

ORDER

New Delhi, the 5th October, 2020.

S.O. 3466(E).—In exercise of the powers conferred by section 96 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order in respect of the Union territory of Jammu and Kashmir, namely: —

1. (1) This Order may be called the Union Territory of Jammu and Kashmir Reorganisation (Adaptation of State Laws) Third Order, 2020.

(2) It shall come into force with immediate effect.

2. The General Clauses Act, 1897 applies for the interpretation of this Order as it applies for the interpretation of laws in force in the territory of India.

3. With immediate effect, the Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect, subject to the adaptations and modifications directed by the said Schedule, or if it is so directed, shall stand repealed.

4. Where this Order requires that in any specified section or other portion of an Act, certain words shall be substituted for certain other words, or the certain words shall be omitted, such substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that section or portion.

5. The provisions of this Order which adapt or modify or repeal any law so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the 31st October, 2019; and any such notification, order, commitment, attachment, bye-law, rule, regulation or anything may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and in accordance with the provisions then applicable to such case.

6. The repeal or amendment of any law specified in the Schedule to this Order shall not affect—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) or this Order had not been passed or issued.

THE SCHEDULE

(See Paragraph 3)

STATE LAWS**1. THE JAMMU AND KASHMIR MUNICIPAL ACT, 2000**

(XX of 2000)

Throughout the Act, for “State”, and “Government” substitute respectively “Union territory of Jammu and Kashmir” and “Government of the Union territory of Jammu and Kashmir”.

- Section 1 .—** In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.
- Section 2.—**
- (i) Omit clause (1);
 - (ii) Renumber clause (2) as clause (1) and after clause (1) so renumbered, insert:-
“(2) “Board” means the Jammu and Kashmir Property Tax Board constituted under the Jammu and Kashmir Property Tax Board Act, 2010;” ;
 - (iii) For clause (12) substitute:-
“(12) “District Planning Committee” means a “District Planning Committee” constituted under section 47-A the Jammu and Kashmir Panchayati Raj Act, 1989;”
 - (iv) In clause (14-a), omit “being permanent residents of the State”;
 - (v) In clause (22-a), omit “being permanent residents of the State”;
 - (vi) After clause (29-a), insert:-
“(29-b) “Special Tribunal” means the Special Tribunal constituted under section 4 of the Jammu and Kashmir Special Tribunal Act, 1988”; and
 - (vii) After clause (31), insert:-
“(31A) “Taxable annual value” means the taxable annual value of any land and building or vacant land or both determined under section 73 for the purpose of assessment of property tax.”

Insertion of new section- After section 2, insert-

Substitution of expression. “2A. For the words “annual value” or “rateable value” wherever occurring in this Act, the words “taxable annual value” shall be substituted.”.

Insertion of new section -After Section 15, insert-

Qualification. “15A. A person shall not be qualified for being chosen as, and for being, a member of a municipality, unless-

- (a) he is a citizen of India;
- (b) he has attained the age of 25 years; and
- (c) his name is registered as an elector in the electoral roll of any ward in the municipal area.”.

Section 16. In sub-section (1), -

- (i) omit clause (a);
- (ii) in clause (b), for “the State Legislature.” substitute “the Legislative Assembly of the Union territory of Jammu and Kashmir; or” and omit the proviso thereto”;
- (iii) in clause (f), for “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989(1932 A.D.)”, substitute “the Indian Penal Code, (45 of 1860)”;
- (iv) in clause (k), for “Municipal fund” substitute “Municipal fund or any Department of the Government or local body or authority”.

Section 21.— For “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989 (1932 A.D.)” substitute “the Indian Penal Code, (45 of 1860)”.

Section 22.— Omit “through open ballot.”.

Insertion of new section -After section 33, insert-

Constitution of Ward Committees. “33A. (1) There shall be constituted a Ward Committee for each Ward of the Municipality within a period of six months from the date appointed for its first meeting referred to in sub-section (1) of section 27:

Provided that where a Municipality has been constituted before the commencement of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), the Ward Committee shall be constituted within two years from such commencement.

(2) Each Ward Committee shall consist of-

(i) the member of the municipality representing the ward, who shall be the chairperson of the Ward Committee;

(ii) not more than ten electors representing the civil society from the ward, to be nominated by the municipality in such manner as may be prescribed:

Provided that if the population of the ward does not exceed two thousand, the number of nominated members shall be four, and if the population of the ward exceeds two thousand, there shall be one additional member for every thousand population or part thereof in excess of two thousand:

Provided further that in reckoning the number of additional members of the Ward Committee exceeding four, any part of population less than one thousand shall be ignored:

Provided also that half of the persons to be nominated to the Ward Committee shall be women.; and

(iii) the representatives of Area Sabha.

Explanation.- For the purpose of this section, the expression civil society means any non-Governmental organisation or association of persons established, constituted or registered under any law for the time being in force, working for social welfare, and includes any community based organisation, residents welfare association, professional institution or any civic, health and educational institution or any social or cultural body or any trade or industrial organisation or other stakeholders or such other association or body, as may be prescribed.

(3) A person shall be disqualified for being nominated as, and for being, a member of the Ward Committee if he is disqualified for being chosen as, and for being, a member of a municipality under the provisions of this Act.

(4) The term of office of Ward Committee shall be co-terminus with the term of office of the municipality.

(5) The manner of conduct of business at the meetings of the Ward Committee shall be such as may be prescribed.

(6) The Ward Committee shall discharge the following functions, namely:

(i) supervision and monitoring of the -

(a) sanitation work and drainage maintenance;

(b) distribution of water supply;

(c) working of the street lights;

(d) minor repair of roads;

(e) maintenance of markets;

(f) maintenance of parks and playgrounds; and

(g) implementation of poverty alleviation programmes;

(ii) monitoring the functioning of schools, maternity centres, dispensaries and health centres wherever they are under control of the Municipality;

- (iii) facilitation in the collection of taxes;
 - (iv) preparation of list of beneficiaries for beneficiary oriented schemes, pensions and subsidies;
 - (v) prepare an annual ward development plan in a manner consistent with the rules to be prescribed;
 - (vi) map the ward infrastructure index;
 - (vii) preparation of inventory of municipal assets;
 - (viii) assistance in the implementation of all Government schemes; and
 - (ix) any other function as may be prescribed.
- (7) Every Ward Committee shall be empowered to
- (i) seek information from the Executive Officer regarding any matter relating to the ward;
 - (ii) obtain information about the Master Plan and Zonal Developmental Plan of the municipality;
 - (iii) obtain information relating to municipality budget;
 - (iv) be consulted in the development of land use and zoning regulations within the ward; and
 - (v) obtain full details of all revenue items relating to the Ward.
- (8) The Municipality shall allocate twenty percent. of the amount earmarked in the annual budget of the municipality for maintenance of services relating to sanitation, water supply, drainage, roads, street lighting, parks, markets etc. to all Ward Committees enabling them to perform the functions as specified in sub-section (6).
- (9) The Ward Committee may, from time to time, appoint from amongst its members such sub-committees, consisting of such number of members as it may think fit, and may refer to such sub-committees for enquiry or opinion any matter relating to the functions entrusted to it.

**Constitution of
Area Sabha.**

- 33B.** (1) Each ward in a municipality shall be divided into areas in such a manner that each such area shall, as far as possible, comprise of not less than five hundred and not more than one thousand people.
- (2) All the electors of an area of a ward shall constitute the Area Sabha for such area and every Area Sabha shall elect an Area Sabha Representative from amongst themselves.
- (3) The qualifications and disqualifications prescribed for being chosen as, and for being, a member of municipality under the provisions of this Act shall apply mutatis mutandis to the Area Sabha Representative.
- (4) The term of the Area Sabha Representative shall ordinarily be co-terminus with that of the municipality concerned.
- (5) The Area Sabha may, having regard to its managerial, technical, financial and organisational capacity and the actual conditions obtaining in the ward area perform and discharge the following functions and duties, namely:-
- (i) to formulate proposals and determine the priority of schemes and development programmes to be implemented in the area and forward the same to Ward Committee for inclusion in the development plan of the ward;
 - (ii) to identify the eligible persons for beneficiary oriented schemes on the basis of criteria fixed by the Government and prepare the list of beneficiaries in order of priority and forward the same to Ward Committee for inclusion in the development plan of the ward;

- (iii) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;
- (iv) to identify the deficiencies in water supply, street lighting and sanitation arrangements in the jurisdiction of the Area Sabha and to suggest the remedial measures to the Ward Committee;
- (v) to suggest the location of street lights, public taps, public wells, public toilets or any other public facility to the Ward Committee;
- (vi) to assist in the activities of public health centers in the area; and
- (vii) to undertake and support tax mapping.

(6) The Area Sabha, shall be empowered to-

- (i) obtain any information from the official concerned relating to the services and the works proposed to be provided or executed in the area by the Ward Committee;
- (ii) obtain information from the Ward Committee about every decision taken by them concerning the jurisdiction of the Area Sabha;
- (iii) obtain information from the Ward Committee relating to follow up action taken on the decisions concerning the area;
- (iv) impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution.

(7) The manner of conduct of business at the meetings of the Area Sabha shall be such as may be prescribed.

(8) The superintendence, direction and control for the preparation of the electoral rolls for, and the conduct of elections to, the seats of Area Sabha Representatives of the municipalities shall be vested in the Chief Electoral Officer.”.

Section 42.— In sub-section (1), for “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989 (1932 A.D.)” substitute “the Indian Penal Code, (45 of 1860)”.

Section 43.- After clause (u), insert

“(v) providing necessary administrative, financial and infrastructure support to the Ward Committee for its efficient performance of function and discharge of duties.”.

Section 46.— In sub-section (1), for “Code of Civil Procedure, Svt. 1977” substitute “Code of Civil Procedure 1908 (5 of 1908)”.

Section 60.— In sub-section (2), in the second proviso, for “the Jammu and Kashmir Charitable Endowment Act, 1989” substitute the “Charitable Endowment Act, 1890 (6 of 1890)”.

Section 61.— For “The Jammu and Kashmir Land Acquisition Act, Samvat, 1990” ,substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement, Act 2013 (30 of 2013)”.

Section 65.- In sub-section (1),for clause (a), substitute:-

“(a) taxes on lands and buildings or vacant lands or both situated within the municipal area (hereinafter referred to as ‘property tax’)”.

Section 66.- In sub-section (1),-

(i) omit clause (iii);

(ii) for clause (vi), substitute-

“(vi) a fee for infrastructure development on motor vehicles suitable for use on road within the municipality.

Explanation.- For the purpose of this clause the expression “motor vehicle” shall have the same meaning as assigned to it in the Motor Vehicles Act 1988 (Central Act 59 of 1988);”;

(iii) in clause (viii), omit “at a rate of one paisa”;

(iv) for clause (xiv), substitute-

“(xiv) a fee for the purpose of collection, transportation and disposal of solid waste.

Explanation.- For the purpose of this section ‘solid waste’, includes filth, offensive matter, rubbish sewage, trade effluent, trade refuse, waste from hospital and any other waste which is detrimental to public health;”;

(v) omit clause (xv).

Section 70- (i) for, “tax”, wherever occurring, substitute “tax or fee”; and

(ii) for sub-section (10), substitute-

“(10) A tax or fee leviable shall come into force from such date as may be notified.

Insertion of new section -After section 71, insert

Powers of Government to make interim arrangements with regard to assessment and collection of taxes and fees. “71A (1) The Government may, by notification, make such interim arrangements for the assessment and collection of one or more of the taxes and fees levied in terms of any of the provisions of this Chapter as may be deemed necessary or expedient, and the provisions of this Chapter in so far as they relate to the assessment and collection of any such tax or fee shall stand modified to the extent and in the manner given in the notification during the period such interim arrangements remain in force.

(2) Any interim arrangement so made shall be for a period of up to three years only:

Provided that, for good and sufficient reasons to be recorded in writing, the Government may extend such interim arrangements for a maximum period of up to five years:

Provided further that on the request of the municipality, the Government may extend such interim arrangements for such period and on such conditions as may be mutually agreed between the municipality and the Government”.

For sections 72 to 80, substitute-

Description and class of property tax. “72. (1) Unless exempted under this Act or any other law for the time being in force, property tax shall be levied on all lands and buildings or vacant lands or both situated within the municipal area.

(2) The property tax shall be levied at such percentage not exceeding fifteen per cent. of the taxable annual value of land and building or vacant land or both, as the Government may, by notification, from time to time specify.

Determination of taxable annual value. 73. (1) Subject to the provisions of section 68 and rules, if any, made by the Government in this behalf, the taxable annual value of land and building or vacant land assessable to taxes under this Act shall be calculated by multiplying the corresponding unit area value with the total built-up area of a building or the total area of land, as the case may be, minus depreciation, at such rates as may be prescribed, depending on the age of the building:

Provided that subject to such conditions and in such circumstances as it may deem fit, the municipality may, after passing a resolution in that behalf, in lieu of tax payable under this Act fix a lump sum amount not exceeding the sum payable under section 72 as annual tax for certain categories of property:

Provided further that such a resolution shall come into effect only if it is approved by the Government:

Explanation.- For purpose of sub-section (1), the expression 'unit area value' means the unit area value determined under the Jammu and Kashmir Property Tax Board Act, 2013.

(2) The property tax payable shall be reduced by twenty-five percent. in respect of a self-occupied building used for residential purpose and such class of self-occupied non-residential building as may be notified by the Government on the recommendation of the municipality.

(3) The person liable to pay the property tax shall pay the tax in two equal installments, the first being before 30th May and the second by the 30th November of each financial year:

Provided that the owner or occupier may, if he so chooses, pay the tax in one installment:

Provided further that if the owner or occupier who is liable to pay property tax files return and also pays property tax for the whole year within one month from the date of commencement of the financial year, he shall be allowed a rebate of ten per cent. on the tax payable by him.

(4) Before any owner or occupier submits any return under sub-section (5), he shall pay in advance half year tax calculated or the full amount of the property tax payable by him for the year on the basis of such return declared by him as being true and complete.

(5) Every owner or occupier, who is liable to pay property tax under this Act, shall every year submit to the Executive Officer or any officer authorised by him in this behalf a return in the prescribed form within the stipulated period and in the prescribed manner.

(6) In order to facilitate filing of return by an owner or occupier of any building or vacant land or both and assessment of property tax under this section, the Board shall, from time to time, issue guidelines for determining the taxable annual value of the property and the tax payable thereon.

(7) Every return filed by an owner or occupier shall be deemed to be assessed to tax except in cases where the Executive Officer or any officer authorised by him take up cases for random scrutiny in such manner as may be prescribed.

(8) For the purpose of random scrutiny of the return filed or in cases where returns are not filed as required under sub-section (5) in respect of any building or land or both, the Executive Officer or any officer authorised by him in this behalf may enter any land or building for inspection, survey or measurement after giving notice to the owner or occupier and the owner or the occupier shall be bound to furnish necessary information required and based on such inspection and information collected, the Executive Officer or such other officer, as the case may be, shall assess the property tax subject to sub-sections (10) and (11) and send a copy of the order of assessment to the owner or occupier concerned:

Provided that no such entry shall be made into and upon any building or vacant land before sunrise and after sunset.

(9) If the owner or occupier of the property refuses to allow the authorised officer to enter the premises for inspection, survey or measurement, the officer shall, after intimating such owner or occupier in this behalf, record the refusal and proceed to assess the property to the best of his judgment:

Provided that in case of a building used as human dwelling, due regard shall be paid to the social and religious customs of the occupiers thereof and no residential premises in the actual occupancy of a women shall be entered until she has been informed that she is at liberty to withdraw and every facility has been afforded to her for withdrawing.

(10) Upon random scrutiny, if the Executive Officer or the officer authorised by him in this behalf has reasons to believe that any return furnished, which is deemed as assessed, is incorrect or has been under-assessed resulting in evasion of property tax, he may, on the basis of information available on record and after physical inspection, proceed to re-assess the property after giving a reasonable opportunity to the tax payer to make a representation in this behalf.

