
ABROGATION OF ARTICLE 370: AN ACT OF POLITICAL AGGRESSION OR A MOVE TOWARDS INCLUSIVE DEMOCRACY?

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ABSTRACT:

The Abrogation of Article 370 of the Indian Constitution was a watershed moment in the history of the India. This paper aims to provide a thorough analysis of the decision to remove the special status of Jammu and Kashmir and its implications on the region, as well as on India's broader political and socio-economic landscape. Starting with a historical overview of Article 370 and its evolution, the paper explores the unique provisions that granted Jammu and Kashmir a level of autonomy different from other Indian states. It then delves into the legal and constitutional complexities surrounding the revocation process. The paper also examines the geopolitical ramifications of this decision, particularly its impact on relations between India and Pakistan and on the security dynamics in the region. Additionally, it looks at how the revocation has affected the residents of Jammu and Kashmir, including changes in demographics and socio-economic challenges faced by the region post-370. By taking a multidisciplinary approach that integrates historical, legal, political, and socio-economic perspectives, this paper aims to provide a comprehensive understanding of the abrogation of Article 370 and its wide-ranging consequences. It highlights the intricate interplay of factors that have shaped the region and the nation, prompting further discussion on how this historic event has influenced the ongoing challenges and opportunities for the people of Jammu and Kashmir and the whole nation. This paper conducts a harms-benefits analysis of the impact that Article 370's removal has had on modern Jammu and Kashmir and Ladakh, offering insights into the repercussions of this significant change.

Keywords: Abrogation, Article 370, Jammu & Kashmir, Ladakh

INTRODUCTION:

Kashmir is a region located in the northernmost part of the Indian subcontinent. It is situated between India, Pakistan, and China and has a population of around 14 million people. The region has been a source of conflict between India and Pakistan since the two countries gained independence from British colonial rule in 1947. Historically, Kashmir was a part of the Hindu and Buddhist kingdoms of the region before it was conquered by Muslim armies in the 14th century. During the Mughal Empire, the region was ruled by Muslim emperors, and it continued to be a Muslim-majority area during British colonial rule.

After India and Pakistan gained independence, the ruler of Kashmir, Maharaja Hari Singh, initially wanted to remain independent. However, he eventually decided to accede to India in 1947, which led to the first India-Pakistan war. The war resulted in a ceasefire and a temporary division of the region, with India controlling the majority of the territory and Pakistan controlling a smaller portion known as Azad Jammu and Kashmir. Since then, the conflict over Kashmir has continued, with both India and Pakistan claiming the entire region. The dispute has resulted in several wars, numerous ceasefire violations, and ongoing tensions between the two countries. The region is heavily militarized, with Indian and Pakistani troops stationed along the Line of Control, which separates the two sides.

In August 2019, the Indian government has made efforts to integrate the region more closely with India, including revoking its autonomous status and placing it under direct central government control. This move has been criticized by many as a violation of Kashmiris' rights and autonomy. However, the Supreme Court upheld the Indian Government's decision to abrogate Article 370.

HISTORICAL BACKGROUND OF ARTICLE 370:

On October 26th, 1947, the last ruler of Jammu and Kashmir, Maharaja Hari Singh, signed the Instrument of Accession, agreeing to join the Dominion of India. This agreement allowed the

Indian Parliament to govern in three specific areas, while limiting the Union's powers to Foreign Affairs, Defence, and Communications. The Constitution of India came into effect on January 26th, 1950, with Article 370¹ outlining the framework for governance in Jammu and

¹ INDIA CONST, art 370

Kashmir. It stated that no laws could be made outside the scope of the Instrument of Accession without the consent of the state government. It also specified that only Article 1 which declare India as a 'Union of States' and Article 370 itself would apply to Jammu and Kashmir, with the President of India able to make exceptions to other provisions of the Constitution in consultation with the state government. Furthermore, Article 370 could not be amended or repealed without the consent of the Constituent Assembly of Jammu and Kashmir.

