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THE ABROGATION OF ARTICLE 370 AND AFTER: CHANGING CONTOURS IN KASHMIR

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Abstract

After the grand success in parliamentary election in 2019, the BJP government has broken the status quo and integrates this state to the rest of country by the abrogating controversial article 370. This change has opened up new strategic field for Indian policy makers' to start talk within in Kashmir. This policy reorientation has found an initial success in consolidating its changed stance in Kashmir in these years. A combination of soft power and hard power has emerged as the key of policy reorientation by India to settle this issue for a time being. Consequently the latter has found an initial success in containing terrorist activities and occurring nefarious design. Development activities and direct inroad towards local communities is another milestone of success that made the situation here very constructive for policy makers'

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1. INTRODUCTION

The issue of Kashmir has driven India and Pakistan into four full scale wars, several local wars, proxy and low intensity warfare. With the time, the Kashmir issue had turned more and more complicated and in the end into a prolonged dispute. Kashmir has not remained a dispute only over land but also turned out to be a core issue about identity and legacy for both India and Pakistan. Since then, two direct wars, many proxy wars, occasional border disputes, cross border terrorism and atomic deterrence has been the real implications emerged in the shadow of this dispute. Thousands of peoples from Kashmir Valley and this region have lost their lives, property and liberty. They have paid much more in form of human casualties, poverty, hunger, disease and unemployment due to directionless uncoordinated and casual handling of this issue. Many efforts had been done at national or international level to solve this most bloody and war shaded problem but it turned out to be more and more complicated with the time.

Though, the Jammu & Kashmir was included in the First Schedule of the Constitution of India being the fifteenth state, yet it enjoyed special constitutional position under article 370. This position occurred due to the fact that having regard to the circumstances in which the state acceded to India.[i] The debate over the status of article-370 had remained an issue of contention and widely discussed and interpreted accordingly till 2019.

Considering the Kashmir's accession to India a non-issue, India has always looked to address the 'problem in Kashmir'. On the other side Pakistan had left no unturned stone to bring the situation at worrisome level. A long series of happenings and efforts had been come to forefront for any solution after the partition but all proved just futile exercises due to divergent stance adopted by India and Pakistan. After the grand success in parliamentary election in 2019, the BJP government has broken the status quo and took a bold decision regarding 'special status' of Kashmir under the controversial 'article 370' of Indian constitution and integrates this state to the rest of country. The government under Narendra Modi fulfilled its party's old time demand of the abrogation of article 370 and made the Jammu & Kashmir and Laddakh as separate provinces under the rule of central government. [ii] It has opened up new strategic field for Indian policy makers' to start talk within in Kashmir. At present Jammu and Kashmir has been reconstituted into two union territories, Jammu & Kashmir and Ladakh by Jammu and Kashmir Reorganization Act, 2019, passed by Indian parliament with effect from 31 October 2019. On the other side anti India power's especially Pakistan and local elements backed by its agencies tried to worsen the situation but Indian administration had managed the situation in a very smart way.

2. ROAD TO THE 'ABROGATION OF ARTICLE 370'

India, considering Kashmir's accession to India a non-issue, it has always looked to address the 'problem in Kashmir'. The former has always opposed the philosophy of partition based on religious ground or Jinnah's two nation theory. Because the issue of Kashmir was not just linked to the division of land but any change on the bases of religion had direct bearings on the fundamental character of Indian demographic and political setup. India is always committed to the value of secularism as it is also enacted in the preamble of its constitution. The resolution passed by Indian Parliament in 1994 with consensus was another clear cut example of its policy towards Kashmir in which whole the Jammu & Kashmir was mentioned as an essential part of India. Prime Minister Atal Bihari Vajpayee once again asserted and reaffirmed India's firm stand towards Jammu & Kashmir in his Independence Day address on August 15, 2002 that, " We wish to state that Jammu and Kashmir is an integral part of India. It will remain so...for us Kashmir is not a piece of land; it is test case of sarvadharmasadbhava-secularism. India has always stood at the test of secularism. Jammu and Kashmir is living example of this.[iii]

India also considered the Kashmir as an unfinished "agenda of partition" which can be fulfilled only after the areas of Pakistan Occupied Kashmir, Northern Gilgit and Baltistan are integrated with India. India acknowledged this firm stand many times. The then Prime Minister PV Narasima Rao, while speaking in Harvard University, 1995, stated that 'Kashmir was, and will remain an integral part of India....the only unfinished task in Kashmir was the restoration of Pakistan occupied Kashmir to India.'[iv]

