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# Abrogation Two Years On: Consequences for Jammu and Kashmir

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# The Abrogation Two Years On: Consequences for Jammu and Kashmir

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This paper provides a brief overview of the significance of Articles 370 and 35A; and why their abrogation is problematic for the future of Jammu and Kashmir. This is followed by examples of accounts in which the experiences of local people from J&K were recorded, in order to understand the ground realities of the abrogation and annexation of the state. It then provides an overview of some of the key changes that have occurred within the state since August 5th 2019. The paper therefore brings the reader up to date on:

- implications of the extreme policy move for both the lived experiences of the people within J&K; and
- rapid amendments taking place at administrative levels.



# What is the Abrogation and why does it matter?

The State of Jammu and Kashmir (J&K) has been an internationally recognised disputed territory for more than seventy years.

In October 1947, a civilian led movement took control of part of the erstwhile princely state of J&K and declared it Azad (or free) of the ruling Dogra Raj. As Pakistan's offer of assistance to the then newly announced Azad Government of Jammu and Kashmir was adopted, it formally became administered by Pakistan.

The ruler of J&K, Maharaja Hari Singh, whose own state forces were unable to compete with the indigenous Azad Army formed predominately of ex-military personnel<sup>1</sup> trained by the British, requested India's intervention to maintain control over the remainder of the state. India obliged, but only if Hari Singh signed an Instrument of Accession (IOA)<sup>2</sup>. The IOA, however, contained two clauses – 5 and 7 – that protected the internal sovereignty of the Maharaja and crucially allowed J&K to draft its own constitution. This resulted in **Article 370** of the Indian Constitution, which limited the powers of the Indian Parliament and ensured all final decisions regarding J&K had to be taken by J&K's State Constituent Assembly.

Furthermore, **Article 35A** of the Indian Constitution granted power to the J&K legislature to determine who was eligible as a permanent resident of J&K and set out their rights, as such. The J&K Constitution clearly defined this as a person who was, "a state subject on May 14, 1954, or who has been a resident of the state for 10 years, and has lawfully acquired immovable property in the state" (Government of Jammu and Kashmir 2003, pp. 3–4). Therefore, a citizen of anywhere other than J&K was prohibited from becoming a permanent resident, purchasing land or property, participating in state elections or holding state government appointments. Articles 370 and 35A of the Indian Constitution had thus safeguarded the autonomy of J&K as per the legal basis for which the Maharaja of J&K agreed to accede to India in 1947.

The issue of the division of J&K was taken to the United Nations Security Council. India laid claim to the entirety of the state based on the IOA. However, Pakistan argued that as a Muslim majority state, J&K should have formed part of Pakistan as the case with other Muslim majority regions during the partition of India and creation of

Pakistan. Furthermore, if given the choice, based on the aforementioned civilian movement, the people of J&K would choose to be part of Pakistan. As a result of both claims, the United Nations recommended a fair and impartial plebiscite to be held in J&K, in order to allow its population to decide on whether to accede to India or Pakistan. However, the plebiscite is still pending and the necessity to maintain the right to vote for the indigenous people of J&K has been paramount to this aim – facilitated by a special status granted to both Indian and Pakistani administered sides of the state – which prohibits anyone from outside of the state becoming permanent residents or purchasing immovable property in the state.

On August 5th 2019, however, the Government of India unilaterally revoked the special status of J&K by abrogating Articles 370 and 35A. In doing so, India breached the conditions of the instrument of accession and annexed J&K.

In this unprecedented political decision, the people of J&K were immediately put under a military siege in order to control largescale protest against what was essentially an illegal move according to both the constitutions of Jammu and Kashmir and India. Yet India remains largely unchallenged not only on revoking J&K's autonomous status but has also rapidly pushed through additional amendments in J&K. These include the controversial domicile law – which allows non-J&K origin individuals and their families to gain permanent resident certificates – an issue of paramount importance for the right to self-determination through a plebiscite for the state's indigenous people.

