

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/124-35/2016. 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 XI of 2016]

**An
ACT**

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), in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.-** (1) This Act may be called the Azad Jammu and Kashmir Legislative Assembly (Elections) (Amendment) Act, 2016.
(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, hereinafter referred to as the said Ordinance, in Section 2,-
 - (i) after clause (ii) the following new clauses (ii-A) shall be added.
“(ii-A) “CNIC” means the Computerized National Identity Card issued by the NADRA.”
 - (ii) for clause (x-A) following shall be substituted:-
“(x-A) “Government” means the Azad Government of the State of Jammu and Kashmir.”
 - (iii) after clause (x-A) as substituted above new clause (x-B) shall be added as under:-
“(x-B) “High Court” means the High Court of judicature of Azad Jammu and Kashmir.”
 - (iv) after clause (xi) following new clause (xi-A) shall be added:-
“(xi-A) “NADRA” means National Database and Registration Authority, established by Government of Pakistan.”
3. **Amendment of Section 7, Ordinance X of 1970.-** In the said Ordinance, in Section 7, after sub-section (1), a new sub-section (1-A) shall be added as under:-
“(1-A) Any person aggrieved by the list of the polling station, prepared by the Returning Officer under sub-section (1), may file an appeal before the District Returning Officer, and any person aggrieved by the decision of District Returning Officer may file second appeal before the Commissioner.”
4. **Amendment of Section 12, Ordinance X of 1970.-** In the said Ordinance, in Section 12, in sub-section (1), in clause (a), for the words “two thousand” the words “ten thousand” shall be substituted.
5. **Amendment of Section 30, Ordinance X of 1970.-** In the said Ordinance, in Section 30, following amendments shall be made:-
 - (a) in sub-section (1),-
 - (i) clause (a) shall be substituted as under:-
“(a) CNIC issued by NADRA or photo bearing Identity Card for refugees of Jammu and Kashmir 1989 and afterward, issued by the Government:
Provided that the expired CNIC shall also be valid for casting vote.
Explanation:- Enrollment as a voter on the basis of original Form-B shall not entitle a person to cast vote unless he produces original CNIC. ”
 - (ii) clause (b), (c), (d) and (e) shall be omitted.

(b) In sub-section (3), existing clause (b) shall be substituted as under:-

“(b) does not produce the CNIC or a photo bearing identity card for refugees of Jammu and Kashmir 1989 and afterward, issued by the Government.”

6. **Amendment of Section 45, Ordinance X of 1970.**- In the said Ordinance, in Section 45, following amendments shall be made:-

- (i) in sub-section (2), in clause (i), for the words **“twenty thousand”** the words **“five lac”** shall be substituted; and
- (ii) In sub-section (3), for the words, **“five hundred thousand”**, the words **“twenty lac”** shall be substituted.

7. **Amendment of Section 47-A, Ordinance X of 1970.**- In the said Ordinance in Section 47-A, -

- (i) in sub-section (3) the words **“the Ehtesab Bureau if moved by”** shall be omitted; and
- (ii) after sub-section (3) as amended above, a following new sub-section (4) shall be added as under:-

“(4) Every Member of the Legislative Assembly shall submit to the Commissioner a statement of properties and assets mentioned in this Section annually.”

8. **Amendment of Section 47-B, Ordinance X of 1970.**- In the said Ordinance, in Section 47-B, the words **“and the Ehtesab Bureau”** shall be omitted.

9. **Amendment of Section 75, Ordinance X of 1970.**- In the said Ordinance, in Section 75, for the words **“five hundred”** the words **“five thousand”** shall be substituted.

10. **Amendment of Section 79, Ordinance X of 1970.**- In the said Ordinance, in Section 79, in Subsection(2), for the words **“one thousand”** the words **“ten thousand”** shall be substituted.

11. **Amendment of Section 80, Ordinance X of 1970.**- In the said Ordinance, in Section 80, for the words **“two hundred and fifty”** the words **“five thousand”** shall be substituted.

12. **Amendment of Section 81, Ordinance X of 1970.**- In the said Ordinance, in Section 81, for the words **“two hundred and fifty”** the words **“five thousand”** shall be substituted.

13. **Amendment of Section 82, Ordinance X of 1970.**- In the said Ordinance, in Section 82, in Subsection(1), for the words **“five hundred”** the words **“five thousand”** shall be substituted.

14. **Amendment of Section 83, Ordinance X of 1970.**- In the said Ordinance, in Section 83, for the words **“five hundred”** the words **“five thousand”** shall be substituted.

15. **Amendment of Section 84, Ordinance X of 1970.**- In the said Ordinance, in Section 84, for the words **“five hundred”** the words **“five thousand”** shall be substituted.

16. **Amendment of Section 85, Ordinance X of 1970.**- In the said Ordinance, in Section 85, for the words **“five hundred”** the words **“five thousand”** shall be substituted.

17. **Amendment of Section 86, Ordinance X of 1970.**- In the said Ordinance, in Section 86, for the words **“five hundred”** the words **“five thousand”** shall be substituted.

18. **Addition of Section 92-AA, Ordinance X of 1970.**- in the said Ordinance, after section 92.A, following new Section 92-AA, shall be added.-

“92-AA Code of Conduct.- (1) Without prejudice to sub-section (2), all political parties and candidates shall strictly adhere to the following code of conduct.-

- (i) The parties and candidates shall abide by all the laws, rules, regulations and directions issued by the Commissioner, from time to time, relating to smooth conduct of elections and the maintenance of public order;

- (ii) Incitements to violence or show of arms, resort to violence during meetings, procession or during polling hours shall be strictly avoided by contesting candidates and their supporters;
- (iii) Contesting candidates shall dissuade their workers or sympathizers from destroying any ballot paper or any official mark on the ballot paper or any other material used for election process;
- (iv) Wall chalking as part of an election campaign shall be prohibited in all forms;
- (v) No person or a political party shall affix posters, hoardings or banners, if any, larger than the size determined by the Commissioner;
- (vi) Contesting candidates and their supporters shall refrain from speeches calculated to arouse parochial and sectarian feelings and controversy of conflicts between genders, sects, communities and linguistic groups;
- (vii) The political parties and contesting candidates and their supporters shall refrain from deliberate dissimulation of false and malicious information and shall not indulge in forgeries or dis-information to defame other political parties/leaders. The use of abusive language against the leaders and the candidates shall be avoided at all cost;
- (viii) The political parties and candidates shall firmly refrain their workers from exerting undue pressure against the print and electronic media, including newspaper offices and printing press and resorting to violence of any kind against the media; and
- (ix) The political parties shall endeavor to take necessary steps to ensure discipline within the party, its candidates, employees and supporters and guide them to follow this code, comply with laws and regulation, commit no election irregularities.

(2) In addition to code of conduct mentioned in sub-section (1), the Commissioner may issue before an elections a additional code of conduct as may be deemed necessary for him for free, fair and transparent election and to ensure law and order situation in consultation with representatives of all political parties.

(3) The code of conduct issued under sub-section (1) and (2), shall be binding on all concerned.

(4) The returning officer and District Magistrate shall be responsible for implementation of Code of Conduct issued under this Section.

(5) Whoever contravenes the provision of the Code of Conduct issued under this Section shall be liable to punishment with imprisonment which may extend to one year or with fine which may extend or Rs. one lac or with both."

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(Ch. Muhammad Nawaz)
Section Officer (Legislation)