Following the issuance of the Constitution (Application to Jammu and Kashmir) Order, 1950² by President Rajendra Prasad under Article 370, which outlined the Parliament's powers in the state, the Jammu and Kashmir Constituent Assembly began drafting a Constitution on October 31st, 1951. The Delhi Agreement of 1952 between the governments of India and Jammu and Kashmir addressed residuary powers, with the latter retaining these powers. President Prasad later issued a Presidential order in 1954 implementing the terms of the Delhi Agreement, ensuring Jammu and Kashmir's territorial integrity and introducing Article 35A³. On January 26th, 1957, the Constitution of Jammu and Kashmir came into force, declaring the state as an integral part of India. The Constituent Assembly of Jammu and Kashmir dissolved the following day, having completed its task without making any recommendations to alter Article 370.

In the case of *Prem Nath Kaul v State of Jammu & Kashmir*,⁴ the Supreme Court emphasized the importance of the 'final decision of the Constituent Assembly' of Jammu and Kashmir as outlined in Article 370(3). This provision requires that a declaration by the President must be approved by the Constituent Assembly. The case centered around the legality of the Big Landed Estates Abolition Act, 1950, which the petitioners argued was enacted by the Maharaja of Jammu and Kashmir without the necessary legislative authority. The Supreme Court ruled in favor of the Act, asserting that the Maharaja did possess the legislative power to pass it. Further, in *Puranlal Lakhanpal v The President of India*,⁵ a Presidential Order allowed Jammu and Kashmir to be represented in the Lok Sabha through indirect elections, unlike other states which had direct elections. The petitioners challenged this Order, claiming that the President could only make 'minor' modifications to constitutional provisions. However, the Supreme

² The Constitution (Application to Jammu and Kashmir) Order, 1950,

³ INDIA CONST, art 35A

⁴ AIR 1959 SC 749

⁵ AIR 1961 SC 1519

Court upheld the Presidential Order, interpreting the term 'modification' in Article 370 broadly to encompass even an amendment.

In the *Maqbool Damnoo v State of Jammu & Kashmir*⁶ case, the President issued an Order to change the meaning of 'Sadar-i-Riyasat' to 'Governor' by modifying Article 367 of the Constitution. The petitioners argued that this Order did not have the 'recommendation' of the dissolved Constituent Assembly. However, the Supreme Court upheld the validity of the Presidential Orders, viewing the Amendment as a clarification since the 'Sadar-i-Riyasat' office no longer existed and the Governor had succeeded it with all the powers previously held by the former office. In the case of *Sampat Prakash v State of Jammu & Kashmir*,⁷ the Apex Court examined the constitutional validity of two Presidential Orders extending the application of Article 35(c) in Jammu & Kashmir. The petitioners argued that after the dissolution of the

Constituent Assembly, the President no longer had the authority to issue orders under Article 370(1). The Supreme Court determined that Article 370 remained in force even after the Assembly's dissolution, establishing its permanent status in the Constitution. Finally, in *State Bank of India v Santosh Gupta*,⁸ the Supreme Court upheld a challenge against the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, clarifying that Article 370 would remain in effect until the Constituent Assembly recommended its discontinuation. This decision emphasized the importance of the Constituent Assembly's approval in repeal of Article 370.

ABROGATION OF ARTICLE 370:

The imposition of Governor's rule in the state of Jammu and Kashmir was triggered by a breakdown in the political alliance between the Bharatiya Janata Party (BJP) and the People's Democratic Party (PDP). This alliance fell apart, leading to the withdrawal of BJP's support from the PDP and ultimately resulting in the end of Governor's rule on December 19th, 2018. Following the conclusion of Governor's rule, President Ram Nath Kovind declared President's rule in Jammu and Kashmir on the same day under Article 356 of the Constitution of India.

⁶ AIR 1972 SC 963

⁷ AIR 1970 SC 1118

⁸ AIR 1980 SC 1219

This move was a continuation of the governance transition that began with the imposition of Governor's rule earlier in June 2018.