In exploring the reactions to this move on the part of the Indian government among people from J&K, civilian accounts were collected within just weeks of the abrogation. In doing so, insight into the experiences of the intense military siege in J&K were gathered. Furthermore, perceptions of the impact this historic move would have for the people of the state and their future were described.

# Experiencing the Abrogation on the ground

Although the Indian media provided considerable coverage of the abrogation, there was an obvious omission within debates from ordinary residents inside of J&K.

As a result, in depth accounts were recorded with more than forty people from Districts Poonch, Rajouri, Jammu and the Kashmir Valley in J&K during the military siege, in order to understand how the annexation was experienced on the ground. This was during a time when there were severe communication restrictions within the state.

The accounts below describe how people in J&K came to learn about the abrogation and their experiences of the siege. Although it is unusual to provide quotes of this length, in light of both the limitations imposed on communication channels J&K at the time, as well as the threat of detention for attempting to convey opinions diverging from the Indian state narrative; they provide a rare and crucial insight into the daily challenges experienced during the abrogation and the extent to which civil liberties were curtailed.

## ***Male, District Rajouri***

"It was a complete shock. I slept late that night because I was sending some work to my colleague by email. I woke up in the early hours to the sound of a bulletproof vehicle roaming the street announcing: 'Curfew! Curfew! Do not come out of your homes!' So I checked my phone, the internet was blocked, then I tried calling my friend to see if he knew what was happening, but it didn't connect. So I went to wake my parents up to see if they knew anything.

By the morning the whole area was surrounded by J&K Police and Indian military. From my window I could see after every fifth shop there were 10 armed troops and the J&K Police didn't have their guns – I later found out that the local police had been made to hand their weapons in, in case they turned on the military after hearing about the abrogation. And the troops were just using the local police as like a translator to tell people to go back inside if anyone came into the street. These troops were from Haryana and other states, they were swearing at locals. I had to go out [for medicine] because my parents are diabetics, but they wouldn't allow it. And you know we still didn't have any idea what was going on until we saw coverage of debates taking place in parliament being broadcast on the TV and they were discussing the removal of 370 and 35A. It was a huge shock, actually it wasn't a shock it was trauma. We were like physically in a kind of immediate trauma of totally feeling dread and knowing what was going to come – very difficult times would be faced now. I remember that time, as soon as we realised my

family were silent, we couldn't even speak. There were no words coming out.

The next day I saw a handful of youths gathered on a quiet corner, and that's when I felt a bit confident to try to go out again. This time I managed because the troops didn't see me leaving, they were facing a main road. We spoke and they said 'India has looted us'. Over the coming days we were allowed to go out for supplies but people weren't allowed to gather, they were told they'd be arrested. There was no internet and no way to connect with the outside world except the Indian channels that were being allowed to broadcast – basically our news was being censored and there was just Indian propaganda being streamed into our homes.

We were totally clueless about what was happening around us, we couldn't even communicate with the next town forget the outside world. There were rumours that thousands had been killed in the Kashmir Valley and that soldiers were coming from across the LoC<sup>3</sup>. Actually you should know this, I think I told you that there is a peak and just beyond that peak is the LoC and every day – and many others said the same – that we would look over and hope that someone from that side would come and rescue us. We were so helpless to be honest. Every evening I was looking towards that peak. There were helicopters that were patrolling the area it would do the rounds every evening and when it would come to our area I would go to the top of the house and check if someone from the other side had come and what might happen, so yes there was also a fear that war could break at any moment."

### ***Female, Kashmir Valley***

"I was in Delhi but there were rumours and speculations, because things had been happening in Kashmir, like an annual Hindu pilgrimage [Amarnath] was cancelled by the authorities, people were being told not to travel to J&K. Labourers and students from India were being bussed out of Kashmir and there was a huge increase in troops. People had started to panic buy petrol and supplies because in Kashmir, you know the signs of when something is going to happen. Some were thinking that India were planning a genocide, which was a possibility or expected a war with Pakistan or China. On August 4th, at midnight, all communication channels were snapped. I was very anxious because I couldn't contact anyone at home, so I travelled back that same morning.

