

Consequences of Article 370 of the Constitution of India

*Vinayak Kapur, Third year Student of B.Com LLB(hons.), Nirma University,
Ahmedabad, Gujrat¹*

ABSTRACT

On 26th January 1950, the constitution of India came into force with a unique provision- Article 370. The special status accorded to the state of Jammu and Kashmir in the article meant that its people lived under a different set of laws while being part of the Indian Union. Maharaja Hari Singh signed the accession papers on October 26, 1947 under which the state acceded to India. The accession of Jammu and Kashmir was carried out on the same pattern other states acceded to it. But as a result of the misfortune of the country, Nehru pressurized the Maharaja for handing over power to Sheikh Abdullah/ the Maharaja gulped the bitter draught and exhibited his patriotism. On request of Sheikh Abdulla it was decided that the State Assembly will take the final decision on the accession and it was done to appease the Muslim society in Kashmir. From here the state was given the special status. The question arose as to what should be till the assembly took the final decision? For this period Article 370 was incorporated in the Constitution as a temporary measure. But even when the State Assemble ratified the State's accession to India, the Article was not scrapped. With the blindfold of political interest we lent permanency to the temporary character of the article making our position not only ridiculous before the world but also provided a golden opportunity and solid base for separatist-oriented terrorism to grow in

¹ Author is available at 11bb1047@nirmauni.ac.in

Kashmir. This special status delinks the state from rest of the country. It is because of this Article that the Government of India cannot enforce any law connected with Jammu and Kashmir without the approval or concurrence of the State Government. Only defense, external affairs and communications fall in the central list. Against this the Parliament has the powers to frame laws for rest of the states in the country. But Article 370 of the Constitution restricts the hands of the Union Government and the Parliament in doing this in case of Jammu and Kashmir. Its dangerous consequences have been witnessed in recent years when the law prohibiting misuse of religious places could not be extended to Jammu and Kashmir with the result the state does not come within the ambit of secularism. It won't be an exaggeration if it is called constitutionally recognized separatism. On the basis of this "special status" people of Kashmir, Pakistani rulers and diplomats and intellectuals in the world raise a volley of questions in front of the Government of India. Is accession of Jammu and Kashmir complete like other states? If the accession is complete, why then the special appeasement? Is it so because there is Muslim majority? Had there been Hindu majority in the Kashmir valley, would there have been this clause of the Constitution? Does not this clause give an opportunity to the world to doubt our Honesty?

INTRODUCTION

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.²

HISTORY

20th February, 1947, His Majesty's Government announced that independence would be given to British India, the plan being to create two independent dominions of India and Pakistan based on the Hindu and Muslim majority areas of the various provinces that constituted British India³. Then based on the majority Muslim communities and geographical placement Nawab of Hindu-majority Junagadh (now in Gujarat) first acceded to Pakistan though his State's distance by sea to Karachi was 300 miles and therefore did not meet the test of 'geographical contiguity' in deciding the accession Dominion. Hyderabad State was much more difficult to pluck. With its own currency, postage stamps, its own army and even its own airline, Deccan Airways, the State's ruler, Nizam Sir Mir Osman Ali Khan, was one of the richest men in the world. Vainglorious about all these assets, the Nizam was obstinate in his refusal to accede to the Indian Dominion; he not only stopped certain exports from his State to the rest of India, but also chose to declare the Indian currency as being no longer legal tender, even as he harassed his Hindu majority population in various ways. He not only refused to sign the accession deed, but also requested the President of the USA to intervene; unbelievably, in August 1948, he sent a delegation from his State to present its case to the UN Security Council. Ultimately, the Indian Army was sent to Hyderabad on 13th September 1948; the State's army surrendered four days later. On 23rd November 1949, the Nizam issued a fireman accepting the Constitution of India that was being framed then.⁴

