

# The Story of Jammu and Kashmir and Interpretation of Article 370 of the Constitution of India

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*Received: 12 September 2021 Accepted: 2 October 2021 Published: 15 October 2021*

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## Abstract

The paper examines and analyses the history of Jammu and Kashmir (after this JK) and the Article 370 of the Constitution of India in light of recent changes brought about in Article 370 by the Government of India. The paper discusses the story of present JK, which began in 1846 with the signing of the 'Treaty of Amritsar' between the British Government and Maharajah Gulab Singh. The paper reflects upon the effect of Treaty and despotic rule of Dogra rulers in JK. The paper also elaborates the political situation of JK in the 1930s and briefly discusses the role of Sheikh Abdullah in the conception of the idea of 'Naya Kashmir' (1944) and 'Quit Kashmir' movement (1946). Next, the paper focuses on the Independence of Pakistan and India (August 1947). By this time almost all major Princely States except Hyderabad, JK, Junagarh and Khanate of Kalat acceded either to Pakistan or India. Subsequently, the paper deals with the invasion of JK by the Pashtun Tribes, which occasioned the accession of JK to India (October 1947).

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**Index terms**— jammu and kashmir, instrument of accession, sheikh abdullah, article 370, presidential order, presidential declaration.

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was released in 1964, the PM Nehru requested him to act as a bridge between India and Pakistan to find a long-lasting solution to J&K. However, these efforts I.

Beginning of the Story he story of present J&K begins on 16 th March 1846, when the 'Treaty of Amritsar', which is also called as 'Sale Deed of Kashmir', was signed between the British Government and the Maharaja Gulab Singh of Jammu, by which the State of J&K was transferred to Maharaja Gulab Singh for a consideration of about 7.5 million rupees. (Jha, 2019) The British acknowledged the loyalty, closeness and help of Maharaja Gulab Singh to the East India Company during Anglo-Sikh War. As a result, Maharaja Gulab Singh could strike a very economical deal, which included an area of approximately 84,471 sq. Miles and a population of about 2.5 million. A British Army Officer Robert Thorp has exposed the inhuman nature of the Treaty in the following words: (Thorp, 1870) "Towards the people of cashmere, we have committed a wanton outrage, a gross injustice, and an act of tyrannical oppression, which violates every humane and honourable sentiment, which is opposed to the whole spirit of modern civilization and is in direct opposition to every tenant of the religion we profess."

With the 'Treaty of Amritsar', began a shrewd, corrupt and ruthless reign of Dogra Rulers in J&K, where despotic Hindu Kings ruled over a Muslim majority population. The 'Treaty of Amritsar' contained 10 Article and was silent on how the internal administration of the State shall be carried out, as a result, it provided unrestricted rights to the Dogra rulers to administer the hapless population of J&K, who had no say in 'Treaty of Amritsar'. The 'Treaty of Amritsar' overlooked even elementary rights of the people of J&K. As a result, the entire State was pushed into a chaotic economic condition, which was aggravated by religious intolerance, persecution, exploitation, repression, discrimination and levy of exorbitant taxes, to recover the expenditure resulting out of the 'Treaty of Amritsar'. The situation of people in Kashmir has been depicted by Muhammad Iqbal below: (Iqbal, 1932) "O breeze if thy happen to go Geneva way, Carry a word to the nation of the world, Their fields, their crops, their streams, Even the peasants in the vale, They sold, they sold all alas, How cheap was the sale."

Article 9 of the Treaty ensured protection to the State from any external aggression by the British Government. Such protection guaranteed by the British Government ensured the Maharaja Gulab Singh to have full internal autonomy and authority. Besides above, British Troops backed the Maharaja to suppress any resistance by the natives of J&K brutally. The feudal policies of Maharaja pushed the masses towards poverty and misery, causing the emigration of over 4,000 artisans from Kashmir to Lahore. Even the British advised Maharaja to be more considerate to his population; Otherwise, it may cause the total collapse of his administration. The misrule by Maharaja caused discontent against the Dogra rulers and led to the general impoverishment of the population.

