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# **PANCHAYATI RAJ ACT, 1989**

**(Act No. IX of 1989)**

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**THE JAMMU AND KASHMIR PANCHAYATI RAJ ACT,  
1989**

**(Act No. IX of 1989)**

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## THE JAMMU AND KASHMIR PANCHAYATI RAJ ACT, 1989

(Act No. IX of 1989)

*[Received the assent of the Governor on 11th July, 1989 and published in Government Gazette dated 11th July, 1989.]*

An Act to provide for the constitution of Halqa Panchayats, Block Development Councils and the District Planning and Development Boards and matters connected therewith.

Whereas it is expedient to promote and develop Panchayati Raj in the <sup>1</sup>[Union territory of Jammu and Kashmir] as an instrument of vigorous Local Self Government to secure the effective participation of the people in the decision making process and for over-seeing implementation of developmental programmes.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-ninth Year of the Republic of India as follows :—

### CHAPTER I

#### Preliminary

1. *Short title, extent and commencement.* —(1) This Act may be called the Jammu and Kashmir Panchayati Raj Act, 1989.

(2) It extends to the <sup>2</sup>[whole of the Union territory of Jammu and Kashmir].

<sup>3</sup>(3) It shall come into force on such date as the <sup>4</sup>[Government of the Union territory of Jammu and Kashmir] may, by notification in the <sup>5</sup>[Official Gazette], appoint in this behalf.]

2. *Definitions.* —(1) In this Act, unless the context otherwise requires,—

(a) “Block” means area comprising such contiguous number of Halqas as may be determined by the <sup>4</sup>[Government of the Union territory of Jammu and Kashmir] from time to time ;

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “State”.  
 2. Substituted *ibid* for “whole of the State of Jammu and Kashmir”.  
 3. Enforced vide SRO-220 dated 30-06-1997 w.e.f. 1-7-1997.  
 4. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.  
 5. Substituted *ibid* for “Government Gazette”.



- (b) “Block Development Council” means Block Development Council constituted under section 27 of this Act ;
- (c) “Building” includes any shop, house, hut, out-house, shed, stable, superstructure and land appertinent to a building whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a well and a wall but does not include mudwall built round agricultural land not abutting on the public road ;
- (d) “Case” means criminal proceedings in respect of an offence triable by a Halqa Panchayati Adalat ;
- (e) <sup>1</sup>[“Chairperson”] means the <sup>1</sup>[Chairperson] of—
- (i) the Panchayati Adalat ;
  - (ii) the Block Development Council ;
  - <sup>2</sup>[(iii) the District Development Council ;
  - (iv) District Planning Committee] ;
- <sup>3</sup>[(ee) “Commission” means the ‘State Election Commission’ constituted under section 36 of this Act ;]
- (f) “Constituency” means a ward for which a member is to be or has been elected ;
- <sup>4</sup>[(g) “District Development Council” means a District Development Council constituted under this Act ;
- (gg) “District Planning Committee” means a District Planning Committee constituted under this Act ;]
- <sup>5</sup>[(h) “Election Authority” means the ‘State Election Commission’ constituted under section 36 of this Act] ;
- (i) “Electoral Roll” means the rolls as may be prepared in accordance with the provisions of this Act ;

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1. Substituted for “Chairman” by Act XIII of 2016, s. 12.

2. Substituted for sub-clause (iii) by S.O. 3654(E) dated 16.10.2020.

3. Clause (ee) inserted by Act XV of 2011, s. 2.

4. Substituted for clause (g) by S.O. 3654(E) dated 16.10.2020.

5. Clause (h) substituted *ibid.*

- (j) “Halqa” means the area comprising a village or such contiguous number of villages as may be determined by the <sup>1</sup>[Election Authority] from time to time :

Provided that the Halqa shall be determined in such a manner that the population of any Halqa does not <sup>2</sup>[ordinarily] exceed 3,000 in the hilly areas and 4,500 in the plain areas :

Provided futher that <sup>2</sup>[ordinarily] the unit of a village shall not be disturbed :

<sup>3</sup>[Provided also that fresh determination of Halqas shall be undertaken only after the population figures of general census are published :

Provided futher that such fresh delimitation of Halqas shall not effect the representation of the existing Panchs and Sarpanchs] ;

<sup>4</sup>[(jj) “Halqa Majlis” means all the voters of a Halqa Panchayat] :

- (k) “Halqa Panchayat” means a Halqa Panchayat constituted under section 4 of this Act ;

- (l) “Naib-Sarpanch” means the Naib-Sarpanch of the Halqa Panchayat ;

- (m) “Panch” means member of Halqa Panchayat whether elected or nominated under this Act ;

<sup>5</sup>[x x x x] ;

- (n) “Panchayati Adalat” means a Panchayati Adalat constituted under section 47 of this Act for the purpose of trial of suits and cases ;

- (o) “Prescribed” means prescribed by rules made under this Act ;

- (p) “Prescribed Authority “means authority as may be appointed by the <sup>6</sup>[Government of the Union territory of Jammu and Kashmir], by notification, for all or any of the provisions of this Act ;

- (q) “Rules” means rules made under this Act ;

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1. Substituted for “Government” by Act VI of 2014, s. 2, w.e.f. 1-6-2014.

2. Inserted by Act XXII of 1997, s. 2.

3. Provisos inserted by Act XXII of 1997, s. 2.

4. Clauses (jj) and (mm) inserted by Act III of 1999, s. 2.

5. Clause (mm) omitted by S.O. 3654(E) dated 16.10.2020.

6. Substituted *ibid* for “Government”.

- (r) “Sarpanch” means the Sarpanch of the Halqa Panchayat ;
- (s) “Schedule” means the Schedule appended to this Act ;
- (t) “Suit” means a civil suit ;
- (u) “[Vice-Chairperson]” means the <sup>1</sup>[Vice-Chairperson] of—
  - (i) the Block Development Council ;
  - <sup>2</sup>(ii) the District Development Council ;]
- (v) “Village” means a parcel or parcels of land having a separate name and known limits in the revenue records and not included in the limits of a Municipality, Cantonment or Town Area Committee or Notified Area Committee.

(2) In this Act, the expressions “decree”, “decree-holder”, “judgement-debtor”, “legal representative” and “movable property” shall have the same meaning as is assigned to them in the <sup>3</sup>[Code of Civil Procedure, 1908 (5 of 1908)].

<sup>4</sup>[2A. *Substitution of certain expressions.*— Throughout the Act, for “District Planning and Development Board” wherever then occur substitute “the District Development Council.]

3. *Act to over-ride other laws.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or instrument having effect by virtue of any such law.

#### <sup>5</sup>[CHAPTER I-A

#### **Ward Majlis and Halqa Majlis**

3A. *Ward Majlis (Ward Sabha).* —(1) For every ward of the Halqa Panchayat as may be determined in accordance with the provisions of clause (f) of sub-section (2) of section 2 , there shall be a Ward Majlis.

(2) All adult persons of the ward whose names are included in the electoral rolls relating to Halqa Panchayat shall be deemed to be constituted as Ward

1. Substituted for “Vice-Chairman” by Act XIII of 2016, s. 12.

2. Sub-clause (ii) substituted by S.O. 3654(E) dated 16.10.2020.

3. Substituted *ibid* for “Code of Civil Procedure, Samvat 1977”.

4. Section 2A inserted *ibid*.

5. Chapter I-A inserted *ibid*.

Majlis of such Halqa Panchayat.

(3) The Ward Majlis shall meet at least once in three months and the procedure for convening and conducting the meeting of the Ward Majlis shall be such as may be prescribed.

(4) The meeting of the Ward Majlis shall be presided over by the Panch or in his absence by a member of the Ward Majlis to be elected for the purpose by the majority of the members present in the meeting.

(5) The quorum of the meeting of the Ward Majlis shall be not less than one-tenth of the total members out of which members belonging to the Scheduled Castes and the Scheduled Tribes and Women shall be in proportion to their population.

(6) All resolutions in respect of any subject in the meeting held under this section shall be passed by a majority of the members present and voting.

(7) Notwithstanding anything contained in sub-section (1), a special meeting of Ward Majlis shall be convened where at least ten percent. of the voters of the ward make a request in writing specifying the subject for the meeting :

Provided that no two special meetings shall be held within a period of three months.

3B. *Functions of Ward Majlis.*— The functions of the Ward Majlis within its respective jurisdiction shall be to assist the Deh Majlis and also include the following functions, namely:—

- (i) to render assistance to the Halqa Panchayat in collection and compilation of details required for formulation of development plans ;
- (ii) to generate proposals and fix priority of development schemes and programmes to be implemented in the area of the Ward Majlis ;
- (iii) to identify beneficiaries in order of priority, for the implementation of development schemes pertaining to the area of Ward Majlis ;
- (iv) to render assistance in effective implementation of development scheme ;
- (v) to suggest the location of public utilities, amenities and services like street lights, community water taps, public wells, public

sanitation units, irrigation facilities, etc. ;

- (vi) to formulate schemes and impart awareness on matters of public interest like cleanliness, preservation of environment, prevention of pollution, guarding against social evils, etc. ;
- (vii) to promote harmony and unity among various groups of people ;
- (viii) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies ;
- (ix) to collect information on the details estimates of works proposed to be taken in the area ;
- (x) to undertake social audit in all works implemented in the area and award utilisation and completion certificate for such works ;
- (xi) to promote literacy, education, health, child care and nutrition;
- (xii) to assist the activities of parent-teacher associations in the area ;  
and
- (xiii) to exercise such other functions as may be prescribed.

3C. *Halqa Majlis (Gram Sabha)*. —(1) There shall be a Halqa Majlis for each Halqa Panchayat consisting of such persons whose names have been included in the electoral rolls relating to the village or the group of villages comprised within the area of the Halqa Panchayat.

(2) The meetings of the Halqa Majlis shall be convened by the Sarpanch of the Panchayat or, in his absence, by the Naib-Sarpanch of such Panchayat, and in the event of both the Sarpanch and the Naib-Sarpanch being absent, a meeting of the Halqa Panchayat shall be presided by one of the Panchauthorised by the Halqa Panchayat.

(3) The procedure for convening and conducting the meeting of the Halqa Majlis shall be such as may be prescribed.

(4) There shall be at least four meetings of the Halqa Majlis every year, one in every quarter of the financial year :

Provided that in case of urgency, the meeting of the Halqa Majlis may be convened earlier in accordance with such procedure as may be prescribed in this behalf.

(5) The Secretary Panchayat shall record the minutes of the meeting of Halqa Majlis and the Inspector Panchayat of the concerned area shall attend all such meetings and be responsible for the correct recording to the minutes of such meetings by the Secretary of the Panchayat.

(6) The quorum of the meeting of the Halqa Majlis shall be not less than one-tenth of the total members out of which members belonging to the Scheduled Castes, the Scheduled Tribe and Women shall be in proportion to their population.

(7) Any resolution relating to the matters entrusted to the Halqa Majlis under this section, shall have to be passed by a majority of votes of the members present and voting in the meeting of the Halqa Majlis.

3D. *Functions of Halqa Majlis.*— The functions of the Halqa Majlis within its respective jurisdiction shall be to assist the Halqa Panchayat and also include the following functions, namely:—

- (i) to approve the plans, programmes and projects for social and economic development in order of priority, out of the plans, programmes and projects approved by the Ward Majlis before such plans, programmes and projects are taken up for implementation by the Panchayat ;
- (ii) to identify or select persons as beneficiaries under the poverty alleviation and other programmes, in order of priority out of the persons identified by the various Ward Majlis coming under its jurisdiction ;
- (iii) to conduct social audit as per prescribed procedure in respect of funds utilised under different schemes in wards ;
- (iv) to mobilise voluntary labour and contribution in kind or cash or both for the community welfare programmes ;
- (v) to promote literacy, education, health and nutrition ;
- (vi) to promote unity and harmony among all sections of the society in such area ;
- (vii) to seek clarifications from the Sarpanch and members of the Panchayat about any particular activity, scheme, income and expenditure ;

- (viii) to identify and approve development works in order of priority from out of the works recommended by the Ward Majlis ;
- (ix) to plan and manage minor water bodies ;
- (x) to manage minor forest produce ;
- (xi) to exercise control over institutions and functionaries in all social sectors ;
- (xii) to exercise control over local plans and resources for such plans including tribal sub-plan ;
- (xiii) to consider and approve the recommendations made by each Ward Majlis in the area of such Panchayat Halqa ; and
- (xiv) such other functions as may be prescribed.]

## CHAPTER II

### Halqa Panchayat

4. *Establishment and constitution of Halqa Panchayat.* —(1) There shall be a Halqa Panchayat for every halqa.

(2) Every Halqa Panchayat shall bear the name of the place where it is headquartered.

<sup>1</sup>[(2a) Every Halqa Panchayat shall have Halqa Majlis comprising all the persons whose names are included in the electoral roll for such Halqa Panchayat.

(2b) The Sarpanch shall, convene at least <sup>2</sup>[four meetings] of Halqa Majlis during a financial year.]

(3) Every Halqa Panchayat shall consist of such number of Panches not less than seven and not more than eleven <sup>3</sup>[excluding the sarpanch] as the prescribed authority may, from time to time, fix in this behalf :

<sup>4</sup>[Provided that the <sup>5</sup>[sarpanch and panch seats] shall be reserved for—

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1. Sub-sections (2a) and (2b) inserted by Act III of 1999, s. 2, w.e.f. 16-4-1999.

2. Substituted by S.O. 3654(E) dated 16.10.2020 for “two meetings”.

3. Substituted *ibid for* “including the sarpanch”.

4. Substituted by Act II of 2004.

5. Substituted for “panch seats” by Act VI of 2014, s. 3, w.e.f. 1-6-2014.

- (a) the Scheduled Castes ; and
- (b) the scheduled Tribes,

in every Halqa Panchayat and the number of <sup>1</sup>[sarpanch and panch seats] so reserved shall bear, as nearly as may be, the same proportion to the <sup>2</sup>[total number of panch seats to be filled by direct election in that panchayat] as the population of Scheduled Castes in that Panchayat area or of the Scheduled Tribe in that Panchayat area bears to the total population in that area and such <sup>1</sup>[sarpanch and panch seats] may be allotted by rotation to different constituencies in a Halqa Panchayat in such manner and by such authority as may be prescribed :

Provided further that—

- (a) not less than one-third of the total number of <sup>1</sup>[sarpanch and panch seats] reserved under above proviso shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes ;
- (b) not less than one-third (including the number of <sup>1</sup>[sarpanch and panch seats] reserved for women belonging to Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat by such authority and in such manner as may be prescribed :

Provided also that such reservation shall not affect representation in the existing Halqa Panchayats and shall become effective for purpose of holding the general election to the Halqa Panchayats after the commencement of <sup>3</sup>[Jammu and Kashmir Panchayati Raj (Amendment ) Act, 2014].]

<sup>4</sup>[(3A) The Sarpanch shall be elected directly by the electorate of Halqa Panchayat in such manner as may be prescribed.]

<sup>5</sup>[xxx]

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1. Substituted for “panch seats” by Act VI of 2014, s. 3, w.e.f. 1-6-2014.  
 2. Substituted by S.O.3654(E) dated 16.10.2020 for “total number of sarpanch and panch seats in that panchayat”.  
 3. Substituted by Act VI of 2014, s. 3, w.e.f. 1-6-2014.  
 4. Sub-section (3A) inserted by S.O. 3654(E) dated 16.10.2020.  
 5. Existing sub-section (4) omitted by Act XIII of 2016, s. 2.



<sup>1</sup>[(4) <sup>2</sup>[The Naib-Sarpanch] shall be elected by the Panches of the Halqa Panchayat from among themselves at the first notified meeting of the Halqa Panchayat after its constitution.]

(5) The Panches shall be elected from the constituencies delimited by the prescribed authority in accordance with the rules.

(6) There shall be notified the name of the Sarpanch and the names of the Panches duly elected in accordance with the provisions of this Act and rules framed thereunder. Upon the issue of such notification, the Halqa Panchayat shall be deemed to be duly constituted.

<sup>3</sup>[(7) The Village Level Worker or Multipurpose Worker or Gram Sevika shall be the Secretary of the Halqa Panchayat.]

(8) Every Halqa Panchayat shall be a body corporate known by the name “The Halqa Panchayat of —————” and shall have perpetual succession and a common seal and may sue and be sued by its corporate name subject to such conditions or restrictions as the Government may specify, in the rules.]

5. *Term of office.*— The Sarpanch, the Naib-Sarpanch and every Panch of the Halqa Panchayat shall hold the office for a period of five years from the date of its constitution :

<sup>4</sup>[Provided that in case of a bye-election or elections to fill casual vacancy, the tenure of Sarpanch, Naib Sarpanch or Panch so elected shall be co-terminus with the term of the Panchayat :

Provided further that in case a Panchayat is not constituted for any reason whatsoever and election for same is held, the tenure of Sarpanch, Naib Sarpanch or Panch so elected shall be remainder of the term with such Panchayat being deemed to have been constituted from the date first Panchayat is constituted after the general elections of Panchayats.]

6. *Disqualification for membership.* —(1) A person shall be disqualified to be a member of Halqa Panchayat if he—

<sup>5</sup>[x x x x]

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1. Existing sub-sections (5), (6), (7) (8) and (9) re-numbered by Act XIII of 2016, s. 2.
  2. Substituted by S.O. 3654(E) dated 16.10.2020 for “the Sarpanch and Naib-Sarpanch”.
  3. Sub-section (8) substituted by Act IV of 2002, s. 2. It has now been renumbered as sub-section (7) by Act XIII of 2016, s. 2.
  4. Provisos to section 5 inserted by S.O. 3654(E) dated 16.10.2020.
  5. Clause (a) omitted *ibid.*

- (b) is in the employment of the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] or any local body ; or
- (c) is under <sup>2</sup>[twenty-one years] of age ; or
- (d) is of unsound mind and stands so declared by a competent court ; or
- (e) has been adjudged insolvent by a competent court ; or
- (f) is a salaried servant of a Halqa Panchayat ; or
- (g) is a Lamberdar or Village Chowkidar ; or
- (h) has been dismissed from the service of <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], a local body or a Halqa Panchayat ;
- (i) has been convicted of and sentenced for an offence (other than an offence of a political nature) punishable with imprisonment for not less than two years unless a period of three years, or such less period as the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] may allow in any particular case, has elapsed since his release ; provided that this clause shall not apply to an offender who has been released under the provisions of <sup>\*</sup>[section 562] of the <sup>3</sup>[Code of Criminal Procedure, 1973 (2 of 1974)] or under <sup>4</sup>[the Probation of Offenders Act, 1958 (2 of 1958)].

