



ISSN: 3049-2017  
 IJMH 2026; 3(1): 183-186  
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 www.themultijournal.com

Received: 17-02-2026  
 Accepted: 25-02-2026  
 Publish : 27-02-2026

#### Partha seal

Dept. of political science,  
 Rabindra Bharati university,  
 West Bengal, India

## Beyond Constitutional Exceptionalism: Socio-Political Transformation in Jammu and Kashmir after the Revocation of Article 370

Partha seal

#### Abstract

The revocation of Article 370 on 5 August 2019 marked a watershed in the constitutional and political history of Jammu and Kashmir (J&K). By annulling the region's special constitutional status and reorganizing the former state into two Union Territories—Jammu and Kashmir, and Ladakh—the Government of India redefined the structure of federalism, autonomy, and centre-state relations. This article critically examines the multidimensional consequences of this development, situating it within historical, geopolitical, constitutional, and socio-economic contexts. It analyses political restructuring, governance shifts, security outcomes, human rights concerns, demographic anxieties, and economic implications in the post-2019 period. The study also evaluates judicial developments, particularly the 2023 judgment of the Supreme Court of India, and assesses competing narratives presented by the Union government, opposition leaders, and civil society actors. While the state maintains that integration has improved stability and development, critics argue that democratic erosion and alienation persist. The article concludes that the transformation of J&K represents not the resolution of a long-standing conflict, but the beginning of a new political phase, whose longterm success depends on reconciliation, democratic restoration, and sustainable governance.

**Keywords:** Article 370, Federalism, Autonomy, Human Rights, Jammu and Kashmir Reorganisation Act, Constitutional Politics .

#### Introduction

Nehru said in the lok sabha on June 26, 1952- "I say with all respect to our constitution that it just does not matter what your constitution says; if the people of kashmir do not want it, it will not go there. because is the alternative? The alternative is compulsion and coercion..."<sup>(1)</sup>

The statement by Jawaharlal Nehru in the Lok Sabha on June 26, 1952 reflects his deep commitment to democratic consent and federal sensitivity in dealing with Jammu and Kashmir. By saying that even the Constitution cannot be imposed against the will of the people, Nehru emphasized that the legitimacy of India's authority in the region must rest on the willing acceptance of the Kashmiri people, not on force. He rejected "compulsion and coercion" as tools of integration, instead advocating a voluntary and trust-based relationship between the Union of India and Jammu & Kashmir. This approach aligns with the spirit behind Article 370 of the Indian Constitution, which provided autonomy as a transitional mechanism, ensuring that constitutional arrangements would evolve through dialogue, consent, and gradual integration, rather than imposed uniformity.

The constitutional relationship between Jammu and Kashmir and the Indian Union has been one of the most complex and debated issues in postcolonial India. The decision of the Government of India in August 2019 to revoke Article 370 and Article 35A fundamentally altered that relationship. The measure removed the region's asymmetric federal status, dissolved its statehood, and reorganized it into two Union Territories through the Jammu and Kashmir Reorganisation Act, 2019. Supporters of the

#### Correspondence:

#### Partha seal

Dept. of political science,  
 Rabindra Bharati university,  
 West Bengal, India

revocation characterized the move as historic correction—an act of full integration that would promote national unity, development, and security. Critics, however, portrayed it as unconstitutional centralization that undermined democratic consent and regional autonomy. The debate has expanded beyond legality into questions of identity, federalism, nationalism, economic progress, and human rights.

This article evaluates the socio-political trajectory of Jammu and Kashmir after the abrogation, drawing from constitutional developments, security statistics, economic data, electoral changes, and judicial interpretation.

### **Historical Background: From Accession to Autonomy**

The origins of Article 370 lie in the turbulent partition of British India in 1947. When princely states were given the option to accede to India or Pakistan, the ruler of Jammu and Kashmir signed the Instrument of Accession to India in October 1947 after tribal incursions supported by Pakistan. The accession limited Indian Parliament's legislative power to defence, foreign affairs, and communications.

Article 370 was incorporated into the Constitution of India in 1949 as a "temporary provision," granting J&K internal autonomy, its own constitution, and power over residency and land ownership laws. Article 35A further empowered the state legislature to define permanent residents and confer special privileges.

While intended as transitional, Article 370 gradually became the constitutional bedrock of Kashmir's distinct political identity. Successive central interventions, dismissal of elected governments, and periods of insurgency complicated the autonomy framework. Over decades, much of the autonomy envisioned under Article 370 was diluted through presidential orders extending central laws to the state.

### **The 2019 Constitutional Reconfiguration**

On 5 August 2019, the Union Government issued a Presidential Order rendering Article 370 inoperative and introduced the Jammu and Kashmir Reorganisation Act. Parliament approved the reorganisation, bifurcating the state into:

1. The Union Territory of Jammu and Kashmir (with a legislature), and
2. The Union Territory of Ladakh (without a legislature).

The decision was preceded by unprecedented security deployment, suspension of internet services, preventive detention of political leaders, and restrictions on communication.

The government argued that Article 370 fostered separatism, hindered economic development, and prevented equal constitutional rights. The opposition and civil society actors contended that such a decision required

the consent of J&K's Constituent Assembly, which had dissolved in 1957.

### **Political Transformation and Governance Shifts**

One of the most significant consequences of the revocation was the reduction of full statehood to Union Territory status. Governance now operates under greater central oversight, particularly in matters of policing and administration.

Local elections for Block Development Councils (BDC) and District Development Councils (DDC) were conducted in 2020, marking efforts to reintroduce representative politics at grassroots levels. However, mainstream political parties initially opposed participation, arguing that democratic legitimacy required restoration of statehood and release of detained leaders.

