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**ARTICLE 370 IN THE CONSTITUTION OF INDIA: A
COMPREHENSIVE ANALYSIS**

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ABSTRACT

Article 370 was a temporary provision in the Indian Constitution that granted special autonomous status to the state of Jammu and Kashmir. It allowed the state to have its own Constitution, a separate flag, and autonomy over internal matters except in defense, communications, finance, and foreign affairs. The article was a result of the accession of Jammu and Kashmir to India in 1947 and was shaped by political leaders like Dr. B.R. Ambedkar, Jawaharlal Nehru, and Sheikh Abdullah.

Indira Gandhi and Sheikh Abdullah signed the 1975 Indira-Sheikh Accord, further defining the state's relationship with the Indian Union. The Narendra Modi government, with Amit Shah as the Home Minister, abrogated Article 370 in August 2019, claiming it was necessary for the full integration of Jammu and Kashmir into India. This decision faced opposition from various political parties and triggered debates on the federal structure of India.

Article 35A, introduced through a Presidential Order in 1954, was related to Article 370 and empowered the state to define its permanent residents. It was also abrogated along with Article 370, raising concerns about demographic changes in the region.

Merits of Article 370 included the protection of the unique identity of Jammu and Kashmir and the ability to govern its internal matters. Demerits involved perceived misinterpretations and the sense of alienation it fostered. The central government's power under Article 370 was often misinterpreted, leading to its controversial role in the region.

The current status of Jammu and Kashmir remains complex, with ongoing issues related to autonomy, development, and security. The comparative analysis with other special provisions highlights the uniqueness of Article 370 and its far-reaching consequences.

What is Article 370 of the Constitution of India?

Under Part XXI, Of the constitution of India, which deals with Temporary, Transitional And special provision, Article 370 accords special status to the Jammu and Kashmir. Under article 370, all the provisions of the constitution of India which are applicable to other state are not applicable to Jammu and Kashmir, Until or unless such provision is Separately passed by the legislative assembly.

According to this article, except for defense, foreign affairs, finance, and communication Parliament need the state government concern for applying all other laws. Thus, the state residents live under separate set of laws which is related to Citizenship, ownership, and fundamental rights. Indian citizen from other states is not allowed to buy Any land in the state of Jammu and Kashmir. Article 35 a, which comes under article 370 of the constitution of India Also empowered the state of Jammu and Kashmir state legislature to define – permanent status of the state and provide special right and privileges to those Permanent residents.

History of Article 370

On 15 August 1947, India and Pakistan were granted Independence from the British rule to exist as independent nations. The state of Jammu and Kashmir had neither joined India or Pakistan but wanted to exist as an independent nation. During independence, Maharaja of Kashmir Harisingh decided to to continue Harisingh decided to continue his separate existence instead of joining India or Pakistan. An agreement was enacted by Jammu and Kashmir with Pakistan or India that none of them will attack on Jammu and Kashmir. While the India respected the agreement and exercise restraint, But Pakistan attacked on Jammu and Kashmir in a bid to annex it by force. Due to constant attack made by Pakistan To occupy Jammu and Kashmir, Maharaja Ranjit Singh felt that he could not survive in any circumstances So he sent his diwan whose name is Marchand Mahajan to India for help. India wanted from Harisingh how to sign ‘instruments of accession ‘In return of helping Jammu and Kashmir. He signed with only transferring power on three areas that is Defense, external affairs, and communication. Jammu and Kashmir become part of India meanwhile Jawaharlal Nehru approached to united nation to stop war between Jammu and Kashmir and Pakistan And to make sheikh Muhammed Abdullah As Prime Minister of Jammu and Kashmir. United nation called for ceasefire; War was stopped. And they introduced a plebiscite which confer right of Jammu and Kashmir to decide by themselves Where they to want to live. To make Constitution relationship of India with Jammu and Kashmir Article 370 was enacted which was included in Indian Constitution on act 17, 1949. Presidential order 1954, make a further move which article 35 A, legislature to define “permanent residents” of the state and provide special rights and privileges to those permanent residents. On 1956, Jammu and Kashmir made three own Constitution and included Article 370 and Article 35 A. No rule or law from central government can be directly appreciate to the state of Jammu and Kashmir if emergency the rule can only be implemented after the concurrence of parliament of Jammu and Kashmir.

