

Bill No. 18 of 2024

THE JAMMU AND KASHMIR LOCAL BODIES LAWS (AMENDMENT)
BILL, 2024

A

BILL

*further to amend the Jammu and Kashmir Panchayati Raj Act, 1989 (IX of 1989),
the Jammu and Kashmir Municipal Act, 2000 (XX of 2000) and the Jammu
and Kashmir Municipal Corporation Act, 2000 (XXI of 2000).*

WHEREAS the Legislative Assembly of the Union territory of Jammu and Kashmir is not in existence and proclamation made by the Government of India *vide* number S.O 3937 (E), dated the 31st October, 2019, in terms of section 73 of the Jammu and Kashmir Reorganisation Act, 2019 is in force;

34 of 2019.

AND WHEREAS in terms of the aforesaid Proclamation, the powers of the Legislature of the Union territory of Jammu and Kashmir shall be exercisable by or under the authority of Parliament.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Jammu and Kashmir Local Bodies Laws (Amendment) Act, 2024.

Short title and commencement.

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(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE JAMMU AND KASHMIR PANCHAYATI RAJ ACT, 1989

Amendment of
section 2.

2. In section 2 of the Jammu and Kashmir Panchayati Raj Act, 1989 (hereafter in this Chapter referred to as the Panchayati Raj Act), in sub-section (1), after clause (1), the following clause shall be inserted, namely:—

Jammu and
Kashmir Act
IX of 1989.

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‘(la) “Other Backward Classes” means the Other Backward Classes declared by the Government of the Union territory of Jammu and Kashmir from time to time in accordance with sub-clause (iii) of clause (o) of section 2 of the Jammu and Kashmir Reservation Act, 2004;’.

Substitution of
section 2A.

3. For section 2A of the Panchayati Raj Act, the following section shall be substituted, namely:—

Jammu and
Kashmir Act
XIV of 2004.

‘2A. Throughout the Act, for the words “District Planning and Development Board” and “District Panchayat Officer” wherever they occur, the words “the District Development Council” and “Assistant Commissioner of Panchayat” shall respectively be substituted.’

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Construction of
reference of
certain
expressions by
certain other
expressions.

Amendment of
section 4.

4. In section 4 of the Panchayati Raj Act, in sub-section (3),—

(a) in the first proviso,—

(i) in clause (a), the word “and” occurring at the end shall be omitted;

(ii) for clause (b), the following clauses shall be substituted, 20
namely:—

“(b) the Scheduled Tribes; and

(c) the Other Backward Classes,”;

(iii) in the long line, after the words “or of the Scheduled Tribes in that Panchayat area”, the words “or of the Other Backward Classes 25 in that Panchayat area” shall be inserted;

(b) in the second proviso,—

(i) in clause (a), for the words “or, as the case may be, the Scheduled Tribes;”, the words “or the Scheduled Tribes or the Other Backward Classes, as the case may be,” shall be substituted;

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(ii) in clause (b), for the words “and the Scheduled Tribes”, the words “the Scheduled Tribes and the Other Backward Classes” shall be substituted.

Amendment of
section 27.

5. In section 27 of the Panchayati Raj Act, in sub-section (3),—

(a) in the first proviso,—

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(i) in clause (a), the word “and” occurring at the end shall be omitted;

(ii) for clause (b), the following clauses shall be substituted,
namely:—

“(b) the Scheduled Tribes; and

(c) the Other Backward Classes,”;

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(iii) in the long line, after the words “or of the Scheduled Tribes in that district”, the words “or of the Other Backward Classes in that district” shall be inserted;

(b) in the second proviso,—

(i) in clause (a), for the words “or, as the case may be, the scheduled tribes,”, the words “or the Scheduled Tribes or the Other Backward Classes, as the case may be,” shall be substituted;

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(ii) in clause (b), for the words “or the Scheduled Tribes”, the words “or the Scheduled Tribes or the Other Backward Classes” shall be substituted.