## 1 The Rise of Sheikh Abdullah

The tyrannical rule of Dogra Rulers continued unabated till the middle of the 1920s when began the first wave of political awareness among the Kashmiri Muslims, which was an outcome of a ban on All-Muslim Organisations, burgeoning labour crisis and widespread exploitative practices by the Monarch. In October 1924, a group of Kashmiri Muslims presented a memorandum to the Lord Reading to protest against the repressive rule of Maharaja. Almost at the same time, the first generation of graduates from abroad returned to J&K after having studied the idea of democracy, nationalism and liberty. These graduates wrote extensively against the discriminatory rule of the Maharaja and formed an informal group in the form of 'Fateh Kadal Reading Room Party'. One of the most prominent graduates, who returned to J&K after having completed M.Sc. in Chemistry from Aligarh Muslim University in 1930 was Sheikh Abdullah, who intended to take up further studies in the United Kingdom. Thus, applied for a scholarship to the State Government of J&K but was denied the scholarship. He took up a simple job of a School-Teacher but played a vital role of mobilising public opinion against the Maharaja's oppressive and discriminatory rule. (Bhattacharjea, 2008) In 1932, Sheikh Abdullah laid the foundation stone of 'Muslim Conference', which was later rechristened as 'All India J&K National Conference' in 1939. The Sheikh Abdullah's leadership transformed the political movement against the Dogra Rule in J&K. Sheikh Abdullah was known for his political wisdom, which is evident from the programmes and campaigns of his Party to mobilise masses. The best-known example of his political prudence is 'Naya Kashmir Manifesto', which was adopted by the 'National Conference' in August 1945. This manifesto was based on social, economic and political equality for all including women. The manifesto advocated the way to achieve social, economic and political equality is by putting an end to feudal order in J&K. In the centenary year of the 'Treaty of Amritsar', Sheikh Abdullah launched the 'Quit Kashmir' movement against the Maharaja on 12 th May 1946 and demanded the annulment of unlawful and inhumane 'Sale Deed of J&K'. The 'Quit Kashmir' movement was inspired by the 'Quit India' movement (1942) by Indian Nationalist against the British Rule in India. The 'Quit Kashmir' movement was condemned by the Mohammed Ali Jinnah and Muslim League, on the other hand, Jawahar Lal Nehru not only supported this movement but also reached Kashmir on 16 th May 1946 without a permit to show solidarity with the movement and also fight the case against Sheikh Abdullah but Nehru was forced to return without meeting Sheikh. Sheikh along with his 3 Party men was tried at Badami Bagh cantonment on the charges of sedition and treason and was sentenced for nine years and was confined to jail till 30 th September 1947, when he was prematurely released. (Nayar, 2019) III.

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## 2 Maharaja

## 3 Independence and Partition

After World War-II and change in the Government of Great Britain, it was announced on 20 th February 1947 that India should be granted independence, not later than August 1948. Upon the failure of the 'Cabinet Mission' (1946), Lord Mountbatten proposed the '3 rd June Plan' of Partitioning India into India and Pakistan, which was ultimately accepted by both Indian National Congress and Muslim League. To decide the status of Princely States, the Indian National Congress advocated the adoption of the method of Plebiscite, which was also used to determine the territories of Pakistan but the Muslim League was adamant that the decision of the Ruler of the Princely State shall be final. Because of consensus over the Mountbatten Plan, the British Parliament passed the 'Indian Independence Act', which shall create 2 Dominions on 15 th August 1947 by Section 1 (The new Dominions) of the Act. The most controversial provision of the Act was Section 7 (Consequence of the setting up of the new Dominions), which announced the lapse of suzerainty of British Empire over the Indian Princely States and also lapsed of all treaties and agreement signed between British Empire or any person having authority on the date of passing Act, which was 18 th IV.

