



The Jammu and Kashmir Panchayati Raj Act, 1989

Act 9 of 1989

Keyword(s):

Block, Block Development Council, Building, Case, Chairman, District, Planning and Development Board, Election Authority, Electrol Roll, Halqa, Halqa Panchayat, Panch, Panchayati Adalat, Sarpanch, Suit, Vice-chairman, Village

Amendment appended: 4 of 2002

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

PANCHAYATI RAJ ACT, 1989

(Act No. IX of 1989)

CONTENTS

SECTION.	SECTION.
CHAPTER I	CHAPTER III
Preliminary	Powers and Functions.
1. Short title, extent and commencement.	12. Powers and functions.
2. Definitions.	CHAPTER IV
3. Act to over-ride other laws.	Property
CHAPTER II	13. Property of Halqa Panchayat.
Halqa Panchayat	14. Halqa Panchayat Fund.
4. Establishment and Constitution of Halqa Panchayat.	15. Imposition of Taxes and Fees.
5. Term of Office.	16. Power of entry for the purpose of Valuation of Taxation.
6. Disqualifications for Membership.	17. Appeal against Levy of Tax or Fee.
7. Removal of Sarpanch and Naib-Sarpanch of a Halqa Panchayat.	18. Recovery of Dues as Arrears of Land Revenue.
8. Filling vacancies in Halqa Panchayat.	19. Revision of Taxation Orders.
9. Supersession of Halqa Panchayat.	20. Audit of Panchayat Funds.
10. Remuneration to Sarpanch and Panchs.	21. Annual Budget.
11. Resignation.	22. Exemption from Tax.
	23. Levy of Fees on Market etc.

SECTION.

SECTION.

CHAPTER V.

CHAPTER IX.

Conduct of Business**Procedure of Conduct of Business.**

24. Meetings of the Halqa Panchayat.

35. Meetings.

25. Functions of Sarpanch and Naib-Sarpanch.

CHAPTER X.

26. Staff.

Holding of Election.

CHAPTER VI.

36.

Block Development Council.

37.

27. Constitution of Block Development Council.

38. Electoral Roll.

28. Chairman, Vice Chairman and Secretary.

39. Disqualification for Registration in an Electoral Roll.

29. Term of Office.

40. Election of Surpanches of Halqa Panchayats.

30. Removal of Chairman.

41. Election of the Chairman of Block Development Council.

CHAPTER VII.

42. Holding of Election.

Powers and Functions

43. Disputes regarding Elections.

31. Powers and Functions of the Block Development Council.

44. Jurisdiction of Civil Courts in Election matters barred.

32. Powers and Functions of the Chairman and the Vice-Chairman.

CHAPTER XI.

33. Remuneration to Chairman and Members.

District Planning and Development Board.

45. Constitution of District Planning and Development Board.

CHAPTER VIII.

CHAPTER XII.

Property and Finance**Powers, Functions and Finance.**

34. Property and Finances of the Block Development Council.

46. Powers and Functions of the District Planning and Development Board.

SECTION.

47. Finance.

CHAPTER XIII.

Constitution of Panchayati Adalats.

48. Composition of Panchayati Adalats.

49. Procedure of Conduct of Business.

50. Chairman of Panchayati Adalat.

51. Secretary of Panchayati Adalat.

52. Removal of the Chairman and the Members of the Panchayati Adalat.

53. Transfer of Pending Suits and the cases to Panchayati Adalat.

54. Hearing by Members of Panchayati Adalat.

55. Chairman and Members to be Public Servants.

56. Criminal Jurisdiction.

57. Panchayati Adalat before which cases to be instituted.

58. Penalties.

59. Composition to Complainant.

60. Composition to Accused.

61. Youthful Offenders.

62. Recovery of Fines.

SECTION.

63. Previous Acquittal etc.

64. Local Inquiry and Reports.

65. Summary Dismissal of Complaint.

66. Civil Jurisdiction.

67. Suits Cognizable by Panchayati Adalat.

68. Suits to include whole claim.

69. Place of institution.

70. Interest and Instalment.

71. Execution.

72. Appearance in Person or Representation.

73. Transfers.

74. Appeal and Revisional Powers.

75. Decrees or Orders passed are not be altered.

76. Pending cases before the Panchayati Adalat when term of office has expired.

77. Contempt of Panchayati Adalat.

78. Bar to arrest and imprisonment in execution of Decree.

SECTION.

