

7 fashion. Whether they will be denied a representative form of government through a dictate of  
8 the Union inconsistent with our Constitution. It is also historic because it has taken five years  
9 for Your Lordships to start hearing this case and for five years, My Lords, there has been no  
10 representative government in the state of Jammu and Kashmir. It is also historic because you  
11 will have to interpret Article 356 of the Constitution of India, an Article which seeks to restore  
12 democracy. And how did that process, through an article which sought to restore democracy  
13 you have decimated democracy. Can that be done under Article 356? That the State of Jammu  
14 and Kashmir, historically represented a very unique relationship unlike princely states and the  
15 states of India, which were integrated into the Union. Whether that historic relationship  
16 between sovereign authorities could have been jettisoned in this fashion by seeking to amend  
17 the Constitution and seeking to efface Article 370. Whether My Lords, a Governor of a state  
18 would have on the 20th June 2018 decided that I will keep the Assembly under suspended  
19 animation, which is the power of the Governor alone on the J&K Constitution, without even  
20 trying to find out whether they can form a Government or not. Because on the 19th June, a  
21 particular party withdrew support and on the 20th of June, the Governor passed this order.  
22 Whether on the 21st November 2018 a dissolution of the Assembly could have taken place  
23 before the imposition of Article 356. The Governor on the 21st of June dissolved the Assembly  
24 without reference to 356. And thereafter, Article 356 was used and the manner that it was used  
25 will be My Lords...I will address Your Lordships on those issues. These are issues that will  
26 arise for Your Lordships consideration, never raised, never decided by this court. So in that  
27 sense too, it is historic. So My Lords I will proceed because there is a historical context to the  
28 state of Jammu and Kashmir. So I'll have to take Your Lordships through that history. And if  
29 Your Lordships will permit me My Lords, I'll start with a list of dates.

30  
31 **CHIEF JUSTICE DY CHANDRACHUD:** Mr. Sibal, as all counsel know that all the  
32 arguments we have the benefit now of live transcription. So the arguments are being  
33 simultaneously, we have transcripts in the court on the basis of speech to text software. Like  
34 in the Maharashtra case, by the end of the day the transcripts will be given to the arguing  
35 counsels. Your juniors can just verify that there are no mistakes. If there are any corrections,  
36 they can be given to the registry so that we will upload them immediately on our website, so  
37 they are available for everybody then to... that will also help counsel who are following.

Transcribed by TERES

1  
2 **KAPIL SIBAL:** Absolutely.

3  
4 **CHIEF JUSTICE DY CHANDRACHUD:** Of course it helps us as well, as well as everybody  
5 else.

6  
7 **KAPIL SIBAL:** So My Lords, I'll start off with the list of dates which is Volume 2, Written  
8 Submissions, Volume 2, PDF page 33. My Lords, Written Submissions, Volume 2, PDF Page  
9 33. We were reluctant students but Your Lordships ensured that we become disciplined  
10 students. Yes, the list of dates because it's somewhat elaborated, because it'll give you a flavour  
11 what the issues are My Lords. May I My Lords? 33 My Lords, PDF page 33. It's called Appendix  
12 1, list of dates and events.

13  
14 **JUSTICE B.R. GAVAI:** 5th of March, 1846.

15  
16 **KAPIL SIBAL:** That's correct. That's correct. Hope it is 33 My Lords.

17  
18 **JUSTICE B.R. GAVAI:** It is 33.