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CNR No:PHHC010409772026
2026:PHHC:101777**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-1653-2026 (O&M)****Date of Decision: July 23, 2026****GURPREET SINGH**

.....Appellant

Versus

NIRMAL SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarbjit Singh, Advocate for the appellant.

Mr. H.P.S. Ishar, Addl. A.G. Punjab.

Ms. Divyansh Vats, Advocate for
Mr. H.S. Bath, Advocate for respondent No.1Ms. Aksroop Kaur, Advocate for
Ms. Kavita Arora, Advocate for respondent No.2Mr. Ravinder Singh Arora,
former SDM-cum-Election Tribunal, Ajnala in person.

HARKESH MANUJA, J. (ORAL)

By way of the present appeal, challenge has been laid to an order dated 09.01.2026 passed by the Sub-Divisional Magistrate-cum-Presiding Officer, Election Tribunal, Ajnala, District Amritsar, whereby an election petition preferred at the instance of the appellant against rejection of his nomination for the post of Sarpanch was dismissed.

2. Briefly stated, the dispute pertains to the election for the post of Sarpanch of village Dalam, Block Harsha Chhina, Post Office Bhalla Pind, Tehsil Ajnala, District Amritsar. The schedule relating to the election was as under:-

1. Filing of nomination - from 27.09.2024 up to 04.10.2024.
2. Scrutiny - 05.10.2024.
3. Withdrawal - 07.10.2024.
4. Date of polling and declaration of result - 15.10.2024.

As per the records, the nomination of the petitioner, who was eligible to contest for the post of Sarpanch, was rejected by the Returning Officer on 05.10.2024.

3. Being aggrieved, the appellant filed an election petition in terms of Section 76 of Punjab State Election Commission Act, 1994 (hereinafter referred to as "**the Act**"), read with Rule 50 of the Punjab Panchayat Election Rules, 1994 (hereinafter referred to as "**the 1994 Rules**"), before the Sub-Divisional Magistrate-cum-Presiding Officer, Ajnala. The issues in the election petition were framed. Thereafter, the appellant led evidence, having appeared as PW-1, besides producing certain documents in support of his case. The Election Tribunal, vide order dated 09.01.2026, dismissed the election petition. Hence, the present appeal.

CONTENTION(S):

ON BEHALF OF THE APPELLANT(S)-PETITIONER(S):

4. The grouse raised on behalf of the appellant is that the order passed by the learned Election Tribunal is wholly non-speaking and unreasoned. It is pointed out that neither the rejection order passed by the Returning Officer, nor even the order passed by the learned Election Tribunal, refers to the details as to in what manner the nomination form of the appellant was incomplete. It is thus submitted that the order dated 09.01.2026 passed by the learned Election Tribunal be set aside and a

fresh election be ordered for the post of Sarpanch of village Dalam, Block Harsha Chhina, Post Office Bhalla Pind, Tehsil Ajnala, District Amritsar.

ON BEHALF OF THE RESPONDENT(S)

5. *Per contra*, learned counsel for the respondents submits that a well-reasoned order has been passed by the learned Presiding Officer, Election Tribunal and thus, the same calls for no interference. It is pointed out that specific reason of “incomplete form/papers” for rejection of the nomination submitted by the appellant was given both by the Returning Officer and by the learned Election Tribunal and therefore, the election petition filed by the appellant was rightly dismissed.

DISCUSSION AND REASONING:

6. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submission made on behalf of the appellant.

CONSTITUTIONAL SCHEME UNDERLYING PANCHAYAT ELECTIONS:

7. It would be apposite to notice the constitutional scheme underlying elections to Panchayati Raj institutions. Part IX of the Constitution of India, inserted by the Constitution (Seventy-Third Amendment) Act, 1992, envisages Panchayats as institutions of self-government at the grassroots level. Article 243 of the Constitution of India defines a "Panchayat" as an institution of self-government constituted for the rural areas and Article 243-O bars interference by Courts in electoral matters relating to Panchayats, save by way of an election petition presented to such authority as the State Legislature may, by law, provide. The underlying idea behind Article 243 is to constitutionalise the principle of decentralisation, recognising that democracy is most meaningful when governance begins at the level closest to the people. By conferring on

Panchayats the character of institutions of self-government, rather than mere administrative sub-units of the State, Article 243 seeks to ensure that the rural populace participates directly in decisions affecting its own welfare and that authority devolves downward rather than being concentrated at higher tiers of government. This constitutional vision necessarily presupposes that elections to such bodies are conducted and disputes arising therefrom are resolved with the promptness and fairness befitting institutions entrusted with genuine self-governance.

