



POLITICAL PSYCHOLOGY BEHIND ABROGATION OF ARTICLE 370

– A LITERATURE REVIEW

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Abstract : The Article 370 of Indian Constitution was introduced in 1949 to cater the state of Jammu and Kashmir with some special privileges. The political leaders at that time itself were divided in their opinion for the creation of such special status to one particular statehood which was perceived as major discrimination among entire population of India. The dynamics of political psychology are always active in Indian Politics. Political actions like all other forms of human behaviour are the result of interplay between the individual and the environment. The present study is an attempt to have a meta-perspective of Indian Political Scenario with regard to Article 370 of Indian Constitution from its inception till the abrogation of it and its social impact on women regarding their marital and property rights. Based on the secondary data, this paper attempt to put forth certain reasons regarding why people differed about Article 370 of Indian Constitution as attributed by the propounders and the rationale of political psychology in the dynamics of Indian Politics.

Keywords: Article 370, Political Psychology, Abrogation, political dynamics.

INTRODUCTION

Political Psychology

Political Psychology is an interdisciplinary academic field dedicated to understanding politics, politicians and political behaviour from a psychological perspective and psychological processes using socio-political perspectives. The relationship between politics and psychology is considered bidirectional, with psychology being used as a lens for understanding politics and politics being used as a lens for understanding psychology. As an interdisciplinary field, political psychology borrows from a wide range of disciplines, including: anthropology, economics, history, international relations, journalism, media, philosophy, political science, psychology, and sociology. Hospital or health care waste is generally named & popular as biomedical waste. The world health organization defines biomedical waste as ,”Waste generation by health care activities & includes blood, used needles, pharmaceuticals, radioactive materials etc.” The biomedical waste is also known as infectious waste or medical waste or health care waste. According to biomedical waste management & handling rules 1998 of India. Biomedical waste means any waste which is generated during the diagnosis, treatment or immunization of human being or animals or in research activities. In simple words biomedical waste is the waste generated by the medical & health institute/agencies.

Political psychology aims to understand interdependent relationships between individuals and contexts that are influenced by beliefs, motivation, perception, cognition, information processing, learning strategies, socialization and attitude formation. Political psychological theory and approaches have been applied in many contexts such as: leadership role; domestic and foreign policy making; behaviour in ethnic violence, war and genocide; group dynamics and conflict; racist behaviour; voting attitudes and motivation; voting and the role of the media; nationalism; and political extremism. In essence political psychologists study the foundations, dynamics, and outcomes of political behaviour using cognitive and social explanations.

Objective

The objective of the paper is to explore the influencing factors of political psychology behind the abrogation of Article 370 of Indian Constitution.

Method:

We have employed secondary data obtained from various sources including reports and published papers to consider the meta-perspective with regard to Article 370, from its inception till abrogation.

Propounding of Article 370

Mughals ruled Kashmir from 1586-1753 C.E. After Mughals Sikhs ruled Kashmir from 1819-1846 C.E.. With the decline of Mughal Empire in India and the advent of British rule, J&K also came under the rule of British before that it was ruled by Sikhs (1819-1846 C.E.). When Punjab and other states including J&K was taken by the British, they made Gulab Singh the Maharaja of J&K and gave it to Dogras on lease for the period of 90 years i.e., from 1846-1936 C.E. and in turn charged the sum of rupees 40 lakhs to the Dogras. It should be noted that Gulab Singh did not buy or own J&K but he was dependent on British Government as records suggest (Treaty of Amritsar, March 14, 1946). British Government would declare the next King in Kashmir as that was their policy in the early conquest of India (Doctrine of Lapse). This shows J&K was indirectly under the occupation of British. In the year 1925 C.E., Maharaja Hari Singh become the ruler of J&K state and introduced a series of reforms in the field of education, economy and social infrastructure. Kashmiri people especially Kashmiri Pandits launched a movement known as „Kashmir For Kashmiris“. Due to result of this movement, Raja Hari Singh passed a Law on 31 January, 1927 known as “STATE SUBJECT LAW” imposing restrictions on the entry of non-Kashmiris in government services, and on the sale of agricultural land to them.

