



## IMPACT OF ABROGATION OF ARTICLE 370 AND ARTICLE 35A OF INDIAN CONSTITUTION ON INDIAN NATIONALISM

### A - Sociological Study

(With special reference to Tarikere taluk in Chikmagalure District)

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#### Abstract

The Concept of nationalism in India was developed in the pre Independence period. This concept was developed during the Indian independence movement which fought against Colonial, Draconian British East India company administration (British Raj). Regarding to Indian Nationalism it is a best example for territorial nationalism inclusive of its entire people irrespective of cast, creed, religion, age, sex and other feelings also, exhibiting unity in diversity despite of their diverse ethnic and different religious backgrounds. The concept of nationalism strongly influenced the politics of India and reflected an opposition on the sectarian standards of Hindu, Muslim, Sikhs, Parsi, Jains and others Nationalism.

In the Indian history India has been unified strongly under many emperors and governments, according to the ancient texts India under emperor Bharat and Akhanda Bharat. At the time of Mauryan Empire administration India was united up to present Afghanistan country. Further India was also united under the Gupta Empire, Rashtrakuta Empire, Pallava Empire, Mughal Empire, and British Indian Empire.

Up to the British Indian empire so many social movements have been influenced Indian Nationalism, like 1) Swadeshi movement – 1905, 2) Sathyagraha movement 3) Silent Valley movement-1973, 4) Chipko movement -1973, 5) Namantar Andholan -1978, 6) Jungle Bachavo Andholan-1980, 7) Narmada Bachavo Andholan-1985, 8) Jana Lokpal movement -2011, 9) Nirbhaya movement -2012, 10) METOO movement, 11) Swach Bharath Abhiyan, 12) Climate change movement, 13) Urban Naxal movement, 14) Bodoland movement, Gurkhaland movement, 15) Vedanata copper smelter plant against movement in Thuttukudi in Tamil Nadu state and others influenced the Indian society in large. Likewise Jammu Kashmir Bachavo Andholan also influenced Indian Nationalism in recent days. Especially abrogation of article 370 and article 35A influenced Indians totally in Indian Nationalism concept.

#### Objectives of the Study:-

- To know the Citizens opinion on abrogation of Article 370 and Article 35A regarding Indian Nationalism as a social movement.

#### Hypothesis of the study:

By the abrogation of Article 370 and Article 35A, Indian citizens Nationalism concept as demolished the Psychological barrier of Kashmiries and other peoples of remaining states and union territories peoples of India.

**Key Words:** Nationalism, Social movement, Indian constitution, Indian Independence history, Article 370 and article 35A

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**Introduction:**

The Concept of nationalism in India was developed in the pre Independence period. This concept was developed during the Indian independence movement which fought against Colonial, Draconian British East India company administration (British Raj). Regarding to Indian Nationalism it is a best example for territorial nationalism inclusive of its entire people irrespective of cast, creed, religion, age, sex and other feelings also, exhibiting unity in diversity despite of their diverse ethnic and different religious backgrounds. The concept of nationalism strongly influenced the politics of India and reflected an opposition on the sectarian standards of Hindu, Muslim, Sikhs, Parsi, Jains and others Nationalism.

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Likewise Jammu Kashmir Bachavo Andholan also influenced Indian Nationalism in recent days. Especially abrogation of article 370 and article 35A influenced Indians totally in Indian Nationalism concept.

Abrogation of article 370 and article 35A by Union Government of India on 05-08-2019 is a new history in India. Special provisions to State of Jammu and Kashmir was allotted in the early days and now it has been withdrawn by a executive order of the president of India through Ministry of Law and justice (Legislative Department) notification on 05<sup>th</sup> August 2019 G.S.R. 551(E).