The delimitation exercise restructured electoral constituencies, increasing seats in the Jammu region relative to the Kashmir Valley. This has altered the political arithmetic and generated concerns about future representation.

The transformation of J&K also stimulated the emergence of new political formations while weakening traditional regional parties.

### **Security and Counterinsurgency Outcomes**

The Union Government asserts that the removal of Article 370 has led to measurable improvements in security indicators, including reduction in stone-pelting incidents, decline in civilian casualties, and lower infiltration attempts across the Line of Control.

Official statements highlight:

- Decline in terrorist recruitment,
- Decrease in cross-border infiltration,
- Reduction in violent protests.

Supporters argue that integration into the national legal framework enabled stronger counterterrorism coordination.

Critics counter that heavy militarization and communication blackouts suppressed dissent rather than resolved grievances. They stress that long-term peace requires political engagement rather than security enforcement alone.

### **Human Rights and Civil Liberties Debate**

Human rights concerns remain central to the discourse surrounding post-2019 Jammu and Kashmir. Prolonged internet restrictions, detentions under preventive laws, and restrictions on assembly attracted scrutiny from national and international observers.

Civil society organizations emphasized:

- Freedom of expression limitations,
- Media regulation through new guidelines,
- Arrest of political activists.

The government maintained that restrictions were temporary and necessary to prevent unrest. The balance

between national security and civil liberties continues to be debated within India's constitutional framework.

### **Economic Developments and Investment Claims**

"In justification of move to end Kashmir's special status, Amit sha in his speech in the Rajya Sabha brought in the question of Kashmir "development", arguing that closer integration with the rest of India will bring in much investment into the region. He especially appealed to the youth of Kashmir, promising that they would have larger employment opportunities."<sup>2</sup>

A key justification for the revocation was economic transformation. The government introduced a new industrial policy and opened land and investment opportunities to nonresidents. Reported investment proposals amount to thousands of crores, though actual realized investments remain comparatively modest. Tourism numbers have shown notable improvement in recent years, particularly post-pandemic.

However, structural challenges persist:

- High youth unemployment,
- Limited industrial base,
- Regional disparities between Jammu, Kashmir, and Ladakh,
- Infrastructure deficits in rural areas.

Economic optimism exists, but sustainable development will depend on political stability, investor confidence, and institutional trust.

In December 2023, the Supreme Court of India upheld the constitutional validity of the abrogation. The Court ruled that Article 370 was a temporary provision and that the President possessed authority to modify its applicability.

The Court directed the restoration of statehood to Jammu and Kashmir at the earliest possible time and mandated conduct of Legislative Assembly elections before September 2024.

The judgment clarified the Union's constitutional powers but also raised larger questions concerning federalism, emergency governance, and Centre-State balance.

### **Federalism, Identity, and Nationalism**

The revocation represents a turning point in India's model of asymmetric federalism. India historically accommodated diversity through differential arrangements (e.g., special provisions for northeastern states). The J&K decision signals a preference for centralized integration.

For many in Kashmir, Article 370 symbolized historical identity and negotiated federal belonging. Its removal generated feelings of political dispossession among sections of the population.

For nationalist constituencies, however, the move fulfilled a longstanding ideological commitment to "one constitution, one flag."

Thus, the development must be understood as both constitutional reform and symbolic transformation.

### **Democratic Outlook**

After the revocation of special status, the democratic and policy landscape of Jammu and Kashmir has undergone significant transformation. At the grassroots level, the introduction of a three-tier Panchayati Raj system and local body elections has aimed to decentralize governance and reduce the dominance of traditional political elites. The conduct of Assembly elections in an important step toward restoring representative government, while the delimitation exercise has attempted to improve political representation, especially for marginalized groups like Scheduled Tribes. However, concerns remain regarding reduced autonomy, as key powers are still controlled by the centrally appointed Lieutenant Governor. At the policy level, the government has focused on integrating the region with the rest of India by extending central laws and promoting uniform governance. Changes in domicile and land policies seek to encourage investment and development. Infrastructure projects, tourism initiatives, and stronger security measures have also been prioritized, alongside efforts to provide rights and opportunities to previously excluded communities.

In my perspective, the changes in Jammu and Kashmir after the removal of Article 370 should be seen as a complex and ongoing process, not a final outcome. This step has clearly increased constitutional integration and allowed the application of uniform laws, administrative changes, and new development efforts. At the same time, it has raised serious concerns about democratic autonomy, the balance between the Centre and the region, and civil liberties, especially due to centralized control and political detentions. Although local institutions and elections show efforts to restore democracy, their success depends on real political participation and building trust among the people. Improvements in the economy and security are visible in some areas, but they do not fully solve deeper problems related to identity, representation, and feelings of alienation. Therefore, it can be said that the period after 2019 is a transitional phase, and long-term stability will depend on balancing national integration with democratic inclusion and regional aspirations.

### **Conclusion**

The abrogation of Article 370 represents one of the most consequential constitutional decisions in independent India. It redefined the territorial, administrative, and symbolic relationship between Jammu and Kashmir and the Indian Union.

While the government celebrates integration, improved security indicators, and potential economic growth, critics highlight democratic erosion, alienation, and rights-related concerns. The Supreme Court's endorsement has settled legal controversy but not political debate.

The transformation of J&K should not be viewed as the culmination of the Kashmir issue but as the beginning of a new political chapter. The success of this transition will depend not merely on security stabilization or investment flows, but on constitutional sensitivity, inclusive governance, and respect for democratic norms. Sustainable peace requires balancing national integration with regional dignity.

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