

# Jammu and Kashmir Panchayati Raj Act, 1989

JAMMU & KASHMIR

India

## Jammu and Kashmir Panchayati Raj Act, 1989

### Act 9 of 1989

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Jammu and Kashmir Panchayati Raj Act, 1989(Act No. 9 of 1989)[Dated 11.7.1989]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 Year of the Republic of India as follows : -

## Chapter I Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be called the Jammu and Kashmir Panchayati Raj Act, 1989.(2)It extends to the whole of the State of Jammu and Kashmir.(3)[ It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.] [Enforced vide SRO- 220 dated : 30-6-1997 w.e.f. 1-7-1997]

### 2. Definitions.

(1)In this Act, unless the context otherwise requires, -(a)"Block" means the area comprising such contiguous number of Halqas as may 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, 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 a Halqa Panchayati Adalat ;(e)"Chairman" means the Chairman of -(i)the Panchayati Adalat ;(ii)the Block Development Council ;(iii)the District Planning and Development Board ;(ee)[ "Commission" means the 'State Election Commission' constituted under section 36 of this Act ;] [Added by Act XV of 2011 (s-2).](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 Board constituted under this Act ;(h)[ "Election Authority" means the 'State Election Commission' constituted under section 36 of this Act;] [Substituted by Act XV of 2011 (s-2).](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 ;(jj)[ "Halqa Majli's" means all the voters of "Halqa Panchayat;] [Substituted and added by Act XXII of 1997 (s-2).]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 :[Provided also that fresh determination of Halqas shall be undertaken only after the population figures of general census are published :] [Substituted and added by Act XXII of 1997 (s-2)][Provided further that such fresh delimitation of Halqas shall not effect the representation of the existing Panches and Sarpanches.] [Inserted by Act III of 1999 (s-2).](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 ;(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 ;(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 I-A] [Inserted by Act No. 20 of 2018, dated 16.10.2018.] Ward Majlis and Halqa Majlis

### **3A. Ward Majlis (Ward Sabha).**

(1)For every ward of the Halqa Panchayat as may be determined in accordance with the provisions of clause (f) of sub-section (1) of section 2, there shall be a Ward Majlis.(2)All adult persons of the

ward whose names are included in the electoral rolls relating to Halqa Panchayat shall be deemed to be constituted as Ward Majlis of such Halqa Panchayat.(3)The Ward Majlis shall meet at least once in three months. The procedure for convening and conducting the meeting of the Ward Majlis shall be such as may be prescribed :Provided the Ward Majlis can meet more often for implementing Government programmes.(4)The meeting of the Ward Majlis shall be presided over by the Panch or in his/her absence by a member of the Ward Majlis, to be elected for the purpose, by the majority of the members present in the meeting.(5)The quorum of the meeting of the Ward Majlis shall be not less than one-tenth of the total members.(6)All resolutions in respect of any subject in the meeting held under this section shall be passed by a majority of the members present and voting.(7)Notwithstanding anything contained in sub-section (1) a special meeting of Ward Majlis shall be convened where atleast ten per cent of the voters of the ward make a request in writing specifying the subject for the meeting :Provided that no two special meetings shall be held within a period of three months.

### **3B. Functions of the Ward Majlis.**

- The functions of the Ward Majlis within its respective jurisdiction shall be to assist the Halqa Majlis and also include the following functions : -(i)to render assistance to the Halqa Panchayat in collection and compilation of details required for formulation of development plans ;(ii)to generate proposals and fix priorities for development schemes and programmes to be implemented in the area of the Ward Majlis ;(iii)to identify beneficiaries in order of priority, for the implementation of development schemes pertaining to the area of Ward Majlis ;(iv)to render assistance in effective implementation of development schemes ;(v)to suggest the location of public utilities, amenities and services like street lights, community water taps, public wells, public sanitation units, irrigation facilities etc. ;(vi)to formulate schemes and impart awareness on matters of public interest like cleanliness, preservation of environment, prevention of pollution, guarding against social evils etc. ;(vii)to promote harmony and unity among various groups of people ;(viii)to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies ;(ix)to collect information on the detailed estimates of works proposed to be taken in the area ;(x)to undertake social audit of all works implemented in the area and award completion certificate for such works ;(xi)to promote literacy, education, health, childcare and nutrition ;(xii)to assist the activities of parent-teacher associations in the area ; and(xiii)to exercise such other functions as may be prescribed.

### **3C. Halqa Majlis (Gram Sabha).**

(1)There shall be a Halqa Majlis for each Halqa Panchayat consisting of such persons whose names have been included in the electoral rolls relating to the village or the group of villages comprised within the area of the Halqa Panchayat.(2)The meetings of the Halqa Majlis shall be convened by the Sarpanch of the Panchayat or, in his absence, by the Naib-Sarpanch of such Panchayat. In the event of both, the Sarpanch and the Naib-Sarpanch being absent, a meeting of the Halqa Majlis shall be presided by one of the Panch authorized by the Halqa Majlis.(3)The procedure for convening and conducting the meeting of the Halqa Majlis shall be such as may be prescribed.(4)There shall be at least two meetings of the Halqa Majlis every year, one in the first and the other in the last quarter of

the financial year :Provided that in case of urgency, the meeting of the Halqa Majlis may be convened earlier in accordance with the procedure as may be prescribed in this behalf.(5)Secretary Panchayat shall record the minutes of the meeting of Halqa Majlis and shall be responsible for the correct recording of the minutes of the meetings.(6)The quorum of the meeting of the Halqa Majlis shall be not less than one-tenth of the total members.(7)Any resolution relating to the matters entrusted to the Halqa Majlis under this section, shall have to be passed by a majority of votes of the members present and voting in the meeting of the Halqa Majlis.

### **3D. Functions of the Halqa Majlis.**

- The functions of the Halqa Majlis within its respective jurisdiction shall be to assist the Halqa Panchayat and also include the following functions : -(i)to approve the plans, programmes and projects for social and economic development in order of priority, out of the plans, programmes and projects approved by the Ward Majlis before such plans, programmes and projects are taken up for implementation by the Panchayat ;(ii)to identify or select persons as beneficiaries under poverty alleviation and other programmes, in order of priority out of the persons identified by the various Ward Majlis coming under its jurisdiction ;(iii)to conduct social audit as per prescribed procedure in respect of funds utilized under different schemes in wards ;(iv)To mobilize voluntary labour and contribution in kind or cash or both for the community welfare programmes ;(v)to promote literacy, education, health and nutrition ;(vi)to promote unity and harmony among all sections of the society in such area ;(vii)to seek clarifications from the Sarpanch and members of the Panchayat about any particular activity, scheme, income and expenditure ;(viii)to identify and approve development works in order of priority from out of the works recommended by the Ward Majlis ;(ix)to plan and manage minor water bodies ;(x)to manage minor forest produce ;(xi)to exercise control over institutions and functionaries in all social sectors ;(xii)to exercise control over local plans and resources for such plans including tribal sub-plan ;(xiii)to consider and approve the recommendations made by each Ward Majlis in the area of such Panchayat Halqa ; and(xiv)such other functions as may be prescribed.

