

LIST OF DATES AND EVENTS

- 09.03.1846 The Treaty of Lahore was executed between Maharaja of Lahore and the British Government, resulting in the transfer of certain territories to the East India Company. In particular, under Article 4 of the Treaty, *"the Maharaja cedes to the Honourable Company...all his forts, territories, rights and interests in the hill countries which are situated between the Rivers Beas and Indus, including the Provinces of Cashmere and Hazarah."*
- (Earlier, Jammu's Maharaja Gulab Singh's General Zorawar Singh had invaded Ladakh in 1834. Ladakh came under Dogra rule and was incorporated into the state of Jammu and Kashmir in 1846. During the Sino Sikh war(1841-42) the Qing empire invaded Ladakh but the Sino Tibetan army was defeated. Ladakh was claimed as a part of Tibet by Phuntsok Wangyal, a Tibetan Communist Leader. In 1947, Partition left Ladakh a part of the Indian State of Jammu and Kashmir to be administered from Srinagar).
- 16.03.1846 Following the Treaty of Lahore, the British Government executed the Treaty of Amritsar on March 16, 1846. Under this Treaty, territories ceded to the East India Company under Article 4 of the Treaty of Lahore were transferred by the British Government to Maharaja Gulab Singh of

Jammu.(Vol. I CCD* @ Pg1-3)

- 30.06.1857 Maharaja Gulab Singh died and was succeeded by his son, Maharaja Ranbir Singh.
- 02.08.1858 Following the passage of the Government of India Act, 1858, territories formerly in possession or under control of the East India company were vested in the British Monarch, in whose name India was to be governed.
- 1885 Maharaja Ranbir Singh died and was succeeded by Maharaja Pratap Singh.
- 30.08.1889 The Interpretation Act of 1889 was passed by the U.K. Parliament. Section 18(4) of this Act defined the expression "British India" as *"all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India..."*. In addition, the term "India" was defined under Section 18(5) as *"British India together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India..."*.
- 1925 Maharaja Pratap Singh was succeeded by Maharaja Hari Singh, the last Ruler of the Princely State of Jammu and Kashmir.
- 20.04.1927 The expression "State Subject" was defined in the

* Convenience Compilation of Documents

State Subject Definition Notification dated the April 20, 1927, which was issued by Maharaja Hari Singh. This Notification classified State Subjects into four classes and subsequently became the basis for the definition of "Permanent Residents" of Jammu and Kashmir under the Constitution of Jammu and Kashmir and Article 35A of the Constitution of India. (Vol. I CCD @Pg 4-6)

- 22.04.1934 Maharaja Hari Singh enacted Regulation No. 1 of Samwat 1991 on April 22, 1934. The Regulation established a Legislative Assembly for the State of Jammu and Kashmir called the 'Prajā Sabha'. While certain legislative functions were delegated to the Praja Sabha, the Ruler, Maharaja Hari Singh, retained supremacy over all legislative, executive and judicial matters.
- 02.08.1935 The Government of India Act, 1935 was passed by the U.K. Parliament. The Act established India as a Federation comprising Governor's Provinces, Chief Commissioner's Provinces, and the Indian States which had or would accede to the Federation of India.
- Section 6 of the said Act is worthy of particular emphasis. Under this provision, the Ruler of an Indian/Princely State was empowered to execute an Instrument of Accession declaring that he accedes to the Federation of India subject to the terms of such Instrument. Under Section 6(2), an Instrument of Accession was to specify matters with respect to which the Federal Legislature would have

competence to legislate for a particular State and the limitations, if any, on the Federal Legislature's powers to make laws or exercise executive authority over such State.

Notably, as the State of Jammu and Kashmir was not a part of British India, provisions of the Government of India Act, 1935 did not apply to it, unless an Instrument of Accession was executed by its Ruler in accordance with Section 6. (Vol V CCD @Pg. 966-970)

07.09.1939 The Jammu and Kashmir Constitution Act, 1939 was promulgated. While Maharaja Hari Singh retained sovereignty and supremacy over all legislative, executive and judicial functions, the Act empowered the Praja Sabha to make laws for the entire State of Jammu and Kashmir or any part thereof (Section 23) subject to certain conditions (Section 24). Further, the said Act vested executive functions with Council consisting of a Prime Minister and other Ministers appointed by the Ruler. The Act also provided for the High Court (which had been established by the Ruler in 1928) to be a court of record with jurisdiction to adjudicate upon *inter alia* civil suits, and civil, criminal and revenue appeals.

16.05.1946 The Cabinet Mission issued a Statement regarding its Report. Under Paragraphs 15(1) and (4) of this Statement, the Cabinet Mission Plan envisaged a Union of India where the Union would have responsibility over Defence, Foreign Affairs, and

Communications, and the States would retain jurisdiction over all other subjects not ceded to the Union.

