



GOVERNMENT OF JAMMU AND KASHMIR

Panchayati Raj Act-1989
and
Panchayati Raj Rules-1996
(*Amended up to August, 2003*)

Rural Development Department
Jammu and Kashmir

JAMMU AND KASHMIR PANCHAYATI RAJ ACT, 1989

Act No. IX of 1989

[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 State 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 Years 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 whole of the State of Jammu and Kashmir.

¹(3) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

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

- (a) “Block” means the area comprising such contiguous number of Halqas as may be determined by the Government from time to time ;
- (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,

1. Enforced vide SRO 220 dated : 30-6-1997 w.e.f from 1-7-1997

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 wall and a wall but does not include mud-wall built round agricultural land not abutting on the public road ;

- (d) "Case" means a criminal proceeding in respect of an offence triable by Halqa Panchayati Adalat ;
- (e) "Chairman" means the Chairman of-
 - (i) the Panchayat Adalat ;
 - (ii) the Block Development Council ;
 - (iii) the District Planning and Development Board ;
- (f) "Constituency" means a ward for which a member is to be or has been elected ;
- (g) "District Planning and Development Board" means a District Planning and Development constituted under this Act ;
- (h) "Election authority" means Chief Electoral Officer of the State ;
- (i) "Electoral Roll" means the rolls as may be prepared in accordance with the provisions of this Act ;
- (j) "Halqa" means the area comprising a village or such contiguous number of villages as may be determined by the Government from time to time ;
- ²(jj) "Halqa Majli's" means all the voters of "Halqa Panchayat" :

Provided that the Halqas shall be determined in such a manner that the population of any Halqa does not ordinarily exceed 3,000 in the hilly areas and 4,500 in the plain areas :

Provided further that ordinarily the unit of a village shall not be disturbed :

¹Provided also that fresh determination of Halqas shall be undertaken only after the population figures of general census are published :

²Provided further that such fresh delimitation of Halqas shall not effect the representation of the existing Panches and Sarpanches.

- (k) "Halqa Panchayat" means a Halqa Panchayat constituted under section 4 of this Act ;
- (l) "Naib-Sarpanch" means Naib-Sarpanch of the Halqa Panchayat ;
- (m) "Panch" means a member of Halqa Panchayat whether elected or nominated under this Act ;
- ²(mm) "Panchayat Advisory Committee" means a Panchayat Advisory Committee constituted under section 8-A ;
- (n) "Panchayati Adalat" means a Panchayati Adalat constituted under section 47 of this Act for this purpose of trial of suits and cases ;
- (o) "Prescribed" means prescribed by rules made under this Act ;
- (p) "Prescribed Authority" means such authority as may be appointed by the Government by notification, for all or any of the provisions of this Act ;
- (q) "Rules" means the rules made under this Act ;
- (r) "Sarpanch" means the Sarpanch of the Halqa Panchayat ;
- (s) "Schedule" means the Schedule appended to this Act ;
- (t) "Suit" means a civil suit ;

1. Substituted and added by Act XXII of 1997 (5-2)

2. Inserted by Act III of 1999 (5-2)

(u) "Vice-Chairman" means the Vice-Chairman of —

(i) the Block Development Council ;

(ii) the District Planning and Development Board.

(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 limit 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 Code of Civil Procedure Samvat 1977.

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.

CHAPTER II

HALQA PANCHAYAT

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

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

"(2a) Every Halqa Panchayat shall have Halqa Majli's comprising all the persons whose names are included in the electoral roll for such Halqa Panchayat.

(2b) The Sarpanch shall convene at least two meetings of Halqa Majli's during a financial year."

(3) Every Halqa Panchayat shall consist of such number of Panches not less than seven and not more than eleven including the Sarpanch, as the prescribed authority may, from time to time, fix in this behalf :

¹ "Provided that if the prescribed authority is of the opinion that women are not adequately represented in the Halqa Panchayat, it may nominate such number of women to be members thereof, as it may deem fit".

² "Provided further that the number of women members to be nominated as such shall not exceed 33% of the total number of elected Panches".

"Provided also that while making nominations the composition of the Halqa Panchayat with reference to representation of Scheduled Caste, Scheduled Tribe and other weaker sections shall be given due consideration."

(4) The Sarpanch shall be elected directly by the electorate of Halqa Panchayat in such manner as may be prescribed.

(5) 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.

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

(7) 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.

³[8 The Village Level Worker or Multipurpose worker or Gram-sevika shall be the Secretary of the Halqa Panchayat.]

(9) 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.

1. Sub. by Act XXIII of 1997 (s-3)

2. Sub. by Act III of 1999 (s-3)

3. Sub. by Act IV of 2000 (s-3)

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.

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

- (a) is not a permanent resident of the State ; or
- (b) is in the employment of the Government or any local body ; or
- (c) is under twenty-five 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 the Government, 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 Government 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 section 562 of the Code of Criminal Procedure, Samvat 1989 or under the Jammu and Kashmir Probation of Offenders Act, 1966.

(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.

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 the 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 six 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.*—(1) Whenever a vacancy occurs by the death or resignation of Panch or Sarpanch, the vacancy shall be filled by election or nomination as the case may be :

Provided that the vacancy is for a period of more than six months.

(2) No vacancy in the Halqa Panchayat shall render its proceedings illegal so long as the number of Panches is not reduced below 50% of the total number of members of such Halqa Panchayat.

¹⁸A. *Panchayat Advisory Committee.*—There shall be a Panchayat Advisory Committee comprising such members as may be prescribed.

9. *Supersession of Halqa Panchayat.*—(1) If in the opinion of the Government a Halqa Panchayat is incompetent to perform or persistently makes default in the performance of duties imposed on it by or under this Act, the Government may, by notification, supersede such Halqa Panchayat :

Provided that no order under this section shall be passed unless the Halqa Panchayat is called upon to show cause why such an order shall not be passed.

1. Inserted vide Act III of 1999 dated : 16-4-99.

¹ Provided further that the explanation tendered by the Halqa Panchayat shall be forwarded to the Panchayat Advisory Committee for its consideration and recommendation to the Govt. in the Rural Development Department”].

(2) The period of supersession shall not exceed six months during which the elections shall be held.

(3) When an order under sub-section (1) is passed, the Government may, by order in writing making arrangements for carrying out the work of the Halqa Panchayat for such period as it may specify, but not exceeding six months.

(4) If a Halqa Panchayat is superseded,—

- (i) the Sarpanch and Panches of the Halqa Panchayat shall, from the date of the notification, vacate their office ;
- (ii) the funds and other property vested in the Halqa Panchayat shall, during the period of supersession, vest in the person/body entrusted with the function under sub-section (3).

10. *Remuneration to Sarpanch and Panches.*—(1) Every Sarpanch shall be entitled to such monthly honorarium as may be specified by the Government.

(2) Each Panch shall be entitled to such sitting fee as may be specified by the Government.

11. *Resignation.*—A Sarpanch, Naib-Sarpanch, a Panch of Halqa Panchayat may, by writing under his hand, addressed to such authority as may be prescribed, resign his office and his office shall thereupon become vacant.

CHAPTER III

POWERS AND FUNCTIONS

12. *Powers and functions.*—(1) Subject to the provisions of this

1. Inserted vide Act III of 1999 dated :16-4-99 (S-4).

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 ;
 - (ii) to undertake measures for the implementation of the developmental 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) regulations of building, 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 through and besides programme, like Integrated Rural Development Programme, National Rural Employment Programme, Rural Landless Employment Guarantee Programme and Housing of Scheduled Castes and Backward Classes ;
 - (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 the Act.
- (2) The Halqa panchayat shall be involved in the implementation of scheme of universalisation of elementary education and other educational programmes.

(3) 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 of which Halqa Panchayat is constituted.

CHAPTER V

PROPERTY

13. *Property of Halqa Panchayat.*—(1) The following shall constitute the property of Halqa Panchayat :—

- (i) public village road, within the Halqa Panchayat area other than those under the control of any Department of the Government ;
- (ii) property movable and immovable which has been transferred to a Halqa Panchayat by the Government, 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 Government, any public body or an individual ;
- (iv) rubbish, sewage, filth, bones, village cleaning, 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, nullahs and quarries in the Halqa Panchayat area which do not belong to any persons or a group of persons or to the Government 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.
- (iv) donations and contributions paid by public for works undertaken by Halqa Panchayat.
- (v) proceeds of the sanitation cess collected by the Government on the revenue being loaned within Halqa Panchayat area.
- (vi) grants from the Government for general purposes on per capita basis and also for specific functions.
- (vii) loans from Government or other agencies approved by the Government or other financial institutions.
- (viii) all other incomes of Halqa panchayat and such grants as may be assigned to the Halqa Panchayat by the Government, keeping in view the topography and backwardness of the areas.

15. *Imposition of taxes and fees.*—(1) Subject to such rules as may be made by the Government in this behalf, a Halqa Panchayat may impose one or more of the undermentioned taxes and fees :

Provided that the Government may at any time after giving an opportunity to the Halqa Panchayat cancel or modify any tax or fees imposed under this section.

Taxes :

- (i) Taxes on any trade, calling or profession within the jurisdiction of Halqa Panchayat subject to the maximum limit as indicated :—
 - (a) on persons up to Rs. 50/- per annum ;
 - (b) in the case of theatre, cinema and other places of entertainment up to Rs. 25/- per diem.
- (ii) A tax payable by owner thereof on animals and vehicles kept within the area of Halqa Panchayat and plied for hire at the following maximum rates :—
 - (a) in the case of animals, not exceeding Rs.20/- per animal per annum ;
 - (b) in the case of vehicle, not exceeding Rs. 50/- per vehicle per annum ;
 - (c) in the case of tractor, not exceeding Rs.100/- per tractor per annum ;
- (iii) Tax on boats ;
- (iv) Pilgrim tax ;
- (v) A tax on gharats, rice husking mills brick kilns and oil mills.
- (vi) Tax on hawkers and pheriwalas.

Fees :

- (vii) Fees on persons exposing goods and animals for sale in market or Melas belonging to or under the control of Halqa Panchayat ;

- (viii) Fees for the use of slaughter houses and encamping grounds ;
- (ix) Fees for temporary occupation of village sites, roads and other similar public places or parts thereof in the villages ;
- (x) Fee on Application for creation or re-creation of building ;
- (xi) Adda fee ;
- (xii) Fee for grazing of cattle in the grazing lands vested in Halqa Panchayat ;
- (xiii) Fee on cattle pounds ;
- (xiv) Fee on tongas.

Any other tax or fee :

- (xv) Such other tax or fee as may be approved by the Government.

16. *Power of entry for the purpose of valuation of taxation.*—The Sarpanch 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 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 a 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 or 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 Government in this behalf, all the taxes of 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.

20. *Audit of Panchayat Funds.*—The prescribed authority shall get the accounts of every Halqa Panchayat audited every year in the manner prescribed.

21. *Annual Budget.*—(1) Every Halqa Panchayat shall prepare and lay for sanction before 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 developmental programmes 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 developmental 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 Halqa majlis specially called for this purpose and the Halqa majlis shall consider the budget and the annual report so prepared and presented, and draw up developmental plans for the Halqa Panchayat area.

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

(5) "The record of the Halqa Panchayat pertaining to the funds and development activities shall be open for examination of the voters of Halqa Panchayat concerned."

1. Sub. vide Act, III of 1999 dated : 16-4-1999.

22. *Exemption from tax.*—Subject to any rules made in this behalf, the Government may, by order, 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 atleast once in a month.

(2) The meetings 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 meeting 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.

26. *Staff.*—(1) Subject to such rules as may be made in this behalf, a Halqa Panchayat may employ such staff as in necessary for carrying out the duties imposed on it by this Act and may suspend, dismiss or otherwise punish such servants.

(2) A Halqa Panchayat shall pay the remuneration to such servant out of the Halqa Panchayat Fund.

CHAPTER VI

BLOCK DEVELOPMENT COUNCIL

27. *Constitution of Block Development Council.*—(1) For every Block in the State, Government 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 restriction as the Government may prescribe.

(3) The Block Development Council shall consist of,—

- (i) a Chairman ;
- (ii) all Sarpanches of Halqa Panchayats falling within the Block ; and
- (iii) chairman, Marketing Society within the jurisdiction of the Block :

Provided that the prescribed authority may, if it is of opinion that women or Scheduled Castes or any other class are not represented in the Block Development Council, nominate not more than two persons to be members thereof.

¹⁾ Provided further that in the case of Districts of Leh and Kargil the councilors of any Council Constituted under the section 3 of the Ladakh Autonomous Hill Development Council Act, 1997 representing the area falling in any block shall be ex-officio members of Block Development Council for such block.

28. *Chairman, vice-Chairman and Secretary.*—(1) Every Block Development Council shall have a Chairman who shall be a person qualified to be elected as a Punch and shall be elected in accordance with the provisions contained in section 41 :

1. Added by Act VII of 2003 (S-2)

Provided that if any of the Panches or Sarpanches is elected as the Chairman of Block Development Council, he shall after being declared elected, vacate his office as panch or Sarpanch as the case may be.

(2) Every Block Development Council shall have a Vice-Chairman 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.

29. *Term of Office.*—(1) The term of office of the Chairman of the Block Development Council shall be five years from the date he is declared elected as such by the Election Authority.

(2) The term of office of the Vice-Chairman and other members of the Block Development Council shall be co-extensive with the term of their office as Sarpanch of the concerned Halqa Panchayat.

30. *Removal of Chairman.*—The Chairman of the Block Development Council shall be deemed to have vacated his office if a motion of no-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 Panches and 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

31. *Powers and functions of the Block Development Council.*—The Block Development Council shall perform the following functions :—

- (i) constructions, maintenance and supervision of Inter-Halqa Panchayat Communication System ;

- (ii) administrative and technical guidance to Halqa Panchayats and review of their work ;
- (iii) to supervise plans relating to agriculture, rural development, animal husbandry/sheep husbandry, social forestry, education and public health ;
- (iv) supervise and monitor the implementation of poverty alleviation programmes like, Integrated Rural Development Programme, National Rural Employment Programme, Rural Landless Employment Guarantee Programme ;
- (v) undertake measures for effective supervision and monitoring of various developmental programmes ;
- (vi) to carry out such other functions as may be entrusted to it by the Government or by the District Planning and Development Board.

32. *Powers and functions of the Chairman and the Vice-Chairman.*—(1) The Chairman and in his absence the Vice-Chairman, shall preside over the meeting of the Block Development Council.

(2) The Chairman and in his absence the Vice-chairman shall exercise general control and supervision over the staff and affairs of the Block Development Council.

33. *Remuneration to chairman 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 Chairman of the Block Development Council shall be paid such honorarium as may be prescribed, from time to time.

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 Government having due regard to the number of Panchayat Halqas in a Block and the revenues assigned by the District Planning and Development Board.

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 Chairman, and in his absence by the Vice-Chairman : 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 ELECTION

36. The election to the Panchayat Halqa and Chairman of Block Development Council shall be held under superintendence, direction and control of Chief Electoral Officer.

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

38. *Electoral Roll.*—For every Halqa Panchayat 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,—

- (i) is not a permanent resident of the State ;
- (ii) is of unsound mind and stands so declared by a competent court ;
- (iii) has no attained age of 18 years.

40. *Election of Sarpanches of Halqa Panchayats.*—Sarpanches of Halqa Panchayats shall be elected by electorate of the Halqa Panchayat.

41. *Election of the Chairman of Block Development Council.*—The Chairman of Block Development Council shall be elected by the electoral college comprising elected Panches and Sarpanches of Halqa Panchayats falling within the Block. The election shall be held in such manner as may be prescribed.

42. *Holding of elections.*—The elections to the Halqa Panchayat shall be held one month prior to the expiry of term or within six months from the date of supersession, as the case may be.

(2) The election of the Chairman of the Block Development Council shall be held one month prior to the expiry of the term.

42-A Nomination of Candidates for Election.....(1) Any person may nominate himself as a candidate for election of Panch or Sarpanch of a Halqa Panchayat if his name is included in the electoral roll of such Halqa Panchayat.

- 2. On or before the date appointed for submission of nomination papers by the Election Authority, every candidate for election of Panch or Sarpanch of a Halqa Panchayat or Chairman, Block 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.
- 3. A candidate shall not be deemed to be duly nominated for election from a Panchayat Constituency or Block development Council unless he deposits or causes to be deposited such amount of security, as may be prescribed, for election of Panch, Sarpanch or Chairman Block 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 $1/6^{\text{th}}$ of the total valid votes polled."

43. Disputes regarding elections.—The election of a person as Sarpanch, Panch of a Halqa Panchayat or as a Chairman of the Block 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 ; or
- (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.

CHAPTER XI

DISTRICT PLANNING AND DEVELOPMENT BOARD

45. Constitution of District Planning and Development Board.—
 (1) Each District shall have a District Planning and Development Board to be constituted by the Government by notification in the Government Gazette.

(2) The District Planning and Development Board shall comprise the following :—

- (i) Chairman of the Block Development Councils of the District ;
- (ii) Members of Parliament representing the area ;
- (iii) Members of the State Legislature representing the areas within the District ;
- (iv) Chairman of the Town Area Committees at the District ;
- (v) President of the Municipal Council, if any.

(3) The Chairman of the Board shall be nominated by the Government from amongst the members of the District Planning and Development Board.

(4) The Vice-Chairman shall be elected by the members of the District Planning and Development Board from amongst themselves. No Government servant shall be elected as Vice-Chairman of the Board.

(5) The District Development Commissioner shall be the Chief Executive of the District Planning and Development Board and he shall be assisted by the District Level Heads in discharge of functions as such.

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 :—

- (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 review periodically progress and achievements of developmental plans and schemes and make recommendations as it considers appropriate ;
- (iii) to function as a working group for formulation of periodic and annual plans for the District ;
- (iv) to formulate and finalize the plan and non-plan budget for the District ;
- (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 Panchayats in this behalf ;
- (viii) to promote and assist co-operative institution ;
- (ix) to perform such other functions and duties as may be assigned or entrusted to it by the Government from time to time.

47. *Finance.*—(1) All the funds provided by the Government or any other agency, meant for the Development of District will flow through the District Planning and Development Board as per the District Plans.

(2) The District Planning and Development Board shall set up committees to handle specialised jobs. The number of such committees, the manner in which they shall be constituted and perform their functions, shall be such as the District Planning and Development Board may deem fit.

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 the 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 Government or any local body or corporation.

(3) The term of member 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.

