



THE BIG PICTURE : J&K ALL-PARTY MEETING

CONTEXT:

- In the **government's first outreach to Jammu and Kashmir's political leadership in almost two years**, Prime Minister held a crucial meeting with 14 leaders, including four former chief ministers, to chalk out the future course of action in the union territory.
- This was the first interaction between the Central leadership and the mainstream parties since August 5, 2019, when the Centre revoked Jammu and Kashmir's special status under Article 370 and bifurcated it into two union territories, Jammu and Kashmir, and Ladakh.

HIGHLIGHTS:

- Meeting on Jammu and Kashmir was **conducted in a very cordial environment**.
- Everyone **expressed their commitment to democracy and the constitution**.
- It was **stressed to strengthen the democratic process in Jammu and Kashmir and to ensure all round development of J&K**.
- Government said that the **delimitation exercise and peaceful elections are important milestones in restoring statehood as promised in parliament**
- PM **appealed to all the leaders that there would be peace only when everyone works together**. He stressed that **atmosphere of safety & security needs to be ensured for all in J&K and he wants to remove 'Dilli ki Duri' & 'Dil Ki Duri'**.
- Parties kept **5 demands in the meeting**:
 1. grant statehood soon,
 2. conduct Assembly elections to restore democracy,
 3. rehabilitation of Kashmiri Pandits in J&K,
 4. all political detainees should be released and
 5. on domicile rules.
- Almost 80% of parties spoke on Art 370 but the matter is sub judice in court.
- **Importance of the Meet:**
 - **Signals the restarting of political engagement** between mainstream Kashmiri parties and the Centre.
 - It **demonstrates a desirable flexibility in the Centre's approach** towards resolving the Kashmir issue.
 - All mainstream political leaders were detained, internet and phone connections were snapped and curfew-like restrictions were imposed in the Valley for months.
- **Why now?**
 - The **political environment has changed** since the 2019 move.
 - India is in a **stand-off with China** on the border.
 - The **Biden administration is publicly disapproving of India's Kashmir policy**.
 - **Pakistan is also trying to reclaim its strategic advantage**.
 - Besides, the **mishandling of the COVID-19 pandemic has dented India's global image**.
 - All these make rigidity less rewarding in India's Kashmir policy and call for a flexible approach.



CENTRE'S J&K OUTREACH INITIATIVE OF 2020:

- Government had sanctioned a **development package of Rs. 80,000 crore for Jammu and Kashmir**, which is enabling opening of IIT, IIM and AIIMs and allowing development of highways, power generation and irrigation projects.
- Central Government's **special public outreach programme** to disseminate information about the implementation of its policies and programmes for the overall development of J&K
- Various developmental schemes include, **accelerate the projects being executed under the Prime Minister Development Package; to execute effective implementation of various schemes targeting the individual beneficiaries; to restart the long-pending projects by removing the obstacles; and, to ensure effective administration with transparency.**
- An important objective is to take more than fifty central schemes to all the people of Jammu and Kashmir.
- Effective popularisation and implementation of these schemes **will lead to equal opportunities, educational and economic development, employment creation and industrial development in the new Union Territory.**

TIMELINE OF KASHMIR ISSUE SINCE INDEPENDENCE:

Accession:

- British rule in the Indian subcontinent ended in 1947 with the creation of new dominion states, Pakistan and India.
- 562 Princely states which were under British paramountcy were left to choose their fate in accordance to Independence act of 1947. They had a choice to either join India/ Pakistan or to remain Independent.
- **Jammu and Kashmir, the largest of the princely states**, had a predominantly Muslim population ruled by the Hindu Maharaja Hari Singh. Maharaja Hari Singh was in dilemma as to whom to choose or to remain independent.
- He **decided to stay independent** because he expected that the State's Muslims would be unhappy with accession to India, and the Hindus and Sikhs would become vulnerable if he joined Pakistan.
- **Pakistan desperately wanted the Kashmir to join its dominion** as that would have given Pakistan a significant ground over India. In accordance with its desired policy, Pakistan made various efforts to persuade the Maharaja of Kashmir to join Pakistan.
- Faced with the Maharaja's indecision on accession, the Muslim League agents clandestinely worked in Poonch, J&K to encourage the local Muslims to an armed revolt, exploiting an internal unrest regarding economic grievances.
- **1948: "Tribesmen" from Pakistan invade Kashmir with the support of the Pakistani government. The ruler of Kashmir asks India for help. India demands that Kashmir should accede to India first. The ruler agrees.**
- India sends forces to Kashmir and the invasion is blocked. Kashmir is divided into a Pakistani controlled part and an Indian controlled part. This de facto partition continues to this date with the dividing line being known as the Line of Control.

