



# Abrogation of Article 370: Aftermath Consequences and Implications on Jammu and Kashmir in India

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## Abstract

My article intends to assess how beneficial or unfavourable these effects will be. Encourage a democratic setup- The government must release political party leaders and allow for a more constructive dialogue in which all stakeholders in the region can come, talk, and strive for greater prosperity in Jammu and Kashmir. In light of the circumstances surrounding J&K's accession to India, the Government assured that the constitutional relationship between India and Jammu & Kashmir will give due recognition to the state's unique socio-cultural identity as well as "the will of the people to govern themselves" through an internal Constitution. In this regard, on August 5, 2019, the President of India issued the Constitution Order, 2019. It revokes Jammu and Kashmir's special status under Articles 370 and 35A, and the state has been divided into the Union Territories of Ladakh and Jammu and Kashmir. Integration: Rather than being a basis for a merger, Article 370 has prohibited J&K from merging with India. It also investigates how Article 370 was perceived as discriminatory based on gender, class, caste, and place of origin. Economic development: If Article 370 is repealed, avenues to private investment in J&K will be opened, increasing the potential for development there. Increased investment would result in more job creation and further improvement of the state's socio-economic infrastructure. The opening of land sales would attract investments from private individuals and multinational corporations, providing a boost to the local economy.

**Keywords:** Article 370 and 35(A), Jammu & Kashmir, Presidential Order, Consequences,  
Ladakh, Politico- socio-economic implications, Indian democratic institutions.

## Introduction

The Parliament repealed the former state of Jammu and Kashmir's special status granted under Article 370. Furthermore, the Parliament passed legislation dividing the state of Jammu and Kashmir into the Union Territory of Ladakh and the Union Territory of Jammu and Kashmir. The Constitution Order, 2019, was proclaimed by the President of India on August 5, 2019. It revokes Jammu and Kashmir's special status under Articles 370 and 35A, and the state has been divided into the Union Territories of Ladakh and Jammu and Kashmir. The state of J&K's special status under Article 370 has been revoked, and the state has been divided into the Union Territories of Ladakh and Jammu and Kashmir. The Origins of Article 370 In light of the circumstances surrounding J&K's accession to India, the Government assured that the constitutional relationship between India and Jammu & Kashmir will give due recognition to the state's unique socio-cultural identity as well as "the will of the people to govern themselves" via an internal Constitution. As a result, Article 370 established a special partnership with J&K. Special provisions about J&K J&K is permitted to create its constitution under Article 370. Except for defence, foreign affairs, finance, and communications, all other legislation must be approved by the state legislature before it may be implemented. Furthermore, except in the case of a Presidential Order, no alteration under Art 368 is immediately applicable to the State. Article 370 allowed for the creation of exceptional rights such as the right to public employment, the acquisition of real estate, and government scholarships. Under Article 35A, the J&K legislature was given the authority to define the state's "permanent inhabitants" and offer them particular rights and benefits without fear of being challenged on the grounds of infringing on the rights of persons from other states. Arguments for getting rid of the special. The former state of Jammu and Kashmir was granted exceptional autonomy under Article 370 of the Indian Constitution. It was included as a transitory measure, allowing the state to have its own Constitution. Except in the areas of defence, foreign affairs, finance, and communications, the Parliament required the state government's approval before enacting any other laws. However, the descendants of Partition refugees who relocated from Sialkot, many of whom have Scheduled Castes, will now be able to find work, purchase and own land, and vote in the new Union Territory. The current ruling has removed another barrier: children born to women who marry nationals from outside Jammu and Kashmir can now inherit property. Political reservation, as stipulated under the Indian Constitution, has been denied to Scheduled Tribes in Jammu and Kashmir, even though all political parties have accommodated them in other ways. Scheduled Tribes account for around 11.91 per cent of the state's population, with the majority of them belonging to the Gujjar and Bakarwal tribes. Extending political reservations to them will make the political structure of the state more inclusive. There have been numerous good reforms implemented since the repeal of Article 370, including the following:

- **People and investors from outside Jammu and Kashmir can now purchase land:** in the Union Territory (UT) because the Centre has declared new land regulations for the region. The central government removed the phrase "permanent resident of the state" from Section 17 of the Jammu and Kashmir Development Act, which deals with the sale of land in the union territory, in a gazette notification. However, save in a few situations, the amendment prohibited the transfer of agricultural land to non-agriculturists. The government may now authorise the transfer of land under the 'transfer of land to promote healthcare or education.' Only J&K agriculturists can purchase agricultural land, according to revisions to "The Jammu & Kashmir Land Revenue Act, Samvat, 1996. There shall be no valid sale, gift, exchange, or mortgage of land in favour of a person who is not an agriculturist." Except with the consent of the district collector, no agricultural land may be used for non-agricultural uses. A new provision allows an Army officer not lower than the level of Corps Commander to declare an area inside a local area as a "Strategic Area," but only for immediate operational and training needs.
- **Domicile certificates have been granted to over 4 lakh persons in Jammu and Kashmir:** A domicile certificate is an official document that proves a person is a resident of a certain state/Union Territory. A considerable chunk has been distributed to persons who, while having lived or served in the state for years, were not deemed residents of the state due to the stipulations of Article 35A, which has now been repealed.
- **The security situation in Jammu and Kashmir has deteriorated dramatically:** Because the repeal of Article 370 of the Indian Constitution thwarted the plans of Kashmir valley terror organisations, the security situation in Jammu and Kashmir has improved dramatically and is currently better than ever. Violence in the valley has diminished since August 5, 2019, when the article was removed from the constitution, thus abolishing the former state of Jammu and Kashmir's special status. There have been significant victories against terror rackets in the valley over the last 11 months. According to a report by the Union Ministry of Home Affairs, terrorism events in Jammu and Kashmir have decreased by around 36% after the repeal of Article 370. There were 188 terrorism-related occurrences in the United States last year (from January through July 15). Notably, 126 terrorists were killed during this period in 2019, while 136 terrorists were murdered during the same period in 2020. There were 51 grenade attacks reported last year until July 15, but just 21 have been reported this year through the same date. Last year, terror strikes murdered 23 civilians and martyred 75 security personnel. When compared to last year's figures, the report shows that 22 civilians were killed and 35 Jawans were martyred. In terms of Improvised Explosive Device (IED) attacks, there were six IED attacks in this period last year, but only one IED attack has happened this year as of July 15.
- **Non-local spouses of J&K women are awarded domicile status:** In July of this year, the regulations were altered to allow domicile certificates to be granted to the husbands of local women who marry people from outside Jammu and Kashmir. They will be able to buy land or property in Union territory, as well as apply for government employment, as a result of the change. All people who have

