

DISSERTATION TITLE

CRITICAL ANALYSIS OF ABROGATION OF ARTICLE 370: ITS
CONSTITUTIONAL ASPECT AND A POLITICAL DEMEANOUR.

**A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE
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CHAPTER 1: SYNOPSIS

TITLE

The topic of dissertation is Critical analysis of abrogation of Article 370: its constitutional aspect and a political demeanour.

ABSTRACT

It's a great dilemma whether article 370 has been abrogated or it is made just non-operational partially as Article 370 of the Constitution of India gives special status to the Indian state of Jammu and Kashmir, which is located in the northern part of the Hindustan Peninsula and most of the waters torn by conflict between India, Pakistan and China. Born in 1947. Have a separate constitution and monitor the status of the flag as well as the internal state of the administration.

Government of India revoked the special status by presidential decree and parliamentary decree in August 2019.

The research explores the confusion of the constitutional validity of the repeal or operation of Articles 370 and 35A and studies the constitutional validity of the research process and responds accordingly to the consequences of its partial or termination. The ways in which it has been done, as well as examining and analysing the political impact on its trade historically and the impact on the current or later non-functioning statute.

INTRODUCTION

Be temporary in nature. The ruler of Jammu and Kashmir signed an admission document containing only three subjects

That is, the Indian Dominion from the state surrendered to foreign affairs, defense and communications. State of Jammu and Kashmir

The alliance with the Union of India is extraordinary. The state has more autonomy, and the Union of India

Its impact is less in other states. The Union of India was unable to declare a financial emergency or emergency

Regarding the state of Jammu and Kashmir State's alliance with India's Union is exceptional. The State enjoys a greater degree of autonomy, and the Union of India's influence in other states is minimal. The Union is not in a position to declare a state of emergency for the state of Jammu and Kashmir along with a state of financial calamity in the event of the failure of the constitutional entity. The Central Listed Assembly was unable to legislate on the contents of the inventory and the

joint inventory, which did not correspond to the contents of the Instrument of Access. The involvement of the state government in any matter pertaining to the state is mandatory. The Union of India has the power to act independently on any issue only if any of the three matters mentioned in the surrender or exclusively accessible device are specified in any way. Indian constitution to be applied to the state.

In Part XXI of the Constitution, the article 370 and article 35A was drafted temporary. After establishing the transitional period and adopting specific provisions, the Jammu and Kashmir Constituent Assembly was empowered to decide on the implementation of the provisions of the Indian Constitution or the status of the abrogation of Article 370. The Presidential Decree of 1954 was issued after consultation with the State Constituent Assembly, which defined the application of the Articles of the Constitution of India to the State. After the establishment of the Constituent Assembly Jammu and Kashmir of India, the body was authorized to make recommendations for the implementation of Articles of the Constitution of India, the State or until the complete repeal of Article 370. From 1954 a presidential decree was issued after consultation. With the State Legislature, which was defined as the enforcement of the provisions of the Constitution of India in the State. Since the Constituent Assembly should be abolished, without a decision to abrogate Article 370, this article is an irrevocable duty of the Constitution of India. In this article, in addition to Article 35, those who are residents of the State of Jammu and Kashmir live under various rules with respect to the citizenship, property and fundamental rights of citizens of other Indian states. Due to this provision, Indian citizens of other states cannot purchase land or property in Jammu and Kashmir. On August 5, 2019, President Ram Nath Kovind issued constitutional ordinances which replaced the 1954 ordinance and made all provisions of the Indian constitution applicable to Jammu and Kashmir on the basis of a majority resolution. 2/3 adopted by both houses of the Indian parliament. Below are the decisions taken by the governments of two countries that issued a new decree on 6 August, which contains all the provisions of Article 370, except those mentioned in Article 1. Jammu and Kashmir is divided into two regions, the and Union State of Jammu and Kashmir and the Union Territory of Ladakh. October 31, 2019. it was rebuilt.

OBJECTIVE:

Jammu and Kashmir, as well as all other princely states, were created first: defence, foreign affairs and communications. "All five states have been invited to send their representatives to the Legislative Assembly of India, which has drawn up a constitution for as a whole. They were also asked to form legislatures of their states. Many countries will not be able to hold meetings simultaneously, but in some countries, in particular,

Saurashtra, Travancore-Cochin and Mysore union have done so. However, Saurashtra Union Department, Travancore-Cochin and Mysore have done so. The State Department developed a model constitution for the States; On May 19, 1949, all heads of state and ministers would meet before the State Department and agree that separate constitutions were not necessary for member states. The states where constituent bodies are elected recommend a number of reforms that have been adopted. That is why the state of all the states (or group of states) was like the state of the traditional Indian province. This means that overall in which items are available to the central and state governments, cuisines have been standardized across India. Enter whatever you want. Then, in the column on the right, you can repeat your comment. It requested to be able to use only those provisions of the Indian Constitution which corresponded to the primary instrument of accession, and to be complied with back at the time of constitution of the State Legislature. Shortly before the meeting with other member states, the Indian government agreed to the request. These were "transitional provisions", in the sense that the drafting and adoption of a state constitution would take some time. However, on January 25, 1957, the Constituent Assembly of the state was abolished without a resolution to repeal or amend Article 370. Therefore, the Article was considered an integral part of the Constitution. The Constitution of India, ratified by various decisions of the Supreme Court of India and the Supreme Court of Jammu and Kashmir, came into force in April 2018. Chapter 7 of the Act signed by Maharaja Hari Singh established that there is no future constitution. of India that may be imposed by the Government.

States are free to develop their own constitution and you can decide for yourself what additional permissions you should give to the federal government.

Article 370 embodied six special provisions for Jammu and Kashmir:

1. And grant exemption from the condition of full use of the Constitution of India. The state was given the right to make its own constitution.
2. The time and procedure was limited to deal with the three types of issues relating to defence, foreign affairs, and communications, and was the most important branch of the legislature. Other constitutional powers of the central government can be extended only to the member states. Government, with the consent of the State.
3. The "game" was only temporary. It has to be approved by the state assembly. "
4. The objective of the state's Constituent Assembly to "approve" the government was a long time ago. After the adoption and distribution of the electricity scheme by the state assembly, the powers did not expand."
5. Article 370 can be repealed or amended at the request of the Legislative Assembly of the state.

STATEMENT OF PROBLEM:

The biggest challenges are how such changes would bring future implications and how the traditional population will adapt to such changes of law. Along with the discovery of constitutional validity of various aspect and facet of changes at par with political demeanour.

RESEARCH QUESTION:

1. Whether article 370 and article 35 A has been abrogated or made non-operational partially?
2. If it has been abrogated or made non-operational is it constitutionally valid or not?
3. The procedure through which this change has been brought Does it qualify Constitutional validity?
4. Such change of law will have optimistic or pessimistic acceptance by the people of different regions of the country?
5. Its future implications and the judicial stand on the Lis Pentence.
6. Political influence of the change and on the change.

HYPOTHESIS

1. Researcher's hypothesis is article 370 to be non-operational partially and not abrogate.
2. Researchers hypothesis is yes this change is not constitutionally valid
3. Researchers hypothesis is the procedure of bringing the the is not constitutionally valid.
4. Researcher's hypothesis is that such change all the region will adopt with optimistic approach.

OBJECTIVE OF RESEARCH TOPIC:

Since it is a very burning issue of current India and many political and legal debates are going around the country on this issue of abrogation or non-operational of article 370 and 35 A the objective of research is to find out whether this abrogation is a myth or reality Article 370, as we all know, grants special status to the state of Jammu and Kashmir. In this attempt, the last sentence of Article 370 is bad, as it refers to the special status included in the state of Jammu and Kashmir, but it is a constitutional provision. The constitution of India deals with payments in any state, and the constitution gives the status of the state of Jammu and Kashmir. It was given special constitutional

status by entering the Indian Dominion. From the beginning it was not the same as any other state, so how can it be given special status?

Moreover, the limited power of the Central Legislature to make laws for the state cannot in any way be justified as the inability of the Union of India. to declare a financial emergency with regard to the State, the inapplicability of the Fundamental Duties & Directive Principles and the limitation of The fact that the Jammu and Kashmir High Court has the power to issue writs (for some) only for the enforcement of fundamental rights exists in the state of Jammu and Kashmir in a different position. Respect for other states. Thus the expansion of ination ha is not equal to the meaning of a particular situation. And researchers 'research revolves around these issues.

SCOPE OF RESEARCH TOPIC:

It is doubtful whether Article 370 should be repealed. Balance the arguments in favor and against the repeal. The argument that it was a temporary provision and eventually needed to be repealed in a few years supported its repeal. The request for a plebiscite would be fatal if Article-370 were abolished, since it would rightly have held a plebiscite Within 5 years from the date of entry and not later than 60 years. The opposite view supports those who do not want to abrogate. While there are countless views and opposing views, the most important ones will be stated in the desertation.

And the scope will also cover under its umbrella the answer of whether article 370 can be abrogated or not as Article 370 of the Constitution of India as envisaged in Article-368 may be repealed, the only condition being that the amendment be non-destructive as far as the constitutional doctrine of basic structure is concerned. The question, however, isn't how to repeal; it is whether or not to repeal. The answer does not say yes. Although the power to suspend or amend Article-370 had been granted to the President of India, the recommendation from J&K's constituent assembly is required for this purpose. Since there is no more constituent assembly, this authority can not be challenged. Of Article 368, an amendment is necessary to be made under Article-370(1) to include further competition or consultation with the Government of the Republic, pursuant to a Presidential Order. The above analysis leads to the conclusion that the amendment extended in this respect is still not clarified or effective. The State Government is the absolute power in the relation between Article 370, Union of India and State affairs. And the endless existence of Article-370 would be the result of a discrepancy between State Government and Union of India on the subject of repeal, viz necessary.

LIMITATIONS OF RESEARCH TOPIC

The limitation of the research is restricted only up to the research from perspective of India and not the entire world except.

METHODOLOGY OF RESEARCH

The Research in this project is not only doctrinal but conceptual and theoretical in nature. This research project is a theoretical study of the instrument of accession and the historical background in detail and the the study of landmark cases of Article 370 and 35 A. This project is doctrinal and an in-depth study of the research topic. The study is qualitative as well as analytical in nature.

CHAPTERISATION:

Chapter 1: Introduction of topic.

In this chapter researcher will talk about what exactly article 370 and 35 A states.

Chapter 2: Historical background of article 370 and 35A in refrence to special status to jammu and kashmir

The research done in this chapter talks about the equipment required to reach them from the gateway, a legal document originally passed by the Government of India Act 1935, namely up to those rulers of monarchical states combined, and represents one of Benjamin Britten's important ones 1947. New hegemony of India or Pakistan created by the British India Party. And for Jammu and Kashmir, the instrument of accession is a legal document executed on October 26, 1947 by Maharaja Hari Singh, ruler of the princely state of Jammu and Kashmir. Maharaja Hari Singh agreed to join the Union of India by implementing this document under the terms of the India Independence Act of 1947.

Chapter 3: Autonomy of Jammu and Kashmir: structure and limitation:

The Constitution of India is a federal structure." Legislative issues can be divided into "Group List", "State List" and "Parallel List". Link to nine subjects of special laws including trade-goods including defence, military. and foreign affairs, large transportation systems, banks, exchanges and taxes.

Sixty-six items on this list, including prisons, agriculture, most industries, and some taxes, are available for the correct state. The Present List is a law that focuses on criminal law, marriage, bankruptcy, trade unions and commerce and its regulation, and states may be legally involved. In case of dispute, the law of the union takes precedence. "The rest of the power lies with the Parliament, which takes law in matters not specified in the Constitution. In the Union, it can also help in other industries, in rivers, in ports, etc., if "foreign", in this case, they would be subjects of the Union. In the case of Jammu and Kashmir, the "Union List" and "Parallel List" were mainly limited to the material specified to the input device, and were then expanded to state competition. "Other Permits" a is a state authority, not a union. Ninety-nine points, according to the State Autonomy Commission, the Union's general list applies to Jammu and Kashmir); the Central Intelligence and Research Bureau's rules and deterrence do not apply. Forty-seven properties in the "today" list Twenty-six out of and represent Jammu and Kashmir; Marriage and Divorce, Children and Infants and Young Children, Agriculture, Contract and Violence, Bankruptcy or Transfer of Ownership of Anything Foundation, Civil Court, Family Control, and Charity, Disabled which means that the state has special power to lay down rules for these things. He also has the right to make laws.

Chapter 4: Applicability of Indian Law to Jammu and Kashmir

In this chapter researcher will discuss the various provision of different act regarding what all provisions previously were made applicable of various acts to the state of Jammu and Kashmir and how like :

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

- All Services Act of India"
- "Negotiable Instruments Act"
- "Law on Border Security"
- "Law on Central Vigilance Commission
- "Law on Original Products"
- "Law on Pilgrimage Committee
- "Law on Income Tax"
- Central Law on Goods and Services Tax, 2017"
- "Integrated Excise and Services Tax Act, 2017"
- Central Rights Act (Jammu and Kashmir Distribution) in 1956"
- Central Rights Act (Jammu and Kashmir Distribution) in 1968, "

- National Human Rights Commission (NHRC) on non-compliance of law claiming that Article 370 was abrogated in 2010””

Chapter 5: various presidential order

Presidential order 1950, 1952, 1954 and few more along with detailed discussion of 2019 order

Chapter 6: human rights to the people of Jammu and Kashmir:

Article 370 recognizes the special status of the state of Jammu and Kashmir in terms of autonomy and the ability to make rules for the residents of the state. As per the Presidential Decree of 1954, the Fundamental Rights enshrined in the Constitution of India are applicable to Kashmiris with exceptions. In subsequent changes, Cottrell amended the constitution to allow the application of basic human rights to permanent residents of Jammu and Kashmir. The legislative power of the state is amended and supplemented by the principle of "preventive detention", which exempts them from infringement of their rights until the age of twenty-five. In addition, the state granted residents special rights in areas such as housing, land, education, education, governance, and obligations that were not open to others. Under Article 35 of the Constitution of India, many officials did not want to challenge the law of the state on the ground that it violated the rights of all Indian citizens as defined in the national constitution. These include women's rights, as well as their rights to education and the labor market."

EDUCATIONAL AND EMPLOYMENT RIGHT :

Certificate of Permanent Residence issued by J&K officials. However, these certifications will vary based on gender. Certificates issued to women are considered "the only important thing before marriage", but men's certification carries no identification mark. If a woman is married to a non-Kashmiri Indian, the fresh certificate should be refused. These certificates are required for those who want to have real estate, education or work in the state of Jammu and Kashmir, India. According to the laws of the member states, Suska Sawhney was dismissed in 1979 through the Supreme Court of the State of Jammu and Kashmir: "a woman born in Kashmir, India, who worked as an assistant professor in a government medical school." Because she had married a non-Kashmir male, India. Sunita Sharma, Anjali Khosla, Abha Jain, Kamala Rani, Rita Gupta and many other women called on the government to take several actions that would prevent gender discrimination. These cases were considered by the state Supreme Court in 2002, which overturned previous decisions and, after learning of the state in which they were discriminated against on the basis of gender, according to

The autonomy and special status granted to the state of Jammu and Kashmir is "something that determines human rights standards."

WOMEN'S RIGHTS :

The Draft Law on Permanent Residents (Disqualification) It was approved by the Jammu and Kashmir Legislative Assembly in 2004, also known as the Girl Child Conduct Act. The new law seeks to deprive a girl child of her fundamental rights and privileges as a resident of a member state [note 8] because she marries a person who is not a citizen of Jammu and Kashmir. This rule applies only to female offspring from water and does not apply to male offspring. According to the Sahla Asha, according to its rules, "Women who married non-state subjects [men of any other state in India or other countries were not able to do so, the issue of the state is therefore to the detriment of both the preferential treatment". The government also used this opportunity to acquire new properties, such as this one. Critics of the law argued that it was a "violation of the human rights of women in the Indian Constitution and the Gender Discrimination Act." Supporters of the law argued that if the law is not passed, "it would be at the end of the constitutionally guaranteed independence of Jammu and Kashmir", and that the law was enacted to ensure the ethnic identity of the nation of Jammu and Kashmir". The bill was approved by the Jammu and Kashmir National Political Conference, the Jammu and Kashmir People's Democratic Party, but was opposed by the Indian National Congress party. It was an amendment to the constitution of the state in the legislative and Jammu and Kashmir divisions. in August 2004, but it was not passed by the administration in the Upper House by a two-thirds majority. In 2010, the Steel Popular Law (Prohibition) was passed in the legislative branches with the help of the two main political parties. Critics noted that "these provisions do not imply that the state supports the law and the Constitution, in the past, Article 370".

Chapter 6: Call for abrogation and various movement

In 2014, the party promised to integrate the state of Jammu and Kashmir into the Indian Union as part of the Bharatiya Janata Party's manifesto to coincide with countrywide elections in 2014. The party and its parent organization Rashtriya Swayamsevak. The RSS tried to abrogate Article 370 if it won the election. In the first case the Prince Regent and Congress leader Karan Singh made the full version of Article 370, which was repealed and you use the state of Jammu and Kashmir. However, in October 2015, the Supreme Court of the state of Jammu and Kashmir ruled that the attendance of 370 people "cannot be canceled or even changed". He clarified that under Article 3 of the Article the State Legislature has the power to recommend the repeal of the Article to the President. For its resolution in 1957, the Constituent Assembly did not give such advice, and Article 370 had the character of a "factory", although it was entitled to a temporary provision of the Constitution. The Supreme Court of India issued a similar advisory opinion on 3 April 2018, holding that Article 370 has been permanently superseded. He said that due to the fact that the Constituent Assembly of the state has ceased to exist, the President of India is unable to observe the rule of constitutional law required for transfer. In 2019, the party aims to integrate the state of Jammu and Kashmir into the Indian Union as part of the Bharatiya Janata Party's manifesto for country-wide elections in 2019.

Chapter 7: Change and its constitutional validity of change and precodure adopted for change

Chapter 8: Analysis of political stands and debate of for and against the change

Analysis of the debate of Harish salve and some famous analysts.

Chapter 9: Future challenges and judicial review over article 370 and 35 A abrogation.

Chapter 10: Conclusion.

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CONCLUSION:

The need at the moment is to formulate a logistical interpretation of the related clauses of the article, keeping in mind the intention of the drafters of the constitution. By introducing an amendment clause, the drafters never intended to give complete rigidity to the execution of the Constitution, but to provide flexibility to keep pace with the ever-changing needs of society and serve the ends of justice. Changing section 370, as is actually a misconception, but this condition can be easily dealt with using a logistical approach and can be very diplomatically turned into reality.

CRITICAL ANALYSIS OF ABROGATION OF ARTICLE 370: ITS CONSTITUTIONAL ASPECT AND A POLITICAL Demeanour.

CHAPTER – 2

A BREIF HISTORY OF ARTICLE 370 AND 35A IN REFERENCE TO SPECIAL STATUS OF JAMMU & KASHMIR

2.1 HISTORY OF KASHMIR

In March 1846, Raja Gulab Singh gives 75 lakh rupees to the British government for the purpose of making the Kashmir part of Jammu. For the same, people of Kashmir were not satisfied and started various religious movements, but during that time the only Sheikh Abdullah has great influence over the territory of Jammu and Kashmir to change this religious movement into a political and religious movement brought a great revolution in India's policy script.

Compared to 1947, when the movement of 'Quit India' will be in the region of India, 'Quit Kashmir' movement going on in Kashmir, where people of Kashmir who rebelled and called on the nation and a separate government separates Sheikh Abdullah has dominion and influence in Kashmir convince people of Jammu and Kashmir to merge the region with India. And this has been negotiating with the Government of India and Maharaja Hari Singh and India signed the instrument and to Article 370 base accessesion including Jammu and Kashmir to India in 1949.

Then, in 1954, by order of the president arrived section 35A, we could not find a 35A in providing Indian constitution naked since Article 35 is followed by chapter 36, while Article 35A is given in Annex I of the Constitution and this is an article that tells you that it will become permanent residents of the country Jammu and Kashmir and what the rights and obligations and only have basic rights were extended to the territory of the region of Jammu and Kashmir and limitations of this extension 35A .Then, on the basis of section 370 and section 35A and a separate instrument of adhesion with the constitution of Jammu and Kashmir drafted by a constituent assembly of Jammu and Kashmir.

The result of all this is that for the region of Jammu and Kashmir three subjects namely defence, foreign affairs and communications will be handled by the union of the Parliament of India, in addition to these if the House wants to make the law and makeup required legal approvals from the state government and other countries,

In chapter 2, the research will describe the instrument of accession: the new dominions of India or Pakistan created by the British India Party. And for Jammu and Kashmir The instrument of accession is a legal document signed on October 26, 1947 by Maharaja Hari Singh, ruler of the princely state of Jammu and Kashmir. Maharaja Hari Singh agreed to join the Union of India by implementing this document under the terms of the India Independence Act of 1947.

In Chapter 3 Autonomy of Jammu and Kashmir: structure and limitation described. The “Indian Constitution is a federal structure. The legislative subjects are divided into a “Union List”, a “National List” and a “Competing List”.

In Chapter 4, the researcher will discuss the various provisions of different laws regarding all the previously made provisions of various laws in the state of Jammu and Kashmir. "All India Services Act, Negotiable Instruments Act, Border Security Force Act, Central Vigilance Commission Act", etc. Presidential decrees 1950, 1952, 1954 and a few others as well as a detailed discussion of the order of 2019 are also covered in this chapter . Chapter 5 deals with the human rights of the people of Jammu and Kashmir. Section 370 recognizes the special status of the state of Jammu and Kashmir in terms of autonomy and its ability to formulate laws for permanent residents of the state. In the presidential decree of 1954, the fundamental rights of the Indian Constitution applied to Kashmir with exceptions. Six major issues special category are :

1. Member States are exempted from implementing the Constitution of India. States have the right to make their own constitution.
2. At this stage, it included three types of issues relating to defence, foreign affairs and communications, and was limited to the main legislative powers of the government.
3. "All the constitutional powers of the central government, the state can be extended only with the consent of the government."
4. "The agreement is only temporary. It has to be approved by the Constituent Assembly of the state.
5. Only a group of State Legislative Assembly agreed on behalf of the government." After the Constituent Assembly's ratification process and the status of the distributed energy label, an energy transition occurs.
6. Article 370 can be repealed or amended on the request of the Legislative Assembly of the state.

