



DEMOCRATIC GOVERNANCE AND FEDERALISM IN JAMMU AND KASHMIR AFTER THE ABROGATION OF ARTICLE 370

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Abstract

Jammu and Kashmir has always been one of the most important and sensitive topics in Indian political science. The region is connected with many major themes such as federalism, democracy, autonomy, national integration, identity, security, development and constitutional law. For many decades, Jammu and Kashmir had a special constitutional position under Article 370 of the Indian Constitution. This provision gave the region a different relationship with the Union of India in comparison to other states. In August 2019, the Government of India made Article 370 inoperative and passed the Jammu and Kashmir Reorganisation Act, 2019. Through this Act, the former State of Jammu and Kashmir was divided into two Union Territories: Jammu and Kashmir with a legislature, and Ladakh without a legislature. This change created a new phase in the politics of Jammu and Kashmir. Supporters of the decision argued that it would bring full national integration, development, equality before law and better governance. Critics argued that it weakened federalism, reduced the powers of local people and removed special status without proper democratic consent. In December 2023, the Supreme Court of India upheld the constitutional changes, but it also directed that elections to the Jammu and Kashmir Legislative Assembly should be held by 30 September 2024 and stated that statehood should be restored as soon as possible. The 2024 Assembly elections were therefore very important because they were the first Assembly elections after the 2019 changes. The elections recorded an overall turnout of 63.88 percent, showing that people continued to participate actively in democracy. This paper studies the political impact of the abrogation of Article 370 and the reorganisation of Jammu and Kashmir. It examines how these changes affected federalism, democracy, statehood, representation and public trust. The paper argues that elections are an important step, but they are not enough by themselves. For long-term peace and democratic stability, Jammu and Kashmir needs restoration of statehood, meaningful powers for elected institutions, regional balance, youth development and protection of democratic rights.

Keywords: Jammu and Kashmir, Article 370, Federalism, Democracy, Statehood, Union Territory, Elections, Autonomy, Political Representation

1. Introduction and Historical Background

Jammu and Kashmir occupies a special place in Indian politics. It is not only a border region but also a region with deep historical, political and constitutional importance. The politics of Jammu and Kashmir cannot be understood only through one issue. It includes many connected questions: how India manages diversity, how federalism works, how democracy functions in conflict-affected areas, how regional identity is protected, and how national integration is achieved.

At the time of India's independence in 1947, Jammu and Kashmir was a princely state ruled by Maharaja Hari Singh. Like other princely states, it had to decide whether to join India or Pakistan. Because of political pressure, tribal invasion and security concerns, the Maharaja signed the Instrument of Accession with India.¹ This made Jammu and Kashmir a part of India, but under special historical conditions. The accession gave India control over defence,

¹ The Jammu and Kashmir Reorganisation Act, 2019 created the Union Territory of Jammu and Kashmir with a legislature and the Union Territory of Ladakh without a legislature.



foreign affairs and communications, while many internal matters remained with the state. This historical background later became the basis for Article 370. Article 370 gave Jammu and Kashmir a special constitutional position within the Indian Union. It allowed the state to have its own Constitution and gave limited application of the Indian Constitution to the region. Over time, many provisions of the Indian Constitution were extended to Jammu and Kashmir, but the idea of special status continued to remain important.

For the people of Jammu and Kashmir, Article 370 had different meanings. For many people, especially in the Kashmir Valley, it represented autonomy, identity and a political promise made at the time of accession. For others, especially many supporters of national integration, it represented a barrier between Jammu and Kashmir and the rest of India. Therefore, Article 370 became a symbol of two opposite political ideas: autonomy and integration.²

The region also has internal diversity. Jammu, Kashmir Valley, Pir Panjal, Chenab Valley and Ladakh have different cultures, languages, religions and political concerns. Kashmiri Muslims, Dogras, Gujjars, Bakerwals, Paharis, Kashmiri Pandits, Sikhs, Buddhists and other groups have different historical experiences. This diversity makes governance more complex. It also means that any political decision about Jammu and Kashmir affects different communities in different ways. For many decades, Jammu and Kashmir faced political instability, militancy, terrorism, human rights concerns, migration, displacement and security restrictions. The issue was also shaped by India-Pakistan relations because both countries claim the region. The conflict led to wars, border tensions and continued security challenges. Because of this, democratic politics in Jammu and Kashmir often functioned under difficult conditions.

