



GOVERNMENT OF JAMMU & KASHMIR
Department of Rural Development and Panchayati Raj,
Civil Secretariat, J&K, Srinagar.

Notification

Srinagar, the 2nd September, 2019

SRO 521- In exercise of the powers conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989, the Government of Jammu and Kashmir hereby make the following amendments in the Jammu and Kashmir Panchayati Raj Rules, 1996; namely:-

1. **Rule 84-A**, shall be omitted.

2. **In Rule 102:-**

(i) after sub rule (1), the following sub rule shall be inserted:-

(1A) "District Panchayat Election officer (Deputy Commissioner), Electoral Registration Officer, Assistant Electoral Registration Officer, Returning officer and any other officer in the District concerned with the conduct of election to the Block Development Councils, shall work under direction, control and superintendence of Election Authority under the Act."

(ii) sub rule (2) shall be substituted by the following:-

"(2)(i) The Election Authority shall appoint Electoral Registration Officers and Assistant Electoral Registration Officers for preparation of electoral rolls in accordance with section 41 of the Act in consultation with the Government.

(ii) The District Panchayat Election Officer (Deputy Commissioner) shall appoint such number of Returning Officers, Presiding Officers and polling officers as may be required for holding of election to the Block Development Councils and shall, appoint such number of attendants as necessary to assist the presiding officer in the performance of duty".

(iii) after sub rule (2), the following sub rules shall be added:-

"(3)(i) The entire Block shall be the constituency for election of Chairperson of Block Development Council of such Block":

(ii) For every block, Government shall, by notification, determine constituency for each Block Development Council bearing the name of the Block and comprising of all Halqa Panchayats of that block.

"(4).- The electoral college of the constituency of the Block Development Council shall be prepared in such manner as may be determined by the Election Authority. The electoral college for election of Chairpersons of Block Development Councils shall consist of elected members of all Halqa Panchayats of that Block".

3. after rule 102, the following rule shall be added:-

"102-A. Notification of election to the Chairperson of Block Development Council:- "The Government shall , by one or more notifications in the Government Gazette on such date or dates as may be determined in consultation with Election Authority call upon the elected members of all Halqa Panchayats of blocks to elect the chairpersons of the Block Development Councils."

4. rule 103 shall be substituted by the following:-

"103. Announcement of dates.- (1) As soon as notification calling upon the electoral college of a Block to elect chairperson for the Block Development Council is issued in accordance with the rule 102-A, the Election Authority shall, by notification in the Government Gazette, appoint -

- (a) the last date for submission of nomination papers by the candidates for elections, such date being not less than 15 days before the election date or, in case that day shall be a public holiday, the next succeeding day that is not a public holiday.
- (b) the time, date and place for scrutiny of the nomination papers which shall be the day immediately following last date for submission of nomination or, if that day is a

public holiday, the next succeeding day which is not a public holiday.

- (c) the time and date for the withdrawal of candidature, which shall be the day immediately following the date for scrutiny of nominations or, if that day is public holiday, the next succeeding day which is not a public holiday.
- (d) the time and date or dates on which a poll shall take place shall be a date not later than 20 days after the last date for withdrawal of candidature:

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

- (e) Public Notice of Election and presentation of Nomination Papers:- (i) Immediately after the issuance of notification under rule 102-A, the Returning Officer shall give public notice of the intended election in such form and manner as may be prescribed by the Election Authority, inviting nominations for the conduct of such election and *specifying the time and place at which nomination papers are to be delivered.*

(ii) On or before the date appointed in clause (a) of rule 103, each candidate shall, either in person or through authorized persons, deliver the nomination papers to the Returning officer in the prescribed Form No. 40 duly subscribed by the candidate for the purpose of such election.

(iii) The nomination form shall be accompanied by a security deposit of Rs 100/- in shape of a Bank draft pledged in the name of Returning Officer of Block Development Council payable at any branch of a nationalized bank in the district:

Provided that in case of Scheduled Caste, Scheduled Tribe and women candidates, the amount of security deposit shall be Rs. 50/- only.