"It's a good dilemma because Article 370 has been repealed or partially repealed, because Article 370 of the Indian Constitution defines Jammu and Kashmir, an Indian state located in the northern part of the Indian subcontinent and parts of the region. Grants special status over most of Kashmir, which has been the subject of dispute between India, Pakistan and China since 1947, gives the right to use a separate flag, the country and its control over the country's internal administration, August 2019,

India The government has the right to use a different flag. The special status was abolished by presidential decree, and it became a parliamentary regulation.

2.2 ARTICLE 370 OF THE CONSTITUTION OF INDIA

The region of Jammu and Kashmir is located in the northern part of the Indian subcontinent, Article 370 of the Indian constitution grants special status to J&K. J&K is managed by India as a country from 1954 to October 31, 2019 and is a "great region of Kashmir". J&K has been the subject of a dispute between India, Pakistan and China since independence in 1947 over the power to have a separate constitution, state flag and autonomy over the internal administration of the country.

This article is designed in Part XXI of the Indian Constitution. Meanwhile, the Transitional and Special Constituent Assembly of Jammu and Kashmir, since its inception, has been empowered to recommend articles of "the Indian Constitution, which should be applied to the state or abolish Article 370 altogether. After detailed consultation with the State Constituent Assembly, the Presidential Decree of India in 1954 was issued to determine the existing articles of the Indian Constitution in force in the state. is dissolved without recommending the repeal of Section 370, Section 370 was considered to have become a permanent part of India's Constitution ”.

“This article and article 35A, which define that the people of the State of Jammu and Kashmir live under a distinct set of laws, including those relating to citizenship, property and fundamental rights, in relation to residents of other Indian states. Due to this provision, India from other countries cannot buy land or property in Jammu and Kashmir.

In 2019, on August 5, the Indian government issued an ordinance to replace the 1954 ordinance and makes all provisions of the Indian constitution applicable to Jammu and Kashmir by a resolution passed by both houses of the Indian Parliament in the 2/3 majority. . after the resolution was passed in both houses of parliament, he issued another order on August 6 saying that all articles except article 1 of article 370 must be inoperative.

In addition, a Jammu and Kashmir Reorganization Act was passed by parliament, dividing the state of Jammu and Kashmir into two distinct regions, known as the Union Territory of Jammu and Kashmir. -Kashmir and Union Territory of Ladakh. the reorganization took place on October 31, 2019 ”.

2.3 NECESSITY OF ARTICLE 370 OF THE CONSTITUTION OF INDIA

India became independent on August 15, 1947 and the framing of the Constitution for independent India becomes necessary. Among the many obstacles Constituent must face, perhaps the most important as the incorporation of many Princely States, made independently by the Indian Independence Act, 1947. The State of Jammu and Kashmir is one such Princely State. But the draft

constitution has been completed and has been discussed and criticized in most of the provincial assembly. Exceptional trends for this discussion is the general consensus of opinion about the level of basic health and company hope that the Constitution will prove the working document for the new India that is taking shape.¹ Article 370 of the Indian Constitution of 1950 addresses temporary provisions for the State of Jammu and Kashmir, that is, for the State of Jammu and Kashmir, India, under the provisions of this article, and a special provision in the Indian Constitution.

Article 370 of the Constitution of India, mainly from 17 October 1949, following a debate in the Constituent Assembly in which Shri N Gopalaswami Ayyangaru stated that a union was necessary in the specific circumstances applicable to Jammu and Kashmir. ²

Prevention legislative Constituent Assembly then accepts the existence of special conditions mentioned by Mr Ayyangar and consequential requirements of the incorporation of the provisions of Article 370.³ Now Article 370 was included in the Draft Constitution as Article 306-A.

Jammu and Kashmir issue has become one of the most perplexing problems facing the Government of India since independence.⁴ There are several factors-political and socio-economic laws which are responsible for the worst countries now prevailing in Kashmir affairs.⁵ This study is an in-depth study on Article 370 of the Constitution of India and the purpose of finding a solution acceptable to all legal and constitutional controversies arising from Article 370. This study, though related to, not at all concerned with political interests , religious or other, legal issues evolve around aspects of constitutional Article 370, firmly, saying that the removal or retention should no longer be the domain of every Kashmir stands universally recognized for the State of Jammu and Kashmir political gimmick or political ideology, but elite political imperative now take a realistic or pragmatic or functional, and not escapist, the vision of the whole gamut of issues. It is very important that politicians are fully aware of the legal consequences of the actions and objectives of this study, which relates purely to the legal aspects of Article 370 of the Constitution of India, is to help and guide politicians and legislators in this great task.

¹ "Article 370 Live News: Lok Sabha Passes Bill To Bifurcate J&K, A Step Closer To Becoming A Law". 6 August 2019.

² Commentary On The Constitution Of India- Page 3-Vol. P-D. D. Basu

³ Constituent Assembly Debates, Book No. 5, Vol. No. X-Xii Published By Lok Sabha Secretariat

⁴ Article 370 Of The Constitution Of India- Its Past And Present- Bimal Kr Chatterjee

⁵ Constitutional Autonomy- A Case Study Of J & K- Preface- Dr. K. K. Wadhwa. Article 370: A Constitutional Dilemma- Dr M. K. Bhsupportandari-Air 1992 Journal 52 Kashmir Is The Universally Recognized Abbreviation For The State Of Jammu And Kashmir

CHAPTER - 3

SOVEREIGNTY OF JAMMU AND KASHMIR: STRUCTURE AND LIMITATIONS

India is a federal statutory structure. The subjects of the legislature are divided into three lists namely

1. "Union list",
2. "List of States" and
3. 'Simultaneous list'.

Union List consists of 96 topics, including defense, military and foreign affairs, major transportation systems, financial matters such as banking, stock exchange, and taxes. The Union list provided the Union government to make laws exclusively for the ninety subjects ". The list of countries consists of 66 items that include prisons, culture and horticulture, all types of industries, and the defined taxes applied there, provided legislates. The concurrent list, in which the Center and the state government can establish laws, including criminal law, unions, bankruptcy, marriage, professional control and prices.

"In the event of a dispute, Union law dominates. A "minimum capacity" to legislate on issues outlined in the Constitution, along with the rest of the Union. The Union may also enter into a particular industry, inland waterways, ports, etc." to become "national", in which case they would become subjects of the Union.

In the case of the J&K alliance, the list and the parallel list were mainly limited to pairs, which were to be included in the instrument of merger; Later it was extended with the concurrence of the state government. The "rest of power" still belongs to the state, not the Union. According to the State Autonomy Commission, ninety-nine digits of the list are to be used in the tax law of the Jammu and • Integrated Goods and Services Tax Act 2017. * Central Rights Act, 1956 (Distribution to Jammu and Kashmir, India) Central Office) 1968 ((Distribution to Jammu and Kashmir) Act, not applicable to the National Human Rights Commission in Kashmir, India; The Central Intelligence Agency responsible for the research and development of preventive imprisonment, these provisions do not apply. "List of Contestants" and will be valid up to Jammu and Kashmir in 26 out of 47 places; Marriage and divorce, family planning and the transfer of property other than land including children and adolescents, contract and bankruptcy compensation as well as the establishment of companies

and foundations, courts and charities—should be the sole and important matters. But the exclusive right to make laws. A law setting out rules for the selection of representatives of state bodies that belong to the state"

INDIAN LAW APPLICABLE TO JAMMU AND KASHMIR

“The laws passed by the Indian Parliament spread to Jammu and Kashmir for some time.

- Law on negotiable instruments
- All Indian Services Act
- Law on the Central Vigilance Commission
- Law on essential products
- Haj Committee Act
- Law on border security forces
- The Central Goods and Services Tax Act 2017
- Income tax law
- Integrated Goods and Services Tax Act, 2017
- Central Laws Act 1956 (extension to Jammu and Kashmir)
- Central Laws Act 1968 (extension to Jammu and Kashmir)

The non-applicability of the National Human Rights Commission (NHRC) Act to section 370 was overturned in 2010.⁶

⁶ “Order Extraordinaire: J&K's Immunity Set Aside By The Nhrc. October 2010. Archived From The Original On 3 December 2015. Retrieved 23 November 2014”.

CONSTITUTION OF JAMMU AND KASHMIR

“ 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 and 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.”

The Note and Article 3 of the old Jammu and Kashmir Constitution states that the State of Jammu and Kashmir is and shall remain an integral part of the Indian Union. Article 5 states that the executive and legislative powers of the State, except in all matters on which the Parliament has the power to make laws for the State, in accordance with the provisions of the Constitution of the State. "India at that time. Constitution was established in 1956, came into force on November 17, January 26, 1957". ⁷

The Kashmir Dispute 1947-2012, Tooba Khurshid of the Institute of Strategic Studies Islamabad notes that "leading lawyers, historians and political experts" have attempted to provide "accurate reports" of the Kashmir dispute. Khurshid indicates that the book is a collection of documents, both archival and contemporary, as well as speeches and interviews and records Noorani has supported his argument by referring to the large array of documents to provide a historical context of political disputes. Khurshid strongly recommend the book for researchers and also praised for a reference for

⁷ "Constitution Of Jammu And Kashmir (Pdf). Official Website Of Jammu And Kashmir Legislative Assembly On National Informatics Centre, India. Retrieved 3 April2015".

a large number of documents archived. Khurshid classify the book as "a solid, scientific research" and recommend it also for policy makers because of the use of a fairly large of secret documents.⁸

The Jammu and Kashmir constitution was declared infructuous by the Indian constitution Order in 2019 i.e. C.O. 272, which is issued by the President of India in 2019 on 5th August”.

"Article 370 of the Constitution of India, 1950, deals with the Provisional Regulations on the State of Jammu and Kashmir, that is, in accordance with the provisions of this article, the State of Jammu and Kashmir has a special place in the Constitution of India.

Article 370 was incorporated into the Constitution of India primarily after a debate in the Constituent Assembly on 17 October 1949, that the special conditions of Shri Gopaldaswami Ayyangaru in Jammu and Kashmir were necessary for execution.

The legislative prudence of the Constituent Assembly at the time accepted the existence of the special conditions enumerated by Mr. Ayyangar and the consequent need to incorporate the provisions of Article 370. The current Article 370 has been included in the draft Constitution as article 306-A. The Jammu and Kashmir issue has been one of the most baffling issues confronting the Government of India since independence. There are several politico-legal and socio-economic factors responsible for the worst state of affairs now prevailing in Kashmir. This research is an in depth study of Article 370 of the Indian Constitution and aims at finding a legally and constitutionally acceptable solution to all controversies arising from Article 370. This research, though deals with, is in no way concerned with any political, religious or any other vested interests. The legal issues evolving around the constitutional aspects of Article 370, unequivocally, tell that its deletion or retention should no longer be the domain of any Kashmir is the universally recognized abbreviation for the State of Jammu and Kashmir political gimmick or political ideology, but the political elites must now take a realistic or pragmatic or functional, and not escapist, vision of the whole gamut of the problem. It is extremely essential that the politician is fully aware of the legal consequences of his acts and the aim of this research, which deals purely with the legal aspects of Article 370 of the Constitution of India, is to help and guide politicians and legislators in this mammoth task.

For convenience this research has been divided into ten chapters. The present chapter, i.e. Chapter 1, is an introductory chapter dealing with the background of the Kashmir issue and explains the scheme

⁸ “Constitution Of Jammu And Kashmir (Pdf). Official Website Of Jammu And Kashmir Legislative Assembly On National Informatics Centre, India. Retrieved 3 April 2015”.

and need of this research. Chapter 2 starts with a detailed description of the State's geographical and topographical position, followed by a narration of the State's history, starting from Kalhana's 'Rajtarangini' and ending with Kashmir's modern history. Chapter 2 highlights almost every historical event that lead to the Kashmir problem, such as, Islamization of the State of Jammu and Kashmir discrimination against Muslim population and the birth of the idea of Pakistan. Chapter 3 deals primarily with the constitutional history of the State of Jammu and Kashmir and the various events leading up to the drafting of the Constitution of Jammu and Kashmir. Chapter 3 deals with such events as the birth of the National Conference, the accession of the State of Jammu and Kashmir, and the Nations perspective on the accession of Kashmir. "Chapter 4 deals with the elaboration of the Indian Constitution of 1950, the constitutional relations of the State of Jammu and Kashmir with India, the elaboration of the Constitution of Jammu and Kashmir of 1957, the Indo-Pakistani dialogue on Kashmir and the occupied position of Kashmir by Pakistan". Chapter 5 provides a discussion on the Permanent Residents of the State of Jammu and Kashmir and the various rights and privileges enjoyed by them both prior to and after the State's Accession. Chapter 5 deals with topics such as dual citizenship, applicability of Fundamental Rights and the need for protection of rights of the Permanent Residents. The first five chapters are based on facts and form the foundation of this research. The importance of these five chapters is that they reveal how the complex situation presently prevailing in Kashmir developed over the years. The next five chapters analyses the facts and attempts to draw an inference to the Kashmir issue. Chapter 6 investigates the working of the constitution of India with special emphasis on the basic structure of the Constitution and its amendment, Centre-State relation under the Constitution of India, the various reports on Centre-State relations and the Supremacy of the Constitution of India. Chapter 7 dealing with judicial opinion and Chapter 8 dealing with public opinion are of utmost importance as the opinion of the people cannot be of any value until and unless it fits into the straight jacket of the law. For this reason it is necessary to understand the judicial view regarding the Kashmir issue. The demand of the people must have the sanction of law if it is to be implemented. Chapter 7 deals with the judicial view regarding change of sovereignty, Acts of State, cession of Indian Territory, Article 370 of the Constitution of India and citizenship. Chapter 7 also discusses the right to hold a plebiscite. Chapter 8 deals with public opinion, which has been collected and analysed into two heads, public opinion of the State of Jammu and Kashmir and public opinion for the rest of India. Chapter 8 also makes a comparative analysis between the events going on between India and Kashmir; and the events going on between China and Tibet, Pakistan and Bangladesh, Sri Lanka and Jaffna. Chapter 9 is a summation of the research and chapter 10 provides the final conclusion and proposed solution to the Kashmir issue.

The unique position of the State of Jammu and Kashmir is the result of a series of complex legal and political events. These events need to be untangled and analysed in order to reach an acceptable and reasonable solution to the Kashmir issue. It is hoped that this research, which is aimed at finding a legally acceptable solution to the Kashmir issue, is successful in its purpose.

THE MUSLIM CONFERENCE AND A DEMAND For 'RESPONSIBLE GOVERNMENT':

Another major event was the formation of the Muslim Conference under the President ship of Sk. Mohammed Abdullah in the year 1932. Due to the formation of the Muslim Conference the people were now able to ventilate and express their grievances in a more organized and effective manner. The people were totally dissatisfied with the Regulation No. 1 and regarded the Legislative Assembly formed under it as a 'mock' Assembly. Being totally dissatisfied with the said Regulation No. 1 the Muslim Conference made an immediate demand for 'Responsible Government', which was there and then rejected by Maharaja Hari Singh. In protest the Muslim Conference called upon the people to observe 'Responsible Government Day'. Sheikh Abdullah wanted all Muslim and Non-Muslim groups to participate in the said agitation, but the Hindus and other Non-Muslim groups refrained from participating in the said movement.

CHAPTER 4

ARTICLE 370 OF THE CONSTITUTION OF INDIA AND THE CONSTITUTION OF JAMMU AND KASHMIR

(1) As part of the Constitution of India of the 1950s.

(2) "British rule in India ended on 5th August, 1947. The main objective of the Indian Independence Act 1947 was to create two independent possessions in India, also known as India and Pakistan, after 15th August 1947, To apply to Her Majesty's Government. In the States. In the Kingdom, for which the Government of India is not responsible, and the State. It was on this day that the power of the British Crown in the Indian States of was also abolished. Indian Independence Act of 1947, and they were given royal assent on 18 July 1947. and came into force on 15 August 1947. The Constituent Assembly, formed of government for planning purposes in 1946, did not have sovereign power. Indian Independence 1947 of the sovereign nature of the Constituent Assembly, which is now free from any restrictions. It is governed by an independent body, and that there is no restriction on power, as was the Charter of Fundamental Rights only in India."

(3) After India gained independence on 15 August 1947, she participated in the Constituent Assembly, which would decide on the most difficult task of drafting the country's constitution. On August 29, 1947, the Assembly set up a committee of editors to draft the Constitution. The draft of the Constitution was adopted by the Drafting Committee and presented to the Constituent Assembly on November 4, 1948. b, Chairman of the Drafting Committee, Dr. Ambedkar) maintains that the interpretation remains the same, saying in his speech that "

(4) That "no constitution is perfect, and the Drafting Committee, with or without change, to ensure the reform of the Constitution. The debate in the State Legislature, however, gives me courage to say that the Drafting Committee adopted Gaia" Constitution, which was good enough to start work in a new country. I think it would be possible to be nimble and strong enough to hold the country together during peace, such as during a war. In fact, if you say so. If something is wrong with the present version of the constitution, it will not come, because our constitution was bad. I must say that he was an autocrat."

(5)", the Drafting Committee to draft the Constitution, Articles 315 and Note 8, which were considered in detail in the second reading, and several other changes. The project was completed by

a general meeting on 26 November 1949. and on 26 January, which came into force in 1950. The new constitution, drafted by the Constituent Assembly, took almost three years to become the longest in the world. The main efforts of the Constituent Assembly to be included in the twelve. Citizens Chapters of the works of the Code.

(6) The Indian Independence Act of 1947 divided the two independent dominions of India and Pakistan, and more than 560 princely states to become independent. only 562), and the Indian state of , only three member states (, Hyderabad and Kashmir, India) are members or controls. The Indian states of and the Constituent Assembly of India, on the basis of which they must join the Union of India through appropriate instruments, as well as the internal constitutions of these states, have drawn up their own legislatures." However, this soon became clear. Gone that since it would be a real headache, both Indian and , to be one in India if there is a fundamental difference between them in the constitution, without first consulting the city centre." "Like the committee, only one headed by the media Will be responsible for drafting the model constitution which serves as a guide for drafting the constitution of individual states. However, in the end, it was decided that the constitution should be ratified by the assembly of India And it is an integral part of the Constitution of India, the whole of the Constitution of India, both in the States and in the trade unions, as well as in the parts, that is, with respect to the internal constitution of the procedures to be followed after the completion of the Member States. However, the Drafting Committee began its work on the subject of the country's Russian indigenous peoples, ceased to exist, as in the indigenous countries that joined India, joined to its former power which has retained its great dignity, and in particular the right to privacy."

(7) In relation to the State of Jammu and Kashmir, the various problems to be considered by the Government. Maharaja Hari Singh wanted the merger of the state to cover three issues: defence, foreign affairs and communications. The Drafting Committee notes that, in accordance with the provisions of the Constitution and Part III as a whole, member states must adopt Schedule I and Schedule II, and all provisions relating to the protection of fundamental rights, including those of courts. Appeal and Supreme Court. However, in the state of Jammu and Kashmir, the Government of India has decided that the structure should remain at the present level until this status is restored in the state. same level. compared to other states. For this purpose, a special provision has been made for the State of Jammu and Kashmir."

(8) "The Ministry of State submitted for consideration by the Drafting Committee the following viewpoints on the issue:

(9) A(1) "Jammu and Kashmir, in India deemed to be part of the Indian territory and included in the list of that Member State, as defined in paragraph (III) of Annex I."

(10) "A special decision must be made to the Constitution, which provides that Parliament law provides that all the terms of this Constitution shall apply to the Member States as provided in Part III, and it shall act, as well The right of Parliament to make laws for the goods of the State which are listed in Annex. This is the record and list of the country for the Dominion of India and the respective sections of the Constitution.

Not only that, but in the Declaration the Ministers of the Member States, as well as Lord Mountbatten, both called upon the Lords to do so, and it was clear that the members of the three territories did not bear any financial responsibility to the Member States. , and that "there was no intention to harm the internal autonomy, sovereignty or many countries with respect to the Constitution, or to undermine the freedom of trade." It is through this work that the secretary inspires the princes to unite in their countries. Say- d. The Amora Lord Mohamed Abbari of the Garden, it was held that the creation of the kingdom as part of the kingdom had no effect.

RELATIONSHIP OF THE STATE OF JAMMU AND KASHMIR WITH THE UNION OF INDIA

"The relations between the State of Jammu and Kashmir and India, as well as several provisions of the Constitution of India, came into force after the signing of the Instrument of Accession on January 26, 1950. Water is also responsible for clarifying the name. The customs authority as well as the name of the state which was included in the first Grond-Utu Schedule. The Indian Constitution of 1950, provides an overview of the part of the Indian Parliament. It explains the relation of Kashmir to India and For the Union. Who will have the authority to make laws for the State of Jammu and Kashmir? If the Indian Ministry of Defence, Home Affairs and Communications has not yet passed the Accession Act",

Article 370 of the Constitution of India of 1950 gave the Parliament the power to make laws relating to the territories, defence, home affairs and communications of the state of Jammu and Kashmir. Article 370 of the Constitution of India, since the 1950s, as a Constituent Assembly, the state of Jammu and Kashmir, forming a state constitution. January 26, 1957. i.e., the Constitution of Jammu and Kashmir was published in 1957 and under Article 3 of the Rules of the Constitution on its relations with the Indian Union, was shown to be able to show that the State of Jammu and Kashmir is unique, a part of the Constitution of India. is an integral part.

"Article 1 of the Constitution of India, 1950 and includes the name of the Indian Union Territory. It includes the following actions::

1. The name of the territory of the Union.

(1) In India, India has become a union of states.

2) for the States and their territories as set forth in the first Annex.

(3) The territory of India, including:

(a) in the territory of the Member States.