² The truth about Article 370 by Arvind Lavakare, Rambhau Mhalgi Prabodhini

³ M.P. Jain, Indian Constitutional Law, Sixth Edition

⁴ Supra note 1

Finally, there was Jammu & Kashmir State, the biggest of all with an area of 84, 471 square miles. Ruling over a population of about forty lakhs, the vast majority of whom were Muslims, was a Hindu Maharaja, Hari Singh. He vacillated between acceding to Pakistan, acceding to India, and remaining independent. His procrastination was ended by the invasion of his State by some 5,000 Pathan tribesmen from the northern areas in Pakistan. Pakistani soldiers followed. All were on their way to Srinagar, looting, killing and raping on the way. The Maharaja was in a state of panic, begging for the help of the Indian army to drive out the invaders. To secure that help, he had first to accede to India by signing the prescribed Instrument of Accession. This he did on October 26, 1947⁵. On October 26, 1947. Hari Singh, the Maharaja of Kashmir, signed the Instrument of Accession of Kashmir to the Dominion of Hindusthan. Under this Instrument, he surrendered the jurisdiction of three subjects. Defence, Foreign Affairs and Communication to the Central Government. Lord Mountbatten, presumably with the knowledge and consent of Pandit Nehru, unwisely insisted that the final decision of the accession would be ratified by the Constituent Assembly of Jammu & Kashmir. For the transitional period, from the date of execution of the Instrument of Accession to its ratification by the Constituent Assembly of Jammu and Kashmir, some temporary provisions in the form of Article 370 were made in Bharatiya Constitution. This is how Article 370 was incorporated in our Constitution. It was Sheikh Abdullah who made Pandit Nehru incorporate in our Constitution, the said Article which rendered the bulk of the Bharatiya Constitution inapplicable to Jammu and Kashmir State.⁶ It was accepted the next day by Lord Mountbatten, the Governor General of India. The legality of the accession was sealed by India's acceptance.

⁵ Anand, A.S. , the Constitution of J&K

⁶ RASHTRIYA CHETANA, P-65 edited by Kanayalal M. Taleria, Vol 02

Having finalized the text of Article 370 with Sheikh Abdullah, Nehru brought in Gopaldaswamy Ayyangar, IAS, as a minister without portfolio to help him deal with Kashmir portfolio and plead the case of Article 370 in the Constituent Assembly. Gopaldaswamy Ayyangar had been prime minister of Kashmir for six years with Maharaja Hari Singh. The Sardar thereupon resigned and the matter fell in Gandhiji's lap to bring the two colleagues together. During this period, V Shankar, IAS was the personal secretary to Patel and had maintained a record of all events. It is clear from these records that Nehru finalized the draft of Article 370 alongwith Sheikh Abdullah without even informing Patel. Thereafter it fell to Gopaldaswamy Ayyangar to get the draft passed in the Constituent Assembly discussions. The proposal was torn to pieces by the Constituent Assembly and also Congress Party Executive.⁷

Nehru, who was abroad at the time, swallowed his pride and rang up Patel and requested him to get the Article 370 approved. It speaks volumes of Patel's loyalty to a colleague that despite his own and others misgivings, he managed to convince the members of Constituent Assembly and Congress Party Executive. But to V Shankar he said "Jawaharlal Royega". V Shankar, in his record has described the meeting of the Congress Executive Committee "The meeting was one of the stormiest I have ever witnessed barring the party meeting which discussed the proposition relating to Rajaji becoming the first President of Indian Republic. The opinion in opposition to Gopaldaswamy's formula was forcefully and even militantly expressed and the issue even brought in the sovereignty of the Constituent Assembly to draw up the Constitution without being tied down to the apron-strings of the Kashmir State Constituent Assembly. In such a situation even Maulana Azad was shouted down."⁸

⁷ My Reminiscences of Sardar Patel -V Shankar

⁸ ibid

On October 16, 1949 Sardar Patel wrote to Gopaldaswamy "I find that there are substantial changes over the original draft particularly in regard to the applicability of Fundamental Rights and Directive Principles of State Policy. You can yourself realise the anomaly of the State becoming part of India and at the same time not recognising these provisions. I do not at all like any change after our party has approved of the whole arrangement in the presence of Sheikh Sahib himself. Whenever Sheikh Sahib wishes to back out, he always confronts us with his duty to his people.⁹

Sheikh Abdullah was so adamant regarding draft Article 306-A that he wrote to N Gopaldaswami Ayyangar "In case I fail to hear from you within a reasonable time, I regret to say that no course is left open for us but to tender our resignation from the Constituent Assembly." His views had to be accepted and Article 370 was inserted in the Constitution as he wanted to be. It stipulated that no law enacted by the GoI would be applicable to the State of J&K until it was so approved by the State Legislature. There is a dual citizenship. Indians do not become automatically the citizens of J&K. The State has a separate Constitution and a separate flag.¹⁰

In 1957, some top leaders of National Conference led by Mr Qasim split the party and formed a group called Democratic National Conference (DNC). It had abrogation of Article 370 on its agenda. Nehru would not brook any opposition to his policy of keeping J&K a separate entity. He told the leaders that a new threat (China) is emerging and it is an inopportune time to raise this issue and forced them to drop their demand.

