

Abrogation Of Article 370: Polity

On August 5, 2019, the Government of India abrogated Article 370 and 35A, ending Jammu & Kashmir's special status to ensure constitutional integration, uniform laws, and promote development. The move, while hailed for strengthening national unity, also sparked debates over federalism, statehood restoration, and local political representation.

6 Years of Abrogation of Article 370

Article 370

Drafted as a *temporary provision* under Part XXI (Temporary, Transitional, and Special Provisions) of the Indian Constitution. Came into effect in 1952, following the Instrument of Accession signed by Maharaja Hari Singh in 1947. Granted special autonomous status to Jammu & Kashmir (J&K) allowing it to have its own Constitution, its own flag Legislative powers over all matters except Defence, Foreign Affairs, Finance, Communications. Union Parliament's law-making power was limited to areas specified in the Instrument of Accession unless extended with state concurrence.

Article 35A – Extension of Special Rights

Introduced through the Presidential Order of 1954 under Article 370's powers.

Special provisions for Permanent Residents

Exclusive rights over land ownership, government jobs, and education scholarships. Prohibited non-residents from Buying immovable property, permanently settling, Availing state-specific benefits.

Gender Discrimination

Female residents marrying outsiders could lose property rights. Their children also lost associated rights.

Judicial Immunity

Laws passed under Article 35A could not be challenged in any court for violating the Indian Constitution.

Reasons for Removal of Article 370

1.Integration & Constitutional Uniformity

Prevented *full merger* of J&K with India—more of a conditional association. Abrogation aimed to bring administrative, constitutional, and legal parity with other Indian states.

2. Security & National Integrity

Region was a hotbed of terrorism and separatism, influenced by cross-border militancy (especially from Pakistan). Removing special provisions aimed to enhance sovereignty and territorial integrity.

3. Socio-Economic Development

Investment restrictions due to Article 35A hindered industrial growth and infrastructure development. Land ownership barriers discouraged private sector participation and job creation.

4. Constitutional & Legal Logic

Article 370 was labelled "temporary" in the Constitution and, by legal interpretation, was not meant to be permanent.

5. Eliminating Discrimination

Discriminatory provisions against women and their children violated equality principles under Article 14.

6. Local Governance Blockages

The 73rd and 74th Constitutional Amendments (Panchayati Raj and Urban Local Bodies) could not be enforced. Lack of grassroots democratic institutions weakened local self-governance.

Impacts & Outcomes Post-Abrogation

1. Constitutional Integration

J&K fully brought under the Constitution of India. All central laws applicable to other states became enforceable.

2. Political Reorganisation

J&K Reorganisation Act, 2019 – bifurcated the state into Union Territory of Jammu & Kashmir (with legislature) Union Territory of Ladakh (without legislature).

3. Administrative & Governance Reforms

Panchayat and municipal elections held. Central schemes extended directly without requiring state concurrence.

4. Security Measures

Enhanced counter-terrorism efforts; security forces gained greater operational flexibility.

5. Economic Openings

Land laws amended to allow non-residents to invest in real estate and industry. Tourism, horticulture, and handicrafts sectors received central-level support.

Criticisms & Concerns

1. Democratic Deficit

Reduction from full statehood to Union Territory seen as a downgrade of federal principles. Political leaders detained post-abrogation; internet restrictions imposed.

2. Trust Deficit

Critics argue it alienated sections of the population who saw Article 370 as a symbol of their identity.

3. Security & Peace Challenges

While infiltration has reduced, sporadic militant attacks and unrest continue.

4. Restoration of Statehood

The Government has assured restoration “at the appropriate time.” Supreme Court petitions demand expedited restoration to uphold federalism.

5. Development & Peacebuilding

Long-term success depends on

1. Economic growth
2. Job creation
3. Rehabilitation of displaced communities
4. Dialogue-based conflict resolution.

Full Integration Goals

1. Strengthen grassroots democracy through Panchayati Raj institutions.
2. Improve connectivity, infrastructure, and investment climate.
3. Foster social harmony and inclusive governance.

6. Constitutional Significance

Turning Point in Federal History

1. First instance of such a drastic alteration of a state's constitutional status.
2. Raises precedents for Centre-State relations in India's constitutional framework.
3. Sparks ongoing debate on autonomy vs. integration.

Source: https://www.business-standard.com/india-news/article-370-abrogation-history-august-5-2019-jammu-kashmir-statehood-125080500265_1.html#:~:text=what%20has%20changed%3F-.6%20years%20of%20abrogation%20of%20Article%20370%3A%20Why%20it%20matters%20and%20what%20has%20changed%3F,-Six%20years%20after