(b) in the territory of the Customs Union specified in the treaty and in all other areas which may be obtained. According to Article 1 of the Constitution of India, it is located in the Indian state of Jammu and Kashmir and is part of the Indian Territory. in present

Indian state of Jammu and Kashmir, India) xiv. It should be included in the First Schedule of the Constitution of India. Previously, it was located in the Indian state of Jammu and Kashmir, India, in the previous message to the country which is a party, but due to the passage of the States Reorganization Act 1956, the item is in the list, it is considered obsolete, and the with, in the Constitution, 7-changes), and in 1956, the Indian state of Jammu and Kashmir, in India, along with other EU member states, and is reintroduced, in part, into the first of the Constitution of India. Step. You can have only one type of member state in which it was changed in the first list, the Constitution of India.

Under Chapter II of the Constitution of India, 1950, Parliament may, in accordance with the laws of the Union, establish new states on such conditions as it may consider necessary. The word "trust" connotes a number of special statuses for any given state, and when it is "not the same status as India generally is". On October 17, 1949, after the debate of the Constituent Assembly, under special circumstances in my Gopaldaswami Iyengar, was given special status in Jammu and Kashmirs.

Under Article 3 of the 1950 Constitution of India, Parliament is empowered to create new member states, as well as to use the classes, boundaries and names of existing states. Right of Parliament to vacate the territory of a Member State in accordance with para. (c) Article 3, as well as the ability to become part of a State and then join a new State, but does not in any case mean the ability to become part of a State and then annex it to a foreign State. The business of Parliament, as well as the increase

in the area of the country, along with the creation of a new state by cutting off the territory of the entire state. It has no constitution that provides for the protection of the environment, which is present at the beginning of the code. It should be noted that under Article 3, paragraph (c), the Indian Parliament has no right to act as a guarantor in the Indian territory of a foreign state. A small area of the State, as defined in Article 3(c), and shall in future be part of the territory of India. Therefore, no Indian personnel (including Jammu and Kashmir, India and Nepal) can be transferred to a foreign state. The State of Jammu and Kashmir shall continue to be protected by the provisions of Article 3, which reads as follows: In a State represented in Parliament, without the consent of the Legislature of that State."

Jammu and Kashmir was undoubtedly part of Indian territory. However, the Indian Parliament may not increase or decrease the area of Jammu and Kashmir, nor alter, modify or restrict it generally 3-4 in the manner prescribed by the Government of Jammu and Kashmir. It is located in the state of Jammu and Kashmir separately from the rest of the country. For other states, in the opinion of the legislature, it is not acceptable for the President to recommend the enactment of a statutory law to address this problem [Definition in the Civil Code. 3] However, in the case of Jammu and Kashmir, such a result cannot be presented to the Parliament without the concurrence of the State Legislature..

Under Article 370 of the Indian Constitution, Kashmiri enjoys a special status within the Indian Dominion. This position, which is to be guaranteed under Article 370, will not change even if the situation in Parts A and B of Schedule 1 of the Constitution of India is not transferred. The special provisions of the Constitution obtained by Jammu and Kashmir under Article 306A of the original Constitution were retained. Because of this, all the provisions of the Indian Constitution relating to its member states appear first and do not apply to Jammu and Kashmir, even if it is also one of the states mentioned in this list.

By virtue of Article 370 of the Constitution of India, the state of Jammu and Kashmir, India is in a unique position. In this article, I will show you how:

370. Interim Jammu and Kashmir Regulations. -

(i) notwithstanding any provision of this Constitution,—

(a) the provisions of section 238 of this section shall not apply in the State of Jammu and Kashmir

(B) the authority of the Parliament to make laws for a State should be restricted

In the list of the Union, as well as in the Competition, a list of which, in agreement with you, shall be posted on the official website of the President and in accordance with the issues set out in the accession document, to regulate the accession of the State. Dominion State. and if those elements are such that federal, state and state law; And

(ii) in any other case in the above list, and with the concurrence of the Board of Directors of the State, the President is elected by resolution.

Explanation.—For the purposes of this article, "Government" means a person presently recognized as the President of the Maharaja of Jammu and Kashmir who is currently an MP by virtue of the recommendation of the Council of Ministers. His office is under the direction of the Maharaja. In the folder, March 5, 1948."

(c) the provisions of paragraph 1 of this Article apply to a State;

(d) any other provision of this Agreement applies to that State, subject to the following exceptions and changes that may be made by the President in his interpretation of this document.";

"In the absence of questions referred to in the instrument of accession of the State referred to in sub-section (a) of this section. (b) subject to the approval of the Government of the State

"Provided that there are no rules in respect of matters other than those listed in the preceding article executed without the consent and cooperation of the Government."

(2) "If, subject to sub-section (d) of this article, until the convocation of a Constituent Assembly to draft the Constitution of the State, referred to in sub-section (b) of paragraph (1) (b), There is consent of the officials, it seems that the assembly should take a decision in this matter."

(3) Notwithstanding the provisions of any of the above provisions of this section, the President may, by public notification, notify you that this article does not exist or is used only to replace the lighting and the date of delivery, provided that The President may notify in such manner that the necessary Legislative Assembly of the State is referred to in paragraph (2).

Under Article 370(1) of the Constitution of India, Parliament is empowered to make laws for Jammu and Kashmir in India, and is limited to the items contained in the letter to the , and in a competitive list, i.e., with the Government. Close consultation, which shall be posted on the official website of the President and as per matters specified in the Act on the Sovereignty of India). Article Article

370(1) of the Constitution of India states that the Government of India has the right to take control of the State of Jammu and Kashmir, which is included in the Instrument of Accession. This was further clarified by the Treaty of 1952, during which the sovereign is sovereign in all respects, except those specified in the document, at the time of the country's entry into oblivion. This was also agreed upon by the Indian government, which had recently been given the Indian state of Jammu and Kashmir, in contrast to other member states, when exercising powers in the Union. According to the 1954 decree, which was ratified in February 1954, the provisions of Article 370 of the Constitution (applicable to Jammu and Kashmir) are to be adopted. Thus, in the case of reading the 1947 Act. Article 370 of the mid-1950s should have been in the Constitution. In India, the 1952 treaty, the 1954 constitution. (which has come into force in Jammu and Kashmir, India), it may be said that in matters relating to the federal legislature, laws should be passed for the State to: (a) the Ministry of Defence; (b) State Department), and (c) mutual relations, and (d) external relations.

According to Article 370(2) of the Constitution of India, the state has the right of a constitutional assembly to draft the constitution of the state. In this meeting, he was appointed for October 31, 1951. The Constituent Assembly adopted a new stage in the development of the Constitution of the country. Amazingly, the question of membership in the Constituent Assembly was open, and alternative solutions, such as the membership of Pakistan and Kashmir, India's independence, should have been open for consideration during the meeting. Constituent Assembly of Jammu and Kashmir in accordance with the provisions of the EU Act to the Convention. The implementation of the agreement was adopted by the commission and by Marshall, in consultation with the federal government, along with its laws, the Constitution (Jammu and Kashmir, India Agreement) in 1954. The order shall contain all the provisions of the Constitution. The state is based on the Constitution of India, except for the internal constitution of the government, which is established by the annual general meeting of shareholders. as part of the state. The first official act of the Constituent Assembly, the government, with Maharaja Hari Singh, resigned in June 1949. However, his son Yuvraj Karan Singh was elected as the Sadar-i-Riyasat (or Governor of the state. In October 1956. After the completion of the editorial committee) draft of the constitution, which was finally approved on November 17, 1956. and came into force on 26 January 1957. The situation in Jammu and Kashmir in India is different in that it is on site, there is a separate staff lounge. Provision in Part VI of the Constitution of India, which includes all member states of the Union.

The 1957 Constitution of Jammu and Kashmir, the only one of its kind and the only one in the Constitution of the State of India,). However, the 1957 Constitution of Jammu and Kashmir, India, is

not a competitor to the 1950 Constitution of India. It is the Constitution of India which provides for the creation of a separate constitution for the state. Under Article 370(2). The 1957 Constitution of Jammu and Kashmir also helps to determine the status of its relations with the Indian Union. By the way, the Preamble to the Constitution of 1957 and Jammu and Kashmir states that the purpose and subject of the Constitution, and your relationship between the Union of India, is to be defined as an integral part. The Union is regulated by Article 3 of the Constitution of Jammu and Kashmir in 1957. :-

Chapter 3- Status of its relations with India, the State of Jammu and Kashmir was and remains an integral part of the Indian Union.

Jammu and Kashmir, in the same territory, as well as in the territory of India which is at present an integral part of the Indian Union, in particular, in 1957, in accordance with Article 4 of the Constitution of Jammu and Kashmir, which reads as follows :

Chapter 4 - The territory of the Member State within the State covers all territories which, since 15 August 1947, and were under the sovereignty, power, sovereign power of the State.

Article 3 of the 1957 Constitution of Jammu and Kashmir became a permanent element, and also dealt with changing the powers of the legislative branch. The purpose enshrined in Article 3 of the 1957 Constitution of Jammu and Kashmir, India was to protect the integrity, nationality and integration. By virtue of Article 4 of the Constitution of Jammu and Kashmir in 1957, all the territories of the state under the sovereignty of 15 August 1947 were under the sovereign authority of the state. This also applies to Pakistan-occupied areas of Jammu and Kashmir. Because of this, the state legislature believes that the territory of Pakistan is an authorized state for its residents, and the residents of the region must choose their representatives, and by law twenty-four seats are still vacant, e.g. Member of Legislative Assembly. This will not be taken into account in the calculations. Although the Indian state of Jammu and Kashmir enjoys an entirely unique and special status as a state, it is an important and integral part of the Indian Union. The status of relations with the Union as set out in Article 3 of the 1957 Constitution of Jammu and Kashmir is difficult, and is not subject to change, with the State. .

However, it is important to note that relations between the Union and the State of Jammu and Kashmir will be defined in the treaty of 13 November 1974 between the Prime Minister of India and Sheikh Mohammed Abdullah. The specified contract is in hot water.

The Convention provides that "the State of Jammu and Kashmir, India, which is the most important unit of the Indian Union and its relations with the Union, is governed by Article 370 of the Constitution of India."

Reading books whose use of different definitions of "India" is contradictory and confusing. Most of the central states, beginning with the words: "The law applies to the whole of India, except the State of Jammu and Kashmir in India." Even though these terms must be used for legal purposes, this can be tricky, and the term can often be used to refer to any other employee of the Indian Union. The definition of India included in the General Act of 1897 is quite broad and has many advantages and disadvantages. General provisions in Article 3, Article 5, 1897 of the Act, and points in British India, such as:-

"Englishman in India" means the period before the date of entry into force of Part III of the Law on the Government of India, 1935, and all counties and places within His Majesty's dominions, which in this case should be His Majesty. The Governor-General of India, or officers, the Governor-General of India, and the date of establishment of the Dominion of India, and any period after that date shall be the date of receipt of all territories referred to by the Government of India Act 1935 In section III, a reference similar to that established in the territory of India has not had to be attached.⁹

Part III (28) and the common law of India in 1897. Sound :-

"India" is defined as:

- a) in India, in respect of each period, with the first migration of the British into India, in all areas under the authority of the King, and in all territories under the control of the Indian prince of the Indian princes and tribes he had;
- (b) in respect of any period after the creation of the Star of India and the commencement of the Constitution, and in all areas which became part of the net; And
- (c) for each period after the establishment of the Constitution as well as in all the territories which are presently included in the territory of India..

By virtue of section 2(1) of the Indian Independence Act, 1947 and the manner in which it applies to the territory of that country:

⁹ (Akhtar & Kirk, n.d.)

Subject to the provisions of paragraphs (3) and (4) of this article, in accordance with paragraph 1 of article 2, in India, in the territories covered by Her Majesty's authority in India, and immediately, except on the appointed day, 2) shall apply to the territory of the States of .

Human rights activists and world leaders comment on the situation in Kashmir, India on their social media accounts in one place. Hashtags like #KashmirBleeds have become a huge demand in the market.

According to Modern India and other Indian media, many edited photos and videos have been posted on social media platforms such as Facebook, Twitter and other platforms. Upon further study of these pictures and videos, it was found that new files and posters were also being promoted. They are very concerned about the situation in Kashmir." According to him, the Pakistani newspaper Eclipse has sparked an internet propaganda war. is in danger and uncertainty.

India's home ministry said that "some of them are being used to spread false information" and asked Twitter to block users and accounts from the list. Separately, the police chief of Jammu and Kashmir is asking Twitter to block the account and spread rumours. The ad says such rumors could jeopardize state policy and be life-threatening. "They claim to provide a platform to publish "innocuous" content. The accounts were blocked, and it is a look at others, said officials. This is Twitter Hurriyat's Syed Ali Shah Jilani, Account of a separatist leader from Kashmir, India.

The government has accused the BBC and Reuters of lying and spreading information about mass protests in Kashmir, even though they were caught on video. The BBC invited its writer to protest the film, which, according to India Today, was ultimately an amalgamation of the series. August 9, 2019. In the edited video, even though Kashmir was locked down, the clip equates to a real absence of police and security with the implementation of security. It was on this day that the film was recorded and produced by the BBC. According to India Today, it is part of the film, it was the original Dolbagh Road in Srinagar, but it is not known whether it is a new film or an old video. Some Hindus claim to be able to share videos in Pakistan-administered Kashmir."

The effect of the revocation of the special status of Jammu and Kashmir and the lack of access to high-speed Internet, as well as changes in policies and regulations regarding regional priority and residence of counter-terrorist operations", which deals with the restoration of the state including the

Rolling Stones. , courts, protocols in accordance with section 2(4) of the Indian Independence Act, 1947, and adds that without prejudice to the general nature of the provisions of clause (3) of this section, nothing in this section shall be interpreted as an entry of this section. will not be treated as stopping. Indian states of . In one direction or another a new kind of power.¹⁰

However, Chapter 1 of the Indian Evidence Act, 1872 states that the Indian Evidence Act, 1872, applies to the whole of India, except in the Indian state of Jammu and Kashmir. As per section 3 of the Act, "India" means the territory of India with the exception of the State of Jammu and Kashmir. Section 1(2) of the Civil Code, 1973, applies to the whole of India, except the State of Jammu and Kashmir. According to Article 2(e), "India" means the territory to which this Code applies. Section (1) of the Indian Penal Code of 1860 states that such an Act shall be made applicable to the whole of India with the exception of the State of Jammu and Kashmir in India. Article 18 of the Indian Penal Code of 1860 also stated that "India" means the territory of India with the exception of the State of Jammu and Kashmir. This boycott from the state of Jammu and Kashmir did not take place in violation of Article 1 of the First Schedule to the Indian Constitution of 1950. It was stipulated that the removal of an area indicating the existence of a province, the State of Jammu and Kashmir. , should not be treated as a foreign territory. Whereas the First Schedule to the Constitution of India includes, in particular, Jammu and Kashmir, as part of the territories of India, with the exception of the State of Jammu and Kashmir, in accordance with Article 18 of the Code of Criminal Procedure, To enforce the rights, to invoke the provisions of the Code of Criminal Procedure, according to which the State is very clear, in fact, in Section 1, the Code.

Section 1(3)(a) of the Civil Procedure Code of 1908 provides that this right extends to the whole of India with the exception of the Indian state of Jammu and Kashmir. Article 2 (7B) of the Code provides that "India"), with the exception of sections 1, 29, 43, 44, 44A, 78, 79, 82, 83, 87A, is the territory of India, with the exception of Jammu and the state of Kashmir. Chapter 1(2) of the Sanctions Act, 1963 states that this law applies to the whole of India except the State of Jammu and Kashmir. The list of major and central laws of the state of Jammu and Kashmir is omitted, it is endless, and this is an exception, you must have for purposes of authority, and is not a violation of Article 1 of the First Schedule. Constitution. In India since 1950. The word "India" should not only be excluded from the state of Jammu and Kashmir, in many cases the law would apply to all other member states of the Indian Union, but would also create a sense of division and statehood. India. Soul of the Indian people. Even after the years passed, post-independence, the definition of India, as

¹⁰ (Akhtar & Kirk, n.d.)

would be possible in various sections of the law, remains in the state of Jammu and Kashmir in India.

MAIN CONSTITUTIONAL ACTS AND ORDERS PRIOR TO THE PREPARATION OF THE JAMMU-ET-KASHMIR CONSTITUTION

The debate on the Constitution of Jammu and Kashmir in 1957 should be based on the various constitutional laws and decrees that were adopted while drafting the 1957 Constitution. There are many provisions, principles, norms and rules of the constitution which can have an effect on the constitution. Jammu and Kashmir in 1957. Because most of the constitutional laws and regulations have already been discussed in the previous chapters, and this is the only thing that matters in this topic.¹¹

On January 31, 1927, Maharaja Hari Singh issued a decree defining the word "Mulki", which means citizens of the state. The above-mentioned decree, inter alia, gives priority to foreigners in the State, in case of a request for State service, foreigners cannot buy any immovable property in the State of Jammu and Kashmir. Later, on April 20, 1927, the Maharaja issued Notice No. 1-L/84 "On the Study of the Objects of the State". This notification was preserved in Article 6 of the Constitution of Jammu and Kashmir in 1957. On 22 April 1934, in a modified form, Maharaja Hari Singh announced that the 1991 Samvat by Decision No. 1 (1934), as amended, established Praja. Gathering with a total of 75 participants. Of the 75 members, and 33 elected, 21 of the 10 are Muslims, and 2 are Sikhs. Constitutional Rights of Jammu and Kashmir, which were issued in September 1939 and from 1939 onwards. This law brought about significant changes in the legislative, executive and judicial systems of the country. Under Section 14 of the Act, the number of elected members of the Praja Sabha has increased from 33 to 40. A total of 75 members of the Praja Sabha were elected with a majority in excess of the official majority vote. In this last. In 1944, the National Congress approved a new water treatment system. On 2 October 1944, Maharaja Hari Singh agreed to the proposal for a double check. The principle of double-sided printing, but not for residents of this area.

Defines himself as a member of the Government of India, Indian Act 1935, Chapter 6. The law provided for a system in which the khan, the ruler, had special decision-making powers over the members of the respective member states, Hindus, Russians. and which had nothing to do with each other. from the subject of study. . However, the Rp community, made up of the 1935 Government of India laws, never saw the light of day. The Indian Independence Act of 1947 gives India and

¹¹ (Akhtar & Kirk, n.d.)

Pakistan the right to join the council, but the king, a citizen of the state—and because of a strong state, does not. According to the criterion of belonging to the member state, the decision was made by the sovereign of the country. Maharaja Hari Singh signed the Instrument of Accession on 26 October 1947. The circumstances that led to the signing of the Connection Act in 1947 have already been described in detail above. With regard to the law, it says that "my" Shri Mahendra Rajeshwar Maharajadhiraj Shri Hari Singhji, the King of Jammu and Kashmir and Tibet, ??? ??, the Governor of Jammu and Kashmir, in exercising his sovereignty in this way, and moreover, I have a means of entry.

The provisions of paragraph 1 of the Accession Act require the following:

I hereby certify that I exercise authority over India, in the sense that the Governor-General of India must, by virtue of an instrument of accession, submit to the servants or other independent bodies established for the King, but always of the State. Should remain subordinate, the Federal Court of Jammu and Kashmir. The principles, purposes and rules in relation to the activities (hereinafter referred to as "who") may be governed by the laws of the Government of India in 1935, or when conducting, for its dominion in India. 15 August 1947 (including the Law), hereinafter referred to as the "Law").

Chapter 3 of the Accession Act also provides:

I must agree that the elements of the List will be included in the issues included in the List, including issues on which the Federal Assembly can pass laws of this State.

For the purposes of the internal administration of the State and the Government of India had no right to make laws, the State was under the suzerainty of the Emperor and. This accession was guaranteed in ¹²**Article 8 of the Act, which:**

Nothing in this document shall affect the exercise of one's authority in the State or the exercise of his powers, rights or duties, if I am the Prince of the State, by virtue of the law still in force in the State.

Pre-Access) Under India's Act, only three entities were in power there, i.e. the Foreign Minister of Jammu and Kashmir, Indian Defense and Communications. However, based on the internal state of administration and the provisional constitution of the Indian state of Jammu and Kashmir, India needed and on 5 March 1948. A national transitional government was formed. The role of adopting a

¹² (Akhtar & Kirk, n.d.)

new constitution for the region has shifted in favor of the Prague Assembly. The first amendment to the law was issued by Shri Yuvraj Karan, the son of Maharaja Hari Singh, who delegated all his powers to the elected Constituent Assembly in September 1951.

The Jammu and Kashmir Constitution (Amendment) and, in particular, the following amendments to Article 5 of the Jammu and Kashmir Constitution of 1939 [XIV Samvat Act of 1996 (in 1939. ne, with reference to the relevant exit permit. should answer to, and now with the Prime Minister and other ministers who are jointly responsible to the state legislature. The authority to develop rules and laws was transferred to the Provincial Council. Under an amendment to the Act, which was adopted in 1939 Article 24 of the Constitution of the U.S., which has the power to make laws on all matters relating to the status of reservation, was removed from the Act. This change was even more unusual, given that it had a multi-tall chief, a complete king. .

The Jammu and Kashmir Constitution (Amendment) Act 2009 [Act XV 2009 (since 1952 BC) This was the second amendment to the Act. This change in the law passed by the Mahasabha brought an end to the monarchy in the state. Until now, the Maharaja could be neither the head of the crown nor the head of state, and amendments to the law were passed with the condition that the head of state is appointed by the Sadar-i-Riyasat and a is selected by. * State and must be approved by the President of India..¹³

Since the Jammu and Kashmir State Constitution (Amendment) Act, 2011 [L Act 2011 (1954 AD) was the last Act to amend the Constitution of Jammu and Kashmir in 1996 and 1939. (Eddy). It is an amendment of the law to the Constitutional Council resolution (applicable in Jammu and Kashmir), which came into force on 14 May 1954. The most important feature of this change was the removal of the term "state enterprise". New rules have been introduced for permanent residents and everything - pending treatment and conduct - has now been referred to the Supreme Court of India. The 1939 Constitution, as amended and "served as the Interim Constitution of Jammu and Kashmir, India, pending the proclamation of a non-full democratic constitution by the state's Constituent Assembly. The 1957 Constitution of Jammu and Kashmir, The State Commission, drafted by the State Commission, came into force on 26 January 1957, and the last Constitutional Act of 1939, with all its amendments, was eventually repealed.

Under Article 370(1)(ii) of the Constitution of India in 1950, the President of India, in consultation with the Council of State, had the power to issue ordinances defining matters on which the Union

¹³ (Akhtar & Kirk, n.d.)

