

1: JAMMU & KASHMIR - India Panchayat Knowledge Portal

panchayati raj in jammu and kashmir Panchayati Raj is an indigenous and time-honoured concept in India. The form may vary, but the spirit has always been part of India's socio-

Leader of opposition in Legislative Assembly Member Explanation. Provided that if the person so appointed is in-service at the time of his appointment, he shall be deemed to have retired on superannuation from the date of assumption of office as State Election Commissioner and shall be entitled to receive pension and other post retirement benefits in respect of that service. Term of office and other conditions of service of State Election Commissioner. Provided that he may- a by writing under his hand addressed to the Governor resign his office ; or b be removed from his office in the manner provided in section 36B. Provided that if the State Election Commissioner is at the time of his appointment eligible for, or in receipt of, a pension in respect of any previous service, his salary in respect of service as State Election Commissioner shall be reduced,- a by the amount of that pension ; and b if he has before such appointment received in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that amount of pension. Removal of the State Election Commissioner. Officers and Staff of State Election Commissioner. Provided that the Government may designate any officer of the Commission as Deputy Election Commissioner. Powers of the State Election Commissioner. There shall be no bar on holding of election on party lines. Disqualification for registration in an electoral roll. Election of Sarpanches of Halqa Panchayats. Election of the Chairman of Block Development Council. The election shall be held in such manner as may be prescribed. Nomination of Candidates for Election. On or before the date appointed for submission of nomination papers by the Election Authority, every candidate for election of Panch or Sarpanch of a Halqa Panchayat or Chairman, Block Development Council shall deliver or cause to be delivered through his agent to the Returning Officer a nomination paper completed in the prescribed form and signed by the candidate. A candidate shall not be deemed to be duly nominated for election from a Panchayat Constituency or Block Development Council unless he deposits or causes to be deposited such amount of security, as may be prescribed, for election of Panch, Sarpanch or Chairman Block Development Council as the case may be: Forfeiture of Security Deposit. Jurisdiction of Civil Courts in election matters barred. Constitution of District Planning and Development Board. No Government servant shall be elected as Vice-Chairman of the Board. Powers and functions of the District Planning and Development Board. 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. Composition of Panchayati Adalats. 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. Procedure for conduct of business. Chairman of Panchayati Adalat. Provided the 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. Secretary of the Panchayati Adalat. Removal of the Chairman and the member of Panchayati adalat. Transfer of pending suits and the cases to Panchayati Adalat. Hearing by members of Panchayati Adalat. Chairman and members to be public servants. Provided that no such cognizance shall be taken by a Panchayati Adalat of any case in which the accused,- i has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Ranbir Penal Code with imprisonment of either description for a term of three years or onwards ; or ii has been previously sentenced for any offence to life imprisonment or a like term ; or iii has been previously sentenced by any Panchayati Adalat for a theft or for dishonestly receiving stolen property ; or iv is a registered habitual criminal ; or v has been bound over to be of good behaviour under section or section of the Code of Criminal Procedure, Samvat Provided further that the Government may, on its own motion or on the recommendation of the prescribed authority, exclude, by notification in the Government Gazette, the jurisdiction of any Panchayati Adalat in respect of any of the offences specified in the Schedule: Provided also that no Panchayati Adalat shall take cognizance of any case relating to an offence

specified in the Schedule in which either the complainant or the accused is a public servant as defined as section 21 of the Ranbir Penal Code, Samvat Panchayati Adalat before which case to be instituted. Local inquiry and reports. Such report shall form part of the record and may be used as evidence in such proceedings without the same being proved. Summary dismissal of complaint. Suits cognizable by Panchayati Adalat. Provided that no Panchayati Adalat shall take cognizance of any suit,- a by or against a minor or a person of unsound mind ; b by or against the Chairman or any member of the Panchayati Adalat ; c by or against the Sarpanch or any Panch of the Halqa in his official capacity ; d in respect of any dispute or matter in which a suit or application may be brought or made before a Revenue Officer ; e in respect of any matter directly and substantially in issue in a previously instituted suit between the same parties or those under whom they claim, which is pending in or has been heard and finally decided by a court of competent jurisdiction or by a Panchayat Adalat ; and f by or against the Government or a Co-operative Society or any employee of the local authority or an officer or servant of a local authority in his official capacity. Suits to include whole claim. Appearance in person or by representative. 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. Appeals and revisional powers. Decrees or orders passed are not to be altered. 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. Pending cases before the Panchayati Adalat when term of office has expired. 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. Contempt of Panchayati Adalat. Bar to arrest and imprisonment in execution of decree. Remuneration to members of Panchayati Adalat. Chapter XIV Miscellaneous Power to make rules. Power to make bye-laws. Any such bye-laws shall be made with the approval of the prescribed authority. Disputes as to properties.

