

Government of Jammu and Kashmir
Civil Secretariat-Rural Dev. Department

Notification

Srinagar, the 12th Sept. 2008

SRO 263. - In exercise of the powers conferred by sub-section (1) of section 32 of the National Rural Employment Guarantee Act, 2005 (42 of 2005), the Government hereby make the following rules:-

Short title and commencement: - (1) These rules may be called the Jammu and Kashmir Rural Employment Guarantee (State Council) Rules, 2008.

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

1. **Short title and commencement:-** (1) These rules may be called the Jammu and Kashmir Rural Employment Guarantee (State Council) Rules, 2008.

(2) They shall come into force.....(to be specified at the time of final publication).

2. **Definitions:-** In these rules unless the context otherwise requires:-

(a) "Act" means the National Rural Employment Guarantee Act, 2005.

(b) "Chairperson" means the Chairperson of the State Council;

(c) "Executive Committee" means the Executive Committee of the State Council constituted under sub-rule(1) of rule 9;

(d) "Halqa Panchayat" means an institution (by whatever name called of local self- government constituted under section 4 of the Jammu and Kashmir Panchayati Raj Act, 1989(Act No:XI of 1989);

(e) "Member Secretary" means the Member-Secretary of the State Council;

(f) "Section" means a section of the Act.

(g) "Scheme" means a scheme notified by the State Government under sub-section(1) of section 4 of the Act;

(h) "State" means the Jammu and Kashmir State;

- (i) "State Council" means the Jammu and Kashmir State Employment Guarantee Council constituted under sub-section (1) of section 12 of the Act;
- (j) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. **State Employment Guarantee Council:-** (1) Subject to the provisions of sub-rule(2), the Jammu and Kashmir State Employment Guarantee Council constituted under sub-section(1) of section 12 of the Act shall consist of the following; namely:-

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|-----|--|------------------------|
| (a) | Minister-in-charge for Rural Development-- | Chairperson ex-officio |
| (b) | Principal/Commissioner/Secretary to Govt.---
Rural Dev. Department. | Member-ex- officio |
| (c) | A nominee of the Social Welfare Department not below the rank of Additional Secretary to the Government. | Member |
| (d) | A nominee of the Agriculture Production Department now below the rank of Additional Secretary to the Government. | Member |
| (e) | A nominee of the Forest Department not below the rank of Additional Secretary to the Government. | Member |
| (f) | A nominee of the Planning & Dev. Department not below the rank of Joint Director(P&S). | Member |
| (g) | Director, Rural Development Jammu/Kashmir | Member |
| (h) | A nominee of the Finance Department not below the rank of Director | Member |
| (i) | 15 non-officials to be nominated by the State Government from Panchayat Raj Institutions, Organization of workers and disadvantaged Groups, of whom five shall belong to the Schedule Caste, Schedule Tribes, other backward classes and minorities. | Members |
| (j) | A nominee of the Rural Dev. Department not below the rank of Additional Secretary to the Govt. | Member-Secretary |

(2) Not less than one-third of the non-official members shall be women.

(3) Not less than one third of the non official members shall be belonging to the Schedule Caste, the Schedule Tribes, the other Backward Classes and Minorities.

4. Terms and conditions of appointment of members .- 1) The members representing the Departments of the Government shall hold their offices as long as they are serving in their respective Departments or till the concerned Department nominates any other officer.

(2) The term of office of the members/official and non-official shall be for a period of one year.

(3) The non-official members nominated under clause(i) of sub-rule(1) of rule 3 shall be entitled to receive Traveling Allowance and Dearness Allowance for attending the meetings of the State Council or the Executive Committee, as the case may be, at the rates admissible to the State Government servants of the highest grade.

(4) The non-official members shall also be entitled to receive honorarium at the rate of the five hundred rupees per day for the days of the meetings of the State Council or its Executive Committee or any other official work which they would attend at the headquarters at Srinagar or Jammu or at any other place on invitation of the State Council.

5. Resignation, and removal of non-official members:- (1) Any non-official member may by writing under his hand addressed to the Chairperson resign from his office at any time;

(2) The State Government may remove from office any non-official member if he:-

- (i) has been adjudged as an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (iii) has become physically or mentally incapable of acting as a member; or
- (iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (v) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (vi) remains absent for three consecutive meetings of the State Council except for reasons beyond his control or without permission of the Chairperson.

(3) Any vacancy caused in the State Council due to resignation, death, removal or otherwise of a non-official member shall be filled from the same category to which such member was representing and the person newly nominated shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

6. Meeting of the State Council and its quorum:- (1) The State Council shall meet at least twice in a year or more frequently as it may consider necessary, at such place and at such time, as may be decided upon by the Chairperson:

Provided that six months shall not intervene between two consecutive meetings of the State Council.

