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# **ART. 370'S ABROGATION AND ITS IMPLICATION ON J&K POLITICS**

AUTHORED BY - RITIKA SHARMA

## **ABSTRACT**

A major turning point in Indian politics was the repeal of Art. 370 in J&K, which has profound effects on the administration of the area and its relations with the national government. J&K was given special status and exemption from some Indian Constitutional restrictions under Art. 370, a measure that was only meant to be transitory. Its abrogation, however, put a stop to this unique position and sparked questions about national integrity, state autonomy, and the constitutional framework. This Art. examines the background of Art. 370 throughout history, how it affects the governance of J&K, and the legal and political procedures involved in repealing it.

## **INTRODUCTION**

There has been a great deal of discussion and examination around the repeal of Art. 370 in Jammu & Kashmir, both domestically and globally. Determining the historical background and constitutional structure of Art. 370 is necessary to comprehend the significance of this occurrence. The goal of this essay is to give a thorough summary of the abrogation and how it has affected politics in J&K.

Art. 370, which was first proposed as a temporary measure, gave J&K special status, enabling it to enjoy more autonomy than other Indian states and its own constitution. But as time went on, doubts about this provision's viability and legitimacy surfaced, especially in light of its consequences for the integrity and unity of the country. The Indian Parliament repealed Art. 370, ending J&K's special status and bringing it closer to the country's other regions. Proponents of increased regional integration and prosperity argued for this strategy, while critics raised worries about the erosion of state authority and possible effects on peace and stability.

The Art. will explore the origins, development, and ultimate repeal of Art. 370 from a historical, legal, and political standpoint. It attempts to illuminate the intricacies of J&K's political environment and its connection with the Indian state by examining the discussions and disputes

around this constitutional clause.

## 1. THE BACKGROUND OF ART. 370

The Indian Constitution, which is the longest in the world, consists of 448 Art.s, 25 parts, 12 schedules, and a preamble. Of them, Art.s 35A and 370 are especially important to the state of J&K because they regulate important facets of its legal system and governance.

The former monarch of J&K, Maharaja Hari Singh, first proclaimed the area neutrality after India gained independence in 1947. But because the state's population is mostly Muslim and he was concerned about Pakistani intrusions, he turned to the Indian government for support. After some time, a deal was struck, and J&K joined India as a result of the Instrument of Accession that was signed by both sides.

This accession agreement stated that the state of J&K had to agree to any changes made to its provisions. As a result, crucial occasions like the signing of the Instrument of Accession and the publication of the Ruler's Proclamation in 1948 and 1949, respectively, played a crucial role in the creation of the Indian Constitution.

The Indian Constitution was formally adopted on November 17, 1956, and it became operative on January 26, 1957. Interestingly, J&K continued to have distinct status as the only state with specific provisions in the Indian constitution and its own constitution.

The State of J&K's Legislative and Constitutional Status Prior to the Abrogation of Art. 370

The Indian Union is granted a special status with regard to J&K under Art. 370 of the Indian Constitution, which is frequently viewed as a temporary measure. According to this Art., the only body with the power to enact laws for the area is the Union Government. However, as stated in the Instrument of Accession, the state government may pass laws on specific subjects only after consulting with the Union. Any additional legislation need to be approved by the state government by a presidential decree. The Constituent Assembly of J&K passed the state's constitution on November 17, 1956, and it came into effect on January 26, 1957. Interestingly, Art. 370 contains a clause that gives the president the authority to change or repeal it, provided that the State's Constituent Assembly makes suggestions beforehand before issuing notification.<sup>1</sup>

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<sup>1</sup> Cambridge University Press.(n.d.). Abrogation. Retrieved December 2020,from <https://dictionary.cambridge.org>

## 2. ART. 35A

Permanent residents of J&K are entitled to particular rights and advantages under Art. 35A of the Indian Constitution. A presidential order from 1954 established this clause in accordance with Art. 370 of the Constitution, which deals with J&K's unique status. Notwithstanding any other clause in the Constitution or any laws, the definition of a permanent resident of J&K is fixed by Art. 35A. It guarantees particular rights on working and buying property in the area.<sup>2</sup>

The Treaty of Amritsar, which established J&K as a princely state and gave the area to Maharaja Gulab Singh in 1846, is where Art. 35A had its start. The inhabitants of J&K were granted Indian citizenship once Art. 370 was passed. Because of the Constituent Assembly of J&K's advocacy for preserving the state's unique identity, Art. 35A was added to the Constitution.