## **Chapter II**

## **Halqa Panchayat**

### **4. Establishment and constitution of Halqa Panchayat.**

(1)there shall be a Halqa Panchayat for every halqa.(2)Every Halqa Panchayat shall bear the name of the place where it is headquartered.(2-a) Every Halqa Panchayat shall have Halqa Majli's comprising all the persons whose names are included in the electoral roll for such Halqa Panchayat.(2-b) 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 [excluding the Sarpanch] [Substituted 'including the Sarpanch' by Act No. 5 of 2018, dated 8.8.2018.], as the prescribed authority may, from time to time, fix in this behalf :[Provided that the Panch seats shall be reserved for -(a)the Scheduled Castes ; and(b)the Scheduled Tribesin 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] [Substituted by Act II of 2004.] 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 provsio 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 Schduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different consituencies 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-A) The Sarpanch shall be elected directly by the electorate of Halqa Panchayat in such manner as may be prescribed.] [Inserted by Act No. 4 of 2018, dated 17.7.2018.][\*\*\*] [Omitted '(4) The Sarpanch shall convene at lease two meetings of Halqa Majlis during a Financial year;' by Act No. 13 of 2016, dated 18.12.2016.](4)[[ [Renumbered '(5)' by Act No. 13 of 2016, dated 18.12.2016.] [The Naib-Sarpanch] [Substituted 'the sarpanch and Naib-Sarpanch' by Act No. 4 of 2018, dated 17.7.2018.] shall be elected by the Panches of the Halqa Panchayat from among themselves at the first notified meeting of the Halqa Panchayat after its constitution.(5)[[ [Renumbered '(6)' by Act No. 13 of 2016, dated 18.12.2016.] The Panches shall be elected from the constituncies delimited by the prescribed authority in accordance with the rules.(6)[[ [Renumbered '(7)' by Act No. 13 of 2016, dated 18.12.2016.] 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.][(7)[[ [Substituted by Act IV of 2000 (S-3).] The Village Level Worker or Multipurpose worker or Gramsevika shall be the Secretary of the Halqa Panchayat.](8)[[ [Renumbered '(9)' by Act No. 13 of 2016, dated 18.12.2016.] Every Halqa Panchayat shall be a body corporate known by the name "The Halqa Panchayat of \_\_\_\_\_"and shall have perpetual succession and a common seal and may sue and be sued by its corporate name subject to such conditions or restrictions as the Government may specify, in the rules.

## 5. Term of office.

- The Sarpanch, the Naib-Sarpanch and every panch of the Halqa Panchayat shall hold the office for a period of five years from the date of its constitution.

## 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 ;(g)is a Lamberdar or Village Chowkidar ; or(h)has been dismissed from the service of the Government, a local body or 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.(3)[ A person who becomes a member of a Halqa Panchayat on the basis of a false Scheduled Caste or Scheduled tribe certificate, shall be disqualified from the date on which it is found that he had become such member or office bearer on the basis of such false caste certificate and shall continue to be disqualified for further period of six years.] [Added by Act X of 2006 (s-2).]

## **7. Removal of Sarpanch and Naib-Sarpanch of 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 [three consecutive meetings] [Substituted 'six consecutive meetings' by Act No. 20 of 2018, dated 16.10.2018.] 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 elected members] [Substituted '50% of the total number of members' by Act No. 31 of 2018, dated 4.12.2018.] of such Halqa Panchayat.

## **8A. [ \*\*\*] [Omitted by Act No. 20 of 2018, dated 16.10.2018.]**

## **9. [ Appointment of Administrator. [Substituted by Act No. 20 of 2018, dated 16.10.2018.]**

(1)(a)If the Government is satisfied that a Halqa Panchayat for a village or a group of villages immediately after the establishment of such Halqa Panchayat cannot be constituted by reason of, -(i)any difficulty in holding the election of the members of the Halqa Panchayat ; or(ii)failure to

elect such members at two successive elections held under the provisions of this Act ; or(iii)any other sufficient reason whatsoever or,(b)If at any general election to a Halqa Panchayat no member is elected [\*\*\*];the Government shall by notification appoint an administrator, who is an employee of the Government.(2)If in the opinion of the Government, or any other officer authorized by it, but not below the rank of Additional District Magistrate, a Halqa Panchayat is incompetent to perform or persistently makes default in the performance of duties imposed on it by or under any of the provisions of this Act, or otherwise through Government instructions, the Government or such officer after the approval of the Government may, by notification, based on the recommendations of the Ombudsman, supersede such Halqa Panchayat and appoint an Administrator, who is a employee of the Government for carrying out the work of Halqa Panchayat :Provided that no order under this sub-section shall be passed unless Halqa Panchayat is called upon to show cause why such order shall not be passed :Provided further that explanation tendered by the Halqa Panchayat shall be forwarded to the Ombudsman appointed under the Jammu and Kashmir Ombudsman for Panchayats Act, 2014 for consideration and recommendation to the Government or officer authorized by it.(3)The period of supersession shall not exceed six months during which the elections for the said Halqa Panchayat shall be held.(4)The Administrator appointed under this section shall hold office for such period not exceeding six months as the Government or officer authorized by it, may specify in the notification under sub-section (1) or sub-section (2).(5)On the appointment of an Administrator under this section : -(i)the persons, if any, chosen as members of Halqa Panchayat, including Sarpanch before such appointment shall cease to be members of Halqa Panchayat and all the powers and duties of the Halqa Panchayat including Sapranches shall be exercised and performed by such Administrator ;(ii)the funds and other property vested in the Halqa Panchayat shall, during the period of supersession, vest in the Administrator appointed under this section.(6)The Administrator shall be deemed to be duly constituted Halqa Panchayat for the purposes of this Act, notwithstanding anything contained in the foregoing provisions.]

## **10. [ Remuneration to Sarpanch and Panches. [Substituted by Act No. 20 of 2018, dated 16.10.2018.]**

- Every Sarpanch and Panch shall be entitled to such monthly honorarium 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 of Halqa Panchayat. [Substituted by Act No. 20 of 2018, dated 16.10.2018.]**

(1)The Halqa Panchayat shall perform the functions specified in Schedule I-A :Provided that where the Government provides funds for the performance of any function specified in Schedule I-A, the Halqa Panchayat shall perform such function in accordance with the guidelines or norms laid down for performing such function.(2)Notwithstanding anything contained in sub-section (1) and Schedule I -A subject to the provisions of this Act, it shall be the duty of each Halqa Panchayat to make provision for the following subject to, the availability of funds at its disposal -(i)to prepare the plans for the development of the Halqa in consultation with Halqa Majlis and their timely submission to Block Development Council for consolidation ;(ii)to undertake measures for the implementation of the development plans ;(iii)to specifically deal with the problems of soil conservation, water management, social forestry, rural industrialization, agriculture, sheep and animal husbandry, sanitation, health and other welfare programmes ;(iv)regulation of buildings, shops and entertainment houses and checking of offensive or dangerous trades ;(v)construction and maintenance of slaughter houses, regulation of sale and preservation of meat and processing of skins and hides ;(vi)regulation of sale and preservation of fish, vegetables and other perishable articles and food ;(vii)regulation of fairs and festivals ;(viii)preparation and implementation of special development plans for alleviating poverty and employment generation as may be notified by Government from time to time ; and(ix)all matters involving regulation, supervision, maintenance and support, incidental to, or necessary for the more efficient discharge of the above functions and those which may be entrusted to Halqa Panchayat under the provisions of the Act.(3)The Halqa Panchayat shall also conduct concurrent and quarterly social audit of all works/schemes/projects being implemented in the Panchayat area as per procedure to be notified by the Government.(4)The Halqa Panchayat shall also perform such other functions and duties as may be assigned or entrusted to it by the Government, the District Planning and Development Board and the Block Development Council within the area in which Halqa Panchayat is constituted.]

## **Chapter IV Property**

### **13. Property of Halqa Panchayat.**

(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 person 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, fee 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 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.(2)[ The Halqa Panchayat shall have power to operate the funds, grants etc. specified in Schedule I-C in the manner prescribed.] [Inserted by Act No. 20 of 2018, dated 16.10.2018.]

