

# Major Impacts of Downgrade the Jammu and Kashmir State into Union Territory on 5 August 2019

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## Abstract

*The study of this paper aims to study impact of abrogation of article 370 on Jammu & Kashmir. Jammu and Kashmir's special status was lost on August 5, 2019, and they split into two union territories. By this several impacts including a significant loss of autonomy for the region, the potential for demographic changes as all Indian citizens gained the right to purchase land, and increased tension. Its abrogation effectively removed the special status, reducing the region's legislative powers and leaving it subject to the same laws as other Indian states. The objective of this study is to focus on the effects of Article 370's abrogation across all domains. The former state of Jammu and Kashmir's special status was revoked in 2019, which has several effects on its citizens. Following the COVID-19 pandemic, the double lockdown once implemented in the valley, further deteriorated the situation. From the perspective of security, human right situation, freedom of expression and movement and the general development of Jammu & Kashmir after four years of article 370 annulment, this is significant.*

**Key words:** Article 370, August 5<sup>th</sup>, Special Status, Jammu and Kashmir, Abrogation etc.

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## 1. INTRODUCTION

The region of Jammu and Kashmir is predominantly situated within the Himalayan mountain range and shares its southern borders with the states of Himachal Pradesh and Punjab. This region holds strategic importance as it serves as a vital link among several significant nations. To the east, it adjoins Tibet (China), while to the west, it is bordered by the north western frontier province of Pakistan and Afghanistan. To the north, it is flanked by the elevated terrains of China, Russia, and Turkistan. The borders of Jammu and Kashmir, which interface with the territories of Pakistan, China, Tibet, and Afghanistan, possess considerable international relevance.

The State of Jammu and Kashmir was established through the Treaty of Amritsar on March 16, 1846, which also resulted in the annexation of Kashmir to Jammu, thereby forming the State of Jammu and Kashmir. However, the union of Kashmir and Jammu was primarily a political maneuverer, driven by British interests in establishing a buffer state between the encroaching Russian and Chinese empires. The geopolitical significance of this state positions it at the heart of numerous intense international rivalries. Geographically, Jammu and Kashmir is the most crucial state in the Indian subcontinent, bordered by Pakistan, Afghanistan, the former Soviet Union, Tibet, and China. The state is located between latitudes 32°-15' and 37°-17' north and longitudes 72°-35' and 80°-30' east, encompassing an area of 222,236 square kilometres. Its geographical and political significance is underscored by its borders with five countries to the

north, making it strategically vital from both military and diplomatic perspectives. The regions of Kashmir, Ladakh, and Gilgit Baltistan hold considerable strategic importance due to their proximity to Tibet and Sinkiang, a province of China, to the east, and Afghanistan, with Russia located just a few miles from Afghanistan to the northwest. This strategic positioning has historically attracted the attention of neighbouring empires seeking control over the region. Consequently, the area has become a focal point of contention among powerful nations, particularly India, Pakistan, and China, all of which possess nuclear capabilities.

"Kashmir: Beyond Article 370," Bashir Assad 2020 examines the responses of the Kashmiri populace to the events following the Indian Parliament's vote on August 5, which led to the abrogation of Jammu and Kashmir's special status. The text presents a compelling account of the factors that influenced the BJP government's decision to revoke this status. It delves into the challenges faced by the Indian state in Kashmir post-Article 370 and explores possible resolutions. The author posits that effectively addressing terrorism necessitates a profound aversion to religious extremism. He argues that Kashmir's unique identity has been eroded by radical ideologies, as society failed to resist the persistent assaults on its cultural identity by extremists. The Kashmiri people allowed fundamentalists to impose their narrow perspectives, leading to widespread acceptance of these views. The narrative emphasizes that for centuries, mutual affection and respect among Kashmiri individuals of diverse faiths fostered a collective culture termed "Kashmiryat," which has been tragically undermined by extremist violence. Consequently, it is misleading to assert that Article 370 preserved Kashmir's distinct identity. The book also highlights how the political discourse surrounding Article 370 has created divisions among the residents of Jammu, Kashmir, and Ladakh, while political leaders in the region have manipulated this article to incite conflict among the local communities.

"The Rise & Fall of Article 370," Dr. H.V. Hande 2020 discusses the contentious exchanges between Sheikh Abdullah and Dr. B.R. Ambedkar, the Chairman of the Constitution Drafting Committee, in October 1949. During these discussions, Dr. Ambedkar resolutely opposed the inclusion of Article 370 in the Constitution. Ultimately, Prime Minister Pandit Nehru compelled Mr. N.G. Iyengar to endorse it. The book provides extensive insights, including correspondence between Mr. Iyengar and Sardar Patel, which reveals Patel's frustration regarding the alteration of the Article without his approval. Additionally, it features a letter from Prime Minister Indira Gandhi dated January 8, 1981, in which she expresses her inability to prevent the persecution of Pandits and Buddhists attributed to Article 370. The narrative is effectively summarized in the Foreword by former Kerala Governor and Ex Chief Justice P. Sathasivan. Engaging with this text will challenge the misconceptions that have emerged in favor of maintaining Article 370 and illustrate how, seven decades later, Prime Minister Narendra Modi fulfilled Dr. B.R. Ambedkar's vision.