The agreement between Sheikh Abdullah, the prime minister of J&K, and former prime minister Jawaharlal Nehru is what gives Art. 35A its significance. The objective of this agreement was to govern the rights and advantages of the region's permanent residents while implementing Indian citizenship law. Art. 35A, which was codified by the President through the Constitution (Application to J&K) Order, 1954, gives the state the authority to define who is considered a permanent resident and what rights and advantages they are entitled to. Advocates of Art. 35A contend that it protects J&K's identity as a state with a majority of Muslims.<sup>3</sup>

## 3. DEBATE ON ART. 370

Before Art. 370 was revoked, there was a great deal of controversy, largely because Prime Minister Narendra Modi demanded a thorough examination of the clause during the "Lalkaar Rally" in Jammu on December 1, 2013. This call sparked a heated discussion at the national level as well as within Jammu & Kashmir.

As the only state in India with a special status because of Art. 370, J&K became the main source of conflict. Parties and organisations that are headquartered in Kashmir, including the Congress, JDU, CPI-M, CPI, and SP, have spoken in favour of keeping Art. 370 in place, noting its advantages for the state and for safeguarding the distinct character of Kashmiris. They fiercely

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<sup>2</sup> Teng, M. K. (2002). Kashmir, Art. 370 (Reprint). Anmol Publications. Retrieved April 19,2020, from <http://ikashmir.net/Art.370/index.html>.

<sup>3</sup> Surana , A. (2022 May 24). "Abrogation of Art. 35A and Art. 370".GETLEGAL INDIA. Retrieved, August 13, 2022, from <http://getlegalindia.com>

opposed its removal, claiming that it was an essential component in the state's integration with India.

On the other hand, those opposed to Art. 370, such as the Shiv Sena, Panun Kashmir, BJP, BSP, JKNPP, and RSS, argued that the clause encouraged separatism and communalism in the Valley, upheld regional discrimination, and violated the rights of minority communities and other socioeconomic groups. They campaigned for its repeal in order to preserve India's unity and integrity and allow state citizens to fully enjoy the rights guaranteed by the Indian Constitution. With former Chief Minister Omar Abdullah accepting the BJP's offer to take part in talks and indicated a willingness to travel to Ahmedabad for the purpose, the argument between the supporters and opponents of Art. 370 heated up. The BJP, however, turned down the offer, claiming that they had capable leaders in Jammu available for the conversation. After their initial interaction, Omar Abdullah did not respond to messages.<sup>4</sup>

The controversial topics brought up during this discussion highlighted how polarising Art. 370 is due to its alleged anti-human, anti-democratic, and discriminatory elements.

#### **4. REQUESTS FOR ABROGATION**

As part of its general election campaign in 2014, the Bharatiya Janata Party (BJP) promised to include J&K into the Indian Union. Following the election, the Rashtriya Swayamsevak Sangh (RSS), the parent organisation of the BJP, and the party started working to repeal Art. 370. Former prince regent and current Congress leader Karan Singh stressed the need for a thorough examination of Art. 370 and argued in favour of working cooperatively with the state of J&K.

But the Jammu & Kashmir High Court decided in October 2015 that Art. 370 could not be repealed, changed, or revoked. The clause in Art. 370 that gives the state's Constituent Assembly the power to recommend the abrogation to the President served as the foundation for this decision. Art. 370 was originally intended to be a temporary provision, but because there was no recommendation of this kind prior to the dissolution of the Constituent Assembly in 1957, it took on the attributes of a permanent provision.

A similar position was reiterated by the Indian Supreme Court on April 3, 2018, which upheld

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<sup>4</sup> Tarunjyoti Tewari, "Art. 370 Of The Constitution Of India: Need Parliamentary Debate".www.academia.edu

Art. 370's permanent status. It said that because the State Constituent Assembly was no longer in existence, the President could not meet the requirements necessary to revoke the provision. In its 2019 general election manifesto, the BJP reaffirmed its intention to bringing Jammu & Kashmir under the Indian Union.

