

Rules of Business in AJK from 1947 to 1958 & its Impacts on Administrative setup of AJK.

Dr. Kishwar Sultana Zafar

*Associate Professor,
Department of History,
Allama Iqbal Open University, Islamabad.*

Abstract

The state of Azad Jammu and Kashmir ruled by independent Hindus Rajas with simple administrative structure for many centuries. In early decades of 14th century, Islam spread in Kashmir. The kingship of Kashmir transferred to independent Muslim Sultans of Kashmir. The chronicle of foreign rule started in 1576 AD when Mughals entered Kashmir. During Mughal (1586-1752), Afghan (1752-1818) and Sikhs (1819-1846) dynasties, Kashmir was administratively dealt as a province. Dogra ruled over Kashmir from 1846 to 1947. A small area of state of Jammu and Kashmir liberated from Dogra Army by local people with the help of tribesmen of North-West Frontier Province of Pakistan. On 24 October 1947, an Azad Government established on the liberated territory and was given name as "Government of Azad Jammu and Kashmir. This study is concerned with the circumstances under which the early administration of Azad Kashmir started its working in accordance with the Rules of Business framed and introduced by the Government of Pakistan. These rules of business were the fundamental basis on which the structure of administration designed. The promulgation of the rules of business enhanced the effectual role of Government of Pakistan on the administrative structure of the state of Azad Jammu and Kashmir. The joint secretary of Ministry of Kashmir Affairs, Government of Pakistan was not only the executive head of the administrative structure of the state but also exercise unconstrained authorities of legislations.

Key words: Emergence of AJK State, Administrative structure of the State of AJK, Rules of Business of AJK.

1. Introduction

Effective and well-organized administrative setup is a basic essential for the smooth execution of any state affairs. Administration is a mechanism through which officials make implementation of policies and make decisions in favor of public interest. Exercising entire authority and responsibilities of the state for the sole institution of the government is injudicious as well as impractical. Therefore, these authorities and responsibilities of the government have been decentralized and to public officials and administrative institutions. These official bodies perform specific allocated tasks under their domain and are answerable to government through their respective departmental chain of commands.

Azad Jammu and Kashmir (AJK) or Azad Kashmir is a liberated part of Jammu and Kashmir State which was founded in 1947. The State of Jammu and Kashmir has an area of 84,471 square miles.¹ Kashmir went under the Dogra Raj after Amritsar agreement on 16 March 1846, which signed between Ghulab Singh and British government.

At the time of independence of India in 1947, State of Kashmir was ruled by Maharaja Hari Singh. He made and unlawful accession of Kashmir with India which was against the desires of Kashmiris Muslims. A small area of the state, which is now called as Azad Jammu and Kashmir” liberated from Dogra Raj by Kashmiris freedom fighters with the help of the tribesmen of North-West Frontier Province of Pakistan. On liberated area, Azad Kashmir Government was established on 24 October 1947. The initial government commenced its functioning by establishing its headquarter at Plandari with very limited resources. The basis aim of first AJK government was to work as base camp for the independence of Indian occupied Kashmir. After the cease-fire agreement between India and Pakistan under the resolution of United Nation in 1948, AJK government started full-fledged administrative functioning. The administrative as well as the constitutional development in Azad Kashmir started after the cease-fire agreement in Kashmir.¹

Initially, Azad Kashmir government (Azad Government) was administratively dealt under different Rules of Business, which were introduced after one another from 1950 to 1958 by the Government of Pakistan with consultation of Azad Kashmir Government and the Council of Muslim Conference. Those Rules of Business (RoB) were actually the constitutional Skelton, which provided the basic administrative structure of the state. This article deals with the structure of the Azad Kashmir Government, its powers and authorities and working patterns of different government departments under the provisions of Rules of Business.