Role of political leaders in shaping Article 370.

Dr. B.R. Ambedkar as The chairman of the drafting committee of the constituent assembly, Baba saheb ambedkar introduce article 370 “ provisional and transitory” provision, Initially opposed by Nehru and other member of Congress leaders.

Jawaharlal Nehru as India’s first Prime Minister, Nehru was instrumental in negotiating the article 370. Although Nehru opposed the article, but in spite of that he signed it into constitution of India after several debates. He worked closely with Sheikh Abdullah, The Prime Minister of Jammu and Kashmir, to integrate the state into India while respecting its autonomy. Sardar Patel on the other hand, believe that article 370 Would ultimately have to go.

Sheikh Abdullah, a significant Kashmir leader, Abdulla was crucial in the state’s accession to India. His negotiation with Nehru let the inclusion of article 370. Which granted Jammu and Kashmir a special status.

Indira Gandhi, Jawaharlal Nehru’s daughter And India’s Prime Minister from 1966 – 1977, 1980 – 1984, and she also signed the Indira – sheikh accord with sheikh Abdullah in 1975. Which reaffirmed the state special status while integrating it further into India.

Narendra Modi, As Prime Minister of India, Modi’s government took the decision to abrogate article 370 in August 2019. This move was the part of Bhartiya Janata Party Long standing agenda and was seen as measure to Fully integrate Jammu Kashmir into India.

Amit Shah, The home minister in Modi government played significant role in abrogation process. He was the leader who introduced the resolution to repeal Article 370 in parliament and let the Legislative effort to recognize The state into two union territories.

Other political leaders

Various other leaders from other political parties have Had different views over article 370. Congress party, for instance Was generally in favour of maintaining the article 370, While the BJP consistently Advocated for the abrogation. Regional party in Jammu and Kashmir, like the national conference, the people Democratic Party Oppose the abrogation. Seeing it as betrayal of the state trust and autonomy.

Power of central government under article 370.

Misinterpretation.

There are many myths regarding article 370 and its implication One of which is that It prevents the central government From having any power over Jammu and Kashmir.

True power.

As per the term and condition of article 370, central government Have the power to enforce laws over Jammu and Kashmir Only for defense, external affairs, and communication. The central government has no power to enforce those laws which impacted the social and economic sphere of Jammu and Kashmir.

Exception.

However, there are few exceptions to those provision which are included in presidential order mention in 1954. Presidential order of 1954, Formerly known as constitution (Application of Jammu and Kashmir) order 1954, play a crush Play a crucial role In the application of the Indian constitution To the state of Jammu and Kashmir , article 370 .This order was significant because It extended many provisions Of the Indian constitution to Jammu and Kashmir With some exceptions and modifications.

Following are the exceptions and special provision of 1954 order are:

1. Dual citizenship

Residents of Jammu and Kashmir were considered citizens of both India and Jammu and Kashmir. The state has its own Constitution and laws.

2. Separate Constitution

Jammu and Kashmir had its own Constitution which was adopted in 1956. The state Constitution and laws had precedence over Indian Constitution over many years.

3. Special Autonomy

The state had special autonomy under article 370, which allowed it to have its own governing residency (permanent resident) property rights and fundamental rights.

4. Limited jurisdiction of parliament

India parliament could legislation for Jammu and Kashmir only in the matter related to defense, external affairs and communication. Other areas of laws required the consent of state government of Jammu and Kashmir.

5. Emergency provision

President of India could declare a state of emergency in Jammu and Kashmir only in case of war and external aggressive. In other areas there is requirements of consent of the state government.

6. Fundamental rights

Some fundamental rights Which are provided by the India Constitution were not applicable to Jammu and Kashmir. For instance, right to property was protected under state government even it was removed from the Constitution of India by the 44th constitutional amendment.

7. Autonomy in constitutional Amendments

Amendment to the India Constitution required occurrence of the state government before being
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applicable to Jammu and Kashmir. This meant that changes in the India Constitution would not automatically apply to the state until unless agreed upon by the state government.

Article 370 Of the Indian constitution granted special autonomous status to the reason of Jammu and Kashmir. Under this provision Jammu and Kashmir had its own constitution, And the state residents Leave under separate set of laws, which include those related to ownership, citizenship, and fundamental rights as compared to another citizen of India.

