



# INDIA CENTER- STATE LEGISLATIVE RELATIONS AND ITS IMPACT ON HUMAN BEINGS.

*A CASE STUDY OF JAMMU & KASHMIR*

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**Abstract :** Federalism is a part of the basic structure of the constitution and the centre-state relationship is the core principle behind it. There are mainly three facets namely legislature, administrative and financial matters wherein their relationship is governed. Broadly, in all three domains, the power of the centre and the states are confined to the subject of union and the state list respectively. However, in case of an emergency, all the power got transferred to the central government.

In India, a separation of functions rather than of powers is followed. Unlike in the US, in India, the concept of separation of powers is not adhered to strictly. However, systems of checks and balances have been put in place in such a manner that the judiciary has the power to strike down any unconstitutional laws passed by the legislature.

**This study examines the relationship between the Indian Union and the State of Jammu and Kashmir by tracing the state's gradual constitutional integration with the Indian Union, from admission to India in 1947 to the application and requirement of the Indian constitution. It demonstrates how the Center-state relationship in terms of legislative, administrative, and financial relations altered when Article 370 was repealed.**

**IndexTerms** - Center-state relationship, checks and balances, Federalism, basic structure, administrative.

## LIST OF STATUTES

### STATUTES

- a) Constitution of India, 1950
- b) Indian Penal Code, 1860
- c) Constitution of Jammu & Kashmir, 1939
- d) Code of Criminal Procedure, 1973

## INTERNATIONAL CONVENTIONS

- a) Instrument of Accession( Jammu & Kashmir)

## INTRODUCTION

The primary idea of federations, according to Dr. B.R. Ambedkar, is that legislative and executive authority is split between the centre and the states not by any law enacted by the centre, but by the constitution itself. The member states do not rely on the centre for legislative or executive authority in any way. In this case, the states and the centre are the same. The foregoing phrase clearly states that the Indian Constitution established a federal framework as the country's primary governance structure. The union and states get their power from the Constitution, which divides all powers-legislative, executive, and financial. As a result, the states refuse to delegate authority to the Union.

The Indian Constitution established a dual constitutional authority with a straightforward separation of powers, each of which is sovereign in its own realm. The Indian federation is not the result of an agreement between independent units, and Indian units cannot leave the union. The constitution also has substantial articles that control the many aspects of interactions between the centre and the states. The following factors distinguish central-state relations: Legislative relationships, administrative relationships, and financial relationships are all essential.

Articles 245 to 255 of Part XI of the Constitution control the legislative connections between the centre and the states.

It establishes a two-tiered divide between the Union and the states with legislative powers, in terms of territorial recognition and subject relationship.

Article 245(1) of the Constitution mandates that a State Legislature establish laws for the full or any portion of the State to which it belongs, pursuant to the provisions of the Constitution.

A state legislature cannot expand territorial authority in any case until the state's boundaries are extended by an act of Parliament. Parliament, on the other hand, has the power to legislate "*on all or portion of India's territory, which includes both States and Indian Union territory.*"

It also possesses extraterritorial legislation, something no other state legislature has. This means that the laws enacted by Parliament would apply to Indian people residing everywhere in the world, not only to individuals and possessions. However, Parliament's geographical authority is limited in other ways. Certain unique sections of the constitution, on the other hand, are subject to Parliament's unlimited territorial competence.

The following are some of them:

- Some Union territories, such as the Andaman and Lakshadweep Region, can have rules that are comparable to laws passed by Parliament, and these regulations can cancel or change a legislation passed by Parliament on such territories (Article 240).
- The governor can issue notifications that restrict or amend the implementation of the Acts of Parliament to any specified area of government (Para 5 of Schedule 5(3) of the Indian Constitution).
- Schedule VI, paragraph 12(1)(6), states that the Governor of Assam may direct, by public notification, that any other act of Parliament shall not apply to the autonomous region or district of the state of Assam or apply to that region or section, subject to such exceptions or adjustments as may be stated in the notification.

The court concluded in *A.H. Wadia v. CIT*<sup>1</sup>, that if there is a proper relationship or link between the State and the object, i.e. the subject matter of legislation, the State legislature cannot pass extraterritorial laws (objects cannot be located physically within territorial limits of the State). A licensed firm in England was a partner in an Indian venture in the case of *Wallace Bros v. CIT*<sup>2</sup>. The company's full income was to be taxed by the Indian revenue tax authorities. The Court held that a corporation's extraction of a significant portion of its revenue from British India for a year establishes a sufficient territorial relationship to support it being treated as a domestic entity in India for all income tax purposes.

