



OFFICE OF THE
ELECTION AUTHORITY
UNDER PANCHAYATI RAJ ACT, 1989
(CHIEF ELECTORAL OFFICER, JAMMU & KASHMIR)
2ND FLOOR VIKAS BHAWAN, RAIL HEAD COMPLEX, JAMMU

NOTIFICATION

Whereas, in pursuance of Rule 7 of the J&K Panchayati Raj Rules, 1996, the Government had issued a Notification, in consultation with the Election Authority (Chief Electoral Officer, J&K), vide its SRO No.78 dated 14th March, 2011, calling upon the Panchayat Halqas in the State to elect Sarpanches and Panches on the dates to be appointed by Election Authority (Chief Electoral Officer, J&K);

Whereas, in pursuance of Rule 8 of J&K Panchayati Raj Rules, 1996, the Election Authority (Chief Electoral Officer, J&K) had issued a Notification on 22nd March, 2011, notifying the dates for the 2nd Phase of Election for Sarpanches and Panches in respect of Blocks Wavoora, Uri, Lar, Nagam, Pahloo, Chenani, Vijaypur and R.S.Pura as per the schedule given below:-

- a) 22nd March, 2011 as date of issue of Gazette Notification,
- b) 29th March, 2011 last date for making Nominations,
- c) 30th March, 2011 date of Scrutiny of Nominations,
- d) 1st April, 2011 last date for withdrawal of candidate,
- e) 17th April, 2011 date of poll/counting wherever, necessary,

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Budgam vide his letter No.DPEO/BUD/2011/1779 dated 17-4-2011 has reported that five (05) votes have been polled in Panch Constituency No.10-Nagam of Panchayat Halqa BD-222 Nagam Block Nagam, out of which two votes have been cast by the migrants;

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Budgam has sought clarification whether migrant votes can be taken into account or not, and in the meanwhile, the Returning Officer has been asked by the District Panchayat Election Officer (Deputy Commissioner) not to declare the result till clarification is received from the Election Authority;

Whereas, in response to the aforesaid directions, the District Panchayat Election Officer (Deputy Commissioner) Budgam, vide his letter No.DPEO/BUD/2010/1139 dated 30-04-2011, has intimated that as per the report of the Block Development Officer, the migrant voters are not ordinarily residing in Panch Constituency No.10 Nagam of Panchayat Halqa BD-222 Nagam Block Nagam and are only occasionally visiting there and as such these votes can not be accounted for;

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Budgam has further intimated that out of the five (5) votes both the contesting candidates have got two (2) votes each and one (1) vote has been found to be invalid, and it may not be possible to specifically identify the votes which have been cast by the migrants;

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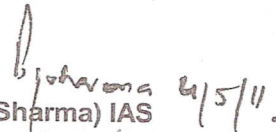
Whereas, under Rule 4(4) of the J&K Panchayati Raj Rules, 1996, the names of electors figuring in the electoral rolls of the Assembly Constituencies automatically form part of the electoral rolls of the corresponding constituencies in Panchayat Halqas to elect Panches, except to the extent that such names are modified or deleted in accordance with provisions of the Panchayati Raj Rules read with the instructions of the Election Authority contained in the Handbook for preparation of Electoral Rolls for Panchayat Elections or issued otherwise.

Whereas, it is implied that the names contained in the Panchayat Electoral Rolls shall be only of the permanent residents of the State who are also ordinarily resident of the Panchayat Halqa in which their names figure;

Whereas, the J&K Panchayati Raj Act, 1989 and the J&K Panchayati Raj Rules, 1996 do not contain special provisions analogous to the provisions contained in the J&K Representation of People Act, 1957, which enable the Kashmiri migrant electors to be enrolled as voters in the Electoral Rolls of the Assembly Constituencies of Kashmir Valley even though they no longer "ordinarily reside" within the territorial limits of these Assembly Constituencies;

Whereas, the names of the Kashmiri migrant electors have been inadvertently included in the Electoral Rolls of Panch Constituency No.10 Nagam of Panchayat Halqa BD-222 Nagam Block Nagam and the same will have to be suitably "marked" now as per the above said legal provisions;

Now, therefore, in exercise of the powers conferred under Section 36 of the J&K Panchayati Raj Act, 1989 read with rule 3 of J&K Panchayat Raj Rules, 1996, the Election Authority (Chief Electoral Officer, J&K) hereby issues directions that re-poll shall be taken for Panch Constituency No.10 Nagam of Panchayat Halqa BD-222 Nagam Block Nagam, after preparing a fresh marked copy of the Electoral Roll, where the names of migrant elector which have been inadvertently included in the Electoral Roll, will be clearly marked so that they are not able to cast the votes in the re-poll. The re-poll will be taken on 12-05-2011 between 08:00 a.m. to 2:00 p.m. and counting of voters will be held on the same day.


(B. R Sharma) IAS 4/5/11
Election Authority
Under Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)
Jammu

No.5311/CEO/PYT/Notification/2011/5940-45

Dated:04-05-2011

Copy to the:-

1. Commissioner/Secretary to Government, Rural Development Department, J&K, Jammu for information.
2. Director, Information and Publicity, J&K, Jammu with the request to publish the notification through electronic and print media especially in Kashmir Division.
3. Divisional Commissioner, Kashmir for information.
4. State Informatics Officer, NIC, J&K, Jammu for hosting the notification in the website.
5. District Panchayat Election Officer (Deputy Commissioner) Budgam for information and to circulate the above said notification to the concerned Returning Officer.
6. Principal Private Secretary to Chief Secretary, J&K, Jammu for the kind information of Chief Secretary, J&K.