

GOVERNMENT DEGREE COLLEGE FOR WOMEN**DEPARTMENT OF POLITICAL SCIENCE****STUDENT STUDY PROJECTS****ACADEMIC YEAR 2020 -21**

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GOVERNMENT DEGREE COLLEGE FOR WOMEN

NALGONDA



“Effect of Corona-virus on Political System and Global”

A Student Study –Project For the academic year 2020-2021

Submitted by

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**Under the supervision of
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DECLARATION

We hereby declare that the study project entitled "**Effect of Corona-virus on Political System and Global**" is submitted by us is original project work and it has been carried out under the supervision and guidance of Y.Suneetha, Lecturer in Political Science, Government Degree College for women, Nalgonda. 1. V.Akhila B.A EHP I EM, Roll No-20044012129057 2. G.Shirisha B.A EHP IEM, Roll No-20044012129018 3. M. Sreeja B.A EHP I EM, Roll No-20044012129033 4. K.Teja B.A EHP I EM, Roll No-20044012129024 5. K.Swathi B.A EHP I EM, Roll No- 20044012129030 J.Bhumika B.A EHP I EM.

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DATE: 24-08-2022

POLITICAL SCIENCE

PROJECT WORK

2020 - 2021

TOPIC := EFFECT OF Corona -
VIRUS ON political system
and global

Suggested by :=

Sunitha Madam

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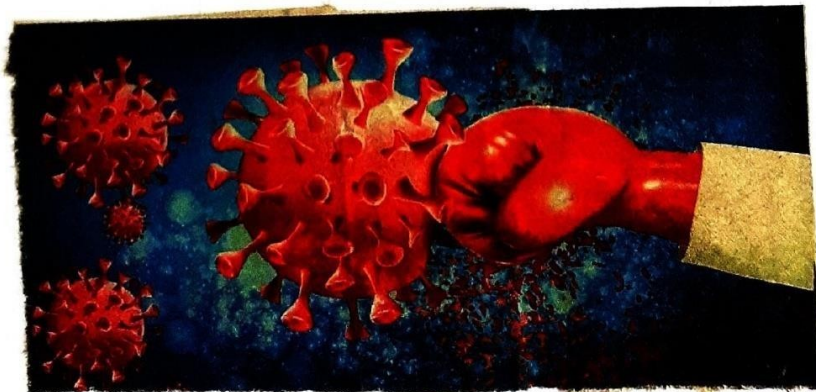
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Impact of the COVID-19 pandemic on politics

The COVID-19 pandemic has impacted politics, both international and domestic, by affecting the governing and political systems of multiple countries, causing suspensions of legislative activities, isolation as deaths of multiple countries, politicians and rescheduling of elections due to fears of spreading the virus.

The pandemic has triggered broader debates about political issues such as the relative advantages of democracy and autocracy, how states respond to crises, politicization of beliefs about the virus, and the adequacy of existing frameworks of international cooperation. Additionally, the pandemic has, in some cases, posed several challenges to democracy, leading to it being fatally undermined and damaged.



Indian Migrant Workers during the COVID-19 pandemic



Indian migrant workers during the COVID-19 pandemic have faced multiple hardships. With factories and work places shut down due to the lockdown imposed in the country, millions of migrant workers had to deal with the loss of income, food shortages and uncertainty about their future. With factories and work places shut down due to the lockdown the lockdown imposed in the country.

(7)

Based on census trends we estimate about 600 million internal migrants in 2020. Among this, one-third are interstate and inter-district migrants which accounts to 200 million, and within this 200 million, two-thirds are estimated to be the migrant workers that are roughly constitute 140 million.



Pandemic :-

Indian migrant workers during the COVID-19 pandemic have faced multiple hardships. With factories and work places shut down due to the lockdown imposed in the country, millions of the migrant workers had to deal with the loss of

income, food shortages and uncertainty about their future. Following this, many of them and their families went hungry.

Thousands of them then began walking back home, with no means to transport due to the lockdown. In response, the central and state governments took various measures to help them, and later arranged transport for them.

198 migrant workers died due to the lockdown, with reasons road accidents.



QUARANTINE MEASURES

Many states reported high numbers of a positive cases of COVID-19 among the migrants returning home as lockdown restrictions eased.

State governments opened thousands of quarantine centres to house them, with some states imposing mandatory institutional quarantine. States also imposed strict measures for migrants to follow, either while leaving or after entering state borders. facilities for phones, as well as provide other medical essentials such as masks, sanitizers, and medicines.



RELIEF MEASURES

Soon after the nationwide lockdown was announced in late March, Finance Minister Nirmala Sitharaman announced a ₹ 1.7 lakh crore Spending Plan for the poor. This consisted of cash transfers and steps of ensure food security.

By 3 April, the central government had released ₹ 11,092 crore to states and UTs under the NDRF, to fund food and shelter arrangements for migrants. To help provide jobs and wages to workers, the average daily wages under the NDRF, to fund food and shelter arrangements for migrants. To help provide jobs and under the MGNREGA were increased to ₹ 202 from the earlier ₹ 182 as of 1 April. ₹ 1,000 from PM Cares fund was allocated for the support of migrant workers on 13 May. On 14 May, FM announced free food.

COVID-19 is Changing Indian Politics 7

Modi's ratings now depend heavily on his managing the health crisis, but as the Hindutva agenda is side-stepped, the opposition has a new opening.

COVID-19 will permanently change the study of health in American political science, and for the better. Despite health's obvious political, policy, and normative importance, political science, unlike its sister social science disciplines, does not have a well-established subfield dedicated to the study of health. Political science research in health policy has, until quite recently, been limited to the study of the policies governing the provision of medical care.

Yet, the current pandemic has made it clear the politics of health go far beyond access to medical care, and that the political scientists should also consider politics.

HISTORY OF CORONAVIRUS

3

The history of coronaviruses is a influence of the discovery of the diseases caused by coronaviruses and identification of the viruses. It starts with the first report of a new type of upper-respiratory tract disease among chickens in North Dakota, US, in 1931. The causative agent was identified as a virus in 1933. By 1936, the disease and the viruses were recognised as unique from other viral disease.

They became known as infectious bronchitis virus (IBV), but later officially renamed as Avian Coronavirus.



policy outside of the medical care system are related to health outcomes in society.

In world health after COVID-19, political science needs to start paying attention to health, as opposed to health care, and to how power in society, and in politics gets translated into health.