⁹ Genesis of Article 370 and its after effects By PC Dogra, IPS (Retd)

¹⁰ ibid

Article 370 was incorporated for a temporary purpose and should have been abrogated, however it has now been 64 years since its incorporation, it is still in use and conveys a wrong signal not only to Kashmiris but also to the separatists, Pakistan and indeed the international community that J&K is still to become integral part of India, the sooner Article 370 is done away is better.

ARTICLE 370 OF THE CONSTITUTION

Article 370 makes ‘temporary provisions’ with respect to the State Art 370 clearly recognizes the special position of the State of Jammu and Kashmir. Art 370 makes Art. 1 of the constitution which defines the territory of the Union, and Art.370 itself, applicable to state at once.¹¹

Article 370(1)(b) limits the power of parliament to make laws for the state to the following-

- i. Those matters in Union List and the Concurrent List, as correspond to the subjects specified in the State’s Instrument of Accession.

The elaboration of these subjects in terms of entries in the two lists is to be done by president by order in consultation with the State Government. In the Instrument of Accession three major heads have been mentioned, viz, defense, foreign affairs and communications. Each of these broad heads has a number of items which are also listed in the Instrument. Besides the three major heads, number of ancillary matters has also been mentioned in the Instrument of Accession, eg. Election of the president. It was necessary to identify those items in the Union and Concurrent Lists and this task was left to the president to be performed by him in consultation with the State government.

¹¹ M.P. Jain, Indian Constitutional Law, Sixth Edition

- ii Such other subjects in the union or Concurrent Lists as the President may by order specify with the concurrence of the state government.

This clause means that subjects other than those mentioned in the Instrument of Accession can be brought within the purview of parliament. But while in (i) above, only consultation with the state government is required, in (ii), the concurrence of the State government has been stipulated.

Article 370 (1)(d) lays down that other provisions of the constitution, besides the above, can be applied to the state with or without *modification* by order of the president. In a way Article 370 empowers the president to define the constitutional relationship of the state in terms of the provisions of the Indian Constitution, subject to the stipulation that he can do so with reference to the matters in the Instrument of accession in consultation with, and with reference to other matters with the concurrence of, the State Government. The word ‘modification’ in Art.370 is to be given the widest amplitude. Thus, the president has power to vary, amend or modify a constitutional provision, in any way he deems necessary, while applying it to the State. The power to ‘modify’ is co-extensive with the power to amend and is not confined to minor alterations only.

The Supreme Court has refused to interpret the word ‘modification’ as used in Art 370(1) in any ‘narrow or pedantic sense’. The Supreme Court has observed on this point.¹²

“We are therefore of opinion that in the context of the Constitution we must give the widest effect to the meaning of the word “modification” used in Art 370(1) and in that sense it includes an amendment. There is no reason to limit the word “modification” as used in Art 370(1) only to such modifications as do not make any radical transformation.”

¹² Puranlal Lakhanpal v Union of India, AIR 1961 SC 1519, 1521: (1962) 1 SCR 688

Further Art 370 authorizes the President to modify a constitutional provision not only when it is applied to the state for the first time, but even subsequently after it has been applied.¹³

An amendment made to the constitution does not automatically apply to the State of Jammu & Kashmir. It can apply only with the concurrence of the State Government and when the President issues an order under Art 370.¹⁴

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER,1954

Under Art 370 (1)(b)(ii), the constitution (Application to Jammu and Kashmir) order 1950 was promulgated by President of India in Consultation with the Government of Jammu and Kashmir. The order specified the matter with respect to which the Union Parliament was to be competent to make laws for the State. The order of 1950 was then replaced by an order with the same title in 1954. This is the basic order which, is amended and modified from time to time, regulates the constitutional status of the state. Today not only those Provisions of Indian Constitution which pertain to the matters mentioned in the Instrument of Accession, but many other provisions relating to several matters not specified in the Instrument apply to the State. Briefly the essentials of the constitutional position of the state are as follows.

