



STATUS OF UNION TERRITORIES WITH REFERENCE TO JAMMU AND KASHMIR AND CONSTITUTIONAL GOVERNANCE

Dr. Manjula S. R

Associate Professor

P.G.Department of Law

Karnatak University-Dharwad

1. Introduction

The position of Union Territories before 1956 were characterised as Part- C States. The States Re-organisation Commission in its report submitted in 1955 had suggested that, the Part-C States be converted into centrally administered territories. The Seventh Constitutional Amendment Act has abolished the Part-C States and created new Union Territories. The Union Territories are administered directly by the Central Executive. The administrator is appointed by the Executive with such designation as he may specify. Governor of a State may also be appointed as the Administrator of a Union Territories adjoining to that State.¹ The Administrator may act under the orders of the President of India.

2. Status of Union Territories

The Parliament can make a law for Union Territories with respect to any matter even if it is one which is enumerated in the State List.² The Parliament under Residuary powers can also legislate for the Union Territories.³

2.1. High Court for UTs: Parliament may by law constitute a High Court for a UT or declare any court in any territory to be a High Court.⁴ The provisions of the Constitution as applicable to the High Court of other States would apply to High Court of UTs. Parliament may extend or exclude the jurisdiction of any High Court or from any UT. The Chandigarh falls under the jurisdiction of Punjab and Haryana High Court. Puducherry

¹ Article 239(1) of the Constitution.

² Article 246(4)

³ Entry 97 of List-I of Seventh Schedule to the Indian Constitution.

⁴ Article 241(1)

under the Madras High Court, Lakshadweep under Kerala High Court, Andaman under Calcutta High Court and Daman & Diu under Bombay High Court.

2.2. Puducherry⁵

The Puducherry lies in the Southern part of the Indian Peninsula. The areas of Puducherry and Karaikal are bound by the State of Tamil Nadu. It is the 29th most populous and the third most densely populated Union Territory in India.

2.2.1. The Union Territories Act, 1963

The Act has been enacted in pursuance of Article 239A. The object is to provide for Legislative Assembly and Council of Ministers for certain Union Territories. It made applicable only to Pudhcherry, some form of democracy and Parliamentary form of Government has been introduced by the Act. Puducherry has an Assembly which can make laws with respect to matters enumerated in the State and Concurrent lists. The Law made there under shall prevail if it received the assent of the President. The position of the Administrator is similar to that of the Governor of a State. There is a Council of Ministers with Chief Minister to advice the Administrator. They must comply with the directions issued by the President from time to time. In case of difference of opinion between Chief Minister and Administrator the matter to be referred to President. In case of emergency the President can suspend the operation of any law.

The Parliament is empowered to create by law for Puducherry a legislature elected or partly elected and partly nominated and a Council of Ministers. The Administrator of Puducherry is entrusted with following powers:-

- a) Can promulgate an ordinance, if the Legislature is not in Session and if he is satisfied that the circumstances exist which render it necessary for him to take immediate action.
- b) The ordinance making power of the Administrator is similar to that of a State Governor except, (i) Administrator cannot promulgate an ordinance without first seeking instructions from the President. (ii) he cannot promulgate any ordinance when the Legislature is suspended or dissolved.
- c) The ordinance is to be laid before the Legislature of Union Territories. It ceases to have effect after 6 weeks of the reassembly of the Legislature or earlier if the Legislature disapproves the same.
- d) The ordinance so promulgated shall have the same effect as an Act of the Legislature.

⁵ Puducherry formerly known as Pondicherry literally 'New Town in Tamil'. It was also known as *Panticceri*, its official name changed to Puducherry on 20th September, 2006.

2.3. Gujarat and Maharashtra –Article 371(2)⁶

The President is authorised to provide special responsibility to the Governor for;-

- a) To Constitute a separate boards for Vidarbha , Maharathawada and Saurashtra, Kutch and rest of Gujarat. The reports of the board will be placed each year before the State Legislative Assembly.
- b) The equitable allocation of funds for developmental expenditure
- c) An equitable arrangement providing adequate facilities for technical education and vocational training
- d) Adequate opportunities for employment in service.
- e) Article-371(2) enables the Parliament to lay special responsibility on the Governors of Maharashtra and Gujarat for the development of certain areas.