There are expectations to the rule of the political science ignoring health, of course. But beyond a small handful of scholars in the United States and elsewhere, there has not been sustained, discipline-wide attention to health at the individual and population level: why it varies, what policies are causally related to it, how it functions as a political scientist needs to pay closer attention to the insights generated by scholars working in other fields that have a longer history of the scholarship on health and its determinants, to see where we can add the most value.

As the spread of the virus is likely to continue disrupting economic activity and negatively to impact manufacturing and service industries, especially in developed countries, we expect that financial markets will continue to be volatile. There is a question still as to whether this folding crisis will have a lasting structural impact on the global economy or largely short-term financial and economic consequences.

In either case, it is evident that communicable diseases such as COVID-19 have the potential to inflict severe economic and financial costs on regional and global economies. Because of high transportation connectivity, globalization, and economic interconnectedness, it has been extremely difficult and costly to contain the virus and mitigate the importation risks once the disease.



As Apart from spreading the coronavirus disease COVID-19, the Severe Acute Respiratory syndrome coronavirus 2, (or) SARS-2 has changed the course of Indian politics.

The Narendra modi government has had to identifiably postpone the ~~poor~~ door-to-door enumeration and profiling of 1.37 billion Indians, who locked in at home, fearing a pandemic, and already bearing the brunt of its economic consequences.

It is anybody's guess how soon life could go back to being normal - it could be two months or two years. 192

For now, covid-19 has thrown a spanner in the works for the Modi government's Hindutva agenda.

In its first year after re-election, the Bharatiya Janata party (BJP) wanted to carry out all its top Hindutva projects and most of its has been accomplished.

The Modi government likely planned more such Hindutva policies - a population control law, and a uniform civil code. Those are not viable at the moment.

After 23 May 2019, the Modi government had the political capital to put governance and economy on the back burner, even as it paid a price for it in state elections. Now, as Yogi Adityanath, the chief minister of Uttar Pradesh, is criticised for shifting a statue of Lord Ram amid a lockdown, he can no

COVID-19 COMMUNITY

13

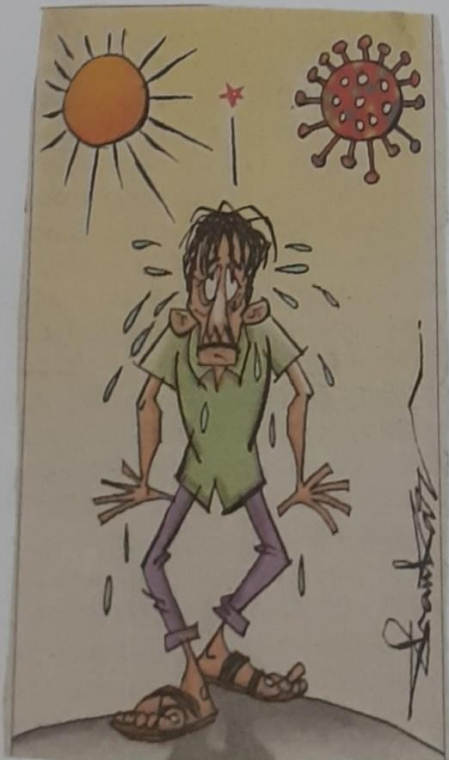
World Health Organisation (WHO) announced corona virus which is also referred as COVID-19 as a disease on 11th February 2020. It is a respiratory disease which impacts the health of the individual as a whole. The first case of COVID-19 was the first reported in china in December 2019.

~~The WHO~~



Man is a social animal and social relations and interactions are necessary to his existence. 14

The novel corona virus and the containment measures posed a challenge and isolation, these social relations became severely impacted. so, if there is an absence of such connection, definitely leads to stressful states of loneliness, anxiety, depression, mental hazards and many other collective society as a whole.



How hard has the economy been hit? 15

The pandemic has pushed the global economy into a recession, which means the economy starts shrinking and growth stops.

In US, COVID-19 related disruptions have led to millions filing for unemployment benefits. In April alone, the figures were at 20.5 million, and are expected to rise as the impact of the pandemic on the US labour market worsens. As per a Reuters report, since March 21, more than 36 million have filed for unemployment benefits, which is the almost a quarter of the working-age population.



Global Shares in flux :-

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Big shifts in stock markets, where shares in companies are bought and sold, can affect the value of pensions or individual savings - the accounts (ISAs)

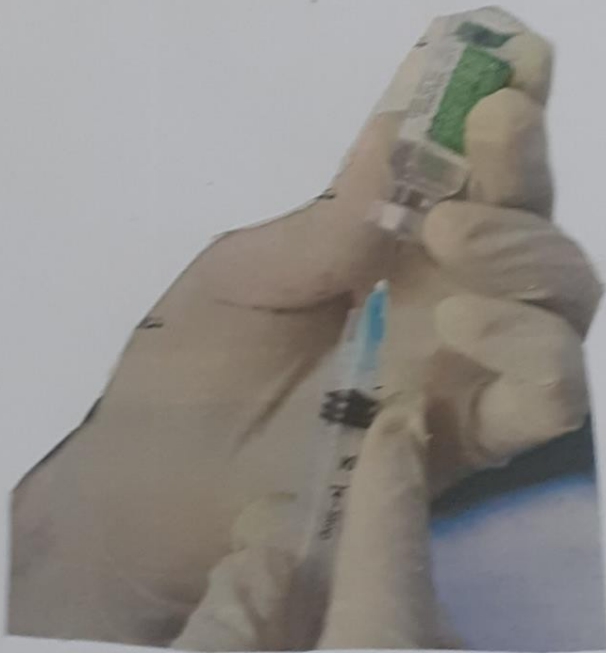
The FTSE, Dow Jones Industrial Average and the Nikkei all saw huge falls as the number of COVID-19 cases grew in the first months of the crisis.

The major Asian and US stock markets have recovered following the announcement of the first vaccine in November, but the FTSE is still in negative territory.

Its spread has left national economies and businesses counting the costs, as governments struggle with new lockdown measures to tackle the spread of the virus.

COVID-19 Vaccine by India.

In

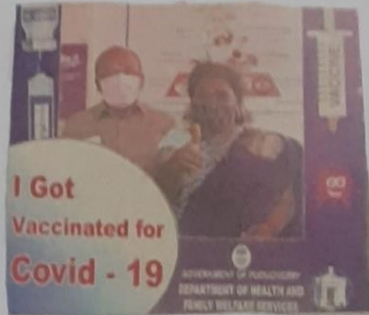


In a significant step, the Indian government ~~in~~ announced that all persons above 18 years of age will be eligible to get COVID-19 vaccine doses.

