

**ABROGATION OF INDIAN CONSTITUTIONAL ARTICLES 370  
AND 35A: IMPLICATIONS FOR POLITICAL AUTONOMY AND  
DEMOGRAPHIC STRUCTURE OF JAMMU AND KASHMIR**

**By**

**Fiaz ur Rehman Fiaz**

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENT FOR THE DEGREE OF**

**MASTER OF PHILOSOPHY**

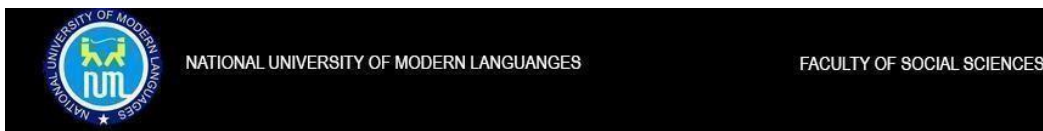
**In International Relations**

**FACULTY OF SOCIAL SCIENCES**



**National University of Modern Languages  
Islamabad**

© Fiaz ur Rehman Fiaz (June 2025)



## THESIS/DISSERTATION AND DEFENCE APPROVAL FORM

The undersigned certify that they have read the following thesis, examined the defense, are satisfied with the overall exam performance, and recommend the thesis to the Faculty of Social Sciences for acceptance.

**Thesis/Dissertation Title:** Abrogation of Indian constitutional Articles 370 and 35A: Implications for Political Autonomy and Demographic Structure of Jammu and Kashmir

**Submitted by:** Fiaz ur Rehman Fiaz

**Registration#:** 27 MPhil/IR/F21

**Full Name of Degree:** Master of Philosophy

**Discipline:** International Relations

**Pashmina Mughal**

Research Supervisor

\_\_\_\_\_  
Signature of Supervisor

**Dr. Sarwat Rauf**

HOD (IR)

\_\_\_\_\_  
Signature of HOD (IR)

**Prof. Dr. Muhammad Riaz Shad**

Dean (FSS)

\_\_\_\_\_  
Signature of Dean (FSS)

## CANDIDATE'S DECLARATION FORM

I, Fiaz ur Rehman Fiaz s/o Fazal ur Rehman

Registration#: 27 MPhil/IR/F21

Discipline: International Relations

Candidate of Master of Philosophy at the National University of Modern Languages do hereby declare that the thesis: **Abrogation of Indian Constitutional Articles 370 and 35A: Implications for Political Autonomy and Demographic Structure of Jammu and Kashmir** submitted by me in partial fulfillment of MPhil degree, is my original work, and has not been submitted or published earlier. I also solemnly declare that it shall not, in future, be submitted by me for obtaining any other degree from this or any other university or institution. I also understand that if evidence of plagiarism found in my thesis dissertation at any stage, even after the award of degree, the work may be cancelled and the degree revoked.

DATED \_\_\_\_\_

FIAZ UR REHMAN FIAZ  
(SIGNATURE)

## **ACKNOWLEDGEMENT**

First and foremost, I would like to express my heartfelt gratitude to my supervisor, Ms. Pashmina Mughal, for her invaluable supervision, continuous guidance, and unwavering support throughout my research work. Her insightful feedback and encouragement were instrumental in shaping the direction of this thesis, and I am deeply thankful for her mentorship.

I am also immensely grateful to the entire faculty of the International Relations Department at NUML for their contributions during both my coursework and research. Their knowledge, expertise, and dedication provided a strong foundation for my academic growth, and their encouragement was pivotal throughout this journey.

A special acknowledgment goes to Mr. Abdur Razzaq, Director (Retired), National Centre for Rural Development, for his consistent support from the office, which played a crucial role in helping me successfully complete this degree program. His assistance and cooperation during this crucial period are greatly appreciated.

Additionally, I would like to extend my sincere thanks to my teachers, Sir Mumtaz Ahmed Mughal and Sir Abdul Samad Chishti, whose mentorship and encouragement enabled me to represent Pakistan at international platforms in Nepal, Malaysia, China, and Egypt. Their guidance allowed me to engage with foreign delegates and gain valuable insights into international relations, which greatly enhanced my academic and professional development.

To all these individuals, I am deeply indebted, and their contributions have left a lasting impact on my academic journey.

## DEDICATION

This thesis is dedicated to my parents and family members, whose assistance, guidance, and unconditional love have supported me throughout my life. Their belief in me has been the foundation of my success. I also dedicate this work to my beloved wife, whose unwavering support and encouragement carried me through this academic journey, even in the face of her own prolonged illness. Her strength and love have been a constant source of inspiration, and I am forever grateful. I also dedicate this work to my two lovely children, whose presence brought joy and motivation to my life during this challenging time. Their innocence and love reminded me of the beauty in every moment.

Dedication to all my dear friends, Vanessa Joy Calderon from the Philippines, Priyantha from Sri Lanka, Abdul Razzaq from Bangladesh, Elard Moindo from Congo, Abigail from Ghana, Izrin from Malaysia, Dr. Taha from Egypt, and Oksana from Ukraine. Your wonderful presence in my life has made me truly believe in the beauty of universal brotherhood. I am grateful for your friendship and the shared experiences that have enriched my perspective on life.

A special dedication goes to my relatives in Indian-occupied Kashmir. I offer my heartfelt prayers for their peace and safety, and I hope for a future where they can live in freedom and tranquility.

Finally, I dedicate this work to all my teachers for their invaluable contributions to my life, especially Sir Raja Saleem Khan (late), Sir Mumtaz Ahmed Mughal, Sir Masood Ahmed Butt, Sir Amjad Qayyum and Sir Sarwar Sagar. Their teachings and guidance laid the groundwork for everything I have achieved.

To all of you, I extend my deepest appreciation and respect.

## TABLES OF CONTENTS

<b>Contents.....</b>	<b>Page #</b>
<b>Thesis/Dissertation and Defense Approval Form .....</b>	<b>ii</b>
<b>Candidate’s Declaration Form.....</b>	<b>iii</b>
<b>Acknowledgements... ..</b>	<b>iv</b>
<b>Dedication .....</b>	<b>v</b>
<b>Table of Contents.....</b>	<b>vi</b>
<b>List of Tables... ..</b>	<b>x</b>
<b>List of Figures... ..</b>	<b>x</b>
<b>List of Map.....</b>	<b>x</b>
<b>List of Abbreviations... ..</b>	<b>xi</b>
<b>Abstract.....</b>	<b>xii</b>
<b>INTRODUCTION... ..</b>	<b>1</b>
Statement of the Problem.....	2
Objectives of the Study.....	3
Research Questions.....	3
Literature Review and Research Gap.....	4
Core Argument.....	8
Theoretical Framework.....	8
Research Methodology... ..	10
Significance of the Study.....	13
Delimitation .....	14
Organizational Structure of Thesis.....	14
<b>CHAPTER ONE: STATE OF JAMMU AND KASHMIR - A HISTORICAL OVERVIEW.....</b>	<b>16</b>
1.1 J&K: From Princely State to Integration with India.....	16
1.1.1 The Treaty of Amritsar-1846.....	16
1.1.2 J&K: Governance and Challenges as a Princely State (1846–1947).....	17
1.1.3 Indian Independence Act 1947 and Accession of Princely States.....	18
1.1.4 Standstill Agreement of Maharaja Hari Singh with Pakistan and India... ..	19
1.1.5 The Muslim Uprising Against Dogra Rule in J&K.....	19
1.1.6 The First Kashmir War (1947-1948) and Accession of J&K to India.....	20
1.1.7 United Nations Intervention and Mediation on the Kashmir-Conflict.....	21

1.1.8	Special Autonomous Status to the State of J&K under Articles 370 and 35A.....	22
1.1.9	Commitments of Indian Leadership Regarding Resolution of Kashmir-Conflict.....	24
1.2	J&K's Political Autonomy: Changes Under Indian Governance.....	25
1.2.1	Erosion of the Autonomous Political Status of J&K .....	25
1.2.2.	Interpreting Article 370: Supreme Court's Influence on J&K's Status.....	29
1.2.3	Restrictions Imposed Amid the Revocation of J&K's Special Status... ..	31
1.2.4	The Revocation of the Political Autonomy of the State of J&K in 2019. ....	32
1.3	Reactions over Abrogation of Article 370.....	33
1.3.1	Reactions from the People of Jammu and Kashmir.....	33
1.3.2	Diplomatic Response from Pakistan.....	35
1.3.3	Global Reactions of States and International Organizations.....	37
1.4	Revocation of Special Status of J&K in 2019: Indian Supreme Court's Judgment.....	39
1.5	Violations of the Indian constitution and Disregard for Judicial Precedents.....	39
1.6	Conclusion.....	41
	<b>CHAPTER 2: FACTORS BEHIND THE ABROGATION OF INDIAN CONSTITUTIONAL ARTICLES 370 AND 35A.....</b>	<b>43</b>
2.1	Domestic Factors behind the Abrogation of Articles 370 and 35A.....	43
2.1.1	Interpretation of the Article-370 as a Temporary Constitutional Provision....	43
2.1.2	Influence of RSS on BJP Policies... ..	46
2.1.3	Hindutva: Core Ideology of Narendra Modi and the BJP.....	45
2.1.4	Suppression of Kashmiri Freedom Movement... ..	46
2.1.5	Socio-economic Objectives of Indian Government.....	46
2.1.6	Step towards National Integration within India.....	47
2.1.7	Governance Issues in J&K... ..	48
2.1.8	Maintenance of Security, and Law and Order... ..	49
2.1.9	Hindu-Heritage Promotion in Kashmir.....	49
2.2	International Factors behind the Abrogation of Special Political Status of J&K.....	50
2.2.1	India-Pakistan Rivalry on J&K.....	50
2.2.2	Strategic Interests of China in the Region.....	51

2.2.3	U.S. Strategic Interests in the Region and Support to India.....	52
2.2.4	Russia's Support to India on Diplomatic Front.....	53
2.2.5	Growing Economic and Diplomatic Ties between India and the Middle-East.....	54
2.2.6.	International Pressure for Counter-terrorism Measures.....	55
2.2.7	Shifting Geopolitical Dynamics in South Asia and Pacific Region.....	55
2.2.8	India's Emergence on the Global Stage.....	57
2.3	Conclusion.....	58

### **CHAPTER 3: IMPACT OF ABROGATION ON POLITICAL AUTONOMY OF JAMMU AND KASHMIR.....60**

3.1	Abrogation of Articles 370 and 35A: Implications for J&K's Political Autonomy.....	60
3.1.1	The Redundancy of J&K's Constitution .....	60
3.1.2	Reorganization of the State of J&K.....	61
3.1.3	Transformations in Political Representation.....	61
3.1.4	Reformed Electoral Roles of Registered Voters.....	62
3.1.5	Concentration of Powers in J&K's Lieutenant Governor .....	63
3.1.6	Dis-empowerment of Natives of J&K.....	65
3.1.7	Repeal of the Criminal Code for the State of J&K.....	66
3.1.8	The Assault on Media Freedom.....	67
3.1.9	Lawfare on the Natives of J&K.....	68
3.1.10	Ban on Various Entities of J&K.....	70
3.1.11	The Detention of J&K's Politicians .....	70
3.1.12	The Coerced Integration of J&K with India.....	71
3.1.13	Political Disengagement in Jammu and Kashmir.....	72
3.1.13.1	Lok-Sabha Elections in Jammu and Kashmir-2024.....	72
3.1.13.2	Jammu and Kashmir Legislative Assembly Elections-2024.....	73
3.1.14	The Exploitation of Jammu and Kashmir's Natural Resources.....	75
3.1.15	Military Siege in Jammu and Kashmir.....	76
3.1.16	Human Rights Violations in J&K.....	77
3.2	J&K's Political Autonomy: Pre and Post-Abrogation Comparison.....	79
3.3	Conclusion.....	81



## **CHAPTER 4: DEMOGRAPHIC IMPLICATIONS OF REVOKING ARTICLES 370 AND 35A IN JAMMU AND KASHMIR.....83**

4.1	Article-35A: Origin and Significance in the Indian Constitution.....	83
4.2	An Overview of Jammu and Kashmir's Demographic Structure.....	85
4.3	Implications of Abrogation of Articles 370 and 35A for Demographic Structure of Jammu and Kashmir.....	89
4.3.1	The New Domicile Law and Its Impact on J&K's Population... ..	89
4.3.2	Impact of Reservation Quotas on J&K's Social Structure .....	90
4.3.3	Single Citizenship for State Subjects of Jammu and Kashmir... ..	93
4.3.4	Alterations in Employment Trends.....	94
4.3.5	The Cultural Impact of Constitutional Changes... ..	95
4.3.6	Religious Population Shifts in J&K... ..	97
4.3.7	Settler Colonialism in Jammu and Kashmir: The BJP's Post-abrogation Agenda .....	98
4.3.8	Non-Local Land Allotment Amidst Growing Industrialization.....	101
4.3.9	Attachment and Destruction of Property in Kashmir.....	102
4.3.10	Socio-economic Disparities between Locals and Non-locals.....	104
4.3.11	J&K's Economic Decline.....	104
4.3.12	The Saffronisation of Jammu and Kashmir.....	106
4.4	Conclusion... ..	108
	<b>CONCLUSION.....</b>	<b>110</b>
	Key Findings... ..	111
	Policy Recommendations.....	112
	Bibliography.....	115
	Interview Questionnaire (Annexure-I). .....	134

## LIST OF TABLES

Table 1.1: Resolutions of United Nations Security Council Pertaining to Jammu and Kashmir.....	21
Table 3.1: Human Rights Violations in Jammu and Kashmir Since August 5, 2019 .....	78
Table 3.2: Comparison of Political Autonomy before and after the Abrogation of Article-370 .....	79
Table 4.1: Demographic Composition of Jammu and Kashmir .....	86
Table 4.2: Population of State of J&K by Religion (2011).....	86
Table 4.3 Data on Religion (District wise) Jammu and Kashmir.....	87
Table 4.4: Official Census Reports Indicate a Massive Decline of Muslims in J&K.....	88
Table 4.5 Population of Jammu and Kashmir - Projected .....	88
Table 4.6: Breakup of Migrants in Jammu and Kashmir .....	90
Table 4.7 Number of Schedules Castes and Schedules Tribes in J&K .....	92

## LIST OF FIGURES

Figure 4.1: Percentage of Decrease in the Population of Muslims in J&K.....	88
Figure 4.2: Comparison of Schedule Castes and Tribes Population in Jammu and Kashmir.....	92
Figure 4.3: Jammu & Kashmir: Population by mother-tongue... ..	95
Figure 4.4: Religions in Jammu and Kashmir .....	97

## LIST OF MAP

Map of the State of Jammu and Kashmir .....	02
---	----

## LIST OF ABBREVIATIONS

<b>AFSPA</b>	Armed Forces Special Powers Act
<b>AJK</b>	Azad Jammu and Kashmir
<b>BJP</b>	Bharatiya Janata Party
<b>BRI</b>	Belt and Road Initiative
<b>CM</b>	Chief Minister
<b>CMIE</b>	Centre for Monitoring Indian Economy
<b>C.O.</b>	Constitutional Order
<b>CPEC</b>	China-Pakistan Economic Corridor
<b>FATF</b>	Financial Action Task Force
<b>GB</b>	Gilgit-Baltistan
<b>GCC</b>	Gulf Cooperation Council
<b>GoI</b>	Government of India
<b>IOA</b>	Instrument of Accession
<b>IOK</b>	Indian Occupied Kashmir
<b>IPC</b>	Indian Penal Code
<b>J&amp;K</b>	Jammu and Kashmir
<b>JKNC</b>	Jammu and Kashmir National Conference
<b>LG</b>	Lieutenant Governor
<b>MHA</b>	Ministry of Home Affairs
<b>MLA</b>	Member of the Legislative Assembly
<b>NSG</b>	Nuclear Suppliers Group
<b>OIC</b>	Organization of Islamic Cooperation
<b>PM</b>	Prime Minister
<b>PSA</b>	Public Safety Act
<b>QUAD</b>	Quadrilateral Security Dialogue
<b>RPC</b>	Ranbir Penal Code
<b>RSS</b>	Rashtriya Swayamsevak Sangh
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>UAPA</b>	Unlawful Activities (Prevention) Act
<b>UNCIP</b>	United Nations Commission for India and Pakistan
<b>UNSC</b>	United Nations Security Council
<b>UT</b>	Union Territory

## ABSTRACT

*The abrogation of 'Articles 370 and 35A' in 2019 marked a significant turning point in the political landscape of Jammu and Kashmir (J&K). These constitutional provisions had previously granted J&K a unique status within the Indian Union, ensuring political autonomy and safeguarding the region's demographic structure by limiting land ownership and settlement rights to its permanent residents. The repeal of these articles has profound implications for J&K. It deprived J&K of its special status and reorganized it into two Union Territories (UTs), J&K and Ladakh, which are directly governed by the central government. This move not only altered the political autonomy of the region but also opened the door to demographic shifts, raising concerns about the erosion of J&K's cultural identity and increasing the influence of outside settlers. This study is significant as it explores the motivations behind this constitutional change and its wider implications for the political and demographic fabric of J&K. It seeks to answer the major research question: Why did the Modi-led Indian government repeal Articles 370 and 35A, and how has this affected the political autonomy and demographic structure of J&K? The research pursues a qualitative methodology, utilizing historical analysis, legal documents, and interviews to assess the impact of the abrogation. The study employs Neoclassical Realism as its theoretical framework, examining both domestic factors, such as the influence of Indian Prime Minister Narendra Modi and the Bharatiya Janata Party's (BJP) Hindutva ideology, alongside international factors, including India's diplomatic leverage through strategic partnerships with the United States (US) and Russia, as well as its expanding economic ties with various countries. The abrogation was driven by the Modi government's nationalist agenda, aiming to consolidate central control over J&K, weaken its autonomy, and facilitate demographic changes that align with broader political goals, thus reshaping the region's identity and governance.*

## INTRODUCTION

‘Political Autonomy’ is the right of the people of a territory to govern itself without the intervention of a higher body.<sup>1</sup> Whereas ‘Demographics’ is a term describing the characteristics of populations, analyzing the structure, size, and distribution of the population, and of changes in response to birth and death rates, and immigration.<sup>2</sup>

Jammu and Kashmir (J&K) has undergone a complex history of political, legal, and administrative changes. The ‘Treaty of Amritsar’ signed on March 16, 1846, between the British Government and Maharaja Gulab Singh, brought together the regions of Kashmir, Ladakh, and Jammu into one political and geographical entity.<sup>3</sup> This treaty granted administrative control to the Dogra rulers, with Maharaja Gulab Singh becoming the first ruler of the newly consolidated state.

In 1947, J&K became part of India through the Instrument of Accession (IOA). Subsequently, the state was granted special autonomous status under ‘Articles 370 and 35A’ of the Indian constitution, which allowed it to have its constitution and restricted land ownership and settlement rights to its permanent residents. These provisions were meant to preserve the unique political and demographic character of the region that helped maintain a balance between the region's autonomy and its relationship with India.

However, the abrogation of ‘Articles 370 and 35A’ in August 2019 altered the special status of J&K. The Government of India (GoI), through a Presidential Order and the passage of the ‘Jammu and Kashmir Reorganization Act, 2019’, revoked J&K's autonomy and bifurcated the state into two Union Territories (UTs): Jammu & Kashmir and Ladakh.<sup>4</sup> This move brought the region under direct control of the central government, effectively dissolving its special status.

The abrogation has significant political, social, and demographic consequences. It led to heightened tensions in the region, with concerns that

---

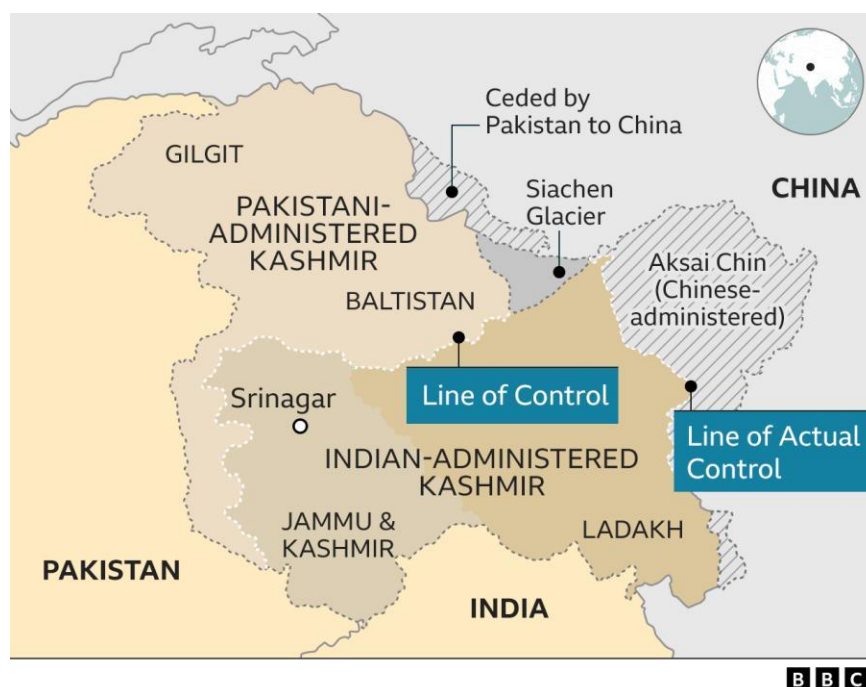
<sup>1</sup> Klaus Abbink, and Jordi Brandts. "Political autonomy and independence: theory and experimental evidence." *Journal of Theoretical Politics* 28, no. 3 (2016): 461-496.

<sup>2</sup> Oxford Learner's Dictionary. "Demographics." Accessed January 14, 2024. [https://www.oxfordlearnersdictionaries.com/definition/american\\_english/demographic](https://www.oxfordlearnersdictionaries.com/definition/american_english/demographic).

<sup>3</sup> Madhvi Yasin. *British Paramountcy in Kashmir, 1876-1894*. Atlantic Publishers & Distri, 1984.

<sup>4</sup> Tariq Rather, "Abrogation of Article 370 of the constitution of India: socio-economic and political implications on Jammu and Kashmir." *International Journal of Research and Analytical Reviews* 7, no. 3 (2020).

the removal of these protections would pave the way for demographic changes. Thus potentially altering the region's cultural and social fabric through the settlement of non-local populations. Revocation has also resulted in a profound impact on the region's political autonomy. Previously, J&K had its legislative assembly and autonomy over internal matters, but now it is governed directly by the central government. The restructuring has raised concerns among local populations about the erosion of their political rights and the implications of these changes on their cultural and regional identity. Furthermore, the demographic shift anticipated as a result of the abrogation is likely to further marginalize the Muslim-majority population, leading to settler colonialism.



**Jammu and Kashmir Map**

*BBC News*, December 19, 2023, <https://www.bbc.com/news/world-south-asia-11693674>.

### **Statement of Problem**

The abrogation of 'Articles 370 and 35A' by the Government of India in August 2019 marked a pivotal moment in the constitutional and political history of J&K. These provisions had granted the region a special autonomous status within the Indian Union, ensuring distinct political rights and demographic protections. Their abrupt revocation not only dissolved J&K's autonomous constitutional position but also triggered far-reaching political and demographic transformations.

While the Indian government justified the abrogation as a move toward integration and development, it is widely seen as a manifestation of the Bharatiya Janata Party's (BJP) Hindutva-driven ideological agenda. The move has intensified the sense of alienation among the region's Muslim-majority population, ignited fears of demographic engineering, and dismantled institutional safeguards that once protected J&K's political autonomy and cultural identity.

Moreover, the abrogation has significantly strained India-Pakistan relations. As a disputed region recognized by multiple United Nations Security Council (UNSC) resolutions, any unilateral change in J&K's constitutional status undermines the prospects for a peaceful resolution through dialogue or plebiscite. Pakistan condemned the move as a violation of bilateral agreements, such as the Simla Agreement, and responded by downgrading diplomatic ties, suspending trade, and internationalizing the issue at various global forums. The resulting escalation has added volatility to an already fragile security environment in South Asia, increasing the risk of armed conflict between two nuclear-armed states and diminishing avenues for bilateral engagement.

This study addresses the urgent need to critically examine the Indian motives behind this constitutional rupture, the erosion of J&K's self-governance, and the implications of demographic changes.

### **Objectives of the Study**

- To examine the factors that led the Indian Government to revoke Articles 370 and 35A in 2019;
- To a s s e s s the revocation's impact on the political autonomy of J&K;
- To explore the demographic changes that occurred in J&K after 'Articles 370 and 35A' were scrapped.

### **Research Questions**

1. Why did the Modi-led Indian Government abrogate Indian Constitutional 'Articles 370 and 35A' in 2019?
2. How has the revocation of Indian Constitutional 'Articles 370

and 35A' impacted the political autonomy of Jammu and Kashmir?

3. What are the implications of the revocation of Indian Constitutional 'Articles 370 and 35A' for the demographic structure of J&K?

### **Literature Review and Research Gap**

The Kashmir dispute has long been seen as one of the most enduring and complex conflicts in the world. The revocation of 'Articles 370 and 35A' was a turning point in the political landscape of J&K. These Articles previously conferred special privileges and status in J&K. The revocation has caused widespread legal, political and demographic debate. Several academic works have examined these changes, with a focus on their impact on J&K. The key contributions to the discourse are discussed below, citing a variety of sources including books, newspapers, academic journals, and reports examining the implications of this constitutional amendment.

A.G. Noorani's book titled 'Article 370: A constitutional History of Jammu and Kashmir' presents an exhaustive collection of documents concerning Article-370 grounded in primary sources like letters, memoranda and constitutional amendments.<sup>5</sup> Noorani sheds light on the negotiations leading up to the framing of Article-370 and traces its importance for J&K. He gives a sense of the Indian Union's changing nature of constitutional relations with J&K from 1947 to 2009. Noorani's analysis discusses Indian accession of the region, the gradual erosion of Article-370 and interpretations of this constitutional arrangement by the Indian Supreme Court.

Anuradha Bhasin's book 'A Dismantled State: The Untold Story of Kashmir after Article 370' chronicles the consequences of the annulment of J&K's unique status.<sup>6</sup> Using eyewitness accounts and historical analysis, Bhasin illuminates the socio-political repercussions of this decision and emphasizes its anti-democratic implications and the growing authoritarian tendencies in Indian democracy. This book serves as a powerful resource for understanding some of the political developments in what transpired in Kashmir from 2019 onwards.

---

<sup>5</sup> Abdul G Noorani, *Article 370: A constitutional history of J&K*. Oxford University Press, 2014.

<sup>6</sup> Anuradha Bhasin, *A Dismantled State*. HarperCollins Publishers, 2022.



‘The Parchment of Kashmir’ written by Nyla Ali Khan contains a collection of essays that examine the region’s history, culture, identity and politics.<sup>7</sup> The book explores threads of cultural syncretism, identity and sovereignty and offers vital nuance to the Kashmir conflict. Through the addition of scholarly perspectives, this work contributes to the broader discourse over the region’s complex history and political struggles.

‘Resisting Occupation in Kashmir: The Ethnography of Political Violence’, edited by Haley Duschinski, Mona Bhan, Ather Zia, and Cynthia Mahmood, critically examines India's prolonged military occupation of Kashmir through the lens of ethnography and cultural analysis. Drawing on extensive fieldwork, the contributors document how Kashmiri resistance has evolved from armed insurgency to hybrid forms of protest, including artistic, literary, and civil disobedience, in response to systematic state violence, surveillance, and legal impunity. The book powerfully frames the Indian state's governance of Kashmir as a late modern colonial occupation, where militarism, humanitarian rhetoric, and constitutional manipulation intersect to suppress Kashmiri aspirations for freedom.

In her book ‘Kashmir in Conflict: India, Pakistan and the Unending War’, Victoria Schofield presents a nuanced historical account of the Kashmir dispute, tracing its evolution from the colonial legacy of the Treaty of Amritsar (1846) through the Indo-Pak wars and the rise of insurgency in the Valley after 1989.<sup>8</sup> Drawing on archival sources, personal interviews, and field research, Schofield explores the complex interplay of territorial ambitions, national identities, and the aspirations of the Kashmiri people. She highlights how the unfinished agenda of the 1948-49 UN resolutions and the plebiscite promise remain central to the conflict's persistence, while also acknowledging the internal diversity of J&K that complicates any single resolution model. Her work is distinctive for balancing Indian, Pakistani, and Kashmiri perspectives, thus offering an essential contribution to the literature on South Asian conflicts and international mediation.

Alastair Lambs’s book ‘Kashmir: A Disputed Legacy 1846-1990’ is a

---

<sup>7</sup> Nyla Ali Khan, *The parchment of Kashmir: history, society, and polity*. New York: Palgrave Macmillan, 2012.

<sup>8</sup> Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War*, new ed. (London: I.B. Tauris, 2003).

detailed account of the Kashmir conflict from 1846 to 1990.<sup>9</sup> He highlights that the Kashmir- conflict started when the British sold it to Maharaja of Jammu in 1846. Moreover, Lamb traces the history and the evolution the J&K's politics, and its relation to the British Empire. He also emphasizes the growing insurgency in the region and the role of the UN regarding the Kashmir conflict. This is an important work to understand the historical roots and the emerging tensions due to Kashmir-conflict.

Purvi Pokhariyal and Anum Kotwal's article 'An Analysis of the Revocation of the Article-370 under constitutional Law, Federalism and International Law', analyzes the legal implications of the repeal of Article-370.<sup>10</sup> The authors are of the opinion that the revocation is against the spirit of Indian constitutional provisions and international principles of law, particularly the feature of asymmetrical federalism of Indian constitution. Their analysis provides an important legal overview of the effects of this constitutional change.

Adnan Rehman and Sania Munir in their study 'Demographic Changes in Indian Administered J&K: A Legal Perspective' analyse the demographic impact of the repeal of J&K's autonomy.<sup>11</sup> The authors conclude that systematic steps have been taken to change the demographic structure of the region. The UNSC resolutions and international law have been cited to provide a legal perspective regarding the demographic changes. Their analysis suggests changing demographic shifts are emerging from legal and constitutional changes in J&K.

Zunaira Inam in her paper 'Lawfare Options on Kashmir Dispute' examines the opportunities for Pakistan to invoke some legal cover against illegal steps taken by India in J&K.<sup>12</sup> Furthermore, the study explores how international courts can be pursued to challenge Indian moves of annulment of 'Articles 370 and 35A'. Her work provides legal ramifications of revocation for the Kashmir conflict.

In her article 'Abrogation of Article 370 and 35A, the Human Rights Situation in Indian Occupied Kashmir and Response Options for Pakistan',

---

<sup>9</sup> Alastair Lamb, *Kashmir: A disputed legacy, 1846-1990*. Roxford Books, 1991.

<sup>10</sup> Purvi Pokhariyal and Aum Kotwal, "An Analysis of the Revocation of Article-370 under constitutional Law, Federalism and International Law." *Journal of Positive School Psychology* 6, no. 4 (2021): 8880-8897.

<sup>11</sup> Adnan Rahman and Sania Muneer, "Demographic Changes in Indian Administered J&K: A Legal Perspective." *Pakistan Vision* 21, no. 2 (2020): 73.

<sup>12</sup> Zunaira Inam, "Lawfare Options on Kashmir Dispute." *Journal of Regional Studies* 38, no. 2 (2020): Institute of Regional Studies, Islamabad.

Munazza Khalid discusses the repercussions of the amendments in the Indian constitution about human rights.<sup>13</sup> She argues that the revocation has resulted in an increase in human rights violations in J&K and urges Pakistan to adopt new policy initiatives to address the deteriorating situation in the region. The study demonstrates how the Kashmir dispute is related to the strategic stability of South the Asian region.

‘Kashmir Dispute: Emerging Complexities after Abrogation of Article 370’ the paper written by Rizwan Ali and Usman Mustafa, examines the security and humanitarian consequences of the abrogation.<sup>14</sup> The authors identify the surging defence budgets of both India and Pakistan. They posit that bilateral negotiations between Pakistan and India are the way forward. The research emphasizes lasting reconciliation and a peaceful conclusion to the Kashmir issue.

‘Abrogation of Article 370 of the constitution of India: Socioeconomic and Political Implications on Jammu and Kashmir’ a research paper by Gull Mohd Wani, Basit Masood Suhrawardy and Tariq Ahmad Rather, examines the socioeconomic and political implications of the revocation.<sup>15</sup> They argue that the unilateral abrogation, violated J&K's constitutional autonomy. It lowered the political stability and economic growth of the region.

The report issued by ‘Human Rights Watch’ dated August 2, 2022, ‘India: Repression Persists in J&K, Restrictions on Rights 3 Years after constitutional Autonomy Revoked’, documents the continuing repression in J&K since abrogation.<sup>16</sup> The report also details how the revocation of the region's autonomy has been followed by the Indian authorities' violation of fundamental rights on the freedoms of expression and peaceful assembly. While India pledged to reform laws and policies but the government continues the repressive policies. These policies include arbitrary detention and a violation of the human rights that

---

<sup>13</sup> Munazza Khalid, “Abrogation of Article-370 and 35A, Human Rights Situation in Indian Occupied Kashmir and Response Options for Pakistan.” *Journal of Humanities, Social and Management Sciences* 2, no. 1 (2021): 166-175.

<sup>14</sup> Rizwan Ali, and Usman Mustafa, "Kashmir dispute: Emerging complexities after abrogation of Article 370." *Journal of Humanities, Social and Management Sciences (JHSMS)* 2, no. 2 (2021): 13-25.

<sup>15</sup> Tariq Rather, "Abrogation of Article 370 of the constitution of India: socio-economic and political implications on J&K." *International Journal of Research and Analytical Reviews* 7, no. 3 (2020).

<sup>16</sup> Human Rights Watch. *India: Repression Persists in J&K, Restriction on Rights 3 Years after constitutional Autonomy Revoked*. August 2, 2022. <https://www.hrw.org/news/2022/08/02/india-repression-persists-jammu-and-kashmir>.

security forces may be held to account, which are contributing to the feeling of insecurity to the people of Kashmir.

A report in 'The New York Times' expresses that now Israeli-style settlements may be set up in J&K.<sup>17</sup> The report also highlights fears harboured by Kashmiri people for years that they will be displaced by Indian settlers. The Indian nationalists and mainstream news outlets welcomed the decision, however, it intensified fears within the local population.

Besides academic contributions, some international media, such as BBC News, The New York Times, Al Jazeera News, The Hindu and Dawn etc, have provided critical journalistic perspectives. They highlight the ongoing oppression and human rights abuses, listing concerns and consequences of India's illegal actions in J&K.

Since the repeal of J&K's autonomy, various academic works have emerged. Most of the authors have only analyzed a few of the effects of these constitutional changes. The existing studies cannot elaborate comprehensively on the overall political and demographic effects of abrogation. The abrogation in 2019 and the introduction of new legislation by the Indian central government has brought significant changes in the political and demographic landscape of J&K. Hence, there remains a notable gap in comprehensive analyses that critically examine the political and demographic transformations, triggered by the abrogation and the subsequent legislative measures. This study, therefore, holds significance as it aims to explore and evaluate the political and demographic implications of these constitutional changes in J&K.

### **Core Argument:**

The abrogation of Articles 370 and 35A in 2019 was rooted in the Modi-led Indian government's Hindutva agenda, aiming to undermine J&K's political autonomy and demographic engineering to marginalize its Muslim-majority population.

### **Theoretical Framework**

This research study is framed within the context of 'Neoclassical Realism'.

---

<sup>17</sup> Arundhati Roy, "The Silence is the Loudest Sound." *The New York Times*, August 15, 2019. <https://www.nytimes.com/2023/10/11/world/asia/arundhati-roy-kashmir.html>

‘Neoclassical Realism’ is a theory of international relations and an approach to foreign policy analysis, initially coined by Gideon Rose.<sup>18</sup> He argues that Neoclassical Realism is characterized by its dual focus on international systemic pressures particularly relative material power in the international system and domestic-level intervening variables such as leaders’ perceptions, state capacity, and political institutions. It recognizes that while the international system sets the broad parameters of a state's behaviour, internal political structures and perceptions ultimately shape how states interpret and respond to external pressures. Within an anarchic global system, relative power is often sought to ensure states can survive and ultimately become hegemonic.<sup>19</sup> This balance of power struggle among states regularly contributes to territorial expansion, assisting them to build their resources, abilities, and influence. Fareed Zakaria focuses on leaders, noting that what leaders see is at the heart of their state's foreign policy pursuits.<sup>20</sup> The domestic factors, in the manner of political elites and their preferences and beliefs, also matter.

At the International systemic level, India’s aspirations to assert regional hegemony, especially in the face of growing Chinese influence played a significant role in shaping its internal security policy.<sup>21</sup> India’s decision to abrogate J&K’s special status in 2019 can also be seen as a strategic measure to counter Pakistan’s longstanding influence in the Kashmir dispute. By revoking ‘Articles 370 and 35A’ and bringing the region under direct central control, the Indian government aimed to weaken separatist narratives, disrupt cross-border sympathies, and assert full sovereignty over the territory. This move was intended to undermine Pakistan’s diplomatic and ideological claims on J&K and to project the region as an undisputed and integral part of India. Its strengthening ties with major global powers, such as the United States and Russia, have not only enhanced its international standing but also reduced the likelihood of external consequences for controversial domestic actions. The evolving geopolitical landscape, including India’s participation in international forums like the BRICS, G20, Quadrilateral Security Dialogue (QUAD), has further

---

<sup>18</sup> Gideon Rose, "Neoclassical realism and theories of foreign policy." *World politics* 51, no. 1 (1998): 144-172.

<sup>19</sup> Dani K.Nedal and Daniel H. Nexon. "Anarchy and authority: international structure, the balance of power, and hierarchy." *Journal of Global Security Studies* 4, no. 2 (2019): 169-189.

