

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.