Parliament had power to make laws . The state will Based on the powers of the President of India, Article 370(1)(b), the President of India issued a Constitutional Decree (Application to Jammu and Kashmir) in 1950. The main objective of the Constitution (Application to the Jammu and Kashmir Kashmiri), Order of 1950, development of the issues referred to in the accession document, although it already has some new additions to the lease. Here are some of the most surprising additions to the topics covered in the affiliation document. Subject to certain exceptions and amendments, Part V of the Constitution of India, 1950, On the executive power of the Union, Part VI of the Constitution of India, 1950, On relations between the Union and its Member States, Chapter XII of the Constitution of India, 1950, Finance However, it is worth noting that, as a result, the provisions of Part III of the Constitution of India of 1950, which deals with fundamental rights and freedoms, and Part IV of the Constitution of India of 1950, which deals with the principles, were not adopted. had gone. How to apply for this post. The provisions of the Indian Constitution of 1950 were not with regard to force majeure in the State of Jammu and Kashmir in the event of "internal defect" or "defeat of constitutional instrument in the State".

In 1952, signed a draft agreement with representatives of the Kashmiri government and the Indian government. The purpose of this agreement was to highlight the issues that Parliament should have the power to make laws with respect to Kashmir. It was decided that in the case of other Indian states acquired at the Centre, the State of Jammu and Kashmir should have a ground in all respects except those specified in the EU Accession Document and other force authorities, and the case should be the State of Jammu and Kashmir. . It was also decided that the people residing in Jammu and Kashmir would be recognized as Indian citizens, but the state legislature has the power to pass laws granting special rights and privileges to the citizens of the state. It was taken that the state should have its own flag next to the flag of the Union. However, the flag was to compete with the Indian flag and was recognized for its association with freedom of movement of personnel.. Kashmir of the Indian Union is the only state to have¹⁴ a separate state flag. It was decided that the President of India would allow the state of Jammu and Kashmir to have equal relations with the other states of India, and that in addition to the Indian Constitution of 1950 (52-62), the Governor of the state should be associated with the aims and objectives . With respect to the Sadar-i-Riyasat, it was decided that the Sadar-i-Riyasat should first be elected by the competent authority of the State and then declared by the President of India before it is ready for its establishment. using this method. In other Indian states, it is the head of state who is nominated by the President of India, and unlike the Sadar-i-Riyasat, this candidate is supported by the legislative branch of India and is a good candidate. There. It was

¹⁴ (Akhtar & Kirk, n.d.)

decided that the members have certain civil rights, but in general, the chapter on Fundamental Rights of the Indian Constitution cannot be used for the state. As for the jurisdiction of the Supreme Court of India, it is argued that the Supreme Court has only appellate jurisdiction. As for the "emergency powers", the government agreed that in the event of war or external aggression, the Indian government should have full authority to act and declare war, but treated the same in the world of war. should go. The subscriber has no right to declare the results of the scheme implementation.

May 14, 1954. The decree was issued in 1954. According to the Constitution (Annex to Jammu and Kashmir), which was issued by the President of India with the concurrence of the Government of Jammu and Kashmir. The resolution addresses the size and scope of restrictions and restrictions on the sovereignty of member states and, consequently, applicable to them in India. "This is a decision based on the fact that the Agreement was approved by the general meeting of shareholders and will be replaced by a new one from 1950. The position meets the constitutional requirements of the Member State within the framework of the Constitution. In India, on the status of its internal constitution, and, with one exception. It must be ratified by the member states of the Commission." According to the above, the ordinance of 1954 has undergone several changes. These changes have resulted in a dominant position at par with the rest of the country and further strengthened the position of harmonious relations with the rest of the country. This constitutional requirement of 1954 (the accession of Jammu and Kashmir), which regulated the constitutional relations between the Indian state of Jammu and Kashmir, does not interfere with the latest ideas or guarantees regarding the development of internal constitutional requirements. by his own people.¹⁵

UNDER THE CONSTITUTION OF JAMMU & KASHMIR:

The history of the state has evolved and evolved in such a way that the making of a new constitution for the state has become inevitable. Under the Indian Sovereignty Act, only three entities were in power, i.e. the Foreign Minister of Jammu and Kashmir, the Defense Minister of India and the Minister of Communications. However, the internal state of administration is the provisional constitution of the Indian state of Jammu and Kashmir as of 5 March 1948. A national transitional government has been established. Maharaja Hari Singh said in a statement on March 5, 1948: "He told me that as soon as the situation in the state returns to normal., the National Assembly should be properly elected to ¹⁶draft the constitution of the country. The role of adopting a new constitution for the region fell on the page of the Praja Sabha. Yuvraj Karan Singh, the son of Maharaja Hari Singh,

¹⁵ (Akhtar & Kirk, n.d.)

¹⁶ (Akhtar & Kirk, n.d.)

complied with the provisions of the Constituent Assembly of Jammu and Kashmir, which was established in September 1951 and drafted the constitution on 5 November 1951. There can be no doubt about the authenticity. Constitution of 1957 and that of Jammu and Kashmir. This right to have a separate constitution for the state to make up for the lives of people around the world, and even Article 370(2), until 1950, guarantees the right to have an Indian constitution. Elections were held to the Constituent Assembly to draft a constitution for the state on the basis of adult suffrage only, under a law laid down in the 1950 Constitution of India, and on 1 May 1951, Yuvraj Karan Singh. This constitutional requirement of 1954 (the accession of Jammu and Kashmir), which is regulated in the constitutional relations between the Indian state of Jammu and Kashmir, India, does not interfere with the latest ideas or guarantees regarding the development of internal constitutional requirements. Thanks for this people. in October 1956. The Drafting Committee presented the constitution, which after discussion was finally adopted on 17 November 1956, and in 1957 the constitution of Jammu and Kashmir was finally approved on 26 January 1957. Hence, he was elected to the Constituent Assembly. Country. about the meeting. and, as an independent entity, and, consequently, the Constitution of Jammu and Kashmir of 1957, and it is not only a right, or even to be above the law. The state of Jammu and Kashmir in India, which has the property of having a separate constitution for the state government, instead of the provisions of Part VI of the Constitution of India which applies to all EU member states.¹⁷

CHARACTERISTICS OF THE JAMMU-AND-KASHMIR CONSTITUTION:

The state of Jammu and Kashmir is the only state in the Indian Union to have a constitution, which leads to an unusual situation. If such a constitution, according to the Indian constitution, deals with a contentious issue, and the reality of such a constitution largely depends on the interpretation of the norms of the two constitutions, which should be read in the light of each other. However, it is important to understand the position of the 1957 Constitution of Jammu and Kashmir in relation to the 1950 Constitution of India, as well as study the most salient features of the 1957 Constitution of Jammu and Kashmir. Constitution can be defined as a set of fundamental principles applicable to the activities of the state. Each member state should have its own constitution. "The constitution of a state or people consists of laws or regulations that govern the establishment of the government, its citizens and the respective rights and obligations of the citizens of the state. The most important and fundamental law, and it should be distinguished from law. In the pure n federal system, both the provinces are known to have their own constitution. However the Supreme Court of India has ruled

¹⁷ (Akhtar & Kirk, n.d.)

that the government, as stipulated in our constitution, which is one of the most important features, is invincible. and no state has its own constitution except the state of Jammu and Kashmir.

Salient Features of the Constitution of Jammu and Kashmir State of 1957:

Written Constitution: A constitution in the world, in writing or . The constitution, whether written or posted on , is unscientific and should now be considered obsolete. However, the constitution of the state of Jammu and Kashmir in India exists a written constitution consisting of 158 points and 6 annexes.

Modern constitutions have a format used in flexible and rigid, partly rigid and flexible, and should be part of a scientific classification. At the heart of this plan is the question of what is the process of amending the constitution and what is the general legislative process. Flexible constitution, is very flexible and hence can be changed easily. Unlike a rigid constitution, - it's a very tough constitution, and you want to change it. Water structure is partly rigid and partly flexible. Defence, Foreign Affairs, Relations and Entrepreneurship, as well as the specifications specified in Article 147 of the Constitution of Jammu and Kashmir, 1957, i.e., the Constitution of 1957, having regard to all othe.¹⁸

It does not contradict the Constitution of India except the Constitution of India and the Constitution of Jammu and Kashmir, nor does it violate the Constitution of India. The Constitution of India provides for the making of the Constitution of Jammu and Kashmir. The product is compatible with the Constitution of India, and has grown so large that it is difficult to separate. However, the constitution of Jammu and Kashmir makes a mistake, as none of the other Indian states should have a separate constitution.

INDO-PAKISTAN DIALOGUE ON KASHMIR:

Although Jal was a member with respect to India, Pakistan was able to talk to her about it after the declaration of a ceasefire and UN intervention in 1949, Kashmir, India, is a problem, but often we are forced . About a third of the occupied territory will be financed by India, which often agrees to participate in talks with Pakistan, but is not obliged to do so.

Tashkent Declaration of 1966, January 10, 1966, Tashkent Declaration The Prime Minister of India and the President of Pakistan agreed that the Parties shall make every effort to ensure that relations between India and Pakistan are good in accordance with the Charter of the - be neighbors. nation

¹⁸ (Akhtar & Kirk, n.d.)

(UN). (Nations). They have affirmed their duties in accordance with the law, it is not the use of force, but for the peaceful settlement of disputes. According to him, it is in the interest of peace in the region, particularly in the India-Pakistan subcontinent, and in the interest of countries such as India and Pakistan, which are inaccessible as a result of the ongoing tension between the two. Country. It is in this context that each side of the conference and different perspectives as well as Jammu and Kashmir are considered. Paragraph (II) of the Statement of the Prime Minister of India and the President of Pakistan agreed that all armed forces of the two countries shall be abolished no later than November 25, 1966. and the posts they were holding before August 5, 1965. And both sides will abide by the terms of the ceasefire agreement on the ceasefire line. Clause II of the Statement made by the Prime Minister of India and the President of Pakistan states that the relations between India and Pakistan are based on the principle of non-interference in each other's internal affairs.

The Treaty of 1972, following the defeat of President Bhutto and Mrs. Indira Gandhi in India in December 1971, was signed on 3 July 1972 after a five-day summit in Shimla, in which the Government of India and the Government of Pakistan agreed to and decided that it is necessary for both countries to end the Cold War and conflict with society, and that affects their relations and work to develop sustainable development on the Indian subcontinent into friendly and harmonious relations, so that Now both the countries can spend all their resources and energy on the most important task to promote the prosperity of the people of the world. The above is an agreement according to which the Line of Control as a result of the ceasefire of 17 December 1971 in Jammu and Kashmir should be respected by both sides, without prejudice to the recognized position of each side. Neither party is entitled to it, regardless of differences and interpretations. Both sides agreed to abstain from any form of harassment or use of force in contravention of this principle. In addition, it was also agreed that the two leaders would meet again in the future, among other things, as a permanent solution to the Cyprus problem in India. of the 1972 Convention, and emphasized India's efforts to legitimize the status quo. However, as they say, both Tashkent and the States, the fundamental and international status of the Kashmir issue cannot be restored. Since the signing of the Treaty of Simla, India and Pakistan have held several meetings in the hope of finding a peaceful solution to the conflict between the two countries..

The various heads, in brief, are as follows:

In 1972, Shimla: Indira Gandhi and Bhutto signed a contract on . It was learned that the resolution of any dispute through the Line of Control and long-term talks. Bhutto will provide his own insurance, create a Line of Control and an international border.

1987 in New Delhi: General Zia-ul-Haq and Rajiv Gandhi expected tension to rise and withdrew their troops from the border.

1989 Islamabad: Rajiv Gandhi and Benazir Bhutto did not attack nuclear power plants. Post a proposal on Saichen, dead on arrival.

In 1997, Guy, I.K. Gujral and Nawaz Sharif agreed to resume talks and establish a straight line between Delhi and Islamabad.

In 1999, AB Vajpayee and Nawaz Sharif signed an manifesto aimed at intensifying disputes, resolving efforts in the field, and reducing the risk of accidental or unauthorized use of nuclear weapons.

However, in 2001, a meeting with AB Vajpayee and President Pervez took place in Agra, and they had to leave the two leaders to bring peace to the Hindustan Peninsula. Attempts to organize an India-Pakistan summit failed, as both sides could not agree on the content of the statement. According to a foreign ministry spokesperson, "While it is still in the early stages of the process, it has already passed before the visit started, and they still have not agreed on a joint statement."."

POSITION OF OCCUPIED PAKISTAN KASHMIR:

While this area of the state of Jammu and Kashmir is under Pakistani occupation, and Kashmir is still occupied by Pakistan, it should be noted that the Indian government is not part of the above territories of the States. They were forcibly captured by Pakistan and India, which still claims to be in Pakistan-occupied Kashmir. February 22, 1994. Parliament again passed a resolution confirming that Pakistan would have to get rid of the war-occupied territories in India, from the Indian state of Jammu and Kashmir. Pakistan-occupied Kashmir, or Azad Kashmir, is primarily made up of five parts: Muzaffarabad, Baghi, , Kotli and Mirpur. Apart from these five areas, Gilgit and Hawat areas, which were under the direct control of Pakistan, have been handed over to China

and Pakistan since 1963. Annex I to the Constitution of India, 1950, to describe the territory of the State of Jammu and Kashmir, India, and for the territory immediately preceding the date of entry into force of this Constitution, in the State of Jammu and Kashmir, India.

Article 4 of the 1957 Constitution of Jammu and Kashmir, as it describes the territory of this state, is described in more detail. According to Article 4, the territory of the State shall include all those areas which, on the fifteenth day of August 1947, were subject to the sovereignty or authority of the State, its sovereign authority. In other words, according to the Indian Constitution, the Constitution of Jammu and Kashmir, and the state includes several territories occupied by Pakistan and annexed to China as well as Pakistan since 1963. Yes, it is at this time that it covers the territory of the state. Below, like the profession, and according to Indian time control. It is worth noting that the territories of Pakistan-occupied Kashmir at this time were occupied, and in 1948, in the 1973 Constitution of Pakistan, they were not subject to the State of Jammu and Kashmir within the territorial boundaries. Instead, the provision of Article 257 of the Constitution of Pakistan 1973 states: "If the people of Jammu and Kashmir decide to become part of Pakistan, the relations between Pakistan and that state shall be determined by the will of the people." In light of the provisions of the Constitution of the States in 1973. President Azad Kashmir in court, Mr Justice Abdul Majeed Malik noted with satisfaction on 8 March 1993 that the southern region was not a part of the country's territory as defined in 1973. The constitution of Pakistan, and as a result, the region was part of the Indian state of Jammu and Kashmir, India. The decision was made with respect to Pakistan-occupied Kashmir, the situation in the country and India's interest in the Kashmir issue. For the fact that he was one of the founders of the Jammu and Kashmir Liberation Front, as the master of the terrorist group in Kashmir, the only option is to restore the entire state of Jammu and Kashmir, including Gilgit, under international control. in a calm environment. It is an independent country with a democratic, federal and secular system of government. He says that more than 15 years will pass and there will be a plebiscite, under the auspices of the Nations or any other international organization, that Kashmiris should decide whether to grant them independence, and become part of India or Pakistan. it is the most popular solution which will be managed by India, Pakistan and eventually India. According to Khan, there should be regular elections on the streets, in elections to the elected President and Prime Minister, Chief Justice of the Supreme Court, Assembly and Civil and Services Committee, and the Supreme Court. Former President Azad Kashmir described the government of Azad Kashmir as "the government of Azad Kashmir by Pakistan to the States". However, the right to vote has several weak points.

while choosing the prospectus for participating in the ELECTION ,sary to state in writing that it supports membership in the Pakistan. The decree reads: "No person or political party in independent Jammu and Kashmir is permitted to campaign against the status of membership in the States of ." On the other hand, to stand in the election of assemblies, one has to submit a statement of allegiance to the Indian Constitution. In other words, you have to accept that Kashmir is an integral part of India. It should be noted that in the territories occupied by Pakistan, the law of which twenty-four seats shall be vacant, and shall not be taken into account when calculating the total number of members of the Legislative Assembly.

POLITICAL TRENDS IN THE STATE OF JAMMU-ET-KASHMIR

The recent elections in Kashmir reflect the state's current political scenario. After the elections, the various political parties struggled to form a government for the state, or even a coalition. It is basically the image across the country both at the state level and at the national level. The recent elections held in the state reflect the unstable position of the state and it seems that even after more than 50 years since joining, none of the political parties have succeeded in meeting the hopes and aspirations of the people of Kashmir. In Ladakh this election nobody voted. The election results are presented below:

National Conference 28

Congress 20

P.D.P. 16

B. J.P. 1

C.P.M. 2

B. S.P. 1

Independent 13

Others 6

TOTAL 87

CHAPTER -5

PRESIDENTIAL ORDERS

"Initially, when Article 370 was drafted and implemented," only two areas of the Indian Constitution were extended to the state of Jammu and Kashmir. Additional provisions of the Constitution apply as well, with rare exceptions, and amendments that may be appointed by the President, in any order and with the consent and permission of the State Government. This power, as detailed in Chapter 3 of Article 370 of the Constitution of India, is exercised by the President with the concurrence of the Government of the State of Jammu and Kashmir by law."

4.1 "Presidential Decree since 1950:

"In 1950, the Constitution of India as well as the Presidential Decree officially came into force on January 26, 1950. In this order, each issue, as well as the Article of the Constitution of India, with respect to the Act of Accession, Article 370 required in sub-section (b) (i) of the

"38 "of the List") defines and describes the law of the Union, if necessary, as the State may from time to time make laws for. Parts of the various parts of the Constitution of India distributed from Jammu and Kashmir Necessary reforms and changes should be agreed upon by the government.

"In the first decree of the President, Article 370 and Article 235 of the Constitution of India cannot be applied to the State of Jammu and Kashmir, it is most correct, 9, 29, which is a subject of a different form.

The decision to replace it with another presidential decree since 1954.

4.2 New Presidential Decree from 1952:

"And Presidential Decree O" of 1952, which was issued on 15 March at the request of the State Board of Directors. According to Article 370, the words "the Maharaja of Jammu and Kashmir as recognized by the President" were changed to "approved by the President on the recommendation of the State Legislature as Sadar-i-Riyasat". All changes were introduced to appeal to the Board in Jammu and Kashmir. "

Background: The Constituent Assembly of Jammu and Kashmir, elected in 1951, was held on 31 October the same year. The Assembly recommended that the Committee dissolve the Empire, which was fully approved by the National Assembly in 1952 on 12 June. In June of the same year, the Jammu Praja Parishad, the ruler of India, was presented in a report to the President of India, which called for the full implementation of the Constitution of the Republic of India. The Kashmir delegation is to be called by the Government of India in Delhi. After discussing the details, the 1952 settlement was concluded."

"Prime Minister Sheikh Abdullah was too slow to fulfill the terms of the Delhi Accord. However, in August 1952, the state assembly decided to abolish the state, and a change in the position of elected head of state was intended for Sadar-i. . - Princely."

Despite reservations about a step-by-step approach to setting deadlines, the central government's plan and what it leads to was elected to the Legislative Assembly in 1952.

The New Sadar-i-Riyasat was appointed by President Karan Singh, who was as the Prince Regent. .¹⁹

4.3 PRESIDENTIAL ORDER OF 1954.

"The decision of our President, that is, the Presidential Decree, which was officially conferred constitutional powers in 1954 and came into force on May 14, 1954. The chief minister, Sheikh Abdullah, was slow to comply. Delhi was affected. However, in August 1952. The state assembly decided to consider abolishing the state, and the idea was to obtain the office of an elected head of state such as the Sadar-i-Riyastu. "

Terms and conditions applying to the equality of two, three and four chords:

1. "The law of Indian citizenship was extended to the "permanent residents" of Jammu and Kashmir, once known as "subjects", as a rule, appended to the 35 Constitution, which that the introduction of laws on the rights of the state and the people, with the consent of the legislature, was the establishment of immovable property on earth."
2. "Fundamental rights and freedoms enshrined in the Constitution of India are automatically extended by the state. However, the state legislature also designated a new law if it is thoroughly checked by Homeland Security. Land Law Reforms In which the option to buy land without compensation will be protected by the new settings.
3. "The Supreme Court of India has expanded the powers of the State.
4. "The government has the right to declare a state of emergency in the country in case of external aggression. However, you have the right to do so, for example, a single violation can be committed only with the permission of the central government. Further , based on an earlier version, which is not specified in the Agreement, , the Agreement remains in force":
 1. "Economic relations between the Center and the State, on an equal basis with others.
 2. "A decision which has a major bearing on the prospects of the State may be taken by the Central Government with the concurrence of the Government."

¹⁹ Noorani, Article 370 (2011), Pp. 8–9.

Reason: The government's decision to devastate the state has created tension in the Jammu Praja Parishad, which is gaining support among users. Buddhists and Hindus in India." In response, Sheikh Abdullah began to question the value of water in India and, at Poole's discretion, is a member of the cabinet. Sadar-e-Riyasat Karan Singh was Prime Minister on 8 August 1953. Prime Minister Sheikh Abdullah and his former deputy Bakshi Ghulam Muhammad said: "Abdullah and many of his comrades said they were arrested and put in jail. "

"The Assembly has been ratifying since the mid-60s, 75 of which were unanimously replaced on 6 February 1954. Based on the recommendations issued by the Commission on Fundamental Rights and the Advisory Committee on Citizenship.

"The internal autonomy of the State is protected, and all obligations arising out of the Act with respect to the conditions for accession and development of the Union, as set out in the Agreement, are enshrined in the Constitution. The Commission measures those Security is at hand, and in this case, as well as its relationship with the States, it must be expressed in clear and precise terms."

Mr. Speaker, in 1954, and may be made on the basis of the recommendations of.²⁰

4.4 FOLLOWING PRESIDENTIAL ORDERS (1955–2018)

The applications were published in the period from February 11, 1956 to January 19, 1994, before 47 more proposals were announced by presidential decree. New order, former deputy Bakshi Ghulam Mohd. "Abdullah and many of his associates protested, they were arrested and put in jail." 60 "posts" to ensure that various other provisions of the Indian Constitution operate from time to time in Jammu and Kashmir, India. All the orders that were published in the church with the support of the government. Many presidential decrees have been issued, and at a time when the country is under the control of the president and the government, and there should be zero on the border, and the government," Jill Cottrell said. An agreement was reached on this issue. The governor and candidates of the central government and the US government. If this interpretation is confirmed by the Supreme Court, then in India in 1972.

