

Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011.

JAMMU & KASHMIR

India

Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011.

Act 16 of 2011

- Published on 23 April 2011
- Commenced on 23 April 2011
- [This is the version of this document from 23 April 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011. Act No. 16 of 2011[23rd April, 2011]An Act to provide for constitution of a State Finance Commission to review the financial position of the Panchayats, Municipalities and suggesting measures thereof and matters connected therewith or incidental thereto. Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-second Year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title and commencement.

(1) This Act may be called the Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011. (2) It shall come into force from such date as the Government may, by notification in the Government Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Act" means the Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011; (b) "Commission" means the State Finance Commission for Panchayats and Municipalities constituted under section 3 of the Act; (c) "Chairperson" means the Chairperson of the Commission; (d) "Government" means the Government of Jammu and Kashmir; (e) "Member" means a Member of the Commission and includes the Chairperson; (f) "Municipality" means the Municipal Corporation, Municipal Committee or a Municipal Council constituted under the Jammu and Kashmir Municipal Corporation Act,

2000 or the Jammu and Kashmir Municipal Act, 2000, as the case may be;(g)"Notification" means a notification published in the Government Gazette;(h)"Panchayats" means Panchayati Raj Institutions constituted under the Jammu and Kashmir Panchayati Raj Act, 1989;(i)"Panchayati Raj Institution" means an institution by whatever name called, constituted under the Jammu and Kashmir Panchayati Raj Act, 1989;(j)"Prescribed" means prescribed by rules made under the Act.

Chapter II

Constitution

3. Constitution of the State Finance Commission for Panchayats and Municipalities.

(1)The Government shall, as soon as may be from the commencement of the Act, and thereafter at the expiration of every fifth year, constitute a "State Finance Commission for Panchayats and Municipalities" to review the financial position of Panchayats and Municipalities and to exercise the powers conferred upon and to perform the functions assigned to it, under the Act.(2)The Commission shall consist of,-(a)a Chairperson who shall be an eminent economist with expertise in State finance, planning, rural development, panchayats and local bodies; and(b)such other members, not exceeding two, as the Government may appoint from amongst persons of repute having excelled in administration, planning, panchayats, municipalities, legal or academic fields.(3)The Chairperson and the Members shall be appointed by the Government by notification.(4)There shall be a Secretary to the Commission who shall be the Chief Executive Officer of the Commission to be appointed by the Government.(5)The Secretary shall exercise such powers and discharge such functions of the Commission as it may delegate to him.(6)The headquarters of the Commission shall be at such place as the Government may determine.

4. Term of office of Chairperson and Members.

(1)The Chairperson and Members shall hold office as such for a term of one year from the date on which they enter upon their office or until they submit the report to the Government or attain the age of sixty-five years, whichever is earlier:Provided that the Government may for reasons to be recorded in writing, extend the term of the Commission for a period not exceeding six months:Provided further that any member may, by writing under his hand, addressed to the Government, resign from the office.(2)The salary, allowances and other conditions of service of Chairperson and a Member shall be such as may be prescribed from time to time:Provided that if the Chairperson or a Member is at the time of his appointment eligible for, or in respect of, a pension in respect of any previous service, his salary in respect of service of Chairperson or a Member shall be reduced, -(a)by the amount of that pension; and(b)if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

5. Member to act as Chairperson or to discharge his functions in certain circumstances.

(1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Government may, by notification, authorize one of the Members, to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy for the remainder of the period. (2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members, as the Government may, by notification, authorize in this behalf, shall discharge the functions of the Chairperson until the date the Chairperson resumes his duties.

6. Removal of Chairperson and Members.

- The Chairperson or any Member may be removed from the office on the ground of proved misbehaviour or incapacity by the Government in the prescribed manner.

7. Vacancies etc. not to invalidate the proceedings of the Commission.

- No act or proceedings of the Commission shall be questioned, or shall be invalidated, merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

8. Procedures to be regulated by the Commission.

(1) The Commission shall meet at such time and place as the Chairperson may deem fit. (2) The Commission shall regulate its own procedure. (3) The recommendations of the Commission shall be authenticated by the Secretary of the Commission.

9. Office and other staff of the Commission.

(1) The Government shall make available to the Commission an officer not below the rank of Additional Secretary to Government having cumulative experience of working in Panchayats, local bodies or any other such institution, as may be prescribed by the Government, who shall be the Secretary of the Commission. (2) The Government shall provide such other administrative or technical staff to the Commission, as it may consider necessary. (3) The salaries, allowances and conditions of service of the officers and other staff of the Commission shall be such as may be prescribed. (4) Officers and staff of the Commission shall be under the administrative control of the Chairperson and shall not be transferred from the Commission without consulting the Commission.

