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Transformative Impacts of Article 370 Abrogation: Social and Political Dynamics in Jammu and Kashmir

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ABSTRACT

The focus of this research work is on social and political impacts on the people of Jammu and Kashmir after the abrogation of article 370 and 35A of the Indian constitution and how for the peace has been restored by introducing political reforms and how far the developmental programmes are getting swiftness after August 5, 2019. The political truth actualized by the Modi led central government, by abrogating the ingredients like article 370 and 35A and the way government architected the state into two union territories- Jammu & Kashmir and Ladakh for bringing stability based on four components-modernity, rule of law, accountability and peace. With changing political scenario new social and political thoughts are emerging under the umbrella of liberal democracy and the people's positive political participation is showing huge improvement.

Keywords: Peace, accountability, reorganization act, referendum, Gujjar & Bakarwals, Pahari community, abrogation, decline, positive political participation.

Introduction

A new political order is a way of rethinking of the political cerebrals of the nation for bringing socio-politico-economic changes in the existing system that can possibly claim to promote prosperity and opportunity and connect that programme to a vision of the good life that appeals to voters. There are three basic categories of institutions that constitute a political order- the state, rule of law, and accountability. The state is a hierarchical, centralized organization that holds a monopoly on legitimate force over a defined territory. The rule of law is a set of rules of behavior, reflecting a broad consensus within the society that is binding on even the most powerful political actors in the society. Accountability means that the government is responsive to the interests of the whole society— what Aristotle called the common good—rather than to just its own narrow self-interest. When we use the word “accountability,” we are mostly speaking of modern democracy defined in terms of procedures that make the governments responsive to their citizens. Further, accountability reflects the benefit of society as a whole-what Rousseau called the “General Will” means the will, by which all individuals are equally benefited.

A series of political developments has been witnessed in Jammu and Kashmir after the revocation of Article 370 and 35A on August 5, 2019. The Kashmir centric political parties —known for their advocacy on Kashmir's special status and identity, faced deep existential crisis. These parties are in political trouble, not deciding whether to go with same old agenda or to change the gear for better future of the state people. It is indispensable to know whether the Jammu and Kashmir is heading towards normalcy after the abrogation of article 370 & 35 A and what kind of new political developments are going on. As we know the development agenda and the sharp decline of terrorism is the tall claim of the Modi led NDA (National democratic alliance) government, so we need to ascertain the truth of harsh political realities at gross-root level. The target of our research work is to ascertain the reasons behind the bifurcation of state Jammu & Kashmir into two Union territories under the command of central government and how far this strong decision of the central government is being accepted by the people of the geographically distinct regions of the Jammu and Ladakh. The emergence of new political parties after bringing slight political reforms by the central government is the question mark in itself for those who are showing intolerance towards India.

The growing political participation after 5/8 in the DDC and local self-government (Panchayati Raj) Bi-elections is something to think about. As per official reports of the election commission of India more than 51% voter turnout was seen in the DDC elections of 2020, 74 % in Panchayat elections (Rural local self-government) and in recent parliamentary elections above 70 % electoral participation was witnessed in first two phases. This active political participation reflects the beginning of new social awakening in Jammu and Kashmir.

Objectives/ research questions:

- i. Whether the Jammu and Kashmir is heading towards normalcy?
- ii. Whether the bifurcation of the state into two union territories was inevitable?
- iii. Whether the positive political participation has been increased?
- iv. Is there any decline in militancy related incidents since 2019?
- v. To ascertain the commitment of government for the protection of three natural rights-life, liberty and property of the Kashmiri Pundit community.

Review of literature

- i) The abrogation of article 370 has lead multiple changes in the political setup of the Jammu and Kashmir and galaxy of scholars has put forward their views. The invalidation of Article 370 has made common Kashmiris lose their trust on the pro-establishment political class of Kashmir. Kashmiri feels that the New Delhi has labelled all common Kashmiris as separatists (Ayjaz Wani, 2020). Without exception, all the participants in the various discussions initiated by this author thought that they are now living in a 'colony' and are being denied of their basic rights. They accuse New Delhi of abusing the Constitution of India and its democratic ethos, and neglecting Kashmiri sentiments. The LoC is witnessing an uneasy calm following the Balakot air strikes and Grey Listing of Pakistan by the Financial Action Task Force (FATF). However, infiltration has continued unabated. The total cross-border infiltration has been pegged at 114 in 2019. Under the uneasy calm and the façade of normalcy that has returned to the valley, the situation is simmering. Pakistan can use the resulting deep sense of alienation to serve its ends just the way they did after the rigged elections of 1987. Political gimmickry and the rigid policies of New Delhi will only be counter-productive and further escalate the conflict in the coming months. The author's views are mostly based on his limited survey of few university students of Kashmir University and he has not collected the data from all pockets of the state/ all stakeholders and has created false narrative on idealistic basis, the infiltration rate has been decreased 143 in 2018 to 07 in 2019 and the sharp decline in infiltration attempts from 328 in 2018 to 23 in 2019 has been reported by the South Asia Terrorism Portal (SATP).increased electoral participation in DDCs, BDCs, Panchayats and Parliamentary elections nullify the authors narrative.

- (i) Kashmir, a triangularly contested region between India, Pakistan and China, is administratively divided between India and Pakistan and the abrogation of Article 370 of the Indian Constitution has altered the geopolitical and social dynamics of the region and Kashmir valley has witnessed political instability, human rights violation and alteration of indigenous identity by forced migration and revision of exclusive land rights (Kumar Aryal, S., & Muneer, S. (2023). To be fair, Jammu and Kashmir is the internal problem of the India and the Pakistan and China are the illegal occupants of the region. India has a legal claim over Jammu and Kashmir by virtue of its instrument of accession 1947 signed between the Maharaja Hari Singh and government of India in consultation with the popular leaders of the Jammu and Kashmir and sharp decline in administrative abuses and human right violation has been witnessed after the abrogation of article 370.
- (ii) There is sharp decline in terror activities, nepotism and local recruitment in militant outfits in the Kashmir valley after the abrogation of article 370. It is after more than three decades time that public and social life in the erstwhile state, in general, and the Valley in particular, are back to normal routine without disruption. Peace and developmental activities has been restored. In an event was organized by the “South Asia Center for Peace and People’s Empowerment’ in collaboration with GDC Shopian, hundreds of students, academicians, journalists and people from other walks of life spoke about peace, nation building and institution building besides positive developments happening after Article 370 abrogation. (Zulfikar Majid, 2023). But there is a dire need for the thorough study of other useful sectors which will depict the true picture of the UT after the abrogation of 370 and 35 A. What changed in Kashmir in four years after abrogation of Article 370? The August 5, 2019 momentous decision also marked a drastic decline in terror activities and nepotism in the Valley.
- (iii) Abrogation of article 370 has deteriorated the Indo-Pak relations and instability in the South Asia and the peace process of several decades has been derailed. The harmonious relations between the people of Jammu and Kashmir and the rest of India have been shattered down (Tariq Ahmad Rather et, al). Moreover, the dismemberment of Jammu and Kashmir State into two Union Territories – Jammu Kashmir and Ladakh not only eroded the ethnic identity of the people But is a process towards the demographic change in the region. It will further alienate the people of the erstwhile state, which in the long run could pave way for more aggravation, turmoil and insurgency in the state of Jammu and Kashmir. But, the indo-Pak relations are unsound since 1947 when Pak armies along with tribals attacked the state with the intention to capture the state forcefully. Although the government of India took several initiatives of peace building but Pakistan has always deceived the India, likewise, 1999 Kargil war, violation of Shimla Agreement, Tashkant declaration etc. As for as the reorganization of the Jammu and Kashmir is concerned, it was the long pending demand of the people of Ladakh to end the political domination of Kashmiri by granting the UT status. False narrative has been created by the authors without realizing the fundamental truth. No doubt short term economic losses were being witnessed during transitional phase of few months but the same economy has bounced back with more benefits and the insurgency has shown sharp decline.
- (iv) After the abrogation of the article 370 and plenty of development, progress, security and stability has been witnessed in the disturbed areas of Jammu and Kashmir. Maximum Terrorist networks has been dismantled and incidents of stone pelting and street violence have now become a thing of the past, organized Bandhs / Hartals are negligible and sharp decline in local recruitments of terrorist from 199 in the year 2018 to 12 in the year 2023 has been seen (Utkarsh Anand, 2023). The reports reveals that the cause of alienation of the Jammu and Kashmir people was the non-application of the central Constitution and non-applicability of several beneficial central

