

# Article 370; Special Reference to the Optimistic Factors in the Life of Kashmiris

Irshad Ahmad<sup>1</sup>, Dr. Seema Parihar<sup>2</sup>

<sup>1</sup>Research scholar in history, School of Humanities and Physical Education, CT University, Ludhiana Punjab

<sup>2</sup>Assistant professor in history, School of Humanities and Physical Education, CT University, Ludhiana Punjab

DOI: <https://doi.org/10.5281/zenodo.6641796>

Published Date: 14-June-2022

---

**Abstract:** The Indian Parliament's decision to reorganize the state of Jammu and Kashmir and annulment of Article 370 corrects a historical error. It opens the way to reviving a dormant economy and promoting agriculture, tourism, and handicrafts, which are the culture's unique assets of Jammu and Kashmir Valley. This shift has brought social and economic fairness to an area that had previously been out of line with the rest of the country. Article 370 stood in the way of progressive legislation in the rest of India, such as affirmative action, equal rights for women, juvenile protection, and domestic abuse protections. In this research work, the information is being gathered mainly from secondary sources viz newspapers, scholars published article, journal papers and a variety of books written by authors. This paper will especially deal with the positive changes that occurred in the life of the people of Jammu and Kashmir after revocation of article 370.

**Keywords:** Parliament, annulment, Reorganization, progress, agriculture, tourism, handicrafts, peace and security.

---

## 1. INTRODUCTION

Article 370 of the Indian constitution prohibited the administration from intervening in the affairs of Jammu and Kashmir except in defense, finance, foreign affairs, and communications. While the rest of India had tremendous social and economic development, Jammu & Kashmir languished behind in terms of economic growth, employment, battling corruption, gender equality, literacy, and a variety of other metrics. Outside of India, India's activities in relation to Article 370 have no bearing. It hasn't changed its outward bounds. What has changed is that there is now optimism for development that will benefit the region's population while also preventing Pakistan's long-standing backing for cross-border terrorism. That's why the prime minister dreams up terrifying scenarios in the hopes of halting the progress. Development will occur, prosperity will be seen, affluence will flourish, and terrorism will be defeated. India will hope that Pakistan abandons its enmity, bloodshed, and terrorism in order to become the normal partner that the rest of the world wishes.

No doubt in the past due to this and that reasons, thousands of lives have been lost, the economy has suffered, and the country's security has been jeopardized by the long-running military struggle. It was in 1989 that the insurgency began as an aboriginal movement against Sheikh Abdullah's corrupt governance and dictatorial reign. Kashmir has long been a source of friction between India and Pakistan, who have waged four wars over the valley. On August 5, 2019, the Indian government withdrew Article 370 and submitted a bill in Parliament to divide Jammu and Kashmir into two Union Territories: Jammu and Kashmir with a legislature and Ladakh without one. As a result, Article 35A, which permitted the administration of Jammu and Kashmir to legislate on "permanent residents" with special rights, has been repealed. The Inclusion of Jammu and Kashmir with the Union of India has effectively replaced the feeble link of Article 370. The Union territories of Jammu-Kashmir and Ladakh have been assimilated into the mainstream of the nation following constitutional amendments and reorganization of the erstwhile State of Jammu-Kashmir. As a result, the people of Jammu-Kashmir and Ladakh now have access to all of the rights entrenched in the Indian Constitution as well as the advantages of all Central Laws previously experienced by other citizens of the country. The new UTs, both Jammu-Kashmir and Ladakh, have experienced socio-economic progress as a result of the transition.

People's empowerment, the repeal of unjust laws, and the provision of equity and fairness to those who have been discriminated against for generations and are now receiving their due, as well as comprehensive development, are just a few of the significant changes that are guiding both the new Union Territories toward peace and progress. Ultimately, there is just one constitution for the entire country. This will generate a sense of solidarity among all Indian citizens. It will allow private investors to expand in J&K. This will strengthen the economic growth of the country. Apart from tourism, there will be a variety of other work prospects. The Centre will now be able to deliver greater health services to J&K residents. The central government can implement appropriate anti-corruption actions right now. Authorities are now more equipped to combat terrorism. Now we will discuss all the positive changes that occurred in the life of people of Jammu and Kashmir with respect to and in relation with article 370.