49. *Procedure for conduct of business.*—Save as otherwise provided in this Act, the Government 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. *Chairman of Panchayati Adalat.*—The members of a Panchayati Adalat shall elect any member from amongst themselves to be the Chairman of such Panchayati Adalat :

Provided that if the members of a Panchayati Adalat fail to elect the Chairman within a period of thirty days from the date of nomination, the prescribed authority shall appoint one from amongst the members to be the Chairman 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 Chairman and the member of Panchayati Adalat.*—(1) The Government may remove the Chairman or any member of a Panchayati Adalat after giving him opportunity of being heard and after such enquiry, as the Government deems necessary, if in the opinion of the Government, such Chairman or member, as the case may be, has being 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 Government may suspend the Chairman 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 here or dispose of such suit or case.

55. *Chairman and members to be public servants.*—(1) Every member including the Chairman of the Panchayati Adalat shall be deemed

to be public servant within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

(2) The provisions of the Judicial Officers Protection Act, 1971 shall apply to every Panchayati Adalat and to every member thereof while acting judicially.

56. *Criminal jurisdiction.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989 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 Ranbir Penal Code 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 or a like term ; or
- (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 behaviour under section 109 or section 110 of the Code of Criminal Procedure, Samvat 1989 :

Provided further that the Government may, on its own motion or on the recommendation of the prescribed authority, exclude, by notification in the Government 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 as section 21 of the Ranbir Penal Code, Samvat 1989.

57. *Panchayati Adalat before which case to be instituted.*—(1) 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 section 562 of the Code of Criminal Procedure, Samvat 1989, a Panchayati Adalat may, instead of passing sentence, discharge, after due admonition an offender who in its opinion was on the date of the commission of offence not over fifteen 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 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 Code of Criminal Procedure, Samvat 1989, 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 proceedings under section, 488 of the said Code is pending may require a Panchayati Adalat in whose

jurisdiction the husband or parent against whom the proceedings 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 proceedings 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 Code of Civil Procedure, Samvat 1977 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 ;
- (ii) suits for damages not exceeding three thousand rupees for breach of contract not affecting 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 Chairman 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 Government 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 Government may, by notification in the Government 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.

(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 per cent 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 own 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 a 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 proceedings of a Panchayati Adalat for purpose of satisfying himself 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 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 judgement, 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 Chairman and the members of the Panchayati Adalat will be entitled to a sitting fee as may be decided by the Government from time to time.

CHAPTER XIV

MISCELLANEOUS

80. *Power to make rules.*—(1) The Government may make rules for carrying out the purposes of this Act, 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 Chairman 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 rules made by the Government 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 Government 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, rules 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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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT-AGRICULTURE AND RURAL
DEVELOPMENT DEPARTMENT**

[Enforced w. e. f. 1-7-1977 vide SRO-220 Dated 30-6-1997]

Notification

Jammu, the 29th November, 1996

SRO-458.—In exercise of the powers conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989 (Act No. IX of 1989), the Government hereby makes the following Rules, namely :—

JAMMU AND KASHMIR PANCHAYATI RAJ RULES, 1996

CHAPTER-I

1. *Short title and commencement.*—(1) These rules may be called the Jammu and Kashmir Panchayati Raj Rules, 1996.

(2) These shall come into force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context :—

- (a) 'Act' means the Jammu and Kashmir Panchayati Raj Act, 1989 ;
- (b) 'Annual value' means the gross rent for which any house (exclusive of furniture and machinery therein if any) or land is actually let or where the house or land is not let, the gross annual rent for which the same can reasonable be expected to be let ;
- (c) 'Bank' includes a Co-operative Bank, Post Office and any Saving Bank ;
- (d) 'Collector and District Magistrate' for the purpose of these rules include any officer nominated by the Collector or the District Magistrate, as the case may be, to perform any function under these rules on his behalf ;
- (e) 'Form' means a form appended to these rules ;

(f) 'Government' means Government of Jammu and Kashmir.

(g) 'House' includes animal-hut, shop, ware-house or other roofed structure for whatsoever purpose and of whatsoever material constructed but does not include a tent or other such moveable temporary shelter ;

(h) 'Population' unless otherwise directed by the Government for special reasons in any particular case, means population as determined at the latest census under the provisions of the Indian Census Act, 1958 ;

(i) 'Prescribed Authority' means the authorities as defined in Schedule 'X' appended to these rules for each section of the Act.

(j) 'Public land or Common land' means the land which is not in exclusive use of any individual but is in common use of the villagers ;

SCHEDULE 'X'

[See Rule 2(1) (i)]

**SCHEDULE REGARDING DELEGATION OF POWERS
UNDER VARIOUS SECTIONS OF J & K PANCHAYATI RAJ
ACT, 1989**

S. No.	Section	Authority to whom the power delegated/conferred
1	2	3
1.	4(3)	Director Rural Development.
2.	4(3) proviso	Director Rural Development.
3.	4(6)	Director Rural Development.
4.	6(2) proviso	Election Authority.
5.	11	D. P. O.
6.	17	D. P. O.
7.	19	D. P. O.
8.	20	D. P. O.
9.	21(2)	D. P. O./B. D. O.
10.	21(3)	D. P. O.
11.	24(2)	B. P. O.
12.	27(3) proviso	Director Rural Development.
13.	35(1) proviso	D. P. O.
14.	48(2)	Director Rural Development.
15.	50 proviso	Director Rural Development.
16.	56(i) (v) proviso	Director Rural Development.
17.	81	Director Rural Development.

- (j) 'Public land or Common land' means the land which is not in exclusive use of any individual but is in common use of the villagers ;

- (k) 'Schedule' means a schedule appended to these rules ;
- (l) 'Section' means a section of the Act ;
- (m) 'Sign' in relation to a person who is unable to write his name means to authenticate by affixing a thumb impression ; and
- (n) Any other expression used in these rules and not defined shall have the same meaning as assigned to it under the provisions of the Act.

CHAPTER II

ADOPTION OF ELECTORAL ROLL AND CONDUCT OF ELECTIONS

3. *Election Authority.*—The Chief Electoral Officer shall be the Election Authority for the election of the Panches and Sarpanches of the Panchayat Halqas/Constituency of the State :

Provided that the Deputy Commissioner of the concerned District shall be the District Panchayat Election Officer and shall work under the overall direction, control and Superintendence of the Election Authority.

4. *Determination of constituencies.*—(1) The Director Rural Development shall be the prescribed authority to divide each Panchayat Halqa into such number of constituencies as will correspond with the number of Panches determined to be elected under sub-section (3) of section 4 of the Act. The Director Rural Development shall fix the territorial limit of each constituency in a Panchayat Halqa and number them in a serial order, provided that, as far as possible, the number of electors in each constituency shall be equal.

(2) Each such constituency as determined under sub-rule (1) shall elect a Panch.

(3) The entire Panchayat Halqa shall be the constituency for election of Sarpanch of such Panchayat Halqa.

(4) Electoral Rolls of the constituency of the Panchayat Halqa shall be prepared in such a manner as may be prescribed by the election Authority. The electoral rolls for Panchayat Halqa for election of Sarpanch shall consist of electoral rolls of all the constituencies of Panchayat Halqa :

Provided that a name included in the electoral roll prepared under the Jammu and Kashmir Representation of the People Act, 1957 corresponding to individual constituency shall be automatically deemed to be part of the electoral roll in the said constituency under these rules except to the extent the same is deleted or modified in accordance with the directions of the Election Authority :

Provided further that the Election Authority in consultation with the

Government nominate Electoral Registration Officers and Assistant Electoral Registration Officers for revising and updating the electoral rolls of the Panchayat Halqas and the constituencies. The qualifying date for revising and updating the electoral rolls shall be the first day of January of the year in which elections are held :

Provided also that in case Election Authority is satisfied that no such updating in reference to the first day of January is feasible, he may notify that the electoral rolls updated up to any previous date shall be adopted.

(5) Election of Sarpanches and Panches shall be by secret ballot.

5. Appointment of Returning Officer and Assistant Returning Officer.—(1) The District Panchayat Election Officer shall in consultation with the Election Authority appoint in each Panchayat Halqa a Returning Officer and an Assistant Returning Officer for holding of elections of Sarpanches and Panches :

Provided, however, the same Returning Officer may be appointed for holding of elections to more than one Panchayat.

(2) It shall be the duty of the Returning Officers at an election to do all such acts and things as may be necessary for effectively conducting the elections in the manner provided the Act and these Rules.

6. Appointment of Presiding Officers.—(1) The District Panchayat Election Officer shall appoint such number of Presiding Officers as may be required for holding of elections.

(2) The Presiding Officer shall perform the functions required to be performed by him under these rules and it shall be his general duty to keep order at polling stations and to see that the poll is fairly taken.

(3) The District Panchayat Election Officer may appoint for each polling station a Polling Officer or Officers and such number of attendants as he thinks necessary to assist the Presiding Officer in the performance of his functions.

7. Notification of election to the Panchayat Halqa.—The Government shall by one or more notifications in the Government Gazette on such date or dates as may be determined in consultation with the election Authority call upon the Panchayat Halqas to elect Sarpanches and Panches.

8. *Appointment of dates of nomination etc.*—As soon as the notification calling upon the Panchayat Halqas to elect Sarpanches and Panches is issued, the Election Authority shall, by notification in the Government Gazette, apppoint.—

- (a) the last date for making nominations, which shall not be date not later than the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday ;
- (b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday ;
- (c) the last date for the withdrawal of candidatures, within shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday. The next succeeding day which is not a public holiday ;
- (d) the day or dates on which a pool shall, if necessary, be taken which or the first of which shall be a date not later than the thirty-fifth day after the last date for withdrawal of candidatures ; and
- (e) the date before which the election shall be completed.

9. *Nomination and registration of candidates.*—On or before the last date of submission of nomination papers every candidate for election whose name is included in the electoral roll pertaining to the Panchayat shall deliver or cause to be delivered through his agent to the Returning Officer during office hours between 11 AM to 3 PM a nomination paper in Form. I

1“9A. A nomination paper shall be accompanied by a security deposit of Rs. 100 in shape of a bank draft pledged in the name of the Returning Officer of the Panchayat Halqa/Block Development Council payable at any branch of any nationalizer/scheduled bank in the district in cash :

Provided that in case of scheduled caste, schedule tribes or women candidates the security deposit shall be Rs. 50 only :

Provided further that security deposit of a candidate getting 1/6th or more of the total valid votes polled will be refunded by the Returning Officer within a period of 90 days from the declaration of the results”

“9B. For candidates contesting elections on party basis the procedure to be followed for nomination shall be as prescribed by the Election Authority.”

10. *Scrutiny of nomination papers.*—At the time and on the date fixed for the scrutiny of nomination papers the Returning Officer shall allow the candidates reasonable facilities for examining the nomination papers in presence of the candidates or their duly authorised agent present at the time.

11. *Rejection of nomination papers.*—(1) The Returning Officer may reject any nomination paper on any one or more of the following grounds :—

- (i) that the candidate has not correctly filled in the particulars required in Form 1 ; or
- (ii) that the candidate is not eligible for being a member of a Panchayat Halqa under any provision of the Act ; or
- ¹(iii) that the candidate has not deposited the security deposit as presented under Rule 9A :

Provided that the Returning Officer may permit any misnomer or inaccurate description or clerical or technical or printing error to be corrected any where necessary direct that any such misnomer or inaccurate description or clerical or technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(2) if any nomination paper is rejected under sub-rule (1) after hearing any objections made by a person or persons the Returning Officer shall record reasons for rejecting the nomination papers.

12. *Withdrawal of candidature.*—(1) Any candidate may withdraw his candidature by notice in Form 2 delivered before 3 O’ clock in the afternoon on the date fixed under clause (c) of rule 8 to the Returning Officer either by such candidate in person or by the election agent duly authorised by him.

1. Inserted, added by SRO 262 Dated 12-7-99

(2) No candidate who has given a notice of withdrawal, his candidature after sub-rule (1) above shall be allowed to cancel the notice.

¹(3) The Security deposit shall be refunded to the candidate on the withdrawal of his candidature under sub rule (1)

13. *Publication of list of candidates.*—After the expiry of date of withdrawal the Returning Officer shall publish a list of contesting candidates in alphabetical order. The alphabetical order shall be determined with reference to the names of the candidates.

14. *Uncontested elections.*—(1) After the expiry of date of withdrawal, if number of contesting candidates in a constituency is only one, the Returning Officer shall forthwith declare such candidate as having been duly elected to such Panchayat Halqa/Constituency, as the case may be.

15. *Location of polling stations.*—At least three days before the election day a notice indicating the location of the polling stations, time and date of the poll, shall be affixed by the Returning Officer at the office of Panchayat, if any and at some other conspicuous places within the area of the Panchayat Halqa :

Provided, however, that the notice shall be affixed at least at one conspicuous place in each constituency.

16. *Admission to polling stations.*—The Presiding Officer shall regulate admission of voters at the Polling Stations and shall exclude from it all other persons except.—

- (i) Polling Officer, if any ;
- (ii) Police Officers and other public servants on duty ;
- (iii) Each candidate or his authorised agent ;
- (iv) A child in arms accompanying a voter ; and
- (v) The companions of blind or infirm voters who cannot move without help ;

- (vi) Official authorised by the Election Authority ;
- (vii) Any person who may be called in by the Presiding Officer to help him to identify a voter or to render any assistance.

17. *Right to vote.*—(1) No person whose name is not entered in the Electoral Roll pertaining to the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is not qualified to vote under the provisions of the Act.

(3) Every voter shall have only one vote.

(4) Every vote shall be cast by the elector in person and not by proxy or by post.

18. *Choice of symbols by candidates.*—(1) The Election Authority shall, by notification in the Government Gazette, publish a list of symbols and may in a like manner amend such list.

(2) Every nomination paper presented under rule 9 shall contain a declaration specifying.—

- (a) the particular symbol which the candidate has chosen for his first preference out of the list of symbols published under sub-rule (1) ;
- (b) two other symbols out of that list which he has chosen for his second and third preference respectively :

Provided that the choice to be made by a candidate under his sub-rule shall be subject to such restrictions as the Election Authority may think fit impose in that behalf.

19. *Allotment of symbols.*—(1) If in any constituency a poll becomes necessary, the Returning Officer shall simultaneously with the preparation of the list of contesting candidates consider the choice in respect of symbols indicated by the contesting candidates in their nomination papers and shall

subject to any general or special direction issued in this behalf by the Election Authority,—

- (a) allot a separate symbol to each contesting candidate in conformity as far as practicable with his choice ; and
- (b) if more than one contesting candidate have indicated their preference for the same symbol decide by lot to which candidate such symbol will be allotted.

(2) The allotment by the Returning Officer of any symbol to a candidate shall be final unless it is inconsistent with any directions issued by the Election Authority in this behalf in which case the Election Authority may revise the allotment in such manner as it thinks fit.

(3) Every Candidate shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

¹[19-A. Notwithstanding anything to the contrary contained in rules 18 and 19 , the Election Authority shall be competent to prescribe a different procedure for allotment of symbols to the contesting candidates in the event of conduct of Panchayat Elections on non party basis.]

20. *Preparation of Ballot paper.*— Ballot paper shall be prepared in Form 16 in such language or languages as the Election Authority may direct.

21 *Determination of polling stations.*— The Returning Officer may order that polling of more than one constituency shall take place at one convenient place within the area of the concerned Panchayat and the Presiding Officer may function for all such polling stations in the same premises.

22. *Death of a contesting candidate.* — If a contesting candidate

1. Added by SRO 471 Dated 18-12-2000

dies and a report of his death is received by the Presiding Officer before the commencement of the poll and the number of candidates contesting is more than one, the symbol in respect of the candidate who has died shall be deemed to have been cancelled and Presiding Officer shall order a poll to be taken accordingly.

23. *Identity of electors.*—Immediately before the ballot paper is delivered to a voter, the Polling Officer shall satisfy himself as to the identity of the voter with reference to the entries relating to that voter in the voters list. He shall also hear and decide, then and there, any objection raised in his behalf. He may refuse to issue a ballot paper to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or whose identity is not established to his satisfaction, but issue of ballot papers shall not be refused merely on the ground of any clerical error or omission in the relevant entries in the voters list. If the identity of the voter is otherwise established.

24. *Issue of ballot paper to electors.*—The Polling Officer shall while issuing a ballot paper to a voter, place a tick mark against the number of such voter in the copy of the voters list in use with him to denote that the voter has received a ballot paper and direct an indelible ink mark to be put on his left fore-finger.

25. *Sealing of ballot boxes.*—Immediately before the commencement of the poll, the Presiding Officer shall satisfy such candidates or their agents as may be present that the ballot box is empty and then lock the ballot box and seal it.

26. *Manner of casting vote.*—(1) A voter shall on receiving the ballot paper issued under rule 24 forthwith proceed to the polling compartment, and mark his ballot paper by affixing a seal provided to him by the Presiding Officer opposite the name (or on the symbol) of the candidate in whose favour he desires to cast his vote and put the ballot paper so folded up in the ballot box which shall be placed within the view of the Presiding Officer.

27. *Assistance to illiterate and infirm voters.*—If a voter owing to illiteracy or physical infirmity is unable to record his vote in the manner laid down in rule 26, the Presiding Officer or Polling Officer shall do so according to the direction of the elector and shall record on the counterfoil of the ballot paper the reason for such action.

28. *Spoiled ballot papers.*—An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such may on delivering it to Polling Officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoiled ballot paper and such a spoiled ballot paper, together with its counterfoil shall be marked by the Polling Officer as cancelled.

29. *Return if ballot papers.*—If any elector, after obtaining a ballot paper for the purpose of casting his vote, decides not to use the same or to cast his vote, he shall return the ballot paper so issued to him to the Polling Officer and the ballot paper so returned shall then be marked by the Polling Officer as cancelled on account of such return.

30. *Tendered vote.*—(1) If a person representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has voted as such voter, he shall after duly answering such questions as the Presiding Officer may ask be entitled to vote, but his ballot paper (hereinafter referred to as tendered ballot paper) which shall be in Form 17 instead of being given to him or inserting in the ballot box shall be handed over to the Presiding Officer who shall ask the elector to mark (x) opposite the symbol or on the symbol of the candidate in whose favour he desires to cast his vote and then endorse the name of the elector, his serial number in the electoral roll and the name of the constituency to which the rolls relate and shall place the ballot paper in a separate packet.

[(i) If a person representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has voted as such voter, he shall, after duly answering such questions as the Presiding Officer may ask, be entitled to vote through a tendered ballot paper. A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that :-

- a) Such tendered ballot paper shall be serially the last in the bundle of ballot papers.
- b) Such tendered ballot paper and its counterfoil shall be enclosed on the back with the words "Tendered Ballot Paper" by the Presiding Officer in his hand and signed by him ;

(c) The elector after marking a tendered ballot paper in the voting compartment and folding it shall hand over the same to the Presiding Officer instead of putting in the ballot box ; and

(d) The Presiding Officer shall then endorse the name of the elector and his serial number in the electoral roll and place the ballot paper in a separate cover.