legislations, but after the abrogation of article 370 all rights enjoyed by the people of the India are being equally enjoyed by the people of Jammu and Kashmir. The entire spectrum of socio-economic life of people of the region has been changed, irrespective of any artificial differences based on caste, creed, colour, gender and region. The article is more or less reflecting the view point of the Union government rather than an independent research at grass-root level. I think, views of common men are much more important than the government view point for the realization of truth.

- (v) In his report author has explained how the Kashmir conflict evolved to a point that contributed to India's extraordinary political gambit, and lays out both New Delhi's strategy and the challenges the government faces in future. Since 2013, mass resistance and armed insurgency have returned and grown in Kashmir valley partly in response to the government's failed strategy and by the government's dramatic revocation of autonomy provisions for Jammu and Kashmir, the government has to face a resurgence of violent and quasi-violent resistance (Sameer P. Lalwani et al, 2020) but after abrogation of article 370 the things in Jammu and Kashmir are all together different, there is a sharp decline in both violent and quasi-violent protests in the Jammu and Kashmir. The reporting is partial in the sense that it has touched only a particular area of the erstwhile state i.e valley and has not shown any concern of Jammu and Ladakh regions which are the major stakeholders of the Jammu and Kashmir.

Methodology

This research paper is based on extensive research, new data collection, and field interviews across the UT. Since the abrogation of article 370 and 35A the author have maintained a constant link with the different stakeholders of Jammu and Kashmir for the purpose of observing general reaction of the political, social, religious and ethnic groups of Jammu and Kashmir after 5 August 2019.

The methodology adopted was interviews and group discussions with the participants from the political parties, religious groups, and ethnic groups, social classes from both rural and urban areas across the state for accessing the general public opinion. A detailed survey through questionnaires was also conducted from four major regions of the UT - Kashmir, Jammu, Peer-Panchal and Chinab valley. A sample of 100 people was taken from each region for accessing the actual view point and the response of the people towards new political order of the Union Territory. Informations have also been collected from secondary sources like- E-newspapers, Journals, Books, Articles etc.

1. Steps taken to reshape and restructure the Jammu and Kashmir to pull out it from the jaws of terrorism:

The Jammu and Kashmir Reorganization Act:

The Jammu and Kashmir Reorganization Act, 2019 was passed by the parliament of India containing provisions to reconstitute the state of Jammu and Kashmir into two Union Territories (UTs) called Jammu & Kashmir and Ladakh, and became effective from 31 October 2019. A bill for the act was introduced by the Minister of Home Affairs, Mr. Amit Shah, in the Rajya Sabha on 5 August 2019 and was passed on the same day. It was then passed by the Lok Sabha on 6 August 2019 and received the president's assent on 9 August 2019.

The act consists of 103 clauses, extends 106 central laws to the UTs, repeals 153 state laws, and abolishes the Jammu and Kashmir Legislative Council among other things. The introduction of the bill was preceded by a presidential order which indirectly amended Article 370 of the Indian constitution and revoked Jammu and Kashmir's special status. The act authorized the central government to pass a number of executive orders in relation to both the Union Territories. These orders have resulted in the modification or repeal of over 400 state and central laws with respect to the Union Territory. The act was challenged in Supreme Court of India by all those who were dissatisfied by this constitutional change and on 11

December 2023, a five-judge bench of the Supreme Court of India comprising (CJI) D.Y. Chandrachud, Justice B.R. Gavai, Justice Surya Kant, Justices Sanjay Kaul and Sanjiv Khanna unanimously upheld the Indian Government's decision to abrogate Article 370¹. The bench said that article 370 of the Constitution was a 'temporary provision' and the president had the power to revoke it and pointed out that J&K had divested itself of "any element of sovereignty" after the execution of the Instrument of Accession to the Union in October 1947. Concurred in their separate opinions, the special privileges of J&K as well as a separate Constitution were held to be a mere feature of 'asymmetric federalism' and not sovereignty.

The Bharatiya Janata Party (BJP- largest political party of the world) described the abrogation of article 370 and 35A as a process of complete integration of Jammu and Kashmir with the rest of India. However, the BJP's 'New Kashmir' slogan has also sought to establish a new political order that suits the party's national interests. The new political order in the state should be based on development agenda, administrative transparency, end of dynastic rule, mutual tolerance and feeling of oneness irrespective of caste, colour, religion or region. Due to the constant internal & external disturbances, deaths, destruction, rape, bomb blasts, encounters, cross fire casualties etc. the quest for new political order was inevitable and Modi government took strong and bold steps to reshape the existing political order of the erstwhile state.

The real motive behind the revocation of special status in Jammu and Kashmir was to have a strong bond of relationship among all Indians, whether they belong to east or west, north or south. There should be the feeling of oneness or togetherness among all Indian nationals because the strong feeling of oneness among the masses is the heart and soul of the nationalism. Since the period of Jana Sangh, the BJP have had a slogan "Ek Desh May Doo Pradhan, Doo Vidhan, Doo Nishan....Nahi chalay ga" (in a one country there should not be two heads, two constitutions and two flags) by following a same political agenda, following bills/ resolutions were introduced and passed.