"Progress Made So Far: A Situation Analysis of Jammu and Kashmir Pre and Post Removal of Article 370," Sumira Imtiyaz 2021 discusses the historical context of Jammu and Kashmir, a region in northern India that was administered as a state from 1954 until October 31, 2019. This region was granted special status under Article 370 of the Indian Constitution, which allowed it to maintain its own constitution, state flag, and internal governance structure. Article 370 was formulated within Part XXI of the Indian Constitution, which addresses "Temporary,

Transitional and Special Provisions." It stipulated that the Jammu and Kashmir Constituent Assembly would determine the extent to which the Indian Constitution would apply to the state. Furthermore, the state legislature had the authority to fully abrogate Article 370, which would have subjected the state to the entirety of the Indian Constitution. The 1954 Presidential Order, which was based on the recommendations of the state constituent assembly, aimed to delineate which provisions of the Indian Constitution would be applicable to Jammu and Kashmir. Article 370 was regarded as a permanent fixture of the Indian Constitution, as the constituent assembly dissolved without advocating for its repeal. Consequently, residents of Jammu and Kashmir are governed by distinct laws compared to those in other Indian states, particularly concerning citizenship, property rights, and fundamental freedoms. This provision also restricted individuals from other Indian states from acquiring land in Jammu and Kashmir, a measure initially requested by Maharaja Hari Singh to safeguard his subjects from external exploitation.

"Abrogation of Article 370: Impact on Asymmetrical Federalism in India," Ritika Kanwar 2022 asserts that while all states possess equal constitutional status, asymmetrical federalism denotes the uneven allocation of political, economic, and administrative power and interactions among them. This paper seeks to rigorously and systematically examine the implications of the repeal of Article 370 on India's asymmetrical federalism.

"Beyond 370: Jammu and Kashmir Spreads its Wings," Vijita Singh Aggarwal 2024 provides an in-depth analysis of the significant changes that have transpired since the repeal of Article 370 in 2019, highlighting their profound effects on the growth and development of Jammu and Kashmir. This comprehensive work delves into the region's transformative journey as it embarks on a new path towards development and empowerment. 'Beyond 370' meticulously investigates the intricate dimensions of development in Jammu and Kashmir through rigorous research and firsthand accounts. It addresses various government initiatives aimed at fostering job creation, enhancing infrastructure, and stimulating economic growth, while also assessing the socioeconomic transformations that have taken place and their implications for the local population.

## **2. ABROGATION OF ARTICLE 370**

Following the incorporation of Article 370, it was established that only Article 1 and Article 370 of the Indian Constitution would be applicable to the Jammu and Kashmir State in their original form. Article 370 is situated within the section of the Constitution that addresses exceptions, encompassing special and temporary provisions. This section is designed to include provisions that address exceptional circumstances and transitional situations. From this perspective, Article 370 contained provisions deemed as 'Temporary Provisions' concerning Jammu and Kashmir. The revocation of Article 370 in August 2019 marked a pivotal moment in the history of Jammu and Kashmir, effectively terminating its special status, a move that faced minimal opposition from the international community. With the exception of China and Pakistan, most nations refrained from openly criticizing India's actions in Kashmir. The limited international reaction primarily concentrated on the humanitarian crisis in the region rather than the constitutional changes themselves. Aside from Articles 1 and 370, Jammu and

Kashmir was exempt from the full application of the Indian Constitution and was allowed to formulate its own constitution.

### **3. IMPACTS OF ABROGATION OF ARTICLE 370 ON JAMMU AND KASHMIR**

#### **3.1 IMPACT ON ECONOMIC DEVELOPMENT**

In the context of economic development, the youth demographic acts as both the vital force and the dynamic catalyst. Their involvement in the economic recovery process is essential to steer the economy in the right direction, especially following the suspension of Jammu and Kashmir's special status. The aspirations of the younger generation for development primarily focus on reforms in agriculture, industrial investments, transportation, healthcare, education, infrastructure, banking, and ensuring transparency in all facets of development planning and execution. To support economic recovery after the abrogation of Article 370, the government prioritized youth education and training, alongside self-employment initiatives, particularly in the tourism, horticulture, and handicrafts sectors. Addressing the persistently high unemployment rate in Jammu and Kashmir has emerged as a critical area of focus for the economic recovery strategy. Revitalizing struggling industrial units is essential to enhance long-term employment opportunities for the youth. The tourism, handicrafts, and horticulture sectors should receive substantial backing from both the central government and the private sector to combat poverty, boost exports, and create job opportunities for the younger population. The international community responded vigorously to the revocation of Article 370 and the bifurcation of Jammu and Kashmir in August 2019. Generally, the decision made by the Government of India garnered widespread public support. The research findings indicate that for the economy to recover, there must be considerable growth in both enterprises and local economies.

