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# Abrogation of Article 370: Political Attack or Step for Holistic Democracy?

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TANYA BHATTAMISHRA<sup>1</sup>

## ABSTRACT

*The abrogation of Article 370 of the Indian Constitution in August 2019 marked a significant turning point in the history of the Indian subcontinent. This paper aims to comprehensively analyse the decision to revoke the special status of the state of Jammu and Kashmir and its implications on the region, as well as the wider political and socio-economic landscape of India.*

*This paper begins by providing a historical context of Article 370 and its evolution, shedding light on the unique provisions that granted the state of Jammu and Kashmir a level of autonomy distinct from other Indian states. Following this, it delves into the complex legal and constitutional dimensions that surrounded the abrogation process. The paper then examines the geopolitical consequences of this monumental decision, with a focus on its impact on India-Pakistan relations and the security dynamics in the region. The paper also explores the implications for the residents of Jammu and Kashmir, including the altered demographics and the socio-economic challenges faced by the region in the post-370 era. Through a multidisciplinary approach that integrates historical, legal, political, and socio-economic perspectives, this paper aims to provide a comprehensive understanding of the abrogation of Article 370 and its far-reaching consequences. It underscores the complex interplay of factors that have shaped the region and the nation, and it invites further discussion on the impact of this historic event on the ongoing challenges and opportunities facing the people of Jammu and Kashmir and the Indian subcontinent as a whole. The paper finally closes by making a harms-benefits analysis of the impact that Article 370 has left on the modern Jammu and Kashmir and Ladakh region.*

**Keywords:** Article 370, Jammu & Kashmir, President Rule, Abrogation, Requirement, Implications.

## I. INTRODUCTION

As soon as India gained sovereignty against British control in 1947, several princes, including Mysore, the Deccan, and Madras, became part of the Indian nation. Most felt obliged to accede to India, whereas others were provided with an option. Considering the area's Muslim majority,

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<sup>1</sup> Author is a student at University School of Law and Legal Studies, GGSIPU, India.

Kashmir was hesitant about joining any either side, India or Pakistan<sup>2</sup>. In October 1949, the Maharaja of Kashmir and Congress leader Sheikh Abdulla temporarily introduced Article 370 to the Indian constitution<sup>3</sup>. Since then, Article 370 remained an integral component of the law prevailing in Jammu and Kashmir up until it was repealed in 2019.

Article 370 of the Indian constitution was a specific clause that permitted Jammu and Kashmir to establish an independent constitution and restricted the Indian Union's authority over the territory of Jammu and Kashmir<sup>4</sup>. Essentially, it provided the Jammu and Kashmir State Assembly extensive autonomy. Save for military, diplomatic ties, communication, and finance, Jammu and Kashmir politicians wielded immense dominance over the state in the absence of the Indian federal government's looming authority. Politicians took advantage of Article 370's rights to create different laws and impose constraints on the citizens of Jammu and Kashmir.

On August 5, 2019, with the repeal of Article 370 of the Constitution and the complete absorption of Jammu and Kashmir within India, each of these laws have become ineffective<sup>5</sup>. The repeal, however, proved not unlawful because Article 370 had been included as a "temporary measure" since its beginning (Sharma-2019).

However, erroneous regulatory and political judgements had stymied its withdrawal throughout the years. The abrogation has alienated prominent political organisations in J&K, including as the PDP, which campaigned on their calls for self-rule. J&K's political, ideological and societal route continues to sway on perilously delineated avenues that remain unexplored, yet there seem to be promising improvements towards growth, development and the establishment of a holistic democracy in the region, especially with the alteration of the state into a Union Territory, despite the different political narratives being created to sway public opinion.

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<sup>2</sup> Stanford Edu., 'A Study of What Led to the Insurgency in Kashmir Valley & Proposed Future Solutions' (*Stanford Edu*) <<https://web.stanford.edu/class/e297a/Kashmir%20Conflict%20-%20A%20Study%20of%20What%20Led%20to%20the%20Insurgency%20in%20Kashmir%20Valley.pdf>> accessed 16 October 2023.