The contentious issue of Kashmir has been a constant in India-Pakistan relations since the independence and partition of British India in 1947. There were riots in 1947 in India. The modern states of India and Pakistan resulted from the division of the British Indian Empire in 1947, left a bitter rivalry and hostility. At the time of Independence, the Princes ruling the 560-some Indian states were given the choice of joining India or Pakistan. Most Princes quickly decided based on their geographic location and the religious majority. India ended up with a Hindu majority and Pakistan with Muslim majority. Pakistan’s predominately Muslim population was physically separated by 1,000 miles of India between West Pakistan and East Pakistan. The state of Jammu and Kashmir was a problem at the time of partition of India in 1947 as its Muslim, Hindu and Buddhist communities lived in relatively distant areas, with the Muslims inhabiting the Kashmir valley adjacent to Western Pakistan. No doubt it is nearly impossible to divide any country into two parts on the basis of religion. The problem of Jammu and Kashmir (J&K) is actually created by the British. The Maharaja (Hari Singh) who ruled J&K at the time of partition wanted full independence, but British refused to allow the independence of J&K or its partition. The Maharaja of J&K with an area of J&K 222236 sq km and whose boundaries touch China (East and North East), Pakistan (West), Afganistan (North West), Himachal Pradesh and Punjab (India) on South, with a Muslim majority signed a one-year stand still” agreement with India and Pakistan to maintain the status quo.

On October 15, 1947 M.C. Mahajan was appointed as Prime Minister of J&K and Raja Hari Singh offers friendship to India and Pakistan. On October 20, 1947 Bakshi Tek Chand, retired Judge of Punjab High Court was appointed to frame the constitution of the independent J&K State. Soon, the tribal people of Pakistan called Qabalis entered Kashmir to capture J&K. They were 10 kms away in the area of Shalteng from capturing the city Srinagar. Maharaja left the Kashmir and sought timely help from India to throw out Pakistani Qabalis from Kashmir. India didn’t offer him help and asked that the leader of the state should give permission. The prominent leader of Kashmir at that time was Sheikh Abdullah (founder of National Conference) and he waved the green flag to Indian Army to enter Kashmir. Maharaja Hari Singh and Sheikh Abdullah the popular Muslim leader of Kashmir at that time ask Nehru (Prime Minister of India) for Military Assistance.

The instrument of Accession for the state of J&K was signed by Maharaja Hari Singh on 26th October 1947 but inserted a clause into the agreement to ensure Indian Jurisdiction remain confined to defense, external affairs and communications. It was reported that these clauses were meant to safeguard to his own sovereignty (Akbar: 135) as Maharaja had to deal with Pandit Nehru, Prime minister of India and Sheikh Abdullah, who consistently opposed him for over twenty years (Schofield, 2010). On 27th October, 1947 Indian troops landed in Kashmir and the deal was based on Accession, Autonomy, and Plebiscite. In response to Maharajas request Indian troops entered J&K and sparking the first India-Pakistan war (1947-48). The war ended after the intervention of United Nation. In 1948 ceasefire line was established following war. Kashmir was broken into different parts due to this war (IAK (Indian Administered Kashmir), PAK (Pakistan Administered Kashmir)). The Area under PAK (Pakistan Administered Kashmir); 78, 932 sq.km., Area illegally handed over to China by PAK; 5,180 and Area under illegal occupation of China (occupied in 1962 war); 37, 555 sq.km. The conflicts turned one of the beautiful places in the world into hell.

Drafting of Article 370

The people of IAK were given assurance that their will be Plebiscite once there is peace, Article 370 was Employed and people of Jammu and Kashmir were given autonomous state having their own constitution, flag and prime minister. The article 370 of the Indian constitution after opposition of Dr. B.R. Ambedkar was drafted by Gopalaswami Ayyangar, trusted by Shri Pandit Nehru and Maharaja Hari Singh (Thapliyal 2011). The special status governing J&K state was due to the special conditions of its accession to India coupled with military conflict that had overtaken it immediately argued by Gopalaswami Ayyangar. The history of J&K revealed that the Constitution of J&K cannot be amended in respect of the provisions of Article 370 by the state legislature and Centre cannot revoke Article 370 without the recommendations of the J&K’s Constituent Assembly. The Constituent Assembly of J&K ceased to exist in 1957 hence the revocation of Article 370 cannot be done without an amendment of the Constitution of India. The veracity of a special status was being heatedly debated within India and Kashmir. Infact, the gradual erosion of Article 370 by a series of Presidential orders had left only a shadow of the original article till its abrogation on 5th August, 2019. The main political figures who are linked with Kashmir dispute are Maharaja Hari Singh, Lord Mount Batin, Ali Muhammad Jinnah, Pandil J.L. Nehru and Sheikh Abdullah.

