

Government of Jammu & Kashmir
General Administration Department
Civil Secretariat, Srinagar

NOTIFICATION

Srinagar, the 30th of October, 2020

S.O. 339.-Section 84 and 85 of the Jammu and Kashmir Re-organization Act, 2019 provided for apportionment of Assets and Liabilities of the erstwhile State of Jammu and Kashmir between the Union Territory of Jammu and Kashmir and Union Territory of Ladakh; and

WHEREAS, Section 85 of the Jammu and Kashmir Re-organization Act, 2019 provided for establishment of one or more Advisory Committees for apportionment of Assets, Rights and Liabilities of the Companies and Corporations constituted for the State of Jammu and Kashmir between Union Territory of J&K and UT of Ladakh; and

WHEREAS, in terms of Section 84 and 85 of the Jammu and Kashmir Re-organization Act, 2019, the Central Government, vide Order No. 11014/5/2014-K-I/III dated 09.09.2020, constituted an Advisory Committee under the Chairmanship of Sh. Sanjay Mitra, IAS (Rtd); and

WHEREAS, the Advisory Committee submitted its report to the Ministry of Home Affairs, Government of India; and

WHEREAS, comments of the Government of Jammu and Kashmir and Government of Ladakh were sought on the recommendations of the Advisory Committee by the Ministry of Home Affairs, Government of India; and

WHEREAS, consultations were held by the Ministry of Home Affairs, Government of India with Union territory of J&K and Union territory of Ladakh and based on the agreements between the Union Territory of J&K

and UT of Ladakh, the Ministry of Home Affairs, Government of India vide No. 11014/05/2014-K-I/K-III dated 28.10.2020 conveyed to issue necessary orders in terms of Jammu and Kashmir Re-organization Act, 2019; and

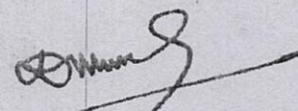
WHEREAS, the Hon'ble Lieutenant Governor of Jammu and Kashmir accepted the recommendations of the Advisory Committee as per the agreements arrived at between Union territory of J&K and Union territory of Ladakh as conveyed by Ministry of Home Affairs vide afore-stated communication.

NOW, THEREFORE, in terms of section 84(3) read with section 85(2) of the Jammu and Kashmir Reorganization Act, 2019, the Lieutenant Governor of Jammu and Kashmir is pleased to apportion the Assets, Liabilities and Posts of the erstwhile State of Jammu and Kashmir between the Union territory of Jammu and Kashmir and Union territory of Ladakh as per Annexures A, B, C, D, E, F, G, H and I to this Notification.

All references to the Union territories of Jammu and Kashmir or Ladakh shall mean the geographical area represented by the respected Union territories or shall mean the respective Governments of the Union territories as the case may be in the context of their usage.

This apportionment shall be in force w.e.f. 31.10.2020.

By order of the Lieutenant Governor.



(Manoj Kumar Dwivedi) IAS
Commissioner/Secretary to the Government

No: GAD(Ser)Genl/113/2019-III

Dated:30.10.2020

Copy to the:-

1. All Financial Commissioners.
2. Director General of Police, J&K.

3. Principal Secretary to the Lieutenant Governor, J&K
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioners Secretaries to the Government.
8. Director General, J&K Institute of Management, Public Administration and Rural Development.
9. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
10. Divisional Commissioner, Jammu/Kashmir.
11. Commissioner Secretary to the Government, General Administration Department, Union Territory of Ladakh.
12. Chairman, J&K Special Tribunal.
13. All Heads of Departments/Managing Directors.
14. All Deputy Commissioners.
15. Director, Information, J&K.
16. Secretary, J&K Public Service Commission.
17. Director, Estates, J&K.
18. Director, Archives, Archaeology and Museums, J&K.
19. Secretary, J&K Services Selection Board.
20. General Manager, Government Press, Jammu/Srinagar.
21. Private Secretary to the Lieutenant Governor.
22. Private Secretary to Advisor (S) to Lieutenant Governor.
23. Private Secretary to Advisor (F) to Lieutenant Governor.
24. Private Secretary to Advisor (B) to Lieutenant Governor.
25. Private Secretary to Advisor (BK) to Lieutenant Governor.
26. Private Secretary to the Chief Secretary.
27. Private Secretary to Commissioner/Secretary to the Government, General Administration Department.
28. Incharge Website, GAD
29. Government Order file/Stock file.

