



4th Anniversary of Revocation of Article 370

This editorial is based on [After abrogation of Article 370, there is no normalcy in Kashmir](#) which was published in Indian Express on 08/08/2023. This editorial discusses abrogation of Article 370, its effect on the ground and on the lives of people in Jammu and Kashmir.

For Prelims: [Article 370, Jammu & Kashmir, Special status, Union Territory, Centre-State relations, Federalism](#), Development initiatives, [Security measures, Article 35A](#), Political reforms, [Ladakh, Border disputes](#), Cultural diversity, Economic growth, [Constitutional Amendments, Infrastructure and Connectivity, 6th Schedule](#).

For Mains: Peace and Stability in J&K in post 370 era, [demand for 6th schedule in Ladakh](#), issues of development and conservation of biodiversity in Himalayan UT.

On the 4th anniversary of the abrogation of the [article 370](#) of the [constitution of India](#), which had provided temporary special status to the **erstwhile state of Jammu & Kashmir (now [Union Territory of Jammu & Kashmir and Union Territory of Ladakh](#))**, the Union Home Minister argued that Article 370 had only led to corruption and secessionism, and its removal was very important to end terrorism in J&K.

What is Article 370 of the Constitution of India?

- **About:** On October 17, 1949, Article 370 was added to the Indian constitution, as a 'temporary provision', which exempted Jammu & Kashmir, permitting it to draft its own Constitution and restricting the Indian Parliament's legislative powers in the state.
 - It was introduced into the draft constitution by N Gopalaswami Ayyangar as Article 306 A.
 - **Under Article 370:** The Constituent Assembly of Jammu & Kashmir was empowered to recommend which articles of the Indian Constitution should apply to the state,
 - The J&K Constituent Assembly was dissolved after it drafted the state's constitution.**Clause 3 of the article 370 gives the President of India the power to amend its provisions and scope.**
- [Article 35A](#) stems from **Article 370** and was introduced through a Presidential Order in 1954, on the recommendation of the J&K Constituent Assembly.
 - Article 35A empowers the Jammu & Kashmir legislature to define the permanent residents of the state, and their special rights and privileges.
- On 5th August 2019, President of India in the exercise of the powers conferred by Clause (1) of Article 370 of the Constitution had issued the Constitution (Application to Jammu and Kashmir) Order, 2019. Through this, the Government of India has made modifications in Article 370 itself (not revoked it).

What are the Signs of Peace and Security in J&K After Abrogation of the Article?

▪ Reduction in Stone Pelting and Militancy:

- **Increased security presence** and action by central agencies like [NIA](#) led to decrease in stone pelting.
- **Decreased stone-pelting incidents:** 76 stone-pelting incidents in Jan-Jul 2021, down from 222 (2020) and 618 (2019) over the same period.
- **Decline in injuries to security forces:** 64 (2019) to 10 (2021).
- **Civilian injuries from pellet guns and baton charges reduced:** 339 (2019) to 25 (2021).
- **Improved law and order in J&K:** Only 20 law and order incidents in 2022.

REDUCTION IN MILITANT ACTIVITY SINCE 2019

	Acts of Terror	Deaths of civilians	Deaths of Security Personnel	Admission of Terrorists
2 October 2016-4 August 2019	959	137	267	459
5 August 2019-6 June 2022	654	118	127	394
% reduction	32%	14%	52%	14%

▪ Arrests of Militants and over-ground workers (OGWs):

- **Arrests of OGWs of militant groups increased** from 82 (2019) to 178 (2021).
- **Decline in terrorism acts:** 32% decline in terrorism acts (Aug 2019-June 2022) compared to preceding 10 months.

What are Developments Initiatives Taken in These Four Years?

Developments in the UT of J&K:

▪ Development Projects:

- The government has launched various development projects in J&K, such as road and rail connectivity, health and education infrastructure, tourism and heritage promotion, sports and youth empowerment, etc.
 - The government has sanctioned 54 projects under the Prime Minister's Development Package (PMDP) for J&K.
- The government has also implemented various flagship schemes of the central government in J&K, such as [Ayushman Bharat](#), [Ujjwala Yojana](#), [PM Kisan Samman Nidhi](#), [PM Awas Yojana](#), etc.
 - Under the Ayushman Bharat scheme, more than 21 lakh beneficiaries have been registered and over 1.5 lakh have availed free treatment in J&K.
- To showcase the potential of J&K as a destination for tourism and investment, the government hosted the [G20 Tourism Working Group](#) meeting in Srinagar.
 - This was the first significant international event in J&K to integrate the region with the rest of the country and world.
- The government has also hosted other business meetings in J&K to attract investment and promote industrial development.
 - In June 2022, the government also held a [Global Investors Summit in J&K](#), which witnessed participation from more than 200 domestic and foreign companies.
 - The summit showcased various sectors and opportunities for investment in J&K, such as agriculture, horticulture, handicrafts, tourism, IT, renewable energy, etc.
- These events have demonstrated the government's commitment to boost the economy and livelihood of J&K. They have also helped to change the global perception of J&K as a

conflict-ridden region and highlight its potential as a peaceful and prosperous destination.

