

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

ORDER No. CEO/Pyt/2018/737

DATED: 27-11-2018

Whereas, in terms of Notification dated 12th November, 2018, conduct of elections to elect Sarpanchs and Panchs for various Halqa Panchayats including Panchayat Halqa, Surey Chak, Block Mandal Phallian, of District Jammu was notified; and

Whereas, one Smt. Seema Devi W/o Ram Dass R/o Surey Chak, Block Mandal Phallian (hereinafter referred to as complainant) had filed her nomination paper for Panch in **PC-II, reserved for SC (women) category, of Panchayat Halqa Surey Chak**; and

Whereas, the complainant is aggrieved of rejection of her nomination paper by the concerned Returning Officer on the ground of non-submission of category (SC) certificate; and

Whereas, a report in the matter was sought and the same has been furnished by District Panchayat Election Officer (Deputy Commissioner) Jammu; and

Whereas, the report reveals that the concerned RO rejected the nomination recording, “couldn't produce a valid SC category certificate issued under her name, hence....rejected.” In this context, it is noted that rule 9C of the J&K Panchayati Raj Rules 1996 only requires a certificate by the competent authority and doesn't prescribe any particular format. Further, it is seen that the nomination papers filed by her does include a certificate issued of the competent authority (Tehsildar, Khour in the instant case). The report states that the complainant belongs to a caste which is very much included in the Constitution (J&K) Scheduled Castes Order 1956 and recommends that she should be considered as a candidate; and

Whereas, the report also brings out that while the PEL 9 (List of validly nominated candidates) prepared by the RO clearly shows that there were two candidates including the complainant, it appears that the rejection has been inserted afterwards which is also in different ink/pen. The General Observer's report too remarks that rejection prima facie seems to be an afterthought and beyond the date of scrutiny. It is apparent from perusal of these reports and the relevant forms that fraudulent means have been resorted to in order to deny the complainant an opportunity to contest; and

Whereas, it is apparent from the above facts that not only the rejection of nomination paper of the complainant is improper but there is apparent malafide in the manner of rejection, resulting in vitiation of election process right from the date of scrutiny onwards in the said ward;

Now, therefore, in view of the above, the election process right from the date of scrutiny of nominations onwards for the **Panch Constituency (PC) -II of Panchayat Halqa Surey Chak Block Mandal Phallian, of District Jammu** shall be taken afresh and various dates, in this regard, shall be notified separately by way of issuance of a fresh notification.

(Shaleen Kabra) IAS

Election Authority

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(Chief Electoral Officer, J&K)

No. 6463 /CEO/Pyt/2018/4033-34

Dated: 27-11-2018

Copy to :

1. Divisional Commissioner, Jammu for information.
2. District Panchayat Election Officer (Deputy Commissioner) Jammu for information and necessary action. He shall refer the matter for legal action as warranted.