I. INTRODUCTION

In October 26, 1947, Maharaja Hari Singh after Pakistani attack on Jammu and Kashmir executed an instrument of accession by way of which he surrendered the jurisdiction of three subjects—defense, foreign affairs and communication to the Union Government. Though the format of this instrument of accession was exactly the same as was executed by other heads of the princely state. All other princely states merged with the India union and adopted the constitution of India but Jammu and Kashmir had its own constituent assembly and hence a separate constitution which was adopted on 17th Nov. 1956. But for the intervening period i.e. from the time of execution of the instrument of accession to its. Consideration by the constituent assembly of the state, temporary provisions had to be made in the constitution of India and this was done by incorporating Article 370. The sum and substance of Article 370 is that with regard to Jammu and Kashmir in addition to Defiance, foreign affairs and communication the Union parliament can make laws with regard to the items in the Union and concurrent lists but only with concurrence of the state Government. This puts the Jammu and Kashmir state on a special footing while the union parliament has unfettered powers to make laws for all the states in respect of items included in the union and concurrent lists of the constitution. It can do so with regard to Jammu and Kashmir only with consent of the state Government. Article 370 is arguably the most contentious provision of the constitution of India. It deals exclusively with the Jammu and Kashmir State that came under the administrative control of the Government of India after the country’s 15-month war that Pakistan started in 1947 to seize sovereignty over the state. Besieged by the controversy right from its draft stage, Article 370 has been the subject of heated debate ever since the Constitution came into full effect from 26th January 1950. While one section of the Indian polity has strongly demanded its abrogation, some others have vehemently opposed this demand; in 1999, Farooq Abdullah, the State’s then Chief Minister, even threatened a revolt if the Article were revoked.

II. HISTORICAL BACKGROUND

Article 370 deals exclusively with Jammu & Kashmir State that came under the administrative control of the Government of India after the country’s 15-month war that Pakistan started in 1947 to seize sovereignty and is arguably the most controversial provision of the Constitution of India.

The genesis of the demand for the Constituent Assembly of India can be traced in the pronouncements of our revered nationalist leaders and the resolutions of the Indian National Congress. Demand for a Constituent Assembly as part of its official policy was made by the Indian National Congress in 1934. The demand for a Constituent Assembly was thereafter reiterated in a number of Congress resolutions. This demand was, however, resisted by the British Government until the outbreak of World War II when external circumstances forced them to realize the urgency of solving the Indian Constitutional problem. In 1940, the Coalition Government in England recognised the principle that Indians should themselves frame a new Constitution for autonomous India. In March, 1942, when the second world war was going on and Japanese were at the doors of India, the British Government issued a Draft Declaration containing the proposals on the future of India. For discussing the draft with the Indian leaders, British Cabinet sent Sir Stafford Cripps, a member of the War Cabinet to India. Though the negotiations between him and the nationalist leaders proved infectious, what is, however, significant is that Cripps accepted the idea that an elected body of Indians should frame the Indian Constitution.
different sets of geographical regions: provinces which constituted 60% of the land area of the sub-continent known as British India and princely states which constituted the rest 40% of British India.

• The 562 such princely states were ruled by the Princes, Maharajas, Nawabs, Rajas and so on and ranged in size and population. They contributed 100 million of the subcontinent’s total population of 400 million inhabitants at the time of independence. British looked after the defence, foreign policy and communications of these states.

• But the states were not directly ruled by the British and were allowed governance in internal matters such as law and order, civil liberties, health, education and economic development in return for which they each acknowledged British ‘paramountcy’ through individual treaties. The British gave an Indian State and its ruler protection against neighbors and usurpers by stationing company troops in its capital under the control of a British Resident.

• Their citizens were not British subjects, like the other Indians, but ‘British protected persons’. The troops were, of course, very much a two-edged weapon: while they were protecting the prince, they were also keeping him in check, a privilege for which he was expected to pay. The case of Jammu & Kashmir was very telling in this context.

• The British transferred the State forever to Maharaja Gulab Singh under Treaty of Amritsar, for 75 lakhs in 1846, and fixed a nominal annual payment to protect his territories from external enemies.

• In February, 1947, Government announced that independence would be given to British India, the plan was to create two independent dominions of India and Pakistan based on the Hindu and Muslim majority areas of the various provinces that constituted British India. The policy was announced by the British Government’s with regard to Indian states.