The Kashmiri Hindu organisation Panun Kashmir, which was founded in 1990, has continuously opposed Art. 370 and called for its abolition as well as that of Art. 35A. Additionally, the J&K Workers Party and IkkJutt Jammu have stated their support for the repeal of Art.s 370 and 35A as well as the unification of J&K.<sup>5</sup>

### **5. ART. 370 ABROGATION: AUGUST 5, 2019**

On August 5, 2019, Art. 370 was repealed, marking a momentous historical occasion as the BJP kept its long-standing pledge to do so. This action was made possible by Home Minister Amit Shah's introduction of the J&K Reorganisation Bill in Parliament, which was quickly approved by the Rajya Sabha and Lok Sabha. Following that, on August 9, 2019, the President gave his consent, which resulted in the J&K Reorganisation Act, 2019, which essentially revoked Art. 35A and Art. 370, which gave J&K unique status.<sup>6</sup>

The Congress and the CPI (M), among other political groups, expressed strong opposition to the abrogation, but the BJP and its allies, the BSP, AAP, BJD, and Shiv Sena, steadfastly supported it. This action was directly motivated by the Hindutva movement and the BJP's goal of unifying India.

Across the nation, opinions on the abrogation were divided; supporters hailed it as an essential step towards unification, while detractors denounced it as a betrayal of the people of J&K and a breach of democracy. Notable individuals such as Ghulam Nabi Azad and Kapil Sibal denounced the action, calling it disastrous and a dark day in the history of India's constitution.

Certain legal scholars, like as Soli Sorabjee, have stated that they believe Art. 370 should be repealed because it is not a necessary component of the Constitution. Concerns were expressed, meanwhile, about the way the abrogation was executed, especially the absence of broad

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<sup>5</sup> The Indian Express, Hindustan Times & Daily Excelsior

<sup>6</sup> Government of India. Abrogation of Art. 370 Turned Historical. Press Information Bureau. Retrieved December 20,2019, from <http://www.pib.gov.in/>

participation and consensus-building.

The J&K Legislature was dissolved in 2018 before the abrogation, and stringent security measures were implemented, including as troop deployment, political leaders' detention, and a communication blackout. The public's anxiety and discontent were sparked by these acts, which reflected the intensely divided opinions on the subject.

## **6. PROBLEMS WITH ABROGATION**

For an extended period, Art. 370 has constituted the cornerstone of the constitutional arrangement between J&K and the Indian mainland, functioning as a medium for the implementation of the Indian Constitution within the territory. Art. 370 has been invoked by India approximately forty-five times to extend constitutional provisions to J&K. This provision gives the President the power to issue a presidential order revoking J&K's special status. The whole Indian constitution, with all of its modifications, was extended to the area in 1954. Disregarding the importance of Art. 370, however, puts the precarious peace in a country already embroiled in war at risk. The dynamics between J&K and other Indian states are drastically changed by its exit. It also made it easier to remove Section 35A, which had prevented non-residents from acquiring land or relocating to J&K.

## **7. THE CONSEQUENCES OF ART. 370 ABROGATION**

Revocation of Art. 370 brought about a number of important developments in J&K. All of J&K's residents became Indian citizens when the state lost its unique flag and the idea of dual citizenship vanished. J&K now has the ability for Indians from other states to register on the voter list, and the Supreme Court's jurisdiction has been expanded to include the area. Furthermore, Parliament was given complete authority to enact laws for J&K, and Indian people were granted the ability to buy land in the territory.<sup>7</sup>

This action was said to have multiple benefits. It promoted a sense of solidarity among all Indian residents and inaugurated the idea of a One Nation, One Constitution. It was anticipated that the abrogation would draw investments from the private sector, boosting the state's economy and generating a variety of job prospects outside of tourism. It was also expected that the central government would now be able to better address corruption and offer inhabitants of J&K better

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<sup>7</sup> Anushita Surana "Abrogation of Art. 35A and Art. 370" GETLEGAL INDIA.

medical care. In order to fight terrorism in the area, authorities also sought to strengthen security protocols.

