

**THE JAMMU AND KASHMIR
REPRESENTATION OF THE PEOPLE ACT, 1957**

Act No. IV of 1957

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ACT NO. IV OF 1957

[1st February, 1957]

An Act to provide for the delimitation of Constituencies for the purpose of elections to the Legislative Assembly and the Legislative Council, the qualifications of voters at such elections, the preparation of electoral rolls, the conduct of elections, the qualifications and disqualifications for membership of the Houses of Legislature, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections and matters connected therewith.

Be it enacted by the "Jammu and Kashmir State Legislature in the Eighth Year of the Republic of India as follows :—

PART I

Preliminary

1. Short title.—This Act may be called the Jammu and Kashmir Representation of the People Act, 1957.
2. Definitions.—(1) In this Act unless the context otherwise requires,—
 - (a) "Assembly Constituency" means a Constituency provided for the purpose of elections to the Legislative Assembly ;
 - (b) "Constitution" mean the Constitution of Jammu and Kashmir ;
 - (c) "Corrupt practice" means any of the practices specified in section 132 ;
 - (d) "Council Constituency" means a Constituency-provided for the purpose of elections to the Legislative Council;
 - ¹[(e) "Election Commission" means the Election Commission appointed by the President under Article 324 of the Constitution of India] ;
 - (f) "election" means an election to fill a seat or seats in either House of the Legislature ;
 - (g) "elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualifications mentioned in section 12 of this Act ;
 - (h) "order" means an order published in the Jammu and Kashmir Government Gazette ;
 - (i) "gazette" means the Jammu and Kashmir Government Gazette ;
 - (j) "prescribed" means prescribed by rules made under this Act ;
 - (k) "person" does not include a body of persons ;
- ² [(kk) "public holiday" means any day which is a public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881] ;
- (1) "sign" in relation to a person who is unable to sign his name, means authenticate in such manner *as may* be prescribed ;

³[(m) Omitted.]

(2) For the purposes of this Act an Assembly Constituency, a Council Constituency, a local authorities' Constituency, ⁴[****] and a panchayats' Constituency shall each be treated as a Constituency of a different class.

(3) Where under any of the provisions of this Act anything is to be prescribed, different provisions may be made for different cases and classes of cases.

-
- 1 Clause (e) substituted by Act XXVI of 1960.
 - 2 Clause (kk) Inserted by Act XI of 1967.
 - 3 Clause (m) omitted *ibid*.
 - 4 Words omitted by Act XXIII of 1963.

PART II

Delimitation of Constituencies

¹[3. Constitution of Delimitation Commission,—(1) ²[As soon as may be after the completion of each census] the Governor shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows :-

(a) two members, each of whom shall be a person ³[who is or has] been a Judge of the Supreme Court or of a High Court in India ; and

⁴[(b) the Deputy Election Commissioner nominated by the Chief Election Commissioner.]

(2) The governor shall nominate one of the members appointed under clause (a) of subsection (1) to be the Chairman of the Delimitation Commission.

⁵[(3) The Delimitation Commission shall determine the delimitation of Assembly Constituencies in the State within such period as may be specified by the Governor.

⁶[(3-A) Associate Members.—(1) The Commission shall associate with it five members of the Legislative Assembly to be nominated by the Speaker, having due regard to the composition of the Assembly :

⁷[Provided that when the Legislative Assembly stands dissolved, the five members of the dissolved Legislative Assembly earlier nominated by its speaker shall cease to be Associate Members of the Commission and in their place three Associate Members shall be nominated by the Governor in consultation with the Chairman of the Legislative Council, from amongst the members of the Legislative Council, and two Associate Members shall be nominated by the Governor in consultation with the Speaker of the Lok Sabha from amongst the members of the Lok Sabha elected from the State of Jammu and Kashmir :

Provided further that where the Delimitation Commission is constituted during a period when the Legislative Assembly stands dissolved, the five Associate Members of the Commission shall be nominated by the Governor in the same manner as prescribed in the preceding proviso :

-
1. Sections 3 substituted by Act IX of 1966,
 2. Substituted by Act I of 1982.
 3. Substituted *ibid* "who has",
 4. Substituted by President's Act 3 of 1992.
 5. Added by Act I of 1982.
 6. Section 3-A inserted vide Act XVII of 1973.
 7. Added by President's Act 3 of 1992.

Provided also that where for any reason election to the House of the People for electing members from the State is not held, the Commission shall have only three Associate Members referred to in the first proviso.].

(2) None of the Associate Members shall have a right to vote and sign any decision of the Commission.