(2) The name of the voter, his serial No. in the electoral roll and the name of the constituency to which the roll relates shall be entered in a list bearing "Tendered Voters List." The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

(3) The "Tendered Voters List" shall be prepared by the Presiding Officer in Form No. 18.

31. *Challenged vote.*—If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of the impersonation, the Presiding Officer may require such person to enter in the list of challenged votes his name and address or if he is unable to write, to fix thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned answers affirmatively, he, shall be allowed to vote, the Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstance in the list of challenged votes in Form 19 which shall be prepared separately.

32. *Removal from polling station for misconduct.*—If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Presiding Officer or any Polling Officer appointed therefor, the Presiding Officer, or such Polling Officer, as the case may be shall immediately remove or order any Police Officer present there as to remove from the polling station the person so misconducting himself and such person shall not be allowed again to enter the polling station without the permission of the Presiding Officer or the Polling Officer.

33. *Closing of poll.*—(1) The presiding Officer shall close the polling station at the hours appointed for such closure so as to prevent the entry therein of any elector after that hour.

(2) Any elector who have been admitted to the premises of the polling station before that hour shall, however, be allowed to cast votes even after that hour.

34. *Procedure on closing of poll.*—(1) As soon as practicable after the close of the poll, the Presiding Officer shall in the presence of such candidates or there duly authorised agents as may be present there ; make up into packets ;

- (a) the unused lot papers ;
- (b) the spoiled ballot papers ;
- (c) the ballot papers returned and cancelled under rule 28 ;
- (d) the marked copy of the voters list ;
- (e) the counterfoils of the used ballot papers ; and
- (f) affix his seal to every such packet.

(2) Subject to any directions given by the Election Authority or the Returning Officer in that behalf, the packets referred to in sub-rule (1) shall be forwarded by the Presiding Officer to the Returning Officer or the Election Authority as the case may be.

35. *Counting of votes.*—(1) Subject to any further directions issued by the Election Authority in this behalf and after the polling hours, the Returning Officer or the Assistant Returning Officer shall in presence of the candidates or their agents as are present on spot open the ballot box and start counting of the votes.

(2) No other person shall be allowed to be present at the counting of votes except those whom the Returning Officer may appoint to assist him in the task.

(3) The Returning Officer shall allow such candidate or his agent reasonable opportunity to inspect, without handing the ballot papers which he considers to be liable to rejection.

(4) The Returning Officer may in his discretion or on the request of the candidate or his authorised agent recount the ballot papers of all or any

of the candidates once or more than once, if he is not satisfied as to the accuracy of preceding count and shall declare the results thereafter on spot.

36. Rejection of ballot papers.—(1) A ballot paper shall be liable to rejection,—

- (i) if no vote is recorded thereon ; or
- (ii) if the ballot paper or the vote recorded thereon is void for uncertainty ; or
- (iii) if it is otherwise not in conformity with rules.

(2) No ballot paper shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record on every ballot paper which he rejects a brief statement or reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the ballot paper shall be final.

37. Fresh poll in case destruction of ballot boxes.—(1) If at an election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with or is either accidentally or intentionally or otherwise destroyed or lost, the Returning Officer shall forthwith report the matter to the District Panchayat Election Officer who may after holding such enquiry as he may deem necessary, and subject to any direction of the Election Authority declare such polling to be void and shall thereupon appoint a day for taking of a fresh poll in such polling station or stations as the case may be, and fix the hours during which the polling shall be taken.

(2) Notwithstanding anything contained in these rules, the counting of votes in respect of the elections in the constituency, in which any election has been declared void under sub-rule (1) shall remain in abeyance till a fresh poll in respect of the election declare void is completed.

(3) The provisions of rules 19 to 36 shall apply to every such fresh poll as they apply to the original poll.

38. *Report of result to Election Authority.*— As soon as may be after the result of an election has been declared, the Returning Officer shall report the result in Form 3 to the Election Authority and the District Panchayat Election Officer.

39. *The Election papers.*—(1) The Returning Officer shall after reporting the result of the election, forward all papers pertaining to election to the District Panchayat Election Officer for safe custody.

(2) The District Panchayat Election Officer shall keep the papers so forwarded to him in safe custody for such time as the Election Authority may decide.

40. *Election to the casual vacancy.*—Where any casual vacancy arises by reason of death, resignation, removal, the provision of these rules, regulating the election of Panch, shall apply to fill such vacancy.

41. *Nomination of Panch if necessary.*—Upon receipt of the copy of the return under rule 38 the District Panchayat Election Officer shall within 5 days forwards a list of elected Sarpanch and Panches to the Director Rural Development concerned who shall within 30 days of the receipt of such lists nominate wherever necessary under the proviso to sub-section (3) of section (4) person or persons, as the case may be, not disqualified for election under section 6 of the Act :

¹Provided that for conduct of elections for the first-time, the DRD concerned shall within the reasonable time nominate where ever necessary person or persons, as the case may be.

42. *Election of Sarpanches.*— Sarpanches shall be elected by the electorate of Panchayat Halqas and the procedure for election of Panches shall apply *mutatis mutandis* election of Panches.

43. *Appellate Authority.*—(1) An appeal against the election of a candidate as Sarpanch or Panch shall lie to the Authority as may be notified by the Government within a period of 30 days from the date of declaration of result.

(2) On receipt of the appeal under sub-rule (1), the appellate authority shall fix the time, place and date of hearing of the appeal, such date not being more than seven days after the date of receipt of the appeal.

(3) At the fixed date and place the appellate Authority shall hear the appeal and pass such orders as it may deem fit.

(4) The orders passed under sub-rule (3) shall be final.

44. *Election of Naib-Sarpanch convening the meeting of the Panchayat.*—(1) The Secretary of the Halqa Panchayat shall convene the first meeting of the Panchayat within fifteen days from the date of election. The meeting shall be presided over by a Sarpanch. The notice for the meeting shall be issued at least 7 days in advance of the meeting :

¹Provided that for the conduct of elections for the first time the Secretary of the Halqa Panchayat shall convene the first meeting of the Panchayat within reasonable time after the date of issue of the notification for constitution of the Panchayat Halqa.

(2) The Secretary may, for sufficient reasons and with the approval of Director Rural Development, extend the period prescribed in sub-rule (1) for a further period not extending 7 days for the convening of the first meeting of the Panchayat.

45. *Procedure for election of Naib-Sarpanch.*—(1) The first meeting of the Panchayat held for the purpose of holding elections under this Chapter shall not be valid unless majority of the Panches is present but where the first meeting is not held for want of majority, the quorum for the adjourned meeting shall be one-fourth of the total number of Panches.

(2) At the time fixed for the first meeting the Sarpanch shall invite the Panches to propose and second the name or names of the Panch or Panches for election as Naib-Sarpanch.

(3) If only one name is proposed and seconded for election as Naib-Sarpanch he shall be declared to be duly elected if there are more than one name, a poll shall be taken.

(4) The Sarpanches shall thereafter cause to be handed over to each Panch a blank paper with a request to write the name of the Panch in favour of whom he desires to vote and Panch shall then write the name secretly without giving any chance to others to see it and shall fold the paper and hand it over to the Secretary. The Panch shall not sign his name on the voting paper.

(5) If any Panch is unable to write the name of the Panch in favour of whom he desires to vote, he shall request the Secretary to write the name on his behalf without giving any chance to others to hear the name.

(6) The Secretary shall then write the name of the Panch accordingly and fold it and keep alongwith other voting papers.

46. *Invalid vote.*—Any voting paper on which more than one name has been recorded or which has been filled otherwise than provided in these rules shall be invalid. A note to this effect shall be made upon the voting paper by the Secretary and it shall not be included in the count.

47. *Counting of votes.*—(1) The Sarpanch shall cause the votes to be counted there and shall declare the Panch having secured the largest number of votes to be duly elected.

(2) In case of equal number of votes, being given in favour of two or more Panches, selection shall be made by draw of lot.

(3) The Secretary shall forward the names of Naib-Sarpanch to the respective Block Development Officers for information.

CHAPTER III

POWERS AND FUNCTIONS

48. *Powers and functions of the Halqa Panchayat.*—A Halqa Panchayat shall execute the works falling within the area of its Jurisdiction,—

- (a) The delegation of authority for sanctioning project shall be done by the Halqa Panchayat.
- (b) The list of the works to be taken up in the Panchayat Halqa shall be approved by the Panchayat Halqa.
- (c) No works shall be executed without preparation of detailed estimates and the technical clearance from the Rural Engineering Wing.

- (d) The mode of payment both on account as well as final shall be determined by the Panchayat Halqa.
- (e) It should be the primarily responsibility that the wages are paid within the maximum period of fortnight.
- (f) While executing, formulating and monitoring the works programme the Panchayat Halqa shall be responsible for keeping the guidelines and instructions of the State Government and the Government of India into consideration.

49. *Execution of works.*—All works may be executed by the Halqa Panchayat itself by employing daily labour. However, no contractor shall be employed except for work of highly technical nature or involving financial investment of more than Rs. 3 lacs.

50. *Completion certificate before final payment.*—Completion certificate shall be submitted by the Sarpanch and a member of the Panchayat to be nominated by the Panchayat Halqa of the Panchayat to the effect that they have examined the work and are satisfied that it has been properly carried out in accordance with the sanctioned plans and estimates.

51. *Acquiring of land.*—A Panchayat may arrange to acquire land under the provisions of sub-section (2) of section 13 of the Act if required for carrying out its functions under section 12 of the Act well in time before the execution of works is taken up by it.

52. *A Panchayat may enjoin upon its inhabitants and others by passing the resolution to,—*

- (a) stop digging of earth from any area which is likely to cause damage to Agriculture and other lands or village inhabitants.
- (b) plug the channels formed by running water.
- (c) plant and maintain trees to stop erosion ;
- (d) stop cutting of trees for some specific period from areas under erosion or likely to fall under erosion :

Provided that the Panchayat may accord permission to any person for cutting any tree or any part thereof subject to any law for the time being in force; and

- (e) stop or regulate grazing of cattle in any such area which is effected or is likely to be effected by erosion.

53. (1) A Panchayat may regulate places for the disposal of ;

- (a) un-claimed corpses ;
- (b) carcasses ;
- (c) night-soil ; and
- (d) may undertake burial/cremation etc. of unclaimed corpses/carcasses.

(2) After passing a resolution in a meeting specially convened for the purpose it shall enjoin upon all the inhabitants of its area to adopt all preventive and curative measures suggested by the concerned Department for the removal and stoppage or spread of the epidemic.

(3) It may prohibit during epidemic use of any water course for drinking, washing domestic utensils and clothes and bathing and watering cattle.

(4) It may arrange spray of any suitable insecticides and medicines in the houses and the ponds.

54. (1) A Panchayat shall maintain in proper condition and also arrange repairs and cleanliness of public springs, tanks, wells, ponds, tube-wells, streams, water course vested in the Panchayat at suitable intervals for the supply of water for drinking, washing and bathing purposes ditches or any other place.

(2) it may arrange removal of obnoxious vegetation from the street or any other areas of common use near the population and get similar action taken by the inhabitants in their houses.

(3) A Panchayat may arrange construction out of its own funds by raising public contribution, suitable accommodation for school buildings within its area and repairs thereof.

55. A Panchayat may provide funds for the construction and maintenance of public landing places, halting places and vehicle stands.

56. *Provision for a public slaughter house.*—(1) A Panchayat may construct and provide a place or places for use as a public slaughter house in its area on such lands which may vest in it after adopting a resolution and inviting objections thereto from the inhabitants of its area.

(2) A Panchayat may charge fees for the use for the public slaughter house constructed and provided by it :

Provided the Panchayat has enclosed it by a wall atleast 6 feet high and has provided other amenities such as sheds, water and other sanitary arrangements.

(3) An animal to be slaughtered in the public slaughter house shall be inspected by the Sarpanch or Naib-Sarpanch or secretary of the Panchayat or by any other person authorised by the Panchayat to do so, who will satisfy himself that the animal to be slaughtered is free from any disease detrimental to the public health, before it is slaughtered and thereafter affix a seal provided by the Panchayat for the purpose on the mutton of the slaughtered animal during the hours fixed by the Panchayat for the purpose.

57. *Power to contract for collection of taxes and other dues.*—(1) Every contract or agreement under sections 15 and 23 of the Act shall be signed for and on behalf of the Panchayat by the Sarpanch, Naib-Sarpanch or a Panch duly authorised by the Panchayat.

(2) Commission, if any, profit or gain shall be creditable to the Panchayat funds. Any loss in the contract shall be borne by the Panchayat after its verification and assessment by the Panchayat provided that the same was not due to default of any member or servant of the Halqa Panchayat.

58. *Joint Committee.*—Whenever a Halqa Panchayat on its own motion or on the motion of its voters or inhabitants visualize the necessity of transacting any business with the joint help of any other or more Halqa Panchayats in which they are jointly interested it shall seek assistance of Block Development Council for arranging the meeting of two or more adjacent Panchayats.

59. *Mode of contract.*—(1) The Panchayat shall be responsible to get the contract auctioned at highest possible amount by all its means.

(2) The action shall be concluded by Sarpanch or Naib-Sarpanch, Secretary and other three or more Panches authorised by the Panchayat and while closing the bid all such record their signatures on the bid sheet which should also invariably bear the signatures of the bidders. After the close of the bid the Panchayat shall announce by beat of drums and issue a notice indicating that the bid can be reopened within ten days of the close of the bid ; provided the bid is increased by 10% more in each case of the respective previous bid and display the same at least 5 conspicuous places in its area.

(3) No auction of the Panchayat shall be sanctioned in favour of the Panch, Secretary, Officer, Servant of the Panchayat or other public servant.

(4) When the bid is closed under sub-rule (3) above it can in no case be reopened unless the closed bid is increased by an amount not less than 10% in each case or the respective previous highest bid and after the fresh bidder or bidders also deposit 10% and 25% of their respective bid/bids with the Panchayat in lieu of the security and first instalment of the auctioned respectively on the very day of his/their bid/bids.

Provided no increase shall be allowed beyond 10 days of the date of closing the bid under sub-rule (2) above :

Provided further that every such contract or auction in respect of a sum involving a value detailed below should be undertaken by the Panchayat after obtaining previous approval of the authority as shown against each :-

S. No.	Amount	Authority
1	2	3
1.	Up to Rs. 5,000/-	Sarpanch who shall report the matter to the Panchayat in its next meeting .
2.	Exceeding Rs. 5000/- up to 10,000/-	Panchayat by a formal resolution
3.	Exceeding Rs. 10,000/- up to Rs. 25,000	Chairman of Block Development Council with the approval of the Block Development Council.

- | | |
|---|---|
| 4. Exceeding Rs. 25, 000/-
up to Rs 1,00,000/- | District Planning and Development Board. |
| 5. Rs. 1,00,000/- and above | Administrative Department with the recommendations of the Director Rural Development. |

CHAPTER IV

RULES REGULATING THE ASSESSMENT AND COLLETION OF FEE AND TAXES,—APPEALS AGAINST ASSESSMENT AND COLLECTION OF FEES AND TAXES

60. *Imposition of taxes and fee.*—(1) A Panchayat by way of resolution under section 15 shall determine the items for imposition of tax or levy.

(2) When such a resolution has been passed, the Panchayat shall publish a notice in the Gazette and display it in a conspicuous place or places in the Panchayat area defining the class of persons or discription of property proposed to be taxed, the amount or rate of the tax or fee to be imposed and the system of assessment to be adopted, or

(3) A notification in the Gazette of the imposition of a tax or fee under this Act shall be conclusive evidence that the tax or fee has been imposed in accordance with the provisions of this Act.

61. *Fees on cattle Pounds,—Procedure for establishment, control and management of cattle Pounds by Panchayat.*—The Panchayat may within its area establish cattle pound and may appoint pound keeper/contractor by auctioning the management of the pound. The pounds shall be under the control of Panchayats which shall fix and may from time to time after the rates of charges for feeding and watering the impounded cattle.

Explanation:—Cattle includes Elephants, Camels, Buffaloes, Horses, Mares, Geldings, Ponies, Colts, Fillies, Mules, Asses, Pigs, Rams, Eves, Sheep, Lamboo, Goats, Kids, Heifers, Cows, Bulls, Bullocks, Ducks, Swans, Yaks.

62. *Duties of Pound-keeper or contractor or his agents.*—(1) Every pound-keeper or contractor or agent shall keep registers in Forms 21, 22 and 23 and furnish such returns as the Panchayat may from time to time direct.

(2) When cattle are brought to the pound these shall be entered in the register indicating ;

- (a) number and description of the cattle ;
- (b) the day and hours at which they were brought ;
- (c) the name and residence of seizure ; and
- (d) the name and residence of the owner, if known ; and
- (e) shall give the seizure or his agent a copy of the entry.

(3) The pound-keeper/contractor or his agent shall take charge of the cattle, feed and water the cattle until they are disposed of as directed hereinafter.

(4) A cultivator or occupier of any land or any person who has advanced cash for cultivation of the crop or produce or any land or the vendee or mortgagee of such crop or produce or any part thereof, persons incharge of public roads, playgrounds plantation, canals, drainage works, embankments and the like may seize or cause to be seized any cattle, trespassing on such lands, roads, playgrounds, plantation lands/drainage works and the like and doing damage thereto and shall send them or cause them to be sent within 24 hours to the pounds established for the village in which the land is situated.

(5) For every head of cattle impounded as aforesaid the pound-keeper/contractor or his agent shall levy a fine as prescribed by Panchayat from time to time but not more than as provided under the J & K Cattle Trespass Act, 1977.

(6) *Delivery of cattle.*— If the owner of the impounded cattle or his agent appear the claims the cattle the pound-keeper/contractor or his agent shall deliver them to him on payment of the fines and charges incurred in respect of such cattle. The owner or his agent on taking back the cattle shall sign a receipt for them in the register kept by the pound-keeper/contractor or his agent.

63. *Sale of cattle.*—(1) If the cattle is not claimed within seven days from the date of their being impounded the fact shall be reported to the Panchayati Adalat. Such Panchayati Adalat shall thereupon stick up in conspicuous part of its office a notice stating (a) the number and description of the cattle (b) the place where they were seized (c) the place where they are impounded and shall cause proclamation of the same to be made by the beat of drum in the village and the market place nearest to the place of seizure.

If the cattle be not claimed within the seven days from the date of notice they shall be sold by the public auction by the said Panchayati Adalat :

Provided that, if any, such cattle in the opinion of the Panchayati Adalat are not likely to fetch a fair price if sold, as aforesaid they may dispose of in such manner as it thinks fit.

