

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated: 28-12-2001

No. LD/1549-56/2001. The following Act of Assembly received the assent of the President on the 12th day of December 2001 is hereby published for general information.

(ACT XXVII of 2001)

AN

ACT

further to amend the Azad Jammu & Kashmir Legislative Assembly (Elections) Ordinance, 1970

WHEREAS it is expedient to amend the Azad Jammu & Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement. - (1) This Act may be called the Azad Jammu & Kashmir Legislative Assembly (Elections) (Amendment) Act, 2001.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 11th day of May 2001.

2. Amendment of Section 5, Ordinance X of 1970.- In the Azad Jammu and Kashmir legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) hereinafter referred to as the said ordinance, in subsection (2) of section 5:-

(i) In Clause (iv), between the words "Development Authority" and "or" the words "or Board" shall be inserted;

(ii) In clause (ix), for the words "unless the period of two

years have elapsed since he cease to be in such service" the words "unless he retires from such service" shall be substituted;

(iii) The full stop at the end of clause (xviii) shall be substituted by a semi colon and thereafter the following new clauses shall be added:-

"(xix) he or any person on his behalf makes or threatens to make use of such force, show of

arms or use of arms in any manner with the

145

(xx)

(xxi)

(xxii)

(xxiii)

(xxiv)

(xxv)

Volume XI (2001-2010)

intention to nullify or disrupt elections or influence the result of election;

he or any person on his behalf inflicts or threatens to inflict any injury, damage harm or loss to any person or candidate so as to restrain him from voting or adversely affected the election process in any manner;

he has failed to file the required return of election expenses within time or it is proved that he has exceeded the permissible limit of election expenses;

he is a willful defaulter of any tax or other financial dues owed to the Government, a local Government or any financial Institution including utility bills outstanding for six months or more;

he possesses assets which are inconsistent with his declared assets or justifiable means, whether held in his own name or in the name of dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangements, whereby the defacto control of such assets including their sale, transfer or pecuniary interest, is retained by him;

he fails to submit a statement under Section 47-A or knowingly submits a false or incorrect statement; and

he does not have academic qualification of matriculation or equivalent from a recognized institution.”

Amendment of Section 30, Ordinance X of 1970.- In the said Ordinance in section 30 for sub-section (1) and (3) the following shall respectively be substituted:-

"(1) | Where an elector presents himself at the polling station to vote, the Presiding Officer shall issue a ballot paper to the elector after satisfying himself about the identity of the elector and shall, for that purpose, require the elector to produce, —

(a) the identity Card, issued to him under the National Registration Act, 1975 (Act VI of 1975); or

- (b) a passport, issued by Government of Pakistan; or
- (c) a photo bearing driving license issued by the licensing Authority Azad Government of the State of Jammu and Kashmir; or
- (d) A photo bearing domicile certificate, issued under the Azad Jammu and Kashmir state subject Act, 1980 (Act XIII of 1980); or
- (e) a photo bearing state subject certificate."

(3) A ballot paper shall not be issued to a person who.-

- (a) refuses to receive the personal mark with indelible ink; and
- (b) does not produce the identity Card, issued to him under

the National Registration Act, 1975, or a passport, issued by Government of Pakistan or a photo bearing driving license, issued by the licensing Authority, Azad Government of the State Jammu and Kashmir or a photo bearing Domicile certificate, issued under the Azad Jammu and Kashmir State Subject Act, 1980, or a photo bearing state subject certificate.

Amendment of Section 45, Ordinance X of 1970.- In the said Ordinance, in Section 45.-

- a) in sub-section (2), in clause (i), for the words "two hundred rupees" the words "twenty thousand rupees" shall be substituted; and
- b) In sub-section (3), for the words "two hundred rupees" the words "five hundred thousand rupees" shall be substituted.

Substitution of Section 47-A, Ordinance X of 1970.- In the said Ordinance, for Section 47-A, the following shall be substituted, namely:-

"(i) 47-A Declaration of assets(1) Any person who desires to contest election of the legislative Assembly shall submit to the Chief Election Commissioner a statement of properties and assets, both moveable and immoveable whether within or outside Azad Jammu and Kashmir, which he owns, or has in his possession or under his control, directly or indirectly, either in his name or in the name of any other person and shall also furnish such other information as may be required at the time of filing of his nomination paper.

Explanation 'Property' shall include.-

- a) Lands, rural or urban, all types of buildings and structures whether completed or under construction, compounds and enclosures of any type, factories and firms registered or otherwise;
- b) all types of machines, whether fixed or movable, including mechanical transport, tractors and similar machines, but excluding machine used for house-hold purposes;
- c) jewelry, precious stones of all types in any form, pearls, gold, silver and other precious metals in any form;
- d) contracts, deports, import and export licenses, route permits, agencies granted to or obtained by a person in his own name or in the name of any other persons from the Government or any corporation or institution including autonomous and semi-autonomous body or association controlled by the Government or in which the Government has any interest;
- e) certificates, insurance policies, securities, bonds, bank balances, whether within or outside Azad Jammu and Kashmir, cash in any type of currency, shares, stocks, debentures or any other instruments carrying pecuniary benefits or advantages to a person;
- f) any other movable or immovable property, not being a property used for house-hold purposes.

(2) he shall also likewise submit details of his children and other dependents and names of educational institutions where they are studying and the annual expenses incurred upon them.

(3) upon receiving a statement under sub-section (1) and (2) the Ehtesab Bureau if moved by the Chief Election Commissioner, may determine the correctness or otherwise of the statement and also the legality or the propriety of acquisition of properties as mentioned in sub-section(2):

Provided that the person concerned shall be given reasonable opportunity of being heard.

(ii) 47-B Punishment .-A person, who, being required to submit to the Chief Election Commissioner and the Ehtesab Bureau a statement of his properties and assets under Section 47-A, fails to submit statement or knowingly submits a false or incorrect statement shall be punishable, by court of competent jurisdiction,

with rigorous imprisonment for a term which may be extend to seven years, and shall be disqualified from contesting elections for 10 years, and fine or forfeiture of the whole a part of his properties and assets."

Substitution of Section 55, Ordinance X of 1970.-In the said Ordinance, for Section 55, the following shall be substituted:-

"55 The trial of an election petition shall be held at such place or places as the Tribunal may think fit, and shall decide the petition within six months."

Repeal.- The Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance (Ordinance LX of 2001) is hereby repealed.

Sd/- (RASHID MAJEED SHEIKH)
SECTION OFFICE LAW