Special status of J&K

What is the issue?

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Few right wing groups raised concerns that, special statusaccorded to J&K has prevented its “full integration” into the Indian Union.

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How J&K is provided with special status?

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- Part XXI, Article 370 of Indian constitution grants special autonomous status to the state of Jammu and Kashmir.
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- This provides Temporary, Transitional and Special Provisions to J&K.
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- The State's Constituent Assembly was empowered to recommend the articles of the Indian constitution to be applied to the state or to repeal the Article 370 altogether.
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- Special status is guaranteed by the Constitution of India through an Act passed by the two-third majority in both houses of the Parliament.
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How Art.370 differs from Art.371?

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- Jammu & Kashmir is not the only state for which special provisions have been laid down in the Indian Constitution.
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- A wide range of safeguards are available to as many as 11 other states, listed in Articles 371, 371A to 371H, and 371J.
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- Initially three states Assam, Nagaland and Jammu & Kashmir were granted special status.

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- But since then eight more have been included -Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and Uttarakhand.
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- Art 371I deals with Goa, but does not include any provision that can be termed ‘special’.
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- One important difference between Articles 370 and 371, and Articles 371A-H and 371J, is that while the latter set of provisions were incorporated into the Constitution by Parliament through amendments under Art 368.
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How J&K provisions are different from other states?

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- The special provisions laid down in Art 371, 371A-H, and 371J are not as far reaching as Art 370.
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- The “special privileges” available to J&K, the only Muslim-majority state in the country.
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- There is a ban on non-residents from acquiring property in the state and voting in the legislative Assembly elections.
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- Both of which are under challenge in the Supreme Court in a case against the constitutional validity of Article 35A.
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- Art 35A, which empowered the J&K Constitution to define “permanent residents” of the state, is an offshoot of Art 370 of the Indian Constitution.
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- It was added to the Constitution through The Constitution (Application to Jammu and Kashmir) Order, 1954, issued by the President under Art 370.
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Source: Indian Express

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