- (a) Provisions of the Constitution relating to the Central Government apply to the state with a few modifications. The state has six members in the Lok Sabha elected directly by the people of the State.
- (b) The jurisdiction of the Supreme Court extends over the State except for Arts 135¹⁵ and 139¹⁶

¹³ Sampat Prakash v State of J&K, AIR 1970 SC 118

¹⁴ Ibid, at 1124

(c) The state is governed under a constitution of its own drafted by its constituent Assembly. This Constitution came into force on January 26,1957, and it is patterned closely on the model of Indian Constitution relating to the State governments (Legislature, Executive and High Court) do not apply to the state except for the following provisions concerning the high Court Judges:

- (i) The Judges of the State high Court can be removed from the office in the same manner as the Judges of any other High Court.¹⁷
- (ii) Restriction on retired High Court Judges to plead and act before any court or authority except the Supreme Court and other High Courts apply to the Judges of the State High Court.¹⁸
- (iii) A judge may be transferred to or from the State High Court after consultation with the Governor.¹⁹
- (iv) The State High Court has been given power along with the Supreme Court of India to issue Writs for the enforcement of the Fundamental Rights.²⁰

(d) In the field of Centre State relationship, the Legislative power of parliament vis-à-vis the state extends to the matters specified in the List 1 excluding entries 8,9,34,60,79,97.²¹ In a few other entries, such as (3,67,81), some modifications have been made in the application of the State.

¹⁵ Art 135 refers to the Federal Court

¹⁶ Art. 139 refers to conferment to writ Jurisdiction on the Supreme Court in addition to Art 32

¹⁷ M.P. Jain, Indian Constitutional Law, Sixth Edition Ch. VIII Sec. A

¹⁸ Ibid

¹⁹ Ibid

²⁰ Art. 32(2A)

²¹ M.P. Jain, Indian Constitutional Law, Sixth Edition Ch. X, Sec. D

Parliament has no residuary power vis-à-vis the state²²

Originally List III was also made not applicable to the state under the Order of 1954. But Subsequent ally, through amendments of the 1954 order²³, the concurrent List has been made applicable to the state to the some extent.²⁴

The State List has been dropped in the State. It means that Parliament can legislate with reference to the entries in List I and List III and all rest of the Legislative power vests in the State legislature.

(e) A proclamation of emergency under Art 352(1) cannot have any effect in relation to the State unless it has been made at the request or with concurrence of the state Government.

A Proclamation can be made by the president under Art 356 if he is satisfied that the Government of state cannot be carried on in accordance with the provisions of the constitution of India, or the Constitution of the State. When a Proclamation under Art 356 is in operation, Parliament becomes entitled to legislate for matters not enumerated in the Union List.

No Proclamation under Art. 360 applies to the State.

(f) The power of Parliament to reorganize the boundaries, etc., of the State is conditioned by the restriction that no Bill for such a purpose is to be introduced in the Parliament without consent of the state Legislature.

(g) Art. 365 does not apply to the State.

²² M.P. Jain, Indian Constitutional Law, Sixth Edition Ch X, Sec I

²³ The Constitution (Application to J&K) Ammendment Order, 1963.

²⁴ Anand, A.S. , the Constitution of J&K 145.

- (h) No provisions regarding minorities apply to the State except those for the Schedule Castes and Backward Classes; seats are to be reserved in the Lok Sabha for the schedule Castes.
- (i) An amendment made to the Constitution under Art. 368 does not take effect in the state unless applied by Presidential order Art. 370(1).
- (j) Directive Principles of State Policy do not operate in the State.
- (k) Fundamental Rights operate in the State with slight modifications, some of the important ones being:
 - (i) The power of legislature, notwithstanding any Fundamental Right, has power to define persons who may be permanent residents of the state and to confer on them any special rights, or impose on others any restrictions, as respects employment under the State Government, acquisition of property within the state, settlement in the state and right to scholarship provided by the state.
- (l) No outsider can buy land in the boundaries of the Jammu and Kashmir state.
- (m) Jammu and Kashmir has their own Penal Code (i.e Ranbir Penal Code).
- (n) Incapability to alter the boundaries of Kashmir

Under Article 3 of Bharatiya Constitution, the Parliament has the right to change the boundaries of any province, provided the President consults with the authorities of the concerned province before signing the bill. But, on account of Article 370, the Parliament of Hindusthan cannot alter the boundaries of Jammu and Kashmir. For doing so, it has to seek approval from the Constituent Assembly of Jammu and Kashmir. It indicates that the Constituent Assembly of Jammu and Kashmir is above the Parliament of Hindusthan. Had Pandit Nehru not applied Article 370 to the state of Jammu and Kashmir, the Parliament of Hindusthan could have split Kashmir into

various parts and annexed the said parts to the adjoining provinces. The only panacea to the problem of Kashmir is to abrogate Article 370, split Kashmir into parts and annex the said parts to the adjoining provinces in such a way that the Muslims may lose the majority, and Hindus may be induced to settle permanently in the said parts with overwhelming majority. The well-planned systematic dispersal of Muslim population and settlement of Hindu population in its place is the only remedy to the malady of Kashmir²⁵