Even before 2019, politics in Jammu and Kashmir was marked by a debate between regional autonomy and national integration. Some parties demanded greater autonomy and protection of local identity. Others demanded full integration with India and removal of special provisions. This debate finally reached a turning point in August 2019, when the Government of India made Article 370 inoperative and reorganised the former state into two Union Territories. The 2019 decision was one of the biggest constitutional and political changes in modern Indian history. It changed not only the legal status of Jammu and Kashmir but also the nature of Indian federalism. A full state was converted into a Union Territory. This raised important questions about democracy, consent and representation. The people of Jammu and Kashmir were no longer governed through the same state structure as before. Instead, they became part of a Union Territory structure, where the central government and Lieutenant Governor have a stronger role.³

The purpose of this research paper is to examine this new political situation. The paper focuses on democratic governance and federalism after the abrogation of Article 370. It studies how Jammu and Kashmir's political position changed, how elections have affected democracy, and why the demand for statehood remains important.

2. Article 370, Reorganisation and the Question of Federalism

Article 370 was one of the most debated provisions of the Indian Constitution. It was placed in the Constitution as a temporary provision, but it continued for more than seventy years. It created a special relationship between Jammu and Kashmir and the Union of India. Under this arrangement, the Indian Parliament's power over Jammu and Kashmir was limited in certain matters, and the state had its own Constitution.

The importance of Article 370 was not only legal. It was also political and emotional. It was connected with the history of accession and the idea that Jammu and Kashmir had joined India under special circumstances. For supporters of Article 370, the provision protected the region's identity and gave people a sense of dignity. For critics

² The Supreme Court upheld the constitutional changes relating to Article 370 in December 2023 and directed Assembly elections by 30 September 2024; it also stated that statehood should be restored as soon as possible.

³ The overall voter turnout in the 2024 Jammu and Kashmir Assembly elections was 63.88 percent.



of Article 370, it created unnecessary distance between Jammu and Kashmir and the rest of India.

The Government of India argued that Article 370 had prevented full integration and development. It also argued that many rights and laws could not be applied properly because of the special status. According to this view, the removal of Article 370 would allow equal application of laws, greater investment, better administration and stronger national unity. However, critics argued that the method used in 2019 was problematic. At the time of the decision, Jammu and Kashmir did not have an elected Legislative Assembly. The region was under President's Rule. Therefore, critics said that such a major constitutional change should not have been made without the consent of the people's elected representatives. This is why the issue became important for federalism.

Federalism means that power is divided between the central government and regional governments. In India, the Constitution gives strong powers to the Union government, but states also have their own elected governments and legislative powers. The Indian federal system is important because India is a very diverse country. Different regions have different languages, cultures, histories and political needs. Federalism helps these regions feel included in the national system. The Jammu and Kashmir Reorganisation Act, 2019 changed the federal position of the region. It divided the former state into two Union Territories: Jammu and Kashmir and Ladakh. Jammu and Kashmir was given a legislature, while Ladakh was not given a legislature.⁴ This was unusual because in Indian politics, Union Territories have often become states over time. In this case, a state became a Union Territory. This created a reverse movement in federalism.

A Union Territory has less autonomy than a state. In a state, the elected government has greater control over subjects such as law and order, police, public health, agriculture and local administration. In a Union Territory, the central government has stronger control. The Lieutenant Governor also has an important role. This means that even if Jammu and Kashmir has an elected Assembly, the elected government may not have the same powers as a normal state government. This creates a major democratic question: can people have full political representation if their elected government has limited authority? Democracy is not only about voting. It is also about giving elected representatives the power to make decisions. If people vote for a government but that government cannot fully control important areas of governance, then democracy may appear incomplete.

The Supreme Court judgment of December 2023 added another important dimension. The Court upheld the constitutional changes related to Article 370, but it also directed that Assembly elections should be held by 30 September 2024. It further stated that statehood should be restored as soon as possible.⁵ This shows that even though the Court accepted the legal validity of the 2019 changes, it also recognised the importance of democratic restoration. The issue of statehood is therefore central. For many people and political parties in Jammu and Kashmir, restoration of statehood is necessary for democratic dignity. They argue that people should not only be allowed to vote but should also have a government with real powers. Statehood would give more authority to elected representatives and reduce the feeling of direct central control.

From a political science point of view, Jammu and Kashmir is now a major case study of Indian federalism. It shows that federalism is not only about law and administration. It is also about trust, consent and identity. If people feel that their political status has been changed without their voice, then legal integration may not automatically create emotional integration. For real integration, people must feel respected and represented.