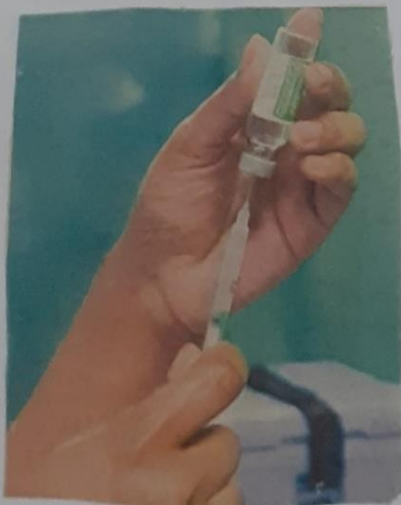
The government in its order started that states and union territories have been empowered to procure additional coronavirus vaccine doses directly from the manufacturers.

Vaccinations

19

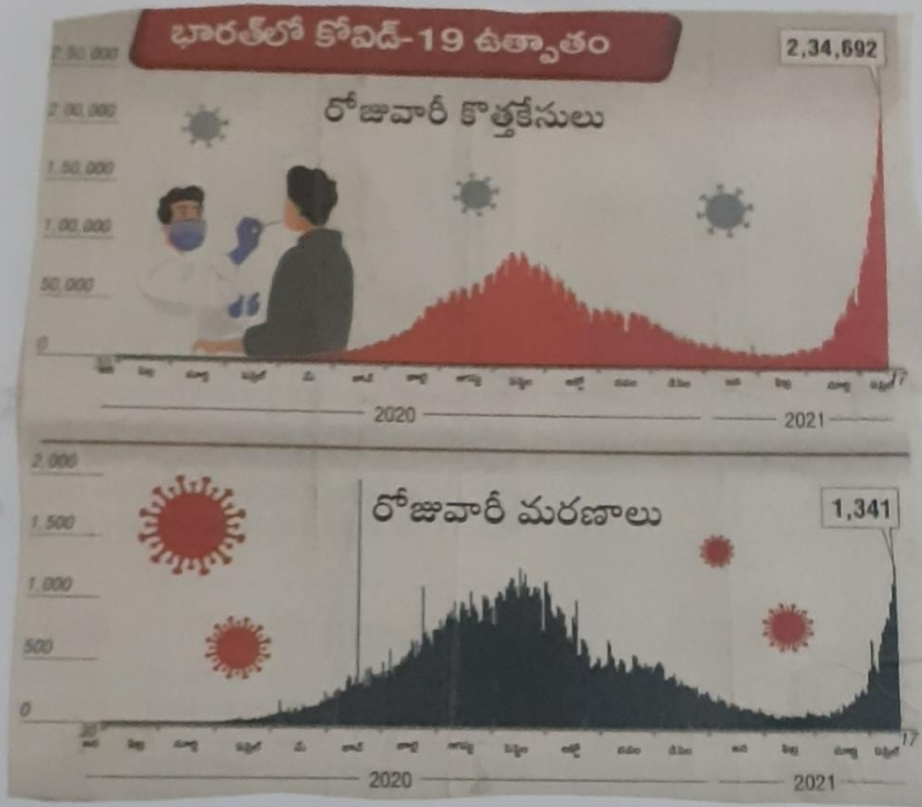


Telangana governer Soundarya Rajan taken vaccine for covid - 19.



COVID cases in India.

20



India is currently reporting the sharpest growth rate of 7.6 percent in new COVID-19 cases, leading alarming rise in the daily number of active cases in the country, which currently stand at, the Union Health Ministry was informed.

Conclusion

The World Health Organisation declared the novel coronavirus outbreak "a public health emergency of international concern" after the sustained spread of the disease outside of China. The World Health Organisation declared the COVID-19 epidemic a pandemic.

* COVID-19, a new and sometimes deadly respiratory illness that is believed to have originated in a live animal market in China, has spread rapidly throughout that country and the world.

* The new coronavirus was first detected in Wuhan, China in December 2019. Tens of thousands of the people were infected in China. With the virus spreading easily from person-to-person easily.

* Corona virus has jumped from animals to humans to cause severe disease.

The ~~the~~ World Health Organization declared the novel coronavirus outbreak "a public health ²³ emergency of international concern" on January 30. On March 11, 2020 after sustained spread of the disease outside of China, the World Health Organization declared COVID-19 epidemic a pandemic.

Public health measures like ones is implemented in China and now around the world, will hopefully blunt the spread of the virus while treatments and a vaccine are developed to stop it.

GOVERNMENT DEGREE COLLEGE FOR WOMEN

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ARTICLE 370

A Student Study –Project For the academic year 2020-2021

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STUDY PROJECT

Political Science

Topic:- Article 370

* names of the group *

2020-21

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Article 370 of the Indian constitution 1

Article 370 of the Indian constitution gave special status to Jammu and Kashmir, a region located in the northern part of Indian subcontinent which was administered by India as a state from 1954 to 31 October 2019 conferring it with the power to have a separate constitution, a state flag and autonomy over the internal administration of the state (1)(2) the Indian administration Jammu and Kashmir is part of the larger region of Kashmir which has been a subject of dispute since 1947 between India Pakistan and partly, china (3)(4)



Property and fundamental rights, as compared to residents of other Indian state(s). As a result of this provision Indian citizens from other states could not purchase land or property in Jammu & Kashmir. On 5 August 2019, the Government of India issued a Presidential order superseding the 1954 order and making all the provisions of the Indian constitution applicable to Jammu and Kashmir. The order was based on the resolution passed in both houses of India's Parliament with two-thirds majority.

A further order on 6 August made all the clauses of Article 370 except clause 1 to be inoperative.

In addition the Jammu and Kashmir Reorganisation Act 2019 was passed by the Parliament enacting the division of 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 reorganisation took place on 31 October 2019.

Purpose

3

The state of Jammu and Kashmir's original accession like all other princely states, was on three matters defence, foreign affairs and communications. All the princely states was invited to send representatives to India's constituent Assembly which was formulating a constitution for the whole of India. They were also encouraged to set up constituent assemblies for their own states most states were unable to set up assemblies in time, but a few states did in particular or Saurashtra union, Travancore-cochin and Mysore. Even though the states Department developed a model constitution for the states, on 19 May 1949, the rulers and chief ministers of all the states met in the presence of states Department and agreed that separate constitutions for the states were not necessary. They accepted the constitution of India as their own constitution. The states that did elect constituent assemblies suggested a few amendments.

Article 370 was drafted in Part XXI of the Indian constitution titled 'Temporary, Transitional and Special Provisions' (5) It stated that the constituent Assembly of Jammu and Kashmir would be empowered to recommend the extent to which the Indian constitution would apply to the state. The state assembly could also abrogate the Article 370 altogether, in which case all of Indian constitution would have applied to the state.