#### **15. [ Imposition of fee by the Halqa Panchayat. [Substituted by Act No. 20 of 2018, dated 16.10.2018.]**

(1)Every Halqa Panchayat shall in such a manner and in accordance with such rules as may be notified by the Government, impose a fee on commercial buildings subject to such exemptions as may be prescribed :Provided that where an owner of the building has left the Panchayat area or cannot otherwise be found, the occupier of such building shall be liable for the fee leviable on such owner.(2)A Halqa Panchayat may also levy fee on all or any of the following items at such rates as may be determined by the Halqa Panchayat and subject to such exemptions as may be notified by the Government from time to time, namely : -(a)Fee on entertainment ;(b)Fee on advertisements and hoardings ;(c)Fee on commercial tractors kept in area of the Halqa Panchayat ;(d)Fee on business and professions within the jurisdiction of Halqa Panchayat like on rice husking mills, saw mills, Flour mill/rice mills, Gharats, Brick Kilns, Oil Mills, Slaughter houses, Petrol Pumps, Private hospitals/labs/diagnostic-centre, Soda/ice/ ice-cream factory, Spice grinding mills, Motor Vehicle/Tractor dealers, Liquor Shops, Hot wet mix plant/Stone crushers, Poultry/ Dairy Farms/Horse Traders, small scale industrial units, Mobile towers, power plants printing presses, Kerosene Oil/Ration dealers etc.(e)Fee on contractors for executing such works allotted to them by the Government within the jurisdiction of Halqa Panchayat ;(f)Fee on travel agents/transport agencies ;(g)Fee for organizing Melas, festivals etc. where necessary arrangement for the water supply, health and sanitation are to be made by the Halqa Panchayat or where such Melas or festivals are held on Panchayat lands ;(h)Fee on registration of shops/other commercial establishments in the jurisdiction of Halqa Panchayat ;(i)Fee on Buses, other passenger vehicles and commercial vehicles on account of haltage within the jurisdiction of Halqa Panchayat for providing

adequate facilities for the travelers by the Gram Panchayat ;(j)Fee on cattle pounds ;(k)Fee on road cutting for laying optical fiber cable ;(l)Royalty for extraction of minor minerals from local nallahs not falling under the ambit of Geology and Mining Department and not exempted from royalty under any specific provision of law ;(m)Penalty for use of plastic or polythene and for open defecation ;(n)Sanitation cess ;(o)Such other fee as may be approved by the Government :Provided that the Government may at any time after giving an opportunity to the Halqa Panchayat cancel or modify or alter rate of any fee imposed under this section]

### **15A. [ Revision of Fee and Rates. [Inserted by Act No. 20 of 2018, dated 16.10.2018.]**

- The Halqa Panchayat may revise the fees and rates leviable under section 15, at the most once, in a two year period.]

### **16. Power of entry for the purpose of valuation of taxation.**

- The [Halqa Panchayat] [Substituted 'Sarpanch' by Act No. 20 of 2018, dated 16.10.2018.] 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 of fee has not been imposed on any person on whom it should have been imposed, it may after hearing him, direct the Halqa Panchayat to impose it on that person or persons and the Halqa Panchayat shall thereupon act accordingly.

### **18. Recovery of dues as arrears of land revenue.**

- Subject to such rules as may be made by the Government in this behalf,all the taxes of fees levied under this Act by the Halqa Panchayat and the moneys recoverable shall 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.[Provided that no such revision shall be made

unless an opportunity of being heard is provided to the Halqa Panchayat which has made assessment under this Act.] [Added by Act No. 20 of 2018, dated 16.10.2018.]

## **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] [Substituted vide Act III of 1999 dated : 16-4-1999] 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."

## **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.(3)[ The Government shall also provide the staff to the Halqa Panchayat as specified in Schedule I-B for carrying out the purposes of this Act.] [Inserted by Act No. 20 of 2018, dated 16.10.2018.]

# **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 Woman 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 :[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.] [Added by Act VII of 2003 (S-2).]

## **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 Panch and shall be elected in accordance with the provisions contained in section 41 : 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 [Sarpanches] [Substituted 'Panches and Sarpanches' by Act No. 20 of 2018, dated 16.10.2018.] 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 Block Development Council. [Substituted by Act No. 20 of 2018, dated 16.10.2018.]**

(1) The Block Development Council shall perform functions specified in Schedule II-A : Provided that where the Government provides funds for the performance of any function specified in Schedule II-A, the Block Development Council shall perform such function in accordance with guidelines or norms laid down for performing such function. (2) Notwithstanding anything contained in sub-section (1) and Schedule II-A, and subject to the provisions of this Act, it shall be the duty of each Block Development Council to perform the following functions : - (i) compilation of all

Panchayat level plans and their timely submission to District Planning and Development Board for integration with District Plan ;(ii)preparation of all Block Level Plans and timely submission of the same to the District Planning and Development Board for integration with District Plan ;(iii)construction, maintenance and supervision of Inter-Halqa Panchayat Communication System ;(iv)administrative and technical guidance to Halqa Panchayats and review of their work ;(v)to supervise plans relating to agriculture, rural development, animal husbandry/sheep husbandry, social forestry, education and public health ;(vi)monitor such programs as may be notified by the Government from time to time, including MGNREGA, National Rural Livelihood Mission, Prime Minister Awas Yojna, Integrated Watershed Management Programme, Mid-day Meal Scheme and Integrated Child Development Services ;(vii)undertake measures for effective supervision and monitoring of various developmental programmes ; and(viii)to carry out such other functions as may be entrusted to it by the Government or by the District Planning and Development Board.(3)In order to carrying out the functions under this section, the Government shall provide the staff as specified in Schedule II-B to the Block Development Council.]

### **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. Renumeration 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.(3)[ The Block Development Council shall have power to operate funds, grants etc., specified in Schedule II-C in the manner prescribed.] [Added by Act No. 20 of 2018, dated 16.10.2018.]

## 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. [ State Election Commission. [Substituted by Act XV of 2011 (S-3).]

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections under this Act shall vest in an Election Authority to be known as the State Election Commission : [Provided further that for purposes of holding general elections under the Act in the year 2016, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections under this Act shall continue to vest in the Chief Electoral Officer of the State as heretofore.] [Provided further that for purposes of holding general elections under this Act upto December, 2020, the superintendence, direction and control of the preparation of electoral rolls and conduct of, all elections in accordance with this Act shall vest in the Chief Electoral Officer.] [Substituted by Act No. 14 of 2018, dated 27.9.2018.] (2) Notwithstanding anything contrary contained in this Act or any other law for the time being in force in the State, the government may, by a notification in the Government Gazette, vest the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, election under any other law for the time being in force in the State in the Commission. (3) The Commission shall consist of a State Election Commissioner, to be appointed by the Governor on the recommendation of a committee consisting of the -

(i) Chief Minister	Chairman
(ii) A Senior Minister to be nominated by the Chief Minister	Member
(iii) Speaker of Legislative Assembly	Member
(iv) Minister Incharge Panchayats	Member
(v) Leader of opposition in Legislative Assembly	Member

Explanation. - For purposes of this sub-section, the 'Leader of Opposition in Legislative Assembly' shall, when no such leader has been so recognized, include the Leader of the single largest group or party in Opposition to the Government in the Legislative Assembly. (4) A person shall not be qualified for being appointed as State Election Commissioner unless he is holding or has held a post

in the Indian Administrative Service or a post in any civil service of the Union or the State not below the rank of Commissioner/Secretary to Government having knowledge and experience in matters relating to conduct of elections :Provided that if the person so appointed is in-service at the time of his appointment, he shall be deemed to have retired on superannuation from the date of assumption of office as State Election Commissioner and shall be entitled to receive pension and other post retirement benefits in respect of that service.(5)The State Election Commissioner shall, before entering upon his office, make and subscribe before the Governor or any person nominated in this behalf by him, an oath or affirmation in the following manner : -I, \_\_\_\_\_ having been appointed as the State Election Commissioner, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India and Constitution of Jammu and Kashmir as by law established ; 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, affection or ill will.

### **36A. Term of office and other conditions of service of State Election Commissioner.**

(1)The State Election Commissioner shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier :Provided that he may -(a)by writing under his hand addressed to the Governor resign his office ; or(b)be removed from his office in the manner provided in section 36 B.(2)On ceasing to hold office, the State Election Commissioner shall be ineligible for, reappointment to that office or, any other assignment or appointment to any office under the Government of India, or under the Government of any State.(3)The Salary, allowance and other conditions of the State Election Commissioner shall be such as may be prescribed from time to time :Provided that if the State Election Commissioner is at the time of his appointment eligible for, or in receipt of, a pension in respect of any previous service, his salary in respect of service as State Election Commissioner shall be reduced, -(a)by the amount of that pension ; and(b)if he has before such appointment received in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that amount of pension.

