of the Speaker, the Finance Minister and such other members as may be elected thereto by the Assembly.

59. **Secretariat of the Assembly.**—(1) The Assembly shall have a separate Secretariat.

(2) The Assembly may by law regulate the recruitment and conditions of service of persons appointed to the Secretariat Staff of the Assembly.

(3) Until provision is made by the Assembly under sub-section (2) the persons appointed to the Secretariat Staff of the Assembly shall continue to be governed by conditions of service for the time being applicable to them.

PART- VII

DISTRIBUTION OF LEGISLATIVE POWERS

60. **Legislative Powers.**—(1) Subject to this Order, both the Prime Minister and the Assembly shall have the power to make laws,—

~~(a) for the territories of Gilgit-Baltistan~~

(b) for all citizens of Gilgit-Baltistan; and

(c) for the employees of the Government, wherever they may be.

(2) Subject to this Order—

(a) the Prime Minister shall have exclusive power to make laws with respect to any matter in the Legislative List set out in the Third Schedule, hereinafter referred to as the Legislative List.

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(b) the Prime Minister and the Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence;

(c) subject to clause (b) and sub-section (6) , the Assembly shall and the Prime Minister shall not, have power to make laws with respect to any matter not enumerated in the Legislative List;

(3) The Prime Minister shall have the powers to adopt any amendment in the existing laws or any new law in force in Pakistan subject to the legislative competence under sub-section (2).

(4) If any provision of an Act of Assembly is repugnant to any provision of any law which the Prime Minister is competent to enact, then the law made by the Prime Minister, whether passed before or after the Act of the Assembly, shall prevail and the Act of the Assembly shall, to the extent of the repugnancy, be void.

(5) If the Assembly passes a resolution to the effect that the Prime Minister may by law regulate any matter not enumerated in the Legislative List, it shall be lawful for the Prime Minister to make law for regulating that matter accordingly, but any law so made may be amended or repealed by Act of the Assembly.

(6) Notwithstanding anything contained in this Order the Prime Minister and the Assembly shall have no power to make any law concerning,—

(a) the defence and external security of Gilgit-Baltistan;

(b) the current coin of the issue of any bills, notes or other paper currency; or

(c) the external affairs of Gilgit-Baltistan including foreign trade and foreign aid; or

(d) such other matters as the President may specify by Order.

(7) Notwithstanding anything contained in this Order, the Government may with the consent of the Federation entrust either conditionally or unconditionally, to the Federation, functions in relation to any matter to which the executive authority of the Government extends:

Provided that the Government shall get such entrustment ratified by the Assembly within sixty days.

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60A. Gilgit-Baltistan Council.—(1) There shall be a Gilgit-Baltistan Council consisting of.—

(a) the Prime Minister of Pakistan;

(b) the Governor;

(c) six members nominated by the Prime Minister of Pakistan from time to time from amongst Federal Ministers and members of Parliament:

Provided that the Federal Minister for Kashmir Affairs and Gilgit-Baltistan shall be an *ex officio* member and Minister Incharge of the Council:

(d) the Chief Minister of Gilgit-Baltistan;

(e) six members to be elected by the Assembly in accordance with single non-transferable majority vote.

(2) The Prime Minister of Pakistan shall be the Chairman of the Council.

(3) The Governor shall be the Vice-Chairman of the Council.

(4) The Minister of State for Kashmir Affairs and Gilgit-Baltistan shall be an *ex-officio* nonvoting member of the Council.

(5) The qualifications and disqualifications for being elected, as, and for being, a member of the Council shall, in the case of a member referred to in sub-clause (e) of clause (1), be the same as those for being elected as, and for being a member of the Assembly.

(6) The seat of a member of the Council elected by the Assembly, hereinafter referred to as an elected member, shall become vacant,—

(a) if he resigns his seat by notice in writing under his hand addressed to the Chairman or, in his absence, to the Secretary of the Council;

(b) if he is absent, without the leave of the Chairman, from ten consecutive sittings of the Council;

(c) if he fails to make the oath referred to in clause (11) within a period of ninety days after the date of his election, unless the Chairman, for good cause shown, extends the period; or

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(d) if he ceases to be qualified for being a member under any provision of this Order or any other law for the time being in force.

(7) If any question arises whether a member has, after his election, become disqualified from being a member of the Council, the Chairman shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be member and his seat shall become vacant.

(8) An election to fill a vacancy in the office of an elected member shall be held not later than thirty days from the occurrence of the vacancy or, if the election cannot be held within that period because the Assembly is dissolved, within thirty days of the general election to the Assembly.

(9) The manner of election of elected members and filling of a casual vacancy in the office of an elected member shall be such as may be prescribed.

(10) An elected member shall hold office during term of the Council.

(11) An elected member shall, before entering upon office, make before the Chairman or the Vice Chairman oath in the form set out in the First Schedule.

(12) The Council shall have an advisory role in respect of matters and subjects, referred to in clause (a) of sub-section (2) of Section 60, assigned to the Prime Minister and in relation to Government of Pakistan's responsibilities under UNCIP Resolutions.

Explanation:—In this Article the expression 'Chairman' means Chairman of the Council.

(13) The Council shall have a separate Secretariat of which the Federal Minister for Kashmir Affairs and Gilgit-Baltistan shall be in-charge.

(14) The Council may make its rules of business and laws for the appointment of its employees and expenditure.

61. Obligation of the Prime Minister and the Government.—(1) The executive authority of the Government shall be so exercised as to secure compliance with the laws made by the Prime Minister which apply thereon.

(2) It shall be the duty of the Prime Minister to protect Gilgit-Baltistan against internal disturbances and to ensure that the Government is carried on in accordance with the provisions of this Order.

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62. **Directions to Government in certain cases.**—(1) The executive authority of the Government shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Prime Minister, and the executive authority of the Prime Minister shall extend to the giving of such directions to the Government as may appear to the Prime Minister to be necessary for that purpose.

(2) The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance.

(3) The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Gilgit-Baltistan or any part thereof.

63. **Full faith and credit for public acts, etc.**—Full faith and credit shall be given throughout Gilgit-Baltistan to public acts and records, and judicial proceedings.

64. **Acquisition of land.**—The Government of Pakistan may, if it deems necessary to acquire any land situate in Gilgit-Baltistan for any purpose, require the Government to acquire the land on behalf, and at the expense, of the Government of Pakistan or, if the land belongs to the Government, to transfer it to the Government of Pakistan on such terms as may be agreed mutually.

65. **Tax to be levied by laws only.**—No tax shall be levied for the purposes of the territories of Gilgit-Baltistan except by or under the authority of law and all taxes and levies competently imposed under any law shall remain in force.

PART-VIII

ISLAMIC PROVISIONS

66. **No laws against Islamic Injunctions, etc.**—(1) No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

Explanation.—In the application of this sub-section to the personal law of any Muslim sect, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by that sect.

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(2) Effect shall be given to the provisions of sub-section (1) only in the manner provided in this Part.

(3) Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.

67. **Reference to Council of Islamic Ideology.**—(1) If one-third of the total number of the members of the Assembly so requires, the Assembly shall refer to the Council of Islamic Ideology constituted under the Constitution of Islamic Republic of Pakistan (hereinafter referred to as the Council) for advice any question as to whether a proposed law is or is not repugnant to the injunctions of Islam.

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

(3) Where the Assembly considers 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 Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Council and it is advised that the law is repugnant to the injunctions of Islam, the Assembly shall reconsider the law so made.