## II. ELEMENTS OF CENTRE-STATE RELATIONSHIP

There are 3 main elements of the Centre-state relationship which is as follows –

1. Legislative relations
2. Administrative relations
3. Financial relations

<sup>1</sup>*A.H. Wadia v. CIT* ; (1949) 51 BOMLR 287.

<sup>2</sup>*Wallace Bros v. CIT* ; (1943) 45 BOMLR 929.

## **1.LEGISLATIVE CENTRE-STATE RELATIONSHIP**

The legislative relationship between the centre and the states are mentioned between Articles 245 to 255 of the constitution. These legislative provisions enshrined under part XI of the constitution are as follows –

### **• The extent of laws Making**

The parliament of India is empowered to make laws for any part of India including our union territory. Further, the parliament can make extra-territorial legislation for the security and well being of Indian's inhabitants residing in any other part of the world. On the other hand, the law-making areas of the states are confined to the geographical area of a particular state.

### **• Subject-matter of Legislature**

The constitution of India has divided the legislative authority of the centre and states into 3 lists namely union list, state list and concurrent list. The union list comprises 99 subjects including foreign affairs, defence, etc. and the union parliament has the sole authority to make law on these subjects. The state list includes 61 subjects including health, public order, etc. and the state legislature has the exclusive jurisdiction to formulate laws on these subjects. Lastly, the concurrent list has 52 subjects including education, family planning, criminal procedure code etc. It is important to note that under the concurrent list both the parliament and the state can frame laws. However, in case of conflict, the laws formulated by the parliament will prevail.

### **• Power to legislate on the residuary subject**

The constitution of India also contains provisions related to those subjects which are not mentioned in any of the aforesaid lists. These subjects are known as residuary subjects and the union parliament is given the authority to frame laws on these subjects. However, if any dispute arises, it is the duty of the court to determine whether a subject falls in the ambit of the residuary list or not.

### **• Parliament's Power to Legislate on the subjects falling in the domain of state legislature**

In ordinary circumstances, the law-making power between both the union and the state legislature is confined to their concerned list. However, the constitution of India can allow our union parliament to legislate on the state list under certain circumstances. These conditions are as follows –

#### **• To protect the National Interest**

This provision is given under Article 249 of the constitution and it allows the parliament to make law on any subject if the national interest is at stake. For using this provision, firstly a resolution is passed in Rajya Sabha with more than 2/3 members stating the need for making a law on the state list to protect our national interest. After the resolution is passed, the parliament is empowered to formulate the law and it remains in force for a maximum period of 1 year. However, the period can be extended by passing the subsequent resolution.

#### **• When National Emergency is in Operation**

This power is given under Article 250 of the constitution. As per this Article, the parliament is empowered to make the law even on the state subjects when the emergency is in operation. However, it is important to note that the laws made under this provision will lose their validity after 6 months from the date of emergency.

- **Agreement between States**

As per Article 252 of the constitution, the parliament can make law on the state list if a particular state passes a resolution that it is lawful for the union parliament to make law for this state and they will abide by the law. Thus, any law passed by the union parliament will also have applicability to that state also. However, the parliament still possesses the right to amend or repeal such a law made under this provision.

- **For Giving Effect to any International Treaties**

As per Article 253 of the constitution, the president can enter into any bilateral or multilateral treaty and the union parliament had to make a domestic law for giving effect to any such treaty. Thus, the Parliament can enact any law for implementing any treaty or convention irrespective of the list the subject may belong to.

- **When President's Rule is in operation**

The concept of imposing president rule is mentioned under Article 356 of the constitution. This Article empowers the president to suspend the state assembly on the ground of the breakdown of constitutional machinery in a state. During this period, the parliament formulated laws for that particular state and these laws have the validity of 6 months from the date of declaring president rule.

