

# Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: Bhushan Singh versus Returning Officer, Panchayat Channi, Tehsil Majalta District Udhampur.

ORDER No.: CEO/Pvt/2018/727

DATED 24-11-2018

Whereas, the appellant namely Bhushan Singh S/o Baldev Singh R/o ward No. 04, Panchayat Channi Tehsil Majalta District Udhampur preferred an appeal against rejection of his nomination by concerned Returning Officer on the day of scrutiny, on the ground of being a member of Village Defence Committee (VDC) member and weapon issued in favour of the appellant; and

Whereas, report was sought from District Panchayat Election Officer (Deputy Commissioner) Udhampur and also Ld. Counsel presented the case on behalf of appellant in the instant matter; and

Whereas, case was examined and records were perused which revealed the petitioner is aggrieved of the rejection of his nomination by concerned Returning Officer filed for Panch seat from ward No. 04 of Panchayat Channi, however, Returning Officer has stated that upon enquiry from SHO, Mansar, District Samba on a complaint filed against the appellant on the day of scrutiny, it was found that the appellant is a member of Village Defence Committee (VDC), Channi and a weapon has been issued to him and accordingly rejected the nomination paper of the appellant in terms of the clarification dated 13-04-2011 regarding VDC members issued by Office of the Chief Electoral Officer, J&K; and

Whereas, in terms of clarification dated 13-04-2011, VDC members who are not receiving any honorarium from the State Government, are eligible to take part in the elections for Sarpanch and Panch constituency, provided that they deposit their guns/weapons with the competent Authority (SHO) before the date of filing of nomination; however, it is noted that in the instant case, the receipt appended as annexure with the appeal indicates that appellant has deposited his weapon before Police Post Mansar on 12-11-2018, as reflected from the date mentioned on the said receipt and the same date i.e; 12-11-2018 was the date of scrutiny of nomination for election to Sarpanch and Panch seat of Halqa Panchayat Channi, Block District Udhampur; and

Whereas, the concerned Returning Officer has also stated that the appellant failed to produce any receipt, as a proof of depositing of his weapon before the concerned Authority, at the time of filing of nominations and also upto 11:00 a.m of the last date of withdrawal of the candidature;

Now, therefore, in view of the above stated facts, the rejection of nomination of appellant namely Bhushan Singh S/o Baldev Singh R/o ward No. 04, Panchayat Channi Tehsil Majalta District Udhampur has been made correctly, as such the grievance projected by the petitioner does not sustain, hence rejected.



(Shaleen Kabra) IAS  
Election Authority

Under J&K Panchayati Raj Act, 1989  
(Chief Electoral Officer, J&K)

No. 5311/CEO/Pvt/2018/3934-35  
Copy to:

Dated: 24-11-2018

1. District Panchayat Election Officer (Deputy Commissioner) Udhampur for information and compliance.
2. R.O concerned for information and n/a.