After the state constituent assembly was convened it recommended the provisions of the Indian constitution that should apply to the state based on which 1954 Presidential order was issued. Since the state constituent assembly dissolved itself without recommending the abrogation of Article 370 the article was deemed to have become a permanent feature of the Indian constitution (6)(7)

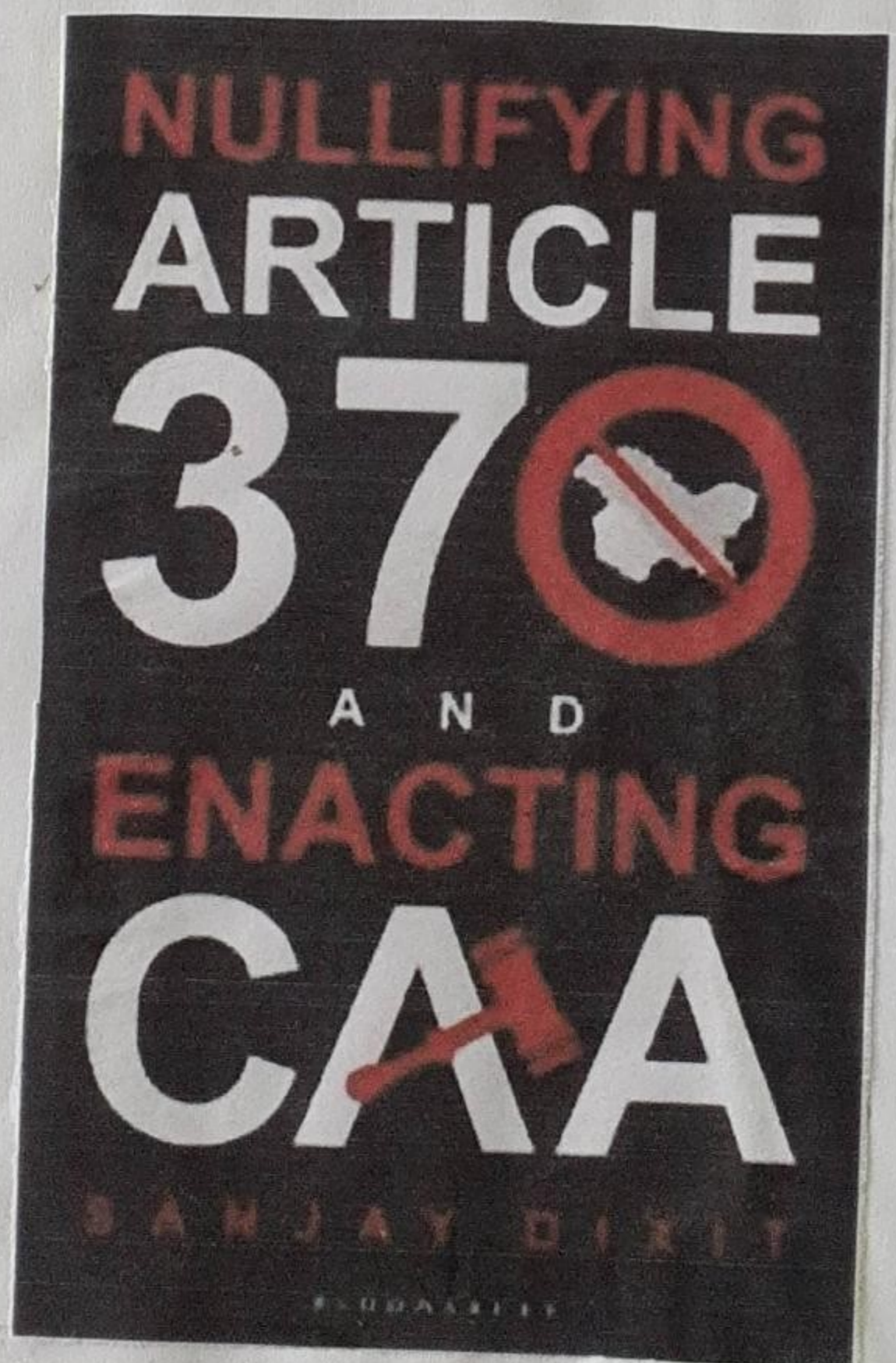
The net effect was that the Jammu and Kashmir state's residents live under a separate set of laws including those related to citizenship, ownership of

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which were accepted. the position of all the states thus became equivalent to that of regular Indian Provinces. In particular, this meant that the subjects available for legislation by the central and state governments was uniform across India.

In the case of Jammu and Kashmir the representative to the constituent Assembly requested that only those provisions of the Indian constitution that corresponded to the original Instrument of Accession should be applied to the state and that the state's constituent assembly, when formed would decide on the other matters. Govt of India agreed to the demands shortly before the above meeting with the other states. Accordingly, the Article 370 was incorporated into the Indian constitution which stipulated that the other articles of the constitution that gave powers to the central Govt would be applied to Jammu and Kashmir only with the concurrence of the state's constituent assembly. This was a temporary provision in that its applicability was intended to last till the formulation and

adoption of the state's constitution. However the⁶ state's constituent assembly dissolved itself on 25 January 1957 without recommending either abrogation or amendment of the Article 370. Thus, the Article was considered to have become a permanent feature of the Indian constitution as confirmed by various rulings of the Supreme Court of India and the High Court of Jammu and Kashmir, the latest of which was in April 2018.



* Original text *

7

370 Temporary provisions with respect to the state of Jammu and Kashmir

⇒ Notwithstanding anything contained in this constitution

(a) the provisions of article 238 shall not apply now in relation to the state of Jammu and Kashmir

(b) the power of Parliament to make laws for the said state be limited to

(i) those matters in the union list and the concurrent list which in consultation with the Govt of the state are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the state to the Dominion of India as the matters with respect to which the Dominion legislature may make laws for that state

(ii) such other matter in the said lists as with the concurrence of the Govt of the state the President may by order specify.

Explanation 1950 wording: for the purpose of this

article the Govt of the state means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March 1948.

Explanation (1952 wording) for the purpose of this article the Govt of the state means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the state as the Sadr-i-Riyasat of Jammu and Kashmir acting on the advice of the Council of Ministers of the state for the time being in office.

(c) the provisions of article 1 and of this article shall apply in relation to that state

(d) such of the other provisions of this constitution shall apply in relation to that state subject to such exceptions and modifications as the President may by order specify.

provided that no such order which relates to the matters specified in the Instrument of Accession of the state^a referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Govt of the state provided further that no such order which relates to matters other than those referred in the last preceding proviso shall be issued except with the concurrence of that Govt.