**Positive changes after article 370's nullification in Jammu and Kashmir:** In the previous two years, J&K and Ladakh have seen a reduction in terrorism, the loss of power and influence held by leaders who saw the state as their private possessions, economic and social progress, and many other improvements. The Indian Government now is able to make law in various other fields too which can be considered a progressive step for sake of Kashmiri people.

**Terrorism is on the wane:** Terrorism was among the most serious problems that the previous J&K had to deal with. Pakistani terrorists infiltrated Jammu and Kashmir and spread their illicit activities throughout the country with the support of extremist People of Kashmir and separatist leaders. However, since the repeal of Article 370, the number of terror-related occurrences in the newly formed union regions has decreased significantly. In March 2021, the central government has confirmed in parliament that terrorist violence in Jammu and Kashmir had decreased dramatically in 2020 compared to 2019. In April 2021, the Ministry of Home Affairs said that there had been 60% fewer terror occurrences since Article 370 was revoked.

**Local leaders in Jammu & Kashmir are losing momentum:** Article 370's repeal threw a wrench in the works on the leadership of state, who had come to regard Jammu and Kashmir as their personal playground. These political leaders were arrested and imprisoned shortly after Article 370 was abolished, fearing that they would foment public opposition to the move. Elections for the District Development Council took held in December of last year. The Gupkar alliance won 110 of the 280 seats, but only control of 5 of the 20 district councils. The findings were a clear reflection of the former leaders' declining political strength.

**Growth and diversification:** The Jammu and Kashmir government now has signed more than 168 Memorandums of Understanding worth Rs 13,600 crores for investments in order to boost economic growth and development. In addition, the state has bought 6,000 acres of federal property for the purpose of establishing industries. Previously, many restrictions deterred manufacturers and huge corporations from investing in Jammu and Kashmir. However, after Article 370 was repealed, all roadblocks to advancement were eliminated, and the government's focus shifted to delivering a boost to trade and business. The Union for now has jumped right into a slew of road-building projects, including the Jammu-Akhnoor Road, the Chenani-Sudhmahadev Road, and a slew of others. The Jammu Ring Road has been finished to a degree of greater than 30%. There have been 597 projects sanctioned for a total of Rs 5,979 crores, with 506 of them already finished. In April of this year, the world's highest railway bridge, which spans the Chenab River in Jammu and Kashmir, was finished. By the end of this year 2022, the Valley is anticipated to be connected to the rest of India by train for the first time. The bridge is built at a height of 359 meters above the bed level, with a central span of 467 meters.

**Women's Property Rights have been restored, and their non-domiciled spouses are now eligible for citizenship:** Women were among the most marginalized groups in the old state of Jammu and Kashmir. They were not only denied rights and freedoms, but their citizen's rights were being eroded as well. Property rights were taken away from women who married men from outside Jammu and Kashmir. But the scenario has changed after Article 370 was repealed. Even if they marry a non-resident, women in Jammu and Kashmir can now purchase real estate and pass it down to their children. A new provision was recently added to the domicile legislation, allowing the spouse/husband of a native woman who is a domicile holder in the UT to apply for a domicile status. The spouses of J&K women who lived outside the Union Territory were previously ineligible to apply for a residence certificate.

**Locals in Jammu and Kashmir have priority for job openings:** Articles 370 and 35A gave the J&K Legislature the authority to decide on "permanent residents" and guaranteed employment reservations for the state's people. Valmiki and other marginalized communities have been denied residence and, as a result, reservations in government sectors for decades. The government stated in April 2020 that all government posts in the Union Territory of Jammu and Kashmir will be reserved for locals a month after the Government at the Centre announced the abrogation of Article 370, abolishing the erstwhile state's unique status.

