

Scheme for Kashmiri migrants to vote in person at transitory camps & by postal ballot

Details of the scheme

Notification of classes of persons entitled to vote in person at special polling stations and by post

- 2.1 In the Jammu and Kashmir Representation of the People Act 1957, there is already a special provision in Section 36 A to provide polling stations **outside the territorial limits of the constituency to enable such class of persons of those constituencies as may be specified by the Election Commission** in consultation with the Government of the State. For facility of reference, the said Section 36 A is reproduced as below: -

36-A. **Provision of polling stations outside the territorial limits of a constituency for security reasons.** – (1) Notwithstanding anything contained in section 36, the District Election Officer shall, with the previous approval of the Election Commission, provide polling stations, outside the territorial limits of the constituency lying within his jurisdiction, to enable such class of persons of that constituency as may be notified under sub-section (2) to vote at an election.

(2) The Election Commission may, in consultation with the Government, by notification in the Gazette, specify such class of persons for the purposes of sub-section (1) who for reasons of security are not in a position to give their votes in the polling station provided under section 36.

Thus, setting up of the special polling stations for the migrant voters registered in any of the assembly constituencies in the State of Jammu and Kashmir in the transitory camps in Jammu, Delhi, *etc.*, is already permissible under the State law.

- 2.2 In view of the legal position stated in the preceding para 2.1, the Election Commission had, in consultation with the State Government, **specified** vide notification No. 3/J&K/2014(S) dated 27th October, 2014 in terms of Section 36 A (2) of the Jammu & Kashmir Representation of the People Act 1957, the Kashmiri migrants whose names are registered in any of the 46 assembly constituencies in the Kashmir province, as a class of persons for whom the polling stations may

be provided outside the territorial limits of those constituencies, *i.e.*, **special polling stations** at Delhi, Udhampur and Jammu, *etc.* For this purpose, the State Government has been consulted as required under the said Section 36 A (2). At the special polling stations to be so provided, not only the above voters (hereinafter referred to as '**specified voters**') who are living in the transitory camps but also such of the other migrant voters as are interested and willing to go to those polling stations by making their own arrangements may also be made eligible to vote in person.

- 2.3 Simultaneously, those of the Kashmiri migrants who are living far away from the camps, *etc.*, and **wish to vote by post**, have been separately notified as '**notified voters**' vide Notification No. 3/J&K/2014(N) dated 27th October, 2014 in terms of Section 70 (c) of the said Act read with rule 27 A (b) of the J&K Conduct of Election Rules, 1965.

Appointment of Assistant Returning Officers for 'specified' and 'notified' voters

- 3.1 To operationalise this scheme, **Assistant Commissioner, (Central) with Divisional Commissioner, Jammu** has been designated as the **Assistant Returning Officer for migrant voters (specified & notified voters) of all the 46 Assembly Constituencies of the Kashmir Province settled at camps in Jammu**. He will be responsible for the receipt of applications from the electors who wish to vote at the special polling stations and also from those who wish to vote by post. He will also be responsible for preparation of marked copies of the electoral rolls for those polling stations, *etc.*, and all other arrangements for the conduct of polls at these polling stations. He will also handle supply of postal ballot papers.
- 3.2 Likewise, **Deputy Director, Horticulture, Planning & Marketing, New Delhi, who will operate from the office of Resident Commissioner, J&K House , New Delhi**, has been appointed as the Assistant Returning Officer for specified migrant voters in Delhi , for the receipt of applications, conduct of poll, *etc.* at the special polling station(s) in **Delhi and Collector, Northern Railways, Udhampur** has been appointed as Assistant Returning Officer for specified migrants voters at Udhampur in respect of the special polling station(s) at **Udhampur**.
- 3.3 Further, **these Assistant Returning Officers** have been made responsible not only for the conduct of poll at the special polling stations but **also for the counting of votes cast at these**

polling stations, which would obviate the necessity of transporting the EVMs used at these polling stations to the Returning Officers of the 46 Assembly Constituencies across the Kashmir province. The result of the counting of the votes polled at these polling stations will be ascertained by the said Assistant Returning Officers and communicated to the Returning Officers concerned which would be taken by the latter into account for determining and declaring the final result of the election in their constituencies.

Provision for special polling stations

- 4.1 Keeping in view the convenience of voters, living in the said camps and also nearby, following special polling stations have been provided in consultation with the Chief Electoral Officer, Jammu and Kashmir.