68. **General provisions regarding Assembly, etc.**—(1) The validity of any proceedings in the Assembly shall not be questioned in any Court.

(2) An officer or member or an authority in whom powers are vested for regulation of proceedings, conduct of business, maintain order in the Assembly shall not, in relation to exercise by him of any of those powers, be subject to the jurisdiction of any Court.

(3) A member of, or a person entitled to speak in, the Assembly, shall not be liable to any proceedings in any Court in respect of anything said by him or any vote given by him in the Assembly or in any committee thereof.

(4) A person shall not be liable to any proceedings in any Court in respect of publication by or under the authority of the Assembly, of any report, paper, vote or proceedings.

(5) No process issued by a Court or other authority shall except with the leave of the Speaker be served or executed within the precincts of the place where a meeting of the Assembly is being held.

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(6) Subject to this section, the privileges of the Assembly, the committees and members of the Assembly and of the persons entitled to speak in the Assembly, may be determined by law and unless so determined they shall continue to have same privileges enjoyed by the Assembly in existence before the commencement of this Order.

69. Governor's assent to Bills.—(1) Subject to this Order, when a Bill has been passed by the Assembly it shall be presented to the Governor for assent.

(2) When a Bill is presented to the Governor for assent, the Governor shall, within thirty days,—

(a) assent to the Bill; or

(b) in the case of a Bill other than a Money Bill, return the Bill to the Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.

(3) When the Governor has returned a Bill to the Assembly, it shall be reconsidered by the Assembly and, if it is again passed, with or without amendment, by the Assembly, it shall be again presented to the Governor and Governor shall not withhold assent therefrom.

(4) When the Governor has assented to a Bill, it shall become law and be called an Act of Assembly.

PART- IX

FINANCIAL PROCEDURE

70. Gilgit-Baltistan Consolidated Fund.—(1) All revenues received by the Government, all loans raised by the Government with the approval of Government of Pakistan and all moneys received by it in payment of any loan shall form a part of a Consolidated Fund, to be known as the Gilgit-Baltistan Consolidated Fund.

(2) All other moneys—

(a) received by or on behalf of the Government; or

(b) received by or deposited with Supreme Appellate Court or any other Court established under the authority of this Order or any other Court established under the authority of the Government, shall be credited to the Public Account of the Government

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'(3) The custody of the Gilgit-Baltistan Consolidated Fund, the payment of money into that Fund, the withdrawal of money therefrom, the custody of other moneys received by or on behalf of the Government, their payment into, and withdrawal from the Public Account of the Government, and all matters connected with or ancillary to the matters aforesaid, shall be regulated by the Act of the Assembly or, until provision in that behalf is so made, by rules made by the Governor.

(4) The Government may make grants for any purpose, notwithstanding that the purpose is not one with respect to which the Assembly may make laws:

(5) All revenues and other moneys raised under the authority of the Prime Minister of Pakistan shall form part of Federal Consolidated Fund established under Article 78 of the Constitution of Islamic Republic of Pakistan:

Provided that the Federal Government shall provide funds to the Council.

71. Budget.—(1) The Government shall, in respect of every financial year, cause to be laid before the Assembly a statement of estimated receipts and expenditure for that year, to be called the Annual Budget.

(2) The Annual Budget shall be submitted to the Assembly in the form of demands for grant and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Government.

(4) The Annual Budget as passed by the Assembly shall be placed before the Governor who shall authenticate it by his signature.

(5) If in respect of any financial year it is found—

(a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Budget for that year; or

(b) that any money has been spend on any service during a financial year in excess of the amount granted for that year, the Government shall have the power to authorize expenditure from the Gilgit-Baltistan Consolidated Fund and shall cause to be laid before the Assembly a Budget or, as the case may be, an excess Budget,

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setting out the amount of that expenditure, and the provisions of this Section shall apply to those Budgets as they apply to the Annual Budget.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in sub-section (2) for the voting of such grant and the authentication of the Budget as passed by the Assembly in accordance with the provisions of sub-section (4) in relation to the expenditure.

72. **Special provisions regarding Budget, etc.**—(1) Where the Annual Budget for any financial year cannot be passed by the Assembly by reason of its having been dissolved, the Chief Minister shall cause to be prepared an Annual Budget for that year and, by his signature, authenticate the Budget.

(2) The Annual Budget for any financial year authenticated by the Chief Minister under sub-section (1) shall, for the purpose of this Order, be deemed to have been passed by the Assembly.

73. **Restriction on expenditure.**—No expenditure shall be incurred by the Government except authorized by the Annual or Supplementary Budget as passed or deemed to have been passed by the Assembly.

PART- X

ORDINANCE

74. **Power to make Ordinance.**—(1) The Governor may, except when the Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Assembly and shall be subject to like restrictions as the power of the Assembly to make law, but every such Ordinance,-

(a) shall be laid before the Assembly and shall stand repealed at the expiration of three months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution:

Provided that, the Assembly may by a resolution extend the Ordinance for a further period of ninety days and it shall stand

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repealed at the expiration of the extended period, or if before the expirationofthatperiod a resolution disapproving it is passed by the Assembly, upon the passing of that resolution:

Provided further that extension for further period may be made only once; and

(b) may be withdrawn at any time by the Governor.

(3) Without prejudice to the provisions of sub-section (2) an Ordinance laid before the Assembly shall be deemed to be a Bill introduced in the Assembly.

PART-XI

THE JUDICATURE

75. Gilgit-Baltistan Supreme Appellate Court.—(1) There shall be constituted a Gilgit-Baltistan Supreme Appellate Court, referred to as the Supreme Appellate Court to be the highest Court of Appeal.

(2) Subject to the provisions of this Order, the Supreme Appellate Court shall have such jurisdiction as is or may be conferred on it by this Order or by under any law.

(3) The Supreme Appellate Court shall consist of a Chief Judge to be known as Chief Judge of Gilgit-Baltistan and two other Judges:

Provided that the Government of Pakistan may from time to time increase the number of judges.

(4) The person holding office as Chief Judge or other judge of the Supreme Appellate Court immediately before the commencement of this Order shall continue to perform their functions under this Order and shall hold office till the completion of their existing period of appointment on the existing terms and conditions.

(5) The Chief Judge of Supreme Appellate Court shall be appointed by the Prime Minister on the advice of the Governor and other Judges shall be appointed by the Chairman on the advice of Governor after seeking views of the Chief Judge.

(6) A person shall not be appointed as the Chief Judge or Judge of the Supreme Appellate Court of Gilgit-Baltistan unless he_

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(a) has been a judge of Supreme Court of Pakistan or is qualified to be a judge of the Supreme Court of Pakistan; or

(b) has for a period of, or for periods aggregating, not less than five years been a Judge of a Chief Court; or

(c) for a period of or for periods aggregating, not less than fifteen years has been an advocate of a High Court.

Explanation.—In sub-clause, the expression 'High Court' includes,—

(a) the Chief Court of Gilgit-Baltistan, or an equivalent Court that existed in Gilgit-Baltistan before the commencement of this Order; and

(b) a High Court in Pakistan including a High Court that existed in Pakistan at any time before the commencement of this Order.

(7) Before entering upon office, the Chief Judge of Gilgit-Baltistan shall make before the Governor and any other Judge of the Supreme Appellate Court of Gilgit-Baltistan shall make before the Chief Judge, oath in the form set out in the First Schedule.