(11) After making re-assessment under sub-section (10), the Executive Officer or the authorised officer, shall issue a notice of re-assessment to the tax payer demanding that the re-assessed tax shall be paid within thirty days of the service of the notice:

Provided that if the tax re-assessed is higher than the tax remitted along with the returns by more than five per cent. the evaded tax shall be payable by such person together with a penalty of not less than two times of the tax so evaded along with interest for the difference in tax paid and payable calculated at twelve percent. per annum.

(12) The owner or occupier may either accept the property tax assessed and the penalty levied under sub-section (11) or send objections to the Executive Officer or the authorised officer within thirty days from the date of receipt of the notice under sub-section (11).

(13) The Executive Officer or the officer authorised by him shall consider the objections, if any, received under sub-section (12) and pass such orders either confirming or revising such re-assessment within a period of sixty days from the date of filing of objections and send a copy of the order to the concerned tax payer.

(14) An assessment or re-assessment under this section shall not be made on expiry of three years after-

- (i) filing the tax return under this section;
- (ii) the evidence of fact justifying re-assessment, comes to the knowledge of the Executive Officer or the officer authorised by him in this behalf.

(15) In computing the period of limitation specified for assessment or re-assessment, as the case may be, under this Act, the period taken for the disposal of any appeal against an assessment order or other proceedings by the appellate authority, tribunal or competent court shall not be taken into account.

(16) The property tax assessed and levied under this section shall be subject to revision once in three years by enhancing the tax by such percentage not exceeding ten percent. of the tax as may be prescribed, commencing from the financial year from which the property tax is determined under this section (hereinafter referred to as base year):

Provided that the non-assessment of property tax under this section during the block period of three years shall not be applicable to a building which undergoes any addition, change of use, alteration, or variation and the owner or occupier shall report such changes within six months from the date of completion or occupation, whichever is earlier, along with the revised return and tax:

Provided further that nothing contained in this sub-section shall be deemed to affect the powers of the Board to order an earlier revision of property tax for reasons to be recorded in writing and after giving a reasonable opportunity of filing objections to the person liable to pay tax.”

Incidence of tax. 74. (1) The property tax shall be primarily leviable and payable as follows:-

- (a) if the land or building is let, upon the lessor;
- (b) if the land or building is sub-let, upon the superior lessor;

(c) if the land or building is unlet, upon the person in whom the right to let the same vests.

(2) If any land has been let for a term exceeding one year to a tenant and such tenant has built upon the land, the property tax assessed in respect of that land and the building erected thereon shall be primarily leviable upon the said tenant, whether the land, building or both are in the occupation of such tenant or a sub-tenant of such tenant.

Explanation.—The term “tenant” includes any person deriving title to the land or building erected upon such land from the tenant whether by operation of law or by transfer inter vivos.

(3) Assessment of any building to a tax under this Act would not imply or be proof of the fact that the building is an authorised one.

Duty to furnish information.

75. (1) Every person shall, on the demand of any officer duly authorised by the municipality in this behalf, furnish such information as may be necessary in order to ascertain—

(a) the name and place of a residence of the owner or occupier or of both of such land or building;

(b) the measurements or dimensions of such land or building or vacant land or both or any portion thereof and whether the property has been let out or otherwise and its usage; and

(c) any details required in connection with the determination of the taxable annual value.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and give true information to the best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true information to the best of his knowledge or belief shall, in addition to the tax levied, be also liable for penalty which may not be less than the tax so payable.

Evidentiary value of assessment list and unit area value.

76. The entries in the assessment list prepared under section 16, and the unit area value determined under section 18, of the Jammu and Kashmir Property Tax Board Act, 2013 shall be accepted as conclusive evidence for the purposes of assessing any tax levied under this Act and taxable annual value of land and building or vacant land or both to which such entries or determination respectively relate.”

Tax not invalid for defect of form.

77. No assessment and no charge or demand of any tax made under this Act shall be called in question on the ground, or be affected by reason, of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or of any mistake in the amount of assessment or tax, or of any clerical error or other defect of form; and it shall be enough in respect of any such tax on property if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Notice on transfer of title.

78.(1) Whenever the title to or over any building or land of any person primarily liable for the payment of property tax on such property is transferred, the transferee and the transferor shall within three months, of the registration of the deed of transfer if it be registered, or of its execution if it be not registered, or of the actual transfer if no instrument is executed, give notice in writing of such transfer to the municipality.

(2) If a person who is primarily liable for the payment of a tax on any property transfers his title on, or over, such property, and fails to give notice of such transfer to the municipality as aforesaid, he shall, in addition to any other liability which he incurs through such neglect, continue to be liable for payment of all such taxes from time to time payable in respect of the said property until he gives such notice or until the transfer is recorded in the books of the municipality.

(3) Whenever the title on or over any building or land has devolved upon any person by inheritance, the heir shall, within three months of the date of the death of the former owner, give notice in writing of such inheritance to the municipality.

(4) Nothing in this section shall diminish the liability of the transferee or heir for the said taxes or to affect the prior claim of the municipality for the recovery of the taxes due thereupon.

(5) Whoever contravenes the provisions of sub-sections (1) or (3) shall, in addition to any other penalty which he incurs through such neglect, be punishable with a fine which shall not be less than one thousand rupees and not more than five thousand rupees, and in the case of a continuing breach, with a further fine of one hundred rupees for every day after the first conviction till the breach continues.

Notice of erection of building etc.

79. When any new building is erected, or any existing building is reconstructed or altered or improved, or when any building which has been vacant is re-occupied, the person primarily liable to pay tax under this Act shall give notice thereof in writing to the Executive Officer within fifteen days from the date of its completion or occupation, whichever first occurs or as the case may be, from the date of its alteration, improvement or re-occupation and the tax shall be assessable on the building from the said date.

Notice of demolition or removal of building.

80. (1) When any building or any portion thereof, which is liable to tax under this Act, is demolished or removed, otherwise than by or under an order of the Executive Officer, the person primarily liable for the payment of the tax shall give notice thereof in writing to the Executive Officer.

(2) Until notice is given under sub-section (1), the person primarily responsible for payment of tax shall continue to be liable to pay such taxes as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.”.

Section 81.-

Omit.

For sections 82 and 83, substitute-

Power of Government to exempt payment of taxes.

“82.(1) The Government may, by order exempt, in whole or in part, from the payment of any tax payable under this Act by any person or class of persons or in respect of any property or description of property.

(2) If at any time, it appears to the Government on complaint made or otherwise, that any tax imposed is unfair in its incidence or that the levy thereof or of any part thereof is detrimental to the interests of the general public, it may require the municipality to take within a specified period measures to remove the objections; and, if within that period the requirement is not complied with to the satisfaction of the Government, it may, by notification, suspend the levy of tax or of such part thereof until the objection has been removed.

Taxation of Union Properties.

83. Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings or vacant lands or both being properties of Union of India shall be exempted from the taxes:

Provided that nothing in this section shall prevent the Municipality from levying a service charge on any property of the Central Government which is exempted from payment of property tax under this section, at the rate upto five per centum of the taxable annual value of such land and building.”.

Section 84.-

Omit.

Section 85.-

Omit.

Section 87.-

In sub-section (1), for “any moveable property” substitute “any moveable property including any sum of money due or likely to become due to such defaulter from any person or entity including a bank, a Department of the Government, or any other entity by whatever name called,”

Section 88.- Omit.

For sections 89 to 92, substitute-

Taxes on lands and buildings as first charge.

“89. Taxes due under this Act in respect of any land and building or vacant land or both shall, subject to the prior payment of the land revenue if any due to the Government, be a first charge thereon.

Explanation.- The term “taxes” in this section shall be deemed to include the cost of recovery thereof and the penalty, if any, payable under this Act.

Appeal.

“90. (1) An appeal against-

- (i) the levy of any tax or fee; or
- (ii) the refusal to refund any tax or fee; or
- (iii) the calculation of taxable annual value of any property; or
- (iv) the assessment or re-assessment of any tax payable; or
- (v) any penalty imposed,

under this Act shall lie to the Jammu and Kashmir Property Tax Board.

(2) If on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of tax arises on which the Board entertains reasonable doubt, the Board may, either of its own motion or on an application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained and refer the statement with its own opinion on the point for the decision of the High Court.

(3) If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Board, to make such additions thereto or the alterations therein as the Court may direct in that behalf.

(4) The High Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which decision is founded.

(5) The High Court shall send to the Board a copy of such judgment under the seal of the Court and signature of the Registrar; and the Board shall, on receiving such copy, dispose of the case conformably to such judgment.

(6) In every appeal, the costs shall be in the discretion of the Board.

(7) The costs awarded under this section in favour of a municipality shall be recoverable by the municipality as if they were arrears of a tax, due from the appellant.

(8) If the municipality fails to pay the costs awarded to an appellant within ten days after the date of the order for payment thereof, the Board may order the person having the custody of the balance of the municipal fund to pay the amount.

Limitation for appeal.

91. (1) No appeal shall lie under section 90 unless it is preferred within one month after the order appealed against is made or in respect of any tax within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed under this section, if the appellant satisfies the Board that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other municipal taxes due from him to the municipality up to the date of such appeal.

Revision. 92. Any person aggrieved by an order passed in appeal under section 90 may within thirty days of the passing of such order prefer an application before the Special Tribunal for revision against the said order and the Tribunal may confirm, alter or rescind the said order:

Provided that the Tribunal shall not pass an order under this section prejudicial to any person without giving such person reasonable opportunity of being heard.”.

Section 93.- Omit.

Section 162.— For “the State Ranbir Penal Code, Svt. 1989”, substitute “the Indian Penal Code (45 of 1860)”.

Section 215.— For “section 15 of the Jammu and Kashmir Wild Life (Protection) Act, 1978” substitute “Wild Life (Protection) Act, 1972(53 of 1972)”.

Section 243.— In sub-section (2), for “the Jammu and Kashmir Land Acquisition Act, Samvat, 1990” substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (30 of 2013)”.

After section 248, insert-

Eviction of unauthorised occupant.

“248A. (1) Notwithstanding anything contrary contained in this Act or in any other law for the time being in force, if the Executive Officer is of the opinion that any person is in unauthorised occupation of any property and that he should be evicted, the Executive Officer shall issue, in the manner hereinafter provided, a notice in writing calling upon that person to show cause as to why an order of eviction should not be passed.

(2) If, after considering the reply, if any, given by such person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same, and after giving him a reasonable opportunity of being heard, the Executive Officer is satisfied that the property is in unauthorised occupation, the Executive Officer shall make an order of eviction, for reasons to be recorded therein, directing that the property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be made public.

(3) If any person refuses to, or fails to comply with, the order of eviction within thirty days of the date of service of order under sub-section (2), the Executive Officer shall evict that person and take possession of the said property and may, for the purpose, call upon the officer in charge Police Station of the area to render such assistance as may be necessary for evicting that person.

(4) Where any person has been evicted from any property under sub-section (3), the Executive Officer may, after giving a notice to the person from whom possession of the property has been taken and after publishing such notice in at least two daily news papers having wide circulation in the locality, remove or cause to be removed any article remaining on such property and may make an order for the proper custody of such article:

Provided that if the owner of the article refuses or fails to take delivery thereof after notice or if the article is subject to speedy and natural decay, the Executive Officer may cause it to be disposed of by public auction and deliver the sale proceeds thereof, after deduction of cost incurred on such public auction, to such owner.

(5) Any person aggrieved by an order of the Executive Officer made in respect of any property under sub-section (3) or sub-section (4) may prefer an appeal to the District Judge having jurisdiction over the area in which the property is located within a period of thirty days from the date of order.

(6) Notwithstanding anything contained in this Act or in any other law for the time being in force, nothing done or purported to have been done under this section shall be called in question in any Court except as provided under sub-section (5).

Explanation.- For the purpose of this section, “unauthorised occupations” means occupation by any person of any property, being the property of the Municipality or where Municipality has any interest in such property, without authority for such occupation and includes the continuance in occupation by any person of such property after the authority, whether by way of lease, mortgage or otherwise, under which he was authorised to occupy such property, has expired.”.

- Section 256.-** In sub-section (1), for “audited by a separate and independent auditing agency under the control of Director”, substitute “audited by the Comptroller and Auditor General of India”.
- Section 260.—** In sub-section (1), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 261.—** For “the District and Development Board” substitute “the District Planning Committee constituted under section 47-A of the Jammu and Kashmir Panchayati Raj Act, 1989”.
- Section 262.—** (i) For “The District Planning and Development Board” wherever occurring, substitute “The District Planning Committee”;
- (ii) In sub-section (1) for “section 45” substitute “section 47-A”;
- (iii) omit sub-section (2); and
- (iv) re-number existing sub-sections (3) and (4) as sub-sections (2) and (3) respectively.
- Section 263.—** In sub-section (1), in the Explanation, for “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989 (1932 A.D.)” substitute “the Indian Penal Code (45 of 1860)”.
- Section 273.—** In sub-section (1), in clause (a), for “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989” substitute “the Indian Penal Code (45 of 1860)”.
- Section 286.—** In sub-section (1), in clause (c), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 289.—** (i) In sub-section (1), in clause (c), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”;
- (ii) in sub-section (2), for “Evidence Act, Samvat 1977”, substitute “Indian Evidence Act, 1872 (1 of 1872)”.
- Section 291.—**(i) For “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”;
- (ii) in clause (g), for “sections 345 and 346 of the Code of Criminal Procedure, Samvat, 1989” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”.
- Section 292.—** For “section 93 of the of the Jammu and Kashmir Representation of the People Act, 1957” substitute “The Representation of the People Act, 1951 (43 of 1951)”.
- Section 294.—** In sub-section(2), for “the State Ranbir Penal Code, Svt. 1989” substitute “the Indian Penal Code (45 of 1860)”.

For section 307, substitute-

Posts in Municipality and appointments thereto.

“307.(1) The Government may, for ensuring efficient management of the affairs of the Municipalities and other urban bodies, and to sub serve the common good, establish one or more Urban Service or Services as may be considered necessary, and each such Service shall comprise of such number, classes and categories of posts as may be prescribed.

(2) The qualifications, method of recruitment, reservation, deputation, transfer from one urban body to another, seniority, salaries, leave, allowances, pension gratuity and other conditions of service including disciplinary matters of officers and servants in each of these Services shall be such as may be prescribed.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, a person appointed to an Urban Service constituted in terms of this section shall not be deemed to have been appointed under any civil service or post under the Government.”

Insertion of new section -After section 307, insert-

Power of Government to appoint officers and servants. “307 A (1) The Government or any officer authorised by it in this behalf may appoint such officers and servants as it considers necessary for the efficient discharge of duties by the Municipality.

(2) The salary, allowances, gratuity, pension contribution and other payments required to be made, in accordance with the conditions of the services to the officers and officials employed for the discharge of duties of the Municipality under this Act, shall be charged from the Municipal Fund in the prescribed manner.”.

2. THE JAMMU AND KASHMIR MUNICIPAL CORPORATION ACT, 2000 (XXI of 2000)

Throughout the Act, (i) for “State” substitute respectively “Union territory of Jammu and Kashmir” ; and, (ii) for “rateable value” substitute “taxable annual value”.

Section 1 .— In sub section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.

