

Bill Summary

The Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024

- The Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024 was introduced in Lok Sabha on February 5, 2024. The Bill amends three laws applicable in the erstwhile state of Jammu and Kashmir (J&K). These are: (i) the J&K Panchayati Raj Act, 1989, (ii) the J&K Municipal Act, 2000 and (iii) the J&K Municipal Corporation Act, 2000. Key features include:
 - **Reservations for Other Backward Classes (OBCs):** Under the three Acts, seats in certain institutions in J&K are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs). The institutions are: (i) panchayats, (ii) municipalities, (iii) municipal corporations, (iv) block development councils and (v) district development councils. The reserved seats are proportional to the population of these groups in the area covered by the respective institution. One-third of such seats are reserved for women. The Bill extends reservation to OBCs as well. OBCs are groups notified as weak and underprivileged by the Government of the Union Territory of J&K.
 - **Mandate of the State Election Commission:** Currently, under the J&K Panchayati Raj Act, 1989, the State Election Commission in J&K prepares the electoral rolls and conducts elections for panchayats, block development councils and district development councils. These responsibilities are discharged by the Chief Electoral Officer in the case of municipalities and municipal corporations. The Bill designates the said election-related responsibilities to the State Election Commission for all institutions mentioned above.
 - **Terms of Service of a State Election Commissioner:** The J&K Panchayati Raj Act, 1989 states that the State Election Commissioner will be ineligible for appointment or re-appointment to any state or central government office in India. The Bill removes this provision. The 1989 Act states that the salary of a State Election Commissioner will be prescribed. The Bill amends this to provide that the salary and other conditions of service will be determined by the Lieutenant Governor (LG) of J&K by Rules. The LG is also given the authority to grant leaves to the State Election Commissioner.
- The Act also states that if the State Election Commissioner was receiving a pension from his previous service, his pay as the Election Commissioner will be reduced by the amount of that pension. The Bill excludes disability pension received during the previous service from the scope of this provision. It also permits various allowances available to the State Election Commissioner from his previous service to be extended to him in his tenure.
- **Removal of State Election Commissioner:** The J&K Panchayati Raj Act, 1989 states that the State Election Commissioner can only be removed from his office through an order passed by the Lieutenant Governor. Grounds for dismissal include misbehaviour or incapacity proved by an inquiry led by a sitting or retired High Court judge. The Bill amends this to provide that a State Election Commissioner can only be removed in the same manner and on the same grounds as a High Court judge.
- **Removal from the electoral roll:** Under the J&K Panchayati Raj Act, 1989, a person can be removed from the electoral list if he is below 18 years of age or declared to be of unsound mind. The Bill allows the State Election Commission to provide additional grounds for the removal of a person from the electoral roll.

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