2.4. Nagaland- Article 371A

Due to the prevalence of disturbed law and order condition and strong feelings regarding their customs etc and the Naga people, Naga Hills and Tuensang Area the special status has been granted to the state of Nagaland. No Act of Parliament would apply to Nagaland in any matter unless the State Legislative Assembly so decides by a resolution;⁷

- a) Religious or special practices of the Nagas
- b) Naga customary law and procedure
- c) Administration of civil and criminal justices involving decisions according to Naga customary law.
- d) Ownership and transfer of land and its resources etc.

The Governor's special responsibility shall cease when the President makes an order to the effect, on being satisfied that it is no longer necessary for the Governor to have special responsibility for the law and order in the State.⁸ Money granted by Central Government for any specific service or purpose is included in the demand for a grant relating to that service or purpose and not in any other demand, moved in the State Legislature.⁹ A Regional Council for the Tuensang district of the State. The Governor makes rules for the composition of the Council, the manner of choosing its members and terms of office salaries etc also to be determined by the Governor.

The Governor may specify on the recommendation of the Regional Council regarding;-

- a) Administration of the Tuensang district
- b) Equitable distribution of money
- c) Governor may bring modifications
- d) Governor may make regulations

⁶ It enables the Parliament to lay special responsibility on the Governor of Maharashtra and Gujarat for the development of certain areas.

⁷ Article 371A(1) of the Indian Constitution.

⁸ Article 371A(2).

⁹ Article 371A (2) (c)

- e) A Minister for Tuensang affairs in the Council of Ministers appointed by Governor to deal with all matters relating to the district. And to have direct access to the Governor to keep the Chief Minister to be informed about same. The final decision shall be made by the Governor in his discretion. The members in the Nagaland Legislative Assembly from Tuensang are not elected directly by the people but by the Regional Council.

2.5. State of Assam- Article 371B

It provides for Constitution of a Committee of the Members of the Assam Legislative Assembly elected from the Tribal Areas under 6th Schedule of the Constitution.

2.6. Manipur- Article 371-C

The President of India may provide for the creation of a Committee of the Manipur Legislative Assembly consisting of the members elected from the Hill areas of the State. Governor shall place an annual report to the President regarding the administration of Hill areas.

2.7. Andhra Pradesh and Telangana- Article-371D¹⁰

President may by order provide for;-

- a) Equitable opportunities and facilities for the people in matters of public employment and education.
- b) To promote speedy development of the backward areas to provide equitable opportunities to different areas.
- c) Establishment of Administrative Tribunal in the State.
- d) Establishment of Central University in the State of Andhra Pradesh¹¹

- 2.7.1. **Part- XI Access to Higher Education:** In order to ensure equal opportunities for quality higher education to all students in the successor States, the existing admission quotas in all government or private, aided or unaided, institutions of higher, technical and medical education in so far as it is provided under article 371D of the Constitution, shall continue as such for a period of ten years during which the existing common admission process shall continue.

¹⁰ As amended by the Andhra Pradesh Re- Organisation Act, 2014 popularly known as the Telangana Act is an Act of Indian Parliament that bifurcated the State of Andhra Pradesh into Telangana and the residuary Andhra Pradesh State. The Act has defined the boundaries of the two States, to determine how the assets and liabilities are to be divided and laid out the status of Hyderabad as the permanent capital of new Telangana State and temporary capital of the Andhra Pradesh State.

¹¹ Article 371 E of the Constitution.

