SUPREME COURT OF AZAD JAMMU AND KASHMIR

(Appellate Jurisdiction)

PRESENT:
Mohammad Azam Khan, C.J.
Ch. Muhammad Ibrahim Zia, J.
Raja Saeed Akram Khan, J.

1. Civil PLA No.168 of 2016
2. Civil Misc. No.108/2016

(Filed on 07/05/2016)

1. Raja Ikhlaq Hussain Kiani Advocate Supreme Court, Ex-President Central Bar Association Azad Jammu & Kashmir.
2. Sahibzada Kokab Saleem Chishti Advocate, Central Bar Association Muzaffarabad.
3. Raja Ayaz Ahmed Khan, Advocate High Court, Central Bar Association, Muzaffarabad.

……. PETITIONER

v e r s u s

1. Chief Election Commissioner Azad Jammu & Kashmir Civil Secretariat Muzaffarabad.
2. Speaker Legislative Assembly Azad Jammu and Kashmir Muzaffarabad.
3. Legislative Assembly Azad Jammu and Kashmir through its Secretary.
4. Azad Jammu and Kashmir Government through its Chief Secretary, Muzaffarabad.
5. Azad Jammu & Kashmir Council through its Secretary F-1/5 Islamabad.
6. Muhammad Afsar Shahid, Member Legislative Assembly, LA-l Mirpur-I, R/O Onah Tehsil Dudyal District Mirpur Azad Kashmir.
7. Ch. Abdul Majeed, Member Legislative Assembly, LA-I1 Mirpur-Il, r/o Village Tang Dew, House No. 167-G

Section *F/2* Mirpur Azad Kashmir.

8. Sultan Mahmood Chaudhary, Member Legislative Assembly, LA-Ill Mirpur-l, r/o F-1 Mirpur Azad Kashmir.

9. Ch. Arshad Hussain, Member Legislative Assembly, LA-IV Mirpur-IV, r/o Chechian Tehsil & District Mirpur Azad Kashmir.

10. Chaudhary Pervaiz Ashraf, Member Legislative Assembly, LA-V Bhimber-l, r/o Jandpir Ambarila Barnala Tehsil Barnala District Bhimber Azad Kashmir.

11. Ali Shan Chaudhary, Member Legislative Assembly, LA-VI Bhimber 11, r/o Kadhala Bhimber Azad Kashmir.

12. Ch. Tariq Farooq, Member Legislative Assembly, LA-VII Bhimber-I1I, r/o Ward No.l Bhimber Khas Azad Kashmir.

13. Malik Muhammad Nawaz, Member Legislative Assembly, LA-VIII r/o Roli Kotli Azad Kashmir.

14. Javed Iqbal Badhanvi, Member Legislative Assembly, LA-IX Kotli *R/o* Badhan Khad Gujran Tehsil Nakyal District Kotli Azad Kashmir.

15. Raja Naseer Ahmed Khan, Member Legislative Assembly, LA-X Kotli III r/o Anoy Sarhota Tehsil & District Kotli Azad Kashmir.

16. Ch. Muhammad Yaseen, Member Legislative Assembly, LA-XI Kotli IV, r/o Shahnawaz Mansion Chok Sahiban Tehsil Charhoi District Kotli Azad Kashmir.

17. Muhammad Matloob Inqalabi, Member Legislative Assembly, LA-XII Kotli V r/o Juna Tehsil Charhoi District Kotli Azad Kashmir.

18. Sardar Attique Ahmed Khan, Member Legislative Assembly, LA-XIII Bagh r/o Ghazi Abad Dhirkot District Bagh Azad Kashmir.

19. Sardar Qamar-uz-Zaman Khan, Member Legislative Assembly, LA-XIV Bagh 11 r/o Panyali Tehsil Harighel District Bagh Azad Kashmir.

20. Sardar Mir Akbar Khan, Member Legislative Assembly, LA-XV Bagh III r/o Islam Nagar Sharqi Bagh Azad

Kashmir.

21. Faisal Mumtaz Rathore, Member Legislative Assembly, LA-XVI Bagh IV r/o Dhara Khas Havelli Azad Kashmir.

22. Ch. Muhammad Yasin Gulshan, Member Legislative Assembly, LA-XVII Sudhenuti & Poonch-I r/o Tangrian Tehsil Abbaspur Poonch Azad Kashmir.

