



Research Paper

Abolition of Special Status for Jammu and Kashmir: Cross Road in Indian Democracy

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ABSTRACT

Indian government has recently ended special status of Jammu and Kashmir by scrapping all provisions of Article 370 except clause 1 and Article 35(A) of Indian Constitution on 5th August 2019. It has ended the special status of Jammu and Kashmir, which it has got from the day of its integration with Indian Union. There are numerous national and international speculations regarding the consequences of this step. In this article we will discuss the unique history of merger and exceptional circumstances behind the introduction of special status for Jammu and Kashmir. The use, misuse and abuse of special status of Jammu and Kashmir in the socio-political canvass of India shall also be dealt. Challenges and opportunities attached with the scrapping of these provisions have been envisaged in the present article. Finally the future course of this historical turning point is discussed here.

KEYWORDS: Article 370, Article 35(A), Constitution, Integration, Scrape

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I. INTRODUCTION

Kashmir: A valley of Beauty and Blood

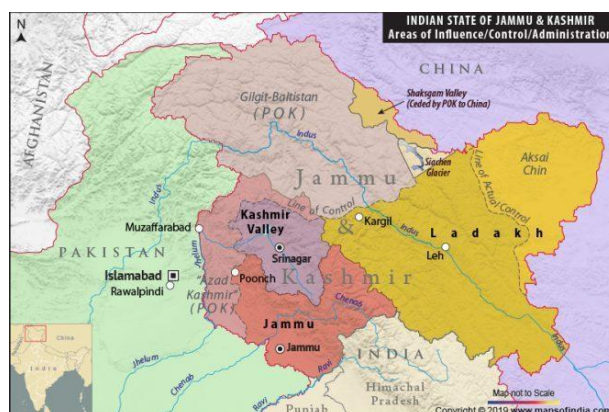
First of all it is important to understand the geography and demography of Jammu and Kashmir. It is one of the largest princely state of British India with 84,471 sq miles area. The princely state consisted up five regions i.e. Hilly areas of Jammu with slight Hindu majority, Northern regions and Valley of Kashmir with sunny Muslim majority, High mountainous region of Laddakh with Buddhist majority and thin tracks of Gilgit and Baltistan with *Shiite* and *Ismaili* muslims. The princely state was integrated in 19th century under the reign of Dogra Rajput. As the State share border with both the dominion India and Pakistan, both were optimist about the merger of Jammu and Kashmir with their own states (Guha 2007).

Jinnah under his vision of Two Nation Theory had thought Pakistan was the natural choice for Jammu and Kashmir because of overwhelming Muslim population. India under Nehru had a different view point. Though the ruler was a Hindu, but the Indian leadership had supported people's choice over integration any princely state with India or Pakistan. That's why to win the heart of people of Jammu and Kashmir was a moral as well as principled stand for India. In this regard Indian National Congress leadership has developed a close proximity with the people of Kashmir under the leadership of Sheikh Abdullah. Sheikh Abdullah had formed an Organization, Jammu and Kashmir Muslim Conference in 1932 (later renamed as National Conference in 1938 to get the support of other sections in Jammu and Kashmir). He launched 'Quite Kashmir movement' against the "mal-administration" of Maharaja of Jammu and Kashmir Hari Singh. The movement was running parallel with Quit India Movement. He got the active support from Gandhi and Nehru. But he was imprisoned in 1946 on the charge of sedition (ibid).

At the time of Independence Maharaja didn't sign instrument of accession with both newly independent dominions i.e. India and Pakistan. Instead he sent his Prime Minister Ramachandra Kak to sign **standstill agreement** with both India and Pakistan. Condition of this agreement was to maintain free border for people and goods of his state and similar relation with both these dominions as previously maintained with British Indian Government. Pakistan signed standstill agreement with Jammu and Kashmir on 15th August 1947 while India insisted for a discussion with the representative or Maharaja himself in Delhi (ibid).

However in the mid of September 1947, Pakistan stopped rail services and lorry traffic carrying goods between Sialkot and Jammu. In counter any uprising Maharaja had replaced Ramachandra Kak with Mehr Chand Mahajan as PM of Jammu and Kashmir. Again Maharaja had to release Sheikh Abdullah, on 29th September 1947 on the insistence of Indian Prime Minister Jawaharlal Nehru. Within Jammu and Kashmir there was a mixed voice raised from the side of people. While Muslims in few areas like Poonch celebrated Pakistan's Independence Day in 14th August 1947. Majority of Muslims and almost all Hindus, Sikhs in Jammu as well as Buddhists of Ladakh wanted merger in India while majority Muslims of people in Kashmir valley relied upon the leadership of Sheikh Abdullah (ibid).

