

**GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
CIVIL SECRETARIAT
SRINAGAR**

Notification
Srinagar, the 29th Sept, 2014

SRO 392 In exercise of the powers conferred by section 168 of the Jammu and Kashmir Representation of the People Act, 1957 (Act No. IV of 1957), the Government, in consultation with the Election Commission of India, hereby makes the following amendments in the Jammu and Kashmir Registration of Electors Rules, 1966 namely:-

I. In rule 2, in sub-rule (1).-

(i) after clause (b), the following clause shall be inserted, namely:-

“(bb) “Electronic Gazette” shall have the same meaning as assigned to it in clause (s) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).” ; and

(ii) after clause (c), the following clause shall be inserted namely:-

“(cc) “Overseas elector” means a permanent resident of the State referred to in section 16A and who is not less than eighteen years of age on the qualifying date.”

II. In rule 5, after sub-rule (3), the following sub-rule shall be inserted, namely:-

“3(A) The name of every overseas elector who is entitled to be included in the roll under section 16A, shall be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located.”

III. In rule 7, in sub rule (1), for the words and figures “Forms 1,2 and 3”, the words and figures “Forms 1,2,2A and 3” shall be substituted.

IV. After rule 8 , the following rules shall be inserted, namely:-

“8A. Manner of giving notice for registration of persons as overseas electors.-
On the commencement of the Jammu and Kashmir Representation of the People

(Amendment) Act, 2014 (IX of 2014) and at such other times as the Election Commission may direct, the Chief Electoral Officer may, for the purpose of inclusion of names of overseas electors in the roll, make a public notification requesting every person entitled to be registered as an overseas elector under section 16A to make an application under rule 8B and a copy of such notification shall be forwarded to all foreign missions of the Central Government and also make such further publicity as he may consider expedient and necessary.

8B. Inclusion of names of overseas electors in the rolls.- (1) Every overseas elector, who is not otherwise disqualified for registration and is desirous of being registered in the roll for the constituency pertaining to the locality in which his place of residence in the State as mentioned in his passport is located, may make an application in Form 6A to the concerned registration Officer directly or send the application to him by post.

(2) The provisions of sub-rules (2), (3) and (4) of rule 13 shall *mutatis mutandis* apply for filing of claims or objections to the inclusion of name or to any particulars of an entry or for transposition of any entry from one place to another in the roll as an overseas elector.

(3) Every application in Form 6A sent by post shall be accompanied by copies of all the documents mentioned in the said Form duly self attested.

(4) Every application in Form 6A presented in person to the registration officer shall be accompanied by photocopies of all the documents mentioned in the said Form along with originals thereof for verification by the registration officer.

(5) Where a personal hearing is necessary in respect of any claim for inclusion or objection to the inclusion of name in the roll as an overseas elector, the registration officer may, if considered necessary, designate an official in the Indian Mission in the concerned Country for the purpose.”

V. In rule 10 .-

(i) in clause (b), for the words “ specified by him for the purpose” the words “ specified by him for the purpose or in the official website of Chief Electoral Officer, Jammu and Kashmir” shall be substituted; and

(ii) after clause (b), the following proviso shall be inserted at the end, namely:-

“Provided that where such draft contains names of overseas electors, the copies of such rolls shall also be published in the

Electronic Gazette or in the official website of the Chief Electoral Officer, Jammu and Kashmir.”

VI. In rule 13 .-

(a) in sub-rule (1)-

- (i) in clause (a), the word “and” shall be added at the end;
- (ii) in clause (b), the word “and” occurring at the end shall be omitted; and
- (iii) clause (c) shall be omitted;

(b) in sub-rule (2)-

- (i) in clause (a), the word “and” shall be added at the end;
- (ii) in clause (b), the word “and” occurring at the end shall be omitted; and
- (iii) clause (c), shall be omitted; and

(c) in sub-rule (4), for the words and figure “ Form 8” the words and figure “ Form 8A” shall be substituted .

