



International Journal of Sociology and Political Science

Online ISSN: 2664-7745; Print ISSN: 2664-7737

Received: 03-07-2019; Accepted: 04-08-2019; Published: 11-08-2019

www.sociologyjournal.in

Volume 1; Issue 2; 2019; Page No. 12-13

Elimination of Article 370 from Jammukashmir

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Abstract

At present Jammu Kashmir has been the news from last few months and the central government has eliminated article 370 and article 35A. Since 1948 Jammu Kashmir's has been part of the country the constituent assembly drafted article 370 as the part of Indian constitution. But now at the same time the state has been split to two union terrorist. All the process of the government have been followed up by a propaganda that Kashmir problem created by congress and navy

Keywords: Elimination, Government, assembly, propaganda

Introduction

The state of Jammu and Kashmir as original accession, like all other princely states, was on three conditions: foreign affairs and communications. All the princely states were invited to send representatives. To India constituent assembly, this was formulating a constitution for the whole of India. The article 35A deigned that the Jammu and Kashmir state's residents live under a separate set of laws, including those related to citizenships, fundamental rights, ownership of property and compared to residents of other Indian states article special states to Jammu and Kashmir region located as the northern part of India.

Background

India became independent the princely states were given the option of either to remain independent to merge with India or Pakistan most of the princely states did merge with India. The problem came in matters of Junagadh, Hyderabad and Kashmir, Junagadh was merged into India and later plebiscite was conducted there in which the people of Junagadh did vote for merger into India. In issues of Kashmir, the king was Hindu; the ruler wanted to remain independent. As this point Pakistan army instigated tribal attack was orchestrated in Kashmir. After the attack, the ruler approached India to help with military help to quell the Pakistan aggression.

As a result that Kashmir assembly will have all the power except in matters of defence, communication and external affairs, which will be looked after by central government this also involved that Kashmir will have its own constitution; its own flag and under these conditions Kashmir acceded to India. India sent its army and could save 2/3 of Kashmir from Pakistan aggression. After the war, ceasefire was declared and matter was taken to United Nations. It is this treaty of accession which was the basis of article 370. Article 35A further provided protection to the state and prohibited the sale of land to the non-resident of Kashmir India as a state from 1954 to 31 Oct. 2019, and a part of the larger region of Kashmir, which has been the subject of dispute

between India, Pakistan and China since 1947. The article was drafted in part XXI of the constitution, emergency, transitional and special provisions. The constituent assembly of Jammu and Kashmir after its establishment, was empowered to recommend the articles of the Indian constitution that should be applied to the state to abrogate the article 370 altogether

Removal of article 370

The autonomy offered to Jammu and Kashmir by article 370 has been an issue for several reasons. Firstly, it was enjoyed by a state that remains divided between India and Pakistan while being ruled by a king.

Secondly, the constitutional provision applied to Kashmir which the only Muslim majority state these two features should have made it all the very important to preserve the assurance maintained in article 370. But for reason NDA government itself that uniformly and one needs us very important.

After the 2014 general election was released the political manifesto as BJP the contention issue, the party pleaded to integrate the state of Jammu and Kashmir into the union of India. When the party won the national election, BJP parent organization the RSS call for the abrogation of article 370. But also to same reasons, BJP did not take up the issue. While the BJP and Congress formed government in the Jammu and Kashmir, there was a sharp divergence. Between them on the issue of article 370. But now since it won the second time, it decided to implement its promise.

The judicial challenge when the elimination of article 370 the supreme court's decision to form a high level constitutional bench to examine the validity of the abrogation of the special status given to Jammu and Kashmir puts an end to necessary apprehensions. The apex court is away of the country while deciding the destiny of a state without the consent or participation of its strong popular support for the government's decision to declare article 370 inoperative and to divide the state into two union territories, the judiciary is duty bound to examine the legality of the measures taken by the president

and parliament, the court will give strong legal very on the questions of constitutional importance sine it has a fare aching implications for democracy and federalism

Conclusion

After the elimination of article 370 from the Jammu and Kashmir there are strong arguments against and supporting abrogation of article 370. While one section arrives that article 370 as the only constitutional link between the state and the rest of India since independent that it has been to 70 years old stumbling block which continues to prevent from be corning an integral part of India. But the truth is that ever since the creation of India and article 370, the Kashmiri people are suffices of the issue for their scalpels

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