Jammu

1. Women's College, Gandhinagar, Jammu
2. Government Engineering College, Canal Road, Jammu
3. Director School Education, Muthi, Jammu.
4. Directorate of Economics & Statistics, Janipur, Jammu.
5. Migrant School, Purkhoo, Jammu
6. Agriculture Complex, Talab Tillo, Jammu
7. Migrant School, Roop Nagar, Jammu
8. Migrant School, Nagrota, Jammu
9. Govt. Higher Secondary School, Migrants Jagti, Jammu-A
10. Govt. Higher Secondary School, Migrants Jagti, Jammu-B
11. Panchayat Ghar, Barnai
12. Agriculture University Complex, Udhaiywala
13. J&K Board of School Education, Rehari.
14. Govt. Middle School (Migrants) Jagti
15. Community Hall Jagti.
16. Govt. Girls Middle School, Chak Changerwan, Chinore Chowk.
17. Govt. Girls Pry. School (Gangyal).
18. Govt. Boys Hr. Sec. School, Ponichack.
19. Govt. Boys Hr. Sec. School, Sarwal.
20. Govt. High School (Sagoon) Miransahib.

21. Govt. Hr. Sec. School. Channi.

Udhampur

1. District Industries Centre Building, Udhampur.

New Delhi

1. J & K House, 5-Prithviraj Road, New Delhi.
2. Office of Deputy Director, Horticulture, Planning and Marketing, Shalimar Bagh, New Delhi.
3. BDO, Office, Najafgarh, New Delhi.
4. Arwachin International Public School, Pocket-F, Dilshad Garden, Delhi.

4.2 In so far as the **Kashmiri migrants living in other parts of the country** are concerned, it may **not** be feasible to provide polling stations for them and they will have the **option to exercise their franchise through the postal ballot system**, as was done at the time of general elections in 1996, 1998, 1999, 2002, 2008, 2009 and 2014.

Collection of information from 'specified voters' as to where they would like to vote

5.1 In order to ascertain the number of specified voters who would vote at which of the abovementioned polling stations, **the voters will be asked to give their preference in writing**. As this information is to be gathered for the purpose of allocating these voters to the abovementioned polling stations, it may suffice if the **head of the family or any senior member** of the family gives intimation in respect of all the members of his family and not insist upon individual intimation from each elector. Though the right to vote is an individual right, the gathering of such information from the head of the family would not militate against the individual right as at the time of election, the voter concerned will have to exercise that right individually after satisfying the polling staff of his identity. This **information will be obtained** from the heads/senior members of the families in a **non-statutory form**, called 'Form-M', format of which is enclosed.

- 5.2 Copies of this form shall be **distributed** through the **Assistant Commissioner (Central) with Divisional Commissioner's office at Jammu** , **Collector, Northern Railways office at Udhampur** and **Resident Commissioner's office at Delhi** and through the camp commandants of the migrant camps. **Wide publicity** shall also be given in the newspapers and also through the heads of departments in the case of registered migrants who are working in the Government offices in and around Jammu.
- 5.3 The heads/senior members of the families of specified voters shall be asked to give the requisite information in **Form M** to the above-referred **AROs** at Jammu, Udhampur and Delhi immediately and **latest by date for scrutiny of nomination of each phase**.
- 5.4 To enable the applicants to give the requisite intimation in Form M by the stipulated date, **copies of the electoral rolls of all the 46 ACs** in Kashmir Province have been made available at the **offices of the above AROs** for **inspection** by the intending applicants. Copies have also been made available at the **camps** and certain **other central locations** for inspection with **wide publicity** to that effect. At these offices and centers, copies of **Forms 6, 7, 8 and 8-A** have also been made **available**, so that if any eligible elector's name is **missing** from the roll or any entry needs to be **corrected** or **deleted**, necessary applications may be filed for the purpose with the **camp commandants/AROs** for onward transmission to the EROs concerned. Under the law, such inclusions, corrections and deletions can be made by the EROs upto the last date for making nominations in the constituency concerned.

Assignment of voters to special polling stations and preparation of marked copies of electoral rolls

- 6.1 On the basis of the intimations given by the specified voters in Form M, the AROs shall **cull out lists, Constituency wise**, of electors who opt for voting in person at the abovementioned polling stations and then these electors shall be **assigned to the different polling stations** as per the preference indicated by them. If at any polling station, the number of electors from any particular Constituency is **exceedingly large**, say more than 1,200, **more than one booth** may be provided for them in the same polling station location for the convenience of voters.
- 6.2 The **lists** of these special polling stations with the **groups of specified voters** assigned to each polling station shall then be **notified, constituency wise**, by the **District Election Officers** concerned under Section 36 A (1) of the J&K Representation of People Act, 1957.