- 12.05.1946 The Cabinet Mission issued a Memorandum titled 'State's Treaties and Paramountcy' which affirmed that following the establishment of an independent government in India, the paramountcy of the British Monarch over Indian States would lapse and paramount power over their respective territories would return to the States. (Vol IV CCD @Pg. 723-724)
- 22.01.1947 The Constituent Assembly of India unanimously adopted the Objectives Resolution, which declared the Assembly's *"firm and solemn resolve to proclaim India as an Independent Sovereign Republic"*. Importantly, Paragraph (3) of the Objectives Resolution declared that Princely States that had joined the Union of India *"whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union..."*.
- 25.01.1947 The Constituent Assembly of India adopted a resolution for the establishment of the Union

Powers Committee to *inter alia* draw up lists of matters included in and interconnected with the subjects assigned to the Union before the framing of the Constitution.

05.07.1947 The Union Powers Committee submitted its Second Report to the Constituent Assembly. Significantly, the Report noted at Paragraph 3:

"It is necessary to indicate the position of Indian States in the scheme proposed by us. The States which have joined the Constituent Assembly have done so on the basis of the 16th May Statement. Some of them have expressed themselves as willing to cede wider powers to the Centre than contemplated in that Statement. But we consider it necessary to point out that the application to States in general of the Federal List of subjects, in so far as it goes beyond the 16th May Statement, should be with their consent. It follows from this that in their case, residuary powers would vest with them unless they consent to their vesting in the Centre."

18.07.1947 The U.K. Parliament passed the Indian Independence Act of 1947. Under Section 1(1) of the Act, from August, 15, 1947, two independent Dominions – India and Pakistan – were to be established. Significantly, Section 7(1)(b) of the Act stated that following independence, the suzerainty of the British Monarch over Indian States would lapse and return to the Rulers of such States. Resultantly, as sovereign States, as many as 562

Princely States had the choice to remain independent or accede to either of the two Dominions established by the Act.

Lastly, as a transitional measure, Section 8 prescribed that provisions of the Government of India Act, 1935 would continue to apply to the Dominions of India and Pakistan subject to certain conditions.

- 1947 Under Section 9 of the Indian Independence Act, 1947, the Governor-General of India issued the India (Provisional Constitution) Order, 1947, which made certain sections of the Government of India Act, 1935 applicable to India until other provisions were made by the Constituent Assembly. Among the applicable provisions was Section 6, which dealt with the accession of Princely States to India through the execution of an Instrument of Accession.
- 15.08.1947 India attained independence and was partitioned into the Dominions of India and Pakistan. Further, as British paramountcy had lapsed, Princely States that had not executed Instruments of Accession with either Dominion became independent States. These included the States of Junagadh, Hyderabad, and Jammu and Kashmir.
- 26.10.1947 The Ruler of Jammu and Kashmir, Maharaja Hari Singh, signed the Instrument of Accession, acceding to India subject to the terms of such Instrument. Under Article 3 of the Instrument, the Dominion

Legislature had authority to make laws for the State of Jammu and Kashmir on the subjects of Defence, External Affairs and Communication. Article 7 provided that the Instrument did not commit the Ruler to the acceptance of any future Constitution of India, while Section 8 vested sovereignty over subjects not acceded to India in the Ruler. (Vol I CCD @Pg 7-10)

27.10.1947 By a letter dated 27.10.1947, the Instrument of Accession dated October 26, 1947 was accepted by Lord Mountbatten on behalf of the Dominion of India.(Vol I CCD @ Pg 12)

05.03.1948 The Ruler, Maharaja Hari Singh, issued a Proclamation under which a popular Interim Government was established in the State of Jammu and Kashmir, pending the framing of a Constitution for the State. The proclamation *inter alia* stated:

"My Council of Ministers shall take appropriate steps, as soon as restoration of normal conditions have been completed, to convene a national assembly based upon adult suffrage having due regard to the principle that the number of representatives from each voting area should as far as practicable be proportionate to the population of that area."

20.06.1949 Maharaja Hari Singh issued a Proclamation delegating his powers and authority to Yuvraj Karan Singh, who would function as the Ruler of the State.

June 1949 Following his appointment as Ruler, Yuvraj Karan Singh nominated four representatives from Jammu and Kashmir to the Constituent Assembly of India.

May 1948 – Before the Constitution of India came into force,
 Sept. 1949 various Princely States entered into Covenants with each other to form single units. For example, through a Covenant (and two Supplementary Covenants), the Princely States of Bhavnagar, Porbandar, Junagadh and numerous others formed the United State of Saurashtra. Through a separate Covenant, Gwalior, Indore and eighteen other Princely States formed the United State of Gwalior, Indore and Malwa (MadhyaBharat). Similar Covenants lead to the formation of the Patiala and East Punjab States Union (PEPSU), the United State of Rajasthan, and the United State of Travancore and Cochin.