(2) *Delivery to owner disputing legality of seizure but making deposit.*—If the owner or his agent appears and refuses to pay the fines and expenses or the grounds that the seizure was illegal and the owner is about to make a complaint under section 20 of the Cattle Trespass Act, 1977 (1920-AD) to the Panchayati Adalat, than upon deposit of the fines and Charges incurred in respect of the cattle, the cattle shall be delivered to him.

(3) The charge for feeding and watering of cattle alongwith fines deducted by the Panchayati Adalat from the sale products of the cattle impounded shall be paid over to the panchayat/pound-keeper/contractor of the Panchayat or his agent as the case may be.

(4) No member of Panchayati Adalat/Panch or other officer of the Panchayat or Pound-keeper or contractor of the Panchayat or his agent shall directly or indirectly, purchase any cattle at a sale under the provisions of the Cattle Trespass Act, 1977 (1920 AD).

64. *Complaints of illegal seizure or detention of cattle.*—Any person whose cattle has been seized or having been so seized have been detained in contravention to the above rules may at any time within ten days from the date of seizure make complaint to the Phanchayati Adalat.

65. *Fee on Tongas.*—A Halqa Panchayat may impose a tax on the owners of the animals and vehicles other than mechanically propelled vehicles kept within the area of the Panchayat and plied for hire.

66. *Power of entry for the purpose of valuation of taxation.*—The Sarpanch may authorise any person, after giving twenty-four hours notice to the occupier, or if there be no occupier to the owner of any building or land at any time between sunrise and sunset :—

- (a) to enter, inspect and measure any building for the purpose of valuation,
- (b) 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 the 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.

67. *Mode of assessment of tax, fee and levy.*—(1) Where a tax or rate of fee has been imposed under section 15, the Halqa Panchayat shall as soon as may be after the commencement of each Financial year prepare a list of assesses in Form 14 showing the amount of tax payable by each assessee. The list shall be published in the Panchayat area concerned by announcing by beat of drum that the list is ready and by affixing a copy thereof at the office of the Panchyat. The list shall be open to inspection free of charge by any person affected or likely to be affected by it.

(2) The Panchayat shall consider any objection against the tax assessed or rate of fee levied that may be lodged within thirty days from the date of publication of the list under sub-rule (1)

(3) The Panchayat shall after making such amendment, if any in the assessment list as may be necessary having regard to its decision on the objections, place the list at the meeting of the Panchayat, which may discuss and consider the objections and the decision of the Panchayat in respect thereof may make such amendments in the list as it may think proper.

(4) The assessment list as amended under sub-rule (3) shall be republished in the manner laid down in sub-rule (1) and shall be subject to the provision of section 15 be final and shall come into operation and from the first day of the financial year in question.

68. *Register of tax.*—(1) The Panchayat shall maintain a demand and collection register in Form 15.

(2) Where a Panchayat has failed to recover any tax or fee from any person within a period of six months, it shall forward the names of the defaulters to the District Panchayat Officer concerned for realization of unpaid taxes, and fees as arrears of land revenue.

(3) The Panchayat shall thereafter send a half yearly list of defaulters after taking into account the payments, and recoveries made during the preceding half year.

(4) *Writing off of taxes.*—The Panchayat may write off irrecoverable sums not exceeding Rs. 100/-

69. *Government property not to be taxed.*—Government property shall not be liable to tax by any Panchayat.

70. *Realization of taxes.*—The Panchayat shall realize its taxes or fees either through one of its member or through tax collector, appointed either on monthly salary or commission basis.

In the event of tax collector being appointed he shall be required to furnish such security as may be decided in the Panchayat.

71. *Application for licence and recovery of fees.*—(1) Every owner liable to payment of tax under sub-section (2) of section 15 and every person liable to payment of fee under section (1) of section 15 shall within fifteen days of his so becoming liable or in case of expiry of the period of licence already taken from the date of such expiry, apply for a licence or renewal of the licence. The tax or fee payable shall be paid along with the application failing which the Secretary shall cause a bill to be prepared and presented to the applicant and get the amount collected in accordance with the Act and the Rules.

(2) The period in respect of which a licence may be issued under sub-rule (1) shall be one year commencing from the 1st of April or a half year commencing from the said day or the 1st day of October and the tax or fee payable shall be charged for the whole year or half year as the case may be.

72. Production, transfer and return of licence.—(1) Each person who holds a licence or any card of identification shall,—

- (a) while plying his animal or vehicle on hire or exposing goods for sale, superfluous, keep his licence or card of identification or both as the case may be, with him ;
- (b) not transfer his card to any other person ;
- (c) produce his licence and card for inspection, whenever required to do so by the Sarpanch, or such member of the Panchayat or such officer or servant of the Panchayat as may be duly authorised in that behalf.

(2) Any breach of any of the provisions of rules 70 and 71 shall be punishable by a Panchayati Adalat with a fine which may extend to Rs. 50/- and if the breach is a continuing one, with a further fine of Rs. 2/- for every day after the date of first conviction.

73. Intimation of change or transfer of trades.—Every person liable to pay the tax or fee who had changed either the designation of his firm, or the nature of his trade or calling or his place of business, or has transferred his business, shall within thirty days of the change or transfer, give written intimation of the fact to the Panchayat concerned.

CHAPTER V

CONDUCT OF BUSINESS OF PANCHAYAT

74. Oath of office.—(1) Every Sarpanch/Panch/Member/Panchayati Adalat/Chairman of Block Development Council as the case may be make and subscribe and oath or affirmation according to Form-4 set out for the purpose.

(2) After the oath is made and subscribed in the aforesaid manner, it shall be forwarded to the concerned Secretary of the Halqa Panchayat/Block Development Council or Panchayati Adalat as the case may be for record.

(3) The Halqa Panchayat shall conduct its business on any procedure prescribed hereinafter.

75. *Meeting of Panchayat.*—The Halqa Panchayat shall meet at least once in a month on such date as may be fixed by the Sarpanch. The meeting shall generally be held at the Panchayat Headquarters.

76. *Notice of meeting.*—(1) The notice of a meeting of the Panchayat shall be given at least 7 days before the date fixed for the meeting.

(2) In case of special meeting where the urgency of the matter demands that a meeting of the Panchayat should be held immediately or when the majority of Panches request the Sarpanch in writing to call a special meeting, he should arrange to do so within 3 days.

(3) A notice to this effect for convening ordinary or special meeting shall be displayed on the notice board of Halqa Panchayat.

(4) Accidental failure to serve a notice on any member shall not invalidate the proceeding of any meeting of the Panchayat.

(5) If a meeting is adjourned for want of a quorum a fresh notice in writing for the meeting shall be given.

77. *Procedure for meeting.*—The following procedure shall be followed at every meeting of a Panchayat :-

(1) Where at any meeting the Sarpanch or Naib-Sarpanch is not present within 30 minutes after the time appointed for holding the meeting, the members present at the meeting shall choose one of the member present and entitled to vote to preside over the meeting :

Provided that where Sarpanch or Naib-Sarpanch as the case may be attends during the course of such meeting, the Presiding Officer shall vacate the chair and the meeting may continue under the Chairmanship of Sarpanch or Naib-Sarpanch.

(2) The Secretary shall record the proceedings of every meeting in Form 5. The record note of the previous meeting shall be read by the Secretary and confirmed and then signed by the Sarpanch or in his absence by the Naib-Sarpanch or in the absence of both by the Chairman of the meeting.

(3) The circulars and orders received from the Government the Director, Rural Development, the Assistant Commissioner (Development), the District Panchayat Officer and the Block Development Officer and other Government authorities shall be read and explained by the Secretary.

(4) The development works executed or under progress during the past month shall be explained by the Secretary.

(5) The grant of financial sanctions if pending shall be considered.

(6) Other items included in the agenda shall be taken up and considered.

78. *Agenda of meetings.*—(1) Any Panch who desires to forward any matter or resolution or wishes to ask any question at any meeting of the Panchayat shall give notice in writing of his intention to do so to the Secretary atleast seven days before the meeting is to take place.

(2) The Secretary with the approval of the Sarpanch or in his absence the Naib-Sarpanch shall prepare the agenda for the meeting.

(3) *Quorum.*—The quorum necessary for transaction of business at a meeting of the Halqa Panchayat shall be 1/3rd of the total number of members of the Panchayat including Sarpanch and the Naib-Sarpanch.

79. *Reconsideration of decision by a Panchayat.*—No subject, once finally disposed of by a Panchayat, shall be reconsidered within three months next after the passing of resolution concerned, unless not less than two-third of the members of the Panchayat consent by signing a resolution to that effect.

80. *Minute Book.*—The minutes of the meeting shall be entered in a book in Urdu to be kept for the purpose and shall be signed by the persons who presided at the meeting to which the minutes relate and such book shall be open to inspection by the public. The book shall be maintained in Form 5.

81. *Procedure for removal of Sarpanch or Naib-Sarpanch.*—(1) A written notice of the intention to move a motion for removal of the Sarpanch or the Naib-Sarpanch under section 7 shall be necessary. It shall be signed by not less than one-third of the total members of the Panchayat and shall state the reasons for moving the motion. The notice shall be delivered in person by at least two Panches signing the notice to the Secretary of the Panchayat, who shall place it before the Sarpanch and in his absence before the Naib-Sarpanch. The Secretary of the panchayat shall thereafter take steps to convene the special meeting not earlier than ten days and not latter than twenty days from the date of receipt of the motion. The Secretary of the Panchayat shall inform the concerned Chairman of the Development Council to preside over the meeting indicating the date of meeting, place and time well in advance.

(2) The concerned Chairman, Block Development Council concerned shall read to the Panches the notice received by the Panchayat. He shall then allow the motion to be moved and discussed. Upon the conclusion of the debate, the motion shall be put to vote.

(3) Concerned Chairman of the Block Development Council presiding over the meeting shall declare the result of the voting, the motion shall be declared to have been carried only when it has been passed by a majority of two-third of the members present at the voting.

(4) The proceedings of the meeting shall be recorded by the Secretary who shall send copy of the proceedings together with a copy of motion and the result of voting to the Block Development Council.

(5) When a motion has been carried as provided in sub-rule (1) the Sarpanch or the Naib-Sarpanch, as the case may be, shall stand removed from his office with effect from the date the motion has been carried.

(6) (a) When a Sarpanch is removed from his office under sub-rule (5) he shall make over charge of his office to the Naib-Sarpanch.

(b) When Naib-Sarpanch is removed from his office under sub-rule (5) he shall make over charge of his office to the Sarpanch.

(c) When both the Sarpanch and the Naib-Sarpanch are removed from their offices under sub-rule (5) they shall make over charge of their respective offices to the Secretary of the Panchayat who shall handover the charge to the person/persons who may be elected in accordance with Act, and Rules.

82. *Duties of Sarpanch.—It shall be the duty of the Sarpanch.—*

(a) to arrange for the convening of the meetings of Panchayat and to preside over them ;

(b) to conduct the business at the meetings and preserve order ;

(c) to keep a watch over the finances and superintend the executive, administration of the Panchayat and to bring to the notice of the Panchayat any defect therein ;

(d) to superintend and control the establishment maintained by the Panchayat ;

- (e) to carry out the resolution of the Panchayat ;
- (f) to arrange for the maintenance of the various registers provided under rules ;
- (g) to arrange the collection of taxes, levies and fees imposed by the Panchayat ;
- (h) to arrange for execution of various works ; and
- (i) to perform such other duties as are required or imposed on him or under the Act, or any other law.

Explanation.—Grave emergency ordinarily shall be construed to arise when there is an outbreak of any epidemic or flood or any other emergency.

83. *Formation of Committees.*—(1) Halqa Panchayat shall constitute committees comprising a Panch and professional departmental officers to advise, guide in regard to matters specified by the Panchayat.

- (2) A Panch may be a member of more than one committee.

84. *Resignation by Sarpanch or Naib-Sarpanch or a Panch of a Halqa Panchayat.*—(1) A Sarpanch, Naib-Sarpanch or Panch wishing to resign his office may do so either by presenting to the District Panchayat Officer in person or sending to his address by registered post his written resignation signed by himself and attested by the Secretary and upon so presenting or sending the written resignation the person concerned shall be deemed to have vacated his office.

- (2) Any person vacating an office by resignation under sub-rule (1) or by removal under section 9 shall forthwith handover the charge of his office :

Provided that the Sarpanch shall handover the charge to the Naib-Sarpanch and vice versa. In case of Sarpanch or the Naib-Sarpanch required to takeover charge, as the case may be, being absent, the charge shall be handedover to the Secretary who shall handover charge to the concerned person/persons as soon as he is available.

¹84-A Constitution of Panchayats Advisory Committee. There shall be a Panchayat Advisory Committee for purpose of carrying out provisions of the Act which shall comprise the following namely :-

1. Financial Commissioner (Revenue) _____
(Chairman person)
2. Dy. Commissioner of concerned district _____
Members
3. Registrar Co-operative Society _____
Member
4. Dy. Commissioner (Central) with Financial Commissioner
(Revenue) _____Member Secretary.

85. *Appointment of Panchayat Secretary.*—The Village Level Worker ² MPW or Gram Seveka of concerned Halqa Panchayat shall function as Secretary in addition to his own duties.

86. *Appointment of other servants of the Panchayat.*—(1) Subject to provision in the budget and subject to resolution Panchayat may create new posts or abolish any existing post and determine the salary and allowances to be paid to holders of newly created posts.

(2) The Panchayat may from time to time determine the duties to be assigned to the various posts in its establishment.

(3) Every Panchayat shall maintain a list of its servants except the Secretary, on its establishment together with the salaries and allowances payable to their holders, as also the names of the persons holding these posts and salaries and allowances which are being drawn by them.

87. *Qualification of staff.*—The staff required for the Panchayat except the Secretary shall possess such educational qualification and fulfil such conditions as may be specified by the Halqa Panchayat.

88. *Disposal of assets and liabilities of a Panchayat on inclusion of its area into a Municipality, Town Area etc.*—When whole of the area of the Panchayat is included in a Municipality or Cantonment or Notified

Area or Town Area, all the assets and the liabilities of the Panchayat including arrears of taxes, rents and fees shall vest in the Municipality, Cantonment, Notified Area or Town Area, as the case may be, from the date of such declaration by the Government :

Provided that where only a part of the area of a Panchayat is included in a Municipality, Cantonment or Notified Area or Town Area, the assets and the liabilities etc. of Panchayat shall be shared in proportion with the population of the area so declared and as may be directed by the Head of the Panchayat Department.

CHAPTER VI

ANNUAL ESTIMATE OF THE INCOME AND EXPENDITURE

89. *Estimates.*—Every Panchayat shall prepare a Budget that is, an annual estimate of its income and expenditure in Form 11 each year in November for the next financial year.

90. *Consideration of Panchayat Budget.*—(1) When budget is prepared as required under rule 89 the Panches and Sarpanch shall call a Halqa Majlis for discussing the budget programme of works proposed for the next financial year.

(2) At least 20 days notice shall be given for calling a meeting of Halqa Majlis

(3) The notice shall be displayed prominently at ten or more conspicuous places in a Panchayat area and publicity therefor shall be given by beat of drum.

91. *Procedure in the meeting of Halqa Majlis.*—(1) The budget and programme of works shall be presented in the meeting of Halqa Majlis by the Sarpanch or in his absence by the Naib-Sarpanch.

(2) The Sarpanch or in his absence the Naib-Sarpanch shall thereafter invite suggestions of the voters present, on the budget and programme of work.

92. *Consideration of suggestions.*—The suggestions made under sub-rule (2) of rule 91 shall be considered in the meeting and shall be accepted or rejected by a majority vote of the voters present.

93. *Any other matter of public importance.*—Any voter present in the Halqa Majlis may also raise any matter of public importance which shall be discussed and shall be accepted or rejected by a majority vote and the budget shall be recast accordingly.

94. *Approval of Panchayat.*—(1) Within three days but not later than 1st March, from the date of sanctioning of Panchayat budget estimates of income and expenditure of the Panchayat and the annual report of the working of the Panchayat and Development Programme and plans for next year, the Halqa Panchayat shall forward a copy of the same to the District Panchayat Officer and Block Development Officer as provided under sub-section (2) of section 21 of the Act.

(2) In case Panchayat fails to present its budget or annual report in the Halqa Majlis within the prescribed period, the Block Development Officer shall arrange the preparation of the budget and annual report of such Panchayat through Inspector Panchayat concerned. The Block Development Officer shall preside over the 'Halqa Majlis of such Panchayat and present the budget estimate and annual report of the Panchayat as prepared by the Inspector Panchayat before the general meeting of the voters and voters shall consider the budget and annual report so prepared and presented and draw out development plans for the Panchayat area and approve the budget.

(3) The District Panchayat Officer concerned under section 21 of the Act shall make out a case against the Panchayat failing to—

- (i) call a general meeting of its voters as required under rules 90 to 91 ;
- (ii) submit copies of budget estimates of income and expenditure and annual report of the working of Panchayat and development programme and plans for the next year sanctioned by the Panchayat.

(4) The District Panchayat Officer concerned shall refer the case to the Director Rural Development concerned for disciplinary action against the Panchayat stating therein that the Panchayat is incompetent to perform its duties and functions imposed on it under the provisions of the Act, and rules framed thereunder.

ADMINISTRATION OF PANCHAYAT FUND

95. *Custody and Administration of Panchayat Funds.*—(1) The administration of Panchayat fund shall be the responsibility of Halqa Panchayat.

(2) The expenditure shall be regulated on the basis of the approved action plan for the Panchayat. The reappropriation shall be authorised by the Panchayat.

(3) All money transactions to which any member of the Panchayat or any officer or servant of the Panchayat in his official capacity is party shall without any reservation be brought to account and all the money shall be credited in full to the Panchayat fund.

(4) Money due to the Panchayat shall be collected either by payment at the Panchayat Officer or by outdoor collections or by both as the Panchayat may determine. Receipts of all money received shall be issued in Form 20.

(5) Accounts of all income and expenditure of the Panchayat funds shall be maintained in Form 12. The account shall be closed and balanced at the end of every month and shall be examined/passed by the Panchayat at the meeting in the next following month.

(6) The Halqa Panchayat may hold a sum not exceeding Rs. 500/- as imprest money to meet petty and emergent expenses.

96. *Requisition for withdrawal.*—Money shall not be drawn from the Bank/Saving Bank or a Post Office and paid out of the Panchayat fund except on a joint requisition signed by the Sarpanch and Secretary.

The Sarpanch/Secretary shall submit a drawal and expenditure statement after the close of each month to the Halqa Panchayat.

97. *Audit.*—(1) The Audit of the accounts shall be conducted by the Chartered Accountant appointed by the Government.