Divided Approach

In its very genesis, Article 370 sought to create unequal terms for people who were citizens of the same country, living in different regions. This was also a precursor to the unequal development of people in J&K itself and in comparison to the rest of the country. The multiple cause and effect of the Maharaja's bid to safeguard his own sovereignty, Nehru's bid to invalidate Jinnah's Two Nation Theory, and Sheikh Abdullah's bid to ascend to power; all of these have only resulted in effecting an unequal playing field and creating roots for future disharmony. The Indira Gandhi-Sheikh Abdullah accord of 1974 committed itself to continue status quo under provisions of Article 370. Thereby the Centre's jurisdiction extends to Defence, External Affairs, Communications and Finance. J&K can be placed under the Governor's Rule in a state of Emergency only under certain conditions. The state has its own

Constitution, titled Constitution of Jammu & Kashmir, which was ratified in law by the Centre in 1957, after its adoption by the state in November 1956.

The two main bones of contention that have emerged as part of the narrative are:

Why two constitutions? This is considered unequal with the rest of the country. Even if the special status is justified by the special circumstances surrounding the accession of J&K to India, the second point becomes difficult to answer in logical terms. Further, in the other parts of the country which were given special status owing various reasons, a separate constitution has not been sought. This exacerbates the bias, and qualifies the argument in favour of inequality.

Why have an article in the Indian constitution that leaves so much room for continued misinterpretation, which has been repeatedly proved by events over the intervening years. Whether it was Abdullah citing the special status to justify his dalliance with Pakistan, or the inciting of violence by Pakistan, or the creation of an unequal platform within India, all these are indicative of the kind of misinterpretation of Article 370.

A counter argument offered is the gradual erosion of Article 370 by a series of Presidential orders which have left only a shadow of the original article; the only substantial differences pertain to the rights of permanent residents, emergency provisions and name and boundaries of the state (Mattoo 2014). This has been viewed as a cause for an ideological clash. However, the nationalists perceive this as only a lame excuse to justify the on-going conflict. In any case history bears out the fact that the very people responsible for the political and constitutional erosion are now assuming the moral high ground of autonomy. The mainstream polity and intelligentsia profess that the continued retention of Article 370 has allowed contentious issues to fester beyond reasonable limits. Had the Article been time bound or incorporated in a manner to allow its lapse in due course of time, a very high probability of the contentions being resolved would have existed. Integration in to the mainstream of society and polity has normally been seen as equalizers. The flow of liberal opinion, people and ideas does not reduce the autonomy or the identity; to the contrary they only serve to secure.

Ramifications of Article 370 create inequality within J&K: Although J&K was adopted as the 15th state of India, the special status conferred on the state under Article 370, limits the jurisdiction of the Centre over the state. Despite this, Sheikh Abdullah considered the inclusion of the article under Temporary and Transitional Provisions of the Constitution dubious, and insisted on iron-clad guarantees. Notwithstanding the guarantees offered by the Constitution which result in severe restrictions on the Centre Abdullah used these as the underlying (mis)interpretations for his historical shift from a pro- India stance to one of Independence/ self-determination. It got him arrested in 1953, as well as dismissal of his government – the start to what would be nearly 20 years in detention.

Under Emergency Provisions, the Centre can only declare emergency in J&K in case of war/ external aggression. It cannot declare financial emergency or an emergency on the grounds of internal disturbances without state government concurrence. It remains the only state to not have to account for the monies flowing in and out of the state. Further, Fundamental Duties and Directive Principles of State do not apply to J&K. The Constitution of J&K cannot be amended in respect of the provisions of Article 370 by the state legislature. The Centre cannot revoke Article 370 without the recommendations of the Constituent Assembly of J&K. J&K's Constituent Assembly ceased to exist in 1957 hence the revocation of Article 370 cannot be done without an amendment of the Constitution of India.

The political leaders of Jammu and Kashmir were divided on the basis of ideology and principle. On the one hand Unionist leaders have traditionally fought for autonomy of Jammu and Kashmir within India's constitution while Separatists demand complete freedom from India. The arbitrary decision of withdrawal of Article 370 by the central government forced it to detain both Unionists and Separatist leaders. Such decision has brought a big change in the political scenario of Jammu and Kashmir. This is because the protections afforded to Jammu and Kashmir under Article 370 by the Union government were the basis of the Unionist's support for Jammu and Kashmir staying with India. However, the elimination of these protections, the Unionists have been deprived of their rationale, and may thus align with the Separatists to stand in opposition to New Delhi. Recognizing this, currently house arrested (previously detained) Unionist Kashmiri politician Shah Faesal warned that "Kashmiri leaders may now have to choose either to be stooges of New Delhi or separatists." This alignment of Unionist and Separatist agenda can pose the biggest challenge for New Delhi in Kashmir—for the first time in 75 years, it may find that no credible Kashmiri leader is on its side.