## 4 Consolidation of India

The herculean task of consolidating India was taken up by the Home Minister Sardar Vallabh Bhai Patel, who was ably assisted by Mr V. P. Menon. Initially, the State of Hyderabad had requested to the British Government to exist as an independent Constitutional Monarch under the British Commonwealth of Nation, but the Governor-General of India Lord Mountbatten rejected it. The State of Hyderabad which was situated right in the middle of India having no sea link or land border with Pakistan proposed a Standstill Agreement with India for one year on 29 th November 1947. As the Standstill Agreement was nearing its end, Hyderabad was pushed to take a call on its accession to India. However, the Nizam intended to exist as an independent state, so the political organisation Majlis-e-Ittehad-ul-Muslimeen (MIM) recruited Razakars, who started targeting those sections of the society which favoured accession to India. Observing the situation in Hyderabad, India advised the Nizam to check communal violence in the state. On 21 st August 1948, the Nizam of Hyderabad approached UN Security Council (after this UNSC) under Article 35(3) of the UN Charter, claiming such a situation had arisen which may affect international peace and security. When Nizam did not control the persecution of innocent minorities in Hyderabad, India was left with no choice but to execute 'Operation Polo' on 13 th September 1948. The Hyderabad army surrendered on 18 th September 1948, and the Nizam acceded to India. By a conservative estimate, it is assumed that these Razakars killed at least 20,000-40,000 people (Sunder Lal Committee (1949)). On 22 nd September 1948, the Nizam of Hyderabad also withdrew his complaint from the UNSC. (Thomson, 2013) The State of J&K was the only State which was bordering both India and Pakistan. Maharaja Hari Singh ruled J&K, and like Hyderabad, J&K also intended to exist independently, as Switzerland of West, because Pakistan was an Islamic Nation and he knew that existence of a Hindu ruler in a Muslim Nation should be difficult. India was a tough choice due to existence of Democracy in India, as he may not have similar authority in India. Maharaja having royal connect with Lord Mountbatten had discussed this scheme with him as a friend in July 1947. However, Lord Mountbatten advised Maharaja that the independent existence of J&K sandwiched between 2 opposing nations will be a difficult proposition. Thus, Maharaja had bought some time for himself by signing the Standstill Agreement with Pakistan and proposed the same to India. Nevertheless, Pakistan had some other plans, as it started breaching the Standstill Agreement by steadily and increasingly strangulating the essential supplies like food, petrol and salt to J&K. In September 1947, Maharaja had twice offered to accede to India on the condition that India respected the reservation of Maharaja against Sheikh Abdullah, but Pandit Nehru refused the accession both the time. Pandit Nehru insisted that Sheikh Abdullah shall not only be released but also head the popular government in J&K. The pressure from Pandit Nehru forced Maharaja to release Sheikh Abdullah and his party men on 30 th September 1947. While observing the unfolding of events and the mood of Maharaja, Pakistan decided to take an alternative route, where the Governor-General of Pakistan ordered Akbar Khan to train Pashtun Tribal Muslims to enter and conquer whole of J&K forcefully. These Pashtun Tribal Muslims, who were trained, along with Pakistani Army officials in civil dress, armed with modern weaponry and supported by Pakistan State for supplies (including petrol and food) motored into J&K on 21 st October 1947. (Akbar Khan, 1992) These 10,000+ strong-armed men, who invaded J&K with the motive of over-throwing Maharaja, called themselves 'Azad Kashmir Army'. Once they entered J&K, there was no potency in Maharaja Army to defend the State against the 10,000+ strong-armed forces marching towards Srinagar. When the Muslim soldiers in the Maharaja's Army joined the invaders in Uri on 23 rd October 1947, then it the Maharaja had just three options. First, to try to fight back the invaders with under-equipped and low on morale Army, which will end in defeat. Second, to watch these armed personnel to take-over the State of J&K. The third and final option was to request India for help, which Maharaja did but Lord Mountbatten being the Governor-General of India was adamant that India cannot help or protect J&K till the State accedes to India, as it may cause a fullfledged war which shall be detrimental for a new-born nation like India. Thus, on the eve of 26 th October 1947, when Srinagar was staring at massacre the next day. Maharaja voluntarily signed the Instrument of Accession on 26 th October 1947, which was unconditionally accepted late in the night of 26 th October 1947 by Lord Mountbatten.