(2) *Steps for disposal of Audit Notes.*—After each audit of the accounts, the secretary of the Panchayat shall deal with the objection statement which shall be appended to the Audit Notes. The secretary shall bring the Audit Note to the notice of the arpanch, who shall then within a month of the receipt of the Audit Note convene a special meeting of the Panchayat to consider the objection/report and to decide the action to be taken in regard to the report.

98. *Maintenance and verification of stock book.*—(1) A stock book shall be maintained in Form 13 for all stores e. g. postage stamps, material for public work and forms used by the Panchayat, tools and plants, oils, wicks, chimneys, books and all other equipment. All entries shall be recorded by the secretary and initialled by the arpanch.

The stock shall be verified once in every three months by such persons as the arpanch may direct and the fact of verification shall be recorded.

(2) The stock of all stores of Halqa Panchayat shall also be verified once in a year by any person nominated by arpanch who shall certify the present position of each article of the store in the stock book maintained by Halqa Panchayat and make out a list of all unserviceable articles indicating date of purchase of each article and the cost thereof and submit to the arpanch for action.

99. *Write off of unserviceable stock articles of Panchayat.*—A Panchayat may write off its unserviceable stock articles after completion of the minimum life prescribed for stock articles.

100. *Maintenance of cash book.*—On each day in which a transaction take place the General Cash Book in Form 12 shall be closed, balanced and signed by secretary of the Halqa Panchayat who shall submit it to arpanch for his counter signatures.

101. *Election of Vice-Chairman, District Planning and Development Board.*—The Vice-Chairman of the District Planning and Development Board shall be elected in the same manner as prescribed for the election of the Vice-Chairman Block Development Council as mentioned under rule 106 provided the meeting convened for the purpose shall be presided over by the Chairman, District Planning and Development Board.

CHAPTER VII

CONSTITUTION OF BLOCK DEVELOPMENT COUNCIL

102. *Election Authority.*—(1) The Chief Electoral Officer, Jammu and Kashmir State shall be the Election Authority for elections Chairman of Block Development Council.

(2) The Election Authority shall appoint a Returning Officer for holding election of Chairman of Block Development Council.

103. *Announcement of dates.*—Not more than 30 days after the first meeting of the Panchayat, the Returning Officer shall announce, by affixing a notice at the office of the Panchayat, if any and at some other places within the area of the Panchayat.

(a) the date for holding elections and shall notify the date on all members of the Panchayat and other voters accordingly.

(b) the last date for submission of nomination papers by candidates for elections, such date being not less than 20 days before the election day.

(c) the time and date on which and the place where nomination papers of candidates for election shall be received and scrutinized by him, such date being not less than fifteen (15) days before the election date :

Provided that the election authority may, for sufficient reasons to be recorded in writing extend the period prescribed under clauses (a), (b) and (c) of this rule.

(d) *Nomination and registration of candidates.*—On or before the date of submission of nomination papers of candidates, every candidate for election whose name is included in the Electoral Roll pertaining to the Panchayat shall himself deliver or cause to be delivered through his agent to the Returning Officer a nomination paper in Form 40.

¹[The nomination from shall be accompanied by a security deposit of Rs. 1.00 only pledged in the name of the returning officer of the Panchayat halqa/Block Development Council payable at any branch of a nationalized/scheduled bank in the district :

Provided that in case of scheduled caste, scheduled tribe and women candidates, the amount of security deposit shall be Rs. 50/- only :

1. Substituted by SRO-262 dated : 12-7-1999.

Provided further that the security deposit of a candidate getting 1/6th or more of the total valid votes polled will be refunded to the Returning Officer within a period of 90 days from the declaration of the results."

(e) *Scrutiny of nomination papers.*—At the time and on the day fixed for scrutiny of nomination papers, the Returning Officer shall allow the candidate reasonable facility for examining the nomination papers of the contesting candidates and shall himself examine the nomination papers in presence of the candidates or their duly authorised agents present at the time.

104. *Rejection of nomination papers.*—The Returning Officer may reject any nomination paper on any of the following grounds :—

(i) that the candidate has not correctly filled in the particulars required in Form 40.

(ii) that the candidate for this election suffers from any disqualification which debar him for being Chosen as a Panch. Provided that the Returning Officer may :—

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

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

(c) if any nomination paper is rejected after hearing any objection made by a person or persons the Returning Officer shall record reasons for rejecting the nomination papers.

(d) any persons aggrieved by an order passed under this rule may appeal to the Election Authority within seven days of the receipt and his decision on such appeal shall be final. He shall forthwith communicate his decision to the Returning Officer.

'[(iii) That the candidate has not deposited the Security Deposit as prescribed under clause (d).]

105. *Withdrawal of candidature.*—(1) Not later than 5 days before the election day any candidate may withdraw his candidature by a notice in Form 41 subscribed and delivered personally to Returning Officer, notice once given cannot be withdrawn.

¹[The Security deposit shall be refunded to the candidate on the withdrawal of his candidature under this rule.

(2) *Publication of the list of the candidates.*— After the expiry of the date for withdrawal under sub-rule 104 (1) the Returning Officer shall publish a list of contesting candidates whose name shall be in alphabetical order.

(3) Whereafter the publication of the list of the candidates the Returning Officer finds that the number of candidates in a Block is only one, he shall forthwith declare such candidate as having been duly elected.

(4) When the number of candidates in a Block exceed one, a poll shall be taken.

(5) *Procedure for voting.*—(a) The procedure as laid down in Chapter II of these rules shall apply for election of Chairman, Block Development Council so far as these may be applicable to such election.

(6) *Counting of votes.*— (i) The Returning Officer shall count votes then and there and shall declare the candidate having secured the largest number of votes to be duly elected.

(ii) in case of equal number of votes being given in favour of two or more candidate selection shall be lot in such manner as the Returning Officer may deem fit.

(iii) *Announcement of results.*—(a) the Returning Officer shall prepare the results of the election in Form 42 and announce the same in the manner prescribed in Chapter II.

(iv) The Returning Officer shall report the results to the Election Authority.

106. *Election of Vice-Chairman of Block Development Council.*— The procedure prescribed for election of Naib-Sarpanch shall apply for the election of Vice-Chairman of Block Development Council, provided the meeting convened for such purpose shall be presided over by the District Panchayat Officer.

107. *Removal of Chairman/Vice-Chairman of Block Development Council.*—The procedure prescribed for the removal of Chairman/Vice-Chairman of Block Development Council shall be the same as that of Sarpanch/Naib-Sarpanch mentioned under rule 81. However District Panchayat Officer shall preside over the meeting convened for such removal and Block Development Officer shall function as Secretary under the provision of this rule.

108. *Election Petitions.*—(1) An appeal against the election of Chairman/Vice-Chairman of Block Development Council shall lie to the authority as may be notified by the Government within a period of 30 days from date of declaration of results.

(2) On receipt of the appeal under sub-rule (1), the appellate authority shall fix the time, place and the date of hearing of the appeal, such date not being more than seven days after the date of receipt of the appeal.

(3) At the fixed date and place the authority shall hear the appeal and pass such orders as it may deem fit.

(4) The orders passed under sub-rule (3) shall be final.

CHAPTER VIII

109. *Conduct of Business of Block Development Council.*—(i) The Block Development Officer (Secretary) with the prior approval of the Chairman shall issue a notice indicating date, time and place for holding the meeting of the Block Development Council at least 7 days in advance of the date and shall invite the members to send any matter they would like to be included in the Agenda.

(2) All such matters that would be received under sub-rule (1) shall be included in the Agenda by the Block Development Officer, (Secretary) who shall circulate it at least 3 days before the meeting is due to take place provided that only such items shall be included in the Agenda which fall under the legitimate function of the Block Development Council.

(3) On the date, the time and place fixed for the meeting the Chairman shall take-up the items of the Agenda in the order of circulation and shall allow members reasonable opportunities to express their views on each item.

(4) Where at any meeting the Chairman or Vice-Chairman is not present within 30 minutes after the time appointed for holding the meeting, the members present at the meeting shall choose one of the member present and entitled to vote to preside over the meeting, provided that where Chairman/Vice-Chairman as the case may be attends during the course of such meeting, the Presiding Officer shall vacate the chair and meeting may continue under the Chairmanship of Chairman/Vice-Chairman.

(5) The Secretary shall record the proceedings of every meeting in Form 27. The record note of the previous meeting shall be read by the Secretary and confirmed and then signed by the Chairman or in his absence by the Vice-Chairman or in the absence of both by the Chairman of the meeting.

(6) The development works executed or under progress during the month by the various Panchayats of the Block shall be explained by the Secretary.

(7) The grant of financial sanction if pending shall be considered.

(8) Other items included in the Agenda shall be taken-up and considered.

(9) Any member who desires to bring forward any matter or resolutions or wishes to ask any question at any meeting of the Council, shall give notice in writing of his intention to do so to the Secretary at least 3 days before the meeting is to take place.

(10) Recommendations/decisions on each item shall, as far as possible be unanimous and where there is disagreement the recommendation/decision shall be accepted or rejected by a majority of votes. In case votes are equal the Chairman shall have casting vote.

(11) Quorum.— The quorum necessary for transaction of business on a meeting of the Block Development Council shall be one-third of total members of the Block Development Council including Chairman/Vice-Chairman.

(12) The Block Development Council shall monitor/supervise the progress of various development works under execution in Halqa Panchayat by constituting sub-committees. It shall also collect progress of the development works on monthly basis for onward transmission to district Planning and Development Board and other higher authorities.

CHAPTER IX

CONSTITUTION OF PANCHAYATI ADALAT

110. *Procedure for constitution of Panchayati Adalat.*—(1) After the constitution of a Panchayat, the Halqa Panchayat shall prepare and recommend a panel of not more than seven (7) persons out of its electorate to the Director Rural Development within 15 days of the first meeting of the Panchayat.

¹[Provided that for the conduct of the elections for the first time after constitution of the Panchayat the Halqa Panchayat shall prepare and recommend a panel of not more than seven persons out of its electorate to the Director Rural Development within a reasonable time of first meeting of Panchayat.

(2) The Director, Rural Development shall nominate five members out of the panel within fifteen days from the date of receipt of such panel.

(3) The members of Panchayati Adalat, so nominated by the Director, Rural Development shall be notified.

(4) The Block Development Officer concerned shall be the Presiding Officer for conducting the election of Chairman of Panchayati Adalat within the area.

111. *Procedure for election of Chairman of Panchayati Adalat.*—Procedure prescribed for election of Naib-Sarpanch in Chapter II shall be applicable for election of Chairman of Panchayati Adalat.

112. *General provisions relating to civil and criminal jurisdiction.*—Any person who wishes to institute a suit or a case under this Act before a Panchayati Adalat shall make an application orally or in writing to the Chairman or in his absence to any member and shall at the same time pay the prescribed fees.

113. *Substance of application to be recorded in register.*—Where an application under section 57 of the act is made orally, the substance of application will be recorded without delay and the signature or thumb impression of the applicant shall be taken thereon. Such record shall be signed by the Chairman or in his absence by any member who may be present.

1. Substituted by SRO-49 dated : 22-1-2002

114. *Plaintiff or complainant to be informed about the time and place of hearing.*—The plaintiff or complainant shall, at the time of his making application, be informed of the time and place fixed for the meeting of the Panchayati Adalat at which his application would be heard and be directed to attend at that time and place.

115. *Limitation for suits.*—Every suit instituted before a Panchayati Adalat after the period of limitation prescribed here under shall be dismissed even though limitation has not been set up as a defence.

Description of suits	Period of limitation	Time from which period begin to run
1. For money due on contractor.	3 Years	When the money became due to the plaintiff.
2. For the recovery of movable property or the value thereof.	-do-	When the plaintiff became entitled to the delivery of the property.
3. For compensation for wrongly taking or injuring movable property.	-do-	When the movable property was wrongfully taken or when injury was done to it.
4. For damages caused by cattle trespass.	-do-	When the damage was caused by the cattle trespass.

116. *Issue of summons.*—(1) The Panchayati Adalat may, for reasons to be recorded, after hearing the applicant and examining the plaintiff or complainant, dismiss the suit or complaint.

(2) Unless the suit or complaint is so dismissed, the Panchayati Adalat shall, by summons or otherwise require the defendant or accused to attend and produce his evidence at such time and place as may be stated in the summons, and shall at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place.

(3) If any defendant or accused person resides outside the Panchayati Adalat Halqa or if a defendant or accused person is at the time of issue of the summons, outside such Halqa, the summons may be forwarded by the Panchayati Adalat to the Munsiff or where there is no Munsiff to the sub-Judge or Magistrate concerned who shall cause it to be served as if it were

a summons from his own court.

117. *Appearance in person or by representative.*—(1) The parties to a case triable by a Panchayati Adalat shall appear personally before such Panchayat provided that the Panchayati Adalat may for the reason 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 exempted from personal attendance in court :

Provided that if the Panchayati Adalat is satisfied that the complainant or the accused is a Pardah Nashin Lady, it shall, if a request is made to that effect, dispense with the personal appearance of such Pardah Nashin Lady before the Panchayati Adalat.

(2) The parties to a suit triable by a Panchayati Adalat may appear by agent.

118. *Parties must produce their own evidence.*—(1) The parties shall produce their own evidence and witnesses, but the Panchayati Adalat may, by summons, or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document and such person shall be bound to comply with the instructions contained in the summons.

(2) The Panchayati Adalat may refuse to summon a witness or to enforce summons already issued against a witness when, in the opinion of the Panchayati Adalat, the attendance of such witness cannot be procured without an amount of delay, expense and inconvenience which in the circumstances, would be unreasonable.

(3) The Panchayati Adalat shall not require any person living beyond its jurisdiction to give evidence or to produce a document unless such a sum of money has been deposited as arrears to the Panchayati Adalat to be sufficient to defray his reasonable expenses.

(4) If any person, whom the Panchayati Adalat summons by a written order to appear or to give evidence or to produce any document before it, wilfully fails or neglects to obey such summons, the Panchayati Adalat may take cognizance of disobedience or neglect and, after giving such person an opportunity to explain, may if found guilty punish him on the first occasion with a fine of Rs. 25/- and on the second occasion in regard to the same disobedience or neglect is a with a fine of Rs. 50/- and when such

disobedience or neglect is with a fine of Rs. 50/- and when such disobedience or neglect is a continuing with a fine of Rs. 5/- for each day of the continuance of disobedience or neglect.

(5) No Panchayati Adalat shall compel any person to give evidence or to disclose any communication, which such person cannot be compelled to give or to disclose under the provisions of the Evidence Act, 1977.

119. *Commissions.*—(1) No person, who is exempted from personal appearance in a Civil Court under section 133 of the Code of Civil Procedure, 1977, shall be compelled to appear in person before a Panchayati Adalat for the purpose of giving evidence.

(2) Any such person may be examined on commission in the prescribed manner.

120. *Panchayati Adalat to ascertain truth.*—The provisions of the Code of Civil Procedure, 1977, the Code of Criminal Procedure, 1989, the Court Fees Act, 1977, the Evidence Act, 1977 and the Limitation Act, 1995, shall not apply to any proceeding before a Panchayati Adalat save to the extent provided in the Act or the rules made thereunder but the Panchayati Adalat shall ascertain the facts of every suit or case before it by every lawful means in its power and thereafter make such decree, or order as it may deem just. Every such decree or order shall contain a brief statement of the reasons thereof.

121. *Power to determine necessary parties.*—(1) The Panchayati Adalat shall add as parties to a suit any person whose presence as such party it considers necessary for a proper decision thereof, and the suit shall be tried as between the parties whose names are so added :

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of suit is proceeded with.

(2) In all cases where a new party appears under the proviso to sub-section (1) during the trial of a suit, he may require the trial to begin *de novo*.

(3) If the plaintiff or defendant in any suit dies before it has been finally decided and the right to sue still survives, the suit shall be proceeded with at the instance of or against the legal representatives of the deceased plaintiff and deceased defendant as the case may be, provided that an

application in this behalf has been presented to the Panchayati Adalat within thirty days of the death or within such further period as the Panchayati Adalat may for sufficient cause allow.

122. *Adjournment.*—It shall be the duty of the Panchayati Adalat to dispose of a suit or case as early as possible and adjournment shall be granted when absolutely necessary.

123. *Disposal of suits or cases in absence of parties concerned.*—

(1) If the plaintiff or complainant fails to appear after having been informed of the time and place fixed for hearing, the Panchayati Adalat may dismiss the suit or case.

(2) The Panchayati Adalat may hear and decide a suit or case *ex parte* in the absence of the defendant or the accused if he has been informed of the time and place for hearing :

Provided that no sentence shall be imposed by a Panchayati Adalat on any accused person unless he has appeared either in person or by agent before it and the substance of his statement has been recorded.

(3) If after the service of summons upon him, an accused person fails to appear either in person or by agent, the Panchayati Adalat may apply to the Tehsildar concerned who shall compel the accused to appear in person before that Panchayati Adalat as if he were the Magistrate trying the case.

(4) When an accused person has been under the preceding sub-section compelled to appear before a Panchayati Adalat it shall forthwith take his statement.

(5) If the plaintiff does not appear and his suit is dismissed for default or the defendant fails to appear and an *ex parte* decree is passed against him, such plaintiff or defendant may, within a period of one month from the date of such orders or decree, make an application for the restoration of suit after setting aside the order of dismissal or *ex parte* decree, as the case may be, and the Panchayati Adalat may make an order restoring the suit as aforesaid ; provided the applicant shows sufficient cause for his absence.

124. *Compromise of suit and compounding of cases.*—(1) Where it is proved to the satisfaction of Panchayati Adalat that a suit has been agreed upon to be decided wholly or in part in accordance with any settlement compromise or oath the Panchayati Adalat shall order such settlement,

compromise or oath to be recorded and shall decide the suit and pass a decree in accordance therewith :

Provided that no oath shall be in any form repugnant to justice or decency to affect any third person.

(2) A Panchayati Adalat may permit any case to be compounded, if such case is, according to the provisions of the Code of Criminal Procedure, 1989, compoundable with or without permission of the Court.

125. *Power of inspection.*— A Panchayati Adalat or any member thereof duly authorised in that behalf may for ascertaining facts conducive to the proper disposal of a case, suit or reference, enter upon any land or building at any time between sunrise and sunset after giving twenty four hours notice to the occupier of or when there is no occupier to the owner of such land. If the land is in occupation of person who according to the custom of the country do not appear, in the public, due notice shall be given to them to withdraw.

126. *Seal of Panchayati Adalat.*—Every Panchayati Adalat shall have a seal bearing its name, the name of the district in which it is established and shall therewith seal all decree, orders, proceeding, processes, receipts and copies issued by it.

127. *Summons by whom served.*— Summons shall ordinarily be caused to be served by a Chowkidar of the Panchayat area provided that the Panchayati Adalat may cause it be served by any other person.

