



SC to Consider Plea for Restoring Jammu & Kashmir's Statehood | Jammu & Kashmir | 19 Oct 2024

Why in News?

Recently, the [Supreme Court](#) agreed to hear a petition regarding the [restoration of Jammu & Kashmir's statehood](#), following the 2019 bifurcation.

Key Points

- The bifurcation occurred after the [abrogation of Article 370](#) in 2019, which led to the formation of two **Union Territories (J&K and Ladakh)**.
- **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.