**Jammu and Kashmir now has domicile rule and is subject to central laws:** Except for Articles 1 and 370, no other article of the Indian Constitution applied to the erstwhile state of Jammu and Kashmir unless it was specifically made applicable by a constitutional order issued with the state government's concurrence. However, upon its repeal, all central laws were extended to Jammu and Kashmir, as well as Ladakh. A new Domicile law was enacted, allowing all persons and their children who had lived in the former state for 15 years or had studied here for seven years and completed their 10th or 12th examination in a J&K educational institution to apply for domicile. Those awarded domicile status included marginalized Hindu populations who had previously been denied citizenship, possibly because the Kashmiri leadership feared "demographic shift" in the Muslim-dominated state. According to the Centre, 35,44,938 applications for Domicile Certificates were received up to December 31, 2020, with 32,31,353 applicants were issued Domicile Certificates, according to J&K government data, which is the most effective change in the state.

**Kashmiri Pandits' Reintegration:** The national government is doing everything it can to rectify the damage that the Kashmiri Pandit migration caused in the past many years. The Centre offered special jobs for Kashmiri Pandits as part of the PM package as part of its endeavor to revitalize Kashmiri Pandits in the Valley. The central government reported in March 2021 that a total of 3,800 migrant candidates have returned to Kashmir to take up jobs offered under the rehabilitation plan, with 520 returning after Article 370 was repealed.

**Education and the Economy:** Despite the presence of famous government institutes such as NIT in the state, students continue to be denied access to high-quality education and training. This has resulted in a lack of appropriate educational supervision, preventing most J&K students from competing effectively on a national level. Although the rest of the country adjusted to changing global conditions, Jammu and Kashmir remained mired in the past due to state-imposed restrictions. This distanced the residents, who found it difficult to come out and take use of the various educational and career opportunities that were available to them as well as to any other citizen. Land ownership restrictions will be lifted as a result of the repeal of Article 370 allowing for more private investment and the establishment of industries in the state. Technical training institutes will invariably emerge as a result of this. J&K's youth will be able to keep up with industry changes over the course of this. It will also dismantle social and psychological hurdles across the country, allowing for a profusion of job and entrepreneurship opportunities.

Finance minister Sitharaman has emphasized the Centre's efforts to encourage artisans and filigree workers through increased financing, as well as the state's pashmina and carpets being given a Global Industry badge. To attract tourism, the Dal and Wular lakes are also being spruced up. Growers of apples and apricots are also being rewarded. Following the repeal of Article 370, the core sectors of J&K's economy have experienced a sharp fall. Because of the communications embargo, curfews, and militant threats, Kashmir's economy has lost INR 178.78 billion and more than 90,000 jobs in the handicraft, tourism, and information technology sectors in only the last five months. Because of the ongoing internet ban, the horticultural industry is hurting, tourism is in shambles, and students were suffering. For the first time in the last 70 years, rural Kashmir is experiencing such a severe economic downturn. Kashmir's apple sector, worth INR 80 billion and accounting for 8% of the state's GDP, has been hit the hardest.

**Corruption and Rule of Law:** When the Union home minister introduced the Jammu and Kashmir Reorganisation Bill in the Raja Sabha on 5 August 2019, he stated that unique status for J&K was the underlying cause of corruption, terrorism, and alienation of the state. True, J&K's extensive and deep-seated corruption has limited the state's growth potential and, at times, posed national security risks. This dangerous phenomenon is exemplified by the "fake guns licenses case," which implicated nearly six Indian states. The repeal of Article 370 appears to have had little or no effect on holding government officials responsible. Corruption persists in government agencies such as the department of food and civil supplies, the rural development department, the police, the land revenue department, and numerous municipalities, among others. It might have been done in months if the Indian government had been serious about removing corruption in J&K. Activists can only do so much; the government should enlist the help of the CBI or another investigating body to conduct a comprehensive investigation across the state of J&K.