Chapter III

Power and Functions of the Commission

10.

The Commission shall perform all or any of the following functions and shall make recommendations to the Government as to:-(i)the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the Panchayats at all levels of their respective shares of such proceeds;(ii)the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;(iii)the grants-in-aid to the Panchayats from the Consolidated Fund of the State;(iv)the measures needed to improve the financial position of the Panchayats;(v)the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the Municipalities at all levels of their respective shares of such proceeds;(vi)the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;(vii)the grants-in-aid to the Municipalities from the Consolidated Fund of the State;(viii)the measures needed to improve the financial position of the Municipalities;(ix)any other matter referred to the Finance Commission by the Government in the interests of sound finance of Panchayats or Municipalities;(x)any other matter as may be referred to the Commission by the Government from time to time;(xi)any other matter as may be ancillary or incidental to any of the aforesaid functions.

11. Power to call for information and documents.

(1)The Commission may require any public servant or any other person who, in its opinion is able to furnish information or produce documents, relevant to the functions of the Commission, to furnish any such information or produce any such documents.(2)Notwithstanding anything contained in the foregoing subsection, no person shall be required or authorized by virtue of the Act to furnish any such information or answer any such question or produce so much of any document as might, - (a)prejudice the security of the State; or (b)involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of the Cabinet:Provided that the privilege to this effect is claimed by the concerned person or functionary in accordance with the law.

12. Report of the Commission.

- The Commission shall submit its report to the Government within the time prescribed.

Chapter IV

Finance, Accounts and Audit

13. Grants by the Government.

(1)The Government shall after due appropriation made by Legislature by law in this behalf pay to the Commission by way of grants such sums of money as the Government may think fit for being

utilized for the purposes of the Act.(2)The Commission may spend such sums as it thinks fit for performing its functions under the Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

14. Accounts and audit of the Commission.

(1)The Commission shall maintain proper accounts and other relevant records and prepare statement of accounts in such form as may be prescribed.(2)The accounts of the Commission shall be audited in the prescribed manner.

Chapter V Miscellaneous

15. Members and officers to be public servants.

- Every member of the Commission, and every officer appointed or authorized by the Commission to exercise functions under the Act, shall be deemed to be public servant within the meaning of section 21 of the Ranbir Penal Code.

16. Protection of action taken in good faith.

- No suit or legal proceeding shall lie against the Government, Commission or any Member thereof or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the Act, or of any rules or any order made thereunder.

17. Powers of the Government to make rules.

(1)The Government may, by notification, make rules for the purpose of carrying into effect the provisions of the Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -(i)the other terms and conditions of service of the Members under sub-section (2) of section 4;(ii)the procedure for removal of Chairperson and Members under section 6;(iii)the form in which the statement of accounts is to be prepared under sub-section (1) of section 14;(iv)the manner of auditing the accounts of the Commission;(v)any other matter as is, or may be, required to be prescribed.

18. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the Government Gazette, make such provisions, not inconsistent with the provisions of the Act and the rules, as appear to it to be necessary or expedient for removing the difficulty:Provided that no such order shall be made after the expiry of the period of two years from

the date of commencement of the Act. Notification Regarding Officers as Authority for the Blocks SRO 145, dated 26.04.2011, Rural Development Department In exercise of the powers conferred by section 43 of the Jammu & Kashmir Panchayati Raj Act, 1989, read with sub-rule (1) of rule 43 of the Jammu and Kashmir Panchayati Rules, 1996, the Government hereby notify the officers as shown in column (2) of the sub-joined schedule to be the 'Authority' for the Blocks as shown in column (3) thereto.

Schedule

Name of the District	"Authority under Section 43"	Name of the Block
Kupwara	Additional District Development Commissioner, Kupwara	Kupwara
		Wavoora
		Sogam
		Ramhal
		Rajwara
		Langate
		Kralpora
		Trehgam
		Kalaroos
		Tangdhar
Baramulla	Sub Divisional Magistrate, Tangdhar	Teetwal
		Uri
		Boniyar
		Wagoora
		Kunzer
		Tangmarg
		Pattan
		Rafiabad
		Singhpura
		Rohama
Bandipora	Additional District Development Commissioner, Bandipora	Baramulla
		Zaingeer
		Sopore
		Sumbal
		Hajin

