

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: OWP No. 2013/2018, IA No. 01/2018, IA No. 02/2018 titled Inhabitants of Halqa Chountwar-A Vs State of J&K and others.

ORDER

Whereas, the petitioners preferred to file the aforetitled writ petition along with interim application, seeking, inter alia, following reliefs:

“i) Issue an appropriate writ, order or directions, directing the respondents for delimitation of Halqa Panchayat Chount war-A into two Halqas and to act upon the recommendations made by respondent No. 04 dated 31-03-2017 for delimitation of the Halqa Panchayat Chount war-A (Chountwaliwar) into two Panchayats.

ii) issue an appropriate writ, order or directions, restraining the respondents from conducting elections of Panchayat Halqa Chountwali war-A and to pass an exparte ad- interim order and direct the respondents for delimitation of Halqa Panchayat Chountwar-A into two Halqas and till then no elections be conducted in the said Panchayat Halqa.

Whereas, Hon’ble Court has been pleased to pass an interim order dated 24-10-2018, operative part of which is reproduced below:

“In the meantime, subject to objections and till next date before the Bench, respondents shall consider the recommendations dated 30th July, 2018 and 31st March, 2017, within a period of ten day, of course under rules. Till than Status quo as on date be maintained.”


Whereas, accordingly report in the matter was sought from Director, Rural Development Kashmir and the same was reciprocated by way of their report dated 02-11-2018 enclosing therewith report of concerned District Panchayat Officer.

Whereas, it has been stated in the report vide communication dated 31-03-2017 addressed to Director Rural Development Kashmir, delimitation of Panchayat Halqa Chuntwaliwar-A was recommended. Another Communication dated 26-06-2018 issued by District Panchayat Officer, Ganderbal depicted the total population figure (ward wise) as per census 2011 of Halqa Panchayat Chuntwaliwar-A as 2860 souls. However, Block Development Officer, Lar submitted a proposal dated 30-07-2018 to DPO, Ganderbal for delimitation of Panchayat Halqa Chuntwaliwar-A based on population criteria. The said communication was not in consonance with the earlier communication dated 26-06-2018 as such no action was taken on the said proposal. Further, in a recent Communication dated 01-11-2018, District Panchayat Officer, Ganderbal has submitted the area wise population figures of census 2011 of the Panchayat Halqa Chuntwaliwar-A and the same coincides with the population figure of the earlier communication dated 26-06-2018. Also, Director Rural Development Department, Kashmir has stated that the population of Halqa Panchayat Chuntwaliwar-A does not exceed the population of 3000 (as per

census 2011) and as such does not fulfill the criteria for delimitation.

Whereas, the perusal of the aforesaid reports depict the population figure of Panchayat Halqa Chuntwaliwar-A to be less than 3000 and while applying the principle of bifurcating only those panchayat halqas having population of more than 3000 in hilly areas and 4500 in plain areas as per census 2011, in accordance with section 2 (jj) of the Act, it is noted that the said panchayat does not qualify for bifurcation as its population is less than 3000 souls.

Now, therefore in due deference of the Court directions, taking into consideration the reports/recommendations furnished from time to time and latest report dated 01/11/18 giving factual position whereupon the Panchayat Halqa Chuntwaliwar-A does not qualify for bifurcation, the demand projected by the petitioners being devoid of merit, is, hence rejected.



(Shaleen Kabra) IAS
Election Authority
Under J&K Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)

No. 5402/CEO/LS/Pyt/2018/ 114-16

Dated: 02-11-2018

Copy to:

1. Mr. Mohd. Iqbal Dar, Sr. Advocate, High Court, Srinagar for information.
2. Director, Rural Development Department, Kashmir for information.
3. District Panchayat Election Officer (Deputy Commissioner), Ganderbal for information.