Between May 1948 and September 1949, the States of Saurashtra, Madhya Bharat, PEPSU, Matsya, Rajasthan, and Travancore and Cochin signed Revised Instruments of Accession which *inter alia* (1) enlarged the powers of the Dominion Legislature, permitting it to enact laws on all matters in Lists I and III of the Government of India Act, 1935 and (2) cancelled all previous Instruments of Accession entered into by Rulers of Princely States that had entered the Covenants referred to above.

Notably, no Revised Instrument of Accession was signed by the Ruler of Jammu and Kashmir.

Nov. 1949 Through their respective Rulers (Rajpramukhs), the States of Saurashtra, PEPSU, Rajasthan, Madhya Bharat, Mysore, and Travancore and Cochin, among others, issued Proclamations stating:

"That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for [the State] as for other parts of India and shall be enforced as such in accordance with the tenor of its provisions;"

25.11.1949 Following the Proclamations above, Yuvraj Karan Singh issued a Proclamation for the State of Jammu and Kashmir, declaring *inter alia*:

"That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall in so far as applicable to the State of Jammu and Kashmir, govern the constitutional relationship between this State and the contemplated Union of India...;"

26.01.1950 In exercise of its constituent powers, the Constituent Assembly drafted the Constitution of India, which was adopted on November 26, 1949. The Constitution of India came into force on January 26, 1950, repealing *inter alia* the Indian Independence Act, 1947 and the Government of India Act, 1935. The relationship between the Constitution and the

State of Jammu and Kashmir was governed by Article 370 of the Constitution of India.

It is evident from both the text of the Article 370 and the negotiations that preceded its formulation that Article 370 could not be changed unilaterally by Parliament.

26.01.1950 In exercise of powers under Article 370(1) of the Constitution, and following consultation with the Government of Jammu and Kashmir, the President issued the Constitution (Application to Jammu and Kashmir) Order, 1950. Under Paragraph 2 of this Order, matters in the First Schedule to the Order were declared to correspond to matters ceded to the Union of India through the Instrument of Accession and, consequently, the power of Parliament to make laws for Jammu and Kashmir was limited to such matters. Furthermore, Paragraph 3 of the Order declared that in addition to Articles 1 and 370 of the Constitution, provisions specified in the Second Schedule to the Order would apply to the State of Jammu and Kashmir.

1950 The Government of India published its White Paper on Indian States, clarifying the nature of Article 370 in the following words:

"221 ... The effect of this provision is that the State of Jammu and Kashmir continues to be a part of India. It is a unit of the Indian Union and the Union Parliament will have jurisdiction to make laws for

this State on matters specified either in the Instrument of Accession or by later additions with the concurrence of the Government of the State...Steps will be taken for the purpose of convening a Constituent Assembly which will go into these matters in detail and when it comes to a decision on them, it will make a recommendation to the President who will either abrogate Article 370 or direct that it shall apply with such modifications and exemptions as he may specify." (Vol IV CCD Pg 563-965 @ Pg. 683)

- 01.05.1951 Yuvraj Karan Singh issued a Proclamation directing the establishment of an elected Constituent Assembly to draft a Constitution for the State of Jammu and Kashmir.

- 20.03.1952 Under Article 370(1) of the Constitution of India, and following consultation with the Government of Jammu and Kashmir, the President issued the Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952 (C.O. 39), modifying Articles 54 and 55 of the Constitution insofar as they applied to the State of Jammu and Kashmir.

- 10.06.1952 On June 10, 1952, the Basic Principles Committee of Jammu and Kashmir Constituent Assembly submitted its interim report to the Jammu and Kashmir Constituent Assembly and recommended that:

"(a) the form of the future Constitution of Jammu

and Kashmir shall be wholly democratic;
(b) the institution of hereditary Rulership shall be terminated; and
(c) the office of the Head of the State shall be elective."

1952 The Delhi Agreement of 1952 was entered into between the Government of India and the Government of Jammu and Kashmir. Under this Agreement, the Government of India agreed that while residuary powers of the legislature vested in Parliament in respect of other states, in the case of Jammu and Kashmir, such powers vested in the State itself. (Vol I CCD @Pg 13-15).