**The Constitution (Application to Jammu and Kashmir) order, 2019, C.O. 272.** In exercise of the powers conferred by clause (1) of article 370 of the constitution, the President, with the concurrence of the Government of State of Jammu and Kashmir, is pleased to make the following Order:-

1. (1) this order may be called the constitution (Application to Jammu and Kashmir) Order, 2019.  
(2) It Shall come into force at once, and shall thereupon supersede the constitution (Application to Jammu and Kashmir) Order, 1954 as amended from time to time.
  
2. All the provisions of the constitution, as amended from time to time, shall apply in relation to the state of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:-

To article 367, There shall be added the following clause, namely:-

“(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir-

- (a) References to this constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State:
- (b) References to the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the council of Minister of the State for the time being in office, shall be constructed as references to the Governor of Jammu and Kashmir;

- (c) References to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers; and
- (d) In proviso to clause (3) of article 370 of this Constitution, the expression “Constituent Assembly of the State referred to in clause (2)” shall read “Legislative Assembly of the State”.

**Objectives of the Study:-**

- To know the Citizens opinion on abrogation of Article 370 and Article 35A regarding Indian Nationalism as a social movement.

**Hypothesis of the study:**

- By the abrogation of Article 370 and Article 35A, Indian citizens Nationalism concept has demolished the Psychological barrier of Kashmiries and other peoples of remaining states and union territories peoples of India.

**Statement Clarification:**

By the abrogation of Article 370 and Article 35A Indian citizens are feeling now there is no barrier between the state of Jammu, Kashmir and other parts of India. By the abrogation of Article 370 and Article 35A all the provisions of Indian constitution will holds good from 05-08-2019. It has created a new golden opportunity to the citizens of Jammu and Kashmir to enter into the mainstream of India and to achieve the integrated and overall development of Jammu and Kashmir and to enjoy other facilities provided by the constitution of India to peoples of other states in India.

**Methodology:**

For this study we used simple random sampling method on 20 selected respondents from different strata of the society. We are used direct interview method for the collection of data from the respondents, who are working in different fields. We used primary and secondary sources to collect the data with social structural development prospective.

**Sources of Information:**

**1) Primary sources:**

To collect the primary information we have used self prepared questioner on social structural development perspective by 20 respondents only.

**2) Secondary Sources:**

We have collected information from Articles, Journals, libraries, News papers, Constitution related books and websites.

**Theoretical Perspective:**

We used social structural development perspective for this study.

**Topographical features of the study area:**

Tarikere is a Taluk in Chikkamagalore district in the state of Karnataka of India. The headquarters of Tarikere taluk is a town of the same name. The town has derived its name from number of water tanks by which the town is surrounded (Kere is a large water tank). There are a large number of tanks in and around Tarikere, namely, Chikkere, Doddakere, Dalavikere, Ramanayakanakere, Kendarahalla etc. Tarikere taluk is famous for areca nut, coconut, betel nut, mango, and other horticulture crops. It is also famous for onion, potato, chilly and other commercial crops and it is famous for paddy crop also. There is one industry called Vignan industries limited (VIL). There are many famous tourist places in Tarikere taluk Amruthapura, Kemmanagundi, Khallatigiri and others. According to 2011 census Tarikere taluk has 53225 houses, with a population of 2,25,280, Male population is 1,12,891 and female population is 1,12,389.

**Data Analysis:**

Data collected by using research methods and other sources are analyzed by essential statistical techniques by using analysis of data research report. The data was collected on social structural development perspective.

**Table. 1 Personal Profile of the Respondents**

SL NO	Personal profile of the Respondents				
1	Age	18-28	29-39	40-50	51+
		06	08	04	02
2	Gender	Male			Female
		16			04
3	Caste	SC	ST	OBC	Others
		03	04	06	05
4	Religion	Hindu	Christian		Muslim
		18	01		01
5	Education	Illiterates	Primary education	Secondary education	Higher education
		00	06	08	06
6	Yearly Income	Up to 75,000	75,001 to 1,25,000	1,25,001 to	1,50,001+above

				1,50,000	
		06	08	04	02
7	Marriage	Married	Bachelor	Widow	
		18	02	-	
8	Family	Joint	Nuclear		
		-	20		