6. In section 36A of the Panchayati Raj Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

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“(2) The salary, allowance and other conditions of service of the State Election Commissioner shall be such as the Lieutenant Governor may, by rules, determine:

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Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner is in receipt of or has received or has become entitled to receive a pension, other than a disability pension, in respect of any previous service under the Government of India or under the Government of a State or under the Government of a Union territory, his pay in respect of service as State Election Commissioner shall be reduced—

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(a) by the amount of that pension; and

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(b) if he had, before assuming office, received, in *lieu* of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

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(3) The travelling allowance, provision of rent-free accommodation, conveyance facilities, medical facilities available to a person at the time of retirement or at the time of his appointment as State Election Commissioner, so far as may be, shall be admissible to him.

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(4) The power to grant or refuse leave to the State Election Commissioner and to revoke or curtail leave granted to him, shall vest in the Lieutenant Governor.”.

7. For section 36B of the Panchayati Raj Act, the following section shall be substituted, namely:—

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“36B. The State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.”.

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8. In section 36D of the Panchayati Raj Act, in sub-section (2),—

(a) for the opening portion “The Commission shall have power to”, the opening portion “The Commission referred to in sub-section (1) shall” shall be substituted;

(b) in clause (b), for the words “give such directions”, the words “by order give such directions” shall be substituted;

(c) in clause (c), for the word “delegate”, the words “by order, delegate, subject to such restrictions mentioned therein,” shall be substituted.

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9. In section 39 of the Panchayati Raj Act, after clause (iii), the following clause shall be inserted, namely:—

“(iv) such other grounds as may be determined by the State Election Commission.”.

Amendment of
section 36A.

Substitution of
section 36B.

Removal of
State Election
Commissioner.

Amendment of
section 36D.

Amendment of
section 39.

Amendment of
section 45A.

10. In section 45A of the Panchayati Raj Act,—

(a) in sub-section (4),—

(i) in clause (a), the word “and” occurring at the end shall be omitted;

(ii) for clause (b), the following clauses shall be substituted, 5
namely:—

“(b) for the Scheduled Tribes; and

(c) for the Other Backward Classes,”;

(iii) in the long line, after the words “or of the Scheduled Tribes
in the district”, the words “or of the Other Backward Classes in the 10
district” shall be inserted;

(b) in sub-section (5), for the words “or, as the case may be, the
Scheduled Tribes,”, the words “or the Scheduled Tribes or the Other
Backward Classes, as the case may be,” shall be substituted;

(c) in sub-section (6), for the words “Scheduled Castes and the 15
Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and
the Other Backward Classes” shall be substituted.

CHAPTER III

AMENDMENTS TO THE JAMMU AND KASHMIR MUNICIPAL ACT, 2000

Construction of
reference of
certain
expressions by
certain other
expressions.

Amendment of
section 2.

**11. Throughout the Jammu and Kashmir Municipal Act, 2000, (hereafter in 20
this Chapter referred to as the Municipal Act), for the words "Chief Electoral
Officer" and "Backward Classes", wherever they occur, the words "State Election
Commission" and "Other Backward Classes" shall respectively be substituted.**

Jammu and
Kashmir Act
XX of 2000.

12. In section 2 of the Municipal Act,—

(a) clause (1) shall be omitted;

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(b) after clause (27), the following clause shall be inserted, namely:—

‘(27a) “Other Backward Classes” means the Other Backward
Classes declared by the Government of the Union territory of Jammu and
Kashmir from time to time in accordance with sub-clause (iii) of clause (o)
of section 2 of the Jammu and Kashmir Reservation Act, 2004,’;

30 Jammu and
Kashmir Act
XIV of 2004.

(c) after clause (29b), the following clause shall be inserted, namely:—

‘(29bb) “State Election Commission” means the Commission
constituted under section 36 of the Jammu and Kashmir Panchayati
Raj Act, 1989;’.

Jammu and
Kashmir Act
IX of 1989.

