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The Impact of Article 370 Abrogation on Governance and Development in Jammu and Kashmir 2019-2024

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Abstract

The revoke of article 370 in august 2019 consider a new era of development for Jammu and Kashmir. With the revoke of the article 370 the special status was removed and Jammu and Kashmir become and integral part of union of India and this make the application of union policies rule and laws applied on it as applied in other part of nations this improves administration and open new economic, political development opportunities. After the revoke of article 370 the state has undergone through positive change and opportunities in advancement of infrastructure , healthcare , education, and investments .National scheme like Ayushman Bharat provided better health care, decision of establishing 2 AIIMS, medical colleges, engineering colleges, transportation, better network services , new industrial policies ,government reforms , digital initiative and more transparency , private investment have contributed in overall development of the state. Even after these new opportunities there are backlash over political restructuring, security issues and often debate over state autonomy, bifurcation of state into union territories of Jammu & Kashmir and Ladakh questioned the democratic representation. This research paper is about the impact of Article 370's abrogation on governance and development in Jammu and Kashmir between 2019 and 2024, the impact before the article and after this article, what was the article about and challenges and chances in the region.

Key words: Article 370 Abrogation, Jammu and Kashmir Reorganization Act 2019, Jammu and Kashmir, Union of India.

Introduction

The Article 370 gave special privilege to Jammu and Kashmir and comes under part XXI of the constitution. As per the article 370 which provide special status to the state it I also effecting the development of the state the government want to develop the region and with effort of BJP government it was removed on October 2019 by presidential order and named it constitutional application to Jammu and Kashmir order 2019 and finally article 370 was revoked and Jammu and Kashmir was treated like other states.

This paper seeks to analyse the impact of article 370's abrogation on governance and the development the region have after that from 2019 to 2024 and the role and changes occur in the region by administration , comparison between before and after the revoke of article, and development after this. By evaluating these dimensions, the paper aims to provide an objective understanding of the outcomes of this policy shift and contribute to the broader discourse on governance and development in conflict-prone regions. Kashmir state because of which this state enjoys special privileges.

Research Question

1. What are the challenges during the time abrogation?

2. What are the after effect of removing of article 370?

3. What is the history of article 370?

Research Methodology

Qualitative:

The research focus more on quality for material rather than quantity. Secondary sources will be Books, research papers, and journal articles on Article 370. News reports, expert opinions, and interviews. Public surveys and opinion polls on the impact.

Sampaling method

Academics & researchers (political scientists, economists). General public (residents of Jammu & Kashmir, Ladakh, and rest of India)

Interviews

General public and teachers, Google forms and personal interview

Views/Interview on The Impact of Abrogation of Article 370

1. View of person A:

As a Kashmiri, perspectives on the abrogation of Article 370 are deeply divided. Some see it as a long-overdue step toward full integration with India, believing it will bring economic growth, better infrastructure, and equal rights. However, many Kashmiri view it as a betrayal and an attack on their identity and

autonomy, leading to increased political alienation, resentment, and a sense of loss of control over their own future. The heavy security measures and communication blackouts that followed only deepened mistrust and frustration among the local population. The long-term impact on peace and stability in the region remains uncertain.

2.View of person B:

The abrogation of Article 370 was one of the most significant and controversial decisions in India's history, but for us Kashmiris, it was nothing less than a betrayal. It wasn't just about removing special status; it was about how it was done—without consulting the people most affected by it.

The worst part of all this was the way they shut down the internet and mobile services for eight months. Imagine being completely cut off from the world, unable to contact family, run businesses, or even access basic information. It wasn't just an inconvenience; it had severe consequences. Students couldn't study, businesses suffered massive losses, medical emergencies became harder to manage, and the psychological toll on people, especially the youth, was immense. The isolation only deepened the sense of alienation and distrust.

The government justified the move as a step toward integration and development, but for many Kashmiris, it felt more like erasing our identity and silencing our voices. The changes in land laws raised fears of demographic shifts, local political representation weakened, and increased militarization only added to the tensions. Even when the internet was restored, it was restricted to 2G for months, further delaying any real recovery.

They claimed it was for our betterment, but how can progress be forced on people by taking away their basic rights? If anything, this decision and the way it was implemented damaged trust and deepened the wounds that have existed for decades.