79. Remuneration to Members of
Panchayati Adalat.

CHAPTER XIV.

Miscellaneous.

80. Powers to make Rules.

SECTION.

81. Powers to make By-laws.

82. Disputes as to Properties.

83. Repeal and Saving.

SCHEDULE.

THE JAMMU AND KASHMIR PANCHAYATI RAJ ACT, 1989.**(Act No. XI of 1989)**

[Received the assent of the Governor on 8th July, 1989 and is published for general information.]

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.]

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

(a) "Block" means area comprising such contiguous number of Halqas as may be determined by the 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 proceedings 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 ;
- 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 Chief Electoral Officer of the State ;
- (i) "Electoral Roll" means the rolls as may be prepared in accordance with the provisions of this Act ;
- (j) "Halqa" means the area comprising a village or such contiguous number of villages as may be determined by the Government from time to time ;

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

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

- (k) "Halqa Panchayat" means a Halqa Panchayat constituted under section 4 of this Act ;
- (l) "Naib-Sarpanch" means the Naib-Sarpanch of the Halqa Panchayat ;
- (m) "Panch" means member of Halqa Panchayat whether elected or nominated under this Act ;
- (n) "Panchayati Adalat" means a Panchayati Adalat constituted under section 47 of this Act for the purpose of trial of suits and cases ;
- (o) "Prescribed" means prescribed by rules made under this Act ;

- (p) "Prescribed Authority" means authority as may be appointed by the 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 limits of a Municipality, Cantonment or Town Area Committee or Notified Area Committee.

(2) In this Act, the expressions "decree" "decree-holder", "judgement-debtor", "legal representative" and "movable property" shall have the same meaning as is assigned to them in the Code of Civil Procedure, Samvat 1977.

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

CHAPTER II.

Halqa Panchayat

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

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

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

Provided that if the prescribed authority is satisfied that woman or Scheduled Castes or any other class are not represented in the Halqa Panchayat, it may nominate not more than two persons to be members thereof.

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

(5) The Naib-Sarpanch shall be elected by the Panchs of the Halqa Panchayat from among themselves at the first notified meeting of the Halqa Panchayat after its constitution.

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

(7) There shall be notified the name of the Sarpanch and the names of the Panchs 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.

(8) The Village Level Worker shall be the Secretary of the Halqa Panchayat.

(9) Every Halqa Panchayat shall be a body corporate known by the name "The Halqa Panchayat of _____" and shall have perpetual succession and a common seal and may sue and be sued by its corporate name subject to such conditions or restriction 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. *Disqualification for membership.*--(1) A person shall be disqualified to be a member of Halqa Panchayat if he--

- (a) is not a permanent resident of the State ; or
- (b) is in the employment of the Government or any local body ; or
- (c) is under twenty-five years of age ; or
- (d) is of unsound mind and stands so declared by a competent court ; or
- (e) has been adjudged insolvent by a competent court ; or
- (f) is a salaried servant of a Halqa Panchayat ; or
- (g) is a Lamberdar or Village Chowkidar ; or

- (h) has been dismissed from the service of the Government, a local body or a Halqa Panchayat ;
- (i) has been convicted of and sentenced for an offence (other than an offence of a political nature) punishable with imprisonment for not less than two years unless a period of three years, or such less period as the Government may allow in any particular case, has elapsed since his release ; provided that this clause shall not apply to an offender who has been released under the provisions of section 562 of the Code of Criminal Procedure, Samvat 1989 or under the Jammu and Kashmir Probation of Offenders Act, 1966.

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

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

7. Removal of Sarpanch and Naib-Sarpanch of a Halqa Panchayat.--A Sarpanch or a Naib-Sarpanch shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of not less than 2-3rd of the total No. of Panches of Halqa Panchayat at a meeting specifically convened for the purpose in the prescribed manner on the following grounds --

- (i) Gross misconduct ;
- (ii) Neglect of duty ;
- (iii) Any disqualification prescribed under section 6 ;
- (iv) Failure to attend six consecutive meetings of the Halqa Panchayat ;

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

8. Filling vacancies in Halqa Panchayat.--(1) Whenever a vacancy occurs by the death or resignation of Panch or Sarpanch, the vacancy shall be filled by election or nomination as the case may be :

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

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

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

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

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

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

(4) If a Halqa Panchayat is superseded--

(i) the Sarpanch and Panches of the Halqa Panchayat shall, from the date of the notification, vacate their office.

