Jammu and Kashmir Bills

Why in news?

Recently Lok Sabha has passed the Jammu and Kashmir Reorganisation (Amendment) Bill and Jammu and Kashmir Reservation (Amendment) Bill.

What is Jammu and Kashmir Reorganisation (Amendment) Bill?

- It amends the Jammu and Kashmir Reorganisation Act, 2019.
- **J&K Reorganisation Act, 2019-** It provides for the reorganisation of the state of Jammu and Kashmir into the union territories of Jammu and Kashmir (with legislature) and Ladakh (without legislature).
- **Number of seats in Legislative Assembly-** 2019 Act amended the 2nd Schedule of the 1950 Act to specify the total number of seats in the Jammu and Kashmir Legislative Assembly to be 83.
- It reserved six seats for Scheduled Castes. No seats were reserved for Scheduled Tribes.

The 2nd Schedule of the Representation of the People Act, 1950 provides for the number of seats in legislative assemblies.

- **Increase in seats**- The bill increases the total number of seats to 90. It also reserves 7 seats for SC and 9 seats for ST.
- **Nomination-** *Lieutenant Governor* may nominate two members from the *Kashmiri migrant community* and one representing the displaced persons from Pakistan-occupied Kashmir (PoK) to the legislative assembly.
- **Social inclusion-** One of the nominated members must be a woman.

What is Jammu and Kashmir Reservation (Amendment) Bill?

- It amends the Jammu and Kashmir Reservation Act, 2004.
- **J&K Reservation Act, 2004-**It provides for reservation in jobs and admission in professional institutions to members of Scheduled Castes, Scheduled Tribes, and other socially and educationally backward classes.
- **SEBC-** Under the Act, Socially and Educationally Backward Classes (SEBCs) include
    - People residing in villages declared as socially and educationally backward by the Union Territory of Jammu and Kashmir.
    - People residing in areas adjoining the Actual Line of Control and International Border, and
    - Weak and under-privileged classes (social castes)

- **Amendment-** It seeks to change the nomenclature of a section of people who are eligible for quotas in appointments and admissions.
- **Power of the government**- It may make *inclusions or exclusions* from category of weak and under-privileged classes, on the recommendations of a Commission.
- **Substitution-**The Bill substitutes weak and under-privileged classes with other backward classes as declared by the UT of Jammu and Kashmir.

The definition of weak and under-privileged classes are deleted from the Act

The Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2023- It seeks to revise the list of Scheduled Tribes in J&K to include the Pahari community.

The Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Bill, 2023- It seeks to include the Valmiki community in J&K's Scheduled Castes list by adding it as a synonym to Chura, Bhangi, Balmiki, and Mehtar.

What is the significance of the Bills?

- **Inclusive India-** It reflects a commitment to inclusivity and justice, it also represent a broader strategy to integrate Jammu and Kashmir more fully with the rest of India.
- **Affirmative action-** It ensures equal opportunities for marginalised communities in education and employment by replacing weak and under-privileged with other backward classes.
- **Strong representation-** Increasing seats in the Legislative Assembly for SC,ST will provide a strong political representation.
- **Abrogation of Article 370-** It has significantly impacted the region's security dynamics, leading to a notable reduction in terrorism-related activities.

What are the challenges in reservation of assembly seats?

- **Non-inclusive**- The Bill provides for nomination rather than elected representatives which may fail to foster reconciliation.
- **Favouritism-**Lieutenant Governor is given too much power to nominate Kashmiri Pandits. This could lead to corruption and favouritism that overshadow the community's true aspirations and needs.
- **Issues with nomination**- The Bill differs from the past practice of nominating members by elected governments, which weakens the credibility and effectiveness of the nominated members, raising questions about their validity and acceptance by the people.
- **Vote bank politics**- The community can be used as a political card, without addressing their real needs or interests.
- **Definition of Kashmiri Pandits**- It is flexible and could exclude certain categories from the nomination.

What lies ahead?

- The journey toward genuine empowerment necessitates embracing democratic norms, fostering meaningful engagement, and creating pathways that bridge communities rather than perpetuating divisions.
- The need of the hour is inclusive measures through which political representation can truly catalyse reconciliation.

References

1. PRS-J&K Reservation Bill
2. PRS- J&K Reorganisation Bill
3. Indian Express- Kashmiri Pandit Bill

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