2.7.2. Part-XII Legal and Miscellaneous Provisions

- a) In the marginal heading for the words 'the State of Andhra Pradesh' the words 'the State of Andhra Pradesh or the State of Telangana' shall be substituted
- b) The President may by order made with respect to the State of Andhra Pradesh or the State of Telangana, provide having regard to the requirement of each State, for equitable opportunities and facilities for the people belonging to different parts of such state, in the matters of public employment and in the matters of education, and different provisions may be made for various parts of the States.
- c) Part- XI, Clause 95 provides for 371D to be in force for a period of 10 years and admission to all technical institution, higher educational institutions. So, Andhra Pradesh students can join Telangana institutions vice versa as per the existing quota before the bifurcation.
- d) Part- XII, Clause 97 provides for optional provision to people of both States governments to recruitments to public employment in the same manner as in education.¹²

2.8. Union Territory of Delhi

A Union Territory of Delhi is ruled by the Central Government directly. The Parliament of India can pass a law to amend the Constitution and provide a Legislature with elected members and a Chief Minister for a Union Territory. The President of India appoints an administrator or lieutenant-Governor for each Union Territory. Delhi is a metropolitan region which includes New Delhi and is technically a Union Territory but, the administration resembles that of a State. The special status to Delhi has granted by way of Amendment.¹³ The amendment declared the Union Territory of Delhi to be formally known as National Capital Territory of Delhi.

The features of the 69th Amendment Act,1991 are as follows;

- a) **Article 239AA**- Special provisions with respect to Delhi- from the date of amendment the Union Territory of Delhi shall be called as the National Capital Territory of Delhi and the Administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.
- b) There shall be a **Legislative Assembly** for the National Capital Territory and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory. The total number of seats reserved for Scheduled Castes, the division of the NCT into territorial constituencies and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.
- c) The Legislative Assembly shall have power to make laws for the whole or any part of the NCT with respect to any of the matters enumerated in the State List or in the Concurrent List matters.¹⁴

¹² President of India is empower to notify the same.

¹³ 69th Constitutional amendment Act,1991.(21st December).

¹⁴ Entries1,2 and 18 of the List-II and Entries 64,65, and 66 of the List.

Entry 1- public order(but not including the use of any naval, military or Air force or any other armed force of the Union or of any other force subject to the control of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).

Entry 2- Police (including railway and village police) subject to the provisions of entry 2A of List I)

- d) If any provision law of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly or of an earlier law other than a law made by the Legislative Assembly then in either case the law made by Parliament or as the case may be such earlier law shall prevail and the law made by the Legislative Assembly shall to the extent of the repugnancy be void. Provided that if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the NCT.
- e) There shall be a **Council of Ministers** consisting of not more than 10% of the total number of members in the Legislative Assembly with the Chief Minister at the head to aid and advice the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws except in so far as he is by or under any law required to act in his discretion.
- f) The Council of Ministers shall be collectively responsible to the Legislative Assembly.
- g) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.
- h) The provisions of Article **239AB**¹⁵ shall so far as may be, apply in relation to the NCT.
- i) Delhi Development Authority has sole power to acquire or dispose off land. It is under the Union urban affairs ministry.
- j) After 74th Constitutional amendment of 1992, the Municipal Corporation of Delhi was recognised with a 272 member body. In 2012 it was trifurcated into North, South and East Corporations.

2.9. Daman and Diu

It was a Union Territory of India from 19th December, 1961 to 30th May, 1987. This was comprised the present day state of Goa and the two small coastal enclaves of Daman and Diu on the coast of Gujarat. The territory along with Dadra and Nagar Haveli comprised Portuguese India. The territory was incorporated after the Annexation of Portuguese India from Portuguese rule in 1961. Administratively the territory was divided into three districts, Goa, Daman and Diu with the capital at Panjim. In 1987 Goa was granted statehood and Daman and Diu was made a

Entry 18-land, that is to say right in or over land, land tenures including the relation of landlord and tenant, and the collection of rents, transfer and alienation of agricultural land, land improvement and agricultural loans, colonization.

Entry 64- offences against laws with respect to any of the matters in this list

Entry 65—jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this list

Entry 66- fees in respect of any of the matters in this list, but not including fees taken in any court.