India takes the issue to UN:

- **1948: India takes the Kashmir issue to the U.N. Security Council**, which passes a resolution calling on Pakistan to do all it can "secure the withdrawal" of Pakistani citizens and "tribesmen" and asking that a plebiscite be held to determine the wishes of the people of Kashmir.
- **Neither the force withdrawal nor the plebiscite has taken place.**



1950 military standoff and Nehru Liaqat Pact of 1950:

- Under the pact **refugees were allowed to return, unmolested to dispose of their property, abducted women and looted property were to be returned, forced conversions were unrecognized, minority rights were confirmed**
- However, the peace was short-lived.
- Later by 1953, Sheikh Abdullah, who was by then in favour of resolving Kashmir by a plebiscite, fell out with the Indian government.
- He was dismissed from the constitution assembly and imprisoned.
- No Plebiscite or anything ever happened. Only the Constituency elections take place in Kashmir. Status quo has been maintained since then.

Delhi Agreement

- In **1951, the state constituent assembly was elected.**
- In **1952, The Delhi Agreement was signed between Prime Ministers of India and Jammu & Kashmir giving special position to the state under Indian Constitutional framework.**

Constitutional developments:

- In **1954, the J&K constituent assembly ratified the accession of the state to the Union of India.**
- The President **subsequently issued the constitution order under Article 370 of the Constitution** extending the Union Constitution to the state with some exceptions and modifications.
- The **state's own constitution came into force on 26th January, 1957** under which elections to the state legislative assembly were held for the first time. This constitution also ratified the state's accession to the Union of India.

Article 370

- In the Indian Constitution, it was included as a **temporary provision that grants special status to J&K.**
- All the **provisions of the Constitution which are applicable to other states are not applicable to J&K except for defence, foreign affairs, finance and communications.**
- Parliament **needs the state government's concurrence for applying all other laws.**
- The **state's residents live under a separate set of laws**, including those related to citizenship and ownership of the property.
- It gives J&K a unique power to have a **separate flag and constitution.**
- Due to special provisions attached to this article, it always remained debatable.

Article 35A

- It came into existence through a Presidential Order in 1954 and it gives the J&K assembly the right to decide the **definition of Permanent residents of the state and prevent the people of the other states from buying real estate in J&K.**
- Under this, citizen of any other state can neither buy property in J&K nor can they become permanent resident of the state.



- The presidential order provided that only the original residents of J&K will have right to scholarships, services, land and settlement.
- It stated that if a girl who is a citizen of J&K marries an outsider then she will lose her right to ownership of property.

1960s-90s:

- **1963: Mass uprisings occur in the Kashmir Valley and protests occur against Articles 356 and 357** of the Indian Constitution, by which the Indian government can exercise legislative powers.
- **1965: Indo-Pakistan War of 1965.** Pakistan backs rebel groups in Kashmir and sends armed Pakistani infiltrators to join them across the ceasefire line.
- **1966: Kashmiri nationalists form another Plebiscite Front** with an armed wing called the Jammu and Kashmir National Liberation Front (NLF) in Azad Kashmir.
- **1971: The Indo-Pakistan War of 1971:** Pakistan descends into civil war after East Pakistan demands autonomy and later independence of what will become Bangladesh.
- **1972: India and Pakistan agree to a ceasefire, and sign the Simla Agreement,** which states that they will respect the Line of Control, the border between the two countries and China.
- **1987-1990: Kashmir Insurgency: protests and anti-India demonstrations in the Kashmir Valley** followed by police retaliation, arrests and curfew orders by the Indian police and army.