Brief History of Article 370 and Its Significance For Jammu And Kashmir

In the starting Jammu and Kashmir was princely state like the other states of India in 1947. after independence in the struggle for land made it end up to sign with instrument of accession independent Jammu and Kashmir did not want to join and of neither India nor Pakistan and India accepted this decision but Pakistan did not accept this Pakistani military attacked Jammu and Kashmir that time. And Maharaja Hari sing requested India to support them and Sardar Patel offer them with to join instrument of association in return of help and on 26 October 1947

Maharaja Hari Singh signed the instrument of accession on certain concessions for autonomy of state and this is the reason of special status of Jammu and Kashmir under article 370 .

In the beginning it was a temporary provision and according to time the state was allowed to have its own constitution but some exceptions were there like defence, foreign affairs, finance and communication was under control of India and for other rules and laws or policy the state concessions were required and clause 3 of article also says that after consult with the constituent assembly of the state the article 370 can be revoked. And even all this the rights of the permanent citizens were not clear and for this Dr Rajendra Prasad passed a presidential order “constitution application order 1954 which include article 35A on 14 May 1954 it is basically to define the rights of permanent residents of Jammu and Kashmir and with the revoke of article 370 this article was also revoked on 2019.

This provision was drafted by Maharaja Hari Singh appointed PM Sheikh Abdullah who wanted it to be not as temporary provision but as a permanent provision as an iron clad autonomy.

Question Of What Is Article 370 And 35a

Article 370

1. The state have its own constitution drafted by constitution assembly and they rule as their constitutions say.

2. Limited power to the parliament only matters which are allowed to discuss in parliament are by the concession of Jammu and Kashmir government and by president and according to norms of instrument of accession are allowed and president had some powers like he can vary any modification in the constitutional provision if he finds it necessary .

Article 35 A

1. Gave the rights of permanent residents of Jammu and Kashmir.

2. Rights like employment in state government, acquire state property, rights of women, scholarship and other rights which state government gave them.

The Term Temporary

It may be for a week or may be a year or decade. Many try to explain it like national commission to review the working of the constitution working to explain temporary means, of the article 370 but they also failed to do so.

Significance of Article 370

the article provide special status to the Jammu and Kashmir with in the Indian

union which include on constitution on 17 October 1949, and permitted it to draft its state constitution and restricted parliamentary legislative power as with signing of instrument of accession by princely states on the state subject matter was merely consolation and extended to concurrence of state government mandatory.

Reason Behind Removal of Article 370

Even after signing of instrument of accession and joining Indian domain Jammu and Kashmir was not an integral part of India like other states were because of its special status given by article 370. They have their own constitution and they follow that and Indian legislature only apply on 3 subject matter here and because of this union government didn't have access here and this region remains underdeveloped with respect to other states and terrorism and violence was also became a subject of daily life here and underdevelopment was affecting the youth of the region so, the need to revoke this article to establish peace, development of region and made it an integral part of India government took initiative to remove this article. Another reason we can say that it is the part of manifesto of BJP from beginning because they believe it is not good for unity of the country and it corner the Kashmiri culture to land geography of

northern region only and it is needed to remove this article to flourish the culture to other region as well.

Challenge

It is the manifesto of BJP 2014, general election and there pledged to integrate J&K into union of India, after election with lots of efforts of party to with RSS and congress leader Karan Singh, son of Maharaja Hari Singh opined the topic so important to revoke article 370 and administer with J&K government.

But some challenges come up like high court of J&K has said Article 370 cannot be abrogated or repealed or amended on October 2015 and clause 3 of article says state constituent assembly to recommend the president on matter of overrule article and since the present understanding of not having constituent assembly and they made no recommendation before they made dissolution on 1957, this article became permanent provision even though its a temporary provision of constitution.

On the eve of 5 August 2019, article 370 was revoked by centre government under order 272 of constitutional order which says certain change to article 367 and change in how article 370 would be read and it allowed the changes made in article 370. Actually order 273 was issued to make the recommendation and

conformation to abrogate article 370 to be naturalised and with this parliament passes order to bifurcated the two state into two union territories by the Jammu and Kashmir reorganisation act, on 9 august 2019. Dr Ambedkar who was head of drafting committee refused to draft article 370 and finally Gopalaswami ayyanagar and according to original draft the person who is recognized by president of government of the state of maharaja of J&K and who act on the recommendation of council of minister for its tenure under maharaja proclamation dated 5th day of march 1948. And the government of stateman means a person who is considered by president on the consultation of legislative assembly of state as *sadr-i-riyasat* of J&K and he act on recommendation of council of minister of state for his tenure it was converted to this and also under this article 370 government can't manage border of region. Even if we consider it with the historical context to abrogate article 370 *kautilya* is also believe that a state function well when it is integrated into a union its features like centralised government, *rajadharma* (duty of state), *dhanam mulam Rajyam* (arthshatra, economic development), *yogakshema* (welfare of state) all are essential .

