

Scheme for voting by postal ballot by a person holding any office under the Govt. and verified to be moving alongwith the headquarters of the Govt. from Kashmir Province to Jammu Province or vice-versa.

As per existing practice the State Govt. functions for six months (November to April) in the winter capital Jammu after which it moves to the summer capital Srinagar where it functions for the next six months (May to October).

The bi-annual shift in the headquarter of the State Government involves the offices of the Governor, the Civil Secretariat including the office of the Chief Minister and the Council of Ministers, High Court, Police Headquarter etc. Therefore, a large number of officers and official have to change their headquarters during the bi-annual shift of the State Government offices from Jammu to Srinagar and vice versa. This bi-annual shift of the Head quarter of the State Government is also popularly known as the “**Darbar-Move**”.

Orders for the bi-annual shift of headquarter.

Every year in the last week of April and October, a detailed Govt. order is issued by the Commissioner/ Secretary General Administration Department specifying the departments which will move from Jammu to Srinagar and vice-versa.

During the month of October, 2008, Commissioner/ Secretary, General Administration Department has issued a Government Order No.: 1328-GAD of 2008 dated 10-10-2008 specifying the Departments/ Offices which will move from Srinagar to Jammu in full or in camp. The details of the offices moving alongwith the headquarters of the State Govt. are given below:

OFFICES WHICH SHALL MOVE IN FULL

1. All Departments of the Civil Secretariat including:
 - i) Governor’s Secretariat
 - ii) Personal Staff of the Advisors to HE the Governor
 - iii) Department of Civil Aviation
 - iv) Civil Secretariat Dispensary
 - v) Security staff of Civil Secretariat.
 - vi) Civil Secretariat Treasury
 - vii) Executive Director, Rehabilitation Council of the Social Welfare Department
2. Financial Commissioner (Including Joint Director Statistics in Camp)
3. Director General of Police including CID Organization.
4. Vigilance Commissioner

5. Chief Electoral Officer, J&K
6. Director General Prisons
7. Director General, Fire and Emergency Services
8. Director Information
9. Director, General, State Motor Garages
10. Director Hospitality & protocol Department with the Catering Staff
11. Director Accounts & Treasuries
12. Director Employment
13. Director, Forest Research Institution
14. Director General, Youth Services and Sports
15. Director Technical Education
16. Director, State Forest Research Institute
17. Director, Tribal Affairs
18. Development Commissioner, Power
19. Labour Commissioner
20. Principal Chief Converter of Forests
21. Accounts Officer, GP Fund Moving cell
22. Custodian General
23. Transport Commissioner
24. Assistant Director/ Programme Officer AIDS Cell
25. Special Officer Auqaf
26. State Board of Technical Education
27. Advisory Board for Development of Pahari Speaking People
28. Advisory Board for Development of Gujjars and Bakerwals
29. J&K State Finance Commission
30. J&K State Electricity Regulatory Commission
31. J&K State Commission for Women
32. J&K Police Housing Corporation
33. One Man Forest Authority
34. Toshkhana Officer
35. J&K State Accountability Commission.

OFFICES WHICH SHALL MOVE IN CAMP

1. Director of Family Welfare MCH and Immunization
2. Director Indian System of Medicines.
3. Director Economics and Statistics.
4. Director Soil Conservation
5. Director Environment and Remote Sensing
6. Director Sericulture
7. Director of Stationeries and Office supplies with marginal staff.
8. Director Audit and Inspection
9. Director Horticulture (P&M)
10. Director Handicrafts
11. Director Geology and Mining
12. Director Libraries
13. Director Archive, Archaeology and Museum
14. Chief Architect
15. Project Chief IWDP, Hills, Forest Department
16. Nucleus Staff of Commissioner Commercial Tax
17. Nucleus Staff of Funds Organizations
18. Gazette Section of J&K Government Press
19. Registrar Cooperatives.
20. Subordinate Office of Science and Technology Department
21. Excise Commissioner J&K with skeleton Staff

