



**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 vide No 5311/CEO/PYT/Notification /2011/3213-24 dated 29th March, 2011, notifying the dates for the 3rd Phase of Election for Sarpanches and Panches in respect of Blocks Satwari, Parmandal, Ghagwal, Dodu Basantgarh, Ramnagar, Boniyar, Chadoora and Ganderbal as per the schedule given below:-

- a. 29th March, 2011 as date of issue of Gazette Notification,
- b. 5th April, 2011 last date for making Nominations,
- c. 6th April, 2011 date of Scrutiny of Nominations,
- d. 8th April, 2011 last date for withdrawal of candidate,
- e. 25st April, 2011 date of poll/counting wherever, necessary,

Whereas, District Panchayat Officer (DPEO, Deputy Commissioner), Kulgam vide his No: DPEO/ Kgm/2011/112 dated 18.4.2011 has intimated that one Miss Fancy Jan D/O Ab. Hamid R/O Bonigam has filed her nomination papers as Panch from 84 –Bonigam –I, Block Devsar;

Whereas, DPEO, Kulgam has further informed that after the last date of withdrawal of nomination papers i.e. 16.04.2011, a representation was received through Smt. Shahida Banoo W/O Mushtaq Ahmad Dar R/O Bonigam whereunder she had alleged that the actual age of Miss Fancy Jan D/O Ab. Hamid R/O Bonigam, one of the contesting candidate is below the prescribed age required for contesting the Panchayat Elections i.e. 25 years;

Whereas, the perusal of the enquiry report received from Nodal Officer, Panchayat Elections, Block Devsar (Addl. District Development Commissioner), Kulgam, vide his No. NOBD/Elec-Com/11/001 dated 16.04.2011, reveals that as per school records the date of birth of one of the contesting candidate namely Miss Fancy Jan D/O Ab. Hamid R/O Bonigam is 03.03.1988;

[Handwritten signature]
21/4/11

Whereas, on the basis of report submitted by Nodal Officer Panchayat Elections, ADDC, Kulgam and District Panchayat Election Officer, Kulgam after the publication / finalisation of PEL- 10 by the Returning Officer, Bonigam, it is established that one of the contesting candidate namely Miss Fancy Jan D/O Ab. Hamid R/O Bonigam does not fulfil the mandatory requirement of the minimum age of being 25 years old as required for qualification of a member for Halqa Panchayat in accordance with the provisions of sub clause (c) of Section 6 of J&K Panchayati Raj Act, 1989;

Whereas, the whole episode came into light on 18.04.2011 after the publication of the list of contesting candidates in Form PEL-10 by the Returning Officer of the Bonigam Panch Halqa;

Whereas, as reported by DPEO, Kulgam vide letter No DPEO/Kgm/2011/147 dated 20.04.2011 only two candidates were in fray for elections for Panch Halqa -I of 84- Bonigam, Block Devsar out of which one prima facie appears to be not qualified on the basis of the enquiry conducted by the Nodal Officer, ADDC Kulgam and DPEO, Kulgam;

Whereas, the continuation of such election proceeding in Panch constituency under reference would be wholly unnecessary and unjustified, considering that only one qualified candidate will be left in fray for contesting the election;

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 29th 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.1 of 84- Panchayat Bonigam, Block Devsar. Fresh Notification for the conduct of election to said Panch Constituency shall be issued in due course.

Juharima 21.04.11.
(B. R Sharma) IAS
Election Authority,
Under Panchayati Raj Act, 1989,
(Chief Electoral Officer, J&K)
Jammu.

No.5311/CEO/PYT/Notification/2011/ *5296-99*

Dated: 20-04-2011

Copy to the:-

1. Commissioner /Secretary to Government, Rural Development Department.
2. Director, Information & Publicity, J&K Jammu with the request to publish the notification through electronic and print media.
3. District Panchayat Election Officer (Dy. Commissioner), ~~Kulgam~~ for information and to circulate the said notification to the concerned Returning Officer.
4. Principal Private Secretary to Chief Secretary, J&K Jammu for the kind information of Worthy Chief Secretary, J&K.