

THE AZAD JAMMU AND KASHMIR REFUGEES
REGISTRATION AND REPRESENTATION ACT, 1960

(ACT XIII OF 1960)

(Passed under Government Order No.698/60 dated 16-12-1960)

Whereas a large number of the Nationals of the State of Jammu and Kashmir have taken refuge in Pakistan and are residing there for the time being ;

And whereas it is necessary to provide for a machinery to associate them in the election of the President and members of the Council of the Azad Government of the State of Jammu and Kashmir;

It is hereby enacted as follows :-

1. (i) This Act may be called the Azad Jammu and Kashmir Refugees Registration and Representation Act, 1960.

(ii) It shall extend to the State of Jammu and Kashmir and shall be applicable also to refugees from the State of Jammu and Kashmir now residing in Pakistan.

(iii) It shall come into force at once.

2. In this Act, unless there is anything repugnant to the subject or context, the expression:-

(i) 'refugee' means any subject of the State of Jammu and Kashmir:-

(a) who left or was forced to leave the Indian-occupied part of the Jammu and Kashmir State between the years 1947 and 1960 due to the War of Liberation and took refuge in Pakistan ; or

(b) who being already in any area, now forming part of Pakistan and having permanently settled there, could not go back to his home on account of the said War, of

Liberation; or

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who being already in any other country, could not go back to his home due to the said War of Liberation and came to Pakistan ;

(ii) 'Government' means the Azad Government of the State of

Jammu and Kashmir ;

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(iii) 'President' means the President of the Azad Government of the Jammu and Kashmir State elected under the Azad Jammu and Kashmir Presidential Election Act, 1960;

(iv) 'Election Commissioner' means the Election Commissioner appointed by the Government under this Act ;

(v) 'Council' means the Council constituted under the Azad Jammu and Kashmir Presidential Election Act, 1960;

(vi) 'Jammu and Kashmir State' and references to it under this Act shall be construed as references to the State of Jammu and Kashmir, as it existed on the 14th day of August, 1947.

There shall be elected representatives of the refugees to be known as 'Representatives' for the purpose of electing the President and members of the Council.

For the purpose of election of Representatives, the Election Commissioner will divide the refugees residing in Pakistan into as many wards as may be necessary, and shall maintain separate lists in respect of refugees from the Province of Jammu including Poonch, and those from the Province of Kashmir including Frontier districts.

(i) The total number of Representatives shall be equal to the total number of members of Basic Democracies to be elected under the Azad Jammu and Kashmir Basic Democracies Act, 1960 and the rules made thereunder, within the territory now being, administered by the Government.

(ii) Fifty per cent of the Representatives shall be from the Province of Kashmir, and fifty percent from the Province of Jammu.

The qualifications of, and the disqualifications to which the electors and candidates shall be subject, shall be the same as those of electors and candidates under the Azad Jammu and Kashmir Basic Democracies Act, 1960, and the rules made thereunder, subject to the following modifications :-

(i) The provisional list of the Jammu and Kashmir State refugees residing in Pakistan prepared before the coming into force of this Act shall be the electoral roll for the purposes of the first election of Representatives ;
Provided that the said list may be modified on inviting fresh claims and objections by or under the directions of the Election Commissioner, by a Revising Officer to be appointed by him, within such time and in such manner as

may be prescribed by the Election Commissioner.

(ii) For the purpose of preparation or revision of electoral rolls for the election of Representatives, the Electoral Rolls Act, 1957, as in force in Pakistan and the Electoral Rolls preparation Rules, 1957, made thereunder shall be applied with necessary adaptation as if they were Acts of the Government, so far as they may be applicable :

Provided that references in the said Act or Rules to a constituency for the election of a member to the National Assembly or Provincial Assembly, shall be construed as references to a ward for election of a Representative.

(iii) Only male refugees possessing the required qualifications and residing in Pakistan shall be entitled to vote at the first election.

(vi) Whenever a Representative incurs any of the disqualifications which render the member of a Basic Democracy liable to removal from office, such Representative shall be removed from the list of Representatives by an authority empowered by the Government in this behalf.

7. (i) Subject to the provisions hereinafter contained and to such directions as may from time to time be issued by the Election Commissioner, all elections of Representatives under this Act, will, as far as practicable, be organised and conducted by the Election Commissioner in accordance with the provisions of the Azad Jammu and Kashmir Basic Democracies Election Rules, 1950, and the provisions of such Rules will also apply to by-elections in case of casual vacancies occurring among the Representatives due to death, resignation or any other cause.

(ii) The number of Representatives to be elected from different areas in Pakistan shall be fixed by the Election Commissioner separately in such a way that on the whole fifty percent of the Representatives shall be chosen from amongst the refugees belonging to Kashmir Province and fifty percent from amongst the refugees belonging to Jammu Province.

(iii) Votes shall be cast by the electors through ballot boxes.

(iv) The Election Commissioner may issue such orders and give such instructions as may be necessary to give effect to the purposes of this Act.

(v) Any order passed by the Election Commissioner and any proceedings taken under this Act by any authority shall not be called in question in any court including the High Court.

(vi) No election petition shall lie to any Tribunal, Court or any other authority challenging the election of any Representative under this Act.

(vii) The term for which Representatives shall be elected shall be a period of five years commencing from the date on which the results of election are declared by the Election Commissioner.

(i) Should the circumstances of any area where the refugees reside in Pakistan be such that in the opinion of the Government any of the provisions of this Act are unsuited thereto, the Government may, by notification in the official gazette, except the area or any part thereof, from the operation of those provisions, and thereupon the said provisions shall not apply to such area or part thereof, until the notification is rescinded.

(ii) Where such exception as aforesaid remains in force the Government may make such orders for the regulation of matters so excepted, as may be deemed proper.

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 any adaptation, 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 or for giving effect to the purposes of this Act.