



## Consciousness of Jammu and Kashmir State towards Scheduled Castes

Abdul Hafiz<sup>1</sup>, Farooq Ahmad Bakloo<sup>2</sup> and H.C.Joshi<sup>3</sup>

<sup>1</sup> Research Scholar, Department of Economics, Kumaun University S.S.J.Campus  
Almora Uttarakhand.

<sup>1</sup> Research Scholar, Department of Political Science, Kumaun University  
S.S.J.Campus Almora Uttarakhand.

<sup>1</sup> Professor & H.O.D. Department of Economics, Kumaun University S.S.J.Campus  
Almora Uttarakhand.

### Abstract

In the world, various countries have made the provisions for the development of weaker sections. The terminology that is used for this notion is called Affirmative action. The terminology was first used in the United States in "Executive Order No. 1925", signed by President John F. Kennedy on 6 March 1961, which incorporated a condition that government contractors "take affirmative action" to guarantee that applicants are employed, and are treated without any discrimination in respect to race, colour, religion.

In India and Nepal, the Affirmative action, also called as reservation, in the United Kingdom, positive action and employment equity (in a narrower context) in Canada and South Africa, is the policy of supporting the education and employment of members of groups that are marginalised and have faced the discrimination.

For the inclusive development, various nations of the world have used this device of Affirmative action. In Asian countries, China is using this affirmative action in education for the minorities' citizens.

The USA adopts affirmative actions for the development of Negroes as India used this policy for Dalits, on the account that both were historically deprived. However, in India Dalits are seen as caste institutions and Negroes in the USA as a race. Affirmative action in the USA is younger than India's reservation programmes but is stronger and more fruitful due to the presence of enforcement mechanism (Deshpande 2006).

The present paper is an attempt to shed light on the policies taken by the Jammu and Kashmir government for the amelioration of scheduled castes since 2005 up to 2015.

**Keywords:** - Scheduled Castes of Jammu and Kashmir, Affirmative action, destitute position of Dalits, Inclusive development and Jammu and Kashmir constitution

### Introduction

In this essay, the researcher highlights the measures taken by the Jammu and Kashmir Government for the betterment of the Scheduled Castes in the state. As we know it very well that, the Jammu and Kashmir was the Princely state ruled by the

Dogra rulers, under their rule the marginalized sections of the state were very depressed, and only the elite class yielded the advantage of that regime of Dogras. The condition of these subaltern groups was very venerable in the state as they have treated in the others parts of the country (Sooden 1999). It was the first time in 1931 census when these Scheduled castes were treated as untouchables in the state. The persons related to the community of Scheduled caste had the reasonability to provide the work of the upper caste like manual labour (Kelkar 1979). It is reported from the study (Sooden 1999) that the persons of the high caste mostly avoided contact with the lower castes and if any time they touch then, it was obligatory for them to take a bath to purify themselves. These lower caste people were not allowed in the temples and public places, which are used by the higher castes, hence the overall condition of Scheduled Castes community was pathetic in post-independence period in the state of Jammu and Kashmir.

It was in November 1931 that a commission was constituted popularly known by the name of Glancy Commission as it was headed by the European member. The critical objective of this commission was to study the problems relating to the education, employment in the public service of the state apart from this the second task of the commission was to look into the representation of the different classes of the state subjects in the different services of the state.

The commission gives a number of the recommendations for the betterment of the subaltern groups of the state nevertheless; the Untouchables of the state were wholly ignored by the commission (Kaul 1990). In addition to this, the Franchise Committee report 1933 which proposed the institution of Legislative Assembly in the state composed of 75 members and it is reported from the studies ( Kaul 1990) that this franchise committee report 1933 have also uncared for the untouchables of the state.

The struggle of the untouchables remained continued in the state upshot of which two seats were reserved in the Praja Sabha (former name of J&K Assembly) in 1934, and the two members of the Megh community of Scheduled Caste were elected. The problem of these lower caste communities was such deep-rooted that the reservation of two seats for them did not end their concerns. Therefore, they continued their struggle to achieve their rights in the state.