1. Constitution (Application to Jammu & Kashmir) Order, 2019 {Ref. Article 370(1) of Constitution of India—issued by President of India to supersede the 1954 order related to Article 370.
2. Resolution for Repeal of Article 370 of the Constitution of India {Ref. Article 370 (3).
3. Jammu & Kashmir (Reorganization) Bill, 2019 {Ref. Article 3 of Constitution of India}
4. Jammu & Kashmir Reservation (2nd Amendment) Bill, 2019.

2. Indian government response to opposition parties on Jammu and Kashmir issue:

Replying to the debate, Mr Amit Shah (Minister for Home, GOI) stated, "I want to say that J&K is an inalienable part of India. There are no wavers about that". Parliament is the highest and fully competent body to make laws and bring resolutions regarding any state of India including Jammu & Kashmir. There can be no question to this power of the Parliament. Mr Shah said that for 70 years, people of India have harboured this aspiration in their hearts that Kashmir must be an integral part of India. Article 370 was the only road block to realize this goal and I am thankful to the Prime Minister for this historic step of removing long pending road block once for all.

While replying the question, How the Centre can take this step unilaterally when Kashmir is a bilateral issue between India and Pakistan and when the matter is pending in the UN? raised by the Opposition Party in Lok Sabha, Mr Shah retaliated and challenged the opposition that they must clarify their stand on the floor of the House whether they support UN mediation in Kashmir. The opposition in away has questioned the competence of the Parliament by raising this point, he stated. "How can patriots of India who had sacrificed their lives for the country not get perturbed by such a question?" In India, things do not function on whims and fancies but on laws. I am always ready for constructive discussion but never for destructive debate.

Speaking on the applicability of United Nations charter on India and Pakistan to J&K, Mr Shah said that under this charter, neither armed force would violate the territorial integrity of other country. The day in 1965 Pakistan violated this provision; the charter was violated. The question of a referendum ended with the Pakistani aggression. Hence, the Government of India has full rights to take any decision regarding its territorial integrity. This was even agreed to by the United Nations.

Mr. Shah argued that because of article 370, the laws of Union of India did not apply to J&K and corruption and terrorism flourished there. Removing article 370 has no communal agenda as a number of communities and religious groups are resident of J&K they are affected equally. Article 370 has perpetuated discrimination against the minorities including Sikhs, Buddhists and others. Further, he said, in the past 70 years over 41500 people have been killed. Should we continue on the same path and let people die. Who is responsible for this state of affairs? Are not the youth of J & K and Ladakh requiring development? For how long would we deprive them only for vote bank politics? Repealing article 370 is a historic step to correct the historical blunder. Those who favour article 370 are in opposition to the Prevention of Child Marriage Act which could not be applied to J&K due to article 370. Similarly other laws like Right to Education, Land Accusation Act, Multiple Disability Act, Senior Citizens act, Delimitation act, Whistle Blower Protection act, laws enacted for empowerment of tribals, National Commission for Minorities, National Council for Teacher Education, among others, could not be applied to J&K. How this is in favour of the people of JK not to apply these laws in the state. Democracy was strangled by the use of article 370 for last 70 years.

The misuse of article 370 has sown the seeds of separatism and terrorism in J&K and has impeded the speedy process of development in Jammu and Kashmir. Only by repealing this provision, we can bring the people to the main stream and embrace them with open arms. J&K is the heaven on earth and I assure everyone that it would continue to remain so when all the laws of Union of India become applicable to the state.

3. Reaction of main stream regional political parties of Jammu and Kashmir against abrogation of special status:

The People's Alliance for Gupkar Declaration (PAGD) is a political alliance between the several valley dominated political parties in Jammu and Kashmir campaigning for autonomy for the region by restoring special status along with Article 35A of the erstwhile state of Jammu and Kashmir. The First declaration was signed on 4 August 2019, in which 17 brass level political leaders met at Gupkar Residence of Dr Farooq Abdulla (former CM). The meeting was chaired by Dr. Farooq Abdullah and other who grace the occasion were Mehbooba Mufti, Muzaffar Hussain Baig, Abdul Rehman Veeri, Sajad Ghani Lone, Imran Reza Ansari, Abdul Ghani Vakeel, Taj Mohiuddin, Mohammed Yousuf Tarigami, Omar Abdullah, Mohamad Akbar Lone, Nasir Aslam Wani, Shah Faesal, Ali Mohammad Sagar, Muzaffar Shah, Uzair Ronga and Suhail Bukhari. The first Gupkar Declaration was unanimously passed by all participants as a baseline and it was unanimously resolved.

- i) That all the parties would be united in their resolve to protect and defend the identity, autonomy and special status of J&K against all attacks and onslaughts whatsoever.
- ii) That modification, abrogation of Articles 35A, 370, unconstitutional delimitation or trifurcation of the State would be an aggression against the people of Jammu, Kashmir and Ladakh.
- iii) That the parties participating in the meeting resolved to seek audience with the President and Prime Minister of India and the leaders of other political parties to apprise them of the current situation and make an appeal to them to safeguard the legitimate interests of the people of the State with regard to the guarantees given to the State by the Constitution of our country.

Second Declaration:

The second Gupkar Declaration was signed on 22 August 2020 by seven political parties, included-National Conference, People's Democratic Party, Communist Party of India (Marxist), Jammu and Kashmir People's Conference, Awami National Conference, Indian National Congress and Jammu & Kashmir People's Movement. The signatories once again asserted that they were bound by the statusquo of August 4, 2019. The Gupkar declaration and parties would strive for the restoration of Article 370 and Article 35A.

But, On 17 November 2020, the Indian National Congress denied their involvement with the PAGD. Their Jammu and Kashmir leadership claimed that they may pursue a state-level electoral alliance but denied that they are signatories of the proclamations. The Congress Party also condemned Mehbooba Mufti's comments on abandoning the Indian Tricolor as well as Farooq Abdullah's statements asking for foreign interference into India's internal matters. On 19 January 2021, the Jammu and Kashmir People's Conference announced that it was pulling out of the alliance, citing differences with the member parties. On 4 July 2022, Jammu & Kashmir People's Movement left the alliance citing lack of a clear roadmap. So, by the mid of 2022 three political parties pull out themselves from the PAGD and somehow, it rises finger on their previous stand for the special status of the state. Their U-turn from the core issue raises several small and big questions in public psyche.