(8) The Chief Judge and Judges of the Gilgit-Baltistan Supreme Appellate Court shall be appointed for a term of three years and shall hold office until he attains the age of 65 years, or unless he sooner resigns or is removed from office in accordance with law.

(9) At any time when the office of Chief Judge of Gilgit-Baltistan is vacant, or the Chief Judge is absent or unable to perform the functions of his office due to any other cause, the next senior Judge of the Supreme Appellate Court to act as Chief Judge of Gilgit-Baltistan.

(10) The remuneration of the Chief Judge and Judges of the Gilgit-Baltistan Supreme Appellate Court shall be such as admissible to the Chief Justice and Judges of the Supreme Court of Pakistan:

Provided that the Chief Judge and Judges of the Gilgit-Baltistan Supreme Appellate Court shall not be entitled to any pension or related benefits;

Provided further that a Judge who was a Judge of the High Court in Pakistan or Chief Court prior to appointment as Judge of the Supreme Appellate Court may get pension or related benefits as are admissible to him as Judge of the

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High Court in Pakistan or Chief Court as the case may be and such Judge shall not be entitled to the aforesaid benefits for the period he remains a Judge of the Gilgit-BaltistanSupreme Appellate Court.

(11) Subject to the succeeding provision of this Article, the Supreme Appellate Court of Gilgit-Baltistan shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of the Chief Court of Gilgit-Baltistan.

(12) An appeal shall lie to the Supreme Appellate Court of the Gilgit-Baltistan from any judgment, decree, final order or sentence of the Chief Court of Gilgit-Baltistan,—

(a) if the Chief Court has on appeal reversed an order of acquittal of an accused person and sentenced to death or to imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid: or.

(b) if the Chief Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or

(c) if the Chief Court has imposed any punishment on any person for contempt of the Chief Court: or

(d) if the amount or value of the subject matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by law and judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court immediately below; or

(e) if the judgment, decree or final order involved directly or indirectly some claim or question respecting property or the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court immediately below; or

(f) if the Chief Court certifies that the case involves a substantial question of law as to the interpretation of this Order.

(13) An appeal to the Gilgit-Baltistan Supreme Appellate Court from a judgment, decree, order or sentence of the Chief Court in a case to which clause (11) does not apply shall lie only if the Supreme Appellate Court grants leave to appeal.

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(14) (a) an appeal to Gilgit-Baltistan Supreme Appellate Court shall be heard by a Bench consisting of not less than two judges to be constituted or reconstituted by the Chief Judge;

(b) if the Judges hearing a petition or an appeal are divided in opinion, the opinion of majority shall prevail;

(c) if there is no such majority as aforesaid the petition or appeal, as the case may be, shall be placed for hearing and disposal before another Judge to be nominated by the Chief Judge:

Provided that in case of difference of opinion as aforesaid, the decision of the Supreme Appellate Court shall be expressed in term of opinion of the senior of the two Judges.

(15) All legal proceedings pending in the Gilgit-Baltistan Supreme Appellate Court, immediately before the commencement of this Order, shall on such commencement, stand transferred to, and be deemed to be pending before the Supreme Appellate Court for determination and any judgment or order of the Supreme Appellate Court delivered or made before such commencement shall have the same force and effect as if it had been delivered or made by the Supreme Appellate Court.

76. **Original Jurisdiction.**—(1)Without prejudice to the provisions of section 86. the Supreme Appellate Court, on an application of any aggrieved party, shall if it considers that a question of general public importance with reference to the enforcement of any of the fundamental right conferred by Chapter I of Part II of this Order is involved, have the power to make declaratory order of the nature mentioned in the said section.

(2) An application made under sub-section (1) shall be heard by a Bench comprising not less than two Judges to be constituted by the Chief Judge.

77. **Issue and execution of processes of Supreme Appellate Court.**—(1) The Supreme Appellate Court shall have powers to issue such directions,orders or decrees as may be necessary for doing complete justice in any case or matter pending before it including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Gilgit-Baltistan as if it has been issued by the Gilgit-Baltistan Chief Court.

(3) All executive and judicial authorities throughout Gilgit-Baltistan shall act in aid of the Supreme Appellate Court.

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(4) Subject to this Order, the Supreme Appellate Court in consultation with Government may make rules regulating the practice and procedure of the Court:

Provided that till such time, the new rules are framed, the rules in force on the commencement of this Order shall, so far as they are not inconsistent with this Order and any other law, continue in force and deemed to have been made under this section.

78. **Decisions of Supreme Appellate Court binding on other Courts.**—Any decision of the Supreme Appellate Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in the Gilgit-Baltistan.

79. **Seat of the Supreme Appellate Court.**—(1) The seat of the Supreme Appellate Court shall be at Gilgit.

(2) The SupremeAppellate Court may sit at such other place or places as the Chief Judge of Gilgit-Baltistan, with the approval of the Governor, may appoint.

80. **Review of judgment or order by the Supreme Appellate Court.**—The Supreme Appellate Court shall have powers, subject to the provisions of an Act of the Assembly and of any rules made by the Supreme Appellate Court, to review any judgment pronounced or any order made by it.

81. **Supreme Judicial Council.**—(1) There shall be a Supreme Judicial Council of Gilgit-Baltistan.

(2) The Supreme Judicial Council shall consist of.—

(a) the Chief Judge of Gilgit-Baltistan who shall be its Chairman.

(b) the Senior Judge of the Supreme Appellate Court; and

(c) the Chief Judge of the Chief Court.

(3) A Judge of the Supreme Appellate Court or of the Chief Court shall not be removed from office except as provided by this section.

Explanation.—The expression "Judge" includes the Chief Judge of Gilgit-Baltistan and the Chief Judge of Chief Court of Gilgit-Baltistan.

(4) If on information received from the Supreme Judicial Council or from any other source, the Prime Minister or the Governor is of the opinion that a Judge of the Supreme Appellate Court or of the Chief Court,—

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(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or

(b) may have been guilty of misconduct, the Prime Minister or the Governor, as the case may be,

shall direct the Supreme Judicial Council to inquire into the matter.

(5) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

(6) If, after inquiring into the matter, the Supreme Judicial Council reports to the Prime Minister that it is of the opinion that,—

(a) the Judge is incapable of performing the duties of his office or has been guilty of misconduct; and

(b) he should be removed from office,

the Prime Minister shall advise the Governor to remove the Judge from his office and the Governor shall pass orders accordingly.

(7) The Supreme Judicial Council shall issue a Code of conduct to be observed by Judges of the Gilgit-Baltistan Supreme Appellate Court, and of the Gilgit-Baltistan Chief Court.

(8) If at any time the Supreme Judicial Council is inquiring the conduct of a Judge who is a member of the Supreme Judicial Council, or a member of the Supreme Judicial Council is absent or is unable to act due to illness or any other cause, than,—

(a) if such member is the Chief Judge or the Judge of the Supreme Appellate Court the Judge of the Supreme Appellate Court who is next in seniority; and

(b) if such member is the Chief Judge of the Chief Court, the most senior of the other Judges of the Chief Court, shall, act as a member of the Supreme Judicial Council in his place.

82. **Power of Supreme Judicial Council to enforce attendance of persons, etc.**—(1) for the purpose of inquiring into any matter, the Supreme Judicial Council shall have the same powers as has the Supreme Appellate Court, to issue directions or order for securing the attendance of any person or

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the discovery or the production of any document and any such direction or order shall be enforceable as if it has been issued by the Supreme Appellate Court.