ANNEXURE-A to Notification No. 339 Dated 30.10.2020

Companies/Corporations and Entities

A. The following Companies/Corporations and Entities shall remain under the control of the Government of Jammu & Kashmir with no division of equity, investment and loans, subject to the proviso at the end:-

- (i) The Jammu and Kashmir State Forest Corporation.
- (ii) Ellaquai Dehati Bank.
- (iii) Jammu and Kashmir Minerals Ltd.
- (iv) Jammu and Kashmir Projects Construction Corporation Ltd.
- (v) Jammu and Kashmir Police Housing Corporation Ltd.
- (vi) Jammu and Kashmir State Overseas Employment Corporation Ltd.
- (vii) Jammu and Kashmir State Industrial Development Corporation Ltd. (SIDCO)
- (viii) Jammu and Kashmir State Agro Industries Development Corporation
- (ix) Jammu and Kashmir Tourism Development Corporation
- (x) Jammu and Kashmir Handicrafts (Sales and Export) Corporation Ltd.
- (xi) Jammu and Kashmir Industries Ltd.
- (xii) Jammu and Kashmir Cements Ltd.
- (xiii) Jammu and Kashmir Horticulture Produce Marketing and Processing Corporation Ltd.
- (xiv) Jammu and Kashmir State Handloom Corporation Ltd.
- (xv) Jammu and Kashmir State Cable Car Corporation Ltd.
- (xvi) Jammu and Kashmir Women's Development Corporation Ltd.
- (xvii) Jammu and Kashmir Medical Supplies Corporation Ltd.
- (xviii) National Projects Construction Corporation Ltd.
- (xix) Tawi Scooters Ltd.
- (xx) Himalayan Wool Combers Ltd.
- (xxi) J&K State Handloom Handicrafts Raw Material Supplies Organization Ltd.
- (xxii) Ply-Board Industries Ltd.
- (xxiii) Kashmir Ceramics Ltd.

- (xxiv) Citizen's Co-operative Bank Ltd., Jammu
- (xxv) Jammu Central Co-operative Bank Ltd., Jammu
- (xxvi) Urban Co-operative Bank Ltd., Anantnag
- (xxvii) Baramulla Central Co-operative Bank Ltd.
- (xxviii) J&K State Co-operative Agriculture and Rural Development Bank Ltd., Srinagar
- (xxix) Jammu and Kashmir Handloom Fabric Marketing Co-operative Societies Ltd.
- (xxx) Registrar, Co-operative Societies, J&K, Srinagar.
- (xxxii) Jammu and Kashmir State Power Development Corporation Ltd
- (xxxii) Chenab Valley Power Projects Pvt. Ltd.

Provided that the employees of these Companies/Corporations and Entities who are posted in the UT of Ladakh or otherwise shall be given the option to work in the UT of Ladakh or in any new entity to be setup by the UT of Ladakh and based on such option their services will be placed at the disposal of the UT of Ladakh or an entity designated by it.

Provided further that the physical fixed assets of these corporations, if situated in the UT of Ladakh, will be transferred on an 'as is where is' basis to the UT of Ladakh or an entity established by it.

B. In the following Companies/Corporations and Entities, 20% of the equity and 20% of the loans extended by the erstwhile Government of Jammu and Kashmir are notionally/temporarily transferred to the UT of Ladakh:-

1. Jammu and Kashmir State Financial Corporation
2. Jammu and Kashmir Grameen Bank Ltd.
3. The Jammu and Kashmir Small Scale Industries Development Corporation Ltd (JKSICOP).
4. J&K Scheduled Castes, Scheduled Tribes and Backward Classes Development Corporation Ltd.
5. Jammu Kashmir Trade Promotion Organisation
6. Jammu and Kashmir State Cooperative Bank Ltd., Srinagar.

Provided that, the immoveable assets of Companies/Corporations and Entities mentioned above, located in the UT of Ladakh, shall be transferred to an entity as and when it is set up by the UT of Ladakh:

Provided further that the employees of the aforesaid six (06) companies posted in the UT of Ladakh or otherwise, shall be given the option to work in the UT of Ladakh or in any entity to be set up by the UT of Ladakh and based on such option their services will be placed at the disposal of the UT of Ladakh or an entity designated by it:

Provided also that these companies shall continue their operations for both UTs till transfer to a designated entity in UT of Ladakh takes place.