(3) If owing to death or resignation, the office of an Associate Member falls vacant, it shall be filled, as soon as practicable, in the manner prescribed in sub-section (1) above]

¹[4. Delimitation of Assembly Constituencies.—(1) The Delimitation Commission shall,
²[xxxx]-

(a) readjust the extent and boundaries of the Assembly Constituencies ; and

(b) determine the number of seats in the Legislative Assembly to be reserved for the Scheduled Castes

³[(2) The Delimitation Commission shall in the manner herein provided, distribute the
⁴[Eighty-seven] seats in the Legislative Assembly to single member territorial constituencies and delimit them having due regard, as far as practicable to the following :-

(a) (i) Population as ascertained at the last preceding census of which the relevant figures have been published ;and

(ii) geographical compactness ;and

(iii) nature of terrain ; and

(iv) facilities of communication ; and

(v) the like consideration.]

(b) constituencies in which seats are reserved for the Schedule Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large,

(3) The Delimitation Commission shall-

(a) publish its proposal for the delimitation of constituencies in the Gazette and also in such other manner as it thinks fit ;

(b) specify a date on or after which the proposals will be further considered by it ;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings at such place or places in the State as it thinks fit ; and

-
1. Section 4 substituted by Act IX of 1966.
 2. Omitted vide Act XXIII of 1975.
 3. First paragraph and clause (a) substituted by Act XXIII of 1975.
 4. Substituted by President's Act 3 of 1992.

(d) thereafter by order determine the delimitation of Assembly Constituency in the State.

4-A Procedure and Powers of Delimitation Commission.-(1) The Delimitation Commission shall determine its procedure and shall in the performance of its function have all the powers of a Civil court under the Code of Civil Procedure, Svt. 1977, while trying a suit, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of witnesses ;
- (b) requiring the production of any document ; and
- (c) requisitioning any public record from any court or office.

(2) The Delimitation Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Delimitation Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made' or act done in exercise of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Delimitation Commission shall be expressed in terms of the views of the majority.

(5) The Delimitation Commission shall have powers to act notwithstanding the temporary absence of a member or the existence of a vacancy in the Commission, and no act or proceeding of the Commission shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Delimitation Commission shall be deemed to be a Civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, Svt. 1989.

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Delimitation Commission shall be the limits of the territory of the State.

4-B. Publication of orders and their date of operation.—(1) The Delimitation Commission shall cause its order made under clause (d) of sub-section (3) of section 4 to be published in the Gazette, and upon such publication, the said order shall have the force of law and shall not be called in question in any court.

(2) As soon as may be after such publication, the said order shall be laid before the Legislative Assembly.

(3) Subject to the provisions of sub-section (4), the readjustment of representation of the several territorial constituencies in the Legislative Assembly and the delimitation of those constituencies provided for in the said order shall apply in relation to every election to the Legislative Assembly held after the publication in the Gazette of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in ¹[the last preceding Delimitation of Assembly Constituencies Order.]

(4) Nothing in this section shall affect the representation in the Legislative Assembly existing on the date of publication of the said order until the dissolution of that Assembly.

4-C. Power to maintain delimitation orders up to date.—(1) The Election Commission may; from time to time by, notification in the Gazette,—

(a) correct any printing mistake in the final order of the Delimitation Commission or any error arising therein from, an inadvertant slip or omission ; and

(b) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary by expedient for bringing the order up to date.

(2) Every, notification under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly.]

1 Substituted by Act I of 1982.

5. Delimitation of Council Constituencies.—(1) The Council Constituencies and the number of seats allotted to each such constituency shall be as provided in section 50 of the Constitution.

(2) The ¹[Governor] shall, as soon as may be after the commencement of this Act, by order specify the local bodies, if any, in the Province of Jammu and in the Province of Kashmir for the purpose of sub-section (5) of section 50 of the Constitution.

26. Omitted.

27. Omitted.

PART III

Officers

³[7-A. Chief Electoral Officer,— (1) There shall be a Chief Electoral Officer for the State who shall be such officer of the Government as the Election Commission may, in consultation with the Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the Election Commission, the Chief Electoral Officer shall supervise the preparation, revision and correction of all electoral rolls and the conduct of election in the State under this Act.]

⁴[7-B. Delegation of functions of Election Commission.—The functions of the Election Commission under the Constitution and this Act, or under the Rules made there under may, subject to such general or special direction, if any, as may be given by the Election Commission in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission.]