11.11.1952 Statement by Sheikh Abdullah, the then Prime Minister of the State of Jammu and Kashmir to the Constituent Assembly on the Delhi Agreement. (Vol I CCD @Pg16-23). The statement implied that while the accession of the Jammu and Kashmir state with India was complete in fact and law to the extent of the subjects enumerated in the Instrument of Accession. The autonomy of the state with regard to all other subjects outside the ambit of the Instrument of accession ought to be preserved. The statement echoed the sentiment that the Government of India held the view that the Jammu and Kashmir state was constituent unit of Union of India led inevitably to certain consequences in regard to certain important matters. With respect to Residuary Powers he spoke *'while under the present Indian Constitution, the Residuary powers vested in the Centre in respect of other states other than Jammu*

and Kashmir, in case of our state they rested in the state itself...' '...We have always held that the ultimate source of sovereignty resides in the people. It is therefore from the people that all powers can flow.'

15.11.1952 Under 370(3) of the Constitution of India, the President, after a recommendation from the Jammu and Kashmir Constituent Assembly, issued Notification C.O. 44, modifying Article 370 to include an explanation that the phrase 'State Government' meant the *Sadar-i-Riyasat* acting in the aid and advice of his council of ministers. (Vol III CCD @Pg 9)

14.05.1954 With the concurrence of the Government of Jammu and Kashmir, the President issued the Constitution (Application to Jammu and Kashmir) Order, 1954, which came into force on May 14, 1954. This Order superseded the Constitution (Application to Jammu and Kashmir) Order, 1950.

Paragraph 2 of the said Order set out those provisions of the Constitution which, in addition to Articles 1 and 370, would be applicable to the State of Jammu and Kashmir. (Vol I CCD @Pg 26-37)

17.11.1956 The Constituent Assembly of Jammu and Kashmir, in exercise of its constituent powers, approved and adopted the Constitution of Jammu and Kashmir.

26.01.1957 The Constitution of Jammu and Kashmir, 1957 came into force on January 26, 1957. By means of this Constitution, *"the people of the State of Jammu*

and Kashmir, having solemnly resolved, in the presence of the accession of this State of India which took place on the twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof...". Section 5 of the Constitution of Jammu and Kashmir provided that the legislative power of the State extended to all matters except those with respect to which Parliament had power to make laws for the State under the Constitution of India as applicable to the State of Jammu and Kashmir. Legislative powers in the State were to lie with the Legislative Assembly and the Legislative Council. Significantly, Section 147, which dealt with amendments to the Constitution of Jammu and Kashmir, provided that no Bill or amendment seeking to change the provisions of the Constitution of India as they applied to Jammu and Kashmir would be introduced or moved in either House of State Legislature. (Vol II CCD @Pg 232-393)

21.12.1964 The Constitution (Application to Jammu and Kashmir) Third Amendment Order, 1964, ('CO 71') which amended the 1954 Order, made Article 356 applicable to the State with one modification – that the expression 'Constitution' included 'the Constitution of Jammu and Kashmir'. (Vol III CCD @Pg 33-34)

10.04.1965 The Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 was passed. Through this Act, the expressions "*Sadar-i-Riyasat*" and "Prime

Minister” in the State’s Constitution were to respectively be substituted with the expressions “Governor” and “Chief Minister”.

Continuous Reaffirmation of the importance of Article 370

13.11.1974 The Kashmir Accord, 1975 was entered into between the Government of India and the Government of Jammu and Kashmir. Under Clause 1 of the Accord, the relationship of the State of Jammu and Kashmir with the Union of India was to continue to be governed by Article 370 of the Indian Constitution. Clause 2 reiterated that residuary powers of legislation would remain with the State. (Vol I CCD @Pg 24-25)

Mar- Jul 1977 President’s Rule under Article 356 of the Constitution of India was imposed for the first time in Jammu and Kashmir.

1986 President’s Rule was imposed for the second time in the State of Jammu and Kashmir.

1990 President’s Rule was imposed for the third time in the State.

1995 While the State continued to be under President’s Rule, Prime Minister, Shri P V Narasimha Rao offered maximum autonomy to the State - “the sky is the limit” - as would be permissible under the terms of Article 370 of the Constitution of India, and issued an assurance in Parliament that Article 370 would not be abrogated. He reiterated that

Jammu and Kashmir was an integral part of India.

22.04.2003 The then Prime Minister, Shri A.B. Vajpayee raised the slogan of *Insaniyat* (humanism), *Jamhooriyat*(democracy) and *Kashmiriyat* (inclusivity culture of Kashmir with amity between Hindus and Muslims), in his speech in the Lok Sabha.

2006 The Peoples Democratic Party presented a framework for self-rule and an indicative direction for resolution as follows:

1. The Jammu and Kashmir issue cannot be resolved by "intrastate level initiatives" and "requires a combination of intra-state measures with inter-state and supra-state measures".

2. "Self-rule ... doesn't impair the significance of the line of control as territorial divisions but negates its acquired and imputed manifestations of state competition for power, prestige, or an imagined historical identity. It is a way of "sharing sovereignty", without need or commitment to political merging."