3. Democratic Participation and the 2024 Assembly Elections

Democracy is one of the most important features of Indian politics. It allows people to choose their representatives,

⁴ The Reorganisation Act legally divided the former State of Jammu and Kashmir into two Union Territories.

⁵ The Supreme Court's direction on elections and statehood made democratic restoration a central constitutional concern after the 2019 changes.



express their opinions and hold governments accountable. In Jammu and Kashmir, democracy has always had special importance because the region has faced political conflict and security challenges. Elections are therefore not only routine political events. They are also a way to measure public participation, political trust and democratic confidence.

1. After the 2019 constitutional changes, Jammu and Kashmir remained without an elected Assembly for several years. Governance was carried out through the Lieutenant Governor and the central administration. This created a democratic gap. People did not have an elected territorial government through which they could express their regional political will.
2. The 2024 Assembly elections were important because they were the first Assembly elections after the abrogation of Article 370 and the creation of the Union Territory of Jammu and Kashmir. These elections were held for the first Legislative Assembly of the Union Territory. The elections were also important because they followed the Supreme Court's direction that elections should be conducted by 30 September 2024.
3. The voter turnout in the 2024 Jammu and Kashmir Assembly elections was significant. According to the Press Information Bureau, the overall voter turnout was 63.88 percent. The same release noted that the turnout was higher than the 58.58 percent turnout recorded in the previous Lok Sabha polls in the region.⁶ This shows that many people chose to participate in the electoral process despite political uncertainty.

The election results also showed the continuing importance of regional parties. The Jammu and Kashmir National Conference won 42 seats, the Bharatiya Janata Party won 29 seats and the Indian National Congress won 6 seats.⁷ This result showed that local and regional political issues remained very important. The election was not only about roads, jobs and welfare schemes. It was also about identity, statehood, federal status and political dignity.

The strong performance of the National Conference showed that regional political identity continued to have influence. The BJP's performance showed that Jammu region and national integration politics also remained important. The Congress, smaller parties and independent candidates also reflected the diversity of political opinion in the Union Territory. This shows that Jammu and Kashmir is not politically uniform. Different regions and communities vote based on different concerns.

The 2024 elections restored representative politics, but they did not remove all political questions. The elected government functions within the framework of a Union Territory. This means that some important powers remain with the Union government and the Lieutenant Governor. Therefore, the election created a government, but not a full state government. This is why the 2024 elections should be understood in two ways. First, they were a positive democratic step because they restored electoral politics after a long gap. Second, they were incomplete because the question of statehood remained unresolved. People got an Assembly, but not full statehood.

Elections are important for democracy, but democracy also needs accountability. Accountability means that if people are unhappy with a government, they can vote it out. But for accountability to work properly, the government must actually have power. If elected leaders cannot make important decisions because power lies elsewhere, then people may not know whom to blame for failures. This can weaken democratic trust. The 2024 elections also showed that people in Jammu and Kashmir still believe in political participation. This is important because conflict-affected areas often face alienation. When people vote, they are saying that they want their voice to be heard. However, the state must respond to this participation seriously. Voters should not feel that their participation has only symbolic value.

⁶ The Press Information Bureau reported 63.88 percent overall turnout in the Assembly elections and compared it with 58.58 percent turnout in the previous Lok Sabha polls in the region.

⁷ PRS Legislative Research recorded the party-wise position in the first Assembly of the Union Territory of Jammu and Kashmir.



Therefore, the 2024 Assembly elections were a milestone, but not the final solution. They opened a new democratic phase, but this phase will become meaningful only if elected institutions are strengthened and statehood is restored.

4. Statehood, Identity, Security and Development: Main Political Issues

The post-2019 political situation in Jammu and Kashmir contains many major issues. These issues are connected with each other. Statehood is connected with federalism. Identity is connected with autonomy. Security is connected with civil liberties. Development is connected with political trust. Therefore, the politics of Jammu and Kashmir must be studied as a complete picture.