(Nayak, 2019) Volume XXI Issue XV Version I

## 5 Kashmir Issue

Once Lord Mountbatten accepted the Instrument of Accession, the Indian Army flew early in the morning to Srinagar to fight the invaders. (Schofield, 2002) Sheikh Abdullah, along with his party-men not only welcomed the Indian Army at the Srinagar Airport but also helped them. Thus, the first Indo-Pak war began on 27 th October 1947 and extended up to 31 st December 1948. Upon the accession of J&K to India by Maharaja, the Governor-General of Pakistan Jinnah ordered his General to attack J&K. However, the General refused because same British General Auckinlake headed both the Armies of India and Pakistan and he had been informed about the accession of J&K to India. ??Pradhanmantri Series, 2013) Mohammad Ali Jinnah did not accept this accession as he claimed that the accession was forced upon J&K by India. Thus, Jinnah invited Lord Mountbatten and Pandit Nehru to Lahore to discuss and settle the matter amicably. However, Sardar Patel was resolute that if Jinnah wants to talk, he shall come to India. On 1 st November 1947, Lord Mountbatten went to Lahore, where Jinnah refused to accept the accession of J&K to India and claimed that J&K was a Muslim majority State and quoted the example of Junagarh and condemned the use of power by India in J&K. Replying to Jinnah, Lord Mountbatten clarified that no force was used by India in J&K to secure the accession instead the Maharaja and the people of J&K requested India to accept the accession of J&K to India in the wake of the extraordinary situation created because of invasion and use of brute force by the Pashtun tribe from Pakistan. Besides this, Lord Mountbatten advised Jinnah to withdraw forces from J&K and play a constructive part in conducting a plebiscite in peaceful conditions. (Akbar, 2017) At the same time in Kashmir, the Maharaja announced on 30 th October 1947, Sheikh Abdullah shall head the emergency administration, till the war with invaders is continuing. On 22 nd December 1947, India warned Pakistan to block any help provided to invaders in J&K. Otherwise, it shall be forced to take pre-emptive steps. On 1 st January 1948, India submitted a Complaint to UN Security Council, which placed the J&K issue before the UN with an intention that UN shall acknowledge the invasion of Pakistan on J&K, to force Pakistani forces to vacate J&K and to find a final and lasting solution to the question of accession of J&K to India. At the UNSC, USA & UK took a stance unfavourable to India; this saddened Pandit Nehru. Thus, India sent a delegate to the UNSC, headed by Gopalaswami Ayyangar in February 1948. On 5 th February 1948, Sheikh Abdullah addressed the UNSC and firmly supported the Government of India's stance as stated in the Complaint filed against Pakistan on 1 st January 1948. He went beyond that and explained the circumstances of accession and the request from Maharaja and people of J&K to accept the accession. Not only this, but he also explained that there was no need on the part of Prime Minister Nehru to assure the people of J&K that upon normalisation of the situation, a plebiscite shall be conducted to determine the will of people of J&K, which PM Nehru did when he visited Srinagar upon the request of Sheikh Abdullah on 13 th November 1947. (Noorani, 1999) After Sheikh Abdullah's address in UNSC, the signing of Instrument of Accession by Maharaja was never questioned by the UN.

## 6 VI.

Constitutional Relation of J&K with India Article and explaining the reason for it, he argued that-"In the case of other Indian States, the Instrument of Accession will be a thing of the past in the new Constitution; the States have been integrated with the Federal Republic in such a manner that they do not have to accede or execute a document of accession for becoming units of the Republic and, in the case of practically all States other than J&K, their constitutions have also have been embodied in the Constitution for the whole of India. It would not be so in the case of Kashmir as the State is not yet ripe for this kind of integration due to the special conditions prevailing in Kashmir." Adding to this, he further elaborated that-"In the first place there has been a war going on within the limits of J&K Statepart of the State is still in the hands of the enemies, and in the second place, the Government of India, have committed themselves to the people of Kashmir in certain respects. They have committed themselves to the position that an opportunity will be given to the people of the State to decide for themselves the nature of their Constitution." (Nayyar, 2014) From the above reading of explanation given by Gopalaswami Ayyangar to Constituent Assembly, it could be easily inferred that the Article was temporary.

