

**The Constitution
of
Jammu and Kashmir**

**Published by Law Department
Codification Cell**

and

Printed at the

Ranbir Government Press, Jammu

CONTENTS

	<i>Page</i>
<i>Preamble</i> ...	1
PART I	
PRELIMINARY	
1. Short title and commencement ...	2
2. Definitions ...	2
PART II	
THE STATE	
3. Relationship of the State with the Union of India ...	3
4. Territory of the State ...	3
5. Extent of executive and legislative powers of the State ...	3
PART III	
PERMANENT RESIDENTS	
6. Permanent residents ...	3
7. Construction of references to State Subjects in existing laws ...	4
8. Legislature to define permanent residents ...	4
9. Special provisions for bills relating to permanent residents ...	4

	<i>Page</i>
10. Rights of the permanent residents ...	5

PART IV

DIRECTIVE PRINCIPLES OF STATE POLICY

11. Definitions ...	5
12. Application of the principles contained in this Part ...	5
13. State to establish a socialist order of society for the promotion of welfare of the people ...	5
14. Economy of the State to be developed in a planned manner ...	6
15. State to ensure speedy improvement in standard of living of rural masses ...	6
16. Organisation of Village Panchayats ...	6
17. State to take certain steps for promoting crafts and cottage industries ...	6
18. Separation of judiciary from executive ...	7
19. Right to work and to public assistance in certain cases ...	7
20. Rights of free and compulsory education in certain cases ...	8
21. Rights of Children ...	8
22. Rights of Women ...	8

	Page
23. Protection of educational, material and cultural interests of socially and economically backward sections ...	9
24. Duty of the State to improve public health ...	9
25. Duty of the State to foster equality and secularism ...	9

PART V

THE EXECUTIVE THE GOVERNOR

26. Head of the State ...	10
27. Appointment of Governor ...	10
28. Term of office ...	10
29. Qualifications for appointment as Governor ...	11
30. Conditions of office ...	11
31. Oath of Office ...	11
32. Omitted ...	12
33. Discharge of the functions of the Governor in certain contingencies ...	12
34. Power to grant pardons, reprieves etc. ...	12

The Council of Ministers

35. Council of Ministers to aid and advise the Governor ...	12
---	----

	Page
36. Appointment of Ministers	... 13
37. Minister's responsibility to the Legislature	... 13
38. Deputy Ministers	... 13
39. Tenure of office	... 14
40. Oath of office and secrecy	... 14
41. Salaries and allowances of Ministers and Deputy Ministers	... 14

The Advocate General

42. Advocate General for the State	... 14
------------------------------------	--------

Conduct of Government Business

43. Rules of Business	... 15
44. Duties of Chief Minister	... 15
45. Form of orders and instruments and their authentication	... 16

PART VI

THE STATE LEGISLATURE

Composition of the State Legislature

46. Legislature for the State	... 16
47. Composition of Legislative Assembly	... 16

	Page
48. Provision relating to Pakistan occupied territory ...	17
48-A. Holding of general election in the event of earlier dissolution of Legislative Assembly ...	18
49. Reservation of seats for Scheduled Castes ...	18
50. Composition of Legislative Council ...	19
General Provisions	
51. Qualification of membership of the Legislature ...	21
52. Duration of Legislature ...	21
53. Sessions of the Legislature, prorogation and dissolution ...	22
54. Right of Governor to address and send messages to the House or Houses ...	22
55. Special address by the Governor ...	22
56. Rights of Ministers and Advocate General as respects the Houses ...	23
Officers of the State Legislature	
57. The Speaker and Deputy Speaker of the Legislative Assembly ...	23
58. Vacation and resignation of, and removal from the offices of the Speaker and Deputy Speaker ...	23

	<i>Page</i>
59. Power of the Deputy Speaker or other person to perform the duties of the office of or to act as Speaker	... 24
60. The Speaker and the Deputy Speaker not to preside while a resolution for his removal from office is under consideration	... 24
61. The Chairman and Deputy Chairman of the Legislative Council	... 25
62. Salaries and Allowances of the Speaker and Deputy Speaker and the Chairman and the Deputy Chairman	... 26
63. Secretariat of the Legislature	... 26
Conduct of Business	
64. Oath or affirmation by members	... 26
65. Quorum	... 27
66. Power of Houses to act notwithstanding vacancies	... 27
67. Voting in the Houses	... 27
Disqualifications of Members	
68. Vacation of seats	... 27
69. Disqualification for membership	... 28
70. Decision on questions or to disqualifications of members	... 29

	<i>Page</i>
71. Penalty for sitting and voting before making oath or affirmation when not qualified or when disqualified ...	30
Powers, Privileges and Immunities of the State Legislature and its members	
72. Powers, privileges etc. of the Houses of Legislature and of the members and committees thereof ...	30
73. Salaries and allowances of members ...	31
Legislative Procedure	
74. Provisions as to introduction and passing of Bills ...	31
75. Restriction on powers of Legislative Council as to Bills other than Money Bills ...	32
76. Special Procedure in respect of Money Bills ...	33
77. Definition of "Money Bills" ...	34
78. Assent to Bills ...	35
Procedure in Financial Matters	
79. Annual Financial Statement ...	36
80. Procedure in Legislature with respect to estimates ...	37
81. Appropriation Bills ...	37
82. Supplementary, additional or excess grants ...	38

