

Government of Jammu and Kashmir

**Handbook for preparation
of
Electoral Rolls
for
Panchayat Elections-2010**

Issued by:

Election Authority,

Under J&K Panchayati Raj, Act, 1989 Amended upto July, 2010.

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(Under J&K Panchayati Raj, Act, 1989)

I) In terms of Section 38 of the Jammu and Kashmir Panchayati Raj, Act, 1989 there shall be an electoral roll for every panchayat halqa which shall be prepared by Election Authority in terms of provisions of the Act. Section 39 of the Act Lays down disqualification for inclusion of names in the electoral rolls. A person who is not a permanent resident of the State, or is below 18 years of age or is of unsound mind can not be enrolled as an elector for any Panchayat halqa .

II) The Sarpanches are required to be elected directly by all the electors of the Panchayat halqa in terms of sub-section (4) of section 4 and section 40 of the Act. Every panchayat halqa shall be divided into 6 to 10 constituencies for election of Panches, one each from such a constituency, also by direct election by the electors of the respective constituencies in terms of sub-section (6) of section 4 of the Act. It therefore, transpires that the electoral rolls shall be prepared separately for every constituency in the panchayat halqa. Then all the electoral rolls of these constituencies in a panchayat halqa put together shall constitute the electoral roll for election of the Sarpanche for that panchayat halqa .

III) The delimitation of the Panchayat halqas shall be notified by the Government in terms of Section 2 (1) (j) of the Act. The notification of the constituencies in each such panchayat halqa shall be subsequently done by the concerned Director Rural Development, being the prescribed authority under the J&K Panchayati Raj Rules, 1996 read with sub-section (6) of section 4 of the Act.

IV) Under rules 4 (4) of the J&K Panchayati Raj Rules , 1996 the names of electors figuring in the electoral rolls of the Assembly constituencies shall automatically form part of the electoral rolls of the corresponding constituencies in panchayat halqas to elect Panches, except to the extent that such names are modified or deleted in accordance with provisions of the Panchayati Raj Rules read with the instructions of the Election Authority contained in this booklet or issued otherwise. It is implied that the names contained in the electoral rolls shall be only of the permanent residents of the State who are also ordinarily residents of the localities in which their names figure or ought to figure in the electoral rolls for the Assembly constituencies. It may be noted that the electoral rolls for the Assembly constituencies were revised with reference to 01-01-2009 as the qualifying date just before the holding Parliament Elections. Names of electors were added and correction and deletion made to the electoral rolls of 1st January 01-01-2009 on the basis of applications received under sections 18 & 19 of the J&K Representation of the People Act. 1957. Therefore, these electoral rolls do not contain names of such persons who have attained the age of 18 years by now in reference to a date to be notified in this behalf by the Election Authority. Similarly, these electoral rolls do not contain names of those persons who have become eligible to be recorded as electors in village by now by virtue of having become residents of the village due to reasons such as women coming to live in the village after marriage or persons returning to live in their native village after retirement etc.

V) In terms of rule 4 (4), the Election Authority may nominate any officer to function as Electoral Registration Officer (ERO) or Assistant Electoral Registration Officer (AERO) for the purpose of revising and updating the electoral rolls.

VI) Following instructions are therefore issued by the Election Authority for preparation of the electoral rolls for the constituencies contained in a Panchayat halqa for election of Panches and consequently for the Panchayat halqa concerned for election of Sarpanches:-

1. In reference to a date by which the electoral rolls are required to be revised and which may be determined by the Election Authority (hereinafter referred to as the qualifying date) the ERO shall issue a notice in form PER-1, and affix the same on the notice board of his office and give it wide publicity in appropriate manner including such other manner as may be prescribed by the Election Authority .
2. The ERO will segregate all parts of the latest electoral rolls of the assembly constituency mentioned at para IV above into as many parts as the number of the panchayat halqas contained therein each part conforming to one panchayat halqas after carefully checking out the boundaries of the panchayat halqa as notified by the Govt. If required relevant parts may be taken out from the neighbouring assembly constituencies if area of a panchayat halqa falls in more than one assembly constituency.
3. Each electoral roll corresponding to a panchayat halqa then shall be subdivided into as many parts as the number of constituencies in each such panchayat halqa, after carefully checking the boundaries of each such constituency as notified by the Director Rural Development in his capacity as the prescribed authority under rules. For this purpose, the ERO may have to even divide any or all parts of a electoral roll meant for a polling station set up for assembly election into two or more parts considering that a constituency in a panchayat halqa may be generally much smaller than the area contained in any part corresponding to a polling station for the assembly constituency.
4. The ERO shall prepare a separate index-sheet for every electoral roll corresponding to each constituency of the panchayat halqa on which the following particulars shall be shown:-

