



GOVERNMENT OF JAMMU & KASHMIR
Department of Rural Development and Panchayati Raj,
Civil Secretariat,

Notification

Srinagar, the 25, 2019

SRO 690.- In exercise of the powers conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989, the Government of Jammu and Kashmir hereby makes the following amendments in the Jammu and Kashmir Panchayati Raj Rules, 1996; namely:-

1. in rule 4,

(i) For sub-rule (4), the following shall be substituted:-

"(4) Electoral roll for every constituency.- (i) For every constituency in Halqa Panchayat there shall be an electoral roll which shall be prepared in accordance with the provisions of the Act and the procedure prescribed by the Election Authority. The electoral roll for the election of the Sarpanch shall consist of the electoral rolls of all the constituency of Panchayat Halqa.

Provided that the names included in the last updated electoral roll prepared for the Panchayat Elections shall be taken as basis for the preparation of electoral rolls for constituencies of Halqa Panchayat.

Provided further that Election Authority shall nominate EROs and AEROs for the preparation of all electoral rolls of the Halqa Panchayat.

(ii) The draft electoral rolls shall be published in every Halqa Panchayat, in the Panchayat office, at the Head Quarter of the Block Office and online for facilitating the voters to verify their names, and the final electoral rolls shall be published after taking decisions on the objections received, if any.

2. After sub-rule (4), the following sub-rules shall be inserted; namely:-

(4A)(i) No persons to be registered in more than one constituency.- No person shall be entitled to be registered in the electoral roll for more than one constituency.

(ii) No person shall be entitled to be registered in the electoral roll, for any constituency more than once.

(4B) A person shall not be entitled to be registered in the electoral roll for a constituency, unless is of 18 years of age on the qualifying date and is ordinarily resident of that constituency which shall be determined by the Election Authority.

Explanation:- For the purposes of this rule, ordinarily resident shall not mean and include:-

(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of , a dwelling house therein,

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A member of Parliament or of the State Legislature or President or Vice President of a Panchayat at any level shall not during the term of his office cease to be ordinarily resident in the constituency, in the electoral roll of which he is registered as an elector, at the time of his election as such member, or President or Vice President by reason only of his absence from that constituency in connection with his duties as such member or President or Vice-President, as the case may be.

(4) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or

mental defect, or who is detained in prison or other legal custody at any place, shall not by reason thereof only be deemed to be ordinarily resident therein.

(4C) Revision of Electoral Rolls.- (i) The electoral roll for each constituency in a Halqa Panchayat shall be revised and updated from September to December every year in such manner as to be prescribed by the Election Authority. The qualifying date for revision and updating the electoral roll shall be 1st day of January of every next year and shall come into force immediately upon its final publication. The Electoral Roll shall, unless otherwise directed by the Election Authority for reason to be recorded in writing be revised in a prescribed manner by reference to the qualifying date, before a General Election to a Panchayat and each by-election, if any to fill a casual vacancy, and shall be revised in every year in the prescribed manner:

"Provided that if the electoral roll is not revised, the validity of the said electoral roll shall not thereby be effected"

(ii) Notwithstanding anything contained in clause (i), the Election Authority may at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll for any constituency or part of a constituency in such a manner as it may think fit.

(4D) Correction of entries in electoral rolls.- if the Electoral Registration Officer for a constituency, on an application presented to him or on his own motion, is satisfied, after such inquiry as he deems fit,

(i) That any entry in the electoral roll of the constituency of a Panchayat is erroneous or defective; or

(ii) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency; or

(iii) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or otherwise not entitled to be registered in the electoral roll,

(iv) that the person has attained qualifying age for being an elector in the Panchayat Constituency, the Electoral Registration Officer shall subject to such directions, if any, given by the Election Authority in this behalf, amend, transpose or delete the entry:

Provided that before taking any action on any ground as mentioned above the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(4E) Inclusion of names in the Electoral Roll.- (i) Any person whose name is not included in the electoral roll of a constituency may apply to the Electoral Registration Officer for inclusion of his name in that electoral roll.

(ii) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll of that constituency, direct writing that his name be included therein:

Provided that if the applicant is registered in the electoral roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of that other constituency and the Officer upon the receipt of such information, shall strike off the applicant's name from that electoral roll.

(iii) No amendment, transposition or deletion of any entry shall be made under (4E) and no direction for such inclusion of a name in the electoral roll of a constituency shall be ordered under this rule, after the last date for making nomination for an election in that constituency and before the completion of that election.

(4f) Making false declaration.- If any person makes in connection with if any person makes a statement or declaration

in writing with regard to the preparation, revision or correction of an electoral roll; or

the inclusion or exclusion of any entry in or from an electoral roll which is false and which he either, known's or believes to be false or does not believe to be true, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(4G) Breach of official duty in connection with preparation etc of electoral rolls.-

(i) If any Electoral Registration Officer, Assistant Electoral Registration Officer or any other person required by or under these rules to perform any official duty in connection with the preparation, revision or correction of any electoral roll or the inclusion or exclusion of any entry in or from that electoral roll, guilty, of any act or omission in breach of such official duty, shall be punishable with fine which shall not be less than one thousand rupees or imprisonment upto six month or both.

(ii) No Court shall take cognizance of any offence punishable under clause (1), unless there is a complaint made by order of or under authority from the Election Authority.

(4H) Appeals. - An appeal against the order passed under sub-rule (4E) shall be filed within such time and in such manner as may be prescribed by Election Authority to District Election.

By order of the Government of Jammu and Kashmir.

Sheetal
Sheetal Nanda, IAS 25/10/19
Secretary to the Government

No:- RD&PR/Panch/60/2018

Dated:- 25-10-2019

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