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Seven Years On: The Statehood Question in Jammu and Kashmir

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Seven Years On: The Statehood Question in Jammu and Kashmir

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August 5, 2026 marked seven years since the decision of August 5, 2019 rendering Article 370 inoperative and reorganising the erstwhile State of Jammu and Kashmir into two Union Territories. Chief Minister Omar Abdullah said the Centre's assurance on restoring statehood remains unfulfilled. The Amarnath Yatra was suspended from the Jammu base camp for the day. The Ministry of External Affairs rejected Pakistan's observance of the date as "Youm-e-Istehsal" as malicious propaganda.

The Union Territories of Jammu and Kashmir and Ladakh are integral and inalienable parts of India. The constitutional changes of 2019 are entirely an internal matter of India, and no external party has any locus standi in respect of them.

THE CONSTITUTIONAL POSITION

ELEMENT	DETAIL
Date of the decision	5 August 2019
Instruments	C.O. 272 and C.O. 273 of 2019 , read with the Jammu and Kashmir Reorganisation Act, 2019
Effect on Article 370	Rendered inoperative
Effect on Article 35A	Ceased to operate. It had been inserted by the Constitution (Application to Jammu and Kashmir) Order, 1954
Appointed day for reorganisation	31 October 2019
Units created	Union Territory of Jammu and Kashmir, with a legislature; Union Territory of Ladakh, without a legislature
Supreme Court	Upheld the changes in <i>In Re: Article 370 of the Constitution</i> (December 2023) , and directed that statehood be restored at the earliest
Assembly elections	Held in 2024

The distinction between the two Union Territories is directly examinable. **Jammu and Kashmir has a legislature; Ladakh does not.** Among India's Union Territories, only Delhi, Puducherry and Jammu and Kashmir have legislatures, and each on different terms.

THE STATEHOOD QUESTION

Chief Minister **Omar Abdullah** said the wounds of the past seven years have not healed and that the promise of statehood remains unfulfilled, quoting Robert Frost's line about miles to go before I sleep. The National Conference pressed the statehood demand, the People's Democratic Party under Mehbooba Mufti directed district-level protests, and the Congress demonstrated outside its Jammu headquarters.

The constitutional substance of the demand is worth setting out precisely, because it is more specific than a general grievance.

Public order and police are State List entries. In **Delhi** and in **Jammu and Kashmir** they are expressly excluded from the legislature's competence and remain with the Union through the Lieutenant Governor, under **Article 239AA(3)(a)** for Delhi and **Section 32 of the Jammu and Kashmir Reorganisation Act, 2019** respectively. This is not a general rule for Union Territories with legislatures: in **Puducherry**, Section 18 of the Government of Union Territories Act, 1963 permits the Assembly to legislate

across the State and Concurrent Lists without those exclusions. The result is a Chief Minister accountable to an elected Assembly who does not control the police force operating in the territory, and whose government's administrative reach is bounded by the Lieutenant Governor's authority over services and law and order.

That produces a specific accountability problem rather than a merely symbolic one: an elected government answerable for outcomes it cannot fully direct.

POSITION	THE ARGUMENT
For early restoration	The Supreme Court itself directed restoration at the earliest; an elected Assembly has been in place since 2024; security gains and electoral participation have already been demonstrated, so the conditions cited for Union Territory status have arguably been met; and an assurance repeatedly given by the Union Government carries an obligation of good faith
For continuation	Security consolidation is not a one-time achievement but a condition to be sustained; direct Union control over law and order in a border territory facing external-sponsored terrorism has an operational rationale; and the Union Government has cited gains in investment, tourism and reduction in violence as evidence the arrangement is working

A strong answer holds both, and locates the disagreement where it actually is: not on whether statehood should be restored, which the Union Government has repeatedly accepted in principle, but on the timing and on who judges when the conditions are met.

SECURITY AND THE AMARNATH YATRA

Security was tightened across the Union Territory for the anniversary, and the annual **Amarnath Yatra was suspended from the Jammu base camp** for the day. Suspension of the Yatra on a specific date is a precautionary operational measure of a kind used periodically during the pilgrimage season, and it should be read as such rather than as an indicator of a wider security situation.