### **36B. Removal of the State Election Commissioner.**

(1)Subject to the provisions of sub-section (3), the State Election Commissioner shall not be removed from his office except by an order made by the Governor on the ground of proven misbehaviour or incapacity after an enquiry conducted by a sitting or a retired judge of the High Court, on a reference made to him by the Governor.(2)The Government may suspend from office, and if necessary prohibit also from attending the office during inquiry, the State Election Commissioner in respect of whom a reference has been made to the Inquiry Officer under sub-section (1) until the Governor has passed orders on receipt of the report of the Inquiry Officer on such reference.(3)Notwithstanding, anything in sub-section (1), the Governor may be order remove from office the State election Commissioner, if he : -(a)is adjudged as insolvent ; or(b)engages during the term of his office in any paid employment outside the duties office ; or(c)is unfit to continue in his office by reason of infirmity of mind or body ; or(d)is convicted and sentenced to imprisonment for an offence which involves moral turpitude.



### **36C. Officers and Staff of State Election Commissioner.**

(1)The Government shall make available to the Commission, -(a)an officer not below the rank of Additional Secretary to Government who shall be the Secretary to the Commission ;(b)Such other officers or employees, as may be required by the Commission from time to time :Provided that the Government may designate any officer of the Commission as Deputy Election Commissioner.(2)The officers and employees of the Commission shall continue to be governed by the rules and regulations as were applicable to them in their parent services.(3)The State Election Commission shall, in consultation with the Government, designate or nominate such of the officers and employees of the Government as various authorities for purposes of preparation and revision of electoral rolls and conduct of elections under this Act, as it may deem fit.

### **36D. Powers of the State Election Commissioner.**

(1)The State Election Commission shall be deemed to be a Civil Court under the Code of Civil Procedure, Samvat 1977 and a proceeding before the Commission shall be deemed to be a judicial proceeding.(2)The Commission shall have the power to -(a)require any person including an officer or an employee of the Government, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on any matter which, in the opinion of the Commission, may be useful for, or relevant to, the subject of enquiry ;(b)give such directions to the officers and employees of the Government or the Panchayati Raj Institutions or any other statutory body or society as it considers necessary to ensure smooth and efficient conduct of elections under this Act ;(c)delegate any of its powers to such officers and employees of the Government as it may deem necessary ;[Provided that for the purposes of holding general elections under this Act upto December 2020, the power to determine and delimit halqa panchayats in accordance with this Act shall vest in the Chief Electoral Officer.] [Inserted by Act No. 14 of 2018, dated 27.9.2018.](d)regulate its own procedure including the fixing of time and place of its sittings ; and(e)exercise such other powers as may be prescribed by the Government from time to time.]

### **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 not attained age of 18 years.

#### **40. [ Election of Sarpanches of Halqa Panchayats. [Inserted by Act No. 4 of 2018, dated 17.7.2018.]**

- 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 [.....] [Substituted by Act II of 2004 (s-3) w.e.f. 07-01- 2004 ] 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 election.**

(1)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.

#### **42A. Nomination of Candidates for Election.**

(1)Any person may nominate himself as a candidate for election of [Panch or Sarpanch] [Substituted 'Panch' by Act No. 4 of 2018, dated 17.7.2018.] 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] [Substituted 'Panch' by Act No. 4 of 2018, dated 17.7.2018.] 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.

#### **42B. Forfeiture of Security Deposit.**

- The Security deposit of a candidate shall be liable to be forfeited if he polls less than 1/6th of the total valid votes polled."

#### **43. Disputes regarding elections.**

- The election of a person [as Sarpanch, Panch] [Substituted 'as Panch' by Act No. 4 of 2018, dated 17.7.2018.] of 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 an 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 to the Government and Halqa Panchayats as it considers appropriate. [Substituted by Act No. 20 of 2018, dated 16.10.2018.](ii-a) to receive all Block Level Plans and Consolidated Panchayat Plans from Block Development Council; compile, consolidate and integrate all plans into the District Plan and

forward to the State Finance and Planning Department which shall form the basis for the State Plan.](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 institutions ;(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)prescribed 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 or any other officer specially empowered or authorized in this behalf] [Substituted 'Government' by Act No. 5 of 2018, dated 8.8.2018.] 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 or any other officer specially empowered or authorized in this behalf] [Substituted 'Government' by Act No. 5 of 2018, dated 8.8.2018.] deems necessary, if in the opinion of the [Government or any other officer specially empowered or authorized in this behalf] [Substituted 'Government' by Act No. 5 of 2018, dated 8.8.2018.], such Chairman or member, as the case may be, has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or neglect or refusal to perform or is incapable to perform the functions of the Panchayati Adalat.(2)If an enquiry is held under sub-section (1), the [Government or any other officer specially empowered or authorized in this behalf] [Substituted 'Government' by Act No. 5 of 2018, dated 8.8.2018.] 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 a 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.**

- 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 [eighteen years of age] [Substituted 'fifteen years of age' by Act No. 20 of 2018, dated 16.10.2018.].

## **62. Recovery of fines.**

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

## **63. Previous acquittal etc.**

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

## **64. Local inquiry and reports.**

(1) A Panchayati Adalat may be directed by a Magistrate to make a local enquiry under section 202 of the 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 effecting immovable property ;(iii)suits for compensation for wrongly taking or injuring movable property not exceeding three thousand rupees in value ;(iv)suits for specific movable property or for the value thereof not exceeding three thousand rupees only :Provided that no Panchayati Adalat shall take cognizance of any suit, -(a)by or against a minor or a person of unsound mind ;(b)by or against the 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 Panchayat 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 or 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.**

- 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 Session 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.

## **79A. [ Government's power to specify the role of Panchayats. [Inserted by Act No. 20 of 2018, dated 16.10.2018.]**

(1)The Government may, by general or special order, specify from time to time, the role of Halqa Panchayats, Block Development Council, in respect of the programmes, schemes and activities related to the functions specified in the Schedules, in order to ensure properly coordinated and effective implementation of such programmes, schemes and activities.(2)The Government may, by notification, in the Government Gazette add any activity, programme or scheme to those covered by or mentioned in Schedules. On the issue of such notification, the Schedules shall be deemed to have been amended accordingly. Every such notification shall be placed before each House of the State Legislature.]

## **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 by -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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[Schedule I-A] [Inserted by Act No. 20 of 2018, dated 16.10.2018.] (See Section 12) General I. It shall be the duty of the Halqa Panchayat, to meet the requirements of the Halqa Panchayat area, subject

to availability of funds, in respect of the matters enumerated in this Schedule and also as elaborated in the responsibility mapping in respect of Halqa Panchayats.II. Subject to the other provisions of this Act and the guidelines and with the assistance of Government, financial, technical or otherwise, the Halqa Panchayat shall have the power to administer the matters enumerated in this Schedule and to prepare and implement schemes relating thereto for development and social justice purposes. Planning and implementation of all Centrally Sponsored Schemes in the Halqa Panchayat which are in operation or to be launched by the Government of India, as the case may be shall also be the responsibility of the Panchayats.III. Halqa Panchayat shall prepare the plans for and to implement all schemes in accordance with the provisions contained in the guidelines of the schemes and instructions issued by the Government of India and State Government from time to time.IV. The Halqa Panchayat shall carry out its functions in accordance with the set of guidelines for estimation of the projects as well as expenditure sanction issued by the Government.(A)General Functions : -(i)Preparation of annual plans for the development of the Panchayat area in general and separately under all schemes/programmes as per the targets assigned by the District Planning and Development Board (DP&DB).(ii)Preparation of annual budget.(iii)Providing relief in natural calamities.(iv)Removal of encroachments on public properties.(v)Organizing voluntary labour and contribution for community works.(vi)Maintenance of essential statistics of the villages.(vi)Identification of beneficiaries for all beneficiary oriented programmes/schemes.(vii)Repair/maintenance/upkeep of all Government assets.(viii)Supervision and inspection of all primarily level institutions like primary schools, primary health centers, primary veterinary centers/veterinary dispensaries, artificial semination centres, first aid centers etc.(ix)To act as Grievance Redressal Forum for the Halqa Panchayat.(x)To undertake constructions from Halqa Panchayat fund (own resources) within the area of the Halqa Panchayat.(xi)To undertake awareness generation and mobilization of community for all Government priority areas like sanitation, renewable energy, sex ratio improvement, skill development, water conservation, waste to energy, financial inclusion etc. as prescribed from time to time.(B)Specific Functions : -

