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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT DEPARTMENT OF RURAL
DEVELOPMENT AND PANCHAYATI RAJ

Notification

Srinagar, the 12th September, 2018.

SRO-398. 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 direct that the following amendments shall be made in the J&K Panchayati Raj Rules, 1996 ; namely :

1. In Rule 4,

After sub-rule (2), the following sub-rule shall be inserted—

ô(3) The entire Panchayat Halqa shall be the constituency for election of Sarpanch of such Panchayat Halqa.

[illegible]

In sub-rule (4), the following words shall be inserted at the end.

5The electoral rolls for Panchayat Halqa for election of
6Sarpanch shall consist of the electoral rolls of all the
7constituencies of Panchayat Halqa.

Sub-rule (5) for the word õpanchö, the word õSarpanches and Panchö shall substituted.

- 2. In Rule 5, 7 and 8. The word “Panch”, the word ‘Sarpanches and Panch’ shall be substituted.**

- 3. After Rule 13, the following Rule shall be inserted :—**

613-A : **Holding of Public Meeting.**66No person shall hold or attain any public meeting within the area of Panchayat Halqa where poll is to be taken during the period of 48 hours before the hour of close of poll.ö

- 4. Sub-rule 4, of Rule 17 shall be substituted by the following :—**

The votes shall ordinarily be cast in person :

Provided that Election Authority may generally or in respect of any specific class of persons, may issue instructions for casting of votes.

- 5. The following proviso shall be added to Rule 23 :—**

Provided that the Election Authority shall be competent to prescribe the document (s) that would be used to establish the identity of the voters.

- 6. After Rule 23, the following shall be added as Rule 23-A :—**

§23-A. Making of Attendance. (1) Every voter about whose identity the Presiding Officer or the Polling Officer,

as the case may be, is satisfied shall allow his/her left forefinger to be inspected by the Polling Officer Incharge of the indelible ink and mark it with indelible ink.

(2) If any Elector refuses to allow his/her forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he/she shall not be supplied with any ballot paper to vote.

(3) Any reference to this rule to the left forefinger or any Elector shall in case where the forefinger of a votes is missing, the constructed as a reference to any other finger of his/her hand and shall be the case where all the fingers of his/her fingers are missing be constructed as a reference to the forefinger or any finger of his/her right hand, and shall in case where all his/her fingers of both hands are missing be constructed as a reference to such extremity of his/her left or his/her right arms as he/she possesses.

7. In Rule 24, the words “and indelible ink mark to be put on his left forefinger” shall be omitted.

8. In Rule 41, for the word “Panches”, the words “Sarpanch and Panches” shall be substituted.

9. After Rule 41, the following shall be inserted as Rule 42 :—

ô42. **Election of Sarpanches.**ôôSarpanches shall be elected by the electorate of Panchayat Halqas and the procedure for election of Panches shall apply *mutatis mutandis* to election of Panches.ö

10. In Rule 43, for the word ôPanchö, the words ôSarpanch or Panchö shall be substituted.

- 12. In Rule 45 :—**

- ö(4) The Sarpanch shall thereafter cause to be handed over to each Panch a blank paper with request to write the name of Panch in favour of whom he desires to vote and Panch shall then write the names secretly without giving any chance to others to see it and shall fold the papers and hand it over to the Secretary. The Panch shall not sign his name on the voting paper.ö

13. In sub-rule of Rule 45-A, the words “Sarpanch or” shall be omitted.

14. In Rule 47 :—

- (i) Sub-rule (1) shall be substituted by the following sub-rule :ôô

ô(1) The Sarpanch shall cause the votes to be counted there and shall declare the Panch having secured the largest number of votes to be duly electedö.

- (ii) In sub-rule (3), for the words ôSarpanch and Naib-Sarpanchö, the words ôNaib-Sarpanchö shall be substituted.

15. After Rule 47, the following rule shall be added :—

ô47-A. **Notification and constitution of Halqa Panchayat.**ôôFor constitution of Halqa Panchayat under section 4 of the Act, the Election Authority shall forward names of Sarpanch and Panches to the Government for notification. The Government may notify the names itself or authorize any other officer for the same.ö

16. Clause (a) & (b) of Rule 48 shall be substituted by the following :ôô

ô(a) The delegation of authority for sanctioning of projects shall be done by Halqa Panchayat in consultation with Halqa Majlis.

(b) The list of works to be taken up in the Panchayat Halqa shall be approved by the Panchayat Halqa in consultation with Halqa Majlis.ö

17. After sub-rule (1) of Rule 57, the following proviso shall be added :ôô

ôProvided that, in the absence of elected Halqa Panchayat, the Block Development Officer concerned shall be authorized to collect the revenue under any already signed contract agreement.ö

[illegible]

18. Table appended to 2nd Proviso of sub-rule (4) of Rule 59 shall be substituted by the following table :—

S. No.	Amount	Authority
1.	Up to Rs. 5,000/-	Sarpanch who shall report the matter to the Panchayat in its next meeting.
2.	Exceeding Rs. 5,000/- up to 1,00,000/-	Panchayat by a formal resolution.
3.	Exceeding Rs. 1,00,000/- up to Rs. 2,50,000/-	Chairman of Block Development Council with the approval of the Block Development Council.
4.	Exceeding Rs. 2,50,000/- up to Rs. 5,00,000/-	District Planning and Development Board.
5.	Rs. 5,00,000/- and above	Administrative Department with the recommendations of the Director, Rural Development concerned.

19. In sub-Rule (3) of Rule 78, for the figures $\tilde{o}1/3rd\ddot{o}$, the figures $\tilde{o}2/3rd\ddot{o}$ shall be substituted.

20. In sub-rule (1) of Rule 81, for the words òone thirdö, the words òtwo thirdö shall be substituted.

21. In Rule 106, for the words òSarpanch and Naib-Sarpanchò, the words òNaib-Sarpanchò shall be substituted.

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22. In form No. 1 appended to the rules, for the word ôPanchö, the words and sign ôSarpanch/Panchö shall be substituted.
23. In form No. 4 appended to the rules, for the word ôPanchö, the words and sign ôSarpanch/Panchö shall be substituted.
24. In form No. 16 in Para (iv), for the word ôPanchö, the words and sign ôSarpanch/Panchö shall be substituted.

By order of the Government of Jammu and Kashmir.

(Sd.) SHEETAL NANDA, IAS,

Secretary to the Government,
Department of Rural Development and
Panchayati Raj.