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AZAD GOVERNMENT OF THE STATE or JAMMU AND KASHMIR
Law, Justice Parliamentary Affairs and Human Rights Department
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“Muzellarabad”

Dated: 16.08.2021

No. LD /Legis-Act/14-28/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 03rd day of February, 2021

and received the assent of the President on the 27th day of February, 2021,

is hereby published for general information.

[Act II of 2021]

An
Act

further to amend the Azad Jammu and Kashmir Council (Election) Act, 1976

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Council (Election) Act, 1976 (Act I of 1976), in the manner hereinafter appearing;

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It is hereby enacted as follows:-

Short title and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Council (Election) (Amendment) Act, 2021.

(2) It shall come into force at once.

General Amendment of (Act I of 1976).- In the Azad Jammu and Kashmir Council (Election) Act, 1976, hereinafter referred to as the said Act, for the word “Commissioner” wherever occurring, the words “Election Commission” shall be substituted.

Amendment of Section 2, (Act I of 1976).- In the said Act, in

Section 2,-

(i) after clause (a), the following new Clause (aa) shall be added:-

“(aa) “Article”? means Article of the Azad Jammu and Kashmir
Interim Constitution, 1974;”

(ii) after Clause (e), the following new Clauses (ee) and (eee) shall be
added:-

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“(ee) “Commission” means the Azad Jammu and Kashmir Election Commission, constituted under Article 50 of Azad Jammu and Kashmir Interim Constitution;

(eee) “Constitution” means the Azad Jammu and Kashmir Interim Constitution, 1974;”

(iii) The existing clause (k) shall be substituted as under,-

“(x) “Member” means elected member of the Council;”

(iv) after clause (k), the following new clause (kk) shall be added as under:-

“(kk) “Member of the Commission” means member of the Commission appointed _as such under sub-Article (6) of

Article 50 of the Constitution;”

Substitution of Section 4 (Act I of 1976).- In the said Act, the Section 4 shall be substituted as under:-

“4. Delegation of Powers.- The Commission may authorize the

Commissioner or any of its member or any officer of the Commission to perform any of its powers and functions under this Act.”

Addition of Section 4-A (Act I of 1976).- In the said Act, after section 4, following new section 4-A, shall be added:-

“4-A, Qualifications and disqualifications for being a member.

(1) The Qualifications and disqualifications for a person to be elected or to remain a Member shall be such as are provided in Section 31 of the Azad Jammu and Kashmir Elections Act, 2020 for Member of the Legislative Assembly.”

Substitution of Section 11 (Act I of 1976).- (1) In the said Act,

Section 11 shall be substituted as under:-

“11. Nomination for Election.- (1) A Voter may propose or second the name of any person qualified for election to the Council.

(2) Every nomination shall be made by a separate nomination paper, on Form-I, signed both by the proposer and the seconder, and shall, on solemn affirmation, made by and

signed by the candidate and shall be accompanied with,-

(a) a declaration that he has consented to the nomination and that he fulfills the qualifications specified in Article 24 (1) of the Constitution and Section 31 (1) of the Azad Jammu and Kashmir Elections Act, 2020 and is not subject to any disqualification specified in sub-Article (2) of Article 24 of the Constitution and Section 31 (2) of the Azad Jammu and Kashmir Elections Act, 2020;

(b) a declaration that he has opened an exclusive account

with a scheduled bank for the purpose of election

expenses;

(c) an attested copy of his Computerized National Identity Card; and

(d) a statement of his assets and liabilities, and of his

spouse and dependent children as on the preceding thirtieth day of June on Form-XI.

(3) Every nomination paper shall be delivered to the Returning Officer by the Candidate or by his proposer or seconder or, if so authorized in writing by the Candidate, by his nominee and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time

of receipt.

(4) A person may be nominated by not more than five

nomination papers.

(5) Every nomination paper shall be accompanied with a certified copy of the relevant extract from the electoral rolls, in

which the name of the person nominated is enrolled.

(6) The Returning Officer shall assign a serial number to every nomination paper and endorse on it the name of the person presenting it, and the date and time of its receipts, and inform such person of the time and place, at which, he Shall hold scrutiny of the nomination papers.

(7) The Returning Officer shall cause to be affixed, at a

conspicuous place in his office, a notice of every nomination

paper, containing the particulars of the candidates as shown

in the nomination paper.

(8) The Form and accompanying declaration and statements shall be open to inspection by the public, and the Commission shall make available copies of these documents in such manner and on payment of such fees as may be

prescribed."

Amendment of Section 12 (Act I of 1976).- In the said Act, in

Clause (a) of sub-section (1) of Section 12, for the words "two

thousand" the words "ten thousand" shall be substituted.

Addition of Section 26-A (Act I of 1976).- In the said Act, after

Section 26, the following new Section 26-A shall be added as under:-

"26-A.

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Submission of statement of assets and_liabilities.- (1)

Every Member of Council shall submit to the Commission, on or before 31st day of December each year, a copy of his statement of assets and _ liabilities including assets and liabilities of his spouse and dependent children as on the

preceding thirtieth day of June on prescribed Form.

2) The Commission, on the first day of January each year through a press release, shall publish the names of Members who failed to submit the requisite statement of assets and iabilities within the period specified under sub-section (1).

3) The Commission shall, on the sixteenth day of January, by an order suspend the membership of a Member of the Council who fails to submit the statement of assets and iabilities by the fifteenth day of January and such Member shall cease to function till he files the statement of assets and iabilities.