C. The arrangements for the Jammu & Kashmir State Road Transport Corporation (JKSRTC) shall be as follows:-

a. JKSRTC will remain a going concern for the UT of J&K only. There will be no apportionment of equity of JKSRTC to UT of Ladakh.

b. The fixed assets of JKSRTC, located in the UT of Ladakh shall be transferred to any entity designated by the UT of Ladakh, as and when it is established or designated.

c. Nineteen (19) buses currently operational in the UT of Ladakh, 20 additional buses, 10 (ten) of which are below five years old and 10 trucks, 05 of which are below five years old, stand transferred to the UT of Ladakh or to an entity to be established/designated by it.

d. Till such an entity is designated/established for the UT of Ladakh, JKSRTC will continue its operations from both the UTs.

e. The employees of JKSRTC posted in UT of Ladakh or otherwise, shall be given the option to work in the UT of

Ladakh or in any entity to be set up by the UT of Ladakh and based on such option their services will be placed at the disposal of UT of Ladakh or any entity designated by it.

D. The arrangements for Jammu and Kashmir Bank Ltd shall be as follows:-

- a. J&K Bank Ltd. shall continue its operations as a going concern in both the UTs.
- b. The UT of J&K shall continue to have majority shareholding in the Bank.
- c. 51% of the shareholding in the J&K Bank Ltd. shall remain with the UT of J&K. The remaining 8.23% shareholding in the J&K Bank Ltd. (approximately 13.89% of the existing shareholding of the erstwhile State of Jammu & Kashmir), shall be transferred to the UT of Ladakh.
- d. One post of Director on the Board of the J&K Bank shall be earmarked for the UT of Ladakh.
- e. A reasonable proportion of employees of the J&K Bank Ltd. shall be recruited from the UT of Ladakh, details of which will be worked out by the Bank.

E. The UT of Ladakh will have one representative on the Board of Directors in the following corporations:-

- a. J&K Grameen Bank
- b. J&K SICOP
- c. J&K SC, ST and OBC Development Corporation Limited
- d. J&K State Cooperative Bank Limited

F. The exercise for seeking options and transferring staff of the above corporations to the UT of Ladakh or to its designated entity shall be completed by 31.12.2020.

ANNEXURE-B to Notification No. 339 Dated 30.10.2020

Generation and Supply of Electric Power and Water

The following arrangements shall be made for the generation and supply of electric power and water:-

1. The Power Purchase Agreements (PPAs) of NHPC Plants at Chutak and Nimoo Bazgo and PPAs of another 25 MW from Central Thermal/Gas Generating Stations stand transferred to UT of Ladakh.
2. The 12% free power from the above mentioned two Plants and any other benefits such as the Local Area Development Fund, etc shall accrue to UT of Ladakh.
3. The UT of J&K shall use the services of its Consultant to assist the establishment of a separate Power Company for the UT of Ladakh, if required.
4. The Central Electricity Authority through the Ministry of Power, shall guide the UT of Ladakh in the creation of a separate Power Department and/or a new Power Corporation(s) in the UT of Ladakh.
5. Any immoveable assets of the J&K State Power Development Corporation Ltd. (JKSPDCL) and the Chenab Valley Power Projects Pvt. Ltd. (CVPPL) located in the UT of Ladakh shall be transferred on an 'as is where is' basis to an entity to be set up by the UT of Ladakh or as designated by the UT of Ladakh.
6. The existing Power Corporations of the UT of J&K shall continue to operate the facilities of the UT of Ladakh till such time a new entity(s) is set up or new arrangements made in the UT of Ladakh.
7. The employees of JKSPDCL and CVPPL, who are posted in UT of Ladakh or otherwise shall be given the option to work in the UT of Ladakh or in any new entity to be setup by the UT of Ladakh and based on such option their services will be placed at the disposal of the UT of Ladakh or an entity designated by it.
8. All arrangements for water will be apportioned between the UTs of J&K and Ladakh on an 'as is where is' basis based on location.

ANNEXURE-C to Notification No. 339 Dated 30.10.2020

Jammu & Kashmir State Finance Corporation (JKSFC)

The following arrangements shall be made in JKSFC for apportionment between the UT of J&K and UT of Ladakh:-

1. There shall be a Joint Finance Corporation for the UT of J&K and UT of Ladakh created by renaming the JKSFC as 'The Jammu & Kashmir and Ladakh Finance Corporation' under the provisions of section 3A of the SFC Act, 1951.
2. 20% of equity and 20% of loan extended by the erstwhile Government of J&K to the J&K State Finance Corporation shall be apportioned in favour of the UT of Ladakh.
3. The Joint Finance Corporation shall have one Director from Ladakh in its Board of Directors.

