

92

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed
as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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

Notification

Jammu, the 4th March, 2013.

SRO-66.—In exercise of the powers conferred by section 168 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957), the Government, after consulting the Election Commission, makes the following rules to amend the Jammu and Kashmir Conduct of Elections Rules, 1965, namely :—

1. (1) These rules may be called the Jammu and Kashmir Conduct of Elections (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the Government Gazette.

2. In the Jammu and Kashmir Conduct of Elections Rules, 1965,—

(1) in rule 42, in sub-rule (4), the following shall be inserted at the end, namely :—

“Provided that where such elector is a member of a political party in an election to fill a seat or seats in the Legislative Council, the Presiding Officer shall, before placing the tendered ballot paper in the said cover, allow the authorized agent of that political party to verify as to which candidate the elector has cast his vote.

Explanation.—For the purposes of this rule, “authorized agent”, in respect of a political party, means an authorized agent appointed, under sub-rule (2) of rule 39AA as made applicable, by clause (ii) of rule 70, to election, in the Legislative Council and, by assembly members other than by postal ballot under clause (a) of rule 68, by that political party.” ;

(2) in rule 42A as made applicable, to notified polling stations, by clause (f) of sub-rule (3) of rule 49, in sub-rule (5), the following shall be inserted at the end, namely :—

“Provided that where the person referred to in sub-rule (3) is a member of a political party in an election to fill a seat or seats in the Legislative Council, the Presiding Officer, notwithstanding anything contained in sub-rule (3), shall, before the tendered ballot paper is placed in the said cover, allow the authorized agent of that political party to verify as to whom such person has cast his vote.

Explanation.—For the purposes of this rule, “authorized agent”, in respect of a political party, means an authorized agent appointed, under sub-rule (2) of rule 39AA as made applicable, by clause

(ii) of rule 70, to election, in a council constituency and, by assembly members other than by postal ballot under clause (a) of rule 68, by that political party.” ;

(3) for rule 67, the following rule shall be substituted, namely :—

“67. *Definition.*—Unless the context otherwise requires, in this Part—

(a) and in rule 84, “authorized agent”, in respect of a political party, means an authorized agent appointed under sub-rule (2) of rule 39AA as made applicable by clause (ii) of rule 70, to election, by assembly members other than by postal ballot under clause (a) of rule 68, by that political party ;

(b) “candidate” means a contesting candidate ; and

(c) “election” means an election by assembly members.”

(4) in rule 38A as made applicable, by clause (ii) of rule 70, to election, by assembly members other than by postal ballot under clause (a) of rule 68,—

(a) in sub-rule (2) for clause (c), the following clause shall be substituted, namely :—

“(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him and record in the marked copy of the electoral roll, the serial number of the ballot paper issued to that elector, to fill a seat or seats.” ;

(b) in sub-rule (4), for the words “no person”, the words, figures and letters “Subject to rule 39AA, no person” shall be substituted ; and

(c) sub-rule (5) shall be deleted ;

(5) after rule 39A, as made applicable by clause (ii) of rule 70, to election, in an election by assembly members other than by postal ballot under clause (a) of rule 68, the following rule shall be inserted, namely :—

“39-AA. Information regarding casting of votes.—(1) Notwithstanding anything contained in rule 39A, the Presiding Officer shall, between the period when an elector, being a member of a political party records his vote on a ballot paper and before such elector inserts that ballot paper into the ballot box, allow the authorized agent of that political party to verify as to whom such elector has cast his vote :

Provided that if such elector refuses to show his marked ballot paper to the authorized agent of his political party, the ballot paper issued to him shall be taken back by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer and the ballot paper so taken back shall then be further dealt within the manner specified in sub-rules (6) to (8) of rule 39A as if such ballot paper had been taken back under sub-rule (5) of that rule.

(2) Every political party, whose member as an elector casts a vote at a polling station, shall, for the purposes of sub-rule (1), appoint, in Form 22A, two authorized agents.

(3) An authorized agent appointed under sub-rule (2) shall be present throughout the polling hours at the polling station and the other shall relieve him when he goes out of the polling station or vice-versa.” :

(6) in rule 73, in sub-rule (2), for the words “ballot paper shall”, the words, figures, letter and brackets “Subject to rule 38A as made applicable, by clause (ii) of rule 70, to election, by assembly members other than by postal ballot under clause (a) of rule 68, a ballot paper shall” shall be substituted ;

90

No. 48-aa] The J&K Govt. Gazette, 4th March, 2013/13th Phal., 1934. 5

(7) in rule 84, in sub-rule (2), the following proviso shall be inserted at the end, namely :—

“Provided that where such counting relates to an election to fill a seat or seats in the Legislative Council, the Returning Officer shall, before sealing the packets under clause (b), allow the authorized agent of a political party to verify as to whom the electors being members of that political party have cast their votes.” ;

By order of the Government of Jammu and Kashmir.

(Sd.) G. H. TANTRAY, IAS,

Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs.

(8) after Form 22 appended therewith, the following Form shall be added, namely :—

“FORM 22A

[See rule 39AA(2)]

Appointment letter

Election of the _____

I _____ *President/General Secretary of _____
Party do hereby appoint the following persons as the authorized agents
of the Party to verify under rule *39AA/rule 84 as to whom the electors
who are the members of the said political party have cast their votes.
Photographs of the aforesaid authorized agents are pasted hereunder
and are attested under my hand and seal.

Name of the authorized agents Address of the authorized agents

1. _____

2. _____

Signature of *President/
General Secretary of the Party.
(Seal)

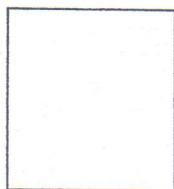
We agree to act as such
authorized agents

Signature of the authorized
agents

1. _____

2. _____

Space for the photographs



*Strike off the inappropriate alternative.”.