

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

“Muzaffarabad”
Dated: 09.02.2016

No. LD/Legis-Act/149-61/2016. The following Act of Assembly received the assent of the President on the 08th day of February 2016, is hereby published for general information.

[Act XIII of 2016]

**An
ACT**

further to amend the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970

Whereas It is expedient to amend the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, Extent and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Electoral Rolls (Amendment) Act, 2016.
 - (2) It shall come into force at once.
 - (3) It shall extend to the whole of Azad Jammu and Kashmir and shall apply to all state subjects wherever they may be.
2. **Amendment of Section 3, Ordinance I of 1970.**- In the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970 (Ordinance I of 1970), hereinafter referred to as the said Ordinance, in Section 3,-
 - (i) clause (c) shall be substituted as under,-

“(c) “Commissioner” means the Chief Election Commissioner appointed under Section 50 of Azad Jammu and Kashmir Interim Constitution Act, 1974;”
 - (ii) After clause (g), following new clauses shall be added, namely:-
 - “(h) “NADRA” means National Database and Registration Authority, established by Government of Pakistan.**
 - (i) “CNIC” means the Computerized National Identity Card issued by the NADRA.”**
3. **Omission of Section 4 and Section 5, Ordinance I of 1970.**- In the said Ordinance, Section 4 and Section 5 shall be omitted.
4. **Amendment of Section 6, Ordinance I of 1970.**-In the said Ordinance, in Section 6,-
 - (i) in sub-section (2), for the words “the President” the word “the Government” shall be substituted;
 - (ii) in sub-section (3), for the word “President” the word “Government” shall be substituted.
5. **Amendment of Section 8, Ordinance I of 1970.**- In the said Ordinance, in Section 8, after sub-section (2), following new sub-section (3), shall be added as under:-

“(3) Each Electoral Roll shall bear the name, father name and permanent address of the voter alongwith number contained in his CNIC or Form-B, as the case may be.”

6. **Amendment of Section 10, Ordinance I of 1970.**- In the said Ordinance, in Section 10, in sub-section (1), for clause (a), following shall be substituted:-

“(a) is not less than eighteen years of age and possesses CNIC or original “Form-B” issued by the NADRA if he is likely to attain eighteenth year of age on qualifying date or photo bearing identity card for refugees of Jammu and Kashmir 1989 and afterward issued by the Government:

Provided that expired CNIC shall be valid for enrolment:

Provided further that if a state subject is likely to attain eighteen years of age on qualifying date, he shall be registered as voter on production of original Form-B issued by NADRA and number mentioned against his name for his prospective CNIC shall be entered in Electoral Roll:

Provided further that the refugees settled in Pakistan not holding state subject certificate may be enrolled as voter on certification of a committee constituted by Commissioner for each constituency as he may deems fit.”

7. **Amendment of Section 12, Ordinance I of 1970.**- In the said Ordinance, in Section 12,-

(i) sub-section (1) shall be omitted;

(ii) the sub section (2) shall be substituted as under.-

“(2) A person shall be deemed to be resident of an Electoral Area of his permanent address mentioned in his CNIC:

Provided that where a person desires to be enrolled in an Electoral Area where he is residing temporarily and his address as such is mentioned in his CNIC, he may be enrolled in Electoral Area of his temporary residence on the production of certificate of the Registration Officer of the Electoral Area of his permanent address to the effect that he is not enrolled as voter in that area.”

(iii) in sub section (5), full stop at the end shall be substituted by a colon and thereafter following proviso shall be added:-

“Provided that Registration Officer of Electoral Area of his permanent residence provides certificate regarding his non enrolment in the Electoral Area of his permanent residence as mentioned in the CNIC”.

8. **Amendment of Section 13, Ordinance I of 1970.**- In the said Ordinance, in Section 13, following amendment shall be made,-

(i) the existing provision shall be renumbered as sub-section (1).

(ii) after sub-section (1) as renumbered above the following new sub-section (2) shall be added as under:-

“(2) Whoever contravenes Section 13 of this Ordinance shall be punished with imprisonment which may extent to one month and fine not less than rupees five thousand or both.

9. **Amendment of Section 15, Ordinance I of 1970.**- In the said Ordinance, in Section 15 for the phrase “the Commissioner may, at any time, order” the phrase “Subject to Section 13-A, the commissioner may at any time before announcement of election schedule order” shall be substituted.

10. **Addition of Section 15-A and Section 15-B, Ordinance I of 1970.**- In the said Ordinance, after existing Section 15, new Section 15-A, and Section 15-B shall be added as under:-

“15-A. **Breach of Official Duty.**- Where a Registration Officer, an Assistant Registration Officer or any other person appointed in connection with official duty under this Ordinance, willfully or without reasonable excuse, commits breach of official duty by an act or omission, the Commissioner may suspend such officer or person and initiate proceedings against him and refer the case along with statement of allegation to the Government for disciplinary action.

15-B. **Certain offences triable by the Registration Officer.**- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Registration Officer, if so authorized by the Government in this behalf, may,-

- (a) exercise the powers of Magistrate of the first class under the said Code in respect of the offences punishable under section 172, 173, 174, 175, 177, 178, 179, 180, 182, 186, 187, 188, 189, 191, 196, 197, 198, 199, 200, 464, and 471 of Azad Penal Code, 1860 (Act XL of 1860); and
- (b) take cognizance of such offence and shall try it summarily in accordance with the provisions of the said Code relating to summary trial.”

11. **Addition of Section 19, Ordinance I of 1970.**-In the said Ordinance, after existing Section 18, a new Section 19 shall be added as under:-

“19. **Summary trial of offences.** The offence under this Ordinance shall be tried in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to the summary trials.

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(Ch. Muhammad Nawaz)
Section Officer (Legislation)