

Citation: St. Soldier Journal
of Law and Social Science,
Vol.1:1, Jan 2025 pp. 32-61

ABROGATING ARTICLE 370: COMPARATIVE INSIGHTS ON REGIONAL AUTONOMY IN INDIA, SPAIN AND CANADA

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1. INTRODUCTION

The constitutional identity of India has always represented a multifaceted interplay between unity and diversity, where regional autonomy is preserved along with the need for national integration. An important part of this identity was Article 370 of the Indian Constitution, which granted special autonomous status to the region of Jammu and Kashmir. This provision has thus been part of the Constitution since its inception and exhibits a deliberate compromise that resolves the commitment of India to federalism with the specific socio-political conditions of the former princely state. Abrogation of Article 370 on August 5, 2019, marked a landmark moment in the constitutional and political thinking of the nation regarding its views on federalism, regional autonomy, and the very concept of constitutional identity. The revocation of Jammu and Kashmir's unique status has thrown open comprehensive discussion on possible implications to regional autonomy concerning Indian federalism. Even though there are some individuals who compliment this move in the pursuit of national integration, some others view it as a defeat of federal postulates and a betrayal of the regional identity.

This tension brings about critical questions regarding a centralized governmental framework and the recognition of different regional aspirations within a constitutional framework. It further positions India in an international perspective, where similar conflicts between national unity and regional autonomy are articulated in regions like Catalonia in Spain and Quebec in Canada.

The abrogation of Article 370 through the prism of constitutional identity theory provides a fresh perspective on a subject that has been repeatedly discussed by scholars mostly in unrelated theoretical contexts. Combining doctrinal analysis with comparative constitutional research, this paper will investigate what the repeal of Article 370 does to India's constitutional identity, and what can be learned from such a situation, going forward into other federal democracies.

1.1 Objective

This paper tackles a key question: How does removing Article 370 shape India's constitutional identity and impact regional sovereignty's future? This question matters because it affects not just current politics and law, but also has big effects on how India's federal system works. I want to investigate the wider legal results of this change how it relates to constitutional identity. This idea is key to how the nation-state and its regions interact.

This research will analyse how regional self-rule works in federal systems, focusing on the special case of Jammu and Kashmir with its unique status under Article 370. In this way, I hope to help better understand how these kinds of legal changes affect national unity and yet how to maintain some regional freedom.

1.2 Background

1.2.1 Historical Context of Article 370

The roots of Article 370 can be traced back to the circumstances of accession of Jammu and Kashmir to India in 1947. In the aftermath of partition of British India, Maharaja Hari Singh of Jammu and Kashmir signed the Instrument of Accession, granting this region the right to merge into India with the condition of a high degree of autonomy being retained. Later, this special

arrangement was consolidated into the Indian Constitution with Article 370, granting Jammu and Kashmir a constitution of its own, vast legislative powers, and circumscribing the jurisdiction of the Indian Parliament over the state.

Though the Indian Constitution considered Article 370 as a temporary provision, it has been an integral part of the legal status of the region for decades. It allowed Jammu and Kashmir to occupy a unique position in the Indian federal structure: being both part of and separate from the Indian Union. Over time, however, arguments began to grow about its relevance and necessity, and with it, political and legal movements that sought to amend or even abrogate Article 370.

The genesis of Article 370 remains deeply intertwined with the political and security concerns in post partition India. The very fragile context, with its threats outside and upsurge internally, demanded flexibility to arrange for accession for the state while attending to its uniquely different socio-political context, and hence the temporary provision was so seen as a compromise towards the entire strategy of the integration over time, thus keeping within it the cultural and religious distinctness of the region.

1.2.2 Purpose and Function of Article 370

At its very core, Article 370 granted a measure of legislative autonomy that no other Indian state enjoyed to Jammu and Kashmir. It had a separate constitution, and enactments passed by the Indian Parliament were automatically applicable to the state of Jammu and Kashmir unless the state government so directed. Such a balance of regional autonomy with national unity was, indeed, the objective for India's founding fathers. However, Article 370 also became a source of friction, with some arguing that it encouraged separatism and undermined national integration.

Article 370, under federalism, was a concept of asymmetrical federalism whereby different states within the same union possess different degrees of autonomy. Even though this may sound pragmatic to accommodate diverse regional identities, it also

raised some constitutional questions about equality among the states and the cohesiveness of India's legal framework.

Furthermore, the functional role of Article 370 kept changing over time and, often, became a contentious political tool. Successive governments used or bypassed its provisions to either assert control or accommodate demands for greater autonomy, reflecting the complex interplay between federal dynamics and national interests. This duality, balancing autonomy with central oversight, underscored both the strengths and vulnerabilities of India's federal design.

1.2.3 Events Leading to the Abrogation

In August 2019, the abrogation of Article 370 marked a drastic turn in India's approach toward Jammu and Kashmir. On this count, the Indian government issued a Presidential Order that effectively nullified Article 370 using Article 370(3), which, while allowing it to be abrogated with the concurrence of the state's constituent assembly, of course, no longer existed. The state was also bifurcated simultaneously into two Union Territories, namely, Jammu and Kashmir, and Ladakh. The controversial legality of this manoeuvre sparked massive debates over its constitutionality given that there was no functioning state government or constituent assembly at that time.

The decision to abrogate Article 370 was political in motivation, driven by a desire to assert national unity and combat what was perceived as separatist tendencies in the region. Yet it also raised very important constitutional questions about the limits of executive power, federalism, and the relationship between centre and states. In the immediate aftermath, the region underwent sweeping administrative changes, with direct central rule imposed, communications restrictions, and legal challenges in Indian courts.

