

Impact of Article 370 on India: Before and After

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Abstract

This research paper mainly focuses on Article 370 and its impacts and imperatives on India before and after. This research paper discussed the unification of India and the problems of Indian unification. Later on, the effect of Article 370 on Kashmir and the comparative impacts of Article 370 before and after its abolition. This research paper discusses the environmental condition and the condition of youth in Kashmir after the abolition of Article 370. The development of Kashmir is also discussed in this research article after the abolition of Article 370. This paper also discussed the migration of people, terrorism, and its impact on South Asian states.

INTRODUCTION

India after independence is the history of the partitions and the history of terrorism, where Kashmir is at the center. Indian history cannot be written without Kashmir and Art 370. During independence, India was divided into provinces, British colonies, and other Indian rulers ruling in India. India was divided into 589 parts, from east to west and north to south. Partition of Pakistan from India was a laceration on Indian independence that can never be recovered. At the time of Indian independence, it was also said that India was not a state but was becoming one.

After the partition of India, the great challenge in front of Indian leaders was to unite all the kingdoms and provinces to form India. This responsibility of unification was given to Sardar Patel, vice prime minister of India at that time and was also known as the iron man of India. The question of unification emerged when the then governor-general, Lord Mountbatten, announced the partition of India: there would be two states, India and Pakistan, and all the other states that were part of the British Empire should join either India or Pakistan, or they can remain independent and enjoy their sovereignty as independent states. We know India was divided based on the two-nation theory proposed by Mohammad Ali Jinnah. According to the two-nation theory, Jinnah argues that Muslim interests could never be saved in India because the majority population is hindu. India is a country of hindus, and muslims are unsafe among most hindus. Jinnah stated at the Shimla conference that it was unsafe for the interests of muslims and that they would always be threatened and squeezed in India. This statement of Jinnah at the Shimla conference hurt the muslim leaders of the Indian National Congress. Jinnah's statement at the Shimla conference diminishes the role of muslim leaders like Abul Kalam Azad, who also served as the president of the Indian National Congress.

The demands made by Mohammad Ali Jinnah for Pakistan made him the well-wisher of Islam and the well-wisher of the Muslims in India. After independence, Jinnah invites all the muslim rulers to join Pakistan. This saying of Jinnah provoked leaders of both sides to unite the different kingdoms and provincial states from their side. Areas mostly dominated by muslims were to become part of East Pakistan and West Pakistan. Furthermore, at the same time, Jinnah also demanded a corridor between the Indian states that could connect both east and west Pakistan, which the Indian leaders did not accept because this would become the bone of contention between the two countries shortly. At the same time, Jinnah was also trying to convince Junagadh, Hyderabad, and Kashmir to merge with Pakistan because, in these states, there was a Muslim population dominance in Junagadh and Muslim rule in Kashmir and Hyderabad. On the Indian side, Sardar Patel was the head of the committee that made plans for the unification of India. With the help of Vappala Pangunni Manon (secretary to the government of India in the ministry of state affairs), Sardar Patel united the Indian states. Patel was successful in uniting all the Indian states, but three states—Hyderabad, Junagadh, and Kashmir—were stuck in the vehicle of India's unification. It was also said that they were in contact with Jinnah and wanted to merge into Pakistan. At the same time, Kashmir wanted to be independent and retain its sovereignty. Sardar Patel merged the two states of Hyderabad and Junagadh into an Indian state with defense action and a referendum. However, simultaneously, Kashmir wanted to be independent of both states and try to establish its sovereign nation. Raja Hari Singh, the king of Kashmir, denied the merger of Kashmir with any of the states. This was when the head of state, the Governor-General, and Lord Mount Batten allowed the country to remain independent, so India was silent. Nevertheless, at the same time, Jinnah's incompetence in