13. In section 11A of the Municipal Act,—

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(a) in sub-section (1), for the words “the Scheduled Castes and the
Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes
and the Other Backward Classes” shall be substituted;

(b) in sub-section (2), for the words “the Scheduled Castes or the
Scheduled Tribes”, the words “the Scheduled Castes or the Scheduled 40
Tribes or the Other Backward Classes” shall be substituted;

(c) in sub-section (3), for the words “the Scheduled Castes and the
Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes
and the Other Backward Classes” shall be substituted;

(d) in sub-section (3A), for the words "Scheduled Caste or Scheduled Tribe Certificate", the words "Scheduled Caste or Scheduled Tribe or Other Backward Class Certificate" shall be substituted; and;

5 (e) for sub-section (4), the following sub-section shall be substituted, namely,—

"(4) The State Election Commissioner shall be the competent authority for the purposes of this section.”.

14. In section 282 of the Municipal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of
section 282.

10 "(2) The Commission referred to in sub-section (1) shall—

15 (i) require any person, including an officer or an employee of the Government of the Union territory of Jammu and Kashmir, subject to any privilege which may be claimed by that person under any law for the time being in force in the Union territory of Jammu and Kashmir, to furnish information on any matter which, in the opinion of the Commission, may be useful for or relevant to the subject of enquiry;

20 (ii) by order, give such directions to the officers and employees of the Government of the Union territory of Jammu and Kashmir, or any other statutory body or society as it considers necessary to ensure smooth and efficient conduct of elections under this Act;

25 (iii) by order, delegate, subject to such restrictions mentioned therein, any of its powers to such officers and employees of the Government of the Union territory of Jammu and Kashmir;

(iv) determine and delimit the municipalities in accordance with the provisions of this Act;

(v) regulate its own procedure, including the fixing of time and place of its sittings; and

30 (vi) exercise such other powers as may be determined by the Government of the Union territory of Jammu and Kashmir, from time to time.”.

15. After section 282 of the Municipal Act, the following section shall be inserted, namely:—

Insertion of new
section 282A.

35 “282A. Sections 36, 36A, 36B, 36C, 37 and section 39 of the Panchayati Raj Act [as amended by the Jammu and Kashmir Local Bodies Laws (Amendment) Act, 2024] shall, *mutatis mutandis*, apply to this Act.”.

Application of
certain
provisions of
Jammu and
Kashmir
Panchayati Raj
Act. 1989.

CHAPTER IV

AMENDMENTS TO THE JAMMU AND KASHMIR MUNICIPAL CORPORATION ACT, 2000

Jammu and
Kashmir Act
XXI of 2000.

40 **16.** Throughout the Jammu and Kashmir Municipal Corporation Act, 2000 (hereafter in this Chapter referred to as the Municipal Corporation Act) for the words "Chief Electoral Officer" and "Backward Classes", wherever they occur, the words "State Election Commission" and "Other Backward Classes" shall respectively be substituted.

Construction of
reference of
certain
expressions by
certain other
expressions.

17. In section 2 of the Municipal Corporation Act,—

Amendment of
section 2.

45 (a) clause (1) shall be omitted;

(b) clause (6) shall be omitted;

(c) after clause (37), the following clause shall be inserted, namely:—

‘(37a) “Other Backward Classes” means the Other Backward Classes declared by the Government of the Union territory of Jammu and Kashmir from time to time in accordance with sub-clause (iii) of clause (o) of section 2 of the Jammu and Kashmir Reservation Act, 2004;’;

5 Jammu and
Kashmir Act
XIV of 2004.

(d) after clause (59), the following clause shall be inserted, namely:—

‘(59a) “State Election Commission” means the Commission constituted under section 36 of the Jammu and Kashmir Panchayati Raj Act, 1989.’.

Jammu and
Kashmir Act
IX of 1989.

18. After section 9 of the Municipal Corporation Act, the following 10 section shall be inserted, namely:—

“9A. Sections 36, 36A, 36B, 36C, 37 and section 39 of the Panchayati Raj Act and sub-section (2) of section 282 of the Municipal Act [as amended by the Jammu and Kashmir Local Bodies Laws (Amendment) Act, 2024] shall, *mutatis mutandis*, apply to this Act.”. 15

Insertion of new
section 9A.