Escalating tensions in the region, coupled with a political narrative that characterizes Article 370 as an impediment to growth and integration, have given shape to the events preceding the abrogation. Security concerns, cross-border militancy, and dissent in the valley were seen as the justifications of the move.

The unilateral nature of the abrogation brings to the surface a more pervasive trend within Indian politics toward centralization, throwing profound questions open about democratic principles and imperatives for national security.

1.3 Constitutional Identity and Regional Autonomy

Constitutional identity is that distinct character and basic postulates of a nation's Constitution. In India, that identity is multifaceted: democracy, secularism, federalism, and social justice all must be reconciled with each other. Inclusion of Article 370 represented the critical dimension of that identity, that difference in aspirations at the regional levels in a federal framework. It embraced pluralism as a core value, reinforcing the idea that unity need not come at the cost of diversity, by granting a special status to Jammu and Kashmir in the Indian Constitution. Abrogation of Article 370 directly challenges this aspect of constitutional identity, raising questions on how much the Indian state is willing to accommodate regional pluralism. It may be justified as a step toward greater national integration but risks undermining the federal principles enshrined in the Constitution. This tension is not unique to India but resonates with similar challenges that other federal democracies have faced.

1.4 Comparative Perspectives: Catalonia and Quebec

The cases of Catalonia in Spain and Quebec in Canada are quite instructive for understanding the complex interplay between regional autonomy and national unity. Both regions have sought greater autonomy within their respective federal systems, claiming cultural, linguistic, and historical distinctiveness. However, the responses of Spain and Canada to these demands have been markedly different, offering contrasting models of managing regional diversity.

Spain responded strongly against the Catalonian desire to split from the mother nation due to rigid interpretation of Spanish constitutional mandates towards indivisibility, with this sometimes-aggravating situations, revealing some sort of weakness in how to accommodate a centralized approach for regions in their pursuit for rights. Contrary to this approach is

what the Canadian state undertakes for Quebec: greater on conciliation, negotiation and even accommodation in line with its federalism setting up more elastic constitutional frameworks where the search for regional autonomy harmonizes easily with national unity.

India's experience with Article 370 shares elements with both these cases. Like Catalonia, Jammu and Kashmir's quest for autonomy has been fraught with conflict and resistance. The Indian Constitution's initial recognition of Jammu and Kashmir's special status, however, stood in the same line as that of Canada's acknowledgment of the distinctiveness of Quebec. The abrogation of Article 370 thus signals a break from this pattern of accommodation, which raises many questions about the future of regional sovereignty in India.

1.5 Toward a Reimagined Constitutional Identity

The repeal of Article 370 requires the re-evaluation of the constitutional identity of India, particularly regarding regional autonomy. Although national integration is a valid goal, it cannot be achieved without sacrificing regional identities or the principles of federalism. The problem lies in how to reconcile the demands of a complex political landscape with the imperatives of a strong and integrated nation-state.

Using the experience derived from comparative constitutional studies, this paper advocates a renewed commitment toward regional autonomy in an undivided nation. There is an acute need for legislative and administrative reforms so that grievances related to issues in a place like Jammu and Kashmir are attended to within a federal structure of the Constitution. In the proposed reforms, dialogue and inclusivity of regional identity will take precedence while diversity does not create a division.

The repeal of Article 370 represents a pivotal moment in the constitutional narrative of India, altering the country's perspective on federalism and regional autonomy. Although this action signifies a transition towards enhanced centralization, it simultaneously presents substantial obstacles to the maintenance of constitutional identity and regional diversity. The aim of this

study is to enrich an all-inclusive and elaborate discourse on the prospects of regional autonomy in India by studying the broader implications of such a decision through the prism of constitutional identity theory and comparative analysis. In this effort, it underlines the need for a prudent approach that upholds the tenets of federalism, supports regional aspirations, and strengthens national integration.

1.6 Research Gap

Thus though there is ample debate upon political and security implications of revocation of Article 370, an important lacuna exists about the legal literature specifically for how it affects constitutional identity, there is a scarcity in such contemporary scholarship that does report about the immediate governance issues and security and human rights concern abrogation brings and shied away from assessing which impact it has on what would be termed the structural backbone of the Indian Union as a legal and Constitutional formation.

There is a glaring gap in the discussion regarding a comparative constitutional analysis of regional autonomy in other federations, especially in Spain and Canada. The Catalonia and Quebec cases are crucial to present an understanding of negotiation over identity and autonomy at the level of regions within federations. With these comparative elements I look to enrich the existing perception of India's position towards regional sovereignty post the loss of Article 370.

Accordingly, this study aims to bridge this gap by employing constitutional identity theory concerning the case of Jammu and Kashmir. Using this view, I will analyse how the move affects the rights at the constitutional level of the region as well as its more comprehensive implications on the federal system of India.

2. THEORETICAL FRAMEWORK

It is important to understand the implications of the repeal of Article 370 on the constitutional identity of India and the larger issue of regional autonomy in the context of federal systems. In organizing this investigation, I utilize two central theoretical approaches: Constitutional Identity Theory and the concepts of

Federalism and Regional Autonomy. These perspectives will guide an analysis of the legal and constitutional issues arising out of the abrogation of Article 370 and its effects on the federal structure of India.

2.1 Constitutional Identity Theory

2.1.1 Defining Constitutional Identity

Constitutional identity is the basic values and principles that constitute a constitution and define its meaning across time. Constitutional identity, within legal scholarship, is often perceived as an evolving concept in response to changes in society, political forces, and legal development. It includes not only the written provisions of the constitution but also those underlying principles, customs, and established practices that form the basis of a nation's legal and political system.

