



5th Anniversary of Abrogation of Article 370

For Prelims: [Articles 370 & 35A](#), [Supreme Court](#), [Special Status](#), [Jammu and Kashmir Reorganisation Act, 2019](#), [Prime Minister's Development Package \(PMDP\)](#), [Industrial Development Scheme \(IDS\)](#)

For Mains: [Articles 370](#), Supreme Court's decision, Reasons behind abrogation of Article 370, impact of abrogation of Article 370

[Source: TH](#)

Why in News?

Recently, the **fifth anniversary of the revocation of Article 370**, which granted special status to Jammu and Kashmir, was observed. On **5th August 2019**, the **Government of India revoked Article 370**.

What was Article 370?

- **Article 370:**
 - Article 370 of the Indian constitution granted **special status to Jammu and Kashmir**.
 - It was drafted by **N Gopalaswami Ayyangar**, a member of the **Constituent Assembly** of India and was added as a '**temporary provision**' in 1949.
 - This article allowed Jammu and Kashmir to have its **constitution, flag, and autonomy** over most matters **except defence, foreign affairs, and communications**.
 - The provision was based on the terms of the [Instrument of Accession](#), which was signed by the **ruler of Jammu and Kashmir, Hari Singh**, in **1947** following **an invasion by Pakistan**.
- **Repeal of Article 370:**
 - **Presidential Order:** In the 2019 Presidential orders, **Parliament redefined the "constituent assembly of Jammu and Kashmir"** to mean the "**Legislative Assembly of Jammu and Kashmir**."
 - By invoking the **President's rule**, Parliament then assumed the powers of the Legislative Assembly to revoke Article 370.
 - **Resolutions in Parliament:** On **5th and 6th August 2019**, concurrent resolutions were passed by both houses of Parliament, the [Lok Sabha](#) and the [Rajya Sabha](#), respectively.
 - These resolutions revoked the **remaining provisions of Article 370** and replaced them with new provisions.
 - [Jammu and Kashmir Reorganisation Act, 2019](#): It was passed by Parliament in 2019 to bifurcate the state of Jammu and Kashmir into two **Union Territories of Jammu and Kashmir and Ladakh**.
- [Supreme Court Judgment on Article 370](#):
 - The **Supreme Court** in December 2023, unanimously ruled to **uphold the Centre's abrogation of Article 370**, validating the two Presidential Orders which extended the applicability of the Indian Constitution to Jammu and Kashmir and rendered Article 370 inoperative.

Jammu and Kashmir Reorganisation Act, 2019

- It **divided Jammu and Kashmir into 2 Union Territories** of Jammu and Kashmir and Ladakh.
- It repealed **Article 370**, which had granted Jammu and Kashmir a unique status.
- **Leh** and **Kargil** districts were included in the Union Territory of Ladakh, while the remaining areas became part of Jammu and Kashmir.
- **Five Lok Sabha seats** were retained by **Jammu and Kashmir, and one was transferred to Ladakh.**
- **Legislature:** The seats in the Legislative Assembly will be **reserved for [tribal and scheduled caste](#)** people to keep the proportion intact of their population in the Union Territory of Jammu and Kashmir.
 - The **Lt. Governors** can nominate **two women members** for the Assembly to represent women if women are not sufficiently represented to justify equality between men and women.
 - The **elected Legislative Assembly will be for 5 years**, and the Lt. The Governor will summon the Assembly once every six months.
 - The **Legislative Assembly has the right to pass a law** for any given part of the Union Territory of J&K related to any of the matters listed in the Indian Constitutions State's List **except for the "Police" and "Public Order."**
 - Any matter specified in the **Concurrent List will be applied to Indian Union Territories.** Furthermore, **Parliament** will have the decision-making power to create laws for Jammu Kashmir and its Union Territory.

Supreme Court (SC) Judgement on Article 370

- A Constitution Bench had **upheld the abrogation of Article 370**, leading to the reorganisation of Jammu and Kashmir into two union territories and denuding it of its special privileges.
 - The SC observed that **Jammu and Kashmir did not possess sovereignty, as Article 370** and the J&K Constitution indicated **no need for a merger agreement to surrender its sovereignty.**
 - The SC emphasised that Article 370 was intended as a **temporary provision**, as it was placed in **Part XXI of the Constitution.** The **Instrument of Accession** clarified that **Article 1**, stating "**India that is Bharat shall be a Union of States,**" **fully applied to J&K.**
 - The SC agreed that the **President can make irreversible changes**, including dissolving the State Assembly, but these powers are **subject to judicial and constitutional scrutiny.**
 - The Court held that the **Constitution of J&K is inoperative** because the **Indian Constitution now fully applies to Jammu and Kashmir.**

Why was There a Need to Abrogate Article 370?

