



ABROGATION OF ARTICLE 370 - GS II MAINS

Q. The Supreme Court's verdict on abrogation of Article - 370 not only validates the constitutional order but also outlines steps for the future, including the restoration of statehood, holding elections, and addressing past grievances. Explain (15 marks, 250 words)

News: *SC Ruling on Pleas Challenging Abrogation of Article 370 Today*

What's in the news?

- The Supreme Court's verdict on the abrogation of Article 370 is a significant development related to the constitutional status of Jammu and Kashmir.

Key takeaways:

- The Supreme Court, in a five-judge bench led by the Chief Justice of India (CJI), upheld the validity of the Constitutional order revoking Article 370, asserting that Jammu and Kashmir lacked internal sovereignty post its accession to India.

Abrogation of Article 370:

- Article 370 of the Indian Constitution granted special autonomy to the state of Jammu and Kashmir.
- On August 5, 2019, the Indian government abrogated Article 370 through a Presidential order, thereby revoking the special status of Jammu and Kashmir.

Key Highlights of the Supreme Court's Verdict:

- The court declared the Constitutional order that revoked Article 370 as valid.
- CJI stated that Jammu and Kashmir held no internal sovereignty after accession to India. This implies that the special status under Article 370 did not grant internal sovereignty to the region.
- The court explicitly acknowledged the reorganization of Jammu and Kashmir as a temporary measure.

President's Orders:

- The court found no prima facie case that the President's orders in 2019 were mala fide (in bad faith) or an extraneous exercise of power. This suggests that the decision to abrogate Article 370 was not made with improper motives.



Reorganization into Union Territories - a temporary move:

- While recognizing the reorganization of the state into Union Territories in 2019 as a temporary measure, the court directed the government to work towards the restoration of statehood.
- The court emphasized that the reorganization was a temporary move, indicating the possibility of revisiting the Union Territory status in the future.

Restoration of Statehood and Elections:

- The court directed the government to take steps for the restoration of statehood to Jammu and Kashmir.
- It also instructed the conduct of Legislative Assembly elections in the region.

Truth and Reconciliation Commission:

- Justice Kaul, in his concurring opinion, suggested the establishment of a Truth and Reconciliation Commission in Jammu and Kashmir.
- This commission would be tasked with acknowledging and addressing alleged rights violations in the region, indicating a commitment to justice and reconciliation.

Significance of the Verdict:

- The verdict reaffirms the legality of the government's decision to abrogate Article 370.
- It acknowledges the temporary nature of the reorganization and paves the way for the restoration of statehood and democratic processes in Jammu and Kashmir.
- The recommendation for a Truth and Reconciliation Commission reflects a commitment to addressing human rights concerns in the region.

The Supreme Court's verdict not only validates the constitutional order but also outlines steps for the future, including the restoration of statehood, holding elections, and addressing past grievances through a Truth and Reconciliation Commission.

Go back to basics:

Reason for the abrogation of Article 370:

1. **One nation with one law:** All the rights enshrined in the Constitution of India and benefits of all the Central Laws enjoyed by other citizens of the country are now available to the people of Jammu-Kashmir and Ladakh.
2. **Empowerment:** Making people more empowered through removal of unjust Laws, bringing in equity and fairness to those discriminated against since ages who are now getting their due along with comprehensive development.
3. **Improve grass root level democracy:** Conduct of elections of Panchayati Raj Institutions such as Panches and Sarpanches, Block Development Councils and District Development Councils, the 3-tier system of grassroot level democracy has now been established in Jammu and Kashmir.



4. **Economic development:** Private investors now can invest in Jammu and Kashmir and thus will improve the economic status of Jammu and Kashmir.
5. **Educational opportunities:** Educational opportunities will increase in Jammu and Kashmir. Indians can get government jobs and avail of scholarships. This will lead to overall economic development and opportunities for the Kashmiris.

Implication of its abrogation in federal structure:

- **Increased militant activity:** Abrogation of Article 370 will necessarily bring outsiders to the Valley, because they will be packaged as development projects, thus will ground for militant activities.
- **Trust deficit:** The abrogation of autonomy without the consent of the Kashmiris has raised the threat perception among the people of the Valley.
- **Fear of loss of cultural identity:** People are feeling a heightened sense of fear and suspicion regarding their identity and cultural issues such as religion, customs and language.
- **Economic loss:** Core sectors of the economy of J&K have witnessed a steep decline after the abrogation of Article 370. Due to the communications blockade, curfews, and militant threats.
 - First five months of abrogation alone, the economy of Kashmir lost INR 178.78 billion and more than 90,000 jobs in the sectors of handicraft, tourism and information technology.
- **Disturbance of normalcy:** Increasing riots and protests are collapsing the peace and stability in public.

WAY FORWARD:

- **Initiatives for development:** Government should take inclusive measures including investments in infrastructure, education, healthcare, and tourism, aiming to create a conducive environment for growth and prosperity.
- By focusing on broad-based development, the goal is to address the underlying grievances of the people and provide them with avenues for a brighter future.
- **Opportunity to build peace:** The post-abrogation period offers a unique opportunity for peace building and reconciliation in Kashmir.
- **Inclusion of all stakeholders:** By fostering an environment of inclusivity and dialogue, the government is encouraging all stakeholders to come together and work towards a shared vision of peace and prosperity.
 - This involves engaging with all sections of society, including political leaders, civil society organizations, and youth groups, to collectively build a future that leaves behind the scars of the past.
- It is through such efforts that lasting peace can be achieved and a new chapter for Kashmir can be written.