

(Repeal vide Act XVIII 2020)

**THE AZAD JAMMU AND 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 Resolution's 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 whole of Azad Jammu and Kashmir territory and shall apply to all State Subjects of the State of Jammu and Kashmir.
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 ;
 - (d) 'Prescribed' means prescribed by rules made under this Ordinance ;
 - (e) 'qualifying date' means the first day of January, 1970;

- (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 purposes 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.
8. **Electoral Rolls for Election on the basis of Adult Franchise:-** (1) For the purpose of election on the basis of adult franchise there shall be electoral rolls in relation of such areas, to be called electoral areas, as the Commissioner may, in consultation with the Government, determine.
- (2) Separate electoral rolls without reference to any electoral area shall be prepared for the State Subjects residing in West-Pakistan.

9. **Appointment of Registration Officer, 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 :
- (a) is not less than twenty-one 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 areas.
- (2) The draft electoral roll prepared under sub-section (1), together with a notice inviting claims and objections with respect thereto, shall be published in such manner as may be prescribed.
- (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.
- (4) After making additions, modifications or corrections, if any, under subsection (5), the Registration Officer shall publish in the prescribed manner the final electoral roll for each electoral area;
- (5) An electoral roll shall be amended and corrected in the prescribed manner, as and when necessary, so as:
- (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 therefrom the name of any person who has died or who is or has become disqualified for enrolment on such roll.

(6) An electoral roll as amended and corrected shall be maintained in the prescribed manner and shall, together with a notice inviting application 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.

(7) If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a draft thereof, considers if necessary so to do, he may by order direct that such roll or draft shall stand cancelled and that an electoral roll for that area be prepared afresh.

11. **Access to register of births and deaths:-** The Registration Officer and any person authorised by him in that 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 in charge 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 provide, a person shall be deemed to be resident in an electoral area if he ordinarily resides in that area.

(2) A person who resides in a place other than the electoral area in which he would have otherwise been resident shall, unless he otherwise indicates in writing to the Registration Officer, be deemed to be resident in the said electoral area.

(3) The wife of any such person as is referred to in sub-section (2) shall, if she ordinarily resides with such person, be deemed to be resident in the electoral area in which her husband 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.

13-A. ¹[Revision of Electoral Rolls:-

(1) the Commissioner may, at any time, require the revision of Electoral rolls of any electoral area, if he, for any reason, considers such 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.]

²[Provided that fresh enumeration shall not be necessary and the existing electoral rolls may be published as draft rolls for the purposes of inviting claims, objections and applications for corrections.]

14. **Validity of electoral rolls, etc. not affected by reason of any mistake:-** An electoral roll shall not be invalid by reason of any misdescription 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.

15. **Commissioner's power to include a name in an electoral roll:-** The Commissioner may, at any time, order the inclusion in an electoral roll of the name of any person qualified to be enrolled on such electoral roll and such name shall, from the date of such order, form part of the electoral roll.

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 thereunder by or under the authority of the Commissioner or the Registration Officer.

¹ Added vide Sec 2 of Ord I of 1974.

² Added vide Sec 2 of Act II of 1974.

18. **Commissioner's power to remove difficulties:-** If any difficulty arises in giving effect to the provisions of this Ordinance or an order made thereunder, 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.
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