

Bill No. 90 of 2023

THE JAMMU AND KASHMIR RESERVATION (AMENDMENT)
BILL, 2023

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further to amend the Jammu and Kashmir Reservation Act, 2004.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Reservation (Amendment) Act, 2023. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Jammu and
Kashmir Act
XIV of 2004.

2. In the Jammu and Kashmir Reservation Act, 2004, in section 2,—

Amendment
of section 2.

(i) in clause (o),—

10 (A) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) other backward classes declared as such by the Government from time to time.”;

(B) in the first proviso, for the words "said category", the words "category of socially and educationally backward classes" shall be substituted;

15 (ii) clause (q) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Reservation Act, 2004 (Jammu and Kashmir Act XIV of 2004) herein referred to as 'the Reservation Act' was enacted to provide for reservation in appointment and admission in professional institutions for the members of the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes.

2. In terms of sub-section (2) of section 95 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), the reservation in the Union territory of Jammu and Kashmir continues to be governed by the Reservation Act. Currently, the Legislature of the Union territory of Jammu and Kashmir is not in place. By a proclamation of the President under section 73 of the Jammu and Kashmir Reorganisation Act, 2019 dated the 31st October, 2019, the powers of the Legislature of the Union territory of Jammu and Kashmir are exercisable by or under the authority of Parliament.

3. It is proposed to amend section 2 of the Reservation Act by the Jammu and Kashmir Reservation (Amendment) Bill, 2023 so as to change the nomenclature of "weak and under privileged classes (social castes)" occurring in sub-clause (iii) of clause (o), to "other backward classes" and to make consequential amendment in clause (q), of section 2 of the said Act. The above amendments have been proposed on the recommendations of the Jammu and Kashmir Socially and Educationally Backward Classes Commission (SEBCC), so as to remove the confusion amongst the general public as well as the competent authorities issuing certificates to eligible persons due to difference in such nomenclature. The proposed amendment will also enable implementation of the Constitution (One Hundred and Fifth Amendment) Act, 2021, in letter and spirit.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 11th July, 2023.

AMIT SHAH.

ANNEXURE

EXTRACT FROM THE JAMMU AND KASHMIR RESERVATION ACT, 2004

(XIV OF 2004)

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2. In this Act, unless the context otherwise requires,— Definitions.

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(o) "socially and educationally backward classes" mean—

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(iii) weak and under-privileged classes (social castes), declared as such under notification SRO-394 dated 5-9-1981 read with notification SRO-272 dated 3-7-1982 and notification SRO-271 dated 22-8-1988 as amended from time to time:

Provided that the Government may, on the recommendations of the State Backward Classes Commission, make inclusions in, and exclusion from, the said category from time to time:

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(q) "weak and under-privileged classes" mean the classes declared as such under notification SRO-394 dated 5-9-1981 read with notification SRO-272 dated 3-7-1982 and notification SRO-316 dated 18-7-1984 as amended from time to time.

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further to amend the Jammu and Kashmir Reservation Act, 2004.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)

MGIPMRND—118LS(S3)—14-07-2023.