6.3 The provision of the abovementioned special polling stations in the transitory camps, *etc.*, would mean that the specified class of voters would be entitled to vote only at the specially provided polling stations and not in the polling stations normally provided for them in their native places in their respective constituencies. It should be **ensured** that when these persons vote in the special polling stations, **nobody else votes for them in their normal polling stations in the constituency**. The returning officers will have to so prepare the marked copies of the electoral roll to be used at the normal polling stations that they contain a **clear indication** as to which of the voters would vote at the special polling stations and would not be entitled to vote at the normal polling stations. **Such indication** may be given by putting the letters 'VSPTS' [to denote 'voting at special polling station'] **against the names of the voters** who give intimation of their intention to vote at the special polling stations. [These marked copies will also contain the letters 'PB' against the names of those electors who wish to **vote by post** and have been supplied with the postal ballot papers].

6.4 The **marked copies** of the electoral rolls **to be used at the special polling stations** will consist of **only the names of those electors who have been assigned to those polling stations** as mentioned in paras 6.1 and 6.2 above. Instead of giving the whole electoral roll of the constituency running into several hundred pages and marking the names of persons who will be entitled to vote at these special polling stations, a **separate marked copy of the electoral roll will be prepared, polling station wise, containing the names of only those electors who have been assigned to those polling stations** as per paras 6.1 and 6.2 above. This marked copy of the electoral roll for the special polling station **shall be prepared in the format enclosed herewith at Annexure**. On the basis of the marked copy of the electoral roll for each special polling station so prepared, the **Returning Officer** of the constituency will mark the letters 'VSPTS' against the names of the persons, included in the said marked copy (Annexure), in the marked copies of the electoral roll to be used at the respective **polling stations normally provided** for these voters in their native places, as envisaged in para 6.3 above.

Conduct of poll and counting of votes

- 7.1 The **conduct of poll** at these special polling stations will be conducted by using **separate EVMs for each AC** as at the other normal polling stations in the constituency and all rules and directions and instructions applicable to the conduct of poll at the normal polling stations will apply to these special polling stations also.
- 7.2 As has been mentioned in para 3.3 above, the **counting of the votes** cast at the special polling stations shall be done by the **specified AROs and the result transmitted** by them to the **ROs concerned** by using **Form 20**. Such transmission of the result by the AROs shall be done by using **fax, e-mail** or any other means of fast communication available, **followed by a duly authenticated copy**.

FORM 'M'

LETTER OF INTIMATION TO ASSTT. RETURNING OFFICER FOR MIGRANTS

Dated : _____

To

The Assistant Returning Officer,
(For Migrants)
_____ Assembly Constituency

(Jammu Tawi-180001)
(Designation & address of ARO)

Sir,

I, along with the following members of my family, whose particulars are given below, wish to cast our votes in person at the polling station being provided at _____ (location of the polling station) in _____ (name of the city): -

| Sl. No. | Name | Father's/Mother's/Husband's name | Name of the Assembly Constituency | Part No. of Electoral Roll | Sl. No. in that Part |
|---------|------|----------------------------------|-----------------------------------|----------------------------|----------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

My present address is as follows:-

Yours faithfully,

Signature _____

Name _____

CERTIFICATE

(Certificate by the officer in charge of the migrant camp/office/area or by head of the office where the applicant is serving as a migrant employee or by a treasury officer/bank manager from where the migrant is drawing his pension as a pensioner or by any gazetted officer.)

It is hereby certified that the particulars given above by the applicant in Form 'M' are corrected as per our record / to the best of my knowledge and belief.

Dated : _____

(Full signature of the attesting officer)

Name _____

Address _____

Rubber Stamp _____

ANNEXURE

Marked copy of electoral roll to be use at special polling station provided under section 36A of the J & K Representation of the People Act, 1957.

Sl. No. and Name of the Assembly Constituency _____

Sl. No. and Name of Polling Station _____

Date of poll _____

| Part No. of electoral roll | Sl.No. of elector in that part | *House No. | *Name of elector | *Relation ship | *Father/Mother/ Husband's Name | *Sex | *Age |
|----------------------------|--------------------------------|------------|------------------|----------------|--------------------------------|------|------|
| | | | | | | | |
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**Headings to be the same as in the electoral roll*

(Assistant Returning Officer)