2. Rules of Business of Government of Azad Kashmir, 1950

At the time of liberation of Azad Kashmir, there was no set of laws and procedures present which could be termed as “Constitution”. The freedom of the state was not pre planned; therefore, no prior arrangements made for conduct the smooth functioning of state affairs. The state of Azad Kashmir came into existence because of war by freedom fighter against Dogra army. As a result, the newly independent state lack legislative framework to manage the state affairs. The establishing and managing the state affairs without constitutional guidelines was not possible. The organs of the state like legislature, executive and judiciary were required to be managed under any constitutional framework. The overthrow of Maharaja autocratic government resulted the shifting of the powers and authorities vested in Maharaja automatically to the people of the state. These powers and authorities were exercised by the first government of AJK under the provisions of rules of business. The constitution of Maharaja Government was working for the cause of strengthening of dynastical rule. The element of public interest was missing under Dogra Administration. Therefore, the administrative procedure of the Dogra Raj could not be enough effective in public interest to put in practice in AJK. The initial government of Azad Kashmir commenced its functioning without any constitutional framework by declaring the state as “local authority”.

The first Rule of Business for the governing of Azad Jammu and Kashmir formulated and approved on December 28, 1950, by Ch. Ghulam Abbas who was the first Supreme Head of Azad Jammu and Kashmir Government.² These rules of business can be termed as "Skelton constitution" of Azad Jammu and Kashmir. Azad Kashmir Government adopted the rules for the regulation of different administrative authorities and procedures among the different state institutions and organs. These organs / institutions included legislative bodies, Secretariat, Executives, judiciary, finance and recruitment of public services etc. Different institutions with their authorities and responsibilities discussed in following lines in connection with their role in the state administrative affairs under the rules of business of 1950.

"Supreme Head" was the constitutional and executive head of the state in accordance with rules of business of 1950. He was empowered to nominate the President of the State of Azad Kashmir. He was also empowered to select the members of the council of the state (cabinet). The Supreme Head had authority to allocate the portfolio to members of the cabinet. The cabinet, which also named as council, was directly answerable to the supreme Head of the state pertaining to administrative matters. The ministers could hold their offices until the pleasure of Supreme Head of the State. He had authority to pass direct orders and directives regarding all the issues of administrative and executive issues. The authority to appoint Chief Justice, Judges of High Court, Chairman and members of Public Service Commission also vested with supreme Head of the State. In short, Supreme Head of the state had unlimited executives and constitutional powers.³

Council of Muslim Conference was the legislative body of the state according to these rules of business. However, Supreme Head had the veto power i.e he was empowered to turn down any draft bill passed by the council of the Muslim Conference. Supreme Head had the power to reject or made amendments in any law framed by the council of Muslim Conference. Any member of the council or Chief Administrative advisor or head of any department could put up

the bill or the proposal for legislation. Proposals (bill) could not be put up directly to council of the Supreme Court. It was necessary to present the bill through Secretary General to the council of Muslim Conference. After the sanction of bill from council of Muslim Conference, it forwarded to Supreme Head for his approval. After the approval of Supreme Head, become enforceable law.⁴ The first rule of Business provided the Skelton constitution of the State of Azad Kashmir. Many laws of Maharaja Rule also adopted with necessary amendments.

The basic responsibility of the Secretariat was to communicate orders and directive to all concerned for implementation. It was also responsible held inquiries on those administrative affairs, which were referred to it by cabinet of the state. Secretariat was consisted of secretaries of the different department, who manage their respective departmental affairs. It was also the responsibility of the secretaries to notify the instructions and directives of the government to all the concerns.⁵

According to the rules of business of 1950, Gazetted or non Gazetted positions with monthly salary more than RS. 125/- were enrolled through Public Service Commission. Those posts having monthly salary RS. 50/- or above were to be appointed by Departmental selection committee.⁶

“Chief administrative adviser” was the overall executive public official and was head of all the civil servants of the state. He was empowered to exercise general supervision of all the executive and administrative matters.⁷

The judges were empowered to hair the criminal, civil and revenue cases. In case of award of death punishments, it was necessary to get consent of council of Muslim Conference. The Council of the Muslim Conference also had prerogative powers of mercy. Chief Justice of the High Court was the judicial head of the state and had the powers to control of entire judiciary. The Chief Justice of the high court had also powers of sanctioning financial expenditure of the judicial Department.⁸ Judicial system of Azad Jammu and Kashmir started functioning under courts and law code 1948. That courts

and laws code was passed by the council of the state of Azad Kashmir and rules of business of 1950.