23. Sardar Ghulam Sadiq, Member Legislative Assembly, LA-XVIII Sudhenuti & Poonch-II r/o Phagwati Hajeera Azad Kashmir.

24. Farzana Ahmed, Member Legislative Assembly, LA-XIX Sudhenuti & Poonch-III Azad Kashmir.

25. Sardar Muhammad Sayyab Khalid, Member Legislative Assembly, LA-XX Sudhenuti & Poonch-IV r/o Churoty p/o Paniola Rawalakot Azad Kashmir.

26. Dr. Muhammad Najeeb Naqi Khan, Member Legislative Assembly, LA-XXI Sudhenuti & Poonch-V *Rio* Pallandari Tehsil & District Sudhenuti Azad Kashmir.

27. Sardar Akhtar Hussain Rabbani, Member Legislative Assembly, LA-XXII Sudhenuti & Poonch- VI r/o Balloch District Sudhenuti Azad Kashmir.

28. Abdul Waheed, Member Legislative Assembly, LA-XXII Neelum Valley-I r/o Kundal Shahi Athmuqam Neelum Azad Kashmir.

29. Sardar Muhammad Javed, Member Legislative Assembly, LA-XXIV Muzaffarabad r/o Chirril Dubriyal Tehsil Pattika District Muzaffarabad Azad Kashmir.

30. Syed Bazil Ali Naqvi, Member Legislative Assembly, LA-XXV Muzaffarabad II r/o Miani Bandi Tehsil & District Muzaffarabad Azad Kashmir.

31. Chaudhary Latif Akbar, Member Legislative Assembly, LA-XXVII Muzaffarabad IV r/o Sanwan Tehsil & District Muzaffarabad Azad Kashmir.

32. Raja Muhammad Farooq Haider Khan, Member Legislative Assembly, LA- XXVIII Muzaffarabad V r/o Salmia Tehsil Hattian Bala Azad Kashmir.

33. Muhammad Rasheed, Member Legislative Assembly, LA-XXIX Muzaffarabad VI r/o Phundgran Tehsil & District Muzaffarabad Azad Kashmir.

34. Muhammad Tahir Khokhar, Member Legislative Assembly, L-XXX Jammu & Others-I, r/o 3rd Floor building No. 4E, 16 Commercial Street, DHA Extension Karachi Pakistan.

35. Chaudhary Muhammad Ismail, Member Legislative Assembly, LA-XXXI Jammu & Other-II, r/o Chaman Shah Shahzada Colony Gujranwala Punjab Pakistan.

36. Muhammad Ishaq, Member Legislative Assembly, LA-XXXII Jammu & others- III r/o Tilakpur Tehsil & District Sialkot Pakistan.

37. Ch. Muhammad Hussain, Member Legislative Assembly, LA-XXXIII Jammu & others-IV r/o Sargala Tehsil Zafarwal District Narowal Pakistan.

38. Muhammad Akbar Chaudhary, Member Legislative Assembly, LA-XXXIV Jammu & others-V r/o Tanda Gujrat Punjab Pakistan.

39. Raja Muhammad Siddique, Member Legislative Assembly, LA-XXXV Jammu & others- VI r/o Madina Masjid Attock Pakistan.

40. Muhammad Saleem Butt, Member Legislative Assembly, LA-XXXVI Kashmir Valley I r/o House No. C-115 Block A North Nazimabad Karachi Pakistan.

41. Syed Shaukat Ali Shah, Member Legislative Assembly, LA-XXXVIII Kashmir Valley-Ill, r/o Noorpur Seydan P.O Sohawa Jehlum Pakistan.

42. Syed Azhar Hussain Gilani, Member Legislative Assembly, LA-XXXIX Valley- IV, r/o 165-Kashmir Colony, Rawalpindi Pakistan.

43. Abdul Salam Butt, Member Legislative Assembly, LAXL Kashmir Valley-V r/o House No. *P/l015/A* Muhallah Angatpura, Asghar Mall Rawalpindi Pakistan.

