
**THE AZAD JAMMU AND KASHMIR
(RESERVED SEATS)
ELECTION PROCEDURE, 1986**

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Arrangement of Procedure.

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AZAD JAMMU AND KASHMIR ELECTION COMMISSION

Near City Post Office.

‘Muzaffarabad’
Dated 14th June, 1986.

NOTIFICATION No. 6/86.

In pursuance of sub-section (3), section 48, the AJ&K Legislative Assembly (Elections) Ordinance, 1970 (ordinance X of 1970) hereinafter called the Ordinance, and in supersession of the notification No.133/85, dated the 20th May, 1985, issued thereunder, the Chief Election Commissioner AJ&K hereinafter called the Commissioner, is pleased to prescribe that election to the several seats in the AJ&K Legislative Assembly referred to in clauses (b), (c), (d) and (e) of sub-section (1), section 22, AJ&K interim Constitution Act, 1974, (hereinafter compendiously and with grammatical variation) referred to as “reserved seats”, in the manner set out in the paragraphs hereunder.

CHAPTER-1

Preliminary

1. These paragraphs shall be called Azad Jammu and Kashmir Legislative Assembly (Reserved Seats) Election Procedure, 1986.

2. (1) Unless there is anything repugnant in the subject or context, the words and phrases defined in section 2 of the Ordinance, shall *mutatis mutandis* have the same meaning as in that Ordinance.

(2) In relation to election to any reserved seat, "voter" means directly elected member of the Legislative Assembly.

CHAPTER-II

Administrative Arrangements

3. (1) For the purpose of election to any reserved seats, the Commissioner shall, by notification in the official Gazette, appoint a Returning Officer and such number of Polling Officers as the Commissioner considers necessary and it shall be duty of a Polling Officer to perform such functions as may be entrusted to him, by the Returning Officer.

(2) The Commissioner shall provide a Polling Station for election to the reserved seats.

4. The Returning Officer may authorise a Polling Officer to act in his place, if at any time during the poll, he, by reason of his illness or any other cause, is unable to perform his functions.

5. The Commissioner shall cause to be supplied to the Returning Officer list of voters with their full particulars, adequate number of ballot boxes and other polling material necessary for the conduct of the poll.

6. (1)The Returning Officer will exercise all necessary powers for maintaining order at the polling station and shall report to the Commissioner any fact or incident which in his opinion may effect the conduct or fairness of the poll.

(2)The Returning Officer may, at any time during the poll, for reasons to be recorded in writing suspend a Polling Officer, make such alternative arrangement as he may consider necessary for the conduct of the poll and inform the Commissioner in that behalf.

CHAPTER -III

Conduct of Election.

7. **Notification for Election.**—(1) For the purpose of election to any reserved seats, the Commissioner shall, by notification in the official Gazette, call upon the voters to elect such number of members to the reserved seats as is specified in the notification.

- (2) In the same notification the Commissioner shall fix-
- (a) a day for the nomination of candidates;
 - (b) a day for the scrutiny of nomination papers;
 - (c) a day not later than two days of the date of scrutiny, for filing of appeals, against rejection or as the case may be, acceptance of nominations;
 - (d) a day for hearing of appeals and decisions thereon;
 - (e) a day on or before which candidature may be withdrawn;and
 - (f) a day and the place for the taking of the poll.

8. **Nomination for Election.**—(1) A voter may propose or second the name of any person qualified for election to a particular reserved seat or as the case may be, a seat reserved for women.

(2) Each proposal shall be made by a separate nomination paper in the prescribed form in the schedule hereto. It shall be signed by the proposer and the seconder, contain a declaration signed by the candidate that-

- (a) he consents to the nomination;
- (b) he is not subject to any disqualification for being or being elected as a member; and
- (c) he believes in the Ideology of Pakistan and the Ideology of the States accession to Pakistan.

(3) Every nomination paper shall be delivered by the candidate, or his proposer or seconder, to the Returning Officer who shall acknowledge receipt thereof.

(4) A person may be nominated by more than one nomination paper.

9. **Alongwith the nomination paper there shall be filed by or on behalf of a candidate.**— (a) as respects a reserved seat, a certified copy of the entry relating to him as elector to the Assembly with the description of the electoral area where he has, or is deemed to have, electoral residence;

(b) as respects the seat reserved for Ulema-i-Din or Mashaikh, a concise paragraphed statement on oath by him concerning his training, experience and scholarship in the teachings of Islam;

(c) as respects the seat reserved for Jammu and Kashmir State Subjects residing abroad, photo-copies of the first three pages of his current passport and a concise statement made by him on oath concerning the period of his residence abroad and the date and point of his last entry in Pakistan or, as the case may be, Azad Jammu and Kashmir;and

(d) as respects the seat reserved for technocrats and other professionals, a concise paragraphed statement concerning the field of his training, discipline and experience in the same and the principal means of his livelihood.

