

GOVERNMENT OF JAMMU AND KASHMIR
Department of Rural Development and Panchayati Raj
Civil Secretariat
Jammu/ Srinagar

Notification

Srinagar, the 17th October, 2020

S.O. 316 .-In exercise of the powers conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989 and all other provisions enabling in this behalf, the Government of Jammu and Kashmir hereby make the following amendments in the Jammu and Kashmir Panchayati Raj Rules, 1996, namely:-

1. In rule 3 of the Jammu and Kashmir Panchayati Raj Rules, 1996 for the words "the Chief Electoral Officer shall be Election Authority for the elections of Panches and Sarpanches of the Panchayat Halqas/ constituency of the State", the words " the State Election Commission shall be the Election Authority for the purposes of these rules" shall be substituted ; and

2. After Chapter VIII, the following Chapters shall be inserted, namely,-

**"CHAPTER VIII-A
DISTRICT DEVELOPMENT COUNCIL**

108-A Delimitation of Constituencies of a District Development Council.- (1) The Deputy Commissioner shall divide the District Development Council area into fourteen single member territorial constituencies provided that the ratio between population of the territorial area of a constituency and the number of seats in the District Development Council shall, so far as practicable, be the same throughout the area of the District Development Council.

(2) While delimiting the constituencies of the District Development Council, Halqa Panchayat shall be a unit. The constituencies shall be delimited from the map of the District Development Council area starting from North towards East and ending towards South to West and every constituency shall be assigned a serial number and a name. The name of the constituency may be assigned on the name of a Block having the largest population in that constituency. Thereafter, the constituencies shall be arranged alphabetically on the name of such constituencies.

(3) While delimiting the constituencies, the Deputy Commissioner shall determine the number of constituencies to be reserved for Scheduled Castes, Scheduled Tribes and women in every constituency of District Development Council in accordance with the provisions of the Act and distribute seats reserved for Scheduled Castes, Scheduled Tribes as far as practicable in those areas in a District Development Council where the proportion of their population to the population in total is comparatively large.

(4) The Deputy Commissioner shall cause to publish a proposal for delimitation of constituencies by dividing a District Development Council area into single member constituencies and also indicate the territorial limit of each such constituency and shall keep the proposal open for inspection in the office of Halqa Panchayat, Block Development Council and District Development Council falling within the District and by affixing a copy of such proposal at two conspicuous places within each Halqa Panchayat area for inviting public objections thereon.

(5) The Deputy Commissioner on receipt of objections, if any, under sub rule (4) shall forward the same to the Director, Rural Development concerned who shall place the proposal along with objections received before the Election Authority. The Election Authority shall thereon inquire or cause an inquiry to be made and dispose of the objections. Thereafter Election Authority shall issue final order of delimitation after recording in brief the reasons for acceptance or rejection of such objections.

108-B. Notification of Delimitation of Constituencies.- The delimitation made under rule 108-A shall be notified by the Election Authority.

108-C. Electoral Rolls.- The electoral rolls of the constituency for election of the elected members of the District Development Council shall be prepared in such manner as may be prescribed by the Election Authority:

Provided that the Election Authority, in consultation with the Government, may nominate Electoral Registration Officer and Assistant Electoral Registration Officer for revising and updating the electoral rolls of the constituency for election of the elected members of the District Development Council.

108-D. Appointment of Returning Officer and Assistant Returning Officers.—(1) The District Panchayat Election Officer shall in consultation with the Election Authority appoint in each constituency of the District Development Council a Returning

Officer and an Assistant Returning Officer for holding of elections for that District Development Council:

Provided, however, the same Returning Officer may be appointed for holding of elections to more than one constituency.

(2) It shall be the duty of the Returning Officers at an election to do all such acts and things as may be necessary for effectively conducting the elections in the manner provided in the Act and these Rules.

108-E. Appointment of Presiding Officers.— (1) The District Panchayat Election Officer shall appoint such number of Presiding Officers as may be required for holding of elections.

(2) The Presiding Officer shall perform the functions required to be performed by him under these rules and it shall be his general duty to keep order at polling stations and to see that the poll is fairly taken.