• Political arrangements between the States on the one side and the British Crown and British India on the other were to be brought to an end under that policy. The rights surrendered by the States would revert to the States when the partition of India and Pakistan were created. The communal basis of division of British India would not affect the States at all thus, with the withdrawal of power, the princely States would become ‘independent’.

How was it Introduced?
In 1949, the then Prime Minister Jawaharlal Nehru had directed Kashmiri leader Sheikh Abdullah to consult Dr. B. R. Ambedkar, then law minister, to prepare the draft of a suitable article to be included in the Constitution for inclusion of J&K. Dr BR Ambedkar, the principal drafter of the Indian Constitution, had refused to draft Article 370 as he felt it propels discrimination. Nehru thus directed Sheikh Abdullah to Ayyangar, a minister without portfolio, who drove the inclusion of Article 370 to completion. It is believed that Dr. B. R. Ambedkar and Sardar Vallabhbhai Patel were not kept in loop during the formation of this Article.

III. LEGAL ANALYSIS

Article 370 consists of three clauses out of which clause (1) of Article 370 consists of four sub-clauses from (a) to (d) words ‘Notwithstanding anything in this Constitution’ indicate that Article 370 has been given overriding effect. It applies without having to depend on any other provision of the Constitution of India for its enforceability this prelude has been rarely used in the rest of the Constitution of India.

Article 370 (1) (a)
Article 370 (1) (a) says that the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir. Article 238 which applied with certain minor exceptions, the Constitution of the provinces to the States in part B of the First Schedule was not made applicable to the State of Jammu and Kashmir though the State of Jammu and Kashmir was also labeled as part B State under the Constitution of India as promulgated in 1950. Part VII was included in the Constitution of India, which contained only on article, i.e., Article 238 which provided internal Constitution of all Part B States. The provisions of Part VII of the Constitution provided that Part VI of the Constitution, which contained provisions for Part A States, corresponding to Governor’s provinces, would also apply to the Part B States, subject to certain modification and exceptions. But the State of Jammu and Kashmir was exempted from the application of Part VII of the Constitution as unlike other Indian States, the State of Jammu and Kashmir refused to accept the application of the Indian Constitution in its entirety. Moreover, having regard to the circumstances in which State acceded to India, Government of India declared that it was the people of the State of Jammu and Kashmir acting through their Constituent Assembly who could determine the Constitution of the State as well as the sphere of the Union jurisdiction over the State.

Article 370 Clause (1) (b)
The essence of clauses (1) (b) (i) and (1) (b) (ii) combined is that laws of Parliament on matters in the Union List and the Concurrent List can be made for Jammu and Kashmir State only after ‘consultation’ with the State Government or after ‘concurrence’ of the State government depending on the subject matter of the law. Clause (1) (b) of Article 370 refers to the legislative authority of Parliament over the State of Jammu and Kashmir. According to clause (1) (b) (i), Parliament has power to make laws on those matters in the Union list and the Concurrent list which correspond to matters already surrendered by Instrument of Accession. The elaboration of these subjects in terms of the entries in the two Lists is to be done by the President by Order in consultation with the State Government. The Instrument of accession (which was signed by Maharaja Hari Singh) on under para 3 laid down that the Dominon Legislature may make laws for the State only in those matters which are specified in the Schedule appended to the Instrument.70 In the Schedule, three major heads have been mentioned, viz., defence, foreign affairs and communications. Each of these broad heads has a number of items which were also listed in the Schedule. Besides the three major heads, a number of ancillary matters have also been mentioned in the schedule appended to the Instrument of Accession. It was necessary to identify those items in the Union and Concurrent List which correspond to matters mentioned in Schedule appended to the Instrument of Accession and this task was left to the President to be performed by him in consultation with the State Government. Clause (1) (b) (ii) of Article 370 provides that subjects, which are mentioned in Union list and concurrent
list of the seventh schedule to the Constitution of Indian but which are not mentioned in the Schedule appended to Instrument of Accession, can be brought within the purview of Parliament only with the concurrence of the Government of Jammu and Kashmir which the President may be order specify. This provided for subsequent enlargement of the Union power if this were deemed necessary in the interest of the union or state. Explanation: For the purpose of this article the government of the state means the person for the time being recognized by the president on the recommendation of the legislative assembly of the state as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the council of ministers for the state for the time being.