2: Jammu and Kashmir to amend Panchayati Raj Act

In State of Jammu and Kashmir panchayati Raj Institution was enacted by the Act of Present paper is a detailed study of panchayats as units of rural local self government, various problems faced by these institutions and the way forward.

With municipal and panchayat elections round the corner in Jammu and Kashmir, Firstpost will run a series of ground reports on different aspects of the polls, as well as the state of panchayati raj institutions and how they can empower democracy at the grassroots. The series will also look into the state of security arrangements, as voters and candidates face threats of attacks by militants. Political interference by the Jammu and Kashmir state government seems to have played spoilsport with respect to the institution of panchayati raj and empowerment of democratic governance in the state. Despite militant threats and calls for boycotting the panchayat polls, it would have been likely that at least people in north Kashmir would have participated in the election. The region has witnessed a semblance of peace, in contrast to the turmoil in south Kashmir. However, the step-motherly approach of the state and central government with respect to the elected representatives, bureaucratic hurdles and political interference have damaged the institution. During the last election, over 79 percent of the electorate exercised their right to vote. The process stretched over 17 phases, with 5. However, this did not happen, according to him. This region had witnessed a heavy turnout during the panchayat elections in Magray said that even the honorarium of Rs 2, for sarpanchs was not paid to them for 21 months, despite dozens of sarpanchs having met the former and the present governor for the release of payments. To improve infrastructure and deepen participatory democracy at the grassroots level, the Jammu and Kashmir government enacted the Village Panchayat Act in , which replaced a legislation enacted in The first elections under the Act were held in , twelve years after the legislation was enacted. But due to widespread violence, the institution of panchayati raj failed to take off. But corruption and ego wars made the panchayati raj similar to other institutions of the state which are defunct. Every Halqa Panchayat consists of not less than six panchs and a sarpanch. This reporter spoke to 12 panchs and sarpanchs in Baramulla, Sopore and Bandipora in north Kashmir. Each one of them complained of political interference by local MLAs or bureaucrats. Ali Mohammad Sagar, former panchayat minister in the Omar Abdullah-led government, agrees that there is political interference. Then, the same institutions were destroyed by our own people," Sagar said. The 4, panchayat bodies in the state "including 2, in Kashmir and 1, in Jammu" were defunct for two decades before the delimitation of panchayats. Subsequently, new panchayats and 4, panch segments were constituted. After the delimitation early this year, the number of the existing panchayat bodies rose to 4, The number of panch segments has gone up by about 4,, taking the total number of panch constituencies to 33, There were 29, panch segments in the state prior to delimitation. Jehangir Rasool Reshi "who lives some 17 kilometres north of Watlab village" also believes that the panchayat institutions do not function properly because of political interference. Jehangir Rasool Reshi believes that the panchayat institutions are not functioning properly because of political interference. There was no road, water or electricity. This disempowered the people and encouraged corruption. However, there are some optimists too. Fayaz Ahmad Pandit wants to fight the election again this time if the situation remains peaceful in Baramulla. Pandit, a resident of Gantmulla area, is a driver by profession. However, he was able to carry out some development works in his area with the support of a local MLA. It has nothing to do with the larger Kashmir problem. So why be scared? That person may ask for bribes from villagers to carry out developmental works. Jammu and Kashmir local body polls, Part II: Few women seek office in face of violence from militants, govt apathy Updated Date: Sep 25,

3: Decks cleared for Panchayat polls in Jammu and Kashmir

- (1) This Act may be called the Jammu and Kashmir Panchayati Raj Act, (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.]

4: J&K panchayat elections starts from April 16 | Jammu and Kashmir News

Panchayati Raj, or local self-government, is an exercise in decentralization of administrative authority. Rural development has been massively a government supported process rather than the people-led process in India.

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