

## PREFACE

In view of the historic relationship of the State of Jammu and Kashmir with the Union of India, the Constitution of India does not apply to the State of Jammu and Kashmir in the form and manner as it applies to the rest of the Country. It applies to the State of Jammu and Kashmir with various exceptions and modifications. At the time of adoption and enactment of the Constitution of India, only two provisions of this Constitution i.e. Article 1 and Article 370 applied in relation to the State of Jammu and Kashmir. Clause (1) of Article 370 limited the power of Parliament only to those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the Accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for the State. However, the said article empowered the President to apply such of the other provisions of the Constitution of India in relation to the State of Jammu and Kashmir subject to such exceptions and modifications as the President may, with the concurrence of the Government of the State, by order specify.

The first such order issued by the President applying various provisions of the Constitution of India with exceptions and modifications in relation to the State of Jammu and Kashmir was the Constitution (Application to Jammu and Kashmir) Order, 1950 which was amended from time to time to add certain other provisions thereto. Subsequently, on the recommendations of the Jammu and Kashmir Constituent Assembly which enacted the Constitution of Jammu and Kashmir and re-defined the Constitutional relationship of the State with the Union of India, the President issued a comprehensive order namely, the Constitution (Application to Jammu and Kashmir) Order, 1954 (C.O 48 dated 14-05-1954) specifying the provisions of the Constitution of India which apply in relation to the State of Jammu and Kashmir subject to the exceptions and modifications specified therein. The Constitution (Application to Jammu and Kashmir) Order, 1954 superseded the Constitution (Application to Jammu and Kashmir) Order, 1950. The 1954 Order has been amended from time to time by the President, with the concurrence of the State Government, to add thereto or insert therein some more provisions of the Constitution of India or the Constitutional amendments made from time to time.

In terms of clause 2 of the Constitution (Application to Jammu and Kashmir) Order, 1954, the provisions of the Constitution as were in force on the 20th day of June, 1964 and as amended by the Constitution (Nineteenth Amendment) Act, 1966, the Constitution (Twenty-first Amendment) Act, 1967, section 5 of the Constitution (Twenty-third Amendment) Act, 1969, the Constitution (Twenty-fourth Amendment) Act, 1971, section 2 of the Constitution (Twenty-fifth Amendment) Act, 1971, the Constitution (Twenty-sixth Amendment) Act, 1971, the Constitution (Thirtieth Amendment) Act, 1972, section 2 of the Constitution (Thirty-first Amendment) Act, 1973, section 2 of the Constitution (Thirty-third Amendment) Act, 1974, sections 2, 5, 6 and 7 of the Constitution (Thirty-eighth Amendment) Act, 1975, the Constitution (Thirty-ninth Amendment) Act, 1975, the Constitution (Fortieth Amendment) Act, 1976, sections 2, 3 and 6 of the Constitution (Fifty-second Amendment) Act, 1985 and the Constitution (Sixty-first Amendment) Act, 1988 shall, in addition to article 1 and

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article 370, apply in relation to the State of Jammu and Kashmir subject to the exceptions and modifications specified in this order.

Till date, no book is available in the market which specifies a consolidated text of the Constitution of India as applicable to the State of Jammu and Kashmir. This book is a humble endeavour to present an authentic and consolidated text of the Constitution of India as it applies to the State of Jammu and Kashmir. It gives a re-statement of the Constitution of India as it applies to the State of Jammu and Kashmir with the exceptions and modifications subject to which it applies. The exceptions and modifications are either those provided in the Constitution (Application to Jammu and Kashmir) Order, 1954 or those consequential to the non-application to the State of Jammu and Kashmir of certain amendments to the Constitution of India. The book is, therefore, an updated account of the Constitution as applicable to the State of Jammu and Kashmir as on date.

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