

Time to Discuss Beyond Article

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ABSTRACT

The article discuss about the recent change in the constitutional status of the J&K by repealing article 370 and 35A is seen by the present Government as upstart towards true development of the J&K populace. The step is in line with long awaited demand of major section of rest of India to treat J&K at par with other states.

Though it is absolutely desirable in a democratic setup to maintain equality, whether this particular step is what is desired by J&K populace and can address their needs and aspirations is what needs to be thoroughly deliberated and assessed.

INTRODUCTION

The special constitutional status accorded to Jammu and Kashmir during and after independence of India was unique in many ways. It had secluded J&K from rest of the mainland India and was not treated at par. Be it citizenship, defining and reorganizing state boundaries, ownership of immovable properties, conduct of business, reservations or application of any other law concerning union list, a filter of state constituent assembly was always applicable. Only Defense, Foreign affairs and communication remained in central control. Over the years, there has been lot of debate on whether it helped the population of J&K or it has actually kept them away from the growth, mainstream India had achieved. The alternative thought that this seclusion has actually helped J&K to preserve the culture, social fabric and ecology of the state too is widely debated.

With the recent constitutional amendment and orders, the state of Jammu and Kashmir has been divided in to two union territories with both of them are to be treated at par with any other State or UT of India. The J&K populace is now at par with any other citizen of India. Interestingly the J&K has now become more integral to India than some other eastern or north eastern states where restrictions in terms of ownership and other rights still apply.

Government of India, while amending the status of J&K, have clearly stated its intention of mainstreaming the J&K populace and provide them the opportunity, for better standard of living, which rest of the country is supposedly have. But whether this objective would really be achieved in near future needs to be deliberated at length. At the same time, even if we agree that the J&K is behind other Indian states in terms of economic indicators, whether the special (assumed as restrictive) provisions were the only reasons for this or not need to be assessed. Or the Geographical significance of the state, social structure and history has some role in this assumed backwardness need to be assessed.

This commentary article, attempts to comment on different aspects which may also be of significance to achieve the objective to provide better opportunities and living to the J&K populace.

THE BACKGROUND

During the integration of princely states in India under one constitution, three states had a unique challenge to address. These states of Hyderabad, Junagarh and Jammu& Kashmir(J&K) were all ruled by Kings who were not representing the major religious community in their state. The Jammu and Kashmir were more unique in the sense that the situation in terms of king and major religious community was exactly opposite than that of other two. At the same time, geographically it was placed at a boundary of newly formed nation which had just came in to being with majority of population being similar to that to Jammu Kashmir.

The newly formed nation wanted integration of J&K with its main land and till date it has strived hard for the same. In the process it has not only created and instigated unrest in J&K but across the Indian state. But as

the then King of J&K agreed for integration with India, it became one of the states of union of India. But in the process and subsequently it ceded some territories to the neighboring nations which are still under their control.

The process of integration was not easy and it was compared with the integration of Junagarh and Hyderabad wherein against the will of King, desire and sentiment of populace and the geographical location was considered of significance.

In such a scenario, certain conditions of integration for J&K were worked upon. Article 370 and 35 A are two such significant conditions then thought of and agreed on. Though it is still unclear whether majority of populace was in favor of this integration or not and whether the agreed terms of integration had their support.

Given this background, as the J&K was made part of the India, as a responsible and representative state, Government of India strived to always achieve economic and social integration of J&K in mainstream India. Though many fractions of the Indian society feel Article 370 and 35A remained bottlenecks in this process and our neighboring state has always taken undue advantage of the special constitutional status of J&K to promote unrest.

THE ONLY BOTTLENECK?

Article 370 and 35A does create some barriers on economic and social activities in J&K. But whether they are the only reasons and if removed can help the J&K populace to progress is the question to be asked. For almost 100 odd years now, J&K is known to us for its beautiful terrain and more so for the unrest. But before that there are not many common references to J&K in terms of major business centers, exploitative resource rich regions, trade centers or manufacturing hubs in comparison to the states in southern, western and eastern India. Being a Himalayan state, J&K has a huge resource potential but there are no major references for having exploited them.

There may be different reasons behind this. A consistent rule in J&K by a dynasty in collaboration of Britishers may have helped it remained secluded. It may also be the case that for British rule, the significance of J&K was always from security point of view and not resource. The difficult and challenging terrain might have been the other reason. Hence, though J&K was known for some special arts, textile forms etc it might not have been considered for potential for major trade activities.

Article 370 and 35A came in to begin for political reasons more than the economic reasons. They were considered to be implemented to protect the interest and most importantly sovereignty of local population than to protect the resources of the region.

But has this sovereignty helped the local populace over the years. The general economic understanding if compared to other states of India suggests it has not. Though we cannot clearly correlate the impact of article 370 and 35 A on economic development but during the same years of their enforcement not much economic progress was achieved.