4) Where a Member submits the statement of assets and liabilities under this Section, which is found to be false he may, be proceeded against for committing the offence of

corrupt practice.

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Amendment of Section 34 (Act I of 1976).- In the said Act, in Section 34, for the words "two thousand" the words "ten thousand" shall be substituted,

Amendment of Section 43 (Act I of 1976).- In the said Act, in Section 43, in sub-Section (2), for the words "evidence Act, 1872 (I of 1872)", the words "Qanun-e-Shaadat Order, 1984" shall be substituted.

Amendment of Section 63 (Act I of 1976).- In the said Act, in Section 63, in sub-Section (2) for the words "two thousand" the words "ten thousand" shall be substituted.

Amendment of Section 64 (Act I of 1976).- In the said Act, in Section 64, for the word "one thousand" the words "ten thousand" shall be substituted.

Amendment of Section 65 (Act I of 1976).- In the said Act, in Section 65, for the words "one thousand" the words "ten thousand" shall be substituted.

Amendment of Section 66 (Act I of 1976).- In the said Act, in

"Section 66, following amendments shall be made:-

(i) in sub-Section (1) for the words "one thousand" the words "ten thousand" shall be substituted.
(ii) in sub-Section (2) for the words "one thousand" the words "ten thousand" shall be substituted.

Amendment of Section 67 (Act I of 1976).- In the said Act, in Section 67, for the words "one thousand" the words "ten thousand" shall be substituted.

Amendment of Section 68 (Act I of 1976).- In the said Act, in Section 68, for the words "one thousand" the words "ten thousand" shall be substituted.

Amendment of Section 69 (Act I of 1976).- In the said Act, in Section 69, for the words "one thousand" the words "ten thousand" shall be substituted.

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Amendment of Section 70 (Act I of 1976).- In the said Act, in

Section 70, for the words “one thousand” the words “ten thousand” shall be substituted.

Amendment of Section 71 (Act I of 1976).- In the said Act, in Section 71, for the words “two thousand” the words “ten thousand” shall be substituted.

Addition of Section 79-A (Act I of 1976).- In the said Act, after Section 79 a new Section 79-A, shall be added as under:-

“79-A. Application of the Azad Jammu and Kashmir Elections

Act, 2020.- The Election Commission shall follow the procedure provided in the Azad Jammu and Kashmir Elections Act, 2020 for all matters not expressly provided in this Act.”

(Gulfraz Ahmed Khan)
Section Officer (Legislation)

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day of June,

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W/ | (a) Held within AJK and Pakistan

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'ey Open plots, houses, apartments,

21. Amendment of Schedule (Act I of 1976).- In the said Act, in the

Schedule, after Form X, a new Form XI shall be added as under:-

Form XI

[see Section 11 & 26-A]

STATEMENT OF ASSETS AND LIABILITIES

TL) esteeeseeeeceesusueeececeeeeeearaeeesccecs candidate of Council Election hereby declare that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewelry, other than specified

herein below, is held by me, my spouse(s) and dependent children on 30th

ASSETS

ASSET COST OF ASSET REMARKS

| 1 3 :

| 1. IMMOVABLE PROPERTY | af

commercial buildings, under construction

/| properties, agriculture property, etc.

(i)

i (ii)

(iii)

(b) Held outside AJK and Pakistan

(i)

(ii)

2. Movable Assets

(a) Business capital within AJK and

i . Pakistan

| (i) Name of business _

(ii) Capital amount

(b) Business capital outside AJK and

Pakistan

(i) Name of business

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(ii) Capital amount

Assets brought or remitted from

outside AJK and Pakistan

(i) Bank draft/Remittance

(c

H (ii) Machinery

(iii) Other

i (d) Assets brought out of remittance

from abroad

(e) Investments

(i) Stock and Shares

| (ii) Debentures

(iii) National Investment (Unit)

i Trust

(iv) ICP Certificates

(v) National Saving Schemes

--Defence Saving Certificate

--Special Saving Certificate

--Regular Income Certificate

(vi) Unsecured loans

(vii) Mortgages

(viii) Any other

Motor Vehicles

Make Model Reg. No.

(i) Sie

{g) Jewelry etc.

(i) Weight

| (ii) Description

| (h) Cash and Bank Accounts

(i) Cash in hand

(ii) Cash at Bank

Account No. Bank & Branch

Current

Deposit

Saving
Other Deposit

\ (i) Furniture, Fittings & Articles of
personal use--
(i) Assets transferred to any person--

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LIABILITIES

i LIABILITY AMOUNT REMARKS

i (i) Mortgages secured on Property or
land

(ii) Unsecured Loans owing

(iii) Bank Overdraft

(iv) Bank Loans

(v) Amounts due under Hire Purchase
Agreement

|_ (vi) House Building Loans

(vii) Advances from Provident Fund

' (viii) Other debts due

i (ix) Liabilities in the names of dependent

| children (in respect of assets

standing in their names)

VERIFICATION

Tpenssenvessasesecensatnwetieccses cesesneestapruassescecse,.. S/o, W/o, D/o we. do
hereby declare that, to the best of my knowledge and belief, the above
Statement of the assets and liabilities of myself, my spouse(s), dependent
children is correct and complete as on 30th June... and nothing has

been concealed therefrom.

Date...ccscsssscecpersiveeseees Signature of the Candidate