Section 2.— (i) After clause (1), insert-

“(1A) “Board” shall mean the Jam- mu and Kashmir Property Tax Board constituted under the Jammu and Kashmir Property Tax Board Act, 2013;” ;

(ii) In clause (6), omit “of the State”;

(iii) For clause (14), substitute:-

“(14) “District Planning Committee” means a “District Planning Committee” constituted under section 47-A of the Jammu and Kashmir Panchayati Raj Act, 1989;”;

(iv) In clause (17-a),

(a) omit “being permanent residents of the State”; and

(b) for “the dimension 4 meter x 7.5 meter and carpet area within the range of 25 square meters to 30 square meters” substitute “such dimension as may be prescribed”;

(v) In clause (27-a),

(a) omit “being permanent residents of the State”; and

(b) for “dimension 4.5 meter x 10 meter and floor area of not exceeding 50 square meter in case of flatted accommodation” substitute “such dimension as may be prescribed”;

(vi) Omit clause (49); and,

(vii) After clause (60), insert-

“(60A) “Taxable annual value” means the taxable annual value of any land and building or vacant land or both determined under section 88 for the purpose of assessment of property tax;”.

Section 7. (i) Omit clause (a); and,
(ii) in clause (b), for “eighteen years” substitute “twenty-five years”;

Section 8.— (a) In sub-section (1),-(i) for “the Legislature of the State:” wherever occurring substitute “Legislative Assembly of the Union territory of Jammu and Kashmir;” and omit the proviso thereto;

- (ii) in clause (f), in sub-clause (ii), omit “section 171-E or 171-f of the Jammu and Kashmir State Ranbir Penal code Samvat, 1989 or any offence punishable under”;
- (iii) in clause (o), omit “of State”;
- (iv) in clause (p), for “Code of Criminal Procedure, Samvat, 1989” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”;
- (v) in clause (q), for “Corporation” substitute “Corporation or any Department of the Government or local body or authority”;

(b) in sub-section (8), omit “or the Legislative Council occurring at both the places”

Section 11.— In sub-section (2), in Explanation-I for “section 16 of the Jammu and Kashmir Representation of the People Act, 1957 substitute “Representation of the People Act, 1951 (43 of 1951) ”.

Section 14.— In sub-section (4), in clause (c) for “Code of Civil Procedure, Svt. 1977” substitute “Code of Civil Procedure 1908 (5 of 1908)”.

Section 17.— For “Code of Civil Procedure, Svt. 1977” substitute “Code of Civil Procedure 1908 (5 of 1908)”.

Section 21.— (i) In clause (i), for “section 132 of the of the Jammu and Kashmir Representation of the People Act, 1957” substitute “Representation of the People Act, 1951 (43 of 1951)”;

(ii) in clause (ii), for “sub-section (2) of 132 of the Jammu and Kashmir Representation of the People Act, 1957” substitute “Representation of the People Act, 1951”.

Section 31.— In sub-section (1), in clause (h)—

(i) after sub-clause (vi), insert -

“(vi-a) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used ”;

(ii) after sub-clause (viii), insert-

“(viii-a) the procedure as to counting of votes recorded by means of voting machines”;

(iii). for sub-clause (ix), substitute-

“(ix) the custody of voting machines and disposal of papers relating to elections ”;

(iv) for sub-clause (xi), substitute -

“(xi) the holding of fresh poll in case of destruction of, or tampering with ballot boxes or voting machines, or mechanical failure of voting machines, before the count”.

Section 33.— Omit “and Constitution of Jammu and Kashmir as by law established”.

- Section 36.—**
- (i) in sub-section (1), omit “and thereafter at the expiration of two years and six months,” and “through open ballot”;
 - (ii) in sub-section (2)-
 - (a) for “two years and six months” substitute “five years”; and,
 - (b) for “:” at the end of first proviso substitute “.” and omit the second proviso.

Insertion of new section -After section 39, insert

Constitution of Ward Committees.

“**39A.**(1) There shall be constituted by the Corporation a Ward Committee for each ward in a Corporation within a period of six months from the date appointed for its first meeting referred to in sub-section (1) of section 36:

Provided that where a Corporation has been constituted before the commencement of the Jammu and Kashmir Reorganization Act, 2019,(34 of 2019)the Ward Committee shall be constituted within two years from such commencement.

(2) Each Ward Committee shall consist of-

- (i) the member of the Municipal Corporation representing the ward, who shall be the chairperson of the Ward Committee;
- (ii) the Area Sabha representative, if any, of the area situated in the ward; and
- (iii) not more than ten electors representing the civil society from the ward, to be nominated by the Municipal Corporation in such manner as may be prescribed:

Provided that if the population of the ward does not exceed ten thousand, the number of nominated members shall be four, and if the population of the ward exceeds ten thousand, there shall be one additional member for every four thousand population or part thereof in excess of ten thousand:

Provided further that in reckoning the number of additional members of the Ward Committee exceeding four, any part of population less than four thousand shall be ignored:

Provided also that half of the persons to be nominated the expression to the Ward Committee shall be women.

Explanation.- For the purpose of this section and section 39B, the expression “civil society means any non-Governmental organisation or association of persons established, constituted or registered under any law for the time being in force, working for social welfare, and includes any community based organisation, residents welfare association, professional institution or any civic, health and educational institution or any social or cultural body or any trade or industrial organisation or other stakeholders or such other association or body, as may be prescribed.

(3) A person shall be disqualified for being nominated as, and for being, a member of the Ward Committee if he is disqualified for being chosen as, and for being, a member of a Municipal Corporation under the provisions of this Act.

(4) The term of office of Ward Committee shall be co-terminus with the term of office of the Municipal Corporation.

(5) The manner of conduct of business at the meetings of the Ward Committee shall be such as may be prescribed.

(6) The Ward Committee shall discharge the following functions, namely:-

- (i) supervision and monitoring of the -
 - (a) sanitation work and drainage maintenance;
 - (b) distribution of water supply;
 - (c) working of the street lights;
 - (d) minor repair of roads;
 - (e) maintenance of markets;
 - (f) maintenance of parks and playgrounds; and
 - (g) implementation of poverty alleviation programmers;
- (i) monitoring the functioning of schools, maternity centres, dispensaries and health centres wherever they are under control of the Municipal Corporation;
- (ii) facilitation in the collection of taxes;
- (iii) preparation of list of beneficiaries for beneficiary oriented schemes, pensions and subsidies;
- (iv) prepare an annual ward development plan in a manner consistent with the rules to be prescribed;
- (v) map the ward infrastructure index;
- (vi) preparation of inventory of municipal assets; assistance in the implementation of all Government schemes; and
- (vii) any other function as may be prescribed.

(7) Every Ward Committee shall be empowered to-

- (i) seek information from the Commissioner regarding any matter relating to the ward;
- (ii) obtain information about the master plan and zonal developmental plan of the Municipal Corporation;
- (iii) obtain information relating to Municipal Corporation budget;
- (iv) be consulted in the development of land use and zoning regulations within the ward; and
- (v) obtain full details of all revenue items relating to the Ward.

(8) The Municipal Corporation shall allocate twenty percent. of the amount earmarked in the annual budget of the Municipal Corporation for maintenance of services relating to sanitation, water supply, drainage, roads, street lighting, parks, markets etc. to all Ward Committees enabling them to perform the functions as specified in sub-section (6).

(9) The Ward Committee may, from time to time, appoint from amongst its members such sub-committees, consisting of such number of members as it may think fit, and may refer to such sub-committees for enquiry or opinion any matter relating to the functions entrusted to it.

Constitution of Area Sabha

39B. (1) Each ward in a Municipal Corporation shall be divided by the Corporation into areas in such a manner that each such area shall, as far as possible, comprise of not less than one thousand and not more than two thousand people.

(2) All the electors of an area of a ward shall constitute the Area Sabha for such area and every Area Sabha shall elect an Area Sabha Representative from amongst themselves.

(3) The qualifications and disqualifications prescribed for being chosen as, and for being, a member of Municipal Corporation under the provisions of this Act shall apply mutatis mutandis to the Area Sabha Representative.

(4) The term of the Area Sabha Representative shall ordinarily be co-terminus with that of the Municipal Corporation concerned.

(5) The Area Sabha may, having regard to its managerial, technical, financial and organisational capacity and the actual conditions obtaining in the ward area perform and discharge the following functions and duties, namely:-

- (i) to formulate proposals and determine the priority of schemes and development programmes to be implemented in the area and forward the same to Ward Committee for inclusion in the development plan of the ward.
- (ii) to identify the eligible persons for beneficiary-oriented schemes on the basis of criteria fixed by the Government and prepare the list of beneficiaries in order of priority and forward the same to Ward Committee for inclusion in the development plan of the ward.
- (iii) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;
- (iv) to identify the deficiencies in water supply, street lighting and sanitation arrangements in the jurisdiction of the Area Sabha and to suggest the remedial measures to the Ward Committee;
- (v) to suggest the location of street lights, public taps, public wells, public toilets or any other public facility to the Ward Committee.
- (vi) to assist in the activities of public health centers in the area; and
- (vii) to undertake and support tax mapping.

(6) The Area Sabha, shall be empowered to-

- (i) obtain any information from the official concerned relating to the services and the works proposed to be provided or executed in the area by the Ward Committee.
- (ii) obtain information from the Ward Committee about every decision taken by them concerning the jurisdiction of the Area Sabha;
- (iii) obtain information from the Ward Committee relating to follow up action taken on the decisions concerning the area; and
- (iv) impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution.

(7) The manner of conduct of business at the meetings of the Area Sabha shall be such as may be prescribed.

(8) The superintendence, direction and control for the preparation of the electoral rolls for, and the conduct of elections to, the seats of Area Sabha Representatives of the Municipal Corporation shall be vested in the Chief Electoral Officer.”.

Section 40.— (i) In sub-section (1),-

- (a) in clause (a), for “General Functions Committee” substitute “Executive Committee”;
- (b) in clause (c), omit “and”; and
- (c) in clause (d), substitute the sign full stop (.) by sign semi-colon (;) and thereafter, add the following clauses, namely,-
 - “(e) Housing for All Committee;
 - (f) Skill Up-gradation and Self Employment Committee; and
 - (g) Swacch Bharat Committee.”;

- (ii) in sub-section (2), substitute the full stop at the end of the proviso by colon and thereafter insert the proviso-

“Provided further that the Executive Committee shall consist of the Mayor, who shall be its Chairman, a member representing largest opposition group or party in the Corporation, four members to be elected by the elected members of the Corporation and the Commissioner who shall be its ex-officio Secretary.”;

- (iii) for sub-section (3), substitute-

“(3) The Executive Committee shall perform functions relating to the establishment matters, communications, construction of roads and buildings, housing, relief against natural calamities and all residuary matters and shall be empowered to-

- (i) make recommendations on all policy matters for discussion and decision by the General Council;
- (ii) approve the budget;
- (iii) approve all development plans, annual action plans and works plans;
- (iv) approve contracts above rupees one crore or such higher amount as the corporation may fix; and
- (v) make recommendations to the General Council about staffing pattern in the Corporation and all other service matters.”;

- (iv) after sub-section (6), insert -

“(6A) The Housing for All Committee shall perform functions related to monitoring and review of progress under the Prime Minister Awas Yojana.

(6B) The Skill Up-gradation and Self Employment Committee shall perform functions related to monitoring and review of progress under the National Urban Livelihood Mission.

(6C) The Swacch Bharat Committee shall perform functions related to monitoring and review of progress under the Swacch Bharat Mission.”;

- (v) for sub-section (7), substitute -

“(7) The Mayor shall be the ex-officio member and also the Chairman of the Executive Committee and the Finance and Planning Committee and the Deputy Mayor shall be the ex-officio member and also the Chairman of the Housing for All Committee and Skill Up-gradation and Self Employment Committee.”.

Section 42.-- In sub-section (1),-

- (i) after clause (a), insert-

“(aa) the preparation of plans for urban planning including town planning ;

- (ab) the preparation of city development plans;”;
- (ii) in clause (b), after sub-clause (xv) insert-
“(xvi) Fire services;”.

Section 43.- After clause (u), insert –

“(v) providing necessary administrative, financial and infrastructure support to the Ward Committee for its efficient performance of function and discharge of duties.”.

Section 50.-- For “the Corporation and its Mayor”, substitute “the Corporation”.

For section 67, substitute-

Posts in Corporation and appointments thereto.

“67. (1) The Government may, for ensuring efficient management of the affairs of the Municipal Corporations and other urban bodies, and to subserve the common good, establish one or more Urban Service or Services as may be considered necessary and each such Service shall comprise of such number, classes and categories of posts as may be prescribed.

(2) The qualifications, method of recruitment, reservation, deputation, transfer from one urban body to another, seniority, salaries, leave, allowances, pension gratuity and other conditions of service including disciplinary matters of officers and servants in each of these Services shall be such as may be prescribed.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, a person appointed to an Urban Service constituted in terms of this section shall not be deemed to have been appointed under any civil service or post under the Government.”

Staff.

67A (1) The Government or any officer authorised by it in this behalf may appoint such officers and servants as it considers necessary for the efficient discharge of duties by the Corporation.

(2) The salary, allowances, gratuity, pension contribution and other payments required to be made, in accordance with the conditions of the services to the officers and officials employed for the discharge of duties of the Corporation under this Act, shall be charged from the Corporation Fund in the prescribed manner.”.

Section 84.—

(i) In sub-section (1), for clause (a) substitute “(a) taxes on land and buildings or vacant lands or both situated within the Municipal Corporation area (hereinafter referred to as property tax);”;

(ii) In sub-section (2),-

(a) in clause (e), omit “at a rate not exceeding 2 paise”;

(b) for clause (g), substitute-

“(g) water tax; and

(h) any other tax that may be imposed under the Jammu and Kashmir Municipal Act, 2000.”; and

(iii) In sub-section 3, before “bye-laws”, insert “rules and”.

Section 85.—

In sub-section (1), for clause (vii) substitute-

“(vii) a fee for infrastructure development on motor vehicles suitable for use on road within the city.

Explanation.- For the purpose of this clause the expression “motor vehicle” shall have the same meaning assigned to it is the Motor Vehicles Act 1988 (Central Act 59 of 1988);

- (viii) a fee for the purpose of collection, transportation and disposal of solid waste.

Explanation.- For the purpose of this section solid waste, includes filth offensive matter, rubbish sewage, trade effluent, trade refuse, waste from hospital and any other waste which is detrimental to public health;

- (ix) any other fee as the Corporation may deem fit by for services rendered by it.”

Section 86.— For section 86, substitute-

Description and class of property tax.

“**86.** (1) Unless exempted under this Act or any other law for the time being in force, property tax shall be levied on all lands and buildings or vacant lands or both situated within the Municipal Corporation.

(2) The property tax shall be levied at such percentage, not being more than fifteen per cent. of the taxable annual value of land and building or vacant land or both, as the Government may, by notification, from time to time specify:

Provided that the Government may exempt certain classes or categories of persons or lands and buildings, or vacant lands or both from the payment of the property tax.

(3) Notwithstanding any exemption granted under sub-section (2), it shall be open to the Corporation to collect service charges for providing civic amenities and for general or specific services rendered at such rates as may be specified by the Corporation by notification.”.

\Section 87.--Omit.

Section 88.-- For section 88, substitute-

Determination of taxable annual value.

“**88.** (1) Subject to the provisions of section 86 and rules, if any, made by the Government in this behalf, the taxable annual value of land and building or vacant land assessable to taxes under this Act shall be calculated by multiplying the corresponding unit area value with the total built-up area of a building or the total area of land, as the case may be, minus depreciation, at such rates as may be prescribed, depending on the age of the building:

Provided that subject to such condition and in such circumstances as may be notified by the Commissioner, the Municipal Corporation may, in lieu of tax payable under this Act, fix a lump sum amount as annual tax for a certain category of properties.

Explanation.-For purpose of sub-section (1), the “unit area valu” means the unit area value determined under the Jammu and Kashmir Property Tax Board Act, 2013.

(2) The property tax payable shall be reduced by twenty -five percent. in respect of a self-occupied building used for residential purpose and such class of self-occupied non-residential building as may be notified by the Government on the recommendation of the Corporation.