What Happened in 2019:

- India issued a Presidential order superseding the 1954 order that made all the provisions of the Indian constitution applicable to Jammu and Kashmir.
- Following the resolutions passed in both houses of the parliament, the President of India issued a further order on 6 August declaring all the clauses of Article 370 except clause 1 to be inoperative.
- **With the scrapping of Article 370, Article 35A also stood removed automatically.**
- The **Jammu and Kashmir Reorganization Act, 2019: reorganizes the J&K state into two Union territories. Ladakh UT and J&K UT.** J&K UT would have a Legislative assembly while Ladakh UT will only have a Lt. Governor. Ladakh UT will have 2 districts, Leh and Kargil. All other districts would be in J&K UT. State had 6 Lok Sabha seats, they shall be divided as 5+1 between J&K and Ladakh UT. High court will be in J&K.

IN BRIEF: UT OF JAMMU & KASHMIR AND LADAKH



JAMMU & KASHMIR AFTER ARTICLE 370 IS REVOKED:

- No dual citizenship
- Central laws can directly apply
- No separate laws for J&K
- Indian citizens from other states can buy land & property
- No two flags
- Elections every five years
- Centre can declare financial emergency under Article 360
- Police will be managed by the Centre

IAS GRAPHICS



| J&K BEFORE AUGUST 5 | J&K AFTER AUGUST 5 |
|---|--|
| State with special status | No special status |
| Dual Citizenship | Single citizenship |
| Separate flag for J&K | Tiranga will be the only flag |
| No reservation for minorities such as Hindus and Sikhs | Minorities eligible for 16% reservation |
| Indians from other states can not buy property like land or house | All Indians can buy or sale property in Jammu & Kashmir |
| RTI not applicable | RTI will be applicable |
| Duration of Legislative Assembly for six years | Assembly will be for 5 years |
| Woman from J&K marries person from outside state, she loses citizenship | Woman will retain citizenship even after marriage like any other part of India |
| Right to Education not applicable for children | Children brought under RTE as per rest of the country |

ANALYSIS OF SITUATION IN KASHMIR POST ABROGATION OF SPECIAL STATUS:

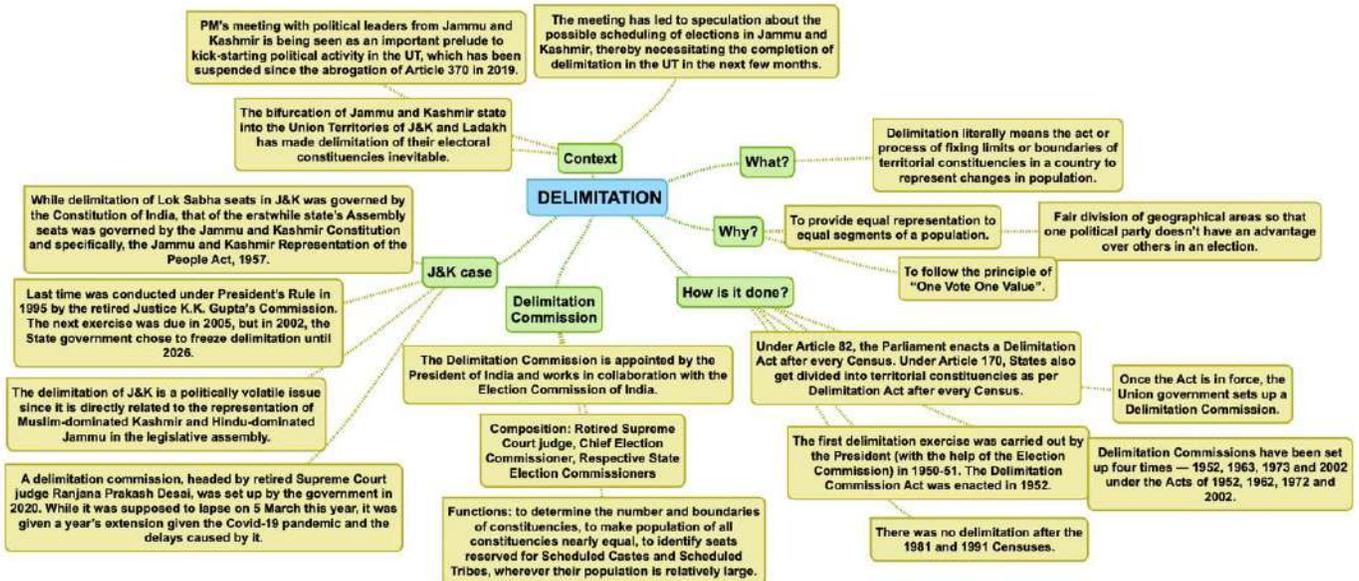
- Since the 5th of August, there has been **no major loss of life** in the protest against the state.
- Life of a common person has not witnessed much change in terms of daily essentials.
- Although people had grievance against the abrogation in the early days, but **now many in regions have reconciled to this abrogation.**
- There **hasn't been any major terror attack** following the abrogation of special status.
- There has been a **change in nature of terror attacks- targeting killing of labour, truck drivers, Apple traders, school staff and some events at mosques to create panic.**
- It has also facilitated **reduction in infiltration attempts.**
- The **recently concluded panchayat elections have been successful.** It can be seen from the voting percentage, which has been around 98%.
- Earlier, **all mainstream political leaders were detained, internet and phone connections were snapped and curfew-like restrictions were imposed in the Valley for months.**