In the mean time on 22 October 1947 Pasthun tribals from North West frontier province attacked Jammu and Kashmir from northern side. It was highly believed that Pakistani Armed forces have trained and supplied arms and ammunitions to the tribal invaders. British Historian Michael Brecher wrote that though the nature of invasion was mostly tribal but the arms, ammunitions and loaded lorries were of advance in nature. He again observed that Prime Minister of North West Frontier Abdul Qayyum had encouraged the incursion of tribals into Kashmir (Brecher cited in Guha: 2007). Col. Akbar Khan aka General Tariq had given the charge of providing supplies to the rebels. Even Pakistan Army soldiers participated in the raid as the disguised tribals (Khan 1992). By 24th October, tribes reached till Baramulla and started plundering the local people i.e. Hindus and Muslims alike. Though Jammu and Kashmir State Forces fought with valour under Brigadier Rajendra Singh but it failed to check the tribes. Maharaja Hari Singh and Sheikh Abdullah both shouted for India's help in this crucial situation. But then Indian Governor General Mountbatten insisted for signing instrument of accession by Maharaja before Indian help. Instrument of accession was signed on 26th October 1947 between Maharaja Hari Singh and Governor General of India Mountbatten (Guha 2007).



[N.B.- Above picture shows the present condition of the Indian state of Jammu and Kashmir. While Kashmir valley, Jammu and Ladakh are under India as per instrument of accession, Azad Kashmir and Gilgilt-Baltistan are under the occupation of Pakistan since 1947. China has occupied Aksai Chin region since 1962 war and purchased Sakshgam valley from Pakistan in 1963.]

Instrument of accession and internationalization of the issue

Under the conditions of Instrument of accession Maharaja Hari Singh has given his consent to the legal merger of Jammu and Kashmir with India. Here Maharaja declares Jammu and Kashmir's accession to Dominion of India would be with intend that Governor General of India, Indian legislature and the federal court will be legally authorised to carry out in relation to the state. Under clause V of this document, explicitly mentioned that the instrument of accession can't be varied by any amendment in Government of India Act 1935 or Indian Independence Act 1947. It again has given power to legislature of Indian Dominion (Now Indian Parliament) to legislate only on the subject of Defence, Communication, and External Affairs in respect to Jammu and Kashmir. Apart from above mentioned central subjects, ancillary subjects i.e. Election comes under the ambit of Indian Parliament (Tripathi 2019).

On 26th October Indian armed forces entered in Kashmir and were able to expulse till northern regions. When winter arrived both side forces maintained a thaw. In the mean time Indian Prime Minister Nehru had taken this case to the United Nations on 1 January 1948 on the advice of Governor General Mountbatten. But United Nations Security Council altered the agenda from Jammu and Kashmir issue to India and Pakistan Issue. It was a symbolic defeat for India as British representative Philip Noel-Baker along with American representatives supported Pakistani Stand Openly. Contemporary historians think this stand was a gesture of compensation of Kashmir to the Muslim world at the cost of Israel, which was created at the territory of Palestine in 1948 (Guha 2007).

But some Post Cold War scholars have pointed out that western support to Pakistan in Kashmir issue was a part of larger conspiracy to check the domino effect of Communism into south Asia and Indian Ocean. This hypothesis had gained strength from the view of British Lt. General Francis Taker. In 1948 he opined that it was necessary to put Islam between Soviet communism and Hindustan (ibid).

Finally UN Security Council has passed RESOLUTION 47 on Jammu and Kashmir. The resolution adopted had two parts. The first part increased the Commission's strength to five members and asked it to proceed to the Indian subcontinent at once to mediate between India and Pakistan. The second part dealt with the Security Council's recommendations for restoring peace and conducting a plebiscite. This involved three steps.

- In the first step, Pakistan was asked to withdraw all tribesmen and Pakistani nationals, putting an end to the fighting in the state.

- In the second step, India was asked to "progressively reduce" its forces to the minimum level required for keeping law and order. It laid down principles that India should follow in administering law and order in consultation with the Commission, using local personnel as far as possible.