- **The control of Parliament over State Legislature**

The constitution of India is quasi-federal in nature with a strong centre that ensures that it keeps a vigil over the functioning of the states. The centre can exercise control over the state's legislature by the following methods

- The governor possesses the authority to transfer a bill to the president to seek his opinion. The president can exercise an absolute veto over such a bill.
- There are certain matters in the state list on which the bill can be introduced only before the prior consent of the president. These bills generally relate to the subject of trade and commerce.
- During a financial emergency, the president possesses the authority to direct the state authority for reserving money bills and other financial bills for his consideration before passing in the state legislature.

## **2. ADMINISTRATIVE CENTRE-STATE RELATIONSHIP**

As with the legislature authority, the administrative function of the centre and states are confined to the subjects mentioned in the union and the state list respectively. Thus, the administrative relation can be defined through the following –

- **The extent of Executive power of State and Centre**

This provision is dealt with under Article 256 of the constitution. It states that the executive power of a state shall be exercised in a manner that complies with the union laws framed by the parliament. Similarly, the central government shall also issue its direction after having regard to the particular state laws.

- **Duty on State to not interfere with the executive power of the union government**

As per Article 257 of the constitution, the state should exercise its executive power in a manner that doesn't contravene or prejudice the executive power exercised by the union government. However, the union government has broad powers and it is empowered to issue such directions that may result in the encroachment of state authority.

- **To construct or maintain means of communication relating to military or national importance**

As per this provision, the central government is empowered to issue directions to the state government relating to the construction or the protection of the existing means of communication that are very important for the military and national interest. The state had to abide by the same.

- **To Protect Railways:**

This provision states that the union government can issue directions to the state government pertaining to the protection of railways falling under the concerned state's jurisdiction. However, it is important to note that any expense incurred during this process of protection is reimbursed by the central government.

- **For the welfare of Scheduled Tribes**

This provision states that the union government can direct the state government to launch any scheme or programme to ensure the welfare of the scheduled tribes of the state.

- **To impart primary education in a mother-tongue language**

This provision is mainly used for the betterment and advancement of minority linguistic groups. The central government can issue directions to a state to make arrangements so that the children can learn their initial education in their mother tongue language.

- **To ensure that the constitutional provisions are followed by the state government**

This provision is the heart of the centre-state relation. Under this, the central government is empowered to issue any direction to the state government to ensure that it is functioning as per the provision of the constitution. However, if a state doesn't comply with the provision of the constitution for a substantial period of time, then the central government is authorised to suspend the state government and impose president rule in that state.

- **The power of the Union government to adjudicate the Inter-State River Water Disputes**

The constitution of India has provided our union government with the power to adjudicate any dispute that may arise in relation to the use or distribution of water or any other inter-river dispute. The pertinent thing to note is that the parliament is also empowered to exclude this kind of dispute from the jurisdiction of the Hon'ble Supreme Court or High Court.

## ➤ **ADMINISTRATIVE RELATIONS DURING EMERGENCIES**

- **President's Rule:** When a president's rule is imposed under Article 356 of the constitution, the union gets all the administrative power of the state.

- **National Emergency:** When a national emergency is in operation, then the central government is empowered to issue directions relating to those subjects who may fall in the domain of a state's executive power. It is mandatory for the states to follow these directions.

- **Financial Emergency:** When a financial emergency is declared by the central government, then it is empowered to issue directions to the states relating to reducing the salary or allowance of government servants or the judges of various courts etc. It can also direct the state government to put all the money bills before the president for his consent.

Thus, we can say that in the administrative field, the states can't work in isolation and they have to follow the directions of the central government.

### **3.FINANCIAL CENTRE-STATE RELATIONSHIP**

The financial relationship between the Centre and the state government is governed by Articles 268 to 293 of the constitution. It provides detailed provisions relating to the distribution of tax as well as non-tax revenue between the centre and the state.

#### ➤ **Distribution of tax**

As per the constitution, the parliament has the exclusive or the sole jurisdiction to levy taxes on those subjects which are mentioned in the **union list** and the state government can impose a tax on the subjects falling under the **state list**. In the case of a **concurrent list**<sup>3</sup>, both the centre and the states are eligible to levy taxes.

#### ➤ **Grants-in-Aid from the Central Resources**

Apart from tax, the state government also received certain kinds of grants from the central government. These grants can be divided into 2 parts –

- **Statutory Grants:**

It refers to that grant which is given by the parliament from the consolidated fund of India. It is generally given to those states who are facing some financial adversity. The amount of grants is not certain and it keeps changing as per the requirement of the states. Sometimes, a specific grant is given by the central government to promote the welfare of scheduled tribes of a state.