3. Self rule as a political philosophy is being articulated around the conception of federalism and confederation that allow for sharing of power between two levels of government, for the sharing of sovereignty in a coordinated but not subordinated to one another, each exercising supreme sovereignty in its constitutional prerogatives.

- Oct. 2010 The Central Government appointed a group of interlocutors to conduct dialogue with the people of Kashmir. The group was headed by Dileep Padgaonkar, a former editor of the Times of India; Ms. Radha Kumar, an author; and M.M. Ansari, a former election commissioner.
- 2011 The Interlocutor's Report urged that a Constitutional Committee be established to review all the constitutional changes and applications of central laws by President's orders, while recommending that Article 370 and the title of Part XXI be amended to replace the word "Temporary" with the word "Special", akin to the provisions for other states such as Article 371 (Maharashtra and Gujarat), 371A (Nagaland); 371B (Assam); 371C (Manipur); 371D and E (Andhra Pradesh); 371F (Sikkim); 371G (Mizoram); 371H (Arunachal Pradesh); 371I (Goa).
- 2012 The Report of the Interlocutors Group was submitted recommending that a political settlement in Jammu and Kashmir be achieved only through dialogue with all stakeholders, addressing all the diverse aspirations of the people of Jammu, Kashmir and Ladakh, and that the State's status under Article 370 be reaffirmed, by reconsidering its erosion over the years. It further recommended that the marginal note in Article 370 of the Constitution of India be amended from "temporary" to "special" instead.

2014

In the Agenda of Alliance between PDP and BJP, it was agreed that the position with respect to Articles 370, 35A of the Constitution of India and other constitutional provisions will be maintained.

March 2015

The PDP and BJP Coalition released a Common Minimum Programme (CMP) for governing Jammu and Kashmir comprising the following highlights:

1. The principles of the earlier NDA Government under Prime Minister AB Vajpayee of "Insaniyat, Jamhooriyat, and Kashmiriyat" will be followed by the Government, to facilitate and help initiate a sustained and meaningful dialogue with all stakeholders including political groups.
2. The dialogue will aim to build a broad based consensus for resolution of all outstanding issues of the State.
3. The Government will examine the need for de-notifying disturbed areas to enable the Union Government to take a final view on the continuation of the Armed Forces Special Powers Act (AFSPA) in these areas.
4. The Constitution's guarantees under Article 370 and other constitutional provisions on special status will be maintained.
5. The coalition government will facilitate sustained dialogue with all stakeholders, irrespective of their ideological views.
6. The government will work out a one-time settlement for refugees from Pakistan occupied

Kashmir of 1947, 1965 and 1971

7. The government will take measures for sustenance and livelihood of the West Pakistan refugees.

8. It will extend all benefits accruing to the people living on the Line of Control (LoC) to the people living on the international border.

Denial of any move to remove Article 370

29.03.2017 Member of Parliament, Dr. Ratna De Nag, raised a question before the Minister of Law and Justice as to

“Whether the Government proposes to,

a) Amend and remove Article 370' related to Jammu and Kashmir in the near future;

b) If so, the details thereof;

c) If not, the reason therefor; and

d) Whether this will help in providing equitable justice to the people of the State and if so the details thereof?”

The Minister of State for Law and Justice and Electronics and Information Technology, Sh. PP Chaudhary stated,

‘a) At present, *there is no such proposal* under consideration of the government.

(b) to (d) Do not arise.’

27.03.2018 Member of Parliament, Sh. Ashwini Kumar, raised a starred question 449 before the Lok Sabha on:

- a. Whether the Government is committed to scrapping Article 370 of the Constitution which gives special status to the State of Jammu and Kashmir; and
- b. If so, the details including the present status thereof along with the procedure laid down for such scrapping?

The Minister of State in the Ministry of Home Affairs (Shri Hansraj Gangaram Ahir) answered, *"There is currently no such proposal under consideration of the government."*

20.06.2018 Section 92 of the Constitution of Jammu and Kashmir deals with provisions in case of a failure of the constitutional machinery in the State. This provision permitted the Governor to, by proclamation, assume to himself all powers and functions of the Government of the State. Such a proclamation would, in terms of Section 92(5), require the concurrence of the President of India and, under Section 92(3), would cease to operate six months after it was issued. On June 20, 2018, the Governor, with the concurrence of the President, issued a proclamation under Section 92, declaring 'Governor's Rule' in the State of Jammu and Kashmir. (Vol III CCD @Pg 478-481)

21.11.2018 The Governor, under Section 53(2) of the Constitution of Jammu and Kashmir, dissolved the Legislative Assembly of the State. (Vol III CCD @Pg 482)