▪ **Political Reforms:**

- **Restoring grassroots democracy:** The government has conducted the first-ever district development council (DDC) elections in J&K in December 2020, which saw a high voter turnout of 51.42%.
- The government has also amended the Jammu and Kashmir [Panchayati Raj Act, 1989](#) to provide for reservation of seats for women, scheduled castes, scheduled tribes, and backward classes in panchayats.
- The government has also initiated the delimitation process for J&K to redraw the boundaries of assembly and parliamentary constituencies based on the latest census data.

▪ **Security Measures:**

- The security forces have eliminated more than 800 terrorists and arrested over 5,000 overground workers of terrorist outfits in the last four years.

Developments in the UT of Ladakh:

The development initiatives taken in the Union Territory of Ladakh after the abrogation of Article 370 to improve the infrastructure, education, health, employment, and governance of the region. Some of the major initiatives are:

Infrastructure

- The government has accelerated the work on infrastructure projects like:
 - The [Zojila tunnel](#), which will provide all-weather connectivity between Srinagar and Leh.
 - The **Leh airport expansion**, which will increase the passenger capacity and facilitate more flights to and from Ladakh.
- The government has also improved the telecommunication network in Ladakh by laying [fibre-optic cables](#) and installing solar-powered towers to provide internet and mobile services to even the remotest villages.

Education

- Providing employment-oriented skill development training to more than 75,000 youths of Ladakh.
- Establishing one new medical college, one engineering college, and one National Skill Training Institute in Ladakh.

Health

- Setting up two new AIIMS-like institutes in Leh and Kargil.
- Launching a health insurance scheme for all residents of Ladakh under [Ayushman Bharat Pradhan Mantri Jan Arogya Yojana \(AB-PMJAY\)](#).

Employment

- Promoting tourism and adventure sports by easing travel restrictions and providing incentives to tourists and operators.
- Developing organic farming and horticulture by providing subsidies and market linkages to farmers and cooperatives.

Governance

- Constituting a [Hill Council for Kargil district](#) to ensure local representation and autonomy.
- Holding local elections for panchayats and urban local bodies to ensure grassroots democracy.

What are the Challenges UTs of J&K and Ladakh are Still Facing?

Challenges Faced by UT of J&K:

- **Challenges and Concerns:**

- Rise in targeted killings, particularly of Kashmiri Hindus and non-Kashmiris (migrant laborers).
 - Over 50% of civilian killings since Aug 5, 2019, occurred in the last eight months.
- Small weapons dropped by low-cost drones from across the border used in killings.
- Crimes against women and children are on the rise.
- **Detentions and Suppression of Opinion:**
 - Over 5,000 people were detained to prevent protests against the abrogation actions of August 5 and 9, 2019.
 - Journalists and [human rights](#) defenders have been imprisoned for expressing dissenting opinions.
- **Resurgence of Militancy:**
 - Militancy has resurfaced in the Pir Panjal region, which had experienced a decline in the past 15 years.
 - Casualties among [CRPF troops](#) have risen significantly since 2019.
- **Suppression of Political Voices:**
 - Occasional house arrest of the leaders in J&K has been going on for several years in the name of peace and security, like the [anniversary of the revocation of the Article 370](#).
 - Political leaders are denied permission to protest peacefully, and their offices are sealed.
 - Land alienation, cessation of cross-border trade, and the decline of local businesses are ongoing issues.
 - Legislative elections have been postponed for five years (since Abrogation of the Article).
- **Unemployment and Corruption:**
 - [Unemployment](#) is alarmingly high at 23.1%, well above the national average. While government job placements have occurred, a significant number of vacancies remain.

Challenges Faced by UT of Ladakh:

- **Border disputes:** Ladakh shares disputed borders with [Pakistan](#) and [China](#). The violent clash between India and China in the [Galwan Valley in 2020](#) was volatile and unpredictable, posing a threat to the peace and security of Ladakh.
 - **Indian cattle herders face restrictions by Chinese forces near the [Line of Actual Control \(LAC\)](#)** in Ladakh until the resolution of the border dispute between India and China.
- **Development gap:** Ladakh lags behind other parts of India in terms of infrastructure, education, health, employment, and governance. The region suffers from poor connectivity, low literacy, high mortality, limited opportunities, and weak institutions.
- **Concerns Arise After UT Formation:**
 - **Four-Point Agenda:** Leading organizations (Kargil Democratic Alliance and Ladakh Buddhist Association) demand four points for committee's mandate to the Union Government:
 - [Statehood for Ladakh](#) (need for an elected Assembly in the UT)
 - **Safeguards under the Sixth Schedule** of the Constitution to protect Ladakh's environment and indigenous rights
 - **Job reservations** for Ladakh's youth
 - Creation of **separate parliamentary constituencies** for Leh and Kargil.