Explanation.—For the purpose of this paragraph, one set of copies and a single statement relevant to the reserved seat sought to be contested need be filed irrespective of the number of nomination papers filed with the Returning Officer.

10. Scrutiny.—(1) For the purpose of scrutiny of nomination papers, the provisions of section 13 of the Ordinance shall, *mutatis mutandis* apply.

(2) Where the nomination of a candidate has been rejected or accepted notwithstanding an objection taken against its acceptance, an appeal shall lie to the Commissioner within the specified time, and the order of the Commissioner on such appeal shall be final.

11. **Publication of the List of Candidates.**—(1) The Returning Officer shall, after the scrutiny of nominations, publish a list of candidates who have been validly nominated.

(2) In case an appeal against rejection or acceptance of a nomination paper is accepted by the Commissioner, the list of validly nominated candidates shall be revised accordingly and published.

12. **Withdrawals.**— (1) A validly nominated candidate may, by notice in writing signed by him and delivered on or before the withdrawal day to the Returning Officer by such candidate in person or by an advocate authorized by him in writing in that behalf, withdraw his candidature. A notice of withdrawal once delivered shall, in no circumstances, be revoked or withdrawn.

(2) On receiving a notice of withdrawal under sub-paragraph (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate and has been properly delivered, cause a copy of the notice to be affixed at some conspicuous place in his office.

(3) The Returning Officer shall, on the day next following the withdrawal day, prepare and publish a list of contesting candidates, with notice of the date, hour and place of the poll.

13. **Death of a Candidate after Nomination.**— (1) If a validly nominated candidate for the seats reserved for women or as the case may be, for any other reserved seat, who has not withdrawn his/her candidature dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate proceedings for election to any such reserved seat proceed with the election to any other reserved seat and make a report to the Commissioner.

(2) Where the proceedings relating to an election have been terminated under sub-paragraph (1), fresh proceedings shall be commenced in accordance with the provisions herein as if it were a new election as respects the reserved seats in relation which proceedings had been terminated.

14. **Postponement, etc; Under Certain Circumstances.**— Where, for any reason beyond the control of the Returning Officer, proceedings relating to nomination, scrutiny or withdrawal or any subsequent stage of the electoral process cannot take place on the day appointed therefore, he may postpone or adjourn such proceedings and shall, with the approval of the Commissioner, by public notice, fix another day for the proceedings so postponed or adjourned and, if necessary, also the day or days for any subsequent stage of the proceedings.

15. **Uncontested Election.**— If after scrutiny or withdrawal the number of validly nominated candidates or contesting candidates is less than or equal to the number of reserved seats to be filled, the Returning Officer shall declare such candidates to be elected to the appropriate reserved seat and send return of election to the Commissioner:

Provided that the Returning Officer shall not make the declaration in respect of any such seat, if any candidate signified his/her intention to file an appeal before the Commissioner and unless the period of appeal has expired on the appeal, if any, has been disposed off.

16. **Contested Election.**— (1) If after scrutiny or withdrawal of candidature if any, the number of candidates exceeds the number of the relevant reserved seats the Returning Officer shall on the appointed day conduct the poll after notice to the contesting candidates and subject to any direction of the Commissioner, fix the hours during which poll shall be taken and give public notice of the hours so fixed.

(2) The Commissioner shall arrange for the printing of ballot papers on paper of diverse colours for each category of the reserved seats naming the candidates for each category of reserved seat in Urdu language alphabetically.

(3) In the event of contested election each candidate may appoint a person qualified to be a member of the Legislative Assembly, to be his/her election agent.

17. (1) As respects election to the seats reserved for women, irrespective of number of seats to be filled, each voter shall have one non-transferable vote which he would record and favour of the candidate of his choice and the candidate who has polled the highest, the second highest and the third highest number of votes and so on, depending upon the number of the reserved seats for women to be filled, shall be declared elected.

(2) As respects election to any other reserved seats, each voter shall have one non-transferable vote in respect of each such seat and a candidate who has polled the highest number of votes for that seat shall be declared elected.

18. **Voting Procedure.**— (1) A voter shall vote in person and by secret ballot.

(2) Where a voter presents himself to record his vote, the Returning Officer after satisfying himself about his identity, shall

- (a) issue him a ballot paper in respect of seats reserved for women irrespective of the number of seats to be filled and a ballot paper in respect of each other reserved seat;
- (b) tick mark the entry relating to the voter in the voters list to indicate that ballot papers have been issued to him; and

- (c) put on the reverse of each ballot paper (foil) his initials and the code stamp mark and his initial on the obverse of the counter foil.