(2) The provisions of section 77, shall, mutatis mutandis apply to the Supreme Judicial Council as they apply to the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court.

83. Bar of Jurisdiction.—The proceedings before the Supreme Judicial Council, and the removal of a Judge under section 81, shall not be called in question in any Court.

84. Gilgit-BaltistanChief Court.—(1) There shall be a Gilgit-Baltistan Chief Court, hereinafter called the Chief Court, which shall consist of a Chief Judge and other judges not exceeding six, of whom 60% will be appointed from lawyers community and 40% from subordinate judiciary:

Provided that the Government of Pakistan may from time to time increase the number of judges.

(2) The function of the Chief Court may be performed by a Single Bench, a Division Bench or a Full Bench:, but the Chief Judge may recall a case pending before a Bench and make it over to another Bench or constitute a larger Bench for the purpose.

(3) In case of difference of opinion in a Full Bench, the opinion of the majority shall prevail;

(4) In case of difference of opinion in a Division Bench, the matter shall be referred to a third judge and the decision of the Chief Court shall be expressed in terms of judgment of the majority.

(5) The person holding office as Chief Judge or other Judge of the Chief Court Immediately before the commencement of this Order shall be deemed to be the Chief Judge or other Judge as the case may be appointed under this Order.

(6) The Chief Judge and Judges of the Chief Court shall be appointed by the Prime Minister on the advice of the Governor.

(7) A person shall not be appointed as a Judge of the Chief Court unless he is 45 years of age and:

(a) he has for a period, or for periods aggregating, not less than ten years, been an Advocate of the Chief Court or a High Court in Pakistan.

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Provided that the expression "High Court" herein shall include a High Court or an equivalent Court that existed at any time before the commencement of this Order; or

(b) he has for a period of not less than ten years held a judicial office out of which not less than three years shall have been as District and Sessions Judge.

(8) Before he enters upon his office, the Chief Judge of the Chief Court shall make before the Governor, and judge of the Chief Court shall make before the Chief Judge, an oath in the form set out in the First Schedule.

(9) The Chief Judge or a Judge of the Chief Court shall hold office until he attains the age of sixty two years, unless he sooner resigns or is removed from office in accordance with law:

Provided that the Prime Minister may appoint a retired Judge of any High Court of Pakistan to be the Chief Judge or a Judge of the Chief Court for a period not exceeding three years and such person shall hold office till he attains the age of sixty-five years.

(10) A Judge of the Chief Court shall be initially appointed for one year as provided in sub-section (6). On completion of one year as a judge, the Prime Minister shall in the manner prescribed in sub-section (6) of section 84.—

(a) confirm him as permanent judge of the Chief Court; or

(b) extendhis appointment judge for another period of one year; or

(c) relievehim of his appointment:

Provided that in case the period is extended under clause (b), the judge shall on completion of the extended period either be confirmed as the permanent judge or relived of his appointment as judge in the same manner as provided in sub-section (6).

(11) A Judge of the Chief Court shall not,—

(a) hold any other office of profit in the service of the Gilgit-Baltistan if his remuneration is thereby increased; or

(b) occupy any other position carrying the right to remuneration for the rendering of services, but this clause shall not be construed as preventing a Judge from holding or managing private property.

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(12) A person who has held office as Judge of the Chief Court shall not hold any office of profit in the service of Gilgit-Baltistan not being a Judicial or quasi-Judicial office or the office of Chief Election Commissioner or of Chairman or member of the Public Service Commission, before the expiration of two years after he ceased to hold that office.

(13) The remuneration and other terms and conditions of service of the Chief Judge and Judges of Chief Court shall be such as admissible the Chief Justice and the Judges of the High Courts of Pakistan.

85. **Acting Chief Judge.**—At any time when—

(a) the Office of Chief Judge of Chief Court is vacant;

(b) the Chief Judge of Chief Court is absent or is unable to perform the functions of his office due to any other cause, the Governor shall appoint the most senior Judge of the Chief Court to act as Chief Judge.

86. **Jurisdiction of Chief Court.**—(1) The Chief Court shall have such jurisdiction as is conferred on it by this Order or by any other law.

(2) Subject to this Order, the Chief Court may if it is satisfied that no other adequate remedy is provided by law,—

(a) on the application of any aggrieved party, make an order,—.

(i) directing a person performing functions in connection with the affairs of Gilgit-Baltistan or local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do; or

(ii) declaring that any act done or proceeding taken by a person performing functions in connection with the affairs of the Gilgit-Baltistan or a local authority has been done or taken without lawful authority, and is of no legal effect; or

(b) on the application of any person, make an order,—

(i) directing that a person in custody in Gilgit-Baltistan be brought before the Chief Court so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person holding or purporting to hold a public office in connection with the affairs of Gilgit-Baltistan to show under what authority of law he claims to hold that office; or

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(c) on the application of any aggrieved person, make an order giving such directions to the person, authority or the Government, exercising any power or performing any function in, or in relation to, Gilgit-Baltistan as may be appropriate for the enforcement of any of the fundamental rights conferred by this Order.

(3) An order shall not be made under clause (2) on application made by or in relation to a person in the Armed Forces of Pakistan in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action in relation to him as a member of the Armed Forces of Pakistan.

(4) Where,—

(a) an application is made to the Chief Court for an order under sub-clause (a) or sub-clause (c) of clause (2); and

(b) the Court has reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or otherwise being harmful to the public interest, the Court shall not make an interim order unless the Advocate-General has been given notice of the application and the Court, after the Advocate-General or any officer authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in sub-clause (b) of this clause.

(5) In this Article unless the context otherwise requires, the expression "person" includes any body politic or corporate, any authority of or under control of the Government and any court or tribunal other than the Gilgit-Baltistan Supreme Appellate Court, the Chief court or a Court or tribunal establish under a law relating to the Armed Forces of Pakistan.

87. **Rules of procedure.**—Subject to this Order, the Chief Court may in consultation with the Government, make rules regulating practice and procedure of the Court or of any Court subordinate to it:

Provided that till such time, the new rules are framed, the rules in force on the commencement of this Order shall, so far as they are not inconsistent with this Order and any other law, continue in force and deemed to have been made under this section.

88. **Decision of Chief Court binding on subordinate Courts.**—Subject to Section 60, any decision of Chief Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all Courts subordinate to it.

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89. **Seat of the Chief Court.**—(1) The permanent seat of the Chief Court shall be at Gilgit.

(2) The Chief Court may, from time to time, sit at such other place as the Chief Judge of the Chief Court, with the approval of the Governor, may appoint.

90. **Contempt of Court.**—(1) In this section the expression "Court" means the Gilgit-Baltistan Supreme Appellate Court or the Chief Court.

(2) A Court shall have power to punish any person who—

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

(b) scandalizes the Court or otherwise does anything which tends to bring the Court or a judge of the Court into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Court; or

(d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this section may be regulated by law and, subject to law, by rules made by the Court.

91. **Chief Court to superintend and control all courts subordinate to it, etc.**—(1) The Chief Court shall superintend and control all other courts that are subordinate to it.

(2) A court so established shall have such jurisdiction as conferred on it by law.

(3) No court shall have any jurisdiction which is not conferred on it by this Order or by or under any other law.