At the same time, it is also needs to be analyzed in depth with authentic databases, what kind of latent potential or opportunities that were existed that should have been exploited while enforcements of these articles. One of the major hindrances in drawing any correlation between this special status of J&K and economic development has been terrorism, propagated by the neighboring country.

So, enforcement of these articles did protect sovereignty of J&K in comparison to other Indian states but whether their application resulted in betterment of J&K populace or not is not clear and is a matter of debate.

THE IMPACT OF REPEALING

From the Indian state point of view, repealing both articles were a necessary as excessive special treatment to a particular region is against the basic tenet of our constitution in all aspects. Hence from a common Indian populace point of view, who wants to be treated equally everywhere, repealing these articles is obvious necessity.

With repealing these articles J&K has become more integral to India and the union list of constitution is applicable to J&K in entirety. Now, any Indian citizen can freely trade, conduct business activity in J&K and also buy immovable property. All the social welfare schemes of central Government shall be applicable to J&K. The list of changes goes on. Hence, in a way it has opened a new opportunity for Indians living outside J&K. Whether they are going to exploit this opportunity in near future, needs to be seen.

The impact of repealing of articles on J&K populace in primary sense is negative. In a democracy what is cherished the most is sovereignty. J&K state was enjoying that special status and sovereignty within India. Though the question generally asked is whether J&K was governed democratically? With excessive terror push from neighboring country, frequent interventions by center and most importantly non following of democratic process to elect people to govern at different levels may have actually resulted in J&K not enjoying any sovereignty in true sense and thereby not making any decisions for the general wellbeing of its populace. Hence in a way the sovereignty has remained ineffective over the years.

Now in economic sense, this opening up of state to other Indian populace should create opportunities. But whether it will happen in near future or not is a question. Because even after repealing of these articles, the terror threat continues. It may uncertainly may prevail in near future as these articles has not changed the status of defense which previously too was with union Government. Rather the assumed threat for risk averse businessmen of the country shall exist for some time.

Hence, in the near future, apart from the political change, we may not see any major economic or social change in the state of J&K

THE LONG-TERM IMPACTS OF REPEALING

As stated above, in the long term, as the normalcy is established, economic and social impact for Indian populace outside J&K seems to be positive, as they shall find business and social opportunities within India. Many Indian businessmen would like to invest in J&K which is an Indian territory rather than go on exploratory mode outside the country. The outside population would also like to socially integrate with J&K given the rich cultural, social heritage, J&K is considered to have.

But how it would impact the local populace in long term is to be seen and should be the matter of significance. Whether J&K evolves as a state competing with major growth regions of India or it just remains a raw resource supplier to other parts of the country is what is needs to be seen. And if is just remaining a raw resource supplier, it may not benefit much to the local populace, rather it may hurt them economically, socially and more importantly ecologically.

The ecological threat is very high considering significance of Himalaya to India from security, environment and climate point of view. A free business environment there would first be damaging to local livelihoods and lives and eventually the entire nation.

From human resource point of view, the labor of J&K will have to compete with cheap labor from eastern and north eastern states of India. Whether it will be able to compete, or not is needs to be seen. Major relatively developed Indian states are facing this problem of local labor getting out of work and being replaced by outside cheap labor.

Given the potential of hostility and the geographical location of J&K, whether businessmen would invest in J&K and setup industry or just exploit resources there to feed their factories in relatively safer regions remains to be seen. If they do so, it is unlikely that the local population shall benefit from the same.

With enhanced trade activity, prices of movable and immovable assets shall definitely increase in the region. But whether the ownership of such assets has been uniform in the region is not is to be assessed. If it is concentrated in few, it will not help the general population. At the same time, even if the local populace fetches the better asset price, whether it will have prudent opportunities to reinvest and earn from the same shall remain an issue. If not, they may end up like farmers in some of the state who sold their lands at very high rates but eventually perished in absence of better opportunities of reinvesting. Making the population aware and skilled to respond to such scenarios wisely shall also be a bigger challenge.

CONCLUSION

Repealing article 370 and 35 A may have been seen as obvious in the context of democratic setup in India. Though J&K is not the only state which enjoyed special status, there are states which has some special privileges from economic and social aspects. Status to J&K was unique as it was considered sovereign in many aspects and a nation may not desire to create sovereign states with a state. So, in popular democratic push the articles had to go some or the other day.

But will this repealing of articles help J&K populace in short and long term in terms of enhanced livelihood security and better opportunity, is the matter of concern. And it seems only repealing articles shall not help, the unique geographical position, resentment, external terror push will shall resist any major positive impact in short term. At the same central Government will have to treat J&K specially in the long term also to ensure it does not end up like some other states in India which have just remained a raw resource supplier.

With the repealing of article 370 and 35A, a green field is getting opened up, it is our responsibility to keep it greener and help grow and not exploit and convert in to desert.