I met a journalist at the airport who asked me where I was going and I told her Kashmir. The journalist was surprised that everyone is trying to get out of Kashmir and I was going there. I told her it's my home. She asked me about my opinion on the abrogation of the Article 370 and that is when I realized that the article had been abrogated. For a moment I could not gather my thoughts and didn't have anything to tell her. I kept telling myself that this is not going to happen, it is just being put on the table. I did not know what to think. I was in disbelief.

Everyone at the airport was talking about it. I felt so betrayed, not in the sense that I was expecting the Indian government to treat Kashmiris as special, but I felt betrayed by all the institutions which I had believed in so far ever since I was a child. My destiny was being decided and I did not have a say in it. We have learnt from childhood that a democracy provides you with a voice, the bottom up approach of the democracy was falling flat right in front of us. What happened in Kashmir is the murder of democracy. It is not only about freedom and rights, but lives being completely disregarded and destroyed, eight million people in house arrest and the world just watched. It still didn't sink in, even for a few days, it just felt too unbelievable. Like I said I wasn't politically active or anything, I believed in the system, in legal structures, but that was a turning point in my life and I realised we can't remain silent anymore, it's a matter of survival now."

### ***Male, District Poonch***

"I only went [back to J&K] because there was a full communication blackout, I couldn't speak to my family and my father is unwell, so I travelled home five days after the news broke about the abrogation, I was really worried. When I reached Jammu City it felt like we weren't in our state – we were in some kind of war zone. Barbed wires had been laid out, and all sorts of military forces- CRP, FO, BSFO, CISFO, army forces- meaning that wherever your neck could stretch to, you would only be able to see forces.

The reaction of the people of Poonch was that they were very angry. People's fundamental rights have been curtailed, movement isn't happening, people are not able to come and go. Even if you had to call someone an ambulance, the ambulance drivers would be too scared to go. And for civilians you are required to get a curfew pass from the authorities first so they can travel. This had so many consequences for local people. There was a lady who was about to give birth, it was premature, meaning at 7 months. In the time it takes to get a curfew pass, what must it be like for that pregnant woman? She went to a local place but had to be shifted to the district hospital, which is 20 kilometres away. She had two babies, one died and the other one was in ICU. Her father-in-law had to walk all the way, 20 plus kilometres from his house to the district hospital, to ask after her, there's no public transport allowed, there is no way to telephone her – communication was cut. He did not want his son to go in case he got arrested or harassed by the forces, they would be easier with an elderly person and see him as less of a threat. But he fell and ended up with 25 stitches. This is just one of the things that happened, there are hundreds of such examples that people had to face.

So people had to face all these things there, including harassment. Even children – whether they were 10 or 20 years old, they were threatened – that if you say anything against the abrogation we will pick you up and put you away. People were too scared to go out.

And the other problem we have is that there has been constant shelling in the border areas on the LoC. ►

► From this side we don't even know how many died, because the news is on blackout system, there is no newspaper coming, there isn't any electronic media there, or print media, or social media, so there was no news. If people are injured, there is no way for them to be transported to the district hospital. So those poor people must have washed their hands of life."

### ***Male, District Jammu***

"Actually it was totally shocking for us we didn't have an idea that such a thing could happen. No one was expecting such a big decision from our present government because Article 370 can't be removed. It was perceived that it could never be removed without the approval of our State legislature. But it was removed and the way the government went about it, no one could imagine. Even Abdullah was saying that if Modi came into power 10 more times he can't abrogate Article 370. So it's like a huge breach of trust.

And you know we Dalits have become a shield for this move, like the Modi government are saying it's for your welfare we are doing this. But if you see the condition of the Dalits in the whole of India it's very bad. How is it even believable that this will benefit us? How would we expect this under a Hindutva agenda. This Hindutva ideology is inconsistent with the very ideas of democracy, liberty and fraternity. So based on that we can never agree with their position.

People in Jammu will suffer the consequences of outsiders coming and settling and also taking business away from local people, taking jobs away from local people. Do you really think that the marginalised groups in the Jammu province can compete with the kids coming here from India with convent educations? Never. This will increase marginalisation and set us back economically."