(3) After the ballot papers are issued to him the voter shall proceed to the voting booth and affix the voters mark stamp on each ballot paper, against the name of candidate of his choice within the space reserved for that purpose, fold separately each ballot paper, leave the voting booth and then insert the ballot papers in the ballot box placed within the view of the Returning Officer.

19. Ordinarily single ballot box shall be used for election to the various reserved seats, contested at a time, unless the ballot box being used has been stuffed to capacity, in which case, second ballot box shall be used.

20. (1) Immediately after the close of poll, the Returning Officer shall proceed with the counting of votes in the presence of such of the contesting candidates and their authorised agents as may be present.

(2) The Returning Officer shall-

- (a) count the total number of ballot papers taken out from the ballot box and record their number in a statement;
- (b) separate the ballot papers which he considers valid from those which he deems invalid and endorse on each rejected ballot paper the word "rejected" with grounds of rejection and initial the same.

(3) A ballot paper shall be invalid which bears-

- (a) no official mark and initial of the Returning Officer;
- (b) any writing, mark or any attached object tending to violate the secrecy of the ballot;
- (c) no prescribed mark to indicate in whose favour the voter has voted, or otherwise mark being so confusing that it does not indicate clearly in whose favour the voter has recorded his vote.

(4) After rejecting the ballot papers which in his opinion are invalid, the Returning Officer shall-

- (a) arrange valid papers in separate parcels according as the ballot papers relate to election to seats reserved for women, or as the case may be, each of the other reserved seats;
- (b) prepare statement relating to each parcel and the number of votes polled by each candidate;
- (c) declare the election result on the basis of simple majority, also called plurality rule.

(5) The Commissioner shall publish in the official Gazette the name of each returned candidate;

21. For the removal of doubt, it is here by declared that the provisions of chapter-V of the Ordinance shall not apply in relation to the election to the reserved seats.

22 For the determination of election disputes and trial of election offences, the provisions of Chapter VII and Chapter VIII of the Ordinance shall, *mutatis mutandis* apply.

Sd/-

MR. JUSTICE (RETD.) MOHAMMAD GUL,
C.E.C. (AJ&K)
12-6-1986.

RECEIPT

(To be filled in by the Returning Officer)

Serial number of nomination paper.....
 The nomination paper of
 a candidate for election to the *seat reserved for women/Ulema-e-Din/or
 Mashaikh/ Jammu and Kashmir State Subject residing abroad/technocrats or other
 professionals, in the Assembly was delivered to me at
 (hours) on..... (date).....
by the candidate/ proposer/ seconder.

All nomination papers will be taken up for scrutiny
 at.....
 (hours)on.....(date).....
 at..... place.

Date:.....

Returning Officer.

*Strike out which is not applicable.

(To be filled in by the Returning Officer)

Serial number of Nomination Paper this nomination paper was delivered to me at my Office athours on..... (date) by being the candidate/proposer/ seconder.

Date:.....

Returning Officer

Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny.

I have examined this nomination paper in accordance with the provisions of the Ordinance X of 1970 and decide as follows

Date.....

Returning Officer.

NOMINATION FOR ELECTION TO THE RESERVED SEATS IN
THE LEGISLATIVE ASSEMBLY

(To be filled in by the proposer)

(1) I,(Name of the proposer) elected from Constituency No. do hereby propose the name of whose address is.....as a candidate for election to the *seat reserved for women/ Ulema-e-Din or Mashaikh/ Jammu and Kashmir State Subject residing abroad/technocrats or other professionals, in the Assembly.

(2) I hereby certify that I have not subscribed to any other nomination paper for election to the reserved seats now being held, as proposer or seconder.

Date:

Signature of Proposer.

(To be filled in by the seconder)

(1) I,(Name of the Seconder) elected from Constituency No. do hereby second the nomination of whose address is as a candidate for election to the *seat reserved for women/ Ulema-e-Din or Mashaikh/Jammu and Kashmir State Subject residing abroad/technocrats or other professionals, in the Assembly.

(2) I hereby certify that I have not subscribed to any other nomination paper for election to the reserved seats now being held, as proposer or seconder.

Date:

Signature of Seconder.

(Declaration by the person nominated)

I, son/daughter/wife of..... registered as an elector at Serial No..... in the electoral roll for electoral area/ward in Tehsil in

District do hereby declare that I have consented to the above nomination, that I am qualified for being elected to the seat reserved for women/ Ulema-e-Din or Mashaikh/Jammu and Kashmir State Subject residing abroad/technocrats or other professionals and that I am not subject to any disqualification for being or being elected as member of the Legislative Assembly in particular I Solemnly declare that I believe in the Ideology of Pakistan, the Ideology of State's Accession to Pakistan.

Dated:

Signature or thumb impression
of the person nominated.

*Strike out which is not applicable.