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"PROGRESS MADE SO FAR": A SITUATIONAL ANALYSIS OF JAMMU AND KASHMIR: PRE AND POST REMOVAL OF ARTICLE 370

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Abstract

Article 370 of the Indian Constitution has given special status to Jammu and Kashmir giving it a separate constitution and control for its internal matters and administration. This special Article gave special status to Jammu and Kashmir which also had an effect on the power of property, citizenship, and other fundamental rights due to which citizens from other states weren't allowed to buy and own property land in Jammu and Kashmir, this discussion also takes us back to the complex history of Jammu and Kashmir in which the Maharaja Hari Singh claimed on including this article in the constitution to guard his people from external exploitation. This article granted specific boons simply to the residents of Jammu, Kashmir, and Ladakh while barring others. This study takes a close look at the status in Jammu and Kashmir, strategically assessing the terrain ahead and after the vital disposal of Article 370. The study aims to take a close look to decrypt the changes in the state made so far and the impact after the junking of Article 370. The comprehensive study encompassing the socio-profitable, political, and artistic dynamics is being done then. Our analysis revolves around the disposition of Article 370 to see whether there's any progress and to determine the political-social-provident impact on the state and its citizens especially. Through this study, we're also going to examine the important necessary factors like education, healthcare, and how important progress the region has made. Political metamorphoses are also under the disquisition microscope, defining the development of original governance structures and political participation. Research sheds light on the socio-political and profitable changes performed from the junking of Article 370 in Jammu and Kashmir. It also examines the conditions before and after significant changes in the rule. By combining data and

real stories, the study offers a comprehensive and unprejudiced understanding of the extent of enhancement, if any.

Keywords: Socio-Economic and political changes, Removal of Article 370, Comprehensive understanding, Change in Law, Transformation.

Introduction

Due to the special status bestowed upon it by Article 370 of the Indian Constitution, Jammu and Kashmir, a territory widely known for its beautiful scenery and complex political past, has attracted attention. This provision granted Jammu and Kashmir specific advantages such as its own constitution, autonomy in internal affairs, and control over land ownership. This study tries to explore deeper into the ramifications of this important event on numerous elements of society, politics, and the economy in Jammu and Kashmir by exploring the conditions before the repeal of Article 370 and the ensuing aftermath. The in-depth examination talks about health, education, political changes and economic growth with some concerning changes in region. This research will try to determine whether the development has been made after the abrogation of 370. The repeal of Article 370 in August 2019 was a sudden surprising moment for the region and citizens. The impacts of this ruling caused conflicts in Jammu and Kashmir about governance systems, civil rights, sociopolitical dynamics, economic possibilities, and general growth.

Hypothesis: The revocation of Article 370 in Jammu and Kashmir has led to significant changes in the socio-economic, political, and legal landscape of the region. These changes may have both positive and negative impacts on various aspects such as development, governance structures, political participation, and civil rights.

Literature Review:

The revocation of Article 370 in August 2019 prompted extensive research on its historical and implications for Jammu and Kashmir. Scholars dig into the origins of Article 370, emphasizing Maharaja Hari Singh's intention of safeguarding his people from exploitation. Post-abrogation,

research focuses on the political landscape, evaluating governance structures, political participation, and the establishment of new frameworks. The literature also examines changes in property rights, citizenship, and fundamental rights, along with assessing progress in sectors like education and healthcare. Public reactions, governance conflicts, civil rights debates, and socio-political dynamics, including economic possibilities and general growth, are explored. Some studies offer a comparative analysis of conditions before and after Article 370's removal, aiming to provide an unbiased understanding of the region's transformation. In essence, the literature offers a multifaceted view of Jammu and Kashmir's journey post Article 370, covering historical roots, political shifts, socio-economic impacts, public perceptions, and changes in the aftermath.



Research Questions

- Any socio-Economic development after removal of Article 370?
- How has the revocation of Article 370 impacted political dynamics within Jammu and Kashmir?
- Any negative impact on Kashmiris which need to be addressed?