¹⁵ *Article 239AB* provision in case of failure of Constitutional machinery: if the President on receipt of a report from the lieutenant Governor or otherwise is satisfied-(a) that a situation has arisen in which the administration of the NCT cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article or (b) that for the proper administration of the NCT it is necessary or expedient so to do, the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period and subject to such conditions as may be specified in such law and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the NCT in accordance with the provisions of article 239 and article 239AA.

separate Union Territory. The administration of Daman and Diu is carried out by an Administrator appointed by the President of India as an agent of the President.

2.10. Lakshadweep¹⁶

It was formerly known as the *Laccadive, Minicoy and Aminidivi* Islands, it forms the Smallest Union Territory of India.¹⁷ Kavaratti serves as the capital of the Union Territory and the region comes under the jurisdiction of Kerala High Court. On 1st November 1956 the Lakshadweep islands were separated from Madras organised into a separate Union Territory for administrative purposes.¹⁸ It forms a single Indian district and is governed by an administrator appointed by the President of India under Article 239 of the Constitution. The collector cum Development Commissioner who is also the District Magistrate oversees matters coming under District administration such as revenue, land settlement, law and order.

The District Magistrate is assisted by an Additional District Magistrate and Ten Executive Magistrates with respect to enforcement of law and order. Administrator in his capacity as Inspector General of Lakshadweep Police has command and control of the Lakshadweep police. The territory comes under the jurisdiction of the Kerala High Court at Kochi along with a system of lower courts. The territory elects one member to the Lok Sabha.

2.11. Andaman and Nicobar Islands

It is one of the Seven Union Territories of India is a group of Islands at the juncture of the Bay of Bengal and Andaman Sea.¹⁹ The territory's capital is the Andamanese town of Port Blair, the capital of Nicobar Islands is Car Nicobar. The Islands host the Andaman and Nicobar Command, the only tri-service geographical command of the Indian Armed Forces. It was a home to the only known Paleolithic people, the Sentinelese people, who have no contact with any other people. In 1874, the British had placed the Andaman and Nicobar Islands in one administrative territory headed by a Chief Commissioner as its judicial administrator. On 1st August 1974, the Nicobar Islands were hived off into another revenue district with headquarters at Car Nicobar under a Deputy Commissioner.

In 1982, the post of Lieutenant Governor was created who replaced the Chief Commissioner as the head of administration. Subsequently a 'Pradesh Council' with Counsellors as representatives of the people was constituted to advise the Lieutenant Governor.

2.12. Chandigarh

The term Chandigarh in local language means to listen is a city which serves as capital of the Indian States of Punjab and Haryana. It was one of the early planned cities in the post- independence India and is internationally known for its architecture and urban design. The city was master planned and designed by the Swiss-French architect Le Corbusier, Nowicki and the American planner Albert Mayer.

¹⁶ It comes from 'Lakshadweepa' which means one hundred thousand islands in Sanskrit.

¹⁷ Total surface area is just 32 km(12 sq mile), the lagoon area covers about 4,200 km(1,600 sq mile) the territorial waters area 20,000 km(7,700 sq mile) and the exclusive economic divisions.

¹⁸ Lakshadweep name was adopted on 1st November, 1973.

¹⁹ The territory is 150km(93 miles) north of Aceh in Indonesia and separated from Thailand and Myanmar (Burma) by the Andaman Sea. the total land area is approximately 8,249km(3,185 sq miles).

As UNESCO declared Chandigarh's capital complex in July, 2016 as World Heritage at the 40th session of World Heritage Conference held in Istanbul.²⁰ The city tops the list of Indian States and Union Territories by per capita income followed by Haryana and Delhi respectively in the country. In 2016, Chandigarh was declared as the second cleanest city of India under Swachh Bharat Survekshan.

It was a dream city of first Prime Minister Jawahar Lal Nehru. On 1st November, 1966 the newly formed State of Haryana was carved out of the eastern portion of East Punjab, in order to create a new State for the majority Haryanvi speaking people in that portion, while the western portion of east Punjab has retained a mostly Punjabi speaking majority and was renamed as Punjab. Chandigarh was located on the border of both States and the States moved to incorporate the city into their respective territories. Hence, the city of Chandigarh was declared as a Union territory to serve as capital of both States.