Article 370 Clause (1) (c)
Clause (1) (C) of Article 370 merely says that only articles of the Constitution of India, which apply of their own force to the State of, are Articles 1 and 370. This means to make the provisions of these two articles applicable to the State neither presidential Order is necessary nor any consultation with the State Government necessary. Article 1 defines the territory of India. Sub-clause (2) of Article 1 adds that the States shall be as pacified in the First Schedule. The first schedule mentions the State of Jammu and Kashmir. Thus the State of Jammu and Kashmir is part of territory of India. But it is Article 370 which makes Articles 1 applicable to Jammu and Kashmir State. This is not without legal significance and consequence.

Article 370 Clause (1) (d)
Clause (1) (d) of Article 370 and the two proviso appended thereto refer to other provisions of the Constitution. Whereas clause (1) (b) of Article 370 refers to the extent of legislative powers of the Union parliament over the State of Jammu and Kashmir, clause (1) (d) of Article 370 refers to such other provisions of the Constitution other than the legislative powers. Article 370 (1) (d) lays down that such of the other provisions of the Constitution of India can be applied to the State, subject to such exceptions and modifications, as the President may by order specify. Such an order may be issued by the president of India subject to the following conditions:
(1) Where the order related to matters specified in the Instrument of Accession, consultation with the Government of Jammu and Kashmir is necessary;
(2) Where the order relates to matters not specified in the Instrument of Accession, concurrence of the State Government is necessary.
Thus, the President under Article 370 (1) (d) is empowered to apply such other provisions of the Constitution, with the consultation or concurrence of the State Government as the case may be, to the State of Jammu and Kashmir and subject to such ‘exceptions’ and ‘modifications’ as he may by Order specify. The meaning of the expression ‘exception’ implies that than President could provide that a particular provision of the Constitution would not apply in relation to the State of Jammu and Kashmir.80 Thus, the President had been given power not to apply a particular provision of the Constitution altogether in that State.

Article 370 Clause (2)
Clause (2) of Article 370 provides that if the Government of Jammu and Kashmir gives its concurrence for the enlargement of the powers of the Union Parliament on matters which are not covered by schedule attached to Instrument of Accession or for an application of those provisions of the Constitution of India which do not correspond to the matters specified in Schedule attached to Instrument of Accession before the convening of the State Constituent Assembly, it should be placed before such Assembly for such decision as it may take thereon. While the Jammu and Kashmir Constituent Assembly was on the anvil, there was only an Interim Government functioning in the State. Hence, it was a justified stipulation of this clause that concurrence given by the interim government was required to be placed before that Assembly for decision after that Assembly had been convened. Thus, in effect the power to extend the scope of the Union power or otherwise change the basis of relationship of Kashmir with India was vested in the Constituent Assembly of the State. The arrangement made under Article 370 was to continue until the Constituent Assembly of the State made a decision to the contrary. The framers of the Constitution presumed that the temporary provisions envisaged by Article 370 would last only for a relatively short duration and their operation would hardly extend beyond the time the Constituent Assembly of the State would take to draft the Constitution of the State.94 In 1957, Constitution Assembly of the State was dissolved. Thus, Article 370(2) has exhausted itself.

Article 370 Clause (3)
Clause (3) provides that with the prior recommendations of the Constituent Assembly of Jammu and Kashmir, 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. Since the Constituent Assembly of the State exists no more, Article 370(3) is no longer operative. Therefore, if any modification is to be made to Article 370 resource will have to be had to Article 368 regarding amendment of the Constitution. The first Para of clause (3) of Article 370 permits a mere executive notification to cease the operation of an Article of the Constitution or to restrict its operation in the country. Clause (3) of Article 370 is thus a revolutionary provision in a parliamentary democracy. The courts have held that Article 370 can still be used to make orders there under despite the fact that the State’s Constituent Assembly has ceased to exist. It was found that since the Assembly had made no recommendation that Article 370 be abrogated, it should be held to be continuing in force because the situation that existed when this article was incorporated in the Constitution had not materially altered, and the purpose of introducing this Article was to empower the President to exercise his discretion in apply the Indian Constitution while that situation remained unchanged.

The important provisions of the Constitution of Jammu and Kashmir can be summarized as follows:

Current Legal Framework of Article 370
Since the Constituent Assembly on July 14, 1954 decided that the Article 370, which was temporary in nature, shall remain in force and therefore it became permanent feature of the Indian Constitution. It became unamendable after the Constituent Assembly ceased to exist after 1957. Presidential orders and parliamentary amendments have been made to the Article from time to time in concurrence with the J&K State Assembly.
Special Relationship of J&K with the Indian Union:
(i) J&K has its own Constitution framed by a special Constituent Assembly set up by the State.
(ii) Parliament cannot make any law without the consent of the State Legislature relating to:
(a) Alteration of name and territories of the State.
(b) International treaty/agreement affecting the disposition of any part of the territory of the State.
(iii) The residuary power in respect of J&K rests with the State Government and not with the Union Government.
(iv) The Fifth Schedule pertaining to the administration and control of Scheduled Areas and Scheduled Tribes and the Sixth Schedule pertaining to the administration of Tribal Areas are not applicable to the State of J&K.

