



OFFICE OF THE  
**ELECTION AUTHORITY**  
UNDER PANCHAYATI RAJ ACT, 1989  
(CHIEF ELECTORAL OFFICER, JAMMU & KASHMIR)  
2<sup>ND</sup> 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 14<sup>th</sup> 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 18<sup>th</sup> March, 2011, notifying the dates for the 1<sup>st</sup> Phase of Election for Sarpanches and Panches in respect of Blocks Kupwara, Kangan, Budgam, Quimoh Main, Quimoh Partly, Udampur, Samba and Bishnah as per the schedule given below:-

- a) 18<sup>th</sup> March, 2011 as date of issue of Gazette Notification,
- b) 25<sup>th</sup> March 2011 last date for making Nominations,
- c) 26<sup>th</sup> March, 2011 date of Scrutiny of Nominations,
- d) 28<sup>th</sup> March, 2011 last date for withdrawal of candidate,
- e) 13<sup>th</sup> April, 2011 date of poll/counting wherever, necessary,

Whereas, seven candidates had filed their nominations for contesting the election for Sarpanch in Panchayat Halqa KP-96 Bumhama of Block Kupwara;

Whereas, the Scrutiny of Nomination papers filed by candidates for Sarpanch in Panchayat Halqa KP-96 Bumhama of Block Kupwara was taken up by the Returning Officer of Panchayat Halqa KP-96 Bumhama on the due date i.e., on 26-03-2011;

Whereas, four candidates withdrew their nomination papers on the last date of withdrawal of candidature i.e., on 28-03-2011;

Whereas, the Returning Officer of Panchayat Halqa KP-96 Bumhama of Block Kupwara issued a list of contesting candidates in form PEL-10 on 28-03-2011 i.e., the last date of withdrawal of candidature, wherein three candidates were enlisted;

*Signature*  
8/4/11

Whereas, a complaint has been received in this office on 30-03-2011 from one of the candidates namely Shri Ghulam Nabi Bhat from Panchayat Halqa KP-96-Bumhama of Block Kupwara alleging that the Returning Officer had violated the norms and circular instructions issued by this office;

Whereas, a factual report was sought from District Panchayat Election Officer (Deputy Commissioner) Kupwara;

Whereas, a written report was sought by the District Panchayat Election Officer (Deputy Commissioner) Kupwara from the Returning Officer of KP-96-Bumhama of Block Kupwara, which is reproduced hereunder:-

- 1) Voter list of Panchayat Halqa 2-Bumhama in which the name of Shri Zahid Manzoor figuring at S.No.44 reveals his age as 23 years;
- 2) The said person had presented an attested affidavit in which he has stated his age as 26 years;
- 3) The said person has stated before the Returning Officer that he had never been admitted in any school and is illiterate;

Whereas, an order was issued by Deputy Commissioner, Kupwara vide his No.05-DCK/Adm/2011 dated 01-04-2011, which reads as under:-

***"One Sh. Gh. Nabi Bhat R/o Bumhama, Sarpanch Candidate for KP-96 Bumhama Block Kupwara, has preferred an appeal against age eligibility of one Zahid Manzoor Khan (Mugal) S/o Manzoor Ahmad Khan on the ground that he is underaged as per rules and the medical certificate produced by the him cannot be entertained as the person was a student in Boys Higher Secondary School, Kupwara and his age as per school records is 25<sup>th</sup> August, 1989. The matter was got verified from Principal Government Boys Higher Secondary School, Kupwara, who has reported that the date of birth of Shri Zahid Manzoor Khan (Mugal) is 25<sup>th</sup> of August, 1989. The said candidate is 21 years of age and is not eligible to contest for the office of Sarpanch as per Clause C of Section 6 of Panchayati Raj Act, 1989 which clearly envisages that the contesting candidate must not be under 25 years of age. Thus it is established that the said Zahid Manzoor Khan (Mugal) has wrongly represented his age before the Returning Officer.***

***The Appeal is hence admitted and the Returning Officer is advised to reject his nomination.***

Whereas, another order was issued by Deputy Commissioner, Kupwara vide its No.09-DCK/Adm/2011 dated 01-04-2011 as per the directions issued by the Election Authority (Chief Electoral Officer, J&K), wherein the above said order was rescinded by the Deputy Commissioner, Kupwara;

Whereas, a perusal of the reports and orders of the District Panchayat Election Officer (Deputy Commissioner) Kupwara as well as the Returning Officer reveals that they have committed a procedural mistake while carrying out the scrutiny of nominations papers;

*D. Jahan 8/04/11*

Whereas, the action of the Returning Officer reveals his absolute ignorance and complete lack of knowledge and awareness of the basic legal provision relating to the conduct of elections of Sarpanches with special reference to the scrutiny of nomination papers, which has led to the improper acceptance of the nomination papers of Shri Zahid Manzoor Khan (Mugal) from Sarpanch Constituency KP-96 Bumhama of Block Kupwara by the Returning Officer, in total violation of the laid down procedure;

Whereas, such improper acceptance of nomination papers of Shri Zahid Manzoor Khan (Mugal) from Sarpanch Constituency KP-96 Bumhama of Block Kupwara by the said Returning Officer has resulted in complete vitiation of the Election proceeding in the said Constituency and the continuation of such vitiated election proceedings in the Sarpanch Constituency under reference would be wholly unnecessary and unjustified, considering the huge burden on the contesting candidate and electors of the constituency, apart from being a wasteful administrative effort and Govt. expenditure in the conduct of such proceeding;

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 rescinds its Notification dated 18<sup>th</sup> March, 2011 issued in pursuance of Rule 8 of J&K Panchayati Raj Rules 1996 in so far as it relates to the Panchayat Halqa KP-96 Bumhama of Block Kupwara. Fresh Notification for the conduct of election to the said Sarpanch Constituency shall be issued in due course.

*B. R Sharma 07/04/11.*  
**(B. R Sharma) IAS**  
**Election Authority**  
**Under Panchayati Raj Act, 1989**  
**(Chief Electoral Officer, J&K)**  
**Jammu**

No.5311/CEO/PYT/Notification/2011/ 3970-74

Dated:08-04-2011

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. District Panchayat Election Officer (Deputy Commissioner) Kupwara for information and to circulate the above said notification to the concerned Returning Officer.
5. Principal Private Secretary to Chief Secretary, J&K, Jammu for the kind information of Chief Secretary, J&K.