4. Political Reforms:

- I. **Restoring Grassroots Democracy:** The government conducted the first-ever district development council (DDC) elections in J&K in December 2020, which saw a high voter turnout of 51.42%. The District Development Councils are the form of elected local governments in Jammu and Kashmir facilitated by the Jammu and Kashmir Panchayati Raj Act, 1989 and created under Jammu and Kashmir Panchayati Raj Rule, 1996 of the constitution of India. Its primary aim is to elect the members from the rural and urban areas for the District Planning Committee and the councils themselves with fourteen members from each district for speedy development and economic upliftment. Actually it is the replacement for District Planning and Development Boards (DDB), which were implemented in 1954 to perform its functions such as formulation of periodic and annual plans for the development of the districts. District Development Councils were first introduced by the Ministry of Home Affairs on 16 October, 2020, fourteen months after the special status of Jammu and Kashmir was revoked by the parliament of India on 5 August 2019, leading the government of India to limit the powers of the Jammu and Kashmir Legislative Assembly and to run the union territory under the union government's rule administered by a Lieutenant Governor. DDCs supervises, implement, sponsor and prepare for five main fields such as welfare, health, education, finance, public works and development intended to ensure the community development of a representing district. Before the 2020 elections, DDCs exists in the form of District Planning and Development Boards, but their members were not elected and rather selected by the state government. In 2020, Government of India decided to hold elections to these councils in order to bring more democracy at the Panchayati Raj level and have its members more accountable to the people. The first DDC elections in the history of Jammu and Kashmir were held from 28 November 2020 in eight phases and these elections attracted significant attention across the nation. As it was the first ever political exercise after the revocation of article 370 and the reorganization of the state, the whole electoral process evoked much interest among political watchers. Though the elections were held for the limited purpose of forming the district-level councils, there were larger issues that lingered in the background. Some important ones surrounded the issue of legitimacy versus contestation of the August 2019 changes, the political deadlock, the opening up of democratic space in Kashmir, the role and relevance of various political parties in the context of the changed political environment; the 'old' versus 'new' political trends and agendas. The election, in the end, did serve the purpose of ending the political dead lock in

Kashmir and opening the flood gates for democracy.

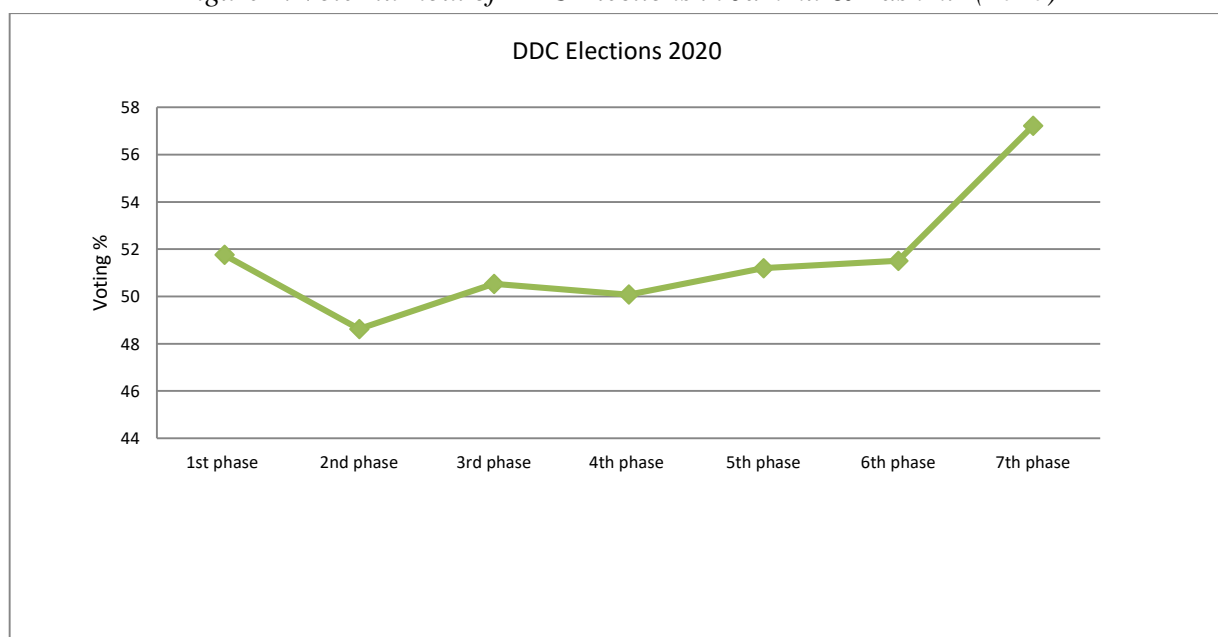
The process of elections to DDCs evoked early interest because the People's Alliance for Gupkar Declaration (PAGD) had decided to contest the election as one unit. The Alliance won 110 seats while BJP emerged as the single largest party by winning 75 seats. But later on 19 January, the JKPC left the PAGD, which brought down the PAGD's seat tally from 110 to 102, as JKPC had won 8 seats.¹⁰

Table 1 Voter turnout of DDC Elections in Jammu & Kashmir (2020)

S.No	District	First Phase	Second Phase	Third Phase	Fourth Phase	Fifth Phase	Sixth Phase	Seventh Phase
1	Kupwara	50.74	58.69	46.25	44.35	52.35	51.08	59.23
2	Bandipora	43.57	69.66	56.73	45.22	56.40	47.66	70.47
3	Baramulla	32.51	28.95	30.94	47.43	44.31	34.56	59.53
4	Ganderbal	48.62	49.14	24.69	56.28	37.47	58.45	53.69
5	Srinagar	33.76	33.78	-	-	-	-	-
6	Budgam	56.96	43.51	50.18	38.04	45.65	30.99	45.11
7	Pulwama	6.70	8.67	10.87	6.70	8.12	8.16	11.06
8	Shopian	42.58	17.28	22.68	1.96	5.52	4.64	6.55
9	Kulgam	34.35	29.90	64.45	8.73	26.94	37.74	17.98
10	Anantnag	43.32	16.09	21.64	27.04	21.89	24.06	22.46
11	Kishtwar	55.16	61.64	70.35	70.32	68.27	-	69.89
12	Doda	64.49	64.80	59.51	75.03	70.95	62.93	58.82
13	Ramban	64.21	66.23	64.79	67.39	67.11	71.34	67.75
14	Reasi	74.62	69.27	75.20	62.67	69.15	74.02	76.75
15	Udhampur	57.13	62.51	-	59.90	69.47	72.04	75.63
16	Kathua	62.82	60.10	62.18	61.23	62.36	60.95	72.85
17	Samba	68.61	66.38	70.15	71.97	64.71	70.01	74.38
18	Jammu	61.49	69.97	70.44	71.80	60.24	66.32	68.66
19	Rajouri	70.52	60.21	72.18	71.22	70.83	74.03	73.10
20	Poonch	68.69	75.07	72.81	75.42	71.62	76.78	80.12
	Total	51.76	48.62	50.53	50.08	51.20	51.51	57.22

Source: Election Commission of India.

Figure 1. Voter turnout of DDC Elections in Jammu & Kashmir (2020)



The indirect elections for all 20 posts of DDC Chairman were held in February 2021 in which BJP and NC won 6 each, Apni Party, People's Conference won 2 each, independents won 2 and PDP, CPIM 1 each. Each District Development Council has 14 members; the winning candidate requires the support of minimum 8 DDC members. The election for this post also requires quorum which is minimum of 10 members for the election to take place. DDC works jointly with District Planning Committee (DPC) and Block Development Council from each district. A council consists of fourteen members elected from the countryside and also from the built-up areas where needed or approved by the Election Commission of India. Its chairperson and vice-chairperson are elected by its members.