(3) The person liable to pay the property tax shall pay the tax in two equal installments, the first being before the 30th May and the second by the 30th November of each financial year:

Provided that the owner or occupier may, if he so chooses, pay the tax in one installment:

Provided further that if the owner or occupier who is liable to pay property tax files return and also pays property tax for the whole year within one month from the date of commencement of the financial year, he shall be allowed a rebate of ten percent. on the tax payable by him;

Provided also that the Government may, on the recommendation of the Corporation, by notification, extend the time limit for the payment of property tax without penalty and for the benefit of ten percent. rebate in respect of the financial year 2020-21.

(4) Before any owner or occupier submits any return under sub-section (5), he shall pay in advance half year tax calculated or the full amount of the property tax payable by him for the year on the basis of such return declared by him as being true and complete.

(5) Every owner or occupier who is liable to pay property tax under this Act, shall every year submit to the Commissioner or any officer authorised by him in this behalf a return in prescribed form within the stipulated period and in the prescribed manner.

(6) In order to facilitate filing of return by an owner or occupier of any building or vacant land or both and assessment of property tax under this section, the Commissioner shall, from time to time, issue guidelines for determining the taxable annual value of the property and the tax payable thereon.

(7) Every return filed by an owner or occupier shall be deemed to be assessed to tax except in cases where the Commissioner or any officer authorised by him take up cases for random scrutiny in such manner as may be prescribed.

(8) For the purpose of random scrutiny of the return filed or in cases where returns are not filed as required under sub-section (5) in respect of any buildings or lands or both, the Commissioner or any officer authorised by him in this behalf may enter any land or building for inspection, survey or measurement after giving notice to the owner or occupier and the owner or the occupier shall be bound to furnish necessary information required and based on such inspection and information collected, the Commissioner or such other officer shall assess the property tax subject to sub-sections (10) and (11) and send a copy of the order of assessment to the owner or occupier concerned:

Provided that no such entry shall be made into and upon any building or vacant land before sunrise and after sunset.

(9) If the owner or occupier of the property refuses to allow the authorised officer to enter the premises for inspection, survey or measurement, the officer shall, after intimating such owner or occupier in this behalf, record the refusal and proceed to assess the property to the best of his judgment:

Provided that in case of a building used as human dwelling, due regard shall be paid to the social and religious customs of the occupiers thereof and no residential premises in the actual occupancy of a women shall be entered until she has been informed that she is at liberty to withdraw and every facility has been afforded to her for withdrawing.

(10) Upon random scrutiny, if the Commissioner or the officer authorised by him in this behalf has reasons to believe that any return furnished, which is deemed as assessed, is incorrect or has been under-assessed resulting in evasion of property tax, he may, on the basis of information available on record and after physical inspection, proceed to re-assess the property after giving a reasonable opportunity to the tax payer to make a representation in this behalf.

(11) After making re-assessment under sub-section (10), the Commissioner or the authorised officer, shall issue a notice of re-assessment to the tax payer demanding that the re-assessed tax shall be paid within thirty days of the service of the notice:

Provided that if the tax re-assessed is higher than the tax remitted along with the returns by more than five percent, the evaded tax shall be payable by such person together with a penalty of not less than two times of the tax so evaded along with interest for the difference in tax paid and payable calculated at twelve percent. per annum.

(12) The owner or occupier may either accept the property tax assessed and the penalty levied under sub-section (11) or send objections to the Commissioner or the authorised officer within thirty days from the date of receipt of the notice under sub-section (11).

(13) The Commissioner or the officer authorised by him shall consider the objections, if any, received under sub-section (12) and pass such orders either confirming or revising such re-assessment within a period of sixty days from the date of filing of objections and send a copy of the order to the concerned tax payer.

(14) An assessment or re-assessment under this section shall not be made on expiry of three years after-

- (i) filing the tax return under this section;
- (ii) the evidence of fact justifying re-assessment, comes to the knowledge of the Commissioner or the officer authorised by him in this behalf.

(15) In computing the period of limitation specified for assessment or re-assessment, as the case may be, under this Act, the period taken for the disposal of any appeal against an assessment order or other proceedings by the appellate authority, tribunal or competent court shall not be taken into account.

(16) The property tax assessed and levied under this section shall be subject to revision once in three years by enhancing the tax by such percentage not exceeding fifteen percent. of the tax as may be prescribed, commencing from the financial year from which the property tax is determined under this section (hereinafter referred to as base year):

Provided that the non-assessment of property tax under this section during the block period of three years shall not be applicable to a building which undergoes any addition, change of use, alteration, or variation, and the owner or occupier shall report such changes within six months from the date of completion or occupation, whichever is earlier, along with the revised return and tax:

Provided further that nothing contained in this sub-section shall be deemed to affect the powers of the Government to order an earlier revision of property tax for reasons to be recorded in writing and after giving a reasonable opportunity of filing objections to the person liable to pay tax.”.

Section 89.-- For the proviso substitute-

“Provided that nothing in this section shall prevent the Corporation from levying a service charge on any property of the Central Government which is exempted from payment of property tax under this section, at the rate upto five per centum of the taxable annual value of such land and building.”.

Section 90.-- In sub-section (1) for “taxes on lands and buildings” substitute “property tax”.

Section 91.-- Omit.

Section 92.-- Omit .

Section 93.-- Omit .

Section 94.-- Omit.

For section 95, substitute-

Evidentiary value of assessment list and unit area value.	“95. The entries in the assessment list prepared under section 16, and the unit area value determined under section 18, of the Jammu and Kashmir Property Tax Board Act, 2013 shall be accepted as conclusive evidence for the purposes of assessing any tax levied under this Act and taxable annual value of land and building or vacant land or both to which such entries or determination respectively relate.”.
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Section 96.-- Omit.

Section 97.-- Omit.

Section 98.— In sub- section (6), for “the Registration Act Samvat, 1977” substitute “the Registration Act, 1908 (16 of 1908)”.

Section 122.-- In sub-section (1), in the proviso, after clause (a) insert “(aa) Property Tax.”.

Section 124.-- In clause (ii), after “property”, insert “including any sum of money due or likely to become due to such defaulter from any person or entity including a bank, a department of the Government, or any other entity by whatever name called.”.

For section 126, substitute-

Demolition, etc. of building.	“126. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may, on the application in writing from the owner or occupier and after conducting such enquiry as may be necessary, accept the revised return filed by the applicant and adjust the tax for the subsequent period.”
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Section 127.-- Omit .

Section 128.-- Omit.

Section 129.-- Omit.

Section 130.-- Omit.

Section 131.-- Omit.

For section 132, substitute-

Appeal.	<p>“132. (1) An appeal against-</p> <ul style="list-style-type: none"> (i) the levy of any tax or fee; or (ii) the refusal to refund any tax or fee; (iii) the calculation of taxable annual value of any property; or (iv) the assessment or re-assessment of any tax payable; or (v) any penalty imposed,
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under this Act shall lie to the Jammu and Kashmir Property Tax Board.

(2) If on the hearing of an appeal under this section, any question as to the liability to or the principle of assessment of a tax arises on which the Board entertains reasonable doubt, the Board may, either of its own motion or on an application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained and refer the statement with its own opinion on the point for the decision of the High Court.

(3) If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Board, to make such additions thereto or the alterations therein as the Court may direct in that behalf.

(4) The High Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which decision is founded.

(5) The High Court shall send to the Board a copy of such judgment under the seal of the Court and signature of the Registrar; and the Board shall, on receiving such copy, dispose of the case conformably to such judgment.

(6) In every appeal, the costs shall be in the discretion of the Board.

(7) The costs awarded under this section in favour of a Municipal Corporation shall be recoverable by the Corporation as if they were arrears of a tax, due from the appellant.

(8) If the Municipal Corporation fails to pay the costs awarded to an appellant within ten days after the date of the order for payment thereof, the Board may order the person having the custody of the balance of the municipal fund to pay the amount.”.

For section 133, substitute-

Limitation for appeal

“133. (1) No appeal shall lie under section 132 unless it is preferred within one month after the order appealed against is made or in respect of any tax within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed under this section, if the appellant satisfies the Board that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other taxes due from him to the Municipal Corporation up to the date of such appeal.”.

Insertion of new section -After section 143, insert-

Powers of Government to make interim arrangements with regard to assessment and collection of taxes and fees.

“143A. (1) The Government may, by notification, make such interim arrangements for the assessment and collection of one or more of the taxes and fees levied in terms of any of the provisions of this Chapter as may be deemed necessary or expedient, and the provisions of this Chapter insofar as they relate to the assessment and collection of any such tax or fee shall stand modified to the extent and in the manner given in the notification during the period such interim arrangements remain in force.

(2) Any interim arrangement so made shall be for a period of upto three years only:

Provided that for good and sufficient reasons to be recorded in writing, the Government may extend such interim arrangements for a maximum period of upto five years:

Provided further that on the request of the Corporation, the Government may extend such interim arrangements for such period and on such conditions as may be mutually agreed between the Corporation and the Government.”.

Section 156.—

For “State Land Acquisition Act, Samvat, 1990” substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (30 of 2013)”.

Section 159.--

For clause (c), substitute-

“(c) every contract involving an expenditure up to rupees one crore or such higher amount as the Corporation may fix, may be made by the Commissioner and contracts exceeding one crore or the higher amount so fixed by the Corporation, may be made by the Executive Committee.”.

- Section 161.--** In sub-section (3), for “audited by a separate and independent auditing agency under the control of Director” substitute “audited by the Comptroller and Auditor General of India”.
- Section 162.--** In sub-section (4), for “to each member” substitute “to each member of the Corporation and the Government which shall, as soon as may be, lay the said report in the Legislative Assembly the Union territory of Jammu and Kashmir”.
- Section 233.—** For “the Cattle Trespass Act, Samvat 1977” substitute “the Cattle-trespass Act, 1871 (1 of 1871)”.
- Section 237.--** In sub-section (1), in clause (a), for “determine the name or number” substitute “determine the number”.
- Section 285.—** In sub-section (2), for “the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989” substitute “the Indian Penal Code (45 of 1860)”.
- Section 333.—** In sub-section (1), in clause (a) for “The State Land Acquisition Act, Samvat, 1990” substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement, Act 2013 93 of 2013)”.
- Section 379.—** For “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 383.—** In clause (a), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.

Insertion of new section -After section 383, insert-

Eviction of unauthorised occupants.

“**383A.** (1) Notwithstanding anything contrary contained in this Act or in any other law for the time being in force, if the Commissioner is of the opinion that any person is in unauthorised occupation of any property and that he should be evicted, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon that person to show cause as to why an order of eviction should not be passed.

(2) If, after considering the reply, if any, given by such person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same, and after giving him a reasonable opportunity of being heard, the Commissioner is satisfied that the property is in unauthorised occupation, the Commissioner shall make an order of eviction, for reasons to be recorded therein, directing that the property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be made public.

(3) If any person refuses to, or fails to comply with, the order of eviction within thirty days of the date of service of order under sub-section (2), the Commissioner shall evict that person and take possession of the said property and may, for the purpose, call upon the officer in charge Police Station of the area to render such assistance as may be necessary for evicting that person.

(4) Where any person has been evicted from any property under sub-section (3), the Commissioner may, after giving a notice to the person from whom possession of the property has been taken and after publishing such notice in at least two daily newspapers having wide circulation in the locality, remove or cause to be removed any article remaining on such property and may make an order for the proper custody of such article:

Provided that if the owner of the article refuses or fails to take delivery thereof after notice or if the article is subject to speedy and natural decay, the Commissioner may cause it to be disposed of by public auction and deliver the sale proceeds thereof, after deduction of cost incurred on such public auction, to such owner.

(5) Any person aggrieved by an order of the Commissioner made in respect of any property under sub-section (3) or sub-section (4) may prefer an appeal to the District Judge having jurisdiction over the area in which the property is located within a period of thirty days from the date of order.

(6) Notwithstanding anything contained in this Act or in any other law for the time being in force, nothing done or purported to have been done under this section shall be called in question in any Court except as provided under sub-section (5).

Explanation.- For the purpose of this section, ‘unauthorised occupation’ means occupation by any person of any property, being the property of the Corporation or where Corporation has any interest in such property, without authority for such occupation and includes the continuance in occupation by any person of such property after the authority, whether by way of lease, mortgage or otherwise, under which he was authorised to occupy such property, has expired.”.

- Section 384.--** For “five hundred rupees” and “fifty rupees”, substitute “two thousand rupees” and “one hundred rupees”, respectively.
- Section 393.--** In sub-section (1), for “one thousand rupees”, substitute “two thousand rupees”.
- Section 395.--** For “Subject to the provisions of this Act” substitute “Subject to the provisions of this Act and the rules made thereunder”.
- Section 413.—** In sub-section (1), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 414.—** For “the Jammu and Kashmir State Ranbir Penal Code, 1989” substitute “the Indian Penal Code (45 of 1860)”.
- Section 421.—**
- (i) For “The District Planning and Development Board” wherever occurring, substitute “The District Planning Committee”;
 - (ii) omit sub-section (3); and
 - (iii) re-number existing sub-sections (3),(4) and (5) as sub-sections (2) (3) and (4) respectively.

3. THE JAMMU AND KASHMIR SCHOOL EDUCATION ACT, 2002 (XXI of 2002)

Throughout the Act, for “Government Gazette” and “State” substitute respectively “Official Gazette” and “Union territory of Jammu and Kashmir”.

- Section 1. -**
- (i) In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”; and
 - (ii) after sub-section (3), insert

“(4) Nothing in this Act shall affect the application of the Right of Children to Free and Compulsory Education Act, 2009”.
- Section 2. -**
- (i) Omit clause (c);
 - (ii) in clause (e), for “District Education Officer” substitute “Chief Education Officer”;
 - (iii) in clause (h), for “Government of Jammu and Kashmir” substitute “Government of the Union territory of Jammu and Kashmir”;
 - (iv) in clause (o), for “State of Jammu and Kashmir” substitute “Union territory of Jammu and Kashmir”.

Sections 6, 7, 8, 9 and 10. — Omit.