VII. In rule 16 , the following proviso shall be inserted at the end namely:--

“Provided that where any claim or objection relates to registration of a person as an overseas elector, a list of such claim or objection shall be exhibited on the notice board in his office and shall also be published in the Electronic Gazette or in the official website of the Chief Electoral Officer, Jammu and Kashmir in such Form as the Election Commission may direct.”

VIII. Rule 21A shall be substituted by following rule, namely:-

“21A. Deletion of names.- If it appears to the registration officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll and that remedial action should be taken under this rule, the registration officer, shall-

- (a) prepare a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in that roll, the registration officer shall make every endeavor to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him."

IX. In rule 22 :-

- (a) in sub rule (1) in clause (b) after the word "office", the full stop shall be substituted by colon and following proviso shall be inserted , namely:-

"Provided that where the roll contains the name of any overseas elector the same shall also be published in the Electronic Gazette or in the official website of the Chief Electoral Officer, Jammu and Kashmir; and" ;and

- (b) after clause (b), the following clause shall be added namely:-

"(c) subject to such general or special directions as may be given by the Election Commission supply, free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission."

X. In rule 25, in sub rule (3), for the word and figures “ rules 9 to 23”, the word, figures and letter and letter “ rule 8A to 23” shall be substituted.

XI. In rule 26 ,-

(i) in sub rule (1),-

- (a) for the figures “6,7,8”, the figures and letter “6,6A,7,8” shall be substituted;
- (b) after the word “appropriate” the following proviso shall be inserted:

“Provided that the statements in Forms 2, 2A and 3, from persons having service qualifications, received after the final publication of the electoral roll shall be deemed to be the applications under section 18 and 19.”; and

(c) the following proviso shall be inserted at the end, namely:-

“(1A) Every such application as is referred to in sub-rule (1) shall be presented to the registration officer in such manner as the Election Commission may direct.”

- (ii) in sub-rule (3), for the words “ that the applicant is entitled to be registered in the roll, direct his name to be included therein” the words “direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary:” shall be substituted.

XII. In rule 27, in sub-rule (1), in clause (c), the following proviso shall be inserted namely:-

“Provided that the Chief Electoral officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant has sufficient cause for not presenting it within the time prescribed. ”

XIII. After Form 2, the following Form shall be inserted namely:-

"FORM 2A

(See rule 7)

Statement as to place of Ordinary Residence by a member of the armed police force of a State, who is serving outside that State

I hereby declare that I am a citizen of India and that but for my service outside the State in the armed police force mentioned below, I would have been ordinarily resident at:—

House No.....

Street/Mohalla.....

Locality.....

Town/Village.....

Post Office.....

Police Station.....

Tehsil/Taluka.....

District.....

State.....

My full name..... Rank.....

Buckle No.....

Name of armed police force

Name and address of the office of the Commandant.....

Age last birthday.Years

*I further declare that my wifeage..... years, ordinarily resides with me and is a citizen of India.

This cancels any previous statement as to ordinary place of residence made by me.

Date:.....20 .

.....
(Signature)

*Delete if not applicable.

Commandant's Office

Folio No.....

Place.....

Date.....

Verified and found correct

(Signature).....

(Designation).....

Commandant

(For use in the Election Office)

Statement received on the 20
Registered in the electoral roll for the
.....Assembly Constituency (No.....). Service voter's part,
at S.No.

Date.....20

Electoral Registration Officer."

(XIV) After Form 6, appended to the said rules, the following Form shall be inserted namely:-

"FORM 6A

(See rule 8B)

Application for inclusion of name in electoral roll by an overseas elector

To

The Electoral Registration Officer;

.....Assembly Constituency.

District.....

State in India.....

Space for
pasting one
recent passport
size photograph
(3.5X3.5 CM)
Showing frontal
view of full face
within this box

Sir,

I request that my name be included in the electoral roll for the Constituency in which my place of residence, as per the particulars furnished below in item 1(h), is located.

