

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARAHAD.**

Dated the September 23, 1979.

No. 4454/SL/79. The following Ordinance made by the President on the 23rd day of September, 1979, is hereby published for general information:-

(ORDINANCE CXXV of 1979)

AN

ORDINANCE

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 (Ordinance X of 1970) for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41, of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

1. **Short title of commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance, 1979.
(2) It shall come into force at once.
2. **Amendment of section 5, Ordinance X of 1970:-** In Azad Jammu and Kashmir Legislative Assembly (Election) Ordinance, 1970 (Ordinance X of 1970), in section 5, for sub-section (2) the following shall be substituted, namely:-
“(2) A Person shall be disqualified for being elected or chosen and for being, a member,-
 - (a) If, as provided in Section 24 of the Azad Jammu and Kashmir Interim Constitution Act, 1974,-
 - (i) he is of unsound mind and stands so declared by complement court ; or
 - (ii) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent ; or
 - (iii) he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

VOLUME V (1978-1979)

- (iv) he holds any office of profit in the service of Azad Jammu and Kashmir or in the service of Pakistan other than an office which is not a whole time office remunerated either by salary or by fee other than an office specified in the Second Schedule ; or
- (v) he has been dismissed for misconduct from the service of Azad Jammu and Kashmir or the service of Pakistan unless a period of five years has elapsed since his dismissal; or
- (b) if he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest ; or
- (c) if he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity of Pakistan, or security of Azad Jammu and Kashmir or Pakistan, or morality, or the maintenance of public Order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or which defames or brings into ridicule the Judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed Forces of Pakistan ; or
- (d) if-
 - (i) he has been removed or compulsorily retired from the service of Azad Jammu and Kashmir or Pakistan on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement ; or
 - (ii) he has been in the service of Azad Jammu and Kashmir or Pakistan or of any statutory body or any body which is owned or controlled by the Government or the Government of Pakistan, or in which any of the Government has a Controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service ; or –
 - (iii) he is found guilty of corrupt or illegal practice under any other law for the time being in force, unless a period of seven years has elapsed from the date on which that order takes effect ; or
 - (iv) he has, at any time on or after the ninth day of September, 1979, been an office bearer of a political party dissolved under sub-section (2) of

- Section 7 of the Azad Jammu and Kashmir Political parties Ordinance, 1979 and has not, before a declaration in respect of such party is made under sub-section (1) of that section, resigned, or publicly announced dis-association, from such party, unless a period of five years has elapsed from the date of such dissolution ; or
- (v) he has been convicted under Section 8 of the Azad Jammu and Kashmir Political Parties Ordinance, 1979, unless a period of five years has elapsed from the date of such conviction ; or
 - (vi) he is member of a political party which has not been registered, or the registration of which has been cancelled, under the Azad Jammu and Kashmir Political Parties Ordinance, 1979 ; or
 - (vii) he is for the time being dis-qualified from being elected or chosen as a member for the Legislative Assembly of Azad Jammu and Kashmir under any law for the time being in force ; or
 - (viii) if he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or intrest in a contract, not being a contract between a cooperative society and Government for the supply of goods to, or for the execution of any contract or the performance of any service undertaken by, Government :

Provided that the disqualification under this clause shall not apply to a person-

- (a) Where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him or such longer period as the President may, in any particular case, allow; or
- (b) Where the contract has been entered into by or on behalf of public company as defined in the Companies Act, 1913 (VII of 1913), of which he is a share-holder but is neither a director holding an office of profit under the company nor a managing agent ; or
- (c) Where ho is a member of a Hindu undivided family and the contract has been entered into by any other member of that

family in the course of carrying on a separate business in which he has no share or interest.

EXPLANATION I.- In sub-clause (iv) and (v) of clause (a) and sub-clause (i) and (ii) of clause (d) 'service of Azad Jammu and Kashmir' and 'service of Pakistan' have the same meaning as assigned to them in Section 2 of Azad Jammu and Kashmir Interim Constitution Act, 1974 and in Article 260 of the Constitution of Pakistan respectively.

EXPLANATION II.- In sub-clause (iv) of clause (d) 'office-bearer of a political party' means an office bearer at the National or District set up of the party otherwise than as a mere member of the Working, Central, District or other committee of party.

EXPLANATION III.- In sub-clause (viii) of clause (d), 'goods' does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(3) If a person having been elected to the Azad Jammu and Kashmir Legislative Assembly as a candidate or nominee of a political party, withdraws him-self from that party, he shall, from the date of such withdrawal, be disqualified from being a member of the Assembly for the unexpired period of his term unless he has reelected at a bye-election held after his disqualification.”

(Brigadier Muhammad Hayat Khan)
President
Azad Jammu and Kashmir.

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law