

**AZAD JAMMU AND KASHMIR  
PUBLIC SERVICE COMMISSION ACT, 1986**

“Muzaffarabad”  
Dated: 9<sup>th</sup> March, 1986

No: 401-5/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 5<sup>th</sup> day of March, 1986, is hereby published for general information:-

(ACT XVII of 1986)

**AN  
ACT**

to provide for Azad Jammu and Kashmir Public Service Commission

WHEREAS it is expedient to provide for Azad Jammu and Kashmir Public Service Commission and for matters ancillary thereto in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short Title and Commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Public Service Commission Act, 1986.  
(2) It shall come into force at once.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:
  - (a) **“Commission”** means the Azad Jammu and Kashmir Public Service Commission;
  - (b) **“Government”** means the Azad Government of the State of Jammu and Kashmir;
  - (c) **“Member”** means a member of the Commission and includes the Chairman thereof;
  - <sup>1</sup>[(cc) **“Prescribed”** means prescribed by rules made under this Act;]
  - (d) **“President”** means the President of Azad Jammu and Kashmir;
  - (e) **“Service of Azad Jammu and Kashmir”** means the Service of Azad Jammu and Kashmir as defined in the AJ&K Interim Constitution Act, 1974.

<sup>1</sup> Inserted vide the Act No. VIII of 1991, dated 19.01.1992.

3. **Composition of Commission etc:-**<sup>2</sup>[(1) There shall be an Azad Jammu and Kashmir Public Service Commission consisting of 10 members including the Chairman:

Provided that the Administrative Secretary incharge of the Department to which the post for recruitment belongs, shall be ex-officio member of Commission].

- (2) The Chairman and the other members of the Commission shall be appointed by the President.

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- <sup>4</sup>[(3) (i) Four members of the Commission shall be appointed from amongst the retired officers who have held office in the service of Azad Jammu and Kashmir in basic pay scale 20 or above:

- (ii) Two Members of the Commission shall be educationist to be appointed from amongst the retired officers, who have held office as a head of an institution or educational department:-

- (a) In the service of Azad Jammu and Kashmir belonging to teaching or administration cadre of Education Department in basic pay scale 20 (substantive) or above; or

- (b) In any recognized University or educational institution of Azad Jammu and Kashmir in basic pay scale 20 or above:

- (iii) Four Members of the Commission shall be as under:-

- (a) A retired judge of superior judiciary or a retired District and Sessions Judge in basic pay scale 21:

Provided that a judge so appointed shall get pay and allowances etc., equivalent to other Members of the Commission.

- (b) A woman possessing Ph.D or Master degree and fifteen years relevant experience in public or private sector; and

- (c) One professional with not less than twenty years experience in the field of engineering, agriculture, medicine, environment, applied sciences, law, psychiatry or any other professional field;

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<sup>2</sup> Substituted vide Act XXIV of 2014, dated 20.06.2014

<sup>3</sup> Both Proviso omitted vide Act ibid.

<sup>4</sup> Substituted vide ibid Act.

(d) One retired officer from amongst the State Subjects of Azad Jammu and Kashmir not below the rank of Lieutenant Colonel or equivalent from Armed Forces of Pakistan].

(4) The pay and other conditions of service of members shall be such as may be determined by the President:

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

<sup>5</sup>[(5) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in, the constitution of the Commission.]

4. **Term of Office of Members, etc:-** <sup>6</sup>[(1) The term of office of a member shall be three years:

Provided that in the case of a person who was in the service of Azad Jammu and Kashmir immediately before his appointment, as member, the term of office shall be three years or till he retires from service of Azad Jammu and Kashmir, whichever is earlier;]

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(2) A member may resign his office by writing under his hand addressed to the President.

<sup>8</sup>[4-A. **Oath of Office:-** Before entering upon his office, Chairman and Member shall take oath in the form set out in the Schedule to this Act, before the President, in case of Chairman and before the Chairman in case of a Member.]

5. **Ineligibility for Further Employment:-** (1) On ceasing to hold office, a member, except in case of an ex-officio member, shall not be eligible for further employment, in the service of Azad Jammu and Kashmir.

<sup>9</sup>[(2) In case a Member or Chairman is unable to perform his functions or is removed from his office, the term of a fresh appointee shall not exceed unexpired period of his term as member or Chairman.]

<sup>5</sup> Inserted vide Act No. VIII of 1991, dated 19.01.1992.

<sup>6</sup> Substituted vide Act *ibid*.

<sup>7</sup> Omitted vide Act XXIV 2014, dated 20.06.2014

<sup>8</sup> Added vide Act *ibid*.

<sup>9</sup> Substituted vide Act *ibid*.