	Additional Deputy Commissioner, Bandipora	Bandipora
	Sub Divisional Magistrate, Gurez	Gurez
		Tulail
Ganderbal	Additional District Development Commissioner, Ganderbal	Kangan
		Lar
	Additional Deputy Commissioner, Ganderbal	Ganderbal
		Wakura
Srinagar	Additional District Development Commissioner, Srinagar	Srinagar
Budgam	Additional District Development Commissioner, Budgam	Budgam
		Nagam
		Chadoora
		Khansahib
	Additional Deputy Commissioner, Budgam	Beerwah
		Khag
		Narbal
		B.K. Pora
Pulwama	Additional District Development Commissioner, Pulwama	Keller (Main Block)
		Pulwama
		Kakapora
	Additional Deputy Commissioner, Pulwama	Tral
		Pampore
Shopian	Additional District Development Commissioner, Shopian	Shopian
		Keller Partly (Main block in Pulwama District)
Kulgam	Additional District Development Commissioner, Kulgam	Quimoh (Main Block)
		Pahloo
		Kulgam
	Additional Deputy Commissioner, Kulgam	Devsar
		D.H. Pora
Anantnag	Additional District Development Commissioner, Anantnag	Qaimooh Partly (Main Block in District Kulgam)
		Breng

		Shangus
		Shahabad
	Additional Deputy Commissioner, Anantnag	Khoveripora
		Dachnipora
		Qazigund
		Achabal
Leh	Additional Deputy Commissioner, Leh	Kahru
		Leh
		Chuchot
	Sub Divisional Magistrate, Nobra	Nobra
		Panamic
	Sub Divisional Magistrate, Nyoma	Nyoma
		Durbuk
	Sub Divisional Magistrate, Khaltsi	Khaltsi
		Suspol
Kargil	Additional Deputy Commissioner, Kargil	Taisura
		Kargil
		G.M. Pore
		(Trespone)
	Assistant Commissioner (Rev), Kargil	Sankoo
		Shaker-Chiktan
		Shargole
	Sub Divisional Magistrate, Drass	Drass
	Sub Divisional Magistrate, Zanskar	Zanskar
		Lungnuk
Kishtwar	Additional District Development Commissioner, Kishtwar	Kishtwar
		Inderwal
		Drabshalla
		Paddar
	Additional Deputy Commissioner, Kishtwar	Nagseni
		Marwah
		Warwan
		Dachan
Doda	Additional District Development Commissioner, Doda	Assar
		Marmat

Ramban	Additional Deputy Commissioner, Doda	Ghat Doda
		Bhagwah
		Gundana
	Sub Divisional Magistrate, Bhallesa	Bhallesa
	Sub Divisional Magistrate, Bhaderwah	Thathri
		Bhaderwah
	Additional District Development Commissioner, Ramban	Ramsoo
		Banihal
	Additional Deputy Commissioner, Ramban	Ramban
		Gool
Reasi	Additional District Development Commissioner, Reasi	Pouni
		Reasi
	Sub Divisional Magistrate, Mahore	Mahore
Udhampur	Additional Deputy Commissioner, Reasi	Arnas
	Additional District Development Commissioner, Udhampur	Udhampur
		Chenani
		Panchari
	Sub Divisional Magistrate, Dudu Basantgarh	Dudu Basantgarh
	Additional Deputy Commissioner, Udhampur	Ramnagar
		Ghordi
		Majalta
Kathua	Sub Divisional Magistrate, Bani	Bani
		Duggan
	Sub Divisional Magistrate, Basohli	Basohli
	Sub Divisional Magistrate, Badnola	Billawar
		Lohai Malhar
	Additional Deputy Commissioner, Kathua	Hiranagar
		Barnoti
		Kathua
Samba	Additional District Development Commissioner, Samba	Samba
		Ghagwal
	Additional Deputy Commissioner, Samba	Purmandal
Jammu		Vijaypur
		R.S.Pura

	Additional District Development Commissioner, Jammu	Satwari Dansal
	Additional Deputy Commissioner, Jammu	Bhalwal Bishnah Marh
	Sub Divisional Magistrate, Akhnoor	Akhnoor Khour
Rajouri	Sub Divisional Magistrate, Nowshera	Sunderbani Nowshera Doongi Kalakote
	Additional District Development Commissioner, Rajouri	Manjakote Darhal Budhal
	Additional Deputy Commissioner, Rajouri	Rajouri Thanamandi
Poonch	Additional District Development Commissioner, Poonch	Surankote Bafliaz Poonch
	Additional Deputy Commissioner, Poonch	Mandi Balakote Mendhar