It was the responsibility of Finance department to maintain accounts of expenditure and receipt. It can also put the proposals regarding taxations. To advise government regarding loans, and provide formation of making account rules also managed by finance department. Its responsibilities also includes preparations of annual financial statement about revenue and expenditure. The recovery of amount utilized without sanction.⁹

The council of Muslim Conference was empowered to appoint all the gazzeted officers. The power of posting, transfers and disciplinary actions against secretaries, Head of departments, and executive official was also vest with the Muslim Conference. The council had also legislative powers to frame laws and rules. The power to sanction of expenditures, maintenance of law and order in the state was also responsibility of the Council of the State.¹⁰ The functioning procedure of proceeding of the council was very simple. The secretary General was ex-officio secretary of the council; decide about the procedure of proceeding of any issue with council. Any agenda which needed the opinion of members of the council could be circulated to them in writing or a meeting could be called by the secretary general. Minimum quorum of the council was three members. In case of tie in opinion among members, the President of the state of AJK had the casting vote. In case of written circulation of the draft, secretary general bond the members to submit their opinion in a specified time. After the expiry of granted time limit, decisions taken on basis of provided number of opinions received. The Secretary of the concern department was responsible to provide all necessary documents to Secretary General for smooth and timely proceeding. Under normal circumstances, the meetings of the council held twice a month as and when notified by Secretary General. Under any emergency, President can call an urgent meeting on short notice. It was the responsibility of the Secretary General to issue meeting agenda to all the ministers

and chief Administrative Adviser before commencement meeting.¹¹

Under the Rules of Business of 1950, a Minister was also the member of the council of Muslim conference. A minister exercised general control of the department of portfolio. He had the ultimate powers to appoint / dismissal of non-gazetted posts. Ministers were empowered to settled all of all the administrative issues concerned department or any other assignments.¹² The supreme head of the state of Azad Kashmir made the appointment of the ministers. A Minister could work until the pleasure of the supreme head.

Chief Administrative Officer was the supreme in-charge of all the executive machinery of the state of AJK. General Supervision of all the departments was the responsibility of Chief Administrative Adviser. Chief Administrative officer also settle the appeals of the government servant pertaining to their service issues.¹³ The consent of Chief Administrative Officer was necessary for proceeding of the council for legislation on certain issues. These matters included taxation, developmental projects, evacuee property, Studies grants, contracts, forestry, civil supplies and communication, rehabilitation of refugees, foreign relation of the state, loans and finance, internal security of the state, state resources and budgetary affairs.¹⁴ The chief administrative adviser (civil servant) appointed by the government of Pakistan to assist and influence the administrative control of the state.

Government servants had been categorized into three cadre of the service. Category I officers include Secretary General, Finance Secretary, Accountant General, Commissioner, IG Police, Director Health Services, Director of Civil Supplies, Chief Conservators of the Forests, Director of Education, Director of Rehabilitation and chief Engineer Public Works and electricity. Category –II servants were Deputy Secretary General, Admin Secretary to Supreme Head, Legal remembrance, Chief Publicity Officer, Deputy Commissioners, District and session Judges, Superintendents of Police, collectors of customs, Registrars, Director of Agriculture, Dir of Animal Husbandry, Deputy Director of civil Supplies,

Deputy Director of Health Services District Health officers and divisional Forest officers. In category-III, all those officers placed which are not listed in above categories.¹⁵

The government departments include general secretariat of the state, judiciary, revenue, police department, forest, accounts, publicity, veterinary, state property and ifta departments.¹⁶ A minister heads each department. Secretary of the department was answerable to the minister regarding performance and problems of the department. A minister headed every department. He was answerable to supreme head of the state. The law and regulation regarding the functioning of different department, which were already in practice during Dogra rule, were remained continued with essential changes. The official records and correspondence of different departments was lost during the war. Most of the record was remained in custody of the administration of Indian held Kashmir. It was very difficult to manage affairs of state without record and skilled work force. Most of the state departments started its administrative duties without sufficient resources and infrastructure.

