

THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
(ELECTION OF CHAIRMAN)
RULES, 1961

(Passed under Government Order No. 42/61 dated 19-1-1961)

In exercise of the powers conferred on it by sub-section (5) of Section 11, sub-section (5) of Section 12 and sub-section (2) of Section 86 of the Azad Jammu and Kashmir Basic Democracies Act, 1960, read with entry 3 of the Sixth Schedule thereto, the Azad Government of the state of Jammu and Kashmir is pleased to make the following Rules, namely :-

1. Short title and commencement:- (1) These rules may be called the Azad Jammu and Kashmir Basic Democracies (Election of Chairman) Rules, 1961.

(2) They shall come into force at once.

2. Interpretation:- In these rules, unless the context otherwise requires, 'Basic Democracy' means Union Council, a Union Committee, or a group of Union Committees or a Town Committee constituted under the Basic Democracies Act, 1960.

3. Notice for the election of Chairman:- As soon as may be, after the notification of the names of the members of a Basic Democracy, the Controlling Authority shall:

(a) appoint a date for the assumption of office by the Basic Democracy under Rule 4 of the Azad Jammu and Kashmir Local Councils (Assumption of Office) Rules, 1961 ;

(b) issue a notice convening the first meeting of the Basic Democracy ;

(c) issue a notice to all members of the Basic Democracy stating that at the first meeting the Basic Democracy shall be elected; and

(d) appoint a gazetted officer, hereinafter referred to as the 'Presiding Officer', to preside at the first meeting of the Basic Democracy.

Election of Chairman:- (1) After the oath of office has been administered to all the members of the Basic Democracy present at the first meeting held under the Azad Jammu and Kashmir Local Councils (Assumption of office) Rules, 1961, the Presiding Officer shall call upon the members to elect the Chairman.

(2) Any elected member of a Basic Democracy will be eligible for election as Chairman.

(3) Any member present at the meeting may propose the name of any other member as the Chairman and if another member seconds the proposal the person proposed shall be deemed to be a candidate for the office of the Chairman (hereinafter referred to as a 'candidate').

(4) A candidate may withdraw his candidature before the Presiding Officer proceeds to declare the result or to take the poll, as the case may be, and thereupon such person shall cease to be a candidate.

(5) If there is only one candidate, that candidate shall be declared by the Presiding Officer to have been duly elected as the Chairman. If there are more candidates than one, the issue shall be decided by taking a poll.

Poll:- (1) Votes for the office of the Chairman shall be given by ballot.

(2) The Presiding Officer shall provide a ballot-box which shall be shown empty to the members, and thereafter nailed or locked, and placed in a separate compartment.

(3) The Presiding Officer shall issue to each member of the Basic Democracy a ballot in the form appended to these rule. Each member shall, after taking the ballot, proceed to the compartment where the ballot-box is kept, mark a cross on the ballot-paper against the name of the candidate for whom he wishes to vote and thereafter drop the ballot in the ballot-box. If a member can not read or write, he may request the Presiding Officer to assist him in the marking of the ballot-paper.

(4) When the ballots have been cast, the Presiding Officer shall open the ballot-box in the presence of the members, and count the votes cast in favour of each candidate. If there is any doubt or

dispute about the marking of a ballot-paper, the Presiding Officer may

decide the issue, after holding such summary enquiry on the spot as may be necessary.

(5) The candidate obtaining the highest number of votes shall be declared by the Presiding Officer to have been elected as the Chairman. If, for the purposes of the declaration of the result, there is a tie between two or more candidates who have obtained an equal number of votes, the result shall be declared by the Presiding Officer by drawing lots.

Adjournment:- If, for any reason, the election of a Chairman is not held on the date fixed under rule 3, a fresh date shall be fixed for election and at the meeting thus held the procedure prescribed in rules 4 and 5 shall be followed.

Election petition:- (1) No election of a Chairman shall be called in question except by a petition presented to the Controlling Authority within thirty days of the declaration of the result.

(2) The Controlling Authority may after such enquiry as may be necessary uphold the election of the Chairman, or declare the election as void for any material irregularity, or any sufficient reason to be recorded.

(3) Where an election is held to be void, a fresh election shall be held in the manner provided by these rules.

Casual Vacancy:- If there occurs a casual vacancy in the office

of the Chairman, the election to the vacancy shall be held in the manner provided by these rules.

740

FORM

Counterfoil Ballot-paper Serial No.

Serial No. No. Name of the candidate Cross Mark

Election of Chairman 1

Basic Democracy 2

Name of the member. 3

4

5

6

Signature or thumb-Impression Initial of the

of the member.

740

Presiding Officer