2.13. Hyderabad Karnataka- Article 371J

The Governor of Karnataka State had notified on 5th November, 2013 by giving special status to Hyderabad Karnataka region a special status.²¹ It provides for setting up of Hyderabad-Karnataka Region Development Board, 2013 and also notified the Karnataka Educational Institutions (admission in the region). It provides for 70% reservation to students from the region²² and 8% for them in institutions in other regions across the State.²³ The Governor of Karnataka has notified the Karnataka Public Employment order to create a local cadre and reservation.

2.14. Jammu and Kashmir

The Indian Independence Act, 1947 gave an option to the Indian States the freedom to accede to the Dominion of India or to Dominion of Pakistan or to declare itself independent. Maharaja of Jammu & Kashmir had opted for independence by declaration. After the declaration of Maharaja Harisingh, Pakistan had attacked Jammu & Kashmir. To protect the State against Pakistan aggression, Maharaja of Jammu & Kashmir had sought help from India and also offered to the Governor General of India to accede to the Dominion of India.

On 26th October, 1947, the Governor General of India had accepted the offer with certain stipulations and Maharaja of Jammu & Kashmir had signed an instrument of Accession to accede to the Indian Dominion. On 17th November, 1956 the people of the state had confirmed their accession to India through their Constituent Assembly. Then the State of Jammu & Kashmir was thus declared to be an integral part of Union of India.²⁴

²⁰ UNESCO inscription was that, 'the architectural work of Le Corbusier was an outstanding contribution to the modern movement.

²¹ The region includes, seven districts of the State part of the erst while Hyderabad State under the Nizama till 1948 includes Bellary, Bidar, Gulbarga, Koppal, Raichur and Yadgir.

²² Under the Karnataka Private unaided Educational Institutions (Regulations of admission in the region), 2013

²³ the Karnataka Public Employment (Reservation in Appointment for Hyderabad-Karnataka Region) Order 2013

²⁴ On 17th November, 1956 Jammu & Kashmir Constitution was adopted.

On 5th August, 2019, the Government of India has revoked the special status of Jammu and Kashmir by limited autonomy granted under article-370²⁵ of the Indian Constitution.²⁶

2.14.1. Supreme Court of India on revocation of Article-370

On April, 2018 the Supreme Court of India has ruled that, Article 370 had attained the permanency since from the continuation of the State Constituent Assembly in the State of Jammu & Kashmir. Therefore the Presidential order on 5th August, 2019 has superseded the Constitution (Application to Jammu & Kashmir) Order, 1954.

3. Impact of revocation of Article-370

- 1) The separate Constitution to Jammu & Kashmir has stood abrogated. The Constitution of India is now made applicable to all the Indian States.
- 2) It authorised the President of India to declare Article-370 as inoperative with exceptions and modifications
- 3) The President in view of powers conferred under Article-370(1) to modify the Indian Constitution on subjects related to Jammu & Kashmir
 - a) President added a new clause to Article 367 which deals with interpretation of the Constitution
 - b) The President has replaced the Constituent Assembly of the State with 'Legislative Assembly of the State'.

²⁵ 370. Temporary provisions with respect to the State of Jammu and Kashmir

(1) Notwithstanding anything in this Constitution,

(a) the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify
Explanation For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharajas Proclamation dated the fifth day of March, 1948 ;

(c) the provisions of Article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub clause (b) shall be issued except in consultation with the Government of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub clause (b) of clause (1) or in the second proviso to sub clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification

²⁶ The President of India issued an order under the power of Article 370, overriding the prevailing 1954 Presidential Order and nullifying all the provisions of autonomy granted to the state. The Home Minister introduced a Reorganisation Bill in the Indian Parliament, seeking to divide the state into two union territories to be governed by a lieutenant governor and a unicameral legislature. The resolution seeking the revocation of the special status under Article 370 and the bill for the state's reorganisation was debated and passed by the Rajya Sabha – India's upper house of parliament – on 5 August 2019. On 6 August, the Lok Sabha – India's lower house of parliament – debated and passed the reorganisation bill along with the resolution recommending the revocation

- c) Since the Governor is appointed by the President, the Parliament will functions in matters relating to State Legislative Assembly
- d) The two Union Territories came into existence on 31st October, 2019
- e) On 4th August, 2019 the satellite phones were distributed in Central, North and South Kashmir among the security forces.
- f) From July, 2020, the Indian Federal government has allowed Indian Security force to buy land in certain areas of the Indian administered Kashmir.

