

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR  
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD**

Dated the 13th February, 1990.

No. 107-110/LD/90. The following Ordinance made by the President on the 13th day of February, 1990, is hereby published for general information:-

**(ORDINANCE XVII OF 1990)**

**AN**

**ORDINANCE**

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

WHEREAS it is necessary to amend the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly is not in session and 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, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Ordinance, 1990.  
(2) It shall come into force at once.
2. **Amendment of Section 2, Ordinance X of 1970.**- 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, for clause (iii) the following shall be substituted:-  
(iii) "Commissioner" means the Chief Election Commissioner appointed under the Azad Jammu and Kashmir Interim Constitution Act, 1974."
3. **Amendment of Section 6, Ordinance X of 1970.**- In the said Ordinance, in Section 6, after sub-section (4) the following shall be added:-  
“(5) Notwithstanding anything contained in any other law or order for the time being in force, the Commissioner may, at any time, for reasons to be recorded in writing, suspend any officer performing any duty in connection,

with an election or any other public functionary, or any member of police force or any other law enforcing agency, who obstructs or prevents or attempts to obstructs or prevent the conduct of fair and impartial Poll or interferes on attempts to interfere with an elector when he records his vote, or influences in any manner the Polling Staff or an elector or does any other action calculated to influence the result of election and make such arrangements as he may consider necessary for the performance of the functions of the Officer so suspended.

(6) Where the Commissioner suspends any Officer under sub-section (5), the Commissioner shall refer the matter to the appropriate authority for taking disciplinary action against such Officer.”

4. **Amendment of Section 12, Ordinance X of 1970.-**  
In the said Ordinance, in Section 12, in clause (a) of sub-section (1), for the words “five hundred” the words “two thousand” shall be substituted.
5. **Amendment of Section 45, Ordinance X of 1970.-**  
In the said Ordinance, in Section 45, in sub-section (3) for the words “fifteen thousand” the words “two hundred thousand” shall be substituted.
6. **Amendment of Section 90, Ordinance X of 1970.-**  
In the said Ordinance, in Section 90, after sub-section (2), the following new sub-section (3) shall be added:-  
“(3) In respect of an offence specified in sub-section (1), Section 494 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall have effect as if, after word and comma, “may,” there-in, the words “if so directed by the Chief Election Commissioner and” were inserted.”

Sd/-

(Sardar Mohamamd Abdul Qayyum Khan)

President

Azad Jammu and Kashmir

Sd/-

(Syed Shakir Shah)

Under Secretary Legislation

Law Department

Azad Government of the State of  
Jammu and Kashmir Muzaffarabad.