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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;

(1331)

Price: Rs. 51.00

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.**—(F) 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;

- (j) “**Judge**” in relation to the Gilgit-Baltistan Supreme Appellate Court or the Gilgit-Baltistan Chief 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 there under;
- (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 Of 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

on which the order has been made, and shall afford him the earliest opportunity 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 Pakistan or 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.

(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.

(2) In particular—

- (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 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

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

- (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.

- (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.

(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 III 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 Principles of 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.

(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 privileges as the President may determine.

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

(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.