<sup>20</sup> Fareed Zakaria, *From wealth to power: The unusual origins of America's world role*. Vol. 84. Princeton University Press, 1999.

<sup>21</sup> David Scott, "The great power ‘great game’ between India and China: The logic of geography." *Geopolitics* 13, no. 1 (2008): 1-26.

incentivized the Indian leadership to consolidate control over peripheral regions such as J&K to demonstrate internal cohesion and territorial integrity.

At the domestic level, the rise of the Bharatiya Janata Party (BJP) and its ideological foundation in Hindutva under Indian Prime Minister (PM) Narendra Modi has been a decisive force. “Hindutva” is defined as an ideology emphasizing the common cultural values of the residents of the Indian region based on Hindu nationalism.<sup>22</sup> Hindutva is a right-wing ethno-nationalist political ideology that defines India's cultural identity in terms of Hinduism and seeks to transform India into an overtly Hindu nation-state.<sup>23</sup> It is being used by the Rashtriya Swayamsevak Sangh (RSS), the Vishva Hindu Parishad (VHP), the current ruling BJP,<sup>24</sup> and a few other organizations, collectively called the Sangh Parivar.

These Hindutva based organizations interpreted the Muslim-majority character and special autonomous status of J&K as a historical anomaly and a threat to the consolidation of a unified Hindu national identity. Moreover, the move served the BJP's political electoral agenda by presenting the abrogation as a bold act of national unification, further cementing its ideological legitimacy among its Hindu-majority support base. The BJP's electoral successes in 2014 and 2019 under Narendra Modi saw Hindutva demands realized, including the revocation of J&K's autonomy. Leaders' perceptions- central to Neoclassical Realism played a crucial role, particularly in interpreting J&K's autonomous status as a security risk and a constitutional hindrance that enabled separatist politics. This perception under the influence of Indian Prime Minister, Narendra Modi, BJP leadership, RSS and other such organizations, fueled the decision to reconfigure the region's legal and administrative status.

## Research Methodology

This study adopts a qualitative and analytical research design to analyze the causes and effects of the Indian government's abrogation of Articles 370 and 35A. A qualitative method is best suited to this study due to the complex and

---

<sup>22</sup> “Hindutva.” A Concise Oxford Dictionary of Politics and International Relations (4<sup>th</sup> ed.) <https://www.oxfordreference.com/display/10.1093/acref/9780199670840.001.0001/acref-9780199670840-e-600?rskey=JwbNiF&result=723>

<sup>23</sup> “Hindutva.” Encyclopedia Britannica. <https://www.britannica.com/topic/Hindutva>.

<sup>24</sup> “The Hindutva road”, Frontline, 4 December 2004.

multidimensional nature of the research questions, which seek to understand the underlying motivations of Indian Government, political and demographic implications of abrogation for J&K. This research applies the Case Study Approach, focusing on the case of Jammu and Kashmir to deeply explore the implications of the abrogation of Articles 370 and 35A. The region serves as an instrumental case to understand the BJP-led government's broader strategy of national integration, ideological consolidation through Hindutva, and demographic restructuring.

The study is based on an extensive literature review by utilizing a wide range of sources. Both primary and secondary sources are utilized in data collection. The primary data consists of interviews with experts, as well as referring to Indian government acts and regulations about 'Articles 370 and 35A'; decisions of Indian Supreme Court; census data from the Indian government and other reports authored by human rights organizations are also drawn upon. Secondary sources include books, research papers, newspaper articles and web sources, explaining J&K's political and legal progress, and its historical and constitutional evolution. Additionally, relevant reports on the erosion of J&K's political autonomy and demographic changes by international human rights organizations such as Human Rights Watch and Amnesty International were reviewed.

To enrich the study with primary data and validate findings from secondary sources, semi-structured interviews were conducted with experts that include Syed Manzoor Hussain Gillani, Ex-Chief Justice, Supreme Court of AJK/ refugee from IOK; Syed Yousaf Naseem, Ex-Chairman, All Parties Hurriyat Conference/ refugee from IOK; Dr. Raja Muhammad Sajjad Khan, Director, Kashmir Liberation Cel, Govt. of AJK/ Director, Kashmir Policy Research Institute; Adnan Rahman, Faculty member, Department of Law, University of AJK; Maqsood Muntazir, Journalist/ refugee from IOK and Hafsa Masoodi, PhD Scholar, Peace and Conflict Studies, NUST. These participants were selected for their direct legal knowledge and lived experiences concerning the political and constitutional status of the region. The interviews comprised open-ended questions (Annexure-I) designed to elicit expert insights on the legal, political, and demographic implications of the abrogation of 'Articles 370 and 35A' by the Indian Government. The interviews offered critical insights into the illegitimacy of the abrogation of Articles 370 and 35A, the erosion of

political autonomy, and concerns over demographic engineering. The experts largely concurred that the abrogation led to the erosion of political autonomy and significant demographic alterations in J&K leading to marginalization of Muslim-majority population and settler-colonialism of Hindus in the region. These insights played a pivotal role in validating and deepening the findings of the study.

To explore the motivations and consequences of the 2019 abrogation of 'Articles 370 and 35A', Thematic Analysis method has been applied to analyze both primary and secondary data in relation to the research questions, theoretical framework and core argument. First, familiarization with the data was achieved by thoroughly reading the primary and secondary data including interview transcripts, legal documents, academic literature, and reports by human rights organizations, to identify recurring ideas concerning the political, constitutional, and demographic transformations in J&K. Second, initial codes were generated from the data, focusing on patterns such as "centralization of power," "Hindutva ideology," and "demographic changes.". Third, these codes were collated into broader themes, including "Dismantling of Political Autonomy," "Saffronization in J&K," "Marginalization of Muslim-majority population," "Settler-colonialism in J&K". Fourth, the themes were reviewed and refined in light of the research questions and core argument to ensure coherence. Fifth, themes were clearly defined and named, with supporting extracts from both primary sources and secondary literature. Sixth, the final write-up interpreted these themes in the context of the research questions. Thematic Analysis thus enabled to systematically link textual data with theoretical constructs and develop an understanding of how the BJP-led Modi government's actions aligned with a broader ideological Hindutva agenda aimed at redefining the identity, governance, and population of J&K.

This study employs 'Neoclassical Realism' to analyze India's assertive policy shift to abrogate Articles 370 and 35A. Neoclassical Realism integrates international systemic pressures with domestic-level factors, enabling a holistic understanding of state behavior. In the international context, the framework considers India's strategic concerns such as cross-border terrorism, China's growing influence in South Asian region, Pakistan's narrative regarding Kashmir dispute and India's emergence on the global stage. Domestically, it emphasizes the ideological influence of Hindutva, the



rise of Hindu nationalism and BJP's policies under the leadership of Indian Prime Minister Narendra Modi.

### **Significance of the Study**

The abrogation of 'Articles 370 and 35A' by the Indian government in 2019 marked a transformative constitutional shift in the status of J&K. It has far-reaching implications not only for the region itself but also for broader South Asian stability, human rights, and international law. This study integrates legal, political, strategic, and humanitarian lenses to evaluate the impact of abrogating 'Articles 370 and 35A'.

It fills a vital gap in the existing literature by not only assessing immediate consequences but also anticipating long-term structural transformations in the region. It equips policymakers, diplomats, academics, and civil society actors with a nuanced understanding of how constitutional law intersects with international conflict, identity politics, and regional diplomacy. Ultimately, the significance of this study lies in its ability to document, analyze, and critique a constitutional rupture that has global implications for international legal norms, human rights, nuclear deterrence and regional stability in South Asia.

The significance of this research study lies in its comprehensive examination of the political and demographic implications of the abrogation of 'Articles 370 and 35A', which held immense constitutional, legal, and socio-political value for the people of J&K. Moreover, the study critically addresses the consequences of Hindutva-driven governance and the marginalization of Muslims in J&K, detailing instances of communication blackouts, mass detentions, and suppression of dissent, which have deepened the sense of alienation among the local population. It highlights the deep sense of political disempowerment and legal disenfranchisement felt by the people of J&K, particularly the Muslim-majority population, who now face fears of demographic marginalization through the influx of non-local Hindu settlers and changes in land ownership laws.

The abrogation of special status of the region is a direct violation of the Instrument of Accession and numerous UN Security Council resolutions that affirm the disputed nature of J&K and call for a plebiscite to determine its future. In the broader South Asian context, the research illustrates how this constitutional change

has destabilized the already fragile India-Pakistan relationship, fueling mistrust and conflict, and narrowing the prospects for peaceful resolution. Overall, the study provides a timely and essential contribution to understanding how the abrogation of ‘Articles 370 and 35A’ not only undermines the regional stability but also poses a serious challenge to the implementation of international legal commitments and the future trajectory of India-Pakistan relations.

### **Delimitation**

The latest demographic statistics for J&K are available from the Census of India-2011. Additionally, no more censuses have been conducted in the area. Therefore, there is no other updated official statistical information available. Moreover, the scope of this study is limited by the lack of direct information from the residents of Indian-occupied J&K, due to the communication restrictions imposed by the Indian government.

### **Organizational Structure**

The first part of the research study is the ‘Introduction’, which provides a detailed overview of the issue under discussion.

The first chapter titled “State of Jammu and Kashmir- A Historical Overview” explores the historical genesis of the autonomous status of J&K concerning various constitutional provisions that existed in India till the abrogation of Article-370 in 2019. The chapter traces the major historical events, agreements, and legislative measures that have shaped the constitutional status of the region under India. It conveys a nuanced contextual understanding of evolution of J&K’s political autonomy.

The second chapter titled “Factors behind the Abrogation of Indian constitutional Articles 370 and 35A” examines economic, political, and strategic motives driving the India to abolish the J&K’s special status. It examines the relative impact of various actors in promoting this policy change such as political parties, interest groups, and foreign actors.

The third chapter titled “Impact of Abrogation on Political Autonomy of

Jammu and Kashmir” explores the impact of the annulment of ‘Articles 370 and 35A’ for political autonomy of J&K. It examines changes in the political participation, rights and freedoms. It further elaborates the impact on the governance framework and power dynamics of J&K.

The fourth chapter titled “Demographic Implications of Revoking Articles 370 and 35A in Jammu and Kashmir” investigates the demographic changes that emerged after repealing ‘Articles 370 and 35A’, and its impact on population structure, migration patterns and land ownership. It provides an analysis of the impact of revocation on the demographic character of J&K.

The findings of research study, conclusions and recommendations are included at the end of the study.

## CHAPTER 1

### STATE OF JAMMU AND KASHMIR- A HISTORICAL OVERVIEW

This chapter provides a historical background of J&K from the ‘Treaty of Amritsar’ to the revocation of its unique status. It examines the trajectory of British paramountcy, the period of the Dogra dynasty, the process of accession to India, the inclusion of Article-370, and the subsequent legal and constitutional developments leading to the revocation of autonomy of J&K.

#### 1.1 Jammu and Kashmir: From Princely State to Integration with India

J&K’s history dates back to 4000 BCE. J&K has been ruled by 21 different dynasties, including Kushans, Huns, Jains, Zoroastrians, Buddhists, Hindus, and Muslims.<sup>25</sup> J&K’s political situation has faced transformation over the years, evolving into a princely state and then into a region of geopolitical conflict. Historically, its political status has been a contentious issue since the mid-20th century. The entire region has been claimed by both Pakistan and India, but both countries control different parts of J&K. Hence, J&K is a bone of contention between both countries. Consequently, Pakistan, India, and J&K still have a direct impact on the geostrategic stability of the South Asian region.

##### 1.1.1 The Treaty of Amritsar-1846

After the weakening of Sikh dominance, the political integration of Kashmir, Jammu and Ladakh all together into one political unit occurred.<sup>26</sup> This political outcome was given formal recognition by the ‘Treaty of Amritsar’ on 16<sup>th</sup> March, 1846 in Amritsar, Punjab, between the British Authorities and Maharaja Gulab Singh from Jammu. The treaty transferred the J&K region to Gulab Singh for an amount of 75 lakh Nanukshahee. There was no reference in the treaty about the sociopolitical rights of the Kashmiri people, and grounds were framed for conflicts emerging later on.

---

<sup>25</sup> Waseem Ahmad Sofi, *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*. Springer Nature, 2021.

<sup>26</sup> Ram Krishen Kaul Bhat, *Political and constitutional Development of the Jammu and Kashmir State*. Delhi: Seema Publications, 1984.

### 1.1.2 Jammu and Kashmir: Governance and Challenges as a Princely State (1846–1947)

The Princely State Period in J&K (1846-1947) was the era of the Dogra dynasty when the Dogra Maharajas raised centralized rule.<sup>27</sup> Jammu was the traditional heartland of the dynasty; Kashmir Valley was an occupied territory. With the death of Gulab Singh, the power was handed over to his son, Ranbir Singh, in 1856 but the stagnation continued and was complicated by widespread dissatisfaction. In 1925 Maharaja Hari Singh, Maharaja Pratap Singh's successor, took over a 40-year rule (1925–1947) characterized by autocracy.

With over 85% of the population practising Islam, members faced systemic oppression, including punitive taxes and extreme punishments (including the death penalty).<sup>28</sup> The period also saw several crises, including the devastating famine of 1877 that led to significant loss of life and forced mass migration of the Kashmiris to Punjab.<sup>29</sup> The redistribution of abandoned lands under the chakdari system mainly favoured Pandits, further widening socioeconomic divisions. Protests calling for political changes, education reform, and workers' rights grew during the early 20th century.<sup>30</sup> The 1931 agitation, following the killing of protesting Muslims, was a watershed moment, leading to the setting up of a Grievances Commission and the establishment of the Praja Sabha in 1934.<sup>31</sup> However, the real power was accumulated by the Maharaja.

In the meantime, 'All Jammu and Kashmir Muslim Conference' was established by Chaudhry Ghulam Abbas and Sheikh Abdullah in 1932, demanding equal rights for Muslims.<sup>32</sup> The party was transformed into the National Conference

---

<sup>27</sup> Mridu Rai, *The question of religion in Kashmir: Sovereignty, legitimacy and rights, c. 1846-1947*. Columbia University, 2000.

<sup>28</sup> Inamul Haq, "Exploring the Concept of Torture: An Analysis of Kashmir Valley." *Available at SSRN* 2954374 (2017).

<sup>29</sup> A. Alam and B. Ahmad, "Reconstructing disasters and adaptation scenario of nineteenth-century Kashmir." *Disasters* 44, no. 1 (2020): 232-232.

<sup>30</sup> Rais Ul Gulzar, "Development of Socio-Religious Reform Movements and their role in Political awakening in Jammu and Kashmir." *International Journal of Research in Social Sciences* 9, no. 2 (2019): 246-260.

<sup>31</sup> Christopher Snedden, "The rise of Kashmiri aspirations, 1924–47." In *Independent Kashmir*, pp. 137-185. Manchester University Press, 2021.

<sup>32</sup> Yasir Bashir, "From Muslim Conference to National Conference: Sheikh Abdullah's Quest for Secularism." *Society and Politics of Jammu and Kashmir* (2021): 119-140.

in 1938. It represented the voice of all peoples of J&K, irrespective of religion. Anti-Dogra agitations peaked again in the 1940s and 1946 with the movement of "Quit Kashmir". The movement was led by the National Conference, which called for power to the people and was met with repression, arrests, and widespread unrest by the state. The Dogra Rule received consistent pushback and revolt.

### **1.1.3 Indian Independence Act 1947 and Accession of Princely States**

The Indian Independence Act 1947 was effective from August 15, 1947, which led to the existence of two sovereign dominions, Pakistan and India, and provided for the territorial divisions of British India between the two.<sup>33</sup> The Act's Section 7 ended British dominion over the princely states, giving these states complete autonomy. Section 8 gave power to the Indian Governor-General to follow the Government of India Act (GoIA), 1935 as an interim constitution until a new set of rules was accepted by the Constituent Assembly.<sup>34</sup> Consequently, the GoIA, 1935 had operated as the temporary constitution of India from August 15, 1947, to January 25, 1950. The accession process was clarified by the Indian Provisional constitution and Provincial Legislatures (Amendment) Order, 1947, and the India Provisional constitution (Second Amendment) Order, 1947, which brought amendments to the GoIA, 1935.<sup>35</sup> Subsection 6(1) and (2) defined the term 'accession' and stated that a princely state would be granted accession to one of the dominions if the Governor-General had accepted its Instrument of Accession (IOA), signed by the state's ruler.

British rule's withdrawal presented a dilemma of its own in respect to the princely states since they were not British possessions and could not be partitioned at Britain's behest between India and Pakistan. When British suzerainty lapsed on August 15, 1947, these states were made independent entities, and their rulers were free to accede either to Pakistan or India.<sup>36</sup>

---

<sup>33</sup> Yasmin Khan, *The great partition: The making of India and Pakistan*. Yale University Press, 2017.

<sup>34</sup> Abhijit Sahoo, and Tusarkanta Pattanaik, "Making of the constitution of India: A critical analysis." *Odisha Review* 7 (2015).

<sup>35</sup> Adarsh Sein Anand, "Accession of Jammu and Kashmir State—Historical & Legal Perspective." *Journal of the Indian Law Institute* 43, no. 4 (2001): 455-468.

<sup>36</sup> Attiya Khanam, "An historical overview of the accession of princely states." *Journal of Historical Studies* 2, no. 1 (2016): 84-103.

#### **1.1.4 Standstill Agreement of Maharaja Hari Singh with Pakistan and India**

The strategic geography and socio-demographic composition of J&K made its accession contentious. The region had road and river connections to Pakistan, and its mostly Muslim population made the idea of accession to Pakistan seem natural. However, Maharaja Hari Singh, the ruler of J&K, wanted to retain independent status and resisted the demand from either dominion for integration into the dominion. Hence, Lord Mountbatten offered a temporary alternative as the Standstill Agreement.<sup>37</sup>

The Standstill Agreement provided for the continuation of existing arrangements between states and the dominions, and it is based on the Indian Independence Act, 1947. J&K's Prime Minister, Janak Singh Katoch, sent the same telegram to both India and Pakistan on August 12, 1947, proposing the drafting of an agreement between the two countries to maintain the status quo of existing administrative and commercial arrangements.<sup>38</sup> Pakistan agreed to the proposed plan, assuming responsibility for postal services, telegraphs, and essential supplies. But India delayed its response, asking that a representative of the state visit New Delhi to finalize the details. The visit did not take place, and hence there was no formal Standstill Agreement signed with India. The responses to the Standstill Agreement and the Maharaja's hesitation to accede or remain independent also sowed the seeds for further political and military developments in the region.

#### **1.1.5 The Muslim Uprising Against Dogra Rule in Jammu and Kashmir**

The Muslim uprising against the Dogra rule started in the Poonch district as plenty of Muslims from Poonch were in military service in the British Army during WWII and the J&K State forces.<sup>39</sup> Their strong cultural, religious, and economic links to the newly formed Pakistan raised their anger towards Dogra rule. The "no tax" movement in Poonch in early 1947 was launched in response to the exploitative practices of the revenue department of the state. By June 1947, clashes erupted between state forces and former Muslim soldiers, prompting Maharaja Hari Singh to declare martial law. Partition's communal violence added to the mix.

---

<sup>37</sup> Sheikh Mohammad Abdullah, "Kashmir, India and Pakistan." *Foreign Aff.* 43 (1964): 528.

<sup>38</sup> Christopher Snedden, "Maharaja Hari Singh and his accession issue." In *Independent Kashmir*, pp. 44-92. Manchester University Press, 2021.

<sup>39</sup> Das Gupta, Jyoti Bhusan, "Kashmir Accedes to India." In *Jammu and Kashmir*, pp. 82-115. Dordrecht: Springer Netherlands, 1968.

Simultaneously, the Muslim ex-servicemen in Mirpur and Poonch were disarmed, and their weapons were redistributed among Sikhs and Hindus. In September and October 1947, Muslim residents in Mirpur and Poonch rose against the Dogra rule and sought the aid of Pashtun tribes in Pakistan.<sup>40</sup>

### **1.1.6 The First Kashmir War (1947-1948) and Accession of Jammu and Kashmir to India**

The first Indo-Pakistani war broke out on October 22, 1947.<sup>41</sup> When Pakistani tribal forces crossed into the state to back the Muslim insurgency, the Maharaja asked India for military assistance. Local Muslims in some parts of J&K liberated themselves from Dogra rule, which are now called Gilgit-Baltistan (GB) and AJK. The Indian government under Jawaharlal Nehru and Vallabhbhai Patel agreed to intervene on the condition of J&K's accession to India. Hari Singh, the ruler of J&K, signed IOA on 26<sup>th</sup> October, 1947, formalizing the accession of J&K to India.

IOA described the grounds of J&K's merger with India, transferring sovereignty in defence, external matters, and communications to India, and the state would continue to enjoy internal autonomy.<sup>42</sup> Clauses 5, 7 and 8 of the IOA protected the Maharaja's discretion in administrative and governmental matters and stressed that constitutional changes affecting J&K would be at the consent of the ruler. The IOA ensured J&K would have considerable autonomy, with limited federal jurisdiction, which provided the basis for J&K's special constitutional status in India.

With Lord Mountbatten's acceptance of the IOA on the Indian government's behalf, Indian troops were sent into the region, igniting the conflict with the Pakistani forces.<sup>43</sup> The conflict caused untold misery, devastation, and the expulsion of more than a million refugees to Pakistan. The J&K's Constituent Assembly was

---

<sup>40</sup> Syed Minhaj ul Hassan, "Qaiyum Khan and the War of Kashmir, 1947-48 AD." *FWU Journal of Social Sciences* 9, no. 1 (2015): 1.

<sup>41</sup> Gowher Rizvi, "India, Pakistan, and the Kashmir Problem, 1947-1972." In *Perspectives On Kashmir*, pp. 47-79. Routledge, 2019.

<sup>42</sup> Aijaz Ashraf Wani, Imran Ahmad Khan, and Tabzeer Yaseen, "Article 370 and 35A: Origin, provisions, and the politics of contestation." *Society and Politics of Jammu and Kashmir* (2021): 53-77.

<sup>43</sup> Fozia Nazir Lone, "The Legal Validity of the Illegal Seizure of Kashmir: An Archival and Legal Review." In *Historical Title, Self-Determination and the Kashmir Question*, pp. 171-23, 2018.



established after some more conversations between Nehru and Sheikh Abdullah, to determine the political status of J&K with rest of India.<sup>44</sup> With the signature of the IOA by Maharaja, the state of J&K became an Indian part. The provision of Article-370 in the Indian Constitution formalized the political autonomy of J&K under the Indian Union.

### 1.1.7 United Nations Intervention and Mediation on the Kashmir-Conflict

India took the matter of Kashmir to the UNSC on 1 January 1948, under Article-35 of the UN Charter. India claimed that Pakistani tribesmen had attacked J&K, which was Indian territory. It requested the UNSC to stop Pakistan from its actions in J&K. However, Pakistan denied its involvement in the conflict and claimed that India had acquired the J&K's accession by aggression and that it was conducting a genocide against Kashmiri Muslims.

The UN intervened in the Kashmir conflict upon the request made by India. The UN appointed the United Nations Commission for India and Pakistan (UNCIP) to mediate between disputing parties.<sup>45</sup> The question has since remained on the UN Security Council's (UNSC) agenda under the "India-Pakistan Question", with various resolutions on the issue. The important resolutions are as follows:

**Table 1.1: Resolutions of United Nations Security Council About Jammu and Kashmir**

<b>Resolution No.</b>	<b>Date</b>	<b>Key Points</b>
<b>38 (1948)</b>	January 17, 1948	Called for immediate measures to improve the situation in J&K, requesting Pakistan and India to abstain from exacerbating the situation and cooperate with the UN for peace.
<b>39 (1948)</b>	January 20, 1948	Formalized a UN Commission to investigate the J&K dispute and arbitrate between Pakistan and India for peaceful resolution.
<b>47 (1948)</b>	April 21, 1948	Called for a ceasefire, withdrawal of Pakistani tribal forces, and decrease in Indian military presence, with provisions for a plebiscite under UN supervision to determine the future of Kashmir.

<sup>44</sup> A. S. Anand, *The constitution of Jammu and Kashmir: Its Development and Comments*. 3rd ed. Delhi: Universal Law Publishers, 1998.

<sup>45</sup> Neal D Gidvani, "The Peaceful Resolution of Kashmir: A United Nations Led Effort for Successful International Mediation and a Permanent Resolution to the India-Pakistan Conflict." *Transnat'l L. & Contemp. Probs.* 18 (2009): 721.

<b>51 (1948)</b>	June 3, 1948	Reaffirmed the call for a ceasefire and supported further investigation by the UN to mediate the conflict.
<b>80 (1950)</b>	March 14, 1950	Called for negotiations to resolve differences between India and Pakistan regarding troop numbers in Kashmir and urged for further progress towards demilitarization.
<b>91 (1951)</b>	March 30, 1951	Stressed that any actions taken by J&K's Constituent Assembly would not affect the disputed status of the region or its final disposition, which must be settled by a plebiscite.
<b>96 (1951)</b>	November 10, 1951	Highlighted the continued responsibility of the UN to mediate in the dispute and encouraged both nations to cooperate fully with the UN.
<b>122 (1957)</b>	January 24, 1957	Reaffirmed that any decisions made by J&K's Constituent Assembly could not determine final status of the region, emphasizing that a plebiscite under UN supervision was still necessary.
<b>123 (1957)</b>	February 21, 1957	Directed the Security Council President to explore suggestions for a resolution between India and Pakistan, emphasizing the importance of past UNSC resolutions.
<b>209 (1965)</b>	September 4, 1965	Called for an immediate ceasefire following renewed hostilities between India and Pakistan, and instructed both parties to withdraw troops to pre-August 5, 1965, positions.
<b>1172 (1998)</b>	June 6, 1998	Urged Pakistan and India to continue talks on peace and security, specifically addressing the Kashmir issue.

“UN Resolutions on Jammu and Kashmir”, *Kashmir Policy Research Institute*, December 12, 2022.

It was emphasized in these resolutions that J&K is disputed and its future must be decided by the people of the territory. In 1948, the UN resolution called for a solution of the Kashmir conflict through a plebiscite. The UN has also issued repeated resolutions condemning India for unilateral actions that attempt to change the status of the region, of which Resolutions 91 (1951) and 122 (1957) are the testimony.

### **1.1.8 Special Autonomous Status to the State of Jammu and Kashmir under Articles 370 and 35A**

The ‘Articles 370 and 35A’ gave J&K a distinct degree of autonomy that was not available to other Indian states. Article-370 was introduced with effect from

1949, which gave J&K its constitution, separate flag, and autonomy to manage its internal affairs.<sup>46</sup> The article also curtailed the Indian Parliament's power to legislate for J&K without the agreement of its legislature. A presidential order in 1954 enacted Article-35A, which strengthened the autonomy of J&K.<sup>47</sup> This provision allowed the J&K's Constitutional Assembly to define "permanent residents" of J&K with special rights. The provisions of 'Articles 370 and 35A' together ensured the unique identity and demographic characteristics of J&K and set the state apart from rest of the Indian Union.

The IOA was the basis for Article-370 which envisaged a limited constitutional arrangement between J&K and India. Sheikh Abdullah and Jawaharlal Nehru negotiated for several years to formalize the relationship of J&K with India in legal terms to grant political autonomy to the region under Article-370.<sup>48</sup> It was decided that the final determination of the federal relationship with India would remain according to the wishes of the J&K's people through the Constituent Assembly of the region.

The integration of Article-370 into the Indian constitution on October 17, 1949, was a pivotal moment. It was prepared with the following provisions<sup>49</sup>:

- i. J&K got an exemption from the overall application of the Indian constitution, permitting the state to draft its constitution.
- ii. Indian Parliament's jurisdiction was limited to three matters only, namely, communication, defence, and external affairs, as defined in the IOA.
- iii. The extension of any further Indian constitutional provisions to J&K is subject to prior approval from J&K's state government.
- iv. The procedure for repealing Article-370 was mentioned in sub-clause 3, which permitted the Indian President to issue an order for its revocation,

---

<sup>46</sup> Waseem Ahmad Sofi, "Autonomy of Jammu and Kashmir in the Context of Indian constitution." In *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*, pp. 67-111. Singapore: Springer Singapore, 2021.

<sup>47</sup> Zaid Deva, "Basic without structure?: the Presidential Order of 1954 and the Indo-Jammu & Kashmir constitutional relationship." *Indian Law Review* 4, no. 2 (2020): 163-198.

<sup>48</sup> Serena Hussain, "Society and politics of Jammu and Kashmir: An introduction." *Society and Politics of Jammu and Kashmir* (2021): 1-30.

<sup>49</sup> Rahul Christoffersen, "Jammu and Kashmir: Erstwhile State of Exception A Legal-Historical Analysis of Article 370 of the constitution of India." Master's thesis, McGill University (Canada), 2022.

subject to the concurrence from the J&K Constituent Assembly.

Article-370 provided for the self-governance of J&K, setting up the temporary provision structures. Indian constitutional provisions of 'Articles 1 and 370' applied only to J&K.<sup>50</sup> This arrangement required "consultation" with the state government for extending central laws on IOA-related subjects and "concurrence" for other subjects. In addition, the Indian Parliament was prevented from passing laws on matters beyond the scope of the IOA without the consent of the state government. Article-370 figured in Part-XXI of the Indian constitution, which was related to temporary and transitional provisions.

### **1.1.9 Commitments of Indian Leadership Regarding Resolution of Kashmir- Conflict**

The Indian leadership made the following significant commitments to resolve the Kashmir conflict, reaffirming their commitment to a democratic and peaceful resolution based on the will of the people of J&K<sup>51</sup>:

Speaking in August 1947, Mahatma Gandhi emphasized India's commitment to permitting the people of J&K to determine their future, free from outside intervention. He assured that the GoI would honour this promise, regardless of the circumstances. Lord Mountbatten, the Governor-General of India, too emphasized "the necessity of the will of the people of the state" in determining the future of J&K. In his letter addressed to the Maharaja of J&K on October 27, 1947, he stated that the question of the state's accession must be resolved according to the will of the people. Prime Minister (PM) of India Jawaharlal Nehru regularly reaffirmed this stance. In a telegram dated October 27, 1947, to the British PM and Pakistani PM, he clarified that India's military assistance to Kashmir during the crisis was not meant to influence the accession, which would be decided according to people's will. On 31 October 1947, Nehru promised Pakistan's PM that once peace was restored, Indian troops would leave Kashmir, but the future of J&K would be decided by the people of J&K. This promise was made by India not just to Pakistan

---

<sup>50</sup> Bodh Raj Sharma, "The special position of Jammu and Kashmir in the Indian constitution." *The Indian Journal of Political Science* 19, no. 3 (1958): 282-290.

<sup>51</sup> National Assembly of Pakistan. "Commitments of Indian Leaders on Kashmir." Accessed January 19, 2024. <https://na.gov.pk/en/content.php?id=87>.

but to J&K's people and the world.

Indian diplomat Gopalaswami Ayangar reiterated India's promises to peace and also to the principle of J&K's self-determination, at the UNSC on January 15, 1948. He said India had no other object except the restoration of peace and agreed that a plebiscite was possible under international supervision when peace and order had been restored. Likewise, Krishna Menon, while addressing the UN on August 2, 1951, reaffirmed India's pledge for a plebiscite in Kashmir because it was a democratic responsibility. India was committed to the resolutions formulated by the UNCIP, proclaimed in New York on December 8, 1952, by India's Permanent Representative to the UN, Vijay Lakshmi Pandit. She said India had a consistent record in upholding these resolutions and that India would not endorse any "backtracking" from the principles previously agreed upon.

India has not fully complied with its pledges, despite the promises made by Indian leadership to resolve the Kashmir dispute and allow people of Kashmir to decide their future. The backlog of the promised plebiscite, which was continuously endorsed by leaders like Mahatma Gandhi, Lord Mountbatten, and Jawaharlal Nehru, has yet to be carried out. In place of withdrawing the troops as Nehru had initially promised once peace had been restored, India has kept a sizeable military presence in the region. Through constitutional and political measures, over the years India has also overreached its sovereignty in J&K, instead of holding a peaceful, internationally supervised plebiscite as envisaged in UNSC resolutions.

## **1.2 Jammu and Kashmir's Political Autonomy: Changes Under Indian Governance**

Since the enactment of Article-370, the legal and constitutional position of J&K has undergone great changes. This autonomy has been gradually taken away by Indian governments over decades through successive legal and political changes, as we explain below:

### **1.2.1 Erosion of the Autonomous Political Status of Jammu and Kashmir**

It is perhaps historically significant that 1947 marked the establishment of the political autonomy of J&K after its accession by India. Hari Singh also signed

the IOA, which was the official document allowing J&K to accede to India, giving it a special status about its right to govern itself.<sup>52</sup> The Maharaja had only ceded powers to the Indian government in defence, foreign affairs, and communications, thereby reserving considerable local governance. Such restricted delegation of powers was the basis for J&K's unique constitutional status in the Indian Union.

The entry of Article-370 into the Indian constitution in 1949 was a game changer. It gave J&K political autonomy with its own constitution and limited the Indian Parliament's legislative powers to govern the region.<sup>53</sup> This important provision provided that central laws would apply to J&K only with the State Constituent Assembly's concurrence, which gave its state legislature power over its internal affairs. This arrangement respected the IOA while paying tribute to the unique political and social reality of J&K. In his scholarly classic on provision Article 370, Supreme Court lawyer A.G. Noorani argues that the provision's essence was meant to be a "solemn compact" between the GoI and the State of J&K.<sup>54</sup>

As the recording of nearly half a century of Indian electoral history comes in handy, in 1950, the biggest political party in the region-JKNC demanded to establish the constitution of the state to determine its relationship with India.<sup>55</sup> J&K Constituent Assembly was created in 1951. However, the United Nations Security Council's Resolution 91 (1951) maintained that these elections were not a substitute for the plebiscite promised to J&K.<sup>56</sup> Nonetheless, elections to the J&K's Constituent Assembly were held in 1951, and JKNC won all 75 seats, and Sheikh Abdullah became the PM of J&K.<sup>57</sup>

Moreover, the 'Delhi Agreement 1952' between the GoI and J&K Government defined the J&K's constitutional relation with India while extending a

---

<sup>52</sup> Christopher Snedden, "Maharaja Hari Singh and his accession issue." In *Independent Kashmir*, pp. 44-92. Manchester University Press, 2021.

<sup>53</sup> Waseem Ahmad Sofi, "Autonomy of Jammu and Kashmir in the Context of Indian constitution." In *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*, pp. 67-111. Singapore: Springer Singapore, 2021.

<sup>54</sup> Abdul G. Noorani, *Article 370: A constitutional history of Jammu and Kashmir*. Oxford University Press, 2014.

<sup>55</sup> Rekha Chowdhary and V. Nagendra Rao, "National Conference of Jammu and Kashmir: From Hegemonic to Competitive Politics." *Economic and Political Weekly* (2004): 1521-1527.

<sup>56</sup> Muhammad Abdul Qadeer, "United Nations resolutions on Kashmir and their relevance." *Journal of Strategic Affairs* 2 (2017): 65-95.

<sup>57</sup> David E. Lockwood, "Sheikh Abdullah and the politics of Kashmir." *Asian Survey* 9, no. 5 (1969): 382-396.

few provisions of the Indian constitution to J&K that include fundamental rights and citizenship. A 'Presidential Order 1952' amended Article-370, abolishing Dogra rule's monarchy and substituting the Maharaja with an elected head of state as Sadr-i-Riyasat.<sup>58</sup>

But that was followed by political turbulence. Sheikh Abdullah was removed as PM and arrested in 1953, while Bakshi Ghulam Mohammed was appointed in his place.<sup>59</sup> The aforementioned move followed the Constitution (Application to Jammu and Kashmir) Order, passed in 1954, which implemented the Delhi Agreement and extended Indian citizenship to permanent residents of J&K.<sup>60</sup> It also added Article- 35A, which allowed J&K's legislature to explain who are the permanent residents of the state and what privileges can be granted to the permanent residents.

In 1956, the constitution of J&K was adopted by the J&K Constituent Assembly.<sup>61</sup> This Assembly itself dissolved and adopted a constitution in 1957 that established a bicameral legislature with a Legislative Council and a Legislative Assembly.

India's Comptroller and Auditor General's jurisdiction over J&K was also extended through the 'Constitution (Application to Jammu and Kashmir) Second Amendment Order 1958'.<sup>62</sup> It was a momentous change in the state's incorporation into the administrative and bureaucratic machinery of India as a whole, placing it on par with other states. Besides, 'Constitution (Application to Jammu and Kashmir) (Amendment) Order 1960' extended the Jurisdiction of the Indian Supreme Court over J&K. It also brought the hearing of election disputes under the purview of the Election Commission of India, thus marching the state towards inclusion in Indian legal system but curtailing the autonomy of the state.

---

<sup>58</sup> Balu G. Nair, "Abrogation of Article 370: can the president act without the recommendation of the constituent assembly?." *Indian Law Review* 3, no. 3 (2019): 254-279.

<sup>59</sup> Aijaz Ashraf Wani, "The Governance deficit in Kashmir (1947–90)." *South Asian Journal* 32 (2011).

<sup>60</sup> Zaid Deva, "Basic without structure?: the Presidential Order of 1954 and the Indo-Jammu & Kashmir constitutional relationship." *Indian Law Review* 4, no. 2 (2020): 163-198.

<sup>61</sup> Rouf Ahmad Dar, "constitutions and their foundational discontents: Studying the process of constitution-making in Jammu and Kashmir." *Global constitutionalism* 12, no. 3 (2023): 543-561.

<sup>62</sup> Waseem Ahmad Sofi, *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*. Springer Nature, 2021.