In demographic information age, gender, education qualification, marital status, income size, type of the family and other information for as following

- **Age:** Age is the important factor at the time of interview because if the respondents are below 18 years ago they will be considered as minors. They are not eligible into any contract according to *Indian contract act-1872*.
- **Gender:** We interviewed 80% of the male respondents. 20% of the female respondents.
- **Cast:** At the time of research in India cast plays an important role even though India is secular state. We interviewed 15% SC, 20% ST, 30% OBC and others 25%.
- **Religion:** India is the mother land of several religions. Even though it is a secular state all the statistics are collected on the basis of religion like Hindu, Muslim, Christian, Jains, Parasis, Buddhists, siks and so on.
  - We interviewed Hindus 90%, Christiyans 05%, and Muslim 05%.
- **Education:** Education plays an important role in India. Due to several governmental and non-governmental (NGO`s) intuitional efforts. Majority of the respondents are literates. In the interview 30% as the primary education, 40% Secondary education and 30% higher education.
- **Yearly Income:** 30% of our respondents have approximately 75,000 rupees annual income, 40% of the respondents have approximately up to 1,25,000 annual income, 20% respondents have approximately up to 1,50,000 rupees annual income, 10% respondents have approximately 1,50,001 rupees and above.
- **Marriage:** 90% of our respondents are married, 10% respondents are Bachelors.
- **Family:** 100% of are respondents are Nuclear family holders.

**Thematic Analysis:**

**Table No-2**

SL No	Impact of abrogation of Article 370 and Article 35A on Indian Nationalism.	Yes	No
01	Do you opine abrogation Article 370 and Article 35A is good for Indian Nationalism	100 %	-
02	Do you opine abrogation Article 370 and Article 35A was too late by Government	90%	10%
03	Do you opine special provisions of Article 370 and Article 35A to the state of J&K was necessary at the time of Independence of India.	10%	90%
04	Do you opine special provisions of Article 370 and Article 35A separated the state of J&K from India legally.	100 %	-
05	Do you opine special provisions of Article 370 and Article 35A helped for the overall development of J&K state	10%	90%
06	Do you opine abrogation of Article 370 and Article 35A will helped in the integrated development of J&K state	100 %	-
07	Do you opine dual citizenship of J&K state separated the J&K state people from the Indian Mainstream	100 %	-
08	Do you opine peace will restore in the state of J&K state after the abrogation of Article 370 and Article 35A	100 %	-
09	Do you opine all political opposition parties supported the Government in abrogation of Article 370 and Article 35A	60%	40%
10	Do you opine other minorities in J&K state like Kashmiri Pandiths, Shiya Muslims, Gujjars, Daliths and others small ethnic groups supported the abrogation of Article 370 and Article 35A	100 %	-
11	Do you know there was a separate flag for the state of J&K	50%	50%
12	Do you know there was a Separate constitution for the state of J&K	40%	60%
13	Do you know there was a separate Prime Minister for the state of J&K (Share A Kashmiri)	10%	90%
14	Do you opine Article 35A was against the very spirit of oneness of India	100 %	-
15	Do you opine present constitution for the entire country will benefit the state of J&K and Ladakh Union territories	100 %	-
16	Do you opine abrogation of Article 370 & Article 35A will end the gender discrimination	100 %	-
17	Do you opine abrogation of Article 370 and 35A will attract investment and employment	90%	10%

**1) Do you opine abrogation Article 370 and Article 35A is good for Indian Nationalism:**

100% of our respondents opine that abrogation of Article 370 and Article 35A is good for Indian Nationalism because now there is no legal discrimination for the citizens of J&K and Ladakh Union territories and other citizens of Indian states. In the present status of J&K and Ladakh will enjoy all other provisions of Indian constitution.