<sup>3</sup> The Wire. "Sheikh Abdullah in 1968: 'Accession Is of Minds, Hearts; Love & Justice Are the Only Weapons You Need,'" n.d. <https://thewire.in/politics/sheikh-abdullah-in-1968-accession-is-of-minds-hearts-love-justice-are-the-only-weapons-you-need>.

<sup>4</sup> Tnn, and Times Of India. "What Is Article 370? Three Key Points." The Times of India, August 3, 2019. <https://timesofindia.indiatimes.com/india/what-is-article-370article-370/articleshow/35678708.cms>

<sup>5</sup> "Parliament Approves Resolution to Repeal Article 370; Paves Way to Truly Integrate J&K with Indian Union," n.d. <https://pib.gov.in/newsite/PrintRelease.aspx?relid=192505>.

**(A) Statement of problem**

Article 370 of the Indian Constitution, now abrogated, granted the state of Jammu and Kashmir special autonomous status. It allowed the state to have its own constitution, flag, and significant decision-making powers, except in matters related to defence, foreign affairs, finance, and communications. This article was intended to be a temporary provision, serving as a bridge between the region's accession to India in 1947 and its eventual integration. However, it remained a contentious and unique feature of Indian federalism until its abrogation in 2019, which led to greater integration of Jammu and Kashmir with the rest of the country.

However, the dynamics which were behind the creation Article 370, and the reasons and mechanisms which led to its abrogation are intricate and complex, which makes understanding the historical development, the process of abrogation and its impact imperative to be able to realise the full implications of the move on both, the J&K and Ladakh region, and the question of national integrity as a whole.

Therefore, this paper aims to scrutinise the origins of Article 370 in the Indian Constitution and comprehend the political reasons due to which required Article 370 to be included into the Constitution of India. It proceeds to analyse the process which the Government undertook to be able to repeal the “temporary” article, despite decades of prior plans to do so which ended futilely. The paper finally aims to examine the reasoning of the government behind the abrogation of the Article and making a harms-benefits analysis of the move and its impact.

**(B) RESEARCH METHODOLOGY**

This paper primarily employs qualitative research techniques to fulfil the aims of the research. For the purpose of examining the topics primarily focused on in this paper, numerous books and statutes were analysed, for answering three research questions which arose out of the topic:

- i) What is the background of Article 370, and why was it added to the Constitution?
- ii) How was Article 370 removed, and how did the government manage to bypass the long and difficult process of amendment in the case of Article 370's abrogation?
- iii) How has the abrogation of Article 370 altered the politics of the state? Has it been a positive change for an effective democracy or a disguised political attack?

To reach satisfactory outcomes for these questions, Information on the features of the different ideas concerning Article 370 was collected from articles, books, etc. for a more effective comparison. Moreover, the effect of the concept on the functioning of the law in the particular nation was scrutinised to understand whether the purpose for which the removal of Article 370

was made is actually pragmatic or whether the change creates an unnecessary stronghold on the public with the way it has been implemented over the years throughout the state of Jammu and Kashmir (and Ladakh).

## **II. ARTICLE 370: THE ORIGIN**

India has a long history involving questions of national unity, and incorporation of the states into a common national administrative system. One of the most significant examples of such challenges is the existence and operation of the state of Jammu and Kashmir (now Union Territories Jammu & Kashmir and Ladakh), which is closely interlinked with (former) Article 370 of the Indian Constitution, and akin to numerous political compromises that India has made since its independence, Article 370 contains a deep and intricate history from its inclusion in the Constitution to its abrogation. To understand why Article 370 was abrogated, it is first essential to examine why it was first brought about.

### **(A) Historical Background of Article 370: Kashmir and its Accession to India**

After the declaration of India's sovereignty in 1947, Jammu and Kashmir's King Maharaja Hari Singh proclaimed separation from both resulting nations, India and Pakistan. Consequently, upon learning of this announcement, Pakistan initiated an unauthorised campaign to free the province of Hindu control in regions dominated by Muslims<sup>6</sup>. When Maharaja Hari Singh couldn't manage to secure his reign, he turned to the Indian State for aid. The Indian government was prepared to help on the ground that Kashmir became a part of India. As a consequence, both parties ratified the Instrument of Accession in October 1947<sup>7</sup>. This accession contract could not be modified outside of the state's agreement, and it additionally explicitly guaranteed the ability to correct any implementation of any eventual Indian Constitution in its jurisdiction. While Kashmir's accession to India was a welcome move, this became a matter of concern for nationalists, who were uncertain about the autonomy that this clause inevitable guaranteed to Jammu & Kashmir, and what it meant for the democratic integrity of the nation.