The constitutional identity of India finds, in the balance that balances the principles of national unity as well as an acknowledgment of regional diversities. This identity was made possible by historical compromises-not least, the inclusion of an Article 370, allowing to Jammu and Kashmir an essentially unique status while it nonetheless remained a fundamental part of the Indian Union. With the abrogation of Article 370, this identity comes of age, from being a case that established regional autonomy to one of those confines itself to the central view of national sovereignty.

2.1.2 Constitutional Identity in Comparative Perspective

To understand how India's constitutional identity evolved, one needs to look at how other federal systems understand their constitutional identity. For example, the Spanish Constitution proclaims the "indivisibility of the Spanish nation," yet simultaneously allows regional autonomy. This has proven to be the central locus of tension between the Spanish state and the autonomous region of Catalonia. In practical terms, Catalonia's pursuit of increased autonomy and potential independence has challenged the boundaries of Spain's constitutional framework. In a similar vein, Canada's approach to managing Quebec's unique identity provides valuable perspectives on the ways in which

regional autonomy can be integrated within a federal system without jeopardizing national unity.

To juxtapose these global instances, let me clarify that the rescinding of Article 370 heralds not only a jurisprudential change but is the very metamorphosis that India's constitutional identity experiences today. In my view, an adjustment by India towards centralization would be jurisprudentially unobjectionable but erosion of the pluralistic foundations to that constitutional identity that has made India so. In this regard, India's approach is in fact the opposite to that of countries like Canada, where regional identities seem to be integral parts of the federal structure rather than challenges to national integration.

2.1.3 The Relationship between Constitutional Identity and Federalism

Federalism demands delicate calibration of the power of a central government with that of regional agencies. The concept of constitutional identity is crucial in maintaining such balance because it defines what autonomy is permissible in any given federal system. The constitutional identity of India has always been one that has allowed a strong central government to coexist with autonomous regional authorities, shaped by the principle of "unity in diversity." Article 370's abolition, however, marks a departure from this principle, leading towards a more uniform federalist perspective.

2.2 Federalism and Regional Autonomy

2.2.1 Federalism in India: A Historical Overview

The Constitution of India outlines a federal system of governance wherein powers are divided between the central and state governments. However, it has always been different, in comparison to the two traditional federations of the United States or Switzerland, mainly due to its emphasis on a strong central authority. The authors of the Constitution were sensitive to the diversity of Indian society and sought to form an entity that could grapple with regional differences in a manner that did not adversely affect national integration.

The same time, the Indian federal framework was designed to appear to be flexible, whereby the centre was allowed to act in instances it deems necessary for national integrity to be maintained. Provisions like Articles 352 and 356 demonstrate the same aspect where the central government enjoys powers in times of emergencies or even when the states cannot effectively work. Nevertheless, provisions like Article 370 and Article 371 that grant a special status to some regions demonstrate that Indian federalism incorporates regional autonomy within its structure.

The annulment of Article 370 marks a critical juncture in the current structure of federalism. While the Indian Constitution allows for changes to its federal structure, the abrogation of Jammu and Kashmir's special status raises fundamental questions about the possibility of regional autonomy in India. Through the elimination of the distinctive advantages that previously defined the state, the central authority has reaffirmed its dominance in the region, possibly indicating a transition towards a more centralized governance structure.

2.2.2 The Concept of Asymmetrical Federalism

One of the fundamental characteristics of Indian federalism is the concept of asymmetrical federalism; that is, different allocations of power among various states. Hence, in this context, states like Jammu and Kashmir enjoy more autonomy than the others. This could be attributed to historical, cultural, or political reasons. This concept of asymmetrical federalism brings out regional diversity without a compromise on national integration.

The repeal of Article 370 effectively removes this imbalance, thus raising significant questions about the sustainability of this structure going forward. In the absence of the previously applicable special provisions for Jammu and Kashmir, the Indian federal system now assumes a more homogeneous character, with reduced scope for regional diversifications. This has strong implications not only for the region of Jammu and Kashmir but also for areas such as Nagaland, Mizoram, and Manipur, all of whom, incidentally, enjoy special status under Article 371.

2.2.3 Comparative Analysis of Federalism and Regional Autonomy

I'll try to position India's federalism in an international context by referencing cases of Catalonia in Spain and Quebec in Canada, where regions have long-standing histories of pursuing greater autonomy in their respective federal contexts and each having posed remarkable tests of their national authority.

The demand for Catalan independence has challenged the limits of Spanish federalism, resulting in a constitutional crisis in 2017 when Catalonia carried out an unauthorized referendum on secession. Spain's response, which underlined the supremacy of the national constitution and rejected Catalonia's claims to self-determination, presents a critical comparison to how India has handled the situation in Jammu and Kashmir. Although both countries have faced calls for regional devolution, their responses have represented a different way of reconciling national unity to regional diversity.

Canada offers a much more pliable structure. The distinctive French-speaking character of Quebec has been recognized and protected in the context of Canada's federal system, granting the province considerable independence in areas such as language, education, and civil law. This is the model of federalism practiced in Canada, with a strong emphasis on communication and negotiation, starkly at variance with the much more centralized approach adopted in India after Article 370 was abrogated.