(ii) the funds and other property vested in the Halqa Panchayat shall, during the period of supersession, vest in the person/body entrusted with the function under sub-section (3).

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

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

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

CHAPTER III

Powers and Functions

12. *Powers and functions.*--(1) Subject to the provisions of this Act, it shall be the duty of each Halqa Panchayat to make provision for the following subject to availability of funds at its disposal--

- (i) to prepare the plans for the development of the halqa ;
- (ii) to undertake measures for the implementation of the developmental plans ;
- (iii) to specifically deal with the problems of soil conservation, water management, social forestry, rural industrialisation, agriculture, sheep and animal husbandry, sanitation, health and other welfare programmes.
- (iv) regulations of 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.
- (viii) preparation and implementation of special development plans for alleviating poverty and employment generation through and besides programme, like Integrated Rural Development Programme, National Rural Employment Programme, Rural Landless Employment Guarantee Programme and Housing for Scheduled Castes and Backward Classes ;
- (ix) all matters involving regulation, supervision, maintenance and support, incidental to, or necessary for the more efficient discharge of the above functions and those which may be entrusted to Halqa Panchayat under the provisions of the Act.

(2) The Halqa Panchayat shall be involved in the implementation of scheme of universalisation of elementary education and other educational programmes.

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

CHAPTER IV

Property

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

- (i) public village road, within the Halqa Panchayat area other than those under the control of any Department of the Government ;
- (ii) property movable and immovable which has been transferred to a Halqa Panchayat by the Government, any public body or an individual ;
- (iii) bulidings, 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 cleanings, dead bodies of animals and other matters collected by the Halqa Panchayat under this Act ;
- (v) trees and grass growing on property belonging to the Halqa Panchayat, fruit and other produce thereof and windfalls thereon ;
- (vi) drains, tanks, ponds, wells, springs, streams, khuls, ghats, nallahs and quarries in the Halqa Panchayat area which do not belong to any person or a group of persons or to the Government and declared to be such property by a resolution of the Halqa Panchayat ;
- (vii) all public lamps or lamp posts and apparatus connected therewith or appertaining thereto ;
- (viii) any property which a Halqa Panchayat may acquire.

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

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

- (i) Taxes, fees levied by Panchayat.
- (ii) Proceeds from the property and enterprises run by Halqa Panchayat.

- (iii) Court fees, fines and compensation paid to Halqa Panchayat.
- (iv) Donations and contributions paid by public for works undertaken by Halqa Panchayat.
- (v) Proceeds of the sanitation cess collected by Government on the revenue being loaned within Halqa Panchayat area ;
- (vi) Grants from the Government for general purposes on per capita basis and also for specific functions.
- (vii) Loans from Government or other agencies approved by Government, or other financial institutions.
- (viii) All other income 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 area.

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

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

Taxes :

- (i) Taxes on any trade, calling or profession within the jurisdiction of Halqa Panchayat subject to the maximum limit as indicated--
 - (a) on persons up to Rs. 50/- per annum.
 - (b) in the case of theatre, cinema and other places of entertainment up to Rs. 25/- per diem.
- (ii) A tax payable by owner thereof on animals and vehicles kept within the area of Halqa Panchayat and plied for hire at the following maximum rates :--
 - (a) in the case of animals, not exceeding Rs. 20/- per animal per annum :
 - (b) in the case of vehicle, not exceeding Rs. 50/- per vehicle per annum :

(c) in the case of tractor, not exceeding Rs. 100/- per tractor per annum :

- (iii) Tax on boats.
- (iv) Pilgrim tax.
- (v) A tax on gharats, rice husking mills, brick kilns and oil mills.
- (vi) Tax on hawkers and pheriwalas.

Fees :

- (vii) Fees on persons exposing goods and animals for sale in market or Melas belonging to or under the control of Halqa Panchayat ;
- (viii) Fees for the use of slaughter house and encamping grounds ;
- (ix) Fees for temporary occupation of village sites, roads and other similar public places or parts thereof in the village ;
- (x) Fee on application for erection or re-erection of building ;
- (xi) Adda fee ;
- (xii) Fee for grazing of cattle in the grazing lands vested in Halqa Panchayat ;
- (xiii) Fee on cattle ponds ;
- (xiv) Fee on Tongas.

