

## Supreme Court seeks Centre's reply on plea against special status to J&K

The Supreme Court on Tuesday asked the Centre to respond to a petition challenging the continuing validity of Article 370 of the Indian Constitution giving special autonomous status to the State of Jammu and Kashmir.

A Bench of Chief Justice of India J.S. Khehar, Justices A.K. Goel and D.Y. Chandrachud issued notice to the Centre on the petition filed by Vijayalakshmi Jha pointing out that Article 370 was a "temporary provision."

The petition, represented by advocate Anil Kumar Jha, asked the Supreme Court to clarify if Article 370 was supposed to have lapsed automatically with the dissolution of the Constituent Assembly of Jammu and Kashmir on January 26, 1957.

### Understanding Article 370

It asked whether the J&K Constitution, which neither got the mandatory assent or approval of the President of India was valid at all.

The petition pointed to clause (3) of Article 370, which said it was up to the President to declare whether the Article should cease to exist or continue to be operative. For this, the President would have required the recommendation of the Constituent Assembly of J&K. However the institution had been dissolved.

Besides, the petition contended that the special autonomous status is violative of Article 1 of the Constitution which envisages that "India, that is Bharat, shall be a Union of States."

It argued that the separate "Constitution of Jammu & Kashmir was never ratified by the President or the Parliament or satisfies Article 1 or the Preamble of the Constitution."

It said "the instrument of accession signed between the erstwhile ruler of J&K and the Indian government on October 26, 1947 does not talk, even remotely about forming a Constituent Assembly or about a separate Constitution of J&K." The petition sought the J&K Constitution to be declared "void, inoperative, illegal and ultra vires of the Constitution of India."

### The importance of Article 370

The petition asked the court to quash the 'Delhi Agreement' entered into between Sheikh Mohammad Abdullah and Jawaharlal Nehru, representing J&K and the Indian government, respectively.

The 1952 agreement saw the Indian government acquiesce that residuary legislative powers would vest with J&K instead of the Centre, unlike the case with other States. The agreement had also empowered the J&K lawmakers to confer people domiciled there with special rights and privileges.

The Centre has to file its reply in four weeks.

Says BJP will campaign against corruption, law and order problems and lack of development work in Himachal Pradesh

The process of holding the requisite Board Meetings and Shareholder Meetings has been

completed in phases in September 2017.

Ruben George is staying at Ram Nath Kovind's house at Kalyanpur, near Kanpur

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