92. **Advisory jurisdiction.**—(1) If, at any time, the Prime Ministeror the Governor desires to obtain the opinion of the Gilgit-Baltistan Supreme Appellate Court on any question of law which he considers of public importance, he may refer the question to the Supreme Appellate Court of Gilgit-Baltistan for consideration.

(2) The Gilgit-Baltistan Supreme Appellate Court shall consider a question so referred and report its opinion on the question to the Prime Ministeror as the case may be, the Governor.

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93. **Administrative Courts and Tribunals.**—(1) Notwithstanding anything herein before contained, the Prime Ministerin respect of matters to which its executive authority extends, and the Assembly in respect of matters to which the executive authority of the Government extends may by law provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of,—

(a) matters relating to the terms and conditions of persons who are or have been in the service of Gilgit-Baltistan including disciplinary matters;

(b) matters relating to claims arising from tortuous acts of the Government or any person in the service of Gilgit-Baltistan or of any local or other authority empowered by law to levy any tax or cess and any servant or such authority acting in the discharge of his duties as such servant; or

(c) matters relating to acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything herein before contained, where any Administrative Court of Tribunal is established under sub-section (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment.

(3) An appeal to the Gilgit-Baltistan Supreme Appellate Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Appellate Court of Gilgit-Baltistan being satisfied, that the case involves a substantial question of law of public importance, grants leave to appeal.

94. **Employees of Court.**—The Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court in consultation with Government, may make rules providing for the appointment of employees of the Court and for their terms and conditions of employment.

PART-XII

SERVICES

95. **Public Service Commission.**—(1)There shall be a Public Service Commission for Gilgit-Baltistan which shall consist of such number of members, including a Chairman to be appointed by the Prime Ministeron the advice of

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Governor in consultation with the Chief Minister, and perform such functions as may be prescribed on such terms and conditions as may be determined by the Governor.

(2) Notwithstanding anything contained in sub-section (1), till the establishment of the Public Service Commission for Gilgit-Baltistan, the Federal Public Service Commission established under Article 242 of the Constitution of Islamic Republic of Pakistan shall perform the functions in Gilgit-Baltistan.

96. Services.—(1) Subject to this Order, the appointment of persons to, and the terms and conditions of service of persons in the service of Gilgit-Baltistan may be regulated by law.

(2) Until an Act of the Assembly in respect of such persons employed in connection with the affairs of the Government, makes provision for the matters referred to in sub-section (1), all rules and orders in force immediately before the commencement of this Order, shall continue to be in force and may be amended from time to time by the Government.

(3) Notwithstanding anything contained in this sub-sections (1) and (2) the position or vacancy sharing formula between the Government of Gilgit-Baltistan and the Government of Pakistan, i.e. Gilgit-Baltistan Civil Service and All Pakistan Service i.e. Pakistan Administrative Service (PAS), shall be specified in the Fourth Schedule. However, if any alteration is required in the vacancy sharing formula given in the Fourth Schedule, in futire, the government of Gilgit-Baltistan and the Federal government shall through an agreement do so and all such alterations shall have force of law.

(4) Gilgit-Baltistan shall be given representation in Federal Services in accordance with provisions made for the purpose thereof for the provinces. Necessary, civil service reforms, including up gradation of posts, commensurate with the increased delegation of powers and in line with other provinces shall be carried out in Gilgit-Baltistan.

PART-XIII

ELECTIONS

97. Chief Election Commissioner.—(1) There shall be a Chief Election Commissioner to be appointed by the Prime Minister on the advice of Governor on such terms and conditions as may be prescribed.

(2) Before entering upon office, the Chief Election Commissionershall make before the Chief Judge of Gilgit-Baltistan oath in the form set out in the First Schedule.

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PART-XIV

AUDITOR-GENERAL

98. Auditor-General.—(1) There shall be an Auditor-General of Gilgit- Baltistan who shall be appointed by the Governor on the advice of the Prime Minister:

Provided that till the appointment of Auditor-General of Gilgit-Baltistan, the Auditor-General of Pakistan shall work as Auditor-General of Gilgit-Baltistan.

(2) Before entering upon office, the Auditor General shall make before the Chief Judge of Gilgit-Baltistan oath in the form set out in the First Schedule.

(3) The terms and conditions of service, including the terms of office, of the Auditor-General shall be determined by the Prime Minister.

(4) The Auditor-General shall, in relation to the accounts of the Government and any authority or body established by the Government, perform such functions and exercise such powers as may be determined by the Prime Minister.

(5) The accounts of the Government shall be kept in such form and in accordance with such principles and methods as may be determined by the Auditor-General with the approval of the Prime Minister.

(6) The reports of the Auditor-General relating to the accounts of the Government shall be submitted to the Governor who shall cause them to be laid before the Assembly.

PART- XV

GENERAL

99. **Continuance of existing laws.**—(1) Subject to the provisions of this Order, all laws which immediately before the commencement of this Order, were in force in Gilgit-Baltistan shall continue to be in force until altered, repealed or amended by an Act of the appropriate authority.

Explanation.—In this section,—

(a) the expression 'laws includes Ordinance, Orders, rules, bye-laws, regulations and any notification and other legal instruments having the force of law, and

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(b) the expression 'in force' in relation to any law, means having effect as law whether or not the law has been brought into operation.

(2) For the purpose of bringing the provisions of any existing law into accord with the provisions of this Order the President may by Order, within a period of six months from the commencement of this Order, make such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencement of this Order, as may be specified in the Order.

100. **General provision regarding Governor and Ministers.**—(1) The Governor, the Chief Minister, a Minister or an Advisor shall not,—

(a) hold any other office of profit in the Service or any other country: or

(b) occupy any other position carrying the right to remuneration for the rendering of services: but this Order shall not be construed as preventing the Governor, the Chief Minister, a Minister or an Advisor from holding or managing his private property.

(2) No criminal proceedings whatsoever shall be instituted or continued against the Governor or the Prime Minister while he is in office.

(3) No civil proceedings in which relief is claimed against the Governor or the Prime Minister shall be instituted while he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he enters upon his office unless at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him, stating the nature of the proceedings, the cause of the action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(4) Except in relation to proceedings referred to in sub-section (3) no process whatsoever shall be issued from any court or tribunal against the Prime Ministeror the Governor, whether in a personal capacity or otherwise, while he is in office.

(5) Subject to this Order, the Prime Minister, the Governor, the Chief Minister, a Minister or an Advisor shall not except in respect of anything done or not done by him in contravention of law, be answerable to any court or Tribunal in the exercise of the powers, or the performance of the duties, of his office or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those duties:

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Provided that nothing in this sub-section shall be construed as restricting the right of any person to bring appropriate proceedings against the Government.

101. **Power to acquire property and to make contracts, etc.**- (1) The executive authority of the Government shall extend, subject to any law to the grant, sale, disposition or mortgage of any property vested in, and to the purchase or acquisition of property on behalf of, the Government, and to the making of contracts.

(2) All property acquired for the purpose of the Government shall vest in the Government.

(3) All contracts made in the exercise of the executive authority of the Government shall be expressed to be made in the name of the Governor and all such contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor by such persons and in such manner as the Governor may direct or authorize.

(4) Neither the Governor shall be personally liable in respect of any contract or assurance made or executed in the exercise of the executive authority of the Government, nor shall any person making or executing any such contract or assurance on behalf of him be personally liable in respect thereof.

(5) Transfer of land by the Government shall be regulated by law.