Dynamics towards Abrogation

The Rashtriya Swayam Sewak Sangh (RSS) is a Hindu militant organization that was founded on ideals of Hindu supremacy, drawing from fascist and Nazi ideology. It is the ideological associate of the Bharatiya Janata Party (BJP), a right-wing Hindu ethno nationalist party currently in power in India. In 2014, the RSS backed the first public interest litigation (PIL) in the Supreme Court seeking to repeal Article 35A of the Indian constitution that protected the territorial sovereignty of the region and gave the Kashmiri legislature authority to define the state's permanent residents. The residents of Kashmir were issued a permanent resident certificate which ensured the indigenous population received their right to property, franchise, employment, scholarships, and other privileges. However, the PIL alleged that the article was discriminatory to Indians who wanted to settle in the region and restricted the right to property of Kashmiri women who married men not holding a permanent residency certificate in J&K (See Bansal 2019). The petition challenged the validity of constitutional orders that limited the powers of Indian Parliament to make laws for J&K and allowing provisions for permanent residentship. In 2017, the second litigation against 35A was filed in the Supreme Court by a lawyer and former member of the Indian National Commission for Women Charu Wali Khanna, and along with Seema Razdan Bhargav, a biochemist. Wali claimed that the Kashmir government refused to identify her as a permanent resident because she didn't have any documentary evidence to prove her claim (Ganai 2018). Wali challenged Article 35A on the grounds of "blatant gender discrimination" stating, 'My family had migrated from Kashmir two generations ago but we had a family house there. But the way things started getting bad was very sad. I last went to Kashmir 10 years ago with much pride; I had taken my husband to that place. I have settled down in Delhi, but there is so much pollution and when you are relatively well settled you want to have a second home where you can go for a holiday and relax. My husband then said he wanted to go to the hills and then he told me why not Kashmir. And then I came to know that as I had married a non-Kashmiri, I would not be able to buy a house. I could not believe that. I tried for two years and nobody supported me. I then tried to find out from other people the solution for my problem'.

Capitalising on Gender Discrimination

The present government ensured that gender angle became a sort of rallying cry against Kashmir's special status. Earlier in 2013, when Modi was still campaigning as a Prime Ministerial candidate he had said, "Men and women must have same rights. Should there be discrimination against women in J&K? Shouldn't the injustice stop" (Yasir 2013). Modi had used the example of the then J&K's Chief Minister Omar Abdullah's sister, who is married to a non-Kashmiri, saying: "does his sister Sara Pilot enjoy the same rights? No, because she married outside the state"

The gender discrimination angle went unchallenged amongst the Indian masses even when Kashmiris of all shades – legal experts, local politicians, activists, journalists, and scholars deemed the argument to be dubious and straw man at best. The former chief minister of J&K whose sister Modi had referred to went on record saying that she had not lost any rights or property. In the 1960's there had indeed been a bureaucratic decree in place but without any basis in law – which had been introduced by the then Revenue Ministry and did not allow Kashmiri women who married non-residents to renew their residency status. In a landmark case filed by a Kashmiri woman Sushila Sawhney who had married a non-Kashmiri, in 2002 J&K's High Court had given a ruling that Kashmiri women who married non-Kashmiris did not lose their permanent residency and thus retained all rights as a citizen. The only caveat was, that while the rights of such women were protected, the rights of their heirs were not specified and needed to be adjudicated on a case-by-case basis. Nonetheless, a committee had already been appointed by the subsequent administration to devise a lasting solution for this lacuna. The new policy had not yet been finalized due to the interminable slowness of bureaucratic red tape.