However, the abrogation was not without serious problems and drawbacks in addition to these ostensible benefits. Tensions already present were exacerbated when many Kashmiri citizens bemoaned losing their dual citizenship. Increased geopolitical tensions resulted from the unilateral deletion of Art. 370, which further strained India's already precarious ties with Pakistan. In addition, uncertainty and political vulnerability were generated in the region by the practical challenges brought about by the annulment of multiple presidential directives made under Art. 370.

Furthermore, a portion of the populace felt dread and instability due to the sudden revocation of Art. 370. Concerns were raised about possible replication of these acts in other states lacking sufficient democratic procedures, which could jeopardise the democratic foundation of the nation. In addition, the repeal gave rise to unsettling social trends, including the objectification of women in Kashmir and the danger to their safety as a result of foreigners being able to marry Kashmiri women without jeopardising their citizenship.<sup>8</sup>

## **8. RATIONALE AND DIRECT EFFECTS OF THE REMOVAL OF SPECIAL STATUS**

A number of changes to Art. 370 have been made over time with the intention of improving administration, encouraging integration, and advancing good governance in J&K. Art. 370 held great significance for Kashmiris, representing their unique identity within India's federal framework, even after these modifications.<sup>9</sup> But New Delhi went ahead and unilaterally abolished Art. 370, dividing the state into two union territories, imprisoning all Kashmiri politicians who supported India, enforcing a strict communications ban, and sending a large contingent of security personnel to the area.<sup>10</sup> This move was defended by New Delhi as a way to promote improved governance, economic expansion, and deal with militancy and corruption, which it felt were

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<sup>8</sup> Tarunjyoti Tewari, "Art. 370 Of The Constitution Of India: Need Parliamentary Debate". [www.academia.edu](http://www.academia.edu). Op.cit.

<sup>9</sup> Louise Tillin, "The Fragility of India's Federalism," *The Hindu*, August 8, 2019. <https://www.thehindu.com/2019/08/08/opinion/lead/the-fragility-of-india-federalism/Art.28872165.ece>

<sup>10</sup> Rebecca Ratcliffe, "Kashmir leaders placed under arrest amid security crackdown", *The Guardian*, August 5, 2019, <https://www.theguardian.com>

related to Art. 370.<sup>11</sup>

The government imposed strict security measures and a communication blackout in reaction to the growing insurgent activities and unrest in Kashmir, which were made worse by an increase in stone-pelting events and the presence of militants. Six months after the revocation, the government still doesn't seem to know what to do, and in spite of harming India's standing as a liberal democracy, it hasn't taken any initiative to rebuild public confidence or normalise the situation.<sup>12</sup>

The Kashmir dispute gained international attention after Art. 370 was revoked, prompting the United Nations Security Council (UNSC) to meet twice behind closed doors to deliberate on the matter. As worldwide concern grew, the US Congress issued two resolutions criticising India's actions.<sup>13</sup> In response, New Delhi extended an invitation to politicians and diplomats from around the world, including European Union lawmakers and ambassadors, to come to Kashmir on fact-finding missions. Nonetheless, the majority of the far-right political groupings were represented by EU legislators during their first visit, whereas diplomats from a variety of nations attended the second. The ambassadors from the European Union notably abstained from the visit, highlighting their misgivings.<sup>14</sup>

Although Kashmir is gradually returning to normalcy, tensions remain high and the area is ready to go up at the slightest provocation from the other side of the border.<sup>15</sup>

## 9. REVOCATION OF ART. 370 AND ITS EFFECTS

Significant changes have resulted from the repeal of Art. 370, especially in J&K, which has heightened tensions between India and Pakistan over the territory. Historically, there have been several battles between the two countries over this sensitive issue. Although there have been severe restrictions, like as curfews and communication bans, since Art. 370 was revoked, the

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<sup>11</sup> PM Narendra Modi speech Updates: "Art. 370 was a hurdle for development of Jammu & Kashmir", Business today, 8 August 2019. <https://www.businesstoday.in> -

<sup>12</sup> 1,999 stone-pelting incidents in 2019 in J-K, 1,193 post abrogation of Art. 370 The Economic Times, <https://economictimes.indiatimes.com>

