Jammu and Kashmir Reservation Bill

Why in news?

Parliament has passed the Jammu and Kashmir Reservation Bill. This partially amends a Presidential Order of 1954 in order to amend the state's Reservation Act.

What is Article 370 and the Presidential order, 1954?

- **Article 370** – Provides temporary, transitional and special status to Jammu and Kashmir.
- It states that all the different provisions of the constitution that are applicable to other states of India are not applicable to J&K.
- **The Presidential order of 1954** – An **executive order** issued by the President under Article 370 to extend provisions of an Act of Parliament to J&K State.
- This can be done only with the concurrence of the state government.

What are the provisions of the bill?

- **Extension of reservation –** Extension of the reservation benefits available to the residents along the Line of Actual Control (LAC) to the International Border (IB).
- The reservation in appointment and promotions in certain state government posts is provided to persons belonging to socially and educationally backward classes.
- **Exclusion from reservation:** The Act states that any person, whose annual income exceeds Rs.3 lakh or other amount as notified by the state government, would not be included within socially and educationally backward classes.
- However, this exclusion does not apply to persons living in areas adjoining the LAC as well as International Border.

What is the controversy?

- **No opposition** – To the decision to provide benefits to SCs, STs and EWS in J&K.

- **Opposition** – To the route taken by the Centre and its nominee the J&K Governor, on the ground that they **breached Article 370** while issuing the amendment to the 1954 Presidential Order.
- **Centre of the controversy** – The question **whether the Governor**, in the absence of an elected government, has the authority to **give consent to extend a Parliamentary law** and change the constitutional arrangement between J&K and the Union.

What regional parties in J&K say?

- They have termed the amendments "unconstitutional"
- They contend that "concurrence" means the **concurrence of an elected government** and not that of a nominated government, a must for any amendment to the Presidential Order of 1954.
- They say this is in contravention of Article 370.
- They contend that the **President cannot seek the concurrence of the Governor** because "the Governor is a representative of the President"

Source: The Indian Express.

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