(2) Subject to the provisions of sub-section (1), no person shall be qualified to be chosen as a member of Halqa Panchayat unless his name is included in the electoral roll of such Halqa Panchayat :

Provided that any person aggrieved by an order under this section shall have a right of appeal to such authority as may be prescribed.

<sup>5</sup>[(3) A person who becomes a member of a Halqa Panchayat on the basis of a false Scheduled Caste or Scheduled Tribe certificate, shall be disqualified from the date on which it is found that he had become such member or office bearer on the basis of such false caste certificate and shall continue to be disqualified for further period of six years :]

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1. Substituted by S.O.3654(E) dated 16.10.2020 for "Government".

2. Substituted for "twenty-five years" by Act VI of 2014, s. 4, w.e.f. 1-6-2014.

\* Now section 360.

3. Substituted by S.O.3654(E) dated 16.10.2020 for "Code of Criminal Procedure, Samvat 1989".

4. Substituted *ibid* for "the Jammu and Kashmir Probation of Offenders Act, 1966".

5. Sub-section (3) inserted by Act X of 2006, s. 2.

7. *Removal of Sarpanch and Naib-Sarpanch of a Halqa Panchayat.*— A Sarpanch or a Naib-Sarpanch shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of not less than 2/3rd of the total number of Panches of Halqa Panchayat at a meeting specifically convened for the purpose in the prescribed manner on the following grounds :—

- (i) Gross misconduct ;
- (ii) Neglect of duty ;
- (iii) Any disqualification prescribed under section 6 ;
- (iv) Failure to attend <sup>1</sup>[three consecutive meetings] of the Halqa Panchayat :

Provided that failure to attend the meetings of the Halqa Panchayat shall not render him liable to removal if such failure is due to reasons beyond his control.

8. *Filling vacancies in Halqa Panchayat.* —<sup>2</sup>[(1) Whenever a vacancy occurs by the death or resignation of Panch or Sarpanch, the vacancy shall be filled by election :

Provided that the remainder of term for such vacancy is more than six months :

Provided further that the tenure of the Panch or Sarpanch so elected shall be as per provisions of section 5 and that the election shall be held as per the reservation roster prepared during the general election held for the Panchayats where such vacancies have arisen or where such election could not materialise.]

(2) No vacancy in the Halqa Panchayat shall render its proceedings illegal so long as the number of Panches is not reduced below <sup>3</sup>[50% of the total number of elected members] of such Halqa Panchayat.

<sup>4</sup>8-A. Omitted.

<sup>5</sup>[9. *Appointment of Administrator.* —(1) (a) If the Government is satisfied that a Halqa Panchayat for a village or a group of villages immediately after the establishment of such Halqa Panchayat cannot be constituted—

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “six consecutive meetings”.

2. Sub-section (1) substituted *ibid*.

3. Substituted *ibid* for “50% of the total number of members”.

4. Section 8-A omitted *ibid*. It was inserted by Act III of 1999, s. 4.

5. Section 9 substituted *ibid*.

- (i) by reason of any difficulty in holding the election of the members of the Halqa Panchayat ; or
- (ii) by reason of failure to elect such members at two successive elections held under the provisions of this Act ; or
- (iii) because of any other sufficient reason whatsoever ; or

(b) If at any general election to a Halqa Panchayat, either no member is elected or Sarpanch is elected but no other member is elected or other members are elected but Sarpanch is not elected,

the Government shall by notification appoint an Administrator, who shall be an employee of the Government :

Provided that an Administrator so appointed shall hold office for a period of six months which may be extended by the Government for a period of three months by a notification in the Official Gazette.

(2) If in the opinion of the Government, or any other officer authorised by it, but not below the rank of Additional District Magistrate, a Halqa Panchayat is incompetent to perform or persistently makes default in the performance of duties imposed on it by or under any of the provisions of this Act, or otherwise through Government instructions, the Government or such officer after the approval of the Government may, by notification, based on the recommendations of the Ombudsman, supersede such Halqa Panchayat and appoint an Administrator, who is an employee of the Government for carrying out the work of Halqa Panchayat :

Provided that no order under this sub-section shall be passed unless Halqa Panchayat is called upon to show cause why such order shall not be passed :

Provided further that explanation tendered by the Halqa Panchayat shall be forwarded to the Ombudsman appointed under the Jammu and Kashmir Ombudsman for Panchayats Act, 2014 for consideration and recommendation to the Government or officer authorised by it.

(3) The period of supersession shall not exceed six months during which the elections for the said Halqa Panchayat shall be held.

(4) The Administrator appointed under sub-section (2) shall hold office for such period not exceeding six months as the Government or officer authorised by it, may specify in the notification under sub-section (1) or sub-section (2).

(5) On the appointment of an Administrator under sub-section (2),—

- (i) the persons, if any, chosen as members of Halqa Panchayat, including Sarpanch before such appointment shall cease to be members of Halqa Panchayat and all the powers and duties of the Halqa Panchayat shall be exercised and performed by such Administrator ;
- (ii) the funds and other property vested in the Halqa Panchayat shall, during the period of supersession, vest in the Administrator appointed under this section.

(6) The Administrator appointed under sub-sections (1) and (2), shall be deemed to be Halqa Panchayat for the purposes of this Act, notwithstanding anything contained in the foregoing provisions.]

<sup>1</sup>10. Omitted.

11. *Resignation.*— A Sarpanch, Naib-Sarpanch, a Panch of a Halqa Panchayat may, by writing under his hand, addressed to such authority as may be prescribed, <sup>2</sup>[resign his office and on acceptance of his resignation by such authority] his office shall thereupon become vacant.

### CHAPTER III

#### Powers and Functions

<sup>3</sup>[12. *Powers and functions of Halqa Panchayat.* —(1) The Halqa Panchayat shall perform the functions specified in Schedule I-A :

Provided that where the Government provides funds for the performance of any function specified in Schedule I-A, the Halqa Panchayat shall perform such function in accordance with the guidelines or norms laid down by the Government for performing such function.

(2) Notwithstanding anything contained in sub-section (1) and Schedule I-A, subject to the provisions of this Act, it shall be the duty of each Halqa Panchayat to make provision for the following subject to, the availability of funds at its disposal—

- (i) to prepare the plans for the development of the Halqa in consultation with Halqa Majlis and their timely submission to Block Development Council for consolidation ;

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1. Section 10 omitted by S.O. 3654(E) dated 16.10.2020.

2. Substituted *ibid* for “resign his office and”.

3. Section 12 substituted *ibid*.

- (ii) to undertake measures for the implementation of the development plans ;
- (iii) to specifically deal with the problems of soil conservation, water management, social forestry, rural industrialisation, agriculture, sheep and animal husbandry, sanitation, health and other welfare programmes ;
- (iv) regulation of buildings, shops and entertainment houses and checking of offensive or dangerous trades ;
- (v) construction and maintenance of slaughter houses, regulation of sale and preservation of meat and processing of skins and hides ;
- (vi) regulation of sale and preservation of fish, vegetables and other perishable articles and food ;
- (vii) regulation of fairs and festivals ;
- (viii) preparation and implementation of special development plans for alleviating poverty and employment generation as may be notified by the Government from time to time ; and
- (ix) all matters involving regulation, supervision, maintenance and support, incidental to, or necessary for the more efficient discharge of the above functions and those which may be entrusted to Halqa Panchayat under the provisions of this Act.

(3) The Halqa Panchayat shall also conduct concurrent and quarterly social audit of all works, schemes and project being implemented in the Panchayat areas as per procedure to be notified by the Government.

(4) The Halqa Panchayat shall also perform such other functions and duties as may be assigned or entrusted to it by the Government, the District Planning and Development Board and the Block Development Council within the area in which Halqa Panchayat is constituted.]

#### CHAPTER IV

##### **Property**

13. *Property of Halqa Panchayat.*— The following shall constitute the property of a Halqa Panchayat :—

- (i) public village road, within the Halqa Panchayat area other than

those under the control of any Department of the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] ;

- (ii) property, movable and immovable, which has been transferred to a Halqa Panchayat by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], any public body or an individual ;
- (iii) buildings, slaughter-houses, manure and night soil dumping sites, structures and water reservoir built by a Halqa Panchayat from its own funds or from contribution by <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], any public body or an individual ;
- (iv) rubbish, sewage, filth, bones, village cleanings, dead bodies of animals and other matters collected by the Halqa Panchayat under this Act ;
- (v) trees and grass growing on property belonging to the Halqa Panchayat, fruit and other produce thereof and windfalls thereon ;
- (vi) drains, tanks, ponds, wells, springs, streams, khuls, ghats, nallahs and quarries in the Halqa Panchayat area which do not belong to any person or a group of persons or to the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] and declared to be such property by a resolution of the Halqa Panchayat ;
- (vii) all public lamps or lamp posts and apparatus connected therewith or appertaining thereto ;
- (viii) any property which a Halqa Panchayat may acquire.

(2) The Halqa Panchayat shall have power to acquire, hold and dispose of the property and enter into any contract in accordance with the laws and rules in force.

14. *Halqa Panchayat Fund.* —(1) Every Halqa Panchayat shall have a fund to be called “Halqa Panchayat Fund” which shall comprise the following :—

- (i) Taxes, fees levied by Panchayat.
- (ii) Proceeds from the property and enterprises run by Halqa Panchayat.
- (iii) Court fees, fines and compensation paid to Halqa Panchayat.

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.

- (iv) Donations and contributions paid by public for works undertaken by Halqa Panchayat.
- (v) Proceeds of the sanitation cess collected by <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] on the revenue being loaned within Halqa Panchayat area.
- (vi) Grants from the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] for general purposes on per capita basis and also for specific functions.
- (vii) Loans from <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] or other agencies approved by <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], or other financial institutions.
- (viii) All other income of Halqa Panchayat and such grants as may be assigned to the Halqa Panchayat by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], keeping in view the topography and backwardness of the area.

<sup>2</sup>[(2) The Halqa Panchayat shall have power to operate the funds, grants, etc. specified in Schedule 1-C in the manner specified.]

<sup>3</sup>[15. *Imposition of fee by Halqa Panchayat.* —(1) Every Halqa Panchayat shall in such manner and in accordance with such rules as may be notified by the Government, impose a fee on commercial buildings subject to such exemptions as may be prescribed :

Provided that where the owner of the building has left the Panchayat area or cannot be otherwise found, the occupier of such building shall be liable for the fee leviable on such owner :

Provided further that in the absence of Halqa Panchayat, the concerned Block Development Officer shall be empowered to collect the fees and taxes already imposed by the Halqa Panchayat.

(2) A Halqa Panchayat may also levy fee on all or any of the following items at such rates as may be determined by the Halqa Panchayat and subject to such exemptions as may be notified by the Government from time to time, namely:—

- (a) fee on entertainment ;

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

2. Sub-section (2) inserted *ibid.*

3. Section 15 substituted *ibid.*



- (b) fee on advertisements and hoardings ;
- (c) fee on commercial tractors kept in area of the Halqa Panchayat ;
- (d) fee on business and professions within the jurisdiction of Halqa Panchayat like on rice husking mills, saw mills, flour mills, rice mills, gharats, brick kilns, oil mills, slaughter houses, petrol pumps, private hospitals, laboratories, diagnostic-centres, soda, ice, ice-cream factories, spice grinding mills, motor vehicles, tractor dealers, liquor shops, hot wet mix plant, stone crushers, poultry, dairy farms, horse traders, small scale industrial units, mobile towers, power plants, printing presses, kerosene oil, ration, dealers, etc. ;
- (e) fee on contractors for executing such works allotted to them by the Government within the jurisdiction of Halqa Panchayat ;
- (f) fee on travel agents and transport agencies ;
- (g) fee on organising melas, festivals, etc. where necessary arrangement for the water supply, health and sanitation are to be made by the Halqa Panchayat or where such melas or festivals are held on Panchayat land ;
- (h) fee on registration of shops and other commercial establishments in the jurisdiction of Halqa Panchayat ;
- (i) fee on buses, other passenger vehicles and commercial vehicles on account of haltage within the jurisdiction of Halqa Panchayat for providing adequate facilities for the travelers by the Gram Panchayat ;
- (j) fee on cattle pounds ;
- (k) fee on road cutting for laying optical fiber cable ;
- (l) royalty for extraction of minor minerals from local nallahs not falling under the ambit of Geology and Mining Department and not exempted from royalty under any specific provision of law ;
- (m) penalty for use of plastic or polythene and for open defecation ;
- (n) sanitation cess ; and
- (o) such other fee as may be approved by the Government :

Provided that the Government may at any time after giving an opportunity of being to the Halqa Panchayat cancel or modify or alter rate of any fee imposed under this section].

<sup>1</sup>[15A. *Revision of fee and rates.*— The Halqa Panchayat may revise the fees and rates leviable under section 15, at the most once, in a two year period.]

16. *Power of entry for the purpose of valuation of taxation.*— The <sup>2</sup>[Halqa Panchayat] may authorise any person after giving twenty-four hours notice to the occupier, or if there be no occupiers, to the owner of any building or land at any time between sunrise and sunset,—

- (i) to enter, inspect and measure any building for the purpose of valuation ;
- (ii) to enter and inspect any stable, coach house or other place wherein there is reason to believe that there is any vehicle, vessel or animal liable to taxation under this Act, or for which a licence has not been duly taken out :

Provided that where any authorised person is not allowed to carry out the valuation, the valuation may be done *ex-parte*.

17. *Appeal against levy of tax or fee.* —(1) An appeal against the levy of tax or fee by the Halqa Panchayat shall lie to the prescribed authority.

(2) Where it is brought to the notice of the prescribed authority that a tax, rate of fee has not been imposed on any person on whom it should have been imposed, it may after hearing him, direct the Halqa Panchayat to impose it on that person or persons and the Halqa Panchayat shall thereupon act accordingly.

18. *Recovery of dues as arrears of land revenue.*— Subject to such rules as may be made by the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] in this behalf, all the taxes or fees levied under this Act by the Halqa Panchayat and the moneys recoverable shall be recovered as arrears of land revenue.

19. *Revision of taxation orders.*— Any person dissatisfied with the assessment under this Act, may within such time as may be prescribed, apply to the prescribed authority in writing for a revision of the assessment and the prescribed authority may amend or confirm the same :

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1. Section 15-A inserted by S.O. 3654(E) dated 16.10.2020.

2. Substituted *ibid* for “Sarpanch”

3. Substituted *ibid* for “Government”.

<sup>1</sup>[Provided that no such revision shall be made unless an opportunity of being heard is provided to the Halqa Panchayat].

<sup>2</sup>[20. *Accounts and audit.*— The books of accounts of the Halqa Panchayat shall be maintained in such form and manner as may be prescribed :

Provided that Halqa Panchayat shall be required to get its accounts audited by a Chartered Accountant every year :

Provided further that Government through a prescribed authority shall get the accounts of the Halqa Panchayat audited in the manner prescribed.]

21. *Annual Budget.* —(1) Every Halqa Panchayat shall prepare and lay for sanction before <sup>3</sup>[the Halqa Majlis] the budget estimates of income and expenditure for the year commencing on 1st day of April, of Halqa Panchayat incorporating therein future development programme and plans for the relevant year.

(2) Copy of the budget estimates of income and expenditure and the annual report of the working of the Halqa Panchayat stating their future development programmes and plans for the next year shall be forwarded to the prescribed authority for record within three days after its sanction under sub-section (1).

(3) If any Halqa Panchayat fail to present its budget or annual report in the meeting, the prescribed authority shall prepare the budget and the annual report of such Halqa Panchayat and present the same before an extraordinary general meeting of <sup>3</sup>[the Halqa Majlis] specially called for this purpose and <sup>3</sup>[the Halqa Majlis] shall consider the budget and the annual report so prepared and presented, and draw up development plans for the Halqa Panchayat area.

(4) Approved budget for the Halqa Panchayat shall be duly publicised.

<sup>4</sup>[(5) The records of the Halqa Panchayats pertaining to the funds and developmental activities shall be open for examination of the voters of the Halqa Panchayats concerned.]

22. *Exemption from tax.*— Subject to any rule made in this behalf, the <sup>5</sup>[Government of the Union territory of Jammu and Kashmir] may, by order,

1. Proviso inserted by S.O. 3654(E) dated 16.10.2020.

2. Section 20 substituted *ibid*.

3. Substituted by Act III of 1999, s. 6.

4. Sub-section (5) inserted *ibid*.

5. Substituted *ibid* for "Government".

exempt in whole or in part from the payment of any tax imposed under this Act, any person or class of persons or property or description of property.

23. *Levy of fees on market etc.*— It shall be lawful for a Halqa Panchayat to lease by public auction or private contract the collection of any fees which may be imposed under this Act ; provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

## CHAPTER V

### Conduct of Business

24. *Meetings of the Halqa Panchayat.* —(1) Every Halqa Panchayat shall hold its meeting at least once in a month.

(2) The meeting shall be convened by Sarpanch and in his absence Naib-Sarpanch ; provided the first meeting after the constitution of Halqa Panchayat shall be convened by the prescribed authority, after notifying the date therefor.

(3) The procedure for the conduct of business and maintenance of records, shall be such as may be prescribed.

25. *Functions of Sarpanch and Naib-Sarpanch.* —(1) The Sarpanch shall preside over the meetings of the Halqa Panchayat and shall be responsible for maintenance of the records of the Halqa Panchayat.

(2) The Sarpanch shall be generally responsible for the financial and executive administration of the Halqa Panchayat and shall exercise administrative supervision and control in accordance with the rules framed in this behalf, over the staff of the Halqa Panchayat.

(3) In the absence of the Sarpanch, the Naib-Sarpanch shall preside over the meeting of the Halqa Panchayat and discharge the functions of the Sarpanch with regard to the financial and administrative matters.

<sup>1</sup>[26. *Staff.* —(1) Subject to such rules as may be prescribed in this behalf, a Halqa Panchayat may employ such staff as is necessary for carrying out the duties imposed on it by this Act.

(2) A Halqa Panchayat shall pay remuneration to such staff out of its own resources.

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1. Section 26 substituted by S.O. 3654(E) dated 16.10.2020.

(3) The Government shall also provide staff to the Halqa Panchayat as specified in Schedule I-B for carrying out the purposes of this Act.]

## CHAPTER VI

### Block Development Council

27. *Constitution of Block Development Council.* —(1) For every Block in the <sup>1</sup>[Union territory of Jammu and Kashmir], the <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] shall, by notification, constitute a Block Development Council bearing the name of the Block.

(2) Every Block Development Council shall be a body corporate, having perpetual succession and a common seal and shall, by its corporate name, sue and be sued, subject to such conditions or restrictions as the <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] may prescribe.