- The first major issue is statehood. Before 2019, Jammu and Kashmir was a full state. After 2019, it became a Union Territory. Many political parties and citizens argue that this reduced the dignity and power of the region. A state has more powers than a Union Territory. In a state, the elected government has more authority over administration and policy. In a Union Territory, the role of the central government is stronger. Because of this, the demand for statehood remains central to politics in Jammu and Kashmir. The Supreme Court's statement that statehood should be restored as soon as possible has made the issue more important.⁸ It has created an expectation that Union Territory status is not permanent. However, until statehood is restored, the elected government will continue to function with limited powers. This may create tension between public expectations and actual authority.
- The second major issue is identity. Jammu and Kashmir has a unique history and culture. Article 370 was seen by many people as a protection of that identity. After its removal, some people feared that local land, employment and cultural rights might be weakened. Even if full autonomy under Article 370 is not restored, people still expect protection of local interests. Identity is important in political science because people do not vote only for economic benefits. They also vote for dignity, recognition and belonging. If people feel that their identity is ignored, political dissatisfaction can grow. Therefore, governance in Jammu and Kashmir must respect local culture, language, land concerns and historical memory.
- The third major issue is security. Jammu and Kashmir has faced terrorism, militancy and cross-border violence for decades. Security is necessary because without peace, development and democracy cannot function properly. Citizens need safety, schools need stability, businesses need normal conditions and elections need peaceful surroundings. However, security must be balanced with democratic rights. If citizens feel that their freedoms are restricted too much, they may feel alienated. Democracy requires freedom of speech, political activity, civil liberties and the right to criticise government. Therefore, Jammu and Kashmir needs both peace and freedom. Too much focus on security without political dialogue can create distance between people and the state.
- The fourth major issue is development. The Government of India argued that the 2019 changes would bring development, investment and better governance. Development is very important for Jammu and Kashmir because many young people need employment and economic opportunities. Tourism, horticulture, handicrafts, education, small industries and infrastructure are important sectors for the region. But development cannot be separated from democracy. Roads, buildings and investment are important, but people also need voice and dignity. If development is planned without local participation, it may not create trust. A people-centred model of development is needed. Local communities should be involved in planning and decision-making.
- The fifth major issue is regional balance. Jammu and Kashmir is not one single political unit in social terms. Jammu, Kashmir Valley, Pir Panjal and Chenab Valley have different concerns. The Kashmir Valley has often focused on autonomy, identity and political rights. Jammu has often focused on regional balance, representation and development. Tribal communities such as Gujjars and Bakerwals have concerns related

⁸ The Supreme Court Observer's summary records the Supreme Court's direction that statehood should be restored as soon as possible.



to reservation, land, livelihood and mobility. Kashmiri Pandits have concerns related to return, rehabilitation and security. Good governance must address all these concerns. If one region feels that another region is getting more political attention, resentment may grow. Therefore, democratic governance in Jammu and Kashmir must be inclusive. It should not favour one region or community over another.

- The sixth major issue is youth. Young people are central to the future of Jammu and Kashmir. Many young people want education, jobs, peace and normal life. If youth are included in political and economic life, they can become agents of peace. If they are excluded, frustration may increase. Therefore, employment programmes, skill development, entrepreneurship, sports, higher education and digital opportunities should be strengthened. Women's participation is also important. Women in Jammu and Kashmir have faced the effects of conflict, displacement and social restrictions. They participate as voters, but their representation as leaders remains limited. A stronger democracy needs more women in political parties, local bodies, civil society and legislative institutions.

The final major issue is political trust. Trust is the foundation of democracy. The 2019 changes created support among some people and anger or fear among others. The only way to build long-term peace is through dialogue, representation and respect. People must feel that their voice matters. If political decisions are seen as one-sided, trust weakens. If people are consulted and elected institutions are empowered, trust becomes stronger.

The abrogation of Article 370 and the reorganisation of Jammu and Kashmir changed the political structure of the region in a deep way. These changes cannot be understood only as legal changes. They also affected identity, democracy, public trust and federal relations. From the point of view of the Union government, the 2019 changes were meant to complete integration. The government believed that special status had created barriers to development and national unity. It argued that removing Article 370 would bring Jammu and Kashmir closer to the rest of India and allow equal application of laws.

From the point of view of critics, the problem was not only the removal of Article 370 but also the process. They argued that the people of Jammu and Kashmir did not have an elected Assembly at the time. Therefore, they believed that the decision lacked democratic consent. This criticism is important because democracy is not only about the final result. It is also about procedure, consultation and participation. The Supreme Court judgment gave legal approval to the 2019 changes, but it also recognised the importance of elections and statehood. This creates a balanced understanding. The Court accepted the constitutional validity of the changes, but it did not ignore the democratic need for representation.⁹

The 2024 Assembly elections were a strong sign that people still wanted to participate in democratic politics. The 63.88 percent turnout was politically meaningful because it showed that many voters wanted to express their opinion through the ballot.¹⁰ However, voter turnout should not be used to claim that all political issues are solved. Elections are necessary, but not sufficient. The election results also showed that regional issues continue to matter. The National Conference's victory showed that demands related to statehood, identity and regional political rights still have importance. The BJP's performance showed that the politics of integration and development also has support, especially in some areas. This means that Jammu and Kashmir's political landscape is diverse and cannot be reduced to one opinion.

