

**INFORMATION HANDBOOK UNDER RIGHT TO INFORMATION ACT, 2009 WITH RESPECT TO CHIEF ELECTORAL OFFICER AND ADMINISTRATIVE SECRETARY, ELECTION DEPARTMENT, JAMMU AND KASHMIR.**

**INTRODUCTION**

**1.1 Background, objective and purpose of the Handbook.**

The J&K Right to Information Act, 2009 read with J&K Right to Information Rules, 2012 provides for setting out a practical regime of right to information for citizens to secure access to information under the control of public authorities and to promote transparency and accountability in the working of every public authority. This publication under Section 4 sub section (i) clause (b) of the J&K Right to Information Act, 2009 sets out the obligations of the public authorities in relation to citizens.

The objective of the handbook is to provide information to the intended users regarding different functions being performed by the Office of Chief Electoral Officer and Administrative Secretary, Election Department, Jammu and Kashmir.

**1.2 Intended users of this Book**

Members of public, political parties, officers and staff concerned with election administration will be the users of this Hand Book.

**1.3 Authorities notified under the Act for business to be transacted**

Joint/Deputy Chief Electoral Officer, J&K at the State level and District Election Officer (Deputy Commissioner) of the respective District at the District level.

**1.4 Procedure and fee Structure for getting information**

Every request for obtaining information under Sub-section 1 of Section 6 of the Act shall be made in writing or through electronic means in English, Urdu or Hindi accompanied by an application fee of Rs. 10 to be deposited

with the authorized person by way of cash against proper receipt or by demand draft or Bankers Cheque or in shape of Indian Postal Order of Rs.10 or as prescribed under the Rules payable to the Accounts Officer, Chief Electoral Officer, J&K.

For providing the information under sub-section (1) of Section 7 and sub-section (5) of Section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer at the following rates:-

- (i) Rs.2/- for each page (in A-4 or A-3 size paper) for each page created or copied;
- (ii) Actual charge or cost price of copy in larger size paper;
- (iii) Actual cost or price for sample or Models; and
- (iv) For inspection of record no fee for first hour & a fee of Rs. 5/- for each fifteen minutes (or fraction thereof) thereafter.
- (v) For information to be provided in diskette or floppy, Rupees 50/- per diskette or floppy; and
- (vi) For information to be provided in printed form at the price fixed for such publication or Rupees 2/- per page of photocopy for extracts from the publication.

### **1.5 Appellate Authority**

Any person who fails to get response from the Public Information Officer within 30 days of submission of his request or is aggrieved by the response received within the 30 days may file an appeal to the First Appellate Authority within the next 30 days from the receipt of decision of the Public Information Officer.

### **1.6 Maintenance of Records**

The Incharge of the office shall maintain records of all applications received for supply of information and fee charged;

The Controlling Officer shall maintain a record of all appeals filed before him.

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## CHAPTER—I

### **Particulars of Organization, functions and duties**

**Name & Address:** Chief Electoral Officer/ Election Department,  
Jammu and Kashmir, 2nd Floor, Vikas Bhawan,  
Rail Head Complex, Jammu;

Chief Electoral Officer /Election Department,  
Jammu and Kashmir, Block-A,  
Old Secretariat, Srinagar.

Under Article 324 of the Constitution of India the superintendence, direction and control of preparation of electoral rolls and the conduct of all elections to Parliament (Lok Sabha & Rajya Sabha) and to the offices of President and Vice –President vests with the Election Commission of India which consists of the Chief Election Commissioner and the Election Commissioners. The conduct of elections is subject to the provisions contained in the Representation of People Act, 1950 (Central Act 43 of 1950), Representation of People Act, 1951 (Central Act 43 of 1951) and J&K Representation of People Act, 1957 (Act IV of 1957).

Under Article 138 of the Constitution of Jammu and Kashmir the superintendence, direction and control of the preparation of the electoral rolls for the conduct of elections to either House of the State Legislature vests in the Election Commission of India.

The J&K Representation of People Act 1957 governs the preparation of Electoral Rolls as well as conduct of elections in respect of the J&K State Legislative Assembly and J&K Legislative Council. The provisions of the Representation of Peoples Act, 1950 (Central Act 43 of 1950) and J&K Representation of Peoples Act, 1951 and J&K Representation of People Act, 1957 (Act IV of 1957) are almost identical. For preparation of Electoral Rolls simultaneous action is to be taken under the Central as well as State Acts.