3. HISTORICAL CONTEXT OF ARTICLE 370

3.1 The Origin of Article 370

Article 370 of the Indian Constitution was developed from a peculiar course of events that followed with India's division in 1947. Unlike many other princely states, Jammu and Kashmir didn't immediately decide to be an either part of India or of Pakistan. The Maharaja of the state of Jammu and Kashmir, Hari Singh was initially trying to maintain its independence from the two states. Notwithstanding, the strategic significance of the region, coupled with its heterogeneous demographic composition, rendered this stance precarious. The incursion into Jammu and

Kashmir by tribal factions from Pakistan in October 1947 compelled the Maharaja to request military support from India. In exchange for this assistance, he executed the Instrument of Accession on October 26, 1947, thereby officially incorporating the region into the Indian Union.

The Instrument of Accession, however, was conditional. It vested in India three spheres: defence, foreign relations, and communications, but left all the remaining fields to the discretion of the state. This conditional accession depended entirely on the specific political and social scenario of that time, particularly its Muslim-dominated population, which was under Sheikh Abdullah, a powerful leader with a vision for a more autonomous Kashmir.

Article 370, that served as a provisional feature under the Indian Constitution, was this very delicate balance of power. It was basically envisioned to safeguard the independence of Jammu and Kashmir whilst gradually integrating it into the Indian Union. It gave special autonomous powers to the state including its own constitution as well as limiting the state enforcing central legislation, giving its unique legislative authority. Significantly, Article 370 stipulated that amendments in the status of the state would require the agreement of the Constituent Assembly of Jammu and Kashmir - a provision, therefore, to underline the separate character of the state's ties with the Indian Union.

The political negotiations that led to the integration of Article 370 were marked by great tension, not only within Jammu and Kashmir but also between the Indian authorities and the political leadership of the state. Even though the Indian administration, under the leadership of Prime Minister Jawaharlal Nehru, sought to integrate Jammu and Kashmir into the Indian Union, Sheikh Abdullah and his supporters vehemently argued that the region's special status needed to be maintained. These conflicting pulls produced the agreement finally brought into existence by Article 370, one that managed to temporarily satisfy the region's aspiration for autonomy while allowing the possibility of further integration.

3.2 Evolution of Autonomy Under Article 370

Although Article 370 was promptly labelled as a transitional provision, it remained highly influential on the constitutionally appropriate and political practice of Jammu and Kashmir for many decades. It has faced incremental diminishment and relentless contestations in this period based on the internal political dynamics of the region and the strategic objectives of the Indian government at large.

Almost full autonomy was given to Jammu and Kashmir during the years immediately following the adoption of Article 370. The state's Constituent Assembly had framed the Constitution of Jammu and Kashmir in 1956, which reaffirmed the special status of the state and restricted the authority of the Indian Parliament over Jammu and Kashmir. Article 370 stipulations gave the state legislature the authority to decide which Indian laws would be applicable within its jurisdiction, thereby enhancing the autonomy of the state and its unique status in the Indian Union.

Nevertheless, this autonomy started to fade away in the 1950s, beginning with the dismissal and detention of Sheikh Abdullah in 1953. The Indian administration feared that Abdullah was pursuing greater autonomy besides his politics and sought to engineer a leadership in the state which was more acceptable to the Indian government. This was the beginning of a succession of interventions by the centre into the state which eroded the state's autonomy incrementally. Over the years, various political manoeuvres, legislative changes, and executive orders have been employed to dilute the provisions contained in Article 370.

One of the major mechanisms that allowed this erosion was the constant use of Presidential Orders under Article 370(1)(d), which allowed the central government to enforce Indian laws in Jammu and Kashmir without any legislative assent from the state's legislature. Although this process had to be assented to by the state government, the central government frequently used its power over the political leadership of the state to obtain the consent it wanted. This again led to a gradual implementation of different enactments of the centre, including election, economic,

and judicial ones, in Jammu and Kashmir that further restricted the scope of autonomy for the state.

Despite these developments, the special status of Jammu and Kashmir under Article 370 remained a significant political issue. There were continued demands for the restoration of the state's autonomy, at least during times of political upheaval or conflict. Militancy in the late 1980s and then the subsequent insurgency in the state hugely intensified the relationship between the state and the centre, often making security concerns more important than constitutional principles.

The final abolition of Article 370 in August 2019 signalled the end of a series of legal and political developments that had aimed to integrate Jammu and Kashmir more deeply into the Indian Union. The annulment was brought about through a mix of executive orders and legislative measures that circumvented the need for concurrence by the Jammu and Kashmir Constituent Assembly, which had dissolved in 1957. Although the legal manoeuvre was controversial, it did manage to do away with the special status of Jammu and Kashmir, thereby bringing it entirely within the Indian Constitution.

Article 370, for instance, spells out the development of autonomy, demonstrating the complex and often contentious nature of the relationships that exist between Jammu and Kashmir and the Indian state. Originally devised as a provisional measure to facilitate the assimilation of the region into India, its impact has endured for over seventy years in moulding the constitutional, political, and legal personality of Jammu and Kashmir. Article 370's repeal thus does not merely signify the end of this extraordinary constitutional charter but also throws open more significant questions about the nature of federalism, regional autonomy, and constitutional identity within India.

4. The Abrogation of Article 370: Legal and Political Implications
On 5 August 2019, the repeal of Article 370 marked a landmark occurrence in the constitutional history of India, carrying far-reaching implications both legally and politically. In this chapter, these effects are going to be reviewed from two basic angles: first,

the legal doctrines that made the repeal valid-the constitutional provisions, judicial readings, and their consistency with contemporary legal doctrines-and secondly, the political motivations which made the move possible. Here, the stories surrounding national integration and their role on the local autonomy will come under closer scrutiny.