Another significant breakthrough that changed the autonomy of state was the 'Constitution (Application to Jammu and Kashmir) Third Amendment Order 1964' that designed the scope of Articles 356 and 357 of the Indian constitution which granted powers to the Indian President to recommend President's Rule if there was a failure of the constitutional machinery in the state. This amendment considerably reduced the powers of the state by empowering the centre to intervene directly in its administration. Similarly, the 'Constitution (Application to Jammu and Kashmir) Sixth Amendment Order 1965' replaced the unique titles of Sadar-i-Riyasat (Head of State) and PM of J&K with governor and chief minister (CM), like any other state in India. The amendment also altered the appointment process of the governor, who was also now appointed by the President of India as opposed to being elected by J&K's assembly. This was an important moment in the dismantling of the state's autonomy, removing one of its most distinguishing political characteristics, and bringing its constitutional arrangement on a par with the rest of India.

India has extended 260 of the 395 articles of the constitution to J&K through forty-seven presidential orders.<sup>63</sup> India abolished unique legal features of Kashmir, like the office of the prime minister. Governor rule shortens the political discussion to a great political union with the centre (whether the BJP or the Congress) and the regional parties. The application of the governor's and president's rule in Kashmir has always made the region vulnerable to the central political caprices. Under both these mechanisms, there are essentially similar outcomes: when Kashmir is declared "not functioning", it is effectively handed over to the Indian government through a governor appointed from Delhi. Having witnessed central rule eight times and undergoing the longest spell of President's Rule of any state in India, Kashmir's political expression has been particularly stifled in response. The controversial Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA), were respectively extended to the region during Kashmir's longest stretch of President's Rule.<sup>64</sup> Moreover, it was the president's rule that enabled the 2019 abrogation.

---

<sup>63</sup> Josef Korbel, "From domicile to dominion: India's settler colonial agenda in Kashmir." *Harvard Law Review* 134 (2021): 2530-2551.

<sup>64</sup> Amnesty International. "A Lawless Law: Detentions Under the Jammu and Kashmir Public Safety Act", 2011. [https://www.amnestyusa.org/files/asa200012011en\\_11.pdf](https://www.amnestyusa.org/files/asa200012011en_11.pdf).



### **1.2.2 Interpreting Article 370: Supreme Court's Influence on Jammu and Kashmir's Status**

The legal status of J&K was defined by several Indian Supreme Court rulings over the years. These cases collectively showcase the progressive interpretation and application of Article 370 by the Supreme Court, underscoring its continued importance in the legal landscape of J&K. Here are some of the significant Supreme Court cases related to Article-370<sup>65</sup>:

#### **i. Prem Nath Kaul v. Union of India (1959)**

The Supreme Court, while dealing with *Prem Nath Kaul v. Union of India*, had stressed the importance of role of the Constituent Assembly about decisions made under Article 370(3). This provision is that the President's Assembly should pass a law regarding the President's decision to revoke Article 370. The judgement was delivered in a case involving the constitutional validity of the Big Landed Estates Abolition Act, 1950, which had been challenged on the basis that the Maharaja of J&K was not competent to legislate the said law. The aforementioned Act was upheld by the Supreme Court declaring that the Maharaja had power to legislate at that point, thus affirming the legislative autonomy of J&K under Article-370 continues to this day.

#### **ii. Puranlal Lakhanpal v. The President of India (1962)**

In the case of *Puranlal Lakhanpal v. The President of India*, the Supreme Court took up the question of the validity of a Presidential Order that had facilitated J&K being represented in the Lok Sabha through by-elections, as opposed to direct elections, as was the case in other states. According to the petitioners, only the President is competent to amend the provisions of Article-370. However, it upheld the Presidential Order, noting that "modification" in Article-370 should be interpreted widely, permitting amendments. The Court's sweep in defining the term "modification" in its broadest possible sense echoes the scope for flexibility built into Article 370 in dealing with J&K's special status.

---

<sup>65</sup> Advay Vora, "Article 370 of the constitution: A Timeline." *Supreme Court Observer*, July 31, 2023. <https://www.scobserver.in/journal/article-370-of-the-constitution-a-timeline/>

### **iii. Sampat Prakash v. State of Jammu & Kashmir (1968)**

In *Sampat Prakash v. State of J&K*, the Supreme Court considered the validity of two presidential orders extending Article 35(c) in J&K. Article-35(c) created an immunity for laws made concerning preventive detention from being challenged based on claims under fundamental rights in the state. The petitioners argued that Article-370 itself had lapsed on the dissolution of J&K's Constituent Assembly, and the president's power to issue orders under Article-370(1) had become nonexistent. However, the Supreme Court declared that Article-370 continued to remain in force even after the Assembly was dissolved and assumed a permanent character in the Indian constitution. This judgment added to the belief that Article-370 could only be abrogated if a formal recommendation was made by the Constituent Assembly.

### **iv. Maqbool Damnoo v. State of Jammu & Kashmir (1972)**

The case of *Maqbool Damnoo v. State of J&K*, which revolved around a presidential order that altered Article-367, thus redefining the term "Sadar-i-Riyasat" (Jammu and Kashmir's elected head of state) to mean "Governor" (essentially "a Union-appointed official"). The petitioners contended that this amendment required the advice of the Constituent Assembly, which had since stood dissolved. The Supreme Court endorsed the presidential order, on the reasoning that the office of "Sadar-i-Riyasat" was non-existent and the Governor had succeeded to the same powers.

Indian Supreme Court rulings reinforce complexity of Article-370. These rulings collectively stressed that the autonomy provided to the region under Article-370 was intended to be significant and difficult to amend or abrogate without the assent of the J&K's Constituent Assembly. The Court noted that conjoiner was permissible concerning some changes in the governance framework for the state by its interpretations but consistently reaffirmed that Article-370 served to protect the autonomy of J&K. However, some of the above judicial precedents paved the way for the abrogation of Article-370 in 2019, bringing about a shift in the political and legal status of the region.

### 1.2.3 Restrictions Imposed Amid the Revocation of Jammu and Kashmir's Special Status

The GoI had imposed tight security restrictions when it repealed the autonomy of J&K. Tens of thousands of paramilitary troops had been deployed in J&K after the Ministry of Home Affairs warned ahead of the revocation that maintaining law and order would require “extraordinary” measures.<sup>66</sup> Students and tourists were ordered to leave J&K, a decision that immediately fueled speculation that a major political shift was on the horizon.

A few days before the revocation, security forces were given satellite phones while a total communications blackout was placed.<sup>67</sup> The blackout also affected landlines, cell phones, internet and cable television services, effectively cutting off the region. Although there was not an official curfew, a de-facto curfew prevailed, as concrete barricades, obstacles and prohibitions to move were set.<sup>68</sup> Medical personnel and administrators were on high alert due to expected unrest. The government clamped Section 144 of the Code of Criminal Procedure that prohibited public gatherings in Kashmir Valley, Jammu and Ladakh, and prominently in the capital, Srinagar.

These restrictions persisted post-abrogation, with the lockdown in Kashmir continuing for much longer than in Jammu. Thousands were detained, including political leaders such as former CMs, Mehbooba Mufti and Omar Abdullah and other lawmakers such as Mohammed Yousuf Tarigami and Engineer Rashid. Journalists faced strict limitations, and numerous journalists were detained. By August 18, 2019, more than 4,000 people, including protesters, political leaders, and activists, had been arrested to prevent any outbreak of dissent or public demonstration against the revocation.

---

<sup>66</sup> Mehmood Hussain, "From Abrogation to Dominion: Navigating India's Neo-Colonial Settler Agenda in Kashmir and Elimination of Kashmiri Identity." *Muslim World Journal of Human Rights* 21, no. 1 (2024): 19-41.

<sup>67</sup> Aijaz Hussain and Saaliq Sheikh, "No phone calls, no groceries: Kashmir on edge under lockdown." *Associated Press*, August 8, 2019.

<sup>68</sup> "Armed soldiers patrol silent streets after Kashmir curfew." *Gulf News. Agence France-Presse*, August 7, 2019.

It was followed by a lockdown of security & communications in the state with significant political consequences for civil liberties & freedom of expression in the region. The moves were widely condemned at domestic and international levels.

#### **1.2.4 The Revocation of the Political Autonomy of the State of Jammu and Kashmir in 2019**

The peak of the blockade in J&K had come by 5 August, 2019. The Indian authorities imposed a curfew and police officers patrolled streets.<sup>69</sup> Former leaders of the government and independence advocates were arrested. Internet and mobile phone connectivity were severed.<sup>70</sup> Indeed, even before India began its assault, Kashmir and its people had been driven into isolation.

The Indian President gave the Constitutional Order (C.O.) 272 during the time of President's Rule in J&K on August 05, 2019.<sup>71</sup> This order, amended Article 367-the article that sets the interpretative framework of the constitution as it applies to J&K. However, as Article-370 requires the state government to approve any such changes, the President considered the Governor's approval to be enough. Two important things stemmed from C.O. 272. To eliminate and modify Article-370, it merely required consultation with the Governor, which simplified the process. Second, while Article-35A was a part of the constitutional order, it was rendered ineffective when the Constitutional Order of 1954 was superseded. On August 5, a statutory resolution was passed in the upper house of Parliament recommending the Indian President to repeal Article-370. This recommendation was the basis for Presidential Order C.O. 273 of August 6, 2019, which made Article-370 inoperative and extended all provisions of Indian constitution to J&K.<sup>72</sup>

On August 5, 2019, the 'Jammu and Kashmir Reorganization Act 2019' was

---

<sup>69</sup> "Kashmir: Curfew-Like Restrictions Imposed on Movement of People", *India Today*, August 5, 2019. <https://www.indiatoday.in/india/story/jammu-and-kashmir-curfew-section-144-imposed-1577218-2019-08-05>."

<sup>70</sup> Rifat Fareed, "Key Kashmir Political Leaders Arrested by India Since August 5." *Al Jazeera*, August 17, 2019. <https://www.aljazeera.com/news/2019/8/17/key-kashmir-political-leaders-arrested-by-india-since-august-5>. Ministry of Law and Justice.

<sup>71</sup> *The constitution (Application to Jammu and Kashmir) Order, 2019*, C.O. 272 (notified on August 5, 2019).

<sup>72</sup> Ministry of Law and Justice. *Declaration Under Article 370(3) of the constitution*, C.O. 273 (notified on August 6, 2019).

introduced by Indian Home Minister, Amit Shah in Rajya Sabha , and passed with 125 votes in favour and 61 against.<sup>73</sup> It followed when the Lok Sabha passed it on August 6, 2019, with 370 votes for and 70 against. It received assent from the President on August 9, 2019, and published in the Gazette of India.

The presidential order of 1954 is now superseded by the Jammu and Kashmir Reorganisation Act 2019 which revoked J&K's special autonomous status.<sup>74</sup> It bifurcated the state into two UTs, J&K-with a legislative assembly, and Ladakh-without a legislative body. Both the UTs will be administered by lieutenant governors. The Act made provisions for the administration of J&K according to the provisions of Article- 239A of the Indian constitution, a lieutenant governor to be appointed by the President, a legislative Assembly with 107 members, and a council of ministers headed by a CM. The Act did away with the Legislative Council of J&K, extended 106 Central and 7 amended State laws to J&K, repealed 153 state laws and governor's acts and had 103 clauses. Thus, the Indian Government revoked J&K's unique status and statehood in a few days.

### **1.3 Reactions over Abrogation of Article-370**

The abrogation of Articles 370 and 35A not only marked a significant constitutional shift but also triggered widespread political, social, and diplomatic reactions. The move was met with intense public responses from within J&K, reflecting the region's diverse demographic and political sensitivities. At the international level, Pakistan, as a key stakeholder in the Kashmir conflict, responded with strong opposition and a series of diplomatic actions. The following sections examine the local reactions from various regions of J&K, the official response from the Government of Pakistan and other countries.

#### **1.3.1 Reactions from the People of Jammu and Kashmir**

Following the revocation of Article 370 in August 2019, widespread public discontent was observed across the region of J&K. According to a report by Reuters on 9 August 2019, an estimated 10,000 individuals assembled in Srinagar to protest

---

<sup>73</sup> "President Gives Assent to J&K Reorganization Legislation, 2 UTs to Come into Existence on October 31." *India Today*. 9 August 2019.

<sup>74</sup> Himanshi Babbar, "Abrogation of Special Status of State of Jammu and Kashmir." *Indian JL & Legal Rsch.* 2 (2021): 1.

the Indian government's decision, during which some demonstrators resorted to stone pelting at security personnel.<sup>75</sup> In response, Indian security forces employed crowd control measures, including the use of tear gas and pellet guns.<sup>76</sup> Al Jazeera, citing communications from residents via limited satellite and Wi-Fi access, reported that similar demonstrations were ongoing, with violent confrontations between protestors and security forces. The use of pellet guns in particular was noted to have resulted in serious injuries among civilians, including cases of lacerations and permanent damage.<sup>77</sup>

Several political leaders from J&K publicly condemned the abrogation. Former Chief Minister Omar Abdullah described the move as "unilateral and shocking," characterizing it as a betrayal of the trust established during J&K's accession to India in 1947.<sup>78</sup> Mehbooba Mufti, the last elected Chief Minister of the region before the revocation, declared the event as the "darkest day in Indian democracy," arguing that the Indian Parliament had stripped the people of Jammu and Kashmir of their constitutional rights.<sup>79</sup> She further asserted, via social media, that the region's decision to reject the two-nation theory in 1947 and align with secular India had backfired. Similarly, Kashmiri politician Shah Faesal labeled the revocation as the "greatest betrayal" by the Indian state in the past seven decades.<sup>80</sup>

In Kargil, a Muslim-majority region, protests erupted over the bifurcation of the state and the region's designation as a separate Union Territory.<sup>81</sup> Local leaders, such as Asgar Ali Karbalai, former Chief Executive Councillor of the Hill Development Council, criticized the division of the state along religious and regional lines, deeming it undemocratic. Various religious and political organizations, including the Imam Khomeini Memorial Trust, denounced the move for being

---

<sup>75</sup> Bukhari, Fayaz; Ghoshal, Devjyot; Siddiqui, Zeba (10 August 2019). "Some signs of normality return to Kashmir, but India's clampdown still strict". *Reuters*.

<sup>76</sup> Ghoshal, Devjyot; Bukhari, Fayaz (9 August 2019). "Thousands protest in Indian Kashmir over new status despite clampdown". *Reuters*.

<sup>77</sup> Bhat, Adnan; Sofi, Zubair (9 August 2019). "Kashmir: Civilians severely wounded in pellet gun attacks". *Al Jazeera*.

<sup>78</sup> "Centre scraps Article 370, bifurcates J&K into two Union Territories". *Business Line*. 5 August 2019.

<sup>79</sup> "Dark day for democracy: Mehbooba Mufti on scrapping of Article 370 for India's Jammu and Kashmir". *Gulf News*. 5 August 2019.

<sup>80</sup> "Jammu and Kashmir: Shah Faesal paints painful picture of curfew, Governor says everything is fine", *India Today*, August 07, 2019.

<sup>81</sup> "Protest in Kargil over govt's move to make Ladakh union territory". *The Tribune*. 8 August 2019.

implemented without public consent and called for a general strike across the district.<sup>82</sup>

Conversely, reactions in the Hindu-majority Jammu region and in Buddhist-majority Ladakh differed significantly. In Jammu, mass celebrations were held, including the distribution of sweets, fireworks, and public dancing, indicating widespread support for the decision.<sup>83</sup> Similarly, Buddhist organizations in Ladakh welcomed the change, expressing satisfaction with the new Union Territory status of the region.<sup>84</sup>

### 1.3.2 Diplomatic Response from Pakistan

Pakistan's reaction to the revocation of 'Articles 370 and 35A' was swift and multifaceted, reflecting the country's longstanding position on the Kashmir dispute. From 6 August 2019 onward, Pakistan officially condemned the action as an illegal and unilateral measure.<sup>85</sup> The Foreign Office issued a formal statement rejecting the Indian decision, and the Army Chief declared Pakistan's readiness to extend full support to the people of Kashmir, stating that the military would go "to any extent" for their cause.<sup>86</sup>

On 7 August, the Pakistani Parliament convened an emergency joint session, resulting in a unanimous resolution condemning India's actions.<sup>87</sup> Subsequently, the National Security Committee decided to downgrade diplomatic ties with India.<sup>88</sup> Cross-border rail services, including the Samjhauta Express and Thar Express, were suspended.<sup>89</sup> All cultural exchanges, including the screening of Indian films and television dramas, were canceled.<sup>90</sup> On 9 August, Pakistan announced the suspension

---

<sup>82</sup>Saaliq, Sheikh (7 August 2019). "India's decision to split Kashmir met with protests". *The Washington Post*.

<sup>83</sup>Bhat, Sunil (7 August 2019). "Celebrations in Jammu continue over revocation of Article 370". *India Today*.

<sup>84</sup>"Ladakh rejoices over Union Territory status, no legislature a concern". *The New Indian Express*. Indo-Asian News Service. 7 August 2019.

<sup>85</sup>Syed, Baqir Sajjad (6 August 2019). "New Delhi sheds fig leaf, robs held Kashmir of special status". *Dawn*.

<sup>86</sup>Shahzad, Asif (6 August 2019). "Pakistan army chief says military will 'go to any extent' to support Kashmir cause". *Reuters*.

<sup>87</sup>"Parliament unanimously passes resolution condemning India's 'unilateral move' on Kashmir". *Dawn*. 7 August 2019.

<sup>88</sup>Khan, Sanaullah; Siddiqui, Naveed; Sherani, Tahir (7 August 2019). "Pakistan to downgrade diplomatic ties, suspend bilateral trade with India: National Security Committee". *Dawn*.

<sup>89</sup>Yasin, Aamir (9 August 2019). "Samjhauta Express train service suspended". *Dawn*.

<sup>90</sup>Ali, Kalbe (9 August 2019). "Pakistan bans all cultural exchanges with India". *Dawn*.

of most trade relations with India.<sup>91</sup>

Prime Minister Imran Khan, in a strongly worded statement on 11 August, likened the Indian government's actions to those of Nazi Germany, warning that global silence on Kashmir could mirror the appeasement of Hitler.<sup>92</sup> He accused India of pursuing demographic engineering through ethnic cleansing in the Muslim-majority region.

Pakistan's Foreign Minister, Shah Mehmood Qureshi, subsequently addressed the United Nations Security Council (UNSC) through a formal letter on 13 August 2019, urging the Council to hold an emergency session to address the Kashmir situation.<sup>93</sup> He emphasized that India's actions violated existing UNSC resolutions and requested that the letter be circulated among all member states. On 20 August, Pakistan announced its intent to take the matter to the International Court of Justice, with a focus on alleged human rights violations by India.<sup>94</sup>

In addition to diplomatic measures, Pakistan severed all public transport links with India, including the Delhi-Lahore, Poonch–Rawalakot, and Srinagar–Muzaffarabad bus services. The only remaining point of transit between the two nations was the Wagah border crossing, accessible solely by foot.<sup>95</sup>

Further consolidating its stance, on 4 August 2020, the Government of Pakistan released a revised political map incorporating its territorial claims over Jammu and Kashmir, Ladakh, Siachen Glacier, and eastern Sir Creek.<sup>96</sup> The map labeled Ladakh's boundary with China as "frontier undefined," indicating that its final status would be determined following the resolution of the Kashmir dispute. This new map was formally adopted for official use in Pakistan. Additionally, Pakistan renamed the Kashmir Highway in Islamabad to "Srinagar Highway" as a symbolic gesture of solidarity with J&K.<sup>97</sup>

---

<sup>91</sup>Khan, Mubarak Zeb (10 August 2019). "Pakistan formally suspends trade with India". *Dawn*.

<sup>92</sup>Ratcliffe, Rebecca; Baloch, Shah Meer (11 August 2019). "Imran Khan likens inaction over Kashmir to appeasing Hitler". *The Guardian*.

<sup>93</sup>Syed, Baqir Sajjad (14 August 2019). "Pakistan seeks emergency UNSC meet on Kashmir". *Dawn*.

<sup>94</sup>"Kashmir: Pakistan to seek International Court of Justice ruling". *BBC News*. 20 August 2019

<sup>95</sup>"Pakistan cuts last remaining transport link to India over Kashmir dispute". *Reuters*. 10 August 2019.

<sup>96</sup>"After Nepal, Pakistan unveils new political map; Jammu & Kashmir and Ladakh claimed, India retorts". *The Himalayan Times*. 4 August 2020

<sup>97</sup>"Kashmir Highway renamed as 'Srinagar Highway'". *Daily Times*. 4 August 2020.



To commemorate the first anniversary of the revocation, the Government of Pakistan declared 5<sup>th</sup> August as Youm-e-Istehsal (“Day of Exploitation”).<sup>98</sup> The occasion is marked by nationwide rallies, seminars, and events aimed at expressing support for the people of J&K and condemning illegal occupation of J&K by India.

### 1.3.3 Global Reactions of States and International Organizations

The abrogation of Article 370 by India in August 2019 elicited a wide spectrum of reactions from countries and international organizations, ranging from expressions of concern to open condemnation. Several countries, including Canada<sup>99</sup>, Germany<sup>100</sup>, Malaysia<sup>101</sup>, Turkey<sup>102</sup>, and Kuwait<sup>103</sup>, voiced unease over potential civil rights violations, repression, and the risk of regional instability. These responses were largely neutral to Pakistan-leaning, with an emphasis on dialogue and the protection of human rights. France<sup>104</sup>, Saudi Arabia<sup>105</sup>, and the European Union<sup>106</sup> took a more neutral stance, calling for de-escalation and bilateral resolution without directly opposing India’s action. The United Kingdom presented a mixed response while the government officially maintained neutrality, significant parliamentary voices, including Labour Party members, openly criticized India and supported UN intervention, aligning more closely with Pakistan’s position.<sup>107</sup>

China, in contrast, offered the most direct opposition to India’s move, especially concerning Ladakh, which it claimed violated its territorial sovereignty.<sup>108</sup>

---

<sup>98</sup> Sajid, Islamuddin; Latif, Aamir (5 August 2020). "Pakistan observes Kashmir 'exploitation day'". *Anadolu Agency*.

<sup>99</sup> "Canada continues to closely follow developments in Jammu and Kashmir". *canada.ca* (Press release). Global Affairs Canada. 13 August 2019.

<sup>100</sup> Şimşek, Ayhan (5 August 2019). "Germany urges India to hold talks with Kashmiris". *Anadolu Agency*.

<sup>101</sup> "Malaysia PM Mahathir expresses concern over occupied Kashmir's situation". *The Express Tribune*. 5 August 2019.

<sup>102</sup> Alhas, Ali Murat (6 August 2019). "Turkey seeks to reduce tension in disputed Kashmir". *Anadolu Agency*.

<sup>103</sup> "Kuwaiti MPs express 'deep concern' over situation of Muslims in India, China". *Gulf Business*. 26 December 2019.

<sup>104</sup> Haidar, Suhasini (22 August 2019). "No need for third party mediation in Kashmir: Emmanuel Macron". *The Hindu*.

<sup>105</sup> "Saudi Arabia calls for maintaining peace and stability in Jammu and Kashmir". *Saudi Gazette*. 8 August 2019.

<sup>106</sup> "EU urges India, Pakistan to avoid tension over Kashmir". *Middle East North Africa Financial Network*. 6 August 2019.

<sup>107</sup> "Art 370: 'UK following developments in J&K'". *Deccan Herald*. Press Trust of India. 6 August 2019.

<sup>108</sup> "Aden clashes continue, risk making Yemen war 'even more complex'". *Al Jazeera*. 9 August 2019.

Meanwhile, the United States maintained its traditional position, emphasizing Kashmir's disputed status and encouraging bilateral dialogue, signaling a neutral posture despite close strategic ties with India.<sup>109</sup> Russia, on the other hand, expressed a position that was clearly in favor of India.<sup>110</sup> The Russian Ministry of Foreign Affairs acknowledged the constitutional validity of the move, stating that the change in Jammu and Kashmir's status and its bifurcation into two Union Territories were carried out in accordance with India's constitutional framework. Russia also encouraged both India and Pakistan to prevent further escalation and to resolve differences diplomatically under the Simla Agreement and Lahore Declaration.

On the multilateral front, organizations such as the United Nations<sup>111</sup>, Organization of Islamic Cooperation (OIC), Amnesty International<sup>112</sup>, Human Rights Watch<sup>113</sup>, and Reporters Without Borders<sup>114</sup> expressed strong concerns about restrictions on civil liberties, the communication blackout in Kashmir, and possible human rights violations. The UN Secretary-General called for restraint and reiterated the need for a peaceful resolution in accordance with the Simla Agreement.<sup>115</sup> Genocide Watch went as far as issuing a genocide alert, claiming India was advancing through the stages of the genocidal process.<sup>116</sup>

Overall, while a few nations backed India's internal legal framing, the broader international response was characterized by concern over human rights, calls for restraint, and advocacy for dialogue positions.

---

<sup>109</sup> "No Policy Change on Kashmir". The Hindu. 9 August 2019.

<sup>110</sup> "Russia throws its weight behind India on Kashmir issue". Business Line. Press Trust of India. 28 August 2019.

<sup>111</sup> "UN concern over Kashmir lockdown as hundreds reported arrested". Al Jazeera. 9 August 2019.

<sup>112</sup> "India: Revoking special status of Jammu and Kashmir likely to inflame tensions" (Press release). Amnesty International UK. 5 August 2019.

<sup>113</sup> "India: Basic Freedoms at Risk in Kashmir". Human Rights Watch. 6 August 2019.

<sup>114</sup> "Indian-administered Kashmir cut off from the world". Reporters Without Borders. 6 August 2019.

<sup>115</sup> "UN concern over Kashmir lockdown as hundreds reported arrested". Al Jazeera. 9 August 2019.

<sup>116</sup> "Countries at Risk". Genocide Watch. 14 October 2019.

#### **1.4 Revocation of Special Status of Jammu and Kashmir in 2019: Indian Supreme Court's Judgment (2023)**

The Indian Supreme Court has delivered certain significant judgments regarding the legal status of J&K. The Supreme Court on December 11, 2023 through a 5-member constitutional bench led by Chief Justice DY Chandrachud had upheld the GoI's 2019 move to abrogate the region's autonomous status.<sup>117</sup> The bench affirmed that special status was temporal and the Presidential order of law was valid that resulted in abrogation of Article-370. The Supreme Court had also ordered the Election Commission of India to hold elections in J&K by 30 September 2024.

Pakistan has criticized the ruling and Pakistan's Foreign Minister wrote letters to international organizations to condemn the Indian Supreme Court's decision.<sup>118</sup> According to Pakistan's Foreign Minister, under international law, India's judicial verdicts and domestic legislation cannot alter internationally declared disputed status of J&K. He highlighted the limitations of Indian domestic legal actions to change the internationally recognized status of J&K.

The erosion of J&K's autonomy is actually a case of "lawfare"<sup>119</sup>, which is the use of legal instruments to subvert justice. The repeal of Article-370 is the politicization of a constitutional tool meant solely for grant of special autonomy to the J&K. Hence, in this scenario, the annulment of Article-370 depicts a misuse of a constitutional instrument by the Indian judiciary which serves the strategic ambitions of the Indian Government.

#### **1.5 Indian Violations of the Constitution and Disregard for Judicial Precedents**

The annulment J&K's autonomy along with its re-ordering as UTs has been

---

<sup>117</sup> "India's top court upholds end of special status for held Kashmir, orders polls", *Dawn News*, December 11, 2023.

<sup>118</sup> "Foreign Minister writes to leaders of international organizations inviting their attention to the illegality of Indian Supreme Court's judgement on the status of IIOJK", *Ministry of Foreign affairs, Pakistan*, 16 December 2023, <https://mofa.gov.pk/foreign-minister-writes-to-leaders-of-international-organizations-inviting-their-attention-to-the-illegality-of-indian-supreme-courts-judgement-on-the-status-of-iiojk>

<sup>119</sup> Cambridge Dictionary. "Lawfare." *Cambridge English Dictionary*. Accessed February 7, 2024. <https://dictionary.cambridge.org/dictionary/english/lawfare>.

a subject of widespread legal and political criticism. The manner in which Article-370 was abrogated went against constitutional norms and existing legal precedents. One of the main criticisms of the actions taken in 2019 is that the Indian Government ignored Article-3 of the constitution, which requires legislative approval of state for a bill that changes the boundaries or status of a state.<sup>120</sup>

The above position is backed by the Indian Congress Party and several key lawyers in the Indian Bar Associations, who are of the opinion that the Presidential Orders passed in 2019 went beyond the limits of the constitutional powers of the President.<sup>121</sup> Instead, the power of "modification" under Article-370 ought to be given a narrow interpretation, the President has introduced completely new provisions concerning J&K.

The permanence of Article-370 has long been declared by various Indian Supreme Court judgments. In cases such as *Prem Nath Kaul v. J&K* (1959), *Sampat Prakash v. J&K* (1968) and *Maqbool Damnoo v. J&K* (1972) the Supreme Court consistently reaffirmed the enduring nature of Article-370 and its associated provisions. These rulings collectively suggested that the autonomy guaranteed under Article-370 could only be eroded or abrogated with significant legal and procedural justification. The revocation of Article-370 is perceived by many in J&K as a "political holocaust". It is a betrayal of the promises made by Indian leaders to the region during accession.<sup>122</sup>

The IOA, signed in 1947, has been viewed as a treaty-like agreement between two sovereign entities. Under international law, particularly the principle of *Pacta Sunt Servanda* (agreements must be kept), such contracts are binding on the parties involved. They cannot be unilaterally altered through domestic legal mechanisms.<sup>123</sup> India has violated the terms of IOA and its own constitutional and legal commitments by abrogating Article-370. The move is also a violation of UNSC resolutions, which called for a plebiscite to decide the final status of J&K.

---

<sup>120</sup> *The constitution of India*, Article 3.

<sup>121</sup> Research Society of International Law. *India Criticizes India: Legal Consequences of Revoking Article 370 in Jammu and Kashmir*. Islamabad: Research Society of International Law, 2019.

<sup>122</sup> Hannah Ellis-Petersen, "India strips Kashmir of special status and divides it in two", *The Guardian*, October 31, 2019.

<sup>123</sup> F. Mustafa, "Article 370, Federalism and the Basic Structure of the constitution," *The India Forum*, 2019.

Therefore, abrogation disrupts the internal Indian constitutional framework and undermines India's obligations under international law.

India's campaigns to integrate J&K during 1947 and after 1947 were largely driven by the anarchic international order including inter-state territorial claims on part of Pakistan and military confrontations in 1947-48, 1965 and 1971 and the perceived threat from China. In response to such externally perceived threats, India took the necessary steps to assert its regional hegemony by steadily revoking Article- 370 that granted autonomy to J&K.

After the independence, India's challenge was to sustain national unity, while simultaneously protecting the autonomy of various acceded states. But the special status of J&K also came to be seen as a potential vulnerability, especially with the 'Kashmiri freedom movement' and Pakistan's influence abiding in the region. Over the history, the autonomy was gradually taken away from J&K due to internal political pressures to keep the region as part of the India, while avoiding a fragmentation of the state. Neoclassical realism reveals that, though systemic international threats played a role, domestic factors such as India's postcolonial state- building projects, internal political cohesion, and the leadership's view on J&K's security importance ultimately guided towards the decision of abrogation.

Perception of leadership was of particular importance as Indian leaders saw J&K as a vulnerable frontier, under threat from both Pakistan and China. The case was strategically politicized by the leadership and was eventually used to scrap Article-370 in 2019. The decision was intended to strengthen the India's territorial claims and to internally manage security challenges. This change in policy is a testament to how the internal and external threat perceptions of leaderships mold its foot print in foreign and domestic policies.

## **1.6 Conclusion**

This chapter analyzes the systematic erosion of the J&K's autonomy. The Article-370 had provided J&K with a certain level of political autonomy with its own constitution and control over internal matters. But several constitutional and

legal amendments, Presidential Orders and Supreme Court interventions over the time progressively eroded J&K's autonomy. These amendments brought the extension of Indian central laws, governance change and jurisdiction of Indian constitutional bodies like the Comptroller and Auditor General, Supreme Court and Election Commission.

In 1965, the Sadre-i-Riyasat and PM were abolished from J&K in order to align the region with other Indian states. Hence, the unique political structure of J&K was lost. The process of J&K's annexation by India reached its peak with the repeal of article-370 in 2019 after its transformation into two UTs.

The chapter highlights how these gradual legal changes are part of a systematic political strategy to bring J&K in line with other parts of the Indian Union. It also references the international legal criticisms, particularly with respect to the requirements of the IoA and the United Nations Resolutions for J&K. This chapter concludes that the revocation of J&K's autonomy was a protracted process, embedded in the political and legal frameworks that sought to integrate the state fully into the Indian Union.

As this chapter on the historical background concludes, it is important to uphold some of the reasons for the major constitutional change in the region. The following chapter will examine why the abrogation of 'Articles 370 and 35A' took place in 2019, closely scrutinizing the internal and external drivers of the disintegration of the region's autonomous status.

## **CHAPTER 2**

### **FACTORS BEHIND THE ABROGATION OF INDIAN CONSTITUTIONAL ARTICLES 370 AND 35A**

The GoI has scrapped earlier provisions of ‘Articles 370 and 35A’, which granted autonomy to J&K. A plethora of domestic and global issues motivated this move. This chapter provides an in-depth analysis of some of the key geopolitical, economic and social dynamics that led to the nullification of ‘Articles 370 and 35A’.

#### **2.1 Domestic Factors behind the Abrogation of Articles 370 and 35A**

Ideological, political, security and economic factors in India’s domestic environment influenced repeal of ‘Articles 370 and 35A’. These actions were enabled by the domestic political context, an increased sense of nationalism, and security and economic stagnation concerns in J&K. The decision to revoke these articles can be examined through the following domestic factors:

##### **2.1.1 The Indian Supreme Court’s Interpretation of Article-370**

Judicial interpretations also significantly impacted the surrounding legal discourse of Article-370, thus its eventual abrogation. Gradually, Indian courts reiterated the ad-interim status of Article-370, which legally bolstered narratives for its abrogation. Important judicial decisions molded the legal environment that permitted political maneuvers that ended up revoking the article.

The autonomy of J&K under Article-370 has found the constitutional safeguards it provides; however, it has altered falling under the domain of numerous Supreme Court judgments over time. In *Puranlal Lakhanpal v. The President of India* (1962), the Court permitted the indirect elections for Lok Sabha representation for J&K under the Presidential order, clarifying that the word 'modification' used in Article-370 is to be interpreted in its widest sense to even include an amendment. The Court held that the term 'modification', in the context of Article-370, should be accorded the 'widest possible amplitude'. This legal precedent amplified the legal argument that the Article-370 could be amended or entirely abrogated by executive action." Even the procedure to change the special status got a face-lift from the

Supreme Court, which laid down a legal framework for it, and the changes thereafter were carried through seamlessly in the political environment that led to the repeal of Article-370.

### **2.1.2 Influence of RSS on BJP Policies**

‘Hindutva’, the political ideology developed by Vinayak Damodar Savarkar at the beginning of the 20th century, is the theoretical basis for current Hindu nationalism in India.<sup>124</sup> It called for Hindu hegemony and the propagation of Hindu cultural values as an integral part of India's national identity. The right-wing Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS) has been a prominent supporter of Hindutva ideology and is closely linked to the BJP. Since the incorporation of Article 370 in the Indian Constitution in 1949, the RSS has passed 27 resolutions regarding the Kashmir, mostly related to Article-370. In each resolution, the RSS maintained that the Article-370 promotes “disintegration” in the country.<sup>125</sup>

Narendra Modi and some other BJP leaders are closely associated with the RSS. Therefore, the RSS's ideological ambitions have a huge impact on the BJP's political agenda and policy frameworks. The BJP's ideological parent, the RSS, still plays a large role in shaping the party's legislative business, particularly on religious and cultural issues.<sup>126</sup> From ministries like education, culture, information, and science and technology to autonomous institutes like public universities, archeological and historical research institutes, and statutory bodies like the National Commission for Scheduled Tribes and National Commission for Minorities, RSS functionaries are at the helm of affairs in all of contemporary India's institutions. The revocation of ‘Articles 370 and 35A’ in 2019 was a dream of the RSS, which BJP fulfilled in 2019. The abrogation advanced the RSS's agenda and boosted the BJP's standing with its traditional Hindu votebank.<sup>127</sup>

---

<sup>124</sup> "Hindutva." Encyclopedia Britannica. <https://www.britannica.com/topic/Hindutva>.

<sup>125</sup> “RSS welcomes SC decision of upholding abrogation of Article 370”, The Hindu, December 12, 2023.

<sup>126</sup> Snigdhendu Bhattacharya, “RSS, the Ideological Mentor of India's Ruling BJP, Enters Its 100th Year,” The Diplomat, September 2024, <https://thediplomat.com/2024/09/rss-the-ideological-mentor-of-indias-ruling-bjp-enters-its-100th-year/>

<sup>127</sup> Syed Manzoor Hussain Gillani, Interview conducted by the Author on October 22, 2024.



### 2.1.3 Hindutva: Core Ideology of Narendra Modi and the BJP

A prominent leader of the BJP party, Narendra Modi, has long had a close relationship with the RSS and used communal sentiments, especially anti-Muslim ones, to rally electoral support among the Hindu majority in India.<sup>128</sup> The Hindutva-infused BJP under the leadership of Modi has always striven against the special constitutional provisions with the lame rhetoric of ‘Articles 370 and 35A’ being historically unjust to the country. Repeal of these articles formed a key promise in the BJP’s 2019 election manifesto.<sup>129</sup>

Since Modi assumed power on behalf of the BJP, India has seen the rise of religious and communal tensions.<sup>130</sup> The party’s decisive electoral victory in 2019 became a turning point in Hindu-Muslim relations, as the government began fulfilling a number of long-sought demands of Hindu nationalist groups. Hindutva agenda was enacted by Modi a former RSS member, and it has centralised the power of the Hindu majority at the cost of rights of Minorities.<sup>131</sup> With a majority rule in parliament and a thoroughly fractured opposition, Modi’s government has acted with totalitarian instincts, so that it has been in a position to advance its agenda.