44. Abdul Majid Khan, Member Legislative Assembly, LA-XLI Kashmir Valley-VI, near District Court Muzaffarabad Azad Kashmir.

45. Miss Shazia Khatoon, Member from Reserved Seats for women *Rio* Pang Piran Kotli Azad Kashmir.

46. Sadaf Sheikh, Member from Reserved Seats for women r/o Ghundi Piran Tehsil Naseerabad Muzaffarabad.

47. Shamshad Aziz, Member from Reserved Seats for Woman, r/o Pallandari, Tehsil and District Sudhenuti.

48. Mrs. Mehr-un-Nissa, Member from Reserved Seat fro Woman, *Rio* H# *631B* St. # 3, Garden Villas, Adyala Road Rawalpindi Pakistan.

49. Shaheen Kausar Dar, Member from Reserved Seat for Woman, r/o Ward No. 4 Rawalpindi.

50. Raja Wajid-ur-Rehman, Member from Jammu & Kashmir State Subjects residing aboard r/o Anmb Dudyal District Mirpur.

51. Muhammad Abid Khan, Member from Technocrats other professional r/o Dhamni Khas Tehsil & District Rawalakot Azad Kashmir.

52. Mr. Pir Muhammad Atiq-ur-Rehman, Member from Ulema-e-Din or Mushaikh r/o Dhngri Bala Mirpur Azad Kashmir.

……. RESPONDENTS

53. Barrister Syed Iftikhar Hussain Gillani, Member Legislative Assembly Azad Jammu and Kashmir, r/o Village Rawani Tehsil and District Muzaffarabad.

54. Sardar Farooq Ahmed Tahir, r/o Member Legislative Assembly Azad Jammu & Kashmir *RIO* Bloch Tehsil & District Sudhenuti AJ&K.

……. PROFORMA RESPONDENTS

[On appeal from the judgment of the High Court, dated 2.5.2016 in writ petition No.1481/2016]

Application for interim relief.

FOR THE PETITIONERS: Raja Muhammad Hanif Khan, Sardar Karam Dad Khan, & Mr. Raza Ali Khan, advocates.

FOR THE RESPONDENTS: Mr. Mansoor Pervaiz Khan, Advocate-General & Ch. Shaukat Aziz, Additional Advocate-General.

Date of hearing: 10th May 2016

ORDER:

Mohammad Azam Khan, C.J.—The Chief Election Commissioner, Azad Jammu & Kashmir, on 23rd

April 2016, issued a notification setting out therein the schedule for the elections of four seats of the Azad Jammu & Kashmir Council under Section 10 of the Azad Jammu & Kashmir Council (Election) Act, 1976 (Act I of 1976, to be referred as the Act, 1976 hereinafter). The petitioners and the proforma respondents , herein, challenged the said notification through a writ petition filed on 27th April 2016 and prayed that the notification be declared without lawful authority. The learned High Court dismissed the writ petition in limine through the impugned judgment dated 2nd May 2016, hence this petition for leave to appeal.

2. Raja Muhammad Hanif Khan, advocate, counsel for the petitioners, submitted that the judgment of the High Court is against law and the record. He submitted that the present legislative assembly held its first meeting on 25th July 2011. The term of the Assembly is going to expire on 24th July 2016 and in the light of subsection (3) of Section 22 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, on completion of five years from 24th July 2016, the Legislative Assembly shall be deemed to have been dissolved automatically. The elections, under the provisions of subsection (4) of Section 22 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, to the Legislative 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 and at least fourteen days' period is required to declare the result of elections before that day. In the aforesaid state of affairs, it is essential that the general elections to the Legislative Assembly shall be held in accordance with the Constitution and law on the subject in the month of June, 2016. The learned counsel submitted that the Chief Election Commissioner has initiated the process of general elections and campaign has been started. The life of the present Legislative Assembly is almost complete. There remain hardly 2½ months' period. The Legislative Assembly cannot elect the members of the Azad Jammu & Kashmir Council in accordance with the provisions of Section 21(4-d) read with Section 10 of the Act, 1976 for a period of five years. The notification issued by the Chief Election Commissioner calling upon the members of the Legislative Assembly to elect the members of the Azad Jammu & Kashmir Council is against the constitutional provisions. The learned counsel submitted that holding of elections under Section 10 of the Act, 1976, was not mandatory keeping in view the proviso to sub-section (5) of Section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, which provides that notwithstanding the expiration of his term of office, a member of the Azad Jammu & Kashmir Council shall continue to hold office until