The effect of the presidential decree was then, in 1954, transferred to 94 of the 97 companies on the list (the Indian state of Jammu and Kashmir, the powers of the central government of India, and 260 of the 395 articles of the Constitution of India). All of these principles were adopted as an amendment to a presidential decree in 1954, and were not listed, perhaps because of connection or project," Cottrell said.

²⁰ "Das Gupta, Jammu And Kashmir (1968), P. 210–211".

In this process, for the purposes of Article 370, as "soil erosion". Prime Minister Gulzarilal Nanda, who claimed from 1963 to 1966 that the word "special status given to Jammu and Kashmir" in this article was "just a change"—a process. That is, by the decree of the President of India, while the power of all other countries cannot be changed at the earliest as the normal process of amending the constitution with strict conditions. In his opinion, Article 370 is the only way to do this—it is consistent with the Indian Constitution in Jammu and Kashmir, in his own words:"

4.5, Act of the Speaker, 2019:

In 2019, on 5 August, Shri Amit Shah, the Prime Minister of India, announced in the upper house of the Indian Parliament that the President of India's Council of the Rajya Sabha had been given the Constitution of 2019, namely the 272nd operation in Jammu. and Kashmir, under Article 370 of the Constitution Substitution Act 1954. The decree stated that all the provisions of the Indian Constitution should be implemented in Jammu and Kashmir, India. - Kashmir, India), excluding conventions since 1954. Laying down rules that only certain articles of the Indian Constitution apply to the state. The new policy removes all these restrictions. This statement means that Jammu and Kashmir, the individual constitution of India has been fixed. Decision of the President to obtain permission from the Government of Jammu and Kashmir", transmitted directly to the Governor-General, to be appointed by the Central Government.

Presidential decree for 2019, in the "Remarks" section below, chapter 4 of article 367, also in paragraph 4. The expression "Sadar-e-Riyasat" adopted by the Council of Ministers should mean the ruler of Jammu and Kashmir. The term "government" includes the governor-general. In accordance with the provisions of Article 370(3) of the Constitution, the expression "referred to in paragraph 2 at a meeting of the participating States" should be amended to read: "State of the House of Representatives". According to Jill Cottrell, while some presidential decrees, in Article 370, have been published since 1954, it has been left to a single state of the country, the president and the government. In such a situation a government should be interpreted by "governments of consent", if you mean the governor..

"Minister Amit Shah gave the 2019 Presidential Decree to the Rajya Sabha, the proposals and recommendations of the President of the Parliament have been presented, and work is underway to implement the provisions of Article 370(3). After receiving the ruling , which was passed in a meeting of both the Houses of the Parliament of India (State and Lok) and published in the Constitutional Court of India. "No." 273 dated August 6, 2019 and will replace the existing version of Article 370. The following text in :

All provisions of these Terms and Conditions (as amended from time to time, without modification or termination) shall be used for the purposes of the State of Jammu and Kashmir, regardless of the provisions contained in Article 152 or Article 308 or other articles of this Agreement. . **. or by virtue of any other provision of the Constitution of Jammu and Kashmir or a document, act, assessment, order, ordinance, rule, ordinance, legal advice, habit, custom, habit or practice of law in the territory of India, as well as under section -363 is determined by regulations, contracts or other documents, or vice versa.."

4.6 CHANGING THE STATUS OF JAMMU-ET-KASHMIR:

"Home Minister Amit Shah announced in the Rajya Sabha, the upper house of the Indian Parliament, on August 5, 2019. by the President of India, which goes beyond the provisions of the 2019 Constitution, namely-272, Jammu and Kashmir Act in India article 370, instead of 1954. Provisions of the Constitution, formerly in Jammu and Kashmir. The decree also stipulates that the provisions of the Constitution in India are to be used for Jammu and Kashmir and the region, except for the provisions of the articles of the Constitution of India that are in accordance with the Presidential Decree of 1954. The new order will have to remove all these restrictions. This means that in the separate Constitution of Jammu and Kashmir, the governor is appointed by the central Government.

You can find the Presidential Decree of 2019 in subsection (4) in section 367 in the Comments section below. The expression "Sadar-i-Riyasat", adopted by the Council of Ministers, should mean that the ruler of Jammu and Kashmir." The term "Government" includes the Governor-General. In accordance with the provisions of article 370 (3) of the Constitution, the expression "Meeting of the Participating States referred to in paragraph 2 "should be amended to read:"State of the House of Representatives". According to Jill Cottrell, while some of the president's decisions, in Article 370, have been published since 1954, it has been left in the same state of the country, the president and the government. A government in such a situation should be interpreted by "Governments of Consent", if you mean the governor.

The combination of the two regions that became independent on October 31, 2019, will be celebrated as National Unity Day. The President of India, was appointed Vice-Governor of the Union Territory of Jammu and Kashmir and Vice-Governor of the Union Territory of Ladakh. The Lieutenant Governor took the oath of office given by the Court on 31 October 2019 * * * Mittal, a judge of the Jammu and Kashmir Supreme Court, India. For the first time in Leh, a Union Territory of Ladakh, on , the President of the Union Territory of Jammu and Kashmir, a Customs Union Territory, can be subordinate, under Article 356 of the Constitution of India, to the State of Jammu and Kashmir,

India, which was completed on the night of November 30, 2019. A district, a district like a field, but also under the administrative control of the Central Government. The Chairman of the Council of Ministers, in which he confirmed that he is in the Union Territories of Jammu and Kashmir in the House of Representatives, with his headquarters in the territory of the Union..

CHAPTER 6

“CALLS FOR REPEAL”

"In the fall of 2014, following the results of the 2014 elections, as part of the Bharatiya Janata Party's manifesto, the party focused on integrating the state of Jammu and Kashmir into narcolepsy. After winning the election, the party and its The parent organization, National, How Conference (PCC), what really worked was the abrogation of Article 370."

In the first, Prince Regent and Congress chief Karan Singh said that the draft of Article 370 was repealed and it is necessary to work in Jammu and Kashmir.

However, in October 2015, the Jammu and Kashmir Supreme Court ruled that Article 370 cannot be abrogated, repealed or even amended." He further pointed out that paragraph 3 of this article provides that the government of the Constituent Assembly is governed by the President. Requests to remove this item. Because the meeting had not expended such recommendations regarding termination of the contract, and in 1957 Article 370 was inserted on a permanent basis in the meaning of the word, though the Constitutional relevant provisions."

"On 3 April 2018, the Supreme Court of India granted them the same, the provisions of Article 370, and the claim that they were granted perpetually. They held that the payment terms would not have been met if the current President of India was not a subscriber. are . . . you can do that."

The party is committed to the inclusion of the state of Jammu and Kashmir in narcolepsy as part of the Bharatiya Janata Party's manifesto in the 2019 wider elections..”.

SPECIAL STATUS TO J-K: ITEM 370 NOT TEMPORARY PROVISIONS DECLARES THE SUPREME COURT

On 11 April 2017, the Supreme Court of Appeal, the Supreme Court that is the Supreme Court, rejected the request for pre-recognition under Article 370.

Senior legal advisor Rajeev Dhavan and advocate Shoaib Alam, dealing with the Jammu and Kashmir government, said that in other cases, the application of the Deputy Secretary General of the Supreme Court under Article 35 and Article 370 of the Constitution was given. PTI file photo)

To answer a question challenging the validity of Article 370 of the Constitution, Jammu and Kashmir, India, and even an increase in the special status, the city on Tuesday asked the Supreme Court to begin a three-week period. applied for and received. top position. The court observed that the matter is not related to the court's decision in 2016, it is just a question.

According to the plaintiff's counsel, in 2016 the panel of Judge AK Goel and Nariman decided that Article 370 is a temporary settlement. The court, Nariman said, "the problem is that it has been fixed, in our opinion, as we said earlier, although the top of the letter said it was a temporary settlement, it is not the case." - The lawyer of the plaintiff, Anil Kumar Jha.

The Bharatiya Janata Party held to its belief that Article 370 should be withdrawn, and the BJP-led National Democratic Alliance government announced in the middle of parliament last month that it was not going to do so.

"The Court, Nariman, was the role of the judicial branch of the government, which should be under the control of the Court, Kurien, Joseph, and said in December 2016: From this date, the President of the country makes a public statement. This Article 370(3) unless otherwise recommended by the State Legislatures," the result of the case says.

CEO Tushar Mehta's article asked the court to look for a label that questions the validity of Article 35 of the Constitution, Justice and Home Affairs. In 1954, a presidential decree supplemented Article 35 of the Constitution, which provides special rights and privileges to Jammu and Kashmir, along with the definition of permanent residents of the state.

J&K government's lawyer Rajeev Dhavan lawyer and what else??? Alam, Dan Mehta, managed to go back to the letter "A" in the comments section.

Even in the Ministry of Justice and Internal Affairs, the council does not support the proposal to relocate the city centre. "It's just a delay tactic," he said.

He said that the decision of Joseph Nariman's court was concerned" (that is, with a lack of respect for law and facts, as he opposed Keshavananda Bharati's utterance and a draft constitution based on the structure was developed and approved. of the state)..

"SC", 8 August 2017, in the judgment of the Supreme Court.e.f. On 1 April 2017, the High Court to accept the challenge and the Council of Justice and Home Affairs as per the requirements of the State and Central Government to dismiss the complaint on the basis of Article 370.

On 11 April, the Delhi court was forced to stop considering the petition on the grounds that Britain had rejected a request for a fresh trial. The writing of this Article 370 was a temporary position within the purview of the State Legislature; It must be a sham, in the fabric of our Constitution and Constitution, it has never received the assent of the President, Parliament and the Government of India," the petition read. It is gone.

This is the conclusion of the problem that was proposed by the US State Department for consideration by the Drafting Committee:

(1) In Jammu and Kashmir, India, which forms part of the Indian territory, and to join that Member State of the Union as referred to in paragraph (III) of Annex I."

(2) "A special chapter of the Constitution and the laws of Parliament that all provisions of the Constitution shall apply in the States, as specified in clause III of the Government's contract, Parliament is empowered to pass laws that in the instrument of accession had to be included." Limited to the criteria on which the country acceded to the dominion or enlistment of India, and with the relevant provisions of the Constitution.

"It was clear that not only the Ministers of the States concerned, as well as Lord Mountbatten, but also of his gentlemen, that the membership of the Three Kingdoms was not due to the financial responsibility of the Member States, and that there was no 'intent'. As an obstacle to their determination regarding the new version of the constitution, the violation of the internal autonomy or sovereignty of its member states. It was through this work that the Secretary of State inspired the princes to unite their country (Member). Muhammad Abbasi, the religious ruler, it was believed that it was part of the kingdom, and did not affect the development of the state in any way."

RELATIONSHIP OF THE STATE OF JAMMU AND KASHMIR WITH THE UNION OF INDIA

Based on Article 3 of the 1950 Indian Constitution, the Parliament can grant the right to create new states as well as the right to change classes, boundaries or names of existing states. The power of Parliament under Article 3(c) to reduce the surface area of a member state's territory includes the ability of a state to participate and then annex it to a new state, but in any case part of the state. Doesn't mean the ability to become and then associate it with a foreign state. It is in Parliament, and even so cut off from the entire territory of the state, that the emergence of a new state is necessary—an increase in the territory of the country. "It should also be noted that under Article 3, paragraph (c), the Parliament has no authority to act as insurers. Indian territory of a foreign State." "A small area of a Member State, under Article 3(c), and shall continue to be part of the territory of India. Therefore, no Indian state (including Jammu and Kashmir, India) can be transferred to a foreign state. The State of Jammu and Kashmir, India and beyond, with the exception of Article 3, which reads as follows: State, without the consent of the legislature of that State, is presented to Parliament."

"Jammu and Kashmir is, undoubtedly, part of the territory of India. However, the Indian Parliament should be able to increase or decrease the area of Jammu and Kashmir or change the name only after consultation with the Jammu and Kashmir Authority, or define boundaries usually 3-4. Here it is, the state of Jammu and Kashmir is separate from the other member states. For other countries, only the

opinion of the legislature should be collected by the President requesting the introduction of a law with respect to these issues (dot, .3] However, in the case of Jammu and Kashmir, no result is presented to the Parliament. without the concurrence of the legislature of that state."

Kashmir enjoys a special status within the Indian Dominion under Article 370 of the Indian Constitution. The provision guaranteed by Article 370 was not changed when Stan was moved to Part A and Part B of Schedule No. 1 of the Constitution of India. The special constitutional provisions enjoyed by Jammu and Kashmir under Article 306A of the original Constitution were retained. Because of this, all the provisions of the Constitution of India, regarding its member states, are listed first, and do not apply to Jammu and Kashmir, even if it is one of the states specified in this list. "

Based on Article 370 of the Constitution of India, the state of Jammu and Kashmir is in a unique position. This article reads as "":

370. Provisional rules for the State of Jammu and Kashmir.-

(i) ("without any provision of this Constitution,—

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

(b) The powers of the Parliament to make laws for the State should be limited to-

(i) The list of the Union and the candidate list shall be published on the official website of the President, in consultation with the State, in accordance with the matters specified in the Instrument of Accession governing the accession of the State to the Dominion of the State. India as to the matters for which the Federal law may make laws for the State; And

(ii "For all other items in the above list, that is, with the concurrence of the Board of Directors, the President is elected by decree."

Explanation. - For the purposes of this article, "Government" means a person who is for the time being recognized by the President as the Maharaja of Jammu and Kashmir, acting by virtue of the opinion of the Council of Ministers, presently in office. But it is under the direction of the Maharaja. A leaflet dated 5 March 1948."

(c) the provisions of paragraph 1 of this Article apply to the State";

(e) from the other provisions of this regulation, apply to that State, subject to the following exceptions and modifications, as the President may, by a decree, determine.";

"Provided that no problem arises in respect of matters specified in the Act of accession of the State referred to in sub-paragraph (I) of paragraph. (b) issued only after consultation with the State Government

Further, no order, other than those mentioned in the previous article, shall be displayed without the permission and concurrence of the Government."

(2) "If the consent of the officers referred to in paragraph (1) (b) (c) of sub-section (g) of this Chapter applies to the Constituent Assembly convened to draft the Constitution of the State, which, As it seems, and the issue was adopted at a meeting."

(3) Notwithstanding the fact that the foregoing provisions of this article, the President has claimed by way of public statements that no such article exists or applies to repeal and changes from the date in which he Provided that, on the recommendation of the Legislator of the State, the President communicates the message in the manner provided for in Article 2 of the Constitution)."²¹

According to Article 370(1) of the Constitution of India, the power of the Parliament to make laws for the State of Jammu and Kashmir in India is limited only to the General Military List (a list of sportspersons with which the Government agrees to be posted on the official website of the President) Gaya and published in accordance with the issues set out in the Document of Accession of the State to the Dominion of India). Article 370(1) of the Constitution of India states that the Government of India is entitled to control the State of Jammu and Kashmir for the matters specified in the Instrument of Accession. Also, the provision of the law on of 1952 is being clarified. Where the sovereign power in all other respects, with the exception of those specified in the instrument of accession, still resides in the country. In other states, in other bodies, the legislative bodies of the Union. The provisions of Article 370 ran into the Constitution of Law (Application to Jammu and Kashmir) in 1954, which was ratified in February 1954. Therefore, in the case of the Instrument of Accession read, in 1947, Article 370 of the Constitution of India, 1950. The 1952 Convention, as well as the 1954 Act. In accordance with the Constitution (Application to Jammu and Kashmir), we may say that in matters relating to federal law, you have the right to receive, provided that: (a) in the Ministry of Defence; (b) the State Department), and (c), (d) to help you."

As per Paragraph 2 of Article 370 of the Constitution of India, the State has the right of a Constitutional Assembly to draft the Constitution. In this meeting, he was appointed for October 31, 1951. The Constituent Assembly established an editorial committee, which was responsible for drafting the constitution of the state. Surprisingly, the question of membership was open only to the

²¹ (Patra, 2003) (Akhtar & Kirk, n.d.)

Constituent Assembly, and alternative solutions, such as the membership of Pakistan and Kashmir, the independence of India, required the meeting to be open. In accordance with the provisions of the Jammu and Kashmir Assembly, the Accession Act of the Union and the Agreement. You have been approved to give Agreement at the Annual General Meeting) The Treaty (Annexure Jammu and Kashmir, India) was approved by the President of the Chamber in consultation with the Council of States in a 1954 order. The order shall contain all the provisions of the constitution of the state based on the constitution of India, except the internal constitution of the government, which is established by the annual general meeting of the shareholders. as part of the state. The first official act of the Constituent Assembly, the government, with Maharaja Hari Singh, resigned in June 1949. However, his son Yuvraj Karan Singh was elected as the Sadar-i-Riyasat (or Governor of the state. In October 1956. The Constitution was drafted, which was finally adopted on November 17, 1956 and came into force on January 26

According to Article 2(1) of the Independence Act of India in 1947, the form describing the territory of the Armed Forces is as follows:

Subject to the provisions of paragraphs (3) and (4) of this section, in accordance with Article 2(1), the territories of India, located in the territories under the authority of the Crown, which are directly in the appointed day of India, paragraphs of this article With the exception of regions in accordance with 2 must be located in the territories of the States.

in accordance with section 2(4) of the Indian Independence Act, 1947, and adds that without prejudice to the general nature of the provisions of clause (3) of this section, nothing in this section shall be interpreted as an entry of this section. will not be treated as stopping. Indian states of .to one side or another of the new forms.

However, Chapter 1 of the Indian Evidence Act, 1872 states that the Indian Evidence Act, 1872, applies to the whole of India, except in the Indian state of Jammu and Kashmir. As per section 3 of the Act, "India" means the territory of India with the exception of the State of Jammu and Kashmir. Section 1(2) of the Civil Code, 1973, applies to the whole of India, except the State of Jammu and Kashmir. According to Article 2(e), "India" means the territory to which this Code applies. Section (1) of the Indian Penal Code of 1860 states that such an Act shall be made applicable to the whole of India with the exception of the State of Jammu and Kashmir in India. Article 18 of the Indian Penal Code of 1860 also stated that "India" means the territory of India with the exception of the State of Jammu and Kashmir. This boycott from the state of Jammu and Kashmir was not a violation of Article 1 of the First Schedule of the 1950 Indian Constitution. It was stipulated that the deletion of

an area indicating the existence of a province, the State of Jammu and Kashmir, should not be treated as a foreign territory. Whereas the First Schedule to the Constitution of India includes, in particular, Jammu and Kashmir, as part of the territories of India, with the exception of the State of Jammu and Kashmir, in accordance with Article 18 of the Code of Criminal Procedure, To enforce the rights, to invoke the provisions of the Code of Criminal Procedure, according to which the State is very clear, in fact, in Section 1, the Code.

Section 1(3)(a) of the Civil Procedure Code of 1908 provides that this right extends to the whole of India with the exception of the Indian state of Jammu and Kashmir. Article 2 (7B) of the Code provides that "India"), with the exception of sections 1, 29, 43, 44, 44A, 78, 79, 82, 83, 87A, is the territory of India, with the exception of Jammu and the state of Kashmir. Chapter 1(2) of the Sanctions Act, 1963 states that this law applies to the whole of India except the State of Jammu and Kashmir. The list of major and central laws of the state of Jammu and Kashmir is omitted, it is endless, and this is an exception, you must have for purposes of authority, and is not a violation of Article 1 of the First Schedule. Constitution. In India since 1950. The word "India" should not only be excluded from the state of Jammu and Kashmir, in many cases the law would apply to all other member states of the Indian Union, but would also create a sense of division and statehood. India. Soul of the Indian people. Even after the years passed, post-independence, the definition of India, as would be possible in various sections of the law, remains in the state of Jammu and Kashmir in India..²²

MAIN CONSTITUTIONAL ACTS AND ORDERS BEFORE THE PREPARATION OF THE JAMMU-ET-KASHMIR CONSTITUTION:

The debate on the Constitution of Jammu and Kashmir in 1957 should be based on the various constitutional laws and decrees that were adopted while drafting the 1957 Constitution. There are many provisions, principles, norms and rules of the constitution which can have an effect on the constitution. Jammu and Kashmir in 1957. Because most of the constitutional laws and regulations have been reviewed in the previous chapters, and that is the only thing that matters in this chapter.

On January 31, 1927, Maharaja Hari Singh issued a decree defining the word "Mulki", which means citizens of the state. The above-mentioned decree, inter alia, gives priority to foreigners in the State, in case of a request for State service, foreigners cannot buy any immovable property in the State of Jammu and Kashmir. Later, on April 20, 1927, the Maharaja issued Notice No. 1-L/84 "On the Study

²² (Patra, 2003)

of the Objects of the State". This notification was preserved in Article 6 of the Constitution of Jammu and Kashmir in 1957. On 22 April 1934, in a modified form, Maharaja Hari Singh announced that the 1991 Samvat, as amended (AD) by Decision No. 1 (1934). Founded the Praja Sabha with a total of 75 members. Of the 75 members, 33 were elected, out of 10 Muslims, 21 were Muslims, and 2 were Sikhs. Constitutional Rights of Jammu and Kashmir, which were issued in September 1939 and from 1939 onwards. This law has brought about significant changes in the legislative, executive and judicial systems of the country. By virtue of section 14 of the Act, the number of elected members of the Praja Sabha has increased from 33 to 40. The total number of members of the 75-member Praja Sabha should now be selected by a majority vote. Former Company Officer. In 1944, the National Congress approved a new water treatment system. On 2 October 1944, Maharaja Hari Singh agreed to the proposal for a double check. The principle of double-sided printing, but not for residents of this area.