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

(i)Preparation of and supervision of activities under a comprehensive village Horticulture/Agriculture/ Sericulture plan in consultation with Halqa Majlis (Gram Sabha) so as to increase production.(ii)Preparation of Annual plans and identification of beneficiaries under ATMA, MIDH, PMGSY, Blue Revolution, PMKSY or any other scheme in force or introduced in future and their submission to Block Development Council.(iii)Preparation of plans regarding development of waste lands and grazing lands to ensure optimum utilization of land.(iv)Establishment and maintenance of nurseries with Halqa Panchayat funds (own resources).(v)Preparation, recommendation and supervision of plan for farm mechanization.(vi)Preparation and supervision of plans for soil, water conservation and seed protection.(vii)Preparation of watershed management plans and their implementation.(viii)Supervision of Agriculture Insurance Plans and their implementation.(ix)Facilitate agriculture/horticulture extension activities including farm schools, exposure visits, crop protection and pest management campaigns, demonstrations etc.(x)Supervise preparation of loss statements in the event of disasters.(xi)Distribution of inputs.(xii)Promote the formation of milk/wool/poultry farming/co-operative societies.(xiii)Monitoring and supervision of

milk collections centers/societies.(xiv)Identification of sites for establishment and management of public market facilities (mandies) at Halqa Panchayat for promotion of rural farm products, craft products and display of market prices at such mandies.(xv)Regulation and conduct of fairs and festivals including cattle fair.(xvi)Providing storage and cold storage facilities for agro/horticulture products.(xvii)Facilitate farmers for direct marketing and e-Marketing of agriculture/horticulture produce.(xviii)Preparation of plan to enhance milk/broiler/egg production and its by-products(xix)Facilitate hand holding of private entrepreneurs.(xx)Promote collaborative co-operative model for dairy farmers.(xxi)Promote fodder development, vermi-composting and organic farming in the area.(xxii)Supervision of Primary Veterinary Centers, Veterinary dispensaries and first aid centers.(xxiii)Construction and maintenance of buildings of the Department in the panchayat areas, wherever transferred to the Halqa Panchayats.(xxiv)Identification of fish farmers for training in fish culture and arranging their training with the assistance of Department of Fisheries.

## **2. PHE, Irrigation and Flood Control Department : -**

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

## **3. Forest/Social Forestry : -**

(i)Afforestation on waste land.(ii)Development of social forestry and farm forestry, disposal of social forestry produce.(iii)Growing trees for cattle feed, fire wood and fruits.(iv)Implementation of farm forestry.(v)Establishment of nurseries and their management.(vi)Management of minor forest produce excluding reserved forest, protected forest and wildlife protected area.(vii)Planning and implementation of social forestry and farm forestry projects.(viii)Planting and preservation of trees on the road side and other public places under control of Halqa Panchayat.(ix)Protection of forest area from encroachments and reporting of any illegal activity to the concerned officer/official.(x)Identification of sites for CAMPA/afforestation activities under different

schemes/plans.(xi)Supervision/protection of wildlife.(xii)Constitution of fire protection committees to assist Forest Department in extinguishing forest fires in coordination with the local people.

#### **4. Tourism : -**

(i)Identification and proposing development of tourist spots in the Halqa Panchayat area.(ii)Facilitation of tourism activities.(iii)Providing and maintenance of basic amenities at tourist centers entrusted to Halqa Panchayat.(iv)Collection of entry fees, parking fees other than at places maintained by Archaeological Survey of India or by other local authorities or Government Departments.

#### **5. Public Works (R&B Department). - Planning and construction of works transferred to Halqa Panchayats.**

#### **6. Rural electrification, power and energy : -**

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

#### **7. Disaster Management : -**

(i)Conducting survey to identify disaster prone localities.(ii)Creation and maintenance of disaster management facilities.(iii)Identification of local resources in the form of manpower and funds to meet the eventuality of disaster.(iv)Creation of disaster management committees at village level; identification and registration of civil defense personnel.(v)Identification of youth for disaster management training.(vi)Providing relief and compensation to victims of disasters with Halqa Panchayat's own resources and as per guidelines issued by Government.

#### **8. Libraries. - Creation, management and monitoring of Halqa Panchayat level libraries and reading rooms including providing of seating facilities, books and their computerization through own resources.**

#### **9. Sports and Cultural Activities : -**

(i)Establishment and maintenance of play fields inside schools and on village lands.(ii)Protection and reviving cultural activities at Halqa Panchayat level.(iii)Promotion of youth clubs.(iv)Assisting poor and indigent artists.(v)Maintenance of communal and religious harmony.(vi)Construction and



management of cultural centers, community halls, open air theatres at Halqa Panchayat and cluster level.(viii)Organization of youth festivals/sport events, art and culture events, plays, dramas at Halqa Panchayat and cluster level.(ix)Providing life skill education, leadership training and conducting recreational activities for youth.

## **10. Health and Family Welfare Department : -**

(i)Forwarding of proposals and getting sanctions from competent authority for the establishment of dispensaries/health sub-centers at Halqa Panchayat level.(ii)NOC for Licensing of eateries and entertainment establishments.(iii)Management of stray dogs/street dogs/stray cattle; identification of sites for management of animal pounds.(iv)Implementation of preventive and remedial measures against epidemics.(v)Monitoring of maternity and child welfare centers and ensure 100% vaccination of all children and pregnant ladies.(vi)Regulation of sale of meat, fish and other perishable food articles.(vii)Constitution of "Health and Family Welfare Advisory Committee" consisting of Panch of village/ward, opinion leaders, trained birth attendant, Male/Female Health Worker, ASHA (Member-Secretary), Government employees and honorarium paid-staff viz. school teacher, Anganwadi worker etc., NGO/Women SHG/ Community based organization representatives etc. to oversee the functioning of each health institution and improvement thereof; to ensure that the functionaries of the sub-centres are residing at the place of posting; the committee shall be chaired by Sarpanch of the Halqa Panchayat in whose area the institution falls; the committee shall submit a Quarterly Accountability Report to the Block Development Council.(viii)The above committee shall also function as Village Health Sanitation and Nutrition Committee under NHM. The funds allocated to the VHSNC under NHM shall be operated through a joint account held by PRI member and ASHA as provided under NHM guidelines.(ix)Registration of all pregnant ladies with the nearest health centre through ASHA's and ensuring anti-natal and post natal care and benefits under Janani Suraksha Yojana, Janani Shishu Suraksha Karyakram are extended to the mother and child.(x)Supervising and facilitating "School Health Check up Programmes" under RBSK or any other scheme and monitoring that all children recommended for next level of care avail of the same.(xi)Chlorination of wells/bowlies; cleaning of roads and drains ; sanitation and restrain of stray dogs cattle (As per Prevention of Cruelty to Animals Act, 1960 with amendments thereof).(xii)Reporting the outbreak of Gastroenteritis/malaria/ dengue and/or any other epidemic/disease outbreak and starting measures for containment with the assistance of Health Committees.(xiii)Educating the community for adopting Family Planning methods/immunization etc. and organizing camps thereof.(xiv)Reporting of Births and Deaths.(xv)Identify sub-centre for upgradation to health and wellness centers under Ayushman Bharat and monitoring of services provided by them.(xvi)Introduction of Participatory Rural Appraisal (PRA) for all Health Programmes and their proper implementation.(xvii)Field visit report to be submitted to BDC on monthly basis.

