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AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

'MUZAFFARABAD'

Dated: 22.11.2022

No. LD/Legis./Ord./104-117/2022. The following Ordinance made by the President on the 21st day of November, 2022, is hereby published for general information.

[Ordinance VI of 2022]

An

Ordinance

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 (Act XVIII of 2020) for the purposes hereinafter appearing;

And Whereas, the Azad Jammu and Kashmir Legislative Assembly is not in session and the President Azad Jammu and Kashmir is satisfied that circumstances exist which render it necessary to take immediate action;

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Now, Therefore, in exercise of the powers conferred by sub-Article (1) of Article 41 of the Azad Jammu and Kashmir Interim Constitution, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short titled and commencement.-** (1) This Ordinance may be called the Azad Jammu and Kashmir Elections (Amendment) Ordinance, 2022.
(2) It shall come into force at once.
2. **Amendment of Section 6, 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 sub-section (3) of Section 6, between the words “comprising” and “members”, the words “one or more”, shall be inserted.
3. **Amendment of Section 24, Act XVIII of 2020.-** In the said Act, in Section 24, in the second proviso to sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter following new proviso shall be added as under:-
“Provided further that the refugees of 1989 who are temporarily residing in refugees camps duly established by the Government shall be enrolled as voter in the Electoral Rolls of the said camps.”
4. **Amendment of Section 31, Act XVIII of 2020.-** In the said Act, in sub-section (2) of Section 31, after

clause (ii), the following new clauses (ii-a), (ii-b) and (ii-c), shall be added as under:-

“(ii-a) he is not of good character and is commonly known as one who violates Islamic Injunctions; or

(ii-b) he does not have adequate knowledge of Islamic teachings and does not abstain from major sins; or

(ii-c) he is not sagacious, righteous, honest, ameen and not profligate, and have been declared as such by court of law; or”

5. **Amendment of Section 33, Act XVIII of 2020.**- In the said Act, in Section 33, the existing sub-section (1) shall be renumbered as sub-section (1-A) and before that the following new sub-section (1), shall be added as under,-

“(1) The Returning Officer, subject to directions by the Commission, shall prepare a list of Polling Stations and publish the same for filing objection from any voter of the polling station concerned, before the list thereafter be finalized after proper disposal of the objection, if any, raised thereupon.”

6. **Amendment of Section 50, Act XVIII of 2020.**- In the said Act, in sub-section (1) of Section 50, for the

words "not more than two polling agents if there is only one booth, and not more than four polling agents if there be more than one booth, at such polling stations", the word "polling agents", shall be substituted.

7. **Amendment of Section 76, Act XVIII of 2020.-** In the said Act, in Section 76, the following amendments shall be made,-

(i) in sub-section (1), for the words "thirty five days after the publication of the name of the returned candidates under Section 47 or Section 68, submit to the Returning Officer", the word "one hundred and twenty days after the publication of the name of the returned candidates under Section 47 or Section 68, submit to the Returning Officer or the Election Commission", shall be substituted;

(ii) after sub-section (1), the following new sub-section (1-A), shall be added as under,-

"(1-A) The Returning Officer shall immediately transmit duly attested copy of the return mentioned hereinabove submitted by the contesting candidate to the Commission for official record and publication."

8. **Amendment of Section 81, Act XVIII of 2020.-** In the said Act, in Section 81, in sub-section (1), for

the word "No," the words "Save as otherwise provided in this Act, no", shall be substituted.

9. **Amendment of Section 106, Act XVIII of 2020.-** In the said Act, sub-section (5) of Section 106, shall be substituted as under:-

"(5) Whoever contravenes the provision of the Code of Conduct issued under this Section shall be liable to punishment with imprisonment which may extend to one year or with fine which may extend upto one lac rupees or with both. The Commission may also disqualify contesting candidate to contest the election or a returned candidate, to be member of Assembly, as the case may be."

10. **Amendment of Section 125-E, Act XVIII of 2020.-** In the said Act, in Section 125-E, in sub-section (1), between the words "its own officers" and "or" the words "or officers of the government," shall be inserted.

11. **Amendment of Section 125-F, Act XVIII of 2020.-** In the said Act, in Section 125-F, for the word "Chapter V" and the word "Assemblies", the words "Chapter VI" and "Assembly", shall be substituted respectively.

12. **Amendment of Section 125-G, Act XVIII of 2020.-** In the said Act, sub-section (1) of Section 125-G, shall be substituted as under,-

“(1) A candidate may, within the time specified by the Commission, file an appeal against the decision of the Returning Officer rejecting a nomination paper to an appellate tribunal constituted for the constituency consisting of a person who is a District and Sessions Judge or an Additional District and Sessions Judge and a Government official appointed by the Commission:

Provided that District and Sessions Judge and Additional District & Sessions Judge shall be appointed with the consent of the Chief Justice of High Court of Azad Jammu and Kashmir.”

13. **Repeal.-** The Azad Jammu and Kashmir Elections (Amendment) Ordinance, 2022 (Ordinance III of 2022) is hereby repealed.

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President
Azad Jammu and Kashmir

(Kh. Hashim Shaheen)
Section Officer (Legislation)

No.25001-25100/P&S/2022

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