- **Discretionary Grants:**

This provision is dealt with under Article 282 of the constitution. As the name suggests, this grant is discretionary in nature and is given on the basis of the recommendation received from the planning commission. The main objective of giving such grants is to assist the states in achieving the result of a particular plan.

During a **National Emergency**, the union government can declare that the distribution of tax between the centre and states shall remain suspended. Further, it can also suspend or cancel any proposed grant in aid given to a particular state.

#### **Finance Commission**

Article 280 of the constitution deals with the establishment of the finance commission. The main objective of setting this commission is to ensure the effective distribution of financial resources between the centre and the states. This commission works under the authority of the president and he can recommend changes every 5 years.

The commission mainly has 5 members including 1 chairman and 4 members. The chairman must have experience in public affairs. Other 4 member includes –

- A judge of the high court or a person having equivalent qualification
- A person having expertise in the field of finance and account of the government.
- A person having experience in public administration
- A person having expertise in the field of economics.

<sup>3</sup>InsightIAS; *Concurrent-List-of-the-Indian-Constitution*; <https://www.insightsonindia.com>; 18<sup>th</sup> December, 2018 (accessed on 12<sup>th</sup> January, 2022 at 15:03 Hrs).

### **III. IN THE CONTEXT OF JAMMU & KASHMIR: PARTICULARLY IN THE CENTRE-STATE RELATIONS**

The legislative, executive and not by any by any law passed by the Centre but by the constitution itself<sup>4</sup>. It's all about dividing sovereignty enough so individual liberty may very well be fully insulated. From the aforementioned, it can be argued that federalism is more like a power distribution scheme; it can also be a mix of power distribution and basic rights. A federal constitution establishes a dual democracy with the states and the federal government, which each should exert control in the spheres that have been delegated to them.

Owing to the peculiar parameters under which the state was established in the Indian union, Jammu and Kashmir distinguishes out as the only region of India governed by this eurosceptic framework. The centre and the state of Jammu and Kashmir made a deal on what should belonged to which senate based on Article 370 of the Indian Constitution and protocols of accession.

#### **III.I. HISTORICAL ASPECT:**

The beginning of the relationship between India and the state of Jammu and Kashmir can be followed back to the 14th and 15th of August 1947, when India and Pakistan attained independence, respectively. Whereas most Muslim majority communities in the Western and Eastern portions of the country joined Pakistan, J&K was an exception, preferring to remain neutral on ethical reasons and seek independence.

As a consequence, J&K reached a deal with India and Pakistan, declaring that no country will attempt to invade J&K's territory. While India abided by the agreement and exhibited moderation, Pakistan undertook an aggressive absorption of Kashmir. On October 2, 1947, Azad Kashmir forces, who comprised a thousand armed tribesmen and were supported by Pakistan, raided Kashmir, and the Dogra army failed to withstand a well tribal invaders. In retaliation to the incursion, Maharaja Hari Singh actually acknowledged a letter to Mountbatten, the governor-general of India, on October 25th.

*"I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government. As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economic and cultural links with both of them. In their external relations the Dominions of India and Pakistan cannot ignore this fact. I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both."*<sup>5</sup>

His highness wrote a passage in which he described a tribal invasion and agreed to sign an instrument of accession with the Union of India, which stated:

*"With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government."*<sup>6</sup>

<sup>4</sup> The constitution of the United states of America, 1787.

<sup>5</sup>Government Of India Publication 1947, para-1-4 Official letter written by Maharaja Hari Singh (ruler of Jammu and Kashmir province); <http://www.jammu-kashmir.com/documents/harisingh47.html> (accessed on 12<sup>th</sup> January, 2022 at 15:03 Hrs)

<sup>6</sup>Operative paragraph of letter; <http://www.jammu-kashmir.com/documents/harisingh47.html> (accessed on 12<sup>th</sup> January, 2022 at 15:03 Hrs)

On October 26, 1947, the monarch of J&K signed the document of admission to the Indian domain. Following that, an Indian army detachment was sent to Kashmir to safeguard the region. The deed of contention was the first legal statement to administer Centre-state relations with a particular regard to J&K, but it had to be affirmed by the state's people.