Provided further that the security deposit of a candidate getting $1/6^{\text{th}}$ or more of the total valid votes polled will be refunded by the Returning Officer within a period of 90 days from the declaration of result. In case the candidate gets less than $1/6^{\text{th}}$ of the total valid votes polled his/her security shall be forfeited.

Provided also, that in case the position of Chairperson of Block Development Council is reserved for SC/ST, the nomination papers shall be accompanied with a certificate issued by the Revenue Authority specifying particular Caste or Tribe of the candidate who intends to contest such elections.

(f) Scrutiny of nomination papers:- (i) At the time and on the date fixed for the scrutiny of nomination papers under clause (b) of Rule 103, the candidates or their authorized agents or proposers may attend such place as the Returning Officer may appoint for scrutiny and the Returning Officer shall give them reasonable time and opportunity for examining the nomination papers of all candidates.

(ii) The Returning Officer shall then examine the nomination papers and shall, decide all objections which may be made to any nomination paper and, after doing so, if he thinks necessary, reject any nomination papers on the grounds contained in Rule 104."

5. sub rule (1) and (2) of rule 105 shall be substituted by following:- (1) **Withdrawal of Candidature.-** Any candidate may withdraw his candidature by a notice in Form 41 duly subscribed and delivered personally to the Returning officer on the day fixed as provided in the clause (c) of rule 103. Notice once given cannot be withdrawn.

(2) Publication of the list of the candidates sub rule (2) shall be substituted.- Immediately after the expiry of the time and date for withdrawal under sub rule(1), the Returning officer

shall publish a list of validly nominated candidates for contesting election whose name shall be in alphabetical order.

6. after rule 105, the following rule shall be inserted as 105-A:-

"105-A Notification and Constitution of Block Development Council.- (1) The Election Authority shall forward the names of Chairpersons of the Block Development Council(s) elected in accordance with the provisions of section 41 to the Government.

(2) On receipt of names of Chairpersons, the Government shall by notification constitute Block Development Council(s) bearing the names of Chairperson(s) and members of the Block Development Council(s).

(3) Upon the issuance of such notification under sub-rule (2), the Block Development Council(s) shall be deemed to be duly constituted."

7. the following proviso shall be added to rule 106:-

"Provided that the election of Vice-Chairperson of Block Development Council shall be held within one month after convening first meeting of the Block Development Council after its constitution."

8. after rule 107, the following rule shall be added as 107-A:-

"107-A.- Resignation by Chairperson or Vice Chairperson of the Block Development Council:-(1) If a Chairperson or Vice Chairperson desires / intends to resign from his/her position, he/she may do so either by representing to Deputy Commissioner in person along with the resignation letter or sending his/her resignation duly attested by the District Panchayat Officer through registered post. On receipt of resignation, the Deputy Commissioner shall satisfy himself about the genuineness of the resignation and thereafter, if he is satisfied, shall accept the resignation. Upon the acceptance of the resignation by Deputy Commissioner, the position shall be deemed to have been treated as vacant.

(2) Any Chairperson vacating an office of Block Development Council either by resignation under sub rule (1) or, removed under section 30, shall handover the charge to the Vice-Chairperson of the Block Development Council.

(3) In the event of positions of both Chairperson and Vice-Chairperson having been vacated by reasons such as resignation, death or otherwise, the Election Authority shall conduct fresh elections to the post of Chairperson of Block Development Council within a period of six months."

9. In rule 109.-

(i) In sub rule (1), the following proviso shall be added:-

"Provided that the first meeting of the Block Development Council shall be convened not later than 20 days after its constitution."

(ii) in sub rule (9), the words "one-third" shall be substituted by the words "two-third".

(iii) sub rule (12) shall be substituted by the following:-

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

(ii) The Block Development Council shall oversee the preparation and integration of Gram Panchayat Developmental Plans (GPDPs) within their area of jurisdiction within the stipulated time.

(iii) It shall be the duty the Block Development Council to ensure the conduct of monthly meetings by the Halqa Panchayats, the meetings of the Gram Sabhas as per the provisions contained in the Act and conduct of Social audit of the Schemes transferred to the Halqa Panchayat

and Block Development Council as per procedure/guidelines prescribed.