The abrogation of ‘Articles 370 and 35A’, which was carried out soon after the conclusion of Indian elections and the incumbent government, professed its determination to conquer the cultural and political sphere of J&K to bring it under the ‘Hindutva’ umbrella. This decision fit into the BJP’s phased vision of dismantling the region’s autonomy in order to integrate it into the mainstream under the pre-text of national integration based on Hindu nationalist ideologies. In abrogating the autonomy of J&K, the BJP aimed to change the political and cultural identity of the region to align with its idea characterized by Hindu dominance and a

---

<sup>128</sup> Sabina Babar, "Hindu and Hindutva Ideology in Indian Polity: Examining Modi’s Administration." *Strategic Studies* 43, no. 2 (2023): 80-96.

<sup>129</sup> Al Jazeera. "India’s BJP Releases Manifesto before Elections." Al Jazeera, April 8, 2019. <https://www.aljazeera.com/news/2019/4/8/indias-bjp-releases-manifesto-before-elections>.

<sup>130</sup> Nitasha Kaul, "Rise of the political right in India: Hindutva-development mix, Modi myth, and dualities." *Journal of Labor and Society* 20, no. 4 (2017): 523-548.

<sup>131</sup> Sabina Babar, "Hindu and Hindutva Ideology in Indian Polity: Examining Modi’s Administration." *Strategic Studies* 43, no. 2 (2023): 80-96.

concentration of power at the center.

#### **2.1.4 Suppression of Kashmiri Freedom Movement**

Historically, the GoI has consistently implemented various strategies to suppress the Kashmiri people's longstanding freedom movement, which challenges India's control over J&K.<sup>132</sup> Under Indian administration, J&K has been the site of significant human rights violations, enforced disappearances, torture, sexual violence, extrajudicial killings, and restrictions on freedom of speech and assembly. J&K has undergone various massacres and atrocities since the freedom struggle started in J&K in 1990s.<sup>133</sup>

There are violations of human rights by Indian armed and security forces against Kashmiri civilians.<sup>134</sup> Security personnel have carried out random raids and arrests on terrorism charges against innocent civilians of Kashmir. Since abrogation in 2019, GoI also imposed one of the longest internet blackout in J&K, cutting off information and communication. PSA has often been used to imprison activists, journalists and political figures without any credible evidence against the detainees. India has imposed a travel ban on a number of prominent Kashmiri figures.<sup>135</sup> It also builds on an atmosphere of oppression by the use of widespread harassment, arbitrary detention and extrajudicial killings by Indian security forces.

The nullification of 'Articles 370 and 35 A' transferred the administrative and legal authority of J&K to the Indian state. Kashmiri resistance was to be stifled and demands for self-determination suppressed. The Indian intent was to dismantle what remained of autonomy by revoking the region's special status.

#### **2.1.5 Socioeconomic Objectives of Indian Government**

The Modi regime defended its abrogation of 'Articles 370 and 35A' with

---

<sup>132</sup> Rabia Mustafa, "Human Rights Violations in Indian Occupied Kashmir: A Legal Perspective" *International Journal of Kashmir Studies* 1, no. 1 (2019): 1-18.

<sup>133</sup> Bhan Mona, Duschinski Haley, Zia Ather, and Mahmood Cynthia. "'Rebels of the Streets': Violence, Protest, and Freedom in Kashmir." (2018): 1-41.

<sup>134</sup> Hilal Ahmad Wani, Andi Suwarta and Joseph Fayeye, "Untold stories of human rights violations in Kashmir." *Educare* 6, no. 1 (2013).

<sup>135</sup> Mohamad Aabid Bhat, "Politics of Preventive Detention: A Case Study of Jammu and Kashmir Public Safety Act, 1978." *International Journal of Criminal Justice Sciences* 15, no. 1 (2020): 157-172.

substantial socioeconomic objectives like the need for integrating J&K into the national economy.<sup>136</sup> In his first speech after the announcement of dissolving the autonomous statehood, Indian PM Modi promised: “There will be a lot of development. All the citizens will be given their rights”.<sup>137</sup> Among the first big announcements after revocation was the Indian industrialist Ambani’s announcement to set up a ‘development task force’ for J&K.<sup>138</sup> The Indian government asserted that those constitutional provisions had created legal and administrative hindrances that hampered the economic development of the state.

Article-35A, which empowered J&K to determine land ownership, was intended to safeguard the rights of residents to settle and buy land. But the ruling BJP-led government had argued that these provisions were a hindrance to outside investment and to economic participation by restricting non-residents from gaining access to land and resources.<sup>139</sup> The GoI argued that these legal provisions prevented economic development in J&K. Moreover, the aim of revocation was to remove such hurdles, generate employment, bring investment, and improve living standards across the region.

### 2.1.6 Step towards National Integration within India

The Indian government had argued that provision for separate status to the state conferred under 'Articles 370 and 35A' promotes separatism and impedes J&K from the social and cultural integration with India.<sup>140</sup> By abrogating these articles, the Indian government attempted to promote national integration and strengthen the social fabric. It also contended that the separate laws and special privileges afforded to J&K had alienated some communities, adversely impacting national integration. The government had contended that the abrogation of these provisions would lead to social cohesion and promote cultural assimilation and that it would integrate J&K

---

<sup>136</sup> Nikunj Gupta and Arpita Baijal, "A study on socio-economic effect of scrapping Article 370 in Jammu and Kashmir." *International Journal for Research in Applied Science and Engineering Technology* 8, no. 4 (2020): 1082-1094.

<sup>137</sup> “Kashmir dispute: India PM Modi defends lifting special status”, *BBC*, August 8, 2019.

<sup>138</sup> “Mukesh Ambani promises investment in Jammu & Kashmir, says Reliance will set up special team”, *India Today Web Desk*, August 12, 2019, <https://www.indiatoday.in/india/story/mukesh-ambani-promises-investment-jammu-kashmir-reliance-set-up-special-team-1579993-2019-08-12>

<sup>139</sup> A. Z. Hilali, "Kashmir Combustible Region: Abrogation of Article-370 & 35A and Its Grave Implications," *Journal of Indian Studies* 7, no. 2 (2021): 247–268.

<sup>140</sup> Naomi Wielant, *Hindu Nationalism in Jammū and Kaśmīr*. Master's thesis, Ghent University, 2021-2022.

with the rest of India.

Moreover, the Indian Government had claimed that ‘Articles 370 and 35A’ were discriminating against the non-locals, as these provisions prohibited non-locals from purchasing land and avail other facilities in J&K.<sup>141</sup> Others have opposed the provisions for intensifying social inequities against “marginalized groups”, especially Dalits and refugees who had migrated to J&K after the Partition.<sup>142</sup> It was viewed as encouraging demographic imbalances and denying equal rights to Indian citizens from outside the state. The government of India claimed that these constitutional provisions were revoked for promoting social integration and also national harmony.

### **2.1.7 Governance Issues in Jammu and Kashmir**

The BJP government explained how administrative inefficiencies and governance challenges that emerged in J&K were a direct fallout of the autonomous status provided under the ‘Articles 370 and 35A’.<sup>143</sup> The previous arrangements had led to the elaboration of intricate regional administration and also had led to deficient transparency, accountability and ineffective governance. The government had argued that by repealing these articles, it would look to bring the governance structure of the region in line with the rest of the Indian states and ensure better delivery of public services and administration.

The BJP government had also said that the Articles 370 and 35A, which were temporary provisions when the state merged with the Union, were becoming irrelevant in the changing socioeconomic and political scenario. Moreover, this removal will allow local governance structures to allow citizens’ participation in decision-making processes.<sup>144</sup> This will further compel the government to adopt a fresh approach towards ensuring responsiveness and accountability in regional

---

<sup>141</sup> Ranjita Chakraborty, "Interrogating the Citizenship Question in India: Debating Article 35A and Article 370." (2016).

<sup>142</sup> Shally Rani, "Kashmir And The Abrogation Of Article 370: An India’s Perspective." *Editorial Board* 9, no. 7 (2020): 13.

<sup>143</sup> Fitri Adi Setyorini and Takdir Ali Mukti, "The Revocation of Kashmir’s Special Status by Narendra Modi Administration in 2019." *Nation State: Journal of International Studies* 3, no. 2 (2020): 130-155.

<sup>144</sup> Ashish Saxena and Vijayalaxmi Saxena, "Governance, Decentralisation, and Peace-Building in India: Exemplifications from Jammu and Kashmir State." In *The Indian Social Sphere*, pp. 84-97. Routledge India, 2024.

governance and to promote trust and collaboration between the government and the people of J&K.

This was one of the reasons behind the decision taken by the Indian government, to allow for a simplification of the complex legal and administrative processes, made even more complicated by the unique status. This was done in the context of preparing a governance framework that can serve as a catalyst for economic growth and social development in the region, leading to its prosperity.

### **2.1.8 Maintenance of Security, and Law and Order**

The Modi government had also claimed that the articles needed to be abrogated to tackle the security and law-and-order challenges in J&K.<sup>145</sup> It said the provisions related to unique status had impeded counter-terrorism operations. It was claimed that insufficient integration was an obstacle to the adoption of regional national security strategies.

Furthermore, the Indian government argued that the unique status had created a sense of alienation and separatism in J&K.<sup>146</sup> The repeal was aimed at enhancing the operational capacity of security forces in J&K to enable smooth implementation of security measures in the region. The revocation was portrayed as essential for combating terrorism, maintaining stability, and curbing regional separatist tendencies. Modi's government claimed that the abrogation strengthened India's sovereignty over J&K.

### **2.1.9 Hindu-Heritage Promotion in Kashmir**

The disproportionate focus of the Indian government on Kashmir's Hindu heritage has provided non-Kashmiri Hindus with the motivation to covet the region. The Indian official support for the Amarnath Yatra has grown consistently over time. This Hindu pilgrimage, which involves visiting an ice formation believed to represent Lord Shiva, has seen a gradual increase in its popularity due to

---

<sup>145</sup> Sameer P. Lalwani and Gillian Gayner, *India's Kashmir Conundrum: Before and After the Abrogation of Article 370*. Washington, DC: United States Institute of Peace, 2020.

<sup>146</sup> Aman Jaswal, "The Changing Image of Insurgency in Kashmir." PhD diss., Staffordshire University, 2024.

heightened governmental backing.<sup>147</sup>

After the repeal of J&K's autonomy in 2019, the Indians, while celebrating the move, portrayed in a picture the Hindu imaginary "Bharat Mata" (Mother India) and Kashmir represents her crown.<sup>148</sup> By highlighting Hindu temples and artifacts, the Indian government and its supporters have inadvertently reinforced the notion that Muslim Kashmiris are the "exogenous 'Others.'" India has molded Kashmir's public image into a Hindu one, as a large number of highly idealized pilgrimages emerge in the Kashmir Valley. The Amarnath pilgrimage was highly promoted by the government in the months preceding the abrogation.

## **2.2 International Factors behind the Abrogation of Special Political Status of Jammu and Kashmir**

The revocation of 'Articles 370 and 35A' was not just a domestic decision by India. India's strategic decisions were shaped by various international factors. These international aspects were one of the important factors affecting regional dynamics and the international relations in South Asia. This section explores the international factors that have contributed to the revocation of autonomy of J&K.

### **2.2.1 India-Pakistan Rivalry on Jammu and Kashmir**

The historical India-Pakistan rivalry for J&K has remained the most prominent international factor that has pushed India to the decision to repeal 'Articles 370 and 35A'. In 1947, after the partition of British India, J&K was among the disputed territories between Pakistan and India, which both claim it in its entirety but control varying regions.<sup>149</sup> Pakistan has been dogged in its efforts to internationalize the issue, framing it as an intractable territorial dispute that has grave implications for human rights.<sup>150</sup> Pakistan, in the past, has turned to different

---

<sup>147</sup> Emily Schmall, "India Promotes Hindu Pilgrimage as Sign of Peace in Kashmir." *Seattle Times*, August 1, 2019. <https://www.seattletimes.com/nation-world/nation/india-promotes-hindu-pilgrimage-as-sign-of-peace-in-kashmir>.

<sup>148</sup> "The Fifth Picture Depicted in Article 370: The Indians Celebrating Kashmir's New Status." *BBC*, August 9, 2019. <https://www.bbc.com/news/world-asia-india-49250594>.

<sup>149</sup> Mohd Arif and Waseem Ahmad Dar, "Partition: The Histories of Borders and Violence in Jammu and Kashmir." *Turkish Online Journal of Qualitative Inquiry* 12, no. 7 (2021).

<sup>150</sup> Zulfiqar Ali Khan, Rafi Ul Haq, Fazal Malik and Jawad Ur Rahman Shinwari, "Kashmir at the Crossroads: Analyzing Third-Party Mediation and the India-Pakistan Rivalry." *Qlantic Journal of Social Sciences* 5, no. 4 (2024): 64-75.

international platforms, comprising the United Nations and the OIC, to garner support on the Kashmir issue for right to self-determination for Kashmiri people. Pakistan's actions are viewed by India as attempts to undermine and challenge India's sovereignty and its territorial integrity. Pakistan has condemned the action of abrogation as a violation of international norms and a threat to the peace and stability of the region.<sup>151</sup> In the recent clashes between India and Pakistan, Operation Sindoor and Operation Bunyan Marsoos were military operations conducted by India and Pakistan, respectively, in May 2025, following a terrorist attack in Pahalgam, IOK.<sup>152</sup> Operation Sindoor, initiated by India, involved strikes on Pakistan and AJK. Pakistan responded with Operation Bunyan Marsoos, targeting Indian military bases.

By nullification of J&K's autonomy, India sought to assert more control over the region, as well as challenge Pakistan's narrative at global platforms. The move was intended to ensure total absorption of the territory into India's political framework, sidelining Pakistan's demands for international mediation and reducing outside involvement in what India considers an internal matter.

### **2.2.2 Strategic Interests of China in the Region**

China's strategic aspirations for J&K, coupled with its friendship for Pakistan, strongly pushed India to revoke the state's unique status. China's engagement in the region is mainly represented by the CPEC, which is a strategic multi-billion-dollar investment project. It is an extension of the Belt and Road Initiative (BRI).<sup>153</sup> This corridor goes through the Pakistan-controlled territory of GB that India claims as its own. India has vehemently opposed the CPEC, alleging that it infringes on its sovereignty.<sup>154</sup> The situation in the region has been further

---

<sup>151</sup> Muhammad Qasim Ali, Muhammad Noaman Yousaf, Zoya Zafar, and Zainab Mohsin, "Implications Of Pak-India Relations in Pre & Post Revocation of Article 370 And 35a In Indian Occupied Jammu and Kashmir." *GUMAN* 7, no. 2 (2024): 267-281.

<sup>152</sup> Al Jazeera. "Pakistan Launches Operation Bunyan Marsoos: What We Know So Far." Al Jazeera, May 10, 2025. <https://www.aljazeera.com/news/2025/5/10/pakistan-launches-operation-bunyan-marsoos-what-we-know-so-far>.

<sup>153</sup> Ayesha Siddique and Saeed Shafqat, "How Belt and Road Initiative (BRI) and the China-Pakistan Economic Corridor (CPEC) are Reshaping China's Soft Power?." *Journal of South Asian and Middle Eastern Studies* 44, no. 3 (2021): 61-94.

<sup>154</sup> Saeed Shafqat, "CPEC and changing dynamics of China-India relations." In *China and South Asia*, pp. 17-34. Routledge India, 2021.

complicated by China's military presence in Aksai Chin, which India claims.

Additionally, the annulment of Article-370 paved the way for India to tighten its grip on Ladakh through administrative and military integration, carving it out into a new UT of India. China's reaction to the revocation, which it has referred to the UNSC, is indicative of its larger geopolitical stakes that the region entails.<sup>155</sup>

Under the project to curtail the extension of Chinese influence, India intended to integrate the region of J&K to strengthen its presence in the South Asian region. The shift also sought to counter Chinese assertiveness in the region, especially Chinese infrastructure projects near border-adjacent areas. India has said the move was necessary to respond to external threats and bolster its claim to the territory. India has responded by withdrawing Article-370, which necessarily responds to Chinese strategic and economic footprints in the region.

### **2.2.3 U.S. Strategic Interests in the Region and Support to India**

The US-India relationship has deepened in recent years, largely because of both countries' fears about China's growing clout in the Indo-Pacific.<sup>156</sup> The US regards India as a crucial partner in maintaining stability in the region and a counterbalance to China's economic and strategic aspirations. Hence the strategic interests of the India and US align closely as a strategic partner that can bring regional stability, particularly in counter-terrorism and countering Chinese influence.

It was also viewed as India acting to bolster its own national interests vis-a-vis China and Pakistan, and this corresponded seamlessly with the broader structuring of U.S. geopolitical objectives in the region. The US has long urged Pakistan to crack down on militant groups that it alleges to be operating in the country.<sup>157</sup> The U.S. counter-terrorism strategy in South Asia has a substantial overlap with India's security concerns in the region. This is also a sign of the two

---

<sup>155</sup> "UN Security Council to Meet on Kashmir at China's Request," *Al Jazeera News*, December 17, 2019, <https://www.aljazeera.com/news/2019/12/17/un-security-council-to-meet-on-kashmir-at-chinas-request>

<sup>156</sup> Mukesh Shankar Bharti, "The Strategic Partnership Between India and the United States of America and How China's Influence Challenges the India-US Alliance in the Indo-Pacific Region." *Regional Formation & Development Studies* 39, no. 1 (2023).

<sup>157</sup> C. Christine Fair, "The militant challenge in Pakistan." *Asia policy* 11 (2011): 105-138.



countries' changing priorities as both work toward regional hegemony and the management of mutual security threats. With the confidence of knowing its strategic partnership with the U.S., India believed that it could pursue its national security and territorial interests without much doubt that it would continue to have U.S. support.

The USA's primary interests in South Asia, particularly regarding Afghanistan, are focused on security, geopolitics and economics.<sup>158</sup> Afghanistan is also critical to the U.S. to counter-terrorism, including its efforts to prevent a resurgence of Al-Qaeda and ISIS. In the post-September 11, 2001 world, U.S. engagement in Afghanistan was intended to unravel the networks of transnational terrorist networks at play there and help stabilize a volatile region. However, the withdrawal of U.S. forces from Afghanistan in 2021 has put U.S. attention in Afghanistan on preventing the country from returning to its previous anarchic status. Additionally, Afghanistan's location as a nexus between South Asia, Central Asia and the Middle East, renders it strategically significant in countering the influence of regional powers such as China, Russia, and Iran. US interests also include offering the prospects of stability in nuclear-armed Pakistan and pushing the country for more democratic governance, as well as addressing refugees and human rights issues in Afghanistan.

Thus, maintaining its influence on J&K fundamentally exhibited India as a strong force to keep a check on dangers within the region and across borders. Against this geopolitical backdrop, India's decision to repeal the autonomy of J&K was based on the belief that its strategic alignment with the US would protect it from a significant pushback at the international level. These dynamics appear to have been in play in shaping India's decision to annul J&K's autonomy.

#### **2.2.4 Russia's Support to India on Diplomatic Front**

India's foreign policy has a strong pillar of Russian diplomatic support. For years Russia has supported India's position on J&K; it has kept the matter as an internal matter and not as an issue between Pakistan and India.<sup>159</sup> It gave India the

---

<sup>158</sup> Akhtar Imranullah and Manzanay Hakimuddin, "Strategic Interests and Geopolitical Considerations: Assessing the Importance of Afghanistan for the US Post-Withdrawal." *Journal of Arts, Humanities and Social Science* 1, no. 2 (2024): 1-9.

<sup>159</sup> Nivedita Kapoor, "India-Russia ties in a changing world order: In pursuit of a special strategic

strategic cushion to take bold decisions around J&K, as well as protection from diplomatic isolation. Russian support was particularly important in multilateral forums such as the UN, where Pakistan wanted the international focus placed on the Kashmir issue.

Moreover, the reinforcement of defence and energy cooperation between India and Russia deepened the diplomatic support and raised the potential for a continued stable bilateral partnership.<sup>160</sup> India exploited Russian diplomacy as a power play with Russia's diplomatic strategy on South Asia which has strong ties with India and pragmatic relations with Pakistan. Soon after the repeal of Article-370, Russia reiterated its commitment to India's sovereignty and territorial integrity.<sup>161</sup> To India, this diplomatic commitment from Russia was essential in addressing any possible rebuke from the other global powers. It played a crucial role in India's decision to annul the J&K's autonomous status.

### **2.2.5 Growing Diplomatic Ties between India and Middle East**

An important international factor that has influenced India's decision to abrogate the political autonomy of J&K is India's growing leverage in the Middle East. India's economic and strategic connections with several key states in the region, particularly the six member states of the Gulf Cooperation Council (GCC), have deepened over decades. Such ties have been solidified through trade, energy partnerships, and a large Indian diaspora in the Gulf. Essentially the main Gulf countries have taken up a neutral stand and referred to the repeal of Article-370 as an internal issue of India. Much of this was due to their growing economic dependence on New Delhi.

India's growing influence in the affairs of Middle Eastern countries has also played a role in the repeal of J&K's autonomy. Over the decades, India's economic and strategic ties with key states in the region, in particular the six member states of

---

partnership." *ORF Occasional Paper* 218 (2019): 1-33.

<sup>160</sup> M. Rajan Menon, "The Military and Security Dimensions of Soviet-Indian Relations." In *The Soviet Union in the Third World*, pp. 232-250. Routledge, 2022.

<sup>161</sup> "Russian Support to India on Kashmir is Rooted in History." *The Economic Times*, January 16, 2020. <https://economictimes.indiatimes.com/news/politics-and-nation/russian-support-to-india-on-kashmir-is-rooted-in-history/articleshow/73411150.cms?from=mdr>.

the Gulf Cooperation Council (GCC), have increased.<sup>162</sup> Trade, energy partnerships, and a sizable Indian diaspora in the Gulf have strengthened these ties, allowing for a more congenial diplomatic atmosphere for India. The major Gulf states adopted a neutral position and considered the annulment of Article-370 as an internal issue of India.<sup>163</sup>

India has been reaching out even more intensely to the Middle East now, with one of the prime objectives being to counter Pakistan's hold on Kashmir. The states of the Middle East were not favorably disposed towards supporting Pakistan's plea to internationalize the Kashmir dispute after revocation. India's diplomatic maneuvering in the Middle East saved India from the backlash in the Muslim world.

## 2.2.6 International Pressure for Counter-terrorism Measures

On the international front, one of the main factors that compelled the India to annul the J&K's autonomy was international pressure for counter-terrorism. Since the reordering of global politics around counter-terrorism post 9/11, India has sought to hoist the narrative of cross-border terrorism onto the international agenda. India has repeatedly accused Pakistan of backing terrorist organizations to execute strikes on Indian military troops stationed in J&K.<sup>164</sup> The repeal of Article-370 was presented as an essential measure to strengthen the architecture of India's regional governance and security, facilitating more robust counter-terrorism actions. This framing aligned with world powers like US and European countries, which have been stepping up criticism of terror financing and safe havens for such groups. Furthermore, Pakistan has come under fresh scrutiny by international organizations like the FATF, which has placed Pakistan on the so-called "grey list".<sup>165</sup> Capitalizing on this global counter-terrorism narrative, India legitimized the repeal of J&K's autonomy as a purely internal restructuring aimed at rendering the good

---

<sup>162</sup> Md Muddassir Quamar, "India and the Gulf: Regional security and India's multialignment policy." *Asian Politics & Policy* 15, no. 2 (2023): 274-294.

<sup>163</sup> "Why Have Saudi Arabia, UAE Failed to Condemn India Over Kashmir?" *Al Jazeera*, September 12, 2019. <https://www.aljazeera.com/news/2019/9/12/why-have-saudi-arabia-uae-failed-to-condemn-india-over-kashmir>.

<sup>164</sup> Eamon Murphy, "Terrorism, security, and development and the "never-ending" conflict over Jammu and Kashmir." In *Terrorism, Security and Development in South Asia*, pp. 215-232. Routledge, 2021.

<sup>165</sup> Musarat Amin, Rizwan Naseer, and Nasreen Akhtar, "Pakistan in the FATF Grey-list: Compliance and Policy Readjustments." *Pakistan Journal of Terrorism Research* 3, no. 1 (2021).

governance and security necessary to counter terrorism.

By working in coordination with the world's priorities in confronting terrorism, India mitigated potential diplomatic fallout and justified that the abrogation was an urgent step to tackle a persistent security nightmare. It was framed as a step to further incorporate J&K into the Indian national framework and to combat India's vulnerability to terrorism.

### **2.2.7 Shifting Geopolitical Dynamics in South Asia and Pacific Region**

An important aspect that contributed to India's abrogation of the special status of J&K was the emergence of geostrategic realignment within South Asia and the Pacific region. The geopolitical interests that are growing in South Asia are essentially based on three key factors: the route of trade through it, the economic potential of the region and the power imbalance in South Asia, especially due to the vaunt of China. The emerging strategic partnership between China and Pakistan through CPEC has a greater impact on J&K's geopolitics. The corridor runs through areas of Pakistan-administered GB that India claims, raising the stakes in an area that is already a potential flashpoint between Pakistan and India, as well as Beijing.<sup>166</sup>

India's moves are part of a broader effort to position itself as a dominant regional power that can take on complex security challenges. On the international front, the alignment of India with global powers including US, Australia and Japan as part of Indo-Pacific strategy and its manifestation in the form of Quadrilateral Security Dialogue (QUAD). The broader regional power dynamics of irrevocably nesting J&K within the Indian federal fold are framed as a competition with the China-Pakistan axis. This helped India gain the confidence to take several actions to bring itself to the center of South Asian geostrategic architecture.

India's approach is in line with a broader goal to operate as a regional hegemon, equipped to address complex security threats. The Quadrilateral Security Dialogue (QUAD) is an alliance of India with the global powers of the USA, Japan,

---

<sup>166</sup> Muzaffar Hussain, "China Pakistan Economic Corridor (CPEC): challenges and the way forward." PhD diss., Monterey, California: Naval Postgraduate School, 2017.

and Australia under the Indo-Pacific strategy.<sup>167</sup> The integration of J&K within the Indian federation in the larger regional power dynamics is a contestation with the China- Pakistan axis. In this pursuit for alignment of priorities and partnerships and the backdrop of India's powerful presence at the geopolitical level, New Delhi was able to decide to place itself as one of the key players over the geostrategic landscape of South Asia and Asia-Pacific regions.

This step was taken to unite all countries under one umbrella and to show that India wasn't going to allow any outside forces, specifically China, to intervene in South-Asian geopolitics. The revocation was a measure to establish Indian hegemony over the changing geopolitical scenario in the South Asian region. It was not simply a shift in domestic law but rather a strategic move to assert Indian authority over its contested territory in light of increasing Chinese penetration in the region via BRI.

## **2.2.8 India's Emergence on the Global Stage**

The other important reason for the repeal of the political autonomy of J&K for India was its ambition to become a world power. As an emerging economy with growing global influence, India has sought to project itself as a stable and sovereign nation capable of addressing its challenges at home with resolve.<sup>168</sup> The J&K's autonomous status was seen by the Indian policymakers as an impediment to fully integrating the region within the national framework, consequently impeding India's image as one cohesive nation-state. It was seen as a gesture aimed at creating national integration and projecting India as a strong force on the global stage.

India is aiming to position as a leading actor in multilateral bodies such as the United Nations, G20, BRICS and QUAD. Indian leaders considered the settlement of J&K issue crucial to their international image.<sup>169</sup> India aims at various strategic objectives: a permanent place for India at the UNSC; entry into the NSG; regional leader in the SAARC region; dominance in Indian Ocean; rebalancing in

---

<sup>167</sup> Titli Basu, "US-Japan-India: Alliance and Alignment in the Indo-Pacific." In *Alliances in Asia and Europe*, pp. 109-125. Routledge, 2023.

<sup>168</sup> Mohd Aftab Siddiqui, "Impacts of Geopolitics of India on its Neighbouring Countries." *Journal of International Management (ISSN NO: 1075-4253)* 30, no. 3 (2024).

<sup>169</sup> Santishree Dhulipudi Pandit, ed., *Transformation of India's Foreign Policy: Shaping the Global Order as a Responsible Power* (Taylor & Francis, 2024).

Asia Pacific; a rival in the face of China; and opposition against Pakistan.<sup>170</sup> Moreover, Indian actions reflect its larger strategy of establishing itself as a global security and governance player at all levels.<sup>171</sup> But as a nation that wants a permanent seat on the UNSC, India wanted to show the world that it was able to deal with its internal security problem on its own, thus reinforcing its image as a self-sufficient and sovereign state.

By framing the decision as a major step towards fostering economic development and eradicating terrorism in J&K, India sought to link its domestic policies to its international objectives. India framed this move as a significant stride toward India's emergence as a global power that could solve challenges at home and abroad.

Neoclassical realism brings to the fore the crucial events leading to the annulment of 'Articles 370 and 35A'. On a systemic level, India's actions were persuaded by an anarchic international system and external threats imposed by both Pakistan and China. The emerging India-Pakistan rivalry over J&K and China's strategic maneuvers, particularly through CPEC and its territorial claims in Ladakh, motivated India to consolidate its territorial claims. India was emboldened with external support through partnerships with the United States and Russia to make this decision.

Internally, India's domestic politics were at play. The ideological framework of Indian Prime Minister Narendra Modi's Hindutva and ideas drawn from RSS ideologues influenced the shaping of the Indian government's strategic goals. The BJP's framing of the abrogation was a move to unify the country. The government also highlighted the social and economic advantages of the mainstreaming of J&K. This two-pronged analysis highlights how the Indian decision was driven by internal forces as well as external strategic compulsions.

## 2.3 Conclusion

---

<sup>170</sup> K. Khan and P. I. Cheema, "Modi's Kashmir Policy: The Probable Consequence for the Security of South Asia," *Strategic Studies* 37, no. 3 (2017): 1–21.

<sup>171</sup> Muhammad Naeem Ashraf, *Polarized India: Impact on Strategic Alliances and Regional Security*. PhD diss., Naval Postgraduate School, Monterey, CA, 2022.

The repeal of 'Articles 370 and 35A' by India was a result of multiple domestic and foreign factors. The decision was influenced by the BJP's ideological commitment to Hindutva and the long-term ambitions of the RSS. In keeping with its philosophy of a uniform India, the BJP wanted to bring J&K into its fold. As propagated by the BJP leadership, administrative inefficiencies and other governance issues also drove the change. The Indian government had also contended that the abrogation was required to bolster security provisions and the governance of J&K with that of the national framework. On the economic front, the Modi government argued that investments and development in the region were needed and special provisions had acted as impediments. The legal fabric for the abrogation was created through judicial pronouncements on the temporary nature of Article-370. The Indian Government presented the abrogation as a step of social integration and national unity.

The decision was also influenced by systemic pressures from around the world and the evolving strategic environment for India. Moreover, considering the protracted territorial dispute with Pakistan over Jammu and Kashmir, one of India's strategic motivations behind the abrogation was to counter Pakistan's narrative on international platforms and to reinforce its sovereign claims over the region. India's affirmation of sovereignty was also driven by China's growing presence in the region through CPEC, besides the strategic interests of China towards Ladakh. India was also able to lean on its strategic ties with the US, Russia and Gulf nations to quiet some of the international outrage over the step. The abrogation was part of India's broader assertive policies to consolidate its hegemony and remake itself as a decisive regional power.

## **CHAPTER 3**

### **IMPACT OF ABROGATION ON POLITICAL AUTONOMY OF JAMMU AND KASHMIR**

This chapter discusses broader implications of the annulment of ‘Articles 370 and 35A’ for the political autonomy of J&K. The chapter would also examine the political and legal implications of events since 2019, including the impact on governance, regional autonomy, and the relationship between the Indian central government and the J&K government.

#### **3.1 Abrogation of Articles 370 and 35A: Implications for Jammu and Kashmir’s Political Autonomy**

The repeal of ‘Articles 370 and 35A’ reshaped the political map of J&K. Article-370 meant autonomous status for J&K, having its constitution, a separate flag, and significant autonomy in internal affairs. As a result of abrogation, the new political changes in J&K’s autonomy are as below:

##### **3.1.1 The Redundancy of Jammu and Kashmir’s Constitution**

The nullification of Article-370 made the constitution of J&K redundant.<sup>172</sup> Before its bifurcation, the former state of J&K was enjoying autonomy under Article- 370. It had its own constitution, flag and laws governing the rest of the matters except foreign affairs, communications and defence. However, the special status ceased to exist after the Indian government abrogated Article-370, and J&K was completely integrated into the Indian Union. It was formalized through the J&K Reorganisation Act, 2019, which downgraded J&K from a state into two UTs (J&K and Ladakh).

Thus, the constitution of India was applied to the entire territory, and there was no need for a separate constitution of J&K. The state constitution of J&K was wiped out of all legal and functional relevance by applying all provisions of the

---

<sup>172</sup> Bhaswat Prakash, "Upholding the Abrogation of Article 370: Can it be called another Black Spot-on Indian Judiciary?." (2024).



Indian constitution to it. Legislative powers previously exercised by the state's elected legislature were transferred to the Union Parliament and the legislatures of the two UTs that were created. This process of centralization of governance brought the region under a uniform governance structure, putting it on the same administrative model as the rest of the Indian states and UTs. Consequently, this made the J&K's constitution defunct.

### **3.1.2 Reorganization of the State of Jammu and Kashmir**

The Government of India announced the repeal of Article-370 and subsequently, the J&K Reorganization Act, 2019, was issued to convert J&K into two UTs (J&K and Ladakh) with LG as head of each UT.<sup>173</sup> J&K ceased to be a state legislature, and a legislative assembly of UT of J&K with limited powers was created. The Ladakh (UT) is deprived of political representation through a legislative assembly. The LG appoints a Council of Ministers, headed by a CM, among the members of the legislative assembly to whom the LG seeks advice regarding matters in the Assembly's jurisdiction. The legislative branch is a bicameral legislative assembly with a five-year tenure for legislation concerning matters in the State List. The UT of J&K shall be under the jurisdiction of the High Court of J&K and Ladakh.

### **3.1.3 Transformations in Political Representation**

The Jammu and Kashmir Reorganization Act, 2019, significantly altered the political landscape of J&K by dividing it into two UTs: J&K and Ladakh. A key component of the reorganization was the Delimitation Commission Report, 2022, to redefine the electoral boundaries for the newly formed UT of J&K.<sup>174</sup> The Delimitation Commission increased six new seats for the Jammu division and one for the Kashmir division. With this reallocation, the total number of seats in the J&K Union Territory Assembly becomes 114, with 24 reserved for the region of Azad Jammu and Kashmir (AJK) administered by Pakistan. This leaves

---

<sup>173</sup> "Jammu & Kashmir Reorganisation Bill Passed by Rajya Sabha: Key Takeaways," *The Indian Express*, August 5, 2019.

<sup>174</sup> Niaz A. Shah, "Re-colonisation of Jammu and Kashmir and the Right to Self determination." *International Human Rights Law Review* 11, no. 2 (2022): 186-220.

90 seats for the present J&K regions: 43 for Jammu and 47 for Kashmir.

This delimitation exercise has drawn criticism for its alleged bias towards Jammu.<sup>175</sup> The Kashmir division, having a population of 6,888,475 (56.15% of the UT's total population), holds 52% of the seats. Meanwhile, the Jammu division, with a population of 5,378,538 (43.85% of the UT's total population), now holds 48% of the assembly seats. The Delimitation Commission decreases the representation gap between the regions of J&K, to enhance the political leverage of Hindu-majority Jammu region over Muslim-majority Kashmir region. The truer delimitation would have ensured that there were 51 seats for Kashmir and 39 for Jammu, more in line with the percentage of the population. Instead, the commission proposed adding six more seats for Jammu and only one for Kashmir as a deliberate bid to boost the influence of Jammu in the J&K assembly.

The reorganization also empowered the LG to nominate two members from the Kashmiri migrant families and migrants from Pakistan-administered Kashmir to the Legislative Assembly.<sup>176</sup> The members of legislative assembly are elected for a term of five years. The power of dissolution or convening the special session remains concentrated in the hands of the LG, resulting in a shift towards centrist control that erodes local representation.<sup>177</sup> Moreover, the lack of a legislature for Ladakh has raised worry about insufficient political representation of that region.

### 3.1.4 Reformed Electoral Roles of Registered Voters

In 2022, new electoral rolls were released in J&K following the creation of new legislative seats by special Delimitation Commission.<sup>178</sup> The amendment was intended to also benefit the members of non-state subjects, particularly the members of Indian armed and security forces engaged in operations in the region, and members of the Kashmiri Pandit diaspora, who were granted the right to register

---

<sup>175</sup> A.G. Noorani, "Delimitation Report," *Dawn News*, May 14, 2022. <https://www.dawn.com/news/1689610>

<sup>176</sup> Adil Hussain, "How the Indian Government are using "The constitution (Application to Jammu and Kashmir) Order, 2019" to suppress the right to self-determination of the citizens of Kashmir?." Master's thesis, University of South-Eastern Norway, 2022.

<sup>177</sup> Sameer P. Lalwani and Gillian Gayner, *India's Kashmir Conundrum: Before and After the Abrogation of Article 370*. Washington, DC: United States Institute of Peace, 2020.