Many of the concerns expressed in the accounts collected during this period became a reality as policy changes commenced within the months that followed. The next section provides a summary of some amendments to state laws, which will be reflected upon in the final section.

# Changes since the Abrogation

The abrogation of Article 370 and 35A led to the downgrading of J&K from a State to two Union Territories (UT), under the Jammu and Kashmir Re-organization Act, 2019. Both the UT of Jammu and Kashmir and the UT of Ladakh came under the President's rule as per the Gazette Notification S.O. 3937 (E), dated 31st October 2019. In March 2021, all **890 central laws** of India became applicable to J&K. Furthermore, **205 of J&K's state laws** have since been repealed and a further **129 laws** modified through numerous orders from the Indian government.

## *Domicile and Property*

In October 2020, the Indian government abolished 12 Acts and amended 14 laws which had protected land holdings for permanent residents as defined by laws of the erstwhile state of J&K.<sup>4</sup> This directly facilitates population changes in J&K by issuing permanent residency status to the children of central government officials posted in J&K for 10 or more years; anyone who has resided in J&K for 15 years; studied in J&K for seven years and/or sat class 10 and 12 exams in an educational institution located in J&K.<sup>5</sup>

Prior to this, J&K Agrarian Reforms Act 1976 restricted land ownership to twelve and a half acres to deter exploitative practice and stated that only a quarter of an acre of land could be held per family for their own residence.<sup>6</sup> However, there are no longer limitations on the amount of land that can be owned by corporations. Additionally, the phrase "permanent resident of the State" has been omitted from the J&K Development Act, without specifying any substitute or clause to control land ownership, thus allowing the purchase of land by any individual.<sup>7</sup>

The Jammu and Kashmir Land Grants Act, 1960, outlawed the lease of government premises for residential purposes, with the exception of some urban areas of Jammu and Srinagar, as a mechanism to control corruption. However, such restrictions have now been lifted and land can be leased across the entire state. J&K had its own Transfer of Property Act 1977, however the removal of Section 139, which regulated the transfer of immovable property in J&K has made this redundant.<sup>8</sup>

Under amendments, no domicile or permanent resident certificate is required to purchase non-agricultural land in the UT. New land legislature permits agricultural land to be

transferred to anyone with the government's approval. This means that once permission is granted, an agriculturist can sell, gift or mortgage his land to a non-agriculturist, which was not previously permitted under state law.<sup>9</sup> Furthermore, the government can now declare any area in J&K as strategic and required for operational and training purposes of the armed forces upon the request of an army officer of or above the rank of a corps commander.

In efforts to entice outside investors to relocate to J&K, incentives including acquisition of land at subsidized rate, cheaper power charges and purchase and installation of quality control and equipment tests at a subsidized rate.<sup>10</sup> Simultaneously, changes to the Jammu and Kashmir Municipal Act and the Jammu and Kashmir Municipal Corporation Act, both passed in 2000, have resulted in changes to property taxation.<sup>11</sup>

Although the Indian Forest Rights Act was extended to tribal communities in J&K, they have not reaped the promised dividends of the move. Under the Act, members of the Scheduled Tribes dwelling in the forests along with other traditional residents can apply for forest land for habitation or self-cultivation. However, there has been no agreed process of listing the recognised claimants. Instead, simultaneously in mid-November, the government invoked the Indian Forest Act, 1927 in J&K and began issuing eviction notices to the very tribal communities they claimed to assist.

## *Human Rights and Advocacy*

National Human Rights Commission (NHRC) has replaced the separate human rights commission for the region. The J&K State Human Rights Commission, was in place for locals to report abuses in J&K.<sup>12</sup> Likewise the State Consumer Disputes Redress Commission (SCDRC) no longer exists post abrogation and there is no Consumer Commission in J&K.<sup>13</sup> Furthermore, the J&K grievance system is the only UT to have been integrated into the central grievance system, allowing direct control of any grievance investigations to take place from New Delhi.<sup>14</sup>

The Jammu and Kashmir Right to Information (RTI) Act, 2009, had been repealed soon after Article 370 was abrogated, when the Jammu and Kashmir State Information Commission (JKSIC) was also shut down.