4). Article 35 A of the Indian Constitution which empowered the Jammu & Kashmir State Legislature to define, 'Permanent Residents', of the State and to provide special rights and privileges to them. Now any citizen of India can purchase and hold land in Jammu & Kashmir.

4. Argument against revocation of Article-370

- 4.1. The Chief Minister of Jammu & Kashmir Mehbooba Mufti has called it as '*blackest day of Indian Democracy*'.²⁷
- 4.2. Former Chief Minister Omar Abdullah called the Central Government move on abrogation of Article 370 as '*Unilateral and Shocking*'. As he opined that, the action of the government is a total betrayal of the trust that, the people of Jammu & Kashmir had reposed in India since the State has acceded to it in 1947.
- 4.3. As opined by Asgar Ali Karbalai, the former Chief Executive Councillor of Kargil Hill Development Council, the people of Kargil have considered any division of the state on the basis of religion, language or region as '*undemocratic*'.²⁸
- 4.4. Another politician Shah Faesal²⁹ has said that, the move of the government as being sees as the biggest betrayal by the Indian Government in last 70 years.³⁰
- 4.5. As Amartya Sen, a Nobel prize winner had criticised the government and said that, he was '*not proud as an Indian*' He regarded the detention of Kashmiri political leaders as a classical colonial excuse to prevent backlash against the Indian government's decision on revocation of special status to Jammu & Kashmir and called for a democratic solution that would involve Kashmiri people.
- 4.6. As criticised by an Indian novelist Arundhati Roy in her opinion piece in the New York Times. And Wajahat Habibullah said that, the central government decision was a 'regressive and unwise' step
- 4.7. Some Congress leaders such as Chief Minister of Rajasthan Ashok Gelhot have condemned the government arrest of Kashmiri leaders Mehbooba Mufti and Omar Abdullah.³¹

²⁷ In a tweet on 4th August, 2019 she said that, the decision of Jammu & Kashmir leadership to reject two- nation theory in 1947.

²⁸ **Imam Khomeria Trust** had condemned the Central Government for acting without the consent from the people and called for a general strike in the Kargil district.

²⁹ He was detained by Indian Security Forces on 14th August, 2019, leading to a statement by over 100 people associated with Harvard University condemning the detention and calling for the release of Faesal and other Kashmiri leaders.

³⁰ In an interview with '*The Guardian*' he described that the revocation of article 370 was an insult to the dignity of the people.

³¹ On 24th August, a delegation of opposition leaders had attempted to visit Jammu & Kashmir to take stalk of the situation. The delegation was a 12 member team composed of Rahul Gandhi, Ghulam Nabi Azad, K.C.Venugopal, Anand Sharma, D. Raja, Sitaram Yechury, Dinesh Trivedi, Tiruchi Siva, Manoj Jha, Sharad Yadav, Majeed Memon and D.Kupendra Reddy. More than 4,000 Kashmiri protesters were reported to be arrested by 18 August, including several Kashmiri leaders to prevent any protest or outbreak of violence

5. Support to revocation of Article 370

Some of the parties like BSP(Bahujan Samajavadi Party) and Aam Admi Party has supported the Central Government move in revocation of Article 370.³²V.Vijayasai Reddy, YSR Congress party Parliament leader, had supported the scrapping of Article 370 and called the government step as a '*courageous and daring step*'. Kanakamedala Ravindra Kumar, a Member of Parliament from Telugu Desam Party said that, 'I must congratulate the government, the people of Jammu & Kashmir must be relieved from all types of tensions and live happily and become a part of the country and welcomed the Central Government move in this regard.'³³

A prominent Muslim organisation, Jamiat Ulma e-Hind had also supported the Central Government decision in abrogation of Article-370 by stating that, the integration with India is in the interest of Kashmiri people.