## 2. CONCLUSION

Article 370 was a major impediment to state advancement. For the sake of the state's economy, this had to be removed. Because its elimination will bring happiness to the lives of local citizens, they will get jobs, their per capita income will rise, and the state's GDP contribution will rise, we can declare that the state will be the finest state in the Union of India. Kashmiris must reconsider centrifugal tendencies such as extremism and terrorism, and learn from all other nations that are taking a more integrative approach. If they want New Delhi to give them constitutional protections, they must stop

falling victims to pro-Pakistani propaganda that is only too happy to use them emotionally and mentally in order to keep causing unrest in the Kashmir. The economy of Jammu and Kashmir will grow as a result of increasing investment opportunities for the private sector. Apart from tourism, job opportunities will grow throughout the board. Kashmir Apples and Pashmina Shawls, as we all know, are in high demand in India. Citizens of J&K will now have access to superior medical care thanks to the central government. With the elimination of separatism, corruption, nepotism and the introduction of good governance, one flag and one nation principles in the state, better medical and agricultural facilities, one constitution, I can surely assume that this region will be one of the best developed region in all over India.

#### REFERENCES

- [1] Ayjaz Ahmad Vani, *The Kashmir Conflict: Managing Perceptions and Building Bridges to Peace*, Observer Research Foundation, October 2018.
- [2] Article 370 gone, *Govt draws up plan to reopen 50,000 temples closed in Kashmir*, *The Financial Express*, 23 September, 2019<sup>1</sup>
- [3] Chaturvadi, "Article 370.
- [4] <https://www.opindia.com/2021/08/key-changes-made-in-jammu-and-kashmir-after-abrogation-of-article-370/>
- [5] Indo-Asian News Service, "J&K residents to get domicile rights for land, govt jobs", *India Today*, 5 December, 2019.
- [6] India's repression in Kashmir is not compatible with democracy, *The Washington Post*, 13 October 2019.<sup>1</sup>
- [7] Kashmir Economy suffered loss of Rs. 17,878 cr in 4 months after Article 370 Abrogation, *The Indian Express*, 17 December, 2019.<sup>1</sup>
- [8] Louise Tillin, "The Fragility of India's Federalism", *The Hindu*, August 8, 2019.
- [9] Mudasir Ahmad, "How can Centre reopen 50,000 Temples in Valley, When there are only 4000 in J&K?", *The Wire*, 5 October, 2019.
- [10] Niti Kiran, *J&K among top 5 states with high monthly average unemployment rate*, *India Today*, 6 August, 2019.
- [11] Peerzada Ashiq, Focus turns to domicile laws, land, jobs in proposed Union Territories of Jammu and Kashmir, Ladakh, *The Hindu*, 20 August, 2019.
- [12] PTI, Centre mulling option of introducing residency norms for Jammu & Kashmir, *The Economic Times*, 3 January, 2020.<sup>11</sup>
- [13] PM Narendra Modi speech Updates: "Article 370 was a hurdle for development of Jammu & Kashmir", *Business today*, 8 August 2019.
- [14] Rahul Tripathi Dipanjan Roy Chaudhury, Pakistan to remain in FATF grey list, black listing looks unlikely, *The Economic Times*, 24 January, 2020.
- [15] Snehash Alex Philip, "Intel Data says 55 terrorists sneaked into J&K since 5 August, but Army doesn't think so", *The Print*, 20 December, 2019.
- [16] Sunil Bhat, *Political storm over J&K HC job advertisement*, *India Today*, 31 December, 2019.
- [17] South Asia Citizens Web, India: Sixth and Seventh Reports of the Concerned Citizens' Group on Kashmir Sep 17-18, 2019 and Nov 22-26, 2019, 18 December, 2019.
- [18] Sumantra Bose, *Kashmir, Roots of Conflict Paths to Peace* (London; Harvard University Press, 2003)
- [19] Sidarthsharma Opinion-Jammu and Kashmir: With positive approach on path of progress.