The central government power under this article is limited. For instance, Parliament of India Could legislate no matter related to in the union and concurrent list and can do so only with the consultation with the government of Jammu and Kashmir.

However, on August 5, 2019, the central government led by prime minister Narendra Modi Abrogate article 370 through a presidential order and subsequent Resolution in parliament. This effectively nullified the special status of Jammu and Kashmir And bringing it fully under the control of central Government of India or under the constitution of India. The state was bifurcated into 2 union territories firstly the Jammu and Kashmir and the Ladakh Union territory.

This move significantly Expanded the power of central government Over this reason, allowing it to apply all the central laws Uniformly Across India, Including the former state of Jammu and Kashmir.

Consequences faced by Jammu and Kashmir to stand independent.

MERITS

1. Jammu and Kashmir is the only state in India which has its own Constitution.
2. Limited jurisdiction in case of Jammu and Kashmir as compared to other states.
3. Residuary power, unlike other states rest with Jammu and Kashmir.
4. Parliament has no power to legislate preventive detentions laws for the state, Only the state legislative has power to do so.
5. The Union has no power to suspend the Constitution of Jammu and Kashmir.
6. No proclamation of emergency on the grounds of internal disturbance or imminent danger.
7. Part IV (Directive principle of state policy) Part IV A (Fundamental Duties) are not applicable to the state Jammu and Kashmir.
8. Part III (Fundamental Rights) In addition to other fundamental rights. Article 19(1) f, 32(2) of the Constitution are still applicable to Jammu and Kashmir, the fundamental rights to property is still guarantee in this state.
9. High court of Jammu and Kashmir has limited power as compared to other state high court within India. It cannot declare any law unconstitutional.
10. The provision of state Constitution (except those relating to the relationship of the state with the Union) may be amendment by the act of legislative Assembly of the state pass by not less than two – third of its membership.

DEMERITS

1. Economic Underdeveloped - Restrictions On land ownership or an investment by non-residence hindered economic development and limited outside investment in the region.
2. Social Inequality – Special privilege created disparities between Jammu and Kashmir and among other states potentially fostering feeling of inequality and resentment.
3. Legal Ambiguity - Having its own Constitution and laws led to legal complexities and ambiguities, complicating administrative processes and governance.
4. Limited central government influence – The central government limited ability to implement the national policies and laws in the region hampered effort to address issues like terrorism and separatist effectively.
5. Human rights issues – Special laws such as armed forces (special power) Act, were more easily implemented due to the region unique status, leading to allegations of human rights violations.
6. Political instability the special status often fueled political instability and separatists' movements, contributing to unrest and violations in the region.
7. Restrictions rights for outsiders – non-residents were prohibited to purchase property and settling in Jammu and Kashmir, limited social and cultural integration with the rest of India.

Involvement Of Article 35a

Article 35a of Indian Constitution was an article that empower the Jammu and Kashmir state legislature to define “PERMANENT RESIDENTS” of the state and provide special rights and privileges to those residents. It was added to the Indian Constitution through a presidential order issued in 1954, under 370 of Indian Constitution. Some key points about Article 35A:

A. Special rights and privileges – It allows the Jammu and Kashmir legislature to confer special rights and privileges to the permanent residents of the state in the matter such as : public sector jobs, Scholarship, Acquisition of land. Etc.

B. Exclusion of Non – residents: It restricted the non- residents of the state from. Permanent settling in the of Jammu and Kashmir. Buying property holding government jobs, availing scholarship and other forms of aid that is provided by the state government.

C. Controversial Nature – Article 35 a of the Indian Constitution is a subject of much controversial and debate. Critics argue that it discriminated against Indian citizens from other states and hindrance of Jammu and Kashmir integration with the rest of India. Supporters however claimed it was essential for preserving the unique identify and autonomy of Jammu and Kashmir.

D. Impact on women – Article had gender discriminatory aspects. Initially, if a woman of Jammu and Kashmir married a person from outside state. She would lose her permanent residents’ status. Although legal challenges mitigated some of the issue, concerns persistent about gender equality.

E. Political and legal debates- Article 35a was focal points of contention. Critic argue that it was unconstitutional as it was added through presidential order rather parliament amendment, bypassing the usual legislation process.

