

## Sunset of Jammu and Kashmir Special Article 370

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### **Abstract**

*Article 370 of the Indian Constitution is an article that gives autonomy status to the state of Jammu and Kashmir. The article is drafted in part 21 of the constitution:-*

*Temporary, Transitional and special provisions the constituent assembly of Jammu and Kashmir was empowered to recommend those articles of the Indian Constitution after its establishment. Implement in the state or article 370 should be repeated all together. Jammu and Kashmir constituent assembly formulated the constitution of the state and dissolved itself without recommending repeat of article 370.*

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### **Introduction**

Article 370 has been changed from time to time which started in 1954Ad. and 1953Ad. then the Wazir of Kashmir Azam Sheikh Mohammed Abdullah who was a friend of Prime Minister Jawaharlal Nehru was arrested and imprisoned. where passed by the constituent assembly of Jammu and Kashmir his letter to Pandit Premnath Bajaj, a leader of Jammu and Kashmir during his tenure on 21 August 1962, it is clear that it was in his imagination that article 370 would be abolished at some point. the version of Prime Minister Jawaharlal Nehru come m true and finally with the bold decision of the current Prime Minister Narendra Modi and the home minister Amit Shah the historic step of the government the the signing of Parliament on the historic step special 370 article Jammu & Kashmir sunset.

And Jammu & Kashmir & Ladakh now became a union territory. Now Jammu & Kashmir & Ladakh became a permanent integrated part of India.

### **Article Purpose**

#### **The following main objective of article 370**

1. special 370 in the Indian public has to be made aware of the provisions of the Jammu & Kashmir.
2. The provisions described in article 35A are intended to convey information to the people.
3. The neighboring countries of India have to be made aware of the provisions mentioned in Article 370 and 35A.
4. Introducing articles 370 and 35A on the international stage and Jammu Kashmir is an integral part of India.
5. on 27 October 1947 AD Jammu Kashmir merged with the Indian Union on India's neighboring country and all the international stage to introduce.
6. It is included in part 21 of the article constitution entitled. Temporary transitional and special provisions.
7. Article 370 is the title of the words. temporary provisions with respect to the state of Jammu and Kashmir.

### **Research Method**

The research paper presented is analytical and descriptive nature various sources has been used research articles 5 for this details of a CA articles published in Mile published paper and journal Google internet and various researches text have formed the basis of the study of journals.

## **Fact Analysis**

When we look at the pages of history it seems that on 17 October 1949, the history of Jammu and Kashmir changed. In fact Gopal Swamy Iyengar considered it necessary to temporarily implement 370 articles for Jammu and Kashmir because half of Kashmir is occupied by Pakistan and lost where stranded here. When the situation becomes normal this article will also be removed.

### **Article 370 is the title of the words**

Temporary provisions with respect to the state of Jammu and Kashmir in part 21 of the Constitution of India 370 is an article which can be later removed under temporary provisions. Which section has three sections: temporary, transitional and special provisions? The third section states that the President of India can abolish article 370 at any time in constitution with the constitution of Jammu and Kashmir although there is no longer a constituent assembly. In such a situation the president is not even required to consult anyone. When a paragraph is made temporary the process of seizing or removing it is also written. The article says that when the president of India considers it appropriate and feels that problems have been solved or life has become normal then he can remove that article. With this article 370 is brought in the Parliament of India then only Parliament can remove it.

Article 370 was brought because then there were like conditions there and the people of POK were coming here migrating. In such a situation the implementation of the entire constitution of India, perhaps PM Nehru and the circumstances up to that time was not favorable. But the law of the Constitution of India will apply where there is no problem or dispute at present. In the process the first agreement between Nehru and Sheikh Abdullah was called the Delhi agreement in 1952 AD.

### **The Story of Jammu-Kashmir's accession to India**

At the time of partition in 1947 AD, when the process of incorporating Jammu and Kashmir into the Indian Union started, the Hindu king of Jammu Kashmir Hari Singh wanted to remain independent. Pakistan-based tribes blundered and attacked there on a large scale and massacre, the Tech created a storm in Jammu and Kashmir. An atmosphere of discontent spread all around. In view of the situation, Raja Hari Singh has come to prime minister Nehru for help. Prime Minister Nehru agreed to assist and send his troops with the condition that Jammu and Kashmir be merged with the Indian Union. Raja Hari Singh agreed to the Nehru proposal. Finally 27 October 1947 Jammu Kashmir merged into the Indian Union. In 1941 the state was allowed to call the constituent assembly separately. The work and the constitution of the state was completed in November 1956 AD. Only on 26 January 1957, special

Constitution was enacted in the state.