ANNEXURE-D to Notification No. 339 Dated 30.10.2020

Institutions

Apportionment of Institutions between the UT of J&K and UT of Ladakh shall be as follows:-

1. National Council for Vocational Training (NCVT) trades being run in the ITIs of Leh and Kargil shall be managed directly by the UT of Ladakh. State Council for Vocational Training (SCVT) trades in Ladakh ITIs shall be facilitated through the J&K Board of Technical Education till the end of academic year 2020-21.
2. The State Board of Technical Education (SBOTE) shall continue to function for the UT of Ladakh till end of the academic year 2020-21.
3. UT of Ladakh shall set up its own Road Safety Council and the UT of J&K shall transfer Rs. 2.25 Crores to the UT of Ladakh as its share of funds.
4. J&K Board of Secondary Education shall serve the UT of Ladakh till the end of the academic year 2021-22.
5. Board of Professional Entrance Examination (BOPEE) shall continue to conduct the entrance examinations for various professional courses for the UT of Ladakh. Seats earlier reserved in professional colleges in the erstwhile State for STs of Leh and Kargil stand apportioned to the UT of Ladakh to be filled up in a manner to be decided by the UT of Ladakh.
6. While the J&K Academy of Arts, Culture and Languages shall remain with the UT of J&K, the immoveable assets of the Academy stand apportioned between the UTs of Ladakh and J&K based on location on an 'as is where is' basis.

7. The J&K Sheep and Sheep Products Development Board shall remain with the UT of J&K.
8. While the J&K Pollution Control Board shall remain with the UT of J&K, three vehicles of which one vehicle is of less than five years of age, stands transferred to the UT of Ladakh and any fixed assets stand transferred between the UTs of J&K and Ladakh on 'as is where is' basis based on location.
9. The J&K Social Welfare Board shall remain with the UT of J&K, except for any fixed assets in the UT of Ladakh which stand transferred to the UT of Ladakh on 'as is where is' basis.
10. While the J&K State Sports Council shall remain with the UT of J&K, 20% of its total free bank balances/fixed deposits excluding funds for executing works, two vehicles less than five years old and immovable properties in the UT of Ladakh stand transferred to the UT of Ladakh. 20 Group C posts and a certain number of Group A and B posts to be determined subsequently, also stand transferred to the UT of Ladakh or to an entity designated by it.
11. The six (06) units of the Sher-e-Kashmir University of Agricultural Sciences and Technology (SKUAST) will continue to be run by SKUAST till they are transferred on an 'as is where is' basis alongwith staff to an entity designated by the UT of Ladakh.
12. The interest amount of the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) shall be apportioned as Rs. 117.67 Crores and Rs. 54.10 Crores to the UT of J&K and UT of Ladakh, respectively. The principle amount will be apportioned by the Ministry of Environment and Forests, Government of India.
13. The Building and Other Construction Workers Welfare Board (BOCWFB) shall remain with the UT of J&K. The cess Rs. 17.24 Crores, which is the net balance of Rs. 22.03 Crores cess received from the UT of Ladakh, Rs. 4.7133 Crores expenditure on worker

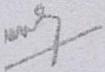
welfare and Rs. 0.0764 Crores administrative expenditure, stands transferred to the UT of Ladakh or an entity designated by it.

14. Wakf Properties shall remain with the UT of J&K.

15. The Haj Committees for the UT of J&K shall remain in UT of J&K.

16. Sher-i-Kashmir Institute of Medical Sciences (SKIMS) Srinagar shall continue to function as it is in the UT of J&K.

17. Funds meant for the UT of Ladakh under centrally sponsored scheme, as on 01.04.2020, remaining with the UT of J&K, stand transferred to the UT of Ladakh. Separate arrangements will be made for apportionment of staff in separate entities funded under CSS, alongwith the apportionment of staff of UT of J&K.



ANNEXURE-E to Notification No. 339 Dated 30.10.2020

Immoveable and Moveable assets inside the Erstwhile State

The immoveable and moveable assets located inside the erstwhile State shall stand apportioned as follows:-

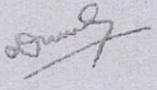
- I. All immovable assets belonging to the erstwhile Government of J&K, excluding those belonging to Corporations/Boards/Other entities, except where explicitly provided for, stand apportioned to the UTs of J&K and Ladakh based on their locations in the UTs of J&K and Ladakh respectively on an 'as is where is' basis.
- II. All moveable assets belonging to the erstwhile Government of J&K, excluding those belonging to Corporations/Boards/Other entities, which are location specific such as office equipment, laboratory equipment, office supplies, records, etc, except where it is explicitly provided for, stand assigned on an 'as is where is' basis based on their locations in the UTs of J&K and Ladakh.