(3) The District Panchayat Election Officer may appoint for each polling station a Polling Officer or Officers and such number of attendants as he thinks necessary to assist the Presiding Officer in the performance of his functions.

108-F Notification of Elections for the District Development Council.— (1) The Government shall, by one or more notifications in the Official Gazette on such date or dates as may be determined in consultation with Election Authority call upon the constituencies of the District Development Council to elect its members.

(2) The election of the elected members of the District Development Council shall be by secret ballot

108-G Announcement of Dates.—As soon as notification under rule 108-F is issued in accordance with the said rules the Election Authority shall, by notification in the Official Gazette, appoint-

- (a) the last date of submission of nomination papers by the candidates for elections;
- (b) the time, date and place for scrutiny of the nomination papers which shall be the date immediately following last date for submission of nomination;
- (c) the time and date for the withdrawal of candidature, which shall be the day immediately the date for scrutiny the nominations; and

(d) the time and date or dates on which the poll shall take place shall be a date not later than 20 days, after last date of withdrawal of candidature:

Provided that the Election Authority may for sufficient reasons to be recorded in writing extend the period prescribed under this rule.

108-H. Public Notice of Elections and Presentation of Nomination Papers.- (1) Immediately after issuance of notice under rule 108-F, the Returning Officer shall give public notice of the intended election in such form and manner as may be prescribed by the Election Authority, inviting nominations for conduct of such election and specifying the time and place at which nomination papers are to be delivered.

(2) On or before the date appointed in clause (a) rule 108-G each candidate shall, either in person or through authorized agent, deliver the nomination papers to Returning Officer in the prescribed form duly subscribed by the candidate for the purpose of such election.

(3) The nomination form shall be accompanied by security deposit of Rs 500/- in the shape of a bank draft pledged in the name of Returning Officer of the constituency payable at any branch of nationalised bank in the district:

Provided that in case of Scheduled Castes, Scheduled Tribes and Women candidates, the amount of security deposit shall be Rs. 250/- only:

Provided further that the security deposit of candidate getting 1/6th or more of the total valid votes polled will be refunded by the Returning Officer within a period of 90 days from the declaration of results. In case the candidate gets less than 1/6th of the total valid votes polled, his / her security shall be forfeited:

Provided also that in case of election to the seats reserved for Scheduled Castes or Scheduled Tribes, the nomination papers shall be accompanied by certificate issued by the Competent Authority specifying particular caste or tribe of the candidate who intends to contest such elections.

108-I. Scrutiny of nomination papers.- (1) At the time and on the date fixed for scrutiny of nomination papers under clause (b) of rule 108-G, the candidates or their authorized agents or proposers may attend such place as Returning Officer may appoint for scrutiny and Returning Officer shall give them reasonable time

and opportunity for examining the nomination papers of all candidates.

(2) The Returning Officer shall then after examining the nomination papers, decide all objections which may be raised to any nomination paper and after doing so reject any nomination paper on the grounds contained in rule 108-J.

108-J. Rejection of Nomination Papers.- (1) The Returning Officer may reject any nomination paper in any of the following grounds:-

- (i) that the candidate has not correctly filled in the particulars required in the prescribed form;
- (ii) that the candidate for his election suffers from any disqualification which debars him for being chosen as member of Panchayat Halqa under any provisions of the Act; and
- (iii) that the candidate has not deposited the security deposit as prescribed under sub-rule (3) of rule 108-H:

Provided that Returning Officer may:-

- (a) permit any clerical error in the nomination papers in regard to the names and numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls; and
- (b) wherever necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(2) If any nomination paper is rejected after hearing objections made by any person or persons, the Returning Officer shall record reasons for rejecting the nomination papers.

(3) Any person aggrieved by an order passed under this rule may appeal to the Election Authority with 07 days of the receipt and decision on such appeal shall be final. Election Authority shall forthwith communicate his decision to the Returning Officer.

108-K Withdrawal of candidature.- (1) Any candidate may withdraw his candidature by a notice in prescribed form duly subscribed and delivered personally to the Returning Officer on the day fixed as provided in the clause (c) of rule 108-G. Notice once given cannot be withdrawn.

