

## Corrigendum to the J&K Reorganisation Act

### Why in news?

Recently, the Union Ministry of Law and Justice was forced to issue a corrigendum to the Jammu and Kashmir Reorganisation Act.

### What is the J&K Reorganisation Act?

- The Act gave legal force to the de facto [revocation of Article 370](#).
- It had mandated a special relation between the Centre and the erstwhile state.
- The Act was introduced to divide Jammu and Kashmir into two Union Territories - Jammu and Kashmir, and Ladakh.
- Both of this is to come into existence on October 31 2019.

### What was the corrigendum?

- The corrigendum had to correct as many as 52 errors in the Act, from simple spelling mistakes to incorrectly referenced laws.
- E.g. administrator has been spelt as "Adminstrator" while article became 'artcle', territories - "tterritories", Shariat - "Shariet", Safai Karamcharis - "Safaikaramcharis"
- Before corrections were notified, the Act even mentioned that there would be delimitation of the parliamentary constituencies of J&K.
- However, the corrigenda said the sentence has been omitted now.
- Some of the other key errors include "State of Jammu and Kashmir" for "Union territory of Jammu and Kashmir", "Institutes Act, 2005" for "Institutions Act, 2004", "1951" for "1909".

### What are the other such cases?

- This was not an isolated incident.
- The ministry has had to issue such corrigenda frequently, particularly when it came to Ordinances, such as those amending the corporate income-tax law.
- They appear to have been drafted in haste and without due consultation.
- On other occasions, no official amendments or corrigenda are issued.
- In such cases, the concerned minister gives a verbal assurance to the Parliament that any deficiencies in the wording of the law would be corrected at the time of issuing the relevant rules.

## **What is the larger concern?**

- It is a reflection of the lack of application of mind that appears to have crept into the law-making process within the executive.
- Another worrying cause is the constant relaxing of the due process in policy-making and legislation.
- Errors in drafting, if not caught, can have ramifications much later in the future.
- Mistakes in tax laws are particularly dangerous because they can leave loopholes, which private lawyers and accountants can exploit.
- On the other hand, closing them retroactively would have a strongly negative effect on public opinion and investor confidence.

## **What is the measure taken?**

- The Cabinet Secretariat recently wrote to the various Union ministries and departments.
- It was pointed out that they are required to share drafts of Cabinet notes well in advance.
- Thereby, any deficiencies and inconsistencies may be spotted before the legislative process begins.
- At least 15 days should also be set aside for the Cabinet Secretariat and the Prime Minister's Office.
- This is to examine the notes in question as well as for standard inter-ministerial consultations.
- This is the recommended time for finalising notes in the Handbook, which governs the writing of Cabinet notes.

## **What is to be addressed?**

- The Cabinet Secretariat is to be commended for acting to remind the line ministries and departments of this issue.
- However, besides this, the real problem lies in the nature of decision-making.
- Too many major policy changes with deep legal implications are being made in relative secrecy.
- Inadequate consultation within the government or with the Parliament is becoming the norm.
- Unrealistic and imprudent timelines for major changes are being forced on the bureaucracy for key decisions.

## **What is the way forward?**

- Fear about leaks and public discussions of major changes is contrary to the spirit of representative liberal democracy, with negative implications for

quality governance.

- The process underlying legislation and policy changes has evolved to minimise error and maximise efficiency; this should be respected.
- Importantly, drafting capacity within the government should be enhanced.
- Public discussion should be formalised, and cabinet notes and draft legislation should be taken serious.

**Source: Economic Times, Business Standard**