Insertion of new section -After section 20, insert-

Constitution of Fee Fixation and Regulation Committee of private schools.	<p>20A.The Government shall constitute a Committee to be known as the “Committee for Fixation and Regulation of Fee of Private Schools” for the purposes of regulating and determining the fee in private schools in the Union territory.</p> <p>(2) The Committee shall be headed by a Chairperson who has been a Judge of a High Court or a Government Officer who has been a Financial Commissioner of the Union territory or above.</p> <p>(3) The members of the Committee shall be such as may be prescribed by the Government.</p> <p>(4) The Chairperson may co-opt any other independent person of repute or a representative of a recognised School Association as an expert member, but the total number of members of the Committee shall not exceed five.</p>
Term of office and other conditions of service of Chairperson.	<p>20B.The term of office and other conditions of service of the Chairperson of the Committee for Fixation and Regulation of Fee of Private Schools shall be such as may be prescribed by the Government.</p>
Powers and functions of Committee.	<p>20C.(1) Subject to the provisions of this Act or any other law for the time being in force, the Committee for Fixation and Regulation of Fee of Private Schools shall exercise such powers and perform such functions as may be prescribed by the Government to ensure that the private schools are not indulging in commercialisation of education and undue profiteering.</p> <p>(2) The Government may by notification, delegate any of the powers vested in the Committee for Fixation and Regulation of Fee of Private Schools to the Chairperson of the said Committee, to the extent as may be prescribed.</p> <p>(3) Orders passed by the Committee for Fixation and Regulation of Fee of Private Schools shall be deemed to have been duly passed by a public servant and its violation or non-compliance shall amount to disobedience under the provisions of section 188 of Indian Penal Code (45 of 1860).</p>
Determination of fee.	<p>20D.(1)The Committee for Fixation and Regulation of Fee of Private Schools shall while determining the fee to be charged by the private schools established after August, 2014 take into account inter alia the location, available infrastructure, expenditure on administration, aid, assistance and support in any form received by the private school from the Government or any other person or agency or any other factors as may be prescribed.</p> <p>(2) The Committee for Fixation and Regulation of Fee of Private Schools may from time to time issue notification for fixing maximum ceiling of the fee to be charged under various categories.</p>
Fee to be charged by private schools.	<p>20E.(1) The private schools shall not charge any fee from the students or guardians, except tuition fee, annual fee, transport fee and voluntary special purpose fee such as the picnic, tour and excursions, etc. completely voluntary in nature or any other fee as may be approved by the Committee for Fixation and Regulation of Fee of Private Schools after following the procedure prescribed:</p> <p>Provided that private schools shall not charge in any manner, any other fee including admission fee or any amount, by whatever name called than the fee mentioned above.</p>
Power to call for records.	<p>20F.The Committee for Fixation and Regulation of Fee of Private Schools may at any stage call the record of any school for scrutiny if it comes to the conclusion that the private school has violated or is not adhering to its directions.</p>

- Staff of Committee.** **20G.**(1)The Committee for Fixation and Regulation of Fee of Private Schools shall, for the purpose of assisting it in the discharge of its functions, be provided by the Government, such officers and employees as may be determined from time to time by the Government, in consultation with the Chairperson of the Committee.
- (2) All establishment charges of the Committee for Fixation and Regulation of Fee of Private Schools shall be borne by the Government.
- (3) The terms and conditions of service of the officers and employees referred to in sub-section (1) shall be such as may be determined by the Government, from time to time.
- (4) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) shall be subject to the exclusive administrative control and direction of the Committee.
- Sub-committees.** **20H.**The Government may constitute such other sub-committees at Divisional or Districts level with such powers and functions as it may deem fit to effectively regulate the fee in private schools.
- Power to make regulations.** **20-I.**The Committee for Fixation and Regulation of Fee of Private Schools may, by notification, make such regulations as it may deem necessary for carrying out the purpose of the said Committee.
- Powers of Civil Court.** **20J.**The Committee for Fixation and Regulation of Fee of Private Schools shall for the purposes of making any inquiry or initiating any proceedings under this Act, have the same powers as are vested in a Civil Court, under the Code of Civil Procedure, 1908(5 of 1908).”

Section 22. - Omit.

For section 25, substitute-

- Bar of jurisdiction.** **“25.** (1) Notwithstanding anything to the contrary contained in the Code of Civil Procedure, 1908(5 of 1908) or any other law for the time being in force, no court shall grant any injunction or make any interim order restraining any proceedings which is being or is about to be taken under this Act.
- (2) No suit, prosecution or other legal proceedings shall lie against the Chairperson or any member of the Committee for Fixation and Regulation of Fee of Private Schools or any officer or other employee or any person acting under the direction either of the Government or of the said Committee in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or regulation or orders made thereunder.”.

For section 27, substitute-

- Penalties.** **“27.** (1)Whoever contravenes any of the provisions of this Act or rules made thereunder except the violation of directions issued by the Committee for Fixation and Regulation of Fee of Private Schools shall be liable to a fine of not less than fifteen thousand rupees for first offence and fifty thousand rupees for every subsequent offence by the Director School Education concerned.
- (2) Any person or private school which contravenes the directions of the Committee for Fixation and Regulation of Fee of Private Schools shall be liable to a fine of not less than fifty thousand rupees for first offence and one lakh rupees for every subsequent offence including recommendation for disaffiliation of such private school by the said Committee.”.

Insertion of new section -After section 28, insert—

Revision and appeal . “28 A. (1) Any person aggrieved of any order passed by the authority under sub-section (1) of section 27 may file a revision petition before the Director School Education concerned within a period of thirty days from the date of the order in such form and manner as may be prescribed.

(2) Any person or private school aggrieved by any order made by the Committee for Fixation and Regulation of Fee of Private Schools in exercise of its powers conferred under sub-section (2) of section 27 may prefer an appeal against such order to the common High Court of Jammu and Kashmir within a period of thirty days from the date of the order.”.

Section 29.— In sub-section (2), omit clause (g).

4. THE JAMMU AND KASHMIR BOARD OF SCHOOL EDUCATION ACT, 1975
(XXVIII of 1975)

Preamble.— For “in the State” substitute “in the Union territory of Jammu and Kashmir”.

Section 1.— (i) In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”;

(ii) after sub-section (3), insert-

“(4) Nothing in this Act shall affect the application of the Right of Children to Free Education Act, 2009 (35 of 2009)”.

Section 2. — (i) For clause (a), substitute —

“(a) “Affiliated” with its grammatical variations and cognate expressions used with reference to an institution means affiliated or deemed to be affiliated to the Board for the purposes of admission to the privileges of the Board;

(aa) “Board” means the Board of School Education established under section 3”;

(ii) for clause (c), substitute -

“(c) “Elementary Education” means education at the elementary stage in a school corresponding to Grades I to VIII as per courses of study prescribed by a competent academic authority;”;

(iii) after clause (d), insert-

“(da) “Head of the Institution” means Headmaster or Principal or any other Principal or Academic Officer, by whatever designation called, of an affiliated institution;”;

(iv) in clause (e), for “in the State or outside” substitute “in the Union territory or outside”;

(v) for clause (h), substitute -

“(h) “Recognised” with its grammatical variations and cognate expressions, used with reference to institutions means recognised schools or institutions by the Government for imparting education to the students at Pre-primary, Elementary, Secondary, Higher Secondary or Teachers Training level;” and

(vi) for clause (m), substitute -

“(m) “Training Institution” means a training institution run privately or by the Government, and recognised by the Government and affiliated to the Jammu and Kashmir Board of School Education”.

Section 3. — In sub-section (1), for “Elementary Education” substitute “Pre-primary Education, Elementary Education”.

For Section 4, substitute —

Composition of Board “4. The Board shall consist of following members, namely:-

- (i) Chairman, Jammu and Kashmir Board of School Education;
- (ii) Administrative Secretary, School Education Department;
- (iii) Administrative Secretary, Youth Service and Sports Department;
- (iv) Director School Education, Kashmir;
- (v) Director School Education, Jammu;
- (vi) Director State Council of Educational Research and Training, Jammu and Kashmir or representative of National Council of Educational Research and Training to be nominated by the Chairman, National Council of Educational Research and Training;

(Vii)-(Viii). Two representatives not below the rank of Head of Departments from Universities and institutes of eminence e.g. Indian Institute of Technology/Indian Institute of Management/All India Institute of Medical Sciences situated in Jammu and Kashmir to be nominated by the Lieutenant Governor of Jammu and Kashmir;

(ix)-(x). Two eminent educationist unconnected with the administration, to be nominated by the Lieutenant Governor of Jammu and Kashmir;

(xi)-(xii). Two officers to be nominated by the Lieutenant Governor from amongst the Principals, Headmasters and Headmistress of teaching institutions of the union territory.”.

Section 10. — (i) In clause (i), insert “Pre-primary” before “Elementary” and insert “Elementary Teachers Training Course” after “examinations”;

(ii) In clause (ii), after “Courses”, insert “and Teacher Training Education Courses”;

(iii) In clause (iii), after “Board”, insert “through electronic and print media”;

(iv) In clause (v), after “Higher Secondary Courses”, insert “and Teachers Training Courses, etc.”;

(v) for clause (xv), substitute -

“(xv) call for reports from the concerned Director of School Education about the working and facilities available in a school applying for affiliation with the Board”;

(vi) in clause (XVII), insert “Pre-primary” after “relating to” and insert “and Teachers Training Courses” after “education”;

(vii) for clause (xviii), substitute -

“(xviii) to frame regulations for implementing various provisions of this Act.”;

(viii) for clause (xxvii), substitute -

“(xxvii) (a) to constitute or appoint different Boards of Studies for different subjects of studies at different stages including elementary teacher education;

(b) to undertake printing and publication of textbooks prepared or developed and approved by the concerned Courses Committee”;

(ix) for clause (xxviii), substitute -

“(xxviii) to liaise with different sister organisations at the national level including the Council of Boards of Secondary Education (COBSE), the National Council of Educational Research and Trainings (NCERT), the National Council for Teacher Education (NCTE) for furthering the objectives of this Act.”.

Section 13. —

For sub-section (4), substitute -

“(4) If in the opinion of the Chairman any emergency has arisen which requires that immediate action should be taken, he shall take such action as he deems appropriate and shall thereafter, report the action taken to the Board at its next meeting or a meeting convened for the purpose:

Provided that the Chairman shall as soon thereafter as may be, report his action together with reasons thereof to the office, authority or other body of the Board or the Board, as the case may be, who or which would ordinarily have dealt with the matter:

Provided further that no appointment of any nature, whatsoever, shall be made under these powers:

Provided also that no promotions of any nature, whatsoever, shall be made under these powers.”.

After section 17, insert —

**Director
Academics.**

“17A. The Director Academics shall be the whole time paid officer of the Board and shall be appointed by the Government from amongst senior and competent academicians or educationists having a deep understanding on various issues including that of curriculum making, teaching-learning methodology, contemporary advances in cognitive learning and all such related matters.

**Powers
and functions of
Director
Academics.**

17 B. Subject to the control and regulations of the Board, the Director Academics, shall head such Divisions of the Board as may be provided in the regulations for realisation of various educational objectives of the Board including that of-

(a) preparation of curricula for different stages of education;

(b) preparation of curricula for various Teacher Education Courses;

(c) preparation of curricula for Vocational Courses and Physical Education;

(d) development of material or books for various stages of education, promotion and development of quality education in the Union territory;

(e) reviewing, revising or preparing scheme or schemes of examinations.

(f) conducting orientation courses in new methods of evaluation;

(g) conducting refresher courses of teachers in new schemes/teaching new curricula.”

After section 22, insert-

Financial Advisor.

“22A. (1)The Administrative Secretary, Finance Department, or any officer nominated by the Government of Union territory of Jammu and Kashmir shall be the ex officio Financial Advisor to the Board.

(2) The Financial Advisor shall be an ex-officio member of the Board and its Finance Committee.

(3) The Financial Advisor shall exercise such powers and performs such duties as may be prescribed by the Statutes and regulations made under this Act.”.

Section 33. — In sub-section (2), in clause (d) for “recognition” occurring at both the places substitute “affiliation”.

Section 34. — Omit.

For section 35, substitute-

Copies of regulations and alterations thereof. of “ **35.** A copy of every regulation made by the Board under section 33 and of every modification or revision thereof shall be submitted to the Government for information.”.

Section 36 . — For “High School and Higher Secondary School Education” substitute “High School, Higher Secondary School and Elementary Teacher Training Education”.

For section 37, substitute—

Admission of institutions to privileges of Board. “**37.**(1) Any Institution, in or outside the Union territory, may apply to the Board for being admitted to the privileges of the Board and the Board may, subject to such conditions and restrictions as may be prescribed, admit such institution to the privileges of the Board.

(2) Where the Board is satisfied that its privileges are being abused by any affiliated institutions or that the prescribed conditions or restrictions are not being complied with by such institutions, the Board may withdraw its privileges from the institutions, and thereon the institution shall cease to be an affiliated institution:

Provided that before withdrawing the privileges, the Board shall require the institution to showcase why such action should not be taken and consider any explanation which may be furnished by it.”.

For section 40, substitute—

Meetings of Board. (1) The Board shall hold its meetings at least four times in a year but three months shall not intervene between its last meeting and the next following meeting.

(2) The Chairman shall preside every meeting of the Board.

(3) All matters in a meeting of the Board shall be decided by the vote of the majority of the members present and voting:

Provided that in the case of equality of votes, the Chairman shall, in addition to his vote as a member, have a casting vote.

(4) Two-third of the total membership shall form a quorum at a meeting of the Board:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business.

(5) Copy of the proceedings of every meeting of the Board shall be sent to the Government by the Secretary as soon as the meeting is held.

(6) No action taken, or proceedings taken, under this Act by the Board shall be invalid merely on the ground of the existence of any vacancy amongst members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.”.

For section 43, substitute –

- Legal proceedings .** “43. No suit shall be instituted against the Board, or any member thereof, or any of its officers or other employees, or any person acting under the directions of the Board or any member or any officer or other employees of the Board in respect of any act done or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice, and in any other case, delivered to, or left at the office or place of abode of, the person to be sued and unless such notice state explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.
- Copy right.** 43A. (1) Copy right of all materials developed, printed and published by the Board shall vest with the Board itself.
- (2) The Board may get material pertaining to School Education developed, published or printed from any agency as it may consider appropriate in the public interest.
- Summary powers of recovery.** 43B. In case any sum is recoverable by the Board of School Education from any person on account of purchase, sale transportation, printing, storage or transit shortage of books and printing material or other sums found to have been misappropriated by the officials of the Board, the said sum of money shall be recoverable from such person and the procedure of recovery shall be the same as prescribed under section 90 of the Land Revenue Act, 1996.”

5. THE JAMMU AND KASHMIR COOPERATIVE SOCIETIES ACT, 1989 (X of 1989)

Throughout the Act, for “the Transfer of Property Act, Samvat, 1977” wherever occurring substitute “the Transfer of Property Act, 1882 (4 of 1882)”.

- Section 1.** – In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.
- Section 3.** – In sub-section (1), for “the whole State” substitute, “the Union territory of Jammu and Kashmir”.
- Section 10.** – In sub-section (1), for “programmes of the State”, substitute, “programmes of the Union territory of Jammu and Kashmir”.
- Section 16.** – In sub-section (1), in first proviso for “each House of the State Legislature” substitute, “Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 17.** – In sub-section (1), in clause (a), –
- (a) in sub-clause (i), for “the Jammu and Kashmir Contract Act, Samvat, 1977” substitute “the Indian Contract Act, 1872(9 of 1872)”; and
 - (b) in clause (c), for “the Jammu and Kashmir Societies Registration Act, Samvat, 1998” substitute “the Societies Registration Act, 1860(21 of 1860)”.
- Section 30.-** (a) In sub-section (1),-
- (i) in the first proviso, for “such extension shall not exceed six months”, substitute “such extension shall not exceed one year at a time up to maximum period of two years”; and
 - (ii) in the second provisoomit “only”.

(b) in sub-section (7),-

- (i) for “in writing by the Reserve Bank” substitute “in consultation with the Reserve Bank”; and
- (ii) for “not exceeding one year” substitute “not exceeding two years”.

Section 30-A.- After sub-section (2), insert-

“(3) Notwithstanding anything contained in section 29 or section 30, where the Government or the Registrar has appointed a Board of Management or the Administrator, as the case may be, to manage the affairs of any Society before the commencement of the Jammu and Kashmir Reorganisation (Adaptation of State Laws) **Third** Order, 2020 and elections for the constitution of the Committee for any such Society have not been held before such commencement, such Board of Management or the Administrator, may continue to manage the affairs of the Society concerned for a period not exceeding two years from the said constitution and the elections shall be held within such period for re-constitution of the Board or Committee in accordance with provisions of this Act:

Provided that where the Board of Management has ceased to function before the commencement of the Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020 or where the society is in default or is negligent to the performance of duties imposed on it by this Act or the rules or by-laws made thereunder or has committed any act which is prejudicial to the interest of the Society or its members, the Government may appoint Administrator or Transitory Board for two years or such period as may be determined by the Government.”.

After section 30-A, insert -

Transitory provision for revival of certain Cooperative Banks.