128. *Duration of sitting of Panchayati Adalat and its seal.*— (1) A Panchayati Adalat shall have its office within the jurisdiction of Panchayat Halqa which shall be publicly notified. If the Panchayati Adalat has no recognised office it shall sit at such place as may be approved by the Block Development Officer :

Provided that for reasons to be recorded in writing for a particular case, the Chairman of Panchayati Adalat may fix a different place of sitting for the Panchayati Adalat.

(2) A Panchayati Adalat shall sit for as many days in a month as may be necessary for the speedy disposal of work but at least two sittings shall be held in a month.

(3) Every case shall ordinarily be finally disposed of within a period of eight weeks of its institution or its transfer to Panchayati Adalat. If it is not decided within this period, the Panchayati Adalat shall record reasons for delay.

129. *Sitting to be notified.*— (1) The date or dates on which the Panchayati Adalat or the bench thereof shall ordinarily sit in a month shall be notified in the 3rd week of the preceding month by affixing a list of such dates at its place of sitting.

(2) A weekly list of cases to be notified with names of parties and the dates on which they are to be heard shall be prominently displayed outside the office of Panchayati Adalat or the bench thereof for general information.

130. *Staff for a Panchayati Adalat.*— (a) Subject to provision of funds Panchayati Adalat may from time to time, create new posts or abolish any existing post and determine the salary and allowances to be paid to holders of newly created posts and also determine the duties to be assigned to the various posts on its establishment.

131. *Application under section 57.*— The substance of an application made under section 57 in regard a suit shall be recorded with its description and valuation in the register in Form 6 and in the case of a criminal case with the nature of the offence, in the register in Form 7 by the Adalati Assistant of the Panchayati Adalat.

132. *Court Fee.*—(1) The following fees in cash shall be charged by the Panchayati Adalat before entertaining any case :—

1	Fee to be charged
2	
(i) Suit	
When the amount or value of the subject in dispute does not exceed Rs. 1000/-	Rs. 5/-
When it exceeds Rs. 1001/- but does not exceed Rs. 2000/-	Rs. 10/-
When it exceeds Rs. 2001/- but does not exceed Rs. 3000/-	Rs. 15/-

1	Fee to be charged
2	
(ii) Criminal complaints.	Rs. 5/-
(iii) Miscellaneous applications in case.	Rs. 2/-
(iv) Any other application not otherwise provided for in these rules.	Rs. 2/-
(v) Application for sitting aside an exparte decision :	Rs. 5/-

Provided that no fee shall be charged from a party or witness for enquiring orally or by application with the date fixed for the hearing of the case.

(2) An application for obtaining a copy of the records of a Panchayati Adalat before the consignment of such records under these rules shall be made to the Chairman of the Panchayati Adalat and shall be accompanied with a fee Rs. 2/-

(3) Copying fees shall be charged at the rate of Rs. 2/- or Rs. 4/- for every 200 words and fraction thereof according as the copy applied for, is ordinary or urgent.

(4) Urgent copies shall ordinarily be delivered to the applicant within 24 hours of the receipt of the application.

133. *Payment of fee in advance.*—While making an application for a copy, the application shall pay sum likely to cover the copying fee, but if at any time it is found that sum so paid falls short of the copying fee the applicant shall be required to pay the deficiency before the delivery of the copy to him.

134. *Preparation and delivery of the copy.*—The Chairman shall get the copy applied for prepared on paper and certify it to be a true copy under his signature and seal, and deliver it to the applicant or his duly authorised agent and also refund to him the balance if any left out of the sum paid under rule 79 after meeting the copying fee.

135. *Credit and disbursement of fees.*—All the fees chargeable under these rules shall be paid in cash to the Adalati Assistant who shall forthwith

give a receipt under his signature for each fee received.

136. *Examination of parties and their witnesses.*—(1) At the hearing of a suit, a Panchayati Adalat or bench thereof may first examine the parties to ascertain their cases and to find out what the points of difference between them are. In taking evidence the Panchayati Adalat or a bench thereof shall first examine the plaintiff or the applicant on his witness and afterwards the defendant or the non-applicant and his witnesses, as the case may be while trying a criminal case, the Panchayati Adalat or a bench thereof shall first explain to the accused the charge or charges made against him and record the prosecution evidence and then examine the accused and record the evidence :

Provided that if in a criminal case an accused makes a clear and voluntary confession of the guilt, he shall be convicted without recording any evidence while in a civil case if the claim of the plaintiff or the applicant is totally admitted by the other party it will not be necessary for Panchayati Adalat or a bench thereof to record any evidence.

(2) Each party shall be allowed to cross examine the other party except an accused and the witnesses produced just after the Examination-in-Chief. But the Panchayati Adalat or a bench thereof may, either of its own motion or the request of any party, examine any person at any stage of the proceedings before passing final orders and in such a case each party shall be entitled to put questions to the person so examined.

(3) Before examining any person except an accused a Panchayati Adalat or a bench thereof shall administer him the following oath or if the person is willing to make an oath in any other form to which peculiar sanctity is attached in the locality, then in such other forms ; "I shall state the truth and nothing but the truth to help me God."

137. *Enquiry into and question of title or right.*— In matters involving a question of title or right under the personal law of the party, the Panchayati Adalat or a bench thereof shall make only a summary enquiry and shall not enter into intricate questions of title based on civil and personal laws. In case of any doubt or difficulty, it may make a reference to the Tehsildar having jurisdiction and shall act thereafter according to his findings.

138. *Issue of commission.*—(1) The Chairman of a Panchayati Adalat may issue commission to a member of the Panchayati Adalat or to a member of any other Panchayati Adalat in whose jurisdiction the witness resides for

the examination of any witness if he considers that the examination of the witness is necessary in the ends of the justice and that the attendance of such witness cannot be procured without any amount of delay, expence or inconvenience which under the circumstances of the case would be unreasonable.

(2) The member of the Panchayati Adalat receiving the commission shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner as that of a witness and may for this purpose exercise as the powers of a Panchayati Adalat.

(3) The parties to the case in which a commission is issued may respectively submit any interrogatories in writing, which the Chairman directing the commission may think relevant to the issue, and he shall forward such interrogatories alongwith the commission and the member of the Panchayati Adalat to whom the commission is directed or to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(4) Any such party may appear such member either personally or through any friend or relation who has been duly authorised in this behalf and may examine, cross-examine, as the case may be, the said witness.

(5) After a commission has been duly executed it shall be returned together with the deposition of the witness examined thereunder to the Chairman, who issued it. The deposition shall be open at all reasonable times to inspection of the parties and may, subject to all exceptions, be ready in evidence in the case by either party and shall form part of the record.

In every case in which a commission is issued the proceedings may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

(6) Any order for the issue of a commission for the examination of a witness may be made by the Panchayati Adalat or a bench thereof either of its own motion or on the application of any party to the case of the witness to be examined.

(7) Before issuing a commission, the Panchayati Adalat or a bench thereof may order such sum, if any as it thinks reasonable for the expenses of the commission, to be paid to it by the party at whose instance or for

whose benefit the commission is issued within such time as may be fixed.

139 *Issue of summons.*— Every summons issued by a Panchayati Adalat or a bench thereof shall be in duplicate and in Form 9. It shall specify the time, date and place at which the person is required to attend and also whether his attendance is required as an accused, a defendant, judgement debtor or as other party or a witness and whether for the purpose of giving or to produce a document or for other purposes. If any particular document is to be produced, it shall be described in the summons or notice with reasonable accuracy. The fee of the summons shall be Rs. 2/- each and it shall be realized from the party on whose behalf the summons is issued.

140. *Summons to produce a document.*— Any person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.

141. *Service of summons.*— If the person on whom the summons is to be served is within the jurisdiction of the Panchayati Adalat the procedure outlined in rules 139 and 140 shall be followed.

142. *Person charged with process of serving.*— The summons shall be served ordinarily to the Chowkidar but the Chairman in his discretion may cause it to be served by any other person.

143. *Method of service within jurisdiction.*— The summons shall be served by delivery to the person concerned whose signature or thumb impression shall be taken on the duplicate. If the person concerned cannot be found or if it appears that he is evading service the Chairman or the bench of the Panchayati Adalat may order that the summons may be served on adult male member of the family residing within or affixed in presence of two witnesses to some conspicuous part of the house in which the person ordinarily resides. The summons shall thereupon be deemed to have been served on the person concerned.

144. *Method of service outside jurisdiction.*— (A) If the person to be summoned by Panchayati Adalat or a bench thereof in a case resides outside its jurisdiction, the Panchayati Adalat or a bench thereof shall send summons by post or otherwise to the Panchayati Adalat within whose jurisdiction the person on whom it is to be served resides and such Panchayati Adalat shall cause it to be served as it were its own summons and shall return the duplicate

to the Panchayati Adalat or a bench thereof concerned. If the person summoned is a witness, the Panchayati Adalat shall require the person at whose instance the summons is to be issued to deposit diet money payable to the witness under these rules before the summons is issued. The amount of the diet money shall be noted on the summons and shall be paid to the witness on his appearance.

(b) A summons issued by a Panchayati Adalat or a bench thereof on its own motion on a person who resides outside its jurisdiction shall be sent to the Panchayati Adalat concerned by post or otherwise, and shall contain a note that it has been issued by the Panchayati Adalat, or a bench thereof and that diet money shall be paid by the Panchayati Adalat, or a bench thereof to the witness on his appearance.

145. *Refusal to summon a witness.*— A Panchayati Adalat or a bench thereof may refuse to summon a witness if, in its opinion, his attendance cannot be procured without any amount of delay, expense or inconvenience which in the circumstances, would be unreasonable.

146. *Return of documents.*— If any document is produced before a Panchayati Adalat it shall be noted and endorsed by the Panchayati Adalat or a bench thereof. Documents other than those on which a case is based shall be returnable after the final disposal of the case to the parties filing them.

147. *Diet money defined.*— Diet money consists of—

- (i) Daily allowance and /or
- (ii) Travelling expenses

and is intended to re-imburse witnesses for the reasonable expense incidental to their attendance before the Panchayati Adalat or a Bench thereof.

Daily allowance and or travelling allowance shall be paid to the witnesses out of the diet money deposited by the person on whose behalf the witnesses have been summoned. It shall be disbursed by the Adalati Assistant under orders of the Chairman, Panchayati Adalat or a Bench thereof at the

following rates considering the status of the witness :—

(i) Daily allowance Rs. 15/- per day or the daily labour rate in the vicinity concerned.

(ii) Travelling allowance for a journey by road actual expenses incurred.

Provided that for journeys by foot one rupee per Km. shall be paid :

(iii) Travelling allowance for journey by Rail—one and 1/3rd railway fare at IInd class rates.

(iv) If a servant or officer of the Government or a local body is summoned as a witness, his daily and travelling allowances shall be governed by the rules of the Government or the local body as the case may be, if there are no rules for any local body in this connection the daily and travelling allowances shall be determined by the Panchayati Adalat or Bench thereof.

148. *Payment of fine or compensation.*— The fine imposed or the compensation granted by a Panchayati Adalat or a Bench thereof shall be deposited to the Adalati Assistant and he shall give a receipt for the amount.

149. *Diet money from Panchayat funds.*— When a Panchayati Adalat or a Bench thereof summons a witness on its own motion and such witness resides beyond its jurisdiction, it shall pay diet money to the witness out of its funds.

150. *Register of diet money and issue of receipt.*— Whenever diet money is deposited the Adalati Assistant shall give a receipt to the person depositing it and shall forthwith enter in the register of diet money in Form 10.

151. *Power of investigation.*— The Panchayati Adalat or a Bench of any member thereof duly authorised in this behalf may, for ascertaining facts conducive to the proper disposal of the case or reference enter upon any land or building at any time between sunrise and sunset after giving twelve hours notice to occupier, or when there is no occupier, to the owner of such land, building or in his absence his representative and if the land or building is in the occupation of persons who according to the custom of the locality do not appear in the public, due notice be given to them to withdraw.

152. *Judgement, order or decree.*—(1) After ascertaining the facts of the case by examining the parties, their witnesses and documents produced, if any, and by any other lawful means in its power, the Panchayati Adalat or a bench thereof shall record brief judgement and the final order under the signatures of the members. The judgement shall be read in the open court and signature or thumb impressions of the parties present will be taken on it as far as possible which shall form part of the record. The judgement, and if the case is a civil one, a decree shall be drawn up in terms of the judgement.

(2) Soon after a suit or a case entrusted to a bench of a Panchayati Adalat is finally disposed of by the bench the complete file of the case or suit, as the case may be, shall be forwarded to the Chairman of the Panchayati Adalat for further necessary action.

153. *Execution of decrees.*—(1) The holder of a decree or order may put in an application for its execution on payment of a fee of Rs. 5/- before the Panchayati Adalat which passed the decree. The fee so paid shall be included in the costs.

(2) If the property of the defendant or opposite party against whom the execution application has been presented is not situated outside the jurisdiction of the Panchayati Adalat, it shall issue a notice to defendant or opposite party requiring him to comply with the decree or order within 30 days of the receipt of notice. If the decree is not complied with within the said time or such further time not exceeding two months as the Panchayati Adalat may deem fit to allow it shall forward the decree or order for execution in accordance with the provisions of sub-section (2) of section 71 of the Act in Form 8.

(3) If the property of the defendant or opposite party against whom the execution application has been presented is situated outside the jurisdiction of the Panchayati Adalat, it may either itself proceed in the manner laid down in sub-rule (2) above or transfer the decree or order for execution as provided in sub-section (2) of section 71 by sending copy of the execution application together with a copy of the decree or order to the Panchayati Adalat or the District Panchayat Officer having jurisdiction as the case may be, and the Panchayati Adalat or the District Panchayat Officer having jurisdiction to whom the decree or order is transferred for execution shall issue a notice to the defendant or opposite party in the manner provided in sub-rule (2). If the decree or order is not complied within the period specified in the notice or within such further time not exceeding two months as may be allowed, the Panchayati Adalat or the District Panchayat Officer as the case

may be shall execute the same as it were a decree or order passed by him.

(4) Where any fine is imposed or compensation granted or maintenance allowed or a penalty imposed or damages awarded under Chapter XIII of the Act, the Panchayati Adalat shall issue a notice to the concerned requiring him to comply with the order or decision of the Panchayat within 30 days of the receipt of the notice. If the recovery thereof is not made within the aforesaid period or such further period not exceeding two months as the Panchayati Adalat may deem fit to allow, it shall forward the recovery case to the District Panchayat Officer, who shall thereupon execute the decree or order as if it were a decree or order passed by himself. To facilitate the speedy disposal of the execution of decree or order etc. passed by the Panchayati Adalat the Director, Rural Development may direct that the Inspector Panchayats, at the Headquarter of each Block may function in addition to his own duties as "Parokar" in the concerned court on behalf of the Panchayati Adalat.

154. *Applications under section 74.*—(1) Before entertaining an application under sub-section (2) of section 74 and calling for the record of the case from a Panchayati Adalat at the instance of any party, the authority concerned shall direct the applicant to deposit a fee of Rs. 10/- together with money order charges for this purpose and shall send the amount alongwith a requisition for the required record to the Chairman of the Panchayati Adalat concerned.

(2) The Chairman of the Panchayati Adalat shall, within a week of receipt of the above requisition and fee, send the required record either by registered post acknowledgement due or by any other means to the authority concerned :

Provided that the record of the case called for by an authority concerned of its own motion shall be sent to it at the cost of the Panchayati Adalat within a week of the receipt of its requisition.

CHAPTER X

155. *Construction of the new buildings or extension or alteration of any existing buildings.*— (1) No person shall construct or re-construct or commence to construct or re-construct a house or building or extend or alter any existing house or building within the Panchayat area without the previous approval of the Halqa Panchayat.

(2) Every person, who intends to construct or reconstruct any house or building or extend or alter the existing house or building shall give notice in writing to the Halqa Panchayat of such intention.

(3) The application for building purposes shall be accompanied by the site plan, ownership right and construction map.

(4) No notice shall be considered to be valid until the information/site plan and the specification of the house or building has been furnished to the satisfaction of the Halqa Panchayat.

(5) A Halqa Panchayat may sanction the construction or reconstruction of any house or building or extension or alteration of an existing house or building either absolutely or subject to such modification as it may deem fit and issue written permission alongwith a sanctioned copy of the site plan to the concerned within 30 days from the receipt of the valid notice, which shall hold good for a period of one year from the date of sanction.

(6) If a Halqa Panchayat neglects or omits to accord sanction within 30 days of the receipt from any person, of a valid notice of such persons intention to construct or re-construct a house or building or extend or alter the existing house or building, the sanction shall, except in so far as it may contravene the by-laws, be deemed to have been accorded unless the land on which it is proposed to construct or re-construct, extend, alter such house or building belongs to or vests in the Halqa Panchayat or the Government.

(7) A Halqa Panchayat shall decide upon the application within a period of one month. For refusal the Panchayat shall record the reasons in writing.

156. *Penalty.*—If a person is found constructing or re-constructing or commencing to construct or re-construct any house or building or extending or altering any existing house or building without the proper permission of the Halqa Panchayat, he shall be punishable by the Panchayati Adalat with a fine not exceeding Rs. 50/- and if the breach is a continuing one with a further fine which may extend to Rs. 20/- everyday after the date of the first conviction during which the offender is proved to have persisted in the offence and in case the construction or re-construction extension or alteration is not removed within ten days of the date of first conviction the Halqa Panchayat

may arrange demolition of the unauthorisedly constructed house or building or extension or alteration of an existing house or building at the cost of the offender.

157. *Defacement.*— (1) No person shall deface, otherwise spoil or damage any building, public street or appurtenances thereto or any other property belonging to or vested in the State or any local authority or Halqa Panchayat or being under the control of the Halqa Panchayat.

(2) No person shall stick bill, advertisement or notice of any kind upon any building or property without the written permission of the Sarpanch.

(3) No person shall make or cause to be made a drain or water course on or across a public street belonging to or vested in the Halqa Panchayat without the written permission of the Halqa Panchayat and in the manner directed by it which may be granted on the following conditions namely : —

- (i) no person who had received a permit shall construct the drain in such a way which may interfere with the easy passage of traffic over it.
- (ii) no person shall let obstruction remain on any public street or dig or in any way damage, destroy, encroach upon or change the situation or shape, of any road, fence, culvert, drain or boundry stone.
- (iii) no person shall be entitled to use or occupy any public street or place for the sale of articles or for the exercise of any calling or for the selling of any stuff without the permission of the Panchayat.
- (iv) no person shall without the permission of the Panchayat collect any market toll on public street.