### **Approaches of the Jammu and Kashmir State Government towards the Scheduled Castes.**

When the power transfer took place from the Dogra to the Sheikh Abdullah's Government the new democratic took some mind-blowing changes the most among them was the land redistribution act 1950 under which land was transferred to these groups. It is reported from the studies (Verma 2010) that the most advantage of this land to tiller programme was taken by these Scheduled caste community as that time they have cultivated the land of the higher castes. Nevertheless, the concerns of these Scheduled castes were so vast that this programme was not enough to address their problems as they were exploited for decades.

### **State Bodies Working for the Welfare of Scheduled Castes in J&K.**

The principal bodies, which are working for the welfare of Scheduled Castes in the Jammu and Kashmir, are as:

**State Advisory Board of Development for Scheduled Castes.**

The State advisory board development for Scheduled castes guides the state Government concerning the concerns of the scheduled caste of the state. The respective board does not directly accomplish the welfare policies but it directs the state Government on the development matters of the respective community.

One of the tasks of the board is to re-evaluate the carrying out of different wellbeing schemes for Scheduled caste and advocate the beneficial measures for the betterment of this community. This board also works to bring this community into the mainstream development. This board also works to propose the productive measures for the eradication of social stigma among this community.

**J&K SC ST BC Development Corporation.**

The corporation is one of the Institutes that work for the development of weaker sections of the Jammu and Kashmir society. These sections are Scheduled Castes, Scheduled Tribes and backward classes. This corporation was enacted 1986 comes beneath the Ministry of Social Welfare of Jammu and Kashmir. The crucial task of this corporation is to accelerate the socio-economic and educational position among the weaker sections and provide the avenues of self-employment for these communities of Jammu and Kashmir. The cooperation also gives subsidy with the Bank loan support under bank tie-up scheme and loans on concessional rates of interest under direct financing scheme in partnership with National level finance and development corporation Government of India.

From the fieldwork of the present study, most of the respondents are unaware of the corporation; the respondents stated that no members of the corporation are not visiting our areas.

**Social Safeguards for the Scheduled Castes in the State Constitution.**

As we know that the state Jammu and Kashmir is the only state which has its constitution drafted on 17th November 1956 and came into force on 26th January 1957. It is important to mention here that some of the laws of the central Government are not applicable in the state under article 370. The Constitution of the Jammu and Kashmir grants the safeguards to the Scheduled Castes for the development as these constitutional provisions.

**Section 49 Part IV** of the Jammu and Kashmir State Constitution has made provisions for the proper representation of the Scheduled castes state subjects by granting them reservation in the Legislative Assembly of the state.

**Section 49 Part IV** of Jammu and Kashmir constitution states:

“there shall be reserved seats in the Legislative Assembly for the Scheduled Castes in the state a number of the seats shall be bear, as nearly as may be the same proportion to the total number of seats in the Assembly as the population of the Scheduled castes bears to the population of the state”( J&K Constitution).

(Section 13) of the Jammu and Kashmir state Constitution grants that, the state shall establish a social order of society for the development of the people.

Section 19 Clause (a) of the Jammu and Kashmir state constitution shall make active steps for safeguarding all its state subjects for both genders.

Section 20 clause (b) this section suggested that state shall make an effort to give compulsory education to the children till the age of fourteen of state subjects within ten years from the beginning of the state constitution.

Section 49 sub section (1) states that there shall be seats reserved in the legislative assembly for the scheduled castes in the state.

#### **The Reservation Act of 2004 of Jammu and Kashmir.**

This Reservation Act of the state came into the force on 23rd March 2004 this act gives the legal way for the reservation in an appointment, and admission in the professional for the members of the scheduled caste, Scheduled tribe, and other backward classes of the state.