Sixth Schedule

- Article 244 provides for [Autonomous District Councils \(ADCs\)](#) with legislative and administrative autonomy.
- **ADC:** ADCs manage land, water, agriculture, policing, etc., with up to 30 members.
- Current Application: Applies to Northeastern states: Assam, Meghalaya, Mizoram, and Tripura.
- **Statehood demand:** The people of Ladakh have been demanding full statehood and feel that the UT status does not give them enough autonomy, representation and also fear demographic changes, land alienation, and cultural erosion.
- **Regional divide:** Leh (predominantly Buddhist) and Kargil (predominantly Muslim), the two districts with different religious, ethnic, linguistic compositions and different political

affiliations and aspirations as well.

- **Cultural identity:** The people of Ladakh have a distinct cultural identity that is influenced by Tibetan, Balti, Dardic, Mongoloid, and Indo-Aryan elements. They have their own languages, scripts, customs, festivals, arts, and crafts. They want to preserve and promote their cultural heritage in the face of modernization and globalization.
- **Local protest:** Sonam Wangchuk, a Ladakhi engineer and educator, protests for greater autonomy and regional demands. He accused LG of Ladakh for preferring J&K status.
- Sonam Wangchuk:
 - **Founding SECMOL:** Co-founder of Students' Educational and Cultural Movement of Ladakh (SECMOL).
 - **Ice Stupa Inventor:** Creator of Ice Stupas, water storage structures made of ice.
 - **Ramon Magsaysay Awardee:** Awarded in 2018 for reforming learning systems and community engagement.

What Should be the Way Forward?

Navigating Post-Abrogation Landscape in Jammu and Kashmir and Ladakh:

- **Restoring Normalcy and Trust:**
 - Restore normalcy for trust-building.
 - Release political detainees, foster dialogue, engage local leaders.
- **Inclusive Governance and Participation:**
 - Inclusive governance for diverse aspirations.
 - Prompt local elections, empower through political platforms.
- **Economic Development and Investment:**
 - Focus on economic growth via infrastructure, tourism, tech.
 - **Special economic zones**, incentives, SME support.
- **Strengthening Security and Peace:**
 - Ensure security, stability for development.
 - Counter insurgency, strengthen local law enforcement.
- **Respecting Cultural Diversity:**
 - Acknowledge and respect cultural differences.
 - Preserve culture, balance regional interests.
- **Infrastructure and Connectivity:**
 - Develop connectivity for trade, tourism.
 - Boost digital infrastructure, education, business.
- **International Diplomacy:**
 - Manage external perceptions with a clear stance.
 - Address border disputes, engage with neighbors.

A multi-pronged approach is needed for a successful transition, combining economic growth, inclusive governance, security, cultural preservation, and effective diplomacy, ensuring a brighter future for the region's citizens while upholding its integrity.

Drishti Mains question

Q. Critically examine the constitutional and legal implications of the abrogation of Article 370 and the reorganisation of Jammu and Kashmir into two union territories. How does it affect the federal structure and the special status of the erstwhile state?

Prelims:

Q. Siachen Glacier is situated to the (2020)

- (a)** East of Aksai Chin
- (b)** East of Leh
- (c)** North of Gilgit
- (d)** North of Nubra Valley

Ans: (d)

- The Siachen Glacier is located in the Eastern Karakoram range in the Himalayas, just northeast of Point NJ9842 where the Line of Control between India and Pakistan ends.
- It has the distinction of being the largest glacier outside the polar and subpolar regions.
- It lies to the west of Aksai Chin, north of Nubra valley and almost east of Gilgit.
- **Therefore, option (d) is the correct answer.**

Mains:

Q. To what extent is Article 370 of the Indian Constitution, bearing marginal note “Temporary provision with respect to the State of Jammu and Kashmir”, temporary? Discuss The future prospects of this provision in the context of Indian polity. **(2016)**

Q. Analyze internal security threats and transborder crimes along Myanmar, Bangladesh and Pakistan borders including Line of Control (LoC). Also discuss the role played by various security forces in this regard. **(2020)**

Q. The banning of ‘Jamaat-e-islami’ in Jammu and Kashmir brought into focus the role of over-ground workers (OGWs) in assisting terrorist organizations. Examine the role played by OGWs in assisting terrorist organizations in insurgency affected areas. Discuss measures to neutralize the influence of OGWs. **(2019)**

Q. The states of Jammu and Kashmir, Himachal Pradesh and Uttarakhand are reaching the limits of their ecological carrying capacity due to tourism. Critically evaluate. **(2015)**