Name of the District _____

Name of the Block _____

Name and Serial Number of the Panchayat (e.g.19-Nagam) _____

Name of Serial Number of the constituency (e.g 19/3-Nagam
A) _____

Note: here 19 refers to the Sl. No. of the panchayat halqa, 3 refers to the serial No. of the constituency and Nagam A is the name of the constituency contained in the panchayat halqa 19 Nagam .

Description of serial number and name of Mohalla etc of the electors whose names are contained in the electoral roll.

5. After segregation of part of the assembly electoral roll it will be treated as the draft electoral roll for the constituency of the relevant panchayat halqa and shall be displayed at the panchayat office concerned or any other prominent place in the panchayat halqa, by the concerned VLW and copies of the same shall be also kept with the VLW and the BDO concerned.
6. For purpose of preparing the draft electoral rolls, the ERO may get additional copies prepared by digital printing.
7. Every page of the draft electoral roll shall bear the rubber stamp carrying the official designation of the ERO, before the same is displayed and its copies circulated.
8. On any date, but before the cut off date prescribed in this behalf by the Election Authority, any person may apply in Form-PER-2A, PER-2B or PER-2C giving out his name, parentage, address in the village, exact age on the qualifying date for purpose of :-
 - (i) including his name in the electoral roll, if the same is not already included ; or
 - (ii) correcting his name or any of the other particulars, if wrongly mentioned in the draft electoral roll; or
 - (iii) Objecting to the existence of any name in the draft electoral roll, on account of death of any person, leaving his residence in the village or any other ground in reference to the qualifying date .
9. A person whose name figures in the electoral roll, shall not be deemed to have become a non-resident of the village only on the ground that he is absent in pursuit of services or profession, unless it is shown that such a person has become an elector in another area out side his village. On the other hand, if the name is not already existing in the electoral roll and a fresh application is made before the ERO for inclusion of the name, the ERO shall satisfy himself that the conditions of being ordinarily resident are satisfied by the applicant before his name is included in the electoral roll.
10. All such application received under sub paras (i), (ii) and (iii) of para 8 above shall be listed separately and displayed by the VLW on the notice board of the Panchayat or some other prominent places, on the day of their receipt or as early as possible thereafter, in Form PER-3A or PER-3B or PER-3C for inviting objections which must be filed by the interested persons within a period of 7 days of display of the lists on the notice boards of the panchayat offices or some other prominent place as the case may be. At the expiry of the period of 7 days, all application shall be forwarded by the VLW to the ERO concerned, together with the objections received, if any and his own report on each of such objections.

11. It will be lawful for any VLW to take note of any deaths or migrations having taken place in or from a village within his jurisdiction, compile a list of them and issue a public notice in Form PER-4A, in order to invite objections within a period of 7 days of issue of such public notice, by pasting the same on the notice board of the panchayat office or any other prominent place inside the panchayat halqa, asking any interested persons to file objections as to why such names be not deleted from the electoral roll. After expiry of the period of 7 days, the VLW shall forward copies of the public notice issued by him, objections received, if any, in original and his report on such objections, to the concerned ERO, for passing appropriate orders.
12. On receipt, of the applications and after consideration of the objections received, if any, and the report of the VLW, the ERO, may pass an appropriate order upon each such application, objections received and on each of the report of the VLW, if he is satisfied that no further enquiry is needed . Alternatively, he may hold any further summary enquiry, as he may deem fit and pass final orders accordingly. He will keep in view the instructions contained in paragraph 9 above while passing orders for deletion of any name.
13. All such orders shall be passed by the ERO before such cut off date as may be prescribed by the Election Authority in this behalf.
14. No application for addition, deletion or correction of names or any other particulars shall be entertained by the ERO after the last day preceding the day on which filing of nomination papers begins in a constituency and until completion of the panchayat election in that panchayat halqa . This restriction, however, shall not apply to any consequential action required to be taken as a result of any order passed by the competent authority under sections 18 and 19 of the J&K Representation of the People Act, 1957.
15. After orders have been passed on all the applications, within such date as is prescribed by the Election Authority in this behalf, the ERO shall prepare revised electoral rolls after incorporating all the corrections, deletions and additions as are necessitated. For this purpose, it would be desirable that the electoral lists are drawn afresh, considering that only a limited number of names figure in each of the electoral rolls corresponding to each such constituency in the panchayat halqa. However, in case of constraint of time or any other difficulty, the additions, deletions and corrections may be incorporated through supplements which may be attached to the draft rolls. The ERO shall , then publish the final roll by preparing authenticated copies of the same stamped with rubber stamp carrying the following description :-