Furthermore, the JKSIC mandated disposing of appeals within 60 to 120 days, however there is no such provision binding the centralised commission which has replaced it. More than a year on, the replacement RTI manual has not been published by the government in any of the erstwhile state's official languages both of which have led to greater challenges for fighting corruption.<sup>15</sup>

On June 2, 2020, the UT administration unveiled their new policy to examine the content of print, electronic and other forms of media for what it refers to as anti-national content.<sup>16</sup>

Despite women's rights being a focus during debates on Articles 35A, the State Commission for Protection of Women and Child Rights (SCPWCR) was dissolved post abrogation<sup>17</sup>. Furthermore, Centralised family laws have repealed fifteen parallel state laws. If as promised by the BJP a Uniform Civil Code comes into play, separate religious laws provided to J&K's families may also be affected.<sup>18</sup>

### ***Institutions, Economy and Employment***

In 2020 the J&K Chamber of Commerce estimated over 500,000 job losses since the abrogation. Hilal Mandoor, President of Kashmir Traders Association, stated in July 2021 to the News Click, "J&K's economy has been massively impacted. We are facing massive losses of over Rs 40,000 crore including transporters, hosiery, and others. We have lost around 1.5 crore per day. The situation is grim."<sup>19</sup> In 2020 according to news reports, the losses suffered by Jammu and Kashmir were Rs 270 crore per day.<sup>20</sup>

The National Conference Vice president Omar Abdullah said the economy of Jammu and Kashmir is on the "brink of collapse" as every sector in the UT has suffered losses in the last two years.<sup>21</sup> This was also echoed by former J&K Chief Minister Mehbooba Mufti stating that Jammu and Kashmir has been placed on open sale by New Delhi.<sup>22</sup>

Several of the state's universities and institutions have now come under direct control of the government selected Lieutenant Governor (LG) who replaced the democratically elected Chief Minister as chancellor of the Islamic University of Science & Technology (IUST), the Baba Ghulam Shah Badshah University and Jammu and Srinagar's Cluster Universities. The administrative council headed by the LG is proposing changes in state laws that were prohibited under the J&K Reorganisation Act.<sup>23</sup>

The UT also announced that it can retire civil servants who have reached 48 years of age, raising concerns that employees who are deemed to hold anti-national opinions will be vulnerable for dismissal, with no option of a tribunal.<sup>24</sup>

### ***Elections and Delimitation***

As with government positions and land ownership, J&K's elections have also been opened up to those who were not permanent residents of J&K before August 5th 2019. Indian citizens can now become eligible to vote or contest in the Assembly, Panchayat and Municipal elections, by fulfilling the condition of being "ordinarily resident" in the UT. This will be the first time a non-state subject has been permitted to vote in elections in the erstwhile state.

Delimitation is the establishment of the boundaries of parliamentary or assembly constituencies. The process is conducted periodically in India to ensure that each constituency has equal numbers of voters. In relation to Jammu and Kashmir the delimitation exercises in the past have differed in frequency from those in India because of the region's special status.

Formally, in March 2020, the Indian government constituted the J&K Delimitation Commission<sup>25</sup> to carry out the exercise on the basis of 2011 Census as per Section 62 of Jammu and Kashmir Reorganisation Act, 2019. The significance of this and some of the other changes noted above will be provided in the next section.

# Reflections: What does this mean?

As described above, there have been substantial administrative changes and legal amendments within J&K as a result of the abrogation of Articles 370 and 35A. The consequences are potentially far reaching – not least in respect to the demographic composition of the state through the in-migration of Indian citizens and ownership of land by external investors. This is of immediate concern for protecting the populations' right to participate in a plebiscite based on state subject status.

By reflecting on the public and political landscape in J&K since the abrogation, there are three observations worth noting:

- Many of the concerns expressed by the accounts collected within the first eight weeks of the abrogation have been substantiated through the rapid policy changes implemented since August 5th 2019;
- All major internal regional stakeholder communities have conveyed serious concerns regarding the abrogation – even those who did not initially express vocal opposition towards the move;
- The intra-state political landscape remains dominated by the Dogra and Valley lobbies post abrogation – as demonstrated by the delimitation exercise.