Unlike Panchayati elections the leaders of mainstream old political parties decided to participate in the DDCs election because they did not want to provide political space for the newly emerged political parties in the state. Under such circumstances, the DDC elections brought them back on track. They were between deep sea and devil; either they have to participate or to eschew the active politics. Boycotting the elections would only have been counterproductive as it would have allowed new players such as the Jammu and Kashmir Apni Party (JKAP) and even the BJP to occupy political space in Jammu and Kashmir by sidelining the older parties.

The decision of the PAGD to participate in the election and fight jointly resulted in a high-stakes, high-profile election for both the BJP and the PAGD. It was the litmus test for both BJP and PAGD, on the one hand it was important for the BJP to win, in order to convince the electorate, and indeed the public at large, that the drastic changes it had brought in the erstwhile state had garnered public support. Anything less than a 'reasonable victory', at least in its core constituencies in the Jammu region, would be considered a setback for the BJP. For the PAGD, a victory would entail a vindication of their opposition to the changes and a boost for the party's morale and their very existence. It was a battle of political existence for both BJP and PAGD.

The BJP took this election very seriously and went about to campaign in well organized manner. There was a regular presence of national-level leaders throughout the process and a dedicated team of senior leaders, including central ministers, camped in the Union Territory. In Delhi, senior leaders of the BJP left no opportunity to refer to their rivals as the 'Gupkargang', and even tag them the enemy of public interest in the state. The district-level election garnered even national attention.

There was a significant difference in the voter turnout in the two regions. Against an average of 64.21% to 72.71% turnout during different phases in the Jammu region, Kashmir recorded 29.91% to 40.65% turnout. However, in comparison to the panchayat elections held in 2018 and the 2019 parliamentary elections, the turnout was certainly much better. To give an example of two—Srinagar district which registered a turnout of 35.3% in the DDC elections, had registered only 7.90% and 14.50% turnout in the parliamentary and panchayat elections respectively. Similarly, Budgam which recorded 41.5% voter turnout this time, had registered only around 21% in both panchayat and parliamentary elections.

The level of participation, however, was not even across the region. The four south Kashmir districts of Pulwama, Shopian, Kulgam and Anantnag, which have been severely impacted by separatism and militancy since 2015, had the lowest turnout, ranging between 7.65% (Pulwama) to around 25% (Anantnag and Kulgam).

In contrast, north Kashmir, which has large border areas and has been mostly free of militancy and violence, registered a higher turnout. Apart from Sopore district which recorded only 23.8% votes, the average voter turnout in the region was more than 45% (45.2% in Baramulla, 49.8% in Kupwara, 54.9% in Handwara, 55.6% in Bandipora). The central part of Kashmir, meanwhile, registered a moderate level turnout, ranging from 35.3% in Srinagar to 44.3% in Ganderbal.

(ii) Political reservation to women, SC, ST and OBCs:

In order to bring equitable social order, the government amended the Jammu and Kashmir Panchayati Raj Act, 1989 to provide reservation of seats for women, scheduled castes, scheduled tribes, and backward classes in panchayats. The Administrative Council (AC) approved carrying out amendments in Jammu and Kashmir Panchayati Raj Act, 1989 to incorporate definition of OBCs in the Act for ensuring their reservation in this grassroots democratic institution. The Amendment bill proposes incorporation of definition of OBCs for providing reservation for the Other Backward Classes, explaining method of disqualification from membership of Halqa Panchayat, suspension and removal of Sarpanch, Naib-Sarpanch and Panch by the Government. It also defines process for removal and conditions of service of State Election Commissioner.

The amendments aims to make J&K Panchayati Raj Act, 1989 more effective by ensuring transparency in functioning of PRIs, constitutional alignment & consistency with practices in other states where reservation has been provided to the OBCs apart from the Scheduled Castes and the Scheduled Tribes.

(iii) Delimitation of Jammu & Kashmir UT:

The government also initiated the delimitation process for J&K to redraw the boundaries of assembly and parliamentary constituencies based on the latest census data. After multiple objections and extensions, the J&K Delimitation Commission submitted its final report on May 5, 2022, two years after it was appointed to redraw the electoral boundaries in Jammu and Kashmir as per the mandate set by the Jammu & Kashmir Reorganisation Act, 2019. In its order, a notification of which was published in the Gazette of India, the three-member panel carved out additional six Assembly seats for the Jammu region and one for the Kashmir valley as per the Act. The final order of the Commission has set the stage for elections in the erstwhile State in near future.

In the past, Delimitation Commissions were set up in 1952, 1963, 1973, and 2002. Before the abrogation of Article 370 that accorded special status to J&K, delimitation of its Assembly seats was carried out as per the Jammu and Kashmir Constitution and the Jammu and Kashmir Representation of the People Act, 1957.

The commission held deliberations with 242 delegations, received hundreds of representations and met approximately 1,600 stake-holders over more than two years. The commission issued its final order on May 5, earmarking 43 seats to the Jammu region and 47 to Kashmir—making up a total of 90 seats for the Union territory's assembly, up from the current strength of 83.

Out of the seven new seats, six were allotted to Jammu and one to Kashmir. The panel finalized the Union Territory's new electoral map on May 5, concluding the controversial exercise and paving the way for elections in the region for the first time since its special status, granted under Article 370 of the Constitution, was scrapped in 2019. For the first time, the panel reserved nine seats for scheduled tribes (ST), reorganised some Lok Sabha constituencies while keeping their total number at five, renamed some assembly constituencies, and redrew some others.

All Lok Sabha constituencies now comprise 18 assembly segments each. It also recommended that members be nominated from Kashmiri migrant communities, which primarily comprise the Kashmiri Pandits, who were displaced at the peak of militancy in the region in the 1990s. The three-member delimitation commission, which comprises former Supreme Court judge Ranjana Prakash Desai, Chief election commissioner Sushil Chandra and Chief electoral officer of J & K- K K Sharma, was setup in March 2020, with five parliament members from the UT as associate members.

Earlier, Jammu had 37 seats, and Kashmir had 46 which gave 55.2% representation to Kashmir and 44.6% to Jammu region. But the latest orders bring the Kashmir representation down to 52.2% from 55.4% of the total seats, and Jammu representation up from 44.6% to 47.8%. Jammu & Kashmir lost its special status and statehood on August 5, 2019, when the central government moved to void Article 370 of the Constitution.