(2) Immediately after the expiry of the date and time for withdrawal under sub-rule (1), the Returning Officer shall publish

list of validly nominated candidates for contesting election whose name shall be in alphabetical order.

(3) Where after the publication of the list of the candidates, the Returning Officer finds that the number of candidates in a constituency is only one, he shall forthwith declare such candidate as having been duly elected.

(4) Where the number of candidates in a constituency exceeds one, a poll shall be taken.

108-L. Publication of List of Candidates.— After the expiry of date of withdrawal the Returning Officer shall publish a list of contesting candidates in alphabetical order. The alphabetical order shall be determined with reference to the names of the candidates.

108-M. Admission to Polling Stations.—The Presiding Officer shall regulate admission of voters at the polling stations and shall exclude from it all other persons except —

- (i) Polling Officer, if any ;
- (ii) Police Officers and other public servants on duty ;
- (iii) Each candidate or his authorised agent ;
- (iv) A child in arms accompanying a voter ; and
- (v) The companions of blind or infirm voters who cannot move without help.

108-N. Right to vote.—(1) No person whose name is not entered in the electoral roll pertaining to the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is not qualified to vote under the provisions of the Act.

(3) Every voter shall have only one vote.

(4) Every vote shall be cast by the elector in person and not by proxy.

108-O. Choice of Symbols by Candidates.—(1) The Election Authority shall, by notification in the Official Gazette, publish a list of symbols and may in a like manner amend such list.

(2) Every nomination paper presented under rule 108-H shall contain a declaration specifying —

- (a) the particular symbol which the candidate has chosen for his first preference out of the list of symbols published under sub-rule (1) ;

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(b) two other symbols out of that list which he has chosen for his second and third preference respectively :

Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restrictions as the Election Authority may think fit impose in that behalf.

108-P. Allotment of Symbols.—(1) If in any constituency a poll becomes necessary, the Returning Officer shall simultaneously with the preparation of the list of contesting candidates consider the choice in respect of symbols indicated by the contesting candidates in their nomination papers and shall subject to any general or special direction issued in this behalf by the Election Authority,—

- (a) allot a separate symbol to each contesting candidate in conformity, as far as practicable, with his choice ; and
- (b) if more than one contesting candidate have indicated their preference for the same symbol, decide by a lot to which candidate such symbol will be allotted.

(2) The allotment by the Returning Officer of any symbol to a candidate shall be final unless it is inconsistent with any directions issued by the Election Authority in this behalf in which case the Election Authority may revise the allotment in such manner as it thinks fit.

(3) Every candidate shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

108-Q. Different Procedure For Allotment of Symbols.— Notwithstanding anything to the contrary contained in rules 108-N and 108-O, the Election Authority shall be competent to prescribe a different procedure for allotment of symbols to the contesting candidates in the event of conduct of elections on non-party basis.

108-R. Preparation of Ballot Paper.— Ballot paper shall be prepared in prescribed form in such language or languages as the Election Authority may direct.

108-S. Death of a Contesting Candidate.—If a contesting candidate dies and a report of his death is received by the Presiding Officer before the commencement of the poll and the number of candidates contesting is more than one, the symbol in respect of the candidate who has died shall be deemed to have been cancelled and Presiding Officer shall order a poll to be taken accordingly



108-T. Identity of electors.—Immediately before the ballot paper is delivered to a voter, the Polling Officer shall satisfy himself as to the identity of the voter with reference to the entries relating to that voter in the voters list. He shall also hear and decide, then and there, any objection raised in this behalf. He may refuse to issue a ballot paper to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or whose identity is not established to his satisfaction, but issue of ballot papers shall not be refused merely on the ground of any clerical error or omission in the relevant entries in the voters list, if the identity of the voter is otherwise established.

108-U. Marking of Attendance. (1) Every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow his/her left forefinger to be inspected by the Polling Officer Incharge of the indelible ink and mark it with indelible ink.

(2) If any Elector refuse to allow his/her forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to remove the ink mark, he/she shall not be supplied with any ballot paper to vote.

