

Bill No. IV of 2021

A

BILL

**THE JAMMU AND KASHMIR
REORGANISATION
(AMENDMENT) BILL, 2021**

*to amend the Jammu and Kashmir
Reorganisation Act, 2019.*

BE it enacted by Parliament in the
Seventy-second Year of the Republic of
India as follows:—

1. (1) This Act may be called the
Jammu and Kashmir Reorganisation
(Amendment) Act, 2021.

(2) It shall be deemed to have come into
force on the 7th day of January, 2021.

2. In section 13 of the Jammu and

Kashmir Reorganisation Act, 2019
(hereinafter referred to as the principal
Act), after the words, figures and letter
“in article 239A”, the words “or any
other article containing reference to
elected members of the Legislative
Assembly of the State” shall be
inserted.

by the Central Government.

Amendment of section 13.

Amendment of section 88.

Repeal and savings.

2

3. In section 88 of the principal Act, for
sub-sections (2) to (6), the following
sub-sections shall be substituted,
namely:—

“(2) The members of the Indian
Administrative Service, Indian Police
Service and Indian Forest Service for
the existing cadre of Jammu and
Kashmir, shall be borne and become
part of the Arunachal Pradesh, Goa,
Mizoram and Union territories cadre,

10

(3) The officers so borne or allocated
on Arunachal Pradesh, Goa, Mizoram
and Union territories cadre shall
function in accordance with the rules
framed by the Central Government.”.

4. (1) The Jammu and Kashmir
Reorganisation (Amendment)
Ordinance, 2021 is hereby repealed.

5

and all future allocations of All India
Services Officers for the Union territory
of Jammu and Kashmir and Union
territory of Ladakh shall be made to
Arunachal Pradesh, Goa, Mizoram and
Union territories cadre for which
necessary modifications may be made
in corresponding cadre allocation rules

15

(2) Notwithstanding such repeal,
anything done or any action taken under
the Jammu and Kashmir Reorganisation
Act, 2019 as amended by the said
Ordinance, shall be deemed to have
been done or taken under the
corresponding provisions of the said
Act as amended by this Act.

Short title and commencement.

Ord. 1 of 2021.

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Reorganisation Act, 2019 was enacted to provide for the reorganisation of the existing State of Jammu and Kashmir. Section 88 of the said Act provides that the members of the cadres of Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Jammu and Kashmir shall continue to function on the existing cadres. There is a huge deficiency of the officers of All India Services in the Union territory of Jammu and Kashmir. The developmental schemes, centrally sponsored schemes and other allied activities suffer due to non-availability of All India Officers in the existing cadres of the Jammu and Kashmir as such there is a requirement of merging it with Arunachal Pradesh, Goa, Mizoram, Union territories cadre so that the officers in this cadre can be posted in the Union territory of Jammu and Kashmir to meet out any deficiency to some extent.

2. In order to provide uniformity in the governance of all the Union territories and to further enhance efficiency in their administration, it is felt necessary to amend section 88 of the aforesaid Act so as to merge the existing cadre of Jammu and Kashmir with Arunachal Pradesh, Goa, Mizoram and Union territories (AGMUT) cadre in relation to the All India Services namely, Indian Administrative Service, Indian Police Service and Indian Forest Service.

3. For the purpose of bringing clarity to section 13, it is proposed to amend the said section so as to include therein any other article containing reference to elected members of the Legislative Assembly of the Union territory of Jammu and Kashmir.

4. The Jammu and Kashmir Reorganisation (Amendment) Bill, 2021 which seeks to replace the Jammu and Kashmir (Amendment) Ordinance, 2021 (Ord. 1 of 2021) provides for the following, namely:—

(i) to amend section 13 of the said Act so as to insert, after the words, figures and letter “in article 239A”, the words “or any other article containing reference to elected members of the Legislative Assembly of the State”; and

(ii) to amend section 88 of the said Act so as to substitute two new sub-sections for existing sub-sections (2) to (6) regarding provisions relating to All India Services.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI; AMIT SHAH. *The 29th January, 2021*

3

EXTRACTS FROM THE JAMMU AND KASHMIR
REORGANISATION ACT, 2019

(34 OF 2019)

* * * * *

Applicability of article
239A of
Constitution.

*The Lieutenant Governor and The Legislative
Assembly of Union territory of Jammu and Kashmir*

13. On and from the appointed day, the provisions contained in article 239A, which are applicable to “Union territory of Puducherry”, shall also apply to the “Union territory of Jammu and Kashmir”.

Provisions relating to All India
Services.

* * * * * PART XIII

PROVISIONS AS TO SERVICES

88. (1) In this section, the expression “State cadre”—

* * * * *

(2) The members of the cadres of Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Jammu and Kashmir, on and from the appointed day, shall continue to function on the existing cadres.

ANNEXURE

(3) The provisional strength, composition and

allocation of officers currently borne on the existing Lieutenant Governors of Union territory of Jammu and Kashmir to the Union territory of Jammu and Kashmir and Union territory of Ladakh, as referred to in sub-section (2) shall be such as the Lieutenant Governor of Union territory of Jammu and Kashmir may, by order, determine on or after the appointed day.

(4) The members of each of the said services, currently borne on the Jammu and Kashmir cadre immediately before the appointed day shall be finally allocated between the successor Union territory of Jammu and Kashmir and Union territory of Ladakh, in such manner and with effect from such date or dates as the Central Government may, by order, specify on the recommendation of

(5) The Officers so allocated to both the Union territories shall function within these Union territories, in accordance with the rules framed by the Central Government.

(6) In future, the All India Service officers to be posted to Union territory of Jammu and Kashmir or Union territory of Ladakh, as the case may be, shall be borne on the Arunachal, Goa, Mizoram Union territory cadre, and necessary modifications in corresponding cadre allocations rules may be made accordingly, by the Central Government.

* * * * *

RAJYA SABHA

A

BILL

to amend the Jammu and Kashmir Reorganisation Act, 2019.

(Shri Amit Shah, Minister of Home Affairs)

MGIPMRND—1287RS(S3)—02-02-2021.