
**THE
AZAD JAMMU & KASHMIR
ELECTORAL ROLLS ORDINANCE 1970
(AMENDED UPTO 2016)**

THE AZAD GOVERNMENT OF THE STATE OF
JAMMU & KASHMIR, LAW SECRETARIAT,
MUZAFFARABAD

NOTIFICATION

The President Azad Government of the State of Jammu & Kashmir is pleased to make and promulgate the Azad Jammu & Kashmir Electoral Rolls Ordinance, 1970, forming annexure 'A' to this Notification.

Sd/-
(MALIK MUHAMMAD ASLAM KHAN)
*Secretary to Azad Government of the
State of Jammu and Kashmir,
(Law Department).*

No. 750-850/SL/70 Dated 7th March, 1970.

ANNEXURE 'A'

THE AZAD JAMMU & KASHMIR ELECTORAL ROLLS ORDINANCE

1970

(Ordinance I of 1970)

Whereas it is necessary to provide for the preparation of electoral rolls for the purpose of inducting into office a duly elected Azad Government of the State of Jammu and Kashmir with the ultimate objective of promoting conditions conducive to carrying into effect the intents and purposes of the Resolutions of the United Nations Security Council and the United Nations Commission for India and Pakistan concerning the dispute over that State;

And whereas the State Council is not in session and the President is satisfied that immediate legislation is necessary;

Now, therefore, in exercise of the powers conferred by Section 17 of the Azad Jammu and Kashmir Government Act, 1968, the President of the Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. Short title commencement and application. (1) This Ordinance may be called the Azad Jammu and Kashmir Electoral Rolls Ordinance, 1970.

(2) It shall come into force at once.

“(3) It extends to the territories under the administration of the Azad Government of the State of Jammu and Kashmir and also applies to such of the State Subjects as were originally residing in those territories and the Indian occupied territories of the State of Jammu and Kashmir and are now residing in Pakistan.

2. Ordinance to over made other laws.—This Ordinance shall have effect notwithstanding anything to the contrary contained in any law, for the time being in force in the Azad Jammu and Kashmir territory.

3. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context;

(a) ‘Government’ means the Azad Government of the State of Jammu and Kashmir;

(b) ‘President’ means the President of the Azad Government of the State of Jammu and Kashmir;

(c) ‘Commissioner’ means the Election Commissioner appointed or deemed to be appointed under section 4;

¹(C-a) “Electoral area” means.

(a) in rural areas, a village: and

(b) in urban areas,—

(i) where there is a municipal ward, such ward:

(ii) where there is no municipal ward a well-defined mohallah or a street, or

(c) such other areas as may be determined by the Commissioner;”

(d) ‘Prescribed’ means prescribed by rules made under this Ordinance;

¹(e) “Qualifying date” means the date fixed by the Chief Election Commissioner for preparation, revision or amendment of the electoral rolls under this Ordinance.”

¹ Inserted by Act XI of 1995 dated 25-6-95.

- (f) ‘State subject’ means a person who is a ‘State subject’ as defined in the late Government of the State of Jammu and Kashmir notification No. 1-L/84, dated the 20th April, 1927;
- (g) ‘Registration Officer’ means a Registration Officer appointed under section 9 and includes an Assistant Registration Officer performing the functions of the Registration Officer.

4. Election Commissioner.—(1) For the purpose of this Ordinance, the Government shall appoint a person to be the Election Commissioner.

(2) The person performing the functions of Election Commissioner immediately before the commencement of this Ordinance shall be deemed to be the Election Commissioner appointed under sub-section (1).

5. Privileges and allowances.—The Commissioner shall be entitled to such immunities, privileges and allowances as the president may determine.

6. Assistance to Election Commissioner.—(1) The Commissioner may require any person or authority in the Azad Jammu and Kashmir territory to perform such functions or render such assistance for the purpose of this Ordinance as the Commissioner may direct.

(2) All authorities of the Government shall assist the Commissioner in the performance of his functions and for this purpose the President may, after consultation with the Commissioner, issue such orders as he may consider necessary.

