

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

Dated the 21st June, 1997.

No. 298-305/LD/Leg/97. The following Act of the Assembly received the assent of the President on 20th June, 1997 is hereby published for general information:-
(ACT X OF 1997)

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ACT

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

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970;

It is hereby enacted as follows.

1. Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Act, 1997.

(2) It shall come into force at once.

2. Amendment of Section 2, Ordinance X of 1970:- (1) In the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) hereinafter referred to as the said Ordinance, in Section 2;

(a) after clause (x) and (xxii), the following new clauses (x-A) and (xxii-A) shall be inserted, namely:-
“(x-A) ‘High Court’ means the High Court of Judicature of Azad Jammu and Kashmir”
“(xxii-A) ‘Supreme Court’ means the Supreme Court of Azad Jammu and Kashmir”

(b) for clause xxiv the following shall be substituted.
“(xxiv) ‘Tribunal’ means an Election Tribunal constituted under Section 53.

3. Amendment of Section 49, Ordinance X of 1970:- In the said Ordinance:-

dd) In Section 49;

(a) sub-section (1-A) shall be omitted.

(b) in sub-section (2), the words 'High Court' shall be substituted by the word 'Commissioner'.

4. Amendment of Section 52, Ordinance X_ of 1970:- In the said Ordinance, the words 'High Court' shall be substituted by the word 'Commissioner', and for sub-section (2) the following shall be substituted. -

"(2) If an Election petition is not returned under sub-section (1), the Commissioner shall refer it for trial to a Tribunal.

5. Amendment of Section 53, Ordinance X_ of 1970:- In the said

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Ordinance, Section 53, the following shall be substituted.

“53. Appointment_of Tribunal:- (1) For the trial of the election petitioner under this Act the Commissioner in consultation with the Chief Justice of High Court shall appoint as many Election tribunal as may be necessary.

(2) An Election Tribunal shall consist of a person who is or, has been a Judge of the High Court, or any High Court of Pakistan, or a District and Sessions Judge, who is or, has been qualified to be a Judge of the High Court”.

Omission of Section 54, Ordinance X_ of 1970:- In the said Ordinance Section 54 shall be omitted.

Amendment of Section 63, Ordinance X_ of 1970:- In the said Ordinance, in Section 63, for sub-section (3), the following shall be substituted.

“(3) Any person aggrieved by a decision of the Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final”.

Addition of Section 63-A, Ordinance X_ of 1970:- In the said Ordinance after Section 63, a new Section 63-A shall be inserted, namely:-

“63-A. Transfer_of Pending Cases:- Election petition pending before the High Court shall stand transferred to the Tribunal and the Tribunal shall proceed with the trial of the petition from the stage at which it is transferred.

Amendment of Section 68, Ordinance X_ of 1970:- In the said Ordinance, sub-section (2) of Section 68 shall be substituted as under:-

“(2) The Tribunal, shall, after an election petition has been disposed of, forward the record thereof to the Commissioner who shall retain such record for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.

Repeal:- The Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance, 1997 (Ordinance XVII of 1997) is hereby repealed.

Sd/- (Ifthikar Husnain Butt)
Secretary

Law, Justice Parliamentary
Affairs Department