- **Integration and Development:** The revocation of Article 370 enabled **better access to resources**, infrastructure development, and **economic opportunities, aiding the region's integration with the rest of India.**
- **National Security:** Improved control and stricter security measures by the Indian government **enhanced national security and counter-terrorism efforts** in the region.
- **Ending Discrimination:** Equal rights and opportunities were ensured for **women, Dalits, and other marginalised groups** under Indian laws, promoting social justice.
- **Legal Uniformity:** The abrogation aimed to **eliminate legal confusion and disparities** by applying uniform laws across India, ensuring equal rights for all citizens.
- **Demographic Changes:** Encouraging outside investment was seen as a means to stabilise the region **economically and socially**, though **concerns about demographic shifts and property rights were noted.**
- **Political Stability:** The move **aimed to foster a stable political environment**, re-establish democratic processes, and improve local governance.

What has been the Impact of the Abrogation of Article 370?

▪ Uniformity in Laws:

- **Changes in Domicile Laws:** In April 2020, the Centre introduced the [domicile clause for J&K](#), redefining residence and recruitment rules. This made any individual who has resided in J&K for 15 years or has studied for 7 years and appeared in class 10th/12th examination in J&K, eligible for a domicile certificate, **replacing the previously issued Permanent Resident Certificates.**
- **Changes in Land Laws:** The government amended 14 land laws in the former state of J&K, repealing 12 of them, including the Jammu and Kashmir Alienation of Land Act, 1938, and the Big Landed Estates Abolition Act, 1950, which had protected land holdings for permanent residents **alienating the non-permanent residents.**
 - Recently, the **Jammu and Kashmir (J&K)** government granted [proprietary rights to West Pakistan Refugees \(WPRs\)](#) and individuals displaced during the [1965 India-Pakistan war](#).
- **Bharatiya Nyaya Sanhita (BNS) (formerly called IPC) Comes into Force:** With the revocation of J&K's special status, all central laws became applicable, and the **erstwhile state's constitution became defunct.**
 - The [Ranbir Penal Code](#) was **replaced with the IPC (now BNS)**, and the prosecution wing was separated from the executive police in J&K.
- **State Investigation Agency (SIA) was Found:** In November 2021, the J&K administration established the **State Investigation Agency (SIA)** as a specialised agency to **coordinate with the [National Investigation Agency \(NIA\)](#)** and other central agencies for the speedy and effective investigation and prosecution of terrorism-related cases.

- **Decline in Violence:** Since the abrogation of Article 370, there has been a **significant decline in terror activities**, local militancy recruitment, and terrorist killings in J&K, with stone pelting, separatist strikes, and violent protests almost vanishing in the last five years.

//

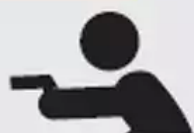


■ 2018 ■ 2023 ■ 2024*

Terror Incidents



Encounters/Operations



Security Forces Killed



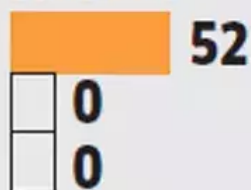
Civilians Killed



Stone Pelting



Hartal



BCCL

*Up to July 21

SOURCE: UT of J&K



- **Electoral Participation:** J&K recorded its **highest voter turnout** in a 2024 Lok Sabha poll in 35 years, with the **Kashmir Valley seeing a 30-point increase from 2019**. The 2024 Parliamentary polls were the **first major election in the Union Territory** after Article 370's abrogation.
- **Tourism in Jammu and Kashmir:** The region saw an unprecedented surge in tourism, attracting **over 21.1 million visitors in 2023**, boosting the local economy. There has been a **tourism boom post-Covid-19** and after the abrogation of Article 370, which is expected to increase further.
- **Trade and Investments:** Since the abrogation of Article 370 in 2019, J&K attracted Rs **5,656 crore** in investments across various sectors.
 - The **New Central Sector Scheme for Industrial Development**, launched in February 2021, spurred 310 investments in 2020-21, 175 in 2021-22, and 1,074 in 2022-23.
 - Lt Governor reported **Rs 66,000 crore** in **private investment proposals** within two years.
- **Enhanced Infrastructure:** The government has also invested heavily in infrastructure development in Jammu and Kashmir. This includes projects **such as the construction of new roads, bridges, tunnels, and power lines**.
 - These improvements have made it easier for people to travel and do business within the region.

