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THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT DEPARTMENT OF RURAL
DEVELOPMENT AND PANCHAYATI RAJ, JAMMU/SRINAGAR.

Notification

Jammu, the 19th of February, 2024.

SO-117.— In exercise of the powers conferred by Section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989 and all other provisions enabling in this behalf, the Government of Jammu and Kashmir hereby

make the following amendments in the Jammu and Kashmir Panchayati Raj Rules, 1996, namely:

After rule 108-ZP, the following rules shall be added; namely:ô

**“108-ZQ. Removal of Chairperson/Vice-Chairperson of District Development Council.ô**

(1) A written notice of the intention to move a motion for removal of Chairperson and Vice-Chairperson under Sub-Section (14) of Section 45-A of the act, signed by not less than two third of elected members of that Council, together with a copy of the motion which is proposed to be moved shall be delivered in person by any two of the elected members of the District Development Council signing the notice, to the Deputy Commissioner.

(2) The officer referred to in Sub-Rule (1) shall convene a meeting of the elected members of Council for the consideration of the motion, to be held at the office of the Council at a time appointed by him which shall not be later than fifteen working days from the date on which the notice under Sub-Rule (1) is delivered to him.

(3) The officer referred to in Sub-Rule (1) shall send by registered post to the elected members of the Council concerned notice of not less than seven working days of any meeting held under this section and in the time appointed, thereof. Notice regarding this shall be affixed in the office of the Council.

(a) A meeting conveyed under Sub-Rule (2) shall be presided over by :ô

(i) The Chairperson, if the motion is against the Vice-Chairperson.

(ii) The Vice-Chairperson, if the motion is against the Chairperson.

(iii) The Chairman of the Standing Committee in order of preference mentioned in Sub-Section (1) of Section 45 (D), if the Chairperson or the Vice-Chairperson is unable to preside over the meeting as provided under clause (a) or clause (b) by reason of his absence from station or otherwise.

(4) The Officer authorised under Sub-Rule (1) shall attend the meeting conveyed for the purpose, as an observer.

(5) The meeting conveyed for the purpose shall not be adjourned except the reasons beyond human control. The quorum required for such meeting shall be two-third of the elected members of that Council.

(6) As soon as the meeting convened under Sub-Rule (2) has commenced, the person presiding shall read at the meeting the motion for consideration of which it has been convened and declare it to be open for debate.

(7) No debate on any motion under this rule shall be adjourned except for reasons beyond human control.

(8) A debate on any no-confidence motion shall automatically terminate on the expiry of three hours from the time appointed for the commencement of the meeting if it is not concluded earlier and upon the conclusion of the debate or upon the expiry of such period of three hours as the case may be, the motion shall be put to vote.

(9) Voting shall be by open ballot and the member who voted shall record in writing his name and signature on the reverse side of ballot paper.

(10) The person presiding shall not speak on the merit of the motion, and shall be entitled to vote thereon except the right of a casting vote or second vote.

(11) The copy of the minutes of the meeting together with the copy of the motion and the result of the voting therein shall forthwith, on the termination of the meeting, be forwarded to the Government by the officer referred to in Sub-Rule (1).

(12) If the motion is carried with the support of the two-third majority of the elected members of the Council, the Chairperson or the Vice-Chairperson as the case may be, shall cease to hold office thereafter and their offices shall be deemed to be vacant forthwith,

and the officer authorized under Sub-Rule (1) shall report the vacancy in such offices to the Government and the State Election Commission and the fact shall be published in the Notice Board of the Council, and on receipt of such a report, the Government shall notify in the official Gazette the cessation of the office by the Chairperson or the Vice-Chairperson, as the case may be.

(13) If the motion is not carried by such majority as aforesaid or the meeting cannot be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Chairperson or the Vice-Chairperson shall be received until after the expiry of one year from the date of meeting, or the date fixed for the motion, as the case may be.

(14) No notice of a motion under this rule shall be accepted within one year of the assumption of office by a Chairperson or the Vice-Chairperson.