his successor enters upon his office. The learned counsel submitted that the provisions of Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 are not mandatory in the light of provisions contained in Section 21(5) of the Act. The learned counsel further submitted that the result of general elections of the Legislative Assembly, which are going to be held in the month of June 2016, will be influenced and this matter by itself shall violate the provisions of the Constitution as well as the objects of section 92 of the Azad Jammu & Kashmir Legislative Assembly (Election) Ordinance, 1970. This point was argued before the High Court but not attended to by the Court. The learned counsel further submitted that the observation made by the learned Judges of the High Court is contrary to law to the effect that in the past, the elections of the members of the Azad Jammu & Kashmir Council were held at a time when the remaining life of the Azad Jammu & Kashmir Legislative Assembly was only few months. The learned counsel referred to and relied upon the cases reported as *Syed Mumtaz Hussain Naqvi & 9 others v/s Raja Muhammad Farooq Haider Khan & 4 others* [2014 SCR 43] and *Haider Ali & another v/s Qurat-ul-Ain Latif & 9 others* [2014 SCR 196].

In the cases reported as *Syed Mumtaz Hussain Naqvi & 9 others v/s Raja Muhammad Farooq Haider Khan*

& 4 others [2014 SCR 43] and *Haider Ali & another v/s Qurat-ul-Ain Latif & 9 others* [2014 SCR 196], this Court has observed that while interpreting a statute, ordinary plain meanings have to be assigned and no clause of the Constitution shall be read in isolation and that the Constitution has to be read as an organic whole.

3. Sardar Karam Dad Khan, advocate, another counsel for the petitioners, submitted that the Azad Jammu & Kashmir Council and the Azad Jammu & Kashmir Government are two executive bodies. Unlike the constitution of Islamic Republic of Pakistan, 1973, where under Article 59, the Senate of Pakistan is a legislative body, which never comes to an end. The life of the Assembly is five years it can elect a member of the Council only for five years. The Azad Jammu & Kashmir Council is not a legislative body like the Senate. The Assembly has no power to elect a member of the Council beyond its own tenure. The learned counsel referred to Crawford's "Interpretation of Statutes" and argued that while interpreting the statutes, the history of the Statutes may be considered.

4. While controverting the arguments, Mr. Mansoor Pervaiz Khan, Advocate-General, submitted that the petitioners are not aggrieved persons. They have no *locus*

standi to maintain the petition for leave to appeal. None of the petitioners is a member of the Azad Jammu & Kashmir Legislative Assembly nor they have right to maintain the writ petition because they have not pointed out any violation of law. The learned Advocate-General argued that Section 10 of the Act, 1976 empowers the Chief Election Commissioner to conduct the elections of the Azad Jammu & Kashmir Council. The notification has validly been issued for conducting the elections. The learned Advocate-General further argued that the provisions of Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 are mandatory in nature. It is the duty of the Chief Election Commissioner to conduct elections within a period of thirty days at the expiry of term of the office of a member of the Council.

5. Ch. Shaukat Aziz, the learned Additional Advocate-General, submitted that Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 vests a right in the members of the Azad Jammu & Kashmir Legislative Assembly to elect the members of the Azad Jammu & Kashmir Council. This right cannot be snatched by filing a writ petition. The learned Additional Advocate-General submitted that casual vacancy in the office of the Council is to be filled in within a period of thirty days in the like manner as the casual vacancy in the office of the President

is filled in under Section 9 of the Azad Jammu & Kashmir Interim Constitution Act, 1974. No case for grant of leave to appeal has been made out by the petitioners. The learned Additional Advocate-General requested for dismissal of the petition for leave to appeal.

6. Raja Muhammad Hanif Khan, advocate, counsel for the petitioners, in rebuttal, submitted that para 4 of the writ petition by the respondents, has not been denied, therefore, a right vests in the petitioners, hence, they are aggrieved persons.