lived in the UT for 15 years, or who have studied for seven years and taken the Class 10 or 12 examinations in a regional educational institution, and their children, are eligible for domicile status.

- **Jammu & Kashmir's separate flag has been retired:** Following the repeal of Article 370, the civil secretariat in Srinagar flew the Indian Tricolour, despite the absence of the state's flag. For more than six decades, the rectangular flag - a red backdrop with three white vertical stripes beside a white plough in the centre with the handle facing the stripes - floated alongside the Indian national flag on the secretariat.
- **No security clearance for stone pelters' passports:** The CID wing of the Jammu and Kashmir Police has directed that all persons participating in stone-pelting or subversive activities be denied Passports and other government services require a security clearance. The order, issued on July 31, required all fields to ensure that the person's involvement in law and order, stone-pelting incidents, and other criminal damaging to the security of the state be specifically looked into during passport service and other government schemes verification.
- **The establishment of the Gupkar alliance:** On August 5, hundreds of political leaders and workers were jailed, including three previous chief ministers, Mufti, Omar Abdullah, and his father Farooq Abdullah. The Abdullahs were launched in March 2020, and Mufti was released last October in the second week. Since then, the leaders have formed an informal alliance with four other parties in Kashmir to campaign for the restoration of the region's unique status.

### Some of the Challenges are as follows:

- **Terrorism has escalated and is expected to rise further in the coming days:** this is frequently because, historically, any increase in discontent in Jammu and Kashmir has permitted a miscalculation by Pakistan. For example, the greatest dilution of Article 370 occurred in the 1960s, including modifications in the nomenclature of the 'head of the State.' This was followed by Pakistani President Ayub Khan's disastrous 'Operation Gibraltar' in August 1965. Counterterrorism success is heavily reliant onground information, rather than simply administrative reforms.
- **Change in status quo:** India has split the state and created a Union Territory of Ladakh, similar to what Pakistan did with the Gilgit and Baltistan areas by establishing a separate province in 2009. After depriving Jammu and Kashmir of its special status, India can no longer claim moral superiority by claiming that, unlike Pakistan, it preserved the state's integrity.
- **The Challenge of Protecting Ethnic Minority Interests:** The Centre must ensure the Shia community of Kargil that their interests would be protected under the new Buddhist-dominated Union Territory. India does not want to create another zone of discontent in a strategically crucial border region of the country where it has already suffered Pakistani aggression.

- **Polarisation Challenge:** Another point of worry is the state's polarisation. In the lack of any institutional framework to address regional and ethnic goals, polarisation has spread across different regions, frequently taking a communal turn. This judgement may further polarise the state along regional and non-secular lines.
- **Other difficulties:** The assertion of widespread poverty in the state, listed as one of the reasons for the decision, is not supported by facts. Only 10.35 percent of the population of the state is poor, compared to the national average of 21.92 percent. The division of Jammu and Kashmir may spark demands for further division of the state, which, if not explicitly rejected, might lead to an extended period of insecurity and upheaval. Finally, the return of Kashmiri Pandits is doubtful because the security situation in the Valley is currently inhospitable to their return. High-speed internet services in J&K were interrupted in August 2019 after the Centre declared the withdrawal of J&K's special status, posing a threat to the Right to the Internet and impeding the smooth operation of IT-based business and online education, particularly during the COVID-19 epidemic.

## Conclusion

Jammu and Kashmir's unique status was to be terminated, but only with the approval of its people. In theory, the momentous decision opens up new chances for economic development in the Union Territories of Jammu & Kashmir and Ladakh. As a result, the move is sure to have a profound impact on Jammu and Kashmir's demography, culture, and politics. The government must seek to reduce the security footprint in order for democratic institutions to function smoothly. Abrogation of Article 370 would not solve the problem of Kashmiris' alienation. Aside from a "security-oriented approach" to containing adolescent radicalization and lowering terror attacks and infiltration efforts, the government must reinforce the region's democratic system. Furthermore, the government must seek to reduce the security footprint in order for democratic institutions to function smoothly. Through greater administration and economic empowerment, the government must win the hearts and minds of the people.

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