- 2) **Do you opine abrogation Article 370 and Article 35A was too late by Government:** 90% of our respondents opine that abrogation Article 370 and Article 35A was too late by Government from the time of Independence to 05-08-2019. It took 70 years to withdraw Article 370 and Article 35A. If it was withdrawn in early days it would have been helped the Nation.
- 3) **Do you opine special provisions of Article 370 and Article 35A to the state of J&K was necessary at the time of Independence of India:** 10% of our respondents opine that Article 370 and Article 35A was necessary at the time of Independence because at the time of partition of India there were 562 Independent provinces. At that time the king J&K Raja Harisingh, Shekh Abdulah and others demanded for the special provisions. 90% of our respondents opine that it was not necessary and the then Government accepted their demand in a Hurry and to appease somebody.
- 4) **Do you opine special provisions of Article 370 and Article 35A separated the state of J&K from India legally:** 100% of our respondents opine that special provisions of Article 370 and Article 35A separated the state of J&K from India legally because they were not governed by the constitution of India. They have not come under IPC and CRPC provisions. This made them to separate legally from India.
- 5) **Do you opine special provisions of Article 370 and Article 35A helped for the overall development of J&K state:** 10% of our respondents opine that special provisions of Article 370 and Article 35A helped for the overall development of J&K state because it helped them to maintain the separate identity of J&K state and they were ruled by their own elected representatives. 90% of our respondents opposed this ideology, in the present condition J&K and Ladakh may develop and can compete with other states in developmental prospective (Karnataka state, Gujarat state).
- 6) **Do you opine abrogation of Article 370 and Article 35A will helped in the integrated development of J&K state:** 100% of our respondents opine that abrogation of Article 370 and Article 35A will helped in the integrated development of J&K state within 30 days of abrogation 50 important decision has taken by the Governor of J&K. 366 crores of rupees has been allotted for 4,483 Grama panchayths, 1,632 KMs of roads has been identified for up gradation. And there is a proposed investor's mela in the month of



November 2019. For all beneficiaries AADHAR number has been linked. The Governor has proposed for the generation of 2,500 mega watts electricity.

- 7) **Do you opine dual citizenship of J&K state separated the J&K state people from the Indian Mainstream:** 100% of our respondents opine that the dual citizenship of J&K state people clearly separated them from Indian mainstream, because they were the citizens of both J&K state and India also. Before this they were feeling we have separate entity for Kashmiries then other Indian citizens. For this dual citizenship right only they were separated from Indian mainstream.
- 8) **Do you opine peace will restore in the state of J&K state after the abrogation of Article 370 and Article 35A:** 100% of our respondents opine that definitely peace will restore in J&K and Ladakh Union territories. After abrogation the Central peace keeping forces, Para Military forces, Military personnel and J&K Ladakh police are working to maintain the Law and order. Now there is no terrorist activities, stone pelting and other Anti-National activities.
- 9) **Do you opine all political opposition parties supported the Government in abrogation of Article 370 and Article 35A:** 60% of our respondents opine that some opposition political parties supported the Government for abrogation, like BSP, BJD, TRS, AIDMK. 40% of our respondents opine that some opposition political parties like Congress (INC), TMC, DMK, NCP and communist parties opposed the Government move. But the JDU from Bihar opposed the resolution and walked out from Lokhsabha.
- 10) **Do you opine other minorities in J&K state like Kashmiri Pandiths, Shiya Muslims, Gujjars, Daliths and others small ethnic groups supported the abrogation of Article 370 and Article 35A:** 100% of our respondents opine that abrogation of Article 370 and Article 35A was supported by other minorities including Ladakh people as stated above. Before abrogation they were in a sense of uncertainty because all their activities are dominated and directed by majority people in the state of J&K. These minorities are feeling we are now in the safe hands of Union Government administration.
- 11) **Do you know there was a separate flag for the state of J&K:** 50% of our respondents know there was a separate flag the J&K state in the early days of Independence of India, to exhibit there separate identity with Indian Union at the time of Sheik Abdullah there was a separate flag. 50% of our respondents do not know that there was no separate flag for the state of J&K.