Former President Kovind issued an Order (C.O. 272) amending the interpretation of 'Constituent Assembly' mentioned in Article 370(3) of the Indian Constitution to 'Legislative Assembly'. This amendment was made by modifying Article 367, the interpretation clause, which meant that any future presidential orders would require the approval of the 'legislative assembly'. Given that Jammu and Kashmir was under President's rule at the time, the function of the 'legislative assembly' was effectively taken over by the Parliament. Notably, the original Constituent Assembly, which initially approved Article 370, had been dissolved for over six decades, and due to the imposition of Governor's rule and subsequently President's rule, there was no operational 'legislative assembly' in place.⁹

Subsequently, a month after the extension of President's rule for an additional six months in July 2019, the Rajya Sabha, one of the two houses of Parliament, passed a statutory resolution recommending the abrogation of Article 370 and the enactment of the Jammu and Kashmir Reorganisation Act, 2019¹⁰. This resolution was then approved by the Lok Sabha. The following day, President Kovind then issued another Order (C.O. 273) that nullified Article 370, effectively eliminating the special status accorded to Jammu and Kashmir. This presidential order led to the cessation of all provisions of Article 370 except for clause 1, which stated that the Constitution of India would apply to the state of Jammu and Kashmir. The decision was followed by an initiative to divide Jammu and Kashmir into two distinctly independent Union Territories: Jammu and Kashmir and Ladakh. Jammu and Kashmir's Union

Territory would be given a legislative body, whereas Ladakh would not. On October 31, 2019, Article 370 was repealed, and Jammu and Kashmir was reorganised into Union Territories.¹¹

In the case of *Shah Faesal v Union of India*,¹² a 5-Judge Bench led by former Chief Justice N.V. Ramana, with Justices S.K. Kaul, R. Subhash Reddy, B.R. Gavai, and Surya Kant declined

⁹ Advay Vora, *Article 370 of the Constitution: A Timeline*, SUPREME COURT OBSERVER, <https://www.scobserver.in/journal/article-370-of-the-constitution-a-timeline/amp/> (last accessed on 20th July, 2024)

¹⁰ The Jammu and Kashmir Reorganization Act, 2019, No. 34, Acts of Parliament, 2019 (India)

¹¹ Times News Network, *What is Article 370? Three Key Points*, THE TIMES OF INDIA, [Aug 3, 2019, 6:47 P.M.], http://m.timesofindia.com/articleshow/35678708.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last accessed on 20th July, 2024)

¹² W.P. (Civil) No. 1099 of 2019

to refer the case to a larger bench. The petitioners argued that there was a conflict between the rulings in Prem Nath Kaul, Sampat Prakash, and Maqbool Damnoo. They contended that Prem Nath Kaul established the need for the Constituent Assembly's approval before the President could exercise his powers, and once the Constituent Assembly dissolved, the President's powers also ceased. In contrast, Sampat Prakash and Maqbool Damnoo upheld the validity of Presidential orders even after the Constituent Assembly dissolved, contradicting the Prem Nath judgement. The petitioners believed this conflict justified a reference to a larger Constitution bench. However, the Bench rejected these arguments, stating that there was a significant difference in the circumstances of Prem Nath and Sampat Prakash. The Supreme Court highlighted that Prem Nath Kaul did not address the issue of the continued relevance of Article 370 after the Constituent Assembly's dissolution, making it distinguishable from the subsequent cases.

On July 3, 2023, the Supreme Court assigned the Challenge to the Abrogation of Article 370 to a new Constitution Bench led by Chief Justice D.Y. Chandrachud, along with Justices S.K.

Kaul, Sanjiv Khanna, B.R. Gavai, and Surya Kant. The case was held in a new cause of ***In Re:Article 370 of the Constitution***,¹³ Where the Constitution Bench of Supreme Court upheld the constitutionality of Union's abrogation of Article 370 which removed the special status granted to Jammu and Kashmir. They reasoned that the provision was a temporary measure meant to ensure Jammu and Kashmir's integration into India. It also upheld the Jammu and Kashmir Reorganization Act, 2019 to the extent it carved out the union territory of Ladakh out of the State of Jammu and Kashmir. It was observed that there is no requirement for the President to secure the State government in the regard as mandated by the provisos to Article 370(1)(d).