	<i>Page</i>
83. Votes on account, votes of credit and exceptional grants ...	39
84. Special provisions as to Financial Bills ...	40
Procedure Generally	
85. Rules of Procedure ...	41
86. Regulation by law of procedure in the Legislature in relation to financial business ...	41
87. Language to be used in the Legislature ...	42
88. Restriction on discussion in the Legislature ...	42
89. Courts not to inquire into proceedings of the Legislature ...	42
90. Requirements as to recommendations regarded as matters of procedure only ...	43
Legislative power of the Governor	
91. Power of Governor to promulgate Ordinances during recess of Legislature ...	43
Breakdown of Constitutional Machinery	
92. Provisions in case of failure of Constitutional Machinery in the State ...	44
PART VII	
THE HIGH COURT	
93. Constitution of High Court ...	46

	<i>Page</i>
94. High Court to be a Court of Record ...	46
95. Appointment and tenure of office of Judges	46
96. Qualifications for appointment ...	47
97. Oath or affirmation by Judges of the High Court ...	47
98. Salaries, etc. of Judges ...	47
99. Resignation or removal of a Judge of the High Court ...	48
100. Appointment of acting Judges ...	48
100-A Appointment of additional and acting Judges ...	48
100-B Appointment of retired Judges at sitting of the High Court ...	49
101. Place of sitting of the Court ...	49
102. Saving of existing jurisdiction of the High Court ...	50
103. Power to issue certain writs ...	50
104. Superintendence and control of subordinate courts ...	50
105. Transfer of cases to High Court ...	51

(x)

	<i>Page</i>
106. Omitted	... 52
107. Seal	... 52
108. Officers and servants of the High Court	... 52
Subordinate Courts	
109. Appointment of District Judges	... 53
109-A Validation of postings and transfers of, and judgments etc. delivered by certain District Judges	... 53
110. Recruitment of persons other than District Judges to the Judicial Service	... 54
111. Control over subordinate courts	... 54
112. Interpretation	... 54
113. Application of the provisions of this Part to certain class or classes of Magistrates	... 54

PART VIII

FINANCE, PROPERTY AND CONTRACTS

114. Taxes not to be imposed save by authority of law	... 55
115. Consolidated Fund and Public Account	... 55
116. Contingency Fund	... 55
117. Expenditure defrayable by the State out of its revenue	... 55

	<i>Page</i>
118. Custody, etc., of Consolidated Fund, Contingency Fund and moneys credited to the public account	... 56
119. Custody of suitor's deposits and other moneys received by public servants and courts	... 56
120. Property accruing by escheat or lapse or as bona vacantia	... 56
121. Powers to carry on trade etc.	... 56
122. Contracts	... 57
123. Suits and proceedings	... 57

PART IX

THE PUBLIC SERVICES

124. Recruitment and conditions of service of persons serving the State	... 57
125. Tenure of office of persons serving the State	... 58
126. Dismissal, reduction or removal of persons employed in civil capacities under the State	... 58
127. Transitional provisions	... 59

The Public Service Commission

128. Public Service Commission for the State	... 59
129. Appointment and term of office of members	... 60

	<i>Page</i>
130. Removal and suspension of a member of the Commission ...	60
131. Power to make regulations as to conditions of service of members and staff of the Commission ...	61
132. Prohibition as to the holding of offices by members of the Commission on ceasing to be such members ...	62
133. Functions of the Commission ...	62
134. Acting appointment of Chairman of the Commission ...	63
135. Power to extend functions of the Commission ...	63
136. Expenses of the Commission ...	63
137. Reports of the Commission ...	64

PART X

ELECTIONS

138. Superintendence, direction and control of elections ...	64
139. No person to be ineligible for inclusion in electoral roll on grounds of religion, race, castes or sex ...	64
140. Elections to the Legislative Assembly to be on the basis of adult suffrage ...	64

	<i>Page</i>
141. Power of Legislature to make provision with respect to elections to Legislature	... 65
142. Bar to interference by Courts in electoral matters	... 65

PART XI

MISCELLANEOUS PROVISIONS

143. Protection of Governor	... 66
143-A. Disqualification for appointment on remunerative political post	... 67
144. Flag of the State	... 67
145. Official language of the State	... 68
146. Academy for development of Art, Culture and Languages	... 68

PART XII

AMENDMENT OF THE CONSTITUTION

147. Amendment of the Constitution	... 68
------------------------------------	--------

PART XIII

TRANSITIONAL PROVISIONS

148. Omitted	... 69
149. Omitted	... 69
150. Omitted	... 69

	<i>Page</i>
151. Omitted	... 69
152. Omitted	... 69
153. Provisions as to Judges of High Court	... 69
154. Courts, authorities and officers to continue to function subject to the provisions of the Constitution	... 69
155. Money received or raised or expenditure incurred between the commencement of the Constitution and the 31st day of March, 1957	... 70
156. Power of Sadar-i-Riyasat to remove difficulties	... 70
157. Repeal and saving of laws and rules	... 70
158. Interpretation	... 71

SCHEDULES

	<i>Page</i>
First Schedule ... Omitted	... 72
Second Schedule ... Emoluments, Allowances and Privileges of the Governor	... 73
Third Schedule ... Salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council	... 77
Fourth Schedule ... Salaries, allowances and other conditions of service of the Judges of the High Court.	... 78
Fifth Schedule ... Forms of oaths or affirmations	... 81
Sixth Schedule ... Regional Languages	... 85
Seventh Schedule ... Provision as to disqualification on ground of defections	... 86
Appendix 93
