

THE AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 21.10.2022

NOTIFICATION:

No. LD/AD/2022-36/2022. Whereas, it is expedient to repeal “the Azad Jammu and Kashmir Local Government (Election of Mayor, Deputy Mayor, Chairman and Vice-Chairman) Rules, 1996” and to make renewed statutory provisions to conduct elections of the membership in local government bodies against seats of Chairman, Vice Chairman, Mayor and Deputy Mayor in order to ensure the process of aforesaid election indirectly to be conducted in fair, transparent and just manner;

Now therefore, in exercise of the powers conferred by Section 138 of the Azad Jammu and Kashmir Elections Act, 2020 (Act XVIII of 2020), and in consultation with the Azad Jammu & Kashmir Election Commission, the Azad Government of the State of Jammu & Kashmir, is pleased to make the following Rules, namely:-

1. **Short title, extent and commencement:-** (1) These Rules may be called the Azad Jammu and Kashmir Method of Election for Office of Chairman, Vice-Chairman, Mayor and Deputy Mayor Local Governments, Rules, 2022.

(2) These Rules shall extend to the whole of Azad Jammu and Kashmir.

(3) These Rules come into force at once.

2. **Definitions:-** (1) In these Rules, unless there is anything repugnant in the subject or context:

(a) ‘Act’ shall be referred as Azad Jammu & Kashmir Elections Act, 2020;

(b) ‘Candidate’ means a person proposed as candidate for election of Chairman, Vice Chairman, Mayor and Deputy Mayor, in the Local Council concerned;

(c) ‘Commission’ shall be referred to the Azad Jammu & Kashmir Election Commission;

(d) ‘Duly Qualified’ means a person qualified to be elected as member of Local Council under the provisions of the Azad Jammu and Kashmir Local Government Act, 1990 and the Azad Jammu and Kashmir Elections Act, 2020;



- (e) 'Election' means the election of Chairman, Vice Chairman, Mayor and Deputy Mayor of Local Councils, to be conducted according to these Rules;
- (f) 'Rules' shall also be referred and construed to be the Azad Jammu & Kashmir Election Rules 2020 as made applicable to conduct Elections of Local Governments;
- (g) 'Local Council' means and include Union Council, District Council, Municipal Corporation, Municipal Committee and Town Committee;
- (h) 'Local Government Act' means the Azad Jammu & Kashmir Local Government Act, 1990;
- (i) 'Polling Officer' means a polling officer to be appointed by Returning Officer to assist Presiding Officer at the polling station;
- (j) 'Presiding Officer/Assistant Presiding Officer' means the officer to be appointed by Returning Officer to conduct the election for the office of Chairman, Vice Chairman, Mayor and Deputy Mayor in the Local Council concerned;
- (k) 'Returning Officer' means a person to be appointed by the Azad Jammu & Kashmir Election Commission to conduct election for the office of Chairman, Vice Chairman, Mayor and Deputy Mayor of the Local Council concerned;
- (l) 'Form' shall be referred and include set of forms set out under relevant provisions of these Rules;
- (m) 'Voter' means persons who have been directly elected as member of the Local Council concerned.

2. The words and expressions used hereinafter if not defined in these Rules, shall have the same meanings as defined or construed by the Azad Jammu & Kashmir Elections Act, 2020 and the Azad Jammu & Kashmir Elections Rules, 2020.

3. **Returning and Assistant Returning Officers:-** The Commission shall by notification in the Official Gazette, appoint number of Returning Officers and Assistant Returning Officers for the purpose of election for the office of Chairman, Vice Chairman, Mayor and Deputy Mayor in Local Council concerned.

4. **Duties of Returning and Assistant Returning Officers:-** (1) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting election for the offices of Chairman, Vice Chairman, Mayor and Deputy Mayor in the Local Councils concerned, in accordance with the provisions of the Act and the Rules.

(2) The Assistant Returning Officer shall provide assistance to the Returning Officer in the performance of his functions and shall abide by directions made by Returning Officer and also from time to time given by the Commission, while discharge of his duties under the control of the Returning Officer.

