

GOVERNMENT OF JAMMU AND KASHMIR
Department of Law, Justice and Parliamentary Affairs
(Legislation Section) Civil Secretariat
Jammu/Srinagar

Subject: Establishment of a Dedicated Backward Classes Commission for facilitating reservations to OBCs in Local Bodies.

Reference: Administrative Council Decision No. 59/05/2024 dated 07-06-2024

GOVERNMENT ORDER NO: 10622 - JK (LD) of 2024
DATED: 11-06-2024

The Government of Jammu and Kashmir, in pursuance of the directions passed by the Hon'ble Supreme Court in K. Krishnamurthy v/s. Union of India, 2010 (7) SCC 202, and Vikas Krishna Rao Gawli v/s. State of Maharashtra, AIR ONLINE 2021 SC 125, hereby constitutes a dedicated Commission to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies with respect to the backward class of citizens in all local bodies within the Union territory of Jammu and Kashmir, and to study the nature and effects of backwardness and to provide its recommendations.

1. Name, extent and commencement-

- 1.1 This Commission shall be known as "Jammu and Kashmir Local Bodies Dedicated Backward Classes Commission" (hereinafter referred to as Commission).
- 1.2 The term of Commission will be forty-five (45) days from the date of publication of this Order.

2. Functions of the Commission-

The Commission, after studying on the following subject, shall submit its suggestions and recommendations to the Government of Jammu and Kashmir:

- 2.1 On the reference of the Government, empirical study and investigation in the context of the representation of backward classes in all Local Bodies before the upcoming general elections of the Local Bodies in the

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Union territory and submitting its recommendations to the Government regarding proportional reservation for backward classes, Local Body-wise (Urban & Rural).

3. Terms of Reference-

- 3.1 The Commission shall conduct the contemporaneous rigorous empirical inquiry into nature and implications of the backwardness qua local bodies in the Union territory of Jammu and Kashmir.
- 3.2 The Commission shall, on the basis of available records, reports, surveys, and other data, ascertain the proportion of population of backward class of citizens in the total population, local body wise in order to study in light of instructions given by Hon'ble Supreme Court and to submit the report and recommendations to the Government.
- 3.3 The Commission shall submit its report to the Government within such period which may be prescribed by the Government.
- 3.4 **In addition to the above, the Commission shall:-**
 - 3.4.1 take the assistance from Central and Union territory Government Offices, various organizations, institutions or individuals for obtaining such information to its satisfaction as it may consider necessary or relevant for its purpose, in such form and manner as they may think appropriate.
 - 3.4.2 avail advices and researchers by holding meetings with them and also get assistance of recognized research institutions as and when necessary for analysis of the empirical data and also for the efficient and effective functioning of the Commission; and
 - 3.4.3 arrange visits to various Local Bodies areas in the Union territory of Jammu and Kashmir to achieve the above objectives.

4. Constitution of the Commission-

- 4.1 The composition of the Commission will be as follows:
 - (a) The Commission shall comprise of three members to be appointed by the Government, from

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amongst such persons who may have the knowledge on the matters related to backward classes;

(b) Amongst the above members, one member shall be the Retired Judge of Hon'ble High Court, who shall be Chairman of the Commission.

5. Tenure of the Chairman and Members of the Commission-

5.1 The tenure of the Chairman and Members of the Commission will be co-terminus with the term of the Commission.

6. Honorarium and other facilities payable to the Chairman/Members of the Commission-

The salary and allowances payable to the Chairman and Members of the Commission and other terms and conditions shall be such as may be prescribed by the Government.

7. Appointments in the Commission-

7.1 The services on the post of Secretary, Deputy Secretary, Research Officer, Review Officer, Office Assistants and other employees may be taken on deputation from other departments or may be made available by the Administrative Department. Wherever necessary services of retired officers and employees can be availed by appointment on contract as per the instructions of the Government.

7.2 Salaries, allowances payable and other service conditions of the officers/employees of the Commission shall be as per their parent department.

7.3 The Commission may take the services of experts as per the requirement for the discharge of its work and responsibilities.

8. Meetings of the Commission-

The headquarters of the Commission will be in Srinagar/Jammu. The Commission shall hold meetings at such places, time and periods as the Chairman may deem fit.

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9. Accounts and Audit-

- 9.1 The Commission shall maintain proper accounts and other relevant records and prepare statement of accounts in such form and manner as may be prescribed by the Government for this purpose.
- 9.2 The accounts of the Commission shall be audited by Directorate of Audit & Inspections at such intervals as may prescribed.

10. Reports/Recommendations-

Reports/Recommendations of the Commission shall be presented to the Government by the Commission in relation to its objective and work. It will contain complete details of its activities, recommendations and works.

11. Administrative Arrangement and Budget-

The administrative arrangements and budget to the Commission shall be provided by the Administrative Department.

12. Chairperson, members and employees of the Commission to be public servants-

The Chairperson, members and employees of the Commission shall be deemed to be public servants under section 21 of the Indian Penal Code, 1860.

13. Administrative Department-

Rural Development Department shall be Administrative Department for the Commission.

14. Amendments/Additions-

The Government may make any amendments, changes or extension in this order from time to time.

By Order of the Government of Jammu and Kashmir.

S/d-
(Achal Sethi)
Secretary to Government

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No: LAW-Leg/19/2024-10[7456417]

Dated: 11-06-2024

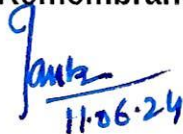
Copy to the:

1. Advocate General, the High Court of Jammu and Kashmir and Ladakh.
2. All Financial Commissioners (Additional Chief Secretaries).
3. Director General of Police, J&K.
4. Principal Accountant General (A&E), J&K.
5. All Principal Secretaries to Government.
6. Principal Secretary to the Hon'ble Lieutenant Governor.
7. Principal Resident Commissioner, 5-Prithvi Raj Road, New Delhi.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner Secretary to Government, General Administration Department.
10. All Commissioner/ Secretaries to Government.
11. Chief Electoral Officer, J&K.
12. Divisional Commissioner, Jammu/ Kashmir.
13. Principal Secretary to the Chief Justice, the High Court of Jammu and Kashmir and Ladakh.
14. Registrar General, the High Court of Jammu and Kashmir and Ladakh.
15. Director Anti Corruption Bureau, J&K.
16. Director Information, J&K.
17. All Heads of Departments/Managing Directors/Chief Executive of PSUs/ Autonomous Bodies/ Societies.
18. All District Development Commissioners.
19. Secretary, J&K Public Service Commission.
20. Secretary, J&K Legislative Assembly.
21. General Manager, Government Press, Jammu/ Srinagar for publication in Official Gazette.
22. Private Secretary to the Hon'ble Advisor (B).
23. Private Secretary to the Chief Secretary, J&K.
24. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
25. I/C website, Department of Law, Justice and Parliamentary Affairs.
26. Government Order File.



(Reyaz Ali Bhat)

Assistant Legal Remembrancer



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