



Nature of J&K Assembly | Jammu & Kashmir | 18 Sep 2024

Why in News?

As the first phase of polling for the [Jammu & Kashmir Assembly](#) approaches, the Assembly will function under a new structure introduced by the [J&K Reorganisation Act, 2019](#), which changed its constitutional setup.

Key Points

- **Union Territory Structure:** The [Jammu & Kashmir Reorganisation Act, 2019](#) created two Union Territories (UTs), the [UT of Ladakh](#) without a legislature, and the [UT of Jammu & Kashmir](#) with a legislature.
 - The Assembly can legislate on matters in the State List except for "[Public Order](#)" and "[Police](#)," which remain under the [Lieutenant Governor \(LG's\)](#) control.
 - [Article 239](#) states that **Union Territories are administered by the President** through an appointed administrator to the extent deemed necessary.
 - Section 13 of the J&K Reorganisation Act, 2019, applies Article 239A, which governs the administration of Puducherry, to the **Union Territory of Jammu & Kashmir**.
- **Legislative Powers: Section 32 of the J&K Reorganisation Act, 2019** allows the [Legislative Assembly](#) to make laws on matters in the [State List](#), except for "Public Order" and "Police," and the [Concurrent List](#) as applicable to Union Territories.
 - **Section 36 of the J&K Reorganisation Act, 2019** requires that any Bill or amendment related to **financial obligations** can only be introduced in the Legislative Assembly with the recommendation of the **Lieutenant Governor**, limiting the Assembly's role in [fiscal matters](#).
 - The Assembly's powers are subject to the discretion of the **Lieutenant Governor (LG)** in matters outside its purview or when required by law.
- **Comparison with Delhi and Puducherry:** Like [Puducherry](#), J&K's Assembly is governed by **Article 239A**, while **Delhi operates under a distinct Article 239AA** with a more complex power-sharing framework between the **LG and the government**.
 - In Delhi's case, three subjects **land, public order, and police** are reserved **for the LG**.
- **LG's Authority:** In addition to "**Public Order**" and "**Police**," the LG has authority over [bureaucracy](#) and the [Anti-Corruption Bureau](#), with [discretionary powers](#) over all matters outside the Assembly's jurisdiction.

Jammu and Kashmir Reorganisation Act, 2019

- It divided **Jammu and Kashmir** into 2 Union Territories of Jammu and Kashmir and Ladakh.
- It **repealed Article 370**, which had granted Jammu and Kashmir a unique status.
- **Leh and Kargil districts** were included in the **Union Territory of Ladakh**, while the remaining areas became part of Jammu and Kashmir.
- Five Lok Sabha seats were retained by Jammu and Kashmir, and one was transferred to Ladakh.
- Legislature: The seats in the Legislative Assembly will be reserved for [tribal and scheduled caste](#) people to keep the proportion intact of their population in the Union Territory of Jammu and Kashmir.
 - The Lt. Governors can nominate two women members for the Assembly to represent women if women are not sufficiently represented to justify equality between men and women.

- The elected Legislative Assembly will be for 5 years, and the Lt. The Governor will summon the Assembly once every six months.
- The Legislative Assembly has the right to pass a law for any given part of the Union Territory of J&K related to any of the matters listed in the Indian Constitutions State's List except for the "Police" and "Public Order."
- Any matter specified in the Concurrent List will be applied to Indian Union Territories. Furthermore, Parliament will have the decision-making power to create laws for Jammu Kashmir and its Union Territory.

PDF Refernece URL: <https://www.drishtias.com/statepcs/27-10-2023/jammu-&-kashmir/print>