4. LEGAL PERSPECTIVE: CONSTITUTIONAL PROCESSES AND JUDICIAL INTERPRETATIONS

4.1 Constitutional Provisions and the Mechanism of Abrogation

Article 370 of the Constitution was designed as a temporary phenomenon. Article 370(1)(d) itself provides that the Indian Parliament had the power to enact legislation on any subjects covered by the Union List and the Concurrent List, but only with the consent of the state Government. However, article 370(3) prescribed for its abrogation wherein President of India could declare this article inoperative subject always to such a recommendation being received by him from the constituent assembly of the state, considering Jammu and Kashmir constituent assembly had dissolved in the year 1957 without having a suggestion regarding the deletion of the Article 370, that was intact for more than half century.

Therefore, the legal question becomes one of whether the abrogation process was in line with Article 370(3)'s prescribed procedure. Using a Presidential Order (Constitution [Application to Jammu and Kashmir] Order, 2019), the Indian government bypassed the Constituent Assembly requirement, citing a recommendation from the Legislative Assembly of Jammu and Kashmir-the Assembly that was under President's rule at the relevant time. This manoeuvre gave rise to serious constitutional questions concerning the validity of the process, and whether, in fact, the Parliament of India, acting as surrogate for a Constituent Assembly that was defunct, could abrogate the special status of the state.

The legal mechanism deployed by the government adhered strictly to the letter of the law; it circumvented the spirit of the

original provision. Article 370 was meant to protect the autonomy of Jammu and Kashmir, ensuring that the very abrogation of that article would only be possible if it were to have the consent of the state's representative body. This unilateral decision by the government, when the state government was not functioning, goes against the basic premise of federalism and the very principles of asymmetrical autonomy that Article 370 represented.

4.2 Presidential Orders and the Application of Article 367

An important legal tool that was used to facilitate the abrogation was Article 367, which is the rules of interpretation of the Constitution. Through a Presidential Order under Article 370(1), the Indian government amended Article 367 so that the term "Constituent Assembly" read "Legislative Assembly of Jammu and Kashmir". Since President's rule was in effect in the state, it was Parliament that assumed the legislative role of the Legislative Assembly. This political manoeuvre enabled the government to switch between the need to obtain validation from the state's Constituent Assembly to that to gain validation from Parliament. Although this step was legally seminal, it presents considerable problems on the constitutional front. Article 370 was not only a procedural clause but an admission that Jammu and Kashmir had a political identity of its own within the Indian Union. Application of Article 367 to read fundamental terms generates concerns whether this change is in line with the constitutional requirement for federalism and the autonomy of states.

4.3 Political Context: National Unity and Regional Autonomy

4.3.1 Political Motivations and the Ideological Shift

Abrogation of Article 370 was more than a decision based on law or administration; it was fundamentally based on political intent. The ruling Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi, had always supported the elimination of Jammu and Kashmir's special status as part of its nationalist agenda. The BJP had repeatedly emphasized in its election manifestos the need for "One Nation, One Constitution," which symbolized its quest for a more centralized and standardized federal structure.

Politically, the abrogation of Article 370 was termed a step necessary for furthering national integration, countering separatist tendencies in Jammu and Kashmir, and paving the way for effective integration of the region into the Indian Union. The government presented special status as an obstacle to progress, peace, and security in the region and said that abolition of it would bring Jammu and Kashmir in line with the other states of India. This debate resonated well with large sections of India's electorate, who seemed to understand the annulment as a bold assertion of India's freedom and rejection of what was assumed as a favoured status of region.

However, this political push also reveals an intellectual momentum toward a form of government that is more centralized and majoritarian, less attentive to India's regional diversity. The stripping of Article 370 was a quintessential example of a larger trend in Indian politics: the ideals of federalism and regional self-governance are constantly subordinated to national unity. Accordingly, this change has important implications for India's plural nature and presents a message of lower central state role in the expression of regional identities.

4.3.2 The Discourse on National Unity and Its Implications for Regional Autonomy

Political discourse about the abrogation of Article 370 revolved around national integration and the preservation of territorial integrity of India. For the government, Jammu and Kashmir had a status that was out of the ordinary and created a discontinuity in the overall drive to develop into a coherent and unitary nation-state. Repealing Article 370 integrated Jammu and Kashmir into the body of India without the unique special status that may lead to distance between it and the rest of the states.

However, this emphasis on national cohesion raises fundamental questions regarding the possibilities of regional autonomy within the federal structure of India. While the Indian Constitution does not exclude the co-existence of national unity and regional autonomy, the abolition of Article 370 seems to represent a contraction of this space. The measures taken by the government

seem to be directed toward a more centralized model of governance where state autonomy is seen as secondary to the goal of national unity.

4.3.1 Impact on Regional Political Dynamics

The political discourse in terms of the revocation of Article 370 was based upon principles regarding national integration and safeguarding India's territorial integrity. Jammu and Kashmir enjoyed an exclusive status which only took away from the comprehensive goal of becoming a cohesive, fully integrated nation-state. The abrogation of Article 370 made it possible to integrate Jammu and Kashmir into the Indian Union, thus doing away with its special status, which could further create a division between this state and the others.

But such concentration on national integration poses sharp questions whether regional autonomy continues to be a viable element of Indian federalism. Nothing in the Indian Constitution, per se, precludes both national integration and regional self-government from going together; however, the scrapping of Article 370 bespeaks a decrease in such an eventuality. The actions of the government seem to be directed towards setting up a more centralized model of governance where the autonomy of the individual states is seen as subordinate to the objective of promoting national unity.