- One important finding is that Jammu and Kashmir's democracy is currently in a transitional stage. It has moved from direct central administration toward elected government, but it has not yet returned to full

⁹ The Supreme Court judgment upheld the Union government's action but also emphasised elections and statehood.

¹⁰ The 2024 turnout figures show meaningful democratic participation in the first Assembly election after the reorganisation.



statehood. This creates a half-way political system. People have representation, but not complete federal power.¹¹

- Another finding is that statehood is the most important unresolved issue. Restoration of statehood would not automatically solve every problem, but it would improve democratic legitimacy. It would give elected leaders more authority and make governance more accountable.¹²
- A third finding is that identity concerns cannot be ignored. Even after Article 370, local people need assurance that their culture, land rights, employment concerns and dignity will be protected. Political integration should not mean cultural insecurity.
- A fourth finding is that security and democracy must be balanced. Peace is necessary, but peace must be supported by rights and representation. Long-term stability cannot be created only through security measures. It also needs political trust.¹³
- A fifth finding is that development must be people-centred. Infrastructure and investment are important, but development should include local participation. Youth employment, education, tourism, agriculture, handicrafts and technology-based opportunities should be prioritised.

Based on these findings, some suggestions can be made. First, statehood should be restored as soon as possible. This would strengthen federalism and increase trust in democratic institutions. Second, the elected Assembly and government should be given meaningful powers. Without real powers, elections may not satisfy public expectations. Third, regular dialogue should be held with political parties, civil society, youth groups, women's groups and regional representatives. Fourth, local identity and cultural concerns should be respected. Fifth, development policies should focus on youth employment and regional equality. Sixth, women's political participation should be increased. Seventh, security policies should be balanced with civil liberties. Eighth, displaced communities, including Kashmiri Pandits, should be included in policies of rehabilitation and justice. Ninth, tribal communities should receive protection of livelihood, education and representation. Tenth, governance should be transparent and accountable.

The future of Jammu and Kashmir depends on the relationship between the state and the people. If people feel respected, represented and empowered, democracy will become stronger. If people feel controlled but not heard, alienation may continue. Therefore, the main political challenge is to combine national integration with democratic federalism.

6. Conclusion

Jammu and Kashmir remains one of the most important subjects in Indian political science. It is a region where constitutional law, federalism, democracy, security, identity and development come together. The abrogation of Article 370 in 2019 changed the political and constitutional position of the region. The former state was reorganised into two Union Territories: Jammu and Kashmir with a legislature, and Ladakh without a legislature. Supporters of the 2019 changes see them as a step toward full national integration and development. Critics see them as a weakening of federalism and democratic consent. Both views show that Jammu and Kashmir is not only a legal issue but also a deeply political issue. The Supreme Court upheld the constitutional changes, but it also directed elections and called for restoration of statehood as soon as possible. This shows that democratic restoration remains necessary. The 2024 Assembly elections were an important step because they brought back elected government. The turnout of 63.88 percent showed that people continued to participate in democratic politics. However, elections alone are not enough. Democracy must also include real power, accountability, rights and trust. Jammu and Kashmir continues to

¹¹ The Supreme Court upheld the abrogation of Article 370 and directed democratic restoration through elections and eventual statehood.

¹² The 2019 Act remains the main legal basis for the current Union Territory structure of Jammu and Kashmir and Ladakh.

¹³ The 2024 Assembly elections recorded 63.88 percent overall voter turnout.



be a Union Territory, which means that the elected government has limited powers compared to a full state government. Therefore, restoration of statehood remains central to democratic legitimacy. For long-term peace and stability, Jammu and Kashmir needs a balanced approach. National integration should be combined with respect for local identity. Security should be combined with civil liberties. Development should be combined with public participation. Elections should be combined with real powers for elected representatives. In simple words, Jammu and Kashmir needs democracy, development and dignity together. If these three are balanced properly, the region can move toward peace, stability and stronger federal democracy.

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