



## IMPACT OF ABROGATION OF ARTICLE 370 AND 35A OF INDIAN CONSTITUTION ON JAMMU AND KASHMIR AND INDIA

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### Abstract

On 5<sup>th</sup> August 2019 article 370 and article 35A has been abrogated by an executive order of the honorable president of India G.S.R. 551(E) C.O. 272.

After the independence of India the state of Jammu and Kashmir have been granted the special status by providing Article 370 provisions and Article 35A provisions, it was all ready declared these provisions and these arrangements are temporary in nature. At that time there were 562 provinces in India

For the state of Jammu and Kashmir presidential order was issued under the article 370(1)(d) of the constitution, this provision allows honorable president make certain "exception and modifications" to the constitution for the benefit of "state subject" of Jammu and Kashmir. Article 35A was added to the constitution as a testimony of special consideration. The Indian Government accorded to the permanent residence of Jammu and Kashmir.

#### Objectives of the study:

- To study the Impact of abrogation of Article 370 and 35A of Indian Constitution on Jammu and Kashmir and India.

#### Hypothesis of the study:

Before the abrogation of article 370 and article 35A there were a lot of unrest in the state of J&K.

**Keywords:** Article 370 and article 35A, Human rights, conflict, violence.

#### Bibliography:

Kashmir untold story, by Iqbal Chand Malhotra, Maroof Raza.

Understanding Kashmir and Kashmiris by Christopher Snedden.

Websites, journals, News papers and TV channels.



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#### Introduction:

After the independence of India the state of Jammu and Kashmir have been granted the special status by providing Article 370 provisions and Article 35A provisions, it was all ready declared these provisions and these arrangements are temporary in nature. This was a special arrangement for the transformation of Jammu And Kashmir State. At the time of independence of India, There were 562 provinces. The British parliament divided India in to

India and Pakistan. British's left the choice to king's and Queen's of 562 provinces to join India or Pakistan.

According to the available information approximately 3,400 people's disappearance cases as been reported, 47,000 peoples lost their precious life from 1950 to 05-08-2019, which includes 7,000 police personnel also lost their precious life.

This has increased in the year 1990 the minority people of Jammu Kashmir like Kashmiri Pandiths, Shiya Muslims, SC, St, OBC, Daliths, Gujjars, Buddhist and other small ethnic groups suffered a lot and lost their loved once and their properties also and started migrating out of Jammu and Kashmir to save their life. They lost the sense of Kashmirith and insaanityat from their mind. . All these developments in the state of Jammu and Kashmir spoiled the developmental aspects and also humanitarian aspect also.

**Objectives of the study:**

- To study the Impact of abrogation of Article 370 and 35A of Indian Constitution on Jammu and Kashmir and India.

**Hypothesis of the study:**

- Before the abrogation of article 370 and article 35A there were a lot of unrest, stone pelting, human rights violation by separatists, casualties, demanding for Independent Kashmir based on religious themes to justify the violence.

**Statement of clarification:**

After 1990 the law and order of Jammu And Kashmir State started deteriorating. The separatists proclaimed the indirect war against Indian union and it's military. At that time militants illegally ordered the non Muslims to vacate from the state of Jammu and Kashmir. The Kashmiri pandiths, Shiya Muslims, SC, ST, OBCs, Daliths, Gujjars, Buddhists and other small ethnic groups people left their mother land by ignoring Kashmirith and insaanityath in general.

**Methodology:**

For this study we used simple random sampling method on 20 selected respondents from different strata of the society, in Tarikere taluk. We used primary and secondary sources to collect the data on the basis of structural and functional theoretical perspectives.

**Sources of Information:**

**1) Primary sources:**

To collect the primary information we have used self prepared questioner on the basis of structural and functional theoretical perspectives by 20 respondents only.

**2) Secondary Sources:**

We have collected information from Books, Articles, Journals, libraries, News papers, and websites.

**Theoretical Perspective:**

This study has been conducted on the basis of structural and functional theoretical perspectives.

**Topographical features of the study area:**

Tarikere is a Taluk in Chikkamagalore district in the state of Karnataka. According to 2011 census Tarikere taluk has 53225 houses, with a population of 2, 25,280, Male population is 1, 12,891 and female population is 1, 12,389.