(iv) Scheduled Tribe status for Pahari Community in J&K:

Paharis are mostly based in twin border districts of Rajouri and Poonch in Jammu division and Baramulla and Kupwara in Kashmir division. Union Home Minister Amit Shah announced Scheduled Tribe (ST) status for the Pahari community in Jammu and Kashmir at a rally in Rajouri on 4th of oct.2022. Mr Shah said, Justice G D Sharma Commission has recommended reservation for Paharis in the report submitted to the government and reservation will be rolled out after completion of administrative formalities. The J&K Commission on Socially and Educationally Backward Classes has recommended reservation for the Pahari-speaking people. The panel has also recommended reservation for other tribes in far-off area of Paddar Kishtwar and Communities like Gada Brahman and grave diggers. Besides, the commission has also recommended reservation for the residents of Teetwal, the last village in Kupwara along Line of Control (LoC).

The Gujjar and bakarwal community across the UT show resentment against this political move of the central government and threatened to come on the roads if the government grants ST status to Paharis. They were of the opinion that, Gujjars are still reeling under poverty, backwardness, and systemic discrimination and under such conditions, if their reservation quota will be diluted with Paharis it means the indirect deprivation of their rights. Gujjar leader Jameel Kohli, chairman of the Block Development Council (BDC) in Poonch, said the Gujjar-Bakerwal youth and activists were against the ST tag for Paharis because it will jeopardize their interest. To them, Pahari is well developed community as compared to Gujjar and Bakarwal community.

Keeping in view the alarming situation, the central government clarified that the rights of Gujjar and Bakarwals will not be diluted with Pahari reservation. Because, in no case, the party in power wants any go down in its political support base among this community. Earlier, in delimitation commission report 9 assembly seats has been reserved for ST people of the UT, so having resentments with Gujjar and Bakarwal community means losing grip of 9 assembly seats. Five seats are reserved for STs in Jammu division and four in Kashmir. The STs enjoyed reservation in jobs, education etc, but they were denied political reservations in Jammu and Kashmir since long, although, such reservation existed in Lok Sabha and Assemblies across the country. This was, however, after abrogation of special status of Jammu and Kashmir in August 5, 2019 that the Government extended political reservations to STs in Jammu & Kashmir.

5. Emergence of new political parties:

(i) Jammu and Kashmir Peoples Movement: In March 2019, Shah Faesal, the IAS topper of 2010, launched this political party with the slogan “Hawa badlegi” (The wind will change). Launched with much fan fare, the party got a shot in the arm in the beginning itself with former minister and three-time MLA Javid Mustafa Mir joining it. It entered into a pre-poll pact with former legislator Er. Rashid, who is now lodged in the Tihar jail in a terror funding case. The party is currently headed by Dr. Mustafa Khan after the resignation of Javed Mustafa Mir. JKPM was the leading petitioner in Supreme Court of India on the abrogation of article 370 issue.

The Jammu and Kashmir People’s Movement invites young and energetic youth to provide an alternative political platform for the people of all the regions of Jammu and Kashmir for electoral alliance to keep dynasty rulers away from the power as they betrayed people of Jammu and Kashmir since 1947 for their personal and vested interests but Faesal’s exit from politics proved the death knell for the party with his successors failing to keep the party afloat. Leaders of JKPM joined different parties including Arvind Kejriwal’s Aam Aadmi Party and Altaf Bukhari’s Apni Party. The party is now non-existent. Faesal rejoined his government job.

(ii) The Jammu and Kashmir Apni Party:

This party was formed on 8 March 2020 by thirty one former members of the Jammu and Kashmir Peoples Democratic Party, and Indian National Congress which included former members of the Jammu and Kashmir Legislative Assembly and cabinet ministers in the Government of Jammu and Kashmir under the leadership of Altaf Bukhari. Dubbed as the “king’s party” by its opponents, the Bukhari-led

party, promised to fight on for restoration of J&K's state-hood and to protect the rights of natives when it came the question of land and jobs. In its first electoral test in November-December 2020, the J&K Apni Party fared badly, winning only 12 seats out of 172 seats it contested in the district development council polls when National Conference, Peoples Democratic Party, Peoples Conference and other parties came together. The party describes itself as being "of the commoners, by the commoners and for the commoners". One of the party's key demands is the full restoration of statehood for Jammu and Kashmir.

The party also believes that government jobs in Jammu and Kashmir should be reserved for long standing residents of the region. It wants members of the displaced Kashmiri Hindu community to be able to safely return to their homes in the Kashmir valley. The party is against the dynastic politics espoused by the People's Democratic Party, which is dominated by the Sayeed family, the National Conference, which is dominated by the Abdullah family and the Indian National Congress, which is dominated by the Nehru-Gandhi family.

(iii) The Democratic Progressive Azad Party:

The year 2022 saw the formation of a new political party by Ghulam Nabi Azad, who had earned goodwill across the board for his three-year term as Chief Minister from 2005 to 2008. With the resignation of Azad, J&K's top Congress leaders including former ministers and MLAs R.S.Chib, Ghulam Mohammad Saroori, Abdul Rashid, Tara chand, Mohammad Amin Bhat, Gulzar Ahmad Wani, Choudhary Mohammad Akram, Naresh Gupta and party leader Salman Nizami, Abdul Majid Wani, Manohar Lal Sharma, Gharu Ram Bhagat, Balwan Singh and others resigned from the Indian National Congress and joined DPAP.

The Azad-led party, which was failing to attract faces from parties other than Congress, on December 22, 2022, expelled former Deputy CM Tara Chand, former minister Manohar Lal Sharma and Balwan Singh—all for "anti-party activities". Tara Chand and Manohar Lal Sharma have significant influence in Hindu-majority areas of Jammu. They were expelled after the Azad-led party came to know that they were hobnobbing with Congress. Their exit created a serious dent in the party, with its opponents now calling it a party of the Chenab Valley—something that points to its diminishing influence.

(iv) Ikk Jutt Jammu Party:

This party was founded in November 2020 and is currently led by Ankur Sharma. It is based in the Jammu region of Jammu and Kashmir and it advocates for the creation of a separate Jammu state out of the Dogri speaking districts of Jammu Division and for the reorganisation of Kashmir Division into two union territories, one being Panun Kashmir for exiled Kashmiri Hindus and another for Kashmiri Muslims.

Originally it worked as a social organization but later on transformed into a political party on 14 November 2020. Ikk Jutt Jammu campaigned against the Roshni Act, which was declared unconstitutional by the Jammu and Kashmir High Court in 2020. In addition to advocating statehood for the Jammu Division, the party seeks a return of Kashmiri Hindu, the complete administrative integration of Jammu and Kashmir with the rest of India and to promote and restore Dogra heritage and pride in the region. It wants to stop what it described as "Muslim separatism" and the "Jihadi war" in the region. The party believes that "Pan-Islamic forces" are carrying out war against the Indian nation and believes that these forces have "cleansed Kashmir of Hindus" and turned the region into a "Muslim monolith" by the process of "demographic invasion".