Additionally, after entering into the Instrument of Accession, the State of J&K observed an array of noteworthy occurrences, which included the ruler's declarations in 1948<sup>8</sup> and 1949<sup>9</sup>, the emergence of a popular administration in Jammu and Kashmir, the inclusion of J&K

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<sup>6</sup> MEA. "Kashmir: The True Story." Ministry of External Affairs, Government of India. Accessed October 16, 2023. <https://www.gallantryawards.gov.in/assets/uploads/wars/pdf/pak.pdf>.

<sup>7</sup> cjp.org. "Instrument of Accession." Accessed October 16, 2023. [https://cjp.org.in/wp-content/uploads/2019/08/instrument\\_of\\_accession\\_of\\_jammu\\_and\\_kashmir\\_state.pdf](https://cjp.org.in/wp-content/uploads/2019/08/instrument_of_accession_of_jammu_and_kashmir_state.pdf).

<sup>8</sup> MEA. "Kashmir the True Story"

<sup>9</sup> MEA. "Kashmir the True Story"

representatives in India's Constituent Assembly, and disagreements on Article 370.

### **(B) The Logic Behind Article 370: What was the Need?**

The ruler's decrees in March 1948 and November 1949 clearly discussed the formation of a Constituent Assembly of J&K for implementing its own constitution. According to these pronouncements, the Indian Constitution would inevitably propagate, which will provisionally bind J&K as a way for India to govern its legislative connection with the territory of J&K. It was further declared that once the State Constitution went into force, it would be given supremacy above any other legislation. As an outcome, on January 26, 1950, Article 370 came into effect to provide for the interim governance of India's administrative connections to the region of Jammu and Kashmir. The transitory character merely means that it will manage the ties among the Indian government and Jammu and Kashmir until the Constituent Assembly of Jammu and Kashmir implemented a Jammu and Kashmir Constitution.

The reason for the inclusion of Article 370 was simple: India needed a bridge to connect J&K to the rest of the country. While Jammu and Kashmir was in India, the autonomy that it had been granted at time of the signing of the Instrument of Accession removed any influence that India could have had on its administration, like it did on other states. There are solely two areas within the Indian Constitution which pertain to Jammu and Kashmir. The first article, Article 1 includes the state of Jammu and Kashmir on the official list of states<sup>10</sup>. Article 370, the provision which permits the Constitution to be enacted and implemented in the state, constitutes a passage. It was recently highlighted that India utilised Article 370 more than 45 times in order to broaden the provisions of the Indian Constitution to the state of Jammu and Kashmir. Through just one Presidential proclamation, India had the power to completely destroy the impact of the state's unique status under Article 370.

Therefore, Article 370 was a major clause in the Indian Constitution which provided the erstwhile state of Jammu and Kashmir unique protection. Hari Singh, at the time Maharaja of Kashmir, created a temporary administration in the territory in March 1948, with Sheikh Abdullah names its leader. Sheikh Abdullah and three other associates entered the Indian Constituent Assembly in the month of July in 1949 and later secured Jammu and Kashmir's unique status. This culminated in the enactment of Article 370, that was adopted the following year. It granted Jammu and Kashmir a certain degree of independence, including permitting the territory to establish a constitution of its own, a flag, and restricted influence on the Indian government. While this was a worry for nationalists pushing for total democracy, this was a

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<sup>10</sup> The Constitution of India, Article 1, 1950

necessary move to ensure Kashmir's accession to India, which was of supreme priority at the time.