At the State level, the Election work is supervised subject to the superintendence, direction and control of the Election Commission of India, by the Chief Electoral Officer (appointed by the Election Commission of India) and the officers and staff working under him. The Chief Electoral Officer is normally appointed from All India Service in the Cadre of Secretary and above. Chief Electoral Officer is therefore, designated as Chief Electoral Officer and Administrative Secretary, Jammu & Kashmir Government, Election Department. Field Administration at the district level is run by the District Election Officer (Generally the Deputy Commissioner), who is being assisted by the Electoral Registration Officer (Generally Assistant Commissioner ( Revenue), Asstt. Electoral Registration Officers (AEROs) ( Generally Tehsildars) & Booth Level Officers( BLOs) in the district in preparation and revision of Electoral Rolls and Returning Officer (RO), Assistant Returning Officer (ARO) for conduct of all Parliamentary and Assembly Elections respectively. The office of the Chief Electoral Officer was set up in Jammu and Kashmir in 1960, in accordance with Section 7-A of the J&K Representation of People Act, 1957.

#### **Duties of Chief Electoral Officer**

Subject to the Superintendence, direction and control of the Election Commission, the Chief Electoral Officer shall supervise the preparation, revision and correction of electoral Rolls and conduct of Elections in the State under the J&K Representation of People Act, 1957 as mentioned below:-

- (i) To conduct elections for the Constituencies in Jammu & Kashmir State Legislative Assembly and J&K Legislative Council.
- (ii) To conduct the election to 6 Parliamentary (Lok Sabha) Seats allocated to Jammu and Kashmir state and 4 Seats of Rajya Sabha.
- (iii) To facilitate and co- ordinate all the above works, at the State level so that all the instructions/directions of the Election Commission of India are implemented without any omission or commission.
- (iv) To function as the appellate authority under section 19-A of J&K Representation of People Act, 1957 from any order of the

Electoral Registration Officer under Section 18 or Section 19 of the said Act.

(v) The Chief Electoral Officer, J&K is also the Election Authority under the J&K Panchayati Raj Act, 1989 to conduct Panchayat Elections and elections to Chairman, Block Development Councils. Likewise the CEO, J&K has also been designated as Election Authority for conduct of elections to the Municipal Corporations/Municipal Councils/Municipal Committees under the J&K Municipal Act, 2000 and J&K Municipal Corporation Act, 2000.

(vi) The Chief Electoral Officer, J&K also functions as the Administrative Secretary of the Election Department assisted by the Under Secretary and Section Officer.

### Structure of the State/Divisional level Department

Chief Electoral Officer, J&K and Administrative Secretary to Government, Election Department	
Joint Chief Electoral Officer Jammu and Kashmir (One Officer at State level)	Deputy Chief Electoral Officer Jammu and Kashmir
Assistant Chief Electoral Officers (One each for Jammu Division and Kashmir Division)	
Election Officers (One at State level and one each for Jammu Division and Kashmir Division)	

### Structure at the District level

All District Election Officers, Electoral Registration Officers and Assistant Electoral Registration Officers are notified by the Election Commission of India in consultation with the State Government.

District Election Officers	22 One District Election Officer in each District.
Election Naib Tehsildars	24 One each at District Headquarters and Municipal Corporation Jammu and Srinagar.
Election Assistants (Senior Scale)	84 Election Assistants (Sr. Scale) at each Tehsil Office and in Municipal Corporation Srinagar and Jammu.
Election Assistants (Jr. Scale)	24 one each in 22 Districts and one each in Municipal Corporation Jammu and Srinagar.

### **Working hours for office:**

The working hours for all offices are as under:-

(i) Chief Electoral Officer's Office, J&K	9.30 a.m. to 5.00 p.m. (having 5 working days in a week)
(ii) District Election Officer's Office of Jammu Province and A.C.E.O. Office Jammu	Summer 8.00 a.m. to 2.00 p.m. Winter 10.00 A.M. to 4 P.M. (having 6 working days in a week)
(iii) District Election Officers Offices of Kashmir Province and A.C.E.O. Office Kashmir	Summer 10.00 a.m. to 4.00 p.m. Winter 10.30 A.M. to 4.30 P.M  (having 6 working days in a week)

### **Grievance Redressal Mechanism**

The representations relating to the subject of elections are received in the Office of the Chief Electoral Officer, J&K and also in the Office of the District Election Officers and Electoral Registration Officers respectively. There is also a National Common Number (Toll Free No) 1950 for redressal of grievances of the public. In addition, grievances can be registered on the website of the Election Commission of India ([www.eci.nic.in](http://www.eci.nic.in)).