5. **Supply of List of Members/Voters and Polling Material:-** (1) The Commission shall provide to the Returning Officer, a list of elected members who are eligible to cast their votes constituting an electoral college for election of the office of Chairman, Vice Chairman, Mayor and Deputy Mayor in the Local Council concerned.

(2) The list referred hereinabove shall be kept in the office of the Returning Officer and shall be opened for public inspection only during office hours.

(3) The Commission shall also provide list of polling stations alongwith adequate number of ballot boxes and requisite polling material needed for the conduct of poll for election of the office of Chairman, Vice Chairman, Mayor and Deputy Mayor.

6. **Calling upon Members of Local Council to Elect Chairman, Vice Chairman, Mayor and Deputy Mayor.-** Soon after the issuance of notification of the directly elected members of Local Council and taking the oath of their membership, the Commission shall by notification;-

(a) call upon the elected members of Local Councils to choose and elect amongst members, a Chairman, Vice Chairman, Mayor and Deputy Mayor for the Local Council concerned;

(b) In the aforesaid notification, the Commission shall also fix,-

(i) a day and time for filing nomination of candidates, followed by scrutiny of nomination papers, filing of appeals against rejection of nominations;

(ii) a day for hearing of appeals and decisions thereon;

(iii) a day on or before which candidature may be withdrawn; and

(iv) a day and the place for the taking of the poll.

7. **Nomination of Candidates for Chairman, Vice Chairman, Mayor & Deputy Mayor:-** (1) Any elected member of the Local Council, being notified by the Commission, on the date and time fixed by the Commission, may propose or second the name of any member, who is duly qualified under the Act and Rules made thereunder, for the office of Chairman, Vice Chairman, Mayor or Deputy Mayor of the Local Council concerned.
- (2) Every nomination shall be made by a separate nomination paper in Form-I of these Rules, duly signed by the proposer and seconder having signature of the candidate by making declaration that he/she has consented to his/her nomination, and is not subject to any disqualification for being elected as member of the Local Council.
- (3) Every nomination paper shall be delivered by the candidate or his/her proposer to the Returning Officer on or before the date and time and at the place fixed for the receipt of nomination papers.
- (4) No person shall subscribe to more than one nomination paper as a proposer for same position, and if any person subscribes to more than one nomination paper for the same position, all such nomination papers except the first one received by the Returning Officer shall be void:

Provided that, if in any Local Council the total number of elected members is equal or less than four and seconder for any candidate nominated/proposed for the election of Chairman, Vice Chairman, Mayor or Deputy Mayor is not available and there is a tie between the candidates, the Returning Officer shall decide the nomination by drawing lots in the presence of such candidates or their proposers as may be present, and the decision of the Returning Officer as a consequence of the drawing of lot shall, subject to review on an election petition, be final.

8. **Scrutiny of Nomination Papers:-** (1) The candidates and their proposers or seconders may attend the scrutiny of nomination papers as per the schedule set out by the Commission for such purpose, and the Returning Officer shall give them an opportunity of examining the nomination papers.
- (2) The Returning Officer shall, in the presence of the persons attending the scrutiny under sub-rule (1) above, examine the nomination papers and decide any objection if raised by any such person against any nomination.
- (3) The Returning Officer may, either of his own motion or upon any objection raised by a person attending the scrutiny under sub-rule (2) above, conduct such

enquiry summarily as he deems fit and consequently reject any nomination paper if he is satisfied that,-

- (a) the Candidate is not qualified to be elected as a member of a Local Council;
- (b) any proposer or seconder is not qualified to subscribe to the nomination papers;
- (c) the signature or thumb-impression of the proposer or seconder are not genuine; or
- (d) the provisions of rule 7 and rule 8 have not been complied with.

Provided that:-

- (i) the rejection of a nomination paper shall not invalidate the nomination of a Candidate through other valid nomination paper; and
- (ii) Returning Officer shall not reject a nomination paper on the ground of any defect which is not of substantial nature and may allow any such defect to be remedied forthwith.

(4) The Returning Officer shall endorse on each nomination paper his decision to have accepted or rejected it and in the case of rejection, shall record a brief statement thereon.

(5) Where any or all the nomination papers of the candidates have been rejected, the Returning Officer shall, on request, supply to the candidates the same day, certified copies of all orders free of cost.