### **III. EXERCISING ARTICLE 370 TO ABROGATE ARTICLE 370**

#### **(A) The Abrogation of Article 370**

On August 5, 2019, the Indian government, led by the nation's prime minister Narendra Modi, issued a presidential order repealing Article 370, which conferred special status to the state of Jammu and Kashmir<sup>11</sup>. The decision was followed by an initiative to divide Jammu and Kashmir into two distinctly independent Union Territories: Jammu and Kashmir and Ladakh. Jammu and Kashmir's Union Territory would be given a legislative body, whereas Ladakh would not. On October 31, 2019, Article 370 was repealed, and Jammu and Kashmir was reorganised into Union Territories<sup>12</sup>. The territory has experienced substantial shifts in government, leadership, and socioeconomic circumstances as a result since. The complete ramifications and effects of the repeal remain to be worked out, and its influence upon the area remains to be debated and discussed.

#### **(B) How the Government Bypassed the Amendment Process**

From a constitutional standpoint, repealing Art. 370 was a mind-boggling action. According to article 370(3), the provision could only be abolished by a Presidential order on the suggestion of the Jammu and Kashmir Constituent Assembly<sup>13</sup>. However, the constituent parliament perished in 1957, and a new Jammu and Kashmir legislature took over. Since the government could not solely depend on Article 370(3), it attempted to modify article 367, the Constitution's comprehension provision, in order to ensure that allusions pertaining to the "Govt of the State of Jammu and Kashmir" in the aforementioned article would be interpreted as being regarded as "Governor of Jammu and Kashmir" and "Constituent Assembly of the State" could become synonymous with the state's prevailing parliamentary body.

At the time, the legislature of the state had been put on hold (as Jammu and Kashmir had been brought beneath President's rule according to article 356<sup>14</sup>) all allusions concerning the parliamentary body in that state would have been interpreted as an indication to the chief executive of Jammu and Kashmir, the Governor. It is important to note here that the President's

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<sup>11</sup> Tnn, and Times Of India. "What Is Article 370? Three Key Points."

<sup>12</sup> Tnn, and Times of India. "What is Article 370? Three Key Points."

<sup>13</sup> Bhatia, K. L. Jammu and Kashmir : Article 370 of the Constitution of India. New Delhi :Deep & Deep Publications, 1997

<sup>14</sup> K. Suryaprasad, *Article 356 of the Constitution of India: Promise and Performance* (Kanishka Publishers Distributors, 2001).

rule indicates that the Legislature will make statutes for the territory in question regardless of matters on the state list, i.e., the Legislature will operate in the role of state parliamentary body. As a result, a Presidential order came into force through the permission of the Legislature (functioning as the state legislative assembly), stating the aforementioned variables and indicating that every single of the articles of the Indian Constitution would henceforth extend to the territory of Jammu and Kashmir, sans exemptions for an indefinite period of time. This indicated that the state law of Jammu & Kashmir was inoperative henceforth. The decision taken by the Narendra Modi government was unanticipated. Most believed that the administration would repeal Article 370, but several had dismissed the notion, claiming the apex court is swamped by issues pertaining to the provisions of Article 370 and Art 35A. As opposed to repealing Article 370, the administration exercised the authority conferred upon the President by the same Article to render the clause inoperable. Alternatively, repealing Article 370 would necessitate a constitutional modification under Article 368. The administration, however, has deftly avoided the modification path by using Article 370(3) to discontinue and transform the political system prevailing in the former state<sup>15</sup>.

### **(C) The Impact of the strikedown on geopolitical dynamics**

The move to repeal Article 370 had its foundations in the Indian government's opinion that the law hampered Jammu and Kashmir's incorporation into the rest of India and inhibited growth in the area. Abrogation proponents said that the measure would foster social and economic development, equal privileges and possibilities, and better administration in the entire territory. The government additionally asserted that the change would make it easier to implement national legislation as well as programmes wholly or partially hitherto not enforceable in Jammu and Kashmir. To comprehend the impact of the abrogation on both the affected region and the whole of India, it is critical to first highlight the reason why Article 370 was (virtually) abrogated by the Government of India in the first place.

### **(D) The Government's Intention Behind the Abrogation**

Before the beginning of August 2019, the citizens of Jammu and Kashmir were dual citizens (J&K citizens and Indian citizens), possessed a distinct flag as well as legislation alongside a Constituent Assembly that was valid for 6 years, whilst the remainder of Indian states were in effect for 5 years<sup>16</sup>. Surprisingly, citizens of J&K could abuse the Indian Constitution, Preamble,

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<sup>15</sup> "Government Brings Resolution to Repeal Article 370 of the Constitution," n.d., <https://pib.gov.in/newsite/PrintRelease.aspx?relid=192487>.