(3) The Block Development Council shall consists of—

- (i) a <sup>3</sup>[Chairperson] ;
- (ii) all Sarpanches of Halqa Panchayats falling within the Block.

<sup>4</sup>[x x x x] :

<sup>5</sup>[Provided that the offices of the Chairpersons of Block Development Councils shall be reserved for—

- (a) the Scheduled Castes ; and
- (b) the Scheduled Tribes,

in every district and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of offices of Chairpersons to be filled by direct election in that district as the population of the Scheduled Castes in that district, or of the Scheduled Tribes in that district, bears to the total population in that district and such offices may be allotted by rotation to different Block Development Council Constituencies in a district in such manner and by such authority as may be prescribed :

Provided further that—

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “State”.
  2. Substituted *ibid* for “Government”.
  3. Substituted for “Chairman” by Act VI of 2014, s. 6, w.e.f. 01-06-2014.
  4. Clause (iii) deleted *ibid*.
  5. First proviso substituted *ibid*.

- (a) not less than one-third of the total number of offices of Chairpersons reserved under the above proviso shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes ; and
- (b) not less than one-third of the total number of offices of Chairpersons to be filled by direct election in the district shall be reserved for women (including the number of offices of Chairpersons of Block Development Councils reserved for women belonging to scheduled castes or scheduled tribes) and such offices may be allotted by rotation to different constituencies in a district by such authority and in such manner as may be prescribed] :

<sup>1</sup>[x x x x].

28. <sup>2</sup>[Chairperson], <sup>2</sup>[Vice-Chairperson] and Secretary. —<sup>3</sup>[(1) Every Block Development Council shall have a Chairperson who shall be a Sarpanch or a Panch in any Halqa Panchayat of that block and shall be elected in accordance with the provisions contained in section 41 :

Provided that on election of a Sarpanch or a Panch as the Chairperson of Block Development Council, he shall, after being so elected, vacate his office as Sarpanch or Panch, as the case may be.]

(2) Every Block Development Council shall have a <sup>2</sup>[Vice-Chairperson] who shall be elected by the members of the Block Development Council from amongst themselves.

(3) The Block Development Officer shall be the Secretary of the Block Development Council.

<sup>4</sup>[x x x x].

<sup>5</sup>[29. *Term of the Block Development Council.*— The term of a Block Development Council shall be co-extensive with the term of Halqa Panchayats of that block].

30. *Removal of* <sup>2</sup>[Chairperson].— The <sup>2</sup>[Chairperson] of the Block Development Council shall be deemed to have vacated his office if a motion of no

1. Proviso omitted by S.O. 3654(E) dated 16.10.2020. (It was added by Act VII of 2003.)

2. Words “Chairman” and “Vice-Chairman” substituted by Act XIII of 2016, s. 12.

3. Sub-section (1) substituted by Act VI of 2014, s. 7, w.e.f. 01-06-2014.

4. Sub-section (4) omitted by S.O. 3654(E) dated 16.10.2020. (For earlier amendment see Act VI of 2014.

5. Section 29 substituted *ibid*, s. 8.

confidence moved against him by any member on any of the following grounds, is carried by a majority of not less than two-third of the total number of <sup>1</sup>[Sarpanches] of Halqa Panchayats of the Block at special meeting convened for the purpose in such manner as may be prescribed. The grounds aforesaid are :—

- (i) gross misconduct ;
- (ii) neglect of duty ;
- (iii) disqualification prescribed under section 6.

## CHAPTER VII

### Powers and Functions

<sup>2</sup>[31. *Powers and functions of Block Development Council.* —(1) The Block Development Council shall perform functions specified in Schedule II-A :

Provided that where the Government provides funds for the performance of any function specified in Schedule II-A, the Block Development Council shall perform such function in accordance with guidelines or norms laid down by the Government for performing such function.

(2) Notwithstanding anything contained in sub-section (1) and Schedule II-A, and subject to the provisions of this Act, it shall be the duty of each Block Development Council to perform the following functions :—

- (i) compilation of all Panchayat level plans and their timely submission to District Planning and Development Board for integration with District Plan ;
- (ii) preparation of all Block Level Plans and timely submission of the same to the District Planning and Development Board for Integration with District Plan ;
- (iii) construction, maintenance and supervision of Inter-Halqa Panchayat Communication System ;
- (iv) administrative and technical guidance to Halqa Panchayats and review of their work ;
- (v) to supervise plans relating to agriculture, rural development, animal husbandry, sheep husbandry, social forestry, education and public health ;

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for "Panches and Sarpanches".

2. Section 31 substituted *ibid.*

- (vi) monitor such programs as may be notified by the Government from time to time, including Mahatama Gandhi National Rural Employment Guarantee Act, National Rural Livelihood Mission, Prime Minister Awas Yojna, Integrated Watershed Management Programme, Mid-day Meal Scheme and Integrated Child Development Services ;
- (vii) undertake measures for effective supervision and monitoring of various developmental programmes ; and
- (viii) to carry out such other functions as may be entrusted to it by the Government or by the District Planning and Development Board.

(3) The Block Development Council may form such sub-committees as required for carrying out the purposes of this Act and in accordance with the procedure laid down in this behalf.

(4) Subject to such rules as may be prescribed in this behalf, the Block Development Council may employ such staff as is necessary for carrying out the duties imposed on it by this Act.

(5) The Block Development Council shall pay the remuneration to such servant out of its own resources.

(6) The Government may also provide the staff to the Block Development Council as specified in Schedule II-B for carrying out the purposes of this Act.]

*32. Powers and functions of the <sup>1</sup>[Chairperson] and the <sup>1</sup>[Vice-Chairperson].* —(1) The <sup>1</sup>[Chairperson] and in his absence the <sup>1</sup>[Vice-Chairperson], shall preside over the meeting of the Block Development Council.

(2) The <sup>1</sup>[Chairperson], and in his absence the <sup>1</sup>[Vice-Chairperson] shall exercise general control and supervision over the staff and affairs of the Block Development Council.

*33. Remuneration to <sup>1</sup>[Chairperson] and Members.* —(1) The members of the Block Development Council shall be entitled to such sitting fee, as may be prescribed, from time to time.

(2) The <sup>1</sup>[Chairperson] of the Block Development Council shall be paid such honorarium as may be prescribed, from time to time.

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1. Words “Chairman” and “Vice-Chairman” substituted by Act XIII of 2016, s. 12.



## CHAPTER VIII

**Property and Finance**

34. *Property and finances of the Block Development Council.* —(1) Block Development Council shall have the powers to acquire, hold or dispose of property and enter into a contract in accordance with the rules in force.

(2) For every Block Development Council, there shall be constituted a “Block Development Council Fund” comprising grants made by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] having due regard to the number of Panchayat Halqas in a Block and the revenues assigned by the District Planning and Development Board.

<sup>2</sup>[(3) The Block Development Council shall have power to operate funds, grants, etc. specified in Schedule II-C in the manner prescribed.]

## CHAPTER IX

**Procedure for Conduct of Business**

35. *Meetings.* —(1) Every Block Development Council shall hold its meeting once in a month. The meeting shall be convened by the <sup>3</sup>[Chairperson], and in his absence by the <sup>3</sup>[Vice-Chairperson] ; provided the first meeting of the Block Development Council after its constitution shall be convened by the prescribed authority after notifying the date therefor.

(2) The procedure for conduct of business and maintenance of records of the Block Development Council shall be such as may be prescribed.

## CHAPTER X

**Holding of Elections**

<sup>4</sup>[36. *State Election Commission.* —(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections under this Act shall vest in an Election Authority to be known as the State Election Commission :

Provided that for purposes of holding general elections under the Act in the year 2011, the superintendence, direction and control of the preparation of

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.

2. Sub-section (3) inserted *ibid.*

3. Words “Chairman” and “Vice-Chairman” substituted by Act XIII of 2016, s. 12.

4. Substituted by Act XV of 2011, s. 3.

electoral rolls for, and the conduct of, all elections under this Act shall continue to vest in the Chief Electoral Officer of the <sup>1</sup>[Union territory of Jammu and Kashmir] as heretofore :

<sup>2</sup>[Provided further that for purposes of holding general elections under this Act upto December, 2020 or until a full time State Election Commissioner is appointed earlier, the superintendence, direction and control of the preparation of electoral rolls and conduct of, all elections in accordance with this Act shall vest in the Chief Electoral Officer].

(2) Notwithstanding anything contrary contained in this Act or any other law for the time being in force in the <sup>1</sup>[Union territory of Jammu and Kashmir], the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] may, by a notification in the <sup>4</sup>[Official Gazette], vest the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, election under any other law for the time being in force in the <sup>1</sup>[Union territory of Jammu and Kashmir] in the Commission.

(3) The Commission shall consist of a State Election Commissioner, to be appointed by the <sup>5</sup>[Lieutenant Governor] on the recommendation of a Committee consisting of the—

- |       |   |                            |
|-------|---|----------------------------|
| (i)   | Chief Minister  | <sup>6</sup> [Chairperson] |
| (ii)  | A senior Minister to be nominated by the Chief Minister | Member                     |
| (iii) | Speaker of Legislative Assembly                         | Member                     |
| (iv)  | Minister Incharge Panchayats                            | Member                     |
| (v)   | Leader of Opposition in Legislative Assembly            | Member.                    |

*Explanation:—* For purposes of this sub-section, the ‘Leader of Opposition in Legislative Assembly’ shall, when no such Leader has been so recognised, include the leader of the single largest group or party in Opposition to the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir], in the Legislative Assembly :

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “State”.

2. Second Proviso substituted *ibid*. (For earlier amendment see Act XII of 2018, s. 3.)

3. Substituted *ibid* for “Government”.

4. Substituted *ibid* for “Government Gazette”.

5. Substituted *ibid* for “Governor”.

6. Substituted by Act XIII of 2016, s. 12 for “Chairman”.

<sup>1</sup>[Provided that when the Proclamation under section 73 of the Jammu and Kashmir Reorganisation Act, 2019 is in force, State Election Commissioner shall be appointed by the Lieutenant Governor of Union territory of Jammu and Kashmir].

(4) A person shall not be qualified for being appointed as state Election Commissioner unless he is holding or has held a post in the Indian Administrative Service or a post in any civil service of the Union or the <sup>2</sup>[Union territory of Jammu and Kashmir] not below the rank of Commissioner/Secretary to Government having knowledge and experience in matters relating to conduct of elections :

Provided that if the person so appointed is in service at the time of his appointment, he shall be deemed to have retired on superannuation from the date of his assumption of office as State Election Commissioner and shall be entitled to receive pension and other post retirement benefits in respect of that service.

(5) The State Election Commissioner shall, before entering upon his office, make and subscribe before the <sup>3</sup>[Lieutenant Governor] or any other person nominated in this behalf by him, an oath or affirmation in the following manner:—

*I, \_\_\_\_\_ having been appointed as the State Election Commissioner, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India <sup>4</sup>[x x x] as by law established ; that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will.*

36A. *Term of office and other conditions of service of State Election Commissioner.* —(1) The State Election Commissioner shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier :

Provided that he may—

- (a) by writing under his hand addressed to the <sup>3</sup>[Lieutenant Governor], resign his office ; or
- (b) be removed from his office in the manner provided in section 36B.

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1. Proviso inserted by S.O. 3654(E) dated 16.10.2020.

2. Substituted *ibid* for “State”.

3. Substituted *ibid* for “Governor”.

4. Words “and Constitution of Jammu and Kashmir” omitted *ibid*.

(2) On ceasing to hold office, the State Election Commissioner shall be ineligible for, reappointment to that office or, any other assignment or appointment to any office under the Government of India or under the Government of any State.

(3) The salary, allowance and other conditions of the State Election Commissioner shall be such as may be prescribed from time to time :

Provided that if the State Election Commissioner is at the time of his appointment eligible for, or in receipt of, a pension in respect of any previous service, his salary in respect of service as State Election Commissioner shall be reduced,—

- (a) by the amount of that pension ; and
- (b) if he has before such appointment received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that amount of pension.

*36B. Removal of the State Election Commissioner.* —(1) Subject to the provisions of sub-section (3), the State Election Commissioner shall not be removed from his office except by an order made by the <sup>1</sup>[Lieutenant Governor] on the ground of proved misbehaviour or incapacity after an enquiry conducted by a sitting or a retired judge of the High Court, on a reference made to him by the <sup>1</sup>[Lieutenant Governor].

(2) The <sup>1</sup>[Lieutenant Governor] may suspend from office, and if necessary prohibit also from attending the office during inquiry, the State Election Commissioner in respect of whom a reference has been made to the inquiry Officer under sub-section (1) until the <sup>1</sup>[Lieutenant Governor] has passed orders on receipt of the report of the Inquiry Officer on such reference.

(3) Notwithstanding anything in sub-section (1), the <sup>1</sup>[Lieutenant Governor] may by order remove from office the State Election Commissioner, if he:—

- (a) is adjudged as insolvent ; or
- (b) engages during the term of his office in any employment outside the duties of his office ; or
- (c) is unfit to continue in his office by reason of his infirmity of mind or body ; or

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for "Governor".

- (d) is convicted and sentenced to imprisonment for offence which involves moral turpitude.

36C. *Officers and staff of State Election Commission.* —(1) The <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] shall make available to the Commission,—

- (a) an officer not below the rank of Additional Secretary to Government who shall be the Secretary of the Commission ;
- (b) such other officers or employees, as may be requested by the Commission from time to time :

Provided that the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] may designate any officer of the Commission as Deputy Election Commissioner.

(2) The officers and employees of the Commission shall continue to be governed by the rules and regulations as were applicable to them in their parent services.

(3) The State Election Commission shall, in consultation with the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], designate or nominate such of the officers and employees of the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] as various authorities for purposes of preparation and revision of electoral rolls and conduct of elections under this Act, as it may deem fit.

36D. *Powers of the State Election Commission.* —(1) The State Election Commission shall be deemed to be a Civil Court under <sup>2</sup>[the Code of Civil Procedure, 1908 (5 of 1908)] and a proceeding before the Commission shall be deemed to be a judicial proceeding.

(2) The Commission shall have the power to—

- (a) require any person including an officer or an employee of the <sup>1</sup>[Government of the union territory of Jammu and Kashmir], subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information or any matter which, in the opinion of the Commission, may be useful for, or relevant to, the subject of enquiry ;

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.

2. Substituted *ibid* for “the Code of Civil Procedure, Samvat 1977”.

- (b) give such directions to the officers and employees of the <sup>1</sup>[Government of the union territory of Jammu and Kashmir] or the Panchayat Raj Institutions or any other statutory body or society as it considers necessary to ensure smooth and efficient conduct of elections under this Act ;
- (c) delegate any of its powers to such officers and employees of the <sup>1</sup>[Government of the union territory of Jammu and Kashmir], as it may deem necessary ;
- <sup>2</sup>[(cc) to determine and delimit Halqa Panchayats in accordance with this Act] :

<sup>3</sup>[Provided that for the purposes of holding general elections under this Act upto December 2020 or until a full time State Election Commissioner is appointed earlier, the power to determine and delimit halqa panchayats in accordance with this Act shall vest in the Chief Electoral Officer].

- (d) regulate its own procedure including the fixing of time and place of its sittings ; and
- (e) exercise such other powers as may be prescribed by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] from time to time.]

37. There shall be no bar on holding of election on party lines.

38. *Electoral Roll*.— For <sup>4</sup>[every election to be held under this Act] there shall be an electoral roll, which shall be prepared by Election Authority in accordance with the provisions of this Act.

39. *Disqualification for registration in an electoral roll*.— A Person shall be disqualified for registration in an electoral roll if he,—

<sup>5</sup>[x x x x] ;

- (ii) is of unsound mind and stands so declared by a competent court ;
- (iii) has not attained age of 18 years.

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.

2. Clause (cc) inserted by Act VI of 2014, s. 9, w.e.f. 01-06-2014.

3. Proviso after clause (cc) substituted by S.O. 3654(E) dated 16.10.2020. (For earlier amendment see Act XII of 2018, s. 4.)

4. Substituted *ibid* for “every Halqa Panchayat”.

5. Clause (i) omitted *ibid*.

<sup>1</sup>[40. *Election of Sarpanches of Halqa Panchayats.*— Sarpanches of Halqa Panchayats shall be elected by electorate of the Halqa Panchayat.]

41. *Election of* <sup>2</sup>[Chairperson] *of Block Development Council.*— The <sup>2</sup>[Chairperson] of Block Development Council shall be elected by the electoral college comprising <sup>3</sup>[x x x] Panchs and Sarpanchs of Halqa Panchayat falling within the Block. The election shall be held in such manner as may be prescribed.

42. *Holding of elections.* —(1) The elections to the Halqa panchayat shall be held one month prior to the expiry of term <sup>4</sup>[or within six months from the date of appointment of Administrator under section 9], as the case may be.

<sup>5</sup>[(2) The election of the Chairperson of the Block Development Council shall be held not later than three months after the constitution of Panchayats or six months after a casual vacancy occurs, as the case may be].

<sup>6</sup>[42-A. *Nomination of candidates for election.* —<sup>7</sup>[(1) Any person may nominate himself as a candidate for election of :—

- (a) Panch or Sarpanch of a Halqa Panchayat if his name is included in the electoral roll of such Halqa Panchayat ;
- (b) Chairperson of a Block Development Council if his name is included in the electoral roll of such Block Development Council ; and
- (c) directly elected members of a District Development Council if his name is included in the electoral roll of any Halqa Panchayat of such District.]

(2) On or before the date appointed for submission of nomination papers by the Election Authority, every candidate for election of <sup>8</sup>[Panch or Sarpanch of a Halqa Panchayat or Chairperson, Block Development Council or directly elected members or Chairperson of a District Development Council] shall deliver or cause to be delivered through his agent to the Returning Officer a nomination paper completed in the prescribed form and signed by the candidate.

1. Section 40 inserted by S.O. 3654(E) dated 16.10.2020. (For earlier amendment see Act XIII of 2016, s. 3.)

2. Word “Chairman” substituted by Act XIII of 2016, s. 12.

3. Word “elected” omitted by Act II of 2004, w.e.f. 23-09-2003.

4. Substituted by S.O. 3654(E) dated 16.10.2020 for “or within six months from the date of supersession”.

5. Sub-section (2) substituted *ibid.*

6. Sections 42-A ad 42-B inserted by Act II of 2004.

7. Sub-section (1) substituted by S.O. 3654(E) dated 16.10.2020.

8. Substituted *ibid* for “Panch of a Halqa Panchayat or Chairperson, Block Development Council”.

(3) A candidate shall not be deemed to be duly nominated for election from a <sup>1</sup>[Panchayat Constituency or Block Development Council or District Development Council] unless he deposits or causes to be deposited such amount of security, as may be prescribed, for election of Panch, Sarpanch or <sup>2</sup>[Chairperson, Block Development Council or directly appointed members of a District Development Council], as the case may be :

Provided that in the case of Scheduled Caste/Scheduled Tribe or Women candidates, the amount of security deposit shall be 50% of the deposit so prescribed.