(6) The Returning Officer shall immediately send to the Commission, the rejected nomination paper or papers alongwith his decision thereof.

9. **Publication of the List of Candidates.**- (1) The Returning Officer shall, after the scrutiny of nominations, publish a list of candidates who have been validly nominated at Form-II of these Rules.

(2) In case an appeal against rejection of a nomination paper is accepted by the Appellate Tribunal, the list of validly nominated candidates shall be revised accordingly and be published.

10. **Withdrawals.**- (1) A validly nominated candidate, by notice in writing duly signed by him may deliver on or before the withdrawal day to the Returning Officer by himself or by an advocate authorized by him in writing notice to, withdraw his

candidature. The notice of withdrawal once delivered shall, in no circumstances, be revoked or withdrawn.

(2) On receiving a notice of withdrawal under sub-rule (1) above, the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate and has been properly delivered, cause a copy of the notice to be affixed at some conspicuous place in his office.

(3) The Returning Officer shall, on the next day following the withdrawal day, prepare and publish a list of contesting candidates, with notice of the date, hour and place of the poll on the Form-III of these Rules.

11. **Death of a Candidate after Nomination.**- (1) If a validly nominated candidate for the Election of Chairman, Vice Chairman, Mayor and Deputy Mayor who has not withdrawn his/her candidature, dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate proceedings for election to such position and proceed with the election to any other position and make a report to the Commission.

(2) Where the proceedings relating to an election have been terminated under sub-rule (1), fresh proceedings shall be commenced in accordance with the provisions herein as if it were a new election of Chairman, Vice Chairman, Mayor and Deputy Mayor, as the case may be, in relation which proceedings had been terminated.

12. **Postponement of election process, under Certain Circumstances.**- Where, for any reason beyond the control of the Returning Officer, proceedings relating to nomination, scrutiny or withdrawal or any subsequent stage of the electoral process cannot take place on the day appointed thereof, he may postpone or adjourn such proceedings and shall, with approval of the Commission, by public notice, fix another day for the proceedings so postponed or adjourned and, if necessary, also the day or days for any subsequent stage of the proceedings.

13. **Appeals:**- The provisions of Section 125-G of the Azad Jammu & Kashmir Elections Act, 2020 regarding appeal against scrutiny order shall mutatis mutandis apply for election of the office of Chairman, Vice Chairman, Mayor and Deputy Mayor to be conducted under these Rules.

14. **Uncontested Election:**- If after scrutiny or withdrawal of candidature, if any, there is only one contesting candidate for the election for any of the position of Chairman, Vice Chairman, Mayor and Deputy Mayor in any Local Council, the

Returning Officer shall declare his/her name as elected uncontested member against such position in the Local Council concerned and send return of election to the Commission on Form-IV of these Rules.

Provided that the Returning Officer shall not make the declaration in respect of any such position, if any candidate has formally signified his/her intention to file an appeal before the Appellate Tribunal and unless the period of appeal has elapsed or such appeal has been disposed off.

15. **Contested Elections**:- (1) After scrutiny or withdrawal of candidature, if any, the number of candidates is more than one for any of the position of Chairman, Vice Chairman, Mayor and Deputy Mayor, the Returning Officer shall:
- (a) publish a list of contesting candidates in Form-III of these Rules in alphabetical order of their names; and
 - (b) on the appointed day, conduct the poll after notice to the contesting candidates and subject to any direction by the Commission, fix the hours during which poll shall be taken and give public notice of the hours so fixed.
- (2) The Returning Officer shall arrange for the printing of sufficient quantity of ballot papers on paper of diverse colours for each position naming the candidates contesting for every position in Urdu language alphabetically in Form-V of these Rules.
- (3) In the event of contested election the candidate may appoint any of the member of the Local Council concerned to be his/her election agent.
16. **Presiding Officer**:- The Returning Officer shall appoint for each Local Council a Presiding Officer to preside at the meeting of the members of the Local Council, called under rule 6 for the purpose of electing Chairman, Vice Chairman, Mayor and Deputy Mayor.
17. **Polling Officer**:- The Returning Officer shall also appoint a Polling Officer to provide assistance to the Presiding Officer concerned.
18. **Voting to elect Chairman, Vice Chairman, Mayor and Deputy Mayor**:- (1) For the election of office of Chairman, Vice Chairman, Mayor and Deputy Mayor, each voter shall have the right to cast one non-transferable vote for each position in local council, which he would record in favour of the candidate(s) of his choice and the candidate who secured the highest valid votes for such position, shall be declared as elected for the office concerned .