IV. ISSUES AND CHALLENGES
1. Temporary and Transition Provision Article 370 was introduced under temporary and transition provision, it is but still in existence. So who will decide what was actually meant by the term temporary and transition provision.
2. Does not fulfill the criteria of Section 5 of the instrument of accession which says- “The terms of this my instrument of accession shall not be varied by any amendment of the Act or the Indian Independence Act, unless such amendments are accepted by me by instrument supplement to this instrument”.
3. Encourages Separationist tendency- As per the article published in Indian republic, Kahmri locals do not think of them as part of India and often asks people coming from different states to Kashmir, if they have you come from India. This shows that even the concept of unity in integrity, which is one of the best attribute of India’s most cherished culture, is losing its meaning.
4. It affects the economic development- As per the provisions of article 370 people from outside Kashmir cannot invest in Kashmir, they cannot buy any property or carry on any business. Where rest of the India enjoys right to move freely and carry on trade in any part of India thereby developing India as a whole, Kashmir due to restriction put by Article 370 is closing doors of development for itself.
5. Permitting corruption As we have CAG, Lokpal, CBI to investigate corruption issues in other States of India, Kashmir due to article 370 does not come under these anti corruption bodies. When corruption is on its toll in India it becomes a very important issue of debate that since the top most investigation bodies of India does not have its operation in Kashmir, is Kashmir totally a corruption free State and does not need such authorities.
6. Threat to Indian security It is well known to all that Pakistan is a great threat to India due to its deep involvements in terrorism. The Article also gives Pakistan's citizens entitlement to Indian citizenship, if he marries a Kashmiri girl. This is very sensitive issue and needs to be looked upon with great care and precautions. This way we are welcoming terrorists thereby making them our son in laws. How can this be justified when terrorism is not only a national issue of concern but global as well and more importantly when Kashmir is the eye of Pakistan right from the time of Independence.
7. RTI is not applicable to State of J & K- people are not only deprived of right to information but also the procedure to file the complaint. Which means a very important aspect of Democracy to have a transparent government is missing from the State. RTI has proved to be a very important tool to fight corruption, in the absence of RTI it can be assumed that politicians of J & K wants to escape from accountability thereby refusing to abrogate Article 370.
8. People in the State are not enjoying various beneficial laws such as marriages between Kasmiris and people from rest of India. Thereby affecting their human rights as well as marriage is a very personal issue and if on marrying a non Kashmiri a Kashmiri women ceases to be the State subject where she was born and loses her identity of the State is quite discriminatory as it does not happen with women from rest of the State in India as they have only one citizenship that is Indian Citizenship.
9. The emergency provisions Article 352 and 356 do not apply to State of Jammu and Kashmir. Under Article 356 where President can declare his rule in any state of India, Kashmir totally a corruption free State and does not need such powers under the provisions of Article 3 and Article 4 of The Indian Constitution.

Table.1.Comparison between the Status of Jammu and Kashmir with other States in India

<table>
<thead>
<tr>
<th>Point of Comparison</th>
<th>Jammu and Kashmir</th>
<th>Other States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Separate Constitution</td>
<td>Jammu and Kashmir is the only state in India, which has a Constitution of its own. The Constitution of J&amp;K was enacted by a separate Constituent Assembly set up by the State and it came into force on 26th January 1957.</td>
<td>All other States in India have to follow a Single constitution, which was adopted on 26th November 1948 and came into effect on 26th January 1950. Thus the relationship between the Union and these states is based on a Quasi Federal Structure.</td>
</tr>
<tr>
<td>Division of States by The Union</td>
<td>Any action of the Union Legislature or Union Executive, which results in alteration of the name or disposition of any part of the territory of the state, requires the consent of the State Legislature or the State Executive (as the case may be) to be effective. The Union has no power to suspend the Constitution of J&amp;K.</td>
<td>The Union of India can alter or rename any other state in India according to the procedure established by law. The State Reorganization Act of 1956 was enacted in order to give the Union these powers under the provisions of Article 3 and Article 4 of The Indian Constitution.</td>
</tr>
</tbody>
</table>
Position of High Court

The High Court of J&K has limited powers as compared to other High Courts within India. It can’t declare any law unconstitutional. Unlike High Courts in other states, under Article 226 of the Constitution, it can’t issue writs except for enforcement of Fundamental Rights.

