

New Rules for Administration in the Union Territory of Jammu and Kashmir

August 31, 2020

The Ministry of Home Affairs (MHA) notified new rules for administration in the Union Territory of Jammu and Kashmir that specify the functions of the Lieutenant Governor (LG) and the Council of Ministers. According to the transaction of business rules, "police, public order, All India Services and anti-corruption," will fall under the executive functions of the LG, implying that the Chief Minister or the Council of Ministers will have no say in their functioning.

New Rules for Administration

On August 6, 2019, Parliament **read down Article 370 of the Constitution revoking the special status of J&K and bifurcated and downgraded the State into Union Territories of J&K and Ladakh; J&K with a legislative assembly.** The erstwhile State has been under Central rule since June 2018 and the elected Assembly was dissolved in November the same year. J&K has been without a chief minister since June 2018. According to requirements of the J&K Reorganisation Act, 2019, fresh elections will be held after the delimitation exercise is completed next year.

In exercise of the powers conferred by **section 55 of the Jammu and Kashmir Reorganisation Act, 2019**, read with the proclamation dated 31st October, 2019 issued under section 73 of the said Act, the President made the rules. **The LG shall, in respect of matters connected with public order, police, all-India services and ACB, exercise his executive functions in his discretion** under the Act. The LG, on the advice of the chief minister (when elected), shall allot the business of the

government among the ministers by assigning one or more departments to a minister.

Further, **the proposals or matters which affect or are likely to affect the peace and tranquility of the UT or the interest of any minority community, the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall essentially be submitted to the Lieutenant Governor** through the Chief Secretary, under intimation to the Chief Minister, before issuing any orders. The Council of Ministers, led by the Chief Minister will decide service matters of non-All India Services officers, proposal to impose new tax, land revenue, sale grant or lease of government property, reconstituting departments or offices and draft legislations.

In case of a difference of opinion between the LG and a minister with regard to any matter, the former shall endeavour by discussion within two weeks from the date of such disagreement to settle any point on which the difference of opinion has arisen. Should the difference of opinion persist, the LG may direct that the matter be referred to the council, which shall consider it at its next scheduled meeting and convey its decision, but not later than 15 days from the date of such reference. In case no such decision is received within 15 days from the date of such reference, **the LG's decision shall be deemed to have been accepted by the council of ministers.**

The rules state that **any matter which is likely to bring the Government of the Union territory into controversy with the Central Government or with any State Government, shall, as soon as possible, be brought to the notice of the LG and the Chief Minister** by the secretary concerned through the Chief Secretary. The rules also say all communications received from the Centre, including those from the Prime Minister and other Ministers, other than those of a routine or unimportant character, shall, as soon as possible after their receipt, be submitted by the secretary to the Chief Secretary, the

Minister in charge, the Chief Minister and the LG for information.