1 Substituted for "Sadar-i-Riyasat" by the Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965.

2 Sections 6 and 7 omitted by Act, IX of 1966.

3 Section 7-A inserted by Act XXVI of 1960 .

4 Section 7-B added by Act V of 1967.

¹[7-C. District Election Officers.—(1) For each district in the State, the Election Commission shall, in consultation with the Government of the State designate or nominate a District Election Officer who shall be an officer of Government :-

Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one District Election Officer are designated or nominated, for a district under the proviso to sub-section (1), the Election Commission shall in the order designating or nominating the District Election Officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer shall co-ordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls and the conduct of elections for all Assembly and Council Constituencies within the district.

(4) The District. Election Officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief Electoral Officer.]

8. Electoral Registration Officers.—(1) The electoral roll for each Assembly Constituency and Council Constituency shall be prepared and revised by an ² [Electoral Registration Officer] who shall be such officer of the Government or of a local authority as the ³[Election Commission] may, in consultation with the Government, designate or nominate in this behalf.

(2) An ²[Electoral Registration Officer] may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

1 Section 7-C inserted by Act. XI, of 1967.

2 Substituted by Act IX .of 1966, for "Electoral Registrar".

3 Substituted by Act XXVI of 1980, for "Election Commissioner".

9. Assistant Electoral Registration Officers.-¹The [Election Commission] may appoint one or more persons as Assistant ²[Electoral Registration Officer] to assist *any* ²[Electoral Registration Officer] in the performance of his functions.

(2) *Every Assistant* ²[Electoral Registration Officer] shall be subject to the control of the ²[Electoral Registration Officer] be competent to perform all or any of the functions of the ²[Electoral Registration Officer]

³[9-A. Chief Electoral Officers, District Election Officers, etc. deemed to be on deputation to Election Commission. -The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during the period, be subject to the control, superintendence and discipline of the Election Commission"]

PART IV

Electoral Rolls for Assembly Constituencies

10. Definitions.-In this Part, unless the context otherwise requires.-

(a) "constituency" means an Assembly Constituency;

(b) "qualifying date" in relation to the preparation or revision of every electoral roll under this Part, means ⁴[the first day of January, the first day of April, the first day of July, the first day of October] (as may be applicable) of the year in which it is so prepared or revised-⁵[xxx]

11. Electoral roll for every constituency. - For every constituency there shall be an electoral roll which shall be prepared in accordance with the revisions of this Act under the superintendence, direction and control of the [Election Commission.]

12. Disqualifications for registration in an electoral roll--(1) A person shall be disqualified for registration in an electoral roll if he-

(a) is not a citizen of India: or

(b) is not a permanent resident of the State as defined in Part III of the Constitution; or

-
1. Substituted by Act XXVI of 1960, for "Election Commissioners".
 2. *Substituted* by Act IX of 1966, for "Electoral Registrar".
 3. Inserted by the President's Act No. 4 of 1995.
 4. Substituted by Act XXIV of 1975, dated : 19-8-1975.
 3. Proviso to section 10 omitted *ibid*.

(c) is of unsound mind and stands so declared by a competent court ; or

(d) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included :

Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (d) of sub-section (I) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

13. No person to be registered in more than one constituency.— No person shall be entitled to be registered in the electoral roll for more than one constituency.

14. No person to be registered more than once in any constituency.—No person shall be entitled to be registered in the electoral roll for any constituency more than once.

15. Conditions of registration,—Subject to the foregoing provisions of this Part, every person who ¹[xxx]

(a) is not less than ⁴[Eighteen] years of age of ²[on the qualifying date,] and

(b) is ordinarily resident in a constituency.

shall be entitled to be registered in the electoral roll for that constituency.

16. Meaning of "ordinarily resident"—³[(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

1. Words omitted by Act IX of 1966.

2. Inserted *ibid*.

3. Substituted by Act IX of 1966 for sub-section (1).

4. Substitution by Act VIII of 1989.

(1-a) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein

(1-b) A member of Parliament or office Legislature of the State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not only by reason thereof be deemed to be ordinarily resident therein.

¹[(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.

(4) Any person holding any office in India declared by the Governor in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, shall be deemed to be ordinarily resident on any date in the constituency in which, but for the holding of any such office, he would have been ordinarily resident on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner that but for his having the service qualification or but for his holding any such office as is referred to in sub-section (4) he would have been ordinarily resident in a specified place on any date, shall in the absence of evidence to the contrary, be accepted as correct.

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall, if she be ordinarily residing with such person, be deemed to be ordinarily resident in the constituency specified by such person under sub-section (5),

1 Sub-section (3) to (8) substituted for sub-sections (3), (4), (5) and (6) by Act VII of 1971.

(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts *of* the case and to such rules as may be made in this behalf by the Government in consultation with the Election Commission.