42-B. *Forfeiture of Security Deposit.*— The security deposit of a candidate shall be liable to be forfeited if he polls less than 1/6th of the total valid votes polled.]

43. *Disputes regarding elections.* —(1) The election of a person <sup>3</sup>[as Sarpanch, Panch] of a Halqa Panchayat or as a <sup>4</sup>[Chairperson of the Block Development Council or elected member or Chairperson of the District Development Council] shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the grounds that :—

- (a) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election ;
- (b) that the result of the election has been materially affected—
  - (i) by the improper acceptance or rejection of any nomination ; or
  - (ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

44. *Jurisdiction of civil courts in election matters barred.*— No civil court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act in connection with the conduct of elections thereunder.

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Panchayat Constituency or Block Development Council”.

2. Substituted *ibid* for “Chairperson, Block Development Council”.

3. Substituted *ibid* for “as Panch”. (For earlier amendment see Act XIII of 2016, s. 5.)

4. Substituted *ibid* for “Chairperson of the Block development Council”. (For earlier amendment see Act XIII of 2016, s. 12.)



## CHAPTER XI

**District Planning and Development Board**

<sup>1</sup>[45. *Establishment of District Development Council.*— For each district there shall be a District Development Council, having jurisdiction, over the entire district excluding, such portions of the district as are included in a Municipality or Municipal Corporation constituted under any law for the time being in force.

45-A. Constitution of District Development Council. —(1) Every District Development Council shall consist of—

- (a) the directly elected members from territorial constituencies in the district ;
- (b) the Members of the Legislative Assembly representing a part or whole of the district whose constituencies lie within the district ; and
- (c) the Chairperson of all Block Development Councils of the district.

(2) The number of elected members of a District Development Council under clause (a) of sub-section (1) shall consist of persons elected from the territorial constituencies in the district, as may be notified from time to time, which shall be fourteen in number.

(3) All members of District Development Council, whether or not elected by direct election from territorial constituencies in the district shall have the right to vote in the meeting of the District Development Council :

Provided that in the case of election or removal of the Chairman and Vice-Chairman only the directly elected members shall have the right to vote.

(4) Seats to be filled by direct election shall be reserved in the District Development Council—

- (a) for the Scheduled Castes ; and
- (b) for the Scheduled Tribes,

and the number of seats to be filled by direct election so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the District Development Council as the population of the

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1. Substituted by S.O. 3654(E) dated 16.10.2020.

Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district.

(5) Not less than one-third of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(6) One-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every District Development Council shall be reserved for women.

(7) The seats reserved under sub-sections (4), (5) and (6) shall be allotted by rotation to different constituencies in the district in such manner as may be prescribed.

(8) The Additional District Development Commissioner of the District shall be the Chief Executive Officer of the District Development Council and he shall be assisted by the District level heads in the discharge of functions as such.

(9) The term of District Development Council shall be five years except for holding common elections to all the tiers of the Panchayats simultaneously so that all the tiers have co-extensive terms in the district.

(10) The provisions for disqualification from the membership of a Halqa Panchayat as provided under section 6 shall be applicable mutatis-mutandis to the directly elected members of the District Development Council.

(11) A Chairperson, Vice Chairperson of a District Development Council may, by writing under his hand, addressed to such authority and in such manner as may be prescribed, resign his office and on acceptance of the resignation by such authority the office shall thereupon become vacant.

(12) Any Chairperson vacating an office of District Development Council either by resignation or removal shall handover the charge to the Vice Chairperson of the District Development Council.

(13) In the event of the position of the Vice Chairperson having been vacated earlier, the Chairperson shall hand over the charge to the Chief Executive Officer.

(14) A Chairperson or a Vice Chairperson shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in his favour

is passed by a majority of not less than two third of the directly elected Members of the District Development Council at a meeting specifically convened for the purpose in the prescribed manner on the following grounds, namely;-

- (i) gross misconduct ;
- (ii) neglect of duty ;
- (iii) any disqualification prescribed under sub-section (10) ;
- (iv) failure to attend three consecutive meetings of the District Development Council :

Provided that failure to attend meetings of the District Development Council shall not render him liable to removal if such failure is due to reasons beyond his control.

*45-B. Election of Chairperson and Vice-Chairperson.* —(1) After the declaration of the results, the Deputy Commissioner shall, as soon as possible but not later than one week of such declaration, call under his presidentship a meeting of elected members of the District Development Council for the purposes of oath or affirmation or allegiance.

(2) Immediately after oath or affirmation of allegiance is administered or made, the elected members of a District Development Council shall, in the prescribed manner, elect from amongst themselves one of its members to be the Chairperson and another to be the Vice-Chairperson of the District Development Council :

Provided that if the office of the Chairperson or Vice-Chairperson, as the case may be, is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of three months from the date of occurrence of vacancy shall be held from the same category, in such manner as may be prescribed.

(3) One-third of the total number of seats for the office of the Chairperson of District Development Council in the Union territory of Jammu and Kashmir shall be reserved for women.

(4) The seats reserved under sub-section (3) shall be allotted by rotation in such manner as may be prescribed.

*45-C. Conduct of business Meetings.* —(1) The Chairperson shall convene at least four meetings of the District Development Council in a financial year,

one in each quarter which shall be called the ordinary or general meeting and every meeting of the District Development Council shall ordinarily be held at District Development Council headquarters :

Provided that the first meeting of the District Development Council shall be held within one month of its constitution.

(2) 'Ten clear days' notice of an ordinary meeting and 'seven clear days' notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat shall be sent to the members and pasted at the office of the District Development Council.

(3) The Chairperson may, whenever deemed fit and shall upon the written request of not less than one third of the total number of members and on a date within fifteen days of receipt of such request call a special meeting and such request shall specify the object for which the meeting is proposed to be called.

(4) One half of the total members of the District Development Council shall form a quorum for transacting business at a District Development Council.

(5) Every meeting shall be presided over by the Chairperson or if he is absent or if the office of the Chairperson is vacant, by the Vice Chairperson and if both the Chairperson and Vice Chairperson are absent, the members present shall elect one from among themselves to preside.

(6) All questions shall, unless otherwise specially provided, be decided by a majority of members present and voting.

(7) The proceedings of every meeting shall be recorded in the minute - book immediately after the deliberations of the meeting and shall after being read over by the Chairperson of the meeting, be signed by him.

(8) A copy of every resolution passed by a District Development Council at a meeting shall within ten days from the date of meeting be forwarded to the Government and copies of minutes shall be furnished to all Members.

(9) *The District Development Council may require presence of officers at meetings.*— If it shall appear to a District Development Council that the attendance of any officer of the Government having jurisdiction over the area of the District Development Council, is desirable at a meeting of the District Development Council, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request the officer to be present at the meeting :

Provided that the officer on receipt of such letter may, if for any reasonable cause is unable to be present thereat, instruct his deputy or other subordinate to represent him at the meeting.

(10) Until the contrary is proved, every meeting of a District Development Council or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matter referred to in the minute.

(11) During any vacancy in a District Development Council or a Committee, the Continuing Member or Members may act as if no vacancy has occurred.

45-D. *Standing Committees.* —(1) In every District Development Council, the following standing committees shall be constituted, namely :—

- (i) Standing Committee for Finance ;
- (ii) Standing Committee for Development ;
- (iii) Standing Committee for Public Works ;
- (iv) Standing Committee for Health and Education ;
- (v) Standing Committee for Welfare.

(2) Every standing committee shall consist of such number of members, including its Chairperson as decided by the District Development Council, so that all other elected members except the Chairperson and Vice-Chairperson shall be elected as a member in any of the standing committee and the number of members elected to each standing committee shall, as far as possible, be equal.

(3) The number of members of each standing committee as decided by the District Development Council shall not be changed within the term of that Council.

(4) In every standing committee there shall be members of the District Development Council elected from amongst themselves and a member shall not be a member of more than one standing committee at a time except when required due to insufficient number of members of the District Development Council.

(5) The Chairperson of every standing committee, except the standing committee for finance, shall, be elected by the members of the respective standing committee from amongst themselves.

(6) The Vice-Chairperson of District Development Council shall be an ex-officio member and Chairperson of the standing committee for finance and the Chairperson shall be an ex-officio member of all standing committees without the right to vote.

(7) A member other than an ex-officio member of a standing committee and the Chairperson of a standing committee other than the standing committee for finance may resign the membership or Chairmanship of a standing committee, as the case may be, by tendering resignation to the Secretary in the prescribed form and the resignation shall take effect from the date on which it was received by the Secretary and the Secretary shall inform the fact immediately to the Chairperson and the District Development Council.

(8) The person who resigns the membership or Chairmanship of the Standing committee shall give in person or send through registered post his resignation where such resignation letter is attested by a gazetted officer, as the case may be, to the Secretary and the Secretary shall acknowledge receipt of the same.

(9) Except as otherwise provided in this Act, the term of the Chairman of a standing committee or its member shall co-exist with the term of that Council.

(10) An election to fill up casual vacancy of the member of standing committee shall be conducted within thirty days of the occurrence of that vacancy :

Provided that where the vacancy in a standing committee could not be filled up due to the vacancy of a member of Council, the vacancy of standing committee shall be filled up within thirty days from the date of filling up of the vacancy of the member of Council.

(11) If a casual vacancy of the Chairman of a standing committee other than the standing committee for finance arises one of its members shall be elected as its Chairman in the next meeting of the standing committee.

(12) A motion of no-confidence on the Chairperson of the standing committee other than the standing committee for finance may be moved subject to the prescribed provisions and procedures and if such a motion is passed with the support of not less than the majority of the members of the standing Committee, the Chairman of that standing committee shall cease to hold office

and he shall be deemed to have vacated the office of the chairman of the standing committee immediately.

(13) Standing Committee for finance shall deal with the subjects like finance, accounts, audit, budget, general administration and subjects not allowed to other standing committees.

(14) The Standing Committee for Development shall deal with the subjects like development planning, socio-economic planning, agriculture, soil conservation, animal husbandry, minor irrigation, fisheries, small scale industry, etc.

(15) The Standing Committee for Public Works shall deal with the subjects like public works, housing, spatial planning and environment.

(16) The Standing Committee for Health and Education shall deal with subjects like public health and education.

(17) The Standing Committee for Welfare shall deal with subjects like social welfare, development of women and children and development of Scheduled Castes and Scheduled Tribes.

(18) The standing committees of the Council may perform such other powers and functions of the Council as may be entrusted to it by the Council in addition to the powers and duties conferred on it by rules made in this behalf.

(19) Every resolution passed by the standing committee shall be placed before the Council in its next meeting and the Council shall have power to modify such resolution if considered necessary.

(20) The standing committees shall perform their functions and conduct their business in the manner prescribed.]

## CHAPTER XII

### **Powers, Functions and Finance**

46. *Powers and functions of the District Planning and Development Board.* —(1) The District Planning and Development Board shall exercise and perform the following powers and functions <sup>1</sup>[in addition to functions specified in Schedule III] :—

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1. Words inserted by S.O. 3654(E) dated 16.10.2020.

<sup>1</sup>[(i) to consider and guide the formulation of development programmes for the area of the district under its authority and indicate priorities for various schemes and consider issues relating to the speedy development and economic upliftment of the of area of the District under its authority ;]

<sup>1</sup>[(ii) to review periodically progress and achievements of developmental plans and schemes and make recommendations to the Government, District Development Committee, Block Development Councils and Halqa Panchayats as it considers appropriate ;

(ii-a) to receive all Block Level Plans and consolidated panchayat Plans from Block Development Council; compile, consolidate and integrate all plans into the District Plan and forward to the District Planning Committee which shall form the basis for the District Plan ;]

<sup>2</sup>[x x x x];

(v) to lay down the policy guidelines for the Block Development Council and Halqa Panchayat ;

(vi) to approve the budget of the Block Development Council and supervise and co-ordinate their work ;

(vii) to undertake special measures for alleviating poverty and employment generation and extending assistance to Halqa Panchayat in this behalf ;

(viii) to promote and assist co-operative institutions ;

(ix) to perform such other functions and duties as may be assigned or entrusted to it by the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] from time to time.

<sup>4</sup>[47. *Staff and property and finance.* —(1) Subject to such rules as may be prescribed in this behalf, the District Development Council may employ such staff as is necessary for carrying out the duties imposed on it by this Act.

(2) The District Development Council shall pay the remuneration to such staff out of its own resources.

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1. Substituted by S.O. 3654(E) dated 16.10.2020.

2. Clauses (iii) and (iv) omitted *ibid*.

3. Substituted *ibid* for "Government".

4. Section 47 substituted *ibid*.



(3) The Government may also provide the staff to the District Council as required carrying out the purposes of this Act.

(4) Every District Development Council shall have a fund to be called the District Development Council Fund comprising grants by the Government and own resources.

(5) The District Development Council shall have powers to acquire, hold or dispose of property or enter into a contract in accordance with the rules prescribed.]

#### <sup>1</sup>[CHAPTER XII-A

#### **District Planning Committee**

47A. *District Planning Committee.* —(1) For every District, there shall be a District Planning Committee comprising of the following, namely:—

- (i) Members of Parliament representing the area ;
- (ii) Members of the State Legislature representing the areas within the District ;
- (iii) Chairperson of the District Development Council of the District ;
- (iv) Chairpersons of the Town Area Committees/Municipal Committees of the District ;
- (v) President of the Municipal Council/Municipal Corporation, if any ;
- (vi) District Development Commissioner ;
- (vii) Additional District Development Commissioner ;
- (viii) District Statistics and Evaluation Officer ;
- (ix) Chief Planning Officer ;
- (x) All District Level officers shall be ex-officio members of the Committee.

(2) The Member of Parliament representing the area shall be the Chairperson of the Committee.

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1. Chapter XII-A inserted by S.O. 3654(E) dated 16.10.2020.

47B. *Functions of District Planning Committee.*— The District Planning Committee shall perform the following functions :—

- (i) to consider and guide the formulation of development programmes for the District and indicate priorities for various schemes and consider issues relating to the speedy development and economic upliftment of the District ;
- (ii) to function as a working group for formulation of periodic and annual plans for the District ;
- (iii) to formulate and finalise the plan and non-plan budget for the District.]

### CHAPTER XIII

#### **Constitution of Panchayati Adalat**

48. *Composition of Panchayati Adalats.* —(1) There shall be a Panchayati Adalat for every Halqa.

(2) The Panchayati Adalat shall comprise five members who shall be nominated by the prescribed authority out of the panel prepared and recommended by Halqa Panchayat out of its electorate :

Provided that no person shall be so recommended unless he—

- (i) is literate ;
- (ii) has attained the age of 30 years ;
- (iii) is not a Sarpanch, Naib-Sarpanch or a Panch ;
- (iv) is not under the employment of the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] or any local body or corporation.

(3) The term of members of the Panchayati Adalat shall be five years from the date of nomination.

(4) Three members of the Panchayati Adalat shall form the quorum.

(5) If any vacancy arises in the Panchayati Adalat, it shall be filled up in the same manner as prescribed under sub-section (2) and the member so nominated shall serve for the residue of term of his predecessor.

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

<sup>1</sup>[(6) A member of Panchayati Adalat shall be entitled to such sitting fee as the <sup>2</sup>[Government of the union territory of Jammu and Kashmir] may prescribe from time to time].

49. *Procedure for conduct of business.*— Save as otherwise provided in this Act, the <sup>2</sup>[Government of the union territory of Jammu and Kashmir] may make rules to—

- (i) regulate the conduct and distribution of business and practice before a Panchayati Adalat ;
- (ii) prescribe the time and place at which the Panchayati Adalat shall sit.

50. <sup>3</sup>[*Chairperson*] of *Panchayati Adalat.*— The members of a Panchayati Adalat shall elect any member from amongst themselves to be the <sup>3</sup>[Chairperson] of such Panchayati Adalat :

Provided that if the members of a Panchayati Adalat fail to elect the <sup>3</sup>[Chairperson] within a period of thirty days from the date of nomination, the prescribed authority shall appoint one from amongst the members to be the <sup>3</sup>[Chairperson] of such Panchayati Adalat.

51. *Secretary of the Panchayati Adalat.*— The Secretary of the Halqa Panchayat shall act as the judicial clerk to the Panchayati Adalat for the purpose of recording its proceedings and decisions and such other duties as may be prescribed.

52. *Removal of the <sup>3</sup>[Chairperson] and the member of Panchayati Adalat.*— (1) The <sup>4</sup>[Government or any other officer specially empowered or authorised in this behalf] may remove the <sup>3</sup>[Chairperson] or member of a Panchayati Adalat after giving him opportunity of being heard and after such enquiry, as the <sup>4</sup>[Government or any other officer specially empowered or authorised in this behalf] deems necessary, if in the opinion of the <sup>4</sup>[Government or any other officer specially empowered or authorised in this behalf], such <sup>3</sup>[Chairperson] or member, as the case may be, has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or neglect or refusal to perform or is incapable to perform the functions of the Panchayati Adalat.

(2) If an enquiry is held under sub-section (1), the <sup>4</sup>[Government or any other officer specially empowered or authorised in this behalf] may suspend

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1. Sub-section (6) inserted by Act XIII of 2016, s. 11.

2. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

3. Substituted for "Chairman" by Act XIII of 2016, s. 12.

4. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

the <sup>1</sup>[Chairperson] or the member of the Panchayati Adalat.

(3) A person removed from the Panchayati Adalat under sub-section (1) shall not be eligible for nomination to such Panchayati Adalat.

53. *Transfer of pending suits and the cases to Panchayati Adalat.*— All suits and cases pending before a Panchayati Adalat constituted under the Jammu and Kashmir Village Panchayat Act, 1958 or before the Civil or Criminal Court, for matters within the jurisdiction of a Panchayati Adalat constituted under this Act shall stand transferred to the concerned Panchayati Adalat so constituted.

54. *Hearing by members of Panchayati Adalat.*— No member of a Panchayati Adalat who is a party to or is personally interested in, any suit or case, shall hear or dispose of such suit or case.

55. <sup>1</sup>[*Chairperson*] and members to be public servants. —(1) Every member including the <sup>1</sup>[Chairperson] of the Panchayati Adalat shall be deemed to be a public servants within the meaning of section 21 of the <sup>2</sup>[Indian Penal Code (45 of 1860)].