History Of Jammu and Kashmir:

The history of Jammu and Kashmir is extensive and intricate, characterized by a fusion of political occurrences, cultural influences, and territorial conflicts. Here is a synopsis of its historical odyssey:

1. Ancient and Medieval Periods:

- The region witnessed the existence of ancient civilizations, including the renowned Indus Valley Civilization.
- It was shaped by the dominance of various empires such as the Maurya Empire, Ashoka's reign, the Gupta Dynasty, and the Durrani Empire.

2. Mughal Rule:

- During the 16th century, the Mughals established their dominion over specific areas of present-day Jammu and Kashmir.
- It became a significant component of their expansive empire for centuries, with numerous Muslim scholars making noteworthy contributions to its culture and governance.

3. Dogra Dynasty:

- In the early 19th century, Raja Gulab Singh founded the Dogra Dynasty in the Jammu and Kashmir region.
- They governed until India gained independence in 1947 under the rule of Maharaja Hari Singh.
- In 1925, J&K entered an accession treaty with British India, which aimed to grant autonomy to the state within Indian territory.

The provision of Article 370 and Its Significance:

The inclusion of Article 370 in the Indian Constitution held significant importance for the region of Jammu and Kashmir. Here are some key points highlighting the significance of this provision:



1. **Autonomy:** Article 370 granted Jammu and Kashmir a certain level of autonomy by allowing them to have their own separate constitution. This granted the region greater control over internal governance matters, including land laws, citizenship rules, and legislative powers.
2. **Preservation of Identity:** Article 370 was seen as a measure to preserve the unique Kashmiri identity and safeguard their distinct culture, demographics, and equitable political representation within the larger democratic structure.
3. **Safeguarding Sovereignty:** The incorporation of Article 370 served as a means to maintain the integrity of Jammu and Kashmir and was often perceived as an instrument to uphold a sense of autonomy over internal affairs. It provided the foundation for maintaining a limited relationship with the Government of India while protecting against external interference.
4. **Separate Flag**
5. **Historical Context:** The significance can be found in historical circumstances that led to Maharaj Hari Singh accepting only access to India if provisions guaranteeing special status were included in constitution.

Why was Article 370 repealed?

PM Modi and the BJP were against the Article 370, revocation was necessary to bring the Kashmir on par with other States, as soon as the Modi government came into, they wasted no time and fulfilled the promise of repealing the Article 370 which means that Jammu and Kashmir will no longer have a separate constitution and will now have the same laws and rules as other states all over the India. People from other states can now buy property in Kashmir.

Presidential Order:

The President has issued an Order regarding Article 370, which is now being published for general awareness. The President, utilizing the authority bestowed upon them by clause (1) of Article 370 of the Constitution, in conjunction with the consent of the Government of the State of Jammu and Kashmir, has enacted the following Order¹:

(1) This Order shall be referred to as the Constitution Application to Jammu and Kashmir) Order, 2019. (2) It shall come into effect immediately, thereby superseding the Constitution (Application to Jammu and Kashmir) Order, 1954, along with any subsequent amendments.

All provisions of the Constitution, as amended over time, shall be applicable to the State of Jammu and Kashmir with certain exceptions and modifications. To article 367, a new clause shall be added as follows: "(4) For the purposes of this Constitution as it applies to the State of Jammu and Kashmir."

The order stated that : The 2019 presidential order will overwrite or supplant the 1954 order with immediate effect. The 2019 residential order has replaced the 1954 order. Therefore, from the moment it replaced the 1954 order, the existence of the order came to an end, along with Article

1 <https://indianexpress.com/article/india/article-370-jammu-and-kashmir-removal-full-text-of-presidents-order-5879178/>



35A and the constitution of Jammu and Kashmir. They ceased to exist. The top court also ordered the restoration of Jammu and Kashmir's statehood "at the earliest" and set a September 30, 2024 deadline to hold assembly elections there.

