



Restoration of Statehood | Jammu & Kashmir | 20 Sep 2024

Why in News?

Recently, the Prime Minister addressed a rally in [Srinagar](#), highlighting the restoration of [Jammu and Kashmir's statehood](#) and democratic progress in the region.

Key Points

- **Article 3 of the Constitution:** Formation of New States
 - [Parliament](#) holds the power to enact legislation for the formation of new States.
 - New States can be created by:
 - Separating territory from an existing State.
 - Uniting two or more States.
 - Uniting parts of different States.
 - Uniting any territory to a part of any State.
 - Parliament also has the authority to:
 - Increase or diminish the area of any State.
 - Alter the boundaries or name of any State.
 - Here, the word State includes a Union Territory also.
- **Checks on Parliament's Power:**
 - A bill for the formation of new States can only be introduced in either [House of Parliament](#) upon the recommendation of the [President](#).
 - If the bill affects the areas, boundaries, or name of a State, the President must refer the bill to the concerned State Legislature for its views.
 - The views of the [State Legislature](#) must be communicated to Parliament, but Parliament is not bound by them.
- **State Legislature's Role:**
 - The State Legislature's only role is to express its views when requested by the President.
 - Parliament is not obligated to adhere to the views of the [State Legislature](#) when forming new States.
- Laws enacted under [Article 3](#) are **not considered amendments to the Constitution**, even if they modify provisions of the [First Schedule \(list of States and Union Territories\)](#) or the [Fourth Schedule \(allocation of seats in the Rajya Sabha\)](#).
 - This means such laws can be passed by a [simple majority in Parliament](#), not requiring the special procedure for constitutional amendments.

Status of Jammu and Kashmir

- On 5th of August 2019, the President of India promulgated the [Constitution \(Application to Jammu and Kashmir\) Order, 2019](#).
- The order effectively revoked the special status accorded to Jammu and Kashmir under the provision of [Article 370](#).
- It superseded the **Constitution (Application to Jammu and Kashmir) Order, 1954** under which Article 35A was added to the constitution of India.
 - Article 35A stems from **Article 370** and empowers the **Jammu & Kashmir legislature** to define the permanent residents of the state, and their special rights and privileges.
- The [Jammu and Kashmir Reorganization Act 2019](#) which became effective on **31st October 2019** provided for the bifurcation of the State into two separate union territories of **Jammu and**

Kashmir (with legislature), and Ladakh (without legislature).

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