On 25 ??Guha, 2007) The evolution of Constitutional relation between India and J&K is briefed in Figure 3. (Kapur, 2019) These agitations against 'Delhi Agreement', planted seeds of apprehension about India after Pandit Nehru in the mind of Sheikh Abdullah. It is believed that this led to a change of stance by Sheikh Abdullah and his meeting with Mr Adlai Stevenson, the US Presidential candidate and Chinese Prime Minister Zhou Enlai was considered being an effort to negotiate independence for J&K or a shift towards Pakistan. Sheikh's speeches in April and July 1953, reflected such emotions by him. (Nayyar, 2014) This culminated in the sacking of Sheikh Abdullah Government on 8 th August 1953, on the ground of loss of support from his Cabinet, even without allowing him to prove his majority on the floor of the house. On 9 th August 1953, Sheikh Abdullah was arrested on the charges of 'inciting communal disharmony; fostering hostile feelings towards India and treasonable correspondence with foreign powers', more commonly known as 'Kashmir Conspiracy Case'. (Aslam, 2018) Sheikh Abdullah was confined to a farmhouse in Kodaikanal for more than a decade, till 8 th April 1964, when the State Government suddenly dropped all charges against him. (Noorani, 2008) Volume XXI Issue XV Version I After Sheikh Abdullah was removed as Prime Minister of J&K, Bakshi Ghulam Mohammad, who acted as an agent of Central Government replaced him. On 15 th February 1954, the Constituent Assembly of J&K ratified the accession of J&K to India. On 14 th May 1954, the President of India passed the '1954 Order', exercising his powers under Article 370(1)(d), which majorly was based on the principles laid down in

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the 'Delhi Agreement'. The '1954 Order' also included the controversial Article 35-A, which provided for special privileges to the permanent resident of J&K. (Rajagopal, 2017) After enforcement of the Constitution of J&K on 26 th January 1957, the first elections for the Legislative Assembly for the State of J&K took place in March-June 1957. After the successful conclusion of the elections in J&K, the Home Minister of India Govind Ballabh Pant, upon his visit to J&K exclaimed that-"The State of J&K is now fully a part of India. This leaves no possibility of a plebiscite in J&K." (Singh, 2018) The political situation in J&K has been briefly elaborated in Figure 4. (Ahmad, 2000) VII.

## 7 UN Intervention in J&K

India's filed a complaint to UNSC against the tribal invasion in J&K, who were trained, helped and supported from the Pakistani soil on 1 st The UNSC Resolution 47 is considered to be one of the most important declarations by UNSC, and it laid down principles on which restoration of peace and order shall be secured in J&K and also the precondition which is required to be fulfilled by both countries for final determination of status of J&K by conduction plebiscite in J&K under the auspices of UN Representative, i.e. Plebiscite Administrator. This Resolution 47 was supplemented by the Resolution passed by UNCIP on 13 th August 1948, which had three parts. The Part-I dealt with the Cease-Fire Order, which required both the parties to immediately order their forces to cease fire and to avoid any statement or actions that may aggravate the situation. In the Part-II (Truce Agreement), for the first time, the UN acknowledged the presence of Pakistani troops in J&K, which was a material change from the previous situation. Section-A of Part-II required Pakistan to withdraw all tribal men and other Pakistani Nationals from J&K. Upon accomplishment of this, under Section-B of Part-II, the UNCIP shall inform Government of India about such withdraw and then India shall also call back additional troops from J&K and maintain a minimum number of armed personnel as required to preserve law and order in J&K. The Part-III (Plebiscite) of Resolution, declared that upon achievement of above explained two parts, the future status of J&K should be determined by the will of people of J&K through a plebiscite. permanent residents of J&K under Article 35-A introduced by the '1954 Order', which was recently repealed by the '2019 Order'. Hence, demand by Pakistan on international fora, again and again, to conduct a plebiscite in J&K is with no cause and could be considered to be taking advantage of their own mistake. A brief timeline of UNSC resolutions passed in the India-Pakistan Question w.r.t. to the complaint of India, the dispute relating to the accession of J&K to India and final solution to the dispute is reflected in Figure 6.