The High Courts of the other states in India can declare any law unconstitutional (such a decision is subject to being overruled by the Supreme Court). Moreover, the High Courts of other states can issue writs on some matters other than Fundamental Rights.

Fundamental Duties, Directive Principles & Fundamental Rights

Part IV (Directive Principles of the State Policy) and Part IVA (Fundamental Duties) of the Constitution are not applicable to J&K. In addition to other fundamental rights, Articles 19(1) (f) and 31(2) of the Constitution are still applicable to J&K; hence the Fundamental Right to property is still guaranteed in this state.

Part IV (Directive Principles of the State Policy) and Part IVA (Fundamental Duties) of the Constitution are applicable to other States of India. Article 19(1) (f) and Article 31(2) were removed from the Constitution of India, and hence these Acts do not apply to other states in India.

Emergency Provisions

The Union of India has no power to declare Financial Emergency under Article 360 in the state. The Union can declare emergency in the state only in case of War or External Aggression. No proclamation of emergency made on the grounds of internal disturbance or imminent danger thereof shall have effect in relation to the state unless (a) it is made at the request or with the concurrence of the government of the state; or (b) where it has not been so made, it is applied subsequently by the President to that state at the request or with the concurrence of the government of that state. In December 1964, Articles 356 and 357 were extended to the state.

The Union has the power to declare a Financial Emergency under Article 360 in all States of India except Jammu and Kashmir. It can also declare a National Emergency in states of India.

V. COMPARISON BETWEEN VARIOUS STATES HAVING SPECIAL STATUS

Article 371 - Special Provisions for Maharashtra & Gujarat
President is authorized to provide that Governor of Maharashtra & Gujarat would have special responsibilities for:
• Establishment of separate development boards for Vidarbha, Marathwada & rest of Maharashtra + Kutchh & rest of Gujarat, with the provision that a report on working of these boards will be placed each year before state Legislative assembly.
• Equitable allocation of funds for developmental expenditure over the mentioned areas.
• Equitable arrangements providing adequate facilities for technical education, vocational training & adequate opportunities for employment in state services.

Article 371 – B Special Provisions for Assam
• President may provide for the constitution & functions, a committee of Legislative assembly of the state, consisting of members of that assembly elected from the tribal area of Assam.
• President can also direct that the governor shall have special responsibility to secure proper functioning of that committee.

Article 371 – C Special Provisions for Manipur
• President may provide for the constitution & functions, a committee of Legislative assembly of the state, consisting of members of that assembly elected from the hill areas of Manipur.
• President can also direct that the governor shall have special responsibility to secure proper functioning of that committee.
• Governor should submit an annual report to the President regarding the administration of Hill areas.

Article 371 – E Special Provisions for Sikkim
• Legislative assembly shall not less than 30 members + 1 seat from the state in Lok sabha & 1 in parliamentary constituency.
• For the purpose of protecting the rights & interest of different sections of Sikkim population, Parliament is empowered to provide number of seats in Sikkim administrative assembly for the people belonging to such sections.
• Governor in his discretion (On direction of President) have special responsibility for peace & equitable arrangement for socio-economic development of different sections of Sikkim.

Article 370- special provisions for J&K
Article 1 states J & K is a constituent state of Indian union, however Article 370 grants a special status to J & K on the basis.
of agreement concluded at time of J & K accession to Indian union:

- J & K has its own constitution apart from Indian constitution (Framed on 17th nov. 1956 & came in force on 26 jan 1957).
- Parliament cannot make laws with regards to J & K on subjects stated in state list.
- Residuary powers lies with legislature of J & K.
- Follows dual citizenship, only citizens of J & K can take part in elections to state assembly Only citizens of J & K can acquire, own & dispose of immovable property in J & K.
- Parliament cannot change the name, boundary or territory of J & K without the concurrence of state legislature.
- No preventive detention law made by the government can have automatic extension to J & K.
- Union has no power to proclaim a financial emergency to J & K.

The above special provisions clearly shows that because of some untoward situations there was felt a need to give some special provisions to various states. While mostly the special provisions deal with protecting the cultural, linguistic and economic benefits to the states, which had various issues, related to these matters but the case was totally different with the state of Kashmir. Though it is a known fact that the condition and situation in Kashmir is much different from other states, which have special provisions so it truly deserves some special authorities and powers. But giving arbitrary power is not justified and from the above comparison it can be clearly seen that the state of Kashmir has been given some arbitrary political powers.