Any other tax :

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

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

- (i) to enter, inspect and measure any building for the purpose of valuation ;
- (ii) to enter and inspect any stable, coach house or other place wherein there is reason to believe that there is any vehicle,

vessel or animal liable to taxation under this Act, or for which a licence has not been duly taken out ;

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

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

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

18. *Recovery of dues as arrears of land revenue.*--Subject to such rules as may be made by the Government in this behalf, all the taxes or fees levied under this Act by the Halqa Panchayat and the moneys recoverable shall be recovered as arrears of land revenue.

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

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 meeting of voters the budget estimates of income and expenditure for the year commencing on 1st day of April, of Halqa Panchayat incorporating therein future development 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 development programmes and plans for the next year shall be forwarded to the prescribed authority for record within three days after its sanction under sub-section (1).

(3) If any Halqa Panchayat fail to present its budget or annual report in the meeting, the prescribed authority shall prepare the budget and the annual report of such Halqa Panchayat and present the same before an extraordinary general meeting of the voters specially called for this

purpose and the voters shall consider the budget and the annual report so prepared and presented, and draw up development plans for the Halqa Panchayat area.

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

22. *Exemption from tax.*-- Subject to any rule 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 at least once in a month.

(2) The meetings shall be convened by Sarpanch and in his absence Niab-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 Niab-Sarpanch.*--(1) The Sarpanch shall preside over the meetings of the Halqa Panchayat and shall be responsible for maintenance of the records of the Halqa Panchayat.

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

(3) In the absence of the Sarpanch, the Niab-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 is necessary for carrying out

the duties imposed on it by this Act and may suspend, dismiss or otherwise punish such servants.

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

CHAPTER VI

Block Development Council

27. *Constitution of Block Development Council.*--(1) For every Block in the State, Government shall, by notification, constitute a Block Development Council bearing the name of the Block.

(2) Every Block Development Council shall be a body corporate, having perpetual succession and a common seal and shall, by its corporate name, sue and be sued, subject to such conditions or restrictions as the Government may prescribe.

(3) The Block Development Council shall consist of--

(i) a Chairman :

(ii) all Sarpanchs of Halqa Panchayats falling within the Block ; and

(iii) Chairman, Marketing Society within the jurisdiction of the Block ;

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

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 provision contained in section 41 :

Provided that if any of the Panchs or Sarpanchs 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 Panchs and Sarpanchs of Halqa Panchayats of the Block at special meeting convened for the purpose in such manner as may be prescribed. The grounds aforesaid are ;

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

CHAPTER VII

Powers and Functions

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

- (i) constructions, maintenance and supervision of Inter-Halqa Panchayat Communication System ;
- (ii) administrative and technical guidance to Halqa Panchayats and review of their work ;
- (iii) to supervise plans relating to agriculture, rural development, animal husbandry/sheep husbandry, social forestry, education and public health ;
- (iv) supervise and monitor the implementation of poverty alleviation programmes like, Integrated Rural Development Programme, National Rural Employment Programme, Rural Landless Employment Guarantee Programme ;

- (v) undertake measures for effective supervision and monitoring of various developmental programmes ;
- (vi) to carry out such other functions as may be entrusted to it by the Government or by the District Planning and Development Board.

32. Powers and functions of the Chairman and the Vice-Chairman.--

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

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

33. Remuneration to Chairman and Members.--(1) The members of the Block Development Council shall be entitled to such sitting fee, as may be prescribed, from time to time.

(2) The Chairman of the Block Development Council shall be paid such honorarium as may be prescribed, from time to time.

CHAPTER VIII

Property and Finance

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

(2) For every Block Development Council, there shall be constituted a "Block Development Council Fund" comprising grants made by the Government having due regard to the number of Panchayat Halqas in a Block and the revenues assigned by the District Planning and Development Board.

CHAPTER IX

Procedure for Conduct of Business.

35. Meetings.--(1) Every Block Development Council shall hold its meeting once in a month. The meeting shall be convened by the Chairman, and in his absence by the Vice-Chairman ; provided the first meeting of the Block Development Council after its constitution shall be convened by the prescribed authority after notifying the date therefor.