DEVELOPMENTS BEFORE AND AFTER THE ABROGATION OF ARTICLE 370:

1. INVESTMENTS:

Previously, the development and investment in Jammu and Kashmir were significantly hindered by restrictions on land transfer, industrial growth, and key sectors such as education, tourism, and health due to the application of Article 370 and Article 35 A. These limitations prevented the establishment of large industries, hindered educational and job opportunities, and

¹³ 2023 INSC 1058

restricted the purchase or sale of land by large industries within the state. As a result, the region experienced stagnation and neglect in critical areas that are essential for progress and prosperity.

However, with the removal of these provisions, a new era of growth and development has dawned in Jammu and Kashmir. By opening up the private and industrial sectors, the region is poised for significant advancements in various fields. This includes the potential for industrialization to bring about economic prosperity and modernization, especially through increased trade, commerce, tourism, and enhanced educational opportunities. Moreover, the liberation of land transfer restrictions can pave the way for innovation and infrastructure development in key sectors like education, healthcare, and tourism.

After the abrogation of Article 370 in Kashmir, one major positive development has been the restoration of administrative control. This has led to a safe environment in J&K, resulting in ongoing investment projects worth almost Rs 25 thousand crore and proposals amounting to over Rs 80 thousand crore. Prior to this change, private investments in J&K since Independence had only reached Rs 14,000 crore. However, with the introduction of a new Industrial Development Scheme, the UT has seen a surge in investment proposals, totaling Rs 81,122 crore in the last two years. Additionally, a significant amount of land has been allotted for setting up key units in both Jammu and Kashmir divisions.¹⁴

2. HEALTH AND EDUCATION SECTOR:

In the realm of education, the lifting of previous constraints means that students in Jammu and Kashmir now have broader access to quality higher education and learning opportunities. This shift has the potential to unlock the potential of the youth and empower them with the skills and knowledge needed for a brighter future. Additionally, investments in the health and education sectors, such as the establishment of private schools, colleges, and hospitals under the PPP model, can bridge gaps in healthcare accessibility and provide avenues for professional growth and employment in the region.

¹⁴ Zulfikar Majid, *Article 370 news: What changed in Kashmir in four years after abrogation of Article 370?*, DECCAN HERALD [4th August, 2023 at 8:07 P.M], <https://www.deccanherald.com/amp/story/india/whatchanged-in-kashmir-in-four-years-after-abrogation-of-article-370-1243830.html> (last accessed on 22 July, 2024)

3. GUARANTEED BASIC RIGHTS:

Furthermore, in terms of basic rights, the recent changes in property rights and education access are particularly notable. The newfound ability for women to claim property rights regardless of their marriage location signifies a step towards gender equality and empowerment. Similarly, the enforcement of the Right to Education and the application of the Juvenile Justice Act ensure that children are granted essential rights and protection. These developments not only uphold the dignity and rights of women and children but also reflect a broader commitment to inclusivity and social justice in Jammu and Kashmir. Previously, only permanent residents of Jammu and Kashmir were allowed to own property or land, leading to stable land prices in the state compared to other regions. Non-residents were prohibited from acquiring any land or property in the valley. However, with the abrogation of Article 370, there will be changes in land ownership rights, allowing landowners to buy or sell land at their discretion without the fear of being forced to give up their property.

4. TOURISM SECTOR:

The legal implications of Article 370 and Article 35A had hindered Jammu and Kashmir from fully tapping into its potential as a top tourism destination in India. However, with the removal of these articles, there will be a boost in tourism investments leading to economic growth and development. This will also create opportunities for film shootings, adventure sports, job creation, and the promotion of village or rural tourism in a peaceful environment.¹⁵ The tourism sector in J&K is also flourishing, with a growing number of both domestic and foreign visitors making it one of the top tourist destinations in the country. Last year, the UT welcomed 1.88 crore tourists, and the administration anticipates this number will surpass two crores this year.¹⁶