3. Rules of Business of Azad Kashmir, 1952.

The new Rules of Business were promulgated in Azad Jammu and Kashmir in 1952. Under these rules, Government of Pakistan created office of the ministry of Kashmir affair division. In general, administrative structure of the state slightly changed with introduction of new offices / change of nomenclature of the designations. The major change in administrative structure was the change of nomenclature “Supreme Head” with Ministry of Kashmir Affairs division. The powers and responsibilities of “Supreme Head” transferred to the Ministry of Kashmir Affair Government of Pakistan and President of state of Azad Jammu and Kashmir. The establishment of Ministry of Kashmir Affairs improved the role and influence of the government Pakistan in domestic affairs of the state of Azad Jammu and Kashmir. The autonomy of the state undermined with the rise of influence of the federal government in administrative affairs of the state. By replacing, the office of “supreme head” of the state with “Ministry of

Kashmir Affairs” strengthens the administrative control government of Pakistan over state functioning. In the following lines, only those parts of rules of Business of 1952 are critically analyzed which replaced the procedures of rules of business of 1950.

The appointment of the President of Azad Jammu and Kashmir was the responsibility of the council of All Jammu and Kashmir Muslim Conference. The Government of Pakistan, Ministry of Kashmir Affairs, endorsed the appointment of President made by council of Muslim Conference. The appointment of the Minister was the jurisdiction of President of the state. The ministers could hold their office until the pleasure of the President of the state. The president also had powers to appoint Chief Justice of High Court of Azad Kashmir, its Judges, and Chairman of the Public Service Commission and its members with the consultation of Ministry of Kashmir Affairs Division, Government of Pakistan.¹⁷

Council of the Muslim Conference was the legislative body of the State. It is worthy to mention that the council of the Muslim Conference could frame no law without the consent of “Ministry of Kashmir Affairs, Government of Pakistan”. Ministry of Kashmir Affairs had the authority to deny or amend any law framed by council of the Muslim conference. In other words, the council of Muslim Conference was not a sovereign body to for legislation for state domestic affairs. Any member of the council of Muslim conference, Chief Administrative advisor (civil servant of Government of Pakistan) or head of any department could present proposal or bill for legislation. Proposals (draft bill) could forwarded through secretary general of the council. After the approval of that draft bill from council, that bill further forwarded to Ministry of Kashmir Affairs for final approval. After the sanction accorded from ministry, it became law and published into Government Gazette.¹⁸ In other words, the legislative body of the state was not a sovereign legislative body of the state. It performed a subordinate role to Ministry of Kashmir Affair for legislation proceedings.

Selection procedure of gazette or non-gazette posts remained unchanged. However, authorities and responsibilities of the Public Service Commission were further enhanced. It was made responsible to conduct the examination for appointment of civil servants of the state. It was made rule that Public Service Commission would make decision regarding appointment, promotion etc. All the appointments were referred to Public Service Commission except those appointments which were made on temporary basis not exceeding six month's period.¹⁹

According to the rules of Business of 1950, "Supreme Head" was the executive head of the state of Azad Jammu and Kashmir. The new rules of business shifted that authority to the ministry of Kashmir affairs. The office of the "chief administrative Adviser" (in-charge of overall supervision of government services) was replaced by Joint Secretary of Ministry of Kashmir Affairs. In other words, the executive of the state was directly answerable to the federal government of Pakistan.²⁰ Joint secretary of Ministry of Kashmir affair division was had more executive and legislative powers as compare to the president of the state. He exercised all his powers and authorities on behalf of ministry of Kashmir affairs division. The autonomy of the state was acutely weak due to the transfer of all the administrative powers to joint secretary of ministry of Kashmir affairs.

The Finance sector was accountable to settled the financial statement of disbursement / receipt, safekeeping all the funds, set bids concerning taxations, counsel government regarding loans, advise in arrangement of making financial credit rules, creation of annual financial reports, approximate income and spending, upturn of sum utilized without consent and gathering of all the taxes and returns. Departments were not allowed to consume the money without former discussion of the Finance Department except those perimeters, which are approved discretely as per the Schedule-I of the rules of business. Similarly, no rule regarding the services of Finance section could be passed without the prior sanctions of the general secretary.²¹ Financial powers was dispersed from top

to bottom in a chain of procedure i.e ministry of Kashmir affairs, Council of Muslim Conference, President of the state, ministers of the cabinet, officers of Cat-I, officers of Cat-II and then officers of Cat-III. The overall income, expenditure and budget of the state managed and controlled by the ministry of Kashmir affairs.