*According to this Reservation Act of 2004 clause (m) and section 2 “Scheduled caste are the castes particular in the scheduled to the constitution (Jammu and Kashmir) Scheduled castes order 1956 made by the President of India”.*

(Section 3) of this Reservation act of 2004 deals with the direct recruitment and states that seats shall be reserved in the direct recruitment among the citizens belonging to Scheduled caste and scheduled tribes according to ration and proportion of their population according to the latest census.

Apart from this, the state of Jammu and Kashmir has too made provisions of reservation for the weaker sections of the society in the educational institutions of the state. According to the Section 13 of Jammu and Kashmir reservation rules, 2005 which talks about *seats shall be reserved for the Scheduled Castes, Scheduled Tribes and educationally backward classes in each course of professional institutions of the state.*

#### **Welfare Measures for Scheduled Castes in Jammu and Kashmir.**

##### **Educational Schemes.**

##### **Reservation in Professional Institutions.**

According to SRO-294 of Jammu and Kashmir State 8% seats shall be reserved for scheduled castes of state in each course of professional institutions.

##### **Pre Matric Scholarship for Scheduled Castes Students Studying in IX and X.**

It is the centrally funded scheme that is executed by the different states and Union territories. Under this scheme, the Indian central government issues 100% fund to these state and Union territories for the educational development. This scheme was started from 01. 07. 2012.

##### **The critical features of this scheme as:-**

- Under this scheme, the assistance consists of two components as
- This scheme is executed by the state Governments and across the country.
- In this scheme, there are special provisions for the scheduled castes students with disabilities.

- A monthly scholarship is provided for ten months of the academic session.
- Annual Ad hoc Grant including incidental expenses like stationery, uniform etc.
- There is annual income bar under two lakh.

In the context of Jammu and Kashmir till date under this particular scheme, two installments of assistance (173 and 86.25 Rupees in Lakhs) were realized by the Central Government in the financial year 2013-14 and 2014-15 respectively covering 7667 and 7863 beneficiaries.

**Pre-Matric Scholarship to the Children of Those Engaged in Occupations Involving Cleaning and Prone to Health Hazards.**

It is also the centrally sponsored programme and was initiated in the year 1977 – 78 this scheme is fully funded by the central Government covering all the states and the Union territory administrations. During the infancy of the scheme, it was meant for only hostellers and later on it was extended to the day scholars. This Scheme was modified on 01.07.2011 as its objectives and condition of eligibility were changed and made the comprehensive for all those who are engaged in unclean work.

**Salient features of this scheme as:-**

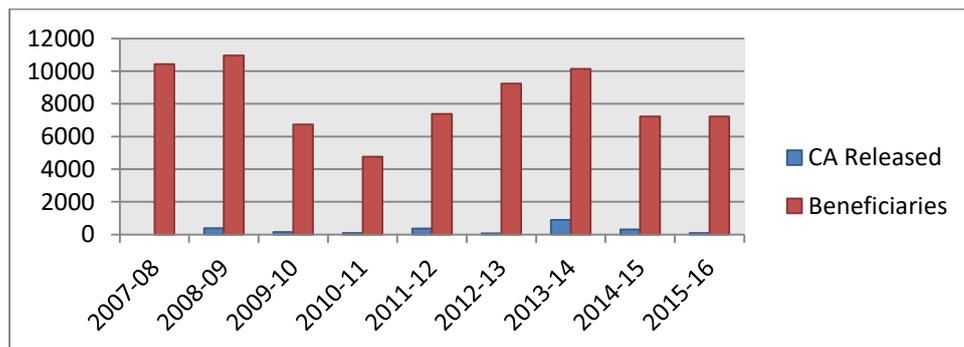
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In the milieu of the state Jammu and Kashmir, the funds were released from the year 2008 - 09 to 2011-12. The amount of funds that were provided to the state is 15.05 and 24.59 lakhs given to 1784, 3232, 3836 and 4336 beneficiaries respectively.