6. <sup>10</sup>**[Removal from Office:-** (1) A Member shall not be removed from office during the terms of his office except in the manner hereinafter provided;
- (a) If the President is of the opinion that a member,-
    - (i) may have been guilty of misconduct; or
    - (ii) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity.
  - (b) The President shall appoint a Judge of the High Court to enquire into the said matter.
- (2) If the Judge, after inquiring into the matter, reports to the President that he is of the opinion that the Member has been guilty of misconduct or is incapable of performing the duties of his office, the President shall remove the Member from his office.]
7. **Functions of the Commission:-** The functions of the commission shall be:-
- (a) to conduct tests and examinations for recruitment to the civil services of Azad Jammu and Kashmir and such posts in connection with the affairs of the Government as may be prescribed by rules made under Section 11;
  - (b) to advise the President on matters relating to qualifications for, and method of recruitment to, the services and posts referred to in clause (a); and
  - (c) any other matter which the President may refer to the Commission.
- Explanation:** In this section, 'recruitment' means initial appointment otherwise than by promotion or transfer.
- <sup>11</sup>[7-A **Conduct of Business of Commission etc:-** The Chairman of the Commission may, with the approval of the Government, make rules for regulating the conduct of the business of the Commission, and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee, composed of two or more members, constituted by the Chairman for the purpose.]
8. **Commission to be Informed when its Advice not Accepted:-** Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.
9. **Previous Appointments:-** Notwithstanding anything contained in Section 7, or any law for the time being in force or an appointment order:

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<sup>10</sup> Added and restored vide Act *ibid*.

<sup>11</sup> Added vide Act No.VIII of 1991, dated 19.01.1992.

- (a) All persons recruited without reference to the Commission to the posts prescribed under Section 7, at any time between twenty fourth day of August, 1974, and coming into force of the Public Service Commission (Functions) Rules, 1978, shall be referred to the Commission for assessing their suitability and if in the opinion of the Commission, a person recruited to any such post, is not fit to hold that post, he may be discharged from service;
- (b) All recruitments other than those mentioned in clause (a) to the posts prescribed under Section 7, at any time between twenty fourth day of August, 1974, and coming into force of the Public Service Commission (Functions) Rules, 1978, shall be referred to the Commission to review these cases and if in the opinion of the Commission, a person recruited to any such post, is not fit to hold that post, he may be discharged from service;
- (c) All appointments made by promotion to posts in grade 16 & 17 at any time between twenty-fourth day of August, 1974, and eighth day of May, 1977 shall be referred to the Commission and if in the opinion of the Commission, a person so appointed, is not fit to hold that post, he may be reverted to the post previously held by him; and
- (d) All appointments made by initial recruitment or by promotion as envisaged in clauses (a), (b) and (c) of this Section shall, notwithstanding anything contained in Azad Jammu and Kashmir Civil Servants Act, 1976 or rules framed there under or any other law for the time being in force shall be deemed to be ad-hoc appointments till the suitability is assessed by the Public Service Commission and the action thereon taken by the Government. Such posts shall not be advertised and only suitability of the incumbents shall be assessed by the Public Service Commission.

- 10. Reports of Commission:-** (1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the Legislative Assembly of Azad Jammu and Kashmir.
- (2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission-
- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons, thereof; and
  - (b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof.



11. **Power to Make Rules:-** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
12. **Rules to have Retrospective Effect:-** The Public Service Commission (Functions) Rules framed under Section 11, immediately after the promulgation of Ordinance XXXVIII of 1978, shall be deemed to have taken effect on the twenty fourth day of August, 1974.
13. **Savings:-** Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Public Service Commission Ordinances, 1978 (Ordinance III of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.
14. **Repeal:-** The Azad Jammu and Kashmir, Public Service Commission Ordinance, 1986 (Ordinance XXV of 1986) is hereby repealed.

Sd/--  
(Syed Atta-Mohy-ud-Din Qadri)  
Deputy Secretary Law.

<sup>12</sup>[SCHEDULE

(See Section 4-A)

I, \_\_\_\_\_ do hereby solemnly swear that I will bear true faith and allegiance to the State of Azad Jammu and Kashmir.

That, as a Chairman/Member of the Azad Jammu and Kashmir Public Service Commission, I will discharge duties and perform my functions honestly and diligently to the best of my ability and faithfully in pursuance of Azad Jammu and Kashmir Public Service Commission Act, 1986 and rules made there under. I shall always safeguard the national interest, solidarity, integrity, well-being and prosperity of the State.

That, I shall not allow my personal interest to influence to my official conduct or decisions in making selection of persons for recruitment in the service of Azad Jammu and Kashmir. In the performance of my official duties and obligations, I shall act without fear or favour, affection or ill will and shall always uphold and abide by the principals of impartiality, merit and integrity.

May Allah Almighty help and guide me (A'meen)]

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<sup>12</sup> Inserted vide Act xxiv of 2014 dated 20.06.2014