The suicidal attack on Indian armed forces in 'Pulwama' by terrorist group and aggressive response by air strike in deep inside area of Pakistan over Jesh-e-Mohammad training center by India has changed the whole the narrative regarding 'Kashmir'. It created a complete deadlock and void situation between India and Pakistan. All these happenings have left no other alternative for New Delhi despite to relook in its policy framework regarding Kashmir. The abrogation of Article 370, reconstitution of Jammu &

Kashmir into two union territories, administrative reshuffle at administrative level, zero tolerance for terrorism activities, contained role of local political parties, tough stand on dubious activities of Hurriat Conference has emerged as the key features of this new changed face of India's policy spectrum. At domestic as well as external fronts Indian Government has been addressing the arising situation with more refined policy orientation. Steps taken by the government in the backdrop of this historic change in Kashmir are clear cut example of visionary outlook. The Home Minister Amit Shah had also expressed its firm commitment on same line in Indian Parliament while he was giving official response on Jammu and Kashmir Reorganization Act, 2019, on 31 October 2019. He stated that when he said Jammu and Kashmir, its means whole the territory including Indian state of Jammu and Kashmir, Pak occupied Kashmir, Gilgit-Balistan and China occupied territory.

The Kashmir problem has its own internal dynamics, hence demands certain type of policy orientation to cope arising situation in the backdrop of this changed scenario. Terrorism, Role of Mainstream Political Parties, separatist Hurriat Conference dubious agenda and miseries of the folk Kashmiri have emerged as key factors that directly need to be tackled with proper vision and with all-out efforts. Indian policy makers' are doing hard to cope up these key issues in a well defined policy orientation and behavioral manner in this changed scenario.

3 KASHMIR THE AFTER

The abrogation of special status to Jammu and Kashmir has created many challenges for the governments. The foremost challenges is rebuilding trust, addressing all type of distress, dealing with corruption and delay tactics at administrative level, unemployment and rural-urban division, if all these challenges handled skillfully, definitely will create opportunities to settle internal dynamics of the valley in a right direction. Besides, the role of agents like Hurriat leaders, Mehbooba or Umar, Jamat e Islamie had been remained the issue of worrisome. Local administration had taken clear stance and contained the special status given to them. Most of these so called leaders have been kept in detention for a long time. All sinister design and related activities of these dubious organizations has been contained since then. Local government has been making effort to get connected directly to the local people after that. Indian policy makers' have adopted a policy to do directly at local level. It has contained the role of middlemen politics and opens the door for new stake holders.[v] As far as the issue of terrorism is concerned, this inhuman activity had handled with full proof planning. A brief description of all these issues has brought the picture near to clarity.

4. TERRORISM

In the decade of eighties, a new dimension was added by Pakistan in this complicated issue. It had started to use terrorism as strategic tool to achieve foreign policy goals. Pakistan sponsored cross border terrorism had changed the nature of traditional dispute. Pakistani army and ISI have been actively sponsoring and mobilizing the local youths on the name of 'Jihad' since Soviet withdrawal from Afghanistan.[vi] They started to provide training, financial aid and sophisticated weapons and ideological ground to these non-state-actors to fight in Kashmir in the name of Islam. The rise of Jammu Kashmir Liberation Front (JKLF) and Jamaat-i-Islami could be seen in backdrop In the decade of nineties, this misendower was completely hijacked by Pakistani based terrorists groups. Lashkar-e-Taiba (LeT), Harkat-ul-Mujahideen, Harkat-ul-Ansar, and Jash-e-Muhmmad were formed and designed by ISI and took the rein in their hands. Pakistan based handler and terrorists sidelined the local youths and started to advocate the merger of Kashmir in Pakistan.[vii]

This proxy war had become a prominent instrument to achieve its nefarious objectives in Kashmir of successive political elite in Pakistan after that. This nefarious design had changed the social fabrication in the valley as Kashmiri Pandit had left no option but to leave their home.[viii] Mass level of killing, violence, rape of young girls and propaganda had changed the all spectrum of life as well as political setup in this war ravaged area.[ix] Indian policy towards this new unconventional warfare remained very weak uncoordinated, with lack of political consensus and in complete disarray in the beginning and most of the times. Internal dynamics and policy orientation at government level had made situation more critical even in the first decade of 21st century. Regional milieu had added more dimensions in this prolonged problem.

This drastic change had also provided psychological and political ground for security agencies in Kashmir to handle the emerging situation in more coordinated and successful ways. Consequently, India had no option left but to act with force. Thousands of militants were killed after that by the security forces. After the Abrogation of Article 370, the security forces have adopted more effective strategy while dealing with this nefarious design of Pak sponsored terrorism. They found great success in neutralizing the top commanders of all major ultra-outfits. The given data shows the real pictures and changed policy orientation of Indian security policy.