(iv) It shall be the duty of Block Development Council to ensure the commencement of planning process for the formulation of GPDP Plans before the succeeding financial year and within the dates as prescribed by the Government.

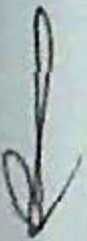
(v) The Block Development Council shall ensure that every job seeker of a rural household in its jurisdiction, who volunteers to do unskilled and manual work, gets least 100 days of wage employment in a financial year and the job card as mandated under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

(vi) The Block Development Council shall ensure that timely payments are made to the workers under Mahatma Gandhi NREGA for the work done i.e within 15 days to avoid delay compensation as mandated under Mahatma Gandhi National Rural Employment Guarantee Act-2005 (MGNREGA).

(vii) It shall be the duty of Block Development Council to ensure the preparation and updation of inventory of Assets created/being created at the Halqa Panchayat Level as well as at Block Level.

(viii) It shall be the duty of Block Development Council to upkeep the Assets created /transferred to the Halqa Panchayat out of their own resources subject to the provisions contained in the PR Act.

(ix) To provide necessary guidance to the Halqa Panchayats in performing their duties as mandated in the Act/Rules/guidelines prescribed by the Government and shall review the progress of Schemes implemented/ to be implemented by Halqa Panchayat and Block Development Council on monthly basis.



(iv) after sub rule (12), the following sub rule shall be added as (13):-

"(13) Role of Block Development Council in realization of Own Resources:- (1) The Block Development Council shall call upon the Halqa Panchayats to raise their own resources by way of imposing fee on items mentioned in the section 15 of the Act and shall also review the performance of same and its utilization on monthly basis.

(2) The Block Development Council shall ensure utilization of own resources having so raised only after preparing proper plan and obtaining approval from the competent authority as provided in the Act/Rules."

10. after rule 109, the following rule shall be inserted as 109-A:

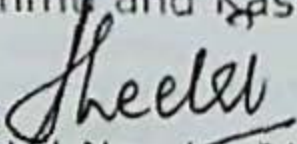
"109-A.- Duties of Chairperson of Block Development Council:-

- (1) It shall be the duty of the Chairperson:-
 - (a) to arrange for the convening of the meetings of Block Development Council and to preside over them within the prescribed time lines and as per the prescribed procedure.
 - (b) to conduct the business at the meetings and preserve order;
 - (c) to keep a watch over the finances and superintend the executive administration of the Block Development Council and to bring to the notice of the Block Development Council any defect therein;
 - (d) to superintend and control the establishment maintained by the Block Development Council;
 - (e) to carry out the decisions/resolutions of the Block Development Council;
 - (f) to arrange for the maintenance of the various registers provided under rules if any;
 - (g) to perform such other duties as are required or imposed on him or under the Act or any other law.
 - (h) to ensure the implementation of all provisions as mandated in the Act/Rules/Guidelines issued by the Government from time to time in his/her jurisdiction.



11. In rule 158, sub rules (3),(4) and (5) shall be omitted.

By order of the Government of Jammu and Kashmir.


Sheetal Nanda, IAS

Secretary to the Government.

No:- RD/Panch/60/2018

Dated: 02-09-2019

Copy to the:-

1. Financial Commissioner to the Hon'ble Governor.
2. All Financial Commissioners.
3. All Principal Secretaries to the Government.
4. Director General of Police, J&K.
5. Chief Electoral Officer, J&K, Srinagar.
6. All Commissioners/Secretaries to Government.
7. Divisional Commissioner, Jammu.
8. Divisional Commissioner, Kashmir.
9. Divisional Commissioner, Ladakh.
10. Secretary to the Government, Department of Law, Justice, and PA.
11. All District Development Commissioners.
12. Director, Local Bodies, Kashmir.
13. Director, Rural Development, Kashmir.
14. Director Rural Development, Jammu.
15. General Manager, Government Press, Srinagar for publication.
16. OSD to the Advisor (F) to the Hon'ble Governor for information of the Advisor.
17. All Assistant Commissioner Development (ACDs)
18. All District Panchayat Officers (DPOs).
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