### **III.II. SECTION 370- CONNECTIVITY BETWEEN THE CENTRE AND THE STATE**

Regardless of the fact that section 370 of the Indian constitution provides the state of Jammu and Kashmir unique status and allows it to adopt its own constitution, the enforcement of the Indian constitution has grown tremendously. Article 370 was established, empowering the state's constitutional standing in relation to the Union of India to be determined at any moment.<sup>7</sup>

The Indian constitution accords Jammu and Kashmir unique status under Article 370. The article is part of the constitution's PART-XXI, which deals with the state's interim, transitional, and exceptional provisions. 370. Provisions for the state of Jammu and Kashmir on a temporary basis

The Constitutional Court has declined to entertain the notion that Article 370 is only transitory. Article 370 has never ceased to be effective, according to a five-judge panel. As a result, Article 370 is a long-term provision. It cannot be modified if it is a permanent component of our Constitution, and hence may be considered part of the essential framework.

In the landmark judgment of *Keshavnanda Bharti*<sup>8</sup>, it was decided that Parliament can change any section of the Constitution under Article 368, but no constitutional amendment can destroy or alter the Constitution's core elements. Interestingly, those opposed to Article 370 make contradictory arguments. At the one hand, they contend that it was only a temporary measure that is no longer legal or necessary.

The state of Jammu and Kashmir is a part of the Indian union, with the first schedule, which is read in conjunction with Article 1 of the constitution. It specifies the region in the Indian State of Jammu and Kashmir that was in jeopardy prior to the adoption of this constitution.

It is pertinent to note Jenab Sheikh Sahib's thoughts on this subject as expressed in his address to the Constituent Assembly on August 11, 1952:

“Here I would like to point out that the fact that Article 370 has been mentioned as a temporary provision in the Constitution does not mean that it is capable of being abrogated, modified or replaced unilaterally.”

### **III.III. CENTRE-STATE RELATIONS WITH DURING ARTICLE 370**

The separation of powers between the centre and the states has shown the bias of the constitution's founding fathers in favour of the centre. The rationale behind the Indian constitution's framers is that a strong central government is natural and necessary, while the state of Jammu and Kashmir, on the other hand, enjoys particular political favour. In the, *State Of West Bengal vs Kesoram Industries Ltd. And Ors*<sup>9</sup>, the top court stated that the constitution is an organic living document. Its perspective and presentation as viewed and communicated by the interpreters of the must be dynamic and adaptable to changing times.<sup>10</sup>

<sup>7</sup>Section 3 of constitution of Jammu and Kashmir.

<sup>8</sup>Kesavananda Bharati v. State of Kerala ; (1973) 4 SCC 225.

<sup>9</sup>State Of West Bengal vs Kesoram Industries Ltd. And Ors ; (2004) 10 SCC 201.

<sup>10</sup>Supreme Court W.P v. K. Industries; AIR 2004 SC 1647.



### ➤ **Abrogation Of Article 370- Effects On Centre-State Relation**

Jammu and Kashmir has been restructured by the central government. The Jammu and Kashmir Reorganisation Bill, 2019, proposes splitting J&K into two Union Territories: Jammu and Kashmir with law and Ladakh without legislation. The Ministry of Home Affairs has issued a directive (Department of Jammu, Kashmir and Ladakh Affairs). It was also published in the Indian Gazette, along with a schedule listing all 37 central Acts.

The Jammu and Kashmir Reorganisation (Adaptation of Central Legislation) Order, 2020 may become the order that incorporates 37 central laws.

### ➤ **Key points of Jammu & Kashmir Reorganization Bill, 2019 (XI)**

The government's decision to split the state of Jammu and Kashmir into two union territories. The following are some of the Bill's provisions:

