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WHAT IS ARTICLE 370 ?

- ▶ Under Part XXI of the Constitution of India, which deals with "**Temporary, Transitional and Special provisions**", Article 370 accords special status to the state of Jammu and Kashmir (J&K).
- ▶ Under Article 370, all the provisions of the Constitution which are applicable to other states are not applicable to J&K until and unless such provision is separately passed by the state legislative assembly.
- ▶ According to this article, except for defence, foreign affairs, finance and communication, parliament needs the state govt concurrence for applying all other laws.

WHAT IS ARTICLE 370 ?

- ▶ Thus the state's residents live under separate set of laws related to citizenship, ownership, fundamental rights.
- ▶ Indian citizens from other states are not allowed to buy any land in the state of Jammu and Kashmir.
- ▶ Article 35A, which is under article 370 empowered the Jammu and Kashmir state's legislature to define "permanent residents" of the state and provide special rights and privileges to those permanent residents.

HISTORY

- On 15 Aug 1947, India and Pakistan were granted independence from the British rule to exist as independent nations. The State of J&K had opted to neither join India or Pakistan, but to exist as an independent entity.
- During Independence, Maharaja of Kashmir, Hari Singh decided to continue his separate existence instead of joining India or Pakistan.
- Due to the constant attacks of Pakistan to occupy it, Maharaja Hari Singh felt that he could not survive under any circumstances, so he sent his Diwan, Maharchand Mahajan, to India for help.

HISTORY

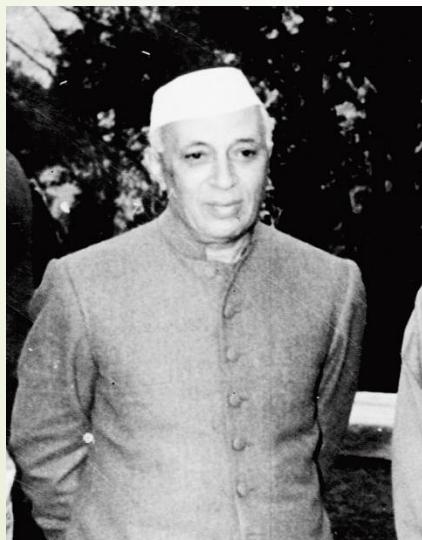
- ▶ India wanted Hari Singh to sign an ‘Instrument of accession’ in return of helping J&K, he signed with only transferring powers on three areas that is Defence, External affairs and Communication.
- ▶ Then J&K became part of India, meanwhile Jawahar Lal Nehru approached united nations to stop war between J&K and Pakistan and to make sheikh Muhammad Abdullah as Prime Minister of J&K.
- ▶ UN called for ceasefire, war was stopped. And they introduced a plebiscite which confers right to J&K to decide by themselves where they want to live.

HISTORY

- ▶ To make constitutional relationship of India with J&K **ARTICLE 370** was enacted which was included in Indian constitution on Oct 17,1949
- ▶ Presidential order 1954, made a further move which included article 35A legislature to define "permanent residents" of the state and provide special rights and privileges to those permanent residents
- ▶ On 1956, J&K made their own constitution and included Article 370 and Article 35A.
- ▶ No rules or laws from the central Govt can be directly applicable to the state of J&K, if emergency the rules can only be implemented after the concurrence of Parliament of J&K.



Hari Singh: Needed Help to J&K from Pak attack



Nehru: Ok dude but only if u sign an instrument of accession to join J&K as part of India.

NEGATIVE IMPACT ON J&K

- ▶ **NO DEVELOPMENT:** Since no investors are allowed there is limited development in the state, mainly no quality education because there are no qualified teachers . Industrial development only includes the people of J&K.
- ▶ **SUPREME COURT:** No laws and orders from supreme court are applicable to the J&K and mainly there is no case if they spoil the respect of Indian flag. As a result crime rate was rapidly increased. Muslims started killing Hindu people to vacate the state.
- ▶ **MARRIAGE:** If J&K women marries the other state men she will not lose the citizenship from J&K but the men will get citizenship in J&K and this is misused by the enemy state Pakistan people to gain access to India.

NEGATIVE IMPACT ON J&K

- **TERRORISM** : Due to the Pakistan people in India, various terroristic groups such as Jaish e Muhammad , Lashkar-e-Omar (LeO) Lashkar-e-Jabbar (LeJ) increased....as we seen in PULWAMA attack..



