

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

Dated the 18th February, 1991.

No. 122-128/LD/91. The following Ordinance made by the President on the 16th day of February, 1991, is hereby published for general information:-

(ORDINANCE XVI OF 1991)

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, 1991.
(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 5, Ordinance X of 1970.**- In the said Ordinance, in Section 5, in sub-section (2), clause (xvi) shall be omitted.

4. **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 obstruct or prevent the conduct of fair and impartial Poll or interferes or 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 act 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."
5. **Amendment of Section 12, Ordinance X of 1970.**- In the said Ordinance, in Section 12, in clause (a) of subsection (1), for the words "five hundred" the words "two thousand" shall be substituted.
6. **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.
7. **Substitution of Section 47-A, Ordinance X of 1970.**- In the said Ordinance for Section 47-A, the following shall be substituted and shall be deemed always to have been so substituted, namely:-
- "47-A. Notwithstanding anything contained in the Azad Jammu and Kashmir Legislative Assembly (Elections) Ordinance, 1970 (Ordinance X of 1970) or any other law for the time being in force, a contesting candidate at the general elections held under the said Ordinance in 1990, shall not be required to submit a return of election expenses."

8. **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."
9. **Repeal.**- The Azad Jammu and Kashmir Legislative Assembly (Election) Amendment Ordinance, 1990 (Ordinance XLVI of 1990) is hereby repealed.

Sd/-
(Sardar Mohammad 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.