“**30-B.** (1) Notwithstanding anything contained in section 29 or section 30 or any other provisions of this Act,-

- (a) the Government may constitute such Professional Boards, as may be necessary for managing the affairs of the Central Cooperative Banks including Anantnag Central Cooperative Bank Ltd, the Baramulla Central Cooperative Bank Ltd. and the Jammu Central Cooperative Bank Ltd. for implementation of the revival package(s) sanctioned by the Government of India or the Government of the Union territory of Jammu and Kashmir so as to enable these Central Cooperative Banks to achieve a Capital Risk Adequacy Ratio (CRAR) as may be required;
 - (b) from the date of constitution of such Professional Boards under clause (a), the existing Board of Directors or Board of Management of the concerned Banks shall cease to exist; and
 - (c) the Professional Boards constituted under clause (a) shall manage the affairs of these Banks for a period of two years or such other period as may be specified by the Government from time to time taking into consideration the impact of revival package and financial health of these Banks.
- (2) Notwithstanding anything contained in section 32-A, for managing the affairs of the Cooperative Banks as mentioned in clause (a) of sub-section (1), the Government or Professional Boards as constituted under sub-section (1) may appoint Managing Director or such officers for such period and on such terms and conditions as may be determined by the Government or the Professional Board.”.

Section 32-A.- For “any other law for the time being in force”, substitute “any other law for the time being in force and subject to overall supervision and control of the Government”.

Section 35. – In the proviso to clause (i), –

- (a) for “State Government” substitute “Government of the Union territory of Jammu and Kashmir”; and

(b) omit “subject to the provisions of section 140 of the Transfer of Property Act, Samvat 1977”.

- Section 40.** – For “the Jammu and Kashmir Registration Act Samvat 1977” substitute “the Registration Act, 1908 (16 of 1908)”.
- Section 60.** – In clause (b), for “section 20 of the Trust Act, Samvat 1977”, substitute “section 20 of the Indian Trust Act, 1882 (2 of 1882)”.
- Section 64.** – In sub-section (1C), for “on the request of the Reserve Bank in the manner and form” substitute “in consultation with the Reserve Bank and the National Bank within the time”.
- Section 79.** – In sub-section (1), for “the State” substitute “the Union territory of Jammu and Kashmir”.
- Section 80.** – In clause (h), omit “under the Jammu and Kashmir Land Reforms Act”.
- Section 86.** – In sub-section (2), for “State” substitute “Union territory of Jammu and Kashmir”.
- Section 94.** – For “the Registration Act Samvat 1977”, substitute “the Registration Act, 1908 (16 of 1908)”.
- Section 107.** – In sub-section (1), for “the Jammu and Kashmir Registration Act Samvat 1977”, substitute “the Registration Act 1908 (16 of 1908)”.
- Section 131.**—In sub-section (3), for “the Code of Civil Procedure Samvat 1977” substitute “the Code of Civil Procedure, (5 of 1908)”.
- Section 134.**— In sub-section (1), for “the Jammu and Kashmir Houses and Shops Rent Control Act, 1966” substitute “the Residential and Commercial Tenancy Act, 2012”.
- Section 143.** – For “The Jammu and Kashmir Land Acquisition Act, Samvat, 1990” substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (30 of 2013)”.
- Section 153.** – In clause (c), for “the Jammu and Kashmir Ranbir Penal Code, Svt. 1989” substitute “the Indian Penal Code (45 of 1860)”.
- Section 155.** – For “Article 182 of the Limitation Act, Samvat, 1995” substitute “section 137 of the Limitation Act, 1963 (36 of 1963)”.
- Section 171.** – For “the Companies Act, 1956 (Central Act No. 01 of 1956),” substitute “the Companies Act, 2013 (18 of 2013)”.
- Section 174.** – In sub-section (1), for “the Code of Civil Procedure, Samvat. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 176.** – In sub-section (1), for “the State” substitute “the Union territory of Jammu and Kashmir”.

6. THE JAMMU AND KASHMIR SELF-RELIANT COOPERATIVES ACT, 1999

(X of 1999)

Throughout the Act for “State” substitute “Union territory of Jammu and Kashmir”.

Section 2.— (i) for clause (1), substitute—

“(1)“**arbitral tribunal**” means an arbitral tribunal to be headed by an officer of the cooperative not below the rank of Deputy Registrar of the concerned District and consisting of four members, elected by the general body of the cooperative from among its members or others, for settlement of disputes under the provisions of this Act.”;

(ii) in clause (5), insert—

- (iii) In clause (23), for “a permanent resident of the State as defined in section 6 of the Constitution of the Jammu and Kashmir” substitute “any person” ;
- (iv) in clause (27), for “permanent resident of the State” substitute “any person”; and
- (v) in clause 30, omit “whose members are permanent residents of the State”.

“**Explanation.**—The expression “economic need which is common to all” shall not mean banking services like accepting of deposits, opening savings, recurring and fixed deposit accounts and providing loans under short term, medium term or long term but includes thrift and credit business.”; and

- (vi) after clause (41), insert-

“(42) “**thrift and credit cooperative**” means coming together of a group of people with common interest who have agreed to pool their resources together from which loan facilities are made available to the members.”.

Section 3.—

- (i) In sub-section (1), omit “comprise of permanent residents of the State and”; and
- (ii) in sub-section (7), for “that person may move the court for redressal” substitute “the Registrar shall assign the reasons for non registration of the cooperative.”.

Section 7.—

For sub-section (4), substitute-

“(4) The Registrar on being satisfied that the amendment is not in contravention of the provisions of this Act, shall register the amendment and shall provide a copy of registered amendment to the cooperative:

Provided that such action shall not preclude the Registrar from challenging the legal validity of the amendment before the Court, after giving the cooperative a fair opportunity to reconsider the amendment.”.

Section 16.—

(i) In clause (a),-

- (a) in sub-clause (i), for “the Jammu and Kashmir Contracts Act Samvat 1977” substitute “the Indian Contract Act, 1872 (9 of 1872)”; and
- (b) omit sub-clause (ii);

(ii) in clause (c), for “the Jammu and Kashmir Societies Registration Act, Samvat, 1998” substitute “the Societies Registration Act 1860 (21 of 1860)”.

Section 39.—

In sub-section (1), after “Articles of Association” insert “but shall not include the bank services.”.

Section 50.—

For sub-section (1) substitute-

“(1) The articles of association of each cooperative shall provide for the constitution of an arbitral tribunal to be headed by an officer of the cooperative not below the rank of Deputy Registrar of the concerned District and consisting of four members, elected by the general body of the cooperative from among its members or others, whose term of office shall be not more than three years.”.

Section 52.—

After sub-section (7), insert-

“(8) If the Registrar, after conduct of an enquiry or inspection, is satisfied that a cooperative-

- (a) exists for an illegal purpose; or
- (b) has violated any of the provisions of this Act, or its articles of association, or is no longer operating on a cooperative basis; or
- (c) is conducting business without proper license of the competent authority as designated or notified by the Government,

he may give a notice to the cooperative to state its objections and the cooperative shall reply the notice within one month and after considering the reply, the Registrar shall pass an order for dissolution or otherwise of such cooperative, and in the event

of dissolution, he shall strike off from the register of cooperatives the name of cooperative and to that effect shall also issue a certification of dissolution and the Registrar shall appoint a Liquidator for liquidation of the assets and liabilities of the cooperative and the liquidation proceedings shall be conducted in accordance with the provisions of this Act.

- (9) The Liquidator appointed under sub-section (8) shall have power, subject to the control of the Registrar,-
- (a) to institute and defend suits and legal proceedings on behalf of the cooperative by name of his office;
 - (b) to determine from time to time the contribution (including debts due) to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by an officer, to the assets of the society;
 - (c) to investigate all claims against the cooperative and subject to the provisions of this Act, to decide questions of priority arising between claimants;
 - (d) to pay *bona fide* claims against the cooperative;
 - (e) to determine by which person and in what proportions the costs of liquidation are to be borne;
 - (f) to determine whether any person is a member, past member or nominee of a deceased member;
 - (g) to give such directions in regard to the collection and distribution of the assets of the cooperative as may appear to him to be necessary for winding up the affairs of the cooperative;
 - (h) with the previous approval of the Registrar, to make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging to have any claim, present or future, whereby the society may be rendered,

and upon completion of liquidation, the Liquidator shall submit his report to the Registrar.”.

Section 53.- Omit.

Section 54.- Omit “or the court”.

Section 59.- For “Jammu and Kashmir Registration Act, Samvat 1977” substitute “Registration Act, 1908 (16 of 1908)”.

7. THE SALARIES AND ALLOWANCES OF MEMBERS OF JAMMU AND KASHMIR STATE LEGISLATURE ACT, 1960 (XIX of 1960)

Throughout the Act, for “Government Gazette”, “State” and “Government”, wherever occurring, substitute “Official Gazette”, “Union territory of Jammu and Kashmir” and “Government of the Union territory of Jammu and Kashmir” respectively.

Preamble.— For “Members of Jammu and Kashmir State Legislature” substitute “Members of the Legislative Assembly of the Union territory of Jammu and Kashmir”.

- Section 2. -**
- (i) In clauses (a), (b), (c), for “either House of the Jammu and Kashmir State Legislature” and “both Houses”, wherever occurring, substitute “Legislative Assembly of the Union territory of Jammu and Kashmir” and “the Legislative Assembly” respectively;
 - (ii) in Exception to clause (d), in sub-clause (i), for “a House of the State Legislature” substitute “Legislative Assembly of the Union territory of Jammu and Kashmir”;

- (iii) in the proviso to Sub-clause (ii) of clause (d), omit “or the Chairman of Legislative Council, as the case may be”;
- (iv) in the Explanation to clause (d), for “a House of Jammu and Kashmir State Legislature” substitute “Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 3. -**
- (i) In sub-section (1), for “State Legislature” substitute “Legislature Assembly of the Union territory of Jammu and Kashmir” and in the proviso, omit “or the Chairman of the Legislative Council, as the case may be”;
- (ii) in sub-section (1-A), omit “or in the case of a member nominated by the Governor to fill a seat in the Legislative Council”;
- (iii) in the first proviso to sub-section (1-A), for “section 64 of Constitution of Jammu and Kashmir” substitute “section 24 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019)”;
- (iv) in sub-section (2), for “State Legislature” and “Legislature” substitute “Legislature of the Union territory of Jammu and Kashmir” and “Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 4. -**
- (i) In sub-section (1), for “State Legislature” and “either House of the State Legislature”, wherever occurring, substitute “Legislature of the Union territory of Jammu and Kashmir” and “Legislative Assembly of the Union territory of Jammu and Kashmir” respectively; and
- (ii) in sub-section (1-a), omit “or the Chairman of Legislative Council, as the case may be” and for “places outside the State” substitute “places outside the Union territory”.
- Section 4-A.—** For “places outside the State” occurring at both the places substitute “places outside the Union territory” and in the proviso, for “Governor” substitute “Lieutenant Governor.”.
- Section 5. -**
- (i) In sub-section (1), for “a session of the House” substitute “a session of the Legislative Assembly”;
- (ii) in sub-section (3), omit “or the Chairman of Legislative Council, as the case may be”.
- Section 5-A. -** Omit “or the legislative Council, as the case may be” and for “of the respective Houses of the State Legislature” substitute “Legislative Assembly of the Union territory of Jammu and Kashmir.”.
- Section 6. –** For “either House of the State Legislature” substitute “Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 8. -**
- (i) In sub-section (1), for “Legislature Secretariat” substitute “Secretariat of the Legislative Assembly” and, for “either House of the State Legislature”, wherever occurring, substitute “Legislative Assembly of the Union territory”; and
- (ii) in sub-section (2), for “either House of the State Legislature” substitute “Legislative Assembly of the Union territory” and omit “or the Chairman of the Legislative the Legislation Council, as the case may be” and “or the Deputy Chairman of the Legislative Council, as the case may be”.
- Section 10. -** In sub-section (1), for “Governor” substitute “Lieutenant Governor.”.

8. THE SALARY AND ALLOWANCES OF LEADERS OF OPPOSITION IN THE STATE LEGISLATURE ACT, 1985

(XVI of 1985)

Throughout the Act, for “each Leader of the Opposition” and “a Leader of the Opposition” substitute “Leader of the Opposition”.

For section 2, substitute-

“2. Definition.— In this Act, ‘Leader of the Opposition’ means that Member of Legislative Assembly of the Union territory of Jammu and Kashmir, who is for the time being, the leader of the party in opposition to the Government having at least a strength equal to the quorum fixed to constitute a sitting of the House and recognised as such by the Speaker of the Legislative Assembly.

Explanation.— Where there are two or more parties in opposition to the Government in the Legislative Assembly having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of Opposition for the purpose of this section and such recognition shall be final and conclusive.”.

Section 9.— Omit “or the Chairman, as the case may be”.

Section 10.— Omit sub-section (3).

9. THE JAMMU AND KASHMIR GOODS AND SERVICES TAX ACT, 2017

(V of 2017)

Throughout the Act, for “State of Jammu and Kashmir” substitute “Union territory of Jammu and Kashmir”.

After section 1, insert-

Provisions to come into force with effect from dates to be notified by Government of Union territory of Jammu and Kashmir.

“1A. Save as otherwise provided, such provisions of this Act as amended by the Jammu and Kashmir Reorganisation (Adaptation of State Laws) Third Order, 2020 shall be deemed to have come into force with effect from such that dates as may be notified by the Government of Union territory of Jammu and Kashmir”.

- Section 2. -**
- (i) In clause (1), for “Transfer of Property Act, Svt. 1977 (1920 A.D.) (XLII of 1920 A.D)” substitute “Transfer of Property Act, 1882 (4 of 1882)”;
 - (ii) in clause (4),—
 - (a) for “the Appellate Authority and the Appellate Tribunal”, substitute “the Appellate Authority, the Appellate Tribunal and the Authority referred to in sub-section (2) of section 171”;
 - (b) for "the Appellate Authority for Advance Ruling” substitute "the Appellate Authority for Advance Ruling, the National Appellate Authority for Advance Ruling”;
 - (iii) in clause (17), for sub-clause (viii), substitute—

“(viii) activities of a race club including by way of totalisator or a license to book maker or activities of a licensed book maker in such club.”;
 - (iv) omit clause (18);
 - (v) in clause (35), for “clause (c)” substitute “clause (b)”;

- (vi) in clause (36), omit “as applicable to the State of Jammu and Kashmir”;
- (vii) In clause (69), for sub-clause (e) substitute-
 - “(e) A Regional Council or a District Council constituted under the Sixth Schedule to the Constitution;
 - (f) A Development Board constituted under article 371 of the Constitution; or
 - (g) A Regional Council constituted under article 371 A of the Constitution.”;
- (viii) in clause (84), in sub-clause (l) for “the Jammu and Kashmir Societies Registration Act, 1998(1941 A.D)(VI of 1998)”, substitute “the Societies Registration Act, 1860 (21 of 1860)”;
- (ix) in clause (102), insert—
 - “Explanation.—For the removal of doubts, it is hereby clarified that the expression “services” includes facilitating or arranging transactions in securities.”;
- (x) in clause (114), for sub-clauses (c) and (d), substitute-
 - “(c) Dadra and Nagar Haveli and Daman and Diu;
 - (d)Ladakh;”.

Section 7.-

- (a) In sub-section (1), —
 - (i) in clause (b), after “or furtherance of business;”, insert “and”;
 - (ii) in clause (c), after “a consideration”, omit “and”;
 - (iii) omit clause (d);
- (b) after sub-section (1), insert—
 - “(1A) Where certain activities or transactions constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II.”;
- (c) in sub-section (3), for “sub-sections (1) and (2)”, substitute “sub-sections (1), (1A) and (2)”.

Section 9.—

For sub-section (4), substitute—

“(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.”.

Section 10.—

- (a) In sub-section (1), —
 - (i) for “in lieu of the tax payable by him, an amount calculated at such rate”, substitute “in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate”;
 - (ii) in the proviso, for “one crore rupees”, substitute “one crore and fifty lakh rupees”;
 - (iii) after the proviso, insert—
 - “Provided further that a person who opts to pay tax under clause (a) or clause (b) or clause (c) may supply services (other than those referred to in clause (b) of paragraph 6 of Schedule II), of value not exceeding ten per cent.

of turnover in the Union territory in the preceding financial year or five lakh rupees, whichever is higher.