19. **Voting Procedure.**- (1) A voter shall vote in person and by secret ballot.
- (2) Where any voter presents himself to record his vote, the Presiding Officer after satisfying himself about his identity, shall:-
- (a) issue him a ballot paper in respect of each position in the Local Council, to be filled;
 - (b) tick mark the entry relating to the voter in the voters list for respective position, to indicate that ballot papers have been issued to him; and
 - (c) put on the reverse of each ballot paper (foil) his initials and the code stamp mark and his initial on the obverse of the counter foil.
- (3) After the ballot papers are issued, the voter shall proceed to the voting booth and affix the voters mark stamp on each ballot paper, against the name of candidate(s) of his choice within the space reserved for that purpose, fold separately each ballot paper, leave the voting booth and then insert the ballot papers in the ballot box placed within the view of the Presiding Officer.
20. **Single Ballot Box.**- Single ballot box shall be used for election of Chairman, Vice Chairman, Mayor and Deputy Mayor, contested at a time, unless the ballot box being used has been stuffed to capacity, in which case, second ballot box shall be used.
21. **Count of Votes.**- (1) Immediately after the close of poll, the Presiding Officer shall proceed with the counting of votes in the presence of such of the contesting candidates and their authorized agents may chose to present.
- (2) The Presiding Officer shall,-
- a) count the total number of ballot papers taken out from the ballot box and record their number in a statement;
 - b) separate the ballot papers which he considers valid from those which he deems invalid and endorse on each rejected ballot paper the word "Rejected" with grounds of rejection and initial the same.
- (3) A ballot paper shall be invalid which bears,-
- (a) no official mark and initial of the Presiding Officer; or
 - (b) any writing, mark or any attached object tendered to violate the secrecy of the ballot; or
 - (c) no prescribed mark to indicate in whose favour the voter has voted, or otherwise mark being so confusing that it does not indicate clearly in whose favour the voter has recorded his vote.

- (4) After rejecting the ballot papers which in opinion of Presiding Officer are invalid, he shall,-
- a) arrange valid papers in separate parcels accordingly as the ballot papers relate to election to such position;
 - b) prepare statement relating to each parcel and the number of votes polled by each candidate;
 - c) Where after consolidation of the results of the count, it is found that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Presiding Officer shall forthwith draw a lot in respect of such candidates, and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected. The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present. The Presiding Officer shall record the proceedings in writing and obtain thereon the signatures of such candidates and election agents as have been witnesses to the proceedings.
 - d) declare the election result on the basis of simple majority, also called plurality rule.
- (5) The Presiding Officer shall submit the result to the Returning Officer on Form-VI of these Rules, and the Returning Officer shall, after verification and endorsement, declare the result and submit the list of returned candidates to the Commission on Form-VII of these Rules.
- (6) The Commission shall publish in the official Gazette the name of each returned candidate.
22. **Oath of the Office:-** Elected members as Chairman, Vice Chairman, Mayor and Deputy Mayor shall take an oath before the authority to be appointed for this purpose and as per schedule set out by Commission.
23. **Resolution of Ambiguities & Anomalies:-** Wherever any ambiguity or anomaly is faced during the process of the election for the office of Chairman, Vice Chairman, Mayor and Deputy Mayor, due guidance shall be sought from the Commission. The Commission shall on the request so made, issue written guidelines or procedure, clarify the procedure and also issue instructions to ensure that elections are conducted

justly, transparently and fairly in accordance with the Azad Jammu and Kashmir Elections Act 2020 and the Azad Jammu and Kashmir Elections Rules 2020. .

24. **Repeal:-** The Azad Jammu and Kashmir Local Government (Election of Mayor, Deputy Mayor, Chairman and Vice-Chairman) Rules, 1996 shall stand hereby repealed forthwith.