the emergence of Hyderabad and Junagadh in Pakistan forced him to train the Pathan Kabila to attack Kashmir to forcefully merge Kashmir into Pakistan because of the Muslim-dominated population. Jinnah failed to do so because the king of Kashmir, Hari Singh, sought help from his Indian counterpart. However, the Indian Democrats denied it, saying that Kashmir is not part of India and that Indians cannot encroach on the sovereignty of any other nation. If Kashmir wants help from India, then Hari Singh must sign the instrument of accession first. Then only India will enter Kashmir against Pakistan because it is a matter of India's security and sovereignty. Hari Singh accepted India's proposal and signed the instrument of accession, and on October 24, 1947, the Indian army deployed in Kashmir through the air, and they bravely countered Kabilai terrorists. With the signing of the instrument of accession, new articles 35 and 370 are added to the Indian constitution, which gives Kashmir a special status in India. According to Article 35a of the Indian Constitution, Jammu and Kashmir have given temporary, transitional, and special provisions, according to which Article 370 works in Kashmir. This article was added to the constitution through the Presidential Order of 1954. This article defined that Jammu and Kashmir state residents will be governed under different codes of laws. This also includes citizenship, property ownership, and fundamental rights compared to other Indian states. The implementation of Article 370 in Jammu and Kashmir delineated the role of the Indian government in this area. It was squeezed into limited areas like medicine, transportation, security, etc. This article gives special privileges to the Kashmiris. According to this, Kashmir has its own flag and citizenship pattern; contrary to Article 19, they were not permitted to settle any people from other states in Kashmir. Moreover, it was also against Article 1 of the Indian Constitution, which says that India that is Baharat shall be a union of states. Their election pattern was also different, and they had six-year assembly elections. The regularization of Article 370 in Jammu and Kashmir harms the development of the state and becomes one of the major issues in India's international relations.

It is well known to the people of South Asia that Kashmir is the bone of contention between India and Pakistan, which harms the development of the people of this region and the states of the South Asian region. Pakistan, which controls some of the major parts of Kashmir, gives some of it to China, making China a party to this dispute. Pakistan knows that illegally occupying Kashmir alone without the consent and help of China in south Asia is impossible. At the same time, Pakistan does not have a good international approach. Illegal entry of China into Pakistan The occupied Kashmir region strengthens the grip and morale of Pakistan in South Asia. To strengthen its grip on Kashmir, Pakistan allows the Chinese government to build roads and dams in this disputed region. China spends ample money on projects like CPEC and OBOR, which are against international laws and conventions. China does not want India to interfere in this region. Through this OBOR project, China wants to revitalize the silk route through Pakistan, which can connect the Middle East directly and make China's reach to the Middle East easy. Furthermore, we all know that after expanding its business in African countries, China has entered the Middle East, which is the powerhouse of many radioactive materials like uranium, thorium, etc. With the revival of the silk route, China can easily exploit raw materials from the Middle East, reducing its transportation costs. Seeing the present scenario of Pakistan, which became the clone of China due to the policy of depth trap China, Pakistan is not even in the condition to point the finger at the Chinese government to check India in Kashmir; China