VI. CONCLUSIONS

The matter of special status to J&K through Article 370 has flared constant debates. But there are special provisions given to some other states like Nagaland, Maharashtra and Assam through Article 371. Internationally, Hong Kong is an integral part of China but has been given a special dispensation. There are in fact numerous examples around the world in which, due to special circumstances, certain areas or regions have been given a special dispensation. Article 370 has brought in welcome changes as well. For instance, due to the ability to form their own laws, land reforms were introduced in J&K. Land was given to farmers and landless labors from the landlords. Some experts say that there’s no feeling of Indians among the people in the state. People of Kashmir valley have been made to believe by some Kashmiri politicians and separatists that they are not integral part of India and that they have a distinct identity which is completely different from that of Indians and that the provision of Article 370 in the Indian constitution vindicates it. This is a fallacy as Article 3 of the J&K constitution clearly states that J&K is and shall be an integral part of India. Kashmir is rich in beauty and can prove to be major source of tourist attraction and thus revenue but no investors want to come because they denied privileges in Jammu and Kashmir which is a result of Article 370. The state has been deprived of industrial development, as the legislation does not allow outside investment and prevents outsiders from buying land. Consequently, unemployment, especially among the youth, is on the rise. This is indirectly aiding militancy. Article 370 cripples the personal liberties of non-permanent residents of Jammu Kashmir. Any Constitutional provisions such as the RTI that empowers a common man is either not applicable in Jammu Kashmir or is applied in its truncated state. The journey of a Separate Status/State was always going to veer towards the course of separatism, never towards further integration and consolidation. This in a way is an effort to break the political and constitutional relationship between Jammu and Kashmir and the rest of the country. Article 370 only displays temporary and interim measure for Jammu and Kashmir provision which is incorporated in Part XXI of the Constitution under Temporary within the ambit of the Constitution of India and Transitional Provision to say that Article 370 is a bridge between India and Jammu Kashmir. The question of abrogation of article 370 is extremely sensitive and must be handled coolly and in a mature fashion. The sort of statements issued from both sides will only create further turmoil and tension in the Jammu & Kashmir state.

SUGGESTIONS AND STUDENT’S OPINION

In personal opinion, with power and freedom comes the responsibility. There is no harm in giving special powers to a state. This would lead to decentralization of power and also better governance. But we should be cognizant of the basic rights of every citizen and should not violate that. Any special status given to an individual or a state forever is not the need of the hour. We will have to change with the changing times and include everyone as equals. The government of India is trying to develop the areas of Jammu and Kashmir but this goal cannot be achieved without including the citizens across the territory of India. The government should make provision for inclusive growth of the state of Kashmir. Kashmir, being a part of India should have liberal policies and should have policies identical to other states of India. This will not only help in overall development of Kashmir but it will also solve the disputes. India being a democratic country should have equal laws, restrictions and privileges for all its citizens. Last but not the least consent of residents of Jammu And Kashmir regarding abrogation of section 370 is also must in order to arrive on necessary conclusion. Hence, the action must begin with a political and judicial merge. The judiciary could look upon to secure equal rights to all the Indian citizens in the State. Legal eagles should go to court asserting that Article 35Aviolates the principle of equality that is part of the basic structure of our Constitution and that the J&K State Constitution creating a privileged class of citizens designated as Permanent Residents violate the noble principles enunciated in the Preamble of that very Constitution. A mechanism for transparent and mutual working of the Lok Sabha and the Rajya Sabha should be evolved. There is a lack trust between the two parties to sit down and have a genuine discussion, not to mention the politics of it which seems to drown down rational discussion. IMO, India has been indifferent to people of J&K. They have failed to both take measures for social and political integration, as well as, to crack the whip with clever politics and, in extreme cases, force. Things like AFSPA and not taking proper action against excesses of the armed forces have set a deep rooted sense of subjugation and alienation in the minds of the Kashmiri people. They need to realize and it is our duty to engage with them to make it clear that India means no ill will towards J&K and the people of Kashmir are as much a part of India as Kashmir is. I think we would be better off trying to address these concerns proactively, such that Art 370 becomes totally irrelevant. The need is to develop the
confidence to fight for ‘Ek Vidhan, Ek Nishan, Ek Pradhan’ and the ultimate goal is to bring J&K within the mainstream of the Indian Constitution without Article 370.

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