(o) Non-acceptance of Hindi

The decision of the Union of Bharat pertaining to Hindi as National language could not be applied to Jammu and Kashmir because of Article 370. No member could speak in Hindi in the State Assembly without prior permission of the speaker.²⁶

(p) No CBI in Kashmir

On account of baneful barrier of Article 370, Central Bureau of Investigation (CBI) was not allowed to work in Jammu and Kashmir. Thus Sheikh Abdullah and his accomplices were let loose to collude with Pakistani conspirators and infiltrators. The reports of his collusions and conspiracies with Pakistani agents and spies could not reach the ears of the ruling leaders of Hindusthan.²⁷

(q) Two Presidents in one country

It will be apparent from the above that from time to time through Presidential orders passed under Art. 370, a large number of the provisions of the

²⁵ RASHTRIYA CHETANA HORRENDOUS CONSEQUENCES OF ARTICLE 370 Kanayalal M. Taireja

²⁶ Ibid

²⁷ Supra Note 23

Constitution have already become applicable to the State of Jammu and Kashmir. The only condition precedent for the exercise of this power by the president is the concurrence of the state Government. There is no limitation on the exercise of the power by the President in relation to one or more of the remaining provisions of the constitution. The process of extending the various provisions of the constitution to the state has been gradual and as a result of consensus between the Government of India and the State as dictated by experience and mutual advantage of both.

On February 24, 1975, Prime Minister Indira Gandhi made a Statement on the Future relationship between the state and the Indian Union.²⁸ The highlight of the statement is that this constitutional relationship will continue as hitherto, and that the extension of further provisions of the constitution to the State will continue to be governed by the procedure prescribed in Art. 370.

The Criticism

Right from the date of inclusion of Article 370 in the constitution of India, it has been subjected to a lot of criticism. It has only increased as the years pass by because it has slowly attained the permanent place in the constitution. However, this article was incorporated for the temporary purpose in order to safeguard the people living there and also to make peace in the state. Its permanency in the Constitution conveys a wrong signal not only to Kashmiris but also to the separatists, Pakistan and indeed the international community that J&K is still to become integral part of India.

The Article 370 was clearly meant to be a temporary provision included in the Constitution to cater for the specific requirements of the troubled times immediately after India's independence and the state's accession to India. It was

²⁸ The Times of India, Feb 25 1975

meant to remain in operation during the existence of the State's Constituent Assembly. Article 370 has built emotional and psychological barriers between the people of Kashmir and the rest of India, thus fostering a psychology of separatism. Existence of this statute is used by Pakistan and its proxies in the valley to mock at the very concept of 'India being one from Kashmir to Kanyakumari'. It has kept alive the two-nation theory. Over a period of time, the separatist lobby in the state has used this barrier to build a mindset of alienation. Such a possibility had been clearly visualised by many political stalwarts who comprised the Constituent Assembly of India. While speaking in the Constituent Assembly of India on October 17, 1949, one of its distinguished members, Hasrat Mohani had said, "The grant of special status would enable Kashmir to assume independence afterwards."²⁹

The vested interests in Kashmir, be these politicians, bureaucracy, businessmen, judiciary, etc., have misused Article 370 for their own nefarious purposes, by exploiting the poor and the down-trodden people of the state. The rich have consistently used Article 370 to ensure that no financial legislation is introduced in the state, which would make them accountable for their loot of the state treasury. These include the provisions dealing with Gift Tax, Urban Land Ceiling Act, Wealth Tax, etc. This has ensured that the rich continue to grow richer and the common masses are denied their legitimate share of the economic pie. Article 370 has also helped create power elites and local Sultans, who wield enormous power, which they use to trample upon the genuine demands of common people for public welfare. As no outsider can settle in the state and own any property there, the politically well-connected people stand to gain enormously. It is these influential people who make the rules, decide the price and

²⁹ Impact of Article 370 By Col Tej Kumar Tikoo, Indian Defence Review 01 Dec , 2012

determine the buyer, since any competition from an outsider is completely ruled out.³⁰