Yet the narrative of gender discrimination was received uncritically and in the long run garnered an unquestioning support from the masses. This was especially true for Indian women including those who identify as feminists and gender advocates. It was clear that BJP appropriated sympathies that gender issues often invoke towards unilaterally erasing the autonomy of a sovereign people. The Indian state blatantly projected itself as the protector of women's rights in Kashmir while its record of human rights abuses and sexual violence is internationally documented and denounced. Gender discrimination in Kashmir was made to appear as a natural outcome of the stereotype of Kashmiri Muslim patriarchy which in the common Indian narrative is portrayed as violent and oppressive to women. Kashmiri men are often demonized as the stereotypes of "Islamists," "terrorists" and "orthodox." Kashmiri women are often patronized and seen as subjects that need rescuing from their men (Bhat 2017; Associated Press 2007). In this context, Kashmir's autonomous status was framed as creating a shield for an oppressive patriarchal structure which perpetrated gender injustice as exemplified by the women who married non-Kashmiris.

The gender discrimination argument fit the established stereotype of Kashmiri patriarchy in the Indian imagination, of which autonomy was constructed as a virulent manifestation; and thus to be dismantled. The laxity in implementing and revisiting a law did not warrant dismantling an entire state; unless dismantling the state and its autonomy at all costs was the real intention. Most Indians supported the erasure of Kashmir's autonomy and disagreed only with the brazen indiscretion of the undertaking. A pertinent question around solidarity with Kashmiris arises around the role (or lack) thereof from Indian feminists. This is not an arbitrary question but a crucial one considering the centrality of gender. Where does Indian feminism stand vis a vis the Indian military occupation of Kashmir? After the removal of autonomy, the government of India imposed a months' long curfew, shut down phones and internet facilities; arrested and detained pro-India politicians, resistance leaders and civilians including children. Several citizens groups visited Kashmir including a few women's groups to document the human rights abuses and the humanitarian crisis unfolding in the valley. Historically, the solidarity that rights groups (which include Indian women and those identifying as feminists) have given Kashmiris (or Kashmiri women specifically) is limited to framing Kashmir as a tragedy of human rights abuse to be solved within the framework of Indian constitution. This analysis was reiterated by feminist scholars who work on South Asia in their statement on how relations of solidarity exist between South Asian feminism, nationalism, and transnationalism. The statement highlighted that the solidarity Indian feminists offer to Kashmiri women is within the myopic frame of "human rights issue" while a deliberate silence is maintained on Kashmir's disputed political status. The feminist silence ends up contributing to the Indian nationalist project. Thus, solidarity appears as mere tokenism when it stops short of challenging Indian colonialism in Kashmir. The mere improvement of the human rights record of the Indian forces is not the end goal of Kashmiri demands. If anything, the grave human rights abuses by the Indian military are a symptom of the occupation and repression of the real demand of the Kashmiris for liberation and right to self-determination.

Calls for abrogation

In 2014, as part of Bharatiya Janata Party manifesto for the 2014 general election, the party pledged to integrate the state of Jammu and Kashmir into the Union of India. After winning the elections, attempts were made by the party along with its parent organisation, the Rashtriya Swayamsevak Sangh (RSS), for the abrogation of Article 370. Former prince regent and Congress leader Karan Singh opined that an integral review of Article 370 was overdue and, it need to be worked on jointly with the State of Jammu and Kashmir.

However, in October 2015, the High Court of Jammu and Kashmir ruled that the Article 370 cannot be "abrogated, repealed or even amended." It explained that the clause (3) of the Article conferred power to the State's Constituent Assembly to recommend to the President on the matter of the repeal of the Article. Since the Constituent Assembly did not make such a recommendation before its dissolution in 1957, Article 370 has taken on the features of a "permanent provision" despite being titled a temporary provision in the Constitution. On 3rd April 2018, the Supreme Court of India gave a similar opinion declaring that Article 370 has acquired a permanent status. It stated that, since the State Constituent Assembly has ceased to exist, the President of India would not be able to fulfil the mandatory provisions required for its abrogation.

In 2019, as part of Bharatiya Janata Party manifesto for the 2019 general election, the party again pledged to integrate the state of Jammu and Kashmir into the Union of India. Since its formation in 1990, the Kashmiri Hindu organisation Panun Kashmir had repeatedly criticised Article 370 and supported its abrogation, along with Article 35A. The Jammu and Kashmir Workers Party and IkkJutt Jammu a regional party also support the removal of Article 370 and 35A and the integration of Jammu and Kashmir.

