

India: SC constitution bench: Historic judgement on Article 370.

December 12, 2023

December 11, 2023: Delhi, India: The Indian Supreme Court (SC) delivered a historic judgement, clarifying many of the issues, which had raised several issues amongst political parties since 1960s. India's constitution was finalized by the Constituent Assembly of India on **Nov 26, 1949**. A few days before the final document was to be adopted, India's first **Prime Minister Jawaharlal Nehru** made a special request for introduction of a temporary provision as Article 370. This provision provided special powers to Jammu and Kashmir, as an exception to what had been done for the other five hundred kingdoms, which were part of the British India. Though, all of them had signed the same Instrument of Accession. The Prime Minister wanted to give special powers to the Hindu kingdom of Jammu and Kashmir, which had a population of 55% of Muslims and 45% of others. The National Conference, the political party in the kingdom, was led by Sheikh Abdullah. He was a close friend of the Prime Minister. *(The Prime Minister Nehru's forefathers belonged to J&K)*. Since the Constituent Assembly was not ready to accord special powers to one of the five hundred kingdoms, which had acceded to India, Prime Minister Nehru asked that the provision be made temporary so that the province would be able to join the other states on an equal basis in due course of time.



The supreme court of India

The Constituent Assembly agreed to the request and put in a temporary provision, which could be changed at the orders of the President of India, at the request of

the Constituent Assembly of J&K. The Constituent Assembly of J&K finished its task of creating the constitution of J&K in 1955 and dissolves itself. However, the Constituent Assembly did not advise the President about the temporary provision of Article 370.

Over a period of time, minor changes like bringing the name of the Governor and the Chief minister in line with those in other States of India were made by the orders of the President at the request of the local assembly of J&K. The special powers accorded to J&K were misused by the leaders of the majority Muslim population to drive out the non- Muslims from the valley of Kashmir in 1989-1990. The non-Muslims, who were living from time memorial in the valley, had to run for their lives when Muslim young men armed and trained by Pakistan, the neighbouring country, started targeted killings of non-Muslims and rapes of non-Muslim women.

The special powers accorded through Article 370 were also used to deny Affirmative Action for the Muslim nomads in J&K. It was also used to not permit the anti-corruption laws of India to operate in J&K. This resulted in massive corruption by a few political families which bought and sustained luxurious mansions in London, England, and other such places for their families to enjoy.



Dhananjaya Yeshwant Chandrachud, Chief Justice of India

On August 5, 2019, Mr. Narendra Modi's government repealed the temporary provision of Article 370 from India's constitution. This was done at the request of the Governor of J&K (*The Legislative Assembly of J&K had been dissolved and therefore, the powers of the Assembly had devolved to the Governor.*) to the

President of India. The political parties which had been ruling J&K for more than 70 years challenged the constitutionality of the repeal of Article 370 before the SC. On December 11, 2023, a 5-judge Constitution Bench of SC, headed by the Chief Justice of India, held the order of August 5th, 2019, to be constitutionally valid.

In a blatant interference in the internal affairs of India, **Pakistan's Foreign Minister Jalil Abbas Jilani** said that the judicial endorsement by the Indian Supreme Court has no legal value. The Foreign Minister forgot that it was a change in the India's constitution which had been challenged in the Supreme court of India. The pronouncement of December 11, 2023 by the five-Judge constitution bench of India's SC had declared it to be valid according to Indian constitution. Mr Jilani forgets that he is the foreign minister of Pakistan and neither he nor any other citizen or entity of Pakistan has a say on this issue. Hence, Mr Jilani's declaration of the Indian SC's judgement as being of no legal value is ridiculous.

EDITORIAL COMMENT: www.DiGiNews360.com has seen Sumit Peer's statement in the YouTube video of PGuru that the Hamas terrorist of October 7th, 2023 were trained at the Special Forces Training Facility in an old fort in KPN province of Pakistan. www.DiGiNews360.com cannot vouchsafe for the truth of Sumit Peer's statement. However, the modus operandi of the terrorist of 1989-1990 in Kashmir Valley was repeated on October 7th, 2023 by the Hamas terrorists in the border areas of Israel.