Council of the Muslim Conference had powers to appoint the president of Azad Jammu and Kashmir. President could hold his office until the pleasure of members of the council. Council was also empowered to decide all the matters, which referred to it by Ministers, Ministry of Kashmir Affairs and Secretary General of the State of Azad Jammu and Kashmir.²² The process for proceeding of the council of Muslim Conference was same remained unchanged. Joint Secretary of ministry of Kashmir affairs replaced the post of the chief administrative adviser. The joint Secretary of ministry of Kashmir affairs could attend the meetings of the council of Muslim Conference. He had power to direct on all the subjects of general policy, matters involving serious fiscal obligation of the Government, State budget, alienation of state property, municipal loans, foreign relations, public provisions, rehabilitations, forest schemes, Public works contracts, matters of evacuee property, impose of taxes and town improvement schemes etc.²³ In other words, joint secretary of the ministry of Kashmir affairs had dominant role over the performance and decisions of council of Muslim Conference.

It was necessary for Minister to be the member of the council of Muslim Conference. A minister had powers to exercised general control of the department in his portfolio. He had the ultimate power concerning the appointment / removal from office of non-Gazetted posts. Minister also disposed off all the issues, which submitted to him by department of his portfolio. Minister had also powers of transfers / Posting of Gazetted officer subject to the prior approval from the President.²⁴

The office of the joint secretary was first introduced in rules of business of 1952. Joint Secretary was overall head of all the departments. In other words, he was the executive head

Dr. Kishwar Sultana Zafar

of the state on behalf of Ministry of Kashmir Affairs division. He was empowered to pass the final judgments on appeals against the orders passed by the secretariat in all the service matters of civil servants.²⁵ The secretary general and secretaries of all the department were the subordinate of joint secretary of ministry of Kashmir affairs.

The judicial powers were rest with the Judges who exercise power of punishment on criminal, civil and revenue cases. For the death sentence, it was necessary to get confirmation from the council of Muslim Conference. Similarly, the prerogative of mercy had also rest with Council of Muslim Conference. Chief Justice of the high court had the ultimate power to general control of complete judicial system of the state. He could pass the final orders regarding all the service matter of judicial setup. He could also exercise the monetary sanctioning authority for judicial department.²⁶ The judicial system of AJK was working under the courts and law code 1948.

The auditor general was empowered to demeanor the audit of all the receipts and expenses of the entire government setup. He had also authority to call explanation or get information for all the departmental Heads through Secretary General. He had to present the audit statement to the council of Minister before the specified time of fiscal year. He could get the assistance from Accountant General for the conduct of financial inspection. He had also power to lay down the accounting system.²⁷

Categories and list of Government officers was remained unchanged as was mentioned in Rules of Business of 1950. Only the designation of Director of Education was added in Category-I officers list.

Department of education, department of health, custom department, rehabilitation department, co-Operative societies and punchayats, civil supplies department, public works and electricity department are the major official departments in addition to those departments, which were mentioned in Rules of business of 1950.²⁸ The addition of the department extended

the administrative setup of the state. The emergence of new departments enhanced the role of the government in general welfare of the public. Especially the establishment of education and health department was the commencement of the socio-economic growth in the state of AJK.

4. Rules of Business of Azad Kashmir, 1958.

Rule of Business of 1958 for the governing of administration of Azad Jammu and Kashmir was sanctioned on 29 November, 1958 by Sardar Muhammad Ibrahim Khan, the President of Azad Jammu and Kashmir Government.²⁹ In rules of business of 1958, the office of joint secretary replaced with "Chief Advisor". The limits of powers and authorities of chief advisor further extended. He was empowered to direct to all the government institutions including legislative body, executive and judiciary. These rules adopted to regulate and classify different administrative authorities among the different state institutions. The provision of rules of business of 1958 regulated the officers; included legislative bodies, Secretariat, executive, judiciary, finance and public services.

The administrative structure and powers of different institutions and offices discussed in following lines in correlation with their responsibilities in the state Administrative affairs:

The powers to appoint the President of Azad Jammu and Kashmir vested with council of All Jammu and Kashmir Muslim Conference. The term of office of president was recognized and endorsed by the Government of Pakistan, Ministry of Kashmir Affairs for the period of five year. The president had power to appoint the Minister of different portfolios and they could hold their office until the pleasure of the President. The President had also power to appoint Chief Justice of high court of Azad Kashmir and its judges, chairman public service commission and its members. President exercised his power with the consultation of ministry of Kashmir Affairs.³⁰ The president could hold his office until the pleasure of the council of the Muslim Conference. The council

of the Muslim Conference had power to remove the president on different ground.