5. COMPARATIVE ANALYSIS OF REGIONAL AUTONOMY

It holds great importance as a comparative examination of regional autonomy through case studies of two major instances: Catalonia in Spain and Quebec in Canada. In the same manner as with Jammu and Kashmir, the distinct linguistic, cultural, and historical identities of both regions had fostered desires for autonomy or independence. Analysis of how both Spain and Canada responded, within their constitutions, to these movements inside them may provide India with a learned lesson on dealing with Jammu and Kashmir, given the setting after the deabolishment of Article 370.

5.1 Catalonia (Spain): Autonomy Movements and Constitutional Response

5.1.1 Historical and Political Context

Catalonia, in the northeast part of Spain, is one of the wealthiest and culturally different parts of the country. It has its language, Catalan; it also boasts of a culture that had roots going as far as the Middle Ages with an inheritance of regional identity over the ages. With the end of the regime of Francisco Franco, the 1978 Spanish Constitution gave significant autonomy to Catalonia as part of the 17 autonomous communities in Spain. The region gained control of key sectors, such as education, health care, and local police, with Catalan language being recognized as co-official.

However, despite these constitutional rights, demands for higher autonomy and even independence have remained a part of the scenario in Catalonia. The 2008 economic crisis combined with the perception that Catalonia disproportionately contributes to Spain's national budget gave the independence movement renewed impetus. In 2017, Catalonia organized an independence referendum that Spain's Constitutional Court ruled was illegal. The government of Spain imposed direct rule on Catalonia for a short period by invoking Article 155 of the Constitution. It suspended the regional government and ignited a severe political crisis.

5.1.2 Constitutional Response to Catalonia's Autonomy Demands

The peculiarity of the Spanish Constitution of 1978 is that the recognition of Spain as a plurinational state granted major powers to its autonomous communities. However, at the same time, it emphasizes the "indissoluble unity of the Spanish nation," symbolizing the tension between regional autonomy and national sovereignty. During the Catalan independence referendum, in 2017, the latter aspect of sovereignty emerged with force, showing the resolute constitutional response to it.

The Constitutional Court of Spain has played a crucial role in strengthening the limits of autonomy accorded to Catalonia. It

declared the referendum unlawful, stating that any alteration of Spain's territorial integrity must be agreed upon by the entire Spanish people, not by one region alone. Moreover, the way Article 155 was implemented by the Spanish government to revoke Catalonia's autonomy demonstrated the limitations placed on regional self-rule in the framework of Spain's Constitution. Although Catalonia has received considerable autonomy, the Spanish constitutional structure clearly emphasizes national unity over regional independence.

5.2 Quebec (Canada): Autonomy and Constitutional Negotiations

5.2.1 Quebec's Distinct Identity and Autonomy Movement

Quebec is the only largely French-speaking province in Canada and has been a central issue in debates over regional autonomy and national unity. The distinct language, customs, and legal system of the province—based on civil law rather than common law—are elements that distinguish its identity from the rest of the Canadian environment. Politics surrounding Quebec's relationship with the federal government of Canada have also been shaped by long-standing demands for greater autonomy and, at different times, full independence.

The independence movement in Quebec gained momentum in the mid-20th century. The culmination came in the form of two independence referendums conducted in 1980 and 1995. Even though both ended with minor losses for the independence seekers, the margins indicated deep desire among Quebecois to have greater self-rule. In response to this, Canada has done a great deal of accommodating Quebec's wish within its constitutional framework. This encompasses the Constitution Act of 1982, establishing procedures for amendments to the constitution without the signature of Quebec, and the Clarity Act of 2000 outlining any requirements for future referenda on the question of secession.

5.2.2 Constitutional Accommodation of Quebec's Autonomy

The openness to negotiation and accommodation has been the hallmark of Canada's approach to regional autonomy, especially

Quebec. Canada became a federation in the Constitution Act of 1867, formerly known as the British North America Act, where there is clear allocation of powers between the federal and provincial levels. All this has meant that the structure of asymmetrical federalism has benefited Quebec; by giving it reserved powers in areas such as immigration, language policy, and education. In addition, the Charter of the French Language, Bill 101, adopted by Quebec in 1977, protects the supremacy of the French language in the province's public and private sectors. The Supreme Court of Canada has greatly impacted the legal boundary conditions related to the sovereignty of Quebec. In the landmark case of *Reference re Secession of Quebec*, decided in 1998, the Court ruled that although Quebec does not have a unilateral right to leave, it is the constitutional duty of the federal government of Canada to negotiate in good faith if a clear majority of the population of Quebec favours separation through a vote. This judgment mirrors the distinct way Canada exercises regional autonomy through constitutional flexibility and political negotiation, rather than coercion.

5.3 Comparative Insights: Parallels and Distinctions with Jammu and Kashmir

5.3.1 Balancing Constitutional Identity and Regional Autonomy

Catalonia and Quebec offer pertinent comparative perspectives for assessing the predicament of India in implementing the region-specific autonomy, particularly pertaining to Jammu and Kashmir. Just like Catalonia and Quebec, Jammu and Kashmir also enjoys a specific cultural, linguistic, and religious identity, which was protected under constitutional guarantees, specifically in the form of Article 370. However, the case of treatment of these regions by respective federal governments presents significant contrasts in handling the questions of regional autonomy in terms of constitutional jurisprudence.