7.1. The Hon'ble Apex Court in ***K. Krishna Murthy (Dr.) and others v. Union of India and another, (2010) 7 SCC 202***, while upholding the constitutional validity of the Seventy-Third and Seventy-Fourth Amendments, traced these amendments to the objectives of democratic decentralisation, greater accountability between citizens and the State apparatus as well as the empowerment of weaker sections through a hierarchical structure of elected local bodies. The relevant portion thereof is extracted hereunder:-

“2. The Constitution (Seventy-third) Amendment Act, 1992 [hereinafter '73rd Amendment'] and the Constitution (Seventy-fourth) Amendment Act, 1992 [hereinafter '74th Amendment'] had inserted Part IX and Part IX-A into the constitutional text thereby contemplating the powers, composition and functions of local self-Government institutions, i.e. the Panchayats (for rural areas) and Municipalities (for urban areas). In pursuance of objectives such as democratic decentralization, greater accountability between citizens and the state apparatus as well as the empowerment of weaker sections, these constitutional amendments contemplated a hierarchical structure of elected local bodies. With respect to rural areas, Part IX contemplates three tiers of Panchayats, namely those of 'Gram Panchayats' (for each village, or group of small villages), 'Panchayat Samitis' (at the block level) and the 'Zilla Parishads' (at the District level). For urban areas, Part IX-A prescribed the constitution of 'Nagar Panchayats' (for areas in transition from a

rural area to an urban area), 'Municipal Councils' (for smaller urban areas) and 'Municipal Corporations' (for a larger urban area).

3. To better appreciate the legislative intent, it would be instructive to refer to the following extract from the Statement of Objects and Reasons for the 73rd Amendment :

"1. Though the Panchayati Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged supersessions, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.

2. Article [40](#) of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them.

3. Accordingly, it is proposed to add a new Part relating to Panchayats in the Constitution to provide for, among other things, Gram Sabha in a village or group of villages; constitution of Panchayats at village and other level or levels; direct elections to all seats in Panchayats at the village and intermediate level, if any, and to the Offices of Chairpersons of Panchayats at such levels; reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for women; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; ..."

It is this very constitutional scheme that finds statutory expression in Punjab State Election Commission Act 1994 and the Punjab Panchayat Election Rules, 1994, under which the present election petition came to be filed and decided. The object of these provisions is to ensure that disputes touching the electoral process at the

grassroots level are adjudicated swiftly, fairly and on a reasoned basis, having regard to the vital role that these institutions play.

8. It bears emphasis that Panchayats are not merely ceremonial or symbolic bodies; they are constituted to attend to the day-to-day governance, administrative and developmental needs of the village community including matters of sanitation, local infrastructure, welfare schemes and civic administration that cannot brook indefinite delay. Any vacuum or uncertainty in the constitution of such a body on account of a wrongly rejected nomination, directly and adversely impacts the day-to-day functioning of local self-governance in the village concerned. It is against this constitutional and functional backdrop that the facts of the present case are to be examined.

9. In the present case, the Returning Officer rejected the nomination submitted by the appellant for the post of Sarpanch of village Dalam, Block Harsha Chhina, Post Office Bhalla Pind, Tehsil Ajnala, District Amritsar, on 05.10.2024. As per the record made available by the learned State counsel, the only reason mentioned by the Returning Officer is "incomplete form/papers". Strangely, it is nowhere mentioned as to which essential document, statutorily or legally required to be appended along with the nomination form, was missing. Similarly, even the learned Election Tribunal failed to mention for want of which essential document, legally required to be appended along with the nomination form, the same was found incomplete. The learned Election Tribunal has further failed to refer to any relevant rule, regulation, guideline or notification issued either by the Punjab State Election Commission or by the Punjab Panchayati Raj Department, prescribing the list of essential documents required to be attached for a nomination form to be treated as

complete. It would, therefore, be necessary to notice the statutory scheme governing a valid nomination, so as to appreciate the precise framework within which the rejection ought to have been reasoned and against which its complete absence of reasoning stands out.