22. Inspector General of Police Railways
23. Inspector General of Police Crime
24. Director Social Forestry
25. J&K Service Selection Board with staff as determined by the Chairman
26. Board of Professional Entrance Examination as per the staff to be determined by the Chairman
27. Chairman Pollution Control Board
28. Board of Unani Ayurvedic System of Medicine
29. J&K State Commissioner of Backward Classes
30. J&K Special Tribunal with marginal staff
31. Managing Director of all PSUs with marginal staff
32. J&K Commercial Taxes Tribunal with skeleton staff
33. Director Rural Sanitation
34. DFO, Photo Interpretation Division (Forest Department with marginal staff)
35. J&K Khadi, Village Industries Board
36. J&K State Social Welfare Board
37. J&K Housing Board
38. Chief Wild Life Warden
39. Chairman of the Committee for Monitoring and ensuring fairness of tests conducted by BOPEE
40. Chairman of the Committee for fixation of Fee structure of Professional Colleges in the State
41. Chief Engineer Commercial and Survey Wing along with Driver
42. J&K Academy of Art, Culture and Languages with 26 employees
43. Director, Handloom Development Department.
44. Relief and Rehabilitation Commission (Migrant)
45. Directorate of Fisheries

As of now the Civil Secretariat comprises of the following Administrative Departments:-

- Agriculture Production,
- Administrative Reforms, Inspections, Training & Grievances,
- Animal Husbandry,
- Civil Aviation,
- Cooperative,
- Consumer Affairs & Public Distribution,
- Education,
- Election,
- Finance,
- Forest,
- General Administration,
- Health & Medical Education,
- Home,
- Hospital & Protocol,
- Housing & Urban Development,
- Industry & Commerce,
- Information,
- Information Technology,
- PHE, Irrigation & Flood Control,
- Labour & Employment,
- Ladakh Affairs,
- Law & Parliamentary Affairs,
- Planning & Development,
- Power Development,

- Public Works,
- Rural Development,
- Revenue and Relief,
- Science & Technology,
- Social Welfare,
- Tourism,
- Transport,
- Department of Culture

Similar Orders are issued by the Registrar General High Court indicating the names of the offices working under the administrative control of the High Court which will be required to move from Srinagar to Jammu and vice versa.

Legal provisions

Section 16 (8) (e) of the Jammu and Kashmir Representation of Peoples Act, 1957 read with Section 70 (a) (i) of the Jammu and Kashmir Representation of People Act, 1957, lays down that a person holding any office under the Government and, verified to be moving along with the headquarters of the Government, from Kashmir Province to Jammu Province or vice-versa by such authority as the Governor may, in consultation with the Election Commission specify are entitled to cast their vote by “Postal Ballot”.

Intimation in the case of service voters falling under Section 16 (8) (e) of the J&K Representation of Peoples Act, 1957.

Rule 19A of the Jammu and Kashmir conduct of Election Rules, 1965, lays down the procedure for providing intimation in case of service voters falling under Section 16 (8) (e) of the J&K Representation of People Act, 1957.

The above said rule lays down that “the verifying authority specified in pursuance of the provisions of sub-clause (e) of sub-section (8) of section 16 of the Act shall furnish to the Returning Officer of the constituency at least 10 days before the date of the poll, a list of the electors verified by him under the said provisions and the said list shall contain the name of every such elector, the part number of the electoral roll in which the name has been included, and the serial number of the elector in such part and on receipt of the list, the Returning Officer shall check the list with the electoral roll and if the list is found correct, shall issue a postal ballot paper to every elector included in the list and shall insert the letter ‘**PB**’ against the name of such elector in the electoral roll.”

In view of the legal position stated in the preceding paras, the Election Commission in consultation with the State Government has devised the following procedure to enable the person(s) holding any office under the Govt. and verified to be moving along with the Headquarter of the Govt. from Kashmir Province to Jammu Province or vice versa to cast their vote by “Postal ballot”.

Nomination of verifying authority as per Section 16 (8) (e) of the J&K Representation of Peoples Act, 1957.

To operationalise the scheme, the Commissioner/Secretary to Government, General Administration Department has been specified, in consultation with Election Commission of India, as the verifying authority in respect of the employees whose move orders are issued by the General Administration Department.

Similarly in respect of the employees working under the administrative control of the Hon’ble High Court, the Registrar General of the Hon’ble High Court has been nominated as the “verifying authority”.

Collection of information from employees

In order to ascertain the number of the officers/officials who are moving alongwith the headquarters of the State Government, and who would like to cast their vote by postal ballot, the employees will be asked to give their preference in writing. The information will be obtained in a non-statutory form called ME (Move Employees), format of which is enclosed.