(8) In sub-sections (3) and (5) "service qualification" means—

- (a) being a member of the armed forces of the Union ; or
- (b) being a member of a force to which the provision of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications ; or
- (c) being a member of an armed police force of the State, who is serving outside the State; or
- (d) being a person who is employed under the Government of India, in a post outside the State ; or
- (e) being a person, holding any office under the Government and, verified to be moving along with the headquarters of the Government from Kashmir Province to Jammu Province or vice versa, by such authority as the Governor may, in consultation with the Election Commission, specify.]

17. Preparation and revision of electoral rolls.—(1)- The electoral Roll for each constituency, shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

¹[(2) The said electoral roll .- --

(a) shall, unless otherwise directed by the Election Commission For reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date —

- (i) before each general election to the Legislative Assembly of the State and

1. Section 17(2) substituted by Act XI of 1967.

(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency ; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission :

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.]

(3) Notwithstanding anything contained in sub-section (2) the ¹[Election Commission] ²[***] may, at anytime, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as ³[it] may think fit :

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction shall continue to be in force until the completion of the special revision so directed.

⁴[18. Correction of entries in electoral rolls.—If the ⁵[Electoral Registration Officer] for a constituency, on application made to him or *on* his own motion, is satisfied after such enquiry as he thinks fit, that any entry in the electoral roll of the constituency—

(a) is erroneous or defective in any particular, or

(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll .

the ⁵[Electoral Registration Officer] shall, subject to such general or special directions, if any, as may be given by the

1 Substituted by Act XXVI of 1960, for "Election Commissioner".

2 Words omitted *ibid*.

3 Substituted by Act- IX of 1966, for 'he'.

4 Section 18 substituted by Act XXVI of 1960.

5 Substituted by Act IX of 1966, for "Electoral Registrar".

Election Commission in this behalf, amend, transpose or delete the entry :

Provided that before taking any action on any ground under clause (a) or (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the ¹[Electoral Registration Officer] shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.]

²[19. Inclusion of names in electoral rolls—(1) Any person whose name is not included in the electoral roll of a constituency may apply to the Electoral Registration Officer for the inclusion of his name in that roll.

(2) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein :

Provided that if the applicant is registered in the electoral roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of that other Constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll.

(3) No amendment, transposition or deletion of any entry shall be made under section 18 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency and before the completion of that election.]

³[19-A. Appeals.—An appeal shall lie within such time and in such manner as may be prescribed—

(a) to the Chief Electoral Officer from any order of the ¹[Electoral Registration Officer] under section 18 or section 19.

1 Substituted by Act IX of 1966.

2 Section 19 substituted by Act XI of 1967.

3 Sections 19-A and 19-B inserted by Act 1 of 1962.

¹(b) Omitted

19-B. Fee for applications and appeals.—Every application under section 18 or section 19 and every appeal under section 19-A shall be accompanied by a prescribed fee which shall, in no case, be refunded.]

20. Special provisions with regard to the electoral rolls prepared for elections to the first Legislative Assembly.—(1) Notwithstanding anything contained in this Act the electoral rolls prepared pursuant to the Resolution of the Jammu and Kashmir Constituent Assembly, dated 29th September, 1956 for elections to the first Legislative Assembly whether before or after the commencement of this Act. shall be deemed to be the electoral rolls prepared under this Act.

(2) Anything done and any action taken under the said resolution, whether before or after the commencement of this Act, for the purpose of elections to the first Legislative Assembly under the Constitution, shall, in so far as they are in conformity with the said resolution, be deemed, to have always been valid.

PART V

Electoral Rolls for Council Constituencies

21. Preparation of electoral rolls for Council Constituencies—(1) In this section—

(a) "local 'authorities' constituency" means a constituency for the purpose of elections to the Legislative Council under clauses (a) and (b) of sub section (4) of section 5 of the Constitution :

²(b) Omitted.

(b) "Panchayats constituency" means a constituency for the purpose of elections to the Legislative Council under clauses (a) and (b) of sub-section (5) of section 50 of the Constitution.

