Parliament approves Resolution to repeal Article 370

Context

Union Minister for Home Affairs, Shri Amit Shah, introduced two bills and two resolutions regarding Jammu & Kashmir (J&K) in Lok Sabha

Bills and resolutions

Constitution (Application to Jammu & Kashmir) Order, 2019 {Ref. Article 370(1) of Constitution of India} – issued by President of India to supersede the 1954 order related to Article 370.

Resolution for Repeal of Article 370 of the Constitution of India {Ref. Article 370 (3)}

Jammu & Kashmir (Reorganisation) Bill, 2019 {Ref. Article 3 of Constitution of India}

Jammu & Kashmir Reservation (2nd Amendment) Bill, 2019 {Home Minister withdrew the Bill from both Houses as the provisions of this act would become applicable to J&K once article 370 gets repealed and the laws of Union of India become applicable there}

What the law says

Article 370(3) provides President of India has the powers to amend or repeal the article by issuing a notification, based on a recommendation of Constituent Assembly of J&K.

President of India signed the Constitution Order 2019 yesterday regarding Article 370(1), under which all the provision under article 4 would be applicable to J&K. J&K constituent assembly would be read as J&K Legislative Assembly.

Similar changes to article 370 have been done in the past as well. Now since President’s rule is in force in the state, implementation of article 370 would cease to exist when President of India issues the notification in this regard,
after this House passes the resolution.