supplies arms and ammunition to the Pakistani army and helps the terrorist organizations with money. The Chinese government wanted to engage the Indian government in these activities, which was fruitless. With the help of China, Pakistan is not only tanning the Pakistani terrorists in their own country. However, it is also promoting the Kashmiri youngsters in the name of Jihad and training them in India. Terrorist organizations like the Indian Mujahidin are active in the Kashmir valley. Pakistan, a Muslim country, is seeking help from China in the matter of Kashmir; on the other hand, the Chinese government has subdued the Muslims in their region. Moreover, the whole world is against the Chinese government in the name of human rights because of the harassment of the Uighurs. Instead of questioning Muslims' human rights in China, Pakistan takes help from China in Pakistan. At the same time, Pakistan also announces itself as the saviour of Islam in South Asia. Whereas India has a larger Muslim population than Pakistan, in the name of Article 370, Pakistan always tries to mislead the Kashmiri youth. It is the passive impact of Article 370 because the people of Kashmir were unemployed, the literacy rate was meager, and the terrorist organizations misled them in the name of money and religion. They were misled into thinking that Kashmir is not part of India, whereas India illegally controls Kashmir, and we must free it from India. Throwing stones at the Indian army and chanting Baharat "Tere Tukre Honge" were fruitless results of Article 370. This article separates the Kashmiri people from the rest of India. This also gives the feeling that their separate constitutions make them different from Indian states. The citizenship policy under the act does not allow an outsider to establish their business in the Kashmiri region. So, the Kashmir valley depended on the tourism industry, but the terrorist activities in Kashmir destroyed this industry, and they turned heaven on earth into the most dangerous place. It spread bloodshed around Kashmir and forced many Kashmiri people to flee under hunger and fear. Due to Article 370, Kashmir becomes the largest market for arms and ammunition. Instead of giving good education to their child, the Kashmiri people started giving stones into their child's hands so they could earn money by throwing stones at the army personnel. But after the abolition of Flight 370 from Kashmir, Pakistan and the Chinese government were very aggressive towards India. It is evident after so many years that, there will be a conflict between the Indian and Chinese armies in 2020. The terrorist activity in Kashmir is also reduced to one year. About 200 militants were killed in Kashmir by the Indian military. Pakistan also raised this issue at the United Nations, but their argument against India was ignored. Many countries stand with India and argue that Kashmir is an integrated part of India. Making and abolishing any law under their sovereign areas is a matter for the sovereign state. It is the internal business of any country, so we are not authorized to interfere in the internal affairs of India. At the same time, the abolition of 370 minimizes the terrorist activities in the Kashmir valley and allows the Kashmiri people to connect with Indian diversity. It stops the Kashmiri people from joining the militant group for their survival. Instead, they should join the Indian army and serve their own country. This can be seen in the different results, like UPSC and the armed forces, where the number of Kashmiri people is increasing everywhere. It has given them a chance to serve in various forces and jobs. However, it is also training the Kashmiri people to lead their state, raise the problems of their state, join active politics, and abolish the conservative mindset of Kashmiri traditions. It is bringing the youth into active politics and ending the era of nepotism and the elitist theory of democracy. After the abolition of the article, now not only the family member of a king could become king, but

now even the son of a farmer could become the chief minister of Kashmir. However, at the time of Article 370, only two families dominated Kashmiri politics against the democratic ethos and the Indian parliamentary system, allowing even a chaiwala (tea-seller) to become the prime minister of India. Now the rule of a particular religious community ends in Kashmir, and the secular ethos of the Indian constitution is also prevailing there. The abolition of Article 370 in Jammu and Kashmir and their status as union territories will help the Kashmiri people develop. It is seen that after decades of DDC elections successfully held in Kashmir, people at large proportions take part in the DDC election, and it is seen that a mass of youth got elected in the election. For the first time since India's independence, the ethos of democracy and secularity is seen in Kashmir after the abolition of Article 370.

At the time of Article 370, people of other states were not allowed to buy land in Kashmir, and even the girls of Kashmir were not allowed, after their marriage, to be the proprietors of their father's property. For this reason, the prominent businessman was not entering Kashmir to establish any business. The primary need is land. Some time ago, the politicians also argued that Article 370 was the safety valve for the environment in Kashmir, but it is now noticed that in Kashmir, the most harmful effect on the environment was done at the time of Article 370. Kashmir is known for the best saffron farming in the world, which is the color of valor and strength. At the same time, the land of Kashmir was irrigated with blood of youth of the Kashmiri population.

The story of the Kashmiri pandits will also not be forgotten. Most of the Kashmiri population were Kashmiri pandits, and they were forced to migrate from Kashmir after the abolition of Article 370. The Kashmiri pandits saw this as a positive sign, and now they are hoping for the resettlement of people in their birthplace. Now, seeing the development of Kashmir, it is clear that in the yearly budget, particular focus was given to Kashmir. It is seen that the construction of roads and railways is the main source of development in many parts of the country. Now the government is building a tunnel in the areas because of their geographical condition in winter, the temperature in Kashmir goes below -45°C. Moreover, all roads were closed due to heavy snowfall, and communication from one part of the country to another will cut off. But tunnel construction allows them to easily transport from one region to another.