(2) If the concurrence of the Govt of the state referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second provision to sub-clause (d) of that clause be given before the constituent Assembly for the purpose of framing the constitution of the state, in convened it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify provided that the recommendation of the constituent Assembly of the state referred to in clause.

Analysis

The clause 7 of the Instrument of Accession signed ¹⁰ by Maharaja Hari Singh declared that the state could not be compelled to accept any future constitution of India. The state was within its rights to draft its own constitution and to decide for itself what additional powers to extend to the central Govt. Article 370 was designed to protect those rights. According to the constitutional scholar A. E. Noorani Article 370 records a solemn compact. Neither India nor the state can unilaterally amend or abrogate the Article except in accordance with the terms of the Article.

Article 370 embodied six special provisions for J & K.

- ⇒ It exempted the state from the complete applicability of the constitution of India. The state was conferred the power to have its own constitution.
- ⇒ Central legislative powers over the state were limited, at the time of framing to the three subjects of defence, foreign affairs and communications.
- ⇒ Other constitutional powers of the central Govt could be extended to the state only with the concurrence of the state Govt.

- ⇒ The concurrence was only Provisional. It had to be ratified by the state's Constituent Assembly. ||
- ⇒ The state Govt's authority to give concurrence lasted only until the state Constituent Assembly was convened once the state Constituent Assembly finalised the scheme of Powers and dispersed no further extension of Powers was possible.
- ⇒ Article 370 could be abrogated or amended only upon the recommendation of the state's Constituent Assembly once the state's Constitutional Assembly convened on 31 October 1951 the state Govt's power to give concurrence lapsed After the Constituent Assembly dispersed on 17 November 1956, adopting a constitution for the state the only authority provided to extend more Powers to the Central Govt or to accept Central institutions vanished.

Noorani states that this understanding of the constitutionality of the centre-state relations informed the decisions of India till 1957 but that it was abandoned afterwards In subsequent years, other provisions continued to be extended to the state with the concurrence of the state Govt.

Presidential orders

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When Article 370 was originally created only two articles of the Indian constitution applied in full to Jammu and Kashmir. Other provisions of the constitution would apply with exceptions and modifications specified by the President in his order in consultation with or the concurrence of the Govt of the State. In exercise of these powers, as conferred by clause (3) of Article 370 of the constitution, the President made a series of orders with the concurrence of the Govt of the State of Jammu and Kashmir.

Presidential order of 1950

The Presidential order of 1950, officially The Constitution Order, 1950 came into force on 26 January 1950 contemporaneously with the constitution of India. It specified the subjects and articles of the Indian constitution that corresponded to the Instrument of Accession as required by the clause (c) of the Article 370.

In this first Presidential order under Article 370 235 articles of the Indian constitution were inapplicable to

the state of J & K, 9 were partially applicable and 24 were applicable in a modified form. 13

This order was superseded by the Presidential order of 1954.

Presidential order of 1952

The Presidential order of 1952 was published on 15 November 1952 at the request of the state Govt. It amended the Article 370 replacing the phrase recognised by the President as the Maharaja of Jammu and Kashmir by recognized by the President on the recommendation of the legislative Assembly of the state as the Sadr-i-Riyasat. The amendment represented the abolition of the monarchy of J. & K.

Background :- The constituent Assembly of Jammu and Kashmir was elected in 1951 and convened on 31 October 1951. The Basic Principles committee of the constituent Assembly recommended the abolition of the monarchy, which was unanimously approved by the Assembly on 12 June 1952. In the same month the Hindu-dominated Jammu Praja Parishad submitted a memorandum to the President of India demanding

the full application of the Indian constitution¹⁴ to the state. the government of India summoned a delegation from Jammu and Kashmir in Delhi for discussions on the relations between the centre and the state.

After discussions the 1952 Delhi Agreement was reached.

The state's prime minister sheikh Abdullah was slow to implement the provisions of the Delhi Agreement.

However in August 1952, the state constituent

Assembly adopted a resolution abolishing the monarchy and replacing the position by an elected Head of state.

Despite reservations on this piecemeal approach to adopting provisions the central Govt acquiesced, leading

to the presidential order of 1952. The legislative Assembly elected Karan Singh, who was already acting as the Prince Regent, as the new Sadar-i-Riyasat.

presidential order of 1954

The Presidential order of 1954 officially The constitution order 1954 came into force on 14 May 1954. Issued with the agreement of the state's constituent Assembly it was a comprehensive order seeking to implement the 1952 Delhi Agreement. Arguably, it went further than the Delhi Agreement in some respects.

The provisions implementing the Delhi Agreement were 15
⇒ Indian citizenship was extended to the permanent resident of Jammu and Kashmir simultaneously. The Article 35A was added to the constitution empowering the state legislature to legislate on the privileges of permanent residents with regard to immovable property, settlement in the state and employment.

⇒ The jurisdiction of the Supreme Court of India was extended to the state.

⇒ The central government was given power to declare national emergency in the event of external aggression. However its power to do so for internal disturbances could be exercised only with the concurrence of the state Govt.

In addition the following provisions which were not previously decided in the Delhi Agreement were also implemented.

1) Financial relations between the centre and the state were placed on the same footing as the other states. The state's custom duties were abolished.

⇒ Decisions affecting the disposition of the state could be made by the central Govt but only with the consent

of the state government.

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Background :- The state govt's decision to abolish the monarchy led to increased agitation by the Jammu Praja Parishad which found support among the Ladakhi Buddhists and the Hindu Parties of India. In response, Sheikh Abdullah started questioning the value of Kashmir's accession to India, leading to a loss of support among his cabinet members. On 8 August 1953, Sheikh Abdullah was dismissed from the post of Prime Minister by the Sadar-i-Riyasat Karam Singh and his erstwhile deputy Bakshi Ghulam Mohammad was appointed in his place. Abdullah and several of his colleagues were arrested and put in prison. The Purged Constituent Assembly with 60 of the original 75 members, unanimously adopted on 6 February 1954 the recommendations of its Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship. According to the Basic Principles Committee while preserving the internal autonomy of the state all the obligations which flow from the fact of accession and also its elaboration as contained in the Delhi

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Agreement should find an appropriate place in the constitution. The committee is of the opinion that it is high time that finality in this respect should be reached and the relationship of that state with the union should be expressed in clear and precise terms.

The Presidential order of 1954 was issued based on these recommendations.