<sup>178</sup> "Electoral gerrymandering in Kashmir another risk to stability", *East Asia Forum*, December 22, 2022.

themselves as voters in their respective constituencies even though they were not physically present in that region.<sup>179</sup>

These changes received major opposition from some Kashmiri political parties, with critics defining the changes to the electoral processes as undemocratic. The Chief Electoral Officer, Hirdesh Kumar, announced that J&K would get an additional 2.5 million voters that would include outsiders (security forces stationed in J&K and people from other parts of India working in J&K).<sup>180</sup> It has brought about a shift in the political landscape in favour of the Indian ruling party, BJP. Former CM of J&K, Farooq Abdullah, said in a statement that “the current government wants non-residents to be potential voters so that outsiders rule us in future assemblies.”<sup>181</sup>

These recommendations have been condemned for being unwarranted and unreasonable. They seem to overlook the population size, a vital factor in electoral delimitation exercises. The parties allege that this manipulation of electoral rolls is part of the BJP's attempts to change the demographics of J&K to consolidate its hold over the region.

### **3.1.5 Concentration of Powers in Jammu and Kashmir's Lieutenant Governor**

An executive notification amending the Transaction of Business Rules issued on July 12, 2024, by the MHA of India extended the administrative authority of the LG of J&K.<sup>182</sup> “The Transaction of Business of the Government of Union Territory of J&K (Second Amendment) Rules, 2024 weakened the authority of local elected representatives by granting the LG sweeping powers over administrative decisions, including the transfer and posting of officers, police administration, and legal counsel appointments.

---

<sup>179</sup> Nisar Ahmed Thakur, “Five Years after Revocation of Article 370/35A-A Review of Human Rights Situation in Jammu and Kashmir”, Kashmir Institute of International Relations, <https://www.kiir.org.pk/reports/human-situation-in-indian-rights-occupied-jammu-kashmir-4837>

<sup>180</sup> “Around 25 lakh new voters likely to be enrolled in J&K; parties hit out at Centre, ” The Hindu, August 18, 2022, <https://www.thehindu.com/news/national/other-states/around-25-lakh-new-voters-likely-to-be-enrolled-in-jk-parties-hit-out-at-centre/article65780947.ece>

<sup>181</sup> “Kashmiris fear ‘demographic change’ after India grants voting rights to non-locals”, *Arab News*, August 22, 2022.

<sup>182</sup> “Latest Changes in government Rules Reveal Statehood for J&K to Remain a Distant Dream”, *The Wire*, July 17, 2024.

A significant change made in the amendment is the inclusion of sub-rule 2, which states that any proposal requiring concurrence of the finance department, in particular those relevant to police, public order, and the Anti-Corruption Bureau, must be routed through the chief secretary for approval of the LG. It practically grants a huge discretionary power to the LG, who now has the final say in all critical sectors. Also, even the appointment of the advocate general will now be done by the chief secretary and chief minister with the approval of the LG. The transfer and posting of cadre officers will be conducted by the general administration department with the Chief Secretary also taking part, while the LG will have a final say.

The expanded powers of the LG similarly apply in legislation and budgeting. Anything the J&K Legislative Assembly enacts will have to be ratified by the LG, which only dilutes the authority of elected representatives. This level of power being concentrated in the hands of a central-government appointed LG has attracted sharp criticism. The political leadership argues that the future Chief Minister and Council of Minister will have no power in subjects where LG has discretionary powers, making them unable to fulfil their promises to the people before elections.

Former CM, Mehbooba Mufti condemned the decreased power of the Legislative Assembly become nothing more than a 'municipal' body.<sup>183</sup> National Conference leader Tanvir Sadiq echoed similar concerns, claiming that bestowing more rights onto an unelected LG instead of an elected government is detrimental to the very future of democracy across the region.<sup>184</sup> These criticisms raise an argument of wider concern that the governance of J&K has been brought under the control of the LG and the central government, thereby compromising the regional autonomy and the principles of federalism.

The restructuring of the J&K and the correlated legislative and

---

<sup>183</sup> “Mehbooba Mufti Criticizes Center, Claims J&K Being Reduced to Municipality, Appeals to Opposition for Support”, Zee News, July 13, 2024.

<sup>184</sup> “J-K political parties oppose Centre’s move to give more powers to Lt Governor”, The Indian Express, July 13, 2024.

administrative changes have brought about major shifts in the political structure of the region. The decisions of the Delimitation Commission, along with the increased powers of the Lieutenant Governor, have raised questions about democratic representation, regional autonomy and the balance of power in J&K. These developments are anticipated to have long-term consequences for the political future of J&K.

### **3.1.6 Disempowerment of Natives of Jammu and Kashmir**

After the revocation, the new administration of J&K has taken a number of steps that many in Kashmir see as part of a larger plan to disempower local populations and to tighten the Indian grip on the region. A significant step has been the reassignment of important bureaucratic positions.

Following a series of official transfers, outsiders now hold the majority of top bureaucratic roles within the UT of J&K.<sup>185</sup> Interestingly, the LG's four top advisers serving in ministerial-level posts are non-Muslim. Even at the level of individual districts, only around half the administrative heads are Kashmiri Muslims.<sup>186</sup> Many Kashmiris see this shift in appointments of administrators as part of a systematic plan to weaken local representation, especially in departments vital for revenue and land administration. There are concerns that these changes may be aimed at altering land records.<sup>187</sup> The government jobs are an important opportunity for the youth of J&K. Hence, the appointment of outsiders to essential administrative positions not only changes the demographic composition of the region's bureaucracy but also complicates the region's access to local employment opportunities.

Since the revocation, the pro-Indian regime in J&K has sacked over 164 officials from their posts.<sup>188</sup> Only Kashmiri Muslims are being selectively targeted

---

<sup>185</sup> "One year after special status ended, Kashmiris have disappeared from government in J&K", *Scroll*, 31 July 2020.

<sup>186</sup> Khalid Shah, "Why Sidelining Jammu and Kashmir Police is Dangerous", *Observer Research Foundation*, 15 February 2020; "Bureaucracy riven by groupism, Kashmiri officers sidelined says J&K Apni Party", *The Hindu*, 3 June 2020.

<sup>187</sup> "In Jammu and Kashmir, a new department opens to register land transactions – and it's sparked anger", *Scroll*, 30 November 2019.

<sup>188</sup> Kashmir Institute of International Relations. "4 Years of Annexation of Indian Occupied Kashmir: Impacts on Socioeconomic, Political, and Human Rights of the Kashmiri People." Accessed December 10, 2024. <https://www.kiir.org.pk/Research-Paper/4-years-of-annexation-of-indian->

on the basis of just suspicion. Making matters worse, the premier financial institution in the region - the J&K Bank has been significantly transformed since then. The administration took the unprecedented step of replacing the entire Bank Board; the new appointees were predominantly non-Muslim and non-Kashmiri, a departure from the board of previous years which broadly reflected the population of the region.<sup>189</sup>

The new governance and control structures imposed in the region are significant developments in J&K's political scenario, raising concerns about the erosion of local autonomy and financial inclusion.

### **3.1.7 Repeal of the Criminal Code for the State of Jammu and Kashmir**

The J&K State Ranbir Penal Code or RPC, was the principal criminal law practiced in J&K.<sup>190</sup> The revocation of Article-370 rendered the RPC-the erstwhile primary criminal code in J&K, defunct. The RPC, which comes from the time of Maharaja Ranbir Singh of J&K princely state, was introduced in 1932 to deal with criminal offenses in the state. It maintains its own laws, including the RPC, and differed from the Indian Penal Code (IPC) because Article-370 granted J&K a special constitutional status. But after revoking Article-370, the Indian Penal Code and other central laws were applied to J&K region. 'The Bharatiya Nyaya (Second) Sanhita Bill, 2023' repealed and replaced the Indian Penal Code in 2023."<sup>191</sup> This rendered the RPC obsolete, as the entire legal framework of the region was brought up to the level of rest of India.

Ensuring uniformity in the application of criminal laws across India, the transition from the RPC marked a significant legal shift. All the criminal cases of J&K previously prosecuted under the RPC were transitioned to a new legal framework, and central institutions gained authority over legal and procedural matters in the region. This move symbolized the erosion of the unique legal identity

---

occupied-kashmir-5690.

<sup>189</sup> "Towards Annexation and Indianization of Kashmir in Broad Daylight", *Kashmir Institute of International Relations*, <https://www.kiir.org.pk/reports/towards-annexation-indianization-of-kashmir-in-broad-daylight-3292>

<sup>190</sup> Waseem Ahmad Sofi, *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*. Singapore: Springer Nature, 2021.

<sup>191</sup> "Revised criminal law bills: Key changes explained", *The Hindu*, July 01, 2024.

that J&K had maintained for decades and erased a critical vestige of its autonomy.

### 3.1.8 The Assault on Media Freedom

The ‘Jammu & Kashmir Media Policy-2020’, formulated by the GoI in June 2020, has been a direct assault on press freedom in J&K.<sup>192</sup> The policy shackled journalistic independence in an already fragile media landscape since the repeal of Article-370. The government officials were given the authority to decide what constitutes ‘fake news’ and punish journalists and news outlets if they disagreed to the policies of government.

This has triggered apprehensions about the winding up of the essential tenets of press freedom in J&K. The government is attempting to silence opposition voices by limiting journalistic freedoms, especially those critical of its regional pursuits. The restriction on freedom of expression in J&K is glaring, with pro-freedom leaders detained and civil liberties suppressed significantly.<sup>193</sup> The media, once an important site of debate, has been facing censorship, and repression has become normalized in the name of national security.

Modi’s government has applied a number of intimidation strategies to suppress voices, targeting not just the media but rights activists and common citizens as well.<sup>194</sup> In J&K it could even lead you to a jail for sharing or voicing an opinion in a medium like social networking sites like Twitter, Facebook, Instagram, etc. The government agencies are constantly censoring social media accounts, leading them to ensure that they do not appear in any dissenting voice within the territory. Furthermore, telephones of people residing in Kashmir are tapped, and Indian intelligence agencies diligently keep an eye on the movements and activities of local people. Mainstream media in J&K has reduced itself to a mere mouthpiece of the government, as it is unable to report ground realities, nor can it tell legitimate political aspirations of the people.

---

<sup>192</sup> “Kashmir Media Policy: Accentuating the Curbs on the Freedom of Press”, *Kashmir Law and Justice Project*, November 23, 2023, <https://www.kljp.org/articles/kashmir-media-policy-accentuating-the-curbs-on-the-freedom-of-press>.

<sup>193</sup> Dr. Raja Sajjad Khan, Interview conducted by the Author on October 23, 2024.

<sup>194</sup> Bilal Ahmad Pandow, "Communication blackout and media gag: State-sponsored restrictions in conflict-hit region of Jammu and Kashmir." *Identities* 29, no. 6 (2022): 748-767.

### 3.1.9 Lawfare on the Natives of Jammu and Kashmir

Since the revocation of Article-370 in 2019, the Indian state has increased its use of anti-terror legislation, most prominently the Unlawful Activities (Prevention) Act (UAPA), 1967,<sup>195</sup> and the Public Safety Act (PSA), 1978,<sup>196</sup> to tighten its grip over J&K. They have been used frequently to stifle dissent, repress protests, and target the region's political leaders, activists and journalists. The UAPA was amended in 2019, whereby the Union Government was authorized to designate individuals as terrorists without initiating any judicial procedure as such, expanding the purview of arbitrary detentions.<sup>197</sup> The law allows a law enforcement official engaged in an investigation to seize property if it is believed to be related to terrorist-related crimes. The UAPA allows for detentions without charges for up to 180 days, and it has been widely criticized as a tool that the government has used to repress the Kashmiri freedom movement.

The same can be said of the PSA, which permits preventive detention without charge for two years. Supporters of the UAPA and PSA claim such laws are necessary not just for national security and preventing cross-border infiltration but also for dismantling the militant networks. However, their employment in J&K has raised grievous concerns about human rights. A. G. Noorani, a pre-eminent Indian legal scholar and constitutional authority, has called the PSA "patently, manifestly, and demonstrably unconstitutional" and has said that the act is a device to evade "civilized jurisprudence" and that it was "a cunning way to imprison political adversaries."<sup>198</sup> The law has been used to detain political figures, civil rights activists, and journalists without trial, leading to the suppression of criticism against the government. The extension of "national security" to include the suppression of protests and the censorship of free speech effectively grants the authorities the power to arrest people under these draconian laws.

The Modi regime in India instigated by tools of law like Armed Forces

---

<sup>195</sup> *The Unlawful Activities (Prevention) Act, 1967.*

<sup>196</sup> *The Jammu and Kashmir Public Safety Act, 1978.*

<sup>197</sup> Soham Vijaykumar Jagtap and Garima Saxena, "India's Anti-Terrorism Laws: An Undying Threat." *Issue 4 Int'l JL Mgmt. & Human.* 3 (2020): 1490.

<sup>198</sup> "The Public Safety Act Is a Political Weapon For the Government in Kashmir". *The Wire*. December 28, 2016



Special Powers Act (AFSPA) 1990, ushered in an impunity regime where law and order in J&K is left in the hands of security forces.<sup>199</sup> They were given sweeping authority, often including the right to detain people arbitrarily and immunity from prosecution, protecting human rights violators. This culture of systemic oppression has manifested in home searches, physical violence, and false charges against innocent Kashmiris. Furthermore, the Foreign Contribution Regulation Act, 2010, has placed limitations on the work of humanitarian organizations while denying them the option of documenting and addressing humanitarian challenges in J&K.<sup>200</sup>

One of the most well-known cases under these laws is the life sentence of Jammu Kashmir Liberation Front Chairman, Yasin Malik under UAPA.<sup>201</sup> Further, Waheed Para, a political leader of J&K People's Democratic Party whose passport was canceled by the Regional Passport Office in Srinagar.<sup>202</sup> Those laws were used against politicians, lawyers, and journalists, making the extent of government oppression very vast. In June 2024, former J&K Court Bar Association President Mian Abdul Qayoom was arrested due to his criticism of human rights violations in Kashmir, while three other lawyers were booked under the PSA. Other journalists like Majid Hyderi and Sajad Gul were also booked under PSA and lodged in jails outside of the Kashmir Valley.

These abuses have drawn international condemnation, particularly from human rights groups. As a report by Amnesty International highlights the number of PSA cases has risen seven-fold since 2019, and the majority of them come from Muslim-dominant areas, including Srinagar.<sup>203</sup> Many UN Special Rapporteurs have condemned India for anti-terrorism laws violating the Universal Declaration of Human Rights and the International Covenant on Civil and Political

---

<sup>199</sup> "The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990." Act No. 21 of 1990, enacted September 10, 1990.

<sup>200</sup> *The Foreign Contribution (Regulation) Act, 2010*. New Delhi: Government of India, 2010.

<sup>201</sup> "Yasin Malik: Terror Funding Case; NIA Court Convicts Yasin Malik," *The Times of India*, May 19, 2022.

<sup>202</sup> "Five Years Without an Elected Administration: Human Rights in Jammu and Kashmir, Report by The Forum for Human Rights in Jammu And Kashmir-August 2022 – July 2023", *The Wire*, August 04, 2023.

<sup>203</sup> "India: Authorities must end repression of dissent in Jammu and Kashmir", *Amnesty International*, September 18, 2024.

Rights.<sup>204</sup> Yet, the Indian regime portrays national security as a reason for retaining this oppressive policy, which curtails essential freedoms in J&K.

### **3.1.10 Ban on Various Entities of Jammu and Kashmir**

Indian authorities have imposed a ban on various entities in J&K, including the All Parties Hurriat Conference, Jamaat-e-Islami (JeI), Dukhtaraan-e-Millat, Tehreek-e- Hurriyat J&K, Jammu Kashmir Liberation Front, JKPL (Aziz Sheikh), J&K Peoples Freedom League, Muslim Conference J&K (Bhat faction), Muslim Conference J&K (Sumji faction), and J&K Democratic Freedom Party, etc.<sup>205</sup>

The Indian government announced that these measures were necessary to bring order to the region. This new development has sparked debates over the balance between national security and political freedoms in the region. Such bans undermine democratic rights and deprive the people of their voices.

### **3.1.11 The Detention of Jammu and Kashmir's Politicians**

After the repeal of J&K's autonomy, the GoI initiated a huge crackdown on the political leaders in the Kashmir Valley. Some of the former CMs of J&K, like Farooq Abdullah, Mehbooba Mufti, and Omar Abdullah, were even put under detention under the PSA - a law under which a person can be kept in detention for two years without charges.<sup>206</sup>

More than 1000 people, including politicians, separatists and activists like Syed Ali Gillani and Mirwaiz Umar Farooq, were detained immediately after the revocation. The detainments were among the steps taken by the GoI to quell potential protests following the constitutional changes. These laws are said to be required to ensure peace and law and order on the ground, but actually to counter the dissent and political resistance against the revocation.

These detentions were widely condemned by political parties across India, as

---

<sup>204</sup> "UN Special Rapporteurs express concerns over UAPA". *The Leaflet*, 18 May 2020.

<sup>205</sup> Dr. Raja Muhammad Sajjad Khan, "5 Years of Illegal Occupation and Suppression in IJ&K (2019-2024)", *Kashmir Policy Research Institute*, August 05, 2024.

<sup>206</sup> "Key Kashmir political leaders arrested by India since August 5", *Al Jazeera News*, August 17, 2019.

well as by human rights groups across the world. India has kept regional political leaders under detention, in an attempt to cut links between the local leadership and the overall population of J&K. On the international front, several international organizations have criticized the actions taken by the India, and termed the PSA as a source of human rights violations. During the subsequent months, some of the leaders were released, but the political dynamics in the region of J&K had been irreversibly altered, and the released leaders continued to challenge the abrogation and the policies that the central government initiated following the abrogation.

### **3.1.12 The Coerced Integration of Jammu and Kashmir with India**

One of the most significant turning points in the political history of J&K is the nullification of Article-370 and forced inclusion of J&K with India. Article-370 granted autonomy to J&K, allowing it to make its own constitution and granting it a great deal of autonomy in the sphere of legislation and governance. India's government, led by PM Narendra Modi, sought to abrogate this special status and absorb the region into the Indian Union. Coupled with widespread detention of political leaders, a heavy security crackdown, and a communication blackout of many months, this is an undemocratic imposition of authority over the people of J&K.<sup>207</sup> The Indian government insisted that the abrogation was needed for national integration, development, and counter-terrorism. But the Kashmiris viewed it as a forced absorption of the region into the Indian Union without the wishes of its population.

The annulment of Article-370 and establishment of UTs is a breach of the UN resolutions and IOA. As per UN resolutions, the final disposition of the disputed status of the region must be settled by a plebiscite. Moreover, the IOA had protected considerable autonomy of J&K. The withdrawal of IOA and the revocation of special status is a betrayal of this historical agreement. In the aftermath of this decision, widespread discontent has emerged in J&K, which has created political turmoil and further complicated the already festering issues of the region.

---

<sup>207</sup> Abhinav Pandya, "An analysis of the Post-370 revocation trends in Kashmir: Issues and concerns." *Strategic Analysis* 46, no. 5 (2022): 510-541.

### **3.1.13 Political Disengagement in Jammu and Kashmir**

The period between 2019 and 2024 has brought so many changes in J&K's autonomy. The elections were not conducted in the region for five years which has left all sections of people in J&K completely detached and disengaged from the political processes. The revocation upended the political landscape of the region, and its elected legislature was also suspended. The lack of democratic representation and local governance created a political vacuum, further exacerbated by delays in holding elections. The extreme centralization made decision-making increasingly pass into the hands of the Union government and bureaucratic authorities, and citizens became progressively alienated from political processes. The feeling of disenfranchisement was particularly acute in the Kashmir Valley, where most residents said they felt they were not being heard and that the establishment had failed them when it came to ensuring their interests.

The 2024 Lok Sabha and J&K Legislative Assembly Elections have taken place in J&K.<sup>208</sup> For almost five years the whole region was under the aegis of the government of the Indian Union without any political representative from the part of J&K. Meanwhile, the major local political parties had continued to be insignificant with the population during this time too. Many important political leaders were jailed or placed under house arrest for long periods, limiting their ability to mobilize people or address grievances. Because there were no elections, people had no means of articulating their preferences, no means of influencing policy, and became progressively estranged. And even J&K's own development was bare and suffering without political representatives from across the regions. Some political parties demanded the restoration of statehood and resumption of the democratic process. Democracy in the region was increasingly deemed under threat, as political disengagement became the defining characteristic during the period.

#### **3.1.13.1 Lok-Sabha Elections in Jammu and Kashmir-2024**

The Indian general election in J&K was conducted in five phases from April 19 to May 20, 2024, to elect five representatives to the 18th Lok Sabha. The BJP and JKNC came out on top with two seats each, while an independent candidate

---

<sup>208</sup> "Jammu and Kashmir's Assembly Elections: A New Dawn?." South Asian Voices, October 31, 2024. <https://southasianvoices.org/pol-m-in-r-jk-2024-assembly-elections/>.

won the other seat.<sup>209</sup> The BJP won from Udhampur and Jammu constituencies. JKNC candidates remained victorious from Srinagar and Anantnag-Rajouri constituencies, respectively.

Former J&K CM, Omar Abdullah's defeat by Independent candidate Abdul Rashid Sheikh by a margin of more than one lakh votes was a major upset in Baramulla constituency.<sup>210</sup> The results are especially historic as Sheikh contested election from Tihar Jail, where he has been held since 2017 under the UAPA on terror funding charges. His victory is a strong articulation of resistance to India's policies in Kashmir and a testament to widespread discontent in the Valley, especially about revocation of the J&K's autonomy.

Sheikh's win symbolizes the deep political divide in J&K where his campaign secured considerable support from young voters that resulted in rejection of Hindutva agenda of the GoI. His resistance to the nullification of Article-370 resonated well with the Kashmiri voters, who viewed his victory as a protest against India's abrogation of autonomy within the erstwhile state. The 2024 general elections thus show that BJP's efforts to consolidate its political control in J&K are not aligning with local political forces, which are very strong in regional politics. The outcome also highlights the complicated political landscape in J&K where the BJP's grip on the Hindu-majority Jammu region in the state is counterbalanced by resistance in the Muslim-majority Kashmir Valley, with serious demands on autonomy still emerging.

### **3.1.13.2 Jammu and Kashmir Legislative Assembly Elections-2024**

A Supreme Court order in December 2023 had ordered the Election Commission of India to restore the democratic process in J&K by September 30, 2024.<sup>211</sup> It was the first Legislative Assembly election in J&K in ten years, conducted from September 18 to October 1, 2024, in three phases, to elect 90

---

<sup>209</sup> "Jammu and Kashmir election results 2024 highlights", The Hindu Bureau, June 04, 2024, <https://www.thehindu.com/elections/lok-sabha/jammu-and-kashmir-election-results-2024-live/article68214279.ece>

<sup>210</sup> "Jammu & Kashmir Lok Sabha Election Results 2024 Highlights", Times of India, Jun 05, 2024.

<sup>211</sup> "Supreme Court directs Election Commission to conduct Jammu & Kashmir elections by September 30, 2024", *The Times of India*, December 12, 2023.

members.<sup>212</sup> The polling was the first electoral event since the area's privileged status was rescinded and its statehood suspended in 2019. As a result, the JKNC was the single largest party, winning 42 seats, while the BJP emerged with 29 seats, mainly from the Hindu-majority Jammu region, with backing from recently domiciled non-native Hindus. Despite BJP's demographic and electoral engineering by increasing the number of seats in Jammu, BJP could not achieve even the half mark to get a majority in the J&K Legislative Assembly. However, the total number of BJP seats has increased in each election since 2008, with the party securing 11, 25, and 29 seats in the 2008, 2014, and 2024 elections, respectively.<sup>213</sup>

J&K's ever-volatile political and demographic tensions were mirrored in the Legislative Assembly elections. BJP, despite its initiatives to recast the political landscape in its favour, mainly through a redrawing of the constituency boundary lines to ensure more representation from Jammu, failed to overpower the region's electoral politics. On October 16, 2024, the JKNC's Omar Abdullah was selected as the inaugural CM of the UT. Notably the BJP relied heavily on Hindu votes in Jammu, whereas JKNC retained its base in the Kashmir Valley. The electoral outcome underscores the limits of the BJP's reach in the Kashmir region, where demands for autonomy, remain a challenge to the party's nationalist agenda. Additionally, the INDIA alliance's win proves that regional parties continue to dominate the political landscape of J&K despite the BJP-led Indian government's efforts to administer J&K from New Delhi.

The J&K UT Assembly approved a motion on November 6, 2024, calling for the reinstatement of the region's special status.<sup>214</sup> The NC had moved the proposal for the resolution, which was put to vote by Acting Speaker of the Assembly, Abdur Rahim Rather and was answered with a majority in favour of the motion, except for the BJP members who opposed it. The NC had the support of 55 legislators, and with the non-coalition legislators' support, the supporters increased to 60 legislators out of total 90 members of the Legislative Assembly. This comes after the NC's win in a regional election a month back, in which they campaigned on restoring self-

---

<sup>212</sup> "Assembly elections 2024 announcement highlights - August 22, 2024", The Hindu Bureau, August 16, 2024.

<sup>213</sup> Election Commission of India.

<sup>214</sup> "Kashmir assembly passes resolution asking India to restore special status", Aljazeera News, November 06, 2024.

governance to J&K. The resolution requested the GoI to "initiate dialogue with the elected representatives of J&K for restoration of region's autonomous status". It also stressed the significance of constitutional guarantees to protect the culture, identity and rights of J&K.

### 3.1.14 The Exploitation of Jammu and Kashmir's Natural Resources

Kashmiris have become economically dependent on the Indian state due to India's exploitation of the water, mineral, forest, and other natural resources in J&K. The revocation was followed by an acceleration of the Indian government's drive to plunder the region's bountiful natural resources, often to the benefit of politically aligned corporate entities.<sup>215</sup> The Indian government has continued to intensify this trend by signing a 40-years lease of electricity from Ratle Power Project located in Kishtwar with the Indian state of Rajasthan.<sup>216</sup> Kashmiri-owned firms that have historically mined in Kashmir could not compete with out-of-state Indian companies for mining rights when the continued choking of internet speed prevented them from participating in the online bidding process.<sup>217</sup> The nationalization of Kashmir's forestry laws in accordance with Indian federal law has been fiercely criticized and is leading to disastrous deforestation. "Such policies give priority to resource extraction for the benefit of Indian states, without caring about the needs and rights of the Kashmiri people, who still face energy shortages and economic marginalization," said Ghazi Sameer, a political analyst based in Jammu.

The Modi regime has been using capitalist exploitation as a strategy for the perpetuation of colonial subjugation of J&K. Mehbooba Mufti, former J&K's Chief Minister said that following the GoI's takeover of J&K's water resources and minerals, the hunt has now begun for its vast lithium reserves that lie beneath its surface.<sup>218</sup> She has accused the BJP of looting the natural resources of J&K for the

---

<sup>215</sup> "India Plundering Natural Resources of J&K for Economic Marginalization of Kashmiris," *Pakistan Observer*, January 11, 2024, <https://pakobserver.net/india-plundering-natural-resources-of-j&k-for-economic-marginalization-of-kashmiris/>.

<sup>216</sup> "J-K's Ratle Hydro Project to supply electricity to Rajasthan for 40 years", *The Kashmiriyat*, January 06, 2024.

<sup>217</sup> "India and China Fight Over Kashmir's Natural Resources", *Americans for Kashmir*, June 11, 2020.

<sup>218</sup> "J&K's natural resources being exploited to benefit crony capitalists: Mehbooba", *Kashmir Reader*, September 28, 2023.

benefit of “crony capitalists.” This exploitation is part of a larger scheme to delegitimize Kashmiri autonomy and consolidate Indian control over the region, entrenching economic dependence and political subjugation.

### **3.1.15 The Military Siege in Jammu and Kashmir**

India, in order to curb the Kashmiris’ demand for right to self-determination, has made a counterinsurgency plan involving the dispatch of troops in huge numbers to Kashmir. According to human rights organizations, the region counts one armed person to every seventeen civilians and about seven armed people for each square kilometer of territory, being one of the most militarized regions in the world.<sup>219</sup> The figures are in stark contrast with Indian estimates of suspected “militants,” said to be in the hundreds. The drawn-out militarization has resulted in grave violations of human rights in J&K.

The J&K’s dropping human rights situation has kept the international community alarmed, which has been intensified by the Indian government harassment meted out after August 5, 2019. It was also one of the longest lockdowns in history, as abrogation was followed by strict measures like curfews, military sieges, blockades, etc.<sup>220</sup> Such restrictions egregiously intruded while changing access to education, medicine, justice and work, and profoundly violated liberty of local residents. During this period, illegal detentions, forced disappearances, extrajudicial killings and acts of violence increased, aggravating human rights situation in the region.

In J&K, human rights violations are rampant, particularly use of excessive force against the youngsters who are wrongfully framed, arrested and killed in fake encounters.<sup>221</sup> The cruelty of this situation is further highlighted by the deep allegations of inhumane behavior, from physical and sexual violence to waterboarding and electric shocks, as well as depriving human needs by Indian

---

<sup>219</sup> Ajaz Ashraf, “Do You Need 700,000 Soldiers to Fight 150 Militants? Kashmiri Rights Activist Khurram Parvez.” *Scroll.in*, July 21, 2016. <https://scroll.in/article/812010/do-you-need-700000-soldiers-to-fight-150-militants-kashmiri-rights-activist-khurram-parvez>.

<sup>220</sup> Nasir Qadri, Afzal Khushal Khan, Tayyaba Sultana and Bakht Fatima, “Kashmir’s Statehood Abrogated. Legal Fact-Finding Report.” *Legal Fact-Finding Report (December 8, 2022)*. *Institute of Policy Studies* (2022).

<sup>221</sup> Bushra Bannian and Sardar MA Waqar Khan Arif, “India’s Clampdown in Kashmir: A Legal Perspective.” *International Journal of Kashmir Studies* 5, no. 1 (2023).



forces.<sup>222</sup> While Indian officials have repeatedly dismissed these violations, however, human rights activists and organizations have sounded the alarm, pointing out that even new independent monitors such as Amnesty International and Human Rights Watch have been prevented from investigating conditions on the ground.

### **3.1.16 Human Rights Violations in Jammu and Kashmir**

"India: Repression Persists in Jammu and Kashmir-Rights Restricted Five Years Since Special Autonomous Status Revoked," is a report by the Human Rights Watch dated July 31, 2024, investigating in detail the human rights violations in J&K region.<sup>223</sup> While Indian authorities portray a decrease in political violence in J&K, the report shows how even fundamental rights continue to be repressed. The GoI did not restore freedom of Speech, association and peaceful Assembly, while security forces kept on administering arbitrary detentions, extrajudicial killings and other extreme maltreatment. In June 2024, violence broke out in J&K which resulted in both civilian and military casualties. The ongoing crackdowns have targeted activists, journalists and political leaders, with prominent figures such as Khurram Parvez locked up under the Unlawful Activities Prevention Act (UAPA). This counter- terrorism law is also being applied increasingly to extinguish dissent.

Such human rights violations have only aggravated in the past since the repealing of autonomy of J&K, and the people have been subjected to arbitrary detention and torture. And many Kashmiris have also been arrested and faced the highest number of human rights violations. Details of human rights violations by Indian security forces in J&K against innocent Kashmiris from October 2019 until date are as follows:

---

<sup>222</sup> Mehmood Hussain and Sumara Mehmood, "Genocide in Kashmir and the United Nations Failure to Invoke Responsibility to Protect (R2P): Causes and Consequences." *Muslim World Journal of Human Rights* 18, no. 1 (2021): 55-77.

<sup>223</sup> "India: Repression Persists in Jammu and Kashmir-Rights Restricted Five Years Since Special Autonomous Status Revoked", *Human Rights Watch*, July 31, 2024.

**Table 3.1: Human Rights Violations in J&K since August 5, 2019**

<b>Total Killings</b>	990
<b>Tortured / Critically Injured</b>	2465
<b>Civilian Arrested</b>	27,997
<b>Structures Arsoned/ Destroyed</b>	1163
<b>Women Widowed</b>	74
<b>Children Orphaned</b>	204
<b>Women Gang Raped/ Molested</b>	136

Kashmir Media Service. *HR Violations in Kashmir*. Accessed May 26, 2025.  
<https://kmsnews.org/kms/>.

Fundamental freedoms lost due to the revocation of J&K's autonomy still remain unrecovered in the beleaguered region and shaped a deeply disturbing human rights situation on the ground. According to Kashmiri academics, the 5 August developments were not initiation, aberration, or disruption; they were a continuation of the last seven decades of mass killings, injuries, torture, enforced disappearances, and sexual violence.<sup>224</sup> These actions are actually a systematic campaign to eradicate the Kashmiri people.

### 3.2 Jammu and Kashmir's Political Autonomy: Pre and Post-Abrogation Comparison

Table below reflects the loss of political autonomy of J&K post-abrogation of special status in 2019:

**Table 3.2: Comparison of Political Autonomy before and after the Abrogation (2019)**

Sr. #	Pre-Abrogation (2019)	Post-Abrogation (2019)
1	Special autonomous status for J&K as a state of India.	Status of J&K reduced to UT of India.
2	High degree of autonomy to state of J&K in legislative, executive, and judicial matters.	Central government exercises significant control over region's governance.
3	J&K constitution, 1956 was applicable.	J&K constitution, 1956 is redundant and the constitution of India is applicable.
4	Separate Flag of the State of J&K.	Only Indian flag for J&K.

<sup>224</sup> Samreen Mushtaq and Mudasir Amin, "Analysis: In Kashmir, Resistance Is Mainstream." *Himal Southasian*, April 16, 2020. <https://www.himalmag.com/in-kashmir-resistance-is-mainstream-2020>.

5	State Legislative Assembly J&K empowered to make laws on all matters except defense, foreign affairs, and communications.	Powers of State Legislature of J&K curtailed and Union government has the powers to make laws.
6	CM exercised maximum administrative powers and authority.	Powers of CM reduced significantly.
7	Indian President used to appoint Governor of J&K with limited administrative powers.	LG appointed by Indian President with increased administrative powers.
8	Tenure of State Legislative Assembly of J&K was six years.	Tenure of Union Territory of J&K Legislative Assembly is five years.
9	The seats allocated for regions of Kashmir and Jammu in J&K State Legislative Assembly were 46 and 37, respectively.	The seats allocated for regions of Kashmir and Jammu in J&K Union Territory Legislative Assembly is 47 and 43, respectively. The share of Jammu increased significantly by Indian government.
10	Local control over internal matters excluding communications, defense and foreign affairs.	Indian Central Government's control expanded over all matters.
11	State laws like the Ranbir Penal Code applied.	Central laws like the The Bharatiya Nyaya (Second) Sanhita Bill, 2023 replaced state-specific laws.
12	Most of the bureaucracy belonged to J&K with a significant number of Muslims.	Most of the bureaucracy belongs to India with a significant number of Hindus.

From the perspective of systemic reality, India's move is in line with the

intent to show strength in an anarchic international system and especially in its strategic competition with Pakistan and China. The abrogation is a marker of India's message to contesting neighbouring countries of its non-negotiable position on J&K.

At the domestic level, the policy resonates with the ideological goals of the BJP and its political affinity with nationalist goals. Particularly, the domestic political environment defined by a comfortable parliamentary predominance of BJP, along with party's ideational objectives on centralization and national integration, provided conducive circumstances for such a big policy change. Moreover, the India's ability to mobilize security forces and repress dissent through legislation and administrative mechanisms, played a significant role in implementation of this policy choice.

Hence, the abrogation of Article-370 is a result of a mixture of international strategic factors and domestic political environment that has profound implications not only for regional stability and peace but also for the internal dynamics of governance in J&K.

### **3.3 Conclusion**

The abrogation of 'Articles 370 and 35A' in August 2019 brought a profound transformation to the political autonomy of J&K, effectively dissolving its special autonomous status within the Indian Union. The region lost its separate constitution, flag, and independent legislative authority, as all powers were centralized under the Indian constitution through the Jammu and Kashmir Reorganization Act, 2019. This change not only downgraded the region from a state to two Union Territories - J&K and Ladakh, but also stripped its legislature of substantial authority, vesting sweeping powers in the centrally appointed Lieutenant Governor. The annulment of special status of the state of J&K and establishment of UTs is a breach of the UN resolutions and IOA.

The reorganization of electoral boundaries through the Delimitation Commission skewed political representation in favor of Jammu, disproportionately reducing the influence of the Kashmir Valley, which holds a larger share of the population. Furthermore, the inclusion of non-local residents in voter rolls diluted the

local political voice and raised concerns of external political control. The replacement of native bureaucrats with outsiders, particularly non-Muslims, in key administrative posts undermined local employment and representation. The laws such as the Unlawful Activities Prevention Act (UAPA) and Public Safety Act (PSA) were increasingly used to suppress political dissent, detain activists and journalists, and stifle civil liberties without due process.

The repeal of the Ranbir Penal Code and the imposition of central laws erased a crucial part of the region's legal identity. The ban on various local political and religious organizations, including the Hurriyat Conference and Jamaat-e-Islami, further curtailed freedom of political expression and self-representation. Former Chief Ministers and key political leaders were detained under preventive laws, creating a political vacuum and severing the traditional connection between the local leadership and the public. Media freedom also suffered as the Jammu and Kashmir Media Policy-2020 empowered government authorities to label unfavorable reporting as 'fake news', leading to widespread censorship and repression of journalists.

The political disengagement was exacerbated by a five-year delay in holding elections, during which the region functioned without elected representatives, deepening public alienation. Economically, the central government's control over the region's natural resources, including water, minerals, and forests, led to local exclusion from major contracts and benefits, contributing to economic dependence and marginalization. Simultaneously, heavy militarization, surveillance, and human rights violations became prevalent, particularly in the Kashmir Valley, where arbitrary detentions, torture, and civilian casualties were reported.