# Domicile and Reservation: Concerns at Regional and Sub-Community levels

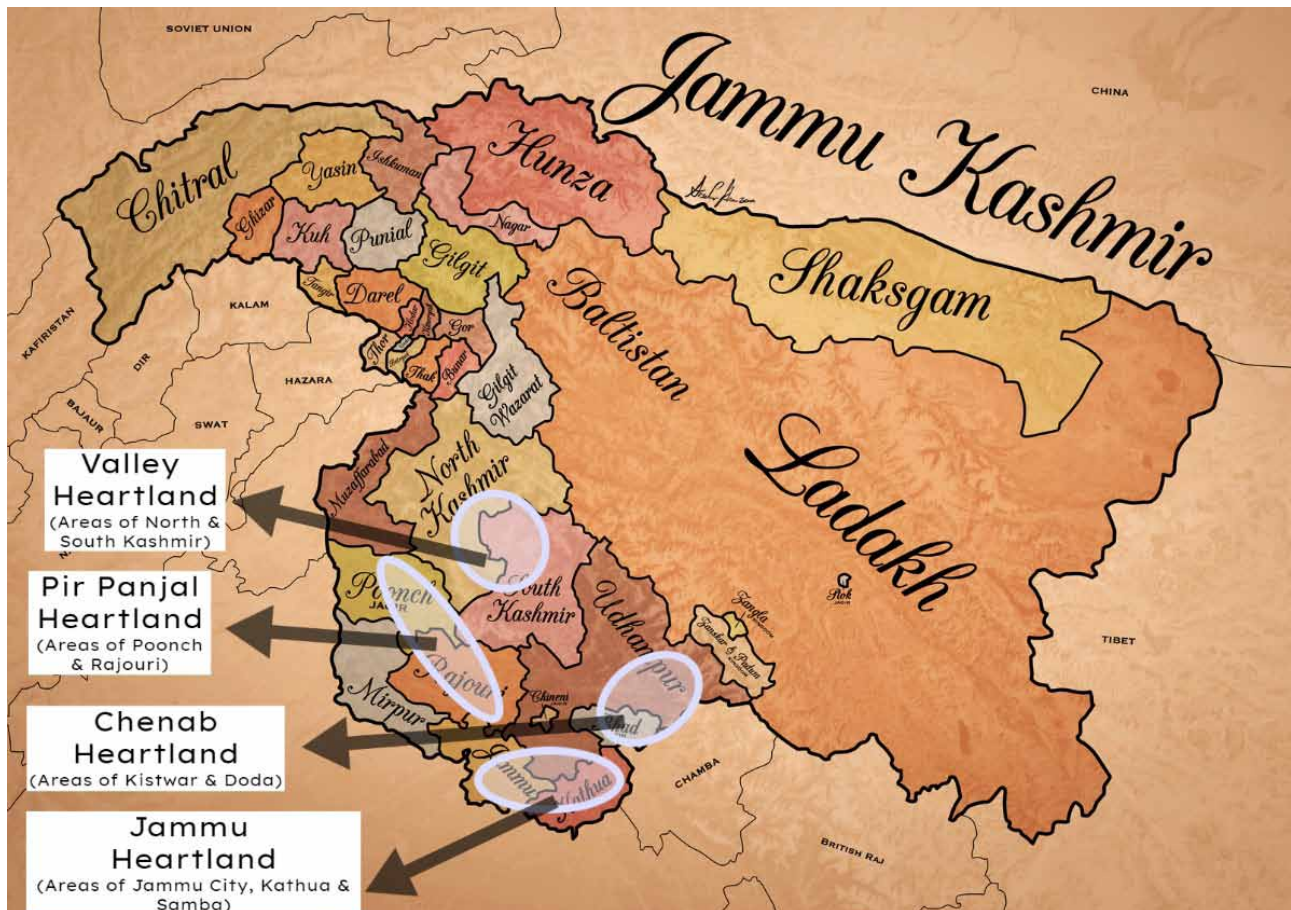


Figure 1: Sub-regional heartlands of J&K's key stakeholder populations

**Ladakh**

Public opinion in Ladakh was divided at the time of the abrogation. Religious and political organisations in the Kargil District joined together in condemnation of the move.<sup>26</sup> However, this was not the case in Leh, which had been lobbying for a separate Hill Council on account of decades of dire underfunding by the Valley based government. The abrogation therefore represented the potential for greater control of Ladakhi affairs by Ladakhis themselves. However, concerns regarding land ownership, local representation, job security and changes to legislation in domicile status, led to elected members of both Hill Councils of Leh and Kargil voicing their opposition to Indian policies on numerous issues on many occasions. One

of the more significant concerns is that financial powers have been transferred from the two Hill Councils to the UT administration office and thus New Delhi.<sup>27</sup>

Within days of the second anniversary of the abrogation of Article 370, political leaders from Kargil and Leh met to ask for the reinstatement of Statehood for Ladakh, as per the legislature under Article 371 of the Indian Constitution.<sup>28</sup>

### ***Chenab Valley***

Despite demands within the Chenab Valley for Separate Divisional Status and a Hill Development Council, there has been no progress regarding either. In a recent

interview Asif Iqbal Butt explained, “Chenab Valley deserves separate division, as if we go by statistics, our population is 10 times more than Ladakh, with an area spreading over 9,000 square kilometres. We have been neglected by Jammu as well as Kashmir based politicians. The public of this region is being deprived of basic facilities, like roads, medicare and potable water.”<sup>29</sup> Pre-abrogation frustrations with the state leadership, as expressed in Ladakh, led to such demands, yet there have no notable improvements to local infrastructure or conditions as a result of becoming governed directly by New Delhi.

### ***Pir Panjal***

Mainstream Indian media portrayed the Gujjar communities of J&K as beneficiaries of the abrogation. This was due to the Valley government withholding the implementation of the Forest Rights Act inside the state, despite years of lobby by tribal communities. The motivation behind doing so was believed to be a desire to maintain an economic grip over state resources, rather than empowering marginal and regional communities – as per longstanding concerns from Ladakh and Chenab Valley. As a result of India's central