Union Government Take on Abrogation

New changes and order which are passed by union government under article 370.

Land Amendments:

The Jammu and Kashmir alienation of land act 1938 and the big landed estates abolition act, 1950 these gave protection to land holdings for permanent residents they both are repealed and also twelve others and they made fourteen laws for J&K.

Application of IPC:

After the revoke of article 370 and article 35A, Indian penal code was applied and the Ranbir penal code which was applied till 2019 was removed and separated the prosecution wing from executive policy in J&K.

District Development council introduction for the legislation which was brought under amendment to J&K panchayati raj 1989. The new district development council was created by new government unit on October 2020 and work as third tier of governance in 2009 and 2014, and BJP also reiterate stance on revoke of article 370 and the third tier governance in union territory in which each district send fourteen member to constitute DDC.

Establishment or Making of Delimitation Commission

It was established in 2020, first delimit the assembly constituencies on May 2022 and also recommended seven additional constituencies and they made six for Jammu and Kashmir and take total number of seat from 90 to 83 in union territory .

State Commission Defunct

Due to this legal frame work which was for directed function of state commission were taken away the important role played by these are state women commission , state information commission and the states women commission.

Establish State Investigation Agency

State investigation agency was created on November 2022, it is nodal agency to coordinate with national investigation agency they look for speedy effective investigation and terrorism related cases prosecution.

Special Status and Other

Also article 238 was omitted from constitution of India in 1956 .and not applied on J&K.

Before and After of Article 370

Separate constitution for J&K but now it follow union of India constitution,

before the revoke there was dual citizenship but now single citizenship, separate flag was their earlier but now its India flag only, No reservation for minorities was there but now there will be, earlier if a women marries outside J&K she loose property rights but now she have all the rights, earlier other states people can't became a local resident or purchase property but now they are allowed to have property or become a resident , earlier right to information act was not applicable by now it is, earlier right to education was not applicable but now it is, Indian penal code was not applicable but know it is.

Court Petition and Government Role

Some of petitions and the counter role of central government it was often raise whether state constitution assembly role was assumed by Indian parliament regarding the article and petitioner is of the view that it is not the authority of parliament to convert itself into constitutional assembly as it may have political consequences and it is like you are playing with the constitution and his opinion is also that J&K have different history with union of India and no document was their of their merger but its instrument of accession that means sovereignty of state was not a matter of

transfer and state autonomy need to be preserve or protected.

He further said the aim of article 370 was to impose restriction on parliament power over the state legislature any law which is not part of union list and concurrent list and not mentioned in instrument of accession need state legislature permission on it. He also questioned the role of governor as he can't dissolve legislative assembly without concerning with council of ministers also he concerns about the conversion of state into union territory with view that how can state would downgraded and abolished because this raised question for democracy.

The response of union government on these are with the signing of instrument of accession the state is fully merged into union of India and willingly surrender its sovereignty by accession they also summited a proclamation by Karan Singh son of Maharaja Hari Singh November 25,1949 . which says according to government of India act 1935 which earlier governed J&K constitutional relation with India would be repealed and it was describe that the upcoming constitution of India will decide the relation between J&K and union of India and would be successor by Karan Singh and his successor's and also mentioned that Indian constitution would override any

existing provision in J&K that are inconsistence. And as per the time line this was earlier and made the authority of Indian constitution over J&K.

Supreme Court Stands:

After examine all supreme court gave its verdict on the basis of 3 key issues Jammu and Kashmir status unique or special status. According to supreme court J&K did not retained any sovereignty form after its accession after 1947 while Maharaja Hari Singh proclaimed his intention over proclamation of sovereignty and his succession Karan Singh signed a proclamation which says Indian constitution should take all the laws in the state on this the supreme court stands that this proclamation was resulted in the merger of Jammu and Kashmir with India like all other princely states the court said it is integral part of union of India and mentioned section 38 of Jammu and Kashmir constitution and article 1 and article 370 of Indian constitution and according to article 3 of Jammu and Kashmir the state should be an integral part of union of India and it is non amenable .The court also mention that according to article 1 transferring the sovereignty to by acceding states like Jammu and Kashmir was absolute and unconditional and the constitutional second amendment order 1972 which have

power to made changes in article 248 concerning to Jammu and Kashmir made it clear that sovereignty was with in India and it says it is integral part of India. They also mention article 1 with reference to article 370 which says it was never applied to be permanent in nature but a temporary provision.