TABLE: 1**TERRORIST KILLED IN KASHMIR^[*]**

Year	No. of terrorist killed
2019	157
2020	221
2021	168

All this data shows that security forces have found a great success in tackling this menace by coercive means in recent years. In this changed scenario, Indian security forces has made specific arrangements i.e. use of technological facilities to search terrorist hideout, close monitoring of LoC by Satellite, Zero tolerance against terrorism and its aid agencies inside and outside as well to curb this inhuman terrorist activity. Indian security forces have also made direct inroads with local people and make them to understand the Pakistani agenda.

5. MAINSTREAM POLITICAL PARTIES AND SEPARATIST HURRIAT CONFERENCE

The social system in Kashmir Valley has been spoiled in war ravaged situation from the decade of nineties. Youths in Kashmir had misguided by the so called local leaderships i.e mainstream political leadership or separatist Hurriat Conference or religious regimes. The role of main political parties' i.e.s. National Conference (NC), People Democratic Party (PDP) and other small parties have failed to fulfill people's desires and hence their role diminished day by day. Instead of acting as a bridge between the people and main stream politics of India, most of these parties have been working on their hidden self-agendas and to remain in mainstream politics. Their dubious role has made Internal dynamic more complicated. Indian government has also failed to devise a consistent and comprehensive policy while dealing with local political parties.[xi]

The National Conference (NC) under the Sheikh Abdullah had played an important role in Kashmir politics throughout in his life. But his role as a leader always remained controversial most of time. His demand of 'absolute autonomy' had turned out to be a serious challenge in the initial years. He was imprisoned many times, but always created problems due to communal and anti-national conduct. After the death of Sheikh Abdula in 1982, his son Farooq Abdula took the rein of party in his hand. He took the firm stand on Jammu-Kashmir as maintained that the Accession to India is final and irrevocable. But his relation with New Delhi especially with Congress always remained in flux and sorry state of affair. The removal of majority government of Farooq Abdullah in 1985 and coalition government with Congress in 1987 reflected this assumption. The relations of Abdula's with present NDA government have also been seeing various up and down. A close associate of Vajpaie regime has been turned strong critic of Modi era. Controversial remarks about Kashmir status and on the issue of relations with Pakistan made by Farooq Abdulla had prepared ground for suspicion among the locals and in the mind of policy makers'.

On the other hand People Democratic Party (PDP) has also been made situation more complex under its leaders Mufti Mohammad Sayed and Mehbooba Mufti. They had mostly concerned the benefits from the special status not by common people sufferings. Ordinary people of Kashmir were immensely frustrated due to corruption, poor governance and nepotism. The dubious loyalties of both leaders were an open secret. Their hidden agenda, pro-Pakistani slogans and open support for the militant outfits have created more problems rather than stability in the local governance.

All Party Hurriat Conference is in fact a separatist organization of 23 different groups, parties or religious organizations which was formed on 9th of March, 1993. Groups like Jamete-e-Islami, Etahar-ul-Muslmen, Jammu-Kashmir Liberation Front and Muslim Conference are the main partners of it and separation from India is their prime agenda. Although most of them never fought election from Jammu-Kashmir yet claim real representatives of Kashmiri people. Pakistan's actively supported this organization hence its activities always have been creating turbulence in Kashmir valley. The role of this outfit has emerged in last thirty years due to lack of policy and commitment on the behalf of local as well as central level. The leaders of Hurriat Conference have taken benefits of this bizarre situation and established themselves as the mouthpiece of ordinary Kashmiri people. They made situation more critical with open call for strike, support for militants and with direct link with Pakistani agencies. They

put forward open challenge for the Indian policy makers.

6. DIRECT ENGAGEMENT WITH LOCAL MAINSTREAM

The government wants to handle terrorism and separatists with iron hand and, want to use soft power with other stakeholders. In the backdrop of house arrest of these entire power centers, now government is making effort to indulge locals in mainstreams. It could be seen as an effort to rebuild trust deficit and win over the confidence of local people. The community mobilization programme 'Back to Village' by the government has a great success in remote area of Kashmir. National Security Advisor (NSA) visited there few times to make direct link with local people. Direct economic powers and funds delegated to these stakeholders that created a sense of self reliance among them. Some more steps have been taken in this direction to strengthen confidence among local youths.