- In the third step, India was asked to ensure that all the major political parties were invited to participate in the state government at the ministerial level, essentially forming a coalition cabinet. India should then appoint a Plebiscite Administrator nominated by the United Nations, who would have a range of powers including powers to deal with the two countries and ensure a free and impartial plebiscite. Measures were to be taken to ensure the return of refugees, the release of all political prisoners, and for political freedom.

The resolution also called for measures to be taken for return of refugees, for the release of political prisoners and for political freedom. The resolution was approved by nine votes against none. The Soviet Union and Ukraine abstained.

Rise of Sheikh Abdullah: Patriot turned Rebel

In 1948 Maharaja Hari Singh had remained only a titular head with new title "Sadr i Riyasat" and Sheikh Abdullah had emerged as the most powerful man of the valley. In 1949, Sheikh Abdullah got a big victory as the Maharaja was replaced by his son Karan Singh as Sadr i Riyasat. In same year, Sheikh Abdullah along with Motiram Baigra, Md. Afzal Beg, Md. Sayeed Masoodi participated in Indian Constituent Assembly from Jammu and Kashmir on the invitation of Indian interim government. During this time Sheikh was seen as the bridge between India and Kashmir. In his interview to Madras weekly *Swatantra* he hailed the unification of north and south, mountains and coast and above all Kashmir and India. He even described that extend of India from Kashmir to Cape Comorin in that interview (Guha 2007).

Whether or not Sheikh was a man of India was a matter of debate but definitely he was not a man of Pakistan. Jinnah was considering himself as the sole representative of all sub-continental Muslims including Kashmiris where Congress leadership were ready to accept Sheikh Abdullah as the popular leader of people of Jammu and Kashmir. He had a natural choice in India where he can be the sole leader of Jammu and Kashmir rather than in Pakistan where he would have got a secondary role due to the Muslim rhetoric of Muslim League leadership. He had presented a solid case to defy two nation perspective of Jinnah which says Pakistan for Muslims and India for Hindus. After 1948, Nehru started giving more importance to Sheikh even than the Maharaja Hari Singh who signed the instrument of accession with India. As a Kashmiri Pundit himself Nehru wanted to win the heart of Kashmiri people rather than consent of the Maharaja as the foundation of real integration of Kashmir with India. Here Sheikh was the key player in Indian basket. This gave Sheikh new confidence to become the master of Jammu and Kashmir (Yadav 2014).

Action of Sheikh Abdullah made him highly popular among Muslims of the valley but among rest of Jammu and Kashmir population and in rest of India, his credibility was deteriorating. For instance, his first step after becoming prime minister of Jammu and Kashmir was Land Reform. Under it 40,000 acres surplus lands were distributed to landless. Again shares of owner and tenant had altered to 25:75 from 75:25. Though this was a socialistic venture but as maximum Hindus were land owners and Muslims were landless tenants, the step had been viewed from communal perspective. Slowly these controversies reflected in increasing distrust between Sheikh and Indian Leadership. It has reached in its climax in 1953, when Sheikh was arrested as replaced by Baxi Gulam Mohammad in 1953 as the Prime Minister of Jammu and Kashmir (Guha 2007).

Twin bone of Contention: Article 370 and Article 35(A)

Indian Constitution had come into effect on 26th January 1950. It treated Jammu and Kashmir as a part of India. But it had provided a special provision for the state. In the case of Jammu and Kashmir, the representatives to the Constituent Assembly requested that only those provisions of the Indian Constitution that corresponded to the original Instrument of Accession should be applied to the State. Accordingly, the Article 370 was incorporated into the Indian Constitution, which stipulated that the other articles of the Constitution that gave powers to the Central Government would be applied to Jammu and Kashmir only with the concurrence of

the State's constituent assembly. This was a "**temporary provision**" in that its applicability was intended to last till the formulation and adoption of the State's constitution.

