PES UNIVERSITY MUN SOCIETY

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PeSCON 2026

All India Political Parties Meet

Background Guide

Agenda

“Article 370: Reassessing the abrogation, statehood and future of the Union Territory”.

सत्यमेवजयते"Truth alone triumphs"
धर्मचक्र-प्रवर्तनाय"for the propagation of the Wheel of Law"

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I. Letter from the Executive Board

Esteemed members of the All India Political Parties Meet,

We are honoured and privileged to welcome you all to the All India Political Parties Meet at the 'People's Conference - PeCon MUN 2026'.

The onus lies on you to proffer insightful contributions, drawing from well-researched knowledge, to foster a robust and intellectually stimulating debate and discussion. The background guide has been prepared to serve as the starting point for your research. However, it is by no means exhaustive.

Members must examine the competing considerations of the constitutional integration, federalism, democratic representation, statehood, security, development, regional identity and administrative accountability. The executive board expects the members to go beyond rehearsed political speeches. A strong member must understand why Article 370 existed, how it was altered, what the Supreme Court actually decided, what remains constitutionally unresolved, how the Union Territory functions today, and what realistic parliamentary mechanisms are available to address the remaining questions.

We expect discussion that goes beyond prepared speeches and allows the House to meaningfully engage with the complexities of the agenda. Most importantly, we expect a strong, substantive and informed debate, where arguments are supported by facts, constitutional principles, legislation, case laws, committee reports and credible sources rather than rhetoric alone. With that being said, we look forward to witnessing a committee marked by spectacle, deliberation, debate and policy over rhetoric.

Warm Regards,
Chairperson- Yashwanth CR yashwanthcr780@gmail.com
Vice-Chairperson – Pratyusha Roy
Moderator – Anagha B Poojari

Jai Hind.

II. Committee Introduction

The All India Political Parties Meet (AIPPM) is a political simulation designed around the functioning of the Indian political institutions and the country's parliament discourse.
Unlike a conventional United Nations committee, AIPPM does not require the delegates to represent foreign countries. Delegates represent Indian political parties or political personalities, and are expected to approach the agenda through the political, constitutional and ideological positions associated with their assigned representation.

Rules of Procedure

1. Committee Structure
- Chairperson, Vice Chairperson, Moderator
- Ruling party: To be seated to the right of the chairperson
- Opposition & Other parties: To be seated to the left of the chairperson

2. Language Policy
- This is a multilingual committee and thus, members are allowed to use their vernacular languages for delivering speeches. However, members should use only one language per speech to maintain clarity and must provide a transcript of their speech to the Executive Board if it is given in vernacular language.

3. Opening Formalities
3.1. Roll Call: The session starts with a roll call in which you need to mark your presence. There will be no present and voting.

3.2. Quorum: At least one-third of the members must be present to commence the proceedings.

3.3. Agenda Setting: Members must table the agenda and propose the order for discussion.

3.4. Opening Statements: All the members are required to express their initial

positions on the agenda. It will be given collectively and is exhaustive in nature.

4. There shall be creation of two sessions-Public Session and Private Session.

5. Public Session: There will be a presence of the media. Statements given by the members are displayed to the public so one has to be cautious with party policy and ideology. This will be used to debate sub-agenda related to the overall agenda.

6. Private Session: This session will be similar to a zero hour, and members can discuss any other National Issue except the agenda.

7. Points

7.1. Point of Personal Privilege: A point of personal privilege is usually raised if someone has any physical discomfort during the proceedings of the committee. The point may also be used to get repetition of a part of a statement which was not audible/clear. But in this committee, we shall permit its usage only for audibility issues or clarification/ repetition.

7.2. Point of Procedural Enquiry: A member may rise to a Point of Procedural Enquiry requesting an explanation from the Executive Board on the Rules of Procedure or the committee proceedings. This point may not interrupt a chairperson.

7.3. Point of Order: Points of Orders shall be raised only on the factual inaccuracy in the speech of any member. The line has to be quoted verbatim in order to assert the same followed by an unquote with the correct established fact. Please note, the Executive Board shall be the sole adjudicator of the same.

7.4. Point of Information: This is a point in which a question in the context of the speech may be asked. The Executive Board shall decide if they would accept Points of Information in writing or verbally depending on the committee dynamics.