7. STRENGTHENING OF PANCHAYATS INSTITUTIONS

Local government at Panchayat level empowered by conducting election for local bodies. Recently, some representatives of Panchayats of Kashmir valley met home minister Amit Shah and put forward a demand draft to empower them. They declared the abrogation of 370 as a moment of liberation for common people from political dynasty. They were of the view that elite class had cornered the people of Kashmir from benefits of special status. They suffered immense misery due to corruption, poor governance, dubious loyalties and nepotism of political dynasty. The people were frustrated with militancy and conflict, hypocrisy of separatists and poor governance. After that various initiatives has been taken in this regard. On the first anniversary of the abrogation of article 370, the administration has outlined a plan to empower people through the newly constituted panchayats.[xii] The 'Back to village (B2V)' programme has made the official to take up the responsibility of rural areas to optimum implementation of policies and utilization of funds accordingly.[xiii] The Election of local Panchayat bodies, Block Development Council (BDC) and District Development Council (DDC) has found a great success with huge voting percentage.

8. JOB OPPORTUNITIES

Employment of youths at mass level is another area where government has taken some serious initiatives to indulge local youths in local police and armed forces recruitments. Special recruitments drive has find great success in these months, where thousands of young people took participation in these without any fear. Over 10,000 vacancies at local administration level have been identified for recruitment in the first phase.

9. DIRECT BENEFITS OF CENTRAL GOVERNMENT SCHEMES

Centre government has been working on a program to transfer economic benefits and money to the accounts of local people under various schemes i.e. Ujawala Yojna, Pardhanmantri Kissan yojna and all other Central Government schemes for last one year. Rs. 25000 crore is also announced as industrial investment by the centre government. In the past two years, 17 projects vital for the strategic infrastructure have been materialized. They include a new tunnel at Banihal and the the world's highest railway bridge over Chenab river. It will connect Kashmir by rail to the rest of the country. Various power projects are also undergoing in the valley and expected to complete in next year.[xiv]

10. SPECIAL PACKAGE

Central government has approved a special package of Rs 80,000 crore for development work. It would be utilized in establishing the educational institutions like IIT, IIM and AIIMS. This will provide quality education to the Kashmiri students.

All these efforts are the real part of new policy orientation of Indian policy makers'. One thing is clear that Kashmir Valley is at the top of the government's agenda as it wants to establish good governance at the grassroots level and direct engagement with the people of valley. All these initiatives could be seen in this way. This new policy Orientation has found initial success in Kashmir as situation remain peaceful most of time in this changed scenario.

At this stage, the issue of Kashmir demands a holistic approach dealing with this unconventional warfare in this region. India has found an initial success in consolidating its changed stance here in these two and half years. A combination of soft power and hard power as well at both the fronts has emerged as the key of policy reorientation by India. All the top leaders of all militant outfits were gun down after this change. Government official has been doing great effort to engage directly with folk

Kashmiris. Rebuilding trust and addressing all type of distress in local people have emerged on top agenda of policy makers'. Besides, on the issues of corruption and delay tactics at administrative level, unemployment and rural-urban division, Local administration took firm and decisive stand and made special arrangements to execute policy in real sense. Strengthening of Panchayats Institutions, to provide direct benefits of Central Government Schemes, job fairs and special packages for the infrastructural development could be seen in this limelight. On the external front, India has successfully counter Pakistan's agenda on all the international platforms.

To sum up, Kashmir Problem has a great impact not only on the India's foreign policy but it has also serious ramification for social political setup of India. Hence, this changed Indian's outlook towards Jammu and Kashmir demands overall transformation and policy orientation. The need for India is to put brave face towards challenges and complexities of this region. It is time for Indian policy makers' to take peace process ahead by mitigating the local issues of Kashmiri people i.e unemployment, security, political participation and direct benefit of central government policies, with must deal approach. On the other hand, over the period of time the Kashmir problem has sustained various groups having vested interests in the continuation of the problem. This issue has given political relevance to many political parties, religious organization, military blocks and militant outfit in this region. Hence, some hard decision are also required while dealing with these elements and internal politics of Kashmir issue i.e. contained role of agents like Hurriat leaders, Mehbooba or Umar, Jamat e Islamie, use of technological facilities to search terrorist hideout, close monitoring of LoC by Satellite and other instruments, Zero tolerance against terrorism and its aid agencies inside and outside as well in deep interior of Pakistan also. The issue of Kashmir is likely to remain alive in future also due to Pakistani propaganda at international level and with mischievous activities through cross border terrorism. It is up to new and transformed India to tackle all these challenges with sustainable, comprehensive, firm and regular exercise at all level and by using all instruments.

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