What new Challenges have Emerged in J&K and Ladakh after the Abrogation of Article 370?

- **Political Instability and Governance Issues:** Detention of over **500 political leaders and communication blackouts** created a governance vacuum and increased local alienation.
- **Security Concerns and Militancy:** A **resurgence in militant activities** led to more recruitment and heightened security challenges, resulting in increased encounters and civilian casualties.
 - Example: **Recent terrorist attack on an Indian Army and pilgrims convoy** in Jammu.
 - The new trend in militancy in Jammu and Kashmir shows a shift towards **local militants, increased use of modern technology, and weakened local intelligence due to troop redeployments to Eastern Ladakh**.
- **Socio-Economic Disruption:** Prolonged lockdowns caused economic contraction, especially in **tourism, with over 80% decline in 2020**, leading to higher unemployment and youth discontent.
- **Human Rights Violations:** There has been observed a large number of cases of detentions, excessive force by security, and restricted freedom of expression, fueling local resentment.
- **Administrative Challenges in Ladakh:** The bifurcation created administrative issues in Ladakh, with inadequate infrastructure and governance. The **Ladakh Autonomous Hill Development Council** is demanding inclusion under the [Sixth Schedule](#) and full statehood to gain greater autonomy in development and **control over natural resources**.
- **Cultural and Identity Concerns:** Fears of **cultural dilution and demographic changes** due to the influx of outsiders, with **regional parties voicing concerns** over land and job security for locals.

Way Forward

- **Timeline and Elections:** The Supreme Court suggests **holding elections by September 2024**. Key tasks include setting a clear timeline, **overcoming logistical and security challenges**, and ensuring fair elections.
 - Encourage **broad political participation** to ensure a smooth transition to statehood.
- **Security and Human Rights:** Ensure civilian safety, address security concerns, and investigate any human rights violations independently to foster peace.
- **Economic and Social Integration:** Focus on **economic development, job creation**, and infrastructure improvements. Promote social cohesion and dialogue, such as through **Operation Sadbhavana** by the Indian Army, and address remaining grievances.
 - Embrace **Atal Bihari Vajpayee's vision of Kashmiriyat** (Kashmir's inclusive culture),

Insaniyat (humanitarianism), and **Jamhooriyat** (democracy) as the **foundation for reconciliation efforts in the state.**

- Maintain **transparency and trust through ongoing communication** between the central government, state administration, and local people.
- **Monitoring and Adaptation:** Continuously monitor the situation and adapt policies based on feedback to ensure a successful transition.

Drishti Mains Question:

Evaluate the implications of the abrogation of Article 370 on Jammu and Kashmir's socio-political landscape. Discuss progress over the past five years, and identify the remaining challenges for lasting peace and integration.

UPSC Civil Services Examination Previous Years' Questions (PYQs)

Prelims

Q. Siachen Glacier is situated to the (2020)

- (a) East of Aksai Chin
- (b) East of Leh
- (c) North of Gilgit
- (d) North of Nubra Valley

Ans: (d)

Q. Which one of the following is the largest (areawise) Lok Sabha constituency? (2008)

- (a) Kangra
- (b) Ladakh
- (c) Kachchh
- (d) Bhilwara

Ans: (b)

Mains:

Q. To what extent is Article 370 of the Indian Constitution, bearing marginal note "Temporary provision with respect to the State of Jammu and Kashmir", temporary? Discuss The future prospects of this provision in the context of Indian polity. (2016)

Q. Analyze internal security threats and transborder crimes along Myanmar, Bangladesh and Pakistan borders including Line of Control (LoC). Also discuss the role played by various security forces in this regard. (2020)

Q. The banning of 'Jamaat-e-islami' in Jammu and Kashmir brought into focus the role of over-ground workers (OGWs) in assisting terrorist organizations. Examine the role played by OGWs in assisting terrorist organizations in insurgency affected areas. Discuss measures to neutralize the influence of OGWs. (2019)