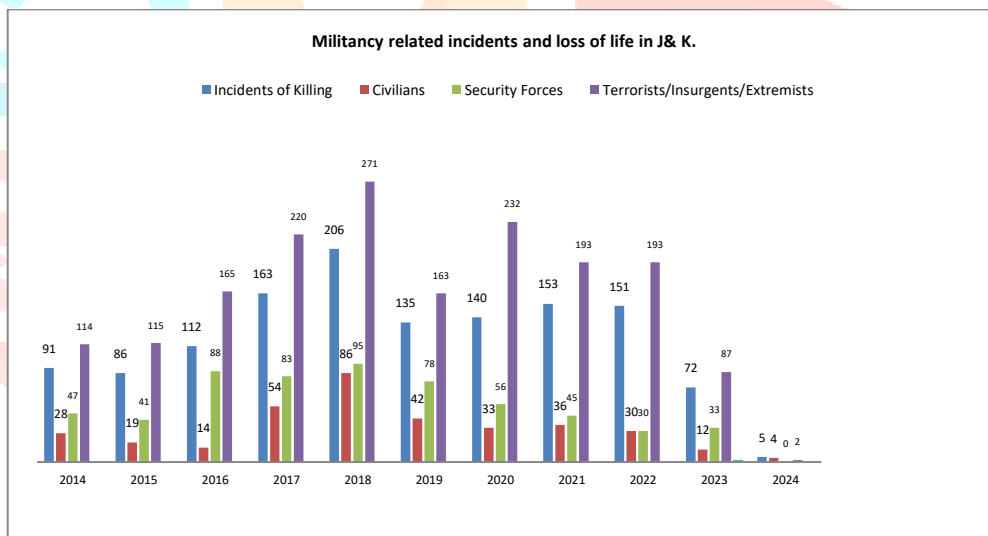
6. Decline in militancy related incidents:

As per the Indian government data, around 44,729 people—consisting of 14,930 civilians, 6413 security personnel and 23386 militants—have been died because of the insurgency as of March 2019 in Jammu and Kashmir. There has been a steady decline in violence and sharp drop in the number of deaths since 2014. Jammu and Kashmir Coalition of Civil Society posit a figure of 70,000 deaths, most of them civilians. The pro-Pakistan Huriyat group has claimed a higher death toll of 80,000 including civilians, security forces and

militants. The districts with the most incidents of killings happened in Kupwara, Baramulla, Poonch, Doda, Anantnag and Pulwama districts.

Year	Incidents of Killing	Civilians	Security Forces	Terrorists/Insurgents/Extremists	Not Specified	Total
2014	91	28	47	114	0	189
2015	86	19	41	115	0	175
2016	112	14	88	165	0	267
2017	163	54	83	220	0	357
2018	206	86	95	271	0	452
2019	135	42	78	163	0	283
2020	140	33	56	232	0	321
2021	153	36	45	193	0	274
2022	151	30	30	193	0	253
2023	72	12	33	87	2	134
2024	5	4	0	2	0	6
Total	1314	358	596	1755	2	2711

Source: South Asia Terrorism Portal, Datesheet.Jammu & Kashmir.

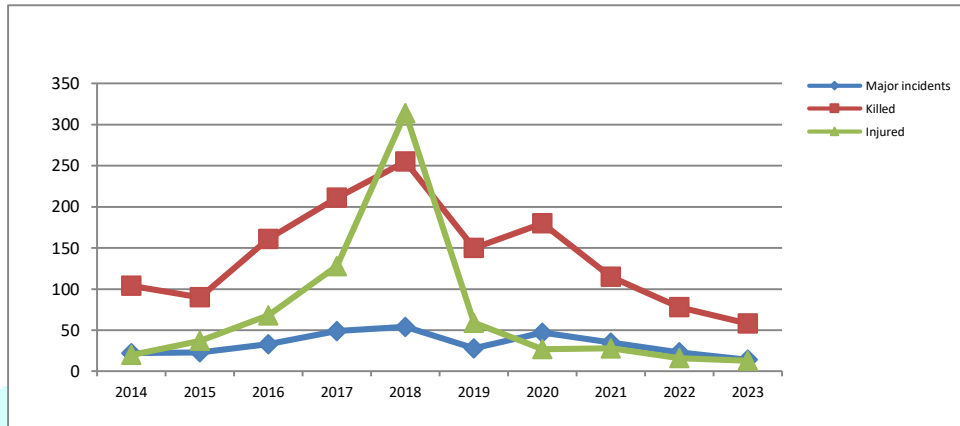


Major Incidents of Militancy:

Year	Total Number of Incidents	Killed				Injured				Initiated By Civilians	Initiated By Security Forces	Initiated By Militant
		civilians	S,Forces	Militants	Total	civilians	S,Forces	Militants	Total			
2014	22	8	30	66	104	0	20	0	20	0	4	7
2015	23	5	25	60	90	10	19	0	37	0	6	9
2016	33	2	64	95	161	3	65	0	68	0	5	20
2017	49	27	54	130	211	90	37	1	128	0	14	26
2018	54	31	48	176	255	271	43	0	314	0	25	23

2019	28	10	64	76	150	2	57	0	59	0	10	12
2020	47	9	28	143	180	2	21	4	27	0	5	32
2021	35	5	18	92	115	5	20	3	28	0	0	25
2022	23	2	8	68	78	1	15	0	16	0	4	13
2023	14	4	25	29	58	7	6	0	13	0	3	4
TOTAL					140							
AL	328	103	364	935	2	391	303	8	710	0	76	171

Source: South Asia Terrorism Portal, Datasheet Jammu and Kashmir.