<sup>16</sup> India Today, "How Kashmir Changed on August 5," August 6, 2019, <https://www.indiatoday.in/india-today-insight/story/how-kashmir-changed-on-august-5-1577706-2019-08-06>.

National Flag, and perhaps torch it which is a federal crime for the rest of the citizens<sup>17</sup>. The Indian parliament could have enacted legislation for J&K using a very restricted competence. Additionally, the Indian Penal law couldn't be applicable in J&K since the state followed a separate criminal code termed the *Ranbir Penal Code*<sup>18</sup>. This form of unique conditions applicable to Jammu and Kashmir infringed on India's geographical integrity and the applicability of the Preamble to the Constitution.

This was perceived as a threat to national democracy. While the government understood the intricacies of Article 370, it was also highlighted how Article 370 was supposed to be a temporary provision to provide relief and support to the state of Jammu and Kashmir while it regained its political and economic self-sufficiency<sup>19</sup>. The Government acknowledged the discriminatory nature of the Article, stating that the effect it had on the citizens in the rest of the country was unfair, since citizens of Jammu & Kashmir were allowed to go outside the state and work elsewhere, yet the people from outside J&K were not allowed to buy property or engage in any occupation in Jammu and Kashmir<sup>20</sup>. It also stated that the provision that ensured women could not gain access to any ancestral property in Jammu & Kashmir if they married any man from outside Jammu & Kashmir infringed on the fundamental Right to Equality under Article 14 of the Constitution and left the women helpless<sup>21</sup>.

The Government also argued that the special status of the state had hindered national security efforts. Due to the provision of non-interference of the government in state affairs, it was difficult for the government to protect the state in the same manner as the rest of the country, which made the region a longstanding source of conflict, giving way to devastating militancy and cross-border terrorism<sup>22</sup>. This made abrogation of Article 370 essential to be able to control regional security and enforce counter-terrorism operations more strictly.

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<sup>17</sup> Pti, "Har Ghar Tiranga: Earlier Indian Flag Was Burnt in Valley, Today It Can Be Hoisted Anywhere in Jammu and Kashmir, Says Anurag Thakur," *Financial Express*, August 13, 2022, <https://www.financialexpress.com/india-news/har-ghar-tiranga-earlier-indian-flag-was-burnt-in-valley-today-it-can-be-hoisted-anywhere-in-jammu-and-kashmir-says-anurag-thakur/2628117/>.

<sup>18</sup> Rahul Tripathi, "Central Laws to Apply Retrospectively in J&K," *The Economic Times*, February 29, 2020, <https://economictimes.indiatimes.com/news/politics-and-nation/central-laws-to-apply-retrospectively-in-jk/articleshow/74410116.cms?from=mdr>.

<sup>19</sup> Raghav Ohri, "Article 370 Was a Self-Extinguishing, Temporary Provision: Centre to SC," *The Economic Times*, August 30, 2023, <https://economictimes.indiatimes.com/news/politics-and-nation/article-370-was-a-self-extinguishing-temporary-provision-centre-to-sc/articleshow/103147089.cms?from=mdr>.

<sup>20</sup> "After Scrapping the Article 370: Know What Changed in Jammu and Kashmir?," *Times of India Blog*, August 7, 2022, <https://timesofindia.indiatimes.com/readersblog/ramiz-raja-malik/after-scrapping-the-article-370-know-what-changed-in-jammu-and-kashmir-44174/>.

<sup>21</sup> Pooja Shali, "Kashmir Article 370: Women Cheer Equal Property Rights," *India Today*, August 5, 2019, <https://www.indiatoday.in/mail-today/story/kashmir-article-370-women-cheer-equal-property-rights-1577637-2019-08-06>.

<sup>22</sup> Shaheen Banoo, "Abrogation of Article 370 and Cross-Border Terrorism," *Social Science Research Network*, January 1, 2020, <https://doi.org/10.2139/ssrn.3689922>.