- 19.12.2018 The proclamation of "Governor's Rule" expired.
A Proclamation under Article 356 promulgating President's Rule in the State of Jammu and Kashmir was issued on 19.12.2018. (Vol III CCD @Pg 483-487).
- 03.01.2019 A resolution approving this proclamation issued by the President on 19.12.2018 was passed in the Lok Sabha on 28.12.2019 and in the Rajya Sabha on 03.01.2019.
- Mar 2019 The Jammu and Kashmir Peoples' Movement, (a political party registered with the Election Commission of India) was launched *inter alia* by Dr. Shah Faesal (who is the Petitioner No.1 herein) to use "democratic methods and legislative processes for resolution of all disputes, issues and problems" with the following vision:
1. Peaceful resolution of the Kashmir problem as per the will and aspirations of the people of Jammu and Kashmir State.
 2. Upliftment of ethnic, linguistic and religious minorities in the State working towards the peaceful and dignified return of Kashmiri Pandits to their homeland.
 3. Seeking adequate political representation for under-represented communities like Buddhists, Sikhs, Christians and Kashmiri Pandits.
 4. Protection of the special status of the State as per the arrangement under Article 370 of the Indian Constitution.
 5. Building a progressive, gender sensitive

political institution with traditional values and modern sensibilities to give women equal rights and representation in all spheres, be it constitutional, legislative or administrative.

6. Addressing the regional aspirations of the people of Jammu, Kashmir, Peer Panchal, Leh-Kargil, Chenab Valley and ensure equitable regional development through level playing field, access to and entitlement of national, state and regional and local resources.

12.06.2019 Extension of the Presidents Rule in Jammu and Kashmir for a period of 6 months w.e.f 03.07.2019.(Vol III CCD @Pg 488-489)

Further denials of any move to remove Article 370

26.06.2019 Shri Prabhat Jha, Member of Parliament in the Rajya Sabha, through question No. 497 asked the State Minister for Home Affairs:

“a) Whether Article 370 of the Constitution of India gives special status to Jammu and Kashmir under which the Central Government has to take the approval of the State Government to dispose off all the works except the Defence Sector, External Affairs, Financial Matters and Communication;

b) If so, the details thereof;

c) Whether Article 370 is a hurdle in the all round and suitable development of Jammu and Kashmir and also a perpetual threat to the Unity and Integrity of the Country; and

d) If so, whether the Government is initiating to take

the necessary steps to terminate special status given to Jammu and Kashmir under Article 370?"

Sh. Reddy replied:

"(a) to (d): At present, Article 370 is contained as a temporary provision with respect to the State of Jammu and Kashmir in Part XXI (Temporary, Transitional and Special provisions) of the Indian Constitution. In terms of Article 370, the provisions of Article 1 and 370 shall apply in relation to the State of Jammu and Kashmir. With regards to matters relating to the Instrument of Accession, President of India can issue orders in consultation with the State Government, whereas for applying other provisions of the Constitution of India, with such exceptions and modifications as the President may by order specify, the concurrence of the State government is required."

26.06.2019 Smt. Chhaya Verma, Ch. Sukhram Singh Yadav, Sh. Vishambar Prashad Nishad, Members of Parliament in the Rajya Sabha, asked question No. 485 from the Minister of Home Affairs as to:

"a) The view point of the government regarding Article 370 and 35A in respect of Jammu and Kashmir;

b) The policy government is working on to control the terrorist activities in Jammu and Kashmir; and

c) The details thereof?"

Sh. Reddy replied:

"a) At present, Article 370 is part of the Constitution of India under title 'Temporary provisions with respect to the State of Jammu and Kashmir' and Article 35A is contained in the Constitution (Application to the Jammu and Kashmir) Order 1954 issued by the President of India under Article 370.

(b) and (c) ; The Government has adopted a policy of zero tolerance towards terrorism. Effective response is given by the security forces to counter terrorist activities in the state of Jammu and Kashmir. In order to combat activities of terrorists, several steps have been taken including strengthening operational grid, enhancing coordination amongst security agencies, effective retaliation of terror acts, strengthening of ROP to protect convoys etc."

03.07.2019 The President's proclamation was, in terms of Article 356(4), to expire on 02.07.2019. Consequently, President's Rule in Jammu and Kashmir was extended for a further period of six months with effect from 03.07.2019.
(Such extension was passed by the Lok Sabha on 28.06.2019 and by the Rajya Sabha on 01.07.2018.)

03.07.2019 Sh. Ajay Pratap Singh, Member of Parliament in the Rajya Sabha, asked question No. 1309 from the Minister of State in the Ministry of Home Affairs (Sh. G Kishan Reddy):

"a) Whether the Government is contemplating on abrogating Article 35A of the Constitution;

b) If so, whether two third vote of majority of all the members of the house is required for this purpose; and

c) if not by when a decision will be taken in this regard?"