The Council of All Jammu and Kashmir Muslim Conference exercised legislative powers of the state of Azad Jammu and Kashmir. It was compulsory to get advice from Chief Administrative Adviser, a civil servant of federal government, before placing any draft bill to Council for debate and approval. Ministry of Kashmir affairs was empowered to reject or amend any law framed by council. After the sanction of that proposal by the council, this draft further forwarded to Ministry of Kashmir Affairs for approval. After the sanction accorded, it deemed to be come into force at once.³¹

Secretariat, being the central administrative headquarters, was responsible to communicate orders and directive to all concerned for implementation. Secretariat was also empowered to held inquiries on those administrative issues that referred to it by Ministers of different portfolios. Secretariat was consisting of secretaries of the department which examine all the cases before submitting them to appropriate level i.e. Ministry of Kashmir affair, Council or Chief Adviser. It was also the duty of the secretaries to sign all the Government Notifications. It was also made rule that no employee below the rank of secretary or head of the department could approach directly to Minister subject to prior permission of the head of the department.³²

Ministry of Kashmir Affairs could overall supervise of all the government departments and general administration. General supervision could be made through Joint Secretary of Ministry of Kashmir Affairs.³³

The Finance department was accountable to maintain financial records of expenditure / receipt, keeping all the funds, put tenders concerning taxations, counsel government regarding loans, advise in development of financial rules, structure annual financial account, estimate revenue and outflow, recovery of amount utilized without sanction and gathering of all the taxes and revenue. No department allowed utilizing the finance without prior consultation of the finance

department except that limit which granted separately as per the Schedule-I of the rules. No order regarding the services of finance department could be passed without the prior consultation of the General Secretary. Finance power was distributed from top to bottom as Ministry of Kashmir affairs, council, president, ministers, officers of Cat-I, officers of Cat-II and then officers of Cat-III.³⁴

The council of Muslim conference had powers to appoint all the gazzeted officers, frame rules of posting, transfers and disciplinary actions against Secretaries, head of departments, deputy commissioners and superintendent police etc. The council had also empowered to sanction new legislation, statutory rules and Laws. It was also the jurisdiction of the council to give endorse of expenditures, maintenance of law and order situation in the state and do needful for the wellbeing of the citizens of Azad Jammu and Kashmir. Council of Muslim Conference had powers to appoint the president of Azad Jammu and Kashmir who could hold his office until the pleasure of council. Council also authorized to decide all the matters, which were referred to it by Ministers, Ministry of Kashmir Affairs and Secretary General of the State or any other executive body of the state.³⁵ The secretary general of state who was also the secretary of the council of Muslim Conference authorized under these rules of business to decide about the mechanism of proceeding of any issue before the council. A case either to be proceeded by circulating it among the members to record their opinion or a meeting could be held to discuss the issue. Minimum three members of the council were required to complete the quorum but if the total number of members (Minister is less than five; minimum quorum would be of two). In case of tie in opinion among ministers, the President had the casting vote. In case of circulation of the issue, secretary general specified time limit under which opinion is to be made. After the expiry of specified time limit, decisions were taken on the provided number of opinions from the members. It was the responsibility of Secretary of the concern department to provide all required necessary papers to Secretary General for the proceeding of the case / issue. Chief administrative adviser and joint Secretary of ministry of

Kashmir affairs could also be made part of the meeting to get necessary advices. A meeting of the council had decided to be held twice a month on the notification of secretary general, whereas, President can call an urgent meeting on any urgent issue. Secretary general had also responsible to issue meeting agenda to all the ministers and chief administrative adviser at least a week prior the start of meeting. Before submitting any issue to the council, the advice of ministry of Kashmir affair was necessary to obtain concerning state budget, public debts and loans, foreign relations, town improvement and development schemes and levy of new taxes. Similarly, the advice of chief adviser was necessary to be obtaining on issues of legislation, enactment of statutory rules, alienation of state property, internal security, civil supplies issues, forest schemes, public work contracts and evacuee property.³⁶ Number of the members of the council of the state not specified. All the ministers of the state were the members of the council of the state. In other words, members of the state council are to perform the role of cabinet as well.