Article 370 Temporary or Permanent

The petitioner was of the view the article 370 was temporary until the constituent assembly of Jammu and Kashmir functioned till 1951 to 1957 and they have the power to decide whether to repeal it since no decision was made it was consider that article 370 was permanent and there was no alternative to made change and only option was through political will.

Supreme court view it says why it was in part XXI of constitution if it was a permanent provision after 1957 because this part deal with temporary provision, special provision, transnational provision only and also took consideration on the parliaments power to amend except it is not disturbing the basic structure of constitution it also provided a mechanism to deactivate this article as per article 370 (3). Statement of court article 370 was a temporary provision and transition provision.

Is Article 370 is Effective

In the dispute one was to debate over the special status of Jammu and Kashmir, the primary challenge was to two presidential proclamation issued in 2019 and according to this article 370 was nullified in this proclamation supreme court upheld define both one was to redefine the term constitution assembly of Jammu and Kashmir to redefine as legislative assembly of Jammu and Kashmir.

The concern was at the time of president rule the union government would take such actions to refer this supreme court take the landmark case of S.R.Bommie VS Union of India which dealt with authority and constraints of governor under president rule the ruling in this case said that after the president rule was impose it was necessary for state government to withdraw to prevent dual government

As per the need of time court accepted the union government assurance that status of union territory was temporary and later return to statehood for the preservation of nation. This verdict by supreme court made it easily explain all dispute regarding abrogation of article 370 and made it clear that all the laws which are applicable to other state should be applicable to Jammu and Kashmir.

Recent Changes

Jammu and Kashmir was the northern region near Himachal Pradesh and Punjab and in west linked with Ladakh it is a disputed part or segment of Kashmir it is a union territory. A line of control was drawn with divide the Jammu and Kashmir and Pakistan managed the land of Azad Kashmir in its west and Gilgit –baltistan in it north. Violence and unrest continued in Kashmir valley and after a dispute state election in 1987 protest grew over demand and autonomy and rights resolution to abolish article 370 in both house initiatives and in 2019 it was made and the special status of Jammu and Kashmir was withdraw and parliament enacted Jammu and Kashmir reorganization act with restructured the state and divided it into two union territories Jammu and Kashmir and Ladakh it was made in 31st October 2019 and it was also national unity day.

It cancel the application of article 35 A naturally which provide the rights of permanent citizens presently union territory of Jammu and Kashmir was governed under article 239 of constitution of union of India and it govern under the Jammu and Kashmir high court and it is same for Ladakh as well. It have 4 Rajya sabha and 5 Lok sabha seats and the administration has made the working more transparency, accountability and responsiveness in their governance toward

the people. In infrastructure development was on going as per government scheme in all fronts like development of healthcare infrastructure with 2 AIIMS, 2 cancer Institutes and 7 medical colleges , construction of 50 new colleges in and in infrastructure Sonamarg tunnel ,Banihal highway ,semi ring road project in 2021,national hydroelectric power corporation.

Conclusion

Article 370 was always been a topic of debate ever since even when sheikh Mohammed Abdullah was awarded for his role to integrate Jammu and Kashmir with union of India he faces controversies over this because of implication of article 370 and it incompatibility with Indian political legislative frame work because India is federal in nature and it ensure equal treatments to all the regions of the country which encourage national integrity and because of article 370 Jammu and Kashmir remains isolated.

Because of article 370 the topic was not only about the constitutional history of region but political life as well because people live under different political life and condition compare to the rest of India they don't have many rights compare to rest of Indian like fundament rights and duties and also impacted the

secular subject of the Indian union even after Kashmir is a Muslim majority region but it also have considerable Hindu and Sikh population .because of riots communal violence Hindu migrates to other parts (Kashmiri pandit) it also face corruption terrorism and autocratic rule as state government have extensive role , it effect the region economic and infrastructure growth due to revenue limited sources o. only limited financial aid from central government was provided After considering all these circumstances revoke of article 370 was a logical solution. After abrogation of article 370 the region saw positive impact and development.

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