**Post Matric Scholarship for Scheduled Castes Students.**

This programme is one of the lone interventions of the central Government of India for the educational empowerment of scheduled castes pupils. From 1944 the specific programme is working and is entirely central funded scheme the funds are realized to the states and union territories, and this scheme was revised on 31-12-2010 (Ministry of Social Justice and Empowerment, Government of India).

**Figure 1 Post Matric Scholarship Central Assistance Released (Rupees in lakhs) and Beneficiaries for Jammu and Kashmir.**



**Source: - Ministry of Social Justice and Empowerment Government of India Annual Reports from 2007-08 to 2015-16.**

From the above figure, the authors have highlighted the central assistance released for the state Jammu and Kashmir under the programme of Post Matric scholarship for scheduled caste students. In the figure, the data has given from the year 2007 – 08 to 2015 – 16.

**National Fellowship for Scheduled Caste Students.**

This scheme is for those Scheduled caste students who are pursuing M.Phil., Ph.D. in the Universities or institutes of the country. The UGC is the nodal agency for the execution of this scheme.

**National Overseas Scholarship for SC students,**

It is the scheme that provides the fee charged by the Institutions according to monthly maintenance. Under this specific scheme, only two children of the same parents/ guardians are eligible to attain the fruits of this scheme. The awardees should not exceed the age limit of 35, and the maximum awards that are given under this scheme are 100. There is an income bar in this scheme as the applicant should not have more than Rs 50,000/ per month from all sources.

**Free Coaching for Scheduled Castes.**

This scheme was revised in 2016 and is executed by the reputed coaching centers run by the central and state governments. Under this scheme, quality coaching is provided for Group A and B examinations conducted by the Union public service commission, the staff selection commission.

The whole fund for this free coaching is provided by the Ministry of Social Justice and empowerment, the government of India. The ratio of SC and OBC students to be coached under this programme will be 70:30. The selections of the students are carried out by the Institutions on the bases of academic criteria formulated by the parent institution. Apart from this, a monthly stipend will be paid Rs 2500 per student in case of local and Rs 5000 for the outstation students and also special allowances Rs 2000 are provided to the students with a disability more than 40%.

Under this scheme, the state of Jammu and Kashmir received the central assistance in the year (2007 -08 ) 2.51 lakhs for 30 beneficiaries, and in the year of 2013-14 the amount received by the state was Rs 13.38 for 50 beneficiaries and in the year of 2015-16 Rs 13.38 lakhs for 100 beneficiaries.

**Upgradation of Merit of SC Students.**

The vital purpose of this scheme is to upgrade the merit of SC students by giving them remedial and special coaching in classes like 9th to 12th to prepare them for the competitive examinations. This programme provides for 100% central assistance to the states and the UTs. Under this programme, a packaged grant of Rs 25000 per student per year is provided.

In the perspective of Jammu and Kashmir, the state has received the assistance in the year of 2007 – 08 with amount RS 300000 and 20 beneficiaries and in the year of 2008 -09 Rs 300000 were realized in which 20 beneficiaries take the benefit.

### **Babu Jagjeevan Ram Chhatrawas Yojana.**

As from “Chhatrawas” the name it indicates that this scheme is for providing the hostel facilities to scheduled caste boys and girls studying, higher secondary schools, colleges and universities. Under this programme the State Governments/ Union territory administration, the central and state Universities institutions are eligible for the central assistance, both for new construction as well as the expansion of existing hostel buildings.

Under this scheme, the state Jammu and Kashmir received one crore rupees from the central Government in which one girl’s hostel was built located in the Udhampur district of Jammu division. In the respective hostel every year 100 girls of scheduled caste take the benefit.

### **Scholarship Scheme of Top Class Educational for SC Students.**

*“The scheme is for the promotion of qualitative education amongst SC students by providing full financial support for pursuing behind 12th class”.*

As according to the annual report Ministry of social justice and empowerment 2016 - 17 total 175 institutions have been empanelled as top class Institutions in the nation.