On 1st May 1951 Jammu and Kashmir State Constituent Assembly was formed. It had rectified accession of the state to Indian Union on 6th February 1954. On 26th January 1957 it had adopted State Constitution for Jammu and Kashmir. Under Article 3 of Jammu and Kashmir State Constitution, Jammu and Kashmir is an integral part of India. However, the State's constituent assembly dissolved itself on 25 January 1957 without recommending either abrogation or amendment of the Article 370. This was a controversial provision. As right wing members of Constituent Assembly opposed this provision. Even Drafting Committee Chairman Dr. B.R. Ambedkar refuse to draft this provision as he was against asymmetric federal structure of Indian Constitution. Then Gopal Swamy Ayyanger had to draft this provision. (Anonymous 2018) The detail of Article 370 includes,

1. It exempted the State from the complete applicability of the Constitution of India. The State was allowed to have its own Constitution.
2. Central legislative powers over the State were limited, at the time of framing, to the four subjects of Defense, Foreign Affairs, Finance and Communications.
3. Other constitutional powers of the Central Government could be extended to the State only with the concurrence of the State Government.
4. The 'concurrence' was only provisional. It had to be ratified by the State's Constituent Assembly.
5. The State Government's authority to give 'concurrence' lasted only until the State Constituent Assembly was convened. Once the State Constituent Assembly finalized the scheme of powers and dispersed, no further extension of powers was possible.
6. Article 370 could be abrogated or amended only upon the recommendation of the State's Constituent Assembly.

In 1952, *Delhi Agreement* was signed between Prime Minister of India J.L. Nehru and Prime Minister of Jammu and Kashmir Sheikh Abdullah. It has ensured other subjects except mentioned in instrument of accession was vested in the hand of state. It means unlike other Indian states, in Jammu and Kashmir residuary power will be bestowed upon state. It has also empowered state legislature of Jammu and Kashmir to define its permanent residences and provide special rights to them. Even separate flag also granted to the state which had equal status with union tricolor flag in the state (Anonymous 2019).

To give legitimacy to this agreement **Article 35(A)** has been introduced in Indian Constitution along with The Constitution (Applicable to Jammu and Kashmir) order 1954. (Malhotra, 2019) This article is mentioned in the annexure of the Constitution. It has provisions like,

1. It has empowered State Legislature of Jammu and Kashmir to decide the Permanent Residency. Permanent Resident of Jammu and Kashmir is defined as a person,
 - who was a state subject on or before 14th May 1954 or a residence for 10 years before 1954
 - Residence in the State for 10 years before this date.
 - Lawfully acquire properties in the state before this date.
 - Migrated to Pakistan Border Areas after 1st march 1947, and come back with resident permit of the state.
2. State Government has right to give or withdraw privileges to other Indian Nationals migrated to Jammu and Kashmir.
3. State Government shall also confer on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects—
 - Employment under the State Government;
 - Settlement in the State;
 - Acquisition of immovable property in the State;
 - Right to scholarships and such other forms of aid as the State Government may provide.

Critical Evaluation of these provisions: Boon or Bane

From the very beginning we have mentioned that the provision of article 370 has created a special federal relation of state of Jammu and Kashmir with Union of India. It had ensured special autonomy to the state especially in terms of residuary power. Supporter of this article had given credit for this autonomy to its unique case of merger with Indian union. To them this article had acted as a bridge between Indian union and the state. Due to these provisions People of Jammu and Kashmir despite of being Muslim majority had chosen India over Pakistan. They have supported Article 35(A) because it has provided protection to the residences of the state, as it empowers state legislature to define the citizenship for the state. It has helped to maintain the demographic originality of the state. Overall these provisions were seen as the assurance of Union of India to the state of Jammu and Kashmir for the maintenance of its uniqueness and merger with the union under difficult

circumstance. But this asymmetric federal structure is opposed by various sections of population and leader both within and outside the state of Jammu and Kashmir.

Within Jammu and Kashmir many political outfits like Praja Parishad (established in 1949) in Jammu had demanded complete integration with Indian Union. In Leh region also local Ladakhi Buddhist had opposed to these legal provisions. The main opposition within Jammu and Kashmir to these provisions were due to the fear that they will enable kashmiri Muslims to dominate over other minority in the state. For instance, Sheikh Abdullah's step of providing state citizenship to muslims refugees from Pakistan despite of adverse Intelligence report. These kinds of steps along with communal turn over to socialistic agenda of Agrarian reform had turned the minorities of state against Sheikh and Kashmiri Muslim domination (Guha 2019). Even the manner in which Maharaja Hari Singh was replaced with his son Karan Singh was also taken as a humiliation by Praja Parishad. But Sheikh Abdullah dismissed all these allegations as the rhetoric of regressive elements and didn't give a hearing to these diverse voices. Even within National Conferences Bakshi Gulam Muhammad and others opposed Sheikh Abdullah over the question of autonomy to the state. Even Bakshi had replaced Sheikh as Prime Minister of Jammu and Kashmir in 1953 with the active help of Sadr i Riyasat Karan Singh. The constitution of Jammu and Kashmir has come into force during his time. Though he had able to dilute the greater autonomy dreamed by sheikh but due to public sentiment in valley some autonomy remained in force (Yadav 2014).

