J&K Reorganisation Bill, 2019

History:


After the Constituent Assembly of Jammu and Kashmir was elected in 1952, it passed a resolution supporting the abolition of monarchy. Via the 1952 Delhi Agreement, President had passed the Constitution (Application to J&K) Order, 1954 under Article 370 which introduced Article 35 A.

Provisions:

1. The President had used his powers under Article 370 to fundamentally alter the provision, extending all Central laws, instruments and treaties to Kashmir.

2. Two UTs are created - J&K with Legislature and Ladakh without Legislature.

3. The Bill proposes wide powers to the Lieutenant Governor of the proposed Union Territory of Jammu and Kashmir and makes it the “duty” of the Chief Minister of the Union Territory to “communicate” all administrative decisions and proposals of legislation with the LG.

4. All Central laws and State laws of J&K would apply to the new Union Territories of J&K and Ladakh.

5. The Assets and liabilities of the 2 UTs would be apportioned on the recommendation of a Central Committee within 1 year.

6. Employees of State public sector undertakings and autonomous bodies would continue in their posts for another year until their allocations are determined.

7. The police and public order is to be with the Centre.

8. The word “Constituent Assembly”, contained in the provision of Article 370(3) is changed to “Legislative Assembly”.


Powers of LG:

1. Common Lieutenant Governor for both the UTs.

2. L-G in Ladakh will be appointed by the President under article 239. The L-G will be assisted by advisors appointed by the Centre as it doesn't have UT.

3. In the case of Union Territory of Jammu and Kashmir, the L-G shall “act in his discretion” on issues which fall outside the purview of powers conferred on the Legislative Assembly, in which he is required to exercise any judicial functions, and/or matters related to All India services and the Anti-Corruption Bureau.

4. The Chief Minister shall be appointed by the L-G who will also appoint other ministers with the aid of the CM. The L-G shall also administer the oath of office and of secrecy to ministers and the CM.

5. The L-G will have the power to promulgate ordinances which shall have the same force and effect as an act of the Legislative Assembly assented by the L-G.