TIU
21.10.22

(Muhammad Ishfaq Ch.)
Section Officer (AD)

Copy to the:-

1. Secretary to the President, Azad Jammu and Kashmir.
2. Principal Secretary to the Prime Minister, Azad Govt. of the State of J&K.
3. Private Secretary to the Minister Law, Justice, Parliamentary Affairs and Human Rights.
4. Chief Secretary, Azad Govt. of the State of J&K.
5. Additional Chief Secretary (Gen. /Dev.)/Senior Member Board of Revenue, GoAJ&K.
6. Secretary Finance, Azad Govt. of the State of J&K.
7. Secretary, Law, Justice, Parliamentary Affairs and Human Rights.
8. Secretary Local Government and Rural Development, Azad Govt. of the State of J&K.
9. Registrar Supreme Court/High Court, Azad Jammu and Kashmir.
10. Accountant General, Azad Jammu and Kashmir.
11. Secretary Election Commission, Azad Jammu and Kashmir.
12. Director Public Relations for information to the Press & Media etc.
13. Controller Government Printing Press for publication in extra ordinary Official Gazette.
14. All officers of Law, Justice, Parliamentary Affairs and Human Rights Department.
15. Master file.

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21.10.22

Section Officer (AD)

FORM-I
[See sub-rule (2) of Rule 7]
NOMINATION FORM

For election to the reserved seat for _____ in Local Council _____
(Name of the position) *(Name of the Local Council)*

I, _____ the Member
(Name of the proposer)
of ward _____ of Local Council _____
(Name of the Ward) *(Name of the Local Council)*
Tehsil _____ District, _____ do hereby propose the name of
_____ whose address is _____
(Name of the candidate) *(Address of the candidate)*
_____ as a candidate
for Chairman/Vice Chairman/Mayor/Deputy Mayor _____.

Dated _____

Signature of Proposer

(To be filled in by the seconder)

I, _____ the Member
(Name of the seconder)
of ward _____ of Local Council _____
(Name of the Ward) *(Name of the Local Council)*
Tehsil _____ District, _____ do hereby second the name of
_____ whose address is _____
(Name of the candidate) *(Address of the candidate)*
_____ as a candidate
for Chairman/Vice Chairman/Mayor/Deputy Mayor _____.

Dated _____

Signature of Seconder

(Handwritten mark)

(Declaration and oath by the person nominated)

I, _____ son/daughter/wife of _____
 registered as a voter at Serial No. _____ in the electoral roll for _____ ward in Local
 Council _____ Tehsil _____ District _____ do hereby declare
 and solemnly swear that :-

- (i) I have consented to the above nomination and that I am not subject to any
 disqualification for being or being elected as a member of _____
(Name of Local Council)
- (ii) I believe in the absolute and unqualified finality of the Prophethood of Hazrat
 Muhammad (Peace be upon Him) the last of the Prophets, that I am not follower of
 any one who claims to be a Prophet in any sense of word or of any description
 whatsoever after Muhammad (Peace be upon Him), that I do not recognize such a
 claimant to be a Prophet or a religious reformer, nor do I belong to the Quadiani
 Group or the Lahori Group or call myself an Ahmadi;
- (iii) I will bear true faith and allegiance to Pakistan and uphold the sovereignty and
 integrity of Azad Jammu and Kashmir/ Pakistan; and
- (iv) I will strive to preserve the Islamic Ideology which is the basis for the creation of
 Pakistan.

Dated _____

Signature and Thumb Impression
 of the Candidate

(to be filed in by the Returning Officer)

This nomination paper was delivered to me at my office at _____
 on _____ at _____ by _____
(Date) (Time) (Name of person submitting papers)
 being the candidate / proposer / seconder.

Date _____

Returning Officer

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny)

I have examined this nomination paper in accordance with the provisions of rule 16 of the Local Government Election Rules, 1983 and decide as follows

(in case of rejection state brief reasons)

Date.....

Returning Officer

RECEIPT

(To be filled in by the Returning Officer)

S.No. of nomination paper.....