Application of
certain
provisions of
Jammu and
Kashmir
Panchayati Raj
Act, 1989 and
Jammu and
Kashmir
Municipal Act,
2000.

Amendment of
section 10A.

19. In section 10A of the Municipal Corporation Act,—

(a) in sub-section (1), for the words “the Scheduled Castes and the Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes” shall be substituted;

(b) in sub-section (2), for the words “the Scheduled Castes or the Scheduled Tribes”, the words “the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes” shall be substituted; 20

(c) in sub-section (3), for the words “the Scheduled Castes and the Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes” shall be substituted; 25

(d) in sub-section (3A), for the words “Scheduled Caste or Scheduled Tribe Certificate”, the words “Scheduled Caste or Scheduled Tribe or Other Backward Class Certificate” shall be substituted; and

(e) for sub-section (4), the following sub-section shall be substituted, namely:— 30

“(4) The State Election Commissioner shall be the competent authority for the purpose of this section.”.

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024 seeks to amend certain provisions of the Jammu and Kashmir Panchayati Raj Act, 1989, the Jammu and Kashmir Municipal Act, 2000 and the Jammu and Kashmir Municipal Corporation Act, 2000 (the Acts) in consonance with the provisions of the Part IX and Part IXA of the Constitution.

2. Part IX and Part IXA of the Constitution relates to “the Panchayats” and “the Municipalities”. Clause (6) of articles 243D and 243T of the Constitution empowers the Legislature of a State to make provision for reservation of seats in any “Panchayat” and “Municipality” in favour of backward classes of citizens. However, the Acts of the Union territory of Jammu and Kashmir has no provision for reservation of seats for “Other Backward Classes” in the Panchayats and the Municipalities.

3. According to articles 243K and 243ZA of the Constitution, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats and Municipalities is vested in a “State Election Commission” consisting of a “State Election Commissioner”. The similar provision was incorporated in the Jammu and Kashmir Panchayati Raj Act, 1989. However, as per Municipal laws of the Union territory of the Jammu and Kashmir the conduct of all elections to the Municipalities and Municipal Corporations lies with “the Chief Electoral Officer” of Jammu and Kashmir.

4. Proviso to clause (2) of article 243K of the Constitution envisages that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment. But, section 36B of the Jammu and Kashmir Panchayati Raj Act, 1989 provides that the State Election Commissioner shall not be removed from his office except by an order made by the Lieutenant Governor on the ground of proved misbehaviour or incapacity after an inquiry conducted by a sitting or a retired judge of the High Court, on a reference made to him by the Lieutenant Governor. The provisions pertaining to State Election Commissioner in the Jammu and Kashmir Panchayati Raj Act, 1989 are at variance with the provisions of the Constitution.

5. In order to provide reservation to the “Other Backward Classes” in the Panchayats and the Municipalities in the Union territory of Jammu and Kashmir and to bring consistency in the local bodies laws of the Union territory of Jammu and Kashmir with the provisions of the Constitution, it has become necessary to amend certain provisions of the Acts and to introduce a Bill in Parliament, namely, the Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024. With this, justice will be ensured to the citizens of Other Backward Classes of Jammu and Kashmir for the first time after 75 years of independence.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 2nd February, 2024.

FINANCIAL MEMORANDUM

The Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024, if enacted, would not involve any expenditure either recurring or non-recurring from and out of the Consolidated fund of India.

ANNEXURE

EXTRACTS FROM THE JAMMU AND KASHMIR PANCHAYATI RAJ ACT, 1989

(Act No. IX OF 1989)

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2. (1) In this Act, unless the context otherwise requires,—

Definitions.

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(*I*) “Naib-Sarpanch” means the Naib-Sarpanch of the Halqa Panchayat;

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2A. Throughout the Act, for “District Planning and Development Board” wherever then occur substitute “the District Development Council”.

Substitution of certain expressions.