158. *Sanitation conservancy and drainage.*— (1) No person shall deposit or store or cause to be deposited or stored filth, manure, rubbish, refuse, garbage, night soil, carcasses or other offensive or putrid matter on any land within 50 metres of a public place, street, lane, place of worship, well or tank, otherwise than in places marked for the same by the Halqa Panchayat in suitably sized pits atleast 4 feet deep with a covering of 12 ft. of earth all over so as to prevent effectively odour, nuisance, fly breeding and unsightly appearance. The pits shall be at sites appointed by the Halqa

Panchayat for the purpose, and shall be within easy reach of the house from which collections are brought.

(2) A Halqa Panchayat may by notice require the owner or the occupier of a building or land, which has for any reason been abandoned or neglected and is likely to become a public nuisance or to impair the health, safety, and convenience of the inhabitants of the surrounding area, to secure and enclose the same within one month from the date of the receipt of the notice.

(3) For the convenience of ladies, a Halqa Panchayat shall reserve some suitable places for defecation and fix time both in the morning and evening. The time so fixed shall not be less than two hours in the morning and two hours in the evening.

(4) A Halqa Panchayat shall change such place and time in accordance with the season of the year.

(5) During the time so fixed no male person shall be allowed to go towards the places reserved for ladies.

(6) Without written permission of the Halqa Panchayat no one shall be allowed to carry on dyeing and tanning of skins within 220 metres of the ABADI or 50 metres of any public place.

(7) Dyeing and tanning of skins shall be carried out in an enclosure whose wall will be at least 6 ft. high.

CHAPTER XI

PENALTIES

159. *Penalties.*— Whoever does or abets the doing of any act in contravention of any of the provisions of the Act or rules or any by-laws or licence issued thereunder for which no specific penalty has been provided shall be punishable by the Panchayati Adalat with fine which may extend to Rs. 50/- and when the breach is a continuing one a further fine which shall extent to Rs. 5/- for every day after the first conviction during which an offender is proved to have persisted in the offence.

By order of the Government of Jammu and Kashmir.

(Sd.) ,

Secretary to Government.

FORM No. 1

[See rules (9 & 11)]

NOMINATION PAPER

Block _____ District _____

Part I

I _____ nominate my self as a candidate for election to the Sarpanch/Panch from _____ Constituency of Panchayat Halqa _____

I hereby declare :-

- a) That my name is entered at S. No. _____ of electoral roll for _____ constituency of _____ Panchayat Halqa.
- b) That I have completed _____ years of age.
- c) That I am set up at this election by the _____ party which is recognized National/State Party in the State of Jammu & Kashmir and the symbol reserved for the above Political Party be allotted to me.
- d) That I am not set up by any recognized Party and my choice of symbol in order of preference is :
- (i) _____ (ii) _____ (iii) _____
- Date _____

(Signature of the Candidate)
Name of the candidate
(in block letters)
Postal address

Part III

Authorisation of Agent

I _____ a candidate at the above election hereby authorise _____ (name) _____ (full postal address) to deliver this nomination paper.

Signature of candidate

Place _____

Date _____

**DECISION OF RETURNING OFFICER
ACCEPTING OR REJECTING THE NOMINATION PAPER**

I have examined this nomination paper in accordance with the Jammu and Kashmir Panchayati Raj Act, 1989 and Rules made thereunder and decide as follows :—

Returning Officer

(Receipt for Nomination Paper)

The nomination of _____ a candidate for election
as a Panch to the Halqa Panchayat/ _____ was delivered
to me on _____ at _____ A. M./P. M.

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by _____

a candidate of the Halqa in the Halqa _____

for constituency No. _____ was _____

delivered to me by the said candidate at my office at _____

(hour) on _____ (date)

Returning Officer

102

FORM NO. 2

[See Rule 12]

NOTICE OF WITHDRAWAL

Election to the Halqa Panchayat _____

From Constituency No. _____

To _____

The Returning Officer,

I _____ S/o _____ a candidate
nominated at the above election do hereby give notice that I withdraw my
candidate.

Place _____

Date : _____

Signature of the candidate

This notice was delivered to me at my office at _____
_____ (hours) on _____ (date) _____ by _____
_____ (name) the candidate.

Date : _____

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWALS

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidate by _____

S/o _____ a candidate at the election to the Halqa
Panchayat _____ for constituency No. _____ was
delivered to me by the said candidate at my office at _____
(hour) on _____ (date).

Returning Officer

FORM NO. 3

[See rule 38]

ELECTION RESULTS

Panchayat Halqa _____ Block _____

I declare the following as having been elected as Panch from the Constituency indicated against each to the halqa Panchayat, _____

S. No. Name of the Panch _____ Name of the Constituency _____

1. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
2. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
3. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
4. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
5. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
6. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
7. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____
8. Mr/Mrs _____
S/O/D/O/W/O _____
R/O _____

Signature of the
Returning Officer

Date : _____ day of _____ 200

FORM NO. 4

[See rule 74 (1)]

OATH OF AFFIRMATION

I
 having been elected/nominated a Sarpanch/Panch of Halqa Panchayat/
 Member in Panchayati Adalat/Chairman, Block Development Council
 do swear in the name of God/solemnly affirm that I will duly
 and faithfully and to the best of my ability , knowledge and judgement perform
 the duties of my office without fear or favour or affection or ill-will.

Signature

FORM NO. 5

[See rule 77]

MINUTES OF THE MEETING OF THE HALQA
PANCHAYAT

----- BLOCK ----- DISTRICT -----

No.	Date of meeting	Member present		Meeting held under the Chair- manship of	Detail of preceding of the meeting	Signature of the members present
		S. No.	Name Desig.			
					S. Sub. Decision No. taken.	
1	2	3		4	5	6

FORM NO. 6

[See rule 131]

REGISTER OF SUITS UNDER SECTION 57 OF THE ACT

S. No.	Date of institution	Description & value of civil suit	Value of the suit	Name, parentage & residence of the plaintiff	Name, parentage & residence of the defendant	Fee recovered	Court fee	Summon fee	Total
1	2	3	4	5	6	7			

Signature of the applicant/ plaintiff	Signature of the Chairman of the Panchayati Adalat	Date of decision	Brief summary of the decision	Signature of member of Panchayati Adalat/Bench
8	9	10	11	12

FORM NO. 7

[See rule 131]

REGISTER OF CASES UNDER SECTION 57 OF THE ACT

S. No.	Date of institution	Nature of offence in a criminal case	Offence	Name, parentage and residence of the complainant
--------	---------------------	--------------------------------------	---------	--

1	2	3	4	5
---	---	---	---	---

Name, parentage and residence of the accused	Fee recovered	Signature of the applicant/complainant
	Court fee	Summon fee

6	7	8
---	---	---

Signature of the Chairman of the Panchayati Adalat	Date of decision	Brief Summary of decision	Signature of members of Panchayati Adalat/Bench
--	------------------	---------------------------	---

9	10	11	12
---	----	----	----

FORM No. 8

[See rule 153 (2)]

OFFICE OF THE PANCHAYATI ADALAT

BLOCK DISTRICT.....

To

District

No.

Dated :

Subject :— Execution of Decree/Order passed in the suit/case entitled

Shri V/s Shri

Sir,

Respectfully I beg to state that in the aforesaid case below mentioned amount is recoverable on account of Decree/Fine/Harzana from the person/persons mentioned below. The Panchayati Adalat has tried its best to execute the said decree/order, but has failed in doing so. You are, as such, requested to execute the decree/order in accordance with the provisions of sub-section (2) of section 71 of the Jammu and Kashmir Village Panchayati Raj Act, 1989. The amount of the Decree/Fine/Harzana etc., after having been recovered may kindly be remitted to the Panchayati Adalat.

S. No.	Name of the person with parentage and residence from whom recovery is to be made	Amount recoverable			Remarks
		Decree/Fine/Harzana	Com- pen- sation	Other Misc. Total Char- ges	
1	2	3		4	
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Grand Total :

Signature of Chairman,
Panchayati Adalat

FORM NO. 9

[See rule 139]

In the Court of Panchayati Adalat/Adalati Bench.....

..... Block District

Suit for/offence under section.....

.....Addressed to..... S/o.....

R/o.....

Your attendance with regard to the above noted suit/offence is found necessary before the court of Panchayati Adalat/Adalati Bench.....

.....at.....

.....on.....at.....

in your capacity asfor your reply/witness.

You are directed to produce a documents/witness and proof in this court on the scheduled date of hearing.

Take notice that in default of your appearance on the day mentioned above, the suit or case will be heard or determined in your absence (ex-parte).

Issue under the seal of the Panchayati Adalat/Adalati Bench this day the.....of.....200.....

Panchayati Adalat

This may be returned in original duly noted upon.

FORM NO. 10

[See rule 147]

REGISTER OF DIET MONEY

Name of the Panchayati Adalat

Block.....District.....

No. of pagescommencing from

concluding

S. No.	Date of deposit	Name with parentage and residence of the depositor	Amount deposited
--------	-----------------	--	------------------

1	2	3	4
---	---	---	---

Reference of the suit or case in which witness required	Registration No. of the suit or case	Details of the amount deposited		
		S. No.	Name with parentage & residence of the witness	Amount payable

5	6	7	8
---	---	---	---

Date on which the witness attended the Court/Bench	Amount paid		Signature of the Recipient	Signature of the Chairman
	Date	Amount		

9	10	11	12
---	----	----	----

FORM NO. 11

[See rule 89]

BUDGET ESTIMATES OF INCOME AND EXPENDITURE OF HALQA PANCHAYAT FOR THE YEAR

HALQA PANCHAYAT

INCOME

Head of receipt	Actuals of preceding year	Sanctioned estimates for the current year	Actual receipts for the first six months of the current year	Budget estimates for the next year	Remarks
1	2	3	4	5	6

1. Opening balance

2. Fines and compensations received
by the Panchayat under the Act.

3. Receipts on account of taxes, tolls and
other duties levied.

	1	2	3	4	5	6
4. Sums contributed by Government.						
5. Grant-in-aid, if any.						
6. Donation by private persons.						
7. Sanitation cess levied on revenue paying land within Panchayat area.						
8. Commission and collection of land revenue if so ordered by Government.						
9. Sale proceeds of dust, dirt, bones, dung, refuse (including the dead bodies of animals).						
10. Proceeds of Nazul property as the Government may direct to be placed to the credit of Panchayats.						
11. Sums received by way of loan, subscription or gifts.						

	1	2	3	4	5	6
12.	Income derived from village fisheries, nurseries or any other property maintained by the Panchayat.					
13.	Income from cattle pound.					
14.	Income from sand, bajri and stone from Nullahs and Quarries.					
15.	Adda fee.					
16.	Any other sums which the Government may assign to the Panchayat.					
17.	Amount recoverable.					
18.	Misc. Receipt.					

EXPENDITURE

Account	Actuals of the preced- ing year	Sanctioned estimates for the current year	Actual receipts for the first six months of the current year	Budget estimates for the next year	Remarks
1	2	3	4	5	6
1. GENERAL :					
(a) Administration Charges :					
(i) Pay of officers					
(ii) Pay of establishment					
(iii) Contingencies					
(iv) Payment for Audit					
(b) Collection Charges :					
(i) Pay of establishment					
(ii) Contingencies					
2. EDUCATION :					
(i) Pay of establishment					
(ii) Contingencies					
(iii) Library and Reading Rooms					
(iv) Miscellaneous					

1	2	3	4	5	6
3. MEDICAL AND HEALTH :					
	(i) Pay of establishment				
	(ii) Contingencies				
	(iii) Maternity & Child Welfare				
	(ii) Miscellaneous				
4. PUBLIC WORK :					
	(i) Contructions				
	(ii) Repairs				
	(iii) Miscellaneous				
5. AGRICULTURE, ANIMAL HUSBANDRY, COMMERCE COTTAGE INDUSTRIES.					
6. CREATION OF REMUNERATIVE ASSETS :					
	(i) Pay of establishment				
	(ii) Contingencies				
	(iii) Other expenditure				

	1	2	3	4	5	6
--	---	---	---	---	---	---

7. PLANTATION ORCHARDS &
NURSERIES :

- (i) Pay of establishment
- (ii) Contingencies
- (iii) Other Expenditure

8. MISC. EXPENDITURE

9. EXTRAORDINARY DEBT :

- (i) Repayment of Loan
- (ii) Deposit
- (iii) Other assistances

10. CLOSING BALANCE.

FORM NO. 12

[See rule 95 & 100]

**HALQA PANCHAYAT FUND ACCOUNT
(GENERAL CASH BOOK)**

General Cash Book of Halqa Panchayat _____

Block _____ District _____

Nc. of pages _____ Commencing _____

concluded on _____

RECEIPTS

S.No.	Date	Particulars of receipts	Amount paid	Remarks
1	2	3	4	5

DISBURSEMENTS

S. No.	Date	Voucher No.	Particulars of expendi- ture	Amount Rs. P.	Remarks
1	2	3	4	5	6

FORM NO. 13

[See rule 98 (1)]

STOCK BOOK

Name of the Halqa Panchayat

Block.....District.....

No. of pages.....commencing from.....

ending on.....

Name and description of the articles.....

S. No.	Date of purchase/ receipts	Name of articles	No. of articles	Source of receipts
1	2	3	4	5

Initial cost	Initial of the Sarpanch/ Chairman and Secretary/ Adalati Asstt.	Details and No. of articles disposed off.	Date of disposal
6	7	8	9

Value realised	Initial of the Sarpanch/ Chairman and Secretary/ Adalati Assistant.	Remarks
10	11	12

FORM NO. 14*[See rule 67]***ASSESSMENT LIST**

Name of the Halqa Panchayat _____

Block _____ District _____

Total No. of pages _____ commencing from _____

concluding on _____

Signature of Secretary.

Signature of Sarpanch.

Proposed assessment

Result of appeal, if any

-
1. S. No.
 2. Name of the village
 3. House No.
 4. Name of the assessee with father's name.
 5. Address of assessee
 6. Nature of tax/fee
 7. Amount of fee/tax assessed
 8. Description of property on which tax/
fee is assessed.
 9. Signature of Sarpanch and Secretary Panchayat.
 10. Total amount of tax or fee assessed
 11. Amount reduced or enhanced
 12. Amount of tax payable
 13. If exempted, grounds of exemption.
 14. Signature of Sarpanch and Secretary Halqa Panchayat
-

FORM No. 15

[See rule 62 (1)]

DEMAND AND COLLECTION REGISTER

NAME OF THE HALQA PANCHAYAT _____ BLOCK _____ DISTRICT _____

Signature of Secretary

Signature of Sarpanch

120

Demand year Arrear demand for the collection

Permission Balance

S. No.	S. No. of assessment list.	Village	Name of the assessee with his father's name	Address of the assessee or his house No.	Year	Amount	Tax Fee Total
1	2	3	4	5	6	7	

Total demand including arrears	Date of payment	No. of receipt	Year	Amount Tax/Fee	Total collection during the year
8	9	10	11	12	13

No. and date of order	Amount Tax/Fee.	Year	Amount Tax/Fee.	Signature of Sarpanch	Remarks
14	15	16	17	18	19

FORM NO. 16*(See rule 20)***Counterfoil**

Panchayat _____

Constituency _____

S. No. _____ (Machine Numbered) _____

Signature/Thumb impression of Elector

Ballot Paper

Panchayat _____

Constituency _____

S. No. _____ (Machine Numbered) _____

S. No.	Symbol	Name of Candidate
--------	--------	-------------------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

I agree to act as such authorised agent.

Signature of Candidate

Place _____

Date _____

Part IV

This nomination paper was delivered to me at my Office at _____
 _____ (date) by the candidate/authorised agent.

Returning Officer
 Decision of Returning Officer
 Accepting or Rejecting nomination paper

I have examined this nomination paper in accordance with the provision of Jammu and Kashmir Panchayat Raj Act, 1989 and rules made there under and decide as under :—

Date _____

Returning Officer

Receipt for nomination paper and notice of scrutiny (to be handed over to the person presenting the nomination paper).

The nomination paper of _____ a candidate for election of Sarpanch/Panch from constituency was delivered to me at my office at _____ (hours) on _____ (date) _____ by the candidate/authorised agent. All nomination papers will be taken up for scrutiny at _____ (hours) _____ on _____ (date) at _____ along with security deposit of Rs. _____ in the form of bank draft. cash.

Place _____

Date _____

Returning Officer

FORM NO. 18

[See rule 30 (3)]

TENDERED VOTER LIST FOR THE ELECTION OF _____

PANCH _____ CONSTITUENCY _____

S. No.	Name of voter	Number in Electoral Roll	Signature/Thumb Impression of voter
--------	---------------	-----------------------------	--

1	2	3	4
---	---	---	---

1.

2.

3.

4.

5.

6.

Dated : _____

Signature of the
Presiding Officer

FORM NO. 19

[See rule 31]

CHALLENGED VOTER LIST FOR THE ELECTION OF _____ POLLING STATION _____

Name of Panchayat	Number of Electoral Roll	Name and address	Signature/Thumb impression of voter	Name of identifier, if any	Name of challenger	Order of presiding Officer in each case
1	2	3	4	5	6	7

Dated : _____

Signature of the
Presiding Officer

FORM NO. 20

[See rule 95 (4)]

GENERAL RECEIPT BOOK

Halqa Panchayat/Panchayati Adalat
Block _____ District _____
Book No. _____ Receipt No. _____
Dated : _____
Received Rs. _____
(in words _____)
on account of _____
from Shri _____
S/o (Designation) _____
R/o _____

Secretary, Halqa Panchayat/
Adalati Assistant

Ledger Account No. _____
Cash Book Page No. _____

FORM NO. 20

[See rule 95 (4)]

GENERAL RECEIPT BOOK

Panchayat/Panchayati Adalat
Block _____ District _____
Book No. _____ Receipt No. _____
Dated : _____
Received Rs. _____
(in words _____)
on account of _____
from Shri _____
S/o (Designation) _____
R/o _____

Secretary, Halqa Panchayat/
Adalati Assistant

FORM NO. 21

[See rule 62 (1)]

REGISTER OF CATTLE IMPOUNDED AT

HALQA PANCHAYAT

BLOCK

DISTRICT

S. No.

Date and time of entry

Date

time

Kind of cattle
impounded

Identification mark of cattle
impounded

5

1 2 3 4

Number of cattle impounded

Name of the owner
(if known)

Name, parentage and residence
of the person who impounded

Name

Parentage

Residence

6

7

8

Brief description of
damage caused by
cattle impounded

Reference of
receipt No.

