

Bill No. 112 of 2025

THE JAMMU AND KASHMIR REORGANISATION
(AMENDMENT) BILL, 2025

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BILL

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

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

1. (1) This Act may be called the Jammu and Kashmir Reorganisation (Amendment) Act, 2025.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 2019.

2. In section 54 of the Jammu and Kashmir Reorganisation Act, 2019, after sub-section (5), the following sub-section shall be inserted, namely:—

Amendment of
section 54.

“(5A) A Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office, by the Lieutenant Governor on the advice of the Chief Minister to be tendered by the thirty-first day, after being taken in such custody: 5

Provided that if the advice of the Chief Minister, for the removal of such Minister is not tendered to the Lieutenant Governor by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter: 10

Provided further that in case of the Chief Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall tender his resignation by the thirty-first day after such arrest and detention, and if he does not tender his resignation, he shall cease to be the Chief Minister, with effect from the day falling thereafter: 15

Provided also that nothing in this sub-section shall prevent such Chief Minister or Minister from being subsequently appointed as the Chief Minister or a Minister, by the Lieutenant Governor, on his release from custody, as per sub-section (1).” 20

STATEMENT OF OBJECTS AND REASONS

The elected representatives represent hopes and aspirations of the people of India. It is expected that they rise above political interests and act only in the public interest and for the welfare of people.

2. It is expected that the character and conduct of Ministers holding the office should be beyond any ray of suspicion.

3. A Minister, who is facing allegation of serious criminal offences, arrested and detained in custody, may thwart or hinder the canons of constitutional morality and principles of good governance and eventually diminish the constitutional trust reposed by people in him.

4. However, there is no provision under the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) for removal of the Chief Minister or a Minister who is arrested and detained in custody on account of serious criminal charges.

5. In view of the above, there is a need to amend section 54 of the Jammu and Kashmir Reorganisation Act, 2019, for providing legal framework for removal of the Chief Minister or a Minister in such cases.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 19th August, 2025.

LOK SABHA

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BILL

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

(Shri Amit Shah, Minister of Home Affairs and Cooperation)