<sup>13</sup> Situation in Kashmir violates human rights: US Congress woman Debbie Dingell, The Economic Times, 14 January, 2020, <https://economictimes.indiatimes.com/>

<sup>14</sup> UN Security Council discusses Kashmir, China urges India and Pakistan to ease tensions, UN News, 16 August, 2020. <https://news.un.org/en/story/2019/08/1044401>

<sup>15</sup> Sudhi Ranjan Sen, Government warned of spike in violence in J&K, no troop withdrawal, Hindustan Times, 11 January, 2020, [hindustantimes.com/india-news/](http://hindustantimes.com/india-news/)

Kashmir valley has had relative peace from August 2019 until November 2019. J&K's social, economic, and political climate have all been significantly impacted by these actions.

Significant psychological pain has been experienced by the populace as a result of the sudden removal of Art. 370, which the people of J&K saw as a deprivation of long-standing privileges, as well as the harsh communication blackout. Mental health problems have been made worse by the lack of access to basic communication tools; a significant section of the population suffers from anxiety disorders, depression, and post-traumatic stress disorder (PTSD). The widespread trauma that people in the area endure was brought to light by Médecins Sans Frontières' (MSF) 2015 Kashmir Mental Health Survey.<sup>16</sup>

Nonetheless, the areas have become more linked with the rest of India as a result of the constitutional reform that divided the former State of J&K into the union territories of J&K and Ladakh. The inhabitants now enjoy the advantages of central laws that were previously inaccessible to them as well as the rights guaranteed by the Indian Constitution thanks to this integration. In both union territories, the transition has also sparked socioeconomic advancement as seen by the abolition of laws that discriminate against individuals and the development of just political systems.

A significant step towards all-encompassing development and peacebuilding in J&K is the establishment of a three-tier system of local democracy, which includes Panchayati Raj Institutions like Panches and Sarpanches, Block Development Councils, and District Development Councils. In response to a query in the Rajya Sabha, Shri G. Kishan Reddy, the Minister of State for Home Affairs, detailed these advances, which show a determined attempt to establish stability and advancement in the area despite the difficulties presented by the repeal of Art. 370.<sup>17</sup>

The vital link that separates India and the state of J&K is Art. 370 of the Indian Constitution, sometimes known as the "umbilical cord" of the document. In spite of its importance, it is acknowledged as one of the most sensitive clauses in the Constitution. Art. 370, which gives state legislatures superseding powers over the Union Parliament, has established a sense of dual

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<sup>16</sup> Muntazar Kashmir Mental Health Survey Report, 2015. People's archive of Rural India (2016). Retrieved December 20, 2020, from <http://ruralindiaonline.org/>.

<sup>17</sup> Government of India, Ministry of Home Affairs. (2021, February 3). Impact of Abrogation of Art. 370 On J&K. Press Information Bureau. Retrieved April 21, 2021, from <http://www.pib.gov.in/>

supremacy in contrast to the Parliament's supreme authority to enact and alter laws throughout the nation.<sup>18</sup>

Due to this clause, J&K now has a number of unusual situations. Most significantly, residents of the state are dual citizens, meaning they have citizenship rights in both India and the state, but citizens of other regions of India do not. This inequality affects people's rights according to their residency status and includes voting and property rights. Furthermore, exemptions from some taxes and regulations cause economic imbalances and can result in discrimination against non-state citizens and exploitation by wealthy landlords.

Psychological barriers have been created by Art. 370 between the people of J&K and those of India, hence sustaining the two-nation thesis. Furthermore, it has been said that governance frameworks in J&K, such as the Right to Information Act, are opaque and unaccountable, which exacerbates socioeconomic inequality.

The lack of constitutional safeguards and centralised welfare schemes in J&K has resulted in the deprivation of vital support and opportunities for disadvantaged groups, including scheduled castes and tribes. Even though they make up a sizable fraction of the population, they are not afforded the same political representation or affirmative action opportunities as their counterparts in other regions of India due to systemic prejudice. Their marginalisation is made worse by the non-implementation of constitutional requirements pertaining to reservation in employment and services.