(2) The provisions of the <sup>3</sup>[Judicial Officers Protection Act, 1850 (18 of 1850)] shall apply to every Panchayati Adalat and to every member thereof while acting judicially.

56. *Criminal jurisdiction.* —(1) Notwithstanding anything contained in the <sup>4</sup>[Code of Criminal Procedure, 1973 (2 of 1974)] and subject to the provisions of this Act, a Panchayati Adalat shall have jurisdiction over the concerned Halqa Panchayat area for the trial of and shall take cognizance of any offence and abetment of or attempt to commit any offence, specified in the Schedule :

Provided that no such cognizance shall be taken by a Panchayati Adalat of any case in which the accused,—

- (i) has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the <sup>2</sup>[Indian Penal Code (45 of 1860)] with imprisonment of either description for a term of three years or onwards ; or
- (ii) has been previously sentenced for any offence to life imprisonment for a like term ; or

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1. Substituted for “Chairman” by Act XIII of 2016, s. 12.

1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Ranbir Penal Code, Samvat 1989”.

3. Substituted *ibid* for “Judicial Officers Protection Act, 1971”.

4. Substituted *ibid* for “Code of Criminal Procedure, Samvat 1989”.

- (iii) has been previously sentenced by any Panchayati Adalat for a theft or for dishonestly receiving stolen property ; or
- (iv) is a registered habitual criminal ; or
- (v) has been bound over to be of good behavior under section 109 or section 110 of the <sup>1</sup>[Code of Criminal Procedure, 1973 (2 of 1974)] :

Provided further that the <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] may, on its own motion or on the recommendation of the prescribed authority, exclude, by notification in the <sup>3</sup>[Official Gazette] the jurisdiction of any Panchayati Adalat in respect of any of the offences specified in the Schedule :

Provided also that no Panchayati Adalat shall take cognizance of any case relating to an offence specified in the Schedule in which either the complainant or the accused is a public servant as defined in section 21 of the <sup>4</sup>[Indian Penal Code (45 of 1860)].

*57. Panchayati Adalat before which case to be instituted.*— Every case under this Act shall be instituted in the Panchayati Adalat within the local limits of whose jurisdiction the offence was committed.

*58. Penalties.*— A Panchayati Adalat shall not be competent to impose on any person convicted of an offence tried by it, any sentence other than a sentence of fine not exceeding one thousand rupees.

*59. Compensation to complainant.*— A Panchayati Adalat may direct that the whole or any part of the fine, when released shall be paid as compensation to the complainant or person affected by the offence.

*60. Compensation to accused.*— If a Panchayati Adalat is satisfied after enquiry that the case brought before it is false, frivolous or vexatious, it may order the complainant to pay the accused such compensation not exceeding two hundred rupees as it deems fit.

*61. Youthful offenders.*— Subject to the provisions of <sup>\*</sup>[section 562] of the <sup>1</sup>[Code of Criminal Procedure, 1973 (2 of 1974)], a Panchayati Adalat may, instead of passing sentence, discharge, after due admonition an offender

1. Substituted by S.O. 3654(E) dated 16.10.2020 for “Code of Criminal Procedure, Samvat 1989”.

2. Substituted *ibid* for “Government”.

3. Substituted *ibid* for “Government Gazette”.

4. Substituted *ibid* for “Ranbir Penal Code, Samvat 1989”.

\* Now section 360.

who in its opinion was on the date of the commission of offence not over <sup>1</sup>[eighteen years of age].

62. *Recovery of fines.*— If any fine imposed or compensation ordered to be paid by a Panchayati Adalat remains unpaid for thirty days, the Panchayati Adalat shall certify the fact of non-payment to the District Panchayat Officer having jurisdiction, who shall proceed to recover it as if it were a fine imposed by himself.

63. *Previous acquittal etc.*— Where an accused person has been tried for and discharged, convicted or acquitted of any offence, no Panchayati Adalat shall take cognizance of such offence, or on the same facts or any other offence.

64. *Local inquiry and reports.* —(1) A Panchayati Adalat may be directed by a Magistrate to make a local enquiry under section 202 of the <sup>2</sup>[Code Criminal Procedure, 1973 (2 of 1974)], in any case in which the offence was committed within the local limits of the jurisdiction of such Panchayati Adalat.

(2) Any Magistrate before whom a proceeding under <sup>3</sup>[section 125] of the said Code is pending may require a Panchayati Adalat in whose jurisdiction the husband or parent against whom the proceeding has been started, might be residing to submit a report as to the amount of maintenance allowance which, having regard to the circumstances of the parties to such proceedings should be payable. Such report shall form part of the record and may be used as evidence in such proceeding without the same being proved.

65. *Summary dismissal of complaint.*— A Panchayati Adalat may dismiss any complaint, if after examining the complainant and taking such evidence as he produces, it is satisfied that the complaint is frivolous, vexatious or untrue.

66. *Civil jurisdiction.*— Notwithstanding anything contained in the <sup>4</sup>[Code of Civil Procedure, 1908 (5 of 1908)] and subject to the provisions of this Act, a Panchayati Adalat shall have jurisdiction over the concerned Halqa Panchayat area for which it has been constituted for the trial of such suits as are described in section 67.

67. *Suits cognizable by Panchayati Adalat.* —(1) The following suits shall be cognizable by a Panchayati Adalat, namely :—

- (i) suits for ascertained sums not exceeding three thousand rupees ;

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1. Substituted by S.O. 3654(E) dated 16.10.2020 for “fifteen years of age”.

2. Substituted *ibid* for “Code of Criminal Procedure, Samvat 1989”.

3. Substituted *ibid* for “section 125”.

4. Substituted *ibid* for “Code of Civil Procedure, Samvat 1977”.

- (ii) suits for damages not exceeding three thousand rupees for breach of contract not effecting immovable property ;
- (iii) suits for compensation for wrongly taking or injuring movable property not exceeding three thousand rupees in value ;
- (iv) suits for specific movable property or for the value thereof not exceeding three thousand rupees only :

Provided that no Panchayati Adalat shall take cognizance of any suit—

- (a) by or against a minor or a person of unsound mind ;
- (b) by or against the <sup>1</sup>[Chairperson] or any member of the Panchayati Adalat ;
- (c) by or against the Sarpanch or any Panch of the Halqa in his official capacity ;
- (d) in respect of any dispute or matter in which a suit or application may be brought or made before a Revenue Officer ;
- (e) in respect of any matter directly and substantially in issue in a previously instituted suit between the same parties or those under whom they claim, which is pending in or has been heard and finally decided by a court of competent jurisdiction or by a Panchayati Adalat ; and
- (f) by or against the <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] or a Co-operative Society or any employee of the local authority or an officer or servant of a local authority in his official capacity.

(2) The <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] may, by notification in the <sup>3</sup>[Official Gazette], confer on any Panchayati Adalat the jurisdiction to hear and dispose of suit, of the nature specified in sub-section (1) of which the amount or value does not exceed three thousand rupees.

68. *Suits to include whole claim.* —(1) Every suit instituted in a Panchayati Adalat shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of Panchayati Adalat.

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1. Substituted for "Chairman" by Act XIII of 2016, s. 12.

2. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

3. Substituted *ibid* for "Government Gazette".

(2) If a plaintiff omits to sue in respect of or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing any separate action whether before a Panchayati Adalat or a civil court for, or in respect of the portion so omitted or relinquished.

69. *Place of institution.*— Every suit under this Act shall be instituted before the Panchayati Adalat within whose jurisdiction the plaintiff or any defendant in the suit resides at the time of the institution of the suit.

70. *Interest and instalments.* —(1) In suits for money, the Panchayati adalat may, in its discretion, decree interest on the sum decreed at a rate not exceeding ten percent per annum from the date of payment.

(2) Where the decree is for payment of money, the Panchayati Adalat may direct that the payment of the amount decreed be made by instalments.

71. *Execution.* —(1) A decree or order passed by a Panchayati Adalat shall be executed by it in such manner as may be prescribed.

(2) If a Panchayati Adalat finds any difficulty in executing a decree or order, it may forward the same in the manner prescribed, to the District Panchayat Officer who shall get the decree or order executed.

72. *Appearance in person or by representative.* —(1) The parties to a case triable by a Panchayati Adalat shall appear personally before such Panchayati Adalat ; provided that the Panchayati Adalat may, for the reasons to be recorded in writing dispense with the personal attendance of the complainant or the accused and permit him to appear by agent and it shall so dispense with such personal attendance if the complainant or the accused is a person exempt from personal attendance in court.

73. *Transfers.* —(1) Any Magistrate before whom a complaint or report by the police of any offence triable by a Panchayati Adalat is brought or who takes cognizance of any such offence upon his knowledge or suspicion shall transfer the proceedings to a Panchayati Adalat of competent jurisdiction.

(2) Any Judicial Magistrate may, on an application made by any aggrieved party to suit or case pending before a Panchayati Adalat, after satisfying himself, and recording the reasons therefor, transfer the same to any other nearest Panchayati Adalat.

(3) On the transfer of such suit or case, the Panchayati Adalat to which it is transferred shall hear such suit or case, as if the same was instituted before it.



74. *Appeals and revisional powers.* —(1) Unless otherwise provided in this Act, no appeal shall lie from any sentence, decree or order passed by a Panchayati Adalat in any suit or case tried by it.

(2) On an application made within 60 days by any of the parties to a suit or case tried by a Panchayati Adalat or on his own motion :—

- (a) the District Judge having jurisdiction may in relation to any such suit ; and
- (b) the Sessions Judge having jurisdiction may in relation to any such case,

call for and examine the record of proceeding of a Panchayati Adalat for purpose of satisfying as to the legality or propriety of any decree or sentence passed or as to the regularity of the proceedings held by such Panchayati Adalat.

(3) If it appears to the District Judge or the Sessions Judge, as the case may be, that any decree, order of sentence passed or any proceedings taken by a Panchayati Adalat should be modified, cancelled or reversed, he may pass such order as he thinks just.

(4) All appeals pending before any court of competent jurisdiction at the commencement of this Act, shall be disposed of as such by the District Judge or the Sessions Judge in accordance with law under which it was made and in doing so, he may confirm, reverse or modify the decision or order appealed from.

(5) The order of the District Judge or the Sessions Judge, as the case may be, passed under sub-section (3) or sub-section (4) shall be final.

75. *Decrees or orders passed are not to be altered.*— Subject to the provisions of this Act, a Panchayati Adalat shall have no power to cancel, revise or alter any decree, judgement or order passed by it :

Provided that clerical or arithmetical mistake in judgment, decree or order or errors arising therein from any accidental slip or omission may at any time be corrected by the Panchayati Adalat either on its own motion or on the application of any of the parties.

76. *Pending cases before the Panchayati Adalat when term of office has expired.*— A Panchayati Adalat newly constituted on the expiry of term of office of the members of previous Panchayati Adalat shall hear and dispose of suits, cases and proceedings pending before the latter at the date of the expiry of such term :

Provided that the hearing of such suits, cases and proceedings shall commence before the Panchayati Adalat newly constituted, as if such suits, cases and proceedings were instituted before it.

77. *Contempt of Panchayati Adalat.* —(1) If any person intentionally offers any insult to a Panchayati Adalat or any member thereof, while it is sitting in any stage of judicial proceedings in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Panchayati Adalat may at any time before rising on the same day, take cognizance of the offence and sentence the offender to a fine not exceeding two hundred rupees.

(2) The fine imposed under sub-section (1) shall, for the purpose of section 62 be deemed to be fine imposed in a criminal case.

78. *Bar to arrest and imprisonment in execution of decree.*— No person shall be arrested or imprisoned in execution of a decree under the provisions of the Act.

79. *Remuneration to members of Panchayati Adalat.*— The <sup>1</sup>[Chairperson] and the members of the Panchayati Adalat will be entitled to a sitting fee as may be decided by the <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] from time to time.

79A. *Government's power to specify role of Halqa Panchayats, etc.* — (1) The Government may, by general or special order, specify from time to time, the role of Halqa Panchayats, Block Development Council and District Development Council, in respect of the programmes, schemes and activities related to the functions specified in the Schedules, in order to ensure properly coordinated and effective implementation of such programmes, schemes and activities.

(2) The Government may, by notification, in the Official Gazette add any activity, programme or scheme to those covered by or mentioned in Schedules, and on the issue of such notification, the Schedules shall be deemed to have been amended accordingly and every such notification shall be placed before the Legislative Assembly.]

## CHAPTER XIV

### Miscellaneous

80. *Power to make rules.* —(1) The <sup>2</sup>[Government of the Union territory of Jammu and Kashmir] may make rules for carrying out the purposes of this Act.

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1. Substituted for "Chairman" by Act XIII of 2016, s. 12.

2. Substituted by S.O. 3654(E) dated 16.10.2020 for "Government".

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide :—

- (i) for all matters expressly required or allowed by this Act to be prescribed by rules ; and
- (ii) for the procedure for exercise of civil and criminal jurisdiction ; imposition of penalties by the Panchayati Adalat ;
- (iii) procedure regulating the conduct of elections to Panchayat Halqas and <sup>2</sup>[Chairperson] of Block Development Council ;
- (iv) that a contravention of any rule made under this Act shall be punishable with a fine which may extend to fifty rupees.

81. *Power to make bye-laws.*— Subject to any rule made by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir], a Halqa Panchayat may make bye-laws for carrying out its duties and functions conferred on it under this Act. Any such bye-laws shall be made with the approval of the prescribed authority.

82. *Disputes as to properties.*— If any dispute arises as to the ownership of any property or the vesting of any rights arising between Panchayat Halqas, the same shall be decided by the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] whose decision thereon shall be final and binding on the Panchayat Halqas.

83. *Repeal and saving.* —(1) The Jammu and Kashmir Village Panchayat Act, 1958 is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, order or notification issued, rule or bye-laws made under the provisions of the aforesaid Act shall, in so far as the same are not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act.

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1. Substituted for “Chairman” by Act XIII of 2016, s. 12.

2. Substituted by S.O. 3654(E) dated 16.10.2020 for “Government”.

## SCHEDULE

Law	Sections
A. Office under the Ranbir Penal Code, 1989 :	
1. Wearing the grab or carrying any token used by a soldier with intent that it may be believed that he is such a soldier.	140
2. Committing affray.	160
3. Personating a public servant.	170
4. Absconding to avoid service of summons or other proceedings from a public servant.	172
5. Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	173
6. Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom with authority.	174
7. Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	175
8. Refusing oath or affirmation when duly required by public servant to make it.	178
9. Refusing to answer questions, being legally bound to state truth.	179
10. Refusing to sign a statement made to a public servant when legally required to do so.	180
11. Intentional omission to give information of an offence by a person legally bound to inform.	202
12. Negligent act likely to spread the infection of any disease dangerous to life.	269

Law	Sections
13. Fouling the water of a public spring or reservoir.	277
14. Making atmosphere noxious to health	278
15. Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	279
16. Causing danger, obstruction or injury in any public way.	283
17. Dealing with fire or any combustible matter so as to endanger human life, etc.	285
18. A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	288
19. Omitting to take order with any animal so as to guard against danger to human life or grievous hurt from such animal.	289
20. Committing a public nuisance.	290
21. Continuance of nuisance after injunction to discontinue.	291
22. Obscene acts and songs.	294
23. Voluntarily causing hurt.	323
24. Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation.	334
25. Doing any act which endangers human life or the personal safety of others.	336
26. Wrongly restraining any person.	341
27. Assault or use of criminal force otherwise than on grave provocations.	352
28. Assault or criminal force in attempt to commit theft of property or carried by a person.	356

Law

Sections

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Law	Sections
29. Assault or criminal force in attempt to wrongfully to confine a person.	357
30. Assault or criminal force on grave and sudden provocation.	358
31. Unlawful compulsory labour.	374
32. Theft where the value of the stolen property does not exceed one hundred rupees.	379
33. Theft of property in dwelling house etc.	380
34. Dishonest misappropriation of movable property or converting it to one's own use where the property misappropriated does not exceed one hundred rupees in value.	403
35. Dishonest receiving stolen property knowing it to be stolen where the value of such property does not exceed one hundred rupees.	411
36. Mischief.	426
37. Mischief by killing, poisoning, maiming or rendering, useless any animal of the value of one hundred rupees.	428
38. Mischief by causing, diminution of supply of water for agricultural purposes, etc.	430
39. Criminal trespass.	447
40. House trespass.	448
41. Dishonesty breaking open receptacle containing property.	461
42. Insult intended to provoke a breach of the peace.	504
43. Criminal intimidation.	506
44. Uttering any word or making any gesture intending to insult the modesty of a woman, etc.	509

Law	Sections
45. Appearing in public in the state of intoxication and causing annoyance to any person.	510
<sup>1</sup> [(B) Offences under the Cattle Trespass Act, 1871.	
(C) Offences under the Vaccination Act, 1880.	
(D) Offences under the Prevention of Cruelty to Animals Act, 1960.	
(E) Offences under the Public Gambling Act, 1857.]	
<sup>2</sup> (F) Omitted.	
(G) Offences under this Act, or the rules made thereunder.	
(H) Any other offence under any law declared by <sup>3</sup> [Government of the Union territory of Jammu and Kashmir to be triable] by a Panchayat Adalat.	
<sup>1</sup> [(I) Offences under Dowry Prohibition Act, 1961.	

<sup>4</sup>[SCHEDULE I-A

(See section 12)

**GENERAL**

- I It shall be the duty of the Halqa Panchayat, to meet the requirements of the Halqa Panchayat area, subject to availability of funds, in respect of the matters enumerated in this Schedule and also as elaborated in the responsibility mapping in respect of Halqa Panchayats.
- II Subject to the other provisions of this Act and the guidelines and with the assistance of the Government, financial, technical or otherwise, the Halqa Panchayat shall have the power to administer the matters enumerated in this Schedule and to prepare and implement schemes relating thereto for development and social justice purposes, and planning and implementation of all Centrally Sponsored Schemes in the Halqa Panchayat which are in operation

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1. Entries (B), (C), (D), (E) and (I) substituted by S.O. 3654(E) dated 16.10.2020.

2. Entry (F) omitted *ibid*.

3. Substituted *ibid* for "Government".

4. Schedules I-A, I-B, I-C, II-A, II-B, II-C and III inserted *ibid*.



or to be launched by the Government of India, as the case may be, shall also be the responsibility of the Panchayats.

- III Halqa Panchayat shall prepare the plans for and to implement all schemes in accordance with the provisions contained in the guidelines of the schemes and instructions issued by the Government of India and the Union territory Government from time to time.
- IV. The Halqa Panchayat shall carry out its functions in accordance with the set of guidelines for estimation of the projects as well as expenditure sanction issued by the Government.

