Jammu & Kashmir Administration

Why in News?

The first phase of polling for the Jammu and Kashmir Assembly after the abrogation of Article 370 is held.

How is Jammu & Kashmir Administered?

- **J&K Union Territory** - The constitutional changes of August 2019 took away the statehood of Jammu and Kashmir after the abrogation of Article 370 and made it a Union Territory.
- **J&K Administration** – It is administered by Lieutenant Governor (LG), with the aid of Council of Ministers headed by a Chief Minister.

Article 239 provides that every union territory shall be administered by the President, through an administrator.

- **J&K Assembly** - The Jammu and Kashmir Reorganisation Act, 2019 created two UTs — the UT of Ladakh without a legislature, and the UT of Jammu and Kashmir with a legislature.

Article 239 A provides for Creation of local Legislatures or Council of Ministers or both for certain Union territories.

- **Council of Ministers** - The Union Territory of Jammu and Kashmir will have a Council of Ministers of not more than 10% of the total number of members in the Assembly.
- The Council will aide and advise the Lieutenant Governor on matters that the Assembly has powers to make laws.



- **Legislative powers of Assembly** - It can make laws for the whole or any part of the Union territory of Jammu and Kashmir with respect to any of the matters enumerated in the State List, except "Public Order", "Police" and Concurrent list.

What are the powers of J&K LG?

- The Reorganisation Act of 2019 also specifies the powers of the J&K LG and the roles of the Council of Ministers.
- **Executive Powers** - Chief Minister shall be appointed by the Lieutenant Governor and the other Ministers shall be appointed by the Lieutenant Governor on the advice of the Chief Minister.
- The Ministers shall hold office during the pleasure of the Lieutenant Governor.
- The Lieutenant Governor shall appoint a person who is qualified to be appointed a Judge of the High Court, to be Advocate-General for the Union territory of Jammu and Kashmir.
- **Legislative Powers** – Lt. Governor summon the Legislative Assembly to meet at such time and place as he/she thinks fit.
- **Oath Administration** - Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Lieutenant Governor of the said Union territory.
- **Assembly Address** - At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Lieutenant Governor shall address the Legislative Assembly.
- **Sending Message** - The Lieutenant Governor may also send messages to the Legislative Assembly whether with respect to a Bill then pending in the Legislative Assembly.
- **Assent to Bills** – A Bill passed by the assembly becomes an act, only after the assent

of Lieutenant Governor.

- **Financial Powers** - Contingency Fund of the Union territory of Jammu and Kashmir is administered by the Lt. Governor.
- The accounts of the Union territory of Jammu and Kashmir shall be kept in such form as the Lieutenant Governor may, after obtaining advice of the Comptroller and Auditor General of India.
- **Financial Bills** – Any bill involving financial obligations undertaken or to be undertaken by the Government of the Union territory requires the prior recommendation of the Lieutenant Governor.
- **Discretionary Powers** - The Lieutenant Governor has discretionary powers on matters,
    - That falls outside the purview of the powers conferred on the Legislative Assembly i.e. “Public Order” and “Police”.
    - Required by or under any law to act in discretion or to exercise any judicial functions.
    - Related to All India Services and Anti-Corruption Bureau.”
- Decision of the Lieutenant Governor in his discretion shall be final.
- **Judicial Exemption** - Validity of anything done by the Lieutenant Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.
- Advices tendered by Ministers to the Lieutenant Governor shall not be inquired into in any court.

Comparison of Administration of UTs of Delhi and J&K		
	Delhi	**Jammu & Kashmir**
Constitutional Provision	Article 239AA	Article 239A
Statue	Government of National Capital Territory of Delhi Act, 1991.	Jammu and Kashmir Reorganisation Act, 2019.
Administrator	Lieutenant Governor (LG)	Lieutenant Governor (LG)
Subjects Exempted from Assembly	Land, Public order, and Police	Public order, and Police
Administration Civil Services	LG through National Capital Civil Service Authority	Lieutenant Governor

Reference

The Indian Express | Nature of J&K Assembly

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