1. The Kargil and Leh districts of the present J&K would be included in the Union Territory of Ladakh. These districts will no longer be considered part of the current state of J&K.
2. The Union Territory of Jammu and Kashmir, which would include the territory of the present state of Jammu and Kashmir, will be known as J&K.
3. The Lieutenant Governor of Jammu and Kashmir and Ladakh will be the state's governor.
4. To fill the seats given to the UT of J&K, four incumbent members of the Council of States representing the existing state of J&K will be declared elected. The terms of the current members will not be changed.
5. J&K will receive five seats, while Ladakh will receive one. The Indian Election Commission may hold parliamentary elections in J&K and Ladakh based on seat allotment.
6. Article 239A, which applies to Pondicherry, will also apply to Jammu and Kashmir. This means that a Lieutenant Governor-designated administrator will be appointed for J&K.
7. A Legislative Assembly will be formed in J&K, which will be filled by direct elections. In J&K, there will be a total of 107 seats.
8. Twenty-four seats in the Legislative Assembly will remain vacant and will not be counted in the total membership of the Assembly until the area of the Union Territory of Jammu and Kashmir under Pakistani occupation ceases to be occupied and the people residing in that area elect their representatives.
9. The President will oversee Ladakh through a Lieutenant Governor.
10. The President has the authority to enact laws that promote peace, growth, and good administration in Ladakh.
11. Advisors designated by the central government will help the Lieutenant Governor.

Assembly seats in Jammu and Kashmir: According to the Reorganisation Bill, 2019, there will be 107 Legislative Assembly seats in Jammu and Kashmir. Because these seats are in Pakistan Held Kashmir (POK), which is unlawfully occupied by Pakistan, 24 of the 107 seats would stay empty.

Following the repeal of Article 370, some seats in the Union Territory of Jammu and Kashmir would be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population. In addition, if women are underrepresented, the Lieutenant Governor may designate two women to the board. The Legislative Assembly will have a five-year term instead of the previous six-year term.

### ➤ **Change in Power of Governor**

The President will manage the Union Territory of Jammu and Kashmir through an administrator he appoints. Like the New Delhi Union Territory, the administrator would be recognised as the Lieutenant Governor.

The President, on the other hand, will manage the Union Territory of Ladakh through a Lieutenant-Governor selected by him. The Legislative Assembly has the authority to enact legislation for any area of the Union Territory of Jammu and Kashmir.

These guidelines are applicable to:

a. Any item in the Constitution's State List, save Police and Public Order, and b. Any matter in the Concurrent List that applies to Union Territories.

In addition, like the other UTs in India, Parliament would have the right to create legislation for the Union Territory of Jammu and Kashmir.

## **IV. CONCLUSION & SUGGESTIONS**

It is concluded that The Constitution empowers the federal government to exert authority over state legislatures in the following ways:

1. The Governor has the authority to withhold certain types of laws authorised by the State legislature for consideration by the President. They are subject to the President's absolute veto.
2. Bills on such subjects enumerated in the State list can be introduced in the State legislature even with the President's prior consent as imposing restrictions on free international commerce.
3. During global crises, the President must instruct the territories to withhold bills of cash and other fiscal procedures agreed by the state legislature.

As a result, the structure of legislative powers distribution between the Union and the States clearly shows that the framers put more authority on the Parliament than against the States. The States do not have sole jurisdiction over the areas that the Constitution delegated to them, making them subordinate to the Centre to some extent. The centralization pattern runs contrary to fundamental ideals, but rather than adopting traditional federal constitutional provisions, the legal system is more preoccupied with national unity. All of the constitution's provisions are thus legitimate as they provide transparency and eradicate uncertainty between the authorities of the centre and the state. Unless this concept of legislative supremacy is abolished, there is a potential for conflict, agitation, confrontation, and uncertainty as a consequence of competing legislation between two similarly dominating pieces of government. These provisions ensure that the basic laws are coherent so there is an overall regulatory framework.

Abrogation of Article 370 can be done unilaterally, but the UN's involvement has turned it into an international issue, giving adversary states the opportunity to spread misinformation and cause social unrest throughout the world. The abrupt repeal of 370 prompted several petitions in the Hon'ble Supreme Court of India, challenging the constitutional validity of the government's step prevailing coronavirus pandemic conditions, and has infringed on the rights of a large number of people, including dilution of the safeguards previously available to permanent residents of Jammu and Kashmir. The only important significance of the federal

government's action is that the union's jurisdiction over the state of Jammu and Kashmir has grown in terms of legislative and administrative ties.

It may appear to be a sign of weakening of the federal system contained in our Constitution as the Centre was able to reduce a state to a UT without its approval when Jammu and Kashmir was under Presidents' Rule, hence the legislature did not get to voice its view at the time. It would be erroneous, however, to base the future of Indian federalism on just one such event.

Finally, in recent years, there have been significant changes in the relationship between the union and the state of J&K, but the magnitude of these changes has not been favourable in terms of the constitution.

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