Signature of the
person who im-
pounded the cattle

Signature of pound-
keeper/contractor
or his agent

Remarks

9

10

11

12

13

FORM NO. 22

[See rule 62 (D)]

REGISTER OF CATTLE RELEASED/AUCTIONED AT CATTLE POUND

HALQA PANCHAYAT _____ BLOCK _____ DISTRICT _____

S. No.	Date and time of cattle released/auctioned	Kind of cattle auctioned/released	Identification mark of cattle released/auctioned
1	2	3	4

No. of cattle released/auctioned _____ Period for which remained in the cattle pound. _____

128

Diet money charged

Fine imposed

5	6	7	8

Total of columns 7 & 8

Reference under which case of unclaimed cattle forwarded to the Panchayati Adalat for auction.

Money received by auction

9	10	11

Acknowledgement of the cattle by the owner or his agent.

Name, parentage and residence of the owner or his agent.

Name Parentage Residence

12

13

Signature of the cattle pound-keeper/
Panch/contractor or his agent.

Reference of cash book
entry of the Panchayat

Reference of cash
receipt book

Item No. Page No. Date

Item No. Page No. Date

14

15

16

FORM NO. 23

[See rule 62 (1)]

Receipt Book of cattle impounded in the Cattle

Pound _____ Panchayat _____
 Block _____ District _____
 Book No. _____ Receipt No. _____ date _____
 Name of person who impounded _____
 Parentage _____
 Residence _____
 Kind of cattle _____
 Identification mark of cattle _____
 No. of cattle _____
 Brief description of the damage caused by the cattle
 impounded _____
 S. No. of the Register of cattle impounded _____
 Received the cattle mentioned above today
 the _____ 200 _____ at _____ am/pm.

Signature of Pound-keeper/
 Panchayat/contractor or his agent

FORM NO. 23

[See rule 62 (1)]

Receipt Book of cattle impounded in the Cattle

Pound _____ Panchayat _____
 Block _____ District _____
 Book No. _____ Receipt No. _____ date _____
 Name of person who impounded _____
 Parentage _____
 Residence _____
 Kind of cattle _____
 Identification mark of cattle _____
 No. of cattle _____
 Brief description of the damage caused by the cattle
 impounded _____
 S. No. of the Register of cattle impounded _____
 Received the cattle mentioned above today
 the _____ 200 _____ at _____

Signature of Pound-keeper/
 Panchayat/contractor or his agent

FORM NO. 24

REGISTER OF AGENDA

HALQA PANCHAYAT		BLOCK	DISTRICT
S. No.	Date of receipt of the proposed Agenda	Name of the Panch proposed Agenda	Summary of proposed Agenda
1	2	3	4

Date, time & place of the discussion in the proposed	Reference of the notice under which members have been informed	Signature of Secretary/ Sarpanch	Remarks
5	6	7	8

FORM NO. 25

LEDGER ACCOUNT

HALQA PANCHAYAT _____ BLOCK _____ DISTRICT _____

(Alongwith index pages)

Ledger Account of _____

S. No.	Date	Reference of the cash book specify the pages	Particulars	Credit	
				Rs.	P.
1	2	3	4	5	

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Debit		Balance	
Rs.	P.	Rs.	P.

Remarks

6	7	8
---	---	---

FORM NO. 25-A

REGISTER ISSUE OF TRUE COPIES FROM THE RECORD OF PANCHAYAT/PANCHAYATI ADALAT

BLOCK DISTRICT

S. No.	Date of application for issue of copies	Name of the applicant with parentage and residence.	No. of suit/cases	Reference of the file		
				Kind of file	Reference of the document of which the copies de-manded.	Total No. of words of the documents.

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Reference of the cash receipt book	Copied by	Date of preparation of the copy	Date of attestation of the copy	Date of issue of the copy	Acknowledgement with regard to the receipt of copy by the applicant.
------------------------------------	-----------	---------------------------------	---------------------------------	---------------------------	--

8	9	10	11	12	13
---	---	----	----	----	----

ATTENDANCE REGISTER OF THE ESTABLISHMENT OF THE PANCHAYAT/PANCHAYATI ADALAT

BLOCK _____ DISTRICT _____ FOR THE MONTH OF _____

S. No.	Name with parentage and residence of the servant of the Panchayat/Panchayati Adalat.	Designation	Attendance
1	2	3	4
			1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

FORM NO. 27.

[See rule 109 (5)]

RECORD NOTE OF THE MEETING OF BLOCK DEVELOPMENT

COUNCIL HELD ON _____ AT _____

Presently

Signature

1. Chairman
2. Member
3. Member
4. Member

In attendance

S. No.	Subject for discussion	Recommendation Approved
--------	------------------------	-------------------------

Signature _____

Block Development Officer _____

FORM NO. 28

ACQUITTANCE ROLL OF THE ESTABLISHMENT OF PANCHAYAT/PANCHAYATI ADALAT

BLOCK _____ DISTRICT _____ FOR THE MONTH OF _____ 200 _____

S. No.	Name of the Panchayat/ Panchayati Adalat em- ployee with parentage and residence.	Designation	Pay per month		Allowance per month		Total	
			Rs.	P.	Rs.	P.	Rs.	P.
1	2	3	4	5	6	7	8	9

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Deduction on account of				Net amount payable	Acquittance of the Recipient	Remarks
Absence	Fines	Total				
Rs.	P.	Rs.	P.	Rs.	P.	
7	8	9	10	11	12	

FORM NO. 29

RECEIPT REGISTER OF PANCHAYAT/PANCHAYATI ADALAT

BLOCK DISTRICT

S. No. Date Received from Reference to No. and date Brief description of the reference No. of enclosures Remarks

1	2	3	4	5	6	7
---	---	---	---	---	---	---

FORM NO. 30

DESPATCH REGISTER OF PANCHAYAT/PANCHAYATI ADALAT

_____ BLOCK _____ DISTRICT _____

S. No.	Date	To whom addressed	Brief description of the reference	No. of enclosures	Postage stamps affixed, if any,	Remarks
1	2	3	4	5	6	7

FORM NO. 31

PEON BOOK OF PANCHAYAT/PANCHAYATI ADALAT

_____ BLOCK _____ DISTRICT _____

S. No.	To whom	Reference No.	No. of enclosures	Signature of Recipient delivered	By whom
1	2	3	4	5	6

FORM NO. 32

LIBRARY REGISTER OF PANCHAYAT/PANCHAYATI ADALAT

_____ BLOCK _____ DISTRICT _____

S. No.	Date of receipt	Title of the book	Name of Author	No. of book
1	2	3	4	5

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Cost of each book	Wherefrom received/ purchased	Signature of Sarpanch/ Secretary	Remarks
6	7	8	9

FORM NO. 33

LIBRARY ISSUED REGISTER OF PANCHAYAT/PANCHAYATI ADALAT

_____ BLOCK _____ DISTRICT _____

S. No.	Name of book	No. of the book	Name of person with address to whom issued	Date of issue	Signature of the receiver	Signature of Librarian	Date of return to Librarian	Signature of Librarian
1	2	3	4	5	6	7	8	9
—	Fine recovered for the delay in return of the books		Cost recovered if not returned	Reference of the cash book entry			Remarks	
				Date		Item No.		
10	11		12		13	14		15

FORM NO. 34

REGISTER OF IMMOVABLE PROPERTY

PANCHAYAT _____ BLOCK _____ DISTRICT _____

1. S.No. _____ 2. Name of Village _____
3. Kind of property _____
4. Approximate value of property _____
5. Khasra No. _____ 6. Kind of land _____
7. No. and date of orders regarding payment/mutation possess _____

S. No.	Detailed particulars of the property	Location with village	Value of the property
1	2	3	4

Year of construction	Remarks
5	6

Note :-In this register give.-

1. Khasra number in case of land.
2. Depth and diameter in case of well.
3. Length and breadth in case of roads, ponds and khuls.
4. Size and number of rooms in case of buildings.

FORM NO. 35

REGISTER NURSERY (FRUIT AND NON-FRUIT TREES)

PTY. _____ BLOCK _____ DISTRICT _____

S. No.	Kind of tree/plant	Total No. of trees/ plants existing at the beginning of the year	Seeds sown	
			Quantity	cost
1	2	3	4	

No. of plants germinated during the year	Total Columns 2&5	No. of plants worth graftings	No. of plants Grafted	
			Kind	No.
5	6	7	8	

No. of plants sold			Reference of the cash book entry		No. of plants dried
No.	Rate per Plant	Total cost recovered	Date	Item No.	
9			10		11

Reasons for dryage	Balance at the close of the year	Sign. of the Secretary/ Sarpanch	Remarks
12	13	14	15

FORM NO. 36

RECORD REGISTER OF PANCHAYAT/PANCHAYATI ADALAT

BLOCK DISTRICT

S. No.	Details of files, register etc.	No. of leaves	Name of year	Remarks
1	2	3	4	5

FORM NO. 37

INSPECTION BOOK OF PANCHAYAT/PANCHAYATI ADALAT

BLOCK DISTRICT

S. No.	Date of Inspection	Name & Designation of the Inspect- ing Officer	Inspection Note recorded alongwith signatures of the Inspect- ing Officer	Follow-up action taken with regard to the removal of objections	Remarks
1	2	3	4	5	6

FORM NO. 38

INDEX FORM

Panchayati Adalat _____ Block _____

District _____ Suit/Case No. _____

Date of Institution _____ Date of decision _____

No. of leaves _____

Shri _____ v/s Shri _____

S/o _____ S/o _____

R/o _____ R/o _____

Applicant Plaintiff/Complainant. Non-Applciant/Defendant/Accused.

Kind of file : Civil/Criminal/Administrative

Value of suit Rs. _____

Offence under Section _____ of _____ Act.

Enclosures from _____

Applicant/Plaintiff/Complainant

S. No.	Date of submission	Particulars of the incumbent	No. of leaves	Remaks

Non-Applicant/Defendant/Accused

S. No.	Date of submission	Particulars of the incumbent	No. of leaves	Remarks
--------	--------------------	------------------------------	---------------	---------

Certified that the above entries are correct.

Signature of the
Adalati Assistant

Signature of the
Chairman Panchayati Adalat/Bench

- Note :-1. Each and every suit or case, when received by the Panchayati Adalat shall immediately be entered in the register (Form Nos. 10 and 11)
2. Court fee etc. shall be received at the time of institution of the suit/case against a proper receipt.
3. Subsequently a file for each suit and case be prepared and Index Form be enclosed with each file.
4. Each and every interim decision shall be signed by the Chairman, Panchayati Adalat or the Member of Bench present and the final decision of the each suit/case shall be signed by all the Members of the Panchayati Adalat/Members of the Bench present and who have decided the suit/case.
5. The statement of the parties and witness shall be recorded on separate papers which shall be enclosed with each suit or case.

FORM NO. 39

REGISTER OF DECREES ISSUED BY THE PANCHAYATI

ADALAT _____

BLOCK _____ DISTRICT _____

S. No.	Suit/case number	date of institution of suit/case	Date of decision	Name of decree holder with parentage and residence
1	2	3	4	5

Brief substance of suit/case	Names with parentage and residence of Non-Applicant/Defendant/Accused	Amount of Decree	Other charges recoverable
6	7	8	9

Total	Summary of the final decision	Total No. of leaves of the file	Signature of the Chairman
10	11	12	13

Reference under which the case have been forwarded for execution

Remarks

No. Date D. P. O.

14

15

FORM NO. 40

[See rule 103 (d) and 104 (i)]

FORM FOR NOMINATION FOR ELECTION TO A BLOCK
DEVELOPMENT COUNCIL

PANCHAYAT _____ BLOCK _____ DISTRICT _____

1. Name of the Block Dev.
Council to which Election is
sought _____
 2. Full name of the candidate
with father's name. _____
 3. Address _____
 4. Serial number in the consti-
tuency of the Halqa Panchayat
to which the candidates belongs _____
 5. Number of the Electoral Roll
of the constituency _____
- Date _____

Signature of Candidate.

Name of proposer with S. No. in the voter list _____

Signature of proposer

Name of the seconder with S. No. in the voter list.

Signature of seconder
Halqa Panchayat.

(To be filled in by the Returning Officer)

The nomination paper of _____ S/o _____
_____ a candidate for election of the Block Development
Council _____ was delivered to me on (date) _____
_____ at _____ A. M./P. M. by the candidate
personally or through _____ agent duly authorised by him.
Date : _____

Signature of Returning Officer.

DECISION OF RETURNING OFFICER**Accepting or Rejecting the Nomination Paper**

I have examined this nomination paper in accordance with the Jammu and Kashmir Panchayati Raj Act, 1989 and rules thereunder and decide as follows :-

Date _____

Returning Officer.

Receipt for Nomination Paper

The nomination of _____ candidate for election to the Block Development Council was delivered by the candidate personally or through _____ agent duly authorised by him.

Date : _____

Signature of Returning Officer

FORM NO. 41*[See rule 105 (1)]***NOTICE WITHDRAWAL**

Election to the Block Development Council/Halqa Panchayat

_____ from Panchayat _____

To

The Returning Officer

I _____ S/o _____

a candidate nominated for the above election do hereby give notice that I
withdraw my candidature.

Place _____

Date _____

Signature of the candidate

This notice was delivered to me at my office at _____

_____ (hour) on _____ (date) _____
 _____ (name) the candidate _____

Date _____

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

This notice of withdrawal of candidature by _____

_____ a candidate at the election to the Block Development
 Council/Board _____ Panchayats and Panchayat _____

_____ was delivered to me by the said candidate _____
 at my office at _____ (hour) on _____
 date _____

Date _____

Returning Officer.

FORM NO. 42

[See rule 105 (6) (iii)]

ELECTION RESULT

I declare that _____ S/o _____

R/o _____ has been duly elected as
Chairman Block Development Council. _____

Signature of the Returning Officer

Date : _____ day of _____ 200 _____

EXTRAORDINARY

REGD. NO. JK—33



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 116] Jammu, Wed., the 7th Jan., 2004/17th Pausa, 1925. [No. 40-2

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART—III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—LAW DEPARTMENT

Jammu, the 7th January, 2004.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 5th January, 2004 and is hereby published for general information :—

THE JAMMU AND PANCHAYATI RAJ (SECOND
AMENDMENT) ACT, 2004.

Act No. II, of 2004.

[5th January, 2004].

An Act to amend the Jammu and Kashmir Panchayati Raj Act, 1989.

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

1. *Short title and commencement.* —(1) This Act may be called the Jammu and Kashmir Panchayati Raj (Second Amendment) Act, 2004.

(2) Section 2 of this Act shall come into force from the date of its publication in the Government gazette and section 3 shall be deemed to have come into force with effect from 22nd September, 2003.

2. *Amendment of section 4, Act LX of 1989.* —In sub-section (3) of section 4 of the Jammu and Kashmir Panchayati Raj Act, 1989 (hereinafter referred to as "the principal Act") for the provisos, the following shall be substituted, namely :—

"Provided that the panch seats shall be reserved for—

(a) the Scheduled Castes ; and

(b) the Scheduled Tribes

in every Halqa Panchayat and the number of panch seats so reserved shall bear, as nearly as may be, the same proportion to the 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 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 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 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

3 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 Jammu and Kashmir Panchayati Raj (Second Amendment) Act, 2003.

3. *Amendment of section 41 of Act IX of 1989.*—(1) In section 41 of the principal Act, for the words "elected panches" the word "panches" shall be substituted.

4. *Repeal and saving.*—(1) The Jammu and Kashmir Panchayati Raj (Amendment) Ordinance, 2003 (Ordinance No. VI of 2003) is hereby repealed.

2. Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on 22nd September, 2003.

(Sd.) R. K. KOUL,
Deputy Legal Remembrancer,
Law Department.

(4)

Government of Jammu & Kashmir
Civil Sectt. Rural Development Department

Notification,
Srinagar, the 13th June, 2004

SRO 181 In exercise of the powers conferred by section 80 of the Jammu & Kashmir panchayati Raj Act, 1989, the Government hereby direct that in the Jammu & Kashmir Panchayati Raj Rules, the following amendments shall be made, namely:

- (1) At the end of Sub-rule (1) of rule 4, the following sub rule shall be added:-

“(1-A) The Director Rural Development shall:-

(a) determine the number of Panch seats reserved for the Scheduled castes, Scheduled Tribes and Women in every Halqa panchayat in accordance with sub-section(3) of Section 4 of the Act, //

(b) allot the Panch seats reserved for women, Scheduled Castes and Scheduled Tribes, as the case may be, by rotation, after every general election, to different constituencies in a Halqa Panchayat, and

(c) distribute the Panch seats reserved for the Scheduled Castes and Scheduled Tribes, as far as practicable, in those areas in a Halqa Panchayat where the proportion of their population to the total population is comparatively large.

Explanation:--For purpose of this sub-rule:-

(i) “Scheduled Castes” means the castes specified in the schedule to the constitution (Jammu & Kashmir) Scheduled Castes Order, 1956 made by the President under clause(1) of Article 341 of the Constitution of India.

(ii) “Schedule Tribe” means the tribes or tribal communities or parts of or groups within tribes or tribal communities as specified in the scheduled Tribes Order 1989 as amended from time to time”

- (2) After rule “9-B” the following rule shall be added:

“9-c For candidates contesting election to Panch seats reserved for the scheduled Castes or Scheduled Tribes, the nomination paper shall be accompanied by a certificate issued by the competent authority that he belongs to scheduled Castes or Scheduled Tribes, as the case may be”.

By Order of the Government of Jammu & Kashmir

Sd/-

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No:-RD/B/Panch/27/2004

Dated:- 18-06-2004

Copy to the:-

1. Principal Secretary to Hon`ble Chief Minister.
2. Principal Secretary/Secretary to Government, General Adm. Department.
3. Commissioner/Secretary to Government Law Department
4. Secretary to Government, Revenue Department.
5. Divisional Commissioner Jammu/Kashmir.
6. Chief Electoral officer, J&K (Election Authority under J&K Panchayati Raj Act. 1989).
7. Director Information Government of J&K, Srinagar.
8. Director Rural Development Department Jammu/Kashmir.
9. All Deputy Commissioners.
10. General Manager Government Press Srinagar for publication, in the extra ordinary issue of Government Gazette.
11. Deputy Commissioner Central, Rural Development.
12. All Assistant Commissioners Dev.
13. All District panchayat officers
14. Principal Private Secretary to Chief Secretary.
15. Special Assistant to Honble Minister for Rural Development & panchayati Raj for information of the Hon`ble Minister.
16. Private Secretary to Hon`ble Minister of State for Rural Development & Panchayati Raj for information of Hon`ble Minister.
17. PA to Secretary to Government Rural Development Department for information of the Secretary.
18. PA to Special Secretary to Government, Rural Development Department for information of Special Secretary.
19. PA to Additional Secretary Rural Development Department for information of Additional Secretary
20. Stock file.

1. m. shahat
Under Secretary to Government,
Rural Development Department