The Reorganization Act of 2019² was enacted to review and restructure the state of Jammu and Kashmir. It came into effect on October 31, 2019. The act encompassed numerous modifications, including:

- Incorporating 103 clauses.
- Extending 106 central laws to the union territory.
- Revoking 153 state laws.
- Abolishing the Legislative Council of Jammu and Kashmir.

This bill was introduced after the annulment of Article 370 by the President's order, which stripped Jammu and Kashmir of its special status. Once the Act was implemented, strict measures such as communication blackout and security lockdown were imposed to stabilize the state following significant changes in law and order.

Before The Abrogation of Article 370:

Special Status

Jammu and Kashmir were granted special privileges under Article 370, which allowed the state to have its own constitution and control over internal administration. The powers of the Parliament in the state were limited to defense, foreign affairs, finance, and communications. It was specified that except for Article 1, which declared India as a 'Union of States', and Article 370 itself, no other part of the Constitution would be applicable to J&K. Furthermore, Article 370 could not be modified or revoked without the consent of the Constituent Assembly of J&K.

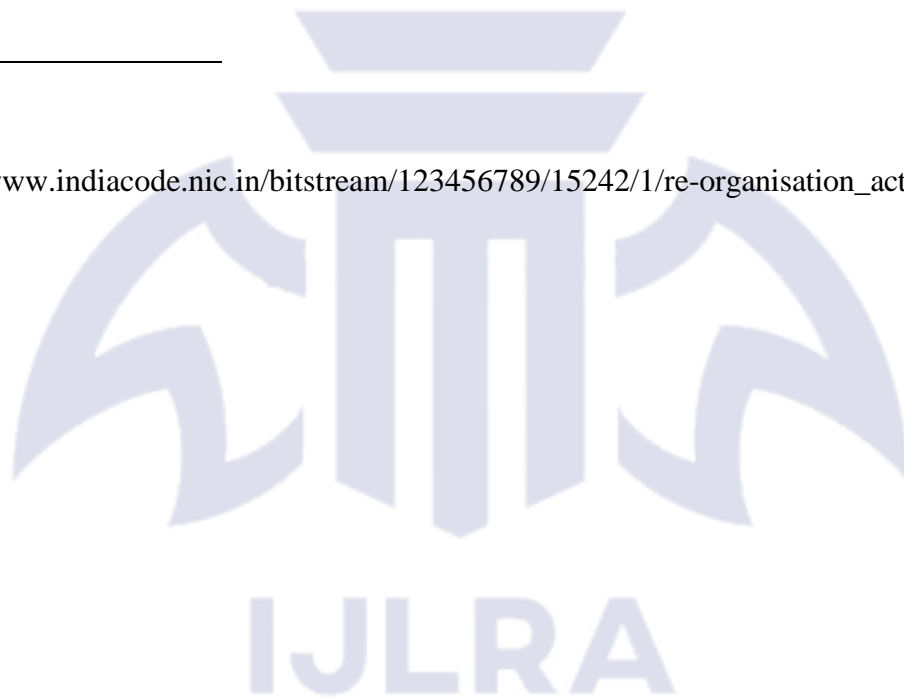
Separate Laws:

People living in Jammu and Kashmir were governed by set of regulations concerning their **citizenship, ownership of property**, and basic rights. According to Article 370, the Indian

Parliament was prohibited from applying any laws in the state without the agreement of constituent assembly.