### **Main features of the Scheme.**

- The 1250 new scholarship can be given each year.
- The Courses of study that are covered in this scheme are engineering/ Medicine/ Dentistry, law Management, Hotel Management, Fashion technology and other streams
- There is the income bar of RS 4.50 lakh per annum are eligible for the scholarship w.e.f.

the academic year 2012-13.

For the state of Jammu and Kashmir, the central government assisted Rupees 95000 in the year 2007-08 given to two beneficiaries directly.

In the year 2013 -14, 2014 – 15 and 2016 – 17 the central Government provided the assistance of Rupees 6690780 in which 43 awards were allocated to 81 candidates through their respective institutions N.I.T and I.H.M Srinagar.

### **Scheduled Castes and Employment in Jammu and Kashmir.**

Special Provisions of Reservation in Jobs for SC’s.

As per SRO-294 of 2005 of Jammu and Kashmir State those state subjects who belong to scheduled castes (SC) 8% reservation in the appointment by direct recruitment in the jobs advertised by Government of Jammu and Kashmir.

### **Provision of Reservation in Promotion.**

According to Jammu and Kashmir Reservation Rules, 2005 conferred by section 23 of the Jammu and Kashmir Reservation Act, 2004 scheduled castes of the state are provided 4% reservation in the appointment by promotion.

### **Inter-District Recruitment Policy of State Government.**

SRO-375 The Jammu and Kashmir Civil Services Decentralization and Recruitment Rule, 2010 *“Notwithstanding anything contrary contained in sub-rule (2) and (3), for vacancies reserved for the Scheduled Caste category in any Divisional*

*or District cadre, candidate belonging to that category shall be eligible to apply for the said reserved vacancies irrespective of their residence in the concerned District or Division”.*

### **Sher-e-Kashmir Employment and Welfare Programme for the Youth (SKEWPY).**

Seeing the alarming problem of unemployment especially that of educated unemployed youth the then government of Jammu and Kashmir framed and announces a State Policy on employment for youths of states. It was on 5th December 2009 the 105th birth anniversary of First Prime Minister of Jammu and Kashmir, Jenab Sheikh Mohammad Abdullah that this policy was launched and given the name as “The Sher-e-Kashmir Employment and Welfare Programme for the Youth”.(SKEWPY). This employment policy was meant for the unemployed youths of all sections of society, but some special instructions were embedded for the youths of S.C, S.T while selecting the beneficiaries. SKEWPY was not a single set of the programme for increasing employment chances in the state. It was the collection of various measures taken together under SKEWPY which generates venues of employment, awareness and channelizes the human resource for achieving complete welfare of youths.

**SKEWPY consists of many measures which are described as below:-**

#### **1. District Employment and Counseling Centres.**

The first and foremost priority of policy document of SKEWPY was to collect the actual figure of educated unemployed youth of the state and categorized them according to their level of education and skill. For this SKEWPY select the premier institute of Employment Department formerly named as District Employment Exchange and later renamed as “District Employment and Counseling Centres (DECCs).

#### **2. To Build Infrastructure.**

SKEWPY made a special budget of Rs 50 lac for each District and Counseling Centre to overcome the issue of accommodation, the requirement of space for conducting job fairs, skill development and other training programmes.

#### **3. Skilled Up Gradation.**

In 2009 Jammu and Kashmir take its shares from Central Government to create 50 Lac skilled youth by 2022 which gives the state a burden of creating 3.85 lac skilled youth annually. For this state government frame a special ‘State Policy on Skilled Development’ and channelized the resources through DECCs. ITI of all districts were made nodal agencies, and some converted into Centre of Excellence to create a workforce empowered with improved skills.

