

News

Pahalgam cannot be disregarded: The Supreme Court is urging the reinstatement of Jammu and Kashmir as a state.



This came after the application was rejected by Solicitor General Tushar Mehta, who was representing the Central government.

On Thursday, the Supreme Court ruled against the appeal for Jammu and Kashmir (J&K) to regain its statehood [**Zahoor Ahmad Bhat and Anr. vs. Union of India**].

A bench consisting of Justice K Vinod Chandran and Chief Justice of India (CJI) BR Gavai noted the latest terrorist incident in Pahalgam and said that the situation in J&K cannot be ignored.

Senior Advocate Gopal Sankaranarayanan, who was representing the petitioners, was warned by the court, "**You can't ignore what happened in Pahalgam.**"

This came after the application was rejected by Solicitor General Tushar Mehta, who was representing the Central government.

"After elections, we guaranteed statehood. This region of our nation is in a unique situation. I have no idea why this issue is so inflamed right now. It is not appropriate for this state to muddy the waters. I'll still look for directions. The SG stated that eight weeks might be granted.

Sankaranarayanan noted that the Court had relied on the Central government's assurance that J&K will be awarded statehood in its 2023 ruling upholding the repeal of Article 370. As a result, that bench had decided against making a decision on statehood.

"The administration was trusted to give statehood by the ruling. Following elections, statehood was to be restored (in J&K). 21 months have passed since that ruling," **Sankaranarayanan** stated.

In order to allow the SG to request directions, the Court ultimately postponed the case for eight weeks today.

College professor Zahoor Ahmed Bhat and activist Khurshid Ahmad Malik petitioned the Court, arguing that the rights of residents were being negatively impacted by the ongoing refusal to restore J&K's statehood.

After Article 370 of the Constitution was repealed, Jammu and Kashmir was divided into the Union Territories of Jammu and Kashmir and Ladakh.

The petitioners contend that the federalism principle, which is a fundamental component of the Constitution, would be compromised if Assembly elections were held in Jammu and Kashmir prior to the restoration of statehood. The application was submitted during last year's regional Assembly elections.

The Union Territory is now governed by a National Conference government, which is backed by the Congress and several independent lawmakers.

The top court rejected review petitions against its December 2023 ruling to sustain the repeal of Article 370 in May 2024.

In 2023, the Constitution Bench declined to rule on the legality of a 2019 bill that allowed Jammu & Kashmir to be divided into two Union Territories (UT) after Article 370 was repealed.

Tushar Mehta, the Solicitor General (SG) of India, was then recorded by the Court saying that J&K's status as a UT is just transitory and that the area will regain its statehood.

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