**(A) General Functions—**

- (i) Preparation of annual plans for the development of the Panchayat area in general and separately under all schemes and programmes as per the targets assigned by the District Planning and Development Board (DP&DB).
- (ii) Preparation of annual budget.
- (iii) Providing relief in natural calamities.
- (iv) Removal of encroachments on public properties.
- (v) Organising voluntary labour and contribution for community works.
- (vi) Maintenance of essential statistics of the villages.
- (vi) Identification of beneficiaries for all beneficiary oriented programmes and schemes.
- (vii) Repair, maintenance and upkeep of all Government assets.
- (viii) Supervision and inspection of all primarily level institutions like primary schools, primary health centers, primary veterinary centers, veterinary dispensaries, artificial insemination centres, first aid centers, etc.
- (ix) To act as Grievance Redressal Forum for the Halqa Panchayat.
- (x) To undertake constructions from Halqa Panchayat fund (own resources) within the area of the Halqa Panchayat.

- (xi) To undertake awareness generation and mobilisation of community for all Government priority areas like sanitation, renewable energy, sex ratio improvement, skill development, water conservation, waste to energy, financial inclusion, etc as prescribed from time to time.

**(B). Specific Functions—**

**1. Agriculture, Horticulture, Animal Husbandry, Sheep Husbandry and Fisheries-**

- (i) Preparation of and supervision of activities under a comprehensive village horticulture, agriculture, sericulture plan in consultation with Halqa Majlis (Gram Sabha) so as to increase production.
- (ii) Preparation of annual plans and identification of beneficiaries under Agricultural Technology Management Agency scheme, Mission for Integrated Development of Horticulture scheme, Pradhan Mantri Gram Sadak Yojana, Blue Revolution, Pradhan Mantri Krishi Sinchai Yojana or any other scheme in force or introduced in future and their submission to Block Development Council.
- (iii) Preparation of plans regarding development of waste lands and grazing lands to ensure optimum utilisation of land.
- (iv) Establishment and maintenance of nurseries with Halqa Panchayat funds (own resources).
- (v) Preparation, recommendation and supervision of plan for farm mechanisation.
- (vi) Preparation and supervision of plans for soil, water conservation and seed protection.
- (vii) Preparation of watershed management plans and their implementation.
- (viii) Supervision of agriculture insurance plans and their implementation.
- (ix) Facilitate agriculture and horticulture extension activities including farm schools, exposure visits, crop protection and pest management campaigns, demonstrations, etc.

- (x) Supervise preparation of loss statements in the event of disasters.
- (xi) Distribution of inputs.
- (xii) Promote the formation of milk, wool, poultry farming and cooperative societies.
- (xiii) Monitoring and supervision of milk collections centers and societies.
- (xiv) Identification of sites for establishment and management of public market facilities (mandies) at Halqa Panchayat for promotion of rural farm products, craft products and display of market prices at such mandies.
- (xv) Regulation and conduct of fairs and festivals including cattle fair.
- (xvi) Providing storage and cold storage facilities for agro and horticulture products.
- (xvii) Facilitate farmers for direct marketing and e-marketing of agriculture and horticulture produce.
- (xviii) Preparation of plan to enhance milk, broiler and egg production and its by-products.
- (xix) Facilitate hand holding of private entrepreneurs.
- (xx) Promote collaborative cooperative model for dairy farmers.
- (xxi) Promote fodder development, vermi-composting and organic farming in the area.
- (xxii) Supervision of Primary Veterinary Centers, Veterinary Dispensaries and First Aid Centers.
- (xxiii) Construction and maintenance of buildings of the Department in the panchayat areas, wherever transferred to the Halqa Panchayats.
- (xxiv) Identification of fish farmers for training in fish culture and arranging their training with the assistance of Department of Fisheries.

**2. Public Health Engineering, Irrigation and Flood Control Department—**

- (i) Planning, construction, renovation and maintenance of all minor irrigation projects with 0-5 hectares area within the Halqa Panchayat area.
- (ii) Maintenance and implementation of timely and equitable distribution and full use of water of all such minor or micro irrigation projects within 0-5 hectares at Halqa Panchayat level.
- (iii) Development of plan for and implementing ground water recharging and rain water harvesting schemes and projects.
- (iv) Mapping and management of records of all water sources within the Halqa Panchayat area.
- (v) Maintenance of hand pumps through manpower provided by the Department.
- (vi) Maintenance of irrigation channels and khuls.
- (vii) To take measures for prevention and control of water pollution.
- (viii) Identification and supervision of potential or existing schemes.
- (ix) Preparing a chlorination roster for all water supply schemes and reservoirs within Halqa Panchayat area and ensuring display of dates of chlorination.
- (x) Collecting the required data and information for planning on quality and coverage of drinking water schemes.
- (xi) Maintenance of traditional drinking water sources.
- (xii) Collection of water samples from drinking water sources for testing.
- (xiii) Assisting authorities to regulate over exploitation of ground water.
- (xiv) Collection of user charges, where necessary.
- (xv) Maintenance of piped water supply schemes to the extent transferred to the Halqa Panchayats.

- (xvi) Provision and maintenance of water purification devices in schools, anganwadi centers and health institutions out of own resources.

### **3. Forest and Social Forestry—**

- (i) Afforestation on waste land.
- (ii) Development of social forestry and farm forestry, disposal of social forestry produce.
- (iii) Growing trees for cattle feed, fire wood and fruits.
- (iv) Implementation of farm forestry.
- (v) Establishment of nurseries and their management.
- (vi) Management of minor forest produce excluding reserved forest, protected forest and wild life protected area.
- (vii) Planning and implementation of social forestry and farm forestry projects.
- (viii) Planting and preservation of trees on the road side and other public places under control of Halqa Panchayat.
- (ix) Protection of forest area from encroachments and reporting of any illegal activity to the concerned officer or official.
- (x) Identification of sites for the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) or afforestation activities under different schemes/plans.
- (xi) Supervision and protection of wild life.
- (xii) Constitution of fire protection committees to assist Forest Department in extinguishing forest fires in coordination with the local people.

### **4. Tourism—**

- (i) Identification and proposing development of tourist spots in the Halqa Panchayat area.
- (ii) Facilitation of tourism activities.

- (iii) Providing and maintenance of basic amenities at tourist centers entrusted to Halqa Panchayat.
- (iv) Collection of entry fees, parking fees other than at places maintained by Archaeological Survey of India or by other local authorities or Government Departments.

**5. Public Works (Roads and Building Department)—**

Planning and construction of works transferred to Halqa Panchayats.

**6. Rural electrification, power and energy—**

- (i) Installation and maintenance of streetlights at public streets and places.
- (ii) Planning, establishment, maintenance and promotion of small conventional and nonconventional energy units like solar, including roof top solar panel installation, biogas, wind mill and micro hydro-electricity plants with Halqa Panchayat funds.
- (iii) Sale of excess non-conventional energy to others.
- (iv) Identification of left out houses and new constructions for electrification.
- (v) Collection of user charges on behalf of Power Development Department on an incentive basis to be decided and notified and ensuring 100% metering in its area.

**7. Disaster management—**

- (i) Conducting survey to identify disaster prone localities.
- (ii) Creation and maintenance of disaster management facilities.
- (iii) Identification of local resources in the form of manpower and funds to meet the eventuality of disaster.
- (iv) Creation of disaster management committees at village level; identification and registration of civil defense personnel.
- (v) Identification of youth for disaster management training.

- (vi) Providing relief and compensation to victims of disasters with Halqa Panchayat's own resources and as per guidelines issued by the Government.

#### **8. Libraries—**

Creation, management and monitoring of Halqa Panchayat level libraries and reading rooms including providing of seating facilities, books and their computerisation through own resources.

#### **9. Sports and Cultural Activities—**

- (i) Establishment and maintenance of play fields inside schools and on village lands.
- (ii) Protection and reviving cultural activities at Halqa Panchayat level.
- (iii) Promotion of youth clubs.
- (iv) Assisting poor and indigent artists.
- (v) Maintenance of communal and religious harmony.
- (vi) Construction and management of cultural centers, community halls and open air theatres at Halqa Panchayat and cluster level.
- (vii) Organisation of youth festivals and sport events, art and culture events, plays and dramas at Halqa Panchayat and cluster level.
- (viii) Providing life skill education, leadership training and conducting recreational activities for youth.

#### **10. Health and Family Welfare Department—**

- (i) Forwarding of proposals and getting sanctions from competent authority for the establishment of dispensaries and health sub-centers at Halqa Panchayat level.
- (ii) No Objection Certificate for Licensing of eateries and entertainment establishments.
- (iii) Management of stray dogs, street dogs and stray cattle; identification of sites for management of animal pounds.

- (iv) Implementation of preventive and remedial measures against epidemics.
- (v) Monitoring of maternity and child welfare centers and ensure 100% vaccination of all children and pregnant ladies.
- (vi) Regulation of sale of meat, fish and other perishable food articles.
- (vii) Constitution of “Health and Family Welfare Advisory Committee” consisting of Panch of village, ward, opinion leaders, trained birth attendant, Male and Female Health Worker, Accredited Social Health Activist (Member Secretary), Government employees and honorarium paid-staff viz. school teacher, Anganwadi worker, etc, women Self Help Group and Community based organisation representatives, etc to oversee the functioning of each Health institution and improvement thereof and to ensure that the functionaries of the sub-centres are residing at the place of posting, and the committee shall be chaired by Sarpanch of the Halqa Panchayat in whose area the institution falls and the committee shall submit a Quarterly Accountability Report to the Block Development Council.
- (viii) The above committee shall also function as Village Health Sanitation and Nutrition Committee under National Health Mission and the funds allocated to the Village Health Sanitation and Nutrition Committee under National Health Mission shall be operated through a joint account held by Panchayati Raj Institution member and Accredited Social Health Activist as provided under National Health Mission guidelines.
- (ix) Registration of all pregnant ladies with the nearest health centre through Accredited Social Health Activist and ensuring that anti-natal and post-natal care and benefits under Janani Suraksha Yojana, Janani Shishu Suraksha Karyakram are extended to the mother and child.
- (x) Supervising and facilitating “School Health Checkup Programmes” under Rashtriya Bal Swasthya Karyakram or any other scheme and monitoring that all children recommended for next level of care avail of the same.
- (xi) Chlorination of wells and bowlies; cleaning of roads and drains; sanitation and restrain of stray dogs and cattle. [(As per the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)].



- (xii) Reporting the outbreak of Gastroenteritis, malaria, dengue or any other epidemic or disease outbreak and starting measures for containment with the assistance of Health Committees.
- (xiii) Educating the community for adopting Family Planning methods, immunisation etc and organising camps thereof.
- (xiv) Reporting of births and deaths.
- (xv) Identify sub-centre for up-gradation to Health and wellness centers under Ayushman Bharat and monitoring of services provided by them.
- (xvi) Introduction of Participatory Rural Appraisal (PRA) for all Health Programmes and their proper implementation.
- (xvii) Field visit report to be submitted to Block Development Council on monthly basis.
- (xviii) Creating awareness about health programmes and healthy lifestyles.
- (xix) Support to mobilize beneficiaries for 100% Non Communicable Diseases screening.
- (xx) Review of utilisation of grants given to Village Health Sanitation and Nutrition Committees and Sub health Central level Ayushman Bharat and Wellness centres and extending additional financial support to maintain and upgrade the healthcare facilities in the Halqa Panchayat.
- (xxi) Support to create open spaces for physical activities, open gym, yoga, etc.
- (xxii) Making Halqa Panchayat tobacco/alcohol free.
- (xxiii) Planning and periodical review of the status of Implementation of Disease Control Programmes especially TB, Viral hepatitis and Leprosy.

#### **11. Social Welfare Department—**

- (i) Identification of beneficiaries and implementation of the Supplementary Nutrition Programme under the Integrated Child Development Scheme.

- (ii) Identification of sites for construction of Anganwadi centres.
- (iii) Supervision and management of Anganwadi centres to the extent transferred to Halqa Panchayat.
- (iv) Construction, repair and renovation of buildings for Anganwadi Centers to the extent transferred to Halqa Panchayat.
- (v) To coordinate with Mahila Mandals in smooth functioning of the Programme.
- (vi) Identification of beneficiaries under Pradhan Mantri Matritva Vandana Yojna (PMMVY) and Scheme for Adolescent Girls (SAG)
- (vii) Identification of beneficiaries under National Social Assistance Programme (NSAP) and Integrated Social Security Scheme (ISSS); verification of existing pensioners and weeding out of dead and non-eligible cases.
- (viii) To disburse all payments under NSAP and ISSS.
- (ix) Identification of beneficiaries for Bal Ashrams and Nari Niketans and other child care institutions.
- (x) Identification of children in need of care and protection under Integrated Child Protection Scheme through child welfare committees and District Child Protection units.
- (xi) Co-ordinate with Block Development Council in execution of schemes for the welfare of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities, Disabled, Old aged, Destitutes, Widows and Children.
- (xii) Identify discriminatory practices against Scheduled Castes and Scheduled Tribes and report to Block Development Council, District Planning and Development Board and concerned authorities for action.
- (xiii) Identify the Scheduled Caste and the Schedule Tribe basties and suggest measures for their socio-economic upliftment.
- (xiv) Coordinate with Block Development Council and District Planning and Development Board in creating awareness among the people about the ill effects of drug abuse, female feticide and domestic violence and also implementation of all schemes

including Poshan Abhiyan, Ladli Beti, One Stop Centre, Beti Bachao Beti Padhao or any other scheme introduced in future.

- (xv) Coordinate with Block Development Council and District Planning and Development Board in creating awareness among the people about laws enacted to prevent domestic violence against women.

### **12. Consumer Affairs and Public Distribution Department—**

- (i) To act as grievance redressal agency and issue directives to Fair Price Shops and Government Sale Centres as and when required.
- (ii) To identify and recommend elimination of bogus ration cards and issue new ration cards.
- (iii) Supervise functioning of the Fair Price Shops and Government Sale Centres under the jurisdiction of the Halqa Panchayat.
- (iv) To assist Block Development Council in preparing plans of action to link Public Distribution System with Integrated Child Development Scheme, Mid-Day Meals Schemes, etc.
- (v) Identification of beneficiaries under different categories on yearly basis i.e. Antyodaya Anna Yojana, Priority Household, Non Priority Household and deletion.
- (vi) Recommend opening of new fare price shops and kerosene oil depots wherever required.

### **13. Rural Development Department—**

#### **(a) General Functions—**

- (i) Cleaning and preservation of public roads, drains, bathing ghats, tanks, wells, ponds and other public places.
- (ii) Establishment and maintenance of burial and cremation grounds.
- (iii) Lay emphasis on natural resource management works, water conservation, watershed management, vermi- composting, etc.
- (iv) Construction and maintenance of cattle farm, community cattle sheds, pounds, village bus stand, rickshaw stand, taxi, auto

stand, cart stand, slaughter houses and commercial complexes and collection of user fee for the purpose.

**(b) MGNREGA—**

- (i) Preparation of labour budget, shelf of projects and Annual Action Plan in coordination with Gram Sabha through regular Gram Sabha meetings and implement Mahatama Gandhi National Rural Employment Guarantee Act in the Halqa Panchayat strictly as per guidelines prescribed.
- (ii) Execution of works in accordance with the Annual Action Plan and District Convergence Plan approved by District Planning and Development Board (80% of the district plan to be devolved to Panchayats and 20% to the District Development Commissioner for Inter Panchayat works).
- (iii) Convening the Halqa Majlis (Gram Sabha) for social audit under the scheme and providing all information to the social audit team required for audit.
- (iv) Receiving applications for job cards and labour demand for work and issuing dated receipt against the same.
- (v) Issuance of job cards to the households within one month of application.
- (vi) Ensuring the applicants who demand labour get work within the statutory period of fifteen days and pay unemployment allowance from own funds in case of failure to do so.
- (vii) Ensuring preparation of Muster-sheet within fifteen days of start of work and preparation of fortnightly Muster sheets thereafter.
- (viii) Ensure wage payment to wage seekers within fifteen days of preparation of mustersheets and pay delay compensation from own resources in case of failure to do so.
- (ix) Organisation of Gram Rozgar Diwas on the 1st of every month and Mahila Mazdoor Diwas on the 15th of every month.
- (x) Provision of work site facilities like drinking water, first aid and child care facilities in case of ten children or more being present on site, etc.

- (xi) Accord administrative approval for and make payments for the works under Mahatama Gandhi National Rural Employment Guarantee Act as per rules prescribed.
- (xii) Act as custodian of all panchayats related records and ensure maintenance of Panchayat Asset Register, case records for each individual work and Registers as prescribed under Mahatama Gandhi National Rural Employment Guarantee Act.
- (xiii) Maintenance of 60:40 (labour material ratio) at GP level under Mahatama Gandhi National Rural Employment Gurantee Act.
- (xiv) Awareness generation and social mobilisation under scheme.
- (xv) Registration of vendors for supply of key material viz. sand, stone and bajri at Gram Panchayat level.

**(c) Rural Sanitation (SBM)—**

- (i) Development of health and sanitation policy and its implementation.
- (ii) Planning and implementation of Halqa Panchayat level sanitation programme for households, public places and all local institutions and collection of user charges for the same where necessary.
- (iii) Sensitisation of community towards maintenance of sanitation and Solid, Liquid Waste Management (SLWM) and waste to energy.
- (iv) Identification of land and establishment of Solid Liquid Waste Management Unit in consultation with Union territory Technical Advisory Committee, District Water and Sanitation Committee and Block Level Committee.
- (v) Collection, segregation and transport of solid waste to multi village solid waste management plants.
- (vi) Construction and maintenance of individual, community toilets and bathrooms and sanitary complexes.
- (vii) Disposal of unclaimed corpses and carcasses, regulation of curing, tanning and dyeing of skins and hides.

- (viii) Survey of quantity and type of waste generation and assessment of demand for establishment of Solid Liquid Waste Management Unit.
- (ix) Sensitisation and policy planning about menstrual health; implementation and construction of pink toilets; regular refilling and operation and maintenance of vending machines and incinerators in pink toilets.

**(d) Pradhan Mantri Awas Yojana (PMAY)—**

- (i) Verification of PMAY Socio Economic Caste Census lists through Halqa Majlis (Gram Sabhas) and set priorities for grant of houses.
- (ii) Identification and uploading of non-Socio Economic Caste Census beneficiaries into Awaas plus software.
- (iii) Prepare special lists for disaster affected families within the Socio Economic Caste Census list.
- (iv) Identification of persons for mason training and ensure conduct of mason trainings as per guidelines.
- (v) Ensure timely sanction of houses and disbursal of installments to the beneficiaries and all beneficiary funds under PMAY shall be devolved to the Halqa Panchayats.
- (vi) It shall be responsibility of the Panchayats to ensure completion of houses within nine months of disbursal of first installment.