PART – A

1. Particulars in support of my claim for inclusion in the electoral roll are given below:

- (a) Name.....
- (b) Middle Name.....
- (c) Surname.....
- (d) Date of BirthDay.....Month.....Year
- (e) Sex (Male/Female).....
- (f) Place of Birth—

- (i) Village/Town.....
- (ii) District.....
- (iii) State.....
- (g) Father's/Mother's/Husband's details
 - (i) Name.....
 - (ii) Middle Name.....
 - (iii) Surname.....
- (h) Place of Ordinary Residence in India (Full Address as given in the Passport)
 - (i) House/Door number.....
 - (ii) Street/ Area/Locality/Mohalla/Road.....
 - (iii) Town/Village.....
 - (iv) Post Office.....
 - (v) Pin Code.....
 - (vi) Tehsil/Taluka/Mandal/Thana.....
 - (vii) District.....
- (i) Passport Details-
 - (i) Passport Number.....
 - (ii) Place of Issue of current Indian Passport.....
 - (iii) Date of Issue of current Indian passport.....
 - (iv) Date of expiry of current Indian passport.....

(Copies of the relevant pages of the passport containing the particulars mentioned at items (a) to (i) above to be enclosed- duly self attested if sent by post and produced with the original passport if presented in person before the registration officer)

- (j) Details of Visa of the Country of current residence-
 - (i) Visa Number.....
 - (ii) Type of Visa (Single Entry/Multiple Entry/Tourist/Work Visa etc).....
 - (iii) Date of issue of Visa.....
 - (iv) Place of issue of Visa.....
 - (v) Date of expiry of Visa.....
 - (vi) Name of the Issuing Authority.....

(Copies of the relevant pages of the passport containing the current valid visa endorsement mentioned above to be enclosed- duly self attested if sent by post and

produced with the original passport if presented in person before the registration officer)

2. Description of Absence from Place of Ordinary Residence in the State-

(a) Reason of being absent from the place of ordinary residence in the State-

(i) employment/ (ii) education/

(iii) other (Give Description).....

(b) Date from which absents from ordinary residence in State.....
(DD/MM/YYYY)

3. Full residential address in the country outside India where currently residing.....

4. Full Official address in the country outside India currently residing (address of the place of employment or the education institution where studying)
.....

5. Declaration – I hereby declare that to the best of knowledge and belief –

(a) all information given in this application is true.

(b) I am a citizen of India by birth/ domicile/ naturalisation.

(c) I have not acquired citizenship of any other country.

(d) But for being absent from the place of my ordinary residence in India owing to the reason given in 2(a) above, I would have been ordinarily resident at the address given in my Indian Passport, which has been reproduced at 1(h) above.

(e) I undertake to immediately inform the Electoral Registration Officer through the Indian Mission in the Country of my current residence if I renounce my Indian Citizenship or if I acquire the citizenship of any other country.

(f) I undertake to immediately inform the Electoral Registration Officer through the Indian Mission in the country of my current residence of any change in my residential address in the country of my residence for the records of the Electoral Registration Officer. I understand that any notice sent to me at the address, which is my residential address in the country of my current

residence according to the records of the Electoral Registration Officer, shall be considered as due service of notice to me under the Jammu and Kashmir Representation of the People Act, 1957 and the rules made there under, and that it is my responsibility to keep the Electoral Registration Officer informed of my latest residential address in the country of my current residence.

- (g) If I return to India and become ordinarily resident in India, I shall immediately inform the Electoral Registration Officer of the concerned Assembly Constituency.
- (h) I have not applied for inclusion of my name in the electoral roll of any other constituency.
- (i) My name has not already been included in this or any other constituency.

Or

My name may have been included in the electoral roll of Constituency in the State in which I was ordinarily resident earlier at the address mentioned below and, if so, I request that the same may be deleted from that electoral roll, or transposed, as may be appropriate.

Full address (Earlier place of ordinary residence).....

Elector Photo Identity Card (if issued) number.....

date of issue.....

- (j) I have not been issued an EPIC in India/have been issued an EPIC which is enclosed with this application for cancellation.

Signature.....

Place.....

Date.....