## CHAPTER—II

### **Nature of duties of the District Election Officers, Electoral Registration Officers and Assistant Electoral Registration Officers.**

#### **District Election Officer**

For each district in a State, the Election Commission of India shall, in consultation with the Government of the State has designate or nominate a District Election Officer who is an officer of the Government. The District Election Officer performs such functions as may be entrusted to him by the Election Commission and the Chief Electoral Officer. The General duties of a District Election Officers are as under:-

- a. Functions as Appellate Officer under Rule 23 of the J&K Registration of Electors Rules 1966, for certain decisions taken by Electoral Registration Officer under Rule 20 or 21-A of the said rules;
- b. Redresses grievances relating to elections;
- c. Performs certain duties related to conduct of elections;
- d. As per section 7-C (3) of J&K Representation of People Act, 1957, subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer shall co-ordinate and supervise all work in the District or in the area within his jurisdiction in connection with the preparation and revision of the electoral Rolls and the conduct of elections for all Assembly & Council Constituencies within the District;
- e. Formation of polling parties and appointment of Presiding Officer and Polling Officer for each polling station;
- f. Imparting intensive training to the polling personnel (including those on reserve duty);
- g. Creating awareness about the use and working of Electronic voting machines among the general public, political parties, candidates and media;

- h. Scrutiny of accounts of election expenses of contesting candidates and submission of returns to the Commission;
- i. Safe custody of all voting machines, election papers and election materials after the completion of election and during the period specified for the purpose.

### **Electoral Registration Officers**

The Election Commission of India in consultation with the Government of the State designate or nominate an Officer of the Government or of a local authority to be the Electoral Registration Officer who prepares and revises the Electoral Roll for each Constituency. The general duties of the Electoral Registration Officer is as under:-

- (i) Annual updation of Electoral Rolls with qualifying date as Ist January of each year;
- (ii) Preparation and issuance of Electoral Photo Identity Cards;
- (iii) Grievance Redressal related to Electoral Rolls.

### **Assistant Electoral Registration Officers**

The Election Commission of India may appoint one or more persons as Assistant Electoral Registration Officer to assist the Electoral Registration Officer in the performance of his functions. Every Assistant Electoral Registration Officer, is subject to the control of the Electoral Registration Officer, and is competent to perform all or any of the functions of the Electoral Registration Officer.



## CHAPTER—III

### **Returning Officers**

For every Constituency and for every election to fill a seat or seats in the Parliament (Lok Sabha), Legislative Assembly and Legislative Council, the Election Commission, in consultation with the Government of J&K State, designate or nominate a Returning Officer who is an officer of Government or of a local authority.

The Returning Officer is primarily responsible for the conduct of elections from a Constituency. His functions are as follows:-

- Drawing up the programme and detailed arrangements for the poll;
- Issuance of Notification under Section 41 of Representation of People Act, 1957 in Form I under rule (3) of the Conduct of Election Rules, 1965;
- Publication of notice of nominations, list of validly nominated candidates and contesting candidates;
- Procurement of election materials;
- Selection and setting up polling stations;
- Appointment and training of polling personnel(including reserve);
- Receipt of nomination papers, security deposit, intimation account of Election expenses and Register, etc.
- Scrutiny of nomination paper;
- Allotment of symbols;
- Printing of postal ballot papers and despatch to service voters;
- Conduct of meetings with candidates, political parties to ensure free, fair and smooth elections and enforcement of Model Code of Conduct;
  
- Ensuring the presence of polling parties for the conduct of poll and supply of ballot papers and other election materials;
- Supervision of poll and sending reports to Election Commission;
- Safe custody of election papers and materials after counting;
- Scrutiny of Accounts of the election expenses of contesting candidates and submission of their returns to the Commission;
- Overall supervision of election work.

