



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 the J&K Panchayati Raj Rules, 1996, the Election Authority (Chief Electoral Officer, J&K) had issued a Notification on 23rd April, 2011, notifying the dates for the 10th Phase of Election for Sarpanches and Panches in respect of Blocks Teetwal, Pattan, Hajin, Keller (Main Block), Dachnipora, Inderwal, Assar, Thathri, Banihal, Khour and Balakote as per the schedule given below:-

- a) 23rd April, 2011 as date of issue of Gazette Notification,
- b) 30th April, 2011 last date for making Nominations,
- c) 2nd May, 2011 date of Scrutiny of Nominations,
- d) 4th May, 2011 last date for withdrawal of candidate,
- e) 21st May, 2011 date of poll/counting wherever, necessary,

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Pulwama vide its letter No.DPEO/Pul/011/514 dated 2-5-2011 has intimated that while preparing the marked copy of Electoral Roll for Panch Constituency No.2 (162-Hawal/Gaberpora-II) of Panchayat Halqa PI-162-Hawal of Block Keller, all the voters belonging to said Panch Constituency have been found to be migrants, who are presently putting up in the different parts of the State/country;

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;

Handwritten signature and date:
4/5/11

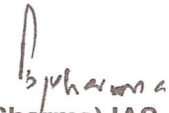
Whereas, the J&K Panchayati Raj Act, 1989 and the J&K Panchayati Raj Rules, 1996 do not contain special provisions analogous to the provisions contained in the J&K Representation of People act, 1957, which enable the Kashmiri migrant electors to be enrolled as voters in the Electoral Rolls of the Assembly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

Whereas, the Electoral Rolls of Panch Constituency No.2 (162-Hawal/ Gaberpora-II) of Panchayat Halqa PI-162-Hawal of Block Keller will have to be suitably marked as per the above said legal provisions;

Whereas, after the preparation of the marked copy of the Electors, as referred to above, no eligible elector will be left in the Electoral Roll of Panch Constituency No.2 (162-Hawal/Gaberpora-II) of Panchayat Halqa PI-162-Hawal of Block Keller to elect a Panch/ Sarpanch from this Panch Constituency;

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Pulwama has recommended that notification under Rule 8 of the J&K Panchayati Raj Rules, 1996, in so far as it relates to the Panch Constituency No.2 (162-Hawal/Gaberpora-II) of Panchayat Halqa PI-162-Hawal of Block Keller may be rescinded;

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 23rd April, 2011 issued in pursuance of Rule 8 of J&K Panchayati Raj Rules 1996 in so far as it relates to the Panch Constituency No.2 (162-Hawal/Gaberpora-II) of Panchayat Halqa PI-162-Hawal of Block Keller. A suitable decision will be taken subsequently.


(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/ 5927-32

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) Pulwama 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.