(3) When so requested by the Commissioner, the President shall make available to the Commissioner such staff as may be necessary for the performance of his functions.

7. Officers and servants.—The Commissioner may, in accordance with the rules made in this behalf, appoint such officers and servants as may be necessary for the performance of his functions under this Ordinance.

2"8. Electoral Rolls for Election of Legislative Assembly.—(1) The electoral rolls for election to the Legislative Assembly shall be prepared for each electoral area.

(2) Notwithstanding anything contained in sub-section (1) separate electoral lists shall be prepared for.—

- (a) State Subjects residing in Azad Jammu & Kashmir territory;

¹ Substituted by Act XVII of 1993 dated 16-03-1993

² Substituted by Act XI of 1995 dated 25-06-1995

- (b) State Subjects of the Indian occupied areas of the districts of Anantnag (Islamabad), Baramula and Muzaffarabad and now residing in Pakistan; and
- (c) State Subjects other than those mentioned in clauses (a) and (b) above and now residing in Pakistan.”

9. Appointment of Registration Officers, etc.—(1) The Commissioner shall appoint a Registration Officer for each electoral area for the purpose of the preparation, correction and amendment of an electoral roll for that electoral area and may, for that purpose, appoint as many Assistant Registration Officers as may be necessary; and the same person may be appointed as Registration Officer or Assistant Registration Officer for two or more electoral areas.

(2) Subject to such instructions as may be given in this behalf by the Commissioner:-

- (a) An Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and
- (b) A Registration Officer may require any person to assist him in the performance of his functions.

10. Preparation of electoral rolls, etc.— (1)The Registration Officer for an electoral area shall, under the superintendence, direction and control of the Commissioner, prepare for that area in the prescribed manner a draft electoral roll containing the name of every State subject who, on the qualifying date:-

- ¹“(a) is not less than eighteen years of age;
- (b) does not stand declared by a competent Court to be of unsound mind; and
- (c) is, or is deemed under Section 12 to be resident in the electoral area.”

(2) The draft electoral roll prepared under sub-section (1), together with a notice inviting claims and objections ²“within such period as may be specified by the Commissioner” with respect thereto, shall be published in such manner as may be prescribed.

¹ Subs. by Act II of 2001 dated 15-1-2001

² Inserted vide Act XXIX of 1995.

(3) The Registration Officer shall make such additions, modifications or corrections in the draft electoral roll as may be required by any decision on any claim, or objection or as may be necessary for correcting any clerical, printing or other error.

¹(4) After making additions, modifications or corrections, if any, under sub-section (3), the Registration Officer shall publish in the prescribed manner the final electoral roll for each electoral area.

(5) (a) The Electoral Roll published under sub-section (4), upon issuance of its notification by the Commissioner, be deemed to be the Electoral Roll of the electoral area concerned and shall come into force immediately on such notification.

(b) The existing electoral roll for the time being enforce shall continue to remain enforce and operative until the notification by the Commissioner under clause (a) is issued.

(6) If the Commissioner, on account of any gross error or irregularity in the preparation of an electoral roll for any electoral area published under sub-section (4), considers it necessary so to do, he may by order direct that:-

(i) The electoral roll for that area be amended, revised or corrected in such manner as the Commissioner may deem fit;

(ii) the electoral roll or draft for that area shall stand cancelled and that an electoral roll for such area be prepared afresh in accordance with the provisions of the Ordinance or Rules made thereunder.

(7) An electoral roll shall be revised, amended or corrected in the prescribed manner, as and when necessary, so as: -

(i) (a) to correct any entry or supply any omission therein; or

(b) to include the name of any qualified person whose name does not appear on such roll; or

(c) to delete there from the name of any person who has died or who is or has become disqualified for enrollment on such roll.

(ii) An electoral roll, as amended and corrected, from time to time, shall be maintained in the prescribed manner and shall, together

¹ Subs. vide Act III of 1996 dated 24-03-1996

with a notice inviting applications for further amendment and correction, be kept open to public inspection, and copies of such rolls shall be supplied to any person applying therefore, on payment of such fee as may be prescribed.”