#### **4. NREGs.**

The premier Wage Employment Scheme of state under the SKEWPY programme was merged into ‘National Rural Employment Guarantee Act’ to mitigate the problem of seasonal unemployment.

### **5. Self-Employment.**

To provide financial assistance and avenue generation of self-employment Jammu and Kashmir Entrepreneurship Development Institute (JKEDI) brought under the provision of SKEWPY.

### **6. Women Welfare.**

State Women Development Corporation was given all essential financial and administrative helps to ensure the creation of techno-economic women entrepreneurs. Special instruction is given to official heads of JKEDI, Cooperative Societies and other public, private sectors department to ensure adequate representation of women.

### **7. JKEDI and Seed Capital.**

State Government create an 'Entrepreneurship Development Fund' and gives an initial budget of 50 crores to provide seed capital equivalent to 35% project cost of the business unit according to qualification and skill, i.e. Rs. 3 Lac to Undergraduate, Rs. 5 Lac to Post Graduate, and 7.5 Lac to Professionally Trained Persons. These shall be no collateral security given to bank on loan up to Rs. 5 Lac.

### **8. Overseas Employment Corporation.**

This Overseas Employment Corporation was created to overcome the unemployment crisis in the State for this the respective corporation has a bridge with placement agencies, foreign embassies, Minister of Labour and Department of Overseas Employment. Besides this, the corporation is going to create a knowledge bank for applicants eager to get employment overseas especially on legal concerns.

### **9. Innovations.**

One of the initiatives of SKEWPY was to popularize the traditional knowledge practices with new directions to popularize them for the benefit of entire society in this regard the State Government decided to institute an award of one lac for five best innovations every year from 5 fields.

### **JK SC ST BC Development Corporation.**

With the aim of upliftment of education level of weaker sections of Jammu and Kashmir such as SC, ST, OBC and strengthen their socio-economic scenario JK SC, ST, BC Development Corporation was established in the year 1986 under the Companies Act 1956 wholly owned by the State of J&K under the Ministry of Social Welfare. It is a non-profit organization. This organization has no source of funds of its own but receives financial support from State Government as a part of the budget and from other central government financing institutions like NSFDC, NSTFDC, NMDFC, NBCFDC, NSKFDC and NHFDC. The authorized capex of this corporation is Rs.5000 lac and ratio of state central government is 51:49.

**Table 1 Financial Support given to the Corporation by State Government of Jammu and Kashmir**

<b>2005-2006</b>	<b>Rs.25.00 Lacs</b>
<b>2006-2007</b>	Rs.30.00 Lacs
<b>2007-2008</b>	Rs.50.00 Lacs
<b>2008-2009</b>	Rs.50.00 Lacs
<b>2009-2010</b>	Rs.50.00 Lacs
<b>2010-2011</b>	Rs.100.00 Lacs
<b>2011-2012</b>	Rs.110.00 Lacs
<b>2012-2013</b>	Rs.304.00 Lacs
<b>2013-2014</b>	Rs.396.00 Lacs
<b>2014-2015</b>	Rs.455.00 Lacs
<b>2015-2016</b>	Rs.527.84 Lacs
<b>2016-2017</b>	Rs.592.18 Lacs
<b>Total upto 31.03.2017</b>	Rs.2700.02 Lacs
<b>From 01.04.2017 Grant –In-Aid introduced instead of Budgetary Support</b>	
<b>2017-2018</b>	Rs.612.80 Lacs
<b>Grand Total as on 31.03.2018</b>	<b>3312.82 Lacs</b>

Source: - <http://jkscstbccorp.in/schemes-scheduled-castes.htm>

**Schemes for SC under JK SC ST BC Development Corporation.**

Since its establishment in the State of Jammu and Kashmir, the corporation is serving for the marginalized section of society by implementing the following schemes.

**A. Schemes with Bank Assistance (Bank Tie Up Scheme)**

Those eligible scheduled castes who want to set up some business unit costing up to rupees one lac can get benefit from Bank Tie Up Scheme through the JK SC, ST, BC Development Corporation. It provides a 50% subsidy of the project cost.

