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1. Supreme Court to hear plea challenging constitutional validity of Article 370 in April, 2019

- What is Article 370 of Indian constitution?
- Why did article 370 come into existence?
- What are the significant provisions under article 370?

GS paper 2 (Historical underpinnings of the constitution)

In this video, you can find detailed answers for all the above questions.

The above article has been retrieved from:

PTI. (2018, November , 17). Supreme Court to hear plea challenging constitutional validity of Article 370 in April. Indian Express. Retrieved from <https://indianexpress.com/article/india/supreme-court-to-hear-plea-challenging-constitutional-validity-of-article-370-in-april-5450298/>

What is the context about?

- The Supreme Court said, it will hear in April a plea challenging the validity of Article 370 of the Constitution, which gives special status to Jammu and Kashmir, following a request by the state and the Centre.
- Earlier the apex court had said that Article 370 of the Constitution is not a temporary provision.
- The top court had said that in its earlier verdict of 2017 in the SARFESI case, it has been already held that Article 370 was "not a temporary provision".

What is Article 370 of Indian constitution?

- ❑ Article 370 of the Indian Constitution is a 'temporary provision' which grants special autonomous status to Jammu & Kashmir.
- ❑ Under Part XXI of the Constitution of India, which deals with "Temporary, Transitional and Special provisions", the state of Jammu & Kashmir has been accorded special status under Article 370.
- ❑ All the provisions of the Constitution which are applicable to other states are not applicable to J&K. For example, till 1965, J&K had a Sadr-e-Riyasat for governor and prime minister in place of chief minister.

Why did article 370 come into existence?

- ❑ The provision was drafted in 1947 by Sheikh Abdullah, who had by then been appointed prime minister of Jammu & Kashmir by Maharaja Hari Singh and Jawahar Lal Nehru.
- ❑ Sheikh Abdullah had argued that Article 370 should not be placed under temporary provisions of the Constitution.
- ❑ He wanted 'iron clad autonomy' for the state, which Centre didn't comply with.

What are the significant provisions under article 370?

- ❑ According to this article, except for defence, foreign affairs, finance and communications, Parliament needs

the state government's concurrence for applying all other laws. Thus the state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians.

- ❑ As a result of this provision, Indian citizens from other states cannot purchase land or property in Jammu & Kashmir.
- ❑ Under Article 370, the Centre has no power to declare financial emergency under Article 360 in the state.
- ❑ It can declare emergency in the state only in case of war or external aggression.
- ❑ The Union government can therefore not declare emergency on grounds of internal disturbance or imminent danger unless it is made at the request or with the concurrence of the state government.