Among the members of Constituent Assembly of India, Dr. B.R. Ambedkar has pointed out that it is unfair on the part of Jammu and Kashmir to get complete protection and privileges from India but retain autonomy instead of complete merger (Anonymous 2018). The agitation against Article 370 and special status to Kashmir has been started from the days of Dr. Shayama Prasad Mookerjee the founder of Jana Sangh, predecessor of Bharatiya Janata Party. Jana Sangh has opposed this position and demanded "Ek Vidhaan. Ek Nishan, Ek Pradhan" means one Constitution, one Flag and one Prime Minister in a single country. The reason for the resentment for these groups was, as residence of Jammu and Kashmir has right to settle, reside and get employment in any part of India, residence of rest of India must have similar privileges in Jammu and Kashmir. These parties had always supported a strong centre while trauma of partition has strengthened their voice and able to collect popular support. In this scenario special autonomy to a Muslim majority state was main cause of their pain (Guha 2007).

Among these provisions, Article 35(A) was gender biased and discriminatory against women. When a man from Jammu and Kashmir marries a woman from outside the state, he along with his wife and children get citizenship of the state. But when a woman from the state marries a man outside the state will be deprived of her citizenship right and her husband and children wouldn't get an opportunity to become citizen of the state. In 2002 The High Court of Jammu and Kashmir had permitted the woman of the state marrying an outsider to retain state citizenship but her husband and children will not be considered as a citizen of the state.

Among the refugees of West Pakistan, Hindus and Sikhs were not given citizenship unlike Muslims who migrated to the Pakistan and comeback to the state. This was a communal issue reckoned the whole state along with the rest of India in 1950s. Praja Parishad alleged that this was an ill intentioned step formulated by Sheikh Abdullah to raise support among muslims of the valley. Intelligence Bureau again warned then Prime Minister Nehru regarding immigration of radicalized anti-India elements as Muslim refugees from Pakistan into the state. All these developments and growth of anti India elements in Kashmir had been started in 1950s under the shadow of these laws (Yadav 2014).

These legal provisions were also against reservation for schedule castes and schedule tribes. The protective and developmental steps for the upliftment of SCs and STs are not directly applicable to the state. It needs a Presidential Order each time to make it applicable to the state. Recently Supreme Court has struck down the plea for reservation in promotion for SCs and STs in Jammu and Kashmir under Article 16(4) for the same legal bottle neck.

These provisions again had promoted inhuman practices and basic human right deprivation for Valmiki community (A Schedule Caste group) who had migrated from West Punjab to Jammu and Kashmir. They were entrusted cleaning and manual scavenging activities in the state. For this work they have given *Conditional State Citizenship*. Under it, they can own property only if they and their next generations will be engaged in the same cleaning and scavenging work in the state. Admission in any other work would deprive them from owning property in the state.

Local bodies were also neglected, thanks to these autonomous provisions. 73th and 74th constitutional amendment acts were not applicable to Jammu and Kashmir. As the successive state governments were reluctant to go for devolution of power and used Article 370 as a shield against decentralization of power to local bodies. Unlike other States of India, in Jammu and Kashmir Panchayat Elections were not regular. Recently Panchayat Election was conducted in Jammu and Kashmir after 13 years in 2018. Now under President's rule Governor has amended Panchayati Raj Act 1989, so that Panchayats are empowered to directly implement Central Sector schemes and carry out other developmental works (Masoodi 2018).

Overall these legal provisions were against the Constitutional Fundamental values ensured in,
Article 14 (Right to Equality)
Article 19(1) (e) (Freedom of Settlement in any territory of India)
Article 21 (Right to life and liberty)

Removal of these Articles

Dr. Shyama Prasad Mookerjee, the founder of Jan Sangh viewed this provincial autonomy as a potential for divided loyalty between nation and state. He had taken up the cause of Praja Parishad to his own. In his letter to Prime Minister Nehru, he stressed upon the fact that the patriotic struggle of Praja Parishad for complete integration of Jammu and Kashmir with India must be respected. Instead of providing autonomy to Jammu and Kashmir, which creates hurdle in the path of complete integration Government of India must focus on recovery of Pak Occupied Kashmir. He had taken this agitation to the street of Jammu as well as Delhi. On 11th May 1953 he entered in Kashmir, arrested and died mysteriously (Guha 2007). From that day onwards removal of Article 370 regularly feature in the Election Manifesto of Jana Sangh and its successor Bharatiya Janata Party. Even in 2019 general election this was a big agenda by BJP.