¹**10-A. Departure from normal procedure in exceptional circumstances.**— Where the Commissioner is satisfied that it is not possible to follow the procedure laid down for the preparation, amendment, revision and correction of an electoral roll in respect of any electoral area, he may direct that an electoral roll for such electoral area shall be prepared in such a manner as he deems fit.

11. Access to register of births and deaths.—The Registration Officer and any person authorized by him in this behalf shall have access to any register of births and deaths maintained under any law for the time being in force and may collect such information and take such extracts from such register as may be necessary for the purpose of this Ordinance; and every person incharge of such register shall give such information and such extracts from the said register as the said Officer or person may require.

12. Meaning of “resident”.—(1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area if he,

- (a) Ordinarily resides in that area; or
- (b) Owns or is in possession of dwelling house or other immovable property in an electoral area in the territories administered by the Government:

Provided that where any such person owns or possesses more than one dwelling house or other immoveable property in more than one electoral areas in such territories, he, his wife and children ordinarily resident with him, if otherwise eligible for enrollment, may at his option be enrolled in any one of such areas.

(2) A person who for any reason resides in an electoral area amended other than electoral area in which he would have but for such reason been resident shall, unless he otherwise indicates in writing to the Registration Officer, be deemed to be resident in the ²“former” electoral area.

³(3) The wife of any such person as is referred to in sub-section (2) and such of his children as are entitled to be enrolled shall, if they Ordinarily reside

¹ Substituted by Act III of 1996 dated 24-3-1996

² Substituted by Act XI of 1995 dated 25-6-95.

³ Substituted by *ibid.*

with such person be deemed to be resident in the electoral area in which such person is deemed to be resident under that sub-section.”

(4) A person who is detained in prison or other legal custody shall be deemed to be resident in the electoral area in which he would have been resident if he had not been so detained.

(5) Where the residence of a State subject is in doubt, he may himself indicate the electoral area on the electoral roll of which he desires to be enrolled.

13. No Person to be enrolled more than once or in more than one electoral area.—No person shall be entitled to be enrolled:-

- (a) on the electoral roll for any electoral area more than once; or
- (b) on the electoral rolls for more than one electoral area;

¹**13-a. Preparation and revision of electoral rolls.**—(1) The Commissioner may, at any time, by order direct that an electoral roll of any electoral area, be prepared afresh or revised, if he, for any reason, considers such preparation or revision to be necessary.

(2) The procedure provided for the preparation of the electoral rolls shall, as far as may be followed for the purpose of revision of such rolls.”

14. Validity of electoral rolls, etc. not affected by reason of any mistake.— An electoral roll shall not be invalid by reason of any miss-description of a person enrolled thereon, or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.

²**15. Commissioner’s power to include a name in an electoral roll.**—The Commissioner may, at any time, order:-

- (a) The inclusion in an electoral roll of the name of any person entitled to be enrolled on such electoral rolls, and such name shall from the date of such order form part of the electoral roll;
- (b) The exclusion from an electoral roll of the name of any person who has died or has become disqualified to be a voter, and such name shall, from the date of such order stand excluded from that roll; and
- (c) The removal of the name of any person from an electoral roll where such removal becomes necessary due to the repetition of the

¹ Substituted by Act III of 1996 dated 24-3-1996

² Substituted by *Ibid.*

name in the same electoral roll or in the electoral rolls of more than one electoral area.”

16. Power to make rules.— The President, may, after consultation with the Commissioner, make rules for carrying out the purpose of this Ordinance.

17. Bar of jurisdiction.—No Court shall question the validity of the electoral rolls prepared under this Ordinance or the legality or propriety of any proceedings or action taken there under by or under the authority of the Commissioner or the Registration Officer.

18. Commissioner’s power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Ordinance or an order made there under, the Commissioner may, from time to time, make such provisions or give such directions as appear to him to be necessary for the removal of the difficulty.