**(e) IWMP—**

- (i) Identification of water shed areas, ponds, barren lands, etc for development under Integrated Watershed Management Programme.
- (ii) Creation of Water Shed Development Committees in the project area through Halqa Majlis (Gram Sabha).
- (iii) Identification of works to be taken up under Water Shed Project Area.
- (iv) Execution of works at the Panchayat level through Water Shed Development Committees.

**14. Education Department—**

- (i) Ensure 100% enrolment of school age children in Primary Schools and ensure transition of students from one class to another without drop-out incidence.
- (ii) Oversee the utilisation of School Maintenance Grant (SMG), Teaching Learning Material (TLM) and Teacher Learning Equipments (TLE) as per norms in Primary Schools.
- (iii) Oversee and monitor the distribution of study material, uniform and scholarships to the target group students in Primary Schools.
- (iv) Preparation and distribution of Mid-Day-Meal in Primary Schools through local Self-Help Groups (SHGs), Non-Governmental Organisations and Community Level organisations for which the funds shall be transferred to Panchayats and the Halqa Panchayat shall also ensure weekly quality check of the Mid-Day-Meal through designated agencies and take immediate action, if any, adverse reports are received.
- (v) Ensure regular meetings of the Village Education Committees and School Management Committees at Primary School level and report on their functioning.
- (vi) Assess and plan requirement of drinking water and toilet facilities in Primary Schools and ensure it is met.
- (vii) Monitor regular attendance of Primary School and Middle School teachers, non-teaching staff and students and report to ZEO,CEO and DDC.
- (viii) Construction of Primary and Middle Schools to the extent transferred to Halqa Panchayat.
- (ix) Planning, establishment and management of hostels for backward classes and groups, girls, specially abled, minority groups and orphans at Primary School level through NGOs, SHGs and community level organisations.

**15. Revenue Department—**

- (i) To assist the Local Administration in periodic updating of land records relating to actual status of village common lands, waste

land, Kacharai land, water ways, roads and embankments and to assist in encroachment removal.

- (ii) Ensure that the Patwari pastes his monthly working chart on the notice board of Patwar Khana and Panchayat Ghars indicating the working days he will visit the Panchayat Halqa areas.
- (iii) The concerned Halqa Panchayats will ensure that all eligible Kisans are issued Kisan Pass Books as required under the Jammu and Kashmir Land Revenue Act and that the same are updated regularly by the concerned Revenue Field Functionaries.
- (iv) To act as a grievance redressal mechanism in case of any difficulty being faced by the land owners in getting the extracts of revenue records and refer the matter to the concerned Tehsildar or Sub-Divisional Magistrate or District Collector directing the concerned Patwari to the issue the revenue records through, Panchayat, as early as practicable.
- (v) Providing necessary assistance to the Administration in providing relief to the effected families and persons in case of disaster.
- (vi) To report regarding wrong entries in revenue records, malpractices, tampering of records and land conversion to the Tehsildar, SDM or District Collector or higher authorities, as the case may be.
- (vii) Assisting the local administration and revenue functionaries in periodic updating of land records viz-a-viz changes in the situation on ground through the conduct of the annual girdawari, preparation of jamabandi and all other revenue documents.
- (viii) Identification of landless families for allotment of land under any prevalent scheme.

#### **16. Issue of Certificates—**

- (i) Issue of No Objection Certificate for Geology and Mining Department activities, electrification, biodiversity, land conversion, licenses for home stay, resorts, bar and restaurants, hotels, liquor shops, burial and cremation grounds, crematoriums, slaughter houses, etc.



- (ii) Issuance of birth, death, character, dependent, marriage certificates and ration cards in accordance with procedure as notified by the Government from time to time.

**17. Statistics and Planning—**

- (i) Collection, tabulation and updating of all statistics relating to the village.
- (ii) Setting up of teams and committees for preparation of perspective plans and Annual Plans in accordance with statistics collected.

**18. Co-operation—**

Preparation and implementation of programmes to popularise and strengthen cooperative activities.

**19. Rural Environment and Ecology—**

- (i) Planning and implementation for protection and preservation of rural environment and ecology in conformity with National and Union territory policy.
- (ii) Establishment of Gram Panchayat biodiversity management committee.
- (iii) Preparation of Peoples Biodiversity Register.
- (iv) Preparation and implementation of plans and programmes for the Biodiversity Act, 2002.
- (v) Protection of ecologically sensitive areas.
- (vi) Preparation and implementation of plans for the protection of environment.
- (vii) Maintenance of parks and regulation of manure pits in public places.

**20. Knowledge Management—**

- (i) Collection and compilation of household data and maintaining database.
- (ii) Recording of the history, culture and heritage of the village.

- (iii) Conducting surveys and studies to determine the human development of the village.
- (iv) Periodical calculation of human development index.
- (v) Making available all data to the people of Halqa Panchayat.
- (vi) Awareness generation and Information, Education and Communication activities for all Government schemes.

**21 . Community Asset Management—**

- (i) Protection, conservation and management of community assets within the Halqa Panchayat area, their mapping, measurement, comprehensive documentation and maintenance.
- (ii) Systematic documentation and protection of records of all assets such as ponds, water grooves, canals, agriculture pits, wells, bore-wells and other wells, pastures, forests, plantations, etc.

SCHEDULE 1-B

*(See section 26)*

1. As per the provisions of this Act, Halqa Panchayat shall have the powers to carry out various duties and functions for the Socio-Economic Development and Social Justice of the area, and for this Halqa Panchayat requires staff for providing necessary help and guidance in carrying out the duties imposed on it by this Act.
2. Every Halqa Panchayat shall have a Member Secretary who shall be an employee of the Rural Development and Panchayati Raj Department (to be specified by the Department).
3. The employees of the Departments contained in the Schedule I-A associated with the implementation of the various schemes at Halqa Panchayat level shall be the staff of Halqa Panchayat for helping them in carrying out various functions as per the Schedule I-A which shall include Junior Agriculture Extension Officer, Rehbar-e-Zerat, Veterinary Pharmacist, Stock Assistant, Flock Supervisor, Stock Assistant, Extension Officer (Fisheries), Teacher, Rehbar-e-Taleem, Horticulture Technician, Junior

Engineers, Supervisors of Engineering Departments and Pharmacists in sub-centre, Dispensaries, Asha Worker, Auxiliary Nurse Midwifery and Female Multipurpose Health Worker (FMPHW).

4. The dedicated staff engaged for the subject contained in the Schedule I-A under Centrally and Union territory Sponsored Schemes shall also be the staff of Halqa Panchayat :

Provided that the pay, dues and other allowances of the permanent staff shall be drawn and disbursed by the respective Department as per the procedure in vogue, and the Honorarium of the dedicated staff shall be drawn and disbursed by the Departments as per the procedure laid down in the guidelines by the respective Departments :

Provided further that the salary or honorarium (as applicable) of Village Level Worker, Auxiliary Nurse Midwife (ANM), Female Multipurpose Health Worker (FMPHW) Accountant-cum-Data Entry Operator, Aganwadi Worker, Helper and Asha Worker, shall be drawn by the Halqa Panchayat as per the prescribed procedure.

5. Halqa Panchayats may engage staff at its level only after formal sanction from the Government for such engagement.

#### SCHEDULE I-C

*(See section 14)*

1. Every Halqa Panchayat shall have a fund, to be called, the Halqa Panchayat Fund which shall be operated by the Secretary Panchayat and Sarpanch as per the procedure to be notified by the Department of Rural Development and Panchayati Raj.
2. As per the provisions of this Act, rules made thereunder and the Government directions issued from time to time, the Halqa Panchayat shall have the power to operate the fund strictly as per the procedure to the notified by the Government which shall include—
  - (i) funds related to the subjects contained in the Schedule I-A, including funds under centrally sponsored flagship schemes

as transferred to the Halqa Panchayats by respective Administrative Departments ;

- (ii) grants of Union territory and Central Finance Commission ;
  - (iii) outlays transferred to the Halqa Panchayat by the Government from time to time ;
  - (iv) untied grants made available to the Halqa Panchayat by the Government to meet out the exigency of development works of Panchayat Halqas ;
  - (v) own resources generated through building permission fee, annual charges and fee levied under section 15 and fee for the certificates issued, user charges collected, incentives and other sources ;
  - (vi) the salary or honorarium (as applicable) of Village Level Worker, Auxiliary Nurse Midwife (ANM), Female Multipurpose Health Worker (FMPHW), Accountant-cum-Data Entry Operator, Aganwadi Worker or Helper and Asha Worker ;
  - (vii) 80% funds under Annual Action Plan for Mahatama Gandhi National Rural Employment Guarantee Act ;
  - (viii) 100% funds under PMAY (construction component only), Integerated Watershed Management Plan (works component only), Mid-day Meal, Integrated Child Development Scheme (Nutrition component only), National Social Assistance Plan and Integerated Social Security Scheme.
3. The Halqa Panchayats shall strictly follow the financial rules, instructions and guidelines issued by the Central that and Union territory Government while utilizing the funds under different programmes.
  4. Halqa Panchayats shall prepare a statement of annual accounts to be audited in the prescribed manner.
  5. The guidelines prescribed by the Central Government or Union Territory Government shall be strictly adhered to while incurring expenditure on a scheme funded by Central Government or Union territory Government, as the case may be.

## Schedule II-A

*(See section 31)*

- I It shall be the duty of the Block Development Council to meet the requirements of area in respect of the matters contained in this Schedule and also prepare plan of activity in respect of inter Halqa Panchayat areas and matters subject to the availability of funds under the various schemes.
- II Subject to the other provisions of this Act and directions and guidelines issued by the Government from time to time, the Block Development Council shall administer the matters contained in this Schedule and prepare plans and implement the schemes on the subjects specified herein for the economic development and social justice purpose.
- III The Block Development Council shall perform its functions strictly as per the guidelines for estimation of the projects as well as expenditure sanction issued by the Government.

**(A). General Functions-**

- (i) Preparation of Annual Plans in respect of the schemes entrusted to it by virtue of this Act and those assigned to it by the Government or District Planning and Development Board and their submission to the District Planning and Development Board within a prescribed time for integration with district plan.
- (ii) Consideration and consolidation of the Annual Plans of all the Halqa Panchayats in the Block and submission of the consolidated plans to District Planning and Development Board within a prescribed time for integration with District Plans.
- (iii) Preparation of the Annual Budget of the Block Development Council and its submission to the District Planning and Development Board.
- (iv) Assisting the administration in distribution of relief and compensation during the natural calamities and disaster.
- (v) Performing such functions and executing such works as may be entrusted to it by the Government or the District Planning and Development Board.

- (vi) Construction and upkeep of block level Government facilities as transferred.

**(B) Specific Functions—**

**1. Agriculture, Animal, Sheep, Fisheries and Horticulture Department:-**

- (i) Prepare agriculture plan in consultation with the field functionaries of the Agriculture Production Department, at Block level for submission to the District Planning and Development Board for approval.
- (ii) Consolidate demand received from Halqa Panchayats and submit to the District Planning and Development Board.
- (iii) Monitoring of agriculture extension activities.
- (iv) Monitoring of ongoing schemes under technical guidance of Departmental staff.
- (v) To ensure close surveillance of spread of diseases and timely liaison with the District Planning and Development Board or State Headquarter for control measures.
- (vi) Facilitating and supervising general and technical training at the Gram Panchayat level for preparation of comprehensive agricultural and horticultural plans.
- (vii) Maintenance of agriculture seed farms including Horticulture Nurseries.
- (viii) Conducting exhibitions of vegetable, fruits and other crops through Kisan Melas.
- (ix) Providing technical support to Gram Panchayats through technical personnel and trainings to increase the income from improved methods of cultivation and training of farmers.
- (x) Consolidation of data collected by Gram Panchayats and preparation of block level plans for agriculture and horticulture production.
- (xi) Monitoring the distribution of insecticides, pesticides and other inputs.

- (xii) Co-ordination in respect of policy planning of animal and sheep husbandry programmes at Block level.
- (xiii) To recommend holding of animal sterility and health camps.
- (xiv) To conduct exhibitions, livestock shows, animal fairs, milk yield competitions and calf rallies.
- (xv) Providing vaccines, medicines, medical aid to Gram Panchayat to take preventive measures to control epidemics and contagious diseases in animals.
- (xvi) Recommend measures for improvement of breed of Cattle, Poultry and other live stock.
- (xvii) Encourage promotion of cooperative societies for activities of Animal Husbandry, Dairies, Fisheries, marketing of agricultural, horticulture produce, etc.
- (xviii) Collection of demand and distribution of seedlings to the fish farmers through Halqa Panchayats with technical support of officials of the Fisheries Department.
- (xix) Monitoring and reviewing of all functions and activities entrusted to Halqa Panchayats.
- (xx) Coordinating with the Agriculture and Horticulture Department in assessing the demand and organising inputs, wherever made available by the department.
- (xxi) Coordinating with the Agriculture and Horticulture Department in organising farmers training camps, study tours, seminars, etc.
- (xxii) Organising of demonstrations on improved varieties and technology through the Departments.
- (xxiii) Ensuring conduct of Village-wise horticultural, agriculture, animal and sheep census.
- (xxiv) Preparation of Action Plan for each inter panchayat water-shed through the concerned Department.

## **2. Consumer Affairs and Public Distribution Department—**

- (i) Monitoring of the public distribution system including movement and availability of commodities.

- (ii) To take steps for identification and elimination of bogus ration cards.
- (iii) To co-ordinate in the establishment of linkage of Public Distribution System schemes with other welfare schemes.
- (iv) To send periodical reports and returns about Public Distribution System to the District Planning and Development Board.
- (v) Dissemination of information and to create awareness about Consumer Protection and Welfare schemes

### **3. Education Department—**

- (i) To assess the drop-out position and initiate appropriate action to reduce it.
- (ii) Oversee the utilisation of School Maintenance Grants (SMG), Teaching Learning Material (TLM) and Teaching Learning Equipments (TLE) as per norms in Middle Schools.
- (iii) Assist in identification and enrolment of students for Government Middle Schools.
- (iv) Oversee distribution of study material, uniforms and scholarship to the target group students in Middle Schools.
- (v) Preparation and distribution of Mid Day Meal in Middle Schools through local Self Help Groups, Non-Governmental Organisations and Community level Committees for which the funds shall be transferred to Block Development Council and Block Development Council shall also ensure weekly quality checks of the Mid Day meals through designated agencies and take immediate action, if any, adverse reports are received.
- (vi) Oversee and report on the functioning of Village Education Committee (VECs) and School Management Committees (SMCs) at Middle School level.
- (vii) Assess and Plan requirement of drinking water and toilet facilities in Middle Schools and ensure that it is met.
- (viii) Promotion of adult literacy and planning and monitoring both conventional and non-conventional education at Block level.



- (ix) Coordinating Centrally and Union territory sponsored Programs relating to Education.
- (x) Construction and maintenance of Middle School Buildings as transferred by the Government.
- (xi) Promotion of social education through youth clubs and Mahila Mandals.
- (xii) Planning, establishment, management of hostels at middle school level for backward classes and groups, girls, specially abled, minority groups and orphans.

#### **4. Forest Department—**

- (i) Preparation of action plans for afforestation in respect of lands identified by the Halqa Panchayats in consultation with concerned Range Officers and this will also include nursery raising.
- (ii) Monitor execution of micro plans through Halqa Panchayat as per approved physical and financial targets.
- (iii) Submission of periodical consolidated accounts and reports to District Planning and Development Board.
- (iv) Monitor cases of over exploitation and submit recommendations to Forest Department for its regulation.
- (v) Supervision of soil conservation works of Forest Department.
- (vi) Supervision of afforestation, plantation and nursery works within their area.
- (vii) Supervise the protection of wildlife and assist Wildlife Department in addressing Man-Animal conflict.
- (viii) Produce and distribute saplings and seedlings to Gram Panchayat when required from Block Level Nurseries for promotion of farm forestry.
- (ix) Conducting trainings and workshops for providing technical knowledge to Gram Panchayat in the field of fodder development and fuel plantation.

- (x) Planting and maintenance of trees on the sides of roads and other public lands under its control.

**5. Health and Family Welfare Department—**

- (i) Constitution of Health and Family Welfare Advisory Committees for Community Health Centers.
- (ii) To create awareness among the masses about the National Health Programmes by way of organising health and family camps, exhibitions and melas.
- (iii) Construction and maintenance of Community Health Centers, staff quarters and other health facilities as transferred by the Government.
- (iv) To take all effective measures with the assistance of the health functionaries to control epidemics in the Block Development Council areas.
- (v) Promotion of immunisation and vaccination programmes and ensure that 100% children and pregnant woman are immunised.
- (vi) Establishment of a system and mechanism for continuous support to Gram Panchayat to manage health services and sanitation programmes.
- (vii) Setting up and managing facilities and centers for specially abled and mentally challenged people.
- (viii) Planning and implementation of family welfare programmes at Block Development Council level.
- (ix) Ensuring that all constructions, office and procedures within the Block are specially-abled friendly.
- (x) Review of Utilisation of grants given to Primary Health Centre level, Ayushman Bharat Health and Wellness Centres and extending additional financial support to maintain and upgrade the healthcare facilities in Halqa Panchayat.
- (xi) Support to create open spaces for physical activities, open gym, yoga, etc.
- (xii) Making Block Development Council are tobacco/alcohol free.

- (xiii) Planning and periodical review of the status of Implementation of Disease Control Programmes especially TB, Viral hepatitis and Leprosy and Malaria.

#### **6. Industries and Commerce Department—**

- (i) Assistance in the recovery of loans by Banks, Government Institutions and Departments.
- (ii) Provide information with regard to availability of skills in the area and future demand.
- (iii) Identify the locations and target groups in their respective area of operation where there is a potential of conducting Industrial Awareness Programmes, Entrepreneurship Development Programmes and awareness camps for artisans, weavers, craft persons, etc.
- (iv) Assist in the identification of beneficiaries under Prime Minister Employment Guarantee Programme and Jammu and Kashmir Employment Gurantee Programme.
- (v) Identify land for establishing Industrial Areas and Estates within their jurisdiction and submit the proposal to District Planning and Development Board for consideration.
- (vi) Organisation of conferences, seminars, training programmes and agricultural and industrial exhibitions.
- (vii) Establishment of mini industrial estates.
- (viii) Formation and implementation of self-employment schemes.
- (ix) Creation of input services and common facility centres for Gram Panchayat Clusters or for group of Gram Panchayats.
- (x) Providing financial support to cluster level common facility centers.