8. General Conduct

8.1. AI usage: This committee has a strict policy against AI and Internet usage. All speeches must be the original work of the Members. Any plagiarism or reference made to AI, including humanised content shall be marked accordingly.
8.2. Desk Tapping & Sloganeering: Members are allowed to tap their desks in

agreement to a fellow Member's speech/ statements. Members are welcome to sloganeer throughout the committee proceedings. However, such interferences shall not be entertained while, a Member is speaking.

8.3. The decision of the Executive Board is final and binding.

8.4. Any instance of Right-of-Reply shall be adjudicated by the Secretary- General or any authorised member of the Secretariat. Decisions are final and binding.

Members of this prestigious committee must distinguish between:
What the Constitution presently provides?
What the Supreme Court has held?
What Parliament has enacted?
What a political party proposes should change?

This distinction is particularly important for this agenda!!

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III. Introduction to the Agenda

Jammu and Kashmir occupies a very unique position in India's constitutional, political and security history. Few questions in Independent India have generated so much constitutional litigation, political disagreement and public debate as the relationship between Jammu and Kashmir and the Union of India.

The events of 5th August 2019, fundamentally altered that relationship. The Constitution (Application to Jammu and Kashmir) Order, 2019, followed by the Presidential declaration concerning Article 370 and the enactment of the Jammu and Kashmir Reorganisation Act 2019, ended the constitutional arrangement that had governed Jammu and Kashmir for decades and reorganised the former State into the Union Territories of Jammu & Kashmir and Ladakh. The issue, however, did not end with 2019.

The Supreme Court of India, in In Re: Article 370 of the Constitution, delivered its judgement on 11th December 2023. The Constitution Bench upheld the Union's action concerning Article 370 and directed that elections to the Jammu and Kashmir Legislative Assembly be conducted by September 2024. It also stated that the restoration of Statehood to Jammu and Kashmir should take place at the earliest.

The Assembly elections were subsequently held in three phases in September-October 2024, with counting on 8th October 2024. The present Legislative Assembly has a five-year term running from November 2024 – November 2029.

IV. Understanding the Agenda and Expectation From Committee

As of October 2026, Jammu and Kashmir remains a Union Territory with a legislature, and restoration of statehood remains an unresolved political question. Recent discussions between the J&K government and the Union Government continue to include statehood and the distribution of executive authority between the elected government and the Lieutenant Governor. The central question before the house is; What should the Constitutional and political future of the Jammu and Kashmir look like after 2019?

The title deliberately contains three interconnected questions:
1. **What happened to Article 370?** This concerns the constitutional changes undertaken in August 2019 and the subsequent Supreme Court Judgement.
2. **Should Jammu and Kashmir regain statehood?** This concerns the present constitutional status of Jammu and Kashmir as a Union Territory with a legislature and the commitment to restore statehood.
3. **What should the future of Jammu and Kashmir look like?** This is the broader policy question.

Article 370 was incorporated into the constitution as a temporary provision concerning Jammu and Kashmir. It created constitutional mechanism through which provisions of the Indian Constitution could be applied to Jammu and Kashmir with specified modifications. Article 35A was introduced through the Constitution (Application to Jammu & Kashmir) Order, 1954. It empowered the Jammu & Kashmir legislature to define “permanent residents” and confer special rights and privileges upon them.

V. Constitutional Changes of 2019

These three developments are particularly important with regards to the legal status of Jammu and Kashmir.

A. Presidential Order C.O 272

On 5th August 2019, the President issued Constitution (Application to Jammu and Kashmir) Order, 2019. It superseded the 1954 Order and applied the Constitution of India to Jammu and Kashmir with modifications. One of the most controversial aspects involved the modification of Article 367, which affected how references within Article 370 were interpreted.

B. Presidential Declaration C.O. 273

On August 6th 2019, the President issued C.O. 273 declaring that all clauses of Article 370 except clause (1) would cease to operate, subject to continued application of the Constitution of India to Jammu and Kashmir.

C. Jammu and Kashmir Reorganisation Act, 2019

Parliament enacted the Jammu and Kashmir Reorganisation Act, 2019. The former state was reorganised into:

Union Territory of Jammu and Kashmir – with a legislative assembly.