STATUTORY REQUIREMENTS FOR A VALID NOMINATION:

10. In this context, it would be necessary to notice the statutory requirements governing a valid nomination under the Act. Section 38(1) of the Act provides as under:-

"38. (1) On or before the date appointed under clause (a) of section 35, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under Section 36, a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer:

Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday."

10.1. The prescribed form referred to therein is Form No. IV under Rule 9 of the 1994 Rules, which, along with the accompanying declaration for candidates belonging to the Scheduled Castes or Backward Classes (in Form IV-A-1) and the prescribed fee under sub-rules (2) to (5) thereof, constitutes the complete statutory checklist for a valid nomination. Nothing beyond the nomination paper in Form-IV, the caste declaration (where applicable) and the fee prescribed under Rule 9 is requirement for a complete nomination. It is, therefore, difficult to appreciate what further "papers" or "documents" could have been found wanting so as to justify rejection of the appellant's nomination on the ground of "incomplete form/papers", particularly when neither the

Returning Officer nor the learned Election Tribunal has specified any document beyond this statutory checklist that was allegedly missing.

10.2. Further, Section 41(5) of the Act casts a duty upon the Returning Officer to record a brief statement of reasons for rejecting a nomination paper and provides as under:-

"(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection."

10.3. This statutory requirement is reinforced by Rule 11 of the 1994 Rules, which governs the scrutiny of nomination papers and provides as under:-

"11. Scrutiny of nomination papers and decision of objections (Section 41).— (1) The Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person as to the eligibility of any candidate and determine these objections after such enquiry as he may consider necessary. The decision rejecting or accepting a nomination paper and brief statement of reasons thereof shall be endorsed on the nomination paper and signed by the Returning Officer.

Provided that the Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(2) The person objecting under sub-rule (1) must be a candidate of the concerned Panchayat or Sabha Area, as the case may be."

10.4. Pertinently, Rule 11 of the 1994 Rules itself does not contemplate an outright rejection of a nomination paper for every defect. The proviso specifically empowers the Returning Officer to permit correction of clerical errors relating to names or numbers and to overlook

clerical or printing errors in the entries, to bring the nomination paper in conformity with the electoral rolls. This underscores that the scrutiny process under the Act is meant to be curative and enabling wherever possible, rather than one of automatic disqualification for any perceived defect.

10.5. Significantly, neither the endorsement contemplated under Section 41(5), nor the reasoned decision required to be recorded under Rule 11, appears to have been produced before this Court, nor does either appear to have been called for or examined by the learned Election Tribunal before trying the election petition. This omission is central to the grievance of the appellant and reaffirms that the rejection of the nomination remains unexplained on record. The casual manner in which the nomination was rejected and in which the election petition thereafter came to be decided, reflects a failure to recognise that these are not empty formalities but safeguards going to the very validity of the election.

11. It further transpires that the learned Election Tribunal proceeded to decide the election petition without calling for the original record of the nomination proceedings. No direction appears to have been issued to the Returning Officer to produce certified copies of the record, or to specify the provision under which the nomination was treated as incomplete. In the absence of the record having been summoned and examined, the learned Election Tribunal could not have arrived at a considered finding on the correctness or otherwise of the rejection, rendering the exercise undertaken by it an empty formality rather than a genuine adjudication as contemplated under Section 81 of the Act. In such circumstances, the order dated 09.01.2026 passed by the Election

Tribunal stands in violation of both the fundamental principles of natural justice and the statutory procedure prescribed under Section 81 of the Act, which reads as under:-

"(1) Subject to the provisions of this Act and of the rules made thereunder, every election petition shall be tried by the Election Tribunal, as nearly as may be, in accordance with the procedure contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) applicable to the trial of suits:

Provided that the Election Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses, if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the election petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings of the election petition. (2) The provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872) shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition."