In essence, the abrogation has not only restructured the legal and administrative framework of J&K but has also led to a systematic erosion of its political identity, regional autonomy, and democratic fabric. The cumulative impact of these measures has been deeply felt by the local population, which includes disempowering elected institutions, weakening representative governance, and diminishing the region's long-standing aspirations for self-rule.

## CHAPTER 4

### DEMOGRAPHIC IMPLICATIONS OF REVOKING ARTICLES 370 AND 35A IN JAMMU AND KASHMIR

The post-revocation demographic changes in J&K have been described in this chapter. Article-35A, inserted into the Indian constitution in 1954, empowered the state of J&K to define “permanent residents” and to provide them exclusive rights to property ownership, state government jobs, and other socioeconomic benefits. Its scrapping in August 2019 along with Article-370 was a fundamental change in the legal-political landscape of the region. This chapter explores the demographic consequences of the shift, the changes in population, and migration trends in the region, and what they mean for the future of the region, socially and culturally. It also looks at broader socio-political and economic implications, examining the region’s ethnic and religious makeup, employment trends, and corresponding political landscape. Through an appropriate understanding of these factors, the chapter seeks to reveal how these factors changed the demographic and structural identity of J&K after Article-35A was removed.

#### 4.1 Article-35A: Origin and Significance in the Indian constitution

In 1927, Maharaja Hari Singh, the head of the princely state of J&K, issued laws that delineated state subjects and their rights.<sup>225</sup> Such laws also created rules for migrants coming into the state. After India attained independence in 1947, J&K joined India with the IOA signed by Maharaja Hari Singh in October of that year.<sup>226</sup>

After the accession of J&K, Sheikh Abdullah and the Indian government’s political negotiations led to the formation of Article-370.<sup>227</sup> The signing of the Delhi Agreement in 1952 between Sheikh Abdullah and India’s Prime Minister Jawaharlal Nehru extended the reach of the Indian constitution even further via the 1954 Presidential Order that would become the bedrock of the relationship between J&K

---

<sup>225</sup> Sindhu Kapoor, "Administrative Reforms Under Maharaja Hari Singh." *CASIRJ* 9, no. 3 (2018).

<sup>226</sup> Rais Ul Gulzar, "Kashmir's Accession to India Re-examined." *International Journal of Research in Social Sciences* 9, no. 5 (2019): 516-523.

<sup>227</sup> David E Lockwood, "Sheikh Abdullah and the politics of Kashmir." *Asian Survey* 9, no. 5 (1969): 382-396.

and India.<sup>228</sup> Article-370 had explicitly provided that the Indian constitution, and some of its provisions would only apply to the state. An iconic provision that was in place was Article-35A, which was inserted via the constitutional Order No. 48 in 1954 and permitted the state to identify permanent inhabitants.<sup>229</sup>

The definition of ‘Permanent Residents’ was similar to the one as defined by Maharaja Hari Singh and was adopted in the Constitution of J&K, 1956. This definition also included people who were born in J&K or moved to the state before 1911, provided they had legally acquired property and lived there for at least ten years.<sup>230</sup> The legislation for permanent residents barred non-permanent residents from holding title to immovable property, government jobs, scholarships, and other state benefits.

Indian critique of Article-35A has revolved around building claims of inducing legal inequalities and perpetuating regional isolation.<sup>231</sup> Indian critics say the provision encouraged discrimination, particularly against women and by granting privileged treatment to permanent residents of the state and restricting outsiders’ ability to own land or obtain government jobs and social benefits. Moreover, critics have also maintained that Article-35A kept the J&K’s economy lifeless, stopping investment from outside and forcing a protectionist culture. The Article-370 was perceived by many in India as an impediment to the full integration of J&K and had a tendency to dilute Indian nationalism and promote regional exceptionalism.

However, the GoI’s abrogation of Article-35A on August 05, 2019, had been very contentious. Similar to the abrogation of Article-370, this was in keeping with a plan to fully assimilate J&K with India by diluting the state’s special constitutional status.

---

<sup>228</sup> Zaid Deva, "Basic without structure?: the Presidential Order of 1954 and the Indo-Jammu & Kashmir constitutional relationship." *Indian Law Review* 4, no. 2 (2020): 163-198.

<sup>229</sup> Dhruv C Katoch, "Article 35A and the Future of Stability in Kashmir." *CLAWS Journal* (2017): 105-122.

<sup>230</sup> S. P. Jagota, "Development of constitutional relations between jammu and kashmir and india, 1950—'60." *Journal of the Indian Law Institute* 2, no. 4 (1960): 519-538.

<sup>231</sup> Annapurna Menon, "Coloniality of a Postcolonial Nation-State: India in Indian Administered Jammu & Kashmir." PhD diss., University of Westminster, 2022.



## 4.2 An Overview of Jammu and Kashmir's Demographic Structure

Before August 05, 2019, J&K was separated into the three regions of Kashmir, Jammu and Ladakh.<sup>232</sup> The state was further subdivided into 22 districts, two in Ladakh region and 10 each in Jammu & Kashmir regions. The number of tehsils and CD blocks was 82 and 143, respectively. There were also 68 urban regions, 6671 villages, and 7 urban agglomerates. The total geographical area of the state is 222,236 sq. km, which includes 101,387 sq. km under Indian control, 78,114 sq. km under Pakistan's control, 37,555 sq. km under the control of China in Ladakh, and 5,180 sq. km ceded by Pakistan to China. The state has a population of 12,541,302 as of the 2011 census of India, accounting for 0.93% of the total population of India. These include 6,640,662 males and 5,900,640 females, with a sex ratio of 892. The decadal population growth rate for the state is 29.98%. Around 75.19% of the population resides in rural areas, with the remaining 24.81% in urban areas.

Agricultural activities comprise a large segment of the state's economy. Rice, maize and wheat form the main crops of the state. But horticulture is an area in which a growth opportunity exists. Production of fruits has touched 14 lakh metric tons. The perennial rivers make a formidable foundation for hydroelectric power generation. The potential for the state is 20,000 MW. Over the years, J&K has been a historical place of attraction for tourists across the globe. The tourist resorts of Pahalgam, Gulmarg, Sonamarg, Verinag, Yousmarg, and Kokernag are famous, picturesque, and charming places. Jammu has been a hugely popular pilgrimage destination, and the Mata Vaishno Devi shrine is a significant pilgrimage place. Ladakh has been a popular hub for tourists, especially for foreigners. Monasteries, Lama- Buddhist culture, paintings, sculptures, and ancient books have developed it into the exciting visits of the tour.

In J&K, the handicraft industries take centre stage in the state's economy and provide a huge share in employment to the young population of the region. The region is internationally recognized for the high quality of craftsmanship, attractive

---

<sup>232</sup> Planning Development and Monitoring Department, Government of Jammu and Kashmir. "State Profile." Accessed December 12, 2024. <https://www.jkplanning.gov.in/profile1.html>.

designs, and functional utility of its handicraft products. The handicrafts from the state play a pivotal role in earning foreign exchange for the state and the country.

As per 2011 Census of India, the demographics of population of J&K are as followed:

**Table 4.1: Demographic Composition of Jammu and Kashmir**

Population	12,541,302
Male	6,640,662
Female	5,900,640
Population Growth	23.64%
Sex Ratio	889
Child Sex Ratio	862
Total Child Population (0-6 Age)	2,018,905
Area (Km <sup>2</sup> )	222,236
Density/km2	56
Literacy	67.16 %
Male Literacy	76.75 %
Female Literacy	56.43 %

Source: Registrar General and Census Commissioner of India. *Census of India, 2011*. New Delhi: Office of the Registrar General and Census Commissioner of India, 2011.

Before the annulment of Article-35A, the demographic profile of state of J&K was characterized by a majority Muslim population with a unique political status. The approximate population of J&K, according to the Census of India 2011, was 12.5 million, and the religious demographics are as follows:

**Table 4.2: Population of state of Jammu & Kashmir by Religion (2011)**

Division	Population	Muslim	Hindu	Sikh	Others
Kashmir	6,888,475	96.40%	2.45%	0.98%	0.17%
Jammu	5,378,538	33.45%	62.55%	3.30%	0.70%
Ladakh	274,289	46.40%	12.11%	0.82%	40.67%
<b>Total</b>	<b>12,541,302</b>	<b>68.31%</b>	<b>28.44%</b>	<b>1.87%</b>	<b>1.38%</b>

Source: Registrar General and Census Commissioner of India, *Census of India, 2011*.

The population of J&K following Islam is 68.31%, making it majorly Muslim dominated. Approximately 28.44% of the natives follow Hinduism, making it the second most prevalent faith in the region. Of the 22 districts of state of J&K, 17 districts have Muslim majority and only 4 are Hindu majority districts, listed

below:

**Table 4.3: Data on Religion (District wise) Jammu and Kashmir**

Districts	Majority Religion
(i) <b>Kashmir:</b> Bandipura, Anantnag, Baramulla, Kupwara, Ganderbal, Srinagar, Budgam, Kulgam, Shopian, Pulwama. (ii) <b>Jammu:</b> Kishtwar, Doda, Rajouri, Poonch, Reasi, Ramban. (iii) <b>Ladakh:</b> Kargil.	Islam
<b>Jammu:</b> Udampur, Samba, Kathua, Jammu.	Hinduism
<b>Ladakh:</b> Leh.	Buddhism

Source: Registrar General and Census Commissioner of India, *Census of India, 2011*.

Available historical accounts show that the Muslim population in Jammu was 69% in 1941 and has come down to the current 33.45%.<sup>233</sup> Times of London reported on August 10, 1948 a genocide had occurred in Jammu, where Dogra state forces, backed by Maharaja and Sikhs and Hindus, had committed a massacre of 237,000 Muslims.<sup>234</sup> This carnage resulted in a significant demographic change, turning the Muslims from a majority (69%) to a minority in the Jammu region. Horace Alexander in "The Spectator", January 16, 1948, estimated that the number killed in the massacre in Jammu was 200,000.

As indicated by the previous census reports, the percentage of Muslim-population in state of J&K has steadily declined since 1946, as mentioned below:

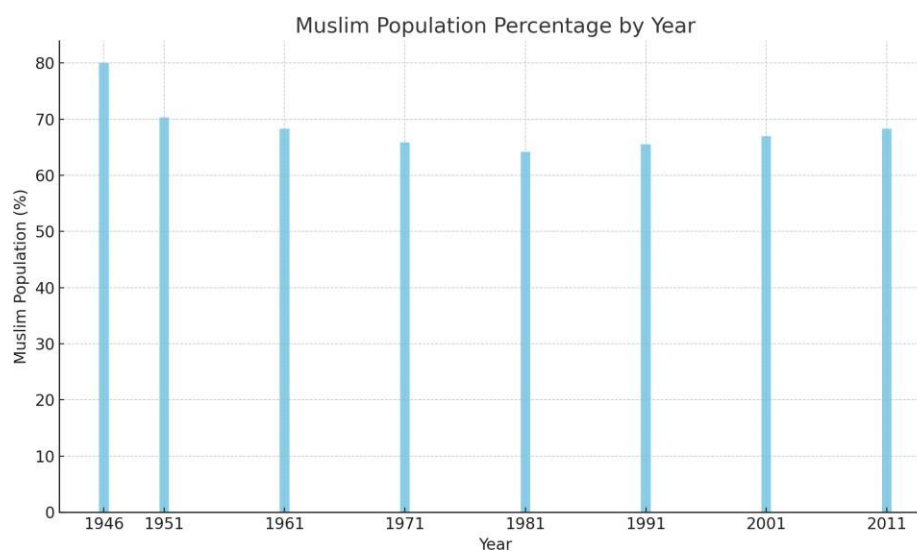
<sup>233</sup> "Indian Assault on Kashmiri Identity and Its Likely Implications," Seminar Report, *Institute of Policy Studies, Islamabad*, February 3, 2023.

<sup>234</sup> Christopher Snedden, "What happened to Muslims in Jammu? Local identity, 'The massacre of 1947' and the roots of the 'Kashmir problem'." *South Asia: Journal of South Asian Studies* 24, no. 2 (2001): 111-134.

**Table 4.4: Official Census Reports Indicate a Massive Decline of Muslims in J&K**

Year	Muslim Population %
1946	80
1951	70.35
1961	68.30
1971	65.85
1981	64.19
1991	65.58
2001	66.97
2011	68.31

Source: “Seminar Report-Indian Assault on Kashmiri Identity and its Likely Implications”,  
*Institute of Policy Studies, Islamabad, February 03, 2023.*

**Chart 4.1: Percentage of Decrease in the Population of Muslims in J&K**

Last census of J&K was conducted in 2011 and next census of 2021 has been called off. The Year-wise anticipated population of J&K upto 2023, based on probable Population Growth Rate, is as follows:

**Table 4.5: Population of Jammu and Kashmir - Projected**

Year	Population (Projected)
2011	12,541,302
2021	15,110,000
2022	15,380,000
2023	15,620,000

Source: Registrar General and Census Commissioner of India, *Census of India, 2011*.

### **4.3 Implications of Abrogation of Articles 370 and 35A for Demographic Structure of Jammu and Kashmir**

The revocation of Article-35A in August 2019 has massive implications for the demographic composition of J&K. Article-35A, part of the special provisions under Indian constitution, allowed J&K's government to define "permanent residents" of J&K and reserve exclusive rights for them, including the ability to own property, access government jobs, and enjoy other privileges. Article-35A was instrumental in ensuring the region's demographic integrity, especially in the Kashmir Valley, by restricting these rights to a certain population. Dissolving this provision, however, has had far-reaching consequences for J&K's demographic makeup, as explained below:

#### **4.3.1 The New Domicile Law and Its Impact on Jammu and Kashmir's Population**

Subsequent to the abrogation of Article-35A, "The Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules, 2020" were introduced by the GoI and notified on May 18, 2020.<sup>235</sup> These rules also extend domicile status to various categories of non-locals. According to the new law, any person who has been a resident of J&K for 15 years or has studied in the region for seven years and completed their Class 10 or Class 12 examinations is entitled to domicile status. The law also provides domicile rights to the children of central government employees, public sector employees and defence personnel who had served in the region for at least 10 years.

After the annulment of Article-35A, various segments of the Indian populace are eligible to apply for domicile documents. The principal aim of revocation of Article-35A was to ensure the colonising of the region with settlement of the serving and retired Indian Army officers in J&K in order to crush any freedom movement in the region. Additionally, concerns have been raised that Kashmiri Pandits, who have settled in other parts of India and formed matrimonial alliances with non-natives, will return to Kashmir, further influencing the region's

---

<sup>235</sup> Aditya Hawaldar, "Analysis of Jammu and Kashmir Domicile Law." *Supremo Amicus* 19 (2020): 17.

demographic composition.<sup>236</sup> According to India's Census-2011, over 1.7 million non-Kashmiri migrants (mostly Hindus) had spent five years or more in the region prior to the scrapping of Article-370, potentially meeting the criteria for domicile status.<sup>237</sup> That amounts to nearly 14 percent of the state population. The migrants settled in J&K who are eligible for domicile certificates include:

**Table 4.6: Breakup of Migrants in Jammu and Kashmir**

Migrants Classified According to Time Period			
Cognitive Classification	Number	Percentage	2011 Census
Total Migrants	28,09,629	100.00	
Seasonal Migrants	1,41,401	5.03	Less than 1 year
Short-Term	3,52,840	12.56	1-4 years
Medium-Term	3,34,868	11.92	5-9 years
Long-Term	14,04,354	49.98	10 years and above
Unaccounted	5,76,166	20.51	

Source: Ajaz Ashraf and Vignesh Karthik K. R., "Why J&K's Demography Will Change Beyond Belief," *News Click*, May 31, 2020.

Since 2019, around 3.4 million domicile certificates have been issued to Hindus from across India.<sup>238</sup> Pakistan's Ministry of Foreign Affairs has been saying that the new domicile rules are part of a grand plan to change the Muslim-majority character of J&K, which undermines the self-determination right provided by the UNSC resolutions.<sup>239</sup>

#### 4.3.2 Impact of Reservation Quotas on Jammu and Kashmir's Social Structure

Apart from the electoral reforms, a plethora of new laws have also been allowed to change the political and social landscape of J&K. Essential amendments to facilitate major changes in representation and reservation were brought under the Jammu and Kashmir Reorganisation (Second Amendment) Act, 2023, which was

<sup>236</sup> Syed Yousaf Naseem, Interview conducted by the author on November 03, 2024.

<sup>237</sup> Ajaz Ashraf and Vignesh Karthik K. R., "Why J&K's Demography Will Change Beyond Belief," *News Click*, May 31, 2020.

<sup>238</sup> "Pakistan Urges UN to Push for Peaceful Resolution of Kashmir Issue," *The News International*, October 3, 2023, <https://www.thenews.com.pk/latest/1115689-pakistan-urges-un-to-push-for-peaceful-resolution-of-kashmir-issue>.

<sup>239</sup> Pakistan Ministry of Foreign Affairs. "Pakistan Rejects the Illegal Grant of IOJ&K Domicile Certificates to Indian Nationals." June 27, 2020. <https://mofa.gov.pk/pakistan-rejects-the-illegal-grant-of-iojk-domicile-certificates-to-indian-nationals>.

enacted in December 2023,<sup>240</sup> as well as subsequent amendments including the constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act, 2024, and the constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Act, 2024.<sup>241</sup>

The Jammu and Kashmir Reorganisation (Second Amendment) Act, 2023, provided for increasing the strength of the J&K legislative assembly from 107 to 114 seats.<sup>242</sup> These include two seats for Kashmiri migrants (one for a woman) and one for people displaced from Pakistan-administered AJK. The lieutenant governor will nominate these seats, sparking worries about the potential erosion of democratic representation.

The Constitution (Jammu And Kashmir) Scheduled Tribes Order (Amendment) Act, 2024, added Pahari, Patlavi, and Pondari to J&K's scheduled tribes, allowing the Pahari community the benefits of reservations in jobs and educational institutions. The Gujjar and Bakerwal communities have expressed trepidation regarding a new decision that they believe would mean fewer opportunities for them.<sup>243</sup> The electoral ramifications of this change are substantial, with Paharis now having the most important opportunity to compete for assembly seats that were previously reserved for scheduled tribes, a segment that had long belonged to Gujjars and Bakerwals. These changes are expected to affect most in the Pir Panchal region, particularly Rajouri and Poonch, where Paharis are a majority.

Moreover, the constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act, 2024 added the Valmiki community to J&K's list of scheduled castes.<sup>244</sup> The state government recruited Valmikis in 1957 when sanitation workers (safai karamcharis) went on a strike in Jammu. The Other Backward Classes (OBC)

---

<sup>240</sup> "The Jammu and Kashmir Reorganisation (Second Amendment) Bill, 2023", *PRS Legislative Research*, <https://prsindia.org/billtrack/the-jammu-and-kashmir-reorganisation-second-amendment-bill-2023>

<sup>241</sup> "Lok Sabha passes the constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024", *Press Information Bureau, India*, February 06, 2024.

<sup>242</sup> Tanja Herklotz, "Kashmir, Minority Rights and Indian constitutionalism: Introduction to the Special Issue." *VRÜ Verfassung und Recht in Übersee* 56, no. 4 (2024): 667-674.

<sup>243</sup> Ashwani Kumar and Khushboo Srivastava, "Boundary Lines and Ballots: Exploring Delimitation, Electoral Dynamics, and Reservation in India."

<sup>244</sup> Sthabir Khora, "Caste, Reservation, Atrocity Law and Discrimination", Taylor & Francis, 2024.

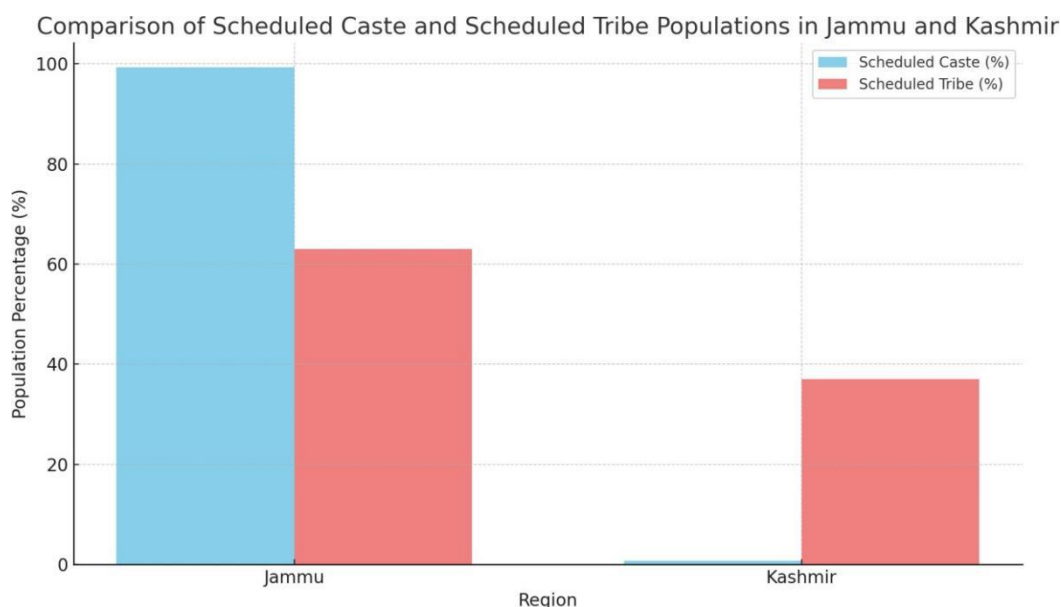
category is like a land for the "weak and underprivileged classes (social castes)," and therefore, this legislative package made additional new OBC classes (in total, 15 communities including West Pakistan refugees and Gorkhas, will be included in the OBC Class).

The perception is that these legislative reforms primarily benefit the BJP, as there is a higher population of scheduled castes and OBCs in Jammu. The BJP has deepened 'caste- and community-based' voter mobilization through more extensive bureaucratic administration opportunities for these groups and its reservation of electoral seats. Such policies disproportionately benefit Hindu-majority Jammu to the detriment of the Muslim-majority Kashmir Valley, adding to the marginalization of the region's Muslim population, while making sure that the BJP's political clout remains strong in the region, as evidenced by the data shown in the table below:

**Table 4.7: Number of Schedule Castes and Schedule Tribes in J&K**

Region	Schedule Castes Population	Schedule Tribes Populatio
Jammu	99.27% (9,17,724 people)	63% (8,10,800)
Kashmir	0.73% (6749)	37% (4,64,306)

**Source: *BJP's Demographic Engineering in IIOJK*, Centre for Strategic and Contemporary Research, February 16, 2024**



**Chart 4.2: Comparison of Schedule Castes and Tribes Population in J&K**

On 14 December 2024, Jammu and Kashmir Students Association (JKSA), staged a peaceful protest at Jantar Mantar, New Delhi, demanding an immediate



implementation of the reservation policy in J&K.<sup>245</sup> A press release said that thousands of students and JKSA members took part in the protest against what they call an unjust reservation system. The spokesperson stated that the current policy undermines prospects based on merit and has a negative impact on qualified applicants, who are pushed down the line in favour of an approach that does not effectively take into account the specific demographic needs of the region. The association said they want the electoral process in J&K to be fair, balanced, and representative of the demographic facts of J&K. The gathering also featured remarks by Mir Mujeeb, a senior research scholar and an advocate for student rights. He stated that the movement is against over-reservations and the reservation issue in J&K is assessed critically. Mujeeb's statements said that the policy is discriminatory, allocating only 30% of the opportunities to more than 69% of the general population in J&K.

### **4.3.3 Single Citizenship for State Subjects of Jammu and Kashmir**

The nullification of Article-35A resulted in the end of an additional layer of dual citizenship that was specifically granted to the citizens of J&K before the abrogation. Though they were treated as citizens of India, they held state citizenship of J&K which bestowed certain exclusive rights.<sup>246</sup> These included owning property, accessing government jobs and scholarships in the state. But the repeal of Article- 35A in August 2019 drastically changed the status quo, ended the dual citizenship system and placed J&K under the framework of the Indian Constitution. As a result, residents of J&K now have the same rights as all other Indian citizens, and only one citizenship, valid throughout India.

The privileges that once came with state citizenship, such as property rights and preferences in job placement, have been superseded by a domicile law. In this context, domicile is obtained, which can be obtained by people living in J&K, and other categories of people can also get rights similar to local J&K people. This legislative transition has subsumed J&K into the national legal and political

---

<sup>245</sup> Greater Kashmir Web Desk. "JKSA Holds Protest at Jantar Mantar against Reservation Policy." Greater Kashmir, December 14, 2024. <https://www.greaterkashmir.com/kashmir/jksa-holds-protest-at-jantar-mantar-against-reservation-policy>.

<sup>246</sup> Dhanaji Mukund Rao Jadhav, Aiswarya Krishnan and Devi S. Vijay, "constitutional and Political Intricacies Involved in Abrogation of Article 370." *Cardiometry* 24 (2022): 538-547.

framework, demolishing the distinctive status granted to the region.

#### 4.3.4 Alterations in Employment Trends

The annulment of J&K's autonomy has brought about massive developmental changes in the region, including alterations in employment trends and labor force structure. By the introduction of new domicile laws, the non-Kashmiri domicile holders of J&K become eligible for government jobs previously exclusively reserved for the "permanent residents" of the region.<sup>247</sup> Since the enactment of this new law, over 3 million domicile certificates have been issued.<sup>248</sup> It has intensified the competition for jobs, which have been a key source of employment in the region.

The government called off recruitment in February 2020 for around 1450 posts that had been open since 2018.<sup>249</sup> The government advertised 1850 new posts and allowed new domicile holder non-natives to compete for the government jobs in J&K. Earlier these posts were allocated for local job seekers in J&K. but the influx of applications from outside J&K have deprived local people from job opportunities. At the same time, removing protections from local businesses resulted in more competition from external firms that changed the dynamics of private sector opportunities.

The socioeconomic impact of repeal of Article-35A is depicted in growing rate of underemployment in J&K. According to Centre for Monitoring Indian Economy (CMIE) data, the unemployment rate in J&K reached 16.2%, which is more than the national average unemployment rate of 6.7%.<sup>250</sup> These changes have raised alarms among local residents over job insecurity as non-natives increasingly compete for public and private jobs.

---

<sup>247</sup> "Kashmir: new domicile rules spark fresh anger a year after India removed region's special status", *The Conservation*, July 29, 2020.

<sup>248</sup> Syed Manzoor Hussain Gillani, Interview conducted by the Author on October 22, 2024.

<sup>249</sup> Kashmir Observer. "Govt Scraps JK Bank Recruitment Process, Annuls 1450 Appointments." February 27, 2020.

<sup>250</sup> "The Aftermath of abolishing Article 370 in Jammu and Kashmir", *Pakistan Today*, August 11, 2023.

### 4.3.5 The Cultural Impact of Constitutional Changes

There have been significant shifts in J&K's cultural identity since the revocation. Kashmir has been historically famous for arts, crafts and music. However, the cultural expression in Kashmir Valley has been reduced largely due to political instability and economic issues.<sup>251</sup> The region of Ladakh has seen a proliferation of cultural events, particularly related to its Buddhist traditions, fostering their visibility.<sup>252</sup> Alongside such administrative changes, the government has implemented symbolic measures that many Kashmiris see as an attempt to erase their cultural identity. The population distribution of J&K based on mother-tongue is as follows:

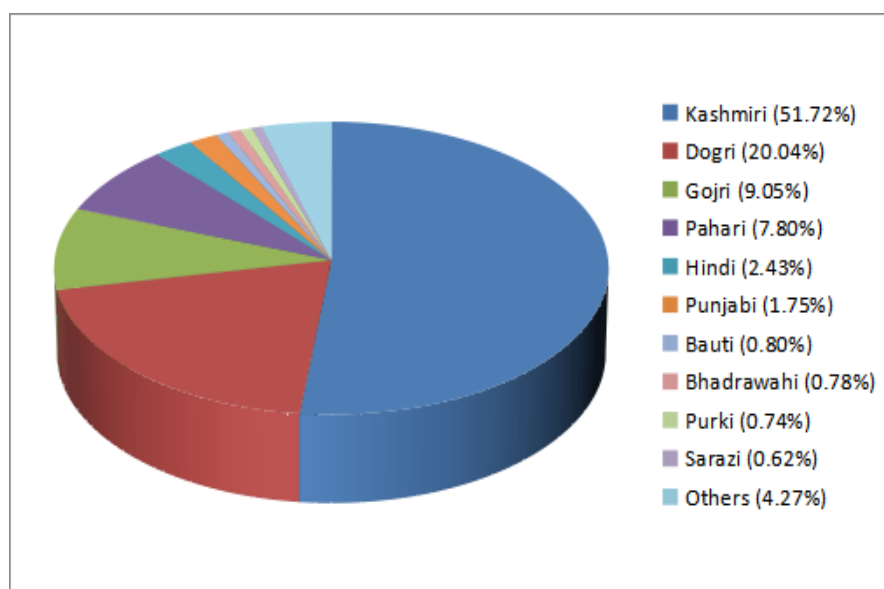


Chart 4.3: J&K Population by Mother-tongue<sup>253</sup>

Brought into effect with the 'Jammu and Kashmir Official Languages Act, 2020' issued on 26th September, 2020, five languages in the region, namely, Urdu, Hindi, Dogri, Kashmiri, and English, have been bestowed with official positions. This act broadens the previous limit of official status being only for Urdu and English. It encourages inclusiveness by including the Dogri and Kashmiri languages, that are also spoken by significant parts of the population. It also gives

<sup>251</sup> Raushan Kumar, Niranjana Deo Pathak and Shiv Swaroop Jha, "The Role of Tourism in the Economic Development of Jammu and Kashmir Region." In *Sustainable Tourism, Part B: A Comprehensive Multidimensional Perspective*, pp. 209-221. Emerald Publishing Limited, 2024.

<sup>252</sup> Rimsha Khalid, Rajinder Kumar, Rupa Sinha, Kareem MM Selem and Mohsin Raza, "A consensus map for Ladakh's development as potential geotourism destination: key drivers." *Journal of Place Management and Development* (2024).

<sup>253</sup> Registrar General and Census Commissioner of India, *Census of India, 2011*.

anxiety to speakers of other regional languages such as Gojri, Pahari, etc. who have been made to feel excluded. This law will have consequences not only for cultural identity but also for inter-community relations in J&K.

Shortly after August 2019, the Hindu nationalist BJP-led government started renaming administrative departments and iconic public buildings, replacing their names originally in English and Urdu with Hindi. In some cases, naming them after Hindu nationalist figures.<sup>254</sup> These demographic changes have been paralleled by cultural and linguistic shifts, with the region becoming subject to India's wider political and cultural agenda.<sup>255</sup> The Kashmiri language, once written in the Persian script, has now been changed to the Devanagari script, effectively cutting off access to hundreds of years of Kashmiri literature, including the works of luminaries like Shaikh Noor-Ud-Din Wali, Lal Ded and Habba Khatoon, to future generations.<sup>256</sup> This shift has raised concerns over the obliteration of Kashmir's literary heritage. The attempts to reform the region's culinary norms with suggestions such as a vegetarian version of the native Kashmiri wazwan being interpreted as efforts to push cultural uniformity of J&K with Hindu traditions. Cases of religious imposition are also reported. Such as a viral video that shows Muslim students being coerced into singing a Hindu bhajan in a school, in an attempts to get the younger generation of J&K onboard into the larger Hindutva project of India.

These efforts are contributing to a wider agenda to force upon the region a cultural and political narrative that contradicts historical identity of J&K. These are attempts of saffronisation of J&K's religion, language and culture.<sup>257</sup> And this perceived cultural homogenization has fueled communal tensions and widened religious and regional divides. Many Muslims in the Kashmir Valley consider the changes a process of their marginalization and disenfranchisement.<sup>258</sup> Hindus have largely supported the move in Jammu, exacerbating tensions between the

---

<sup>254</sup> "Kashmir may be the latest target of centre's name-changing spree", *The Wire*, 19 November 2019.

<sup>255</sup> "Seminar Report-Indian Assault on Kashmiri Identity and its Likely Implications", *Institute of Policy Studies, Islamabad*, February 03, 2023.

<sup>256</sup> "Nastaliq to Devanagari: After Language, Kashmir Watching 'Script' Campaign," *Kashmir Observer*, October 2, 2020, <https://kashmirobsrver.net/2020/10/02/nastaliq-to-devanagari-after-language-kashmir-watching-script-campaign/>.

<sup>257</sup> Dr. Raja Muhammad Sajjad Khan, Interview conducted on October 23, 2024.

<sup>258</sup> Zakir Hussain, "Implications of Article-370 Abrogation for Intergroup Relations between Hindus and Muslims in Kashmir Valley," *Peace and Conflict: Journal of Peace Psychology* (2023). <https://psycnet.apa.org/record/2024-25679-001>

predominantly Hindu population and the Muslim minority.<sup>259</sup> In Ladakh too, Buddhists felt relief at the new political setup.

The abrogation of Article-35A has thus given rise to serious concerns over cultural homogenization, communal polarization and hate speech in the region. The present atmosphere continues to be precarious, with various communities still believing they've been undermined and deprived of their cultural identity.

#### 4.3.6 Religious Population Shifts in Jammu and Kashmir

The population of the state of J&K is 12,541,302.<sup>260</sup> Here, Muslims form 68.31% and Hindus 28.44% of the population, making the region demographically complex. The Kashmir Valley is overwhelmingly Muslim (96.4%); the Jammu region is Hindu majority (62.55%) with a large Muslim minority (33.45%). Notably, Hindus have a majority in only four out of the ten districts in Jammu, and the rest have a Muslim majority.

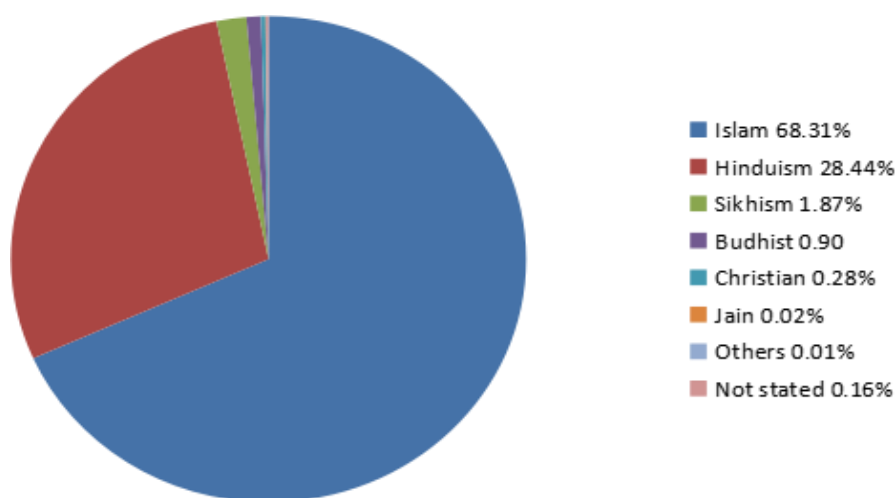


Chart 4.4: Religions in Jammu and Kashmir (2011)<sup>261</sup>

The demographic landscape of J&K has grossly altered, especially with regard to ethnic and religious composition of population post abrogation of Article-35A. The issuance of a large number of domicile certificates to non-Muslim residents, mainly Hindus, has played a crucial part in decreasing the number of

<sup>259</sup> Putu Titah Kawitri Resen, "India's Policy Toward Jammu and Kashmir: Understanding the Use of Religious Ideology as a Political Legitimacy," *Global Strategis* 18, no. 2 (2024): 267-284.

<sup>260</sup> Census of India 2011. New Delhi: Office of the Registrar General & Census Commissioner, 2011.

<sup>261</sup> Ibid.

Muslims in J&K.<sup>262</sup>

The BJP government confiscated the Waqf Board and its property in J&K in 2022.<sup>263</sup> It was part of a larger scheme to take control of major Muslim holy sites in the occupied land, including holy shrines. Islamic scholars and clerics were arrested, and worship was outlawed in various of mosques in Kashmir. They were part of actions designed to systematically dismantle the religious and cultural identity of Kashmiris.

The Kashmir region had a diverse ethnic mix with communities like Kashmiri, Hindu, Pandits, and Sikhs, which has been diminished due to declining law and order situation. On the other hand, the Hindu population in Jammu has seen a rise due to the migration of Hindus from other parts of India.<sup>264</sup> With migrants from India and abroad due to religious and cultural significance, Ladakh has resulted in a steep rise in the Buddhist population.<sup>265</sup> Consequently, share of Ladakh region's Muslim population is also decreased.

These shifts in the religious and ethnic demographic makeup will have an impact on the region's power dynamics, social structures, and even its cultural identity that has persisted throughout a significant portion of history. The current trajectory has been moving towards cultural homogenization and a decrease in the Muslim population ratio in J&K.

#### **4.3.7 Settler Colonialism in Kashmir: The BJP's Post-abrogation Agenda**

When Article-35A was abrogated, Sandeep Chakravorty, India's Consul-General in New York City, told a gathering of expatriates in November 2019, "Settlements have happened in the Middle East. If the Israeli people can do it, so can we."<sup>266</sup> Chakravorty's comments are a wake-up call to a global community that

---

<sup>262</sup> "Kashmir Muslims Fear Demographic Shift as Thousands Get Residency", *Aljazeera News*, 28 Jun 2020.

<sup>263</sup> Raja Muhammad Sajjad Khan, *5 Years of Illegal Occupation and Suppression in IIOJK (2019-2024)*. Muzaffarabad: Kashmir Policy Research Institute, August 5, 2024.

<sup>264</sup> Anjali Mehra and Mr Ahsan Ahmed, "Migrant Workers in Conflict hit Jammu and Kashmir: Livelihood Vs Security." *Library Progress International* 44, no. 3 (2024): 7163-7169.