To the gullible people of Kashmir, the abolition of Article 370 is projected as a catastrophic event that will sound the death knell of Kashmiri Muslim culture, but in actual fact, this argument is a ploy to prevent assimilation of Kashmiris into the national mainstream. That way, these power brokers continue to expand their fiefdom, perpetuate their hold on political and economic power and build a communal and obscurantist mindset, which in due course serves as a breeding ground for creating a separatist mentality.³¹

The bogey of threat to the Kashmiri identity that the abolition of Article 370 will pose is merely a ploy to camouflage the political ambitions of the leaders. Actually these very people cause a great damage to Kashmiri culture, as no culture can survive without the stimulus of outside contact and opportunity to cross-fertilise. It was this mindset that has been responsible for creating the violent communal upsurge of 1989, which finally led to the exodus of Kashmiri Pandits.³² As no outsider can settle in the state and own any property there, the politically well-connected people stand to gain enormously. It is these influential people who make the rules, decide the price and determine the buyer, since any competition from an outsider is completely ruled out.

Senior Bharatiya Janata Party(BJP) leader L.K. Advani who on July 6 said “if Nehru could have accepted the views of Shyama Prasad Mukherjee, the founder of the Bharatiya Jana Sangh then the crown of Himalayas may not have been disturbed.” Advani added that the thought and foresight of Mukherjee were

³⁰ Ibid

³¹ Supra Note 27

³² Ibid

very important but due to Nehru's 'wrong policies,' the condition in the Kashmir are very precious today.”

Advani presumes that Mukherjee was against the autonomy and was for full merger of the state into the Indian union, and if it would have been accepted then the subsequent troubles in Kashmir valley would have been avoided. On the contrary, J&K chief minister, Omar Abdullah traces the current problems of Kashmir valley to the failure of the federal government to restore the full autonomy of the state. Now it will be worthwhile to understand what Mukherjee actually stood for. Though he did enter the state to support the demand of the Praja Parishad, Jammu affiliate of the Jana Sangh, for ek pradhan, ek nishan and ek vidhan (one president, one flag and one constitution), finally he came to the contrary conclusion.³³

CONCLUSION

Although the topic has been subject to a lot of criticism by various leaders and they have opined that the Article needs to be abrogated as soon as possible. The question remains that, whether the abrogation of this disputed article will make a difference on the position of Kashmir. Since Aug 5, 2013 there has been continuous violation of cease fires. Many of our Jawans have died and still the situation remains the same. There has been no peace in J&K. With 2014 elections round the corner, BJP prime ministerial candidate, Mr. Narendra Modi in December, visited Kashmir, and has demanded a discussion to be held over this article. BJP has always favored the abrogation of this article and has reiterated that the abrogation of this article will improve the condition of Kashmir. Even if it succeeds in doing so how would it make a difference? At present lakhs of

³³ Leaf from the past Nehru-Abdullah-Mukherjee Formula on Kashmir HISTORY BY BALRAJ PURI

soldiers and paramilitary men are present in Kashmir and they have built a huge base over here. Article 370 prevents an outsider from buying an immovable property in JK but forces have built their base camps even without buying it. Lakhs of skilled and unskilled labourers arrive in Kashmir every year and along with them comes the army of “unwanted beggars.’ Along with the passage of time they have developed immunity towards cold weather conditions which prevail in winter and many slums have come up in various areas of Kashmir. There is every possibility that these slum dwellers after a few years would fight for their rights and would force the government to legalize their colonies. In Jammu and Kashmir many outsiders have joined hands with local businessmen and have set up many small and big factories, especially in Jammu region, as joint ventures. Modus operandi is simple: a person who is a permanent resident of JK buys the land and an outsider invests the money. With such loopholes and dilutions where does the Article 370 stand?

People, who claim that this Article is a bridge between JK and New Delhi and tamper with it would hurt the sentiments of the masses, are trying to prove they are Messiahs of Kashmiris. It looks like that someone needs to remind them during the past 20 years rights as well as the sentiments of the people have been trampled to a great extent. With or without Article 370 Kashmir is an issue which needs to be resolved but the irony is that New Delhi is not ready to accept it. It claims JK is an integral part of India and other issues, including Article 370, are internal matters. One needs to bear in mind that whosoever comes into power in centre New Delhi’s Kashmir policy would remain unchanged and with or without any bridge it would keep on holding on to Kashmir.³⁴

³⁴<http://www.greaterkashmir.com/news/2013/Dec/7/article-370-and-kashmir-issue-3.asp>

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