## **Assistant Returning Officer**

The Election Commission may appoint one or more persons and for one or more Constituencies **Assistant Returning Officers** to assist any Returning Officer in the performance of his functions. The Assistant Returning Officer shall be an officer of the Government or of a local authority. Every ARO shall subject to the control of Returning Officer be competent to perform all or any of the functions of the Returning Officer. However, the Assistant Returning Officer cannot perform any of the functions of the Returning Officer relating to scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

## **Polling Party**

For the conduct of election at the Polling station level a Polling Party is constituted which comprises of Presiding Officer and Polling Officers. The polling party generally consists of Presiding officer and 3 polling officers and one attendant at each polling station if the number of electors is less than 1200. At simultaneous election, the polling party consists of Presiding Officer and 5 Polling Officers.

## **Presiding Officer**

The Presiding Officer can appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election, to be a polling Officer during the absence of the former officer, and inform the concerned District Election Officer accordingly.

## **Polling Officer**

The duty of the Polling Officer at the polling station is to assist the Presiding Officer in the performance of his functions.

The information regarding the conduct of Elections and other activities of the Department is also available on the web site of the Chief Electoral Officer, J&K which may be accessed as **http: // ceojk.nic.in**

## Chapter- IV

### Rules, Regulations, Instructions, Manual and Records for Discharging Functions.

Sl. No	Name of the Act, Rules, Regulations, Manual etc	Brief Gist of the contents/reference No, if any
1.	Central Manual of Election Law Volume-I	<ol style="list-style-type: none"> <li>1. Extract from the Constitution of India</li> <li>2. Extract from the Indian Penal Code ( 45 of 1860)</li> <li>3. The Representation of the People Act 1950 ( Central Act 43 of 1950)</li> <li>4. The Representation of People Act, 1951 ( Central Act 43 of 1951)</li> <li>5. Extracts from the Government of National Capital Territory of Delhi Act, 1991 ( 1 of 1992)</li> <li>6. The Delimitation Act, 2002 ( 33 of 2002)</li> <li>7. The Scheduled Castes and Scheduled Tribes Orders ( Amendment) Act 1976 ( 108 of 1976)</li> <li>8. Officers before whom candidates may make or subscribe oath or affirmation.</li> <li>9. The Constitution ( Scheduled Cases ) Order, 1950</li> <li>10. The Constitution (Scheduled Castes) Union Territories ), 1951</li> <li>11. Law relating to removal of disqualification and other information.</li> </ol>
2	Manual of Election Law, Volume-II	<ol style="list-style-type: none"> <li>1. The Registration of Electors Rules, 1960</li> <li>2. The Conduct of Election Rule, 1961</li> <li>3. The Election Symbols (Reservation and allotment) Order, 1968.</li> <li>4. List of political parties and symbols in relation to elections in all Parliamentary and Assembly Constituencies.</li> <li>5. The Delimitation of Council Constituencies Orders.</li> <li>6. Authorities specified under section 8A to accept petitions about corrupt practices.</li> <li>7. Officers before whom a candidate for election to fill a seat in the Legislative Assembly of a Union territory shall make and subscribe oath or affirmation.</li> </ol>
3	Manual of J&K Election Law	<p>Extracts from the Constitution of Jammu and Kashmir</p> <ol style="list-style-type: none"> <li>1. The Jammu and Kashmir Representation of People Act, 1957</li> <li>2. The Jammu and Kashmir State Legislature (Prevention of Disqualifications) Act, 1962.</li> <li>3. The Jammu and Kashmir Registration of Electors Rules, 1966</li> </ol>

		<p>4. The Jammu and Kashmir Conduct of Election Rules, 1965</p> <p>5. Offices to which the provisions of S. 16 (4) of Act IV of 1957 apply.</p> <p>6. Enforcement of the Representation of People (Second Amendment ) Act XI of 1967.</p> <p>7. Delimitation Commission's Notification dated 17th October, 1975.</p> <p>8. Delimitation Commission's Notification Dated 17th April, 1965.</p>
4.	Handbook of Returning Officer.	Salient provisions of Election Laws, Procedures in relation to discharge of duty as Returning Officer and instruction of Election Commission of India
5.	Handbook for Presiding Officer	Salient provisions of Election Laws, Procedures in relation to discharge of duty as Presiding Officer and instruction of Election Commission of India
6.	Handbook for Candidates	Salient provision of election Law and procedures for standing as a candidate for an election.
7.	Handbook of Polling Agents	Salient provisions of Election law and procedures in relation to discharge of duty as Polling agent at polling station for an election
8.	Handbook for Counting Agents	Salient provisions of election Law and procedures in relation to discharge of duty as Counting agent at Counting Centres for an election.
9.	Political parties and election symbols	List of Political parties, Registered and un-registered at National / State Level and list of symbols allotted to the parties.
10.	List of persons disqualified 24-E of the Representation of People Act, 1957	Persons disqualified by the Commission under different sections for violating Election Law.
11.	Computerised Electoral Rolls of Assembly Constituencies Extract of Electoral Rolls	Name of the electors, polling station-wise Assembly Constituencies-wise ( page-wise)