Presidential order of 2019

On 5 August 2019, Home Minister Amit Shah announced in the Rajya Sabha (upper house of the Indian Parliament) that the President of India had issued The Constitution (Application to Jammu and Kashmir) Order, 2019 (C.O. 272) under Article 370, superseding the Constitution (Application to Jammu and Kashmir) Order, 1954. The order stated that all the provisions of the Indian Constitution applied to Jammu and Kashmir. Whereas the 1954 order specified that only some articles of the Indian constitution to apply to the state, the new order removed all such restrictions. This in effect meant that the separate Constitution of Jammu and Kashmir stood abrogated. The order was stated to have been issued with the "concurrence of the Government of State of Jammu and Kashmir" which apparently meant the Governor appointed by the Union government.

The Presidential Order 2019 also added clause (4) with four sub-clauses to Article 367 under "interpretations". The phrase "Sadar-i-Riyasat acting on the aid and advice of the Council of Ministers" shall be construed as the "Governor of Jammu and Kashmir". The phrase "State government" shall include the Governor. In proviso to clause (3) of article 370 of the Constitution, the expression "Constituent Assembly of the State referred to in clause (2)" shall read "Legislative Assembly of the State". According to Jill Cottrell, some of the Presidential orders under Article 370 have been issued since 1954 in similar circumstances when the state was under President's rule. The Union governments interpreted the "concurrence of the state government" under these circumstances to mean the Governor.

Immediately after placing the Presidential Order 2019 before the Rajya Sabha, Home Minister Amit Shah moved a resolution recommending that the president issue an order under article 370(3) rendering all clauses of Article 370 inoperative. After the resolution was adopted by both houses of the parliament, the president issued Constitutional Order 273 on 6 August 2019 replacing the extant text of Article 370 with the following text:

370. All provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of Jammu and Kashmir notwithstanding anything contrary contained in article 152 or article 308 or any other article of this Constitution or any other provision of the Constitution of Jammu and Kashmir or any law, document, judgement, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument, treaty or agreement as envisaged under article 363 or otherwise.

On 5 August 2019, the Home Minister Amit Shah introduced the Jammu and Kashmir Reorganisation Bill, 2019 in the Rajya Sabha to convert Jammu and Kashmir's status of a state to two separate union territories, namely Union Territory of Jammu and Kashmir and Union Territory of Ladakh. The union territory of Jammu and Kashmir was proposed to have a legislature under the bill whereas the union territory of Ladakh is proposed to not have one. By the end of the day, the bill was passed by Rajya Sabha with 125 votes in its favour and 61 against (67%). The next day, the bill was passed by the Lok Sabha with 370 votes in its favour and 70 against it (84%). The bill became an Act after it was signed by the president.

The two union territories came into existence on 31 October 2019, which was celebrated as National Unity Day. The president of India appointed a Lt. Governor for the Union Territory of Jammu and Kashmir and a Lt. Governor for the Union Territory of Ladakh. Both the Lt. Governors were sworn in by Justice Gita Mittal, the Chief Justice of Jammu and Kashmir High Court, on 31 October 2019, first at Leh for Ladakh UT and then at Srinagar for Jammu and Kashmir UT. President's Rule under article 356 of the Constitution of India was ended in the state of Jammu and Kashmir on the night of 30 October 2019. President's Rule is not applicable to and is not needed in a union territory as the union territory anyway is controlled by the central government. The President issued an order stating that he will rule the union territory of Jammu and Kashmir directly until the legislative assembly is constituted in the union territory.

Proponents

Lieutenant General of Indian Army (Retired) Subrata Saha, "The decision of abrogation of Article 370 is perhaps the finest tribute to the thousands of security forces, political leaders/workers, journalists and innocent civilians who have lost their lives for the cause of integration of Jammu and Kashmir with India".

Bharatiya Janata Party (BJP): Revoking Article 370 of the Constitution of India has been a key part of the BJP's core agenda and has always struck an emotional chord with its rank and file after its ideologue Shyama Prasad Mookerjee died in Jammu and Kashmir jail in 1953 to protest the state's special status and demand its complete integration with the Union.

Bahujan Samaj Party (BSP): Mayawati-led Bahujan Samaj Party had extended its support to the BJP on the scrapping of Article 370 and bifurcation of Jammu and Kashmir.

Aam Aadmi Party chief Arvind Kejriwal also backed the Centre's decision of scrapping of Article 370, and hoped that, it would bring "peace and development" in the state.

Biju Janata Dal (BJD) also said that it was in favour of removing Article 370. On 5th August 2019, BJD also said that, "Today, Jammu and Kashmir has become an integral part of India".