**Data Analysis:**

Data collected by using research methods and other sources are analyzed by essential statistical techniques by using analysis of data research report. The data was collected on the basis of structural and functional theoretical perspective

**Table. 1 Personal Profile of the Respondents**

| SL NO | Personal profile of the Respondents |             |                   |                     |                  |
|-------|-------------------------------------|-------------|-------------------|---------------------|------------------|
| 1     | Age                                 | 18-28       | 29-39             | 40-50               | 51+              |
|       |                                     | 04          | 07                | 06                  | 03               |
| 2     | Gender                              | Male        |                   |                     | Female           |
|       |                                     | 18          |                   |                     | 02               |
| 3     | Religion                            | Hindu       | Christian         |                     | Muslim           |
|       |                                     | 18          | 01                |                     | 01               |
| 4     | Education                           | Illiterates | Primary education | Secondary education | Higher education |
|       |                                     | 00          | 04                | 10                  | 06               |
| 5     | Marriage                            | Married     | Bachelor          | Widow               |                  |
|       |                                     | 19          | 01                | -                   |                  |

In demographic information age, gender, education qualification, marital status, income size, type of the family and other information for as following

- **Age:** Age is the important factor at the time of interview because if the respondents are below 18 years age they will be considered as minors. They are not eligible into any contract according to *Indian contract act-1872*.
- **Gender:** We interviewed 90% of the male respondents. 10% of the female respondents.
- **Religion:** India is the mother land of several religions. Even though it is a secular state all the statistics are collected on the basis of religion like Hindu, Muslim, Christian, Jains, Parasis, Buddhists, and Sikhs and so on.
  - We interviewed Hindus 90%, Christians 05%, and Muslim 05%.
- **Education:** Education plays an important role in India. Due to several Governmental and non-governmental (NGO`s) intuitional efforts. Majority of the respondents are literates. In the interview 20% as the primary education, 50% Secondary education and 30% higher education.
- **Marriage:** 95% of our respondents are married, 05% respondents are Bachelors.

**Thematic Analysis:**

The data collected by using all the research methods, and other sources are analyzed by essential statistical techniques by using analysis of data research report. The data was collected on the basis of structural and functional theatrical perspective for this study.

**Table No-2**

| SL No | Opinion of respondents on political Conflict and violence in the state of Jammu and Kashmir.   | Opinion of respondents |    |       |               |       |            |
|-------|--|------------------------|----|-------|---------------|-------|------------|
|       |  | In frequency           |    |       | In percentage |       |            |
|       |  | Yes                    | No | Total | Yes           | No    | Percentage |
| 01    | Do you opine Indian culture is unity in diversity  | 20                     | -  | 20    | 100 %         | -     | 100%       |
| 02    | Do you opine conflict and violence is our culture  | -                      | 20 | 20    | -             | 100 % | 100%       |
| 03    | Do you opine abrogation of Article 370 and Article 35A has unified the sweet hearts and minds of Jammu and Kashmir people with other states people | 20                     | -  | 20    | 100 %         | -     | 100%       |
| 04    | Do you opine secular credentials have been destroyed in the state of Jammu and Kashmir   | 15                     | 05 | 20    | 75 %          | 25%   | 100%       |
| 05    | Do you hope youths of Jammu and Kashmir will introspect and join the main stream of India  | 20                     | -  | 20    | 100 %         | -     | 100%       |

**1) Do you opine Indian culture is unity in diversity:**

100% of our respondents opine that Indian culture and heritage is unity in diversity, India is a sovereign, democratic and republic country, in our country there are several religions, communities, castes, tribes having different regional background with their own customs and traditions followed by several languages also. Even from the time of Ramayana and Mahabharata India as exhibited its unity in diversity in all times. Swami Vivekananda, Mahatma Gandhi and other leaders advocated the same concept for the welfare of all.

**2) Do you opine conflict and violence is our culture:**

100% of our respondents opine that conflict and violence is not at all our culture. Indian culture opposes the human conflict and violence in all the times. Indian culture was guided by saints like Adi Shankaracharya of Kaladi, Santha Kabira, Santha Mahaveera, Bsaveshwara, Santha Shishunala Sharifa, Gurunanak Singh, Saint Alphonsa, Saint Kuriakose Elias Chavara, Saint Euphrasia Eluvathingal and others. All the spiritual leaders and saints in India advocated for World peace and prosperity in the name of Vasudhaiva Kutumbam and Vishwamanava concept.

