



## Constitution (J&K) ST Order (Amendment) Bill, 2024

**For Prelims:** Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024, [Other Backward Classes \(OBCs\)](#), [Municipal Bodies](#).

**For Mains:** Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024, Process and Criteria of Inclusion in the ST List.

[Source: PIB](#)

### Why in News?

Recently, the Lok Sabha has passed the **Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024**, aiming to include specific ethnic groups and tribes from Jammu and Kashmir into the list of [Scheduled Tribes](#).

- The Union government has also introduced the **Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024** to provide reservation to [Other Backward Classes \(OBCs\)](#) in panchayats and [Municipal Bodies](#) of Jammu and Kashmir.

### What is the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024?

- **About:**
  - The bill particularly focuses on including **four ethnic groups** in the list of [Scheduled Tribes \(STs\)](#) in Jammu and Kashmir.
  - The **ethnic groups are** Gadda Brahmin, Koli, Paddari Tribe, and Pahari Ethnic Group”.
  - By extending Scheduled Tribe status to these communities, the bill intends to **ensure their socio-economic and political empowerment**.
- **Significance:**
  - The bill ensures that the reservations for these existing communities such as **Gujjars and Bakarwals remain unaffected** while providing new reservations for the newly listed STs.
    - Gujjars and Bakarwals are **nomadic — they migrate with their livestock to the higher reaches in the summer**, and return before the onset of winter.
  - The bill is seen as a significant step towards inclusive development in Jammu and Kashmir, aligning with the government's commitment to the holistic development of all sections and communities under the "**Sabka Sath, Sabka Vishwas**" (**Together with All, Trust of All**) mantra.

### Earlier Status of Paharis

- The Paharis got **4% reservation in jobs** and educational institutions in 2019.
- Also in 2019, the **Justice (retd) G D Sharma Commission** was appointed to identify groups that were socially, educationally, and economically backward.

- The Commission in its report **recommended ST status for Gadda Brahmins, Kolis, Paddari Tribe**, and Pahari Ethnic Group.

## What are the Key Features of Jammu and Kashmir Local Bodies Laws (Amendment) Bill, 2024?

- **Amendment of Certain Provisions:** The bill aims to amend certain provisions of the J&K Panchayati Raj Act, 1989, the J&K Municipal Act, 2000, and the J&K Municipal Corporation Act, 2000 **to provide reservation to OBCs in Local Bodies** (panchayats and municipalities) in the Union Territory of Jammu and Kashmir.
- **Alignment with Constitutional Provisions:** The proposed amendments seek to bring **consistency in the laws** with the provisions of the Constitution, particularly **Part IX and Part IXA**, which relate to **Panchayats and Municipalities**.
  - This includes providing reservation for backward classes of citizens in Panchayats and Municipalities, **as empowered by Clause (6) of Articles 243D and 243T of the Constitution**.
- **Superintendence of Elections:** The bill addresses inconsistencies regarding the superintendence, direction, and **control of the preparation of electoral rolls** and the conduct of elections to Panchayats and Municipalities.
  - It ensures that the provisions regarding the **State Election Commission** are in line with the Constitution, specifically **Articles 243K and 243ZA**.
- **Removal of State Election Commissioner:** The bill seeks to rectify the variance between the provisions of the J&K Panchayati Raj Act, 1989, and the Constitution concerning the removal of the State Election Commissioner.
  - It aims to align the **removal process with the constitutional provisions**, ensuring that the State Election Commissioner can **only be removed under circumstances similar to those of a Judge of a High Court**.

## What are the Constitutional Provisions and Initiatives related to Tribes in India?

- **Constitutional Provisions:**
  - As per **Census-1931**, **Schedule tribes are termed as "backward tribes"** living in the "Excluded" and "Partially Excluded" areas. The **Government of India Act, 1935** called for the first time for representatives of "backward tribes" in provincial assemblies.
  - The **Constitution does not define the criteria for recognition of Scheduled Tribes** and hence the definition contained in 1931 Census was used in the initial years after independence.
  - However, **Article 366(25) of the Constitution only provides process to define Scheduled Tribes:** "Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under **Article 342 to be Scheduled Tribes for the purposes of this Constitution.**"
    - 342(1): The President may with respect to any State or Union Territory, after consultation with the Governor, by a public notification, specify the **tribes or tribal communities or part of or groups** within tribes or tribal communities as **Scheduled Tribe** in relation to that State or Union Territory.
  - The **Fifth Schedule of the Constitution** lays out provision for Administration and Control of **Scheduled Areas and Scheduled Tribes** in states other than Assam, Meghalaya, Tripura and Mizoram.
  - The **Sixth Schedule** deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram.
- **Legal Provisions:**
  - **[Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989.](#)**
  - **[Provisions of the Panchayats \(Extension to the Scheduled Areas\) Act, 1996.](#)**
  - **[Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest](#)**

### Rights) Act, 2006.

- **Protection of Civil Rights Act, 1955:**
  - It prescribes punishment for the **preaching and practice of Untouchability** for the enforcement of any disability arising therefrom and for matters connected therewith.
- **Related Initiatives:**
  - [TRIFED](#)
  - [Digital Transformation of Tribal Schools](#)
  - [Development of PVTGs](#)
  - [Pradhan Mantri Van Dhan Yojana](#)
- **Related Committees:**
  - [Xaxa Committee \(2013\)](#)
  - **Bhuria Commission (2002-2004):** It recommended the **recognition of more tribal communities as ST**, thereby extending various benefits and protections to these marginalized groups.
  - **Lokur Committee (1965):** Its **recommendations** included **measures to safeguard tribal land rights**, improve access to education, healthcare, and employment opportunities for ST communities, and enhance tribal welfare schemes to address their **Socio-Economic Challenges**.

## UPSC Civil Services Examination Previous Year Question

### **Prelims:**

**Q. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)**

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State.

**Ans: (a)**

**Q. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)**

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

**Ans: (b)**

### **Mains:**

**Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? (2017)**