Other parties also extended their support on scrapping of Article 370, are, Telegu Desam Party (TDP), All India Anna Dravida Monnetra Kazhagam (AIADMK), Shive Sena,

Opponents

Indian National Congress (INC) termed the revocation of Article 370 a 'catastrophic step, and marked it a black day in the constitutional history of India. Congress leader Ghulam Nabi Azad charged the government that the Kashmir's head, considered as India's crown, has been "chopped off" and its identity removed. Another Congress leader Kapil Sibal said, "We (Congress) won Kashmir and you lost Kashmir."

The DMK strongly condemned the Centre's move saying it was a "murder of democracy". Party chief MK Stalin accused the BJP-led Centre of being only concerned about implementing its ideological agenda and not respecting the sentiments of the people of Jammu and Kashmir, who stood behind India.

Left Front leaders also expressed their opposition. CPI general secretary D. Raja said, the "regressive step will further alienate the people of Jammu and Kashmir, and CPI(M) termed it an "attack" on the Constitution.

People's Democratic Party (PDP) chief and former Jammu and Kashmir Chief Minister Mehbooba Mufti said that India has failed in Kashmir in keeping its promises. Amid the ruckus in Parliament, PDP members Nazir Ahmad Laway and Mir Mohammad Fayaz shouted slogans and tore posters. Laway even tore the 'kurta' (shirt) he was wearing. Later as the protests heated up, the duo tore copies of the Constitution, prompting their eviction.

National Conference leader and Former Chief Minister of Jammu and Kashmir Omar Abdullah termed the government's move on Article 370 "unilateral and shocking", it was a total "betrayal of trust" of the people of Jammu and Kashmir.

Other parties which vehemently criticised the abrogation of Article 370 were, like Janata Dal, Rashtra Janata Dal, Trinamool Congress, Nationalist Congress Party.

A.S.Dulat (former chief of the Research and Analysis Wing) said, "Unfortunate and unnecessary that the government has taken such drastic steps to repeal several clauses of Article 370 of the Constitution. Also, more concerning is the way that the government chose to do away with the clauses of the provision. Article 370 and 35A were provisions which granted special provisions to the people who were deemed permanent residents of the state. Article 370 was anyway hollow, resembling a fig leaf and had been diluted from time to time. Everything was peaceful and over the years, successive governments were managing to fulfil the actual purpose of introducing Article 370 in the Constitution mainstreaming the Kashmiris while preserving their identity."

Soli Sorabjee (Former Attorney General of India) expressed his view regarding the abrogation of Article 370, and said, "I don't think it was unconstitutional to repeal it. It was not an essential feature of the Constitution and not part of the basic structure of the Constitution and hence was not beyond amendment. But, no law can successfully operate unless there is popular consensus and unless it is passed after wide consultation."

Current Situation

Abrogation of Article 370 led unprecedented developments in South Asia in general and in Jammu and Kashmir in particular. The revocation of Article 370 escalated war like situation between India and Pakistan. The Jammu and Kashmir has long been a bone of contention between India and Pakistan, and the two countries have fought four wars (1947, 1965, 1971, and 1999) over the valley.

The larger impact over the people of Jammu and Kashmir since the revocation of Article 370 can be Social, Economic, and Political. Since the revocation of Article 370, the Kashmir valley had more or less remained peaceful due to enhanced security measures and a massive deployment of troops. Since August 2019 to November, December 2019, the Kashmir valley remained under curfew like situation and Section 144 of the Criminal Procedure Code was also implemented, which prohibited assembly of more than four persons. Moreover, the restrictions were such an extent that several dozen locations across the city, roads were blocked for vehicular traffic as well as movement of the people. This anguished the people of Jammu and Kashmir mainly on two counts. One, they felt their decades long privileges were undemocratically and unceremoniously curtailed. Two, they were distressed by a total communication blackout prevailed in the Kashmir, with mobile phones, landline, internet, and other massaging tool facilities were blocked (The Economic Times, 2019). Such restrictions put heavy impact not only the day to day living of the people of Jammu and Kashmir, but also on their social psychology. It has triggered a new wave of mental health issues in Kashmir valley.

The BJP – led NDA government's decision to revoke Article 370 not only deteriorated the bilateral relations between India and Pakistan, but created a room for instability and disorder in South Asia, which could further hamper peace, prosperity and development of SAARC (South Asian Association for Regional Cooperation). Abrogation of Article 370 immediately has provoked outrage in Pakistan and global worries over a fresh armed conflict. Since August 5th Pakistan in protest against such unilateral decision of India, responded by downgrading diplomatic relations and has been calling on international allies to take its side.