Mr Reddy replied:

"(a) to (c) : At present Article 35A is contained in the Constitution (Application to Jammu and Kashmir) Order 1954 issued by the President of India under Article 370 of the Constitution of India."

10.07.2019

Sh. Sanjay Seth, Member of Parliament in the Rajya Sabha, through question No. 1948, asked the Minister of State for Home Affairs, Sh. G Kishan Reddy;

" a) Whether it is fact that the Government is going to repeal Articles 370 and 35A, (b) if so the reasons the reasons therefor;

c) Whether repeal of these articles in any way violate any United Nations Regulation or international obligation of the Country; and

d) If so, How will the same be mitigated?"

To which the Minister answered:

"(a) to (d) : At present , Article 370 is contained as

a temporary provision with respect to the state of Jammu and Kashmir in Part XXI (Temporary, Transitional and Special Provision) of the Indian Constitution. At present, Article 35A is contained in the Constitution (Application to Jammu and Kashmir) Order 1954 which was added through the Constitution Order issued by the President of India under Article 370. Jammu and Kashmir is an integral part of India. Matters relating to the Constitution of India are internal and entirely for the Indian Parliament to deal with. No foreign government or organization has any locus standi in the matter."

10.07.2019 Sh. Prabhat Jha asked a question No. 1971 in the Rajya Sabha from the State Minister of Home Affairs Sh. G Kishan Reddy,

Will the Minister of Home Affairs be pleased to state:

- a. Whether the citizen of Jammu and Kashmir has dual citizenship due to Article 370 of the Constitution and whether Pakistani Citizens living in Kashmir also get Indian citizenship;
- b. If so, whether Government is making any remedial efforts in this regard and if not, the details thereof;
- c. Whether abrogation of Article 370 of the Constitution can prove to be an effective step for prevention of terrorist activities;
- d. If so, the efforts being made by the

Government in this regard?

To which the minister replied, “ (a) to (b): No sir. No citizen of India including those belonging to the State of Jammu and Kashmir , is eligible for dual citizenship under the provisions of the Indian Constitution or the Constitution of Jammu and Kashmir.

(c) to(d): At present, Article 370 is contained as a temporary provision with respect to the State of Jammu and Kashmir in Part XXI (Temporary, Transitional and special provisions) of the Indian Constitution.

23.07.2019 Sh. Jai Prakash, through question No. 4949, asked the Minister of Home Affairs:

‘a) Whether it is a fact that the Government is contemplating to remove Section 370 and 35A of the Constitution relating to Jammu and Kashmir;

b) If so the time by which it is likely to be done; and

c) If not, the reasons therefor?

To which, the Minister of State of Home Affairs answered from (a) to (c) At Present Article 370 is contained as a temporary provision with respect to the State of Jammu and Kashmir in Part XXI (Temporary, Transitional and Special Provisions) of the Indian Constitution.

At present Article 35A is contained in the Constitution (Application to Jammu and Kashmir) Order 1954 which was added through the

Constitution Order issued by the President of India under Article 370,

02.08.2019 The Respondent No.2 issued a Security Advisory, advising all Amarnath Yatris to stop their yatra mid-way and return. The said Security Advisory stated:

"Keeping in view the latest intelligence inputs of terror threats, with specific targeting of the Amarnath Yatra, and given the prevailing security situation in the Kashmir Valley, in the interest of safety and security of the tourists and Amarnath Yatris, it is advised that they may curtail their stay in the Valley immediately and take necessary measures to return as soon as possible."

03.08.2019 The Governor of the State of Jammu and Kashmir gave a Press Statement on the night of August 3, 2019 that he was not aware of any proposal to amend Article 370 or Article 35A and that all security arrangements and reinforcements in the State were being made pursuant to intelligence inputs forecasting a major terror incident. (Vol III CCD @Pg 490-491).

05.08.2019 11 am (Approx) On August 5, 2019, the President issued the Impugned Order, titled the Constitution (Application to Jammu and Kashmir) Order, 2019 ("C.O. 272"). The said Order, issued under Article 370(1) with the purported concurrence of the Government of the State of Jammu and Kashmir, inserted Article 367(4) of the Constitution of India. In particular, the newly inserted Article 367(4)(c) stated that references in the Constitution to the Government of the State of Jammu and Kashmir would be construed as including references to the Governor of Jammu and Kashmir. Further, Article 367(4)(d) amended sub clause (3) of Article 370 by replacing the expression "Constituent Assembly of the State..." with the "Legislative Assembly of the State." (Vol III CCD @Pg 493-494)

05.08.2019 11.15 am (Approx) Two Statutory Resolutions namely "Statutory Resolution Re. Cessation of all Clauses of Article 370 except Clause 1" and "Statutory Resolution Re the Jammu and Kashmir Reorganisation Bill, 2019" and The Jammu and Kashmir Reorganisation Bill, 2019 are introduced simultaneously in the Rajya Sabha by the Union Home Minister.