PART-XVI

EMERGENCY PROVISIONS

102. **Power to issue proclamation.**—(1) If the Prime Minister, on receipt of a report from Governor or otherwise, is satisfied that grave emergency exists in which the security of Gilgit-Baltistan is threatened by war or external aggression or by internal disturbances, in which the Government cannot be carried on in accordance with the provisions of this Order, the Prime Minister shall issue Proclamation of Emergency, hereinafter referred to as the Proclamation.

(2) On the issuance of the Proclamation the Prime Minister may assume to himself, or direct the Governor to assume on behalf of the Prime Minister, all or any of the functions of the Government, and all or any of the powers vested in, or exercisable by, anybody or authority in the Gilgit-Baltistan, other than the Assembly.

(3) A Proclamation shall be laid before theAssembly which shall be summoned by the Prime Minister on the advice of the Governor to meet within thirty days of the Proclamation being issued and-

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(a) shall, cease to be in force at the expiration of two months unless before the expiration of that period it has been approved by a resolution of the Assembly; and

(b) shall, subject to the provisions of clause (a), cease to be in force upon a resolution disapproving the resolution being passed by the votes of the majority of two-third of the total membership of the Assembly.

(4) Notwithstanding anything contained in sub-section (2), if the Assembly stands dissolved at the time when the Proclamation is issued, the Proclamation shall continue in force for a period of four months but, if a general election to the Assembly is not held before the expiration of that period, it shall cease to be in force at the expiration of that period unless it has earlier been approved by the President.

(5) A Proclamation may be made before the actual occurrence of war or external aggression if the Prime Minister is satisfied that there is imminent danger thereof.

103. **Power to suspend fundamental rights.**—(1) While a Proclamation is in operation, the Prime Minister may, by order, declare that right to move any Court for the enforcement of such of the rights conferred by Part II as may be specified in the order, and all proceedings pending in any Court for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

(2) Every order made under sub-section (1), shall, as soon as may be, laid before the Assembly.

104. **Power to vary or rescind proclamation.**—(1) A Proclamation issued under section 102 may be varied or revoked by a subsequent Proclamation.

(2) The validity of any Proclamation issued or order made under sections 102 or 103 shall not be questioned in any Court.

105. **Proclamation in case of financial emergency.**—(1) If the Prime Ministeris satisfied that a situation has arisen whereby the economic life, financial stability or credit of Gilgit-Baltistan, or any part thereof, is threatened, he may, after consultation with the Governor, by Proclamation make a declaration to that effect, and while such a Proclamation is in force, the executive authority of the Government shall extend to the giving of directions to observe such principles of financial propriety as may be specified in the directions, and to the giving of such other directions as the Prime Minister may deem necessary in

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the interest of the economic life, financial stability or credit of Gilgit-Baltistan or any part thereof.

(2) While a Proclamation issued under this section is in force the President may issue directions for the reduction of the salaries and allowances of all or any class of persons serving in connection with the affairs of the Government.

(3) The provisions of sub-sections (3), (4) and (5) of section 102 shall apply to a Proclamation issued under this section as they apply to a Proclamation issued under that Section.

106. **Tenure of the Assembly.**—While a Proclamation of Emergency is in force, theAssembly may by law extend its term for a period not exceeding one year and not extending in any case beyond a period of six months after the Proclamation has ceased to be in force.

PART-XVII

MISCELLANEOUS

107. **Prime Minister may make laws of indemnity, etc.**—Nothing in the Act shall prevent the Prime Minister from making any law indemnifying any person in the service of Gilgit-Baltistan, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Gilgit-Baltistan.

108. **Protection to Prime Minister, Governor, Minister, etc.**—(1) The Prime Minister, the Governor, the Chief Minister, and Ministers shall not be answerable to any court for the exercise of powers and performance of functions of their respective offices or for any act done or purported to be done in the exercise of those powers and performance of those functions:

Provided that nothing in this sub-section shall be construed as restricting the right of any person to bring appropriate proceedings against the Government.

(2) No criminal proceedings whatsoever shall be instituted or continued against the Prime Minister or Governor in any court during his term of office.

(3) No process for the arrest or imprisonment of the President or a Governor shall issue from any court during his term of office.

(4) No civil proceedings in which relief is claimed against the Prime Minister or Governor shall be instituted during his term of office in respect of

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anything done or not done by him in his personal capacity whether before or after he enters upon his office unless, at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him in the manner prescribed by law, stating the nature of the proceedings, the cause of action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which the party claims.

109. **Legal proceedings.**— Any legal proceedings which, but for this Order, could have been brought by or against the Government in respect of a matter which, immediately before the commencing day, was the responsibility of the Gilgit-Baltistan's Council and has, under the Order, become the responsibility of the Assembly, shall be brought by or against the Government and if any such legal proceedings were pending in any court immediately before the commencing day then, in those proceedings, for the aforesaid Council the Government shall, as from that day, be deemed to have been substituted.

110. **Failure to comply with requirement as to time does not render an act invalid.**—When any act or thing is required by this Order to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

111. **Official language.**—(1) The official language of Gilgit-Baltistan is Urdu.

(2) Subject to sub-section (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.

(3) Without prejudice to the status of the National language, the Assembly may by law prescribe measures for the teaching, promotion and use of any other language in addition to the National language.

112. **Oath of office.**—(1) An oath required to be made by person under this Order shall be made in a language that is understood by that person.

(2) Where, under this Order, an oath is required to be made before a specified person and for any reason, it is impracticable for the oath to be made before that person, it may be made before such other person as may be nominated by that person.

(3) Where, under this Order, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath.

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113. **Private armies forbidden.**—(1) No private organisation capable of functioning as a military organisation shall be formed, and any such organisation shall be illegal.

(2) The Prime Minister shall, by law, provide for the punishment of persons found guilty of the offence under this section and such law may also provide for establishment of special courts for trial of such offence.

114. **Local Government.**—(1) The Government shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(2) Elections to the local governments shall be held by the Election Commission.

115. **Act not to prejudice stance.**—The provision of this Order shall not derogate form, or in any manner prejudice, the declared stand of the Government of Pakistan regarding the right of self-determination for the people of Jammu and Kashmir in accordance with the United Nations Resolutions.

116. **Power to amend.**—The President may, by notified Order, amend the provisions of this Order.

117. **Power to make rules.**—The Governor, or as the case may be, the Prime Minister, may make rules for carrying out the purposes of this Order.

118. **Order to override other laws, etc.**—(1) The provision of this Order shall have effect notwithstanding anything contained in the provisions of any law for the time being in force except that in case of conflict between the laws of Pakistan and the laws framed under this Order, the laws of Pakistan shall prevail.

(2) No Court, including the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court, shall call into question or permit to be called into question, the validity of this Order.

119. **Repeal and saving.**- (1) The Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009, hereinafter in this section referred to as "the Repealed Order" together with the Orders amending it, is hereby repealed.

(2) Any rules made under the Repealed Order is so far as they are not inconsistent with the provisions of this order shall continue to be in force unless altered amended or repealed by the competent authority.

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(3) Nothing in this order shall deem to affect any acts done, proceedings taken under the Gilgit-Baltistan (Empowerment & Self-Governance) Order, 2009. The services of regular employees of Gilgit-Baltistan Council shall be protected and regulatedby the order of the President.

