



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, as per the report of District Panchayat Election Officer (Deputy Commissioner) Anantnag two candidates namely Ms. Jameela Akhter and Ms. Rafeeqa had filed nominations for contesting the Panch Constituency No.AN-281-Batengoo-VII of Panchayat Halqa Batengoo of Block Quimoh Partly;

Whereas, one of the contesting candidate namely Ms. Rafeeqa had filed her nomination papers on 23-03-2011;

Whereas, upto the last date of scrutiny, the Returning Officer did not have any information that Ms. Rafeeqa is working as an Helper in Anganwari Centre, and the Returning Officer accepted her nomination papers and the list of validly nominated candidates was accordingly issued by the Returning Officer in form PEL-9 on 26-03-2011;

Whereas, the list of contesting candidates in form PEL – 10 was published on 28-03-2011, i.e., last date of withdrawal of candidature;

Whereas, on 29-03-2011, the office of District Panchayat Election Officer (Deputy Commissioner) Anantnag had received an objection from one of the inhabitants of village Batengoo that Ms. Rafeeqa, one of the contesting candidate is working as Anganwari Worker and is not eligible to contest the elections;

*D. J. Khan 8/04/11*

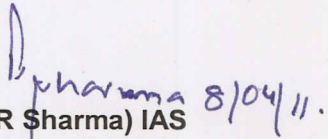
Whereas, as per the report of the District Panchayat Election Officer (Deputy Commissioner) Anantnag, it was found after verification that the said candidate (Ms. Rafeeqa) is working as an Helper in one of the Anganwari Centres and the same has been accepted by the candidate and further she had submitted that she didn't disclose the same during scrutiny of nomination papers before the Returning Officer simply because she thought that receiving honorarium doesn't make her an employee of the State Government and as such ineligible for the election;

Whereas, the District Panchayat Election Officer (Deputy Commissioner) has submitted that the Returning Officer has committed a procedural mistake while carrying out the scrutiny of nominations papers;

Whereas, the action taken by the Returning Officer has led to the improper acceptance of the nomination papers of Ms. Rafeeqa from Panch Constituency No.AN-281-Batengoo-VII of Panchayat Halqa AN-281-Batengoo of Block Quimoh Partly by him, in total violation of the laid down procedure;

Whereas such improper acceptance of nomination paper of Ms. Rafeeqa by the said Returning Officer has resulted in complete vitiation of the Election proceedings in the said Panch Constituency and the continuation of such vitiated election proceedings in the Panch Constituency under reference would be wholly unnecessary and unjustified, considering the huge burden on the contesting candidate and on the electors of the constituency, apart from being a wasteful administrative effort and Govt. expenditure in the conduct of such proceedings;

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 Panch Constituency No.AN-281-Batengoo-VII of Panchayat Halqa AN-281-Batengoo of Block Quimoh Partly. Fresh Notification for the conduct of election to the said Panch Constituency shall be issued in due course.

  
(B. R Sharma) IAS 8/04/11.  
Election Authority  
Under Panchayati Raj Act, 1989  
(Chief Electoral Officer, J&K)  
Jammu

No.5311/CEO/PYT/Notification/2011/ 3975-79

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) Anantnag 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.