F. Abrogation – On 5 Aug. 2019 the government of Indian, led by prime minister Narendra Modi Abrogated Article 370, which led to the nullification of article 35 a. This more effectively remove the special status granted to Jammu and Kashmir and the region recognized into two union – territories.

Jammu and Kashmir and Ladakh.

Some legal challenges are the following points: One of the primary legal changes was whether article 35 a was constitutionally valid as it was added through presidential order. (The Constitution (the application to Jammu and Kashmir) order, 1954) rather than an amendment passed by parliament under 368 of the Indian Constitution. There were claims of gender bias, as the original provision of article 35a, allowed the state legislature to define “permanent residents” leading to a situation where a woman who married non- residents lost their residents status, along with their children. This was seen as discriminatory against women. Article 35 a was challenged on the ground that it prevented the full integration of Jammu and Kashmir with the rest of India, creating a special status that it was felt was contrary to the principle of unity and equality.

Comprative Analysis With Other Special Provision In India.

India has several special provisions in its Constitution to address the unique needs of its diverse region and communities. Some notable ones are:

1. Article 371 (Various state):

General purpose: Includes a serious of purpose (Article 371 to Article 371 J) providing special provision for various states like Maharashtra, Gujarat, Nagaland, Assam, Mizoram, Arunachal Pradesh and Karnataka.

State Specific Provision Nagaland (Article 371):

Protects social and regional practices of Nagas, Nagas's customary laws and ownership and transfer of land and its resources.

Mizoram (Article 371 G): Which is just like Nagaland preserving customary laws and Ownership of property.

Maharashtra ang Gujarat (Article 371): Established separate development boards for Vidarbha, Marathwada, Saurashtra and Kutch.

Comparison: These provisions ensure the preserving the cultural practice, land ownership, and local administration. They vary in the level of autonomy and specific focus based on the state needs.

2. Sixth Schedule (Autonomous District Council):

Purpose – Provides for the creation of Autonomous District councils in Assam, Meghalaya, Tripura and Mizoram to administer the tribal areas.

Autonomy – Council have legislative, executive and judicial powerin areas like land management, Forest management and local governance.

Comparison – Offers a high degree of self– governance similar to article 371 A and 371 G but it specially targeted at tribal areas and there unique needs.

3. Fifth Schedule (Schedule Areas):

Purpose – Applies to state with significant tribal populations (other than the state covered under sixth schedule) ensuring the protection of trial interest.

Governance – Empower the governor to make regulations for the peace and good governance of these areas.

Comparison – Focuses on the protection and development of triable communities, and similar in intent to the sixth schedule but with different administrative framework.

4. Artivle 244A (Autonomous state):

Purpose – Provides for the formation of an autonomous state within Assam specially with the tribal areas , with its own legislature and council of minister.

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Comparison – Unique in proposing an autonomous state within an existing state, reflecting the specific demands for autonomous within the tribal areas of Assam.

4. Article 371 J (Karnataka):

Purpose – Special status for the Hyderabad -Karnataka region, Now known as - Karnataka to establish a development board and ensure equitable allocation of funds and employment opportunities.

Comparison- Like other article 371 provision but specially focus on economic development and regional parity.

Key comparative insights:

1. Autonomous state – Article 370 and 35 A provides highest level of Autonomy, followed by sixth schedule. Other provision under article 371 offer varying degrees of administrative autonomy.

2. Cultural and social protection Article 371A, 371G and sixth schedule strongly focus on preserving cultural practices and social norms of tribal and indigenous communities.

3. Economic and development focus -Provision like 371 J and part of article 371 emphasize economic development and regional parity.

4. Administrative Mechanisms -The fifth and sixth schedule have district administrative structure, with the sixth schedule providing more localized self – governance.

Standpoint of different countries related to Article 370

INDIA As per political leaders: Before Abrogation of article 370,

1. Jawaharlal Nehru as India's first prime Minister

Nehru played a pivotal role in the introduction of article 370, considering it's a temporary provision. It was part of India when Jammu and Kashmir acceded to India in 1947.

2. Sheikh Abdulla

Then the prime minister of Jammu and Kashmir sheikh Abdulla, supported article 370 as mean to ensure the autonomy of the state.

3. Indira Gandhi

Nehru's daughter and former prime minister, Indira Gandhi upheld the status of article 370 although her government took steps to integrate Jammu and Kashmir more closely with India through various constitutional amendments.