Between January 2016 and July 2019, Jammu & Kashmir recorded the highest monthly average unemployment rate of 15% among all Indian states, as reported by the Centre for Monitoring Indian Economy (CMIE). Our initiatives are anticipated to enhance investment and employment opportunities in Jammu and Kashmir. This pivotal measure is expected to open new pathways for economic advancement in the Union Territories of J&K and Ladakh, driven by developmental efforts. According to Arun Kumar Mehta, the chief secretary of J&K, the government's primary objective is the industrial development of the Union Territory, which is projected to generate a substantial number of jobs in the forthcoming five years.

#### **3.2 IMPACT ON SECURITY OF PEOPLE OF J&K**

In recent months, the residents of Jammu and Kashmir, especially the minority Hindu community, have witnessed a rise in unlawful killings perpetrated by armed forces. A review of official data by the Government of India indicates a 20% increase in the unlawful killings of civilians by these forces over the past four years. Furthermore, the government recently revealed that from April 2020 to March 2022, Jammu and Kashmir recorded the highest number of fatal police encounters in India. The ongoing enforcement of the Armed Forces (Special Powers) Act (AFSPA), which grants additional powers and impunity to the armed forces, has resulted in a significant lack of accountability regarding the use of force by law

enforcement in the region. Under international law, the government is obligated to safeguard civilians and ensure that those responsible for such homicides are held accountable through fair trials, without resorting to the death penalty.

### **3.3 IMPACT ON HUMAN RIGHTS AFTER REVOKING ARTICLE 370**

In the four years following the alteration of Jammu and Kashmir's status, the Indian government has significantly intensified the repression of rights within the region. The abrogation of Article 370 occurred four years ago, after which civil society—particularly journalists, lawyers, and human rights advocates—has faced relentless interrogations, arbitrary travel restrictions, frequent detentions, and stringent media regulations, all while being denied access to legal recourse and human rights organizations. The Indian government has systematically suppressed civil society and media in Jammu and Kashmir during this period. Numerous human rights organizations have voiced their concerns. The severe persecution has effectively silenced dissent and fostered an atmosphere of fear and insecurity in the region.

### **3.4 IMPACT ON FREEDOM OF EXPRESSION AND MOVEMENT**

Since August 2019, Amnesty International has recorded a minimum of 60 cases of persecution targeting journalists and human rights advocates. A journalist from Kashmir, who has faced intimidation from authorities, reported that security forces communicate in both subtle and overt manners that the repercussions of practicing journalism in Jammu and Kashmir are significant. Following the implementation of strict media regulations such as the 2020 Revised Media Policy and the 2021 Film Policy, the Indian government has gained comprehensive control over the dissemination of information from the region. The government frequently disrupts Internet services in various parts of Kashmir, following an initial six-month blackout. Furthermore, the abrupt and enforced closure of the Kashmir Press Club in 2020 inflicted severe harm on an already struggling media sector. Over the past four years, at least six individuals, including journalists, human rights defenders, and academics, have been arbitrarily denied the right to travel, with no supporting court orders, warrants, or written justifications. These individuals were barred from international travel despite possessing valid travel documents.

### **3.5 IMPACT ON WHOLE REGION**

India's actions have primarily incited reactions from Pakistan and China. Pakistan's objections stem from a profound and aggressive ambition to claim the entire region. Additionally, China's participation in the China-Pakistan Economic Corridor (CPEC) and its claims over the Aksai Chin area raise significant concerns. This division allows India to manage its territorial disputes with both Pakistan and China separately. The focus of China's contention will largely revolve around Aksai Chin, whereas Pakistan's grievances will predominantly pertain to the Valley.

## **4. CONCLUSION**

The Kashmiri populace has faced profound consequences due to the international community's neglect of the unresolved Kashmir conflict. It is essential that global focus is directed towards the persistent human rights violations occurring in the Kashmir region. Since 1989, more than 100,000 lives have been lost. The Special Powers Act grants the Indian military the authority

to detain individuals without judicial oversight, leaving the Kashmiri people without access to justice through legal means. Despite the revocation of Article 370, basic human rights continue to be violated in the Kashmir valley. Following the comprehensive curfew imposed by the Indian government on August 5, 2019, the movement of Kashmir's residents has been severely restricted. Their social, economic, and political rights are being undermined by the Indian military. To improve the situation in Jammu and Kashmir, it is vital to promptly lift the curfew, release all detained political leaders and ordinary citizens, and eliminate the communication blockade. The ongoing and relentless crackdown, coupled with curfews and human rights violations, will only serve to fuel further resentment among the Kashmiri population, heightening the risk of rebellion and armed resistance against Indian forces, thereby worsening the circumstances for the Indian government.

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