(3) Any reference in this rule to the left forefinger of any elector shall, in case where the forefinger of a voter is missing, be construed as a reference to any other finger of his/her hand and in case where all the fingers of his/her hand are missing be construed as a reference to the forefinger or any finger of his/her right hand, and shall in case where all his/her fingers of both hands are missing be constructed as a reference to such extremity of his/her left or his/her right arms as he/she possesses.

(4) In case of a re-poll, the Election Authority shall prescribe the finger to be marked.

108-V. Issue of Ballot Paper to Electors.—The Polling Officer shall while issuing a ballot paper to a voter, place a tick mark against the number of such voter in the copy of the voters list in use with him to denote that the voter has received a ballot paper and direct an indelible ink mark to be put on his left fore-finger.

108-W. Sealing of Ballot Boxes.—Immediately before the commencement of the poll, the Presiding Officer shall satisfy such

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~~candidates or their agents as may be present that the ballot box is empty and then lock the ballot box and seal it.~~

108-X. Manner of Casting Vote.—A voter shall on receiving the ballot paper issued under rule 108-V forthwith proceed to the polling compartment, and mark his ballot paper by affixing a seal provided to him by the Presiding Officer opposite the name (or on the symbol) of the candidate in whose favour he desires to cast his vote and put the ballot paper so folded up in the ballot box which shall be placed within the view of the Presiding Officer.

108-Y. Assistance to Illiterate and Infirm Voters.—If a voter owing to illiteracy or physical infirmity is unable to record his vote in the manner laid down in rules, the Presiding Officer or Polling Officer shall do so according to the direction of the elector and shall record on the counterfoil of the ballot paper the reasons for such action.

108-Z. Spoiled Ballot Papers.—An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such may, on delivering it to Polling Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoiled ballot paper and such spoiled ballot paper, together with its counterfoil shall be marked by the Polling Officer as cancelled.

108-ZA. Return of Ballot Papers.—If any elector, after obtaining a ballot paper for the purpose of casting his vote, decides not to use the same or to cast his vote, he shall return the ballot paper so issued to him to the Polling Officer and the ballot paper so returned shall then be marked by the Polling Officer as cancelled on account of such return.

108-ZB. Tendered Vote.—(1) If a person representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has voted as such voter, he shall after duly answering such questions as the Presiding Officer may ask be entitled to vote, but his ballot paper (hereinafter referred to as tendered ballot paper) which shall be in prescribed form instead of being given to him or inserting in the ballot box shall be handed over to the Presiding Officer who shall ask the elector to mark (x) opposite the symbol or on the symbol of the candidate in whose favour he desires to cast his vote and then endorse the name of the elector, his serial number in the electoral



roll and the name of the constituency to which the rolls relate and shall place the ballot paper in a separate packet.

(2) If a person representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has voted as such voter, he shall, after duly answering such questions as the Presiding Officer may ask, be entitled to vote through a tendered ballot paper. A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that:—

- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers;
- (b) such tendered ballot paper and its counterfoil shall be enclosed on the back with the words "Tendered Ballot Paper" by the Presiding Officer in his hand and signed by him;
- (c) the elector after marking a tendered ballot paper in the voting compartment and folding it shall hand over the same to the Presiding Officer instead of putting in the ballot box ; and
- (d) the Presiding Officer shall then endorse the name of the elector and his serial number in the electoral roll and place the ballot paper in a separate cover.

(3) The name of the voter, his serial number in the electoral roll and the name of the constituency to which the roll relates shall be entered in a list bearing "Tendered Voters List." The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

(4) The "Tendered Voters List" shall be prepared by the Presiding Officer in prescribed form.

108-ZC. Challenged Vote.—If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of impersonation, the Presiding Officer may require such person to enter in the list of challenged votes his name and address or if he is unable to write, to fix thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned answers affirmatively, he shall be allowed to vote. The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a

note of the circumstance in the list of challenged votes in prescribed form which shall be prepared separately.

108-ZD. Removal from Polling Station for Misconduct.—

If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Presiding Officer or any Polling Officer appointed there for, the Presiding Officer or such Polling Officer, as the case may be shall immediately remove or order any Police Officer present there as to remove from the polling station the person so misconducting himself and such person shall not be allowed again to enter the polling station without the permission of the Presiding Officer or the Polling Officer.

