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The Jammu and Kashmir Representation of the People (Supplementary) Act, 1968

(ACT NO. 03 OF 1968)

[*As on the* 30*th August*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	„	Statutory Order.
Notifn.	„	Notification.

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THE JAMMU AND KASHMIR REPRESENTATION OF THE PEOPLE (SUPPLEMENTARY) ACT, 1968

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Application of sections 116A, 116B and 116C of the Representation of the People Act, 1951, to orders made by Jammu and Kashmir High Court.
3. Repeal and saving.

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THE JAMMU AND KASHMIR REPRESENTATION OF THE PEOPLE (SUPPLEMENTARY) ACT, 1968

ACT NO. 3 OF 1968

[23*rd March*, 1968.]

An Act to supplement the Jammu and Kashmir Representation of the People Act, 1957.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Jammu and Kashmir Representation of the People (Supplementary) Act, 1968.

(*2*) It shall be deemed to have come into force on the 9th day of February, 1968.

2. Application of sections 116A, 116B and 116C of the Representation of the People Act, 1951, to orders made by Jammu and Kashmir High Court.—The provisions of sections 116A, 116B and 116C of the Representation of the People Act, 1951 (43 of 1951) shall, so far as may be, apply to every order made by the High Court of Jammu and Kashmir subject to the following modifications, namely:—

(*a*) references therein to the High Court shall be construed as including references to the High Court of Jammu and Kashmir,

(*b*) references therein to the State Legislature or to the Speaker or Chairman thereof, shall be construed as including references to the Legislature of the State of Jammu and Kashmir* and to the Speaker or Chairman thereof, and

(*c*) references therein to the provisions of the Representation of the People Act, 1951 (43 of 1951), shall, in relation to the State of Jammu and Kashmir*, be construed as references to the corresponding provisions of the Jammu and Kashmir Representation of the People Act, 1957 (Jammu and Kashmir Act No. IV of 1957).

3. Repeal and saving.—(*1*) The Jammu and Kashmir Representation of the People (Supplementary) Ordinance, 1968 (2 of 1968) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act 1957.

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*. *Vide* notifn. No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951 (43 of 1951) was amended in 1966 by Act No. 47 of 1966, and one of the important changes effected by that amendment was the abolition of the election tribunals and provision for the trial of election petitions by the High Court. That amendment also made provision for appeal from the order of the High Court in an election petition. Whether on a question of law or of fact, to the Supreme Court.

2. The Jammu and Kashmir Representation of the People Act, 1957 (Jammu and Kashmir Act No. IV of 1957) was amended by the Jammu and Kashmir Representation of the People (Second Amendment) Act, 1967 (Jammu and Kashmir Act No. XI of 1967) which was passed by the Legislature of the State of Jammu and Kashmir with a view to incorporating such of the changes in the Jammu and Kashmir Representation of the People Act, 1957 as were incorporated in the Representation of the People Act, 1951, by the Representation of the People (Amendment) Act, 1966, so far as the rest of India is concerned. This was done with a view to putting the State of Jammu and Kashmir on the same footing as the rest of India in the matter of the law relating to elections. One of the important changes effected by the Jammu and Kashmir Representation of The People (Second Amendment) Act, 1961. was the provision made in that amendment Act for appeal to the Supreme Court from every order made by the Jammu and Kashmir High Court in respect of an election petition. The said provisions contained in the new sections 123, 124 and 124A, of the Jammu and Kashmir Representation of the People Act, 1957, sought to confer jurisdiction on the Supreme Court and this was beyond the legislative competence of the Legislature of the State of Jammu and Kashmir. For, under article 138 of the Constitution, it is Parliament alone that can by law confer additional jurisdiction on the Supreme Court in respect of any of the matters in the Union List,

3. Therefore, in order to meet the situation thus created by the aforesaid provisions of the Jammu and Kashmir Representation of the People Act, 1957, it was considered necessary to extend Entry 72 of the Union List in the Seventh Schedule, with suitable modification; to the State of Jammu and Kashmir by a Constitutional Order issued by the President under article 370 of the Constitution. The extension of the Entry with suitable changes was by itself not sufficient and it had to be followed by a legislation so as to confer additional jurisdiction on the Supreme Court to hear appeals from orders of the Jammu and Kashmir High Court in respect of election petitions. As Parliament was not in session. and as the situation called for immediate action, an Ordinance called "The Jammu and Kashmir Representation of the People (Supplementary) Ordinance, 1968 (No. 2 of 1968)" was promulgated by the President.

4. The Bill seeks to replace the Ordinance and, when enacted, would' confer jurisdiction on the Supreme Court to hear appeals from the decisions of the jammu and Kashmir High Court in respect of election petitions.

NEW DELHI; P. GOVINDA MENON.

The 11*th February*. 1968.