The nomination paper of a candidate for election

(Chairman/Vice Chairman/Mayor/Deputy Mayor)

of.....

(Name of Local Council)

was delivered to me at my office at on

(Location)

(Date)

by the candidate/proposer/seconded.

All nomination papers will be taken up for scrutiny at.....

(Location)

on at

(Date)

(Time)

Date.....

Returning Officer.

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FORM-III

[See sub-rule (3) of Rule 10]

LIST OF CONTESTING CANDIDATES

Election of the _____
 (Name of Position)

In _____
 (Name of Local Council)

S. No.	Name of the Contesting candidates in alphabetical order determined according to Urdu language.	Address of the contesting Candidates
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
etc.		

Notice is hereby given that the poll shall be taken between the hours of _____
 (Time)

on _____ at _____
 (Date) (Location)

Date _____

Signature of Returning Officer

FORM - IV

[See Rule 14]

RETURN OF UNCONTESTED ELECTION

Election of _____ in Local Council _____
(Name of Position) (Name of the Local Council)

In pursuance of rule 15 of , Azad Jammu and Kashmir Local Government
(Election of Chairman/Vice Chairman/Mayor/Deputy Mayor) Rules, 2022, I
_____ Returning Officer declare that after scrutiny of nominations
under rule 9 and withdrawal of candidature under rule 11 of , Azad Jammu and Kashmir
Local Government (Election of Chairman, Vice Chairman, Mayor and Deputy Mayor)
Rules, 2022, Mr/ Mrs/ Miss. _____ Son/Wife/
Daughter of _____ address _____
has been declared elected uncontested as _____ in Local Council _____

Place _____

Date _____

Signature of Returning Officer

TTU

FORM-V

[See sub-rule (2) of Rule 15]

Counterfoil of Ballot Paper

Serial No.

Local Council.....

Polling Station

Serial No. of Elector on Electoral Roll.

Signature or thumb-impression
of the elector

Initial of Presiding Officer

Ballot Paper

Name of Local Council.....

Name of Position.....

S.No	Name of Candidate

Serial No. of Ballot Paper

Serial No.

Name of Local Council.....

Name of Position.....

Name of Candidate

Polling Station

Serial No. of Elector on Electoral Roll

Signature or thumb-impression
of the elector

Initial of Presiding Officer

Serial No. of Ballot Paper

Serial No.

Name of Local Council.....

Name of Position.....

Polling Station

Name of Candidate

Serial No. of Elector on Electoral Roll

Signature or thumb-impression
of the elector

Initial of Presiding Officer

Serial No. of Ballot Paper

Serial No.

Name of Local Council.....

Name of Position.....

Name of Candidate

FORM-VI

[See sub-rule (5) of Rule 21]

Consolidated statement of the results of the count furnished by the Presiding Officers and declaration of result in respect of election to reserved seat(s) for _____ in _____ District _____
(Class/Category of Reserved Seat(s)) (Name of Local Council)

Total Votes Polled _____ Rejected Votes _____ Total Valid Votes _____ Tendered Votes _____

S. No.	Name of Candidate	Number of valid ballot papers cast in favour Candidate	Elected / Not Elected
1.			
2.			
3.			
4.			
5.			
Total			

The following candidates who has secured the highest number of votes is hereby declared elected against seat reserved for _____ in _____ District _____

(Name of Local Council)

1. _____
2. _____
3. _____
4. _____

Date _____

Signature of Presiding Officer

Handwritten mark resembling 'REY' in a circle.

FORM-VII

[See sub-rule (5) of Rule 21]

RETURN OF CONTESTED ELECTION

Election to the Reserved Seat(s) in _____
(Name of Local Council)

Total number of directly elected members of the Council _____

S. No.	Category or Class of the Reserved Seat	Names of the contesting candidates	Total Number of Polled Votes.	Valid Votes Polled
1.				
2.				
3.				
4.				
5.				

I declare that the above mentioned candidate(s) have been duly elected to the seat(s) reserved in local council as given with their names (in column 2). The detail of votes polled in favor of contesting candidates for the reserved seat(s) as submitted by the Presiding Officer are attached.

Dated _____
Place _____

Signature of Returning Officer

TCU