108-ZE. Closing of Poll.—(1) The Presiding Officer shall close the polling station at the hours appointed for such closure so as to prevent the entry therein of any elector after that hour.

(2) Any elector who has been admitted to the premises of the polling station before that hour shall, however, be allowed to cast votes even after that hour.

108-ZF. Procedure on closing of poll.—(1) As soon as practicable after the close of the poll, the Presiding Officer shall in the presence of such candidates or their duly authorised agents as may be present there make up into packets —

- (a) the unused ballot papers ;
- (b) the spoiled ballot papers ;
- (c) the ballot papers returned and cancelled ;
- (d) the marked copy of the voters list ;
- (e) the counterfoils of the used ballot papers ; and
- (f) affix his seal to every such packet.

(2) Subject to any directions given by the Election Authority or the Returning Officer in that behalf, the packets referred to in sub-rule (1) shall be forwarded by the Presiding Officer to the Returning Officer or the Election Authority, as the case may be.

108-ZG. Counting of Votes.—(1) Subject to any further directions issued by the Election Authority in this behalf and after the polling hours, the Returning Officer or the Assistant Returning Officer shall in presence of the candidates or their agents as are present on spot open the ballot box and start counting of the votes.

(2) No other person shall be allowed to be present at the counting of votes except those whom the Returning Officer may appoint to assist him in the task.



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(3) The Returning Officer shall allow such candidate or his agent ~~reasonable opportunity to inspect, without handling the~~ ballot papers which he considers to be liable to rejection.

(4) The Returning Officer may in his discretion or on the request of the candidate or his authorised agent recount the ballot papers of all or any of the candidates once or more than once, if he is not satisfied as to the accuracy of preceding count and shall declare the results thereafter on spot.

108-ZH. Rejection of Ballot Papers.—(1) A ballot paper shall be liable to rejection,—

- (i) if no vote is recorded thereon ; or
- (ii) if the ballot paper or the vote recorded thereon is void for uncertainty ; or
- (iii) if it is otherwise not in conformity with these rules.

(2) No ballot paper shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record on every ballot paper which he rejects a brief statement or reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the ballot paper shall be final.

108-ZI. Fresh Poll in Case of Destruction of Ballot Boxes.—(1) If at an election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with or is either accidentally or intentionally or otherwise destroyed or lost, the Returning Officer shall forthwith report the matter to the District Panchayat Election Officer who may after holding such enquiry as he may deem necessary, and subject to any direction of the Election Authority declare such polling to be void and shall thereupon appoint a day for taking of a fresh poll in such polling station or stations as the case may be, and fix the hours during which the polling shall be taken.

(2) Notwithstanding anything contained in these rules, the counting of votes in respect of the elections in the constituency, in which any election has been declared void under sub-rule (1) shall remain in abeyance till a fresh poll in respect of the election declared void is completed.

(3) The provisions of rules 108-P to 108-ZH shall apply to every such fresh poll as they apply to the original poll.



108-ZJ. Report of Result to Election Authority.—As soon as may be after the result of an election has been declared, the Returning Officer shall report the result in prescribed form to the Election Authority and the District Panchayat Election Officer.

108-ZK. The Election Papers.—(1) The Returning Officer shall after reporting the result of the election, forward all papers pertaining to election to the District Panchayat Election Officer for safe custody.

(2) The District Panchayat Election Officer shall keep the papers so forwarded to him in safe custody for such time as the Election Authority may decide.

108-ZL. Election to the Casual Vacancy.—Where any casual vacancy arises by reason of death, resignation, removal, the provision of these rules regulating the election of elected members of District Development Council, shall apply to fill such vacancy.

108-ZM. Clarification and Additional Instructions by the Election Authority.—The Election Authority shall wherever it considers just and necessary give clarification and additional instructions on the matters not covered under these rules for the smooth conduct of the elections.

CHAPTER-VIII-B

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF DISTRICT DEVELOPMENT COUNCIL

108-ZN. Meeting for Election.—(1) After the declaration of result of the elected members of the District Development Council, the Deputy Commissioner concerned shall fix a date of meeting for the purpose of oath or the affirmation of allegiance under his presidentship (hereinafter referred to as the Presiding Officer) as soon as possible but, not later than one week of such declaration.