: After abrogation of article 370,

1.Narendar Modi

The current prime minister and Bhartiya Janta party (BJP) have been vocal critics of article 370, viewing it as an obstacle to national integration and development. In August 2019, Modi government abrogate article 370, effectively ending the Jammu and Kashmir special status.

2. Amit shah

The Home minister Amit shah strongly supported the abrogation of article 370, arguing that it was very necessary to bring Jammu and Kashmir into the mainstream of India development and bring national security.

3.Mehboobha Mufti

The former chief minister of Jammu and Kashmir and the leader of people's democratic Party (PDP) condemned the abrogation of article 370, considering it an assault on the identify and autonomy of Jammu and Kashmir.

4.Omar Abdullah

The vice – president of national Conference and former chief minister Omar Abdulla has also been vocals critics on the abrogation advocating for the restoration of Jammu and Kashmir special status.

Current Status of article 370,

1. **BJP's vision:** The BJP is likely to continue its stand of integrating Jammu and Kashmir more fully to Indian union focusing on development, security, and governance reforms.
2. **Opposing Party:** opposing leader from those including congress, PDP and National conference are expected to keep pushing for the restoration of Jammu and Kashmir special status, emphasizing dialogue and political solutions.
3. **Regional Dynamics:** The political future of article 370, might also be influenced by regional dynamic including relationship between India and Pakistan, and the situation in Afghanistan, as well as the boarder geopolitical strategies of major global power.

PAKISTAN

1. **Past standpoint:** Historically Pakistan has opposed, Article 370 Since its inspection in 1949. Pakistan views the article as the temporary provision that recognized special status of Jammu and Kashmir Within India, but it maintained that the entire region Should be a part of Pakistan. Pakistan leaders have continuously Advocated for Kashmir's right to self – determination and have criticized India's control over the region.
2. **Present standpoint:** After the abrogation of article 370 in 2019. Pakistan' s stand was strong and immediate. Prime minister Imran khan and other Pakistani leaders condemned the move, calling it violations of UN resolution and international laws. Pakistan downgraded the diplomatic ties with India, suspended trade and raised the issue at various international forums, including the United Nations. The Pakistani leaders has maintained that the abrogation of article 370 exacerbates human rights in Kashmir and undermine regional peace and stability.
3. **Future standpoint:** Moving forward, Pakistani is likely to continue its diplomatic and political efforts to bring international attention to Kashmir issues. The future stand of Pakistani leaders will likely involve persistent for Kashmiri self – determination and effort to rally international support against India's action. Pakistan may also continue to seek dialogue with India albeit under conditions that addressed its concerns about Kashmir. However, this approach could vary depending on the political leadership and geopolitical dynamics in the region.

Global Reaction Towards Article 370.

(1) Pakistan:

Pakistan Strongly condemned the move, viewing it as an illegal act that violates united nation resolutions on the Kashmir disputes. It downgraded the ties with India, expelled the Indian ambassador and suspended trade. Pakistan also sought for international support against the decision.

(2) China:

China expressed concerns over the situation, particularly regarding the Ladakh region, which it claims part of China called for dialogue and resolution through peaceful. Chins has vested interest due to its border disputes with India in the region.

(3) United States:

Called for calm and restraint on both sides , urging India to respect human rights in Kashmir . The U. S emphasized the importance of bilateral dialogue between India and Pakistan to resolve difference.

(4) United Nations:

The UN Secretary-General called for restraint and expressed concern over human rights issues. The UN Security Council held informal consultations on the matter, but no formal statement was issued.

(5) European Union:

Expressed concern over the situation and called for restraint and dialogue. Members of the European Parliament have had differing views, with some supporting India's stance and others criticizing it.

(6) Other Countries:

Various countries such as Turkey, Malaysia, and Iran criticized India's actions and called for a peaceful resolution through dialogue. On the other hand, countries like Russia expressed support for India's stance, calling it an internal matter. The international community has largely emphasized the importance of peaceful resolution through dialogue and the need to ensure human rights and security in the region.