**“Final electoral roll for constituency of
Panchayat halqa in refrence to (Date) as the
Qualifying date”**

**Issued by (Designation)
Electoral Registration Officer
(For Panchayat Elections)
Dated**

16. After the final rolls have been published, no other claim of addition deletion or correction of names shall be entertained. However, any addition, correction or deletion ordered by the competent authority in exercise of his powers under the provisions of J&K Representation of the People Act, 1957 will have to be automatically incorporated in these rolls as and when brought to the notice of the ERO for panchayat electoral rolls.
17. A person aggrieved by an order passed by the ERO under para 12 above, may prefer an appeal before the District Panchayat Election Officer concerned by giving out all the material facts of appeal alongwith the proof in support of the statement made in the memorandum of appeal, within a period of 15 days of passing of order by the ERO, on a paper affixed with judicial stamps worth Rs. Five. The decision of the DPEO on the appeal shall be final, except when the entry under appeal is modified deleted or retained as the case may be, by the Competent Authority under the J&K Representation of the People Act, 1957. Provided that pendency of an appeal shall not , in any manner , affect the validity of the electoral roll prepared and published by the ERO under para 15 above, for purpose of Conduct of election, if held in the meanwhile .
18. The language of all the electoral rolls shall be the same as the language prescribed for the assembly electoral rolls unless specified by the Election Authority otherwise for any constituency.
19. Copies of the final electoral rolls may be prepared by digital printing for use in the elections after the same have been authenticated as per directions contained in para 15 above.
20. Copies of these rolls can also be supplied to the candidates and any other interested parties on payment of cost which shall be calculated on the basis of **Rs. 2.00 (Rupees two)** per page regardless of the number of entries contained therein.
21. Extracts of entries from the Panchayat electoral rolls with authentication from the ERO or AERO concerned may be supplied, for purpose of use in panchayat election only, against payment of a fee of **Rs. 2.00 (Rupees two)** only per single page or part thereof.

(Sd) Election Authority

Form PER -1
(Notice of Publication of The Draft Electoral Roll)

Sl. Number and name of the Panchayat constituency.....

Sl. Number and name of the Panchayat halqa

Name of Block District

Whereas, a revision of electoral rolls has been ordered by the Election Authority in exercise of his powers and functions under the provisions of the J&K Panchayati Raj Act, 1989, and the rules made thereunder, for the aforementioned constituency, in reference to (date) as the qualifying date;

Whereas, the names contained in the electoral rolls for the assembly constituency shall be treated as part of the electoral roll for the corresponding panchayat constituency, in terms of rule ...4..... of the J&K Panchayati Raj Rules, 1996;

Now therefore notice is hereby given that the electoral roll herewith enclosed shall be the draft electoral roll for the aforementioned constituency, in reference to as the qualifying date.

Any person whose name does not figure in the electoral roll and who has attained / may attain the age of 18 years on the said qualifying date and who is ordinarily resident in the area of the aforementioned constituency, may apply for inclusion of his name in the electoral roll on Form PER-2A , or on a plain sheet of paper , giving out his full particulars .