5. EMPOWERING BACKWARD CLASSES:

In the past, there was discrimination against the SC/ST classes in Jammu and Kashmir, with restrictions on their rights to contest elections, mistreatment by permanent residents, limited job opportunities, and lack of promotion rights. Many were forced to work as sweepers or reside in forest areas. However, the present situation promises protection of the rights of SC/ST

¹⁵ Neha, Dr. Radhika Dev Verma Arora, Dr. Surrender Ajnat, Harbhajan Dass Sampla, Gautam, *Abrogation of Article 370 of the Indian Constitution: An Analytical Study*, IJCRT, Volume 6, Issue 8, ISSN: 2320-28832

¹⁶ Supra note at 16.

groups, with the application of laws safeguarding their human rights and dignity. They will now have reservations to contest elections, improved working conditions, better job opportunities, and rights to education and employment reservations.

6. MODIFICATIONS IN POLICIES:

Earlier, any changes or revisions in laws in Jammu and Kashmir were only effective once approved by the State government, leading to different laws being applicable in the region compared to other states. However, in the present situation, all enactments, bills, policies, and amendments will now be enforceable in Jammu and Kashmir like in other states, promoting growth and development while ensuring that no section of the state is deprived of their fundamental rights or human rights. This new era of equality and diversity will alter people's perceptions of Jammu and Kashmir as separate Union Territories, fostering hope for progress, development, and financial stability. The decision to have one official language, one flag, and one constitution has eliminated discrimination, inequality, and separatism in India, restoring faith in justice and human rights. Jammu and Kashmir is poised to become a center for education, job opportunities, tourism, industrialization, and employment, offering a promising future for its people.

7. POSIOTION OF PANCHAYAT RAJ:

Regarding Panchayati Raj, previously, panchayats had to seek approval from the State Government for decision-making, and elections for selecting panchayat members were not held. However, in the current scenario, the Indian government has granted autonomy to Panchayats, with the 73rd and 74th Constitutional amendments applicable to local bodies in the State. Direct funding to Panchayats will facilitate overall development, especially in rural areas, at the grassroots level of democracy.

8. REDUCING CORRUPTION:

Previously, corruption prevailed in Jammu and Kashmir due to a lack of transparency and accountability in the government's functioning. The Right to Information Act and investigating agencies like the CBI were not applicable without the State authorities' consent. However, the present situation sees the implementation of the Right to Information as a crucial tool in combating corruption from the ground level. Various anti-corruption measures will be enforced

in the State, and investigative agencies can now intervene in state matters, leading to a reduction in corruption.

9. TRANSPORTATION SECTOR:

Road and tunnel construction projects are common in the region, but the most significant development has been the expansion of railways. The rail connectivity is expected to link Srinagar with the rest of the country through the Udhampur-Srinagar-Baramulla Rail Link, with Sangaldan already reached. The PM inaugurated the Banihal-Sangaldan stretch in February, allowing train services from Baramulla to Banihal to be extended to Sangaldan, near the district headquarters of Ramban. This new rail connection provides an alternative for road travelers stuck on the national highway between Ramban and Banihal due to landslides. Katra also saw the launch of two Vande Bharat trains connecting it with New Delhi, making it one of the few cities in the country with this service. Katra serves as the base camp for pilgrims visiting the Vaishno Devi shrine, and the first Vande Bharat service began in 2019. While events like the G20 summit and F-4 racing in Kashmir captured public attention, Jammu hosted the T20 Legends League, a significant milestone that may have been overlooked. This sporting event marked the return of international cricket to the region after 35 years.¹⁷

IMPACT ON DEMOCRACY:

The Indian democratic fabric will be significantly impacted by the repeal of Article 370 and the division of Jammu and Kashmir (J&K) into two Union Territories, especially with regard to federalism, inclusion, and communication.