(4) Any person who, was in the service of the Council relating to any matter which, immediately before the commencing day, was the responsibility of the Council, but which under this Order, has become the responsibility of the Government of Pakistan, shall, as from the commencing day, be deemed to have continued in the service of Pakistan on the same terms and conditions as were applicable to him under Gilgit-Baltistan (Empowerment & Self-Governance) Order, 2009 immediately before the commencing day or appointed as such, as the case may be, and such continuance or appointment, shall have effect accordingly.

(5) Any person who, was in the service of the Council relating to any matter which, immediately before the commencing day, was the responsibility of the Council, but which under this Order, has become the responsibility of the Government, shall, as from the commencing day, be deemed to have continued in the service of Gilgit-Baltistan on the same terms and conditions as were applicable to him under this the Gilgit-Baltistan (Empowerment & Self-Governance) Order, 2009 immediately before the commencing day or appointed as such, as the case may be, and such continuance or appointment, shall have effect accordingly.

(6) Subject to the provisions of this Order, a body established or person to be appointed shall be established or appointed, as the case may be, on the completion of its tenure under the Repealed order.

120. **Effect of repeal.**—Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of this order, the repeal shall not, except as otherwise provided in this Order;—

(a) revive anything not in force or existing at the time at which the repeal takes effect;

(b) affect the previous operation of the law or anything duly done or suffered under the law;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law;

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against the law; or

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(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.

121. **Vesting or property, assets, rights, liabilities and obligations.**— (1) The President shall, by order regulate.—

(a) all property and assets which, immediately before the commencing day, were vested in the Council including the Council Consolidated Fund; and

(b) all rights, liabilities and obligations of the Council or of the Government.

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FIRST SCHEDULE

OATH OF OFFICE OF- GOVERNOR

[see section 33]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....do hereby solemnly swear in the name of Allah:

That, as Governor of Gilgit-Baltistan, I will remain loyal to Pakistan;

That I will perform my functions as Governor honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Governor.

So help me Allah.

Signature of Governor

Place
Date

Signature of Chief Judge
Supreme Appellate Court, Gilgit-Baltistan

CHIEF MINISTER

[see section 36]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....do hereby solemnly swear in the name of Allah;

That, as Chief Minister of Gilgit-Baltistan, I will remain loyal to Pakistan;

That I will perform my functions as Chief Minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Chief Minister;

So help me Allah.

Signature of Chief Minister

Place
Date

Signature of Governor
Gilgit-Baltistan

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MINISTER

[see section 38]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....do hereby solemnly swear in the name of Allah;

That, as Minister of Gilgit-Baltistan, I will remain loyal to Pakistan;

That I will perform my functions as Minister honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Minister:

So help me Allah.

Signature of Minister

Place
Date

Signature of Governor
Gilgit-Baltistan

SPEAKER OR DEPUTY SPEAKER OF ASSEMBLY

[see section 55]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....having been elected as Speaker or Deputy Speaker of Gilgit-Baltistan Legislative Assembly do hereby solemnly swear in the name of Allah;

That I will remain loyal to Pakistan;

That I will perform my functions as Speaker or Deputy Speaker of the Legislative Assembly honestly and faithfully; and

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That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Speaker or Deputy Speaker of the Assembly;

So help me Allah.

Signature of Speaker/Deputy Speaker

Place
Date

Signature of Outgoing Squeaker /Sitting Speaker
Gilgit-Baltistan Legislative Assembly

MEMBER OF ASSEMBLY

[see section 49]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....having been elected as Member of Gilgit- Baltistan Legislative Assembly do hereby solemnly swear in the name of Allah;

That I will remain loyal to Pakistan;

That I will perform my functions as Member of the Legislative Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Member of the Legislative Assembly;

So help me Allah.

Signature of Member

Place
Date

Signature of Speaker
Gilgit-Baltistan Assembly

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MEMBER OF GILGIT-BALTISTAN COUNCIL

[See Article 60A]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I.....having been elected as Member of Gilgit- Baltistan Council do hereby solemnly swear in the name of Allah;

That I will remain loyal to Pakistan;

That I will perform my functions as Member of the Gilgit-Baltistan Council honestly and faithfully: and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Member of the Council;

So help me Allah.

Signature of Member

Place

Date

Signature of Chairman/Vice Chairman
Gilgit-Baltistan Council

CHIEFJUDGE/JUDGE OF GILGIT – BALTISTAN SUPREME APPELLATE COURT

[see section 75]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,..... .having been appointed Chief Judge/Judge of Gilgit - Baltistan Supreme Appellate Court do solemnly swear in the name of Allah and I will bear true faith and allegiance to Pakistan and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment and

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will administer justice according to the law in force Gilgit- Baltistan, without fear or favour, affection or ill-will.

Signature of Chief Judge/Judge

Place
Date

Signature of Governor/Chief Judge
Gilgit-Baltistan

OATH OF CHIEF JUDGE/JUDGE OF GILGIT-BALTISTAN CHIEF COURT

[see section 84]

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

(In the name of Allah, the most Beneficent, the most Merciful.)

I..... .having been appointed Chief Judge/Judge of Gilgit-Baltistan Chief Court do solemnly swear in the name of Allah that I owe allegiance to Allah and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment and will administer justice according to the law in force in the Areas comprising Gilgit-Baltistan, without fear or favour, affection or ill-will.

Signature of Chief Judge/Judge

Place
Date

Signature of Governor/Chief Judge
Gilgit-Baltistan

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OATH OF ADVISOR
[see section 36]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,..... do hereby solemnly swear in the name of Allah;

That I will remain loyal to Pakistan.

That I will perform my functions as Advisor honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which, may, come to my knowledge as Advisor;

So help me Allah.

Signature of Advisor

Place
Date

Signature of Chairman of Council
Gilgit-Baltistan

AUDITOR-GENERAL
[see section 98]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....do hereby solemnly swear in the name of Allah and bear true faith and allegiance to Pakistan.

That, as Auditor-General of the Areas comprising Gilgit- Baltistan, I will perform my functions honestly, faithfully, in accordance with the Government of Gilgit-Baltistan Order, 2018, and the law and to the best of my knowledge, ability and judgment, without fear or favour, affection or ill-will.

Signature of Auditor General

Place
Date

Signature of Chief Judge of Supreme Appellate Court
Gilgit-Baltistan

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CHIEF ELECTION COMMISSIONER

[see section 97]

بسم اللہ الرحمن الرحیم

(In the name of Allah, the most Beneficent, the most Merciful.)

I,.....do hereby solemnly swear in the name of Allah and bear true faith and allegiance to Pakistan.

That, as Chief Election Commissioner of the Areas comprising Gilgit- Baltistan, I will perform my functions honestly, faithfully, in accordance with the Government of Gilgit-Baltistan Order, 2018, and the law and to the best of my knowledge, ability and judgment, without fear or favour, affection or ill-will.

Signature of Chief Election Commissioner

Place
Date

Signature of Chief Judge of Supreme Appellate Court
Gilgit-Baltistan

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SECOND SCHEDULE

[see section 50(2)(d)]

1. An office, which is not a whole time office remunerated either by salary or by fee.

2. The office of Lamberdar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title.

3. The office of the Chairman of any elective body constituted under any law relating to the Local Government.

4. Reserve of the Armed Forces.

5. Any other office which is declared by an Act of the Assembly not to disqualify its holder from being elected as, or from being a member of the Assembly.