Moreover, the state government's unwillingness to implement decentralisation policies, such those described in the 73rd and 74th Constitutional Amendment Acts, demonstrates a lack of dedication to inclusive governance and grassroots empowerment. Tribal groups, despite their disadvantage in terms of location, receive little assistance and face obstacles in their attempts to obtain political participation.

Affirmative action laws in J&K urgently need to be reevaluated in light of these difficulties, and structural injustices and inequities must be addressed. A thorough evaluation of Art. 370's effects on the region's growth and integration with the rest of India is imperative, as seen by the ongoing

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<sup>18</sup> Kulsherestha, D.P.(2016).Art. 370:Constitutional Obligations and Compulsion. IJELLH,IV(I), p.98-100. <http://doi.org/10.24113/ijellh>

discourse surrounding it.

The J&K Reorganisation Act of 2019 was passed in response to Art. 370's withdrawal, dividing J&K into two union territories: Jammu & Kashmir and Ladakh. Anticipating possible civil upheaval in the Kashmir Valley when J&K's special status was removed, this decision was made. It is anticipated that New Delhi will have more direct control over the police and the upkeep of public order, as well as more local legislative and administrative authority in J&K, as a result of this shift to union territory status.<sup>19</sup>

The Indian Home Minister, Amit Shah, gave the parliament the assurance that, when normalcy was restored and the right circumstances materialised, the federal government would eventually grant J&K's union territory full "state" status. There could be two important outcomes from the ruling BJP's intention to remove Art. 370. First off, this move could benefit the BJP politically in J&K as well as in the rest of India. Second, in reaction to efforts at third-party mediation, New Delhi may now declare even more vehemently that the Kashmir dispute is exclusively a "internal" concern of India.<sup>20</sup>

The possibility of civil unrest, terrorist attacks in the Valley, racial tensions in J&K, and the internationalisation of the Kashmir conflict are just a few of the concerns that the government is acutely aware of. In addition to tackling both internal and external issues, New Delhi hopes to demonstrate its control over J&K by removing Art. 370.<sup>21</sup>

India's decision to revoke J&K's special status is probably going to make things worse between the two countries. India's quick action may have been inspired by recent geopolitical events, such as the expected withdrawal of US soldiers from Afghanistan and the possible return of an insurgency led by the Taliban. India's decision was probably influenced by worries over President Trump's comments about mediating the Kashmir dispute and the potential for terrorist groups with ties to Pakistan to obtain training in an Afghanistan that is independent of the United States. An alteration in India's stance towards the Kashmir dispute is indicated by the removal of J&K's special status. Instead of promoting bilateral talks with Pakistan, India wants to present the

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<sup>19</sup> Wani, Ajaz. (2020). Life in Kashmir After Art. 370. ORF Special Report. 28 January 2020, Observer research Foundation. Retrieved 13 April, 2020, from <http://www.orfonline.org/?amp>

<sup>20</sup> Sharma, S. 2019. The Political Impact of India's Removal of J&K's Special Status. South Asian Voices, August 19.

<sup>21</sup> Sharma, S. 2019. The Political Impact of India's Removal of J&K's Special Status. South Asian Voices, August 19.

problem as one that exists within. The existing partition of Kashmir's land may become permanent with the formalisation of the Line of Control and International Boundary. The defence minister of India says that the only topic of discussion in the future with Pakistan will be Kashmir, which is governed by Pakistan. Pakistan is anticipated to react forcefully to this shift in narrative, as demonstrated by diplomatic measures like the expulsion of the Indian High Commissioner and the suspension of commerce. Islamabad is increasing the likelihood that the J&K dispute would become a worldwide problem by stepping up its diplomatic operations around the world. These efforts include extending contacts to China, the US, the UN, and the Organisation of Islamic Cooperation.<sup>22</sup> India, the United States, and other nations have all declared Lashkar-e-Taiba, Hizbul Mujahideen, and Jaish-e-Mohammed as terrorist organisations.