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

CHAPTER X

Holding of Elections

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

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

38. *Electoral Roll.*--For every Halqa Panchayat there shall be an electoral roll, which shall be prepared by Election Authority in accordance with the provisions of this Act.

39. *Disqualification for registration in an electoral roll.*--A person shall be disqualified for registration in an electoral roll if he--

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

40. *Election of Sarpanchs of Halqa Panchayat.*--Sarpanchs of Halqa Panchayats shall be elected by electorate of the Halqa Panchayat.

41. *Election of the Chairman of Block Development Council.*--The Chairman of Block Development Council shall be elected by the electoral college comprising elected Panchs and Sarpanchs of Halqa Panchayat falling within the Block. The election shall be held in such manner as may be prescribed.

42. *Holding of elections.*--(1) The elections to the Halqa Panchayat shall be held one month prior to the expiry of term or within six months from the date of supersession as the case may be.

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

43. *Disputes regarding elections.*--(1) The election of a person as Sarpanch, Panch of a Halqa Panchayat or as a Chairman of the Block

Development Council shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the grounds that :--

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

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

CHAPTER XI

District Planning and Development Board.

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

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

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

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

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

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

CHAPTER XII

Powers, Functions and Finance.

46. Powers and functions of the District Planning and Development Board.—(1) The District Planning and Development Board shall exercise and perform the following powers and functions :—

- (i) to consider and guide the formulation of development programmes for the District and indicate priorities for various schemes and consider issues relating to the speedy development and economic upliftment of the District ;
- (ii) to review periodically progress and achievements of developmental plans and schemes and make recommendations as it considers appropriate ;
- (iii) to function as a working group for formulation of periodic and annual plans for the District ;
- (iv) to formulate and finalize the plan and non-plan budget for the District ;
- (v) to lay down the policy guidelines for the Block Development Council and Halqa Panchayat ;
- (vi) to approve the budget of the Block Development Council and supervise and co-ordinate their work ;
- (vii) to undertake special measures for alleviating poverty and employment generation and extending assistance to Halqa Panchayat in this behalf ;
- (viii) to promote and assist co-operative institutions ;
- (ix) to perform such other functions and duties as may be assigned or entrusted to it by the 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 specified 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 Halqa Panchayat out of its electorate :

Provided that no person shall be so recommended unless he--

- (i) is literate ;
- (ii) has attained the age of 30 years ;
- (iii) is not a Sarpanch, Naib-Sarpanch or a Panch ;
- (iv) is not under the employment of the Government or any local body or corporation.

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

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

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

49. *Procedure for conduct of business.*—Save as otherwise provided in this Act, the Government may make rules to--

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

50. *Chairman of Panchayati Adalat.*—The members of a Panchayati Adalat shall elect any member from amongst themselves to be the Chairman of such Panchayati Adalat :

Provided that if the members of a Panchayati Adalat fail to elect the Chairman within a period of thirty days from the date of nomination, the prescribed authority shall appoint one from amongst the members to be the Chairman of such Panchayati Adalat.

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

52. *Removal of the Chairman and the member of Panchayati Adalat.*--
(1) The Government may remove the Chairman or any member of a Panchayati Adalat after giving him opportunity of being heard and after such enquiry, as the Government deems necessary, if in the opinion of the Government, such Chairman or member, as the case may be, has been guilty of mis-conduct in the discharge of his duties or of any disgraceful conduct or neglect or refusal to perform or is incapable to perform the functions of the Panchayati Adalat.

(2) If an enquiry is held under sub-section (1), the Government may suspend the Chairman or the member of the Panchayati Adalat.

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

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

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

54. *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 for 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 in 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 fifteen years of age.

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

63. *Previous acquittal etc.*--Where an accused person has been tried for and discharged, convicted 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 a proceeding 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 proceeding without the same being proved.

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

66. *Civil jurisdiction.*--Notwithstanding anything contained in the 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 Panchayati Adalat ; and
- (f) by or against the Government or a Co-operative Society or any employee of the local authority or an officer or servant of a local authority in his official capacity.

(2) The Government may, by notification in the Government Gazette, confer on any Panchayati Adalat the jurisdiction to hear and dispose of suit, of the nature specified in sub-section (1) of which the amount or value does not exceed three thousand rupees.