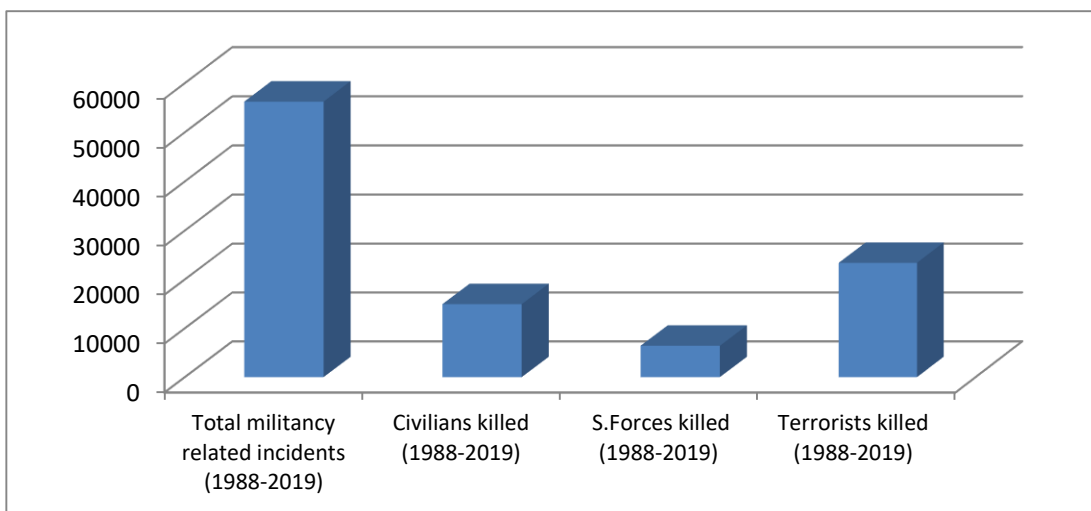


From 1988 to 1919, 44729 human beings lost their life in jammu and kashmir, 14930 among them were civilians having no concern with violence but they were victimized by the violence, 6413 were the security forces who were engaged for the counter terrorism activities and 23386 were the terrorist engaged for creating violence in Jammu and Kashmir in name of jihad(holy war), but all of them were human beings only the way of their indulgence in violence was different, only the name were the different but the men were the same. My means to say, civilian. Terrorist and soldier all are basically the humans and violence cannot be justified in any form. So the abrogation of article 370 was inevitable for saving the humans in Jammu and Kashmir, because it was serving as a root cause of militancy in the region. It leads to the alienation of Kashmiris from the rest of India and their alienation leads to their frustration and their frustration leads to the terrorism.

Year	Incidents	Civilians	Personnel	Persons	Total	Year	Incidents	Civilians	Personnel	Persons	Total
1988	390	29	1	1	31	2004	NA	534	325	951	1810
1989	2154	32	13	0	92	2005	1990	557	189	917	1663
1990	3905	862	132	183	1177	2006	1667	389	151	591	1131
1991	3122	594	185	614	1393	2007	1092	158	110	472	740
1992	4971	859	177	873	1909	2008	708	91	75	339	505
1993	4457	1023	216	1328	2567	2009	499	71	78	239	388
1994	4484	1012	236	1651	2899	2010	488	47	69	232	348
1995	4479	1161	297	1338	2796	2011	340	31	33	100	164
1996	4224	1333	376	1194	2903	2012	220	15	15	72	102
1997	3004	840	355	1177	2372	2013	170	15	53	67	135
1998	2993	877	339	1045	2261	2014	222	28	47	110	185
1999	2938	799	555	1184	2538	2015	208	17	39	108	164
2000	2835	842	638	1808	3288	2016	322	15	82	150	247

2001	3278	1067	590	2850	4507	2017	342	40	80	213	333
2002	NA	839	469	1714	3022	2018	614	39	91	257	387
2003	NA	658	338	1546	2542	2019	116	9	59	62	130
Total							56232	14930	6413	23386	44729

Source: South Asia Terrorism Portal, Datasheet, Jammu & Kashmir



Source: Union Ministry of Home Affairs GOI (UMHA). *Data till March 31, 2019

After analyzing the data received from four different regions of the jammu and Kashmir, it is revealed that maximum number of people belonging to different walks of life from jammu (Jammu, Udhampur, Kathua, Samba), chinab valley (Kishtwar, Doda, Ramban, Reasi) Pir-panjal region (Poonch, Rajouri,) favour the abrogation of article 370 and the maximum number of respondents from Kashmir valley argued that the abrogation of article 370 was not inevitable because by virtue of that constitutional provision they were enjoying special status.

As for as, the question of militancy related incidents are concerned above 87 % respondents across the state agreed that, the sharp decline in militancy related incidents is obvious after 2019 and the political participation has been increased many folds after the reorganization of the state, the interest of the common men has been developed in mainstream politics of the country and people in general have bid farewell to the negative politics and political participation. There is a paradigm shift of society from the separatist stratum to the nationalist stratum, because people in general have realized the value of peace and the downside of militancy.

Geographical regions	No. of	Whether the abrogation of art. 370 was		Is there any decline in militancy related		Whether you favour unification, bifurcation, trifurcation or tetrafurcation of the jammu & Kashmir?				Do you agree that social changes has		Do you agree that political participation has	
		Ye	N	Ye	N	Unificatio	Bifurcati	Trifurcati	Tetrafurcati	Ye	N	Ye	N
Kashmir valley	100	20	80	80	20	90	5	5	0	50	50	50	50
Jammu plains/kan	100	95	5	95	5	50	10	35	5	55	45	90	10

di belt													
Chinab valley region	100	70	30	90	10	60	15	25	0	60	40	90	10
Pir panjal region	100	80	20	85	15	50	25	25	0	65	35	80	20

(Tab:1.1)

Research analysis revealed that people across the Jammu and Kashmir are eager to retain the complete statehood status and only the marginal section of the society is satisfied with the Union territory status of the erstwhile state of Jammu and Kashmir. As for as, the question of elections is concerned majority people are fully satisfied with the election procedure but they are desirous for the announcement of the assembly elections. The question of ST status to the Pahari speaking people of Poonch, Rajouri, Baramulla and Kupwara, received a mix response. People belonging to general castes, Gujjar and bakarwal tribes are showing resentments towards the reservation policy of the government, because, to them, Pahari speaking people are already in well heeled.

Rehabilitation policy for the exiled pandit (Hindu) community of the Kashmir also shown mixed response of people, 50% of our respondents show dissatisfactions towards the rehabilitation policy of the central government. The way government of India is working will take another 50 years to rehabilitate the exiled pundits. The 90% respondents of our Jammu region opinioned that Panun Kashmir (Home land) is the only solution for the peaceful and dignified life of Kashmiri Hindus where as the 95% respondents from Kashmir region didn't favour for the home rule formula for the rehabilitation of Pundits, they argued that home land for pundits will leads to the disintegration of the Kashmir and the heritage of composite culture will vanish.

Geographical regions	No. of respondents	Would you like State hood a gain.		Is there any decline in stone pelting and		with the government claim of free and		Are you satisfied with the ST status for Pahari		Is there any positive sign for the rehabilitation of I.D.		Whether the panun Kashmir is final solution of the Kashmiri	
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Kashmir valley	100	100	0	95	5	70	30	20	80	50	50	05	95
Jammu plains/kandi belt	100	70	30	100	0	90	10	50	50	30	70	90	10
Chinab valley region	100	80	20	100	0	90	10	60	40	50	50	50	50
Pir Panjal region	100	85	15	100	0	95	5	50	50	50	50	50	50

(Tab:1.2)

Conclusion

Doubtless to say, the abrogation of article 370 have created new kind of political atmosphere in the troubled Jammu and Kashmir, unexpected positive political participation has been started, new political parties has been emerged with a new ideological setup and master plans for the development of the state under the broader vision of liberal democracy. The twin evil factors of fundamentalism and separatism have been replaced by the secularism and nationalism, violence and heartedness has been replaced by the peace and amity.

The increase in voter turnout indicated the new kind of mind setup of the people and love for the democracy. In some pockets, even the surrendered militants contested the elections under the umbrella of Indian constitution and have shown full faith in the democratic norms of the country. The local self government (Panchayati Raj) elections have opened new democratic space in Kashmir and lost faith on democracy has been restored. Nose of the terrorist and their well wishers has been tightened with iron hands by the government and people have taken a hue of sigh.

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