

‘J&K ORDINANCE CLEARED BY UNION CABINET DOESN’T TINKER WITH 35A OR 370’

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

The Union Cabinet on Thursday approved the Jammu and Kashmir Reservation (Amendment) Ordinance, 2019 that will pave the way to extend reservation in jobs, promotions and education to people living 10 km from the International Border (IB) in Jammu. Earlier the benefits were only reserved for people living 10 km beyond the Line of Control (LoC) and affected by shelling and firing from across the border.

The proposal to this effect came from the Jammu and Kashmir administration, which is at present under President’s rule. J&K Governor Satyapal Malik told *The Hindu* that the ordinance in no way affected the rights of people of the State nor did it tinker with Article 35-A, which provides special rights and privileges to permanent residents of J&K. The 740 km LoC in J&K is under the operational control of the Army and 192 km IB in Jammu is manned by the BSF.

“People living along the IB in Jammu live under similar conditions as those along the LoC. They also face continuous shelling and firing from across the border. While the population along the LoC was getting reservation benefits, those along the IB were not. Through this ordinance the anomaly has been corrected. It has nothing to do with altering 35A or Article 370,” Mr. Malik said.

He said since the State was under President’s rule, the ordinance had to be cleared by the Centre. An ordinance to implement the 10% reservation quota for the economically weaker sections, as passed by the Parliament earlier this year, was also cleared by the President, he said.

A statement by the Press Information Bureau said the J&K Reservation Act, 2004 and the 2005 Rules provide for vertical reservation in direct recruitment, promotions and admission in different professional courses to various categories — Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Classes (Residents of Backward Area, Residents of Areas adjoining Actual LoC and Weak and Under Privileged Classes (Social Castes) along with horizontal reservation to the ex-serviceman and physically challenged Persons.

“However, the reservation benefits are not extended to the persons residing in the areas adjoining IB. Due to continuous cross border tensions, persons living alongside the IB suffer from socio-economic and educational backwardness. Shelling from across the border often compels these residents to move to safer places and is adversely impacting their education as Educational Institutions remain closed for long periods,” the statement said.

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