



Article 370

A BRIEF HISTORY OF Art-370

Article 370 of the constitution is a law that grants a special autonomous status to Jammu and Kashmir. It means:

● Except for defence, foreign affairs and communication, all other laws passed by the Indian Parliament need to be okayed by the state government before they are made applicable. This was specified in the instrument of accession signed by Maharaja Hari Singh when he agreed to join the Union of India in 1947, instead of going with Pakistan.

● As a result of this, the citizens of Jammu and Kashmir are governed by state-specific laws which come under the Constitution of Jammu and Kashmir, instead of those for the rest of India, especially where citizenship, ownership of property and some fundamental rights are concerned.

● The first Article of the Constitution of Jammu and Kashmir says that the state is and will remain an integral part of India.

● This article, along with Article 5 that defines the contours of jurisdiction of the Indian Parliament

regarding law-making for the state, cannot be amended.

● The 1952 Delhi Agreement also specified that the State should have its own flag in addition to the union flag and they should have same status.

● It was agreed that head of State called Sadr-e-Riyasat (or the Prime Minister) was to be elected by the State legislatures.

● The agreement opposed imposition of Article 352, empowering the President to proclaim general emergency in the State.

● This arrangement was further ratified by the 1974 agreement between the then Prime Minister Indira Gandhi and the Leader of J&K, Sheikh Abdullah.

● The state legislature has a six-year term, unlike other elected bodies, which have a five-year period, including Parliament.

