



Kashmir's Uncertain Future: Reactions to the Supreme Court's Article 370 Verdict

Imran Ahmed and Muhammad Saad Ul Haque

Summary

The December 2023 Supreme Court ruling, affirming the abrogation of Article 370, raised concerns over Kashmir's future, democratic erosion and increased centralisation. Conversely, the Bharatiya Janata Party (BJP) and its allies lauded the verdict, interpreting it as a seal of approval for the BJP and Prime Minister Narendra Modi's vision. Ongoing tensions, coupled with mounting unemployment and environmental concerns, compound the region's complexities, alongside apprehensions of discrimination against locals.

On 5 August 2019, Indian Home Minister Amit Shah announced to the parliament that the President had signed a decree abrogating Article 370 of the Constitution, which had given the people of Indian-occupied Kashmir substantial autonomy. Shah, a close aide of Prime Minister Narendra Modi, [argued](#) that Article 370 was anti-women, detrimental to the state's development and the reason behind poverty in the region. He also maintained that "Article 370 was the [root of terror](#) in Jammu and Kashmir (J&K). It is time for it to go... if it doesn't go today, we can't remove terrorism from Jammu and Kashmir."

Kashmiri leaders [Omar Abdullah and Mehboob Mufti](#) criticised the Indian government's decision, questioning its legality and implicating the Bharatiya Janata Party (BJP) in stirring dissent. While the BJP and allies supported Article 370's abrogation, the move heightened tensions, leading to restrictions on civil liberties and political mobilisation. Fast forward to the December 2023 Supreme Court verdict – the atmosphere in the Kashmir Valley remains tense. [Zafar Choudhary](#), a Kashmiri political commentator and author, noted his disillusion stating, "There is no ground left now. There used to be a ground around which the people would revolve now that ground is not there." The [feelings of many Kashmiri Muslim residents](#) towards the Court's verdict are similar to that of the 2019 decision to abrogate Article 370 – fear, anger and shock.

In contrast, the BJP and its supporters were more positive in their reactions towards the verdict. The Court's decision to back the BJP's actions to abrogate Articles 370 and 35A is a major boost for the party ahead of the [upcoming general elections](#). Article 35A empowered the [Jammu and Kashmir Legislature to define "permanent residents"](#) and grant them special privileges, including property ownership, state employment, educational privileges and the right to settle in Jammu and Kashmir. [Modi](#) deemed the Court's verdict as a "resounding declaration of hope, progress, and unity for our brothers in Jammu, Kashmir and Ladakh". BJP President J P Nadda

praised Modi's role in integrating J&K into India via constitutional means and reiterated the BJP's support for the Court decision. The Rashtriya Swayamsevak Sangh stressed the notion of strengthening national unity and integration of J&K when referring to the Court's decision. Other allied leaders of the BJP, such as Maharashtra Chief Minister Eknath Shinde, also welcomed the Court's decision, [stating that it reflected the sentiments of the people](#). Arun Gupta, the Jammu Chamber of Commerce President, welcomed the Court's verdict but stressed the need for equitable opportunities for locals in employment, industry and other sectors. Other locals such as Gharu Bhatti, who belongs to the [Valmiki community](#), proclaimed that the "...community is happy. We were scared that the SC [Supreme Court] might reverse the decision. There is no court above SC and it has put this ghost into a bottle and thrown into an ocean, once and for all."

Nevertheless, reactions to the verdict raise questions relating to the uncertain situation on the ground. Perhaps the most pressing issue is the upcoming general elections. Recent events have eroded trust and confidence in the [Indian democratic system](#). The Court's verdict has also exacerbated local anxieties about [state centralisation](#) over Kashmiri matters. Moreover, leading up to the G20 summit in India, Kashmir saw [continued encounters](#) between separatists and Indian security services in Srinagar. In the [last one year](#), militants from the valley have increased the frequency of their attacks against Indian security forces.

Despite the BJP's pledge to create additional job opportunities for Kashmiri residents, the state's [unemployment rate](#) surged to 18.3 per cent at the beginning of this year, surpassing the national average of eight per cent. In December 2023, Kashmir experienced an 80 per cent rain deficit, heightening worries among farmers and officials about [water shortages and food security](#). Currently, there is grave concern among Kashmiris about the effects of climate change on their tourism and agricultural productivity. The [winter period](#), which usually sees a lot of snow that contributes to a tourist industry primarily linked to winter sports, has gradually become less cold which is having detrimental economic implications for Kashmiris. The [unpredictability of the weather](#) is affecting the farmers and fruit growers, and contributing to an increasingly vulnerable agricultural sector.

Additionally, a [2020 domicile law](#) allowing non-Kashmiri residents to settle permanently and own land has raised concerns among Kashmiris that they will be discriminated by [these settlers](#) and, in effect, become second-class citizens. The approaching elections in India carry significant consequences for Kashmiris. Having navigated an unpredictable political landscape in recent years and grappling with uncertainty regarding their constitutional status, the people of Kashmir find themselves [with a lack of local leadership](#). With the tenure of [panchayats](#) in Kashmir reaching their term end, and a call for elections looking unlikely, there are concerns among local village leaders about a lack of representation for Kashmiris to deal with local problems. All these issues contribute to the complex and uncertain future of Kashmir.

.....

Dr Imran Ahmed is a Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute in the National University of Singapore (NUS). He can be contacted at iahmed@nus.edu.sg. Mr Muhammad Saad Ul Haque is a research analyst at the same institute. He can be contacted at msaaduh@nus.edu.sg. The authors bear full responsibility for the facts cited and opinions expressed in this paper.