J & K After Abrogation of Article 370:

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- 2 https://www.indiacode.nic.in/bitstream/123456789/15242/1/re-organisation_act%2C2019.pdf



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- **Socio-Economic Development?** Since the removal of article 370, the economy has faced several challenges like in the year 2019-2020 the economy contracted by 1% and it got went further by 1.2% yet the economy started gaining momentum and raised following financial year with **8% growth in GDP in 2022-23** yet the **average income per person** is still lower than the national average with **higher inflation rate** than national average since 2018 (except in 2020).³

Political Aspect

- Last election in Jammu and Kashmir assembly was in 2014, after that the BJP stopped supporting the People Democratic Party (PDP)⁴ which was led by Mehbooba Mufti, got dissolved. The supreme court upheld the decision of Centre's which revoked the special status to Jammu and Kashmir. The Supreme Court ordered the Union government to reinstate statehood and instructed that Assembly elections must be conducted by September 30, 2024.
- The minister Kishan Reddy stated that, *“the change has brought about socio-economic development in both the new UTs of Jammu and Kashmir and Ladakh. Empowerment of people, removal of unjust laws, bringing in equity and fairness to those discriminated since ages who are now getting their due along with comprehensive development are some of the important changes that are ushering both the new UTs towards the path of peace and progress”*
- **Two local body elections since 2019;** Block Development Council (BDC) and District Development Council (DDC)- After the declaration of the initial District Development Council (DDC) elections, the parties located in the valley opted to participate. They also selected candidates to occupy the open positions in the ULBs and PRIs, alongside the DDC polls conducted in November-December 2020. The BJP emerged as the dominant party with 75 out of 280 seats, while the People's Alliance for Gupkar Declaration (PAGD), a coalition of parties from the valley, obtained 110 seats. *“It was a largely corrupt and fraudulent system in the past. The nominees of*

the Ministers and a few politicians would grab the works. They would spend little on the work, and much would go to the pockets of politicians and officials. Now there's near-total transparency and accountability. There's still some wrong doing at the individual level but no question of favoritism,

3 <https://indianexpress.com/article/political-pulse/jk-after-article-370-economy-and-politics-of-union-territory-since-2019-9065855/>

4 <https://timesofindia.indiatimes.com/india/bjp-pulls-out-of-alliance-with-pdp-in-jammu-and-kashmir/articleshow/64646733.cms?from=mdr>



nepotism or corruption at the institutional level. There are some spoilsports and black sheeps in the bureaucracy, but we have unlimited support from Lieutenant Governor to the Prime Minister. PRI members have direct access to the highest corridors of power,” Safeena Baig, Chairperson DDC Baramulla, asserted.

Education:

With the abrogation of Article 370 (and therefore Article 35A), the limitations on land ownership will be dissolved, which will enable higher private investment and setting up of industries in the state. This is invariably going to give rise to technical training institutes. Considering the high number of youth in the state, industries are already eyeing the untapped education market. Quality educational offerings by numerous organizations will be accessible to the youth right in the state. This can bridge the wide gap prevailing between curriculum and industry and infuse confidence into the students. With this, J&K's youngsters will come in sync with the contemporary industry trends. Further, it will also break social and psychological barriers across the country and unlock multiple employment and entrepreneurial possibilities. Indeed, the annulment of Article 370 is a promising step in the direction of a new dawn that will see the revival of J&K and its economy as the pride of India.⁵

One Nation One Flag: Jammu and Kashmir has been fully incorporated into India, no longer maintaining its own distinct laws. The legislative system of Jammu and Kashmir must align with the Indian constitution. The elected governments in the region will now operate similarly to those in other union territories of India. As a result, Kashmir will no longer fly its own flag, but instead raise the Tricolor flag of India, akin to other states in the country.

Ownership of Property: According to the Ministry of Home Affairs' update to the Rajya Sabha in December 2021, individuals from outside the Union Territory of J&K have acquired seven plots of land. It is important to mention that prior to the repeal of Article 370 and Article 35-A in 2019, non-residents were prohibited from purchasing any immovable property in J&K. The ministry released

a notification and revised the Land Revenue Act, allowing individuals from different regions of the country to purchase land in J&K, including agricultural land. The J&K administration has enacted several modifications to the land laws, permitting the utilization of private land for industrial purposes and transforming agricultural land for developmental ventures.

