
**THE AZAD JAMMU AND KASHMIR
PRESIDENT
(ELECTION)RULES, 1985**

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(ELECTION) RULES, 1985.**

ARRANGEMENT OF RULES

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AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT

‘MUZAFFARABAD’
Dated the 23-7-1985

NOTIFICATION.

No. 1712/LD/Leg/85.In exercise of the powers conferred by section 58 read with section 5 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make the following rules, namely:-

1. **Short title, extent and commencement.**-(1) These rules may be called the Azad Jammu and Kashmir President (Election) Rules, 1985.

2. They shall come into force at once.

2. **Definitions.**-In these Rules, unless there is anything repugnant in the subject or context,-

(a) “Assembly” means the Azad Jammu and Kashmir Legislative Assembly;

(b) “Constitution” means the Azad Jammu and Kashmir Interim Constitution Act, 1974.

(c) “Council” means the Azad Jammu and Kashmir Council constituted under section 21 of the Constitution;

(d) “Commissioner” means the Chief Election Commissioner appointed under section 50 of the Constitution;

(e) “Government” means the Azad Government of the State of Jammu and Kashmir;

(f) “Joint Sitting” means a joint sitting of the Assembly, the Federal Minister Incharge of the Council Secretariat and the elected members of the Council;

(g) “President” means the President of Azad Jammu and Kashmir;

(h) “Voter” with its grammatical variations means a member of the Assembly or any elected member of the Council and Federal Minister incharge of Council Secretariat.

3. The Commissioner shall hold and conduct election for the office of President and shall be the Returning Officer for the election.

fix--- 4. The Commissioner shall, by notification in the official Gazette,

- (a) the date, time and place for filing of nomination papers of candidates, and for the scrutiny of the nomination papers;
- (b) the final date for withdrawal of candidature; and
- (c) the date time and place for taking of poll.

5. At any time on the day fixed for nomination, any member of Assembly or elected member of Council, may nominate for election as President, a person qualified *vide* sub-section (4) of section 5 of the Constitution for election as President, by delivering to the Commissioner, or in his absence to the secretary, Election Commission, a nomination paper set out in schedule I signed by himself as proposer and another member of Assembly or elected member of Council as seconder, together with a declaration signed by the person nominated that the consents to his nomination and believes in the ideology of Pakistan and the ideology of the State's accession to Pakistan and that he does not suffer from any disqualification:

Provided that no person shall subscribe, whether as proposer or seconder more than one nomination paper at any one election, and if any person subscribes more than one nomination paper, whether as proposer or as seconder, all such nomination papers shall be invalid.

6. Scrutiny of nomination papers shall be conducted by the Commissioner at the place, time and on the date fixed for the purpose.

7. Each candidate, or his proposer or seconder, shall be entitled to attend the proceedings for scrutiny of nomination papers and to raise objection in respect of nomination papers of other candidates. The Returning Officer after deciding the objection publish a list of validly nominated candidates.

8. A candidate whose nomination paper has been found to be in order may withdraw his candidature at any time before noon on the last day fixed for the purpose by delivering a notice in writing under his hand to the Commissioner, or in his absence to the Secretary, Election Commission.

9. If all but one of the candidates have withdrawn, that one shall be declared by the Commissioner to be elected.

10. If no contesting candidate remains in the field after withdrawals have taken place, the proceedings in relation to the election shall commence afresh, as if for a new election.

11. If a validly nominated candidate who has not withdrawn his candidature dies before the commencement of the poll, the Commissioner shall countermand the poll and all proceedings in relation to the election shall commence in all respect as if for a new election;

Provided that no person who had withdrawn his candidature before the countermanding of the poll shall be eligible for being nominated as a candidate for the election after such countermanding.

12. If there is no withdrawal, or if, after withdrawals have taken place, two or more candidates are left in the field, the Commissioner shall, by public notification, announce forthwith the names of the contesting candidates and shall hold the poll in accordance with the provisions of the succeeding rules.

13. On the request of the Commissioner, President shall summon the joint sitting at the place and time and on the date fixed for the purpose of taking of poll.

14. The Commissioner shall appoint a Presiding Officer to conduct the poll which shall be by secret ballot.

15. The Commissioner shall furnish the Presiding Officer with a complete list of the members of the joint sitting entitled to vote at the poll.

16. The ballot papers with their counterfoils, shall be bound in the form of a book, serial numbers shall appear only on the counterfoils, ballot papers so bound shall be provided by the Commissioner to the Presiding Officer.

17. Every ballot paper shall bear the names of all the contesting candidates in alphabetical order in Urdu. A ballot paper, authenticated by the initials of the Presiding Officer shall be issued by the Presiding Officer upon his identification and the name of the voter to whom the ballot paper is issued shall be noted on the counterfoil. The voter shall exercise his vote by placing a cross-mark against the name of the candidate for whom he wishes to vote.

18. The ballot paper having been marked by the voter shall be inserted by that voter in the ballot box placed in front of the Presiding Officer.