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ANNEXURE-F to Notification No. 339 Dated 30.10.2020

Immoveable Property Located Outside the Erstwhile State

1. The interim apportionment made by MHA in respect of J&K Guest House at Chanakyapuri, annexed to this order, is confirmed with following modifications:-
 - i. UT of J&K shall have the 'right of usage' of the 3rd floor of Block 'B' having suites, till 31st December, 2021 after which it will stand fully transferred to UT of Ladakh.
 - ii. The J&K House at 5 - Prithviraj Road, New Delhi; the Rajaji Marg; property at New Delhi; the Guest house, BR-II, Shalimar Bagh, New Delhi; the J&K Emporium at Baba Kharak Singh Marg, New Delhi; the Guest House at Amritsar; and the property at SCO 28-31, Sector 17-A, Chandigarh shall remain with the UT of J&K.
 - iii. The H. No. 36, Sector 5-A, Chandigarh, Flat No. 32 Adamant Building, Mumbai, 11-Engineering Building 4th Floor, Sleater Road, Mumbai and all properties of LAHDC at Jammu and Srinagar shall remain with the UT of Ladakh.
 - iv. The Guest Houses/Circuit Houses in the UT of J&K shall remain with the UT of J&K, but available for use of officials of the UT of Ladakh as and when required.
 - v. All other immoveable properties located outside the erstwhile State and not mentioned specifically shall remain with the UT of J&K.



ANNEXURE-G to Notification No. 339 Dated 30.10.2020

Apportionment of Moveable Assets

Moveable assets of the erstwhile State shall stand apportioned as follows:-

1. All moveable assets stand apportioned on an 'as is where is' basis between the UTs of J&K and Ladakh, based on location.
2. With regard to Art, Artifacts and Archival Record, a three member committee shall be set up to identify works of Art, Artifacts and Archival Record currently in the UT of J&K. One of the members of the committee shall be an expert from the Ministry of Culture while there shall be one member each from UTs of J&K and Ladakh respectively. The items pertaining to Ladakh, thus identified by the committee, shall be transferred to the UT of Ladakh or any entity designated by it.
3. All unpaid liabilities/bills shall be discharged, after due process/scrutiny, by the respective UT where the works/projects were executed or expenditure incurred.
4. Investments in capital works/projects indicated in the Statement of Financial Assets under 'Other Capital Expenditure', amounting to Rs. 1956 crores stand transferred to the UT of Ladakh.
5. Funds and pension liabilities stand apportioned as required following the actual allocation of employees between the UTs of J&K and Ladakh.
6. Financial liabilities of Rs. 2,504.46 Crores stand transferred to the UT of Ladakh @ 2% of the total liabilities.
7. The Book value of capital assets of the erstwhile State of J&K shall be transferred on a notional basis to the UT of Ladakh on the principle of 'as is where is' basis.

ANNEXURE-H to Notification No. 339 Dated 30.10.2020

Employees Provident Fund Organization

The assets and liabilities of the Jammu and Kashmir Employees Provident Fund Organization shall stand apportioned as follows:

1. The balances of the active subscribers in the JKEPFO shall be merged into their new accounts in the EPFO.
2. The balances of inactive subscribers shall be transferred to the EPFO and shall be settled by them as and when any claims are raised.
3. JKEPFO shall be closed after proper reconciliation and audit by the CAG. If any shortfall is discovered in the corpus, it shall be made good by the UT of J&K, after obtaining approval of the Competent Authority.

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ANNEXURE-I to Notification No. 339 Dated 30.10.2020

Apportionment of Posts and Manpower

Apportionment of Posts and Manpower shall be as follows:

1. 325 additional Gazetted posts from the overall strength of UT of J&K stand transferred to the UT of Ladakh. The detailed listing of posts transferred will be done by 30.11.2020.
2. 3000 additional Non-Gazetted posts from the overall strength of UT of J&K stand transferred to the UT of Ladakh. The detailed listing of posts transferred will be done by 30.11.2020.
3. The allocation of employees between the UT of J&K and UT of Ladakh shall be made on the basis of the options given by them as follows:-
 - a. If the number of employees opting for the UT of Ladakh is less than the number of posts transferred to the UT of Ladakh, all these employees shall be allocated to UT of Ladakh. As for the remaining vacancies, the Lieutenant Governor of the UT of J&K shall allocate non-optees, based on a suitable criterion evolved by the UT of J&K.
 - b. If the number of optees is more than the number of posts to be transferred to the UT of Ladakh, then the Lieutenant Governor of the UT of J&K shall allocate optees, based on a suitable criterion evolved by the UT of J&K.
4. For identification of the additional posts to be transferred, officers of the UT of J&K and UT of Ladakh shall meet and finalize the list by 25.11.2020.