## **11. Social Welfare Department : -**

(i)Identification of beneficiaries and implementation of the Supplementary Nutrition Programme under ICDS.(ii)Identification of sites for construction of Anganwadi Centres.(iii)Supervision and management of Anganwadi Centres to the extent transferred to Halqa

Panchayat.(iv)Construction/repair/renovation of buildings for AWCs to the extent transferred to Halqa Panchayat.(v)To coordinate with Mahila Mandals in smooth functioning of the programme.(vi)Identification of beneficiaries under Pradhan Mantri Matritva Vandana Yojna (PMMVY) and Scheme for Adolescent Girls (SAG)(vii)Identification of beneficiaries under National Social Assistance Programme (NSAP) and Integrated Social Security Scheme (ISSS); verification of existing pensioners and weeding out of dead/non-eligible cases.(viii)To disburse all payments under NSAP and ISSS.(ix)Identification of beneficiaries for Bal Ashrams/ Nari Niketans and other childcare institutions.(x)Identification of children in need of care and protection under Integrated Child Protection Scheme through child welfare committees and District Child Protection units.(xi)Coordinate with Block Development Council in execution of schemes for the welfare of SCs/STs/ OBCs/Minorities/Disabled/Old aged/Destitutes/ Widows/Children.(xii)Identify discriminatory practices against SCs/STs and report to Block Development Council/District Planning and Development Board/concerned authorities for action.(xiii)Identify Scheduled Caste/Scheduled Tribe basties and suggest measures for their socio-economic upliftment.(xiv)Coordinate with Block Development Council and District Planning and Development Board in creating awareness among the people about the ill effects of drug abuse/female feticide/domestic violence and also implementation of all schemes including Poshan Abhiyan, Ladli Beti, One Stop Centre, Beti Bachao Beti Padhao or any other scheme introduced in future .(xv)Coordinate with Block Development Council and District Planning and Development Board in creating awareness among the people about laws enacted to prevent domestic violence against women.

## **12. Consumer Affairs and Public Distribution Department : -**

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

## **13. Rural Development Department : -**

(a)General Functions -

**1. Cleaning and preservation of public roads, drains, bathing ghats, tanks, wells, ponds and other public places.**

**2. Establishment and maintenance of burial and cremation grounds.**

**3. Lay emphasis on natural resource management works, water conservation, watershed management, vermi-composting etc.**

**4. Construction and maintenance of cattle farm, community cattle sheds, pounds, village bus stand, rickshaw stand, taxi, auto stand, cart stand, slaughter houses and commercial complexes and collection of user fee for the purpose.**

(b)Mgnrega : -i. Preparation of labour budget, shelf of projects and Annual Action Plan in coordination with Gram Sabha through regular Gram Sabha meetings and implement MGNREGA in the Halqa Panchayat strictly as per guidelines prescribed.ii. Execution of works in accordance with the Annual Action Plan/District Convergence Plan approved by District Planning and Development Board (80% of the district plan to be devolved to Panchayats and 20% to the District Development Commissioner for Inter- Panchayat works)iii. Convening the Halqa Majlis (Gram Sabha) for social audit under the scheme and providing all information to the social audit team required for audit.iv. Receiving applications for job cards and labour demand for work and issuing dated receipt against the same.v. Issuance of job cards to the households within one month of application.vi. Ensuring the applicants who demand labour get work within the statutory period of 15 days and pay unemployment allowance from own funds in case of failure to do so.vii. Ensuring preparation of Muster-sheet within 15 days of start of work and preparation of fortnightly Muster-sheets thereafter.viii. Ensure wage payment to wage seekers within 15 days of preparation of muster-sheets and pay delay compensation from own resources in case of failure to do so.ix. Organization of Gram Rozgar Diwas on 1st of every month and Mahila Mazdoor Diwas on 15th of every month.x. Provision of work site facilities like drinking water, first aid, childcare facilities in case of 10 children or more being present on site etc.xi. Accord administrative approval for and make payments for the works under Mgnrega as per rules prescribed.xii. Act as custodian of all panchayats related records and ensure maintenance of Panchayat Asset Register, case records for each individual work and Registers as prescribed under Mgnrega.xiii. Maintenance of 60:40 (labour material ratio) at GP level under MGNREGA.xiv. Awareness generation and social mobilization under scheme.xv. Registration of vendors for supply of Key Material viz. sand, stone, bajri at GP level.(c)Rural Sanitation (SBM) : - (i)Development of health and sanitation policy and its implementation.(ii)Planning and implementation of Halqa Panchayat level sanitation programme for households, public places and all local institutions and collection of user charges for the same where necessary.(iii)Sensitization of community towards maintenance of sanitation/Solid, Liquid Waste Management (SLWM)/waste to energy.(iv)Identification of land and establishment of Solid Liquid Waste Management Unit in consultation with State Technical Advisory Committee, District Water and Sanitation Committee and Block Level Committee.(v)Collection, segregation and transport of solid waste to multi village solid waste management plants.(vi)Construction and maintenance of individual, community toilets and bathrooms and sanitary complexes.(vii)Disposal of unclaimed corpses and carcasses, regulation of curing, tanning and dyeing of skins and hides.(viii)Survey of quantity and type of waste generation and assessment of demand for establishment of Solid Liquid Waste Management

Unit.(ix)Sensitization and policy planning about menstrual health; implementation and construction of pink toilets; regular refilling and operation and maintenance of vending machines and incinerators in pink toilets.(d)Pradhan Mantri Awas Yojana (PMAY) : -i. Verification of PMAY SECC lists through Halqa Majlis (Gram Sabhas) and set priorities for grant of houses.ii. Identification and uploading of non-SECC beneficiaries into Awaas plus software.iii. Prepare special lists for disaster affected families within the SECC list.iv. Identification of persons for mason training and ensure conduct of mason trainings as per guidelines.v. Ensure timely sanction of houses and disbursal of installments to the beneficiaries. All beneficiary funds under PMAY shall be devolved to the Halqa Panchayats.vi. It shall be responsibility of the Panchayats to ensure completion of houses within nine months of disbursal of first installment.(e)IWMP : -i. Identification of water shed areas, ponds, barren lands etc. for development under IWMP.ii. Creation of Water Shed Development Committees in the project area through Halqa Majlis (Gram Sabha).iii. Identification of works to be taken up under Water Shed Project Area.iv. Execution of works at the Panchayat level through Water Shed Development Committees.

#### **14. Education Department : -**

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

#### **15. Revenue Department : -**

i. To assist the Local Administration in periodic updating of land records relating to actual status of village common lands, waste land, Kacharai land, water ways, roads, embankments and to assist in encroachment removal.ii. Ensure the Patwari pastes his monthly working chart on the notice board of Patwar Khana and Panchayat Ghars indicating the working days he will visit the Panchayat Halqa areas.iii. The concerned Halqa Panchayats will ensure that all eligible Kisans are issued Kisan Pass Books as required under the Jammu and Kashmir Land Revenue Act and that the same are updated regularly by the concerned Revenue Field Functionaries.iv. To act as a grievance redressal

mechanism in case of any difficulty being faced by the land owners in getting the extracts of Revenue Records and refer the matter to the concerned Tehsildar/ Sub-Divisional Magistrate/District Collector directing the concerned Patwari to the issue the Revenue Records through, Panchayat, as early as practicable.v. Providing necessary assistance to the Administration in providing relief to the effected families/persons in case of disaster.vi. To report regarding wrong entries in revenue records, malpractices, tampering of records land conversion to the Tehsildar/SDM/District Collector or higher authorities as the case may be.vii. Assisting the local administration and revenue functionaries in periodic updating of land records viz-a-viz changes in the situation on ground through the conduct of the annual girdawari, preparation of jamabandi and all other revenue documents.viii. Identification of landless families for allotment of land under any prevalent scheme.

## **16. Issue of certificates : -**

i. Issue of NOCs for Geology and Mining Department activities, Electrification, biodiversity, land conversion, Licenses for Home stay, resorts, bar and restaurants, hotels, liquor shops, Burial/cremation grounds, crematoriums, slaughter houses etc.ii. Issuance of birth, death, Character, dependent, marriage certificates and ration cards in accordance with procedure as notified by the Government from time to time.

## **17. Statistics and Planning : -**

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

## **18. Co-operation. - Preparation and implementation of programmes to popularize and strengthen co-operative activities.**

## **19. Rural Environment and Ecology : -**

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

## **20. Knowledge Management : -**

(i)Collection and compilation of household data and maintaining database.(ii)Recording of the history, culture, heritage of the village.(iii)Conducting surveys and studies to determine the human development of the village.(iv)Periodical calculation of human development index.(v)Making

available all data to the people of Halqa Panchayat.(vi)Awareness generation and Information, Education and Communication activities for all Government schemes.