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THIRD SCHEDULE
LEGISLATIVE LIST
[see section 60(2) (a)]

1. Nationality, citizenship and naturalization.

2. Migration from or into, or settlement in Gilgit-Baltistan.

3. Admission into, and emigration and expulsion from Gilgit-Baltistan, including in relation thereto the regulation of the movements in Gilgit-Baltistan of persons not domiciled in Gilgit-Baltistan: pilgrimages to places beyond Pakistan.

4. Post and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.

5. Foreign Exchange; cheques, bills of exchange, promissory notes and foreign aid.

6. Public debt, including the borrowing of money on the security of the Gilgit-Baltistan Consolidated Fund.

7. Public debt of the Federation, including the borrowings of money on the security of the Federal Consolidated Fund; foreign loan and foreign aid.

8. Federal public services and Federal Public Service Commission.

9. Pensions, that is to say, pensions payable by the Federal Government or out of the Federal Consolidated Fund.

10. Ombudsman.

11. Administrative courts for the subjects in legislative list.

12. Libraries, museums, and similar institutions controlled by the Federation.

13. Federal agencies and institutions for the following purpose, that is to say, for research, for professional or technical training, or for the promotion of special studies.

14. Education as respects students of Gilgit-Baltistan in foreign countries and foreign students in Gilgit-Baltistan.

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15. Nuclear energy, including.—

(a) mineral resources necessary for the generation of nuclear energy;

(b) (b) the production of nuclear fuels and the generation and use of nuclear energy; and

(c) ionizing radiations.

(d) boilers

16. Ports quarantine, seamen's and marine hospitals and hospitals concerned with port quarantine.

17. Maritime shipping and navigation, including shipping and navigation on tidal waters, Admiralty jurisdiction.

18. Aircraft and air navigation: the provision of aerodromes; regulations and organization of air traffic and of acrodrome.

19. Light Houses, including lightships, beacons and other provisions for safety of aircraft.

20. Carriage of passengers and goods by sea or by air.

21. Copyright. inventions, designs, trademarks and merchandise marks.

22. Opium so far as regards sale for export.

23. Import and exports across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce with foreign countries; standards of goods to be exported out of Pakistan

24. State Bank of Pakistan; banking, that is to say, the co-ordination with the Government of Pakistan of the conduct of banking business by corporations other than corporations owned or controlled by Gilgit-Baltistan and carrying out business only within Gilgit-Baltistan.

25. The law for insurance, except as respects insurance undertaken by Government of Gilgit-Baltistan, and the regulation of the conduct of insurance business, except as respect to business under taken by Government of Gilgit-Baltistan, Government insurance, except so

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far as undertaken by the Government of Gilgit-Baltistan by virtue of any matter within the legislative competence of the Assembly.

26. Stock-exchange and future markets with object and business not confined to the areas comprising Gilgit-Baltistan.

27. Corporations, that is to say, the incorporation regulation and winding up of trading corporations including banking, insurance and financial corporations, but not including corporations owned or controlled by the Provincial Government of Gilgit-Baltistan and carrying on business, cooperative societies, and of corporations, whether trading or not, with object not confined to the Gilgit-Baltistan, but not including universities.

28. Planning for economic coordination, including planning and coordination of scientific and technological research.

29. International treaties conventions and agreements and international arbitration

30. National Highways, strategic roads, and highways continuing beyond the territory of the Gilgit-Baltistan.

31. Federal surveys including geological surveys and Federal meteorological organizations.

32. Fishing and fisheries beyond territorial waters

33. Works, lands and buildings vested in, or in the possession of the Government or Federal Government, for the purpose of the Federation (not being Military, Naval or Air Force works), but as regards property situate in the Gilgit-Baltistan, subject always to law made by the Assembly, save in so far as Federal law otherwise provides.

34. Census.

35. Establishment of standards of weights and measures.

36. Extension of the powers and jurisdiction of members of a police force belonging to the Gilgit-Baltistan or any Province of Pakistan to any area in such Province or the Gilgit-Baltistan, but not so as to enable the police of the Gilgit-Baltistan or such province to exercise powers and jurisdiction in such Province or the Gilgit-Baltistan without the consent of the Government of that Province or the Gilgit-Baltistan; extension of the powers and jurisdiction of

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members of a police force belonging the Gilgit-Baltistan or a Province of Pakistan to railway areas outside the Gilgit-Baltistan or that Province.

37. Duties of Customs, including export duties.

38. Duties of excise, including duties on salt but not including duties on alcoholic liquors, opium and other narcotics.

39. Railways.

40. Mineral oil natural gas; liquids substances declared by Federal law to be dangerously inflammable.

41. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions,establishments, bodies and corporations administered or managed by the Federal Government immediately before the commencing day of this Order

42. Removal of prisoners and accused persons from the Gilgit-Baltistan to other provinces, Federal Capital and FATA or from these areas to the Gilgit-Baltistan.

43. Measures to combat certain offences committed in connection with matters concerning the Federation and the Government and the establishment of police force for that purpose or the extension to the Gilgit-Baltistan of the jurisdiction of police force established in Pakistan for the investigation of offences committed in connection, with matters concerning the Government of Pakistan.

44. Electricity and bulk water storage.

45. Newspapers, books and printing presses.

46. Curriculum, syllabus, centers of excellence and standards of education.

47. Sanctioning of cinematography films for exhibition.

48. Major ports, that is to say the declaration and delimitation of such ports, and the constitution and powers of port authorities therein

49. All regulatory authorities established under Federal law.

50. Supervision and management of public debt.

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51. Legal, medical and other professions.

52. Standards in institutions for higher education and research, scientific and technical institutions.

53. Terminal taxes on goods or passengers carried by railway or air, taxes on their fares and freights.

54. Fees in respect of any of the matter enumerated in this Part.

55. Fees in respect of any of the matters enumerated in this Part, but not including fees taken in any court.

56. National Planning and national economic coordination including planning and coordination of scientific and technological research.

57. Inter-provincial matters and co-ordination

58. Jurisdiction and powers of all courts with respect to any of the matters enumerated in this list.

59. Offences against laws with respect to any of the matters enumerated in this list.

60. Inquiries and statistics for the purpose of any of the matters enumerated in this list.

61. Matters which under the law are within the legislative competence of the Prime Minister or relates to the Prime Minister.

62. Taxes on income other than agricultural income.

63. Taxes on corporations.

64. Taxes on the sale and purchases of goods and services imported, exported, produced, manufactured or consumed.

65. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.

66. Taxes and duties on the production capacity of any plant, machinery, under taking, establishment or installation in lieu of the taxes and duties specified in entries 37 and 38 or in lieu of either or both of them.

67. Election to the Council

68. Matter incidental or ancillary to any of the matters enumerated in this list.

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FOURTH SCHEDULE

SERVICES

[see section 96]

POSITION OR VACANCY SHARING FORMULA BETWEEN THE GOVERNMENT OF PAKISTAN AND GOVERNMENT OF GILGIT-BALTISTAN

Government of Gilgit-Baltistan	All Pakistan Services (PAS,PSP)	BS-17	BS-18	BS-19	BS-20	BS-21
		18%	30%	40%	50%	60%

N.B-Percentage showing the share earmarked for All Pakistan Services (PAS, PSP)APUG/DMG/APS, out of total number of vacancies in Gilgit-Baltistan (on the pattern of Federal Government and Provinces of Pakistan)

[No. 13(1)/2018-(Admn) GBC.]

MUHAMMAD SHAHID HUSSAIN,
Joint Secretary.

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