

'Article 370 is only a temporary measure'

The Supreme Court on Monday adjourned for 12 weeks the hearing on petitions challenging the special status granted to Jammu and Kashmir. under Article 35A and Article 370 of the Constitution.

The writ petition filed by We the Citizens, an NGO, argues that four representatives from Kashmir were part of the Constituent Assembly involved in the drafting of the Indian Constitution and the State of Jammu and Kashmir was never accorded any special status in the Constitution.

Not a permanent tool

Article 370 was only a 'temporary provision' to help bring normalcy in Jammu and Kashmir and strengthen democracy in that State. The Constitution makers did not intend Article 370 to be a tool to bring permanent amendments, like Article 35A, in the Constitution, the petition added.

The plea said Article 35 A is against the "very spirit of oneness of India" as it creates a "class within a class of Indian citizens".

Restricting citizens from other States from getting employment or buying property within Jammu and Kashmir is a violation of fundamental rights under Articles 14, 19 and 21 of the Indian Constitution.

'Class within class'

A second petition filed by Jammu and Kashmir native, Charu Wali Khanna, has challenged Article 35A for protecting certain provisions of the Jammu and Kashmir Constitution which restricts the basic right to property if a native woman marries a man not holding the Permanent Resident Certificate.

The court has indicated that the issue of the validity of Articles 35A and 370 may ultimately be placed before a Constitution Bench of the apex court for an authoritative decision.

END

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