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**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR**

Law, Justice, Parliamentary Affairs and Human Rights Department

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“Muzaffarabad”

Dated: 08.02.2021

No. LD/Legis-Act/1-13/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 3<sup>rd</sup> day of February, 2021 and received the assent of the President on the 6<sup>th</sup> day of February, 2021, is hereby published for general information.

**[Act I of 2021]**

**An**

**Act**

further to amend the Azad Jammu and Kashmir Elections Act, 2020

**WHEREAS** it is expedient further to amend the Azad Jammu and Kashmir Elections Act, 2020 (XVIII of 2020) for the purposes hereinafter appearing;

1. **Short title and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Elections (Amendment) Act, 2021.

(2) It shall come into force at once and shall be deemed to have taken effect since 24.06.2020.

2. **Amendment of Section 2, Act XVIII of 2020.**- In the Azad Jammu and Kashmir Elections Act, 2020 (Act XVIII of 2020), hereinafter referred to as the said Act, in Section 2, following amendments shall be made,-

(i) in the proviso to sub-clause (c) of clause (xvii), for the word “challenging”, the word “objecting” shall be substituted; and

(ii) at the end of proviso to clause (xxxvi), between the word “Kashmir” and expression semi-colon “;” the words “and shall not be registered as voter in constituencies reserved for refugees settled in Pakistan” shall be inserted;

3. **Amendment of Section 12, Act XVIII of 2020.**- In the said Act, in sub-section (1) of Section 12, following amendments shall be made,-

(i) in clause (c) for the word “enlistment”, the word “registration” shall be substituted; and

(ii) clause (j) shall be omitted.

4. **Amendment of Section 19, Act XVIII of 2020.**- In the said Act, in Section 19, clause (b) and (c) of sub-section (2) shall be substituted as under:-

“(b) The Refugees from the occupied areas of districts of Muzaffarabad, Anantnag (Islamabad) and

Baramula as these existed on the 14<sup>th</sup> day of August, 1947, who are now residing in any Province of Pakistan; and

- (c) The State Subjects from occupied areas of districts of Jammu, Kathua, Reasi, Udhampur, Poonch State and Mirpur as existed on the 14<sup>th</sup> day of August, 1947 and Mangla Dam affectees, who are now residing in any of the Province of the Pakistan.”
5. **Amendment of Section 21, Act XVIII of 2020.**- In the said Act, in Section 21, the third proviso to clause (a) of sub-section (1) shall be substituted as under:-
- “Provided further that the Refugees settled in Pakistan not holding State Subject certificate may be enrolled as voters, on production of the documentary evidence to establish their identity as State Subjects on certification of a Committee to be constituted by the Commission for each constituency.”
6. **Amendment of Section 24, Act XVIII of 2020.**- In the said Act, in Section 24, following amendments shall be made,-
- (i) at the end of sub-section (1) of Section 24 for the expression colon “:”, the expression full stop “.” shall be substituted;
- (ii) the proviso to sub-section (1) shall be omitted; and

- (iii) sub-sections (2), (3) and (4) shall be omitted.
7. **Amendment of Section 28, Act XVIII of 2020.**- In the said Act, in Section 28, in clause (b), between the word “voter” and expression comma “,”the words “or whose name has illegally been included in the Electoral Roll” shall be inserted.
8. **Amendment of Section 31, Act XVIII of 2020.**- In the said Act, in Section 31, following amendments shall be made,-
- (i) clauses (d), (e) and (f) of sub-section (1) shall be omitted;
- (ii) in sub-section (2),-
- (a) at the end of clause (xxiii), the word “and” shall be added.
- (b) at the end of clause (xxiv) for the expression semi-colon and word “and”, the expression full stop “.” shall be substituted; and
- (c) clause (xxv), shall be omitted.
9. **Amendment of Section 39, Act XVIII of 2020.**- In the said Act, in Section 39, in clause (b) of sub-section (1) for the words “two thousand”, the words “ten thousand” shall be substituted.
10. **Amendment of Section 56, Act XVIII of 2020.**- In the said Act, in sub-section (1) of Section 56, following amendments shall be made,-

- (i) for the words “as may be prescribed”, the words “as the Commission may deem appropriate” shall be substituted;
  - (ii) clause (a) shall be substituted as under,-
    - “(a) a person referred to in sub-section (1) or sub-section (2) or sub-section (3) of Section 24; and”
11. **Amendment of Section 65, Act XVIII of 2020.**- In the said Act, sub-section (11) of Section 65 shall be substituted as under,-
- “(11) The Presiding Officer shall provide certified copy of the statement of the count and the ballot paper account to candidate or election agent or polling agent, as the case may be, present at the polling station.”
12. **Amendment of Section 78, Act XVIII of 2020.**- In the said Act, in Section 78,-
- (i) for sub-section (4), following shall be substituted,-
    - “(4) Every Member of Assembly shall submit to the Commission, on or before 31<sup>st</sup> December each year, a copy of his statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding thirtieth day of June on prescribed Form.”

(ii) after sub-section (4), as substituted above, following new sub-sections (5), (6), (7) and (8) shall be added,-

(5) The Commission, on the first day of January each year through a press release, shall publish the names of Members who failed to submit the requisite statement of assets and liabilities within the period specified under sub-section (4).

(6) The Commission shall, on the sixteenth day of January, by an order suspend the membership of a Member of Assembly, who fails to submit the statement of assets and liabilities by the fifteenth day of January and such Member shall cease to function till he files the statement of assets and liabilities.

(7) Where a Member submits the statement of assets and liabilities under this section which is found to be false in material particulars, he may, within one hundred and twenty days from the date of submission of the statement, be proceeded against for committing the offence of corrupt practices.

(8) The Commission shall publish in the official Gazette the statements of assets and

liabilities received by it under this Section and any person may obtain copies of a statement of assets and liabilities on payment of prescribed fee.”

13. **Amendment of Section 81, Act XVIII of 2020.**- In the said Act, in Section 81, in clauses (a) and (b) of sub-section (2) for the words “one thousand”, the words “ten thousand” shall be substituted.
14. **Amendment of Section 128, Act XVIII of 2020.**- In the said Act, in Section 128, following amendments shall be made:-
  - (i) sub-section (2) shall be substituted as under,-
    - “(2) The application for registration under sub-section (1) shall be made on behalf of a political party shall be accompanied by a copy of the constitution of the political party, a copy of consolidated statement of its accounts under Section 127, a list of at least one thousand members with their signatures or thumb impressions along with copies of their National Identity Cards, and proof of deposit of two hundred thousand rupees in favour of the Commission in the Government Treasury as a registration fee.”
  - (ii) after sub-section (2), a new sub-section (2-A), shall be added,-

“(2-A) A political party which has already been registered under this Act shall be required to fulfill the conditions mentioned in sub-section (2) within a period of one month. In case of failure, the Commission may suspend the registration of such political party.”

15. **Amendment of Section 129, Act XVIII of 2020.**- In the said Act, sub-section (3) of Section 129, shall be substituted as under:-

“(3) Answers to the questionnaire referred to in sub-section (2), shall be furnished on behalf of a political party shall be accompanied such documents as specified in sub-section (2) of Section 128.”

**Section Officer (Legislation)**

No.3401-3500/P&S/2021

Dated 08-02-2019

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