For example, in Spain, the actions of the central government in applying constitutional provisions to revoke Catalonia's autonomy after the 2017 referendum are a strict unitary view of national

identity. The Spanish Constitution recognizes the diversity between regions but clearly sets boundaries on what those regions can do in exercising self-determination. While with Quebec, Canada has been less rigid, reflecting upon asymmetrical federalism whereby it can enjoy such exclusivity at the behest of having powers yet within a Canadian federation. Such flexibility in constitutions has easily allowed Canada to pursue whatever accommodation and fit Quebec's desire for autonomous status without feeling the compulsion to compel Quebec in accepting its sovereignty.

The abrogation of Article 370 by India is more consistent with the Spanish model, which stresses national unity more than regional autonomy. The Indian government's move to abolish the special status of Jammu and Kashmir reveals a step towards a more centralized federal structure that subsequently reduces the ability to accept regional individuality. However, the Quebec case in Canada shows that national unity can be maintained if a lot of regional autonomy is granted, provided constitutional flexibility and political negotiation are encouraged instead of coercive measures.

5.3.2 Legal and Political Implications for India's Federalism

The comparative analysis of Catalonia and Quebec reveals a legal and political challenge for federal governance in a heterogeneous context by governing regional autonomy. In both Spain and Canada, the courts played an important role in explaining the limits of regional autonomy when it came to demands for independence. The Indian judiciary, in turn, will significantly determine the long-term implications of the abrogation of Article 370 on the federal structure. In fact, legal controversies pending before the Indian Supreme Court will go a long way in defining the future contours of regional autonomy not only in Jammu and Kashmir but also in all the other states with special provisions governed by Article 371.

From a political perspective, the situations observed in Catalonia and Quebec indicate that the removal of Article 370 would provide long-term implications for the Indian federal system.

While the management of Catalonia in Spain has increased the aspirations for gaining independence, the decision of India to rescind the autonomy of Jammu and Kashmir could increase regional disagreements in other regions that portray distinctive identities. By contrast, Canada's handling of Quebec serves as an example of the positive implications of constitutional flexibility and political negotiation in managing regional autonomy without undermining national cohesion.

An overview of the Catalonia, Quebec, and Jammu and Kashmir case brings to focus a complex interlock between regional autonomy and national integration in the federations. By comparing strategies adopted by Spain and Canada in handling this issue, we gather valuable insights about how to run Jammu and Kashmir from now on by India itself. Although the constitutional structures of these countries differ, they all face a common fundamental problem: how to balance the desires of regions with unique identities with the needs of a unified nation-state. Conclusion, This analysis suggests that flexibility in constitutions, judicial interpretation, and political negotiation is crucial for managing regional autonomy in such a way that both national integration and regional identity are preserved.

6. RECOMMENDATIONS

I propose a sequence of policy, legislative, and administrative recommendations to meet the urgent issues that the abrogation of Article 370 has thrown up. The intent is to strike a balance between regional autonomy and national cohesion within the federal framework of India. These recommendations are designed to reduce the dangers of centralization and enhance the ideals of federalism in response to the impulses for both unity and diversity.

6.1 Safeguarding Regional Autonomy

6.1.1 Strengthening Federalism Through Legal Protections

Legitimate apprehensions are being built up regarding regional autonomy in India, given that Article 370 has been repealed. For the protection of more loss of state autonomy about its unique identity, legal measures for the explicit safeguarding of regional

rights under the charter should be initiated. For instance, the adoption of constitutional amendments that explicitly codify the special powers and prerogatives of states like Jammu and Kashmir before their revocation—or other regions marked by strong identities like Tamil Nadu or Nagaland—may help in creating a more balanced federal structure.

A new framework in the form of a Regional Autonomy Protection Act that defines what autonomy the different states have and limits central government interference in state matters, save for situations when such actions are deemed necessary should be recommended. This way, India can be faithful to its commitment to regional diversity without letting centralization become too undue.

6.1.2 Promoting Intergovernmental Dialogue

In countries such as Canada and Spain, intergovernmental dialogue plays a crucial role in determining disputes over autonomy. For India, I would suggest establishing permanent councils for Inter-State Councils to manage tensions between the centre and individual states. It should play a role as forums for negotiating and compromising while involving politicians and civil society actors from various regions seeking greater autonomy. India can avoid the unilateral acts of abrogation of Article 370 by promoting dialogue and cooperation rather than unilateral steps for resolving peacefully demands for autonomy through negotiations.

Regional Autonomy Commissions can be recommended to be constituted. The commissions will work independently as a supervisory authority concerned with monitoring and appraising the quantum of autonomy provided to various states. This, in turn, shall also allow regional commissions the prerogative of submitting their demand for autonomy quantum as warranted by regional socio-political requirements while retaining unity among the states.

6.1.3 Encouraging Federal Solidarity

While centralization may give immediate political benefits, it runs the risk of alienating regions with distinct identities. Policies that

promote federal unity can be designed by promoting cooperation between the central government and regional states. For instance, performance-based grants tied to regional governance initiatives can help restore trust in the federal structure through improved financial decentralization. States that succeed in maintaining regional identities alongside national unity should be provided with more budgetary allocation and infrastructural investment to develop a harmonious rather than combative relationship.

6.2 Legislative and Administrative Reforms

6.2.1 Revising the Legislative Framework for Autonomy

Article 370 repeal has thus indicated and highlighted the constraints underlined and inherent in India's contemporary system of legislation regarding its capacity in managing the delicate balance that sustains regional self-governance and national unity. This paper recommends a systematic scrutiny and amendment of the list in the Seventh Schedule of India's Constitution, referring to and detailing the division of authority between the central and the states. I will enhance state authority in the areas of culture, education, and regional economic development, restoring regional autonomy while not permitting excessive central intervention in distinctly local affairs.