Abrogation of Article 370 not only derailed the Peace Process which has been under progress past several decades but could be the last nail in the coffin of any healthy and harmonious relationship between the people of Jammu and Kashmir and the rest of India.

The dismemberment of Jammu and Kashmir State into Union Territory, which has a legacy since centuries, shattered the hopes and aspirations of the people of Jammu and Kashmir. Further the division of the State into two Union Territories – Jammu Kashmir and Ladakh not only eroded the ethnic identity of the people but is a process towards the demographic change in the region. It will further alienate the people of the erstwhile state, which in the long run could pave way for more aggravation, turmoil and insurgency in the state of Jammu and Kashmir.

At the time of announcement of abrogation of Article 370, the Prime Minister of India assured people of Jammu and Kashmir, that the revocation of Article 370 would usher 'Vikas'(Development) and Vishwas (Trust). In contrast, the people of Jammu and Kashmir faced heavy economic losses, educational crisis (11000 schools remained suspended till December, 2019) etc.

Scrapping of Article 370 ruined the business climate of Jammu and Kashmir, which in turn could further aggravate unemployment crisis, and can be a good reason for the reactivation of more insurgent activities in Jammu and Kashmir etc.

Revocation of Article 370 is seen by many political experts as major setback to the mature and fertile politics in Jammu and Kashmir. Before the unilateral decision of central government to abrogate Article 370, all pro- India Kashmiri politicians including three former Chief Ministers(Dr. Farooq Abdullah, Omar Abdullah, and Mehbooba Mufti) were arrested under Public Safety Act, and one among them is still in jail. Those very leaders time and again fought for Indian democracy and its secularism. Soon after scrapping of Article 370, Dr. Farooq Abdullah quote in his short interview with NDTV, news channel and said, "I have not seen such India".

Conclusion

It is pertinent to note here that this convoluted state of affairs is largely attributable to the political opportunism embraced by the leaders of the state and their inter-se relationship with the polity and the political thought at the Centre. The political leadership claimed this act of abrogation of Article 370 as “rectifying a historical blunder” and justified as paving the way for prosperity, peace and development in the region. But on the ground, the change not only divided the parts of the region along communal lines, but also gave free rein to the military’s heavy-handed approach and the same proves the leadership style.

The act of present leadership in the said abrogation is viewed as mere autocracy as one particular political party is running the show by creating huge barriers and choking environment for other political parties.

The “Agenda of Alliance” for the present leadership with local regional party in 2014 was that BJP will not make any changes in the special status of Jammu and Kashmir guaranteed under Article 370, and they will bring separatists and Pakistan to the table for talks. But the present leadership pulled out of coalition in 2018 which was followed soon after by the abrogation of Article 370, in direct violation of the previous promise.

The abrogation of Article 370 is seen by the people of Jammu and Kashmir as BJP was aiming to crush them economically and mentally and show the entire world that everything is normal in Kashmir. There is anxiety, fear, concern, and uncertainty. They think this is the lowest ever psychological pressure that a Kashmiri is facing today.

Suggestions:

The foremost challenge for New Delhi is rebuilding trust. The way New Delhi annulled Article 370 has created an impact on Kashmiris of all persuasions, including the pro-India voices who have always remained neutral in this conflict. 2) Due attention must be given to address rural economic distress created.

After changing the contours of conflict over Kashmir and the region’s political geography, New Delhi has to think beyond its hard policy approach. The Centre should work more on perception management through soft measures instead of adopting a hard-line approach.

The Government should ensure that the land’s pluralism is defended by assiduously handling the identity, cultural and religious issues.

Kashmiris have to revisit their centrifugal tendencies like separatism and militancy, and learn from other nation states in the world that are adopting a more integral approach. If they seek constitutional guarantees from the central government, they will have to stop falling prey to pro-Pakistani propaganda that is only too willing to exploit them emotionally and psychologically to continue to foment trouble in the Valley.

The Centre must realise that now is the time to renew India’s ties with the region by initiating a series of serious and sincere interlocution measures to win over the confidence of the alienated Kashmiris. New Delhi should send a team of interlocutors to listen to common Kashmiris, especially in the rural areas, as well as the students. Such a team of interlocutors must be free of political interference. This will help New Delhi to focus on pressing local issues, nurture new local leadership and loosen the grip of the political elite on the Valley.

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