laws becoming applicable to J&K, the Forest Rights Act was also extended to tribal communities in the UT. However, despite promises that the pastoralists could now apply for forestland for habitation or self-cultivation, they are yet to be provided with clear protocol on how to register such claims. Furthermore, there have been high profile cases of nomadic communities being evicted, traditional seasonal homes being bulldozed, and their orchards destroyed under the orders of the UT's Divisional Forest Officer.

The Pahari speaking communities found predominately within the Pir Panjal, but also present in other parts of the state including the Kashmir province, have been lobbying for political recognition and associated reservation rights for decades. However, changes to administration since the abrogation resulted in the removal of Pahari, along with several other dominant community languages in J&K, from the official languages list.

### ***Jammu District***

Discontent has since been expressed by leaders in Jammu who stated that they were in favour of the abrogation. The former mayor of Jammu, Narender Singh, challenged the fact that other states, such as Himachal Pradesh, maintain their employment reservations and property rights, yet Jammu no longer has these in place. In a feature titled, *Why is Jammu as unhappy as Srinagar?*, published by the National Herald, he stated, “where is the much promised Himachal Pradesh like land protection? Where is the reservation of jobs for the locals? Compare this to the job reservation being provided by some of the BJP ruled states such as Haryana, Uttarakhand etc. What is the fault of the people of Jammu?”<sup>30</sup>

### ***Kashmir Valley***

Prior to the abrogation, Valley based political elites were cooperating with New Delhi, however some key figures had demonstrated an explicit alignment with even controversial parties. For example, it is documented that Kashmiri politicians, including from both the National Conference and Peoples Democratic Party, had alliances with the BJP<sup>31</sup>. Furthermore, Valley politicians maintained support for the BJP even during controversial periods, such as the 2002 pogrom in Gujarat when at least 2000 Muslims were killed, thousands more were forced out of their homes and mass rapes were reported.<sup>32</sup> There are more recent examples of key political figures, such as Shah Faesal, taking both a supportive and critical stance towards the Indian position. However, during the abrogation even democratically elected politicians were not consulted by New Delhi and were subsequently placed under house arrest, hampering relations between the two and casting doubt on future cooperation.