In addition, I propose a Federal Relations Act that would clearly outline the rules governing the relationship between the central government and the states. Such a law could prevent one-sided actions by the central authority that impact state sovereignty, such as the abrogation of Article 370, by requiring a supermajority in Parliament and making consultation with the concerned state administration mandatory.

6.2.2 Administrative Decentralization for Effective Governance

The legal reforms I suggest ought to be accompanied by administrative ones. A significant recommendation would be an administrative decentralization process—a process of granting state and local governments increased powers and decision-making capacity. If the centre has lately assumed an increased role in the States of Jammu and Kashmir, then what I do is to revive the

regional as well as local councils with local governance issues under direct monitoring. It will, therefore, help locals actively engage in governance to see that their special needs are well catered to at the local level.

In addition, separate Autonomy Monitoring Units should be established within the Ministry of Home Affairs and the Planning Commission. They would be mandated to monitor the effective working of autonomous provisions. They would do so to ensure that the states get autonomy promised by the Constitution and its subsequent statute. They would also be liaisons in disputes between the central and state administrations, and so they would facilitate a process of resolution based on some legal and administrative standards.

6.2.3 Rebalancing National Integrity and Regional Diversity

There should be equipoise between national unity and regional diversity for the protection of Indian constitutional identity. Reforms that talk about the sanctity of India's unity also echo the necessity of embracing its regional diversity. To attain this end, it is essential to enact a new Regional Federalism Policy specifying in what circumstances and situations centre may intervene in state affairs. This policy may integrate steps geared toward preventing the misuse of emergency powers, simultaneously providing for the exercise of powers aimed at checking separatism or insurgency in ways that respect regional autonomy.

Moreover, the role of judicial review is essential to safeguard regional autonomy. As such, if the judiciary of India is empowered to review central decisions that affect the autonomy of states, which is akin to the Canadian Supreme Court's role in the affairs of Quebec, then it can act as an impartial tribunal to ensure that the central authority does not overstep the constitutional boundaries.

7. CONCLUSION

The research has brought forth various significant observations concerning the constitutional, legal, and political issues that surround the abrogation of Article 370. The first point is that it was an important turning point for India's federal structure that

changed the constitutional relationship between the national government and the other states. An analysis of the legal context in which this abrogation occurred will reveal that the government action was in strict accordance with specific constitutional provisions, most especially Article 370 (3). However, such an action was sure to evoke fear and apprehension over its likely long-term impact on federalism and regional autonomy.

The constitutional identity theory examination showed that the abrogation process has drastically changed India's constitutional identity, now focusing more on national integration at the expense of regionalism. This is totally in contrast to the approaches pursued by Spain and Canada, with the latter maintaining regional entities like Catalonia and Quebec inside a single constitutional framework. The recent Indian framework appears to be moving towards becoming more centralized. This transition has significant implications regarding the future of Indian federalism, especially in regions that have unique cultural and political identities.

A comparative perspective showed that the abrogation might reflect a possible diminishment of regional autonomy all over India, with implications well beyond Jammu and Kashmir. Subsequent legal and political changes that emerged from the abrogation suggest that the balance between the central and state authorities is being reassessed, thus casting apprehensions about the future of federalism in the Indian context. Simultaneously with such abolition, there have been alterations both at the administrative and legal levels that changed the structure of governance of Jammu and Kashmir, making its erstwhile constitutional rights to its citizens diluted.

These results are crucial for understanding not only the direct implications that arise from the abrogation but also from a broader perspective, on the constitutional direction of India. The judgment brings a change to how India manages regional autonomy in relation to national integration, thus challenging the traditional interpretative approach to cooperative federalism. Other such events are going to impact other states with a desire

for greater autonomy or with different regional identities, causing a further series of constitutional conflicts and changes.

The abrogation of Article 370 was framed as a necessary step toward strengthening national security and furthering integration; yet, it has highlighted the urgent need to address questions of regional autonomy within the constitutional framework of India. A study of federalism and regional autonomy in the contexts of Catalonia, Quebec, and Jammu and Kashmir highlights that a rigid, centralized approach is unlikely to work in a country as heterogeneous and pluralistic as India.

It is essential to comprehend that regional autonomy does not necessarily contradict national unity but might instead strengthen the federation since it gives regions room to express their unique cultural, linguistic, and political requirements, yet still being part of a broader national framework. Such examples from Spain and Canada show how the recognition of regional diversity through legislation and constitutional structures can ease the prospects for secessionist movements and stability will follow. In the Indian context, the abrogation of Article 370 raises a concern about an increase in central authority that could jeopardize the fundamental principles of federalism that have long held the country together.

India will need to reach a delicate balance between preserving national unity and respecting the autonomy of its different states and regions in the future. As argued in this paper, the repeal has proven difficult for the flexibility of India's federal framework and marks the direction of a growing trend of centralization. Still, in order to maintain its constitutional character and federal structure, India should find strategies, introduce legislative amendments, and adopt administrative adjustments that respect regional autonomy and promote national cohesion.

In conclusion, this study underlines the need to reassess and strengthen India's approach towards federalism in the wake of changing political and constitutional situations. By dealing with issues related to regional autonomy within a unified national structure, India can continue to manage its diverse identity while

protecting the strength and resilience of its constitutional principles.

The conclusion strengthens the major findings of this study and calls for bringing regional autonomy within the structure of the federal framework in India, so that one does not sacrifice national cohesion over regional diversity and vice versa in the future development of India's constitutional structure.

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