## **21. Community Asset Management : -**

(i)Protection, conservation and management of community assets within the Halqa Panchayat area, their mapping, measurement, comprehensive documentation and maintenance.(ii)Systematic documentation and protection of records of all assets such as ponds, water grooves, canals, agriculture pits, wells, bore-wells and other wells, pastures, forests, plantations etc.[Schedule 1-B] [Inserted by Act No. 20 of 2018, dated 16.10.2018.](See Section 26)

**1. As per the provisions of this Act, Halqa Panchayat shall have the powers to carry out various duties/functions for the Socio Economic Development and Social Justice of the area. For this Halqa Panchayat requires staff for providing necessary help and guidance in carrying out the duties imposed on it by this Act.**

**2. Every Halqa Panchayat shall have a Member-Secretary who shall be an employee of Rural Development and Panchayati Raj Department (to be specified by the Department).**

**3. The employees of the departments contained in the Schedule I-A associated with the implementation of the various schemes at Halqa Panchayat level shall be the staff of Halqa Panchayat for helping them in carrying out various functions as per the Schedule I-A which shall include Junior Agriculture Extension Officer/Rehbar-e-Zerat, Veterinary Pharmacist/Stock Assistant, Flock Supervisor, Stock Assistant, Extension Officer (Fisheries), Teacher/RETs, Horticulture Technician, Junior Engineers/Supervisors of Engineering Departments and Pharmacists in Sub Centre/Dispensaries, Asha Worker, ANM and FMPHW.**

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

Provided that the pay, dues and other allowances of the permanent staff shall be drawn and disbursed by the respective department as per the procedure in vogue. The Honorarium of the dedicated staff shall be drawn and disbursed by the departments as per the procedure laid down in the guidelines by the respective departments :Provided that the salary/honorarium (as applicable) of Village Level Worker, Auxiliary Nurse Midwife (ANM), Female Multipurpose Health Worker

(FMPHW) Accountant-cum-Data Entry Operator, Aganwadi Worker/Helper, Asha Worker, shall be drawn by the Halqa Panchayat as per the prescribed procedure.

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

[Schedule I-C] [Inserted by Act No. 20 of 2018, dated 16.10.2018.](See Section 14)

**1. Every Halqa Panchayat shall have a fund, to be called, the Halqa Panchayat Fund which shall be operated by the Secretary Panchayat and Sarpanch as per the procedure to be notified by the Department of Rural Development and Panchayati Raj.**

**2. As per the provisions of this Act, Rules thereunder and Government directions issued from time to time, the Halqa Panchayat shall have the power to operate the fund strictly as per procedure to be notified by the Government which shall include : -**

i. Funds related to the subjects contained in the Schedule I-A, including funds under Centrally Sponsored Flagship Schemes as transferred to the Halqa Panchayats by respective Administrative Departments.ii. Grants of State and Central Finance Commission.iii. Outlays transferred to the Halqa Panchayat by the Government from time to time.iv. Untied grants made available to the Halqa Panchayat by the Government to meet out the exigency of development works of Panchayat Halqas.v. Own resources generated through building permission fee, annual charges and fee levied under section 15, fee for the certificates issued, user charges collected, incentives and other sources.vi. The salary/honorarium as applicable of Village Level Worker, Auxiliary Nurse Midwife (ANM), Female Multipurpose Health Worker (FMPHW), Accountant-cum-Data Entry Operator, Aganwadi Worker/Helper and Asha Worker.vii. 80% funds under Annual Action Plan for MGNREGA.viii. 100% funds under PMAY (construction component only), IWMP (works component only), Mid-day Meal, ICDS (Nutrition component only), NSAP and ISSS.

**3. The Halqa Panchayats shall strictly follow the financial rules/instructions guidelines issued by the Central and State Government while utilizing the funds under different programmes.**

**4. Halqa Panchayats shall prepare a statement of annual accounts to be audited in the prescribed manner.**

**5. The guidelines prescribed by the Central or State Government shall be strictly adhered to while incurring expenditure on a scheme funded by Central Government or State Government as the case may be.**

[Schedule II-A] [Inserted by Act No. 20 of 2018, dated 16.10.2018.](See Section 31)I. It shall be the duty of the Block Development Council to meet the requirements of area in respect of the matters contained in this Schedule II-A and also prepare plan of activity in respect of inter Halqa Panchayat areas/matters subject to the availability of funds under the various schemes.II. Subject to the other provisions of this Act and directions/guidelines issued by the Government from time to time, the Block Development Council shall administer the matters contained in this Schedule II-A and prepare plans and implement the schemes on the subjects specified herein for the economic development and social justice purpose.III. The Block Development Council shall perform its functions strictly as per the guidelines for estimation of the projects as well as expenditure sanction issued by the Government.(A)General Functions : -i. Preparation of annual plans in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government/District Planning and Development Board and their submission to the District Planning and Development Board within a prescribed time for integration with district plan.ii. Consideration and consolidation of the Annual Plans of all the Halqa Panchayats in the Block and submission of the consolidated plans to District Planning and Development Board within a prescribed time for integration with district Plans.iii. Preparation of the Annual Budget of the Block Development Council and its submission to District Planning and Development Board.iv. Assisting the administration in distribution of relief and compensation during the natural calamities/disaster.v. Performing such functions and executing such works as may be entrusted to it by the Government or the District Planning and Development Board.vi. Construction and upkeep of block level Government facilities as transferred.(B)Specific Functions : -

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

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



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

## **2. Consumer Affairs and Public Distribution Department : -**

(i)Monitoring of the public distribution system including movement and availability of commodities(ii)To take steps for identification and elimination of bogus ration cards.(iii)To coordinate in the establishment of linkage of Public Distribution System Schemes with other welfare schemes.(iv)To send periodical reports and returns about Public Distribution System to the District Planning and Development Board Distribution.(v)Disseminate information and create awareness about Consumer Protection and Welfare Schemes.

## **3. Education Department : -**

i. To assess the drop-out position and initiate appropriate action to reduce it.ii. Oversee the utilization of School Maintenance Grants (SMG), Teaching Learning Material (TLM) and Teaching Learning Equipments (TLE) as per norms in Middle Schools.iii. Assist in identification and enrolment of students for Government Middle Schools.iv. Oversee distribution of study material, uniforms and scholarship to the target group students in Middle Schools.v. Preparation and distribution of Mid-day Meal in Middle Schools through local SHGS/NGOs/ Community Level Committees for which the funds shall be transferred to Block Development Council. Block Development Council shall also ensure weekly quality checks of the Mid-day Meals through designated agencies and take immediate action, if any, adverse reports are received.vi. Oversee and report on the functioning of Village Education Committee (VECs)/School Management Committees (SMCs) at Middle School level.vii. Assess and plan requirement of drinking water and toilet facilities in Middle Schools and ensure that it is met.viii. Promotion of adult literacy and planning and monitoring both conventional and non-conventional education at block level.ix. Coordinating Centrally and State Sponsored Programs relating to Education.x. Construction and maintenance of Middle School Buildings as transferred by the Government.xi. Promotion of social education through youth clubs and Mahila Mandals.xii. Planning, establishment, management of hostels at middle school level for backward class and groups, girls, specially abled, minority groups and

orphans.

#### **4. Forest Department : -**

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

#### **5. Health and Family Welfare Department : -**

(i)Constitution of Health and Family Welfare Advisory Committees for Community Health Centers.(ii)To create awareness among the masses about the National Health Programmes by way of organizing health and family camps, exhibitions and Melas.(iii)Construction and maintenance of Community Health Centers, staff quarters and other health facilities as transferred by the Government.(iv)To take all effective measures with the assistance of health functionaries to control epidemics in the Block Development Council areas.(v)Promotion of immunization and vaccination programmes and ensure 100% children and pregnant woman are immunized.(vi)Establishment of a system/mechanism for continuous support to Gram Panchayat to manage health services and sanitation programmes.(vii)Setting up and managing facilities and centers for specially abled and mentally challenged people.(viii)Planning and implementation of family welfare programmes at Block Development Council level.(ix)Ensuring all constructions/offices/procedures within the block are specially-abled friendly.