Further Presidential orders (1955-2019)

In addition to these original orders, forty-seven Presidential orders were issued between 11 February 1956 and 19 February 1994, making various other provisions of the constitution of India applicable to Jammu and Kashmir. All these orders were issued with the concurrence of the Govt of the state without any constituent Assembly. Some of these Presidential orders were issued when the state was under President's rule and had no Kashmir Govt at all states Jill Cottrell. The concurrence in this instance was given by the Governor of the state, a nominee of the union Govt. Such an interpretation was upheld by the Supreme Court of India in 1972.

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This process has been termed the erosion of the Article 370. Home Minister Balraj Lal Nanda (1963-1966) opined that the terms for the special status granted to Jammu and Kashmir in this Article included a very simple process to amend by an executive order of the President of India whereas the powers of all other states could only be amended by the normal process of amendment subject to stringent conditions. According to him, Article 370 was the only way of taking the constitution of India into Jammu and Kashmir. It is a tunnel through which a good deal of traffic has already passed and more will. The successors of Nanda in the Home Ministry have interpreted the Article in the same manner.

The effect of the presidential orders issued since 1954 had been to extend 94 of the 97 subjects in the union list to the state of Jammu and Kashmir and 260 of the 395 Articles of the Constitution of India. All of these orders had been issued as amendments to the presidential order of 1954 rather than as replacements to it presumably because their constitutionality was in doubt according to Cottrell.

Autonomy of Jammu and Kashmir structure

and limitations

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India's constitution is a federal structure. The subjects for legislation are divided into a union list, a state list and a concurrent list. The union list of ninety-six subjects including defence, military and foreign affairs, major transport system, commercial issues like banking, stock exchanges and taxes, are provided for the union to legislate exclusively. The state list of sixty-six items covering prisons, agriculture, most industries and certain taxes, are available for states to legislate on. The concurrent list on which both the centre and states may legislate include criminal law, marriage, bankruptcy, trade unions, professions and price control. In case of conflict the union legislation takes precedence. The residual power to make laws on matters not specified in the constitution rests with the union. The union may also specify certain industries, waterways, ports etc. to be national in which case they become union subjects.

In the case of Jammu & Kashmir the union list and the the concurrent list were initially limited to the matters ceated in the Instrument of Accession later they were extended with the concurrence of the state Govt the residual powers continued to rest with the state rather than the union. According to the state Autonomy committee ninety-four of the ninety-seven items in the union list applied to Jammu and Kashmir the provisions of the Central Bureau of Intelligence and Investigation and preventive detention did not apply of the concurrent list twenty-six of the forty-seven items applied to Jammu and Kashmir the items of marriage and divorce, infants and minors, transfer of property other than agricultural land, contracts, and torts bankruptcy, trusts, courts, family planning and charities had been omitted. the state had exclusive right to legislate on those matters. The right to legislate on elections to state bodies also rested with the state.

Applicability of the Indian law to Jammu and

Kashmir

Acts passed by Indian Parliament have been extended to Jammu and Kashmir over a period of time.

- ⇒ All India Services Act
- ⇒ Negotiable Instruments Act
- ⇒ Border security force Act
- ⇒ Central vigilance commission Act
- ⇒ Essential commodities Act
- ⇒ Haj committee Act
- ⇒ Income Tax Act
- ⇒ the central goods and services Tax Act 2017
- ⇒ Integrated goods and services Tax Act 2017
- ⇒ The central laws Act 1956
- ⇒ The central laws Act 1968

The non-applicability of National Human Rights Commission Act by claiming recourse to Article 370 was set aside in 2010.

constitution of Jammu and Kashmir

Preamble and Article 3 of the erstwhile constitution of Jammu and Kashmir stated that the state of Jammu and Kashmir is and shall be an integral part of the union of India. Article 5 stated that the executive and legislative power of the state extend to all matters except those with respect to which Parliament has power to make laws for the state under the provisions of the constitution of India.

The constitution was adopted on 17 November 1956 and came into force on 26 January 1957.

The constitution of Jammu and Kashmir was rendered inoperative by the constitution issued by the President of India on 5 August 2019. Article 370 acknowledges the special status of the state of Jammu and Kashmir in terms of autonomy and its ability to formulate laws for the state's permanent residents. In the 1954 Presidential order, among other things, the fundamental rights in the Indian constitution were made applicable to Kashmir with exceptions. Later amendments states court modified the applicability of basic

human rights in the Indian constitution to permanent residents of Jammu and Kashmir. The state legislature further modified these, as well as added preventive detention laws that it exempted from human rights challenges for twenty five years further. The state gave special privileges to the permanent residents in matters such as residence, property, education and first jobs which were unavailable to others. Article 35A of the Indian constitution has been interpreted by some Kashmiri officials to disallow challenging any state law merely on the ground of infringing upon rights granted to all citizens of India via the national constitution.

We the people of the state of Jammu and Kashmir having solemnly resolved in pursuance of the accession of this state to India which took place on the twenty sixth day of October 1947 to further define the existing relationship of the state with the union of India as an integral part thereof and to secure to ourselves

Justice, social, economic and political

liberty of thought, expression, belief, faith and²⁴ worship, equality of status and of opportunity and to promote among us all

Fraternity assuring the dignity of the individual and the unity of the nation.

in our constituent Assembly this seventeenth day of November, 1956, do hereby Adopt, Enact And Give To ourselves this constitution.

Preamble of constitution of Jammu & Kashmir.

Education and employment rights

The state Govt officials of Jammu and Kashmir have issued permanent resident certificates. However, these certificates differ by gender. The certificates issued to females are marked valid only till marriage while certificates for males have no such markings. If a woman married to an Indian outside of Kashmir she was denied a new certificate. These certificates are required by the Jammu and Kashmir, she was denied a new certificate state officials from anyone seeking to acquire immovable property, education or employment within the state. Under the state laws

the Jammu and Kashmir High Court quashed the appointment of Susheela Sawhney in 1979 - a Kashmiri-born woman, as assistant professor in the Govt Medical College because she was married to a man outside of Kashmir. Numerous other women - such as Sunita Sharma, Anjali Khosla, Abha Jain, Kamla Rani Deeta Gupta and others - sued the state Govt on different but related matters, charging discrimination based on their gender. These cases were reviewed in 2002 by the full bench of the state's High Court, which overturned the past rulings and found that the state has discriminated based on gender. According to Cottrell, the autonomy and special status granted to the state of Jammu and Kashmir makes it possible for it to have rather lower standards of human rights.

Women's rights

In 2004, the Jammu and Kashmir Legislative Assembly passed the Permanent Residents Bill - also known as the Daughter's Bill. The new law sought to deprive daughters of the state's permanent residents of all their native-born rights and privileges if they marry someone who is not the subject of Jammu and Kashmir.