Mentioned as a member in Chapter 6 of the Government of India Act 1935, Indian . The law provided for a system in which the khan, the ruler, had special decision-making powers over members of the respective member states, Hindus, Russians, and peoples who had nothing in common with each other. from the subject of study. . However, the Rp community, made up of the 1935 Government of India laws, never saw the light of day. The Indian Independence Act of 1947 gives India and Pakistan the right to join the council, but the king, a citizen of the state—and because of a strong state, does not. According to the criterion of belonging to the member state, the decision was made by the sovereign of the country. Maharaja Hari Singh signed the Instrument of Accession on 26 October 1947. The circumstances that led to the signing of the Connection Act in 1947 have already been described in detail above. As regards the law, it says that "my" Shri Mahendra Rajareswar Maharajadhiraja Shri Hari Singhji, the King of Jammu and Kashmir and Tibet, the Governor of Jammu and Kashmir, exercises his sovereignty in this manner, and furthermore, I have means of entry. "According to Article 1 of the said Act of Acquisition, which are as follows:²³

I hereby declare that I shall exercise the sovereignty of India in the sense that the Governor-General of India shall be exercised by authority of the State, the Federal Court and any other competent authority or State body, by virtue of the instrument of accession But it is always secondary to the application of principles and rules. For such purposes, action in respect of Jammu and Kashmir (hereinafter referred to as the "Who" may be provided by the Government of India Act 1935 or thereunder, by the Deputy Government of India). August 15, 1947. (hereinafter in this Act referred to as the "law").

²³ (Patra, 2003)

Section 3 of the Accession Act also provides that:

I must agree that the elements of the List will be included in the issues included in the List, including issues on which the Federal Assembly can pass laws of this State.

For the purposes of internal government, the Indian government had no authority to make laws, and the state was subordinate to the emperor. This entry was guaranteed by Article 8 of the law, in which:

Nothing in this document shall affect the maintenance of one's power in the State or the exercise of one's powers, rights or duties if I am the Prince of the State, by virtue of the law still in force in that State.

Under the Indian Sovereignty Act, only three entities were in power, i.e. the Foreign Minister of Jammu and Kashmir, the Defense Minister of India and the Minister of Communications. However, based on the internal state of administration and the provisional constitution of the Indian state of Jammu and Kashmir, India on March 5, 1948 was also required. A national transitional government was established. The role of adopting a new constitution for the region fell on the page of the Praja Sabha. The first amendment to the law was issued by Shri Yuvraj Karan, the son of Maharaja Hari Singh, who delegated all his powers to the elected Constituent Assembly in September 1951.

The following amendments to the Constitution of Jammu and Kashmir (Amendment) Act 2008 (1951 BCE) and in particular to Article 5 of the Constitution of Jammu and Kashmir 1939 [XIV Samvat Act 1996 (1939 BCE) with reference to the relevant exit permits. Board of Directors Ministers are required to report to Her Majesty the Queen, and now, along with the Prime Minister and other ministers, they are jointly responsible to the State Legislature. The authority to develop rules and regulations was transferred to the Provincial Council. In accordance with the amendment in the law, the power to make laws in Article 24 of the Constitution of 1939 was removed from the law on all matters relating to the status of It is all the more remarkable because it changed from a full-fledged king to a multi-headed king.

The Jammu and Kashmir Constitution (Amendment) Act 2009 [Act XV 2009 (since 1952 BC) This was the second amendment to the Act. This is a change in the law adopted by the General Assembly and End of monarchy in the state. Until now, the Maharaja could be neither the head of the crown nor the head of state, and amendments to the law were passed, provided that the head of state was appointed by the Sadar-i-Riyasat and elected by the state assembly and to be Must be approved by the President of India.

The Jammu and Kashmir Constitution (Amendment) Act 2011 was the last Act to amend the Constitution of Jammu and Kashmir in 2011. [L, 2011 Law (since 1954. p. n. e.) in 1996, and again in 1939. (Eddy). It is an amendment to the Constitutional Council of Ministers Resolution Act (Annexure to Jammu and Kashmir), which came into force on 14 May 1954, 1954. The most important feature of this change was the introduction of the term "state-owned enterprise". was removed. New rules have been introduced for its residents, and pending conduct must now be referred to the Supreme Court of India. The 1939 Constitution. It was amended and was an interim constitution of the Indian state of Jammu and Kashmir, pending proclamation.²⁴

By virtue of Article 370 (l) (ii) of the Constitution of India, 1950. The President of India, in consultation with the State Administration, was empowered to issue rules defining the affairs of the Parliament, with the authority to issue laws for himself. President of India Based on the powers of Article 370(1)(b), the President of India issued a Constitutional Decree (Application to Jammu and Kashmir) in 1950. The main objective of the Constitution (Application to Jammu and Kashmir, Kashmir), in the mid-1950s, was set forth in the Instrument of Accession, for the development of the situation, although there were several new additions to the treaty. Here are some of the most surprising additions for those interested in the Connections document. Subject to certain exceptions and amendments, Part V of the Constitution of India, 1950. The Executive Branch of the Union, Part VI of the Constitution of India, 1950, and the Relations between the Union and its Member States, in Chapter XII of the Constitution of India, 1950, Finance, however, it should be noted that Parts of the Constitution of India Consequent to the provisions of III, 1950, which deals with fundamental rights and freedoms, and Part IV of the Constitution of India, 1950, which deals with the rules adopted. How to apply for this post. The provisions of the Indian Constitution of 1950 did not deal with the act of God in the Indian state of Jammu and Kashmir, as in the case of an internal defect or "defeat of the constitutional order of the state".

In 1952, ?? Signed a draft treaty with the representatives of Indian government. The purpose of this agreement was to show that the issues on which Parliament should be empowered to make laws regarding water. It was decided that the State of Jammu and Kashmir should be a land plot in all respects, except in the case of other Indian States acquired by EU instrument and any other authority, authority and territory. , and to the State of Jammu and Kashmir, India. It was also decided that the people residing in Jammu and Kashmir would be recognized as Indian citizens, but the state legislature has the power to pass laws conferring special rights and privileges to the citizens of the state." Gaya that the state should have its own. The flag next to the flag of the Union. However, the

²⁴ (Patra, 2003)

flag was made to compete with the Indian flag, and was known for its association with the freedom of movement of employees. Kashmir is the only state in the Indian Union to have a separate flag. It was decided that the President of India would have to create a standard of respect in the state of Jammu and Kashmir as in other states of India, and also, in 1950, 52–62 Indian Apart from the constitution, the state should be linked to the goals and objectives of the President. Sadar-i-Riyasat, it was decided that the competent authority of the State and later the President of India would be elected as Sadar-i-Riyasat, his The latter is ready to work. He should be recognized as Jade from the Indian state, the head of state The head is appointed by the President of India, and, as such, is a candidate who, unlike the Sadar-i-Riyasat, is supported by the legislative branch of India. There. It was decided that the members have certain civil rights, but in general, the chapter on Fundamental Rights of the Indian Constitution, cannot be applied to the state.²⁵

May 14, 1954. A decree was issued in 1954. Under the Constitution (applicable to Jammu and Kashmir), which was issued by the President of India with the concurrence of the Government of Jammu and Kashmir. The resolution precisely indicates the extent and scope of restrictions and restrictions on the sovereignty of the states and, consequently, its accession to India. This decision, which supersedes the Agreement, was approved by the Assembly and replaced by the 1950 Regulations. The decree incorporated all constitutional provisions of the state into the L-Constitution, Life of India), with the exception of the internal constitution of the government, which is surrounded by the state's assembly. According to the above, the decision in 1954 underwent several changes. These changes resulted in the state's dominant position at the same level as the rest of the country, and further strengthened the state's harmonious relations with the rest of the country. This Constitutional Ordinance of 1954 (Annex to Jammu and Kashmir), which regulated the constitutional relations between the Indian state of Jammu and Kashmir, does not interfere with the latest proclamations or guarantees regarding the development of the provisions of the domestic constitution. , by his own people.

²⁵ (Patra, 2003)

CHAPTER - 7

ABROGATION, ITS CONSTITUTIONAL VALIDITY AND PRECODURE ADOPTED

Legal aspects:

Article 370 of the Constitution of India, these were "transitional provisions" of 17 October 1949, and the special privileges granted by law to the Indian state of Jammu and Kashmir were not allowed to have its own constitution. Accordingly, the provisions of Articles 1 and 370 of the Constitution of India are applicable to the State also. Thus, in order for the government to expand the scope of the issues contained in the Accession Document with the help of a State Central Act, it is very important that the dialogue and all other things that are within the scope of the operational area be expanded. What is the need to "compete" with the authorities? Chapter 35A of the Constitution of India is a

constitutional requirement, established in 1954, to be recognized by the body defining "permanent residents". They can be defined as permanent residents, they have the right to property, employment, financial assistance and other social benefits in the state.

Since 1954, this decision, forty-seven presidential decrees have been issued in Jammu and Kashmir between 11 February 1956 and 19 January 1994 with the help of several other provisions of the Indian Constitution. All orders will be issued "with the concurrence of the Board of Directors and as such" without any Constituent Assembly. Jill Cottrell said that some of these presidential decrees that were issued by the state in the chair "do not go to the government of Kashmir." A presidential decree was issued between 1954 and 1994 to include 94 of the 97 companies in the list (Powers of the Central Government in the State of Jammu and Kashmir, and 260 of the 395 Articles of the Constitution of India. Indi²⁶

Government approach:

Jammu and Kashmir. to the Government, and in April 2018 - before the Supreme Court of India, in section 370. in the statement of

Eternity, because the Legislative Assembly has ceased to exist in the state. solution of indian legal problems

The government functioned according to line 370 of the current regulation, although it is still enshrined in the Constitution. 5. Today is your birthday.

Presidential Decree on the Constitution (Jammu and Kashmir attached), 2019

Constitution (Jammu and Kashmir App, India. Presidential Decree "supported by the Government of Jammu and Kashmir". This effect is defined as an Act of the Governor of Jammu and Kashmir, as the Presidential Administration was implemented at the time When clarification. This will change, and we should require state legislators (non-existent). The legal issue is in the defunct Constituent Assembly, and the Speaker is in paragraph (a) of Article 370, which empowered it to amend Jammu and the Constitution of India in the Kashmir region. This is a new article, 367, which deals with the interpretation of the Constitution. The use of the words "member of the assembly" in "relating to the law of the state". The state legislative assembly adjourns ruling states Given that the reference to the Legislative Assembly should be interpreted as a reference to the Governor of Jammu and Kashmir.

²⁶ (Patra, 2003)

The Governor is appointed by the Central Government. It is because of this that the Indian Parliament has the capabilities and functions of the State Legislative Assembly. Huh.

Because of this, Indian ministers sponsor a resolution in the Rajya Sabha, which also recommends the President to declare the abrogation of Article 370. A bill that calls for the abolition of special status under Article 370, the draft law on reorganization of states was discussed and voted on August 5, 2019 by the Rajya Sabha with 125 (67%) votes in favor and 61 (33) Voting was done with votes. (%) were approved in the vote. Vote "against". On 6 August, the draft reorganization law was approved by the Lok Sabha with 370 (86%) votes in favor and 70 (14%), and the decision to scrap the recommendations was taken by 351 votes. And 72 are against it.

They are against cancellation:

On 28 August 2019, the Supreme Court of India agreed to consider several applications of Article 370 and above on bifurcation of Jammu and Kashmir into two Union Territories. It was a panel of five judges. The court sent a notice to the state leadership for its response to the petition, in addition to the government's argument, arguing that the ruling may refer to international bodies such as the Nations Convention against India at that time. Further, the court ordered the government to respond to the request within seven days.

The Supreme Court considered the application up to September 30, 2019 inclusive. The government will have to submit a response to the request within 30 days and file it in the next meeting on November 14, 2019. The applicants wanted the court to issue an injunction against them. With the reorganization of the state in two areas with the Union, but the court refused to issue a warrant. This means that both the and the regions meeting to be held on October 31, 2019 will go as planned.

Journalist

In an article for the Indian Law Review, Balu G. Nair noted that the orders were "constitutionally suspect". Deva Zaid finds extra-constitutional ordinances. Rajeev Dhavan considered that art. 370 cannot be "repealed". Gautam Bhatia found the entire episode to be full of legal and constitutional flaws. Suhrith Parthasarathy ruled that the orders were unconstitutional.

Government repression:

Revoking the Home Charter, the ministry authorized the mobilization of thousands of troops in Jammu and Kashmir, saying it was necessary to maintain order in the region. On 2 August, the Indian Army stated that Pakistani forces and terrorists were "planning" an incident of violence, and that there had been an attempt to attack the recent Yatra. The Indian government has advised students and tourists, both local and foreign, to stick to Jammu and Kashmir on the left. These actions have raised concerns that India will soon receive a special status for Jammu and Kashmir. However, on 3 August, Omar Abdullah said that Governor Satya Pal Malik "assured him that no measures were taken during the operation to dilute Article 35 of the Constitution and introduce the word" or "wrong".

On 4 August, troops equipped with satellite phones were deployed in central, northern and southern Kashmir of India. The government decided to completely disable connectivity such as flat-screen TVs, cable TVs, telephones and smartphones as well as internet access. While multiple sources of information said that curfew is in force in Kolkata, the Post reports that the government is yet to announce the curfew officially). Doctors and other interested parties will be encouraged to keep in touch²⁷.

Before the resignation was announced on 5 August i.e. Principle 144, curfew was imposed in the Muslim-majority Valley, the predominantly Muslim region of Jammu and the predominantly Buddhist region of Ladakh. The current border is felt much more acutely in the Srinagar region, where "people" can be used to protect and provide high security situations," The Guardian reports. Special barriers on roads that run several hundred meters away Like all educational institutions, shops, hospitals and clinics were closed, and a state of emergency was declared in Jammu and Kashmir, India. The government removed the 144th security clause and on 10 August 2019. to resume the opening of schools in some areas of the Jammu region.

Most of the Indian media reported that they knew nothing about it. in the Valley, and I am not in a position to determine whether their correspondents are safe or not. Journalists were not allowed inside. The Committee to Protect Journalists (CPJ) reported that Qazi Shibli, a local journalist and editor of Wala's news department, was arrested by the Jammu and Kashmir Police on July 28, 2019, for these expenses. by the Government of the Russian Federation. The charges are not ???, but as of August 5, 2019, when he was still in prison, it was still unclear. Several journalists said they

²⁷ (Patra, 2003)

turned out to be a group of soldiers, while others said they should send pictures from USB sticks. A local reporter told CPJ: "I fear journalists may be arrested, especially those who report on what is happening. At least 2 journalists will remain in jail.

Local journalists and editors of various Indian newspapers and TV channels complain that their team will not be able to get their hands on most of the media. The Muslim majority will vote in the fall, except for a few blocks on . However, Navika Kumar, editor-in-chief of the British newspaper India Times, said, "Your communication is not related to the many restrictions on the release of water, but it sends journalists through channels ... Time, advisor to the ancient Lord Hotel HK The media of two former prime ministers of India, other Indian media groups, were criticized as "conformist" and accused of "fearing the government".

More than 4,000 protesters were reportedly arrested on 18 August, all to avoid presentation at different tables and subsequent acts of violence. As of 9 August, their number is about 500. Among them were former Jammu and Kashmir ministers Mehbooba Mufti and Omar Abdullah as well as Rashid, the representative and engineer of Muhammad Yusuf Tarikami, who was kept under security guard..²⁸

The government's rationale:

Indian Foreign Minister Subramaniam defended the action against him, saying it was done to prevent an explosion of violence and civilian casualties, alluding to the riots following the death of activist Burhan Wani in 2016. It was not possible to stop amidst the security, without which the whole area is closed.

The Jammu and Kashmir government said the internet restrictions, including restrictions, were imposed to prevent disruption of public order as well as to deter various "anti-national" elements. The use of these services and the Internet, to carry out terrorist attacks from the sites of "terrorists" and the spread of false news to people, will need to be gradually reduced, as well as the necessary restrictions, he said.

²⁸ (Patra, 2003)

Repair Services:

Chief Minister of Jammu and Kashmir on 16th August???. Subramaniam said the government will take back ??? Place a bookmark on the top of the mountain as well as within the specified number of restrictions in this area. To start with making a correction, telephone service was reintroduced in some regions, including , after August 16, 2019, according to Reuters. According to Subramaniam, fixed-line telephone services should be restored in most areas by August 18, 2019. The government has been adamant about the reopening of schools in the Valley during the week of August 19, 2019, surrounded by security guards. However, in some schools opened in the Valley, some media outlets reported that children were not attending school. According to Subramaniam, "[12] one of the 22 areas of Jammu and Kashmir, and all of them were normal, healthy and measures were taken to ensure that there were no casualties on either side or both. Serious A. . threat to terrorist organizations, and your phone will be restored easily and smoothly."

August 25, 2019. Most of the valley and back, ties? As on 4 September, there were only 50,000 fixed workstations operating in the Valley. October 14, 2019. The region has fully restored postpaid mobile phone service. As of February 3, 2020, the app is still not fully installed in this region. With over 153 hours a day, it grew and became the biggest internet outage in India at that time.

Saturday, January 13, 2020. The article, from Reuters, reported that the Internet in Kashmir had not been fully repaired, which allowed to board a crowded train, sometimes referred to as the "Internet Express", Which is located in another city. Compared to . This must be achieved. Internet facility in cyber cafe. With a seating capacity of 300 rupees (\$4.20) per hour. Nearly 500,000 jobs were lost after the lockdown, Schurman, the vice president of the Chamber of Commerce and Industry, told me, adding: "The economy was damaged beyond recovery."

On February 14, 2020, broadband internet access and 2G mobile communication services were restored in the Valley, as well as in five districts located in the Jammu region, including various organizations and individuals.

February 18, 2020. Internet service by the local population, 2G was restored by 153-seat nodes in 10 districts of Jammu division and 2-seats in Kupwara and districts, for example, using payments from mobile devices. Telephone communication and SMS messaging were also restored in all parts of the union. Union territory.

January 25, 2020. 2G internet services were restored in postpaid and postpaid phones at 301 trusted sites in each of the 20 districts.

The ban on broadband internet access services for residents will also be passed on February 26, 2020. March 4, 2020 and the total number of places in the whitelist, it does not allow. You can't just use 2G internet services. Internet became fully operational on March 4, 2020, including but not limited to 2G internet speeds.²⁹

From July 2020, the Indian federal government has allowed Indian security forces to purchase land in the Indian-administered part of Kashmir, India. This is in contrast to the previous policy where Indian security forces would have to apply for a special permit to buy land in the area. Only the local population could buy land in Indian-administered Kashmir, although with the removal of Kashmir's autonomy by the state government, Indian security forces were able to buy land and live in the waters.

On August 16, 2020, Express mobile internet (4G/LTE) services were restored in a trial conducted in two districts of the Union Territory of Jammu and Kashmir after the Supreme Court of India last month declared that the permanent shutdown was illegal.

Legal control:

In a verdict on the petitions filed against the restrictions imposed on Jammu and Kashmir, the Supreme Court ordered a review of all restrictions on the use of internet services. The court stressed that the freedom to access Internet services is a fundamental right in accordance with Article 19 (1) of the Indian Constitution. She also noted that article 144 of the Indian Code of Criminal Procedure should not be used to suppress people's expression, ordering the local administration to publish every use of this provision for public review.

Reactions to repression:

Alice Wells, Deputy Assistant Secretary of State for South and Central Asian Affairs, said in a statement that the States "looks forward to the "rapid action-taking sanctions and the release of those detained by the police." US lawmakers Ilhan Omar, Rashida Tlaib and Alexandria Ocasio-Cortez also called for an end to the communications lockdown, saying the US is "very concerned

²⁹ (Patra, 2003)

about general detention, including politicians and businessmen, as well as restrictions on residents of Jammu and Kashmir". is also. Kashmir."

Amnesty International and Human Rights, a non-governmental organization, have launched an online petition to allow Kashmiris to speak up, including "restrictions on communication in Jammu and Kashmir, India" and "pay to make a voice for the people of Kashmir". "The demand has been made. Their voices were heard, as well as "unconditional and unrestricted access to news and information from the Valley".

Reactions of affected areas:

Opposition:

Mehboob Mufti, the last Chief Minister of J&K, s "darkest day of Indian democracy". He felt that the Indian Parliament had taken over all the people of Jammu and Kashmir. A tweet on August 4, 2019 said that the decision by the leaders of Jammu and Kashmir to abandon the two-nation theory in 1947 and ally with India had an adverse effect.

Former Prime Minister Omar Abdullah also called the government's proposal on Rule 370 "unilateral and shocking". He said it was "a complete violation of the confidence of the people of Jammu and Kashmir in India upon its accession to the Dominion in 1947."

Ali Asghar, along with Karbala, former chief advisor to the board on the development of Kargil hills, said the residents of Kargil should see the state as undemocratic on the basis of religion, language or region. Some religious and political organizations in Kargil, including the Imam Khomeini Memorial Foundation, also condemned the Indian government for acting "without the consent of the people" and called for a general strike in Kargil district.

Kashmiri politician Shah Faesal condemned the move, saying it would be recognized as the biggest betrayal of the Indian state in the last 70 years. Can't Omar Abdullah, Mehboob Mufti, Sajjad Ghani single, send them messages. In other parts of the city, the guards are even tighter. We can say that out of eight million people were laid off last year," he said in an interview with the Guardian, ending the special status of Jammu and Kashmir. ³⁰was "Sacrificing the dignity of the country." I believe this will have direct and long-term consequences. In the next few days we will move forward on the ground. And in the end, you have to have a sense of isolation, and [I] believe that will cause them to explode. The common belief is that this is the end. That's all we have. in present. There is no choice but to fight. Faisal was apparently arrested by the Indian security forces. August 14, 2019, resulted in

³⁰ (Patra, 2003)

the court's strong condemnation of the detention of more than 100 people from Harvard University (alma mater) and called for the release of Faisal and other tables by name.

Help:

The Lok Sabha leader, Ladakh MP Jamyang Tsering Namgyal, is also happy to apply for abrogation of Article 370 and form an alliance in one of Ladakh's districts, in the hope that the decision will lead to an increase in jobs and growth. He said: "Underwater, for the development and improvement of our political life, our personality, our language, and if everything is lost, it is because of Article 370, the Congress party should be responsible for it.

The decision to revoke Article 370 and the Union will take place in Ladakh, which was welcomed by the Ladakh Buddhist Association, which organized a prayer ceremony in Leh on August 8, 2019, attended by politicians and religious leaders. The Buddhist community of Leh and Ladakh said that they are not too long, i.e. cuts and reorganizations that will help them manage their destiny.