19. If a ballot paper is spoiled by a voter, he may return it to the Presiding Officer who shall issue to the voter a second ballot paper after cancelling the spoiled paper and marking the cancellation at the appropriate counterfoil.

20. A ballot paper shall be invalid if—

- (i) there appears on it any writing or mark by which the voter may be identified; or
- (ii) it does not bear the initials of the Presiding Officer; or
- (iii) it does not bear a cross-mark against the name of any candidate; or
- (iv) a cross-mark is placed against the names of two or more candidates; or

- (v) there is uncertainty as to the candidate against whose name the cross-mark is placed.

21. After the close of the poll, the Presiding Officer, shall in the presence of such of the candidates or their authorized agent as may be present, open and empty the ballot box, count the number of votes recorded for each candidate and transmit the ballot papers, together with a covering note giving the count of ballot papers, to the Commissioner.

22. The Commissioner shall, in the presence of such of the candidates or their authorised agents as may be present, examine the ballot papers, rejecting any, which are invalid, and count the number of votes recorded for each candidate...

23. A candidate who has secured the majority of total number of votes shall be declared by the Commissioner to be elected as the President:

Provided that if no candidate secures such majority in the first poll, a second poll shall be held between the candidates who secure the two highest number of votes in the first poll and the candidates who secures a majority of voters present and voting, shall be declared to have been elected as President:

Provided further that if the number of votes secured by two or more candidates securing the highest number of votes is equal, a further poll shall be held between them until one of them secures a majority of votes of the members present and voting.

24. When the counting of the votes has been completed and the result of voting determined, the result of election shall forthwith be announced to those present, by the Commissioner and reported to the Government in form appended in schedule II who shall immediately cause it to be notified in the official Gazette.

Sd/-
KHALIL AHMED QURESHI,
Secretary,
Law & Parliamentary affairs.

No. 1712-17/LD/Leg/85 Dated 23rd July, 1985.

SCHEDULE 1

(See rule 5)

Nomination for Election of President.

(To be filled in by the proposer)

(1) I, _____ (Name of the Proposer)
Member of Legislative Assembly/Azad Jammu and Kashmir Council do hereby
propose the name of _____
whose address is _____
as a candidate for the office of President.

(2) I hereby certify that I have not subscribed to any other nomination
paper either as proposer or seconder.

Date _____

Signature of Proposer

(To be filled in by the seconder)

(1) I, (name of the seconder _____)
Member of Legislative Assembly/Azad Jammu and Kashmir Council do hereby
second the nomination of _____
whose address is _____
as a candidate for the office of President.

(2) I hereby certify that I have not subscribed to any other nomination
paper as proposer or seconder.

Date _____

Signature of Seconder.

SCHEDULE II(See rule 24)
Form IITHE STATEMENT OF THE COUNT
ELECTION TO THE OFFICE OF PRESIDENT

S. No.	Name of the contesting candidates	Number of votes polled by each contesting candidate.	Number of challenged votes polled by each contesting candidate.	Total valid votes polled by each contesting candidate Col. (3) & (4)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

(i) Total number of valid votes polled by the contesting candidates (including challenged votes) _____

(ii) Total number of rejected votes (excluded from the count) _____

(iii) Total number of tendered votes _____

I declare that Mr./Mrs./Miss _____
 Son/wife/daughter of _____ of _____
 _____ (address) has been duly elected.

Place _____

Date _____

Returning Officer

DECLARATION BY THE
PERSON NOMINATED

I.....Son/daughter/wifeof.....
.....registered as an elector at serial No.....
in the electoral roll for election to the Assembly or
.....electoral area/wardin.....
Tehsil in.....(District)
a certified copy of which is enclosed) do hereby solemnly declare that:-

(I) I am a Muslim and believe in the Unity and One-ness of Almighty Allah His angles, the Books of Allah, the Holy Quran being the last of them, His Prophets, the absolute finality of the Prophethood of Mohammad (peace be upon him), the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah and that I am not the follower and one who claims to be a Prophet in any sense of the word or of any description, whatsoever, after Prophet (peace be upon him) and that I do not recognize such a claimant to be a prophet or a religious reformer nor do I belong to the Qadiani or Lahori Group or call myself as Ahmadi.

(II) I have consented to my nomination and that I am not subject to any disqualification for being, or being elected as President. In particular I solemnly declare that I believe in the Ideology of Pakistan and the Ideology of State's accession to Pakistan.

Date..... Signature or thumb impression of
the person nominated.

(To be filled in by the Returning Officer)

Serial Number of nomination paper.....
This nomination paper has been delivered to me at my office at
(hour) 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 sub-section (4) of section 5 of the interim Constitution Act, 1974 and decide as
follows.....

.....
.....

(In case of rejection, state brief reasons)

Returning Officer.

RECEIPT

(To be filled in by the Retuning Officer)

Serial Number of nomination paper _____

The nomination paper of _____ a candidate for
election as President was delivered to me at my office at _____
(hours) on _____ (date) by the candidate/proposer/seconded.

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

Date _____

Retuning Officer.