Explanation.- For the purposes of second proviso, the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account for determining the value of turnover in the Union territory of Jammu and Kashmir.”

- (b) in sub-section (2),—
- (i) for clause (a), substitute—

“(a) save as provided in sub-section (1), he is not engaged in the supply of services;”;
 - (ii) in clause (d), omit "and" occurring at the end;
 - (iii) in clause (e), for "Council:", substitute “Council; and”;
 - (iv) after clause (e), insert-

“(f) he is neither a casual taxable person nor a non-resident taxable person.”;
 - (v) in clauses (b), (c) and (d), after “of goods”, insert “or services”;
- (c) after sub-section (2), insert—
- “(2A) Notwithstanding anything to the contrary contained in this Act, but subject to the provisions of sub-sections (3) and (4) of section 9, a registered person, not eligible to opt to pay tax under sub-section (1) and sub-section (2), whose aggregate turnover in the preceding financial year did not exceed fifty lakh rupees, may opt to pay, in lieu of the tax payable by him under sub-section (1) of section 9, an amount to tax calculated at such rate as may be prescribed, but not exceeding three per cent, of the turnover in the Union Territory of Jammu and Kashmir, if he is not-
- (a) engaged in making any supply of goods or services which are not leviable to tax under this Act;
 - (b) engaged in making any inter-State outward supplies of goods or services;
 - (c) engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52;
 - (d) a manufacturer of such goods or supplier of such services as may be notified by the Government on the recommendations of the Council; and
 - (e) a casual taxable person or a non-resident taxable person:
- Provided that, where more than one registered person are having the same Permanent Account Number issued under the Income-tax Act, 1961 (Central Act 43 of 1961), the registered person shall not be eligible to opt for the scheme under this sub-section unless all such registered persons opt to pay tax under this sub-section”;
- (d) in sub-section (3), after "under sub-section (1)" wherever they occur, insert “or sub-section (2A), as the case may be,”;
 - (e) in sub-section (4), after "of sub-section (1)", insert "or, as the case may be, sub-section (2A)”;;
 - (f) in sub-section (5), after “under sub-section(1)", insert “or sub-section (2A), as the case may be,”;
 - (g) after sub-section (5), insert—

"Explanation 1.— For the purposes of computing aggregate turnover of a person for determining his eligibility to pay tax under this section, the expression "aggregate turnover" shall include the value of supplies made by such person from the 1st day of April of a financial year up to the date when he becomes liable for registration under this Act, but shall not include the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.

Explanation 2.— For the purposes of determining the tax payable by a person under this section, the expression "turnover in the Union territory" shall not include the value of following supplies, namely:-

- (i) supplies from the first day of April of a financial year up to the date when such person becomes liable for registration under this Act; and
- (ii) exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount."

Section 12.— In sub-section (2), in clause (a), omit "sub-section (1) of".

Section 13.— In sub-section (2), in clauses (a) and (b) omit "sub-section (2) of".

Section 16.— (i) In sub-section (2),—

(a) in clause (b), for the Explanation, substitute—

“Explanation.—For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services—

- (i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;
- (ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person.”;

(b) in clause (c), for “section 41”, substitute “section 41 or section 43A”;

(ii) in sub-section (4), omit or “invoice relating to such”.

Section 17.— (a) In sub-section (3), insert—

“Explanation.—For the purposes of this sub-section, the expression “value of exempt supply” shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.”;

(b) in sub-section (5), for clauses (a) and (b), substitute—

“(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:—

- (A) further supply of such motor vehicles; or
- (B) transportation of passengers; or
- (C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used—

(i) for making the following taxable supplies, namely:—

- (A) further supply of such vessels or aircraft; or
- (B) transportation of passengers; or

- (C) imparting training on navigating such vessels; or
- (D) imparting training on flying such aircraft;
- (ii) for transportation of goods;
- (ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available—

- (i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;
- (ii) where received by a taxable person engaged—
 - (I) in the manufacture of such motor vehicles, vessels or aircraft; or
 - (II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;
- (b) the following supply of goods or services or both—

- (i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

- (ii) membership of a club, health and fitness centre; and
- (iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force.”.

Section 20.— In the Explanation, in clause (c), for “under entry 84,” substitute “under entries 84 and 92A”.

Section 22.— In sub-section (1), after the proviso, insert—

“Provided further that where such person makes supplies of goods or services or both from a special category State in respect of which the State Government has enhanced the aggregate turnover referred to in the first proviso, he shall be liable to be registered if his aggregate turnover in a financial year exceeds the amount equivalent to such enhanced turnover:

Provided also that, the Government may, on the recommendations of the Council, enhance the aggregate turnover from twenty lakh rupees to such amount not exceeding forty lakh rupees in case of supplier who is engaged exclusively in the supply of goods, subject to such conditions and limitations, as may be notified.

Explanation.— For the purposes of this sub-section, a person shall be considered to be engaged exclusively in the supply of goods even if he is engaged in exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.”.

Section 24.— In clause (x), for “commerce operator”, substitute “commerce operator who is required to collect tax at source under section 52”.

Section 25.— (i) In sub-section (1), after the proviso and before the Explanation, insert—

“Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005 (28 of 2005), in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the same State or Union territory.”;

(ii) in sub-section (2), for the proviso, substitute—

“Provided that a person having multiple places of business in the Union territory may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed.”;

(iii) after sub-section (6), insert—

(6A) Every registered person shall undergo authentication, or furnish proof of possession of Aadhaar number, in such form and manner and within such time as may be prescribed:

Provided that, if an Aadhaar number is not assigned to the registered person, such person shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, prescribe:

Provided further that, in case of failure to undergo authentication or furnish proof of possession of Aadhaar number or furnish alternate and viable means of identification, registration allotted to such person shall be deemed to be invalid and the other provisions of this Act shall apply as if such person does not have a registration.

(6B) On and from the date of notification, every individual shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number, in such manner as the Government may, on the recommendations of the Council, specify in the said notification:

Provided that, if an Aadhaar number is not assigned to an individual, such individual shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.

(6C) On and from the date of notification, every person, other than an individual, shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number of the Karta, Managing Director, whole time Director, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorised representative, authorised signatory and such other class of persons, in such manner, as the Government may, on the recommendation of the Council, specify in the said notification:

Provided that, where such person or class of persons have not been assigned the Aadhaar Number, such person or class of persons

shall be offered alternate and viable meals of identification in such manner as the Government may, on the recommendations of the Council, specify, in the said notification.

(6D)The provisions of sub-section (6A) or sub-section (6B) or sub-section (6C) shall not apply to such person or class of persons as the Government may, on the recommendations of the Council, specify by notification.

Explanation.—For the purposes of this section, the expression "Aadhaar number" shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Central Act 18 of 2016)".

Section 29.—

- (i) In the marginal heading after "Cancellation", insert "or suspension";
- (ii) In sub-section (1), for clause (c), substitute—
 "(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25:
 Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.";
- (iii) in sub-section (2), after the proviso, insert -
 "Provided further that during pendency of the proceedings relating to cancellation of registration, the proper officer may suspend the registration for such period and in such manner as may be prescribed.".

Section 30.—

- In sub-section (1), insert—
 "Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended—
 (a) by the Additional Commissioner or the Joint Commissioner, as the case may be, for a period not exceeding thirty days;
 (b) by the Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a).".

Section 31.—

- In sub-section (2), for the proviso, substitute—
 "Provided that the Government may, on the recommendations of the Council, by notification,—
 (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed;
 (b) subject to the condition mentioned therein, specify the categories of services in respect of which—
 (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or
 (ii) tax invoice may not be issued.".

Insertion of new section -After section 31, insert—

Facility of digital payment to recipient.

"31A. The Government may, on the recommendations of the Council, prescribe a class of registered persons who shall provide prescribed modes of electronic payment to the recipient of supply of goods or services or both made by him and give option to such recipient to make payment accordingly,

in such manner and subject to such conditions and restrictions, as may be prescribed.”.

Section 34.— (a) In sub-section (1),—

- (i) for “Where a tax invoice has” substitute “Where one or more tax invoices have”;
- (ii) for “a credit note” substitute “one or more credit notes for supplies made in a financial year”;

(b) in sub-section (3),—

- (i) for “Where a tax invoice has” substitute “Where one or more tax invoices have”;
- (ii) for “a debit note” substitute “one or more debit notes for supplies made in a financial year”.

Section 35.— In sub-section (5), insert—

“Provided that nothing contained in this sub-section shall apply to any Department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.”.

Section 39.—(a) For sub-sections (1) and (2), substitute—

“(1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52 shall, for every calendar month or part thereof, furnish a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars, in such form and manner, and within such time, as may be prescribed:

Provided that the Government may, on the recommendations of the Council, notify certain class of registered persons who shall furnish a return for every quarter or part thereof, subject to such conditions and restrictions as may be specified therein.

(2) A registered person paying tax under the provisions of section 10, shall, for each financial year or part thereof, furnish a return, electronically, of turnover in the State, inward supplies of goods or services or both, tax payable, tax paid and such other particulars in such form and manner, and within such time, as may be prescribed.”;

(b) for sub-section (7), substitute—

“(7) Every registered person who is required to furnish a return under sub-section (1), other than the person referred to in the proviso thereto, or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return:

Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, the tax due taking into account inward and outward supplies of goods or services or both, input tax credit availed, tax payable and such other particulars during a month, in such form and manner, and within such time, as may be prescribed:

Provided further that every registered person furnishing return under sub-section (2) shall pay to the Government the tax due taking into account turnover in the State or Union territory, inward supplies of goods or services or both, tax payable, and such other particulars during a quarter, in such form and manner, and within such time, as may be prescribed.”;

(c) in sub-section (9),—

- (i) for "in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed", substitute "in such form and manner as may be prescribed";
- (ii) in the proviso, for "the end of the financial year" substitute "the end of the financial year to which such details pertain".

Insertion of new section -After section 43, insert—

**Procedure for
furnishing return
and availing input
tax credit.**

“43A. (1) Notwithstanding anything contained in sub-section (2) of section 16, section 37 or section 38, every registered person shall in the returns furnished under sub-section (1) of section 39 verify, validate, modify or delete the details of supplies furnished by the suppliers.

(2) Notwithstanding anything contained in section 41, section 42 or section 43, the procedure for availing of input tax credit by the recipient and verification thereof shall be such as may be prescribed.

(3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.

(4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent. of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.

(5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of this Act.

(6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.

(7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.

(8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,—

(i) within six months of taking registration;

(ii) who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount,

shall be such as may be prescribed.”.

Section 44.—

In sub-section (1), insert—

"Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual return for such class of registered persons as may be specified therein:

Provided further that, any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner."

Section 48.—

In sub-section (2), after "section 45", insert "and to perform such other functions".

Section 49.—

(a) In sub-section (2), for "section 41" substitute "section 41 or section 43A";

(b) in sub-section (5),—

(i) in clause (c), insert—

"Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;";

(ii) in clause (d), insert—

"Provided that the input tax credit on account of Union territory tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;";

(c) after sub-section (9), insert—

"(10) A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under this Act, to the electronic cash ledger for integrated tax, central tax, State tax, Union territory tax or cess, in such form and manner and subject to such conditions and restrictions as may be prescribed and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act.

(11) Where any amount has been transferred to the electronic cash ledger under this Act, the same shall be deemed to be deposited in the said ledger as provided in sub-section (1)."

After section 49, insert—

Utilization of input tax credit subject to certain conditions

"49A. Notwithstanding anything contained in section 49, the input tax credit on account of State tax shall be utilised towards payment of integrated tax, or the State tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully towards such payment.

Order of utilisation of input tax credit.

49B. Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, State tax or Union territory tax, as the case may be, towards payment of any such tax."

Section 50.—

In sub-section (1), insert—

"Provided that, the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be levied on that portion of the tax that is paid by debiting the electronic cash ledger."

Section 51.—

(i) For sub-section (3), substitute—

"(3) A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed."

(ii) Omit sub-section (4).”.

Section 52.—

(i) In sub-section (4), insert—

“Provided that the Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing the statement for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.”

(ii) In sub-section (5), insert—

“Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual statement for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.”

(iii) In sub-section (9), for “section 37”, substitute “section 37 or section 39”.

Insertion of new section -After section 53, insert—

Transfer of certain amounts.

“53A. Where any amount has been transferred from the electronic cash ledger under this Act to the electronic cash ledger under the Central Goods and Services Tax Act or under the Integrated Goods and Services Tax Act or under the Goods and Services Tax (Compensation to States) Act, the Government shall, transfer to the central tax account or integrated tax account or cess account, an amount equal to the amount transferred from the electronic cash ledger, in such manner and within such time as may be prescribed.”.

Section 54.—

(i) In sub-section (8), in clause (a), for “zero-rated supplies of goods” and “zero-rated supplies”, substitute “export of goods” and “exports” respectively;

(ii) after sub-section (8), insert—

“(8A) Where the Central Government has disbursed the refund of State tax, the Government shall transfer an amount equal to the amount so refunded, to the Central Government.”; and

(iii) in the Explanation, in clause (II),—

(i) in sub-clause (c), in item (i), after “foreign exchange”, insert “or in Indian rupees wherever permitted by the Reserve Bank of India”;

(ii) for sub-clause (e), substitute—

“(e) in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under section 39 for the period in which such claim for refund arises;”.

Section 67.—

In sub-section (10), for “Code of Criminal Procedure, Samvat, 1989(1933 A.D){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”

Section 69.—

In sub-section (3), for “Code of Criminal Procedure, Samvat, 1989(1933 A.D){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”

Section 70.—

(i) In sub-section(1),—For “Code of Civil Procedure, Samvat 1977(1920 A.D.){X of Svt. 1977}” substitute “Code of Civil Procedure, 1908 (5 of 1908)”; and

- (ii) in sub-section (2), for “Jammu and Kashmir State Ranbir Penal Code, Svt. 1989(1932 A.D.){XII of 1989}” substitute “Indian Penal Code(45 of 1860)”.

Section 79.—(i) In sub-section (1), in clause (f) for “Code of Criminal Procedure, Samvat, 1989 (1933 A.D.){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”

- (ii) After sub-section (4), insert.—

“Explanation.—For the purposes of this section, the word person shall include “distinct persons” as referred to in sub-section (4) or, as the case may be, sub-section (5) of section 25.”.

Section 95.— (i) In clause (a),—

(c) for “Appellate Authority” substitute “Appellate Authority or the National Appellate Authority”; and

(d) for "of section 100" substitute “of section 100 or of section 101C”.

- (ii) after clause (e), insert—

"(f) "National Appellate Authority" means the National Appellate Authority for Advance Ruling referred to in section 101A.”.

Insertion of new section -After section 101, insert—

Constitution of National Appellate Authority for Advance Ruling.

"101A. Subject to the provisions of this Chapter, the National Appellate Authority for Advance Ruling constituted under section 101A of the Central Goods and Services Tax Act shall be deemed to be the National Appellate Authority for Advance Ruling for the purposes of this Act”.

Section 102.— (i) For "Appellate Authority" occurring, at both the places substitute "Appellate Authority or the National Appellate Authority";

(ii) after "or section 101", insert "or section 101C of the Central Goods and Services Tax Act,2017 respectively,"; and

(iii) for "or the appellant occurring at both the places ", substitute " the appellant, the Authority or the Appellate Authority".

Section 103.— (i) After sub-section (1), insert—

"(1A) The advance ruling pronounced by the National Appellate Authority under this Chapter shall be binding on-

(a) the applicants, being distinct persons, who had sought the ruling under sub-section (1) of section 101B of the Central Goods and Services Tax Act, 2017 and all registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961 (Central Act 43 of 1961);

(b) the concerned officers and the jurisdictional officers in respect of the applicants referred to in clause (a) and the registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961 (Central Act 43 of 1961).";

(ii) in sub-section (2), for “in sub-section (1)” substitute “in sub-section (1) and sub-section (1A)”

Section 104.— In sub-section (1),—

(a) for “the Appellate Authority” substitute “the Appellate Authority or the National Appellate Authority”; and

(b) after "of section 101", insert “or under section 101C of the Central Goods and Services Tax Act,2017”.