On 5th August 2019 months after coming to power NDA government, headed by BJP has scrapped all provisions of Article 35(A) and Article 370 except clause 1. Article 370 Clause 1(C) specifies that Article 1 and Article 370 of Indian constitution is directly applied to Jammu and Kashmir. While clause 1(D) of the same article states that other provisions of Indian constitution can be applicable to Jammu and Kashmir with Presidential order. In simple terms these changed have effectively ended the autonomy provided to the state of Jammu and Kashmir. Home Minister of India has also presented two Bills i.e. Jammu and Kashmir Reservation Amendment Bill 2019 and Jammu and Kashmir Reorganization Bill 2019. Former bill is aimed to ensure reservation for Economically Weaker Section in government jobs and educational institutions. The latter bill was aimed to bifurcate the State of Jammu and Kashmir into two Union Territories. One is Jammu and Kashmir with legislature and another is Ladakh without legislature.

Various Political Parties even outside NDA have supported this decision. Like Biju Jnata Dal of Odisha , AIDMK of Tamil Nadu, YSR Congress of Andhra Pradesh, Bahujan Samaj Party, Aam Admi Party. National integration was the main point of their convergence. Along with mainstream political parties of Jammu and Kashmir like People's Democratic Party and National Conference other political parties like Congress, NCP, CPI, CPM, DMK of Tamil Nadu, Trinmool Congress of West Bengal opposed these bills. While BJP's allies like JD(U) opposed to the manner in which the bill has been passed.

Opposition mainly focuses on the procedure followed to the pass the bill and termed it as the murder of democracy. It has been seen as a clear violation of federal structure of the constitution. They also alleged that through these steps centre has reached to a new low in squeezing the space provided by the constitution of India to the states. Today it is Jammu and Kashmir, tomorrow may be some other states, but at the end centre is expanding it's jurisdiction in the areas of the state.

Article 370 clearly specifies that any law of Indian Parliament is applicable to Jammu and Kashmir only with the accordance with constituent assembly of the state. After the dissolution of constituent assembly of Jammu and Kashmir in 1957, State Legislative Assembly has taken its place. As now President's Rule is imposed, Governor has assumed the power of legislative assembly. With the recommendation of Governor, Indian Parliament has exercised its power on behalf of State Legislative Assembly of Jammu and Kashmir. This can be termed as a controversial way of amendment and critiques termed it legal loophole. While supporters hailed it as a demonstration of political will and legal innovation to rectify historic mistake, time will prove its legality as it has to stand the scrutiny of Supreme Court.

Possible Impact of the Action: Challenge cum Opportunity

The scraping of Article 370 has both positive and negative impacts depending on the manner in which the process and after mark effect has been dealt by the Government of India. First of all, Article 370 has been attached emotionally with the Kashmiris. Kashmiris viewed it as a matter of honor and identity beyond thinking about its pros and cons from developmental perspective. So the immediate reaction among the people of the valley is a feelings of humiliation and betrayal, while some regions like Jammu and Ladakh have celebrated it along with rest of India. By apprehending any serious repercussion Government of India has deployed 46000 troops including Paramilitary and Army additionally in Kashmir valley by 5th August. It was the step taken to check any immediate turbulence. Section 144 or Curfew is imposed in whole state. Mobile services has been stopped to check any rumor mongering. Though slowly life is coming back to normalcy but still it has created tremendous inconvenience for the common people of the state.

Secondly, the greatest blow is now felt by the mainstream political parties of Jammu and Kashmir due to this step. Political parties like People's Democratic Party (PDP), National Conference etc are acted like a bridge between Kashmiri people and Indian Union. Traditionally during elections they win mandate of people of

the valley and join alliances with National Parties like BJP and Congress who have well presence in Jammu and Ladakh region. They also acted like a counter balance to the Separatist Hurriyat Conference which is fundamentally pro Pakistan group. Due to this step, these parties lost their stand. Their relevance is eroded to a large extent in the politics of the valley.