## 10. PUBLIC VIEWS REGARDING ABROGATION

The removal of Art. 370, which gave J&K unique status, has caused conflicting feelings among the local populace. Some see the abolition of autonomy as a threat, especially in the Kashmir Valley, while others see it as symbolic and emotionally meaningful. Fears of cultural and ethnic eroding as well as possible changes in the population are among the concerns.<sup>23</sup> The drafting of new domicile rights legislation by the central government has caused alarm among the local population, who fear changes in the population and employment prospects.<sup>24</sup>

The administration has withstood criticism and retracted a contentious announcement, but it is still debating ways to grant non-Kashmiris access to employment, land, and education. With the new government declaring previous state legislation null and void, anxiety and confusion have been heightened by the communication blackout from New Delhi following the revocation.<sup>25</sup> The abrogation is generally supported by the Kashmiri Pandit population, especially by those who were compelled to flee the area in the 1990s, who see it as a step in the right direction towards regaining their safety and rights. Nonetheless, certain Kashmiri Pandit organisations are calling for peace, the return of independence, and special status. In general, the people of J&K have

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<sup>22</sup> Sharma, S. 2019. The Political Impact of India's Removal of J&K's Special Status. South Asian Voices, August 19.

<sup>23</sup> South Asia Citizens Web, India: Sixth and Seventh Reports of the Concerned Citizens' Group on Kashmir Sep17-18, 2019 and Nov22-26, 2019, 18 December, 2019. Retrieved from, <http://www.sacw.net/Art.14242.html>,

<sup>24</sup> Indo Asian News Service, "J&K residents to get domicile rights for land, govt jobs", <https://www.indiatoday.in/india/>

<sup>25</sup> Peerzada Ashiq Focus turns to domicile laws, land, jobs in proposed Union Territories of J&K, Ladakh, The Hindu, <https://www.thehindu.com/news/>

expressed a wide range of complex feelings and worries in response to the repeal of Art. 370.<sup>26</sup>

## 11. ORGANISATIONS AT THE NATIONAL AND GLOBAL LEVELS REGARD THE ABROGATION OF J&K'S SPECIAL STATUS

Many nations and international organisations supported the repeal of Art. 370, which gave J&K special status, even though the majority of them saw it as an internal Indian issue. Bhutan, the Maldives, Bangladesh, Sri Lanka, and Nepal have all stated that the modifications to the Indian Constitution are matters of internal concern to India. Bhutan underlined the value of maintaining peace along borders, while the prime minister of Sri Lanka recognised that Ladakh is an Indian state whose people are primarily Buddhist. India's key ally Afghanistan refrained from associating itself with attempts by Pakistan to associate the Kashmir dispute with Kabul.<sup>27</sup>

Reactions from the European Union (EU) were not uniform; several members voiced worries about human rights and the state of affairs in Kashmir. But a group of right-wing EU Parliament lawmakers visited Srinagar and praised India's efforts while emphasising the need to fight terrorism.<sup>28</sup>

The Organisation of Islamic Cooperation (OIC) demanded the easing of limitations imposed in the region and advocated for a peaceful resolution of the Kashmir problem through a plebiscite. Several OIC members enjoy cordial ties with India, which allays India's worries about the organization's position, notwithstanding Pakistan's attempts to mobilise support for the group.<sup>29</sup>

The UN Security Council reiterated its preference for bilateral resolutions between India and Pakistan while taking a mute position, skipping official sessions and pronouncements. India stressed the international recognition of its bilateral policy, while China and Russia called for compliance with UN decisions over Kashmir.

After Art. 370 was repealed, Amnesty International voiced concerns about human rights violations in Kashmir and emphasised the need for international attention to the situation.

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<sup>26</sup> Naseer Ganai, Arrests under PSA amount to “Thought Crime” say Kashmir Lawyers as 100s remain under detention, Outlook, 3October, 2019. <https://www.outlookindia.com/website/story/>

<sup>27</sup> “Outrage over Right-Wing Euro-MPs’ Kashmir Visit,” BBC, October 30, 2019, <https://www.bbc.com/news/world-asia-india-50231022>;

<sup>28</sup> “EU Parliamentarians Hold Press Conference in Jammu & Kashmir,” YouTube, uploaded by DD News, 2019, <https://www.youtube.com/watch?v=wccY6hzP3hM>.

<sup>29</sup> Sodhi ,J. (2021,May 27). The Art. 370 Amendments on J&K: Explaining the Global Silence. Published by Observer Research Foundation,(318). <http://www.orfonline.org/?amp>.