#### **7. Public Works Department—**

- (i) Monitoring of constructions by Halqa Panchayats and other agencies.
- (ii) Identification of inter-panchayat link roads and their inclusion in the Block Development Council Plan.

- (iii) Maintenance of such rural roads which may be transferred by Public Works Department to Block Development Council.
- (iv) To keep vigil and bring to the notice of concerned authority of the Public Works Department the cases of gross mis-utilisation of funds, corrupt practices, etc., by the staff of the Department, contractors and sub-contractors while executing various schemes and the encroachments on the roads and other structures.
- (v) Maintenance of any building or other property vested in Block Development Council.
- (vi) Identifying black spots (frequent accident sites) and recommend remedial measures to the District Planning and Development Board.

**8. Public Health Engineering and Irrigation and Flood Control Department—**

- (i) Identification of potential schemes including water harvesting covering more than one Halqa Panchayat within the jurisdiction of the Block Development Council.
- (ii) To take measures for prevention and control of water pollution.
- (iii) To keep vigil and bring to the notice of concerned authorities of all Departments the cases of gross mis-utilisation of funds, corrupt practices, etc. by the staff of the Departments, contractors and sub-contractors while executing various schemes.
- (iv) Prevention and control of water pollution.
- (v) Implementation of community and individual irrigation works.

**9. Revenue Department—**

- (i) To help revenue officials in identification of landless and houseless families and persons for formulation of a policy regarding utilisation of waste and vacant Union territory land, identification thereof, which is, however, not required for any other public purpose at Block level.

- (ii) Supervise the work entrusted in revenue matters to Panchayats and formulation of policy at the Block level for removal of encroachments on Union territory, Kahcharai, water bodies and common land.
- (iii) Assistance to the legal machinery in conduct of legal proceedings (e.g. publication of notices in the entire area, identification of vacant Union territory land in different Halqa Panchayats areas, etc.)
- (iv) To report regarding wrong entries in revenue record, malpractices, tampering of records and land conversion to the Tehsildar, SDM and Deputy Commissioner or higher authorities, as the case may be.
- (v) Assisting the local administration and revenue functionaries in periodic updating of land records viz-a-viz changes in the situation on ground through the conduct of the annual girdawari, preparation of jamabandi and all other revenue documents.

#### **10. Social Welfare Department—**

- (i) Guide and assist the staff of the Departments in implementing the various schemes in the Block Development Council area as per the guidelines of the schemes.
- (ii) Assist in providing logistic support to facilitate smooth implementation of the programmes.
- (iii) Coordinate with the District Planning and Development Board and Panchayats in implementation of schemes for the welfare of Disabled , Old Aged , Destitutes, Widows, Children, Minorities, SCs, STs and OBCs.
- (iv) Coordinate with District Planning and Development Board in creating awareness among the people against social evils of drug abuse, female feticide and domestic violence and also in implementation of all schemes like Beti Bachao Beti Padhao and Ladli Beti, One Stop Centre, Pradhan Mantri Matritva Vandana Yojana, etc.
- (v) Organise camps for creating awareness among the women about the laws enacted to prevent domestic violence against women

and promotion, implementation and monitoring of programmes in relation to development and empowerment of women and children at Block level.

- (vi) Planning and management of hostels for the Schedule Castes, Schedule Tribes and backward communities, Bal Ashrams, Blind homes, Nari Niketan, One stop homes, juvenile justice homes and other such social justice institutions through Self Help Groups, Non-Governmental Organisations and Community level Organisations.
- (vii) To prevent, through awareness campaigns, social and cultural practices against the Scheduled Tribes, Scheduled Castes and backward communities which undermine freedom and dignity of individual and community.
- (viii) Monitoring old age, widow pension and pension for handicapped and disabled and scholarships by the Halqa Panchayats.

#### **11. Tourism Department—**

- (i) Identification and proposing development in inter Halqa Panchayats tourist spots in Block Development Council area.
- (ii) Promotion of tourism activities in Block Development Council.
- (iii) Providing basic amenities at tourist centers under the jurisdiction of Block Development Council.
- (iv) Development and maintenance of tourist attraction destinations under the ambit of Block Development Council to the extent of transferred to the Block Development Council.

#### **12. Disaster Management—**

- (i) Creation and maintenance of disaster management facilities at Block Development Council level.
- (ii) Creation of disaster management committees at Block level and identification and registration of civil defence committees.
- (iii) Identification of youth for disaster management training at Block level.

- (iv) Assisting district administration and Halqa Panchayat in providing relief and compensation to the victims of disasters.
- (v) Conduct of mitigation programmes with regard to disasters.

**13. Libraries—**

- (i) Creation, management and monitoring of libraries and reading rooms including providing of seating facilities, books, etc. at Block level.

**14. Sports and Cultural Activities—**

- (i) Organisation of art and culture programmes at inter-panchayat level.
- (ii) Promotion of youth clubs at Block level.
- (iii) Maintenance of communal and religious harmony.
- (iv) Construction and management of cultural centres, community halls and open air theatres at Block level for organising different inter-panchayat functions.
- (v) Organisation of youth festivals and other events at inter panchayat level.
- (vi) Providing of life skill education and leadership training and conducting recreational activities for youth at inter-panchayat level.

**15. Rural Development Department—**

- (i) Consolidation of Annual Action Plans of Halqa Panchayat under different schemes to the extent transferred as per the Schedule I-A and monitor and supervise the implementation of various programmes at the Halqa Panchayat level.
- (ii) Preparing and implementing of Inter-Panchayat Plans under different schemes to the extent transferred by the Government as per Schedule II-A.

- (iii) Monitor the distribution of job cards to the eligible households under Mahatama Gandhi National Rural Employment Guarantee Act.
- (iv) Monitoring and evaluation of all poverty alleviation programmes and coverage of women, Scheduled Castes, Scheduled Tribes and other beneficiaries through different programmes.
- (v) Organising the auction of the produce from the community assets to the extent powers are transferred by the Government as per the rules made therefor.
- (vi) Development and maintenance places for fairs, mandies and other events.
- (vii) Supervision and monitoring of rural sanitation programmes and their execution by the Halqa Panchayats.
- (viii) Prevention of misuse of community assets of the Block Development Council.
- (ix) Organise training and awareness camps for different schemes and programmes.
- (x) Monitor the use of community assets created under various Rural Development Schemes.
- (xi) Establishment and maintenance of solid and liquid waste management projects.
- (xii) Provide technical support to the Gram Panchayat.

**16. Other Functions—**

- (i) Facilitate promotion of Block level cooperative societies.
- (ii) Providing technical support to Gram Panchayats for the protection of environment and ecology.
- (iii) Collection and compilation of Block data and maintaining data base.



- (iv) Recording of the history, culture and heritage of the Block.
- (v) Conducting surveys and studies to determine the human development of the block.
- (vi) Periodical calculation of human development index.
- (vii) Making available all data to the people.
- (viii) Awareness generation and information, education and communication activities for all Government schemes.
- (ix) Maintaining all community assets vested in the Block as are transferred by the Government or any local authority or organisation.
- (x) Preservation and maintenance of community assets.

#### SCHEDULE II-B

*(See section 31)*

1. As per the provisions of this Act, the Block Development Council shall have the powers to carry out various duties and functions for the Socio Economic Development and Social Justice of the area and for this, the Block Development Council requires staff for providing necessary help and guidance in carrying out the duties imposed on it by this Act.
2. Every Block Development Council shall have a Member Secretary who shall be the Block Development Officer of the Rural Development and Panchayati Raj Department as contained in sub-section (3) of section 28 and the office of the Block Development officer shall function as the Block Development Council Secretariat.
3. The Block Level Officers of the Departments contained in the Schedule II-A associated with the implementation of the various schemes at Block level and providing technical guidance to the Halqa Panchayat for carrying out various duties shall be the staff of Block Development Council for helping them in carrying out various functions as per the schedule II-A including and not

limited to Sub-Divisional Agriculture Officer, Live Stock Development Officer, Sheep Development Officer, Block Veterinary Officer, Tehsil Supply Officer, Inspector Legal Meteorology, Zonal Education Officer, Zonal Planning Officer, Head Masters or Head Mistresses of Middle Schools, Field Supervisor of Fisheries Department, Range officer, Horticulture Development Officer, Block Medical Officer, ANM, Medical superintendent, Female and Male Multipurpose workers of Community Health Centres, Assistant Handicraft Training Officer and Instructor of Industries and Commerce Department, Assistant Executive Engineers and Assistant Engineers of all Engineering Departments.

4. Dedicated staff engaged for the subject contained in the Schedule II-A under Centrally and Union territory Sponsored schemes functioning at Block level shall also be the staff of the Block Development Council :

Provided that the pay, dues and other allowances of the permanent staff shall be drawn and disbursed by the respective Department as per the procedure in vogue and the Honorarium of the dedicated staff shall be drawn and disbursed by the Departments as per the procedure laid down in the guidelines by the respective Departments.

5. Block Development Council may engage staff at its level only after formal sanction from the Government for such engagement.

#### SCHEDULE II-C

*(See section 34)*

1. Every Block Development Council shall have a "Block Development Council Fund" which shall be operated by the Secretary Block Development Council (Block Development Officer) and Chairperson of the Block Development Council as per the procedure to be notified by the Government.
2. As per the provisions of this Act, the Block Development Council shall have the power to operate upon the "Block Development Council Fund" comprising of grants made by the Government under different schemes keeping in view the number of Halqa

Panchayats in the Block and the funds assigned by the Government or the District Planning and Development Board.

3. The funds related to the subjects contained in the schedule II-A including funds under centrally sponsored flagship schemes transferred to the Block Development Council by respective Administrative Departments as per the procedure to be notified by the Government excluding funds transferred to Halqa Panchayats and the Block Development Council shall follow the financial rules, instructions and guidelines issued by the Central Government and Union territory Government while utilising the funds under different programmes.
4. Block Development Councils shall prepare a statement of annual accounts to be audited in the prescribed manner.
5. The guidelines prescribed by the Central Government or Union territory Government shall be strictly adhered to while incurring expenditure on a scheme funded by Central Government or State Government, as the case may be.

#### SCHEDULE III

*(See Section 46)*

- I. It shall be the duty of the District Development Council to meet the requirements of area in respect of the matters contained in this Schedule and also prepare plan of activity in respect of inter Block panchayat areas/matters subject to availability of funds under various schemes.
- II. Subject to the other provisions of this Act and directions/guidelines issues by the Government from time to time, the District Development Council shall administer the matters contained in this Schedule and prepare plans and implement the schemes on the subjects specified herein for the economic development and social justice within the area of its authority.
- III. The District Development Council shall perform its functions strictly as per the guidelines for estimation of the projects, expenditure sanction and implementation framework issued by the Government.

- IV. Notwithstanding anything contained in this Act, the Government may, by general or special order, entrust to the District Development Council, preparation of plans and implementation of schemes for economic development and social justice.
- V. The Government may, by general or special order, add to any of the functions of District Development Council or withdraw the functions and duties entrusted to such a District Development Council, when the Union Territory Government undertakes the execution of any of the functions entrusted to the Council, and the District Development Council shall not be responsible for such functions so long as the Union territory Government does not re-entrust such functions to it.

#### **VI. General Functions—**

1. Promotion of measures to increase agricultural and horticulture production and to popularise the use of improved agricultural implements and the adoption of improved agricultural and horticulture practices, opening and maintenance of agricultural and horticultural farms and commercial farms, establishment and maintenance of godowns, conducting agricultural and horticultural fairs and exhibitions, management of agricultural and horticultural extension and training centres and training of farmers, planning and implementation of land improvement and Soil Conservation programmes entrusted by the Government.
2. Establishment and maintenance of veterinary hospitals, first-aid centres and mobile veterinary dispensaries, improvement of breed of cattle, poultry and other livestock, promotion of dairy farming, poultry and prevention of epidemics and contagious diseases.
3. Development of fisheries in irrigation works vested in the District Development Council, promotion of inland, brackish water and marine fish culture and implementation of fishermen's welfare programmes.
4. Construction, renovation and maintenance of minor irrigation works, providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of

the District Development Council, watershed development programmes and development of ground water resources.

5. Promotion of rural and cottage industries, establishment and management of training-cumproduction centres, organisation of marketing facilities for products of cottage and village industries and implementation of schemes of Union territory Boards and All India Boards and Commissions for development of rural and cottage industries and promotion of small-scale industries, promotion of rural housing programme, and promotion of drinking water and rural sanitation programmes, promotion of social and farm forestry, fuel plantation and fodder development, management of minor forest produce of the forest raised in community lands and development of wasteland.
6. Construction and maintenance of district roads and culverts, causeways and bridges (excluding Union territory Highways and village roads) and construction of administrative and other buildings in connection with the requirements of the District Development Council, promotion and development of non-conventional energy sources, planning, supervision and monitoring the implementation of poverty alleviation programmes.
7. Promotion of educational activities in the district including the establishment and maintenance of primary and secondary schools, establishment and maintenance of orphanages and survey and evaluation of educational activities.
8. Establishment and maintenance of rural artisan and vocational training centres, encouraging and assisting rural vocational training centres, planning and implementation of programmes of adult literacy, skill development and non- formal educational programmes.
9. Management of hospitals and dispensaries excluding those under the management of the Government or any other local authority, implementation of maternity and child health programmes, implementation of family welfare programmes and implementation of immunisation and vaccination programme, promotion of programmes relating to development of women

and children, promotion of school health and nutrition programmes and promotion of participation of voluntary organisations in women and child development programmes.

10. Promotion of social welfare programmes, including welfare of the handicapped, mentally retarded and destitute, promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes, protecting such castes, tribes and classes from social injustice and all forms of exploitation, establishment and management of hostels of such castes, tribes and classes and supervision and management of hostels in the district, distribution of grants, loans and subsidies to individuals and other scheme for the welfare of Schedule Castes, Scheduled Tribes and Backward Classes.
11. Promotion of tourism activity, development and maintenance of tourist destinations and providing basic amenities at the tourist centres, organisation of art and culture programmes, promotion of youth clubs, organisation of youth/culture/sports festivals, maintenance of communal and religious harmony, organise trainings and awareness programmes, monitoring the implementation of various Rural Development Schemes and maintenance of assets created thereunder.
12. Creation and maintenance of disaster management facilities, conduct of disaster mitigation programmes, creation of disaster management committees and assisting District Administration in providing relief and compensation to victims of disaster.
13. Monitoring the public distribution system including movement and availability of commodities, distribution of grants, loans and subsidies to individuals and other scheme for the welfare of Scheduled Castes, Scheduled Tribes and Backward Classes, to take steps for identification and elimination of bogus ration cards, to coordinate in the establishment of linkage of Public Distribution System to the District Planning Committee, disseminate information and create awareness about Consumer Protection and Welfare schemes.
14. Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisation,

assisting the Government in the preservation and maintenance of other community assets, promotion of social and cultural activities, public distribution system, rural electrification, promotion of co-operative activities, promotion of libraries, conduct of social audit and such other functions as may be entrusted.

15. Cleaning and preservation of public roads, drains, bathing ghats, tanks, wells, ponds and other public places, lay emphasis on natural resource management works, water conservation, watershed management, vermi-composting, etc.
16. Collection tabulation, updating of all statistics relating to the district, setting up of teams/committees for preparation of perspective plans and Annual Plans in accordance with statistics collected, collection and compilation of household data and maintaining database, recording of the history, culture, heritage of the district, periodical calculation of human development index and awareness generation and Information, Education and Communication activities for all Government schemes.
17. Planning and implementation for protection and preservation of rural environment and ecology in conformity with National and State Policy, establishment of District biodiversity management committee, preparation of Peoples' Biodiversity Register, preparation and implementation of plans and programmes for the Biodiversity Act 2002, protection of ecologically sensitive areas and preparation and implementation of plans for the protection of environment.
18. To help revenue officials in identification of landless/houseless families/persons for formulation of a policy regarding utilisation of Waste/vacant State land, identification thereof, which is however, not required for any other public purpose at block level, supervise the work entrusted in revenue matters to Panchayats and Block Development Councils formulation of policy for removal of encroachments on State/Kahcharai/Water bodies/common land, assistance to the legal machinery in conduct of legal proceedings (e.g. publication of notices in the entire area, identification of vacant State land in different Halqa Panchayats areas etc.) and to report regarding wrong entries in revenue record, malpractices, tampering of records, land conversion to the Tehsildar/SDM/Deputy Commissioner or

higher authorities, as the case may be.

19. The Government may assign to District Development Council, functions in relation to any matters to which the executive authority of the Government extends or in respect of the functions that have been assigned to it by the Central Government, and the Government may, by notification, withdraw or modify the functions assigned under this section.

#### **VII. Preparation of Development Plans by District Development Council—**

1. The panchayat at each level shall prepare every year a development plan for the next year in respect of the functions vested in it, for the respective panchayat area in the form and manner prescribed and it shall be submitted to the Block Development Council before the date prescribed which shall be called the Gram Panchayat Development Plan.
2. The planning process shall be initiated by the Panchayats on the 2nd of October every year and end on the 31st of December.
3. The village Panchayat shall prepare the development plan having regard to the plan proposals submitted to it by the Halqa Majlis who in turn shall prepare the plans in accordance with the plans formulated by the Ward Majlis.
4. In order to facilitate planning at the Panchayat level all the Departments whose subjects have been transferred to the Panchayat shall communicate to the Panchayat, the resources at its disposal for the next year, the scheme under which the funds are available and the sensitise the Ward Majlis, Halqa Majlis and the Halqa Panchayat about the norms to be followed for preparing the Plans.
5. The Halqa Panchayat shall submit the Gram Panchayat Development Plan to the Block Development Council before the date prescribed, and the Block Development Council shall consolidate all plans prepared by the Panchayats and submit the same to the District Development Council.
6. The District Development Council shall receive plans from Block Development Councils, scrutinise the same for adherence to the Government guidelines, norms and rules and submit the



consolidated plan to the District Planning Committee who in turn shall submit the same to the Finance Department and the Administrative Department concerned, and the submission of the plans to the Administrative Departments/Finance Department shall be completed before the 31st of January without fail.

7. Where the District Planning Committee directs to make changes in the draft development plan on the ground that sector-wise priority and criteria for subsidy specified by the Government have not been followed or sufficient funds for Scheduled Castes, Scheduled Tribes and development schemes have not been provided in the draft development plan or that the Scheme was prepared not in accordance with the provisions of this Act or rules, the District Planning Committee shall return the same to the panchayat through the District Development Council and the Panchayat shall be bound to make such changes.
8. The Council shall in addition to the annual and five year plans, prepare a perspective plan foreseeing a period of fifteen years, with special focus on spatial planning for infrastructure development and considering the resources and the need for further development and such plan shall be sent to the concerned District Planning Committee.

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