Thirdly, many policy makers are apprehending that this step can prove to be a misadventure. It may give rise to an unending series of protest in the valley and isolate locals from emotionally connect to the idea of India. Viral messages over internet regarding marrying Kashmir girls, buying plot near Dal lake etc only add fuel to the fire. These developments have potential to create a permanent alienation among Kashmiris for rest of India. Instead of joining mainstream they may get influence under separatists and take up the arms against Indian Union. Pak based terror organization like Lashkar-e-Toiba, local terror outfit like Hizb-ul-Mujhadeen etc are in drive for new recruitment and have great chance of taking advantage of discontent among Kashmiris.

Fourthly, Pakistan angle can't be ignored while dealing with any issue related to Kashmir. From the day the decision has taken to scrap Article 370, Pakistan is trying its best to internationalize the issue. From United Nations Security Council to International Court of Justice, Pakistan has tried in every possible forum to raise the 'K' question. Unilaterally Pakistan has stopped the Train and Bus communication and scrapped trade relation with India. It is again considering to close air space for India. All these are meant to re internationalize the issue, which has turned Bilateral through Shimla Agreement (1971) and Lahore Declaration (1999). But with the support of Pakistan and nurturing by separatist leaders, terrorism and turbulence may back into Kashmir.

However every bold step brings challenges and opportunity together. All the above mentioned apprehensions have its answers. But government needs to act on a composite and collective manner with giving scope for the voices of every section of Jammu and Kashmir. With the process of inclusive development in medium run and long run, the faith of Kashmiris can be win back. But the intention and act must be clear and effective on the ground level.

Political parties are the intermediaries between people and nation. So if the long stand of some political parties are losing ground at the cost of bringing people closer to the nation, then it must be welcomed. With the new status of Union Territory with legislature, Kashmiri parties can create new avenue for future politics. Just like Aam Admi Party in Delhi, they can maintain their relevance. Union Government has also promised to bring back status of Statehood to Jammu and Kashmir once situation comes under control. So it is a temporary setback for them, in long run it will help them to expand their wings at national level.

Again Pakistan question is dealt strongly by Government of India. As major countries of the world including Muslim Countries like UAE has termed it as an internal matter of India. Majority opinion in UNSC was it is a bilateral issue which India and Pakistan can solve together. In last few 70 years Pakistan has also conducted various changes in its illegally occupied area of Kashmir. For example in 1963 it had sold Sakshgam valley to China. Recently in 2018 it has separated Gilgit and Baltistan from Pakistan Occupied Kashmir and directly brought these areas under their federal administered region. Pakistan neither consulted with the local people nor with India before taking this step. Even it unilaterally allowed China-Pakistan Economic Corridor (C-PAC) to pass through PoK without asking for India's approval, as it as a disputed land with India. So it has lost the moral ground to complain against India in its internal matter. By giving the nomenclature of *Azad* to occupied area will not make it *Azad* in any sense.

In the issue of scrapping business with India, it will increase economic burden of Pakistan and India will be affected marginally as trade between India and Pakistan is very small and whatsoever business is there it is in favor of India. By considering the present economic condition of Pakistan, we can assume that it can't afford to take these retaliatory measures in long run.

Benefits of these steps

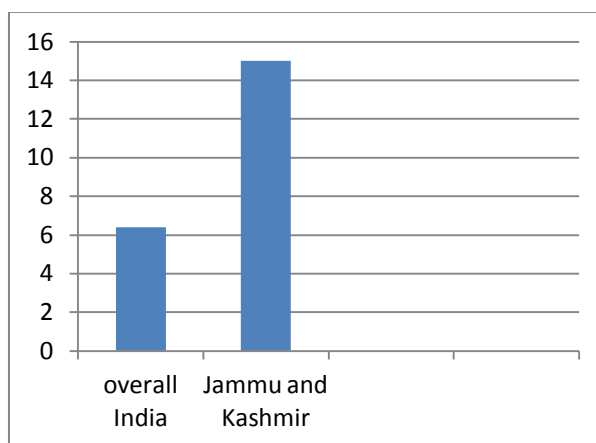
On social level it will ensure equality within Jammu and Kashmir and also between Jammu and Kashmir and rest of India. Islamic scholar and former Union Minister Arif Md. Khan opines that autonomy to a specific state always bring inequality among other states and often act as a hindrance to nation building. Solution lies either in extending these special status to all states or scrapping it and making every state equal in federal structure.