This provision enjoins the learned Tribunal to grant the parties adequate opportunity to lead evidence and to render a well-reasoned, speaking order based on a discussion of that evidence, an exercise conspicuously absent in the present case.

12. It is also relevant to note that Section 89(1)(c) of the Act specifically empowers the learned Election Tribunal to declare an election void where it is satisfied that any nomination has been improperly rejected, which reads as under:-

"89. (1) Subject to the provisions of sub-section (2), if the Election Tribunal is of the opinion, —
(a) that on the date of his election, a returned candidate was not qualified, or was disqualified to be chosen to fill the seat under the Constitution of India or under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by other person with the consent of a returned candidate or his election agent; or

(c) that any nomination has been improperly rejected; or Grounds for declaring election to be void. Other orders to be made by the Election Tribunal.

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected, -

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent; or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iv) by any non-compliance with the provisions of the Constitution of India or of this Act or of any rules or orders made under this Act;

the Election Tribunal shall declare the election of the returned candidate to be void.”

The safeguards under Rule 11 and Section 41(5) were evidently built into the statutory scheme because the Legislature was conscious of the fact that an improper rejection of a nomination would result in vitiating the election itself. It is precisely to guard against so drastic a consequence that the Returning Officer is required to permit correction of curable defects rather than reject a nomination outright and to record his reasons wherever he does reject one. The casual manner in which the nomination of the appellant was rejected in the present case, without any of these safeguards been observed, is thus a matter that goes well beyond a mere procedural lapse.

13. It is also not lost sight of that, as a consequence of the manner in which the election petition has been dealt with, almost 1 year 7 months have already passed without the electoral dispute reaching finality, even though elections to such bodies are meant to ensure timely

and uninterrupted local self-governance. It may be recalled that one of the principal objectives behind the Constitution (Seventy-Third Amendment) Act, 1992 itself, as noticed above, was to remedy the absence of regular and timely elections to Panchayats, which, prior to the amendment, were often left to the discretion of the State Governments, resulting in prolonged gaps and a weakening of grassroots democracy. Such delay in the adjudication of the present election dispute, therefore, defeats the very purpose for which the constitutional and statutory scheme under Part IX was framed.

14. In view of the aforesaid, order dated 09.01.2026 passed by the Sub-Divisional Magistrate-cum-Presiding Officer, Election Tribunal, Ajnala, District Amritsar is set aside.

15. At this stage, it may be noticed that since the statutory election petition preferred at the instance of the appellant, whose nomination for the post of Sarpanch was rejected by the Returning Officer, was decided in gross violation of procedure, a cost of Rs. 25,000/- in each case is imposed upon Mr. Ravinder Singh Arora, the then SDM-cum-Presiding Officer, Election Tribunal, Ajnala. However, it is made clear that the cost be paid to the appellant(s) by the Officer concerned from his own pocket and the same shall not be treated as burden on the State Exchequer.

16. Separately, the Returning Officer, who is present in Court, along with the learned State counsel, in compliance with order dated 22.07.2026, prays that the cost of Rs. 1,00,000/- in each case imposed upon him be reduced. At his fervent request, the cost of Rs. 1,00,000/- in each case is reduced to Rs. 50,000/- in each case. Learned counsel for

the appellant submits that the cost of Rs. 50,000/- in each case has been received by him against receipt.

17. Accordingly, the parties are directed to appear before the learned Election Tribunal on 28.07.2026. Considering that a period of almost 1 year and 7 months has already elapsed out of the total tenure of 5 years, the learned Election Tribunal shall adjudicate upon the election petition within a period of 2 weeks from the date of receipt of this order upon summoning and examining the complete original records from the State Election Commission, Punjab.

18. In terms of Section 102(2) of the Act, the Registry is directed to send a copy of this order to the State Election Commission, Punjab, along with intimation of the substance of this decision.

19. Pending application(s), if any, shall also stand disposed of.

23.07.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>