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

(2) If a plaintiff omits to sue in respect of or intentionally relinquishes any portion of his claim, he shall be precluded from bringing any separate

action whether before a Panchayati Adalat or a civil court for, or in respect of the portion so omitted or relinquished.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

79. Remuneration to members of Panchayati Adalat.—The Chairman and the members of the Panchayati Adalat will be entitled to a sitting fee as may be decided by the Government from time to time.

CHAPTER XIV

Miscellaneous.

80. Power to make rules.—(1) The Government may make rules for carrying out the purposes of this Act. In particular and without prejudice to the generality of the foregoing power, such rules may, provide :—

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

81. Power to make bye-laws.—Subject to any rule 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, rule or bye-laws made under the provisions of the aforesaid Act shall, in so far as the same are not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act.

SCHEDULE

Law	Sections
A. Offences under the Ranbir Penal Code, 1989 :	
1. Wearing the garb or carrying any token used by a soldier with intent that it may be believed that he is such a soldier.	140
2. Committing affray.	160
3. Personating a public servant.	170
4. Absconding to avoid service of summons or other proceedings from a public servant.	172
5. Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	173
6. Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom with authority.	174
7. Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	175
8. Refusing oath or affirmation when duly required by public servant to make it.	178
9. Refusing to answer questions, being legally bound to state truth.	179
10. Refusing to sign a statement made to a public servant when legally required to do so.	180
11. Intentional omission to give information of an offence by a person legally bound to inform.	202
12. Negligent act likely to spread the infection of any disease dangerous to life.	269
13. Fouling the water of a public spring or reservoir.	277

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

Law	Sections
29. Assault or use of criminal force in attempt wrongfully to confine a person.	357
30. Assault or use of criminal force on grave and sudden provocation.	358
31. Unlawful compulsory labour.	374
32. Theft where the value of the stolen property does not exceed one hundred rupees.	379
33. Theft of property in dwelling house etc.	380
34. Dishonest misappropriation of movable property or converting it to one's own use where the property misappropriated does not exceed one hundred rupees in value.	403
35. Dishonestly receiving stolen property knowing it to be stolen where the value of such property does not exceed one hundred rupees.	411
36. Mischief.	426
37. Mischief by killing, poisoning, maiming or rendering useless any animal of the value of one hundred rupees.	428
38. Mischief by causing, diminution of supply of water for agricultural purposes, etc.	430
39. Criminal trespass.	447
40. House trespass.	448
41. Dishonestly breaking open receptacle containing property.	461
42. Insult intended to provoke a breach of the peace.	504
43. Criminal intimidation.	506
44. Uttering any word or making any gesture intending to insult the modesty of a woman, etc.	509
45. Appearing in public in the state of intoxication and causing annoyance to any person.	510

- B. Offences under the Cattle Trespass Act, 1977.
 - C. Offences under the Jammu and Kashmir Vaccination Act, 1967.
 - D. Offences under the Prevention of Cruelty to Animals Act, 1990.
 - E. Offences under the Public Gambling Act, 1977.
 - F. Offences under the Prevention of Juvenile Smoking Act, 1986.
 - G. Offences under this Act, or the rules made thereunder.
 - H. Any other offence under any law declared by Government to be triable by a Panchayati Adalat.
 - I. Offences under Dowry Restraint Act (XXXVI of 1960).
-

**THE JAMMU AND KASHMIR PANCHAYATI RAJ
(AMENDMENT) ACT, 2002.**

Act No. IV of 2002.

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

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

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

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Panchayati Raj (Amendment) Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 4 of Act No. LX of 1989.*—Sub-section (8) of section 4 of the Jammu and Kashmir Panchayati Raj Act, 1989 shall be substituted by the following, namely :—

“(8) The Village Level Worker or Multipurpose Worker or Gram Sevika shall be the Secretary of the Halqa Panchayat”.

**THE JAMMU AND KASHMIR PANCHAYATI RAJ
(AMENDMENT) ACT, 2002.**

Act No. IV of 2002.

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

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

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

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Panchayati Raj (Amendment) Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 4 of Act No. LX of 1989.*—Sub-section (8) of section 4 of the Jammu and Kashmir Panchayati Raj Act, 1989 shall be substituted by the following, namely :—

“(8) The Village Level Worker or Multipurpose Worker or Gram Sevika shall be the Secretary of the Halqa Panchayat”.
