**Article 370: From Abrogation to Implementation**

[Sunaina Rubab](https://dailytimes.com.pk/writer/sunaina-rubab/)

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Recently on 11 December 2023, the Supreme Court of India (SCI) passed a verdict that it need not adjudicate on the validity of the Presidential proclamation in Jammu and Kashmir (J&K) with a five bench, furthermore stating that the J&K holds no internal sovereignty after its accession.

Article 370 was implemented on 5 August 2019, except for issues about defence, communications, and foreign policy, J&K was granted the ability to make decisions and write its own Constitution under the interim provisions of Article 370. The revocation of Article 370 by the Indian government was presented as a so-called step towards closer integration of J&K with the national economy. The government wanted to make sure that all Indian states and union territories had the same laws and regulations, therefore, it eliminated the special status.

Article 370 stipulated that India would not make laws in J&K but the President had the authority to make “modifications” to any provisions of the Constitution with consultation from the J&K government now the Supreme Court issued that recommendations of the J&K constituent assembly are not binding on the President as the assembly was a temporary body.

The Indian Constitution’s Article 35-A gave the state legislature of J&K the authority to recognize people as permanent residents of the area and to offer them particular rights and benefits. Only Jammu and Kashmir’s permanent residents were granted the benefits and rights outlined in Article 35-A. Over time, Article 35-A became a hotly debated and contentious topic.

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The clause affected the area’s autonomy and was intimately related to the larger political debate about Jammu and Kashmir’s place in the Indian Union. Critics contended that it violated the equality principles, established by the Indian Constitution and was discriminatory.

Constitutional fraud by the Government of India is so evident, particularly with the abrogation of Article 370 and the bifurcation of the state into two union territories (Jammu & Kashmir and Ladakh) in August 2019. A significant development was the revocation of Article 370, which gave Jammu and Kashmir special autonomy. Critics contend that by taking this action without the state legislature’s approval, the government disregarded constitutional requirements.

They argue that this action violated the spirit of federalism and the precept of honouring state sovereignty. Some saw the division of Jammu and Kashmir into two union territories as a means of changing the region’s administrative structure and demography. Opponents contend that more thorough consultations and cooperation from the impacted parties were necessary for such a Constitutional amendment. After the abrogation, the area witnessed an increased presence of Indian security personnel and a communication shutdown, which included the suspension of internet services for a long time.

These actions not only restricted people’s fundamental rights but also cast doubt on the democratic values of openness and speech, much celebrated by India. International bodies expressed alarm over Human Rights (HR) breaches and the effects on the autonomy of the region in response to the government’s activities in Jammu and Kashmir, which garnered attention from around the world. This kind of investigation suggests a possible transgression of international law.

Since Pakistan has always seen the Kashmir dispute as the main source of friction between the two nations, each major advancement in the region usually triggers a reaction. Pakistan strongly condemned the action taken by the Indian government to remove Jammu and Kashmir’s special status.

In relation to the Kashmir issue, the Pakistani government saw it as a breach of international law and UN resolutions. Pakistan expressed its disapproval of India’s alleged illegal and unilateral actions in Kashmir to the world community by corresponding with other nations and requesting cooperation.

To get support for Pakistan’s position and international attention, the matter was brought up in forums such as the United Nations. Certain bilateral agreements were halted or re-examined, and the diplomatic channels were impacted. Pakistan expressed worries about purported abuses of Human Rights in Jammu and Kashmir after Article 370 was repealed. It drew attention to issues that violated human rights, including the blockade on communication, travel restrictions, and reports of detentions.

As a result, Pakistan has unequivocally rejected the ruling by SCI based on violations committed across various legal domains like the Domestic law of India, which calls upon India to ensure respect of International law, the Simla Agreement (a bilateral agreement), which mandates no unilateral actions, international law and UNSC resolutions, which consider Jammu and Kashmir as a disputed territory. Thus, such blunt and violent steps taken by the Indian Supreme Court represent India’s evil in the matter of Kashmir.

*The writer is a Researcher at the Islamabad Policy Research Institute, IPRI*