PART – B

(For use in the office of Electoral Registration Officer)

Application received on.....(DD/MM/YYYY)

The application in Form 6A of Shri/Shrimati/Kumari.....has been:-

- (a) Accepted and the name has been registered in the electoral roll of.....
.....(constituency) at S.No.....Part No.....
- (b) Rejected for the reason.....

Date.....

[Electoral Registration Officer].

..... Perforation.....

PART – C

Acknowledgement for Application

(When presented in person to the registration officer)

Received the application in Form 6A of

Shri/Shrimati/Kumari _____

Address _____

Date _____

Signature of the Verifying Officer _____

Address _____ "

GUIDELINES FOR FILLING UP THE APPLICATION FORM-6A

General Instructions

Who can file Form-6A

1. Every permanent resident of the State staying in a foreign country, who has not acquired citizenship of a foreign country, and has completed 18 years as on the qualifying date, can make an application in Form 6A for being registered in the roll for the constituency pertaining to the locality in which his place of residence in India as mentioned in the passport is located. The application in Form 6A can be presented to the registration officer concerned.

2. The applicant should have completed eighteen years of age as on the qualifying date of the year. For example, if the application is for inclusion of name in the electoral roll with reference to 01-01-2011 as the qualifying date, the applicant should have completed 18 years as on 01-01-2011.

Where to submit the application in Form-6A

3. The application should be submitted directly to the Electoral Registration Officer (ERO) of the constituency within which the place of ordinary residence of the applicant as given in the valid passport falls. The Application in Form 6A can be presented in person to the ERO or sent by post addressed to the ERO concerned.

[The particulars and postal address of the EROs of all the constituencies of India can be seen on the website of Election Commission of India (<http://eci.nic.in>)]

Documents to be attached

4. Paste one recent passport size coloured photograph with a light background (preferably white) showing the full face of the applicant.

5. Fill in all the columns in Form-6A. Write your name and other particulars as given in the valid Indian Passport.

6. If application is sent by post, it should be accompanied by photo-copy of the relevant pages of the passport containing the photograph and all other particulars of the applicant and the page containing the valid visa endorsement. **These photo-copies should be duly self attested.** Applications without the attested photo-copies of these documents will be liable to be summarily rejected.

7. If the application is submitted in person before the ERO, the application should be accompanied by a photo-copy of the relevant pages of the passport as mentioned above. The original passport should also be produced along with the application for verification by the registration officer. The passport will be returned immediately after verification.

Voting

8. It may be noted that after your enrolment, you will be able to cast vote in election in the constituency, if you are physically present in the polling station along with your original passport on the day of poll.

Sd/-
(Mohammad Ashraf Mir)
Secretary to Government,
Department of Law, Justice & Parliamentary Affairs.

No.LD(Leg)96/22-I

Dated.29.09.2014

Copy to the:-

1. Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi.
2. Secretary to Government of India, Ministry of Home Affairs, New Delhi.
3. Secretary to Government of India, Ministry of Law & Justice, Shastri Bhawan, New Delhi.
4. Ld. Advocate General, J&K, Srinagar.
5. All Financial Commissioners_____.
6. Principal Secretary to Hon'ble Governor, J&K.
7. Principal Secretary to Hon'ble Chief Minister, J&K.
8. Principal/Commissioner/ Secretary to Government_____.
9. Chief Electoral Officer, J&K, Srinagar.
10. Divisional Commissioner, Kashmir/Jammu.
11. Registrar General, J&K High Court, Srinagar.
12. Principal Secretary to Hon'ble Chief Justice of J&K High Court.
13. Secretary Parliament Librarian, New Delhi
14. All Deputy Commissioners(District Election Officers).
15. Principal Private Secretary to Chief Secretary.
16. Pvt. Secretary to Hon'ble Minister for Law, Justice and P.A
17. Pvt. Secretary to Hon'ble Minister of State for Law, Justice and P.A.
18. Pvt. Secretary to Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
19. General Manager, Government Press, Srinagar for publication in the extra ordinary issue of Government Gazettee.
20. SRO section (w.7.s.c).
21. Concerned file.



(Achal Sethi)
Additional Secretary to Government,
Department of Law, J & P.A