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## 8 Background of Article 370

As discussed above, while addressing the Constituent Assembly about Article 370 of the Constitution of India, Gopalaswami Ayyangar explained the extraordinary situations which exit in J&K and required special provision for J&K. (Thapliyal, 2019) In addition to that, internationalisation of J&K was another factor which weighed in dealing J&K differently from other Princely States. Adding to it, the repetitive promises made for the plebiscite in J&K had complicated the whole situation. On 27 th October 1947, Lord Mountbatten wrote a personal letter to Maharaja Hari Singh, where he expressed that his Government wished to settle the question of accession of J&K to India by a reference to the people of J&K upon restoration of Law and Order and to expel invaders from the soil of J&K. (Chandhoke, 2014) Similarly, on 2 nd November 1947, Pandit Nehru in his All India Radio address to the nation explained the reasons for accepting the accession of J&K to India and also declaring that the people of J&K shall determine the fate of J&K. (Roy, 2010) Pandit Nehru reiterated this promise of conducting a plebiscite in J&K in Srinagar on 13 th November 1947, when he visited J&K upon an invitation from Sheikh Abdullah. (Soz, 2018) Pandit Nehru while reassuring the people of J&K that future of J&K shall be determined by the people of J&K and India shall accept the outcome of plebiscite even if it was against India. Such a promise by Pandit Nehru is the reflection of the confidence that he had in J&K w.r.t. accession to India, as he knew that Jammu and Ladakh region which was Hindu and Buddhist majority region would vote in favour of India and the Muslim majority region, i.e. Kashmir shall vote in favour of India due to unimpeachable influence that Sheikh Abdullah has in Kashmir and Sheikh's inclination towards India. Thus, Pandit Nehru restated the promise of plebiscite in J&K on All India Radio on 23 rd December 1949. (Nayyar, 2014) In addition to above, several UNSC Resolutions including UNSC Resolution 47, UNCIP Resolution on 13 th August 1948 and 5 th January 1949, insisted on the final determination of the status of J&K shall take place through the democratic method of free and impartial plebiscite.

The issue of accession of J&K to India, geographical position of J&K sandwiched between India and Pakistan, administrative problems in J&K, the internationalisation of J&K at UNSC, statements by various personalities and continuance of War between India and Pakistan till 31 st December 1948, forced Constituent Assembly to consider Special position for J&K in the Constitution of India, which was approved by Constituent Assembly unanimously. However at the same time, it was also ensured that Article 370 was temporary and transient provision by putting it under Part-XXI of the Constitution of India, i.e. 'Temporary, Transient and Special' Provisions (the term 'Special' was introduced in 1962 by 13 th Constituent Amendment Act, 1962). Moreover, the short title of Article 370 also reads as 'Temporary provisions with respect to the State of J&K'. Furthermore, the provision Article 370 was drafted in such a fashion, so that, the President of India along with Government

of J&K was empowered to determine the Constitutional relation between India and J&K, and no intervention or approval of Legislature was required. As a result, Article 370 was aimed to be transitory provision until the situation in J&K did not normalise, and J&K could not be treated like any other State in India. A concise interpretation of Article 370 is indicated in Figure ???. Thus, the intention of the Constituent Assembly w.r.t Article 370 was to provide for a makeshift arrangement for J&K in Constitution of India. (Koul, 2015) After 'Delhi Understanding' in May 1949, it was agreed between the leaders of India and J&K that a separate Constituent Assembly for J&K should be established for the drafting of the Constitution of J&K for the dual purpose of the abolition of monarchy in J&K and also to represent the will of the people of J&K. Based on 'Delhi Understanding' the General Council of National Conference passed a resolution on 27 th October 1950 for the establishment of the Constituent Assembly of J&K and the Yuvraj Karan Singh proclaimed that end on 1 st May 1951 for election of Constituent Assembly of J&K based on Universal Adult Suffrage. The elections for the Constituent Assembly of J&K was held in September-October 1951, and the first session of Constituent Assembly of J&K was held on 31 st October 1951, and the Constitution of J&K was enacted on 17 th November 1956. Thus, unlike any other Princely State, J&K was allowed a separate Constitution for itself due to the peculiar position as existed in the State. However, the UNSC by its Resolution 91 clarified that any action that may be taken by the Constituent Assembly of J&K to determine the future and affiliation of the whole of J&K would not be considered as the final disposition of matter of J&K according to the principles of UNSC Resolutions.