(2) As soon as possible but not later than twenty days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned shall call under his presidentship a meeting of all elected members to elect one of its members to be the Chairperson and another member to be the Vice-Chairperson of the District Development Council:

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~~Provided that the Deputy Commissioner shall hold such elections under the overall supervision, direction and control of the Election Authority:~~

Provided further that the Government may, by general or special order, allow holding of meeting for the election of Chairperson and Vice-Chairperson under this sub-rule after the period prescribed under this sub-rule but not later than one month from declaration of result of election of the elected members of the District Development Council under the following circumstances:-

- (i) if it is not possible to convene meeting within the period prescribed under this sub-rule due to natural calamities; and
- (ii) if it is not possible or desirable to hold meeting within the period prescribed under this sub-rule due to severe law and order problem;

(3) As soon as possible but not later than twenty days after the declaration of occurrence of the casual vacancy in the office of the Chairperson or the Vice-Chairperson or both, as the case may be, the Deputy Commissioner concerned or any other officer shall call under his presidentship a meeting of all elected members to elect the Chairperson or the Vice-Chairperson or both, as the case may be:

Provided that if, owing to a natural calamity of great severity or a grave situation of law and order or a war or aggression by another country against India affecting the relevant area in Union territory of Jammu and Kashmir or any other cause beyond human control, it is not possible to hold such meeting within twenty days, the Government may allow such meeting to be held after twenty days, but not later than three months after the occurrence of the vacancy in question.

(4) The Deputy Commissioner shall issue a notice for the purpose of holding of meeting under this rule to all the elected members in a prescribed form .

(5) A copy of such notice shall be exhibited on the notice board of the District Development Council office and office of the Deputy Commissioner.

(6) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub-rule (1). Quorum for the meeting for the purpose of election of Chairperson or Vice-Chairperson or both, as the case may be, shall be two-third

of the total of the elected members. If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjourned of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum, the subsequent meetings shall be convened within ten days from the date of the last adjourned meeting. Action shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.

(7) The notice shall be dispatched at least five days before the date of meeting at their permanent address and shall contain the date, time, place and purpose of the meeting.

(8) Every candidate for the Chairperson and Vice-Chairperson, as the case may be, shall be nominated in prescribed form signed by two of the elected members, one as a proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate. The nomination papers shall be delivered to the Presiding Officer within hour after the completion of quorum. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

(9) Scrutiny of nomination papers shall be taken up by the Presiding Officer after the expiry of one hour allotted for the delivery of nomination papers in the presence of members. An objection to any nomination shall be recorded by the Presiding Officer who after proper consideration shall accept or reject such nomination. In case of rejection of any objection he shall record the reasons for rejection in brief.

(10) The Presiding Officer of the meeting shall read out in the meeting:-

- (a) the names of the candidates whose nomination papers have been declared invalid and the reasons thereof; and
- (b) the names of the candidates duly nominated.

(11) If there is only one candidate for election, he shall be declared to have been duly elected.

(12) If the number of candidates is more than one, the election shall be held by secret ballot.

(13) The Presiding Officer shall assign serial number to ~~each candidate with reference to their names written alphabetically~~ and then announce to the members serial numbers assigned to each candidate.

(14) The Presiding Officer shall cause the ballot paper to be prepared in the prescribed form.

(15) The ballot papers shall be signed by the Presiding Officer and one paper each shall be handed over to each elected member for each election who shall mark the ballot paper by putting the seal provided for the purpose against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or other physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.

(16) The ballot paper shall be inserted in the box provided for the purpose.

(17) (i) Immediately after the voting is over, the Presiding Officer shall in the presence of the members present, open the box containing the ballot papers, count them and record the number thereof in a statement.

(ii) A ballot paper shall be invalid:-

- (a) if it bears the signature of the member or contains word, or any visible representation by which he can be identified; or
- (b) if marks are placed thereon against more than one candidate; or
- (c) if the mark is so placed thereon as to make it doubtful for which one or two or more candidates the vote was intended to be given; or
- (d) if no mark is placed thereon; or
- (e) if it does not bear the signature of the Presiding Officer.