Union Territory of Ladakh – Without a legislative assembly.

The Jammu & Kashmir Reorganisation Act, 2019 came into effect on 31st October 2019. This legislation fundamentally altered the governance structure. The new Union Territory of Jammu and Kashmir retained a Legislative Assembly. The Act remains central to any discussion concerning restoration of statehood.

VI. The Supreme Court's 2023 Judgement

The Supreme Court delivered its judgement on 11th December 2023 in In Re: Article 370 of the Constitution. The Constitution Bench comprised of Chief Justice D.Y. Chandrachud, Justice Sanjay Kishan Kaul, Justice Sanjiv Khanna, Justice B.R Gavai and Justice Surya Kant.

The Supreme Court upheld the Union's action concerning the abrogation of Article 370. Amongst them the significant conclusions were:

1. Article 370 was temporary – The court held that Article 370 was a temporary constitutional provision.

2. The President had constitutional authority – The court upheld the validity of the exercise of Presidential power in the circumstances before it.

3. Jammu & Kashmir did not retain separate sovereignty – The court rejected the argument that accession left Jammu and Kashmir with continuing internal sovereignty separate from India's constitutional sovereignty.

4. Article 370 could be rendered inoperative – The court upheld the process through which Article 370 ceased to operate.

5. Elections were the need of the hour – The court directed that elections to the Legislative Assembly be conducted by 30th September 2024.

6. Statehood – The court recorded the Union's submission that statehood would be restored to Jammu and Kashmir and directed that restoration should take place at the earliest and as soon as possible.

The unfinished question of **'Statehood'.** This is arguably the most important contemporary issue for this AIPPM. The supreme court judgement did not restore the statehood immediately. Instead, it recorded the Union's assurance regarding restoration and directed that it takes place at the earliest. However, as of October 2026, Jammu and Kashmir continues to be a Union Territory with a legislature.

VII. Jammu and Kashmir after Abrogation

The abrogation of Article 370 in August 2019 marked a significant change in the constitutional and administrative structure of Jammu and Kashmir. The erstwhile state was reorganised into two Union Territories, Jammu and Kashmir (with a legislature) and Ladakh (without legislature), without a legislature, with the reorganisation taking effect on 31st October 2019. The Union Government subsequently applied central laws and altered the legal and administrative framework governing the region.

A. New Administrative Structure

The Lieutenant Governor represents the Union within the constitutional framework applicable to the Union Territories, while an elected government and legislative assembly operate within the powers provided under the Constitution and Jammu and Kashmir Reorganisation Act, 2019.

B. Changes in Legal Framework

Following the 2019 changes, provisions of the Constitution of India and Central Legislation became applicable to Jammu and Kashmir in a manner different from earlier constitutional arrangement. The Union Government has also highlighted changes in legal rights for groups that had previously faced restrictions under the former permanent–residents' framework.

C. Return of Electoral Politics

The Jammu and Kashmir Legislative Assembly elections were conducted in three phases in September and October 2024, with counting taking place on 8th October 2024. The Election Commission reported substantial voter participation during the election process, with the final phase recording 63.88% overall turnout.

D. Security and Governance

The post-2019 administrative structure gives the Union a significant role in matters connected to security, while elected government is responsible for the governance within its constitutional and statutory sphere.

How can security requirements be reconciled with democratic governance, political participation and civil liberties?

The question becomes particularly significant when considering any future transition from Union Territory status to statehood.

E. Development and Economic Priorities

The Union Government has identified development projects and economic initiatives in Jammu & Kashmir as an important component of its post-2019 approach. The Ministry of Home Affairs also identifies economic projects and development initiatives among matters concerning the Union Territory.
At the same time questions surrounding employment, private investment, tourism, local economic interests and equitable regional development remain relevant to the future of Union territory.

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VIII. Governance, Federalism, & the Role of the Lieutenant Governor

A. Governance of J&K today

J&K is a Union Territory with a legislature, governed under Art. 239 of the Constitution and the J&K Reorganisation Act, 2019. Executive power is shared between two authorities:
·The Lieutenant Governor, appointed by the President as the Union's administrator. The current LG is Manoj Sinha, in office since August 2020.
·An elected Council of Ministers headed by Chief Minister Omar Abdullah, sworn in on 16 October 2024. The Council's size is capped at 10% of the Assembly's strength.