The Statutory Resolution Re the Jammu and Kashmir Reorganisation Bill, 2019 provided that "The President of India has referred the Jammu and Kashmir Reorganization Bill 2019 to this House

under the proviso to Article 3 of the Constitution of India for its views as this House is vested with the powers of the State Legislature of Jammu and Kashmir, as per the proclamation of the President of India dated 19.12.2018. This house resolves to express the view to accept the Jammu and Kashmir Reorganization Bill 2019." (Vol III CCD @Pg 497)

The Statutory Resolution Re. Cessation of all Clauses of Article 370 except Clause 1 provided:

" All provisions of this Constitution as amended from time to time, without any modification or exceptions shall apply to the state of Jammu and Kashmir notwithstanding anything contrary contained in Article 152 or Article 308 or any other article of this Constitution or any other provision of the Constitution of Jammu and Kashmir or any law, document, judgment, ordinance, order, bye-law, rule, regulation, notification, custom or usage having the force of law in the territory of India or any other instrument, treaty or agreement as envisaged under Article 363 or otherwise."

"ii.) That the President of India has referred the Jammu and Kashmir Reorganization Bill, 2019 to the House under the proviso to Article 3 of the Constitution of India for its views as this House is vested with the powers of the state Legislature of Jammu and Kashmir as per proclamation of the President of India dated 19th December 2018. This House resolves to express the view to accept the Jammu and Kashmir Reorganization bill 2019."
(Vol III CCD @Pg 498-500)

The Jammu and Kashmir Reorganization Act, 2019 provided for the reorganization of the existing state of Jammu and Kashmir and for matters connected therewith or incidental thereto. The Act in essence provides for the formation of a new union territory

to be the union territory of Ladakh comprising of Kargil and Leh Districts as well as the formation of another Union Territory to be known as the Union territory of Jammu and Kashmir comprising of all territories except Kargil and Leh. Under the Act there shall be a Legislative Assembly for the Union Territory of Jammu and Kashmir.

- 05.08.2019 5.30 pm (Approx) The "Statutory Resolution Re the Jammu and Kashmir Reorganisation Bill, 2019" is introduced in the Lok Sabha by the Union Home Minister and passed by the Lok Sabha by a voice vote, even though a copy of the bill itself, i.e. Jammu and Kashmir Reorganisation Bill, 2019 was not even shown to a single member of the Lok Sabha. Thus, a resolution approving a bill, which was not seen by a single member of the house was passed by the Lok Sabha. (Ground QQ, Pg. 54-55, Vol. 1 of WP Paperbook)
- 05.08.2019 Between 6 & 7pm The Two Statutory Resolutions namely "Statutory Resolution Re. Cessation of all Clauses of Article 370 except Clause 1" and "Statutory Resolution Re the Jammu and Kashmir Reorganisation Bill, 2019" and The Jammu and Kashmir Reorganisation Bill, 2019 are passed by the Rajya Sabha.
- 06.08.2019 The Revised list of business in the Lok Sabha wherein the Home Minister recommended the issue of a public notification under Article 370(3). Further on the same day the Jammu and Kashmir Reorganization Bill 2019 and the Jammu and

Kashmir Reservation (Second Amendment) Bill 2019 "Statutory Resolution Re. Cessation of all Clauses of Article 370 except Clause 1" that had been passed in Rajya Sabha on 5.08.2019 was passed by Lok Sabha. (Vol III CCD @Pg 501-504)

- 06.08.2019 The President issued C.O. 273 (impugned herein) in exercise of powers under Article 370(3) of the Constitution as amended by C.O. 272, declared that Article 370 would cease to apply with effect from 06.08.2019.(Vol III CCD @Pg 496).
- 09.08.2019 In exercise of Powers under Section 2(a) of the Jammu and Kashmir Reorganization Act 2019, on receiving the assent of the President, the Respondent through the Ministry of Home Affairs issued a-notification SO.2889 (E) for the provisions of the Act to come into force w.e.f 31.10.2019.
- 19.08.2019 The Writ Petition(C) No. 1099 of 2019 titled 'Dr.Shah Faesal & Ors v. Union of India & Anr' is filed.
- 31.10.2019 Pursuant to the notification SO.2889 (E) issued on 09.08.2019, the State of Jammu and Kashmir stood bifurcated into Union Territory of Ladakh and the Union Territory of Jammu and Kashmir. Simultaneously with effect from 31.10.2019, the President's rule was revoked.