7. We have heard the learned counsel for the parties and perused the record.

8. The Azad Jammu & Kashmir Council is constituted under Section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974. It consists of; (a) the Prime Minister of Pakistan; (b) the President; (c) Five Members to be nominated by the Prime Minister of Pakistan from time to time from amongst Federal Ministers and members of Parliament; (d) the Prime Minister of Azad Jammu and Kashmir or a person nominated by him; and (e) six members to be elected by the Assembly from amongst state subjects in accordance with the system of proportional representation by means of the single transferable vote. Under subsection (5) of

Section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, an elected member of the Council shall hold office for a term of five years from the day he enters upon his office. A proviso is attached to sub-section (5) of Section 21, which provides that an elected member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office. There is no ambiguity in subsection (5) of section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974, that the term of the office of an elected member is five years. Subsection (4-C) of Section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974 provides that 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. The section provides two eventualities; one that the elections shall be held within thirty days from the date when the term is expired. The term *ipso facto* expires on completion of the period of five years. The second eventuality arises when the Assembly does not exist because it has been dissolved and elections cannot be held within thirty days of the expiry of the period of five years, then the elections shall be held within thirty days of the

general elections to the Legislative Assembly. A special situation has been carved out by adding a proviso to subsection (5) of Section 21 of the Azad Jammu & Kashmir Interim Constitution Act, 1974 that the elected member shall continue to hold the office until his successor enters upon his office. The scope of the proviso extends only for the period mentioned in part first of subsection (4-C) of Section 21 and the period mentioned in Section 28, when the Prime Minister dissolves the assembly and new elections are held within ninety days. Similar situation is provided in Section 15, which provides the Prime Minister to continue in the office till his successor enters upon his office, that means after the election to the Assembly, when the tenure of the Assembly is expired, the new assembly takes oath and till the new Prime Minister is elected, the period intervening between the expiry of the tenure of old Assembly and the election of the new Prime Minister, the sitting Prime Minister shall continue in the office. It does not extend beyond that period, if the elections are postponed up to an indefinite period, the member shall not continue in office for indefinite period. The celebrated principle of interpretation of statutes, which equally implies while interpreting the Constitution is that ordinary plain meanings have to be applied to the words used in the

Constitution. The plain meaning has to be assigned to the words used in it.

9. Four seats of the Azad Jammu & Kashmir Council fell vacant in February 2011. Elections to the said seats were held on 22nd February 2011. Four members were elected by the Azad Jammu & Kashmir Legislative Assembly on 22nd February 2011, who completed the term on 21st February 2016 and in the light of Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974, these seats were to be filled in not later than thirty days from 21st April 2016, therefore, the Chief Election Commissioner while acting under the provisions of Section 21(4-C) read with Section 10 of the Act, 1976, issued a schedule for holding the elections on four seats. Section 21(1)(e) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 vests a right in the elected members of the Azad Jammu & Kashmir Legislative Assembly to elect the members of Azad Jammu & Kashmir Council. Fundamental right No.7 of the Constitution guarantees freedom of association, which includes the right to vote. The sitting members of the Azad Jammu & Kashmir Legislative Assembly have a right to elect the members of the Azad Jammu & Kashmir Council. They cannot be deprived of their right to vote. It has been observed by the Supreme Court of Pakistan in the case reported as *Ch. Nasir Iqbal & others v/s*

Federation of Pakistan through Secretary Law & others, as under:-

> "6. Under Article 17 of the Constitution every citizen has right to vote to participate in the governance of the country. The law provides the people of this country, irrespective of their social ethnical status and religious affiliation, to choose their representative in whom they repose confidence. Hence, every eligible individual should be allowed to utilize the right to vote irrespective of his caste or creed or any other consideration. The Supreme Court of Pakistan adjudged many cases on the aspect of access of voters to the credentials of the contesting candidates. Reference in this behalf may be made to the case of *Mian Najeeb-ud-Din Owaisi v. Amir Yar* (C.M.A. 1535 of 2013 etc.) wherein this Court held as under:--
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> > 'The voters who are about to elect their representatives are one of the most important stakeholders, therefore, to achieve the object of honest, just and fair elections, they would not constitutionally and legally allow a candidate to manage to sneak into parliament without proving that he is qualified to represent them as such representative has to perform the noblest and honorable job of making policies and jobs for the nation.'
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> Reference may also be made to the case of *Benazir Bhutto v. Federation of Pakistan* (PLD 1988 Supreme Court 416) wherein it has been observed that Article 17(2) provides the basic guarantee to the citizens against usurpation of his will to freely participate in the affairs of governance of Pakistan through political activity relating thereto. The said observation was also reaffirmed by this Court in the case of *Muhammad Nawaz Sharif v. Federation of*