**“108-ZR. Role Function, and Power of the Chief Executive Officer (Additional District Development Commissioner).ô**

(1) Save as otherwise expressly provided by or under Jammu and Kashmir Panchayati Raj Act, 1989, the Chief Executive Officer shallô

(a) exercise all the powers specially imposed or conferred upon him by or under Jammu and Kashmir Panchayati Raj Act, 1989, or under any other law for the time being in force ;

(b) take necessary measures for the speedy execution of all works and developmental schemes of the District Development Council and its committees.

(c) supervise, control and monitor the execution of all works of the District Development Council, Block Development Council and Halqa Panchayats.

(d) have custody of all papers and documents connected with the proceedings of the meeting of the District Development Council and its Committee.

(e) draw and disburse money out of the District Development Council Fund.

(f) lay down the duties, supervise and control the officers and officials of , or holding office under the District Development Council.

(2) The Chief Executive Officer shall attend every meeting of the District Development Council and may take part in the discussion but shall not have the right to move any resolution or to vote and if in the opinion of the Chief Executive Officer any proposal before the District Development Council is in violation of or inconsistent with the provisions of the Jammu and Kashmir Panchayati Raj Act, 1989 or any other law or the rules or orders made thereunder, it shall be his duty to bring the same to the notice of and advise the District Development Council or the Committee in the form of a written note containing the reasons for his opinion and specify the law, rule, order, regulation or provision with which the proposal or resolution or order is inconsistent and if the proposal or resolution or order has been considered and passed by the District Development Council or the Committee before such advice is tendered, the Executive Officer may resubmit the proposal or resolution or order with his advice after such examination as he considers necessary.

(3) If the District Development Council or any of its Committees passes the resolution or order without resolving the inconsistency referred to in Sub-Rule (2), it shall be the duty of the Chief Executive Officer, notwithstanding any other provision in the Act, to forward forthwith to the Government under intimation to Chairperson of District Development Council concerned, a copy of the said resolution or order along with his written note and he shall not implement such resolution or order otherwise than as decided by the Government.

(4) The Government may also appoint from time to time in every District Development Council such Officers/Officials out of different departments of the Government for carrying out the working of District Development Council.

(5) The Assistant Commissioner, Panchayat shall be the Deputy Chief Executive Officer of the District Development Council.

(6) The Chief Planning Officer and Deputy Chief Executive Officer shall assist the Chief Executive Officer in the performance of his duties, advise the Chief Executive Officer in matters of plan formulation and shall be responsible for all matters relating to planning including the preparation of plans for economic development and social justice and annual plan of the district.

(7) The Chief Accounts Officer/Accounts Officer in the office of Deputy Commissioner shall assist the Chief Executive Officer, District Development Council in all matters relating to the accounts of the District Development Council including the preparation of annual accounts and budget and ensure that no expenditure is incurred except under proper sanction and in accordance with the Jammu and Kashmir Panchayati Raj Act, 1989 and the rules and regulations made thereunder and shall disallow any expenditure not warranted by the Act or the rules or regulations for which no provision is made in the budget.

(8) The Chief Executive Officer of the District Development Council shall be responsible for the overall financial policy of the District Development Council.

(9) Every order or circular or notification or instrument shall be signed either by the Chief Executive Officer or Deputy Chief Executive Officer or such other officer as may be specially empowered by the Government in this behalf and such signature shall be deemed to be proper authentication of such order or instrument.

**“Rule 108-ZS, Right to Requisition of Records.”** (1) Every person in possession of money, accounts or other property pertaining to a Halqa Panchayat or Block Development Council or District Development Council shall on the requisition in writing of Chief Executive Officer for this purpose, forthwith hand over such money or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorized in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due from any such person in the same manner and subject to the same provisions as provided in Jammu and Kashmir Land Revenue Act, Svt., 1996 as arrears of land revenue, and for the purpose of recovering the accounts, records and other property pertaining to the Halqa Panchayat or Block Development Council or District Development Council and may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by the Executive Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person having knowledge as to where any money, accounts, records or other property pertaining to Halqa Panchayat or Block Development Council or District Development Council are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer made under this rule to the concerned Divisional Commissioner whose decision thereon shall be final.

By order of the Government of Jammu and Kashmir..

(Sd/-) DR. SHAHID IQBAL CHOUDHARY, IAS,  
Secretary to the Government.