Federalism and Constitutional Integrity: Historically, the federal framework of the Indian Constitution has fostered national unity while accommodating regional desires. One example of how the Constitution could be modified to meet particular local demands and political realities was Article 370, which gave J&K unique status. The withdrawal of this article and the division of Jammu and Kashmir into two Union Territories, however, have been seen as compromising the Indian Union's federal nature. Concerns of legal and constitutional validity are raised by the central government's stance, which acts unilaterally and does not require the

¹⁷ Amogh Rohmetra, *Industrial investment, railway push, tourism uptick: How Jammu has changed post Article 370 abrogation*, THE PRINT [23 April, 2023 at 08:45 A.M], <https://theprint.in/india/governance/industrialinvestment-railway-push-tourism-uptick-how-jammu-has-changed-post-article-370-abrogation/2051385/?amp> (Last accessed on 22nd July, 2024)

approval of the people of J&K. The federal structure as a whole might be weakened and the balance of power between the federal government and the states could be changed if this precedent is upheld and applied to other states.

Representativeness and Inclusivity: India's strategy for resolving internal disputes has always been based on inclusivity. In the past, J&K's political demands and solutions have aimed to be inclusive and represent the region's various populations. However, it appears that this concept is disregarded in the revocation of Article 370. The central government's activities have come under fire for not having a consultative procedure in place and for not including local opinions, which could exacerbate tensions across communities and regions. Instead of promoting unity, the absence of thorough interaction with all stakeholders—including the people of Kargil, Kashmiri Pandits, and local political leaders—runs the risk of escalating already-existing rifts.

Political Engagement and Dialogue: Even in conflict areas like Kashmir, India's democratic process has traditionally included political engagement and dialogue with a variety of opposition parties and political entities. A variety of political and militant groups have been in communication with previous administrations, including those headed by the Congress and the NDA, with the goal of incorporating other viewpoints into the political process. On the other hand, this tradition is being broken by the present government's strong approach, which includes rejecting talks with separatist organizations and criticizing local political figures. This strategy runs the danger of offending local authorities and could impede the search for a peaceful conclusion, possibly leaving the central government without reliable local allies to deal with the enduring problems in J&k.¹⁸

To summarize, concerns about compromising federal ideals, limiting various local perspectives, and moving away from a tradition of open discussion are some of the democratic implications of repealing Article 370 and reconfiguring J&K. These steps could have a significant impact on India's democratic procedures and capacity to properly resolve internal disputes.

POLITICAL IMPACT:

Impact on Domestic Politics:

¹⁸ Navnita Chadha Behera, *An Abrogation of Democratic Principles*, THE HINDU [13th August, 2019 at 12:02 A.M], <https://www.thehindu.com/opinion/lead/an-abrogation-of-democraticprinciples/article29035734.ece/amp/> (Last accessed on 29th July, 2024)

Electoral Advantage: By aligning with its ideological position and possibly gaining more sway in J&K through upcoming local elections and delimitation processes, the BJP's decision to repeal Article 370 could strengthen its political position throughout India.

Political Strategy: By making this choice, the BJP hopes to improve its position in J&K and change the political landscape of the area. But the party also has to contend with opposition from parties based in Kashmir, the likelihood of a united opposition in the Valley, and possible instability.

Effects on Relations between Pakistan and India Bilateral Tensions:

Pakistan has stopped trading with India and increased diplomatic efforts as a result of the abrogation, significantly straining relations between the two countries. Conversely, India seeks to minimize foreign mediation by highlighting Kashmir as an internal matter. **Geopolitical Concerns:** The anticipated withdrawal of US forces from Afghanistan and the emergence of the Taliban, which could increase security risks from terror groups based in Pakistan, are likely to have had an impact on the decision. **Risks of Internationalization:** India aims to prevent the internationalization of the Kashmir dispute by focusing on its internal narrative, while Pakistan's diplomatic drive has sparked worries about this happening.¹⁹

Prospective Aspects to Take into Account Public Reaction in Kashmir:

Since strict measures have been implemented to prevent violent protests, the Modi government's top immediate worry is the public's reaction in Kashmir. This strategy's longterm viability rests on how well it engages the community and fosters confidence there.

Risks to Security: There is still a chance of terrorist acts and more people being recruited by extremist organizations. For the Indian government to ensure security and stability, consistent efforts would be needed.

