

## News

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**The Supreme Court requests that the Center reply to the demand for a deadline for restoring Jammu & Kashmir's statehood.**



SG Tushar Mehta informed the court today that the elected J&K government is in communication with the central government and that broader considerations must be made before a decision is made.

A petition asking for a deadline for the restoration of statehood to Jammu and Kashmir, which was split into two Union Territories in 2019 [Zahoor Ahmad Bhat And Anr. vs. Union Of India], was sent to the Central government by the Supreme Court on Friday.

The Central government was given six weeks to submit its response by a bench consisting of Justice K Vinod Chandran and Chief Justice of India (CJI) BR Gavai.

**"According to SG, an elected government was established following calm elections to the Jammu and Kashmir Assembly. Jammu and Kashmir has reportedly made significant strides, but before a final decision is made about the restoration of statehood, all relevant factors must be taken into account, including the Pahalgam attack. According to the statement, the State and the Center are consulting. Learned SG requests additional time to react. The Court's order stated, "We give six weeks to reply to the petitioners' submissions."**

In response to a number of petitions calling for Jammu and Kashmir to regain its statehood, the interim decree was issued.

After Article 370 of the Constitution was repealed, Jammu and Kashmir was divided into the Union Territories of Jammu and Kashmir and Ladakh.

The Supreme Court later affirmed the decision to repeal Article 370. The Court's Constitution Bench, however, declined to rule on the legality of a 2019 bill that made it possible for Jammu & Kashmir to be divided into Union Territories.

Since Solicitor General of India (SG) Tushar Mehta had promised that J&K's status as a Union Territory was only transitory and that the territory will regain its statehood, the Court at the time believed it was unnecessary to rule on the legality of the 2019 statute.

SG Mehta informed the Court during today's session that before Jammu and Kashmir may regain its statehood, there are more general issues that need to be addressed.

In addition to acknowledging this part of the case, the Court brought up the recent terror assault in Pahalgam, which occurred in April and claimed the lives of 26 civilians.

**"See, the decision is to be taken after taking all factors.. see what happened in Pahalgam,"** said CJI Gavai.

In the end, the SG also gave the Court the assurance that the Central government is communicating with the electoral administration in J&K regarding the next steps. Additionally, he asked the Court to accept at face value any arguments made on turmoil in Jammu and Kashmir.

**"The State government consults with the Central government... That's the right way to go. The territory of Jammu and Kashmir has advanced. Everyone is content. 99.99 percent of the populace there regard the Indian government as their own. Therefore, everything that they (petitioners who are calling for the immediate restoration of statehood) say ought to be interpreted cautiously, the SG stated.**

In the meantime, the petitioners urged the Court to take into account that the Central government itself had sworn to a Constitutional Bench of the Court that Jammu and Kashmir would once again be a state.

**"There was a solemn undertaking... Pahalgam was under their watch," Senior Advocate Gopal Sankaranarayanan, who was representing a petitioner, stated.**

**The Senior Advocate Gopal Sankaranarayanan**

Senior Advocate SG Mehta, **Gopal Sankaranarayanan**, strongly disagreed with this line of reasoning.

**"I object. under the supervision of our administration. Who are they? The SG declared, "The Supreme Court must make a decision on this."**

The petitioners went on to say that they only needed this commitment to be kept within a fair amount of time.

"We are now in 2025 after statehood was taken away in 2019." For the most well-known reasons, elections have also been held and enough water has flowed under the bridge," Sankaranarayanan stated.

**"Blood and water also," the SG struck back.**

"The solemn undertaking was noted by all five judges. According to one judge, statehood ought to be awarded right away following an election. This project was presented before a Constitution Bench. All we want is for this to be implemented as soon as possible," Sankaranarayanan continued.

Speaking on behalf of Irfan Lone, a Congress legislator who filed a case, Senior Advocate Menaka Guruswamy remarked,

"Despite a guarantee, nothing was done. Regarding the Constitution, this is a poor precedent because such a transfer from State to Union Territory is not anticipated by the referenced Articles. The implications for the idea of secularism are a bigger concern.

Speaking on behalf of a different petitioner, Senior Advocate PC Sen remarked that in order to have some debate in Parliament, the Central government should at the very least try to present a bill to restore statehood to Jammu and Kashmir.

He went on,

"We've noticed an increase in suicide deaths... The author of these reports is Justice Anjana Prakash.

**"All right, so these are the ones laying out a plan. They wish to present a somber image,"** SG Mehta said.

**"Please refrain from interrupting in this manner. In turn, the CJI told the SG, "You don't have to get upset."**

In support of a petitioner, Senior Advocate NK Bhardwaj continued by saying that the people of Jammu and Kashmir were anticipating at least a declaration from the government that statehood will be reinstated.

"It has now been five years. There are no developmental projects in Jammu. They claim not to have any money when individuals go to meet them. Check out the Anantnag incident. Everyone is worried. Jammu, however, is tranquil. There is a Maata Vaishno Devi yatra. He

argued, "This court needs to ask SG. how long will they take to give us our right."

Senior **Advocate Sankaranarayanan** continued, "Propriety demands that five judges hear this and a time frame be fixed."

However, the SG objected to any such allusion to the Court's five-judge bench.

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