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CHAPTER II

Halqa Panchayat

4. (1) *

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(3) Every Halqa Panchayat shall consist of such number of Panches not less than seven and not more than eleven excluding the sarpanch as the prescribed authority may, from time to time, fix in this behalf:

Establishment and constitution of Halqa Panchayat.

Provided that the sarpanch and panch seats shall be reserved for—

(a) the Scheduled Castes; and

(b) the scheduled Tribes,

in every Halqa Panchayat and the number of sarpanch and panch seats so reserved shall bear, as nearly as may be, the same proportion to the total number of panch seats to be filled by direct election in that panchayat as the population of Scheduled Castes in that Panchayat area or of the Scheduled Tribe in that Panchayat area bears to the total population in that area and such sarpanch and panch seats may be allotted by rotation to different constituencies in a Halqa Panchayat in such manner and by such authority as may be prescribed:

Provided further that—

(a) not less than one-third of the total number of sarpanch and panch seats reserved under above proviso shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;

(b) not less than one-third (including the number of sarpanch and panch seats reserved for women belonging to Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat by such authority and in such manner as may be prescribed:

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CHAPTER VI

Block Development Council

27. (1) *

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(3) The Block Development Council shall consists of—

Constitution of Block Development Council.

(i) a Chairperson;

(ii) all Sarpanches of Halqa Panchayats falling within the Block:

Provided that the offices of the Chairpersons of Block Development Councils shall be reserved for—

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every district and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of offices of Chairpersons to be filled by direct election in that district as the population of the Scheduled Castes in that district, or of the Scheduled Tribes in that district, bears to the total population in that district and such offices may be allotted by rotation to different Block Development Council Constituencies in a district in such manner and by such authority as may be prescribed:

Provided further that—

(a) not less than one-third of the total number of offices of Chairpersons reserved under the above proviso shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes; and

(b) not less than one-third of the total number of offices of Chairpersons to be filled by direct election in the district shall be reserved for women (including the number of offices of Chairpersons of Block Development Councils reserved for women belonging to scheduled castes or scheduled tribes) and such offices may be allotted by rotation to different constituencies in a district by such authority and in such manner as may be prescribed.

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36A. (I) *

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(2) On ceasing to hold office, the State Election Commissioner shall be ineligible for, reappointment to that office or, any other assignment or appointment to any office under the Government of India or under the Government of any State.

(3) The salary, allowance and other conditions of the State Election Commissioner shall be such as may be prescribed from time to time:

Provided that if the State Election Commissioner is at the time of his appointment eligible for, or in receipt of, a pension in respect of any previous service, his salary in respect of service as State Election Commissioner shall be reduced,—

(a) by the amount of that pension; and

(b) if he has before such appointment received, *in lieu* of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that amount of pension.

36B. (I) Subject to the provisions of sub-section (3), the State Election Commissioner shall not be removed from his office except by an order made by the Lieutenant Governor on the ground of proved misbehaviour or incapacity after an enquiry conducted by a sitting or a retired judge of the High Court, on a reference made to him by the Lieutenant Governor.

(2) The Lieutenant Governor may suspend from office, and if necessary prohibit also from attending the office during inquiry, the State Election Commissioner in respect of whom a reference has been made to the Inquiry Officer under sub-section (1) until the Lieutenant Governor has passed orders on receipt of the report of the Inquiry Officer on such reference.

Term of office
and other
conditions of
service of State
Election
Commissioner.

Removal of the
State Election
Commissioner.

(3) Notwithstanding anything in sub-section (1), the Lieutenant Governor may by order remove from office the State Election Commissioner, if he:—

(a) is adjudged as insolvent; or

(b) engages during the term of his office in any employment outside the duties of his office; or

(c) is unfit to continue in his office by reason of his infirmity of mind or body; or

(d) is convicted and sentenced to imprisonment for offence which involves moral turpitude.

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36D. (1) * * * * *

Powers of the
State Election
Commission.