This law applied only to the female descendants²⁶ of Kashmir subjects, and does not apply to the male descendants.

According to Sehla Ashai, per its provisions, the women who married non-state subjects could no longer claim state subject status, would thereby lose both preferential treatment in Govt hiring and the ability to acquire new property in the state. The opponents to this bill argued that this is a violation of Kashmiri women's fundamental rights under the Indian constitution and that the bill discriminated human beings by their gender. The supporters argued that if this bill failed to pass it would be the end of constitutionally guaranteed autonomy for Jammu & Kashmir and that the law was created to protect the ethnic identity of the people of Jammu & Kashmir. The bill was supported by Democratic Party, but challenged by the Indian National Congress Party. It was reintroduced in J&K legislative houses in August 2004 as an amendment to the state constitution, but it failed to pass the Upper House of the state by the required two-thirds majority. In 2010, the Permanent Residents legislation was reintroduced in the state's legislative houses, with

Support from the two main state-based parties. ²⁷ It again attracted criticism that such bills have no sanction in the legal and constitutional history of the state or in Article 370.

other issues

Anamath land transfer controversy

On 26 May 2008 the Govt of India and the state Govt of Jammu and Kashmir reached an agreement to transfer 100 acres of forest land to the Shri Anamathji Shrine Board to set up temporary shelters and facilities for Hindu pilgrims. Kashmiri separatists opposed to the move citing reasons that it will jeopardize the article 370 that gives separate identity to the people of Jammu and Kashmir and prevents any Indian citizen to settle in Kashmir. People in Kashmir staged widespread protests against this decision by Govt of India. Due to the protests the J&K state Govt relented and reversed the decision to transfer land. As a result, Hindus in the Jammu region launched counter-agitation against this roll back.

Calls for abrogation

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In 2014 as part of Bharatiya Janata Party manifesto for the 2014 general election, the Party pledged to integrate the state of Jammu and Kashmir into the union of India. After winning the elections, attempts were made by the Party along with its parent organisation the Rashtriya Swayamsevak Sangh, for the abrogation of Article 370. Former prime minister and Congress leader Karan Singh opined that an integral review of Article 370 was overdue and it need to be worked on jointly with the state of Jammu and Kashmir. However, in October 2015 the High Court of Jammu and Kashmir ruled that the Article 370 cannot be abrogated, repealed or even amended. It explained that the clause of the Article conferred power to the state's constituent Assembly to recommend to the president on the matter of the repeal of the Article, since the constituent Assembly did not make such a recommendation before its dissolution in 1957, Article 370 has taken on the features of a permanent provision despite being titled a temporary provision in the constitution. On 3 April 2018 the Supreme Court of India gave a similar opinion declaring

that Article 370 has acquired a permanent status. It stated that, since the state constituent Assembly has ceased to exist, the President of India would not be able to fulfill the mandatory provisions required for its abrogation.

In 2019, as part of Bharatiya Janata Party manifesto for the 2019 general election, the party again pledged to integrate the state of Jammu and Kashmir into the union of India.

2019 Actions

Presidential order of 2019

On 5 August 2019, Home Minister Amit Shah announced in the Rajya Sabha that the President of India had issued the constitution order, 2019 under Article 370, superseding the constitution order 1954. The order stated that all the provisions of the Indian Constitution applied to Jammu and Kashmir, whereas the 1954 order specified that only some articles of the Indian Constitution to apply to the state the new order removed all such restrictions. This in effect meant that the separate constitution of Jammu and Kashmir stood abrogated. The order was stated to have

been issued with the concurrence of the Govt of state
of Jammu and Kashmir which apparently meant the Governor
appointed by the union government

The Presidential order 2019 also added clause with four
sub-clauses to Article 367 under interpretations the phrase
Sadari-i-Riyasat acting on the aid and advice of the
council of ministers " shall be construed as the Governor
of Jammu and Kashmir " The phrase state Govt shall include
the Governor. In proviso to clause of article 370 of the
constitution the expression constituent Assembly of the
state referred to in clause (2) " shall read legislative
Assembly of the state " According to Jill Cottrell, some of
the presidential orders under Article 370 have been
issued since 1954 in similar circumstances when the state
was under President's rule. The union Govt interpreted
the concurrence of the state Govt under these circum-
stances to mean the Governor.

Immediately after placing the Presidential order 2019
before the Rajya Sabha, Home Minister Amit Shah moved
a resolution recommending that the President issue an
order under article 370 rendering all clauses of Article
370 inoperative. After the resolution was adopted by both
houses of the Parliament, the President issued constitutional

Order 273 on 6 August 2019 replacing the extant text of Article 370 with the following text. 31

370 All provisions of this constitution as amended from time to time, without any modification or exceptions, shall apply to the state of Jammu and Kashmir notwithstanding anything contrary contained in article 152 or article 308 or any other article of this constitution or any other provision of the constitution of Jammu and Kashmir or any law, document, judgement, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instruments, treaty or agreement as envisaged under article 363 or otherwise.

change of status of Jammu and Kashmir

On 5 August 2019 the Home Minister Amit Shah introduced the Jammu and Kashmir Reorganisation Bill 2019 in the Rajya Sabha to convert Jammu and Kashmir's status of a state to two separate union territories, namely union Territory of Jammu and Kashmir and union Territory of Ladakh.

The union territory of Jammu and Kashmir was proposed to have a legislature under the bill whereas the union territory of Ladakh is proposed to not have one.

By the end of the day the bill was passed by Rajya Sabha with 125 votes in its favour and 61 against (67%).

The next day, the bill was passed by the Lok Sabha with 340 votes in its favour and 70 against it (84%). The bill became an Act after it was signed by the President. 32

The two union territories came into existence on 31 October 2019, which was celebrated as National Unity Day. The President of India appointed a Lt Governor for the union territory of Jammu and Kashmir and a Lt Governor for the union territory of Ladakh. Both the Lt Governors were sworn in by Justice Gita Mittal, the Chief Justice of Jammu and Kashmir High Court, on 31 October 2019. First at Leh for Ladakh UT and then at Srinagar for Jammu and Kashmir UT. President's Rule under article 356 of the Constitution of India was ended in the state of Jammu and Kashmir on the night of 30 October 2019.