Copies of this form shall be distributed free of cost from the office of Commissioner/Secretary to Government, General Administration Department at Jammu. Wide publicity shall also be given in the news papers and also through the Heads of Department.

The non-statutory Form ME (Move Employees) will also be available from the offices of Registrar General of Hon’ble High Court at Jammu.

The Civil Secretariat at Srinagar will close on 31.10.2008 and will reopen in Jammu on 10.11.2008. However, a small cell shall start working from 03.11.2008.

To enable the move employees to give the requisite information in the non-statutory Form ME (Move Employees) by the stipulated date, the electoral rolls of all the 74 Assembly Constituencies (except Assembly Constituencies falling in District Jammu and Samba) have been

made available in the office of Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu from 03.11.2008 for inspection by the intending applicants. The Electoral Rolls 2008 in Urdu are also available on our website ceojammukashmir.nic.in alongwith the facility for free name search.

The employees will be required to fill up Part-I of the Form ME in capital letters in black ink.

Attestation of non-statutory Form ME (Move Employees) by the Head of the Department

The bi-annual shift of the headquarters of the State Government from Kashmir province to Jammu province and vice-versa involves large number of employees working in 32 Administrative Departments and in 33 independent Directorates. Therefore, the service particulars of the employees and whether they are working in the move offices or not will have to be verified by the concerned Head of Department/Office as per Part-II of the Form ME (Move Employees) before being submitted to the specified verifying authority for onward transmission to the concerned Returning Officer.

Preparation of the list by the specified Verifying Authority.

It will be the responsibility of the concerned employee to submit the filled in Form ME duly attested by the concerned Head of Department/Office to the office of Registrar General, Hon'ble High Court/Commissioner/Secretary to Government, General Administration Department.

The specified verifying authority will make arrangements and set up counters in adequate number with sufficient manpower to ensure the receipt of duly filled in Form ME in an orderly manner and maintain a proper record of the same. The Forms shall be sorted Assembly Constituency wise and kept in separate bundles.

Preparation of the list of electors and intimation thereof to the Returning Officer

The verifying authority shall prepare a list of the electors verified by him under the provisions of Section 16 (8) (e) of the J&K Representation of Peoples Act, 1957 and furnish the same to the Returning Officer of the concerned Assembly Constituency at least 10 days before the date of the poll. The list of electors shall contain the name of every such elector, the part number of the electoral roll in which the name has been included and the serial number of the elector in such

part. The bundle of Form ME pertaining to that particular Assembly Constituency shall also be sent alongwith the list. The format for preparing the list of electors has been enclosed as Annexure 'A'.

The specified verifying officer will retain a list of electors submitted by him to the concerned Returning Officer for purposes of reference and record.

Role of Returning Officer

On receipt of the list of electors alongwith the bundle of Form ME, in original, from the specified verifying authority, the Returning Officer shall check the list with the electoral roll and if the list is found correct, he shall issue a postal ballot paper to every elector included in the list against the address mentioned by the employee in the Form ME and shall insert the letter "PB" against the name of such elector in the marked copy of the electoral roll.

Guidelines issued by the Election Commission of India vide their letter No. 52/2008/J.S.II dated 21.10.2008 for the smooth management of postal ballot papers shall be strictly observed while preparing and dispatching the postal ballot papers.

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FORM-ME (MOVE EMPLOYEES)

Letter of intimation to specified verify authority through the Head of the Department/Office

(Refer Clause (e) of Sub-Section (8) of Section 16 of the Jammu and Kashmir Representative of Peoples Act, 1957.

Part – I (To be filled in by the employee)

To

The _____

_____ Jammu/Srinagar

(Designation & Address of the specified Verifying Authority)

Sir,

My name is entered at S.No. _____ in Part No. _____ of the electoral roll for _____ Assembly Constituency. I am posted in the _____ office which is moving alongwith the headquarter of the State Government (Darbar Move).

I intend to cast my vote by post during the ensuing election to the J&K Legislative Assembly from the _____ Assembly Constituency.

The postal ballot paper may be sent to me at the following address:-

Yours faithfully,

Place: _____

Signature _____

Date: _____

Name _____

Part - II

ATTESTATION (To be made by the Head of Department/Office)

It is certified that the officer/official is working in the office which is moving alongwith the headquarter of the State Government.

(Seal & Signature of the Head of the Department/Office)

Name _____

Designation _____

