

Centre seeks debate in Supreme Court on Jammu & Kashmir special status

The Centre on Monday asked the Supreme Court to debate on the special status granted to the State of Jammu and Kashmir, saying it was both a sensitive and constitutional matter.

“It is a very sensitive matter. It is a constitutional issue. A debate is required,” Attorney General K.K. Venugopal submitted before a Bench led by Chief Justice J.S. Khehar.

The top law officer was responding to a PIL plea filed by a Delhi-based NGO, We the Citizens, contending that the J&K government, given the State’s special autonomous status under Articles 35A and 370, was discriminatory against non-residents as far as government jobs and real estate purchases were concerned. The Bench agreed to schedule the case before a three-judge Bench after six weeks.

Responding, the State government argued that its special status was sourced from the 1954 Presidential Order, which gave special rights to the State’s permanent residents. The hearing comes in the backdrop of an earlier Jammu and Kashmir High Court, which ruled that Article 370 assumed a place of permanence in the Constitution and the feature was beyond amendment, repeal or abrogation. The court said Article 35A gave “protection” to existing laws in force in the State.

“Article 370 though titled as ‘Temporary Provision’ and included in Para XXI titled ‘Temporary, Transitional and Special Provisions’ has assumed place of permanence in the Constitution,” it observed. “It [Article 370] is beyond amendment, repeal or abrogation, in as much as the Constituent Assembly of the State before its dissolution did not recommend its Amendment or repeal,” the court said.

It also observed that the President under Article 370 (1) was conferred with power to extend any provision of the Constitution to the State with such “exceptions and modifications” as may be deemed fit subject to consultation or concurrence with the State government. The High Court said J&K, while acceding to the Dominion of India, retained limited sovereignty and did not merge with it.

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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