Many local political parties and groups, such as the Indian Organization, Panun Kashmir, India, Jammu and Kashmir, Labor Party), as well as Jammu and Kashmir, were very happy with the abrogation of Articles 370 and 35A and the unification of Jammu and Kashmir. .

It was reported that the ceremony was to take place in Jammu and the people were divided, making candy, dancing and playing drums.

Members of the Hindu community in Kashmir who were assigned to them in the Valley, and as a result of the ongoing violence, this decision was made with joy, with the expectation that the members of the community, and their number ranging from 300,000 to 400,000, would return to their homes. Will be able to return

August 15 is celebrated as the "First Independence Day" in Ladakh. The banners were created in memory of Prime Minister Narendra Modi as well as three young activists killed during election campaigns in the Union and the state. Similar celebrations were also found in Jammu of Gujarat, Sikh, ? and refugees from West Pakistan, already a victim of 's discriminatory rules. The residents of Jammu both felt that Jammu was being neglected because of funding, and hoped that the restructuring process would be just that. A Pandit who was a refugee in Jammu and hoped to resettle in a third country.

Indian response:

Oppose:

Guha, a historian, said it appeared that the Indian president acted "in haste" and that the release was "arbitrary, an abuse of power by the state". Constitutionalist AG Noorani said the government's decision to abrogate Article 370 of the controversial measure is "unconstitutional" and even wrong. Points in the direction of "quarrel with the Supreme Court of India".

Nobel laureate Amartya Sen criticized the government and said he was "proud to be an Indian". [135] says that restraining the activities of political leaders of Kashmir is "an excellent colonial excuse to avoid a reaction to democratic decisions led by the Indian government and the Kashmiri people."

For an Indian writer, Roy was issued by Sarkar in an article in the New York Times.

Wajahat took to to describe the government's decision as 'regressive and reckless'.

The leader of the Indian National Congress, India's main opposition party, was instrumental in the abrogation of Article 370. Some Congress leaders, such as Rajasthan Chief Minister Ashok Gehlot, Congress leaders also condemned the arrest of government leaders Mehboob Mufti and Omar Abdullah. Other Rajasthan Congress leaders welcomed the arrival of the Gelot government. Punjab's chief minister, Singh, a Congress leader also known for abrogating Article 370, was "completely unconstitutional" and said it would set a bad precedent as it would mean that the heart would be destroyed by any should be broken in some way. It's impossible. How is the situation in the country with the imposition of the Presidential Government?" Chief Minister of Punjab and a ban on almost all types of public holidays, as well as several demonstrations that were carried out to increase security. This place, as specified in Article 370 of the order The population of Punjab is 8,000. In the form of students.

Rahul Gandhi also criticized the Indian government. He said the decision was unconstitutional and undemocratic.

On 24 August, a delegation of opposition leaders attempted to visit Jammu and Kashmir to assess the situation. The delegation included Rahul Gandhi, Ghulam Nabi Azad, K. K., Anand, Charm and D. Raji, Sitaram Yechury, Dinesh Trivedi, Tiruchi Siva, Manoj Jha, Sharda Yadav, Majida Memon, D. Kupendra. Reddy. However, the team was dismissed on reaching Srinagar.

Hundreds of people demonstrated in New Delhi to protest the Indian government's decision, calling it the "death of Indian democracy". D. Raja, General Secretary of the Communist Party of India, called the decision of the Government of India an "attack on the Indian Constitution". Derek O'Brien, leader of the West Bengal-based All India Congress Party, in breath and sunshine, opposite the program, based on Tamil Nadu, regional Dravidian party leader Munnetra Kazhagam. Stalin called every democracy functions like O'Brien's, known as the "technical hara-kiri".

Members of the Indian National Congress party have filed a petition in the Supreme Court of India demanding an urgent hearing. They also demanded the withdrawal of troops, and another called for the suspension of communications and the imposition of a curfew. Various leaders were arrested in the area where around 500 people live. The Supreme Court rejected the "immediate response to the question and the position of the motion, which is common practice.".³¹

Arjun Sharma, a former freelance journalist from Jammu, who wrote in an article that the university is located in Ladakh (Jammu and Kashmir, a state after the break-up of India), visited Jammu and asked if the university was in Jammu. And it will end soon. to be or not to be.

Help:

The Indian government justified its actions by saying that it would support the fight against violence and support state and government programs such as the right to education and the right to information.

As constitutional expert Subhash Kashyap put it, according to BBC News, he said the resignation was "constitutional" and "there is no legal and constitutional error".

The repeal of Article 370 was passed by an "overwhelming majority" of the Indian Parliament. He is attracted not only by the support of Hindu nationalist parties such as the BJP, but also by many other Indian political parties that oppose the BJP.

Several top Congress leaders have publicly expressed their support for the campaign. Former Indian Prime Minister Manmohan Singh said that impeachment was mostly supported by the Conference of

³¹ (Patra, 2003)

the Parties, but its implementation is not very fruitful. Former Haryana minister Singh Hooda supported the government's decision on , saying the Congress party "lost its way". Jyotiraditya Scindia is also used to support the government to take action to abrogate Article 370. He wrote on Twitter: "I support the #Jammu and Ladakh movement and its full integration into the Union." Congress member Deepender Singh Hooda said about Jammu and Kashmir's abrogation of Article 370 provisions: "National security is in your interest for its territorial integrity. The ideology of the modern world will be visible," the Kashmiri said. Like his suicide, and I don't want to be a part of it." Congress politician Dwivedi called for abrogation of Article 370 of Jammu and Kashmir's provisions, saying it was a "historic mistake", but it disappeared Is.

Leader of Bahujan Samaj Party and leader of Mayawati Party, as well as leader of Aam Party, , Delhi Chief Minister Arvind both supported the abrogation of Article 370. Explaining her decision to withdraw her support for the repeal, Mayawati said that the rules enshrined in Articles 370 and 35A, which have caused economic problems and political injustice in Jammu and Kashmir, as well as the people - including her own They will now have long term benefits. Get what they can't get. She added: "Most Buddhist users feel happy."

(B Reddy, Leader of India, US Congress based, Party and Andhra Pradesh Parliamentary Party supported abrogation of Article 370 and asked Amit Shah to act boldly and with good courage." Telugu MP Desam Kanakamedla Ravindra Kumar said, "I would like to congratulate the Prime Minister and the Prime Minister's Office, it is a great relief for the people of Jammu and Kashmir to get rid of all these emotions and happiness and be a part of the country. I too had to take this step. Biju Janata Party, one of the Tamil Nadu All India Anna Dravida Munnetra Kazhagam Party, also supported the abolition of the special status of Jammu and Kashmir.

Jamiat Ulema-e-Hind, a leading Muslim Rupaya organization, supported the decision to revoke Article 370, integration of Kashmir with India, as it is in the best interest of the Kashmiri people.

It is a lively place for the general public, an appeal to the Members of Parliament, a visit to Kashmir, it is also about all the protests against terrorism in the Valley, mainly from people coming from other countries. During these two days, members of the National Assembly should also interact with the

residents of the Valley and insist on the inclusion of as the beginning of their collaboration with civil society.

"Article 370 of the Constitution of India gives a special status to the region of Jammu and Kashmir located in the northern part of the Indian subcontinent, in which.³²

According to this Article, in Article 35, that is, if the people of the State of Jammu and Kashmir of India live in an individual set of rules with regard to citizenship, the availability of immovable property and the protection of human rights with respect to residents. of other Indian states. Consequently, Indian settlements of citizens of other states will not buy land or immovable property in the state of Jammu and Kashmir.

August 5, 2019. The Constitutional Court of Ukraine, Government of India, decides to enforce all provisions of the Constitution of India, the Convention, in accordance with the provisions of the 1954 Convention in force in Jammu and Kashmir. Resolution passed by both the houses of the Indian Parliament. with a 2/3 majority. Below are all the decisions of both the Houses of Parliament, which resulted in a new resolution dated 6 August, which should be based on all elements of Article 370, except Article 1.

In addition to the Houses of Parliament, the law on the bifurcation of the state of Jammu and Kashmir into two union territories, as well as the reorganization of the state of Jammu and Kashmir in accordance with the rules for the creation of the Union, came into force. Jammu and Kashmir and Union Territory of Ladakh. The reorganization took place on October 31, 2019.

Target:

"Jammu and Kashmir is a state, along with all other states, focused on three issues: defence, foreign affairs and communications. All states are for representatives in Indian law. Draft the Constitution of India. To make them constituents Documents in their respective countries. Most member states were unable to attend the reception at the time, but is on , despite several EU countries including Cochin and Mysore. This is a fact that the US State Department adopted a model US constitution on May 19, 1949, and the leaders and prime ministers of all EU member states, under the existence of the State Department, gathered in the US and agreed to the formation of the various states. In the US, this was not required. They adopted the Constitution of India, as well as their own. The states that chose these changes would be proposed by the Constituent Assemblies that would be acceptable. All members of the meme system were There is a common Indian status quo in the states and the union

³² (Patra, 2003)

of states. Specifically, it meant that the subjects available for adoption of laws by the federal government and administration should be provided in a single system across India.

In the case of the representatives of the Constituent Assembly of Jammu and Kashmir, it demanded that rules be used, necessary and therefore established, and that all personnel be clothed in accordance with the law of the Constitution of India. In other cases. The Indian government has approved his request to hold meetings with other countries. Consequently, Article 370 was included in the Indian Constitution, which stipulated that all articles of the Constitution which would allow the implementation of government in Jammu and Kashmir, India), must be ratified by the state legislative assembly. They were called "transitional" in the sense that their application led to the final drafting and adoption of the state's constitution. However, he was included in the meeting on January 25, 1957, without any recommendation to repeal or replace 370. As a result, this article is an integral part of the Indian Constitution. As confirmed by various judgments of the Supreme Court of India and the Supreme Court of Jammu and Kashmir on the last day of April 2018..

Original text:

370. Jammu and Kashmir Interim Law

(1) Notwithstanding the provisions of section 238 contained in this Constitution—

- a) does not apply to the State of Jammu and Kashmir;
- b) The power of the Parliament to make laws for the State is limited to:

The EU-list, as well as the list of athletes, shall be posted on the official website of the President, in consultation with the State, in accordance with the issues set out in the Instrument of Accession governing entry into the Dominion of the State. . and if these items are from India, which is federal law, state law; And

(Phase II), and all other things which are in the lists, that is, with the concurrence of the Supervisory Board, the Chairman of the Supervisory Board, as may be prescribed in accordance with the rules and regulations.

Explanation [Acts 1950, the State "For the purposes of this paragraph, the Government shall be deemed to have the meaning that this person is presently recognized by the President as the Maharaja of Jammu and Kashmir, acting on the advice of for the period of time required by the Govt. agency, as announced by the Maharaja, on the fifth day of March, 1948;

Explanation [1952 State : For the purposes of this section, "Government" means a person presently recognized by the President of the Sadar-i-Rustam (Governor) of Jammu and Kashmir on the

recommendation of the branches of legislative power. Based on the recommendations of the State Council of Ministers in India, which is currently in the company.

(c) the provisions of paragraph 1 of this article shall apply to a State.

(d) any other provision of this Constitution shall apply to a State subject, with such exceptions and modifications, as the President may, in his discretion, nominate:

Provided that the accession to the State referred to in paragraph (i) of letter (b) shall be decided in respect of matters specified in the law, unless it has been taken in a meeting with the leadership of the State.

Further, in respect of the issue referred to in the previous paragraph, the decision should be taken only with the concurrence of the Central Government.

(2) "If the consent of the Government in accordance with paragraph (ii) of paragraph (b) of paragraph (d) of this section, for the purposes of the Constitution, the consent of the Government shall be submitted to the Constituent Assembly at the meeting, which shall be decided." should go."

(3) With respect to any provision of the foregoing provisions of this article, the President may, by public notification, notify you that to apply or subject to exceptions and amendments as well as to act on a regular basis, including:

Having regard to the recommendation of the Legislative Assembly of the State referred to in Article (2) as required by the President of the message.

Analysis:

Chapter 7 of the Act signed by Maharaja Hari Singh ruled that the state could not be compelled to accept any future constitution of India. The state had the right to rely on its own constitution and to decide independently on additional powers of the central government. Article 370 was made to protect the right. Constitutional law expert A.R. According to Noorani, Article 370 of the Protocol is a "grave covenant". Further, India and a State cannot amend or repeal this article unilaterally, except in this article. (Patra, 2003)³³

Article 370 contains six special provisions for Jammu and Kashmir:

Fare-division of the state to get the full version of the Constitution of India. The state has the right to have its own constitution.

³³ (Patra, 2003)

The state, which is a central law, did not allow three persons from the ministries of defence, internal affairs and communications to participate in the training.

Other constitutional powers of the central government should be delegated to you with the concurrence of the state government.

The "deal" was only temporary. Must be approved by the general meeting of shareholders, state.

The power of government, which could come to an agreement, was preserved only in the organization of the Constituent Assembly. Once the Constituent Assembly is complete, the system does not work, and the extension of power is impossible.

Article 370 can be repealed or amended on the recommendation of the state legislature.

Following the state constitutional convention, October 31, 1951, and the authority of the government to "contract" should be transferred. Following the decision of the Legislative Assembly on 17 November 1956, with the establishment of a constitution for the state, and the only institution focused on empowering the central government, or which seeks to take over central institutions to cease to exist Noorani claims that the harmony of trade-state relations at the decision level is found in India (1957), but this was later abandoned. In subsequent years, the remaining provisions would continue to develop the government's "competitive position" ..

Validity of change - Presidential decrees:

Article 370 originally consisted of two parts of the Indian Constitution, generally in Jammu and Kashmir, India. Other provisions of the constitution are exceptions and specific changes in the decision of the President along with the government and its definition. In exercise of the powers conferred by Article 370(3) of the Constitution, for which, with the concurrence of the Government of Jammu and Kashmir, the President lays down a number of requirements. (Decisions of the President are detailed in Chapter 4)

Transition to a sustainable energy source:

In October 2015, the Jammu and Kashmir Supreme Court ruled that Article 370 cannot be repealed, invalidated or even amended." It is believed that this was a decision taken in 1957, making Article 370 a "permanent provision". was described as, and although it was a temporary provision of the Constitution³⁴.

³⁴ (Akhtar & Kirk, n.d.)

April 3, 2018. The Supreme Court of India has filed a similar application seeking to permanently replace Article 370. He said that since the law has ceased to exist, the President of India should take appropriate measures. Unable to act again.

In 2019, as part of the Bharatiya Janata Party's manifesto in the pending 2019 election, the party focused on integrating the state of Jammu and Kashmir into narcolepsy..³⁵

CHAPTER – 8

ANALYSIS OF POLITICAL STANDS AND DEBATE

FOR AND AGAINST THE ABROGATION OF ARTICLE 370

Some Congress leaders across the country—defying the party and the Parliament's position on abrogation of Article 370 in Jammu and Kashmir—focus on support and legislation, and many upset the state. (Patra, 2003)

Congress will strongly oppose the proposal and the passage of a law to bifurcate the state of Jammu and Kashmir into two regions with the Union. Most importantly, Congress chief Dwivedi lauded the abrogation of Article 370 in Jammu and Kashmir, saying that it is too late and the mistake has been rectified. His colleague Deepender Hooda believed that the abrogation of Article 370 in Jammu and Kashmir is in the interest of national integrity."

He told me that the leader was Milind Deora, Congress, Mumbai "I'm sorry" that Article 370 was renamed "liberal-conservative" debate. He said in a new message, "Ideologically adopting the package and discussing what is best for Indian sovereignty and federal peace in Jammu and Kashmir, employment for young men and women, Ministry of Justice to Pandit of Kashmir." " "The abrogation of Article 370 of the Constitution of India can be described by governance with iPads, and it has the potential to be the demonetization of our times." "For peace and development in Jammu and Kashmir and hopefully this solution will be better than demonetisation," Deora said.

³⁵ (Patra, 2003)

Dwivedi said: "It is a matter of national satisfaction that during independence 'mistakes' were made and rectified. He said that after independence, many freedom fighters do not want to keep it, and showed Article 370 and Ram Manohar Lohia , with which they have a political problem and Article 370.³⁶

- For me personally it is just a matter of satisfying people. It is a historical mistake that happened during the independence period, it has now been resolved, though too late, and very welcome," he told La Petite Dwivedi, as he described his personal rather than left-handed person. Thoughts entered.

The chief whip in the Rajya Sabha, Congress Bhubaneshwar Kalita, stopped a member of the Senate of Parliament on the issue, and sought his whip by the party, with all its members opposing the bill.³⁷

I have always insisted that Article 370 should be removed. There is no place in the 21st century. The repeal of this article highlights the importance of integrity, and the people of Jammu and Kashmir being an integral part of India. However, there is a need for peaceful implementation of this change in a safe environment based on the government in power. "³⁸

Rae Bareli MP in Provincial Congress) Aditi Singh said on Twitter: 'We are ! Jai Hind. #Article 370.'

When someone remarked that he was a Congress leader, Singh said, 'Pramukh ***, Ek Hindustani (I am rich)'. "He called it a historic decision" and urged people not to politicize it.

Meanwhile, sources report that the Congress leadership at the top asked Adhir Ranjan Chowdhury, J&K, and J&K about the comments made in the Lok Sabha, to find out how liars the party's leaders are, or whether this The matter is an internal issue under the control of the Nations.

Indian Senior Legal Adviser Harish Salve to support the decision-making process, as a means to "mistake" the government's ruling, until the revocation of Article 370 of the special status of Jammu and Kashmir, India. It has been described as a reaction to Pakistan's movement to symbolize "defeat", as water was a part of teaching and learning where they would "squat". Tensions escalated between the Constitution, the special status of Jammu and Kashmir.

India's decision to cut diplomatic ties in Pakistan and expel the Indian ambassador at the time caused a violent backlash. Pakistan tried to internationalize the Kashmir issue after India revoked Jammu

³⁶ (Patra, 2003)

³⁷ (Akhtar & Kirk, n.d.)

³⁸ (Patra, 2003)

and Kashmir's special status on August 5, but New Delhi is focused on saying the abrogation of Article 370 is an "internal mistake".

We salute by saying, "Pakistan Kashmir is India, they (Pakistan) are at the very top. If the disputed area is (in the area), and it is too. Kashmir is an integral part of India in the Constitution of India, never leaves any doubt in the minds of some n states.

A senior lawyer calling himself the abrogation of Article 370 said, "I think this bug was created to confuse even more, it will have to be left there for a while. Cut the Gordian knot. The government should do it." The only question is how it can be done all at once.

"The suggestion is that if the discussion is absurd, because, of course, it is necessary to generate very strong criticism and activists about some of the 370. India is right.

Referring to the challenge of law in this case, he said: "The Supreme Court of India is ready to hear and decide that something is bad, but the way Pakistan wrote it—it is completely bankrupt of its views." We await you, speaking to reporters at the Indian High Commission in London, with the support of the Government of India regarding funds belonging to the Nizam, Chicago, Illinois, in its early days after the signing of the Court of Justice's decision, The section which reaches "47, commends this decision of the Association as an important confirmation of the earlier position of India v Pakistan".

This statement is not true with respect to Pakistan, which should be dealt with. We will fight these claims and we will win," he said, referring to the £35 million in a London bank that must now be divided through a secret treaty between the heirs of the Nizam of Hyderabad and the government between the parties, Also historians interested in openly accepting Pakistani weapons. This is a very interesting dimension to openly admit," he said, referring to one of the arguments used by Pakistan as part of its request for financial assistance.

REACTIONS FROM AFFECTED ZONES:

OPPOSITION:

Jammu and Kashmir, and the last leader, he was under the impression that the Indian Parliament took over the whole of Jammu and Kashmir. Taking to his Twitter profile from August 4, 2019, he said that the decision taken by the leaders of Jammu and Kashmir to abandon the two nation principle in 1947 and forge an alliance with India did not work.

Former Prime Minister Omar Abdullah, invoking Article 370, was a unilateral harsh decision by the government. This is "a complete betrayal of the confidence of the people of Jammu and Kashmir in the rest of India, as is customary in the country in 1947."

Asghar Ali Karbale, former chairman of the board of directors of the Kargil Hill Development Board, said that Kargil residents consider the country's division on the basis of religion, language or region to be undemocratic. Some political and religious organizations in Kargil, including the Imam Khomeini Memorial Foundation, condemned the Indian government's act "without the consent of the people" and called for a general strike in Kargil district.

Amit Shah Faesal's politicians criticized the move, saying: "It should be seen as the last betrayal of the Indian state in the last 70 years. Not Omar Abdullah, Mehboob Mufti Sajjad Ghani sending a message to one or other areas of the city." For. humiliation". And I believe that in the near and long term. As we will see, in the coming days and in the long run of the country's mobilization, you will feel a sense of isolation in the future, and [it] has all begun. This is the end of it now. All this is far away from us. Everyone on has a common line on their lips, and I hate it. We have no choice but to reset it. "Faisal, it appears that he was taken by the Indian security forces on August 14, ³⁹2019, which led to the decision of the MES. More than 100 people from Harvard University (alma mater) also condemned the arrest, and Faisal and others demanded the release of the leaderboard."

SUPPORT:

Jamyang Tsering Namgyal, a member of the Ladakh Lok Sabha constituency, welcomes the abrogation of Article 370 of the proposal to create a separate Ladakh block region, hoping the move will boost jobs and growth. It is not lost Kashmir, India, its development, and our political life, our identity, our language, and everything is because of Article 370 and Congress party is responsible for it. The abrogation of Article 370 and the creation of the block in the Ladakh region coincided with the Ladakh Buddhist Sangha, which organized a thanksgiving ceremony in Leh on August 8, 2019, which was followed by political and religious leaders. Buddhist communities in Leh and Ladakh say that as long as you ignore this, as a result of reorganization, it will help you become their destiny. According to reports, the ceremony was to be held in Jammu, where people distributed candy, danced and played drums.

Representatives of the Hindu community who fled, however, because of the ongoing violence, have seized the initiative, and we hope that members of the community, and their numbers reach 300,000-400,000, will return. Have come. .