**Dr Bhimrao Ambedkar was also not in favor of article 370:-**

According to constitutional expert D.K Dubey article 370 does not make special provisions for the state of Jammu and Kashmir rather it makes temporary provisions for the state. The Indian parliament can end this article with a two-thirds (T!) majority. DK Dubey says that Dr B.R Ambedkar I was also not in favor of article 370 in the Indian Constitution. Sheikh Abdulla proposed to add the article to the constitution and this article was added to the constitution after a brief discussion.

**Opinion of constitutional experts**

Constitution expert Subhash Kashyap has also said that article 35A was added to the Constitution by issuing the constitution application to Jammu Kashmir order 1954 under article 370. Just in 2014, an NGO petitioned to Supreme Court terming this article as a provision against the spirit of India and promoting separatism. The petition Challenged the legality of article 35A and article 370. After independence the constituent assembly was formed to form the country's constitution including four representative of Jammu Kashmir article 35A was a temporary one which was added to stabilize the situation in the state at that time.

**Article 370 Key points of special rights:-**

1. The flag of Jammu Kashmir is different.
2. The citizens of Jammu and Kashmir have dual citizenship.
3. In Jammu and Kashmir insulting the national flag or national emblem of India is not a crime here the orders of the Supreme Court of India are not valid.
4. If a women from Jammu and Kashmir marriage a person from any other state in India that women's citizenship of Jammu and Kashmir will end.
5. If a Kashmiri woman marries a person from Pakistan then her husband also gets citizenship of Jammu and Kashmir.
6. Due to article 370 Pakistani living in Kashmir also get Indian citizenship.
7. People of India cannot buy land in Jammu and Kashmir.
8. The term of the Legislative Assembly of Jammu and Kashmir is 6 years while the term of Indian Legislative Assembly is 5 years.
9. The Parliament of India can legislate with respect to Jammu and Kashmir within a very limited scope.
10. Sharia law is applicable to women in Jammu and Kashmir.
11. The panchayat has no authority in Jammu and Kashmir.

12. Right to Information (RTI) does not apply in Jammu and Kashmir due to article 370.
13. Right to education (RTE) is not applicable in Jammu and Kashmir. CAG is not applicable here.
14. The peon working in Jammu and Kashmir still gets a salary of only 2500/- rupees.
15. Minority Hindu and Sikh in Kashmir does not get 16% reservation.
16. According to the provision of article 370 Parliament has the right to make laws regarding Defense, Foreign Affairs and communication about Jammu and Kashmir. But to implement the law related to any other subject the centre needs the approval of the state government.
17. Due to special status article 356 of the Constitution does not apply to the state of Jammu and Kashmir.
18. Due to special status the president does not have the authority to dismiss the constitution of the state.
19. The urban land law of 1976 does not apply to Jammu and Kashmir.
20. Article 360 of the Indian constitution which provides for the imposition of financial emergency also does not apply to Jammu and Kashmir.

#### **Article 35 A**

This article along with article 35A define that Jammu and Kashmir States residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental right, as compared to resident of other Indian states. As a result of this provision Indian citizens from other states could not purchase land or property in Jammu and Kashmir.

15 August 2019 president Ram Nath kovind issued a constitutional order superseding the 1954 order and making all the provisions of the Indian Constitution applicable of Jammu Kashmir following the resolution passed in both houses of the Parliament he issued a further order on 6 August 2019 declaring all the clauses of article 370 except clause one to be inappropriate .

In addition the Jammu and Kashmir reorganization Act was passed by parliament in acting the division the state of Jammu and Kashmir into two union territories to be called Union Territory of Jammu and Kashmir and union territory of Ladakh. The reorganization is scheduled to take place on 31st October 2019 the board decision of Prime Minister Narendra Modi and home minister Amit Shah abolished special 370 article and lead to the emergence of a new Jammu and Kashmir.

## **Conclusion**

Conclusion can we say that after 70 years of the Indian Constitution coming into force 370 sunsets as home minister Amit Shah took a historic decision in Parliament at a Cabinet meeting shared by Prime Minister Narendra Modi. also, so the mistake of history come to an end, the Congress party has also periodically embedded article 370 in 1952 and 1962AD. Therefore it is wrong to call it unconstitutional in anyway.

To be honest there was a use abstract in the part of Jammu and Kashmir to be completely united with India. At the same time he was made autocratic with the mentality e of separatism of the leaders there. The people of Jammu and Kashmir where a pledge in the fire of violence, atrocities, Murder, robbery, terrorism for 70 years. The people of Jammu and Kashmir Where are looking for peace. the bold decision for our popular Prime Minister Narendra Modi and home minister Amit Shah brought a new down in Jammu and Kashmir. therefore the decision to sharing the state under Union restructuring and convert it into a union territory is an appropriate step for the future of Jammu and Kashmir keeping in view the national security terrorism and the aspiration of the people. The truth is that the removal of Article 370 of Jammu and Kashmir created a new history and with the actual murder of Jammu and Kashmir the whole of India became united. Finally Jammu and Kashmir eventually became a part of the Indian Constitution.

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