Recent Developments Removal Of Article 370

On 5 august, 2019 at around 11:30, in the Rajya Sabha, that union home minister Amit shah announced the proposal to revoke article 370 and 35A in Jammu and Kashmir under the supervision of prime minister Narendra Modi. And bifurcated the state into two union territory i. e Ladakh and Jammu and Kashmir. Which come under the direct control of central government. This led to significant changes:

(1) Integration: Jammu and Kashmir and Ladakh became Union Territories, bringing them directly under central administration.

(2) Uniform Laws: Laws applicable to the rest of India now apply to these regions, including property rights and the right to education.

(3) Political and Social Changes: The move sparked debates about national integration, federalism, and the rights of the people in the region.

(4) Security Concerns: There were heightened security measures and political unrest following the abrogation, impacting daily life and stability in the region.

The decision triggered protests and a security clampdown in Jammu and Kashmir. Critics of the move that it is a violation of the federal structure and under- determines the autonomy of Jammu and Kashmir.

Current status of the issue:

- Now Jammu and Kashmir have no own flag.
- Now Jammu and Kashmir people have only one citizenship that is Indian citizenship.
- There are no separate Constitution.
- Now all supreme Court orders are applicable in Jammu and Kashmir.
- Now all Indian citizens can buy land in Jammu and Kashmir. There is no more separate laws for the citizens of Jammu and Kashmir.
- Jammu and Kashmir become union territory with legislature. On the other hand, Ladakh become union territory without legislature.
- It has created certain psychological barrier. It is the root cause of all the problems in Jammu and Kashmir.
- It is this article, 370 which encourage session activities within Jammu and Kashmir and other parts of the country.

Involvement of supreme court:

Which provided special autonomy to Jammu and Kashmir, has been conclusively decided by the
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Supreme Court of India. In December 2023, the Court upheld the abrogation of Article 370, affirming the Indian government's 2019 decision to revoke the article and integrate Jammu and Kashmir more fully into India. The Supreme Court's decision stated that Article 370 was intended as a temporary provision, emphasizing that Jammu and Kashmir did not have internal sovereignty independent of India. The Court also validated the Presidential Orders and the subsequent legislative actions that facilitated the abrogation, stating that the concurrence of the state's legislative assembly was not necessarily due to the President's rule in place at the time. The Supreme Court has recommended the restoration of statehood to Jammu and Kashmir, which currently remains a Union Territory. Additionally, the Court has instructed the Election Commission to hold elections in the region by September 2024.

Criticism and controversy over the article 370

(1) Unilateral Decision:

Critics argue that the abrogation was done unilaterally without the consent of Jammu and Kashmir state assembly, which was dissolved at the time.

(2) Human rights and security issues:

The abrogation was accompanied by Heavy military presence, Communication blackout, and detention of political leaders, With drew criticism from human rights organization.

(3) Economic and social Impact:

The abrogation and subsequent restrictions affected the local economy, particularly the local sectors which is the major souce of income of the region.

(4) Global concerns:

Some international human rights organization and few countries Expressed concern over the matter and said Potential for increased Conflict and human rights violation in the region take place.

(5) Geopolitical implications:

The issue of Jammu and Kashmir significant geopolitical implications and looks set to remain o contention issue for the forceful able future.

Future Aspects and challenges

(1) Political stability:

The Region has long been plagued, by political instability Which had an adverse effect on the overall development of the region. Political stability and local governance structure may contribute to stability in the long term.

(2) Subregional identity:

The diverse composition of Jammu and Kashmir has led to sub – regional identity, each with its own unique set of challenges. Balancing these sub – regional identity while maintaining regional cohesion remain a significant challenge.

(3) International intervention:

The international community continuously to monitor the situation in Jammu and Kashmir Call for peaceful dialogue and Resolution of the Kashmir issue By way of political and diplomatic channels Are very crucial for the Region's future prospective.

(4) Development and Investment:

government aims to promote economic development by encouraging investment and infrastructure projects. The removal of Article 370 is seen as a step towards integrating Jammu and Kashmir more fully into the Indian economy.

(5) Economic Disparities:

Economic development needs to be inclusive. Addressing the disparities within the region and ensuring that development reaches all sections of society is essential.

(7) Legal and Constitutional Challenges:

The abrogation has faced legal challenges in the Indian courts. The outcomes of these cases could have significant implications for the future governance of the region.

(8) International Relations:

The change in status has affected India's relations with neighboring countries, especially Pakistan. Navigating these diplomatic challenges is crucial for regional stability.

