

# Supreme Court Upholds Abrogation of Article 370

## Why In News

- The **Supreme Court upheld** the Centre's decision to **abrogate Article 370**, which granted special status to the erstwhile state of Jammu and Kashmir.
- The Supreme Court also **directed the Election Commission** of India to hold Jammu and Kashmir assembly elections by September 30, 2024.



- A **Constitution Bench of Chief Justice of India (CJI) DY Chandrachud** and Justices Sanjay Kishan Kaul, Sanjiv Khanna, BR Gavai and Surya Kant will deliver its verdict in a batch of petitions challenging the **Central government's 2019** move to revoke Article 370 which conferred special status on the erstwhile State of Jammu and Kashmir.



## Petition

- **Over 20 petitions were filed** before the Supreme Court challenging the Central government's 2019 decision to abrogate Article 370 of the Constitution, which resulted in the **revocation of Jammu and Kashmir's special status**.
- The erstwhile State was subsequently bifurcated into two Union Territories.
- The petitioners, represented by a battery of senior lawyers including Kapil Sibal, Gopal Subramaniam, Rajeev Dhavan, Dushyant Dave and Gopal Sankaranarayanan, submitted that the **Union of India used brute majority** in Parliament to issue a series of executive orders through the President to divide a full-fledged State into the Union Territories of Jammu and Kashmir and Ladakh.
- The petitioners termed it an **attack on federalism** and a fraud on the Constitution.



## SC Verdict

- CJI DY Chandrachud said that **Jammu and Kashmir held no internal sovereignty** after accession to India.
- He said there was **no prima facie** case that the President's 2019 orders were **mala fide (in bad faith) or extraneous exercise of power**.
- While the court said the **reorganisation of the erstwhile state** into Union Territories in 2019 was a **temporary move**, it directed the Centre for the **restoration of statehood** and for Legislative Assembly elections to be held.
- CJI Chandrachud reading out the judgment said every **decision taken by the Centre** on behalf of a state under proclamation **can't be subject to a legal challenge** and it will lead to the administration of the state to a standstill.



- Justice Kaul recommended in his concurring opinion that a **Truth and Reconciliation Commission** should be set up in J&K, for an acknowledgement of the acts of alleged rights violations in the region.



- The court also mentioned that the argument of petitioners that the Union **government cannot take actions of irreversible consequences** in the state during Presidential rule is not acceptable.
- The Supreme Court on Monday refused to rule on the validity of **President's Rule in Jammu and Kashmir** - imposed in December 2018 - since it was not specifically challenged by petitioners as part of an overall contesting of the scrapping of special status, under Article 370, to the former state.

## SUMMARY

**Article 370 Verdict Live Updates: The Supreme Court on Monday, December 11, upheld that the abrogation of Article 370 in Jammu and Kashmir and the carving out of Ladakh as constitutionally valid. The top court has directed the Election Commission to ensure elections are held to the J&K assembly by September 30, 2024. The court has also recommended the government to form a truth and reconciliation commission to record the human rights abuses in Jammu and Kashmir by both state and non-state actors.**

## Conclusion

- The **Supreme Court ruling** can be seen as a **big boost for Prime Minister Narendra Modi** and the Bharatiya Janata Party ahead of the 2024 Lok Sabha elections. Jammu and Kashmir lost its special status in August 2019 under Article 370 of the Constitution, months after the BJP won elections by a landslide and the prime minister made good on a key election pledge.



**Narendra Modi** ✓  
@narendramodi



Today's Supreme Court verdict on the abrogation of Article 370 is historic and constitutionally upholds the decision taken by the Parliament of India on 5th August 2019; it is a resounding declaration of hope, progress and unity for our sisters and brothers in Jammu, Kashmir and Ladakh. The Court, in its profound wisdom, has fortified the very essence of unity that we, as Indians, hold dear and cherish above all else.

I want to assure the resilient people of Jammu, Kashmir and Ladakh that our commitment to fulfilling your dreams remains unwavering. We are determined to ensure that the fruits of progress not only reach you but also extend their benefits to the most vulnerable and marginalised sections of our society who suffered due to Article 370.

The verdict today is not just a legal judgment; it is a beacon of hope, a promise of a brighter future and a testament to our collective resolve to build a stronger, more united India. [#NayaJammuKashmir](#)

12:34 PM · Dec 11, 2023 · 1M Views