Highlighting some Concerning Matter Related to Land reforms, Historical Identity of Kashmiri and disempowering Kashmiris from within:

⁵ Pandit Akhand Swaroop, CEO and Founder, Catalyst Group Scrapping Article 370: A step to reviving educational and employment opportunities facing J&K available on <https://www.indiatoday.in/education-today/featurephilia/story/scrapping-article370-a-step-to-reviving-educational-and-employment-opportunities-facing-j-k-1590409-2019-08-22> accessed on 26.07.2021.

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Land Reform:

- Government-led operation in Jammu and Kashmir aimed at reclaiming 1112.8 square kilometers of "occupied" land, which the government alleged belonged to the state. This initiative caused widespread destruction and turmoil among the local population, prompting the authorities to temporarily suspend it for a "consolidation" of their actions thus far. The actions undertaken included demolishing residential and commercial buildings, as well as clearing apple orchards owned by the locals. The federally appointed lieutenant governor of Jammu and Kashmir stated that the drive would only target influential individuals who had unlawfully seized state land through abuse of power, he also instructed officials not to harm the "poor and common" people. However, no official decree was issued to specify who would be exempted from the eviction drive. Furthermore, news reports indicated that even small-scale shopkeepers, businessmen, and others were at risk of being evicted by bulldozers. These colossal machines, which have come to symbolize the right-wing politics of the Bharatiya Janata Party throughout India, were employed to level properties.
- The progress made in the region is jeopardized by a recently announced property tax, which will impose a burden on landowners within the municipal limits. The landowners will have to pay 15% of the annual value of their own lands. Since the corona in 2019 and abrogation of 370 which came with new tax on property will make it harder for locals to own land. The combination of the recent land drive and the tax policy will discourage individuals from purchasing new land and retaining the land they currently possess.⁶
- The current infiltration of the civil administration reveals a systematic deprivation, characterized by the marginalization of Muslims and the crusade against unlawful occupation. The ruling BJP government aims to introduce new laws that would classify certain societal factions as Scheduled Tribes and Scheduled Castes. However, there are concerns that this classification may unfairly reduce the representation of Kashmiris, while expanding reservation benefits in government employment and education to other groups. The majority of these factions are located in the Jammu region, which is predominantly Hindu. This move is expected to strengthen support for the BJP in the upcoming elections. These laws are an extension of last year's redistricting process, which allocated six seats in the Jammu region and only one in Kashmir. As a result of various modifications to the existing reservation policies, Kashmiris have been put at a disadvantage.
- The presence of fewer Kashmiris in high-ranking positions within the civil administration

implies that it will be more convenient for the government to execute policies that are met with resistance from the public but align with the political agenda of the ruling party.

6 <https://progressive.international/wire/2023-06-14-bjp-land-reforms-and-the-shifting-political-landscape-in-kashmir/en>



Conclusion

The abrogation of Article 370 has brought various changes in the region and within the citizens, there are various boosting affect in many aspects while on the other hand there is many concerning matters exist too which we cannot ignore since it affects the brains and thinking of masses of citizens. If we really look at the economic changes statistically, at first it was not that drastic change but then later in the year 2022-2023 there was an increase in GDP of the region. Having one flag and same citizenship for whole nation in which now everyone is allowed to get the ownership of the land from other states also, is positive impact and will bring forth the patriotism value in citizens by making them feel like part of our country. Increase in Job opportunities and push in education sector was always needed since it lacked mostly. Little political changes bring forth more transparency and accountability than before. Even with claims of having more opportunities in jobs and the economic sector there is not really that big drastic change. On the other hand, there are some concerning matters which need to be addressed like the change in land reforms in regions which got opposed by the citizens, new property tax imposing burden on landowners. Conspiracy theory within people which talks about the disempowering of citizens by presenting less kashmiris in high-ranking positions in civil administration which may allow government to imply policies easily. There may be little advancement in the economy and political changes, but we need to develop from within, starting with the satisfaction and need of people before any other aspect since development of region only comes with people contentment and satisfaction.

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