**3) Do you opine abrogation of Article 370 and Article 35A has unified the sweet hearts and minds of Jammu and Kashmir people with other states people:**

100% of the respondents opine by the abrogation of Article 370 and Article 35A the wall of discrimination from Jammu and Kashmir people to other state peoples was dismantled. This has created a mental feeling of oneness among peoples of Jammu and Kashmir and other states peoples. By this development there was unification among the peoples of Jammu, Kashmir and other states peoples. Slowly a good relationship between other state people will develop which will blend the sweet hearts and minds of Jammu and Kashmir people.

**4) Do you opine secular credentials have been destroyed in the state of Jammu and Kashmir:**

75% of the respondents opine the secular credential has been destroyed by the conflict and violence form separatists and fundamentalists. After 1990 the law and order situation was in bad condition, the majority people illegally directed the minority people to leave the state without anything. At that time the minorities have lost Kashmirith and Insaaniyat. The minorities like Kashmir Pandiths, shiya Muslims, SC,

ST, OBCs, Dhalliths, Gujjars, Bhddists and other small ethnic group's people left the state in bare hands with a heavy hearts outside the Kashmir as orphans. 25% of the respondents opine they are still have got hopes on secular credentials are still there and they will develop also.

**5) Do you hope youths of Jammu and Kashmir will introspect and join the main stream of India:**

100% of the respondents opine that youths (male and female) of Jammu Kashmir will understand the present condition of Jammu and Kashmir they will came to know the actual reasons for the unrest in the valley and who are behind it and their motto also. The present generation younger people want to develop by utilizing all the facilities available in and around their area by the help of Government. The Governor of Jammu and Kashmir has expressed full support in all respects to youths of Kashmir to enter into the new venture. So many state Governments, private entrepreneurs and multi nationals companies also promised to Government regarding the investment for new ventures in the state of Jammu and Kashmir. by utilizing all these facilities and hoping for the best the youths of Kashmir will introspect with open heart and mind and they will join the main stream of India in the interest of the nation.

**Findings:**

- On 5<sup>th</sup> August 2019 Article 370 and article 35A of Indian constitution as been abrogated by an executive order of the Parliament.
- The Jammu and Kashmir state is in cross roads.
- The people of Jammu and Kashmir now entered in to a new atmosphere of open era.
- Jammu and Kashmir people have opened for all equal opportunities and challenges at par with the other states people.
- Jammu Kashmir people are thinking about new hopes which are available by new administration.
- Jammu Kashmir people are hopeful of peaceful future life span.
- Jammu Kashmir peoples are still worrying about the threats from separatist and fundamentalist, non state actors, neighboring country administration and others.

**Provement of Hypothesis:**

By above all available data and studies we can prove the hypothesis, there is a lot of unrest stone pelting, human rights violation by separatist, casualties among common public and justifying the conflict and violence for some religious concepts.

**Suggestions:**

- To improve the present law and order condition the local Government should earn the goodwill of Jammu and Kashmir people.
- The Government should adopt long term plans to eradicate terrorism.
- The Government should provide jobs for the working hands in the state of Jammu and Kashmir.
- The Government should invest generously to build New Jammu and Kashmir in the form of commencement of new education institutions, technical education, IITs and other skill based institutions.
- The Government should conduct elections in all levels like Grama Panchayaths, Zilla Panchayat, Muncipal, Metropolitan cities, assembly election for the new Union territories of Jammu and Kashmir and Ladakh as early as possible.
- The Government should lift all the bans in day today administration of the people and Government should ensure fundamental rights will not be affected and a sense of security should be ensured among the people of Jammu and Kashmir.

**Conclusion:**

By above all studies we can understand the present situation of Jammu and Kashmir and Ladakh Union territories. Knowingly or unknowingly some youths of Jammu and Kashmir are in confused state due to the influence of fundamentalist by their religious wrong interpretation. Generally the people of Jammu and Kashmir are peace loving they should continue their journey in the same root. The peoples of Jammu and Kashmir must forget and forgive all bad memories of the past. The people of Jammu and Kashmir should introspect with open heart and mind in the interest of Jammu and Kashmir, because Jammu and Kashmir is not only a piece of land but it is the brain of India, it is the place of Goddess Sharadha and it is famously known as Panditara Nadu and Prema Kashmir.

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