

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

Dated the 6th May, 1992.

No. 523-27/LD/92. The following Ordinance made by the President on the 6th day of May 1992, is hereby published for general information:-

(ORDINANCE LIV OF 1992)

AN

ORDINANCE

to provide for Law relating to the terms and conditions of the Chief Election Commissioner.

WHEREAS it is expedient to provide for law relating to the terms and conditions of the Chief Election Commissioner, in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly is not in session and the President' is satisfied that the 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 Chief Election Commissioner (Terms and Conditions) Ordinance, 1992.
(2) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context.-
 - (a) "Chief Election Commissioner" means the Chief Election Commissioner appointed under Section 50 of the Constitution;
 - (b) "Constitution" means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - (c) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (d) "High Court" means the Azad Jammu and Kashmir High Court;

- (e) "President" means the President of Azad Jammu and Kashmir;
- (f) "Supreme Court" means the Supreme Court of Azad Jammu and Kashmir.

3. **Chief Election Commissioner.-** (1) There shall be a Chief Election Commissioner.

(2) The person appointed as Chief Election Commissioner and functioning as such immediately before the commencement of this Ordinance shall be deemed to have been appointed on the same terms and conditions as are hereinafter specified in this Ordinance from such commencement.

(3) No person shall be appointed to be Chief Election Commissioner unless he is, or has been, a Judge of the Supreme Court or is, or has been a Judge of the High Court.

Explanation:- In this sub-Section judge means a Judge of the Supreme Court or the High Court:

Provided that a person who is a Judge of the High Court or Supreme Court is appointed Chief Election Commissioner, he, in addition to his functioning as Chief Election Commissioner, may if so required by the President, perform the functions of the Judge of that Court.

4. **Salary, Allowances and Privileges of Chief Election Commissioner.-**

- (a) if a person who is a Judge of the High Court or the Supreme Court is appointed as a Chief Election commissioner, his terms and conditions as to his salary, allowances, privileges rights in respect of leave of absence shall be the same as are applicable to a Judge of High Court or the Supreme Court, as the case may be.

Provided that if a retired Judge or a retiring Judge is appointed as Chief Election Commissioners, he shall be entitled, in addition to his pension, to the same salary, privileges, allowances and rights in respect of leave of absence as are admissible to him before retirement.

5. **Terms of Office of Chief Election Commissioners.-** (1) The Chief Election Commissioner shall, subject to this Section, hold his office for a terms of five years from the day of enters upon his office:

Provided further that a person appointed as Chief Election Commissioner and functioning as such immediately before the commencement of this Ordinance shall be deemed to have entered upon his office from the commencement of this Ordinance.

(2) The Chief Election Commissioner shall not be removed from office except in the manner prescribed by law for the removal from office of a Judge of the Supreme Court or the High Court, as the case may be, and in the application of law for the purposes of this section any reference in that law, to a Judge shall be construed as a reference to the Chief Election Commissioner.

(3) The terms and conditions of the service of the Chief Election Commissioner shall not be varied to this disadvantage after his appointment.

(4) The Chief Election Commissioner may in writing under his hand-addressed to the President, assign his office.

6. (1) The President may make such rules as may appear him to be necessary or expedient for carrying out the purposes of this Ordinance.

(2) Any rule, regulations, orders or instructions in respect of any terms and conditions of service of the Chief Election Commissioner made or issued by the Government and enforced immediately before the commencement of this Ordinance shall be deemed to be made under this Ordinance.

Sd/-
(Sardar Sikandar Hayat Khan)
President
Azad Jammu and Kashmir

Sd/-
Deputy Secretary Law
Azad Govt. of the State of J&K
Muzaffarabad.