³⁹ (Patra, 2003)

August 15 is celebrated as the "First Independence Day" in Ladakh. Banners were put up to thank Prime Minister Narendra Modi and three youth activists who were killed during the massive riots in the Union. Similar celebrations were also seen in Jammu among Gujjar Bakarwals, Aries, Valmiki and refugees from West Pakistan, who were all victims of 's discriminatory laws. The residents of Jammu, on the other hand, believe that funds and resources have become scarce, and they can be expected to rebuild the development. Refugee Pandit "New Hope in Rehabilitation of Jammu"⁴⁰

INDIAN REACTIONS:

OPPOSITION:

A historian Ramachandra Guha said it appeared that the Indian president acted "in haste" and the release was "arbitrary, abuse of power by the state". Constitutionalist AR Noorani said the government's decision to abrogate Article 370 was controversial and "clearly contradicts the Constitution", and even fraud. This leads to " in the Supreme Court of India".

Nobel laureate Amartya Sen criticized the government and said he was "proud to be an Indian".

Whether it is considering stopping political leaders as a "classic colonial cause" to avoid a negative reaction to the Indian government's decision, and called for a democratic solution that would lead the region's residents.

Indian writer Roy criticized the Indian government in The New York Times.

Leaders of the Indian National Congress, India's main opposition party, are divided over the abrogation of Article 370. Some Congress leaders, including Rajasthan Chief Minister Ashok Gehlot, were condemned for arresting the then head of India. Government with Mufti Mehbooba and Omar Abdullah. Other Congress leaders and the Rajasthani Gehlot cabinet were suspended. Punjab (Indian) Chief Minister Singh, the Congress leader, also called for abrogation of Article 370 as "completely unconstitutional" and said, "It was a bad precedent as it would mean restoring the heart." Easy implementation and implementation The President as well as the rules and regulations." Being the Chief Minister of Punjab, all kinds of gatherings or demonstrations will also be banned in his own country under Article 370, the governance and about 8,000 people. Security will be beefed up. Punjab students in Kashmir.

Rahul Gandhi also criticized the Indian government's arrest of political leaders from Kashmir, calling the decision "unconstitutional and undemocratic".

⁴⁰ (Patra, 2003)

On 24 August, a delegation of opposition leaders attempted to visit the tribe to assess the situation in Jammu and Kashmir, India. The delegation included Rahul Gandhi, Ghulam Nabi Azad, K.K. , Majida Memon, D. Kupendra Reddy. However, the team was sacked after ended. Hundreds of people demonstrated in New Delhi to protest the Indian government's decision, calling it the "death of Indian democracy". D. Raja, General Secretary of the Communist Party of India, who called the decision of the Government of India an "attack on the Indian Constitution". Based on the leaders of the Tamil Nadu, Trinamool Congress party, regional Dravidian party leaders Munnetra Kazhagam, K. Stalin and West Bengal. Derek O'Brien is being raised all over India. Stalin called it a "murder of democracy" and O'Brien called it "hara-kiri".

Members of the Indian National Congress party had to submit two petitions to the Supreme Court of India requesting an urgent hearing. One of the problems with this finding, like many others, is the denial of communication, and the curfew in Kashmir, where about 500 people live, has been arrested, including various leaders. The Supreme Court rejected the request for a "surprise" hearing in "ordinary procedure".

SUPPORT:

The Indian government justified its actions on the grounds that it would end violence and activism in state and government programs such as the Right to Education and the Right to Information, as well as in another plan.

According to the BBC report, constitutional law expert Subhash Kashyap said that divorce was "constitutionally unacceptable" and "it is not a fault of the law and the Constitution".

The repeal of Article 370, which was passed in the Indian Parliament with the support of a "majority". He is attracted to it because of the support extended not only to Hindu nationalist parties like the BJP, but to many other Indian political parties in general, notwithstanding the BJP.

Several top Congress leaders have publicly supported the campaign. Former Haryana Chief Minister, Singh Hooda of claimed that the party completely lost the decision of the Congress and the government. "

Jyotiraditya Scindia, a measure the government supported by the removal of Article 370. She wrote on Twitter: "I support the #Jammu&Kashmir & Ladakh campaign and am fully integrated into the unity of India.

Congress leader Deepender Singh Hooda believes that, despite the provisions of Article 370 in Jammu and Kashmir, "in the interest of national security, territorial integrity".

Rajya Sabha Chief Congress Whip Bhuvneshwar Kalita resigned on the issue of Congress and special status to Jammu and Kashmir, and said, "Congress ideology still looks like suicide, and I want to share it. "

politician Dwivedi lauded the abrogation of Article 370 in Jammu and Kashmir, saying though it is too late, "historic wrongs have been rectified.

He and party leader Bahujan Samaj Mayawati, as well as party leader Aam Aadmi (Delhi Chief Minister Arvind) supported the abrogation of 370. Explaining her decision to support the repeal, Mayawati said Articles 370 and 35A have led to economic and political developments. Injustice in Jammu and Kashmir, and people – including their own – are both now enjoying pet benefits. He said: "Disciple of Buddha and , who is a happy person".⁴¹

V. Reddy , YSR Telangana Congress Party and parliamentary party leader in Andhra Pradesh, India, as well as support for the abrogation of Article 370 and the "daring and courageous" movement Amit Shah. Members of Telugu Desam Kanakamedala Ravindra Kumar Party said, "I would like to congratulate the Home Minister and the Prime Minister for making a stronger version of this so that the people of Jammu and Kashmir can be free from all tensions, lead a happy life and the country." Be a part of, and are thrilled with the initiative. The Odisha and Tamil Nadu sides of the All India-based Biju Janata Party laid the foundation for the Anna Dravida Munnetra Kazhagam and supported the abolition of the special status of Jammu and Kashmir.

Jamiat Ulema-e-Hind, a leader of Indian Muslim organizations, supports the decision to liquidate the company, whose Article 370 requires Kashmir to be integrated with India, as it is in the best interest of the people of the region. . You can call it a place to live for the public, visit the deputy, that is, Kashmir, and say that everything against terrorism should be protested in the Valley, mainly people from other countries. During their two-day stay, club members can also interact with residents of the valley, as well as begin their association with civil society on the move towards water integration.

⁴¹ (Patra, 2003)

CHAPTER – 9
FUTURE CHALLENGES AND JUDICIAL REVIEW
OF ARTICLE 370 AND 35A ABROGATION

LIFE AFTER 370:

In a restless world even after the removal of Article 370. The real challenge for the government will start as soon as the restrictions are eased.

The main road along the Dal Lake was quiet on . In addition to tunes and sounds, some cars on the road, if you have a special permit, have a vacancy. Both Indian and foreign tourists are still here. The house will be empty. The council slept or sat quietly among its victims.

Muhammad Iqbal, a shepherd from Sonmarg, reached Srinagar on Monday morning with some of his companions: 50 sheep, goats, an elder and a helper. - I had gone to Srinagar to sell sheep. "But I started my day again. Now, I'm afraid. I don't know if the overall situation will improve even after the restrictions are lifted. Maybe I should go back to my village," he told Iqbal angrily. For animals, the average is zero if he didn't return to the village, and is about 95km north of for a week-long walk after Sonmarga.⁴²

There was something else that was bothering him. "We are the people of Leh, Leh Hai-style Article 370 has been taken away from us," he said loudly, almost as a quote seen by some passers-by.

The shepherd of Sonmarg may not be able to clearly express the tiniest points of reasoning decided by falling from both his right hand and the other waters. However, he is sure that this time he saw a lot more than thereafter Burhan Wani.

⁴² (Patra, 2003)

Wani, a domestic terrorist of the Hizb ut-Tahrir Mujahideen and militant Kashmir Boy Fair, was incapacitated in July 2016, leading to massive protests, stone pelting and the Valley being cordoned off for at least three months. Iqbal said, “Dafa 370 kafi hisgi ka memna (issues of Article 370 and above).

Last week, the government asked Narendra Modi over the special status of Jammu and Kashmir, up to point 370 of the Constitution of India, and Jammu and Kashmir, Kashmir, the state's special status not revoked in the union of two regions of India. by the legislature, and Ladakh, suffers the most votes. Since then, the valley has remained calm, especially since the funding was settled and the mass deployment of troops began. Article 144 of the Criminal Procedure Code (CPC) was in effect for 4 days in August, which does not allow gatherings of more than four people. The curbs on the floor seemed like both a good latch and free. Vehicles are closed on the roads at a dozen different places in the city. In some places, the movement of pedestrians also comes to a standstill. Srinagar, now the city of obstacles

At the time of submission of this report, only a few incidents have been reported from large stone towns and cities. I saw a broken brick at three intersections between the airport and the city center.

Below is a disturbing world, people on were shocked and angry. During the period Wednesday to Friday, the magazine visited Lal Chowk, Rajbagh, Dal Lake, Jawahar Nagar Colony, Batmala among other things to understand the ground situation. Moving from one place to another is a nightmare. For residents, challenges include managing their daily diet and transporting the patient to the hospital. A large number of ambulances are on the road, but phone lines were cut, and ambulance tips were not working. At the crossroads, Dalgate, CRPF personnel, however, were sympathetic to those who say they are in a medical emergency.

People are mostly annoyed in two ways for doing this. First, they have been diluting their powers undemocratic and without discussion for decades. With mobile phones, desktop phones, internet and other means of communication not working in this area for the past few weeks except communication, two people are in shock. However, DTH TVs and radios are powered, and do not have a large power supply.

- Limited SMS capabilities, although rare, are also available for some postpaid phone jacks.

For example, Pawan Kumar, who works as a chef at an hotel in Lucknow, said that since Sunday, the communication from the family in the form of messages is to be trusted. One of my family members, I bought a ticket for myself and sent me a message with my transfer details. Today

(Friday) I have to take an Air Asia flight to Delhi." Real estate and hotel business By August 9, most of them had returned to their homes.

Local business related to tourism is a big hit. It is peak season. "Our hotel rooms are Rs 30-35 lakh. They were all cancelled. Now this business is zero for us. Security may take longer than we expected. However, it is only a minor problem. Our real result is that we have accepted Article 370," said 27-year-old Dan Farooq, who owns Paradise Hotel near the valley. Others echo similar sentiments, saying that they are willing to make sacrifices for their company to help you protect your self-esteem.

It is a challenge for the government, and therefore one must be careful to go."

In the decision of the court on Article 370 and 35A

, "Article 370 of the Constitution of India as 'Provisional' published on 17 October 1949 and conferring special privileges on the State of Jammu and Kashmir, India), which is legally permitted to have its own Constitution. Accordingly, with the provisions Let alone Articles 1 and 370 of the Indian Constitution are applicable to the state. Thus, for the government to extend the range of issues contained in a document of accession (IoA) by a state's central law, it must be To expand the scope of a "dialogue", and all other things necessary for the "competition" of the government. Chapter 35A of the Constitution of India, a constitutional requirement established in 1954 by a recognized state body, provides for "permanent residents" It is defined as the law of permanent residents in the state on property rights, employment opportunities, financial assistance and other social benefits.

The territory of the , went back to normal life, the patient's gait, miraculous healing from a chronic disease. This is in the light of the unwelcome restriction of internet bandwidth and the grave threat of terrorism from abroad.

I was surprised by the abrogation of Article 370 that was captured in Pakistan on August 5 last year. He was feeling humiliated, but on a straight path, on a path of revenge, he was almost too close to India, this is unpredictable, and furious by the military response to the Uri and Pulwama attacks.

So, in Pakistan, after waking up late to launch an international diplomatic offensive that failed, it is not even with its big brother, as China and the Arab countries want them to allow.

Then you'd be thrilled and supposedly funded an anti-civilian fix for the protest. Water under the head of Internet blackouts you will still be left out of the international and national mainstream media. Indian agency and forces which could not be allowed to be on alert. Rising Pakistan remains

an exporter of terrorism, and the use of the Internet to recruit rapists or organize terrorist attacks is becoming increasingly common around the world.

For example, the work of Yana Rydzak, a researcher at Stanford University, a Russian-South Korean company, in the UK and Sri Lanka documents 400 to 450 cases of Internet disconnection in 2011.

But wait, the news of capacity loss and the media ignores the profound changes taking place in J&K in the last 366 days.

Justice for Kashmiri, anonymous:

In addition to property repairs and much discrimination against marginalized communities such as Valmikis, Gorkhas, Dalits and LGBT people, and women and children as well as Article 370 and 35A were also included. Currently, there are 170 central rules in force in the Union.

According to Human Rights, Civil Rights, more than 20,000 refugees from West Pakistan have a place of residence of Rs 5.5 per family. More than 10,000 members, or men, are at the moment in their legal place of residence to exercise all of its rights and privileges.

The Government of Jammu and Kashmir has started an unusual recruitment process. In the first case, in addition to 10,000 jobs, and there should be 25,000 of them. This is the post of Panchayat Parishad Doctor, Assistant Veterinarian and Junior Assistant Assistant. The recruitment process was designed to give priority to widows, and candidates who had no family members in government, worked part-time, and had occasional employees on vacation.

The Council of the Union has decided that it will be necessary to introduce a team of builders (four percent) and the economically weaker section (10%) of the population. The reservation available to people only in villages located near the Line of Control was extended to border residents, who are in need of around 70,000 families.

For more than three years, the Jammu and Kashmir state officials are now getting the benefits of 7 Central Commission Payments, Remuneration, Children's Allowance, Education Allowance and Allowances that will be available to the Central Government employees. The certificate of benefits and additional provisions are available to the police department and play a vital role in the fight against terrorism and separatism.

Strong momentum for the project:

The world's tallest bridge to be built on the banks of the Shenab River is 359 meters above the Eiffel Tower bed (324 metres).

Place it in water and connect with each other by rail in December 2022. The Banihal- parcel (18 km) and the - parcel (118 hp) Udmapur-Katra field (25 km) lie within this zone.

This is a job for an energy and irrigation project, Shahapur, Kandy depended on it for five years. Ujh project will be passed very soon. Metro railway is the way to Srinagar and Jammu.

On top of the battery, and all other access points that have been turned off since January 1, 2020.

Reforms were also implemented in the energy sector. The department is divided into three independent companies as well as best customer feedback and stable income.

J&K spent Rs 100 crore improving the registration process in the country.

Local governments in the city are also changing. Local authorities can give permission for projects up to Rs 5 crore. For example, the transparency required in an auction item in electronic form.

War, Corruption and Terror:

One of the most dangerous food ulcers in the previous condition is graft. Last year the J&K territorial administration scrapped the Roshni scheme, described as India's biggest land scam, and it is also a good move to change the people of Jammu and Ladakh. There was no need to splurge on the benefits of former chief ministers.

All provisions of the Central RTI Act of 2005. They should be implemented in the territory of the Union. An Anti-Corruption Agency was set up under the direct supervision of the Central Vigilance Commission. Police and criminal justice wing, and now have a penchant for dealing with economic crime and cybercrime.

After all, the level started falling in terror from August 5 last year: (Patra, 2003)

A Home Ministry report shows that after the abrogation of Article 370, terrorism-related activities in Kashmir will come down by about 36 percent. In 2019, there were 188 terrorist incidents in the Valley from January 1 to July 15, compared to 120 in 2020.

CHAPTER – 10

CONCLUSION

It is at this point that the definition of supply chain should be specified, and the relevant provisions of this article should be interpreted taking into account the intention of the authors of the Constitution. Due to the adoption of amendments to the Article, the drafters did not want to use absolute rigor to implement the Constitution, but instead wanted to provide the flexibility to meet the ever-changing needs of the society and fulfill the objectives of justice. Change Article 370 and if it is indeed a bug, but this situation can be easily handled by using supply chain approach, and can be very diplomatic and turn it into reality. India became independent on 15 August 1947 and a constitution was essential for independent India. Of the various obstacles that the Constituent Assembly will face, it is perhaps the most significant, as is the amalgamation of the many princely states created in India by the independent Indian Independence Act of 1947. The state of Jammu and Kashmir was one of the princely states. However, the draft constitution has been finalized and is being discussed and criticized at length in most of the provincial assemblies. A notable trend in this debate is the consensus on the appropriateness of politics, accounting, and some hope that the Constitution will be a working document for the new India, which is still evolving. Article 370 of the Indian Constitution of 1950 addresses temporary provisions for the State of Jammu and Kashmir, that is, under the provisions of this article, the State of Jammu and Kashmir has a special place in the Indian Constitution.

Article 370 was incorporated into the Constitution of India primarily from 17 October 1949 after a debate in the Constituent Assembly, which Shri N Gopaldaswami Ayyangar conducted under special circumstances in Jammu and Kashmir as to the need for firing squads. The prudence of the

legislature and the Constituent Assembly has recognized the existence of the special conditions listed by you, , and consequently the need to incorporate the provisions of Article 370.

It was Article 370 which was included in the Constitution as Article 306-A

The issue of Jammu and Kashmir is one of the toughest issues before the Government of India since independence. There are several political, legal and socio-economic factors that are responsible for the worst-case scenario, as for the cash currently held by Kashmiris. This study is an in-depth study of Article 370 of the Constitution of India and aims at resolving legally and constitutionally satisfactory all disputes arising out of the provisions of Article 370. This study is, however, related to, or in any way related to, political, religious or other vested interests. The legal issues surrounding the constitutional aspects of Article 370 are unequivocal, it states that removal or abrogation is no longer a watershed, it is generally shortened to the state of Jammu and Kashmir, political events or political ideology, but It is the political elite that must no longer be realistic or practical and functional, and it is not an escapist approach to develop all aspects of the problem. It is very important that politicians are fully aware of the consequences of their actions, and the purpose of this study, which covers only the legal aspects of Article 370 of the Constitution of India, is to help and support politicians and decision makers. to do, which involves the enormous task at hand.

For convenience, this research project has been divided into ten chapters. Therefore, in this chapter, Chapter 1 is an introduction, a chapter devoted to the history of the question of Kashmir, India, and to explain the principles and necessity of this study. Chapter 2 begins with a more detailed description and history of the geographical and topographical position in the modern history of Kashmir, starting with Kalhana's "Rajatarangini". Chapter 2 describes almost all the historical events that led to the Kashmir issue, such as the Islamization of Jammu and Kashmir, discrimination against the Muslim population, and the birth of the idea of the States. Chapter 3 mainly focuses on the constitutional history of the state of Jammu and Kashmir and the events that led to the drafting of the Constitution of Jammu and Kashmir. Chapter 3 deals with events such as the birth of the National Convention with the accession of the State of Jammu and Kashmir, India, and the Nations with the accession of Kashmir, India. Chapter 4 deals with the implementation of the 1950 Constitution of India, constitutional relations, the state of Jammu and Kashmir in India and the drafting of the 1957 Constitution of Jammu and Kashmir, the Indo-Pakistan-Kashmir dialogue and the occupied Pakistan. Kashmir. Chapter 5 provides an overview to the residents of Jammu and Kashmir as well as the various rights and privileges enjoyed by them before and after joining the state. Chapter 5 addresses issues such as dual citizenship and the application of fundamental rights in relation to the need to protect the rights of residents. The first five chapters of the book are based on facts and form the basis of this research. The importance of these five chapters is that they show how difficult the

current situation in Kashmir in India has been in the last few years. The next five chapters are: Analysis of the evidence and an attempt to draw conclusions on the Kashmir issue. Chapter 6 describes the operation of the Constitution of India, the basic structure and amendments of the Constitution, city-states, with special emphasis on the Constitution of India, as well as several reports on Centre-State relations and the rule of governance. The constitution of India. Chapter 7, which deals with court decisions, and Chapter 8, which deals with public opinion, are of greatest importance if, in the opinion of the people, they are of no value unless they enter into the straitjacket of their rights. can not do. In such a situation, it is important to understand the view of the court on the Kashmir issue.

Chapter 7 deals with the approach of the court, changes in the sovereignty and activities of the state, transfer of Indian lands and Article 370 of the Constitution of India and citizenship. Chapter 7 discusses the right to hold a referendum. Chapter 8 focuses on the opinion polls that were collected and analyzed in two surveys: the people in Jammu and Kashmir and the people in the rest of India. Chapter 8 provides a comparative analysis of the India-Kashmir corridor and developments between China and Tibet, Pakistan, Bangladesh, Sri Lanka and Jaffna. Chapter 9 is the summary of the study, and Chapter 10 is a solution to the Kashmir issue as well as a proposed solution.

The state of Jammu and Kashmir's unique location in India, and is the result of many complex legal and political developments. These incidents should be monitored and analyzed to reach a fair and impartial solution to the Kashmir issue. Hope the research continues with the aim of finding a legal solution to the Kashmir issue. Success.

in the lawful conduct of the government

In April 2018, the Supreme Court of India ruled that Article 370 had gained immortality for the fact that "the Assembly ceased to exist". To remove legal complications, the Indian government describes Article 370 as "useless", even though it is in the Constitution. On 5 August, a Presidential Decree was issued, Declaration on the Constitutional Council (applicable to the State of Jammu and Kashmir, India), 2019-Amendment of the Provision on the Constitutional Council (applicable to the State of Jammu and Kashmir, India), 1954. "

CONCLUSION:

During the operation of Article 370 and Section 35A, it was observed that Part 370 consists of damaged parts and 35A partially fails completely. Article 370, and it is still present in the Indian Constitution. A presidential decree was issued on 5 August to decide on the adoption of a functioning in 1954 by amendment to the Constitutional Council Ordinance (in force in Jammu and Kashmir, India), 2019-Constitutional Council Ordinance (applicable in Jammu and Kashmir, India). The Supreme Court of India ruled that the Constitutional Council. It is of fundamental importance that the effect is made by such changes in accordance with established procedure, and that the Supreme Court takes an affirmative decision in favor of the proposal in writing. We must stop time to conclude a declaration on changes, including the repeal of the law, and for people from different parts of the country to be already optimistic or pessimistic about it, as in the case of a "tough situation in the world". it happens. "After the abrogation of Article 370, people were baffled and angry." Once the restrictions are eased, the real challenge for the government will begin."

As we all know, this local political influence is highly respected in the region, and it is very similar in Jammu and Kashmir. To detect changes, positive or negative, take these cases as expected from political parties and their employees. However, given the current situation in India, where most of the country's representatives are in favor of repeal of this law.

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