Therefore, through the President's Rule in effect in the state, the Government of India decided to render Article 370 (and effectively, the separate rule in Jammu and Kashmir) ineffective and established two Union Territories of, Jammu and Kashmir, and Ladakh instead<sup>23</sup>.

### **(E) Impact of Article 370 Rendered Inoperative**

Several individuals were of the opinion that repealing Article 370 was the correct move that ought to have been made several decades ago. The road to more effective democracy in India necessitates the abolition of J&K's sovereignty. The previous restriction on schooling, job prospects, and ownership of real estate to permanently residing inhabitants of Kashmir has been lifted. As a result, anyone in Kashmir may apply to receive university grants and find employment with the Central government<sup>24</sup>. Following the abolition of Article 370, the people of Kashmir are entitled to a more comprehensive right to education. They can also seek academic sponsorships to enhance overall socioeconomic and educational opportunities. The constitution currently ensures that Kashmiris have a right to obtain a degree through any of the educational institutions operated by the National Administration. Furthermore, the influx of new schooling institutions and amenities onto Kashmir would assist to increase the standard of learning. Entrepreneurs can now invest capital towards Kashmir, while fresh educational institutions have the legal approval to be established<sup>25</sup>.

The state has established more private hospitals. This implies that there have been additional medical centres and better-developed infrastructure. Investors from the outside are now able to participate in acquiring property and creating businesses in Kashmir, which has resulted in increasing job prospects for the residents of Kashmir. Considering the big picture, additional industries in the entire area resulted in increased asset output, which enhanced the region's financial industry. Property values have surged, enabling Kashmiris to profit financially. Furthermore, commercial ties amongst Kashmiris and non-Kashmiris are significantly broadening the economic and cultural market.

The inhabitants of Jammu and Kashmir have become citizens of India, irrespective of their religion as Muslims or Hindus, according to the constitutional clauses. As a consequence, they have the same privileges as the remainder of the country. The elimination of particular advantages has resulted in increased national integrity as well as democratic openness. In

<sup>23</sup> India Today, "How Kashmir Changed on August 5," August 6, 2019.

<sup>24</sup> N.d. Gov.In. Accessed October 16, 2023. <https://www.eoimadrid.gov.in/pdf/20.9%20How%20will%20Jammu,%20Kashmir%20&%20Ladakh%20benefit.pdf>.

<sup>25</sup> N.d. Skuastkashmir.Co.In. Accessed October 16, 2023b. <https://skuastkashmir.co.in/frmDownloadPdf.aspx?FN=SISPDraftPolicy.pdf>.

Jammu & Kashmir, the legal framework of India maintains to guarantee the liberties of minority communities. With the state having been divided into two separate Union Territories, the scope of party politics being at play in the regions has reduced remarkably, and since the government will be able to supervise affairs of the Union Territories more closely, it will be easier to enforce the smooth implementation of national policies in the UTs which are being implemented across other regions in India in a more uniform manner. One additional benefit of this move is that, with the integration of Jammu & Kashmir, movement to and from the region has become more seamless, which facilitates a boom in the tourism industry<sup>26</sup>, as people are able to travel to the region to see the picturesque heritage sites that the J&K and Ladakh regions have to offer the world.

An indirect impact which the abolition of Article 370 has brought about is the legal validity of the relationships of members of the LGBTQIA+ community in the region<sup>27</sup>. In India, the LGBTQIA+ relationships had been given constitutional legality, through the decriminalisation of Section 377 of the Indian Penal Code (IPC) in the case of *Navtej Singh Johar v. Union of India*<sup>28</sup> a year prior. However, because the IPC did not apply to the state of Jammu and Kashmir, LGBTQIA+ relationships were still prohibited in the state, due to the Ranbir Penal Code continuing to criminalise such relationships. It was through the abrogation of the Article, which led to the scrapping of the Ranbir Penal Code and ultimately legalised same-sex relationships in the region.