- 12) Do you know there was a Separate constitution for the state of J&K:** 40% of our respondents know that there was a separate constitution for J&K state, at the time of Independence of India then the rulers of J&K followed their own constitutional guidelines which were not related to Indian constitution. 60% of our respondents don't know that there was a separate constitution for the state J&K.
- 13) Do you know there was a separate Prime Minister for the state of J&K (Share A Kashmiri):** 10% of our respondents opine that there was a separate prime minister (Share A Kashmiri) was the state of J&K at the time of Indian independence. 90% of our respondents do not know that there was a separate Prime Minister for the state J&K.
- 14) Do you opine Article 35A was against the very spirit of oneness of India:** 100% of our respondents opine that Article 35A was against the very spirit of oneness of India. Article 35A is a provision incorporated in the constitution giving Jammu and Kashmir legislature as powers to decide who are all the permanent residence of the state of J&K. it has got on power to decide about acquisition of property, rights to jobs in public sector and other rights including public and social welfare also. 35A was incorporated into the constitution in the year 1954 by an order of the then President Rajendra Prasad on the advice of the then Prime Minister Nehru cabinet. It was based on the 1952 Delhi agreement entered in to between then Indian Prime Minister Nehru and then the Prime Minister of J&K Sheik Abdullah which extended the Indian citizenship to the "state subject" of J&K.
- 15) Do you opine present constitution for the entire country will benefit the state of J&K and Ladakh Union territories:** 100% of our respondents opine that present constitutional provisions will help for the state of J&K and Ladakh for overall and integrated development, now all Laws will holds good for the state of J&K and Ladakh Union territories. For example now they can enjoy the rights like Right to information Act 2005, Triple talaq act, right to education act and others.
- 16) Do you opine abrogation of Article 370 & Article 35A will end the gender discrimination:** 100% of our respondents opine that abrogation of Article 370 and Article 35A will definitely end the gender discrimination. Now the Kashmiri women marries outside the state of J&K she will have the rights in her father's property. Outsiders of J&K state women can also marry J&K state men. Now even the Tran Genders also have Constitutional rights.

**17) Do you opine abrogation of Article 370 and 35A will attract investment and**

**employment:** 90% of our respondents opine that after the abrogation J&K state is going to receive heavy investments from public and private sector companies and other state Government also. Right now the Maharashtra state Government already decided to buy the land to built Yatri Nivas to help Amarnatha Yatrics and to develop tourism industry. Reliance industries already declared to invest in the state of J&K and Ladakh Union territories. In the month of November 2019 investment mela is arranged by the Governor of J&K and Ladakh Union territories. 10% of the respondents opine that immediate investment and employment opportunities are doubtful because of in anticipation of terrorist activities and Law and order problems.

**Findings:**

- Now the state of J&K and Ladakh Union territories are free to all.
- The state of J&K and Ladakh Union territories should abide for the constitution of India in all respects.
- The state of J&K and Ladakh Union territories should follow the IPC and CRPC laws in total.
- Now there is a sense of Indian Nationalism among other peoples of other states and J&K and Ladakh Union territory people.
- Now the Union Government can Govern and control the state of J&K and Ladakh union territories in all aspects.

**Provement of hypothesis:**

By above all studies and statistics collected from respondents indicates by the abrogation of Article 370 and Article 35A, Indian citizens Nationalism concept as demolished the Psychological barrier of Kashmiries and other peoples of remaining states and union territories peoples of India.

**Suggestions:**

Now we have solved the constitutional problems of J&K state but there are some more problems in bottom level of J&K state and Ladakh Union territories of India. Now we have to blend the hearts of peoples of entire India with the hearts of peoples of J&K and Ladakh Union territories with love, affection, and Indian Nationalism.

**Conclusions:**

Abrogation of Article 370 and Article 35A played a major role in building Indian Nationalism concept with the feeling of we are one and the same under the constitution of India we have to leave together and work together for the betterment of India.

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