**B. Disbursement of NSFDC Funds through Corporation.**

The JK SC ST BC Development Corporation utilizes 100% funds received from NSFDC by giving deserving candidates the benefits of financial assistance under financing programmes, education loan, skill development and marketing linkages.

**C. Educational Loan Scheme for Scheduled Castes Students.**

The JK SC ST BC Development Corporation receives funds from NSFDC and provides education loan to the scheduled castes candidates on a nominal interest rate so that they can pursue higher education.

**D. Skill Development Programmes.**

The target group candidates both literate and illiterate are provided with the chance to get vocational training/skill development courses so that they can mingle in the mainstream of society and compete there.

**E. Marketing Linkages.**

Through this approach of the corporation, a platform is provided to members of the targeted group who are entrepreneurs, Self-employed and associated with societal groups to show their caliber to the world using market fairs, fests, business summits and many other avenues of government and international organizations

### **Financial Provisions in JKEDI.**

To overcome the problems of credit facilities and risk of the business/market, collapse of the business unit of first generation entrepreneurs, State Government of Jammu and Kashmir came with an Institute called Jammu and Kashmir Entrepreneurship Development Institute (JKEDI) to promote and implement “Entrepreneurship Development Programmes (EDPs).

The primary and vital goal of JKEDI is to channelize the power of educated, skilled unemployment youth by mending their minds by means of encouragement to take entrepreneurship as a career option instead of waiting for government jobs. JKEDI give realization to young blood that instead of becoming job seekers they should opt for entrepreneurship and become a job provider. The Department of Labour and Employment is the governing body of JKEDI. It selects candidates by screening process who wants to get training and wish to become first generation entrepreneurs. 30% reservation is given in the selection process to the candidates belonging to SC, ST, OBC and OSC. JKEDI provides financial assistance to first generation entrepreneurs through J&K Bank utilizing Seed Capital Fund.

### **Conclusion.**

If we analyses the state government initiatives taken for Scheduled Castes with the other states of India, then the Jammu and Kashmir are lagging behind the target. There are many reasons such as the special status of Jammu and Kashmir under article 370 of the Indian Constitution which restricts the enforcement of central laws in the state, to cite the example Prevention of Atrocities Act of 1989 is not extended to Jammu and Kashmir. Second, the outburst of armed struggle in the state in 1988 which results the central and state government used its all energies to curb the violence in the state consequently the other welfare measures became less preference.

Despite these two factors the State of Jammu and Kashmir made some provisions in the State Constitution for employment, education, financial and social security, political safeguards and further constitutes some boards (Advisory Board for Scheduled Castes) financial corporation (JKSCSTBC Development Corporation 1986) which works for the upliftment of scheduled castes in the state. Freshly in 2004 the State Government under the demand of these marginalized groups the State Government passed the Reservation Act of 2004 which succeeded the quota system and by this reservation of 8% it ensured the participation of these scheduled castes in the developmental process of the state.

Under the Reservation Act 2004, the members of the scheduled castes of the state are provided with 8% reservation in the appointment by direct recruitment in the job and 4% reservation in the appointment by promotion.

The present research is the study of ten years from 2005 up to 2015, in these ten years most of the time the state was in the political disorder. Despite the political turmoil, the State Government bought the initiatives like the Inter-District Recruitment Policy for Scheduled Castes under SRO-375 the Jammu and Kashmir Civil Services Decentralization and Recruitment Rule, 2010 by which candidates

belonging to scheduled castes shall be eligible to apply for any divisional or district cadre vacancies irrespective of their residence. Hence the overall analysis of Jammu and Kashmir Government measures for the progress of the scheduled castes needs much more velocity and grave concern. Aside from this, the programmes that are running for the well-being of these groups are not adequate as the predicaments of these groups are deep-rooted.

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