The conclusion reached about the impact of the abrogation of Article 370 cannot be considered without flaws, however. Jammu and Kashmir's exclusivity has been revoked, and the state has been designated as a union territory. The parliamentary system of a union territory is more fragile compared with that of a regular state, hence the national government is going to exert far greater influence over the state, something that has alarmed opponents since the public declaration of the abrogation. Furthermore, Kashmiris will be allowed to vote for the state government, although their voting rights are varied. Contrary to the past, the state's administration will lack total control over state choices. The citizens of Kashmir do not completely embrace the decision, which is going to contribute to additional social, political, and economic challenges in the long run.

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<sup>26</sup> N.d. Gov.In. Accessed October 16, 2023. <https://www.eoimadrid.gov.in/pdf/20.9%20How%20will%20Jammu,%20Kashmir%20&%20Ladakh%20benefit.pdf>.

<sup>27</sup> "FAQs about Kashmir and Articles 370/35A - Hindu American Foundation," Hindu American Foundation, May 14, 2020, <https://hinduamerican.org/issues/kashmir-struggle/faq-article-370>.

<sup>28</sup> 2018 10 (SCC) 1

While the harms-benefits analysis allows for the development fast occurring in Jammu and Kashmir and Ladakh to be highlighted, there are certain challenges requiring immediate attention which still need to be addressed and tackled by appropriate authorities. The most important of those is the implementation of grassroot democracy. Due to supervision of the system of administration in Jammu and Kashmir by the centre happening decades after the rest of the states, democracy at the local level, though attempted, is struggling to come to fruition. A set of infrastructural facilities have to be implemented so that people living in the regions are not deprived of their constitutional rights and remedies. Moreover, while this move aimed to decrease cross-border terrorism, the number of targeted killings (on particular resident Kashmiri groups) following the move has revealed the need of the state security to be solidified and emboldened to ensure safety and well-being of the citizens.

#### **IV. CONCLUSION**

Jammu and Kashmir's position has been frequently contested, both locally and abroad. A trio of countries claims the territory in question: India, Pakistan, and China, leading to a perpetual sequence of disruptions and territorial disputes. In India, the valley of Kashmir is split apart by an administrative struggle among state and federal administrations. Each of these variables have played a role in valley's ever-growing disagreements and instability.

India has established its dominance through the abrogation of article 370 with a Presidential Order while the state was in President's Rule, effectively integrating the state of Jammu and Kashmir into its national territory in its full sense. Ultimately, the choice to repeal Article 370 centred on the Indian government's assessment that the law impeded Jammu and Kashmir's unification with the rest of the nation of India and inhibited the region's growth. The repeal's supporters said that the measure would contribute to advancement in society, equal privileges and possibilities, and better administration in the region as a whole. They also claimed that it will make it easier to implement national legislation and programmes that had been otherwise not able to be entirely effective in Jammu and Kashmir. Those who disagree with the judgement expressed worry regarding the move's influence on Jammu and Kashmir's exclusive status and character, in addition to its possible consequences with regard to the region's sovereignty and population makeup. While it seemed impossible to be completely rid of the exclusivity surrounding Jammu and Kashmir, the government at the Centre made use of the emergency provisions given under Article 356 of the Constitution pertaining to President's Rule in a state to apply Article 370 for its own abrogation, successfully bypassing the amendment requirements given under Article 368 of the Constitution, pertaining to any Article of the

Constitution.

The abrogation of Article 370 in August 2019 had significant implications for the state of Jammu and Kashmir in India. One of the primary benefits was the extension of Indian constitutional provisions to the region, resulting in increased integration and uniformity within the country. This move also aimed to foster economic development, investment, and job opportunities in the region, potentially improving the quality of life for its residents. Additionally, it allowed for the extension of various welfare schemes and rights to the people of Jammu and Kashmir that were previously unavailable. However, the abrogation of Article 370 also generated substantial controversy and concerns. Critics argued that it undermined the autonomy and special status that the region had enjoyed for decades. The move led to political unrest and a heavy military presence, impacting civil liberties and raising human rights concerns. There were fears of demographic changes as well, as non-residents could now acquire property in the region, which some believed might alter its cultural and demographic landscape. The abrogation of Article 370 brought both benefits and harms. While it aimed to promote integration and development, it also raised questions about the preservation of the unique identity and autonomy of the region. The long-term consequences and how the situation evolves will continue to be a subject of debate and scrutiny.

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