

# **Impact of Article 370**

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## **WHAT IS ARTICLE 370 ?**

1. Article 370 was drafted under Part XXI (Part 21) which deals with “Temporary, Transitional and Special provisions.
2. Article 370 under the constitutional of India gives special status to the state of Jammu Kashmir.
3. The article came into effect in 1949.
4. All the provisions of the Constitution which apply to other states do not apply to J & K until and unless state legislative assembly separately passes such provisions.
5. Except for defence, foreign affairs, finance, and communications, Parliament needs the state government’s concurrence for applying all other laws.
6. The residents of the state Jammu and Kashmir live under a separate set of laws including those related to :
  - a) Citizenship
  - b) Ownership of Property
  - c) Fundamental Rights
7. The Directive Principle of State Policy and Fundamental Duties do not apply to the state of Jammu and Kashmir

## **ABSTRACT**

### **• ARTICLE 370, AN ADVANTAGE OR A DISADVANTAGE**

Indian constitution is one of the most efficient written constitution that any country has ever produced. It is a **mix of varied** other constitution’s, the constitution maker’s had to be very prudent while making the draft of the constitution **due to the range** India contains inside. Every state in India is Unique and has it’s own diversity but the most beautiful and the most diverse and focus attracting state is the northern end of the country India. Article 370 talk about the special status that has been given to the state of Jammu & Kashmir.

## **INTRODUCTION**

### **• ARTICLE 370**

Bernier the first European to visit Kashmir wrote in 1665. “ In truth the kingdom of Kashmir surpasses in beauty all that my warmest imagination had anticipated. The splendor and salubriousness of the Kashmir valley is legendary, one of the greatest Hindi poet Kalidas once said that Kashmir is more beautiful then the beauty of heaven and is a source of supreme bliss and happiness “ Jammu & Kashmir is a state in the northern part of the Indian subcontinent. The Mughal emperor Jahangir once said while living in a houseboat in Dal Lake “gar firadus, ruhe zamin ast, hamin asto, hamin ast” which means if ever there is heaven on earth, it’s here, it’s here, it’s here.

### **ADVANTAGES OF REPEALING ARTICLE 370 :**

- 1) Finally, it is One Nation One Constitution. This will instill the feeling of unity among all citizens of India.
- 2) It will open doors for private sectors to invest in Jammu and Kashmir. This will boost the economy of the state.

- 3) There will be the scope of other job opportunities now apart from tourism.
- 4) The centre will be able to provide better medical facilities to citizens of Jammu and Kashmir now.
- 5) Appropriate measures to control corruption can be taken now by the central government.
- 6) Authorities are in the a better position to curb terrorism now.

## DISADVANTAGES OF REPEALING ARTICLE 370

- 1) Kashmiri citizens will no longer have dual citizenship, which is not going down very well with many locals.
- 2) How the article 370 was revoked has strained the already delicate relations of India and Pakistan.
- 3) There were several presidential orders issues under Article 370. Repealing it **a bit like which will** create practical difficulties and political vulnerability.
- 4) Overall it has instilled fear among a section of citizens about security. Many dread that the way Article 370 was revoked, **the govt** might take similar actions in other states **and other people will haven't any** say. It is a threat to our democracy.
- 5) Certain sections of the society have started threatening that they can now marry Kashmiri girls since they can now marry outside of Jammu and Kashmir state without losing their citizenship.

## ARTICLE 370 PROVIDE 6 PROVISIONS OF THE STATE OF JAMMU AND KASHMIR

- 1) The state is exempted from any other laws of the constitution provided for the governance of the states.
- 2) The Parliament's legislative power over the state of Jammu and Kashmir is subjected to three subjects-external affairs, defense and communication.
- 3) If the Centre wants to extend other constitutional provisions or union powers in the state , Centre has to take the prior concurrence of the state of Jammu and Kashmir.
- 4) The concurrence received has to be ratified by the State's Constituent Assembly.
- 5) The Authority of the state govt. to give concurrence lasts only when the state's constituent assembly is convened.
- 6) Only the President is empowered to make an order amending or abrogating it. Ammendment under 368 would be applicable only when it is applied by the order of the President.

## CONCLUSION

This article must be revoked as soon as possible and the BJP Govt. is right in taking steps to remove this article, there may be many an arguments supporting the article 370 if we think upon the above stated changes if the article is revoked, we can see that this article in every sense acts as a huge barrier between the relationships of the Kashmiri people and Indian people.

The day article 370 is removed, the Kashmir problem would be solved , all the problems that Kashmir is facing is due to the poor administration of the state, since a very long time it has been granted this special status and it has done more harm than good, bringing this state completely under Indian union will help in proper administration of this state.

## REFERENCE

- FROM GOOGLE.
- FROM PROFESSORS.
- FROM ARICLE 370 PDF