ARTICLE 370 SCRAPPED

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- ▶ In 2002, modifying the article 35A, one law was passed stating that if a women from J&K marries other state men both of them will be the citizens of J&K only. But their children will not get the citizenship in J&K.
- ▶ On 2014, petition was filed against Article 35A saying that how presidential order of article 35A was implemented in J&K without the concurrence of J&K.
- ▶ Also given in petition questioning about their children's citizenship and to remove article 35A.
- ▶ The arguments about article were started and finally went to Article 370. Because all of these things happened due to the implementation of Article 370 only.

Legal Framework of Article 370

- ▶ Article 370(1): Allowed the President to apply provisions of the Indian Constitution to J&K with state government concurrence.
- ▶ Article 370(3): Empowered the President to declare Article 370 inoperative, provided the recommendation of the Constituent Assembly of J&K.
- ▶ Constituent Assembly of J&K dissolved in 1957 without recommending abrogation.
- ▶ Interpretation that the *Legislative Assembly* (or Parliament during President's Rule) could act as the state authority.

Step-by-Step Process of Abrogation

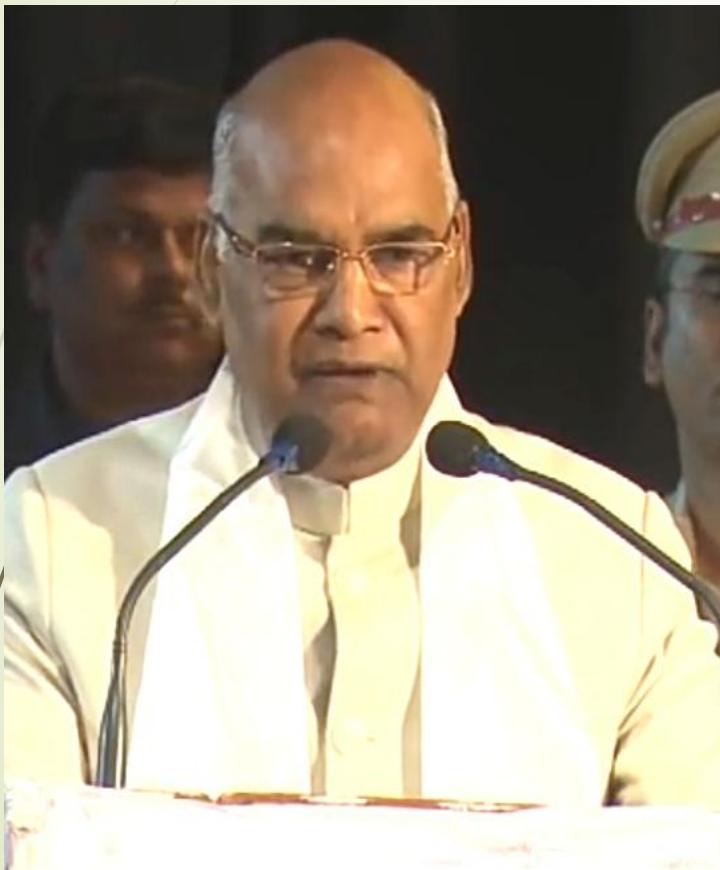
Step 1: Presidential Order C.O. 272 (5 August 2019)

- ▶ Issued under Article 370(1)
- ▶ Applied all provisions of the Indian Constitution to J&K
- ▶ Amended Article 367 (Interpretation clause)
- ▶ Replaced the term **“Constituent Assembly”** with **“Legislative Assembly”**

Step 2: Parliamentary Resolution

- ▶ Since J&K was under President's Rule, **Parliament acted on behalf of the Legislative Assembly**
- ▶ Rajya Sabha passed a resolution recommending abrogation
- ▶ Lok Sabha approved the resolution

6th AUGUST, 2019



- President Ram Nath Kovind has issued the presidential order C.O. 273 to end Jammu and Kashmir's special status(article 370).
- President declared Article 370 inoperative and given his assent to Effectively abrogated Article 370 thus Article 35A automatically ceased to exist and the law bifurcating the state into two union territories.

AFTER ABROGATION OF ARTICLE 370

(Jammu & Kashmir Reorganization Act,2019)



- India is now with 28 states and 9 union territories.
- J&K and Ladakh are now bifurcated into two union territories.
- On revocation of provisions of article 370, J&K will now be governed by the laws applicable to other states.
- People from other states can buy any assets in Jammu and Kashmir.
- Like other states Jammu and Kashmir will have CM, MLA'S , MP'S who are under governor.
- Ladakh will be under the control of president.

CONCLUSION

- ▶ Abrogation of Article 370 and 35A were big milestones for the unity and integrity of India.
- ▶ After the scrapping of this article the development of J&K and Ladakh will progress.
- ▶ This ensures that Jammu and Kashmir enter the Indian mainstream and becomes the part of our great nation's collective growth.



THANK YOU