All the books above are available at the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001 and can be purchased from this Office. The contents of these booklets are also available at the website of Election Commission of India ( [www.eci.gov.in](http://www.eci.gov.in) ) . The Hand books for ROs, Presiding Officers, Candidates, Polling Agents and Counting Agents are also available with the District Election Officers for sale during election time. The copies of the Electoral Rolls are available with the respective District Election Officer, Electoral Registration Officers, Assistant Returning Officer and also on the website of Chief Electoral Officer, J&K ( [ceo-jk@nic.in](mailto:ceo-jk@nic.in) ).

## CHAPTER-VI

Scale of Pay Grade of the officers and employees of the office of Chief Electoral officer

S.No	Name of the Post	Scale of Post	Grade Pay	Number of Posts
1.	Chief Electoral Officer(IAS)	37400-67000	10,000	01
2.	Joint Chief Electoral Officer	37400-67000	8700	01
3.	Deputy Chief Electoral Officer	15600-39100	6600	01
4.	Private Secretary to Chief Electoral Officer	9300-34800	4800	01
5.	Accounts Officer	9300-34800	4800	01
6.	Assistant Chief Electoral Officer, Jammu/Kashmir	9300-34800	4800	02
7.	Section Officer	9300-34800	4600	01
8.	Election Officers	9300-34800	4280	03
9.	Accountant	9300-34800	4220	01
10.	Head Assistants	9300-34800	4200	02
11.	Election NaibTehsildars	9300-34800	4200	24
12.	Senior Assistants	5200-20200	2400	06
13.	Election Assistants(Senior Scale)	5200-20200	2400	53
14.	Junior Assistants	5200-20200	1900	04
15.	Election Assistants (Junior scale)	5200-20200	1900	42
16.	Chauffeur	9300-34800	4240	01
17.	Driver	5200-20200	2400	01
18.	Machine Operator	5200-20200	1900	01
19.	Jamadar	5200-20200	1400	01
20.	Orderlies	5200-20200	1300	39

## CHAPTER- VII

### Budget Allocation

Funds required by Election Department for conducting various Elections related activities are shown below:

1. Funds required for conducting Elections/Bye-Election to seat /seats of Jammu & Kashmir State Legislative Assembly are borne by Government Jammu & Kashmir State.
2. Funds required for conducting election /bye election to seat/seats of Parliament are borne by Government of India.
3. In case of simultaneous election to Jammu & Kashmir State Assembly and Lok Sabha, the funds are borne by Government of India and Government of Jammu & Kashmir on 50:50 basis.
4. Funds required for preparation of Electoral rolls and issuance of Photo Identity Cards to the Electors and maintaining establishment of election office are borne by the Government of India and Government of Jammu & Kashmir on 50:50 basis.
5. However, the information on budget of Election Department under Non-Plan and Plan Head during the financial year 2013-14 is as follows:

#### Non-Plan Budget

Major Head	Budget Estimate 2013-14
001-Salaries	520.85
002-Traveling Expenses	9.38
006-Telephones	2.89
007-Office Expenses	6.60
008-Electricity Charges	3.75
009-Rent,Rates & Taxes	11.25
014-P.O.L	11.55
023- Maintenance & Repairs	7.50
043-Uniforms	0.08
071-Medical Reimbursement	0.83
094-Election to Parliament/Assembly	6000.00
106- Panchayat Elections	75.00
297-Furniture	9.75
416-Seminars and Training	7.50
578-Printing of Electoral Rolls	1125.00
678-Civic Polls	75.00

684-EPICS	450.00
685-EVMS	7.50
Total	8324.43

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