(18) At the end of the poll the Presiding Officer shall declare the candidate who secures the largest number of votes to be duly elected.



(19) In case of equality of votes, the election shall be decided by a lot to be drawn by the Presiding Officer.

(20) The Presiding Officer of the meeting shall keep order in the meeting and see that the election is fairly conducted.

(21) Immediately after the conclusion of the meeting, the Presiding Officer shall:-

- (a) prepare a record of the proceedings of the meeting and sign it and any member in the meeting shall be permitted to fix his signature on such record, if he so desires; and
- (b) publish on the notice board of office of District Development Council and office of Deputy Commissioner a notice in prescribed form signed by him as a prescribed authority stating the names of persons elected and send a copy of such notice to the Election Authority.

(22) (a) The Presiding Officer shall make up into separate packets the counted and rejected ballot papers relating to each election, seal such packets and note thereon a description of its contents, the election to which it relates and the date thereof. The packets so sealed shall not be opened and their contents shall not be inspected or produced except under the orders of the competent court.

(b) The packets shall remain in safe custody of the Election Authority for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

108-ZO. Election Petitions.- (1) An appeal against the election of elected members and Chairperson/ Vice-Chairperson of the District Development Council shall lie to the authority as may be notified by the Government within a period of 30 days from date of declaration of results.

(2) On receipt of the appeal under sub-rule (1), the appellate authority shall fix the time, place and the date of hearing of the appeal, such date not being more than seven days after the date of receipt of the appeal.

(3) At the fixed date and place the authority shall hear the appeal and pass such orders as it may deem fit.

(4) The orders passed under sub-rule (3) shall be final.

108-ZP. Notification and constitution of District Development Council.- (1) The Election Authority shall forward to the Government the names of the elected members, Chairpersons and Vice Chairpersons of the District Development Councils elected in accordance with the provisions of the Act and these rules.

(2) On receipt of the names of the elected members, Chairpersons and Vice Chairpersons, the Government shall, by notification, constitute District Development Council(s) bearing the name of the concerned District.

(3) Upon the issuance of notification under sub rule (2), the District Development Council shall be deemed to be duly constituted.

(4) Every District Development Council shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name sue and be sued, subject to such conditions and restrictions as the Government may prescribe.

By order of the Government of Jammu and Kashmir.

**Sd/-
(Sheetal Nanda) IAS
Secretary to Government,
Department of Rural Development and
Panchayati Raj**

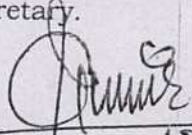
No: RD/Panch/23/2020

Dated: 17 -10- 2020

Copy to the:-

1. Financial Commissioners, J&K.
2. Principal Secretary to Hon'ble Lieutenant Governor.
3. All Principal Secretaries to the Government.
4. Chief Electoral Officer, J&K, Jammu.
5. Joint Secretary (J&K), Ministry of Home Affairs, GoI, New Delhi.
6. All Commissioner/Secretaries to the Government.
7. Divisional Commissioner, Jammu/Kashmir.
8. Secretary to the Government, Department of Law, Justice & PA.
9. All Deputy Commissioners (District Panchayat Election Officers).
10. Director Information, J&K, Srinagar.
11. Director Archives, Archaeology and Museums, J&K, Srinagar.
12. Director Rural Development Kashmir/Jammu.
13. Director Local Bodies, Jammu/Kashmir.
14. General Manager, Government Press, Srinagar/Jammu for publication in Gazette.
15. Pvt. Secretary to the Chief Secretary, J&K, for kind information of Worthy Chief Secretary.
16. Pvt. Secretary to Advisor (S) to Lieutenant Governor.

17. Pvt. Secretary to Advisor (F) to Lieutenant Governor.
18. Pvt. Secretary to Advisor (B) to Lieutenant Governor.
19. Pvt. Secretary to Advisor (BK) to Lieutenant Governor.
20. Pvt. Secretary to the Secretary to the Government, Department of RD and PR for information of the Secretary.
23. In-charge Website, RDD.
24. Stock file.



(Javaid Ahmad Reshi)KAS

Deputy Secretary to the Government