B. Where the power lies.

- The Assembly may legislate on State List and Concurrent List subjects, except public order and police.
- Certain financial Bills need the LG's recommendation.
- The LG acts in his discretion on certain matters, including All India Services and the Anti-Corruption Bureau, and his decision on what falls within his discretion is final.
- The 2023 Reorganisation (Amendment) Act lets the LG nominate members to the Assembly, namely women, Kashmiri migrants and PoK displaced persons. Whether the LG nominates on the advice of the elected government is politically contested.
- The Transaction of Business Rules govern the relationship between the LG and the CM. Amendments in July 2024 widened the LG's role over police, public order, All India Services, and prosecution and sanction matters. The elected government is still awaiting approval from the Centre on these rules.

C. Federalism questions.

·The Supreme Court's Government of NCT of Delhi v. Union of India (2018 and 2023) rulings stress that an elected government must have real control over the

administration. Delegates can ask whether J&K has the same or a weaker claim, given that J&K's framework was designed differently.

·Petitioners argue that federalism and representative democracy are part of the basic structure and that a long delay in restoring statehood erodes them.
·The Court deferred on Art. 3 because of the assurance on statehood, so non-compliance raises a constitutional question in its own right.

·The episode of officials writing to the Assembly Secretariat reopens the debate over who the civil service answers to.

D. Arguments for delegates to develop

- ·For a stronger elected executive: democratic legitimacy, accountability, and the principle that elected representatives should control their own administration.
- ·For a strong LG role: the border and terror-affected setting, India's UT framework, and the Centre's view that security cannot be divided.
- ·Middle paths: a clearer Transaction of Business Rules, a formal consultation convention, or a phased transfer of powers.

Guiding questions

1. Should statehood be restored all at once or in phases?
2. Who should control police and public order in a restored State?
3. Can an undertaking recorded by a court be enforced, and how?

IX. Key Issues Shaping the Future of Jammu and Kashmir

1. **Statehood and its timeline:** The Centre says restoration will come at an "appropriate time". The elected government says it is a right, not a favour, and that "as soon as possible" cannot mean indefinitely. A Supreme Court petition is pending.

2. **Security and terrorism:** The 22 April 2025 Pahalgam attack has become part of the statehood debate. The Court itself noted that the ground situation cannot be ignored. The key question is how to weigh security concerns against democratic rights and whether the two must be traded off.

3. **Delimitation, representation and reservation:**

- The 2022 Delimitation Commission raised Assembly seats from 83 to 90 (Jammu 37 to 43, Kashmir 46 to 47).
- ·It reserved seats for Scheduled Tribes for the first time.
- ·24 seats are kept vacant for PoK.
- ·Questions persist about regional balance between Jammu and the Kashmir Valley, and about the "rationalisation of reservations" the UT government has raised with the Centre.

4. **Domicile, land and demography:** Art. 35A is gone, and the domicile framework now lets people beyond the former permanent residents qualify. Groups such as West Pakistan refugees, Valmikis and Gorkhas gained rights. Others fear changes to land ownership, jobs and demography, which fuels the demand for safeguards, possibly like Art. 371 provisions elsewhere.

5. **Kashmiri Pandits and displaced communities:** Return, rehabilitation, security, reservation and compensation remain unresolved, and the 2023 amendment's nominated seats are tied to this.

6. **Economy, employment and investment:** The issues include unemployment among educated youth, private investment, tourism, and whether local interests are protected. Delegates should check official data before quoting figures.

7. **Civil liberties and reconciliation:** This covers internet shutdowns, preventive detention, press freedom, and Justice Kaul's Truth and Reconciliation Commission suggestion.

8. **Ladakh:** It has no legislature. Its leaders are pressing for statehood and Sixth Schedule status. Violence in Leh on 24 September 2025 led to the detention of Sonam Wangchuk, who was released in March 2026. On 22 May 2026, talks produced an MHA proposal for a "UT with legislative powers" and an understanding on safeguards similar to Art. 371.

9. **Identity and autonomy:** The Assembly's June 2000 autonomy resolution remains a flashpoint. The BJP objects to references to pre-1953 arrangements, while the PDP raised placards demanding restoration of Art. 370.