

THE AZAD JAMMU AND KASHMIR PRESIDENTIAL
ELECTION (AMENDMENT) ACT, 1961
(Act VI of 1961)

(Passed under Government Order No. 409/61 dated 7-9-1961)

Whereas it is necessary to amend the Azad Jammu and Kashmir Presidential Election Act, 1960 It is hereby enacted as follows :-

(i) This Act may be called the Azad Jammu and Kashmir Presidential Election Amendment Act, 1961.

(ii) It shall come into force at once.

2. In the Azad Jammu and Kashmir Presidential Election Act, 1960, hereinafter referred to as the said Act, after Section 22, the following new Section 23 shall be added, namely :-

"23. If any difficulty or question arises in giving effect to the provisions of this Act or an order made thereunder or in regard to any construction to be placed upon the same, the Election Commissioner may, from time to time, make such provisions or give such directions as appear to him to be necessary for the removal of the difficulty and for giving effect to the purposes of this Act."

3. In the said Act, in the First Schedule, after paragraph 3, new paragraph 3-A shall be inserted, namely :-

"3-A. (1) On the day fixed for nomination a sum of one thousand rupees shall be deposited in cash by or on behalf of each candidate with the Returning Officer alongwith the nomination paper.

(ii) If the candidate fails to deposit the amount, the nomination paper shall be rejected.

(iii) If the candidate fails to obtain ten percent of the actual number of votes polled, the deposit shall be forfeited.

(iv) The deposit made under this paragraph shall be refunded within thirty days of the declaration of the final result to the candidate concerned :-

(a) if his nomination paper is rejected ; or

- (b) if he withdraws from his candidature ; or
- (c) if he is elected ; or
- (d) if he is not elected but the votes secured are not less than ten percent of the total number of votes polled.

(v) If a candidate dies before obtaining the refund, the deposit shall be refunded to his legal representative unless it stands forfeited under sub-paragraph (iii) of this paragraph."

4. In the said Act, in the Second Schedule, after clause (e) of paragraph 3, the following new clause (ee) shall be inserted, namely :-

"(ee) (1) On the day fixed for nomination a sum of two hundred and fifty rupees shall be deposited in cash by or on behalf of each candidate with the Returning Officer alongwith the nomination paper.

(ii) If the candidate fails to deposit the amount, the nomination paper shall be rejected.

(iii) If the candidate fails to obtain ten percent of the actual number of votes polled the deposit shall be forfeited.

(iv) The deposit made under this clause shall be refunded, within thirty days of the declaration of the final result, to the candidate concerned:-

(a) if his nomination paper is rejected ; or

(b) if he withdraws from his candidature ; or

(c) if he is elected ; or

(d) if he is not elected but the votes secured are not less than ten percent of the total number of votes polled.

(v) If a candidate dies before obtaining the refund, the deposit shall be refunded to his legal representative, unless it stands forfeited under sub-clause (iii) of this clause".