## 9 Recent Changes to Article 370

The '2019 Order' which was issued by the President of India on 5 th August 2019 and the Presidential Declaration under Article 370(3) of the Constitution, 2019 which was issued on 6 th August 2019 has completely changed the Constitutional relationship between India and J&K and now J&K is at par with any other territory of India with no exception. Constitutional experts have a diverging opinion on the recent change to Article 370, many claimed that the changes made are not only unconstitutional but is equivalent to fraud on the Constitution of India. In contrast, many others claimed it to be not only constitutionally valid but also in the best interest of India and J&K. Thus, it is imperative to understand how the whole constitutional process unfolded to understand the constitutional validity of the technical repeal of Article 370 and the Constitution of J&K.

Volume XXI Issue XV Version I 32 ( ) take place in summer of 2021 after the delimitation exercise is completed in J&K. (Tripathi, 2019) The argument given by the Home Minister of India on the floor of Lok Sabha is that over 70 years of Article 370 brought nothing to State except militancy, leave alone prosperity. Thus, repeal of Article 370 shall bring a new dawn for the people of J&K, and it shall bring about development and more employment opportunities in the State. In short-run, repeal of Article 370 requires some caution and imposition of restriction in J&K due to fears of violent protests abated by our neighbour, but in the long run, it shall result into an actual integration of J&K into India and bring prosperity and development for people of J&K.

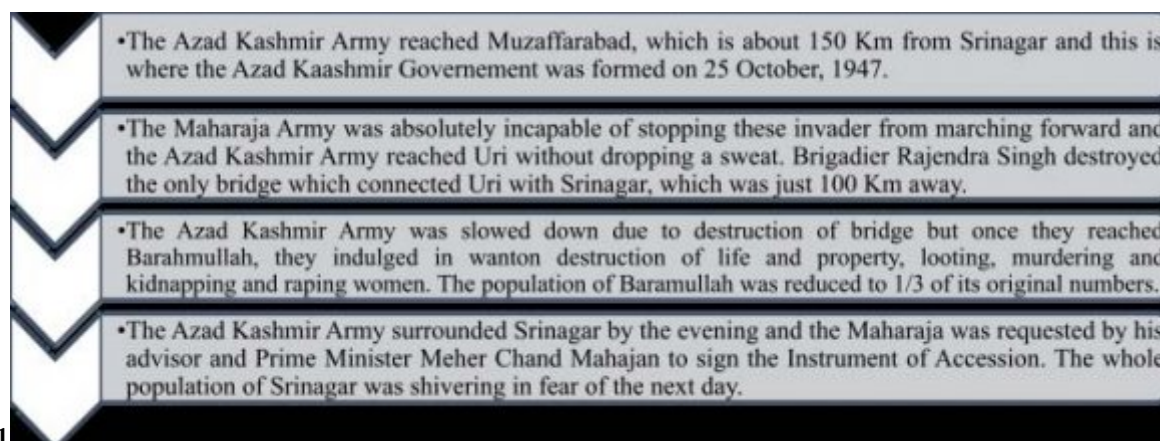


Figure 1: Figure 1 :

