Abrogation of Article 370

Context

Abrogation of Article 370 is a national issue and not a political one and called upon people to speak in one voice. He cautioned that a neighbouring country could misuse fragmented opinions at international fora.

Article 370 - Features and Provisions

- Present in part XXI of the Indian Constitution which comprises of Temporary, Transitional and Special Provisions with rest to various states of India.
- Forms the basis of the “Special Status” of J&K.
- Limits the Union Parliament’s power to make laws for J&K to those subjects mentioned in the Instrument of Accession (defense, foreign affairs, and communications) and others as and when declared by the Presidential Orders with the concurrence of the Government of the State.

Issues in Revoking

- Article 370 is the bedrock of the constitutional relationship between Jammu and Kashmir and the rest of India.
- It has been described as a tunnel through which the Constitution is applied to J&K.
- India has used Article 370 at least 45 times to extend provisions of the Indian Constitution to J&K. This is the only way through which, by mere Presidential Orders, India has almost nullified the effect of J&K’s special status.
- However, abrogating the article altogether may threaten the peace in the state which is already a hotspot of conflicts and militancy.