> *Pakistan* (PLD 1993 473). Thus, objection raised by learned Attorney General on the maintainability of petition under Article 184(3) of the Constitution, is overruled."

It was further observed by the Supreme Court of Pakistan in the case reported as *Province of Sind through Chief Secretary & others v/s M. Q. M. through Deputy Convener & others* [PLD 2005 Supreme Court 531], it was observed as under:-

> "66……A combined reading of Article 17, 18, 19 and 25 read with Article 51(2) of the Constitution could indicate that the right to vote is a fundamental right and not a statutory right. We tend to agree with learned *amicus curie* that without the right to vote, the right to join a political party would become illusionary. In James P. Wesberry v. Carl E. Sanders ((1964) 376 US 1) the Court while dilating upon the sanctity of right to vote observed as under:-
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> > '*No right is more precious in a free country than that of having a voice in the election of those who make laws under which, as good citizens, we must live. Other rights, even the most basic, are illusionary if the right to vote is undermined. Our constitution leaves no room for classification of people in a way that unnecessarily abridges [376 U.S. 1, 18] this right.'*

Thus, it can safely be concluded that at this stage postponement of the elections would amount to deprive the members of the Azad Jammu & Kashmir Legislative Assembly from exercising their right to vote for electing the

members of the Azad Jammu & Kashmir Council, which has been enshrined in the Constitution.

10. It was vehemently argued by Raja Muhammad Hanif Khan, advocate, counsel for the petitioners, that term of the Azad Jammu & Kashmir Legislative Assembly is going to expire after a period of 2½ months and such Assembly cannot elect the members of the Council for five years. No provision is contained in the Constitution that an Assembly, whose tenure is limited, cannot legislate or elect a member for future or perform any act, which is within its legislative competence. The provisions of Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 are unambiguous that a vacancy in the office of elected member of the Council shall be filled in not later than thirty days of the occurrence of the vacancy. It is the duty of the Chief Election Commissioner to conduct elections for Council seats under Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 and Section 10 of the Act, 1976.

11. The petitioners have prayed for three types of relief: (i) that the schedule of the Council elections be declared without lawful authority, (ii) that the respondents be refrained from holding elections of four members of the Azad Jammu & Kashmir Council by the present members of the Azad Jammu

& Kashmir Legislative Assembly and; (iii) that all the respondents be ordered to hold general elections to the Legislative Assembly in the month of June 2016. As we have derived the conclusion that the election schedule issued by the Chief Election Commissioner on 23rd April 2016 in the light of the provisions contained in Section 21(4-C) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 read with Section 10 of the Act, 1976, is valid, the members of the Azad Jammu & Kashmir Legislative Assembly have a vested right under Section 21(1)(e) of the Azad Jammu & Kashmir Interim Constitution Act, 1974 to elect the members of the Azad Jammu & Kashmir Council. The life of the Azad Jammu & Kashmir Legislative Assembly in the light of Section 22(4) is going to expire on 24th July 2016 and elections have to be held between 22nd May and 24th July 2016. It is the duty of the Chief Election Commissioner to conduct free, fair and transparent elections in Azad Jammu & Kashmir in this period under the Azad Jammu & Kashmir Legislative Assembly (Election) Ordinance, 1970.

12. No legal question is involved in the petition for grant of leave to appeal. The petition for leave to appeal merits dismissal, the same is hereby dismissed with no order as to the costs.

Since the petition for leave to appeal has been dismissed, the application for stay order is also dismissed.

CHIEF JUSTICE **JUDGE** **JUDGE**

Muzaffarabad
11th May 2016