Department of village and dinyat inspector were new government departments in addition to those departments which were already working as per the rules of business of 1952.³⁷

5. Impacts of Rules of Business on Administrative Set Up of AJK.

According to the rules of business of 1950, “supreme head” of the state had extensive powers to manage all the state administrative affairs. The power to appoint and remove the state administration vested with “supreme head” of the state. Council of the Muslim Conference was the most powerful body that could appoint and remove the “supreme head” of the state. It is important to note that council of the Muslim Conference was not only a powerful legislative body but also a sovereign body. The state of AJK exercised the internal autonomy under rules of Business of 1950. The federal government of Pakistan had not any participation in the domestic administrative affairs of the state. The “Supreme Head” was the executive head of the

state. He was free to manage all the state administrative affairs without any external directions or involvement.

According to rules of business of 1950, council of Muslim Conference was a sovereign legislative body. However, it could not frame any law without the consent of "Supreme Head" of the state. It is interesting to note that although the council of Muslim Conference made appointment of "Supreme Head", yet it could not frame any law without the consent of Supreme head.

The procedure adopted in accordance with the rules of business of 1950 for managing the administrative control of the state was not democratic. Although, the Muslim Conference was the pioneer political party of AJK and was the representative of people of AJK, yet the "supreme head" (executive head of state) was not a directly elected representative of people of AJK. His extensive executive and legislative powers were not a demonstration of democratic rule. However, the sovereign position of "Supreme Head" reflected the autonomy of the state.

According to the rules of Business of 1950, the powers and functioning of legislative and executive not separated. For example, council of the Muslim Conference was the same body working as legislative body as well as the cabinet of the state.

The introduction of rules of business of 1952 seriously undermined the autonomy of the state of AJK. Ministry of Kashmir affairs, government of Pakistan was established in accordance with rules of Business of 1952. The office of the supreme head was eradicated by government of Pakistan. All the powers and authorities vested with supreme head were transferred to Ministry of Kashmir affairs. Government of Pakistan got complete control of state administration through Ministry of Kashmir affairs. The powers and authorities exercised by "Supreme Head" were distributed between Ministry of Kashmir Affairs and President of AJK.

According to rules of business of 1952, Council of the Muslim conference was responsible for appointment of president of AJK. It was mandatory for the council to get the

sanction of the nominated president from Ministry of Kashmir Affairs. In other words, the actual authority to appoint president of AJK was vested with Ministry of Kashmir Affairs. The council of Muslim Conference (legislative body) could not frame any law without the consent of Ministry of Kashmir Affairs. Joint secretary of ministry of Kashmir Affairs was the in-charge of all the executive machinery of the state administration. All heads of the departments were directly responsible to joint secretary. In other words, joint secretary was the “executive head” of the state. The joint secretary had also power to attend the meeting of council of Muslim Conference and could give advice on under discussion issue. The performance and decisions of the council of the Muslim Conference were subject to the approval / sanction of joint secretary.

AJK government in accordance with new Martial law regime of Pakistan under Ayub Khan adopted the Rules of Business of 1958. The office of the joint secretary was replaced with chief advisor. The powers and authorities of chief advisor were further enhanced to get the effective control of federal government over the internal affairs of the state. Similarly, the role of Ministry of Kashmir Affairs was enhanced in political and administrative affairs of state of AJK. That resulted further diminution of autonomy of the state. The functioning and continuity of office of the president of AJK was dependent on the pleasure of the Ministry of Kashmir Affairs.

As per rules of business of 1958, the legislative body of the state was council of Muslim Conference. It was mandatory for the council to get consent of Chief Advisor before placing any legislative draft for discussion or approval. So, the sovereignty of Legislative body was seriously undermined under 1958 Rules and it worked as rubber stamp and mere debating club.

6. Conclusion.

In the initial administrative structure of first AJK government, “Supreme Head” was authorized with unconstrained powers, which was the manifestation of autonomy of the state. At the preliminary phase, Government

of Pakistan had not exercised any influence on administrative affairs of Azad Jammu and Kashmir. With the passage of time, introduction of new rules of business, the powers and authorities of supreme head of the state gradually shifted to Ministry of Kashmir Affairs, Government of Pakistan that effected autonomy of the state badly. That policy helped government of Pakistan in strengthening its influence in the internal administrative affairs of the state of AJK.