CONCLUSION

To conclude, we can state that with the abolition of Article 370 from Kashmir. They will get their proper due, their energy will channel in the right direction. They can directly connect to the people of other parts of India, and when they come into contact with the people of the different region, the tendency of people towards the Kashmiri people will be changed. Their mindset towards them will also change. With the abolition of the article, the Kashmiri people will feel a sense of inclusion towards the Indian people, and their viewpoint towards Indians will also change. It helps the Jammu and Kashmir region and affects India's international politics and international relations. The abolition of Article 370 will change the subject matter of international relations. The abolition of Article 370 also changed the internal dynamics of the South Asian region and the internal politics of South Asia. It also allows for diversity in Jammu

and Kashmir and helps settle Kashmiri pandits in Kashmir, who become refugees in their own country. The fundamental rights of the Indian constitution, like Article 19, are applicable in Kashmir, and Article 1 of the Indian constitution now gets its original validity. Now the central government must check all the activities happening in Jammu and Kashmir and take all the measures and initiatives that help the Kashmiri people bring them into the mainstream. They should also allow all the schools in Kashmir to revise their syllabus according to the union of India. Their curriculum must be framed according to their tradition and culture so that they do not lose their own identity in the globalization phase. Above all, terrorist activities must be checked so that they do not become part of the terrorist mindset in Terroristan.

REFERENCES

- Kapur, Manvi, "A timeline of key events that shaped the unique identity of Kashmir within India," Quartz India, 2019, [online web] <https://qz.com/india/1682124/a-timeline-of-jammu-kashmirs-modern-history-and-article-370/> Accessed on 12 Aug 2019.
- Thapliyal, Sheru Maj Gen, "Art370: The untold story", Indian Defence Review, Issue Vol 26.1, Jan-march 2011, [online web] <http://www.indiandefencereview.com/news/article-370-the-untold-story/>, accessed on 26 Aug 2019.
- Noorani, A. G. (2014). *Article 370: A constitutional history of Jammu and Kashmir*. Oxford University Press.
- Samanta, Siddhartha, "The final transfer of power in India 1937-1947 A close look", Scholars work UARK, 2011, [online web] <https://scholarworks.uark.edu/cgi/viewcontent.cgi?article=1257&context=etd>. They are accessed on 17 Sept 2020.
- Report of the state's reorganization commission, 1955, [online web] https://www.mha.gov.in/sites/default/files/State%20Reorganization%20Commisison%20Report%20of%201955_270614.pdf. Accessed on 22 Sept 2020.
- Ikram, S. M. (1995). *Indian Muslims and partition of India*. Atlantic Publishers & Dist.
- Balasubramanian Teaching, T., & Balu, A. SARDAR VALLABH BHAI PATEL ACHIEVEMENTS AND POLITICAL STUDIES.
- Menon, J. (2013). *The performance of nationalism: India, Pakistan, and the memory of partition*. Cambridge University Press.
- Hassan, M. (2020). The Two Nation Theory and the Creation of Pakistan. *Asian Journal of Social Sciences and Management Studies*, 7(2), 80-88.
- Moore, R. J. (1983). Jinnah and Pakistan demand. *Modern Asian Studies*, 17(4), 529-561.
- Zakaria, R. (2004). *Indian Muslims: where have they gone wrong?* Popular Prakashan.
- Casci, S. (1998). MUSLIM SELF-DETERMINATION: JINNAH CONGRESS CONFRONTATION, 1943-44. *Il Politico*, 67-85.
- Nanda, B. R. (2013). *Road to Pakistan: the life and times of Mohammad Ali Jinnah*. Routledge.
- Madras (India: State). Legislature. Legislative Assembly. (1953). Madras Legislative Assembly debates. DOI: 10.2307/saoa.crl.27485064.
- Krishna, B. (2007). *India's Bismarck, Sardar Vallabhbhai Patel*. Indus Source.
- Ganguly, S. (2002). *Conflict unending: India-Pakistan tensions since 1947*. Columbia University Press.
- Bose, S. (2009). *Kashmir: Roots of Conflict, paths to peace*. Harvard University Press.
- Ahmed, Z. S. (2016). *Regionalism and regional security in South Asia: The role of SAARC*. Routledge.