Indicators	India	Jammu and Kashmir
Literacy Rate	74.04%	67.2%
Female Literacy Rate	65.4%	56%
Sex Ratio	943	889
Child Sex Ratio	919	862

All these indicators have shown us that Jammu and Kashmir is bellow national average in these social indicators. So practically we can say that Article 370 has not helped Jammu and Kashmir to improve social indicators. Even within Jammu and Kashmir there are uneven developmental issues between Kashmir valley,

Plains of Jammu and Hills of Ladakh. This step of Government will help to ensure parity within the state. Complete integration of Jammu and Kashmir has huge potential to bridge these gaps.

On the economic front, a few families have control over the economy of Kashmir, educated youth are deprived of employment. Unemployment rate in overall India is 6.4% while in Jammu and Kashmir it is 15% between January 2016 to June 2019. This step will radically change the scenario. As the investment from rest of India will be driven towards Jammu and Kashmir. The biggest hurdle till now was problem of Land Entitlement and employment to non residence of the state in Jammu and Kashmir. Now big private companies can open their factories, offices, service centres in the state. These new ventures will provide stiff competition to local markets, which will ultimately become competitive and benefit to the state economy. As it will pave the way for employment and improve economic condition of the state. Now as a Union Territory, it's development will directly come under centre's prerogative. From granting funds to monitoring the developmental policies centre will play a vital role in the development of Jammu and Kashmir.



[A comparison between Unemployment rate in Overall India and Jammu and Kashmir. Data extracted from Centre for monitoring Indian Economy between January 2016 to July 2019.]

Among all sectors of Economy, Tourism Sector has a special place in Jammu and Kashmir. From Mata Vaishno Devi temple to Dal lake the state is full of Tourist spots. But unfortunately the potential has never met. Tourism contributes only 6.9% to the Gross State Domestic Production (GSDP) to the state. Now as a union territory as unrestricted place, the opportunity for the growth of tourism sector has increased. It will enhance local employment, market local handicraft products, create new avenue in Hospitality Sector and overall help to bring Kashmiris closer to rest of India.

In the matter of Governance Jammu and Kashmir has always performed poorly since the time of Gulam Bakshi Mohammad. Biggest problem is lethargic bureaucracy and rampant corruption. In recent CMS India corruption study (2017) Jammu and Kashmir was the most corrupt state of India. Due to the hurdle of Article 370, the state is outside purview of various constitutional as well as statutory bodies in charge of maintenance of accountability and checking corruption. For instance Comptroller and Auditor General can't audit departments of Jammu and Kashmir State government.

From Security perspective, Jammu and Kashmir has always remained one of the most disturbing state of India. From 1988 to 2019, 41000 people including security personnel have been killed in Jammu and Kashmir. But after turning into a union territory now centre can have greater control over law and order as well as border security. Army, Para-Military and State police can have better coordination now as all will come under centre.

This step can also act as a potential tool to resettle Kashmiri Pundits into the state. From 1989, Kashmiri Pundits have been compelled to leave the valley after the uprising of terrorism and selected killing of Kashmiri Pundits by both local and cross border Islamic terrorists. They have turned into refugees in their own country. Most pathetically, both state government as well as central government failed to protect them. As the current government has earlier proposed the resettlement plan for Kashmiri Pundits, they have much more hope to return to their native place. Perhaps due to this uncertain promise Kashmiri Pundits all over the country have celebrated scrapping of Article 370 and Article 35(A).

II. CONCLUSION

To conclude we can say we have tried 70 years with special provisions like Article 370 and Article 35(A) with Jammu and Kashmir. Most of us will agree that the result is below expectation both in terms of winning the hearts of Kashmiris and bringing development to the state. So let's give a try to the idea of Jammu

and Kashmir without Article 370. The manner in which these steps have been carried out, may be debated. But the intention of the Government shouldn't be prejudged. On the other hand Government, while implementing new road map for Kashmir should take the views of every section of the former state and every stakeholder into consideration. Focus must be given to emotional integration of Kashmiri people with the idea of India. Government again needs to keep its promise that, once the situation is conducive, full statehood will be back in Jammu and Kashmir. Government can think of tested solutions like Settlement restrictions i.e. that of tribal areas of North East under Schedule VI can be extended to Jammu and Kashmir and Ladakh. It will ensure the protection of local identity without hampering the national integration.

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