Section 105.— (i) For the marginal heading, substitute—

“Powers of Authority, Appellate Authority and National Appellate Authority”;

(ii) in sub-section (1),—

(a) for “Appellate Authority” substitute “Appellate Authority or the National Appellate Authority”;

(b) in clause (c), for “Code of Civil Procedure, Samvat 1977(1920 A.D.){X of Svt. 1977}” substitute “Code of Civil Procedure, 1908 (5 of 1908)”; and

(iii) in sub-section (2).—

(a) for “Appellate Authority” substitute “Appellate Authority or the National Appellate Authority”;

(b) for Code of Criminal Procedure, Samvat, 1989(1933 A.D){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)” and for “Jammu and Kashmir State Ranbir Penal Code, Svt. 1989(1932 A.D.){XII of 1989}” substitute “Indian Penal Code (45 of 1860)”.

Section 106.— (i) For the marginal heading, substitute—

“Procedure of Authority, Appellate Authority and National Appellate Authority”

(ii) for “Appellate Authority” substitute “Appellate Authority or the National Appellate Authority”;

Section 107.— In sub-section (6), in clause (b), after “arising from the said order,”, insert “subject to a maximum of twenty-five crore rupees,”.

Section 109.— For section 109, substitute—

Appellate Tribunal and Benches thereof. “109. (1) Subject to the provisions of this Chapter, the Goods and Services Tax Tribunal constituted under the Central Goods and Services Tax Act shall be the Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority under this Act.

(2) The constitution and jurisdiction of the State Bench and the Area Benches located in the Union territory shall be in accordance with the provisions of section 109 of the Central Goods and Services Tax Act or the rules made thereunder.”.

Section 111.— (i) In sub-sections (1), and (2), for “Code of Civil Procedure, Samvat 1977(1920 A.D.){X of Svt. 1977}” substitute “Code of Civil Procedure, 1908 (5 of 1908)”; and

(ii) in sub-section (2), in clause (d), for “Evidence Act, Samvat 1977(1920 A.D.){XIII of Samvat 1977}” substitute “Indian Evidence Act, 1872(1 of 1872)”.

(iii) In sub-section (4), for “Jammu and Kashmir State Ranbir Penal code, Svt 1989 (1932 AD (12 of 1989))” substitute “Indian Penal Code (45 of 1860)” and “Code of Criminal Procedure, Svt 1989 (1933 AD, 23 of 1989)” substitute “Code of Criminal Procedure 1973 (2 of 1974).

Section 112.— In sub-section (8), in clause (b), after “arising from the said order,” insert “subject to a maximum of fifty crore rupees,”.

Section 118.— In sub-section (2), for “Code of Civil Procedure, Samvat 1977 (1920 A.D.){X of Svt. 1977}” substitute “Code of Civil Procedure, 1908 (5 of 1908)”.

Section 122.— After sub-section (1), insert:—

“(1A) Any person who retains the benefit of a transaction covered under clauses (i),(ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.”.

- Section 129.—** In sub-section (6), for “seven days”, substitute “fourteen days”.
- Section 131.—** For Code of Criminal Procedure, Samvat, 1989(1933 A.D){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”.
- Section 132.—** (i) In sub-section (1),—
- (a) for “Whoever commits any of the following offences”, substitute “Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences”;
- (b) for clause (c), substitute—
“(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill;”;
- (c) in clause (e), omit “, fraudulently avails input tax credit”.
- (ii) In sub-section (4), for “Code of Criminal Procedure, Samvat, 1989(1933 A.D){XXIII of 1989}” substitute “Code of Criminal Procedure, 1973 (2 of 1974)”.
- Section 140.—** With effect from the 8th day of July, 2017,—
- (i) in sub-section (1), after the words “existing law”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
- (ii) in sub-section (2), after the words “appointed day”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
- (iii) in sub-section (3), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted;
- (iv) in sub-section (5), for the words “existing law”, the words “existing law, within such time and in such manner as may be prescribed” shall be substituted and shall be deemed to have been substituted;
- (v) in sub-section (6), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted;
- (vi) in sub-section (7), for the words “credit under this Act even if”, the words “credit under this Act, within such time and in such manner as may be prescribed, even if” shall be substituted and shall be deemed to have been substituted;
- (vii) in sub-section (8), for the words “in such manner”, the words “within such time and in such manner” shall be substituted and shall be deemed to have been substituted; and
- (viii) in sub-section (9), for the words “credit can be reclaimed subject to”, the words “credit can be reclaimed within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted.
- Section 143.—** In sub-section (1), in clause (b), after the proviso, insert—
“Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively.”.
- Section 150.—** In sub-section (1),-
- (i) in clause (f), for “the Jammu and Kashmir Electricity Act, 2010(XII of 2010) substitute “the Electricity Act, 2003(36 of 2003)”; and

- (ii) in clause (g), for “Registration Act Svt. 1977(1920 A.D.) (XXXV of 1977)” substitute “Registration Act, 1908 (16 of 1908)”.

Section 156.— For “Jammu and Kashmir State Ranbir Penal Code, Svt. 1989(1932 A.D.){XII of 1989}” substitute “Indian Penal Code (45 of 1860)”.

Section 158.— (i) In sub-section (2), for “Evidence Act, Samvat 1977(1920 A.D.){XIII of Samvat 1977}” substitute “Indian Evidence Act, 1872(1 of 1872)”;

- (ii) In sub-section (3), in clause (a) for “Jammu and Kashmir State Ranbir Penal Code, Svt. 1989(1932 A.D.){XII of 1989}” substitute “Indian Penal Code (45 of 1860)” and for “the Prevention of Corruption Act, Svt. 2006 (1949 A.D.){XIII of 2006}” substitute “the Prevention of Corruption Act, 1988 (49 of 1988).”

Section 168.— In sub-section (2), for “sub-section (5) of section 66, sub-section (1) of section 143”, substitute “sub-section (1) of section 143, except the second proviso thereof”.

Insertion of new section -After section 168, insert—

Power of Government to extend time limit in special circumstances.

“168A. (1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under this Act in respect of actions which may not be completed or complied with due to *forcemajeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation.-For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”

Section 171.— After sub-section (3), insert—

“(3A) Where the Authority referred to in sub-section (2) after holding examination as required under the said sub-section comes to the conclusion that any registered person has profiteered under sub-section (1), such person shall be liable to pay penalty equivalent to ten per cent, of the amount so profiteered:

Provided that, no penalty shall be leviable if the profiteered amount is deposited within thirty days of the date of passing of the order by the Authority.

Explanation.— For the purposes of this section, the expression “profiteered” shall mean the amount determined on account of not passing the benefit of reduction in rate of tax on supply of goods or services or both or the benefit of input tax credit to the recipient by way of commensurate reduction in the price of the goods or services or both.”.

Section 172.— In sub-section (1), in the proviso, for “three years”, substitute “five years”.

Section 174.— In sub-section (3), for “the Jammu and Kashmir General Clauses Act, Samvat 1977(1920 A.D.)(XX of 1977)” substitute “the General Clauses Act, 1897.”

Insertion of new section -After section 174, insert:-

Retrospective exemption from or levy or collection of State tax in certain cases. “174A. (1) Notwithstanding anything contained in the SRO notification SRO –GST-1, dated the 8th July, 2017, issued by the Finance Department Government of Jammu and Kashmir, on the recommendations of the Council, in exercise of the powers under sub-section (1) of section 9 of the Jammu and Kashmir Goods and Services Tax Act, 2017,-

(i) no State tax shall be levied or collected in respect of supply of fishmeal (falling under heading 2301), during the period commencing from the 8th day of July, 2017 and ending with the 30th day of September, 2019 (both day sinclusive);

(ii) State tax at the rate of six per cent. shall be levied or collected in respect of supply of pulley, wheels and other parts (falling under heading 8483) and used as 10 parts of agricultural machinery (falling under headings 8432, 8433 and 8436), during the period commencing from the 8th day of July, 2017 and ending with the 31st day of December, 2018 (both days inclusive).

(2) No refund shall be made of all such tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times

Retrospective effect to notification issued under clause (ii) of proviso to sub-section (3) of section 54 of Jammu and Kashmir Goods and Services Tax Act. 174B. The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 708(E), dated the 30th September, 2019, issued by the Central Government, on the recommendations of the Council, in exercise of the powers under clause (ii) of the proviso to sub-section (3) of section 54 of the Jammu and Kashmir Goods and Services Tax Act, 2017, read with sub-section (2) of section 9 of the Goods and Services Tax (Compensation to States) Act, 2017, shall be deemed to have, and always to have, for all purposes, come into force on and from the 8th day of July, 2017.

Schedule I.— In paragraph 4, for “taxable person”, substitute “person”.

Schedule II.— (i) In the heading, after the word “ACTIVITIES”, the words “OR TRANSACTIONS” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(ii) In paragraph 4, the words “whether or not for a consideration,” occurring at both the places, shall be omitted and shall be deemed to have been omitted with effect from the 8th day of July, 2017.

Schedule III.— (i) After paragraph 6, insert—

“7. Supply of goods from a place to another place without such goods entering into India.

8. (a) Supply of warehoused goods to any person before clearance for home consumption;

(b) Supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.”;

(ii) number the Explanation as Explanation 1 and after Explanation 1 as so numbered, insert—

‘Explanation 2.—For the purposes of this paragraph, the expression “warehoused goods” shall have the same meaning as assigned to it in the Customs Act, (52 of 1962).’

**10. THE JAMMU AND KASHMIR METROPOLITAN REGION DEVELOPMENT
AUTHORITIES ACT, 2018**

(Governor Act No. XLIX of 2018)

Throughout the Act including Preamble, except clause (5) of sub-section (1) of section 4 and sub section (2) of section 14 for “State” substitute “Union territory of Jammu and Kashmir”.

Section 2.— In sub-section (1), omit clause (r) and clause (t).

Section 3. – In sub-section (3), for “the General Clauses Act, Samvat, 1977” substitute “the General Clauses Act, 1897 (10 of 1987)”.

Section 4. – For the Explanation substitute—

“Explanation.—During the continuation of Proclamation under section 73 of the Jammu and Kashmir Reorganisation Act, (34 of 2019), the term ‘Chief Minister’ shall mean and include ‘Lieutenant Governor’ for the purposes of this section”.

Insertion of new section -After section 16, insert-

**Unified Metropolitan
Transport Authority.**

“16A. (1) The Government may, by notification, establish a Unified Metropolitan Transport Authority for each of the Metropolitan Regions notified under clause (n) of sub-section (1) of section 2 of this Act.

(i) The Unified Metropolitan Transport Authority constituted under sub-section (1) shall form a part of the Srinagar Metropolitan Region Development Authority, or, as the case may be, of Jammu Metropolitan Region Development Authority, constituted by the Government in terms of section 3 of this Act.

(ii) The Unified Metropolitan Transport Authorities shall function under the superintendence and control of the respective Metropolitan Region Development Authorities, and any expenses incurred or any income accrued on account of the functioning of the Unified Metropolitan Transport Authority shall be made out of or paid into, as the case may be, the fund of the respective Metropolitan Region Development Authority.

**Composition of Unified
Metropolitan Transport
Authority.**

16B.-(1) The Unified Metropolitan Transport Authority shall consist of the following, namely:-

- (a) The Chief Secretary to the Government of Jammu and Kashmir;
- (b) Administrative Secretaries of Housing and Urban Development, Transport, Finance and Planning and PW (Roads and Buildings), and PHE (I&FC) Departments;
- (c) Divisional Commissioner of the region;
- (d) Transport Commissioner, Jammu and Kashmir;
- (e) Inspector General of Police, Traffic, Jammu and Kashmir;
- (f) Municipal Commissioner of the Municipal Corporation in the Metropolitan Region;
- (g) Vice-Chairman of the Srinagar Development Authority or of Jammu Development Authority, as the case may be;
- (h) Chief Executive Officer of Srinagar Smart City Ltd. or of Jammu Smart City Ltd., as the case may be;
- (i) Chief Executive Officer of Srinagar, Metropolitan Region Development Authority (SMRDA) or Chief Executive Officer of Jammu, Metropolitan Region Development Authority (JMRDA), as the case may be;

- (j) Chief Executive Officer, Economic Reconstruction Agency;
- (k) Managing Director, Mass Rapid Transit Corporation of the region;
- (l) Chief Town Planner, Town Planning Organization of the region;
- (m) A nominee of the Ministry of Housing and Urban Affairs, Government of India;
- (n) A nominee each of the National Highways Authority of India, Northern Railways, Airports Authority of India and Inland Waterways Authority of India; and,
- (o) Two members who are experts in the field of urban transport, to be nominated by the Government.

(2) The Chief Secretary shall be the Chairperson of the Unified Metropolitan Transport Authority, and the Chief Executive Officer of the respective Metropolitan Region Development Authority shall be the Member-Secretary of the Unified Metropolitan Transport Authority.

(3) The decisions of the Unified Metropolitan Transport Authority shall be by voting, and each member, except those nominated under clause (l), clause (m) and clause (n) of sub-section (1) and shall have no voting rights, shall have one vote each, and the Chief Secretary shall have a casting vote.

(4) The provisions of the section 8 regarding authentication of proceedings shall mutatis mutandis apply to the proceedings of the Unified Metropolitan Transport Authority.

Functions of Unified Metropolitan Transport Authority.

16C. (1) The main object of the Unified Metropolitan Transport Authority shall be to secure the development of an integrated, efficient, modern, multi-modal mobility system including non-motorised means of mobility with focus on movement of people and goods instead of vehicles for the area falling in the jurisdiction of the Metropolitan Region Development Authority of which it is a part, and it shall undertake all such activities as are necessary or incidental to achieving this object.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall discharge the following functions, namely:-

- (i) formulation of policy to guide the approach for developing the transport system in the region;
- (ii) identification of sources of finance for the development of transport infrastructure;
- (iii) identification of the need and finalization of the regulatory mechanism(s) to regulate integration between different modes, safety, fares, interoperability, and other allied aspects;
- (iv) identification of interventions in terms of infrastructure and amenities required to be made to achieve the object set out in sub-section (1); and,
- (v) research and development on mobility, and capacity building and upgradation of skills of the stakeholders.

Section 17.—

(i) For sub-section (1), substitute —

“(1) The Unified Metropolitan Transport Authority shall, in order to achieve the object set out in sub-section (1) of section 16C prepare a strategic plan document to be called as Mobility Management Plan through such internal or external consultations as it may deem necessary or expedient.”;

(ii) after sub-section (6), insert-

“(7) The proposals regarding the provision or development of any amenity including laying and improvement of roads, sidewalks, metro networks, waterways, rolling stock, vehicles, vessels or any other item required to implement the Mobility Management Plan shall be included in the Infrastructure Development Plan under section 15 and in the Annual Plan for infrastructure development under section 16 in such a manner so as to adhere to the timelines for the development of such amenities stipulated in the Mobility Management Plan.

(8) In case the Unified Metropolitan Transport Authority is of the opinion that the funding required for the development of amenities as envisaged in the Mobility Management Plan is not being adequately provided, it may recommend to the Authority to constitute a separate fund under section 27 with such stipulations as would ensure adequate financing for the Mobility Management Plan.”.

Section 38.—

In sub section (8), for “ Jammu and Kashmir Arbitration and Conciliation Act, 1997” substitute “Arbitration and Conciliation Act, (26 of 1996)”.

Section 48.—

For “State Ranbir Penal Code, Samvat 1989” substitute “Indian Penal Code, (45 of 1860)”.

[F.No. 11012/16/2020-SRA]

AJAY KUMAR BHALLA, Home Secy.