(2) The Chairperson shall preside every meeting of the State Council at which he present, and in his absence, the Principal/Commissioner/Secretary to Government, Rural Development Department shall preside.

(3) Not less than one-third of the members shall constitute the quorum for the meetings of the State Council.

7. Procedure of the meetings:- (1) The Member-Secretary shall give at least seven clear days notice for a meeting of the State Council, giving therein the date, time and place of the meeting.

(2) If the quorum in the meeting is not present, the Chairperson may postpone the meeting to another date and the Chairperson and the members present at the postponed meeting shall constitute the quorum.

(3) Every question brought before any meeting of the State Council shall be decided upon by a majority of the members present and voting at the meeting before which the matter is brought and no member shall be allowed to vote by proxy.

(4) In case of an equality of votes on any resolution or question, the Chairperson shall have a casting a vote or second note.

(5) The Member-Secretary shall, within fifteen days of a meeting, circulate the minutes of that meeting duly approved by the Chairperson.

8. Functions of the State Council:- (1) The State Council shall perform the duties and discharge the functions assigned to it under sub-section (3) of section 12 of the Act.

(2) The State Council may, subject to its control and directions, authorize the Member-Secretary to deal with such financial and administrative matters for its day-to-day functioning as may be specified by it.

(3) The State Council shall lay down the system and procedures for maintenance of its accounts and other records.

(4) The Member-Secretary shall be responsible for the custody and maintenance of the minutes book and other records of the State Council and the Executive Committee.

9. Executive Committee:- (1) The State Council shall constitute a Committee to be called the Executive Committee to assist it to discharge the duties and perform the functions assigned to it.

(2) The Executive Committee constituted under sub-rule(1) shall consist of the following, namely:-

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| (i) | Principal/Commissioner/Secretary to Government Rural Dev. Department. | President |
| (ii) | Financial Advisor/Chief Accounts Officer, Rural Dev. Department. | Member |
| (iii) | Director, Rural Dev. Department Jammu/Kashmir | Members |
| (iv) | Joint Director (P&S), Planning & Dev. Department | Member |
| (v) | Four non-official members of the State Council to be nominated by the Chairperson of the State Council. | Members |

(3) The Member-Secretary shall be the Member-Secretary of the Executive Committee.

10. Functions of the Executive Committee:- (1) Subject to the general superintendence and directions of the State Council, the Executive Committee shall perform the following duties and functions, namely:-

- (a) take steps to give effect to the decisions of the State Council;
- (b) manage the administrative and financial affairs of the State Council;
- (c) sanction expenditure in connection with the affairs of the State Council;
- (d) appoint expert groups for technical support and advice to improve the quality of implementation of the Act;
- (e) exercise such powers and perform such functions as may be entrusted to it by the State Council.

(2) The Executive Committee shall meet at least once in a month or more frequently, if required by the State Council.

11. Technical Secretariat:- (1) The State Council and the Executive Committee shall be assisted by a Technical Secretariat, which may be set up by the State Government in accordance with these rules to provide logistic and technical support for the implementation of the provisions of the Act.

(2) The Technical Secretariat shall be headed by the Member-Secretary and persons of professional services enlisted on the basis of procedures, norms and terms decided by the Executive Committee.

(3) The persons of professional services engaged for the Technical Secretariat shall pertain to services in functional areas specified in section 12 of the Act.

12. Funds of the State Council:- (1) The State Council shall meet its expenses in connection with its affairs and the functions entrusted to it under the Act or these rules from the annual grants released to it by the Rural Development Department out of the State Employment Guarantee Fund.

(2) The funds of the State Council shall be operated through the Jammu and Kashmir Bank Ltd., banker of the State Government.

By order of the Government of Jammu and Kashmir.


Secretary to Government,
Rural Dev. Department.

Dated : 12/09-2008

No:-RD/PC/43/2006(I)

Copy to the:-

1. Finance Commissioner, Planning and Development Department.
2. Principal Secretary to Govt; General Department Administrative Department.
3. Divisional Commissioners Jammu/Kashmir.
4. Commissioner Secretary to Government Finance Department.
5. All Deputy Commissioners.
6. Director, Rural Development Department Jammu/Kashmir
7. Director Rural Sanitation.
8. Director Information Kashmir with the request that he may publish in the too Daily News Paper of the State.
9. General Manager, Govt Press Rambir Kashmir for publication in the Govt Gazette.
10. All Assistant Commissioners _____
11. Block Development Officers _____
12. District Panchayat Officer _____