<sup>265</sup> Birte Vogel and Jessica Field, "(Re) constructing borders through the governance of tourism and trade in Ladakh, India." *Political Geography* 82 (2020): 102226.

<sup>266</sup> "Indian consul general in US suggests Israel model for Kashmiri Pandits' return, kicks up row", *The Print*, November 27, 2019.

has been notably silent in the face of India's settler-colonialism policies that aim to erase the Kashmiri people as a viable national group and reduce them to a voiceless demographic minority in their own homeland.

The unilateral action taken by the Indian government only aggravated settler colonialism in J&K. The BJP, a Hindu nationalist party, is in power, and New Delhi directly administers the region of J&K. The centrally appointed Lieutenant Governor has vast powers. Moreover, Advisors of the Lieutenant Governor oversee all departments of government and ministries in the J&K administration, thereby centralizing power in the hands of outsiders.<sup>267</sup>

This has caused trepidation in the local Muslim population due to settler colonialism of India through demographic changes and administrative control. Only a handful of the 77 Indian Administrative Service (IAS) officers serving in the region are Muslims.<sup>268</sup> The two divisional commissioners - Ramesh Kumar in Jammu and Vijay Kumar Bidhuri in Kashmir, are Hindu.<sup>269</sup> This political transition is accompanied by several policy changes that have fueled concerns about the systematic displacement of the region's ethno-cultural identity.

The aspiration of Indians to settle in Kashmir has penetrated into every aspect of Kashmiri life. Signs welcoming Indian visitors to Kashmir not only emphasize that Kashmir is an "integral part" of India but describe it, in one line, as "India's crown," implying that "to love Kashmir is to love India."<sup>270</sup> The Kashmir Railway Project is an example of these efforts, which continue to integrate Kashmir into the other parts of the nation.<sup>271</sup> Bollywood has also utilized Kashmir's landscape for jingoistic purposes, presenting it as "a pastoral space free of popular unrest and political aspirations."<sup>272</sup> Furthermore, in Bollywood films, romance

---

<sup>267</sup> Mohd Tahir Ganie, "*Siege, resistance, and politics in 'new Kashmir'.*" *The Making of Contemporary Maldives: Isolation, Dictatorship and Democracy* 1, no. 1 (2020): 1-16.

<sup>268</sup> List of IAS Officers. Srinagar: Government of Jammu & Kashmir, General Administration Department. <https://jkad.nic.in/leftMenu/CivilList.aspx>

<sup>269</sup> Divisional Commissioner Jammu, UT of Jammu and Kashmir. Accessed December 11, 2024. <https://divcomjammu.gov.in/>

<sup>270</sup> Mohamad Junaid, "Opinion: Peace, Tourism and Political Games in Kashmir." *Al Jazeera News*, July 29, 2012. <https://www.aljazeera.com/opinions/2012/7/29/peace-tourism-and-political-games-in-kashmir>.

<sup>271</sup> Betwa Sharma, "A Train Through Kashmir." *New York Times: India Ink*, October 30, 2013. <https://india.blogs.nytimes.com/2013/10/30/a-train-through-kashmir>.

<sup>272</sup> Kashmir Hamara Hai to Dhara 370: Filmmakers Rush to Book Titles After Article 370

between Indian male tourists and Kashmiri girls is also a common trope, which is used as a metaphor for assimilation of Kashmiri Muslims.

These moves include policies facilitating land purchase by outsiders and issue of domicile certificates to outsider Hindus and a plan for outsiders to extend infrastructure in Kashmir to help reverse the region's Muslim-majority character. That has raised concerns that these developments resemble settler colonialism, wherein new settlers are introduced to a population in a manner that changes control and the sociopolitical makeup of the indigenous population.<sup>273</sup> For many Kashmiris, these policies are not simply a political disenfranchisement; they represent a continuing threat to their presence as a cultural and demographic community.

Munir Akram, Pakistan's Permanent Representative to UN, while speaking during the UN General Assembly's Special Political and Decolonisation (Fourth) Committee meeting, described India's occupation of J&K as the "worst manifestation of modern-day colonialism."<sup>274</sup> In a settler-colonial project, India is seeking to convert occupied Kashmir from a Muslim-majority state to a Hindu-majority territory."

Therefore, the Indian recent systematic actions in J&K can be compared with Israel's settler-colonialism in Palestine. Hence, Kashmir could be South Asia's colonized land occupied by Indian Hindus in future.

#### 4.3.8 Non-Local Land Allotment Amidst Growing Industrialization

In J&K, land is primarily allotted for industrial purposes under the J&K Industrial Land Allotment Policy 2021-30.<sup>275</sup> Since the abrogation of Article 370, a significant amount of land has been allotted to non-local investors for industrial development. The government has allocated 852 acres of land to 213 non-local

---

Scrapped." *India Today*, August 7, 2019. <https://www.indiatoday.in/movies/bollywood/story/kashmir-hamara-hai-to-dhara-370-filmmakers-rush-to-book-titles-after-article-370-scrapped-1578182-2019-08-07>.

<sup>273</sup> Alicia Cossx, "Settler Colonialism". In *obo* in Victorian Literature, <https://www.oxfordbibliographies.com/view/document/obo-9780190221911/obo9780190221911-0029.xml> (accessed 8 Feb. 2025).

<sup>274</sup> "Pakistan Urges UN to Push for Peaceful Resolution of Kashmir Issue," *The News International*, October 3, 2023, <https://www.thenews.com.pk/latest/1115689-pakistan-urges-un-to-push-for-peaceful-resolution-of-kashmir-issue>.

<sup>275</sup> Department of Industries & Commerce, Jammu & Kashmir, Jammu & Kashmir Industrial Land Allotment Policy 2021-30, Government Order No. 65-IND of 2021 (March 24, 2021), <http://jkindustriescommerce.nic.in/Orders%202021/65%20IND%20OF%202021.pdf>.



beneficiaries under the Jammu and Kashmir Industrial Land Allotment Policy 2021-30, following the abrogation of Article 370.<sup>276</sup> Almost 50 businessmen from Delhi have been allotted land in Jammu and Kashmir, followed by Haryana (45), Punjab (43), Uttar Pradesh (14), Maharashtra (nine) and seven each from Gujarat, Chandigarh, and Himachal Pradesh.<sup>277</sup>

The allotment of land to non-locals in J&K by the Indian government has been central to the acceleration of its policies of industrialization. This gradual dispossession of landholding from local people has raised serious concerns over its long-term impact on J&K's economy and culture.

On January 12, 2024 at the Vibrant Gujarat Global Summit, MoUs worth ₹3,000 crore were signed for investment in J&K by the Lieutenant Governor's administration.<sup>278</sup> These agreements come under a broader jumble of industrial policy that was launched in 2021 to transform J&K into an industrialized area. This policy has seen the government create around 624 acres of 'land banks' for industrial unit establishment, which Indian companies can lease for long periods or buy outright.<sup>279</sup>

The policy to transform J&K into an industrialized territory was introduced in 2021.<sup>280</sup> Investment proposals worth over \$10 billion have already poured in, which includes plans to build luxury hotels, IT campuses, medical centers and malls. Indian capitalists have also had access to land at heavily discounted prices, taking advantage of the window of favourable land acquisition policy and generous compensation packages. The government has already allotted land to 1,854 industrial units in the region.

---

<sup>276</sup> Zulfikar Majid, "J&K Govt Allots 852 Acres of Land to Non-Locals under Industrial Policy," Deccan Herald, March 17, 2025, <https://www.deccanherald.com/india/jammu-and-kashmir/jk-govt-allots-852-acres-of-land-to-non-locals-under-industrial-policy-3449251>.

<sup>277</sup> "Over 200 Investors from Outside J&K Allotted Land for Setting up Business Units in UT," Greater Kashmir, March 16, 2025, <https://www.greaterkashmir.com/latest-news/over-200-investors-from-outside-jk-allotted-land-for-setting-up-business-units-in-ut/>.

<sup>278</sup> "J&K Signed MoUs Worth ₹3,000 Crore Signed at Gujarat Investors Summit: L-G Manoj Sinha," *The Hindu*, January 13, 2024. <https://www.thehindu.com/news/national/other-states/jk-signed-mous-worth-3000-crore-signed-at-gujarat-investors-summit-l-g-manoj-sinha/article67735690.ece>

<sup>279</sup> Scroll.in, 'Jammu and Kashmir: 125 projects cleared on forest land since August, only 97 approved last year'. 21 October 2019. <https://scroll.in/latest/941222/jammu-and-kashmir-125-projects-cleared-on-forest-land-since-august-only-97-approved-last-year>

<sup>280</sup> Nisar Ahmed Thakur, "Five Years after Revocation of Article 370/35A-A Review of Human Rights Situation in Jammu and Kashmir", Kashmir Institute of International Relations, August 5, 2024. <https://www.kiir.org.pk/reports/human-situation-in-indian-rights-occupied-jammu-kashmir-4837>

There have been increasing reports of non-local investors from the wealthier industrial class of India, buying up land in J&K. There is a fear that in future, the native Kashmiris risk becoming landless in their own land.<sup>281</sup> This move is a part of the government's larger agenda to attract Indian settlers in J&K in the name of industrialization. While the ruling government frames these initiatives in terms of achieving regional prosperity, but actually it is a concerted effort to economically disable the local population and enable non-local entities to take over land and resources.

The settler colonial aspects of the industrialization policies implemented after the abrogation are a cause of concern for natives of J&K. Claimed publicly to be necessary for the economic growth of the region, these policies are seen by many natives of J&K as means of dispossessing them. Indian government has increased their socioeconomic hegemony in J&K through maximizing access to land and resources, jeopardizing even the cultural and economic sovereignty of the region.

#### **4.3.9 Attachment and Destruction of Property in Kashmir**

The revocation of J&K's special status had far-reaching socioeconomic consequences. One of the most controversial matters has been the attachment and destruction of property, especially on the ground of counter-insurgency missions. It has also been reported that authorities have sealed and attached properties of those accused of supporting militant activities and also demolished them.

The Indian authorities have seized the All Parties Hurriyat Conference headquarters in Srinagar as well as the houses and property of Hurriyat leaders and organizations including Shabbir Ahmed Shah, Aasiya Andrabi, Syed Ali Gilani, and Jamaat-e-Islami throughout occupied Kashmir.<sup>282</sup> The occupying authorities have likewise uprooted numerous homes, shops, business buildings and properties within the locality. A four-story commercial building owned by Shuaib Wani in Rampora, Srinagar, was seized without notice in February 2023, along with Junaid Ahmed Bhat's house in Anantnag, which was razed. In January 2024, police in

---

<sup>281</sup> Syed Manzoor Hussain Gillani, Interview conducted by the author on October 22, 2024.

<sup>282</sup> "Modi regime snatches assets of more Kashmiris", *Pakistan Today*, January 18, 2024.

Ganderbal attached 10 marlas of land in Revenue Estate Wakoora belonging to Lateef Ahmad Kambay a resident of Wakoora, who has been on trial and is lodged in Central Jail Srinagar.<sup>283</sup>

The practice of forcibly removing individuals from their homes, lands, and employment violates not only international laws but also the fundamental tenets of democracy and basic human rights. According to a report, authorities have declared 178,005.213 acres of land in Kashmir and 25,159.56 acres of land in Jammu as government land that is "unlawfully occupied". A large number of people's houses in Kashmir Valley and Jammu region were destroyed whilst bulldozers rampaged in the Kashmir Valley reducing structures and dwellings to rubble.<sup>284</sup> It marked the first time in history when dispossession on such a scale happened. Official data show more than 42,000 hectares were seized. Indians have taken over residents' houses, even the houses of those that have gone to Pakistan.<sup>285</sup>

Former state Chief Minister, Mehbooba Mufti also said the demolition drive is making the situation in Kashmir "worse than Palestine". This shocking development requires worldwide focus, and the international community must lend its support to native Kashmiris to exercise self-determination and rightful ownership of their land and resources.

This settler colonial project aims to consolidate its presence in the region through dispossession by expropriating the property, the assets or the land of indigenous people and depriving the the local inhabitants of their property while maintaining a regime of subjugation. It has also wreaked havoc on homes and businesses, with an economic toll that shows up in uprooted families and lost livelihoods, deepening a precarious socio-political dynamic in the region. It is vital to note that violent evictions violate several human rights including the right to adequate housing, education, the highest attainable standard of health, and social security.

---

<sup>283</sup> "10-marla land of terror accused attached in Ganderbal: Police", *Greater Kashmir*, January 04, 2024.

<sup>284</sup> Nisar Ahmed Thakur, "Five Years after Revocation of Article 370/35A-A Review of Human Rights Situation in Jammu and Kashmir", Kashmir Institute of International Relations, <https://www.kiir.org.pk/reports/human-situation-in-indian-rights-occupied-jammu-kashmir-4837>

<sup>285</sup> Dr. Raja Sajjad Khan, Interview conducted by the Author on October 23, 2024.

#### **4.3.10 Socioeconomic Disparities between Locals and Non-locals**

Following the abrogation, the policy changes have made the socioeconomic disparity between local and non locals very clear in J&K. One major instance took place in February of 2020, when, for the first time, non-locals outbid local businesses on auction bids for rights to extract minerals.<sup>286</sup> The highest bid for a mineral block was INR 7.7 million in the year 2019. By 2020, however, it had soared to 32 million INR, owing largely to the entry of wealthier non local businesses. This was a deeply upsetting shock for hundreds of those families, who had come to depend on the mineral extraction industry for their livelihoods. The rise of financially dominant Indian companies in the local economy had led to an unclear future for these communities.

The rapidly increasing economic inequality between locals and non-locals is bound to give rise to political turmoil and anti-India sentiments in future. And historical precedents show how economic and demographic shifts have led to resistance in Kashmir due to local grievances. It happened during the historic civilian uprising in 2008, when the Indian government tried to transfer 40 hectares of forest land for Hindu settlements around the Amarnath shrine. Consequently, The Congress- PDP Coalition was dissolved and resulting in the death of at least forty protesters. Likewise, any perceived efforts at engineering demographic changes in J&K will face stiff opposition from local people.

#### **4.3.11 Jammu and Kashmir's Economic Decline**

For the first four months of lockdown and restrictions post Article-370 revocation, the economy of the region lost out on Rs 17,878 crore.<sup>287</sup> Between August 5 of 2019 and December 2019 Kashmir Valley witnessed losses in between Rs 14,296 crore and Rs 17,878 crore, and 4.96 lakh jobs were lost, according to a report released in December 2019 by the Kashmir Chamber of Commerce and

---

<sup>286</sup> A. Javaid, 'Outside firms entering mining race in J&K, lease earnings touch crores from lakhs.' *The Print*, 6 February, 2020, <https://theprint.in/india/outside-firms-enter-mining-race-in-jk-lease-earnings-touch-crores-from-lakhs/360175/>

<sup>287</sup> "Kashmir economy suffered loss of Rs 17,878 cr in 4 months after Article 370 abrogation", *The Indian Express*, December 17, 2019.

Industries (KCCI). The report also stated that in agriculture and allied services, the net loss borne by ten districts of the Kashmir Valley was Rs 4591 crore.

In addition, the blooming of local businesses and the patronage of non-state businessmen to benefit from lucrative investment opportunities have brought the economy of the region to the brink of collapse. A report published in 2022 by a human rights group based in New Delhi also pointed out that Kashmir remains perhaps the most economically deprived region globally today, with alarming indicators suggesting that the purchasing power of lower and middle classes is decreasing at astonishing rates.<sup>288</sup>

Economically, the tourism industry is at the lowest point, contributing only 6.98 percent to the state's GDP per year.<sup>289</sup> According to the official records of J&K administration, the annual number of tourists reaching Kashmir Valley was close to 1 million between the years 2011 and 2014. According to Indian government figures, barely 84,000 tourists have returned to Kashmir since revocation. But the Indian occupational regime is trying to fool the global community by counting pilgrims travelling to Jammu and Ladakh as tourist figures. According to a report by IndiaSpend, Kashmir's tourism sector, the backbone of the region's economy, has witnessed an 86% dip. A comprehensive report published on scroll.in, analyzing the impact of the revocation of Article-370 on Kashmir's tourism, stated that, the tourism has fallen by 86%, 144,500 jobs losses have occurred in the tourism and handicrafts industries since August 5, 2019.

Declining to the Government of India to lower its 20 per cent import duty will push up the import of apples from Washington in Indian markets and also decrease the market share of Kashmiri apples. The Kashmir Valley produces 22 lakh metric tons of apples and nearly 70 percent of households in J&K depend on this sector, directly or indirectly. Adding more challenges to the valley-based fruit growers, the government has reduced the import duty on Washington apples from

---

<sup>288</sup> Kashmir Institute of International Relations. "4 Years of Annexation of Indian Occupied Kashmir: Impacts on Socioeconomic, Political, and Human Rights of the Kashmiri People." Accessed December 10, 2024. <https://www.kiir.org.pk/Research-Paper/4-years-of-annexation-of-indian-occupied-kashmir-5690>.

<sup>289</sup> Scroll.in. "Kashmir Tourism Has Dropped 86% Since Article 370 Was Hollowed Out." *Scroll.in*, January 29, 2020.

70% to 50%. The apple industry has already incurred huge losses in recent years as the fruit is imported from Iran and other countries with exemption of tax.

#### **4.3.12 The Saffronisation of Jammu and Kashmir**

The saffronisation of J&K, represents a complex convergence of legal, political, cultural, and religious strategies pursued by the Indian state to reconfigure the region's demographic and ideological character in alignment with Hindu nationalist ideology. Following the abrogation of Article 370 on August 5, 2019, the Indian state undertook a series of statutory and administrative reforms that have accelerated a “Hindutva settler-colonial project.”

The religious saffronisation in J&K has been pursued through the strategic expansion of Hindu pilgrimage infrastructures, particularly in the case of the Amarnath and Vaishno Devi Yatras. The establishment of the Shri Amarnathji Shrine Board in 2000, with the Governor as its ex-officio chairman, marked a significant institutional shift in control from local Muslim stakeholders to the Indian state.<sup>290</sup> The extension of the Yatra's duration and state-sponsored infrastructural development, such as the proposed ₹5,300 crore Amarnath Marg project, exemplifies how religious tourism is deployed not only as a spiritual endeavor but also as a tool of demographic assertion and ecological disruption.<sup>291</sup> This pilgrimage project is symbolically and materially linked to right-wing narratives that envision Kashmir as the spiritual heartland of Hinduism, with RSS affiliates like Panun Kashmir historically demanding a separate Hindu homeland within the valley.

Parallel to these religious incursions is the systematic saffronisation of educational and cultural institutions. The implementation of the National Education Policy (NEP) 2020 has resulted in the incorporation of Hindu religious texts such as the Bhagavad Gita, Vedas, and Ramayana into the school curricula, including in Muslim-majority Kashmir. Instances of Muslim students being compelled to recite Hindu bhajans and participate in rituals like Surya Namaskar are indicative of an educational environment geared toward Hindu majoritarian indoctrination. In higher education, saffronisation is manifest in renaming institutions after Hindutva figures

<sup>290</sup> District Ganderbal, Government of Jammu and Kashmir, “Shri Amarnathji Cave,” *Ganderbal District Administration*, accessed May 25, 2025, <https://ganderbal.nic.in/shri-amarnathji-cave/>.

<sup>291</sup> “The Saffronization of Occupied Kashmir: Demystifying Hindutva Settler Colonial Designs”, Legal Forum for Kashmir, accessed February 06, 2025, <https://lfkashmir.com/the-saffronization-of-occupied-kashmir-demystifyinghindutva-settler-colonial-designs/>.

like Madan Mohan Malviya and in curricular shifts that foreground Shaivite Hindu philosophy, often to the exclusion of Islamic intellectual traditions. The establishment of institutes such as the Kashmir Shaiva Institute and the introduction of PhD programs in Trika Shaivism are designed to reconstruct Kashmir's historical narrative in accordance with a Hindu civilizational ethos.

Language politics have also become a focal point in this broader saffronisation project. The longstanding status of Urdu as the official language has been undermined through the promotion of Hindi and the imposition of the Devanagari script, which many perceive as a deliberate attempt to erase the region's Islamic-Persianate cultural legacy. The gradual infiltration of Hindi vocabulary into public discourse and the organization of Hindi language workshops in Kashmiri universities are strategic steps toward linguistic homogenization. This campaign extends to renaming public institutions, temples, and even rivers in Sanskritized terms, further aligning the region with the ideological tenets of Hindutva.

The Indian state has simultaneously engaged in the erasure and replacement of Muslim cultural markers. This is evident in the planned revival and renovation of Hindu temples under the guise of cultural preservation. For instance, the claim by a Ministry of Home Affairs official that over 50,000 ancient temples would be restored in Jammu and Kashmir is emblematic of a larger symbolic war aimed at glorifying Hindu heritage while marginalizing Islamic history. Efforts to physically manifest this ideological narrative include the installation of statues of Hindu rulers like Lalitaditya Muktapida and the proposed renaming of geographical features based on Vedic mythology. These acts reinforce a historical revisionism that frames Muslim presence in the region as aberrant and foreign.

The use of state institutions and coercive governance structures has further entrenched this process. The Jammu and Kashmir Public University Bill 2022 allows the appointment of bureaucrats rather than academics as university registrars, thereby consolidating state control over educational discourse. Simultaneously, the recruitment of non-local faculty and staff in both public and private educational institutions reflects an orchestrated strategy to alter the cultural and intellectual landscape of Kashmir. The militarized promotion of Indian pop culture and fashion among Kashmiri youth backed by the Indian army and affiliated NGOs seeks to culturally re-engineer the younger generation into accepting Indian state narratives and rejecting indigenous Islamic traditions.

Collectively, these legislative and policy-driven interventions reflect a broader ideological campaign to absorb Kashmir into the Hindu nationalist vision of India. This campaign is not merely about demographic alteration but encompasses a more profound transformation of identity, and belonging in the region. The saffronisation of J&K thus represents an ongoing colonial endeavor that seeks to reimagine the region through the lens of Hindutva, with profound consequences for its socio-political and religious future.

#### **4.4 Conclusion**

The revocation of ‘Articles 370 and 35A’ has triggered profound demographic, political, socioeconomic, and cultural transformations in Jammu and Kashmir. The annulment of Article 35A, which previously safeguarded the region’s demographic integrity by restricting non-residents’ access to property, jobs, and other state privileges, has opened the floodgates for a sweeping reshaping of the region’s identity. The introduction of the new domicile laws has significantly altered the demographic composition, with the issuance of over 3.4 million domicile certificates to non-local individuals, particularly Hindus, leading to concerns over demographic engineering and settler colonialism. This demographic reconfiguration has been accompanied by major changes in reservation policies that favor newly included Scheduled Castes and Tribes, often at the expense of historically marginalized communities such as Gujjars and Bakerwals, thereby creating new intra-regional inequalities.

Economically, the local population has faced increased marginalization as external industrialists and investors empowered by liberalized land allotment policies have gained access to valuable resources, often outbidding local entrepreneurs and displacing small-scale livelihoods. The subsequent spike in unemployment and underemployment has fueled discontent and a sense of disenfranchisement among native Kashmiris. The state’s once-thriving tourism, handicrafts, and agriculture sectors have suffered significant losses, while industrial policies disproportionately benefit external capital interests.

Culturally, the chapter documents a systematic transformation of the region’s linguistic, religious, and historical landscape. The imposition of Hindi and Devanagari script, revision of educational curricula, renaming of public institutions, and



promotion of Hindu religious symbolism reflect an ongoing saffronisation project that seeks to assimilate Kashmiri identity into a broader Hindutva narrative. This cultural homogenization is seen by many as erasure of the region's Islamic heritage, contributing to growing communal polarization.

The chapter also exposes the securitized dimension of the post-abrogation regime, characterized by land confiscations, demolitions, and arrests that reinforce perceptions of dispossession and state coercion. These actions, combined with settler colonial features such as centralized governance and bureaucratic exclusion of Muslims from administrative roles, underscore fears of permanent demographic subjugation.

The findings indicate that the abrogation of 'Articles 370 and 35A' has not merely ended a constitutional provision but has initiated a multi-dimensional transformation in J&K. The demographic consequences of the abrogation have been vast and deliberate, including restructuring population patterns, weakening local economic resilience, suppressing cultural identity, and accelerating religious and ethnic polarization. The state machinery, now controlled by non-local administrators, has facilitated a settler-colonial dynamic that places native Kashmiris under political and economic subjugation. This transition, is a project of assimilation and settler-colonization.

## CONCLUSION

J&K's autonomy has been diluted systematically over the decades. Article-370 provided significant autonomy to the region, but this was gradually whittled down by the increased application of central laws and amendments to the constitution that depleted the region's governance framework. The most important change has come with the 2019 annulment of 'Articles 370 and 35A' that divided J&K into two UTs and repealed its constitution, thus curbing all legislative rights of the state drastically. It was a major step to downgrade the political independence of the region.

Domestic and international factors led India to scrap 'Articles 370 and 35A'. Domestically, the BJP's dedication to the Hindutva philosophy, along with apprehensions of national security and improvement of governance in J&K, played a pivotal role. This decision, backed by the RSS and BJP, aims at integrating J&K completely into the Indian Union and implanting its Hindutva vision with it. The need for more consolidation of control over the region was driven by India's strategic rivalry with Pakistan and China, especially when it comes to territorial claims related to J&K, on an international level. Increasing strategic partnerships with countries like the US and Russia strengthened India's position.

The abrogation ushered in monumental changes in governance in the J&K with considerable administrative powers now with the regularly appointed lieutenant governor from the Indian central government. Thus, the role of local political leadership in the governance of J&K has significantly decreased. This transition has undermined J&K's autonomy and distinctiveness. The implementation of new anti-terror laws to silence the people of J&K has compounded human rights concerns.

Besides governance changes, Article-35A removal has opened the door for demographic changes. These demographic changes will have an enduring impact on J&K's cultural and political identity, packed with potential for widening social tensions. The domicile law and land and industrialization policies have also allowed all the citizens of India to obtain domiciles in J&K, buy property, and apply for government jobs in the region. These measures, implemented in a region that have historically been Muslim-majority, has markedly altered the region's demographic

character by decreasing the percentage of the Muslim-population. This has raised fears in J&K's Muslim quarters of Indian-Hindu settler-colonialism. The post-revocation constitutional, legal, and administrative developments in J&K indicate systematic marginalization of Muslim majority population. These changes have serious consequences for the future of political stability and demographic structure of the region.

### **Key Findings**

Based on a detailed analysis of the study, following are the key findings:

- The decision to abrogate Articles 370 and 35A was significantly shaped by Prime Minister Narendra Modi and the BJP's ideological commitment to Hindutva, aimed at reinforcing their ideological legitimacy and consolidating support among India's Hindu-majority electorate.
- India's strategic motivations behind the abrogation was to counter Pakistan's narrative on international platforms regarding J&K and to reinforce its sovereign claims over the region.
- India's decision was also driven by China's growing presence in the South Asian region specially through CPEC project and strategic interests of China towards Ladakh.
- Media freedom also suffered as the Jammu and Kashmir Media Policy-2020 empowered government authorities to label unfavorable reporting as 'fake news', leading to widespread censorship and repression of journalists.
- The Delimitation Commission restructured the legislative representation in J&K by allocating six additional assembly seats to the Jammu division and only one to the Kashmir division. This adjustment brought the total number of seats in the UT to 90- 43 for Jammu and 47 for Kashmir. While the Kashmir division comprises approximately 56.15% of the region's population, it holds only 52% of the seats; conversely, Jammu, with 43.85% of the population, now controls 48% of the assembly seats. This reconfiguration effectively narrows the representation gap between the two regions and appears to enhance the political influence of the Hindu-majority Jammu division at the expense of the Muslim-majority Kashmir division. A more proportionate delimitation, aligned with demographic data, would have resulted in approximately 51 seats for Kashmir and 39 for Jammu.

- The Chief Electoral Officer of Jammu and Kashmir announced the inclusion of 2.5 million new voters in the electoral rolls, who are non-local residents, including members of the security forces stationed in the region and individuals from other Indian states working in J&K. This substantial expansion of the electorate has altered the region's political dynamics, fostering conditions that are likely to benefit the ruling BJP by diluting the influence of the local Muslim-majority population.
- According to Census of India (2011), Muslims constituted 68.31% of the population in J&K, representing a clear demographic majority. However, after the issuance of domicile certificates to 3.4 million non-resident Hindus has led to a marked increase in the Hindu population, thereby significantly reducing the overall percentage of the Muslim population within the region. Since the abrogation of Article 370, a significant amount of land has been allotted to non-local investors for industrial development. The government has allocated 852 acres of land to 213 non-local beneficiaries. This move is a part of the government's larger agenda to attract Indian settlers in J&K in the name of industrialization. The settler-colonial aspects of the industrialization policies implemented after the abrogation are a cause of concern for natives of J&K.
- The saffronisation of J&K reflects a multifaceted strategy by the Indian state to align the region's demographic, cultural, and ideological identity with Hindu nationalist ideology. Following the abrogation of Articles 370 and 35A, policies such as the expansion of Hindu pilgrimage routes, incorporation of Hindu religious texts in education, promotion of Hindi over Urdu, and revival of Hindu temples have been actively pursued. These measures aim not only to alter the region's religious and cultural character but also to marginalize its Islamic heritage and reshape historical narratives. The overarching project represents a settler-colonial framework to integrate Kashmir into the broader Hindutva vision of India.

### **Policy Recommendations**

1. A transparent, population-based review of the recent delimitation in Jammu and Kashmir is recommended to ensure fair representation. The seat allocation should reflect actual demographic proportions, with stakeholder involvement to restore regional balance and democratic legitimacy.

2. To ensure the integrity and representative nature of the democratic process in Jammu and Kashmir, it is imperative to establish clear and transparent criteria for voter eligibility that prioritize permanent residency and long-term domicile status. Independent electoral oversight mechanisms should be strengthened to prevent political manipulation of voter rolls. Additionally, electoral reforms must be introduced to safeguard the political agency of the local population, particularly the Muslim-majority community, by ensuring that any expansion of the electorate does not undermine regional demographic realities or marginalize indigenous political voices.
3. The issuance of domicile certificates should be guided by transparent criteria that prevent demographic engineering and protect the rights of indigenous communities in J&K. A comprehensive demographic audit, monitored by independent bodies, is essential to ensure that population changes do not undermine the socio-political identity of the local Muslim-majority population in the region.
4. To preserve the cultural and religious pluralism of J&K, there must be legal safeguards ensuring the protection of indigenous traditions, languages, and historical narratives. Policies should promote inclusive education, equitable cultural representation, and prevent the use of state machinery for ideological or demographic engineering.
5. The government should ensure that land allotment policies in Jammu and Kashmir prioritize transparency, local stakeholder consultation, and sustainable development. Safeguards must be introduced to protect the rights and livelihoods of local communities while balancing investment needs, ensuring inclusive economic growth that benefits both local and non-local participants.
6. The Government of India should revise the Jammu and Kashmir Media Policy-2020 to align with democratic norms and international standards on press freedom. Independent media oversight bodies should be established to ensure transparency, protect journalists from arbitrary censorship, and promote responsible journalism without suppressing dissenting voices.
7. United Nations should take actions to stop India from illegal moves in J&K and resolve the issue of region's permanent status with the consent of the people through an internationally supervised plebiscite.

8. Reopening of diplomatic channels between India and Pakistan for peaceful resolution of the Kashmir dispute.

## Bibliography

Abbink, Klaus, and Jordi Brandts. "Political autonomy and independence: theory and experimental evidence." *Journal of Theoretical Politics* 28, no. 3 (2016): 461-496.

Abdullah, Sheikh. "Atish-e-Chinar" *Srinagar: Ali Mohd. and Sons* (1985).

Academics, Sabina Babar. "Hindu and Hindutva Ideology in Indian Polity: Examining Modi's Administration." *Strategic Studies* 43, no. 2 (2023): 80-96.

"After Nepal, Pakistan Unveils New Political Map; Jammu & Kashmir and Ladakh Claimed, India Retorts." *The Himalayan Times*, August 4, 2020. <https://thehimalayantimes.com/world/pakistan-unveils-new-political-map-claiming-jammu-india-retorts/>

"Andhra Pradesh parties YSRCP, TDP support Centre's move to scrap Article 370". *The Hans India*. Indo-Asian News Service. 5 August 2019.

"Armed soldiers patrol silent streets after Kashmir curfew." *Gulf News*. Agence France-Presse, August 7, 2019.

"Arresting Leaders Will Allow Terrorists to Fill Gap: Rahul Gandhi on Omar Abdullah, Mufti Arrests." *India Today*, August 6, 2019.

"Article 370 abrogation: Kashmir issue should be resolved bilaterally, says Australian envoy". *The Economic Times*. *Asian News International*. 31 August 2019.

"Article 370 revoked: Which political parties supported the bill, which opposed it". *India Today*. 5 August 2019. Accessed 10 May, 2023.

"Article 370: The Indians celebrating Kashmir's new status". *BBC News*. 9 August 2019. Accessed 20 August 2019.

Agarwala, J. S. "Article-370 of the constitution—A Genesis." *Economic and Political Weekly* 50, no. 16 (2015): 25–27.

Ajaz Ashraf and Vignesh Karthik K.R., "Why J&K's demography will change beyond belief", *Newslick*, 31 May 2020.

Ali, Muhammad Qasim, Muhammad Noaman Yousaf, Zoya Zafar, and Zainab Mohsin. "Implications Of Pak-India Relations in Pre & Post Revocation of Article 370 And 35a In Indian Occupied Jammu and Kashmir." *GUMAN* 7, no. 2 (2024): 267-281.

Ali, Rao Farman. *Jammu Kashmir: Resolution Through Reconciliation for Peace and Dignity*. Dehradun: A Group of Sabzar Communications, 2010. p. 2.

Ali, Rizwan, and Usman Mustafa. "Kashmir dispute: Emerging complexities after abrogation of Article 370." *Journal of Humanities, Social and Management Sciences (JHSMS)* 2, no. 2 (2021): 13-25.

Amin, Musarat, Rizwan Naseer, and Nasreen Akhtar. "Pakistan in the FATF Grey-list: Compliance and Policy Readjustments." *Pakistan Journal of Terrorism Research* 3, no. 1 (2021).

Anand, A. S. *The constitution of Jammu and Kashmir: Its Development and Comments*. 3rd ed. Delhi: Universal Law Publishers, 1998.

Arooj Saghir, "Kashmir — a practical manifestation of Hindutva", *The Express Tribune*, November 02, 2022.

Ashraf, Muhammad Naeem. "Polarized India: Impact on Strategic Alliances and Regional Security." PhD diss., Monterey, CA; Naval Postgraduate School, 2022.

Atta, Amaria, Amir Ali, Rao Shaid Mahmood Khan, and Ahtasham Jan Butt. "The Philosophy of Hindutva and Bharatiya Janata Party: An Historical Context." *Journal of the Research Society of Pakistan* 58, no. 1 (2021): 76.

Babar, Babar Aman. "Re-Annexation of Indian Occupied Kashmir: Challenges and Options for Pakistan." *Journal of Public Policy Practitioners* 2, no. 1 (2023): 62-97.

Babbar, Himanshi. "Abrogation of Special Status of State of Jammu and Kashmir." *Indian JL & Legal Rsch.* 2 (2021): 1.

Babbar, Himanshi. "Abrogation of Special Status of State of Jammu and Kashmir." *Indian JL & Legal Rsch.* 2 (2021): 1.

Basu, Titli. "US-Japan-India: Alliance and Alignment in the Indo-Pacific." In *Alliances in Asia and Europe*, pp. 109-125. Routledge, 2023.

Baylis, J. Smith, S. and Owens, P. "*The Globalization of world politics*", (Eds) (2008) New York, Oxford University Press Inc.

Behera, Navnita Chadha. *Demystifying Kashmir*. Pearson Education India, 2007.

"BJP's Demographic Engineering in IIOJK", *Centre for Strategic and Contemporary Research*, February 16, 2024.

Bharti, Mukesh Shankar. "The Strategic Partnership Between India and the United States of America and How China's Influence Challenges the India-Us Alliance in the Indo-Pacific Region." *Regional Formation & Development Studies* 39, no. 1 (2023).



Bhasin, Anuradha A *Dismantled State*. HarperCollins Publishers, 2023.

Bhat, Ram Krishen Kaul. *Political and constitutional Development of the Jammu and Kashmir State*. Delhi: Seema Publications, 1984. Bose, Sumantra. *Kashmir: Roots of Conflict, Paths to Peace*. Harvard University Press, 2003. 33.

"Bhupinder Singh Hooda backs Centre's Article 370 move, says Congress has lost its way". The Times of India. 18 August 2019. Accessed 28 September, 2023.

Brown, Garrett W., Iain McLean, and Alistair McMillan. *The Concise Oxford Dictionary of Politics and International Relations*. Oxford University Press, 2018.

Bukhari, Fayaz, Devjyot Ghoshal, and Zeba Siddiqui. "Some Signs of Normality Return to Kashmir, but India's Clampdown Still Strict." Reuters, August 10, 2019.

"Canada Continues to Closely Follow Developments in Jammu and Kashmir." Government of Canada (Press release). *Global Affairs Canada*. 13 August 2019.

Carranza, Mario E. "Rising regional powers and international relations theories: Comparing Brazil and India's foreign security policies and their search for great- power status." *Foreign Policy Analysis* 13, no. 2 (2017): 255-277.

"Centre Scraps Article-370, Bifurcates J&K into Two Union Territories." Business Line, August 5, 2019.

Chandrachud, Abhinav. "The abrogation of Article 370." *Festschrift in Honour of Nani Palkhivala (January 2020, Forthcoming)* (2019).

Chauhan, Abha. "Gender, Law, and Rights of Permanent Residents in Jammu and Kashmir: From the Lens of Article 370 and Beyond." In *Gender, Law and Social Transformation in India*, pp. 207-226. Singapore: Springer Nature Singapore, 2022.

