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EXTRAORDINARY

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PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 12th February, 2024/Magha 23, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 12th February, 2024 and is hereby published for general information:—

THE JAMMU AND KASHMIR LOCAL BODIES LAWS (AMENDMENT) ACT, 2024 (No. 2 OF 2024)

[12th February, 2024.]

An Act 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.

(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 (l), the following clause shall be inserted, namely:—

Jammu and Kashmir Act IX of 1989.

‘(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;’.

Jammu and Kashmir Act XIV of 2004.

Substitution of section 2A.

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

Construction of reference of certain expressions by certain other expressions.

‘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.’.

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, 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 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;

(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,—

(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;”;

(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;

(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:—

Amendment of section 36A.

“(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:

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—

(a) by the amount of that pension; and

(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.

(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.

(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:—

Substitution of section 36B.

“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.”.

Removal of State Election Commissioner.

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

Amendment of section 36D.

(a) for the opening portion “The Commission shall have the 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.

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

Amendment of section 39.

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

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, 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 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 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 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;

(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;”;

(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 XIV of 2004.

Jammu and Kashmir Act IX of 1989.

Amendment of section 11A.

13. In section 11A of the Municipal 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;

(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;

(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.

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

(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;

(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;

(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

(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.

“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

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.

(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;’;

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.

Insertion of new
section 9A.

18. After section 9 of the Municipal Corporation Act, the following 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.”.

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;

(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

(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 purpose of this section.”.

DR. RAJIV MANI,
Secretary to the Govt. of India.