Powers of “Supreme Head” of the state shifted to Ministry of Kashmir Affairs according to Rules of Business 1952. As a result, it strengthened the influential role Government of Pakistan over the administration of State of Azad Jammu and Kashmir. Ministry of Kashmir Affairs, (Government of Pakistan) and council of Muslim Conference were the legislative bodies responsible to structure the legislation for Azad Jammu and Kashmir. Secretariat was premeditated as notifying body. Public Service Commission created for the selection of civil servants. High court was established which was the supreme judicial court of the state. Joint Secretary of the ministry of Kashmir Affairs Division (Government of Pakistan) was the executive head of all the government departments.

Ministry of Kashmir Affairs exercised supreme authority of the state according to the Rules of Business of 1958. Joint secretary of the ministry of Kashmir affairs had extensive power to control the legislation and administration of the Azad Jammu and Kashmir State. According to the Rules of Business of 1958, the authority of appointment of President of Azad Jammu and Kashmir was given to ministry of Kashmir affair division (Government of Pakistan) and council of Muslim Conference. Council of Muslim Conference had also authority of legislation and sanction of financial budget.

References

- ¹Manzoor Husain Gillani, Administration of Justice, (NAZCO Art Printers, 2002), 10
- ²Notification No No.1/RS-AKM/50 dated 28 December, 1950.
- ³Legislative Assembly Library, Muzaffarabad, file title “*Selected References from Rules of Business and AJK Acts*” Accession No 13000, Rules of Business, 1950 Para 6-10.
- ⁴Ibid, Rules of Business, 1950 Para 11-14.
- ⁵Ibid, Rules of Business, 1950 Para 17.
- ⁶Ibid, Rules of Business, 1950 Para 15, 16.
- ⁷Ibid, Rules of Business, 1950 Para 25.
- ⁸Ibid, Rules of Business, 1950 Schedule-I Para 5.
- ⁹Rules of Business, 1950 Para 29.
- ¹⁰ Ibid, Rules of Business, 1950 Schedule-I Para 2.
- ¹¹Ibid, Rules of Business, 1950 Schedule-IV.
- ¹²Ibid, Rules of Business, 1950 Schedule-I Para 3.
- ¹³Ibid, Rules of Business, 1950 Schedule-I Para 4.
- ¹⁴Ibid, Rules of Business, 1950 Schedule-IV.
- ¹⁵Ibid, Rules of Business, 1950 Schedule-I Para 7.
- ¹⁶Ibid, Rules of Business, 1950 Schedule-II.
- ¹⁷Ibid, Rules of Business, 1952 Para 5-7.
- ¹⁸Ibid, Rules of Business, 1952 Para 8, 9.
- ¹⁹Ibid, Rules of Business, 1952 Para 11.
- ²⁰Ibid, Rules of Business, 1952 Para 21.
- ²¹Ibid, Rules of Business, 1952 Para 25, 26.
- ²²Ibid, Rules of Business, 1952 Schedule-I Para 2.
- ²³Ibid, Rules of Business, 1952 Schedule-IV.
- ²⁴Ibid, Rules of Business, 1952 Schedule-I Para 3.
- ²⁵Ibid, Rules of Business, 1952 Schedule-I Para 4.
- ²⁶Ibid, Rules of Business, 1952 Schedule-I Para 5.

²⁷Ibid, Rules of Business, 1952 Schedule-I Para 6.

²⁸Ibid, Rules of Business, 1952 Schedule-II.

²⁹Notification No. GB/15603-53/SG/58 dated 29 November, 1958 and No 5837-5901/ID/58 dated 29 November, 1958

³⁰Legislative Assembly Library, Muzaffarabad, file title “*Selected References from Rules of Business and AJK Acts*” Accession No 13000, Rules of Business, 1958 Para 5-7.

³¹Ibid, Rules of Business, 1958 Para 8-10.

³²Ibid, Rules of Business, 1958 Para 13, 20.

³³Ibid, Rules of Business, 1958 Para 21.

³⁴Ibid, Rules of Business, 1958 Para 26.

³⁵Ibid, Rules of Business, 1958 Schedule -I Para 2.

³⁶Ibid, Rules of Business, 1958 Schedule-IV.

³⁷Ibid, Rules of Business, 1958 Schedule-II.