The removal of Art. 370 has a substantial impact on J&K's economy. Even though the early disruptions resulted in significant losses, the government made investments and developed infrastructure in an effort to promote economic growth. Concerns were raised regarding the Darbar Move tradition's potential effects on Jammu's economy when it was suspended. Nonetheless, the government's attempts to draw in capital raised interest from international businesses and presented chances for economic expansion, indicating a change in the nature of economic activity following the revocation.

## **12. INDIA'S HISTORIC DECISION MARKED THE BEGINNING IN A NEW ERA FOR JAMMU & KASHMIR**

The state of J&K (J&K) has undergone a dramatic change in the socioeconomic environment with the elimination of Art.s 370 and 35A. These constitutional clauses previously restricted the transfer of land, which hampered industrial development and private investment. Because of this, J&K fell behind in important areas like tourism, health care, and education, which restricted job possibilities and growth overall.

But a new age of progress is expected if these limitations are lifted. Increased industrialization and private investment are anticipated in the area, which will benefit locals by creating jobs and fostering wealth. Furthermore, industries with a lot of potential for growth include horticulture, food processing, and handicrafts. These industries stand to gain from more chances for both domestic and foreign cooperation.

With more money invested in facilities and infrastructure, the region's enormous tourism potential should be realised. This will enhance visitor arrivals and generate additional job and income opportunities. Public-private partnerships (PPP) are also projected to drive growth in the education and healthcare sectors by guaranteeing that everyone has access to high-quality education and healthcare services.

Additionally, the abolition of Art. 370 empowers marginalised groups like women, children, scheduled tribes, and lower castes. In addition to all federal laws safeguarding women's and children's rights being upheld, women who marry outside of the state will now have complete ownership rights. Backward castes will enjoy full benefits of reservation in work and education, while scheduled tribes will be granted political representation and protection of their forest rights.

In addition, the region will experience increased accountability and transparency as anti-corruption laws and supervision procedures are implemented, guaranteeing that development monies are disbursed to the right people. Furthermore, the implementation of progressive central laws will help marginalised groups within society, promoting diversity and maintaining the rights to culture and religion of all people in J&K.

All things considered, the repeal of Art. 370 represents a fresh start for J&K, bringing with it a period of equitable growth, citizen empowerment, and advancement.<sup>30</sup>

### 13. CONCLUSION

Reactions from regional and international organisations to the repeal of J&K's special status under Art. 370 of the Indian Constitution have been mixed. With profound effects on the political, social, and legal landscape of the area, India's momentous decision marked the start of a new era. Diverse public opinions on the abrogation have emerged, which reflects the intricate sociopolitical dynamics of the area. While some applauded the action as a step in the right direction towards increased integration and development, others voiced worries about possible negative effects and how it might affect J&K citizens' rights.

The goal of promoting greater national unity and development in the area served as the justification for the abolition of special status. Reorganising J&K into two distinct Union Territories—J&K and Ladakh—was one of the abrogation's immediate impacts. Nonetheless, the revocation of Art. 370 has had a variety of effects, including those on human rights, security, and government. Human rights breaches, tensions with Pakistan, and worries about the return of normalcy are just a few of the difficulties and issues that have surfaced. The August 5, 2019, judgement, which marked a dramatic change in India's policy towards J&K, is today regarded as historical. It came after years of arguments and pleas over whether or not Art. 370 and Art. 35A needed to be repealed. The long-running discussion around Art. 370 reflects varying opinions regarding the legislative and constitutional status of J&K before its abrogation. Another point of dispute concerned Art. 35A, which gave J&K citizens particular privileges. Art. 370's historical roots can be traced back to the period of India's independence and the rise of princely kingdoms. Because of its specific characteristics, J&K was given a special status within the Indian Union that reflected the complex political history of the region. In summary, the revocation of Art. 370

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<sup>30</sup> Provisional impediments in resolving the kashmir crisis: an analytical study with special reference to the constitution of india submitted to jagran lakecity university, bhopal (m.p.)

has marked a turning point in the history of J&K and will have a significant impact on both the state's future development and that of the larger region. The ruling has generated a great deal of discussion and examination, bringing to light the difficulties with identity, governance, and territorial integrity in India's federal system.