CONTRIBUTIONS TO HOLISTIC DEMOCRACY:

LEGAL AND CONSTITUTIONAL DIMENSIONS: In 2019, while President's Rule was in effect, a Presidential Order was used to revoke Article 370, which gave the state of Jammu and

¹⁹ Bhat, B. A. (2019). *A study on Jammu and Kashmir present, past and views of students on Article 370 Abrogation*. IJLRHSS, Volume 2, Issue 12, p. 3-7

Kashmir particular autonomy. With this action, Jammu & Kashmir was formally admitted to the Indian Union and became subject to local laws. Proponents contend that this action was required to ensure that laws are applied consistently throughout India, which is essential to a comprehensive democracy.

ECONOMIC GROWTH: Promoting economic growth in Jammu and Kashmir was one of the main goals of rescinding Article 370. The abrogation, according to the Indian government, will draw in investment, generate employment, and enhance the region's economy as a whole. It was anticipated that this would raise living conditions and encourage citizens to participate in the economy, strengthening the foundation of a more comprehensive democracy.

SECURITY AND STABILITY: Security considerations had a role in the decision to withdraw Article 370. In order to solve domestic security concerns and cross-border terrorism, the Indian government saw Jammu and Kashmir's special status as a roadblock to the region's complete integration. But this action also resulted in a greater military presence and limitations on civil liberties, which raised questions about the inhabitants' democratic freedoms and human rights.

SOCIAL AND ECONOMIC DIMENSIONS: There are several social and economic ramifications. The abrogation has made travel easier and given investors more chances in the area, which could spur economic growth. Better educational possibilities, the legality of LGBTQIA+ relationships, and increased employment options for locals are some examples of this (ssrn-4619022). However, there has also been a lot of criticism to the plan and worries about how it may affect Jammu and Kashmir's autonomy and distinct identity. There are still social and political obstacles, and the local population's approval of the revocation is still not universal. In order to develop a truly holistic democracy, it is imperative that grassroots democracy be implemented and that inhabitants' rights and safety be guaranteed.

PUBLIC SENTIMENT AND ACCEPTANCE: The people of Jammu and Kashmir have responded differently to the revocation. Some saw it as an imposition that ignored their distinct cultural and political identity, while others saw it as an essential step towards modernization and integration. Given the absence of broad local support for the initiative, it appears that resolving the sociopolitical complaints and ambitions of the populace will be necessary to establish a truly holistic democracy in the region.

HOLISTIC DEMOCRACY: The repeal of Article 370 has advantages and disadvantages

from the standpoint of holistic democracy, which includes political, social, and economic equality and inclusivity. Potential economic growth, standardized legal frameworks, and enhanced governance are among the advantages. However, the difficulties include political instability, the erosion of regional autonomy, and the effects on human rights and civil freedoms.²⁰

CONCLUSION:

In order to alleviate the stress caused by the division of British India, the state of Jammu and Kashmir was granted the privilege of Article 370 of the Indian Constitution. But this unique status had unfavorable effects as well, such as the emergence of separatists and self-serving political parties, which seriously harmed growth, development, and public welfare. On August 5, 2019, Article 370 was withdrawn, which caused a variety of responses both nationally and internationally. While Bhutan and the Maldives kept up their diplomatic posture, Sri Lanka applauded the action, especially the creation of Ladakh as a Union Territory. However, India came under heavy fire from China and Pakistan for deleting Article 370 and 35-A from Jammu & Kashmir. In fact, the region has changed for the better four years after Article 370 was removed. There have been notable advancements in public well-being, education, healthcare, and infrastructure development. The state's 18th Bench of the Central Administrative Tribunal (CAT) was established to provide close monitoring of its development. The area is seeing improved public welfare activities due to a significant drop in violence, more investment, rising tourism, and stronger government. The aspirations outlined by the repeal of Article 370 are being met by these modifications, which are helping to restore wealth, harmony, and peace to the valley.

“Removal of Article 370 was necessary because any nation which believes in integration always grows more than the one which believes in disintegration”.

²⁰ Bhattamishra, Tanya, *Abrogation of Article 370: Political Attack or Step for Holistic Democracy?*, IJLMH, Volume 6, Issue 5, p. 2343-2356