# Delimitation

The first-ever delimitation commission for the Union Territory tasked with drawing boundaries for 90 Assembly constituencies of J&K and reserving seats for schedule castes and schedule tribes<sup>33</sup> will submit its report by March 2022. Rather than simply relying on population counts from the census to determine electoral boundaries, there is apprehension that the commission will employ a similar method to that of Uttarakhand, in which census figures, topographic information, together with the local administration's understandings of political aspirations of regional and sub-regional interest groups and stakeholders will be considered.<sup>34</sup>

The UT is dominated by two clear lobbies in regards to how the delimitation exercise should be conducted. The Valley lobby has argued that census population counts should be the determinant of the electoral boundaries. The Kashmir province has a higher population ratio compared with the Jammu province. However, the Dogra lobby of the Jammu plains have vocally backed additional conditions being taken into consideration – namely topography.

Although there is potential for hitherto marginalised regional and sub-regional communities to gain greater political representation, for example, if through the delimitation exercise Muslim and Sikh communities in the Jammu province gain their own seats, they would be in a stronger position to demand reservation measures. However, if the Delimitation Committee adopts the Dogra lobby's position for drawing boundaries based on topographic features, the most likely outcome could be that the new electoral constituencies will provide Hindu-majority Jammu with more seats; and a Chief Minister from the Jammu plains will replace the string of Chief Ministers from the Valley, thus ending their dominance within state politics since its division in 1947.

The continuation of the two camp domination of J&K's political space is unlikely to lead to any meaningful forward movement for a resolution of the disputed territory. The Valley and Dogra lobbies have symbolically represented external support bases within the state. However, the two camp approach has merely masked the diverse, multi-regional stakeholder realities of Jammu and Kashmir.

# Summary

The dramatic events of August 5th 2019, have led to significant changes within J&K. The abrogation of Articles 370 and 35A was an extreme policy move and in contradiction with the Indian Constitution itself. It was implemented under an intense military siege, which had immediate implications for the civil liberties of the people of J&K, as described in the accounts in this paper. Following the announcement, the Jammu and Kashmir Reorganisation Act, 2019, ushered in rapid legal and administrative changes, which have the potential to irreversibly alter the existing populations' characteristics, through the controversial domicile law and ownership of land by external parties.

As the BJP continue attempts to make in-roads into J&K, there is evident dissatisfaction with the outcomes of the abrogation across J&K's main stakeholder communities; and calls for the reinstatement of the territory's special status continue.

The abrogation has the potential to provide a moment of pause to review failed strategies in resolving the dispute, as well as act as a catalyst to strengthen intra-state alliances; however, as existing internal political camps continue to vie for power, they do so at the expense of meaningful multi-regional cooperation for the reinstatement of statehood.

Due to its focus on the abrogation, key topics of discussions on J&K, such as its unification and the option of independence, have not been covered, yet they do warrant renewed consideration in light of the events. The most pressing issue, however, is the urgency to revisit the need to hold a plebiscite, highlighted by the swift changes outlined above and their long-term implications.

# Endnotes

1. Christopher Sneddon (2013) estimates that there were more than 40,000 ex-military personnel from Mirpur and Poonch at the time.
2. The original copy of the IOA is available in the National Archives, New Delhi, indexed in National Archives Register No. R.R. 271, page no. 27 and preserved in file no. P-I/20/47, Year 1947. An online copy is available at: <https://thewire.in/history/public-first-time-jammu-kashmir-instrument-accession-india>
3. Line of Control also known as the Ceasefire Line which divided the erstwhile state between Pakistani and Indian administration.
4. <https://theprint.in/judiciary/12-laws-repealed-14-amended-what-exactly-changes-under-new-land-orders-in-jk/533038/>
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