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July

1947. It effectively resulted in the independence of almost 565 Princely States on 18 th July 1947. The 'Indian Independence Act, 1947', did not provide any directions or suggestions to these Princely States. Thus, Lord Mountbatten tried to supplement the Act by addressing these Princely States on 25 th July 1947, where he advised the Princes to accede to either of the 2 Dominions, i.e. India or Pakistan, keeping in mind the geographical continuity of their State to the Dominion and giving up only such powers which they had surrendered to British Empire like, Defence, Communication and External Affairs with no financial implication. By 14 th August 1947, most of the Princely States had acceded to either of the Dominion except for Hyderabad, J&K, Junagarh and Khanate of Kalat. On 12 th August 1947, the ruler of J&K, Maharaja Hari Singh proposed a 'Standstill Agreement' with both the Dominions, while he made the final decision regarding the future of his State. While Pakistan accepted the 'Standstill Agreement' on 15 th August 1947, India requested the Maharaja to send a representative for discussion. Parallely, Pakistan became independent on 14 th August 1947 with Mohammad Ali Jinnah as its Governor-General

Figure 2: and India became independent on 15 th August 1947 with Lord Mountbatten as Governor- General, Pandit Jawahar Lal Nehru as Prime Minister and Sardar Vallabh Bhai Patel as the Home Minister of India.

. Most of

the Princely States which were geographically connected with India had acceded to India by 15 th August 1947, with notable exceptions like Junagarh, J&K and Hyderabad. (Menon, 2014)

Junagarh on 15 th September 1947, acceded to Pakistan when Nawab of Junagarh Muhammad Mahabat Khanji III signed

Figure 3:

Figure 4:

Nishan?nahi

challenge?nahi challenge'  
(Two

Constitutions, two heads of State, two flags?these in  
one State we shall not allow, not allow).

Figure 5:

	On 26 October, 1947, Maharaja signed Instrument of Accession and the first Prime Minister of J&K was Mehr Chand Mahajan, who was merely an agent of Maharaja	On 9 August, 1953, Bakshi Ghulam Mohammed was appointed as PM by Yuvraj Karan Singh	Upon enforcement of Constitution of J&K on 26 January, 1957, the first elections in J&K were held in March-June, 1957, 68 out of 75 seats were won by National Conference and Bakshi continued as the PM of J&K
26 Year 2021 Vol- ume XXI Issue XV Ver- sion I	Upon insistence from Pandit Nehru, on 30 October, 1947, Sheikh Abdullah was appointed by Maharaja as Head of Emergency Administration in J&K	On 8 August, 1953, Sheikh Abdullah was dismissed as PM of J&K by Yuvraj Karan Singh as he lost the confidence of his Cabinet	The Kashmir Accord in November, 1974, paved way for Sheikh Abdullah to main stream politics as CM of J&K and he continued as CM till his death in 1982 After the demise of
( ) Global Jour- nal of Hu- man So- cial Sci- ence -A	On 5 March, 1948, Sheikh Abdullah was appointed as second PM of J&K by Maharaja	In Sep-Oct 1951, first elections in J&K took place to elect 75 seats Constituent Assembly of J&K and all 75 seats were won by National Conference	Sheikh Abdullah, the political baton in J&K passed on to his son Dr. Farooq Abdullah and the era of political instability and the rise of political militancy began in J&K

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[Note: bring]

Figure 6:



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) which provides that Legislative powers exercised by the Parliament due to President's Rule in a State would not cease to operate after the revocation of President's Rule but continue to be in force unless repealed, amended or altered by the competent Legislature.

Hence, as it stands today, the '2019 Order' has superseded the '1954 Order', and the whole of Constitution of India applies to the State of J&K with no exceptions or modifications. Besides, Article 370 has been modified to remove all three clauses and replace it with just one clause which reinforces the '2019 Order' and lays the foundation stone for complete Constitutional integration of J&K into India.

X.

## 1 Conclusion

The recent changes to Article 370 of Constitution of India came to be a surprise for many Constitutional Observers, where they exclaimed that if modifying Article 370 was so easy, why did we wait so long to made these necessary change and other observers of the issue of J&K in India claimed that since the Constituent Assembly was relieved of their duties way back in 1957, therefore, the temporary provision of J&K had become permanent.

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