1. Clause (b) of S. 19-A omitted by Act XI of 1967.

2. Clause (b) of S.-21 omitted by Act, XXIII of 1963.

2. For the purpose of elections to the Legislative Council in a local authorities' constituency—
- (a) the electorate shall consist of members of Municipal Council, town area committees and notified area committees within the limits of that constituency ;
 - (b) every member of each such local authority within a local authorities' constituency shall be entitled to be registered in the electoral roll for that constituency ;
 - (c) ¹[the Electoral Registration Officer] for each local authorities' constituency shall maintain in his office in the prescribed manner and form the electoral roll for that constituency corrected up to date ;
 - (d) in order to enable the ¹[Electoral Registration Officer] to maintain the electoral roll corrected up to date the Chief Executive Officer of each local authority (by whatever designation such officer may be known) shall immediately inform the ¹[Electoral Registration Officer] about every change in the membership of that local authority ; and the ¹[Electoral Registration Officer] shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become, members of that local authority ; and
 - (e) the provisions of sections 11, 12, 14, 18 and 19 shall apply in relation to local authorities' constituencies as they apply in relation to Assembly Constituencies.

²[(3) Omitted.]

(4) For the purpose of elections to the Legislative Council in a Panchayats' constituency—

- (a) the electorate shall consist of members of Panchayats and such other local bodies, if any, within the limits of the constituency *as* the ³[Governor] may by order specify under sub-section (5) of section 50 of the Constitution ;

1 Substituted by Act IX of 1966.

2 Sub-section (3) omitted by Act, XXIII of 1963.

3 Substituted for "Sadar-i-Riyasat" of Jammu and Kashmir (Sixth Amendment) Act, 1965.

- (b) every member of the Panchayat and of such local body, if any, within a Panchayats' Constituency as referred to in clause (a) shall be entitled to be registered in the electoral roll for that constituency ;
- (c) the ¹[Electoral Registration Officer] for each Panchayats' Constituency shall maintain in his office in the prescribed manner and form the electoral roll for that constituency corrected up to date ;
- (d) in order to enable the ¹[Electoral Registration Officer] to maintain the electoral roll corrected up to date the Panchayat Officer of the Province of Jamrnu and of the Piovince of Kashmir shall immediately inform the ¹[Electoral Registration Officer] about every change in the membership of each Panchayat and of such local body, if any, within the Panchayats' Constituency as referred-to in clause (a), and the ¹[Electoral Registration Officer] shall, on receipt of the information, strike off from the electoral roll the names of perrons who have ceased to be, and include therein the names of persons who have become, members of that Panchayat or local body ; and
- (c) the provisions; of sections 11, 12, 14. 18 and 19 shall apply in relation to Panchayats' Constituency *as* they apply in relation to Assembly Constituency.

PART VI

Qualifications and disqualifications for membership of Legislature

22. Qualifications for membership of the Legislative Assembly-A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless—

- (a) in the case of a seat reserved for the Scheduled Castes, he is a member of *any* of those castes and is an elector for any Assembly Constituency in the State ; and
- (b) in the case of any other seat, he is an elector for any Assembly Constituency in the State.

1. Substituted by Act IX of 1966

¹[Provided that where on the date of publication of a notification under sub-section (2) of section 27 calling upon certain Assembly Constituencies to elect members the electoral rolls for any other Assembly Constituencies are not prepared and finally published and the ²[Election Commission] has recommended that such other constituencies may not be called upon by the said notification to elect members, no person who is not an elector for any of the constituencies called upon to elect members by the said notification shall, notwithstanding anything in this section or in any other provision of this Act be qualified to be chosen from any of those constituencies to fill a seat in the [Legislative Assembly.]

23. Qualifications for membership of the Legislative Council.—(1) A person shall not be qualified to be chosen to fill a seat in the Legislative Council be filled by election unless he is an elector for any Assembly Constituency in the State.

(2) A person shall not be qualified to be chosen to fill a seat in the Legislative Council to be filled by nomination by the ³[Governor] unless he is a permanent resident of the State as defined in Part III of the Constitution and is ordinarily resident in the State.

⁴[24. Disqualification on conviction for certain offences.—(1) A person convicted of an offence punishable under ⁵ [section 153-A or section 171-E or section 171-F or sub-section (2) or sub-section (3) of section 505 of the Ranbir Penal Code, 1989] ⁶[or under section 10 or section 11 or section 12 or sub-section (1) or sub-section (2) of section 13 of the Unlawful Activities (Prevention) Act, 1967 or under section 132-A or section 132-B] or section 142 or clause (a) of sub-section (2) of section 143 of this Act shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted by a court in the State or outside the State in India for any offence .and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release
:

1 The proviso Inserted by Act XII of 1957 w.e.f. 2-2-1957.

2 Substituted by Act XXVI of 1960 for "Election Coimmissioner"

3 Substituted for "Sadar-i-Riyasat" by the Constitution of Jammu and Kashmir (Sixth Ammendment) Act, 1965

4. Substituted by Act XI of 1967 for Sections 24, 25 and 26".

5 Substituted by Act XVII of 1970.

6 Substituted by Act VIII of 1971.