(2) The Commission shall have the power to—

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(b) give such directions to the officers and employees of the Government of the union territory of Jammu and Kashmir or the Panchayat Raj Institutions or any other statutory body or society as it considers necessary to ensure smooth and efficient conduct of elections under this Act;

(c) delegate any of its powers to such officers and employees of the Government of the union territory of Jammu and Kashmir, as it may deem necessary;

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39. A Person shall be disqualified for registration in an electoral roll if he,—

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(iii) has not attained age of 18 years.

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Disqualification
for registration
in an electoral
roll.

CHAPTER XI

District Planning and Development Board

45A. (1)* * * * *

Constitution of
District
Development
Council.

(4) Seats to be filled by direct election shall be reserved in the District Development Council—

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes, and the number of seats to be filled by direct election so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the District Development Council as the population of the Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district.

(5) Not less than one-third of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(6) One-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every District Development Council shall be reserved for women.

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EXTRACTS FROM THE JAMMU AND KASHMIR MUNICIPAL ACT, 2000

(Act No. XX OF 2000)

* * * * *

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “backward classes” means such classes of citizens other than scheduled castes and scheduled tribes as may be identified and notified for the purposes of reservation for appointments or posts in the services under the Government;

* * * * *

(27) “occupier” includes any person, for the time being paying or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in or otherwise using, his own land or building and also a rent-free tenant;

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(29-b) “Special Tribunal” means the Special Tribunal constituted under section 4 of the Jammu and Kashmir Special Tribunal Act, 1988;

* * * * *

Reservation of seats for certain categories.

11-A. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality in proportion to the total population of the Scheduled Castes and Scheduled Tribes in the Municipal Area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in the Municipality.

(3-A) A person who becomes a member or an office bearer of a Municipality on the basis of a false Scheduled Caste or Scheduled Tribe Certificate, shall be disqualified from the date on which it is found that he had become such member or office bearer on the basis of such false caste certificate and shall continue to be disqualified for further period of six years.

(4) The Deputy Commissioner concerned or the Chief Electoral Officer, as the Government may appoint in this behalf, shall be the competent authority for purposes of this Act.

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Chief Electoral Officer.

282. (1)*

(2) The Commission shall frame its own rules and lay its own procedure.

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EXTRACTS FROM THE JAMMU AND KASHMIR MUNICIPAL CORPORATION
ACT, 2000

(Act No. XXI OF 2000)

* * * * *

2. In this Act, unless the context otherwise requires:—

Definitions.

(1) “backward classes” means such classes of citizens other than scheduled castes and scheduled tribes, as may be identified and notified for the purpose of reservation for appointments or posts in the services under the Government;

* * * * *

(6) “Chief Electoral Officer” means the Chief Electoral Officer;

* * * * *

(37) “offensive matter” includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances, other than sewage;

* * * * *

(59) “Special Tribunal” means the Tribunal constituted under section 4 of the Jammu and Kashmir Special Tribunal Act, 1988;

* * * * *

10-A. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Corporation in proportion to the total population of the Scheduled Castes and Scheduled Tribes in the area falling under the Municipal Corporation and such seats may be allotted by rotation to different constituencies in a Corporation.

Reservation of
seats for certain
categories.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Corporation shall be reserved for women and such seats may be allotted by rotation to different constituencies in the Corporation.

(3-A) A person who becomes a member or an office bearer of a Corporation on production of a false Scheduled Caste or Scheduled Tribe Certificate, shall be disqualified from the date on which it is found that he had become such member or office bearer on the basis of such false caste certificate and shall continue to be disqualified for further period of six years.

(4) The Deputy Commissioner concerned or the Chief Electoral Officer, as the Government may appoint in this behalf, shall be the competent authority for purposes of this Act.

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LOK SABHA

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BILL

further to amend the Jammu and Kashmir Panchayati Raj Act, 1989 (IX of 1989), the Jammu and Kashmir Municipal Act, 2000 (XX of 2000) and the Jammu and Kashmir Municipal Corporation Act, 2000 (XXI of 2000).

(Shri Amit Shah, Minister of Home Affairs and Cooperation)