

**Bill No. 69 of 2019**

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI P.P. CHAUDHARY, M.P.

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BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2019. Short title and commencement.
- (2) It shall come into force on such date, as the Central Government may, by notification  
5 in the Official Gazette, appoint.
2. In article 370 of the Constitution, in clause (1), sub-clause (a) shall be  
omitted. Amendment of article 370.

## STATEMENT OF OBJECTS AND REASONS

Article 370 of the Constitution provides for temporary provisions with respect to the State of Jammu and Kashmir. This article was drafted in Part XXI of the Constitution, which is in nature of temporary, transitional and special provisions in relation to the State of Jammu and Kashmir.

Article 370 (1)(a) refers to article 238 of the Constitution of India which has been repealed. This was to enable special autonomous status to the State of Jammu and Kashmir by removing the application of article 238 in respect of the State of Jammu and Kashmir.

However, article 238 of the Constitution was repealed in 1956 after the “Part B” States were removed and included as ordinary States after the Seventh Constitutional Amendment in 1956. Part B States were former Princely States or covenanting States governed by “Raj Pramukhs”. These were including States of Hyderabad, Madhya Bharat, Cochin, Vindhya Pradesh and Jammu and Kashmir. Jammu and Kashmir although a Part B State then was given a special status under article 370 of the Constitution.

In light of omission of article 238 by the Seventh Constitutional Amendment in 1956 the continued mention of the same in article 370 is an anomaly and hence needs to be suitably amended in order to ensure conformity with the entirety of the Constitution.

Hence this Bill.

NEW DELHI;  
*June 6, 2019.*

P.P. CHAUDHARY

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

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

**370.** (1) Notwithstanding anything in this Constitution,—

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

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further to amend the Constitution of India.

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*(Shri P.P. Chaudhary, M.P.)*