ANALYSIS OF THE MEETING:

- The meeting **gave reason to Kashmir's political class to believe in possibilities.**
- There are also **signals that a new minimal consensus could be forged between the mainstream of political leaders in Jammu and Kashmir and the central leadership** that could lead to an early return of democratic governance and full Statehood.
- The **positives are that the meeting was freewheeling, without rancour and all parties were united in the demand for the restoration of Statehood.**
- All parties and government **stressed to strengthen the peace and democratic process in Jammu and Kashmir and to ensure all round development of J&K.**
- However, **it is too early to conclude whether the all-party meeting will succeed in building the foundations of a 'Naya Jammu and Kashmir'.**
- But **restoration of Statehood to J&K, should be the first step in the revival of the democratic political process and not the culmination of some elaborate negotiation strategy.**



DELIMITATION PROCESS:



WAY FORWARD:

- **Need for a local connect:** real leaders cannot be manufactured, but have to be connected organically to the grassroots and supported by a cadre of dedicated workers.
- **Development:** The state of delivery of public service needs to be improved significantly and promised investment from corporate groups needs to be translated into reality.
- **Polity and Governance:**
 - The Centre must now engage the political parties in good faith and with an open mind.
 - Government **must allow a more constructive debate** where all the stakeholders of region can come, discuss and work towards more prosperity in Jammu and Kashmir
 - Further, the government must also work towards **reducing the security footprint to allow democratic institutions work smoothly**
 - Twenty-first century governance and empowerment **requires a federal solution that is contemporary and built on best practices globally.**
 - The fresh consensus for a 'Naya' Jammu and Kashmir **must capture the best practices of democratic governance globally, especially from a country such as Australia.**
 - The challenge is to arrive at a **compelling blueprint for good governance within a framework of healthy federal relations that will be rooted in a vision for peace, prosperity and real empowerment.**



- **Use the bedrock of the young:** The **bedrock** of such a vision must be the **extraordinarily talented and gifted young people of the State**, who have, despite the troubles, been able to carve out a niche for themselves across the world.
- **Accept the reality:** there **needs to be an understanding that there is no magic wand to bring the things to normal state, rather it will take time.**
- **Change the discourse of valley:** The **people need to be shown the true agenda of propagandists** and the value, which India creates in their lives. More **aggressive attempts must be made towards de-radicalization of youth in the valley**, especially targeted towards the OGWs.

<https://youtu.be/P-ScCMBYoFw>

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