THE EXTERNAL DIMENSION

Ministry of External Affairs spokesperson **Randhir Jaiswal** rejected Pakistan's observance of August 5 as so-called "Youm-e-Istehsal", describing it as a political absurdity and malicious propaganda. India's position, restated, is that **the Union Territories of Jammu and Kashmir and Ladakh are, have always been, and shall forever remain an integral and inalienable part of India**, that the changes of 2019 are entirely an internal matter, and that Pakistan has no locus standi whatever.

India also drew attention to the continuing violent suppression of protests in **Pakistan-occupied Jammu and Kashmir**. Islamabad proscribed the Joint Awami Action Committee on **5 June 2026**, and the Human Rights Council of PoJK documented **80 fatalities as of 2 August 2026**, including 43 from 27 July onward

across Rawalakot, Mirpur and Muzaffarabad. These figures are those of the protest and rights bodies concerned and are contested, in part because a communications shutdown has limited independent verification, and they should be cited with that attribution attached.

The shift worth noting analytically is one of posture. India's diplomatic handling of this date has moved over recent years from **defensive rebuttal** of Pakistani claims toward **actively raising conditions in Pakistan-occupied Jammu and Kashmir**. Whether that reframing is durable, and whether it changes anything in third-country capitals, is a legitimate question for an answer to raise.

UPSC RELEVANCE

GS Paper 2: Indian Constitution, features, amendments, significant provisions; federal structure and issues and challenges; separation of powers; India and its neighbourhood.

Prelims pointers:

- Article 370 was rendered inoperative and Article 35A ceased to operate through **C.O. 272 and C.O. 273 of 2019**, read with the **Jammu and Kashmir Reorganisation Act, 2019**. The **appointed day** for reorganisation was **31 October 2019**.
- **Article 35A** had been inserted by the **Constitution (Application to Jammu and Kashmir) Order, 1954**.
- Two Union Territories were created: **Jammu and Kashmir, with a legislature**, and **Ladakh, without one**. Only **Delhi, Puducherry and Jammu and Kashmir** among Union Territories have legislatures.
- The Supreme Court upheld the changes in ***In Re: Article 370 of the Constitution* (December 2023)** and directed **restoration of statehood at the earliest**. Assembly elections followed in **2024**.
- Chief Minister: **Omar Abdullah** (National Conference). MEA Official Spokesperson: **Randhir Jaiswal**.
- **Public order and police** are excluded from the legislature's competence in **Delhi** (Article 239AA(3)(a)) and **Jammu and Kashmir** (Section 32, J&K Reorganisation Act, 2019), remaining with the Union through the Lieutenant Governor. **Puducherry is different**: under Section 18 of the Government of Union Territories Act, 1963 its Assembly faces no such exclusion.

UPSC RELEVANCE

C.O. 272 and C.O. 273 of 2019 with the Jammu and Kashmir Reorganisation Act, 2019. Article 370 rendered inoperative; Article 35A, inserted by the 1954 Order, ceased to operate. Appointed day 31 October 2019.

Union Territory of Jammu and Kashmir, with a legislature; Union Territory of Ladakh, without one. Both are integral and inalienable parts of India.

In Re: Article 370 of the Constitution, December 2023. The Supreme Court upheld the changes and directed restoration of statehood at the earliest. Assembly elections were held in 2024.

Delhi, Puducherry, Jammu and Kashmir. Ladakh has none.

public order and police are excluded from the legislature's competence in Delhi and Jammu and Kashmir specifically, not in every Union Territory with a legislature; Puducherry's Assembly has no such exclusion. That exclusion is the source of the accountability argument for statehood.

the changes are entirely an internal matter; Pakistan has no locus standi. Casualty figures cited for Pakistan-occupied Jammu and Kashmir are those of rights bodies and are contested, with a communications shutdown limiting verification.

Sources: Ministry of External Affairs, Supreme Court of India, The Hindu

Source: Seven Years On: The Statehood Question in Jammu and Kashmir — Ujjari.com | Free UPSC & State PCS Current Affairs

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