

What Powers will the new Jammu and Kashmir Assembly have?

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Introduction

- The first phase of polling for the Jammu and Kashmir Legislative Assembly is set to commence on from 18th Sep, 2024.
- This election is particularly significant as it marks the **first since the abrogation of Article 370 in 2019**, fundamentally altering the political and constitutional landscape of the region.

- The **new Assembly will represent a Union Territory (UT) rather than a state**, introducing substantial changes to the governance structure.

Constitutional Changes Post-2019

- In August 2019, Jammu and Kashmir's statehood was revoked, and it was bifurcated into two Union Territories—**Jammu and Kashmir with a legislature** and **Ladakh without a legislature**.
- This restructuring was made possible through the **Jammu and Kashmir Reorganisation Act, 2019**, which amended the First Schedule of the Constitution to reflect the new status and provided a fresh framework for governance under **Article 239**, which governs Union Territories.

Governance Structure of Jammu and Kashmir

- The governance of the new UT of Jammu and Kashmir is unique, akin to the model followed by the Union Territories of **Delhi and Puducherry**, but with some distinctions.
- Under **Article 239A**, the region will have a Legislative Assembly, similar to Puducherry.
- However, the powers of this Assembly will differ substantially from the powers held by states.

Powers of the Legislative Assembly

- The **Jammu and Kashmir Reorganisation Act, 2019** outlines the specific powers of the Legislative Assembly.
- **Section 32** of the Act states that the Assembly may make laws on matters in the **State List**, except for critical areas like public order and police.
- Additionally, the Assembly can legislate on subjects in the **Concurrent List**, as long as such laws do not conflict with central legislation.
- However, **Section 36** introduces an important condition for financial legislation.
- Any Bill related to financial obligations must be recommended by the **Lieutenant Governor (LG)** before being introduced in the Assembly.
- This gives the LG substantial control over policies that could impact the region's finances.

Comparison with Delhi's Governance Model

- The governance structure of Jammu and Kashmir can be compared to Delhi, another Union Territory with a legislature.
- However, Delhi's powers are limited, with key areas such as land, public order, and police under the direct control of the **LG**.
- Disputes between the Delhi government and the LG have often led to legal battles, particularly over control of **services** (the bureaucracy).
- In Jammu and Kashmir, the LG has similar control over public order, police, and anti-corruption matters.
- The **2019 Act also allows the LG to exercise discretion on issues outside the purview of the Legislative Assembly**, thus giving the LG considerable influence in governance.

Role of the Lieutenant Governor

- The **Lieutenant Governor** in Jammu and Kashmir holds significant authority, as defined under **Section 53** of the 2019 Act.
- The LG can act independently in matters beyond the legislative powers of the Assembly, including the **All India Services** and **Anti-Corruption Bureau**.
- Moreover, the **LG's decisions cannot be easily challenged in court**, making the office a powerful administrative entity.
- In the lead-up to the elections, several administrative changes have further extended the powers of the LG.
- These changes include the ability to appoint the **Advocate General**, law officers, and participate in decisions related to prosecution and sanctions.

Conclusion

- The upcoming Jammu and Kashmir Assembly elections mark a new chapter in the region's governance, with a drastically altered political and constitutional framework post-2019.
 - The region now functions as a Union Territory with a limited legislative assembly, much like Delhi and Puducherry, but with additional checks in place through the enhanced powers of the LG.
 - How these changes will impact governance and the balance of power between the Centre and the region remains to be seen, especially as the region moves towards a new political and administrative reality.
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Q1. How many UTs in India have a Legislative Assembly?

Three union territories in India have a legislative assembly: Delhi, Jammu and Kashmir, and Puducherry.

Q2. Who appoints Lieutenant Governor in India?

In India, according to Article 239 of its Constitution, the Lieutenant Governor is appointed by the President of India. An appointee does not hold office during the pleasure of a fixed tenure and employment works during the pleasure of the President.

Source: What powers will the new Jammu and Kashmir Assembly have?

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