Any person whose name figures in the electoral roll but needs any correction in the name or any other particulars, may apply for the same in Form PER-2B or on a plain sheet of paper, giving out full details of the corrections to be made .

Any person who has any objection to the existence of any entry may apply for deletion of the same, on form PER-2C or on plain sheet of paper giving out full reasons for the same .

All such claims and objections should be sent to the undersigned so as to reach me latest by (Date). After expiry of this date, no application shall be entertained by this office.

By order of the Electoral Registration Officer

(sd) V L W

Panchayat Halqa

Dated

Form PER- 2A
Claim Application for Inclusion of Name

To

The Electoral Registration Officer,
_____ Constituency
_____ Panchayat Halqa

Sir,

I request that my name be included in the electoral roll for the above constituency.

My Name (in Full)

Father / Mother/Husband's name

House number

Mohalla / Village

I hereby declare that to the best of my knowledge and belief :-

- (i) I am a permanent resident of the State
- (ii) My age on (date) was / will beyears andmonths
- (iii) I am ordinarily resident at the address given above ;
- (iv) I have not applied for inclusion of my name in any other constituency;
- (v) My name does not figure in the electoral roll for any panchayat constituency .

Signature

Place

Date

I am an elector in the said panchayat constituency and my name figures at Sl. No I support this claim and countersign it .

Signature.....

Name in Full

FORM PER -2B
For Correction of Particulars in Any Entry

To

The Electoral Registration Officer,
_____ Constituency
_____ Panchayat Halqa

Sir,

I submit that the entry relating to myself in the draft electoral roll appearing at
Sl. No..... is incorrect. It should be corrected to read as follows

.....

.....

Signature of the elector

Place.....

Date

FORM PER -2C
For Deletion of Names

To

The Electoral Registration Officer,
_____ Constituency
_____ Panchayat Halqa

Sir,

I object to the inclusion of name of S.O/D.O/W.O /
.....figuring at serial number..... Of
the electoral roll on the following grounds:-

.....

My name figures at Sl.No..... of the Electoral Roll

Signature of the elector

Place.....

Date

Form PER-3A
Notice for Inclusion of Names

Notice is hereby given that the following names have been received for inclusion of names in the electoral roll of Constituency ofpanchayat halqa, till today, the (date)

S.No	Name	Father's / Mother's / Husband's name	Residential Address
1	2	3	4
1			
2			
3			
4			
5			

Objection, if any should be sent or personally delivered to the undersigned within a period of 7 days from the date of issue of this notice. After expiry of this period no objection shall be entertained.

Sd.....

VLW

..... Panchayat Halqa

Dated:.....

Form PER-3B
Notice for Correction of Names

Notice is hereby given that the following requests have been received for correction of names in the electoral roll of Constituency of Panchayat halqa till today the (date)

S.No	Serial No. in the electoral roll	Existing entry	Proposed entry
1	2	3	4
1			
2			
3			
4			
5			

Objection, if any should be sent or personally delivered to the undersigned within a period of 7 days from the date of issue of this notice. After expiry of this period no objection shall be entertained.

Sd.....

VLW

..... Panchayat Halqa

Dated:.....

Form PER-3C
Notice for Deletion of Names

Notice is hereby given that the following requests have been received for deletion of names in the electoral roll of Constituency of Panchayat halqa till today the (date)

S.No	Serial No. in the electoral roll	Existing entry	Ground for deletion
1	2	3	4
1			
2			
3			
4			
5			

Objection, if any should be sent or personally delivered to the undersigned within a period of 7 days from the date of issue of this notice. After expiry of this period no objection shall be entertained.

Sd.....

VLW

..... Panchayat Halqa

Dated:.....

Form PER-4A
Notice for SUO MOTO Deletion of Names

Notice is hereby given on the basis of information available in this office that the following names are proposed to be deleted from the electoral roll of Constituency of panchayat halqa:-

S.No	Serial No. in the electoral roll	Existing entry	Ground for deletion
1	2	3	4
1			
2			
3			
4			
5			

Objection, if any should be sent or personally delivered to the undersigned within a period of 7 days from the date of issue of this notice. After expiry of this period no objection shall be entertained.

Sd.....

VLW

..... Panchayat Halqa

Dated.....