6. International response to revocation of Article 370

The response from International level on revocation of Article 370 is both positive as well as negative. Some countries made positive assertion and others had criticized the efforts of India.

6.1. Pakistan

As a neighbouring country, Pakistan has responded in numerous ways. Pakistan Army Chief said that, the Pakistan Army would go to any extent to support the people of Kashmir.³⁴As decided in the meeting of the National Security Committee to downgrade Pakistan diplomatic relations with India. The train services and trade relations with India also were suspended. All cultural exchanges with India including banning and screening of Indian films and dramas inside the Pakistan were also suspended.

On 11th August,2019 the Prime Minister of Pakistan Imran Khan had compared the Indian government as to 'NAZIS' by warning that global inaction over Kashmir would be same as 'appeasing hitler'. He also accused India that, an attempt to change the demography of the Muslim majority Kashmir through ethnic cleansing. On 13th August,2019, the Pakistan Foreign Minister Shah Mehamood Qureshi had issued a statement that, he had written a letter to the President of the U N Security Council with a request to convene an emergency meeting of the Council to discuss India's illegal actions that violates the U N resolutions on Kashmir.³⁵

On 20th August,2019 Pakistan had expressed its intention to take the dispute to the International Court of Justice on the grounds of human rights violations by India.

³² The Bahujan Samaj Party and its leader Mayawati, as well as Aam Aadmi Party leader (and Chief Minister of Delhi) Arvind Kejriwal supported the revocation of Article 370. Explaining her decision to support the revocation, Mayawati stated that Article 370 and 35A had caused social, economic and political injustice in Jammu and Kashmir, and the people – including the Buddhists – will now get the long-pending benefits that was denied to them. She stated, "the Buddhist followers of Ambedkar were feeling happy."

³³ The Odisha-based Biju Janata Dal and Tamil Nadu-based All India Anna Dravida Munnetra Kazhagam party also supported the revocation of Jammu and Kashmir special status.

³⁴ On 7th August,2019 an emergency joint Parliamentary sitting passed a resolution to condemn India's move on revocation of Article 370.

³⁵ United Nations Security Council Resolution 39, adopted on January 20, 1948, offered to assist in the peaceful resolution of the Kashmir Conflict by setting up a commission of three members; one to be chosen by India, one to be chosen by Pakistan and the third to be chosen by the other two members of the commission.

6.2. China's Response to revocation of Article 370

As a neighbour country, China made a supportive statement on revocation of Article 370. A Foreign Ministry spokeswoman, Hua Chunying, had opposed the integration of the Ladakh Union Territory into India's administrative jurisdiction by saying that, it has undermined China's territorial sovereignty and India's action is unacceptable and would not have any legal effect⁵ regarding disputed territory on the China- India border. She further affirmed that, the Kashmir issue is an left from the past between India and Pakistan.

On 9th August, 2019 Chinese Foreign Minister Wang Yi after meeting with Pakistan Foreign Minister, Shah Mehmood Qureshi had said that, China as seriously concerned about the turbulence escalating tensions in Kashmir and that, China will continue to firmly support to Pakistan side in safeguarding its legitimate rights.³⁶

6.3. Other Countries

Other countries like Afghanistan had positively remarked on India's action in revocation of Article 370. Australia said it is the internal matter of India and we respect the Indian position. Bhutan has fully supported India in the re organisation of Jammu & Kashmir administration. France opined that, this issue to be bi-laterally settled between India and Pakistan. Germany rightly said that, all further steps of the government must comply with India's Constitution.

7. Conclusion

Thus it can be concluded that, the efforts made by the Indian Government in revocation of Article 370 is in need of Unity and Integrity of India. One India and One Nation theory should be adopted in all respect to ensure the Constitutional ambition of India that is Bharat a Union of Territories.

³⁶ On 12th June, 2020, a report said that Chinese think-tank has linked the tensions along the Line of Actual Control (LAC) between India and China with Article 370.