#### **6. Industries and Commerce Department : -**

(i)Assistance in the recovery of loans by Banks/ Government Institutions/Departments.(ii)Provide information with regard to availability of skills in the area and future demand.(iii)Identify the locations and target groups in their respective area of operation where there is a potential of conducting Industrial Awareness Programmes/Entrepreneurship Development Programmes/awareness camps for artisans, weavers, craft persons etc.(iv)Assist in the identification of beneficiaries under PMEGP/JKEGP.(v)Identify land for establishing Industrial Areas/ Estates within their jurisdiction and submit the proposal to District Planning and Development Board for consideration.(vi)Organization of conferences, seminars, training programmes agricultural and industrial exhibitions.(vii)Establishment of mini industrial estates.(viii)Formation and

implementation of self employment schemes.(ix)Creation of input services and common facility centres for Gram Panchayat Clusters or for group of Gram Panchayats.(x)Providing financial support to cluster level common facility centers.

## **7. Public Works (R&B) Department : -**

(i)Monitoring of constructions by Halqa Panchayats and other agencies.(ii)Identification of inter-panchayat link roads and their inclusion in the Block Development Council Plan.(iii)Maintenance of such rural roads which may be transferred by Public Works Department to Block Development Council.(iv)To keep vigil and bring to the notice of appropriate authority of the Public Works Department the cases of gross mis-utilization of funds, corrupt practices etc. by the staff of department, contractors and sub-contractors while executing various schemes and the encroachments on the roads/other structures.(v)Maintenance of any building or other property vested in Block Development Council.(vi)Identify black spots (frequent accident sites) and recommend remedial measures to District Planning and Development Board.

## **8. Public Health Engineering and Irrigation and Flood Control Department : -**

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

## **9. Revenue Department : -**

(i)To help revenue officials in identification of landless/houseless families/persons for formulation of a policy regarding utilization of waste/vacant State land, identification thereof, which is however not required for any other public purpose at block level.(ii)Supervise the work entrusted in revenue matters to Panchayats and formulation of policy at the block level for removal of encroachments on State/ Kahcharai/Water bodies/common land.(iii)Assistance to the legal machinery in conduct of legal proceedings (e. g. publication of notices in the entire area, identification of vacant State land in different Halqa Panchayats areas etc.)(iv)To report regarding wrong entries in revenue record, malpractices, tampering of records, land conversion to the Tehsildar/SDM/Deputy Commissioner or higher authorities as the case may be.(v)Assisting the local administration and revenue functionaries in periodic updating of land records viz-a-viz changes in the situation on ground through the conduct of the annual girdawari, preparation of jamabandi and all other revenue documents.

## **10. Social Welfare Department : -**

(i)Guide and assist the staff of the departments in implementing the various schemes in the Block

Development Council area as per the guidelines of the schemes.(ii)Assist in providing logistic support to facilitate smooth implementation of the programmes.(iii)Coordinate with District Planning and Development Board and Panchayats in implementation of schemes for the welfare of Disabled/Old-Aged/Destitutes/Widows/Children/ Minorities/SCs/STs/OBCs.(iv)Coordinate with District Planning and Development Board in creating awareness among the people against social evils of drug abuse, female feticide, domestic violence and also in implementation of all schemes like Beti Bachao Beti Padhao/Ladli Beti, One Stop Centre, PMMVY etc.(v)Organize camps for creating awareness among the women about the laws enacted to prevent domestic violence against women and promotion, implementation and monitoring of programmes in relation to development and empowerment of women and children at block level.(vi)Planning and management of hostels for scheduled castes, scheduled tribes and backward communities, Bal Ashrams, Blind homes, Nari Niketan, One stop homes, juvenile justice homes and other such social justice institutions through SHGs/NGOs/Community Level Organizations.(vii)To prevent, through awareness campaigns, social, cultural practices against Scheduled Tribes and Scheduled Castes and backward communities which undermine freedom and dignity of individual and community.(viii)Monitoring old-age, widow pension and pension for handicapped/disabled and scholarships by the Halqa Panchayats.

## **11. Tourism Department : -**

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

## **12. Disaster Management : -**

(i)Creation and maintenance of disaster management facilities at Block Development Council level.(ii)Creation of disaster management committees at block level and identification, registration of civil defence committees.(iii)Identification of youth for disaster management training at block level.(iv)Assisting district administration and Halqa Panchayat in providing relief and compensation to the victims of disasters.(v)Conduct of mitigation programmes with regard to disasters.

## **13. Libraries. - (i) Creation, management and monitoring of libraries and reading rooms including providing of seating facilities, books etc. at block level.**

## **14. Sports and Cultural activities : -**

(i)Organization of art and culture programmes at inter-panchayat level.(ii)Promotion of youth clubs at block level.(iii)Maintenance of communal and religious harmony.(iv)Construction and management of cultural centres, community halls and open air theatres at block level for organizing different inter-panchayat functions.(v)Organization of youth festivals/other events at

inter-panchayat level.(vi)Providing of life skill education, leadership training and conducting recreational activities for youth at inter-panchayat level.

## **15. Rural Development Department : -**

(i)Consolidation of Annual Action Plans of Halqa Panchayat under different schemes to the extent transferred as per the Schedule I-A and monitor/ supervise the implementation of various programmes at the Halqa Panchayat level.(ii)Preparing and implementing of Inter-Panchayat Plans under different schemes to the extent transferred by the Government as per Schedule II-A.(iii)Monitor the distribution of job cards to the eligible households under MGNREGA.(iv)Monitoring and evaluation of all poverty alleviation programmes and coverage of women SC, ST and other beneficiaries through different programmes.(v)Organizing the auction of the produce from the community assets to the extent powers transferred by the Government as per the rules made thereunder.(vi)Development and maintenance places for fairs/ mandies/other events.(vii)Supervision and monitoring of rural sanitation programmes and its execution by the Halqa Panchayats.(viii)Prevention of misuse of community assets of the Block Development Council.(ix)Organize training and awareness camps for different schemes and programmes.(x)Monitor the use of community assets created under various Rural Development Schemes.(xi)Establishment and maintenance of solid and liquid waste management projects.(xii)Provide technical support to the Gram Panchayat.

## **16. Other functions: -**

(i)Facilitate promotion of block level co-operative societies.(ii)Providing technical support to Gram Panchayats for the protection of environment and ecology.(iii)Collection and compilation of block data and maintaining data base.(iv)Recording of the history, culture, heritage of the block.(v)Conducting surveys and studies to determine the human development of the block.(vi)Periodical calculation of human development index.(vii)Making available all data to the people.(viii)Awareness generation and information, education and communication activities for all Government schemes.(ix)Maintaining all community assets vested in the block as are transferred by the Government or any local authority or organization.(x)Preservation and maintenance of community assets.[Schedule II-B] [Inserted by Act No. 20 of 2018, dated 16.10.2018.](See Section 31)

**1. As per the provisions of this Act Block Development Council shall have the powers to carry out various duties/functions for the Socio Economic Development and Social Justice of the area. For this Block Development Council requires staff for providing necessary help and guidance in carrying out the duties imposed on it by this Act.**

**2. Every Block Development Council shall have a Member-Secretary who shall be the Block Development Officer of Rural Development and Panchayati Raj Department as contained in sub-section (3) of section 28. The office of the Block Development Officer shall function as Block Development Council Secretariat.**

**3. The Block Level Officers of the departments contained in the Schedule II-A associated with the implementation of the various schemes at block level and providing technical guidance to the Halqa Panchayat for carrying out various duties shall be the staff of Block Development Council for helping them in carrying out various functions as per the Schedule II-A including and not limited to Sub-Divisional Agriculture Officer, Live Stock Development Officer, Sheep Development Officer, Block Veterinary Officer, Tehsil Supply Officer, Inspector Legal Meteorology, Zonal Education Officer, Zonal Planning Officer, Head Masters/Mistresses of Middle Schools, Field Supervisor of Fisheries Department, Range Officer, Horticulture Development Officer, Block Medical Officer, ANM/Medical Superintendent/Female and Male Multipurpose workers of CHCs, Assistant Handicraft Training Officer and Instructor of Industries and Commerce Department, Assistant Executive Engineers/Assistant Engineers of all Engineering Departments.**

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

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

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