



Indian Polity

Jammu and Kashmir Reservation Bill and J&K Reorganisation (Amendment) Bill 2023

Tags:

- GS Paper - 2
- Indian Constitution
- Elections
- Statutory Bodies

For Prelims: Jammu and Kashmir Reservation Bill And J&K Reorganisation (Amendment) Bill, Lok Sabha, Pakistan-occupied Kashmir (PoK), Revocation of Article 370, Delimitation.

For Mains: Jammu and Kashmir Reservation Bill And J&K Reorganisation (Amendment) Bill.

Why in News?

Recently, the Lok Sabha has passed the Jammu and Kashmir Reorganisation (Amendment) Bill, 2023 and the Jammu and Kashmir Reservation (Amendment) Bill, 2023.

- The Bill seeks to represent those who became refugees in their own country and also reserves one seat in the Jammu and Kashmir Assembly for people who have been displaced from Pakistan-occupied Kashmir (PoK).
- What is the Background?
- Before the Revocation of Article 370, Jammu and Kashmir had distinct rules for **delimiting Lok Sabha and Assembly seats**.

- Post the abrogation of Article 370 and the region's transition into a **Union Territory, a Delimitation Commission was formed in March 2020.**
- This commission was tasked not only with delimiting J&K's seats but also those of Assam, Manipur, Arunachal Pradesh, and Nagaland, aiming to finish within a year.
- Recently, the commission concluded its delimitation process, resulting in an increase in J&K's legislative **assembly seats from 107 to 114**, facilitated by the **Jammu and Kashmir Reorganisation (Amendment) Bill, 2023.**

What are These Two Bills?

- **What is the Jammu & Kashmir Reservation (Amendment) Bill, 2023:**
 - It seeks to amend **Section 2 of the Jammu and Kashmir Reservation Act, 2004.**
 - The Jammu and Kashmir Reservation Act, 2004 provided reservation in jobs and admission in professional institutions to Scheduled Castes (SCs), Scheduled Tribes (STs), and other socially and educationally backward classes.
 - The amendment Bill suggests a **change in the nomenclature of a section of people who were earlier described as “weak and underprivileged classes (social castes)” to “other backward classes’.**
- **Jammu and Kashmir Reorganisation (Amendment) Bill, 2023:**
 - It seeks to amend the 2019 Act and provide **representation in the Legislative Assembly to the Kashmiri Migrants and displaced persons from the PoK.**

- It seeks to **nominate two members from the Kashmiri migrant community**, with one nominee being a woman and the power of the lieutenant governor to nominate one person representing the displaced persons from Pakistan-occupied Kashmir (PoK) to the Legislative Assembly.
- This bill proposes to **increase the total number of seats in the Jammu and Kashmir legislative assembly from 107 to 114**, of which **7 would be reserved for scheduled caste members and 9 seats for legislators from scheduled tribes**.
 - As per the Bill, **24 seats of the Assembly will remain vacant until the occupation in Pakistan-occupied Kashmir ceases**.
 - Therefore, the **effective strength of the Assembly is 83, which the amendment seeks to increase to 90**.

How is the Zero Terror Plan Linked with the Abrogation of Article 370?

- The **Zero Terror Plan** refers to a comprehensive strategy initiated by the Indian government to **eradicate terrorism from Jammu and Kashmir**. This plan has been in effect for the past three years and is slated for **full implementation by 2026**.
- Since the abrogation of Article 370, which granted special status to Jammu and Kashmir, there has been a **noticeable decline in terrorism in the region**.

What is Delimitation?

- Delimitation is the act of fixing or redrawing the limits or boundaries of territorial constituencies (Assembly or Lok Sabha seat) in a country or a province having a legislative body, as per the Election Commission.

- The delimitation exercise is carried out by an independent high-powered panel known as the Delimitation Commission whose orders have the force of law and cannot be questioned by any court.
 - **Delimitation Commissions have been set up four times** — 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002.
- The exercise has been carried out over the years to redefine the area of a constituency-based on its population size (based on the last Census).
- Aside from changing the limits of a constituency, the process may result in a change in the number of seats in a state.
- This exercise also involves reservation of Assembly seats for SC & ST in accordance with the Constitution.

UPSC Civil Services Examination, Previous Year's Question (PYQs)

Prelims

Q. With reference to the Delimitation Commission consider the following statements: (2012)

The orders of the Delimitation Commission cannot be challenged in a Court of Law.

When the orders of the Delimitation Commission are laid before the Lok Sabha or State Legislative Assembly, they cannot effect any modification in the orders.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: C

Q. Which one of the following is the largest (areawise) Lok Sabha constituency? (2008)

- (a) Kangra
- (b) Ladakh
- (c) Kachchh

(d) Bhilwara

Ans: (b)

Q. Siachen Glacier is situated to the (2020)

(a) East of Aksai Chin

(b) East of Leh

(c) North of Gilgit

(d) North of Nubra Valley

Ans: (d)

Mains

Q. To what extent is Article 370 of the Indian Constitution, bearing marginal note “Temporary provision with respect to the State of Jammu and Kashmir”, temporary? Discuss the future prospects of this provision in the context of Indian polity. (2016)

Q. The banning of ‘Jamaat-e-Islami’ in Jammu and Kashmir brought into focus the role of over-ground workers (OGWs) in assisting terrorist organizations. Examine the role played by OGWs in assisting terrorist organizations in insurgency-affected areas. Discuss measures to neutralize the influence of OGWs. (2019)