Chitkara, Madan Gopal. *Kashmir: LoC*. APH Publishing, 2003.

Chowdhary, Rekha, and V. Nagendra Rao. "National Conference of Jammu and Kashmir: From Hegemonic to Competitive Politics." *Economic and Political Weekly* (2004): 1521-1527.

Chowdhary, Rekha. *Jammu and Kashmir: Politics of Identity and Separatism*. Taylor & Francis, 2015.

Christoffersen, Rahul. "Jammu and Kashmir: Erstwhile State of Exception A Legal-Historical Analysis of Article 370 of the constitution of India." Master's thesis, McGill University (Canada), 2022.

"Congress Backed Article 370 Decision But Opposes Govt's High-Handedness, Says Manmohan". *The Wire*. 17 October 2019. Accessed 15 August, 2023.

Congress terms Modi govt's J&K move 'betrayal': 'Has only two meanings',  
*Hindustan Times*, July 13, 2024.

Dar, Aijaz Ahmad. "Towards a Political Solution to the Kashmir Conflict: Exploring Options after the Repeal of Article 370." *Gandhi Marg* 45, no. 4 (2024).

Dar, Moshin (13 May 2024). "J&K Panthers Party leaders move Supreme Court seeking directions to ECI to hold assembly elections in Jammu & Kashmir". *Bar and Bench*. Accessed 27 April, 2024.

Dar, Rouf Ahmad, and Javid Ahmad Dar. "constitutional Autonomy and its (Un) making." *VRÜ Verfassung und Recht in Übersee* 56, no. 4 (2024): 675-689.

Dar, Rouf Ahmad. "constitutions and their foundational discontents: Studying the process of constitution-making in Jammu and Kashmir." *Global constitutionalism* 12, no. 3 (2023): 543-561.

Deka, Kaushik. "Kashmir: Now for the Legal Battle." *India Today*, 19 Aug. 2019.

Deshmane, Akshay. "Kashmir: Scrapping Article-370 'Unconstitutional,' 'Deceitful' Says Legal Expert A.G. Noorani." *HuffPost*, August 5, 2019.

Deva, Zaid. "Basic without structure?: the Presidential Order of 1954 and the Indo-Jammu & Kashmir constitutional relationship." *Indian Law Review* 4, no. 2 (2020): 163-198.

Divisional Commissioner Jammu, *UT of Jammu and Kashmir*. Accessed December 11, 2024. <https://divcomjammu.gov.in/#>

Divisional Commissioner Kashmir. *UT of Jammu and Kashmir*. Accessed December 11, 2024. <https://kashmirdivision.nic.in/>.

Dr. Raja Muhammad Sajjad Khan, Interview conducted by the Author on October 23, 2024.

"Election under Occupation", *Dawn News*, August 26, 2024, <https://www.dawn.com/news/1854799>.

"Electoral gerrymandering in Kashmir another risk to stability", *East Asia Forum*, December 22, 2022.

"EU Urges India, Pakistan to Avoid Tension over Kashmir." *Middle East North Africa Financial Network*, August 6, 2019.

Fair, C. Christine. "The militant challenge in Pakistan." *Asia policy* 11 (2011): 105-138.

Feyyaz, Muhammad, and Sadaf Husnain Bari. "Understanding India and Pakistan's intriguing terrorism discourses." *Critical Studies on Terrorism* (2024): 1-25.

"Five Years Without an Elected Administration: Human Rights in Jammu and Kashmir, Report by The Forum for Human Rights in Jammu And Kashmir- August 2022 – July 2023", *The Wire*, August 04, 2023.

"Foreign Minister writes to leaders of international organizations inviting their attention to the illegality of Indian Supreme Court's judgement on the status of IIOJK",

*Ministry of Foreign affairs, Pakistan*, 16 December 2023,

<https://mofa.gov.pk/foreign-minister-writes-to-leaders-of-international-organizations-inviting-their-attention-to-the-illegality-of-indian-supreme-courts-judgement-on-the-status-of-iiojk>

"Formation of J&K and Ladakh union territories "unlawful and void": China" *The Economic Times*, October 31, 2019.

<https://economictimes.indiatimes.com/news/defence/formation-of-jk-and-ladakh-union-territories-unlawful-and-void-china/articleshow/71837506.com>

Frykenberg, Robert E. "Hindutva as a political religion: An historical perspective." In *The sacred in twentieth-century politics: Essays in honour of Professor Stanley G. Payne*, pp. 178-220. London: Palgrave Macmillan UK, 2008.

G. Nair, Balu. "Abrogation of Article 370: can the president act without the recommendation of the constituent assembly?." *Indian Law Review* 3, no. 3 (2019): 254-279.

Ganguly, Sumit, and William R. Thompson. *Ascending India and its state capacity: Extraction, violence, and legitimacy*. Yale University Press, 2017.

Ghoshal, Devjyot, and Alasdair Pal. "Thousands detained in Indian Kashmir crackdown, official data reveals." *Reuters*, September 12, 2019.

Government of India Act 1935, 25 & 26 Geo. - c. 42 (UK 1935).

[https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga\\_19350002\\_en.pdf](https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf).

Government of India. *The constitution (Application to Jammu and Kashmir) Order, 2019*. Ministry of Law and Justice, Legislative Department Notification, August 5, 2019. *The Gazette of India*. Accessed

January 15, 2023. <https://egazette.gov.in/WriteReadData/2019/210049.pdf>.

“Govt Scraps JK Bank Recruitment Process, Annuls 1450 Appointments”, *Kashmir Observer*, February 27, 2020.

“Govt suspends Samjhauta Express; bans Bollywood movies”, *The Express Tribune*, August 08, 2019.

Gulzar, Rais Ul. "Kashmir's Accession to India Re-examined." *International Journal of Research in Social Sciences* 9, no. 5 (2019): 516-523.

Gulzar, Yawer, and Layeeq Ahmad Sheikh. "Article 35 A of the Indian Constitution and Daughters of Jammu and Kashmir." *AGU International Journal of Research in Social Sciences & Humanities* 6, no. 6 (2018): 22-35.

Gupta, Abhinav. "The story of Jammu and Kashmir and interpretation of Article 370 of the constitution of India." *Global Journal of HUMAN-SOCIAL SCIENCE: A Arts & Humanities-Psychology* 21, no. 15 (2021).

Haidar, Suhasini. "No Need for Third Party Mediation in Kashmir: Emmanuel Macron." *The Hindu*, August 22, 2019.

Hajimirsadeghi, Ashley. "Tibet and Kashmir: Identity Politics and Nation Building in the Contemporary Era." *Towson University Journal of International Affairs* 57, no. 2 (2024).

Hannah Ellis-Petersen, "India strips Kashmir of special status and divides it in two", *The Guardian*, October 31, 2019.

Haroon, Lubna, and Dr Nazir Hussain. "Indian constitutional Rearrangements in Jammu & Kashmir and the Responses of Kashmiri Diaspora." *South Asian Studies* 2, no. 35 (2021).

Hawaldar, Aditya. "Analysis of Jammu and Kashmir Domicile Law." *Supremo Amicus* 19 (2020): 17.

Herklotz, Tanja. "Kashmir, Minority Rights and Indian constitutionalism: Introduction to the Special Issue." *VRÜ Verfassung und Recht in Übersee* 56, no. 4 (2024): 667-674.

Hilali, A. Z. (2021). Kashmir Combustible Region: Abrogation of Article-370 & 35A and its Grave Implications. *Journal of Indian Studies*, 7(2), 247-268.

*Kashmir Media Service*. "HR Violations in Kashmir." Accessed December 11, 2024. <https://kmsnews.org/kms/>.

Human Rights Watch. *India: Repression Persists in Jammu and Kashmir, Restriction on Rights 3 Years after constitutional Autonomy Revoked*.

August 2, 2022. <https://www.hrw.org/news/2022/08/02/india-repression-persists-jammu-and-kashmir>.

Hussain, Adil. "How the Indian Government are using "The constitution (Application to Jammu and Kashmir) Order, 2019" to suppress the right to self-determination of the citizens of Kashmir?." Master's thesis, University of South-Eastern Norway, 2022.

Hussain, Aijaz, and Saaliq Sheikh. "No phone calls, no groceries: Kashmir on edge under lockdown." Associated Press, August 8, 2019.

Hussain, Maqsood. (2022). The Bridge Abridged: Abrogation of Article-370. *Res Militaris*, 12(6), 2527-2539.

Hussain, Muzaffar. "China Pakistan Economic Corridor (CPEC): challenges and the way forward." PhD diss., Monterey, California: Naval Postgraduate School, 2017.

Hussain, Serena. "Society and politics of Jammu and Kashmir: An introduction." *Society and Politics of Jammu and Kashmir* (2021): 1-30.

Hussain, Zakir. "Implications of Article-370 Abrogation for Intergroup Relations between Hindus and Muslims in Kashmir Valley," *Peace and Conflict: Journal of Peace Psychology* (2023). <https://psycnet.apa.org/record/2024-25679-001>

Inam, Zunaira. "Lawfare Options on Kashmir Dispute." *Journal of Regional Studies* 38, no. 2 (2020): Institute of Regional Studies, Islamabad.

"In Jammu and Kashmir, a new department opens to register land transactions – and it's sparked anger", Scroll, 30 November 2019; Anuradha Bhasin, "Bringing the Israeli model to Kashmir", *Al Jazeera*, 21 June 2020.

"India: Authorities must end repression of dissent in Jammu and Kashmir", *Amnesty International*, September 18, 2024.

"India Plundering Natural Resources of IIOJK for Economic Marginalization of Kashmiris," *Pakistan Observer*, January 11, 2024, <https://pakobserver.net/india-plundering-natural-resources-of-iiojk-for-economic-marginalization-of-kashmiris/>.

"India Revokes Kashmir's Special Status: All the Latest Updates." *Al Jazeera*, August 8, 2019.

"India: Basic Freedoms at Risk in Kashmir." Human Rights Watch, August 6, 2019.

"India: Repression Persists in Jammu and Kashmir, Restrictions on Rights 3 Years After constitutional Autonomy Revoked." *Human Rights Watch*,

August 2, 2022. <https://www.hrw.org/news/2022/08/02/india-repression-persists-jammu-and-kashmir>.

"India: Revoking Special Status of Jammu and Kashmir Likely to Inflamm Tensions" (Press release). Amnesty International UK, August 5, 2019.

"Indian Assault on Kashmiri Identity and Its Likely Implications," Seminar Report, Institute of Policy Studies, Islamabad, February 3, 2023.

Indian Independence Act 1947, 10 & 11 Geo. - c. 30 (UK) (Royal Assent received on July 18, 1947). [https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga\\_19470030\\_en.pdf](https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga_19470030_en.pdf)

Iqbal, Asma. "Indo-US Strategic Partnership and Its Fall Outs on Pakistan." *Journal of Politics and International Studies* 6, no. 02 (2020): 189-202.

Ishaque, Waseem. "Analyzing United States Pivot to Asia and China's Global Rebalancing through Belt and Road Initiative (BRI)." *NUST Journal of International Peace & Stability* (2022): 31-45.

Islam, Maidul. "Authoritarianism and majoritarian religious nationalism in contemporary India." *World Affairs* 187, no. 2 (2024): 137-150.

Islam, Muhammad Javed, and Zulfqar Khan. "Trajectories of RSS Ideological Domination in the Indian Policy Making: Implications for South Asia." *Margalla Papers* 24, no. 1 (2020): 1-15.

"J&K Signed MoUs Worth ₹3,000 Crore Signed at Gujarat Investors Summit: L- G Manoj Sinha," *The Hindu*, January 13, 2024. <https://www.thehindu.com/news/national/other-states/jk-signed-mous-worth-3000-crore-signed-at-gujarat-investors-summit-l-g-manoj-sinha/article67735690.ece>

"Jammu & Kashmir Reorganisation Bill Passed by Rajya Sabha: Key Takeaways," *The Indian Express*, August 5, 2019.

"Jammu & Kashmir Lok Sabha Election Results 2024 Highlights", *Times of India*, Jun 05, 2024.

"Jammu and Kashmir election results 2024 highlights", *The Hindu Bureau*, June 04, 2024, <https://www.thehindu.com/elections/lok-sabha/jammu-and-kashmir-election-results-2024-live/article68214279.ece>

"Jammu-Kashmir Elections Results: Full list of winners in J-K Assembly elections 2024", *Indian Express*, October 08, 2024.

"J-K political parties oppose Centre's move to give more powers to Lt Governor", *The Indian Express*, July 13, 2024.

Jadhav, Dhanaji Mukund Rao, Aiswarya Krishnan, and Devi S. Vijay. "constitutional and Political Intricacies Involved in Abrogation of Article 370." *Revista Geintec-Gestao Inovacao E Tecnologias* 11, no. 4 (2021): 5306-5323.

Jagota, S. P. "Development of constitutional relations between jammu and kashmir and india, 1950—'60." *Journal of the Indian Law Institute* 2, no. 4 (1960): 519-538.

Jagtap, Soham Vijaykumar, and Garima Saxena. "India's Anti-Terrorism Laws: An Undying Threat." *Issue 4 Int'l JL Mgmt. & Human.* 3 (2020): 1490.

Javaid, A. 'Outside firms entering mining race in J&K, lease earnings touch crores from lakhs.' The Print, 6 February. <https://theprint.in/india/outside-firms-enter-mining-race-in-jk-lease-earnings-touch-crores-from-lakhs/360175/>

Javaid, Azaan. "J&K Has No Chief Minister but Now Has 'Four Ministers' — for Home, Power, Revenue, Haj," ThePrint, March 17, 2020.

"Kashmir journalists struggle to tell their stories amid clampdown." Al Jazeera, August 7, 2019.

"Kashmir may be the latest target of centre's name-changing spree", The Wire, 19 November 2019.

"Kashmir Media Policy: Accentuating the Curbs on the Freedom of Press", *Kashmir Law and Justice Project*, November 23, 2023, <https://www.kljp.org/articles/kashmir-media-policy-accentuating-the-curbs-on-the-freedom-of-press>

"Kashmir Muslims Fear Demographic Shift as Thousands Get Residency", *Aljazeera News*, 28 Jun 2020.

"Kashmir: Civilians severely wounded in pellet gun attacks", *Aljazeera News*, August 09, 2019.

"Kashmir: new domicile rules spark fresh anger a year after India removed region's special status", *The Conservation*, July 29, 2020.

"Kashmiris fear 'demographic change' after India grants voting rights to non-locals", *Arab News*, August 22, 2022.

Kapoor, Sindhu. "Administrative Reforms Under Maharaja Hari Singh." *CASIRJ* 9, no. 3 (2018).

Katoch, Dhruv C. "Article 35A and the Future of Stability in Kashmir." *CLAWS Journal* (2017): 105-122.

Katoch, Dhruv C. "Article 35A and the Future of Stability in Kashmir." *CLAWS Journal* (2017): 105-122.

Kaul, Nitasha. "Rise of the political right in India: Hindutva-development mix, Modi myth, and dualities." *Journal of Labor and Society* 20, no. 4 (2017): 523- 548.

Kaul, S.N. *Political Turmoil of Kashmir*. New Delhi: Rajat Publications, 2020.

Kaul, Suvir. " An'You will Fight, Till the Death of It...": Past and Present in the Challenge of Kashmir." *Social Research: An International Quarterly* 78, no. 1 (2011): 173-202.

Kaur, Ravinderjit. *Political awakening in Kashmir*. APH Publishing, 1996.

Khaja, Mohmad Ashraf. "Treaty of Amritsar in retrospect: the validity, legitimization and its subsequent repercussions on the people of Kashmir." In *Proceedings of the Indian History Congress*, vol. 77, pp. 338-347. Indian History Congress, 2016.

Khalid Shah, "Why Sidelining Jammu and Kashmir Police is Dangerous", Observer Research Foundation, 15 February 2020; "Bureaucracy riven by groupism, Kashmiri officers sidelined says J&K Apni Party", The Hindu, 3 June 2020.

Khalid, Munazza. "Abrogation of Article-370 and 35A, Human Rights Situation in Indian Occupied Kashmir and Response Options for Pakistan." *Journal of Humanities, Social and Management Sciences* 2, no. 1 (2021): 166-175.

Khalid, Rimsha, Rajinder Kumar, Rupa Sinha, Kareem MM Selem, and Mohsin Raza. "A consensus map for Ladakh's development as potential geotourism destination: key drivers." *Journal of Place Management and Development* (2024).

Khan, Feroz Hassan. "Russia–Pakistan Strategic Relations: An Emerging Entente Cordiale." *Journal of Indo-Pacific Affairs* 4 1 (2021): 42-64.

Khan, Nyla Ali, ed. *The parchment of Kashmir: history, society, and polity*. New York: Palgrave Macmillan, 2012.

Khan, Dr. Raja Muhammad Sajjad. "5 Years of Illegal Occupation and Suppression in IIOJK (2019–2024)." Kashmir Policy Research Institute, August 5, 2024.

Khora, Sthabir. *Caste, Reservation, Atrocity Law and Discrimination*. Taylor & Francis, 2024.



Korbel, Josef. "From domicile to dominion: India's settler colonial agenda in Kashmir." *Harvard Law Review* 134 (2021): 2530-2551.

Kuchay, Bilal. "Hundreds Rally in Delhi to Protest Against India's Kashmir Move." *Al Jazeera*, August 7, 2019.

Kumar, Ashwani, and Khushboo Srivastava. "Boundary Lines and Ballots: Exploring Delimitation, Electoral Dynamics, and Reservation in India."

Kumar, Raushan, Niranjan Deo Pathak, and Shiv Swaroop Jha. "The Role of Tourism in the Economic Development of Jammu and Kashmir Region." In *Sustainable Tourism, Part B: A Comprehensive Multidimensional Perspective*, pp. 209-221. Emerald Publishing Limited, 2024.

Lall, Marie, and Kusha Anand. "The Effects of the Indian Political Choice Model on Citizenship under the BJP Government." In *Bridging Neoliberalism and Hindu Nationalism*, pp. 189-229. Bristol University Press, 2022.

Lalwani, Sameer P., and Gillian Gayner. *India's Kashmir Conundrum: Before and After the Abrogation of Article 370*. Washington, DC: United States Institute of Peace, 2020.

Lamb, Alastair. *Kashmir: A Disputed Legacy*. Hertingfordbury, Hertfordshire: Roxford Books, 1991.

"Latest Changes in government Rules Reveal Statehood for J&K to Remain a Distant Dream", *The Wire*, July 17, 2024.

"Lok Sabha passes the constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024", *Press Information Bureau, India*, February 06, 2024.

Leidig, Eviane, and Cas Mudde. "Bharatiya Janata Party (BJP) The overlooked populist radical right party." *Journal of Language and Politics* 22, no. 3 (2023): 360-377.

List of IAS Officers. Srinagar: Government of Jammu & Kashmir, General Administration Department. <https://jkgad.nic.in/leftMenu/CivilList.aspx>

Lockwood, David E. "Sheikh Abdullah and the politics of Kashmir." *Asian Survey* 9, no. 5 (1969): 382-396.

Lone, Fozia Nazir. "Incorporation of Kashmir into the Indian Union: An International Assessment on Human Rights and Democratic Government." In *Historical Title, Self-Determination and the Kashmir Question*, pp. 239-314. Brill Nijhoff, 2018.

Lone, Fozia Nazir. "The Legal Validity of the Illegal Seizure of Kashmir: An Archival and Legal Review." In *Historical Title, Self-Determination and the Kashmir Question*, pp. 171-23, 2018.

Mangrio, Naghma. "A Historical and Political Perspective of Kashmir Issue." *The Dialogue*, September 2012: 255–264.

Mehdi, Ali, Divya Chaudhry, and Priyanka Tomar. *Freedoms, Fragility and Job Creation: Perspectives from Jammu and Kashmir, India*. Springer, 2018.

Menon, Annapurna. "Coloniality of a Postcolonial Nation-State: India in Indian Administered Jammu & Kashmir." PhD diss., University of Westminster, 2022.

Menon, M. Rajan. "The Military and Security Dimensions of Soviet-Indian Relations." In *The Soviet Union in the Third World*, pp. 232-250. Routledge, 2022.

"Mehbooba Mufti Criticizes Center, Claims J&K Being Reduced to Municipality, Appeals to Opposition for Support", Zee News, July 13, 2024.

"Mohamad said: "Now, despite the UN resolution on Jammu and Kashmir, the country has been invaded and occupied," The Economic Times (New Delhi), October 1, 2019.

Ministry of Law and Justice (Legislative Department). *The Jammu and Kashmir Reorganization Act, 2019*. New Delhi, 2019. Accessed January 9, 2023.

<https://igr.jk.gov.in/files/J&K%20Reorganisation%20Act,%202019.pdf>.

Mir, Mohd Amin. "The Kashmir Dilemma and the Repeal of Article 370: A Comparative Analysis." *Journal of Muslim Minority Affairs* (2023): 1-13.

Mir, Mohd Amin. "The Kashmir Dilemma and the Repeal of Article 370: A Comparative Analysis." In *Rebels of the Streets: Violence, Protest, and Freedom in Kashmir*, pp. 1-41. (2018): 1-41.

Murphy, Eamon. "Terrorism, security, and development and the "never-ending" conflict over Jammu and Kashmir." In *Terrorism, Security and Development in South Asia*, pp. 215-232. Routledge, 2021.

Mustafa, F. (2019). Article 370, Federalism and the Basic Structure of the constitution. *The India Forum*.

Mustafa, Rabia. "Human Rights Violations in Indian Occupied Kashmir: A Legal Perspective" *International Journal of Kashmir Studies* 1, no. 1 (2019): 1-18.

Mustafa, Rabia. "Human Rights Violations in Indian Occupied Kashmir: A Legal Perspective." *International Journal of Kashmir Studies* 1, no. 1 (2019): 1-18.

Naqash, Gull Mohd. Wani, and Nasir A. *Reflections on Kashmir Politics*. New Delhi: Ashish Publishing House, 1993.

National Geographic Society. "Demography." Accessed January 12, 2023. <https://education.nationalgeographic.org/resource/demography/>.

Navlakha, Gautam. "Bharat's Kashmir war." *Economic and Political Weekly* (1991): 2951-2962.

"NC-Congress alliance set to form govt. in J&K, BJP wins big in Jammu", *The Hindu*, October 08, 2024.

Nedal, Dani K., and Daniel H. Nexon. "Anarchy and authority: international structure, the balance of power, and hierarchy." *Journal of Global Security Studies* 4, no. 2 (2019): 169-189.

"No Policy Change on Kashmir." *The Hindu*, August 9, 2019.

Noorani, A. G. "Delimitation Report," Dawn, May 14, 2022. <https://www.dawn.com/news/1689610>.

Noorani, Abdul G. *The Kashmir Dispute, 1947-2012*. Oxford University Press, 2014.

Noorani, Abdul G. *Article 370: A constitutional history of Jammu and Kashmir*. Oxford University Press, 2014.

"Omar Abdullah takes oath as J&K Chief Minister, Surinder Choudhary his deputy", *India Today*, October 16, 2024.

"One year after special status ended, Kashmiris have disappeared from government in J&K", *Scroll*, 31 July 2020.

"Pakistan Army stands by Kashmiris: Bajwa," *The Hindu*, August 7, 2019.

"Pakistan writes to UNHCHR again on Kashmir issue", *The Economic Times*, Aug 23, 2019.

Pakistan downgrades diplomatic ties with India, expels envoy," *The Times of India*, August 7, 2019, <https://timesofindia.indiatimes.com/india/pakistan-todowngrade-diplomatic-ties-with-india-suspend-bilateraltrade/articleshow/70573614>

Pakistan's Ministry of Foreign Affairs. "Pakistan Rejects the Illegal Grant of IOJ&K Domicile Certificates to Indian Nationals," June 27, 2020, <https://mofa.gov.pk/pakistan-rejects-the-illegal-grant-of-iojk-domicile->

certificates- to-indian-nationals

Pandow, Bilal Ahmad. "Communication blackout and media gag: State-sponsored restrictions in conflict-hit region of Jammu and Kashmir." *Identities* 29, no. 6 (2022): 748-767.

Pandya, Abhinav. "An analysis of the Post-370 revocation trends in Kashmir: Issues and concerns." *Strategic Analysis* 46, no. 5 (2022): 510-541.

Paul, S. Jiji. *Kashmir: The Valley of Lament*. Gulshan Books, 2012. 22.

Peerzada, Ashiq (8 October 2024). "NC-Congress alliance set to form govt. in J&K, BJP wins big in Jammu". *The Hindu*.

Peerzada, Ashiq. "Article-370 Verdict - A Changed Political Landscape in J&K." *The Hindu*, December 19, 2023, sec. Comment.  
<https://www.thehindu.com/opinion/op-ed/a-changed-political-landscape-injk/article67655552.ece>.

Permanent Mission of Pakistan to the United Nations, Geneva. "UN Resolutions on Jammu and Kashmir." <https://www.pakungeneva.pk/ContentPage.aspx?ID=20>(Accessed on 24th July, 2024).

Pokhariyal, Purvi, and Aum Kotwal. "An Analysis of the Revocation of Article- 370 under constitutional Law, Federalism and International Law." *Journal of Positive School Psychology* 6, no. 4 (2021): 8880-8897.

Pradhan, Samir. "India and the Gulf Cooperation Council (GCC): An economic and political perspective." *Strategic Analysis* 34, no. 1 (2010): 93-103.

Prakash, Bhaswat. "Upholding the Abrogation of Article 370: Can it be called another Black Spot-on Indian Judiciary?." (2024).

"President Gives Assent to J&K Reorganization Legislation, 2 UTs to Come into Existence on October 31." *India Today*. 9 August 2019.

Press Trust of India. "Reduce J-K Assembly Term to 5 Years: BJP," *Business Standard*, December 4, 2013.

Puri, Luv. *Across the line of control: Inside Pakistan-administered Jammu and Kashmir*. Columbia University Press, 2012.

Qadeer, Muhammad Abdul. "United Nations resolutions on Kashmir and their relevance." *Journal of Strategic Affairs* 2 (2017): 65-95.

Qadri, Nasir, Musaib Manzoor, and Sabah Aslam. "Atrocity Crimes, constitutional Onslaught, & Genocide Threat in IOJK: Role Human Rights

Watchdogs." *Islamabad Institute of Conflict resolution* (2022).

Raghavan, P. S. "The changing geopolitical landscape of India–Russia relations." In *India's Great Power Politics*, pp. 227-246. Routledge India, 2020.

Registrar General and Census Commissioner of India. *Census of India, 2011*. New Delhi: Office of the Registrar General and Census Commissioner of India, 2011.

Rahman, Adnan, and Sania Muneer. "Demographic Changes in Indian Administered Jammu and Kashmir: A Legal Perspective." *Pakistan Vision* 21, no. 2 (2020): 73.

Raj, Anshda. "Comparative Analysis of the Hindu and Times of India Post the Abrogation of Article 370." *Journal of Mass Communication & Journalism* 11, no. 3 (2021): 136-47.

Rather, Tariq. "Abrogation of Article 370 of the constitution of India: socio-economic and political implications on Jammu and Kashmir." *International Journal of Research and Analytical Reviews* 7, no. 3 (2020).

"Rajasthan CM Ashok Gehlot Condemns Mehbooba Mufti, Omar Abdullah's Arrest." *India Today*, August 7, 2019. Press Trust of India.

"Redrawn map may set off more change in Indian-ruled Kashmir", *The Washington Post*, August 7, 2019.

"Repeal of Article 370: Implications for India, Pakistan, and the United States", *Atlantic Council's South Asia Center*, August 21, 2019.

"Revised criminal law bills: Key changes explained", *The Hindu*, July 01, 2024.

Ripsman, Norrin M. "Neoclassical Realism" Norrin M. Ripsman, Department of International Relations, Lehigh University.

<https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-36?print=pdf>.

Rizvi, Gowher. "India, Pakistan, and the Kashmir Problem, 1947-1972." In *Perspectives On Kashmir*, pp. 47-79. Routledge, 2019.

Roy, Arundhati. "The Silence is the Loudest Sound." *The New York Times*, August 15, 2019. Accessed on March 13, 2023.  
<https://www.nytimes.com/2023/10/11/world/asia/arundhati-roy-kashmir.html>.

Rulska, Anna, and David Jackson. "At the Crossroads of Foreign Policy Decisions: India in the Middle East." In *Strategic Interests in the Middle East*, pp. 129-140. Routledge, 2017.

"Russia throws its weight behind India on Kashmir issue". *Business Line. Press Trust of India*. 28 August 2019.

Saaliq, Sheikh. "India's Decision to Split Kashmir Met with Protests." *The Washington Post*, August 7, 2019. Associated Press.

Saleem, Mohammad, and Neha Yadav. "Abrogation of Article-370-A Violation of Democratic Ethos." *Supremo Amicus* 23 (2021): 322.

Schofield, Victoria. *Kashmir in the Crossfire*. I. B. Tauris, 1996.

Scroll.in, 'Jammu and Kashmir: 125 projects cleared on forest land since August, only 97 approved last year'. 21 October 2019.

<https://scroll.in/latest/941222/jammu-and-kashmir-125-projects-cleared-on-forest-land-since-august-only-97-approved-last-year>.

Sehgal, Rashmi. "Kashmir conflict: Solutions and demand for self-determination." *International Journal of Humanities and Social Science* 1, no. 6 (2011).

Setyorini, Fitri Adi, and Takdir Ali Mukti. "The Revocation of Kashmir's Special Status by Narendra Modi Administration in 2019." *Nation State: Journal of International Studies* 3, no. 2 (2020): 130-155.

Shah, Niaz A. "Re-colonisation of Jammu and Kashmir and the Right to Self determination." *International Human Rights Law Review* 11, no. 2 (2022): 186-220.

Shah, Tanveer Ali, Muhammad Muzaffar, and Zahid Yaseen. "Debunking Concerns of the New Delhi over CPEC." *Pakistan Languages and Humanities Review* 4, no. 1 (2020): 33-46.

Sharma, R., and Geetanjali Atri. "India and Russia in international organizations: motives, strategies, and outcomes." *MGIMO Review of International Relations* 16 (2023): 2.

Siddique, Ayesha, and Saeed Shafqat. "How Belt and Road Initiative (BRI) and the China-Pakistan Economic Corridor (CPEC) are Reshaping China's Soft Power?." *Journal of South Asian and Middle Eastern Studies* 44, no. 3 (2021): 61- 94.

Singh, Bhim (6 February 2010). "Bitter realities of political history of J&K". *vijayvaani.com*. Retrieved 19 September 2014.

Singh, Ms Legha Mamta Ranjit. "Legal Perspective Of Kashmir Issue." *Think India Journal* 22, no. 14 (2019): 5115-5124.

Singh, Shivani. "Jammu and Kashmir: Analysing Progress since the Modification of Article 370." *Issue 4 Indian JL & Legal Rsch.* 4 (2022): 1.

Siyech, Mohammed Sinan. "Understanding India's increased counter terrorism relations with Saudi Arabia and the UAE." *India Review* 19, no. 4 (2020): 351- 375.

Snedden, Christopher. "Maharaja Hari Singh and his accession issue." In *Independent Kashmir*, pp. 44-92. Manchester University Press, 2021.

Snedden, Christopher. "The rise of Kashmiri aspirations, 1924–47." In *Independent Kashmir*, pp. 137-185. Manchester University Press, 2021.

Snedden, Christopher. "What happened to Muslims in Jammu? Local identity, 'the massacre' of 1947 and the roots of the 'Kashmir problem'." *South Asia: Journal of South Asian Studies* 24, no. 2 (2001): 111-134.

Sofi, W. "Autonomy of a State in a Federation." (2024).

Sofi, Waseem Ahmad. "Autonomy of Jammu and Kashmir in the Context of Indian constitution." In *Autonomy of a State in a Federation: A Special Case Study of Jammu and Kashmir*, pp. 67-111. Singapore: Springer Singapore, 2021.

Syed Manzoor Hussain Gillani, Interview conducted by the Author on October 22, 2024.

Syed Yousaf Naseem, Interview conducted by the Author on November 03, 2024.

"Seminar Report-Indian Assault on Kashmiri Identity and its Likely Implications", *Institute of Policy Studies, Islamabad*, February 03, 2023.

"Supreme Court asks EC to hold J&K elections by September 30", *The Economic Times*, December 12, 2023.

"TDP, YSRCP support Union govt's proposal to scrap Article 370 in Kashmir". *The News Minute*. 5 August 2019. Accessed 18 January, 2024.

"The Mountabaten Plan, June 3, 1947." *Archive.org*. <https://archive.org/details/abriefhistoryofmodernindiarajivahir/page/n576/mode/1u?p=q=Mountbatten+plan> (accessed August 22, 2023).

Taylor, David, and Dishil Shrimankar. "The Centre and the States: Evolution of a Union." In *The Territories and States of India 2024*, pp. 3-14. Routledge, 2024.

Thakur, Nisar Ahmed "Five Years after Revocation of Article 370/35A-A Review of Human Rights Situation in Jammu and Kashmir", Kashmir Institute of International Relations, <https://www.kiir.org.pk/reports/human-situation-in-indian-rights-occupied-jammu-kashmir-4837>

The constitution of India, November 9, 2015, <https://www.iitk.ac.in/wc/data/coi-4March2016.pdf>.

"The Aftermath of abolishing Article 370 in Jammu and Kashmir", *Pakistan Today*, August 11, 2023.

"The Jammu and Kashmir Reorganisation (Second Amendment) Bill, 2023", *PRS Legislative Research*, <https://prsindia.org/billtrack/the-jammu-and-kashmir-reorganisation-second-amendment-bill-2023>.

Thompson, Andrew E. "The Kashmir Conflict: Evolution and Prospects For a Solution." (2012).

"UAE Ambassador to India reacts to Kashmir decision," *Gulf News*, August 6, 2019, <https://gulfnews.com/world/asia/india/uae-ambassador-to-india-reacts-to-kashmir-decision-1.1565038437014>.

"UN Security Council to Meet on Kashmir at China's Request," *Al Jazeera News*, December 17, 2019, <https://www.aljazeera.com/news/2019/12/17/un-security-council-to-meet-on-kashmir-at-chinas-request>.

"UN Special Rapporteurs express concerns over UAPA". *The Leaflet*, 18 May 2020.

Ullah, Amir, and Inam Ul Haq. "Redefining Boundaries: A Critical Examination of Article 370 and 35 (A) and Their Impact on South Asia's Strategic Landscape." (2024).

Venkataramanan, K. "Explained | How the status of Jammu and Kashmir is being changed." *The Hindu*, 5 August 2019.

Verma, Ashutosh. "Freedom of Residence in India: a Study with Special Reference to Article 35A of the constitution." *Available at SSRN 3969826* (2021).

Vora, Advay. "Article 370 of the constitution: A Timeline." *Supreme Court Observer*, July 31, 2023. <https://www.scobserver.in/journal/article-370-of-the-constitution-a-timeline/>

Wani, Aijaz Ashraf, Imran Ahmad Khan, and Tabzeer Yaseen. "Article 370 and 35A: Origin, provisions, and the politics of contestation." *Society and Politics of Jammu and Kashmir* (2021): 53-77.

Wani, Aijaz Ashraf. "The Governance deficit in Kashmir (1947–90)." *South Asian Journal* 32 (2011).

Wani, Gull Mohd, and Nasir A. Naqash. "Reflections on Kashmir politics." (*No Title*) (1993).

Wani, Hilal Ahmad, Andi Suwirta, and Joseph Fayeye. "Untold stories of human rights violations in Kashmir." *Educare* 6, no. 1 (2013).



Wolf, Siegfried O. "From Kashmir to Ladakh: the rationale behind Beijing's border intrusions into India." In *Research Report, Brussels: South Asia Democratic Forum (SADF)*, vol. 4. 2020.

"Yasin Malik: Terror Funding Case; NIA Court Convicts Yasin Malik," The Times of India, May 19, 2022.

Yoshita Singh, "Resolve Kashmir issue through dialogue and not through collision: Erdogan", The Economic Times, September 25, 2019.

Zakaria, Fareed "*From Wealth to Power. The unusual origins of America's world role*", Princeton: Princeton University Press (1998).

Zhang, Chuchu, and Sujata Ashwarya. "Rising Asian transactionalist players in the Middle East: deciphering the roles of China and India in the Persian Gulf." *International Relations* (2024): 00471178241231719.

## **Annexure-I**

### **Interview Questionnaire**

1. How do you perceive the Indian Government's revoking of Articles 370 and 35A from its constitutional and judicial perspectives?
2. How much the domestic factors, such as internal political considerations and Hindutva ideology remain primary drivers behind the abrogation of these Articles 370 and 35A?
3. In your expert opinion, what are the most significant changes made to Jammu and Kashmir's political autonomy and self-governance resulting from the revocation of its special status?
4. How does the new domicile law introduced subsequent to the abrogation of Article 35A differ from the previous permanent resident regulations, and what are its potential demographic implications?
5. How might the abrogation of Articles 370 and 35A impact property rights and land ownership patterns in Jammu and Kashmir?
6. Considering international law and UNSC resolutions on granting the right to self- determination to the people of Jammu and Kashmir, how does the abrogation align with or diverge from international legal norms?
7. How has the abrogation of Articles 370 and 35A affected the fundamental rights of the people of Jammu and Kashmir?
8. What challenges the Indian government faced after the revocation of Article 370 and 35A?
9. What role has the Indian judiciary played in addressing the legal challenges arising from the abrogation of Articles 370 and 35A? Has the judiciary been effective in safeguarding the rights of the people of Jammu and Kashmir?

10. What was the response of International community particularly, the United Nations after Indian act of abrogation of two main articles which empowered the autonomous status of Jammu and Kashmir state?