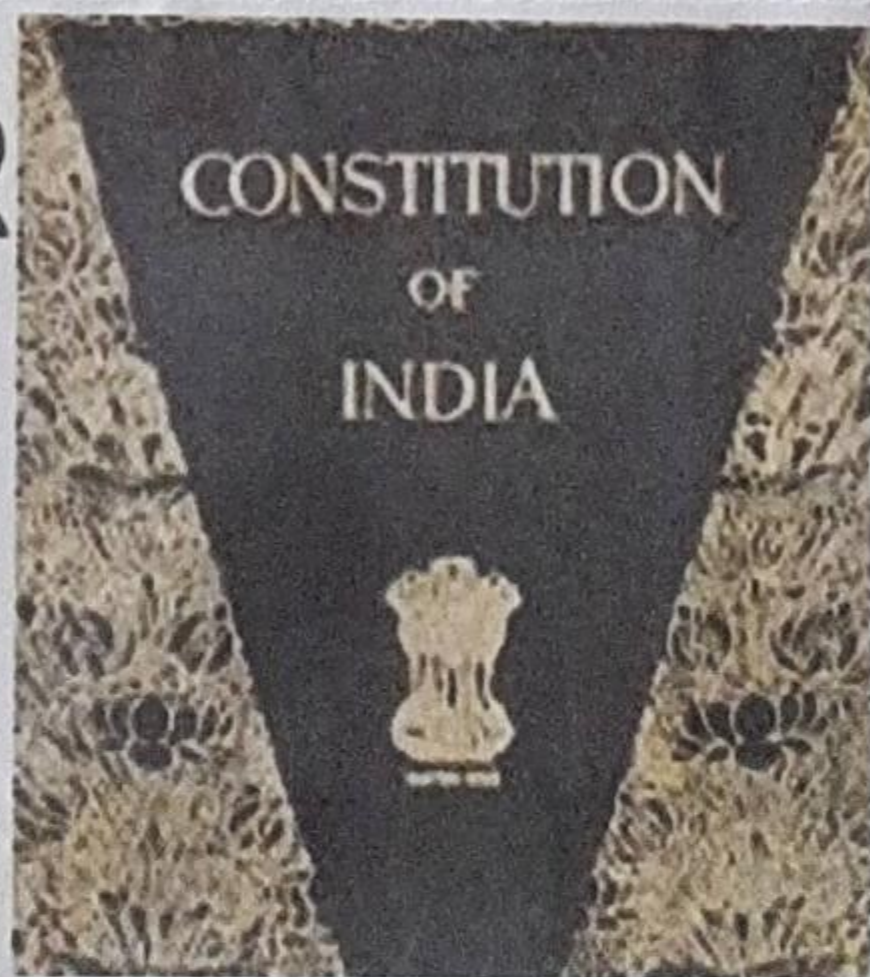
President's Rule is not applicable to and is not needed in a union territory as the union territory anyway is controlled by the central Govt. The President issued an order stating that he will rule the union territory of Jammu and Kashmir directly until the legislative assembly is constituted in the union territory.

See also

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- ⇒ 1974 Indira - sheikh accord
- ⇒ 2014 Jammu and Kashmir legislative election.
- ⇒ Article 356
- ⇒ Article 35A of constitution of India
- ⇒ constitution of Jammu and Kashmir
- ⇒ Instrument of Accession
- ⇒ Kashmir conflict
- ⇒ Part XXI of the constitution of India.

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Notes

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- ⇒ The negotiations were held at the residence of Home Minister Vallabhbhai Patel on 15-16 May 1949. and Prime Minister Nehru recorded the results in a letter on 18 May. It said in particular it will be for the constituent Assembly of the state when convened, to determine in respect of which other subjects the state may accede.
- ⇒ Article 238 was repealed by the 7th Amendment in 1956.
- ⇒ This was changed in via the 1952 Presidential Order.
- ⇒ The constituent Assembly was dissolved by a resolution passed by the representatives of Kashmir in 1956 and it ceased to exist on 26 January 1957.
- ⇒ While the Congress Party central front led by Rajiv Gandhi was in power, the President of India made an order under Article 370 on 30 July 1986, extending to Jammu and Kashmir Article 249 of Indian constitution in order to empower Indian Parliament to legislate on matters in the state list after obtaining a Rajya Sabha resolution. The then Governor Jagmohan gave concurrence on behalf of the state front while the state was under President's rule despite protests from G.A. Lone - the law secretary of Jammu & Kashmir and in the absence of a council of ministers.

→ In the 1972 case *Mohd Maqbool Dattoo vs State of Jammu and Kashmir*. The Petitioner challenged the ³⁵ constitutionality of interpreting and replacing the *sadar-i-Riyasat* with the Governor of the state. The Supreme Court of India held that the Governor is the successor to the *sadar-i-Riyasat* and is able to give the state Government's concurrence to any amendments under Article 370 states Louise Tillin.

→ The legal term *Permanent residents* replaced the term *state subjects* in earlier laws.

→ The legal term *Permanent residents* replaced the term "state subjects" in earlier laws.

⇒ See here for the complete Part XXI of the Indian constitution.



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state with Indian union, and opposed the grant of
special status to Kashmir. The ouster of Maharaja and
subsequent abolition of monarchy, further deepened
the Dogras

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particular the abolition of hereditary monarchy and reten-
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* conclusions *

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In April 2018, the Supreme Court of India ruled that Article 370 had attained Permanency since the state constituent assembly has ceased to exist.

To overcome this legal challenge the Indian Govt instead rendered Article 370 as inoperative even though it still exists in the constitution. Indian Govt has recently revoked the special status that was given to Jammu and Kashmir and made them into two union territories. This may turn into both good and bad. This is one of the good and brave move to resolve the land dispute between India and Pakistan. At the same time this is one of the bad move when everyone across the country are fearing about Hindu extremism.

Some consider that this move of revoking Article 370 may backfire at any movement.

Jammu and Kashmir is considered as the heaven
on the earth for its scenic beauty. It is a state in
the Indian territory and had a special status
which was granted to the state in the constitution
of India under Article 370. As the state had a
special status in the country there were many
restrictions to the Kashmiri people and other citizens
of India. People of Kashmir had witnessed many
terror attacks in the state for many decades.
All the restrictions were lifted from the union
territory and had the union territory have to
follow the constitution and all the Indian laws
after the abrogation of Article 370. This has also
allowed the people of other states to conduct
businesses, have their property, get education in
the union territory. Also all the restrictions
imposed on the Kashmiri people before abrogation
was removed and they were independent to do all
the activities in every field.

There were many difficulties faced by the 48 people after the abrogation and after one year of the abrogation still many people are facing the problems living in the union Territory on the other hand there are many positive changes in the union Territories. The BJP government is trying their best to create a better environment for the people living in the J&K and the people will be able to live a free and a happy life.

The End *