

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

Dated: 10th January, 2020.

No. LD/Legis-Act/96-108/2020. The following Act of Assembly received the assent of the President on the 3rd day of January 2020, is hereby published for general information.

(ACT VIII OF 2020)

An

Act

further to amend the Azad Jammu and Kashmir Local Government Act, 1990

WHEREAS, it is expedient further to amend the Azad Jammu and

Kashmir Local Government Act, 1990 (Act VII of 1990), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.-(1) This Act may be called the Azad Jammu and Kashmir Local Government (Amendment) Act, 2019.

(2) It shall extend to whole of the Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Amendment of Section 2, Act VII of 1990.- In the Azad Jammu and Kashmir Local Government Act, 1990 (Act VII of 1990), hereinafter referred to as the said Act, in Section 2, clause (xviii) shall be substituted as under:-

“(xviii) “Election Commission” means the Election Commission constituted under Article 50 of the Azad Jammu and Kashmir Interim Constitution, 1974;”

After clause (xviii), a new clause shall be added as under:-

“(xviii-a) “Chief Election Commissioner” means the Chief Election Commissioner appointed under Article 50 of the Azad Jammu and Kashmir Interim Constitution, 1974;”

3. Substitution of Section 3, Act VII of 1990.- In the said Act, Section 3 shall be substituted as under:-

“3, Election Commission.- (1) The Election Commission shall conduct elections of the Local Councils under this Act.

(2) Government shall, in consultation with the Chief Election Commissioner, make an announcement of the date or dates on which the election for the Local Councils shall be conducted in the whole of Azad Jammu and Kashmir or in a part thereof:

Provided that the date or dates of such election shall not be less than sixty days and not more than hundred and twenty days from the date of such announcements.

(3) Upon announcement of the date or dates of elections of the Local Councils under sub-section (2), the Election Commission shall make necessary arrangements to ensure that the election shall be conducted honestly, justly and fairly.

(4) It shall be the duty of all executive, subordinate judicial authorities and all local authorities under the administrative control of the Government to assist the Election Commission in the performance of his functions."

Addition of Sections 3-A, 3-B, 3-C & 3-D, Act VII of 1990.- In the said Act, after Section 3, as substituted above, following new Sections 3-A, 3-B, 3-C & 3-D, shall be added as under:-

"3-A. Appointment of District Returning _ Officer, Returning Officer _etc.- (1) The Election Commission shall appoint from amongst the officers of the Election Commission or the Government, a body or entity controlled by the Government, District Returning Officers, Returning Officers and Assistant Returning Officers for the purposes of election under this Act.

(2) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act, and may, subject to such conditions as may be imposed by the Election Commission, exercise the powers and perform the functions of the Returning Officer, under the control of the District Returning Officer.

(3) The District Returning Officer shall take all such actions, as may be necessary for conducting a free, fair and impartial election in accordance with the provisions of this Act and the rules.

3-B. Election Petition.- (1) Subject to this Act, an election to an office of a Local council shall not be called in question except by an election petition.

(2) An election petition under this Act shall be filed before the Election Tribunal in the prescribed manners.

3-C. Election Tribunal- (1) The Chief Election Commissioner shall, by notification, constitute an Election Tribunal for such local areas as may be specified in the notification.

(2) Election Tribunal shall consist of such person or persons as may be appointed by the Chief Election Commissioner.

(3) The Chief Election Commissioner may, on the application of a candidate, transfer an election petition from one Tribunal to another Election Tribunal.

(4) Subject to the rules, the Chief Election Commissioner may, by notification, issue instructions for presentation, hearing and trial of an election petition.

(5) The Election Tribunal shall decide an election petition within one hundred and twenty days from the date of filing of the election petition.

3-D. Power and Functions of Election Tribunal.- The Election Tribunal shall exercise such powers and perform such functions as may prescribed."

Amendment of Section 4, Act VII of 1990.- In the said Act, in Section 4, in sub-section (2), for the word "Commissioner", the word "Commission" shall be substituted.

Amendment of Section 16, Act VII of 1990.- In the said Act, in Section 16, in sub-section (2), for the word "Commissioner", the word "Commission" shall be substituted.

Amendment of Section 17, Act VII of 1990.- In the said Act, in Section 17, in the second proviso, for the word "Commissioner", the word "Commission" shall be substituted.

Amendment of Section 22, Act VII of 1990.- In the said Act, in Section 22, in sub-section (1), for the word "Commissioner", the word "Commission" shall be substituted.

Amendment of Section 73, Act VII of 1990.- In the said Act, in Section 73, for the "Commissioner", the word "Commission" shall be substituted.

Sd/-
(Gulfraz Ahmed Khan)
Section Officer (Legislation)

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