Cases in Supreme Court

A total 23 petition challenging the central government's decision to abrogate article 370 of the Constitution. Thereby revoking Kashmir's special status are pending in the supreme Court.

The petition was heard by the justice NV Ramana last December and in January. Some parties to the case requested the case should be referred to a larger bench of seven or more judges. Two earlier supreme Court judgement regarding article 370 were said that the provision was intended to be temporary, transitory, or permanent. Following are two cases:

- (A) Prem Nath Kaul 1959
- (B) Sampat Prakash 1968

Both judgements were delivered by bench of five judge, the parties asked the court to refer the matter to a larger bench. The 5-judge constitutional bench of NV Ramana, SK Kaul, R Subhash Reddy, BR Gavai, and Surya kantha. Has refused to refer the petition challenging the constitutional validity of the center's move to abrogate article 370 to a larger bench.

In the case of PRAM NATH KAUL vs JAMMU and KASHMIR. the court held that after considering the various issued held that article 370 was temporary in nature.

In the case of SAMPAT PRAKASH vs STATE OF JAMMU and KASHMIR... the court held that reversed the aforesaid position, regarding article 370 as a temporary provision giving the perennial power to the president to regulate the relationship between union and the state.

The most significant event related to article 370 is its abrogation august 5 , 2019 .The government of India led by Prime minister Narendra Modi and Home minister Amit shah took a historic step to revoke the special status granted to Jammu and Kashmir.

The process involves:

- (1) Presidential order (C. O. 272)

A presidential order was issued that superseded the 1954 order, effectively making all provision of Indian Constitution applicable to Jammu and Kashmir.

- (2) and Kashmir Reorganization Act, 2019:

This act was passed by both houses of the Indian Parliament, bifurcating the state of Jammu and Kashmir into two Union Territories – Jammu and Kashmir with a Legislative Assembly, and Ladakh without a Legislative Assembly. The abrogation of Article 370 has been challenged in the Supreme Court of India. Several petitions were filed, arguing that the abrogation process was unconstitutional. The Supreme Court has been hearing these petitions, but as of now, no final judgment has been passed.

On August 5, 2019, the Government of India abrogated Article 370, effectively revoking the special status of Jammu and Kashmir. This decision has been highly controversial and has led to varied opinions.

Supporters' Perspective:

They argue that the abrogation integrates Jammu and Kashmir fully into India, ensuring equal rights and opportunities for its residents. It is seen as a step towards the elimination of regional discrimination and the promotion of national unity. Proponents also believe it will facilitate better governance, development, and security in the region.

Arguments in favor of Article 370:

Cultural Autonomy: Article 370 allowed Jammu and Kashmir to maintain its unique cultural identity, traditions, and laws, which many believed was essential for preserving the region's distinctiveness.

Historical Agreement:

It was part of the agreement under which Jammu and Kashmir acceded to India in 1947, providing a sense of historical continuity and respect for the terms initially agreed upon.

Stability: Supporters argued that the special status could help maintain political stability by addressing local sentiments and aspirations.

Critics' Perspective: argue that the abrogation undermines the federal structure of India and the unique identity of Jammu and Kashmir. There are concerns about the way it was implemented, including the imposition of restrictions on communication and movement in the region. Critics also worry about potential human rights violations and the impact on peace and stability in the region.

Integration: Critics argued that Article 370 hindered the full integration of Jammu and Kashmir into India, creating a sense of separateness and preventing the application of Indian laws uniformly.

Development: Some believed that the special status restricted economic development and investment in the region, leading to poorer infrastructure and services compared to other states.

Security Concerns: There was a belief that Article 370 facilitated a conducive environment for separatist movements and militancy, impacting national security.

Conclusion

Article 370 of the Indian Constitution granted special autonomy to the region of Jammu and Kashmir, allowing it to have its own constitution, a separate flag, and independence over all matters except foreign affairs, defense, finance, and communications.

On August 5, 2019, the Government of India revoked this special status, integrating Jammu and Kashmir more directly into India. This move has been highly controversial, with supporters arguing it fosters national integration and economic development, while critics contend it undermines regional autonomy and could exacerbate conflict in the region.

The long-term effects of this decision are still unfolding, with significant political, social, and economic implications for Jammu and Kashmir and India as a whole.

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