

A Comparative Study on Socio-Economic Scenario of Jammu and Kashmir before and after Abrogation of Article 370

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Abstract— Article 370 gave a special status to the Jammu and Kashmir region that has been a matter of dispute between the three south Asian powers India, Pakistan and China since 1947. This article 370 was drafted in part XXI of the Indian constitution as temporary, transitional and special provision but its inception was opposed by the father of the Indian constitution B. R. Ambedkar as it confers the Jammu and Kashmir state certain amount of autonomy- its own constitution, a separate flag and freedom to make laws. As a result Jammu and Kashmir was permitted to make its own rules concerning to fundamental rights, permanent residents and ownership of property. Under the Presidential order the Jammu and Kashmir Reorganization Bill, 2019 was presented in the Parliament by the home minister Amit Shah. Through this initiative, Government has attained three main objectives: firstly, Government has removed the privileged conduct given to Jammu and Kashmir and applied the complete constitution to J&K; secondly it has divided J&K into two Union Territories – J&K with a legislature and Ladakh without a legislature; thirdly, it has made the state legislative assembly the capable power to make the endorsement to the President to proclaim Article 370 defective. New Delhi has defended its move by saying that Article 370 was the source of sabotage in the state of J&K, had crumbled the state, hindered its development, prevented proper health care, education and obstructed industries; and it was, therefore, obligatory to incorporate the region with the rest of India and develop it.

The objective of this paper is to find out the socio economic condition of the people of Jammu and Kashmir before abrogation and special changes occurred thereafter.

Index Terms: Dispute, Temporary, autonomy, citizenship, ownership, bifurcation, legislature, sabotage, incorporation.

INTRODUCTION

Jammu and Kashmir has the peculiarity of being the only state in the Indian Union that negotiated its terms of accession. The consequence of the negotiations, spread over months, between the Central and State leaderships was the special status given to the State within the Indian Union, providing greater sovereignty and endorsed through Article 370 of the constitution. However, from October 1949 when the Constituent Assembly of India introduced Article 306A, which from 17 November 1952 became effective as Article 370, J&K state was guaranteed autonomy within the Indian Constitution. Right away it became a bone of clash between two absolutely opposing groups, within the State and at the Centre. One school of thought, commonly known as the Integrationists, strongly opposed conceding any distinctive position to J&K and demanded full amalgamation of the State in the Indian Union. Its slogan from the foundation was 'Ek Pradhan, Ek Vidhan, Ek Nishan' (One PM, One Constitution, One Flag). Scholars who supported this school claimed that the militancy and secessionist movement in J&K was the result of the unnecessary freedom meted out under Article 370.

In opposition, there is a very strong demand, essentially expressed by the J&K National Conference but supported by many groups and scholars both within and outside the State, for maintaining the special status. This school favours

the renovation of the autonomy that it maintains has been harshly eroded since the Delhi Agreement of 1952. Its exponents strongly challenge the argument of their opponents that autonomy was in any way accountable for the rise of the separatist movement in J&K. On the contrary, they claimed it was the break of reliance and the constant destruction of autonomy on the part of India which caused in making that sense of isolation among the people of the State. This school intensely supports the renovation of autonomy as the only feasible key to the provoked Kashmir problem.

Socio-economic scenario of J&K before and after article 370's abrogation:

1. Investment, Development and Employment of J&K under article 370
 - The incorporation of Articles 370 and 35a placed limitations on transfer of land.
 - As a result private investment in developmental works was ruthlessly constrained.
 - No large industries developed in the state.
 - No major investment in Education, Health or Tourism.
 - Employment opportunities especially for youth remained restricted.

How will this change now after abrogation of article 370

- Elimination of restrictions will boost industry (with a financial outlay of Rs 28,400 crore up to the year 2037) and private investment.
 - This will boost growth and employment leading to prosperity for all.
 - Industrialization of the state will increase job opportunities for local youth.
 - Local horticulture and food processing will get a big boost.
 - Handicraft industry which was earlier restricted to select destinations will now be able to directly export and cooperate both nationally and internationally.
2. Backwardness of tourism of J&K under article 370
 - The tourism potential of the entire region is immense.

- But the special provisions and consequent restrictions prevented investment.
- No main national and global players in the region in tourism sector.

How will this change now after article 370

- Investment in tourist infrastructure such as hotels and other facilities will increase tourist arrivals (as the valley saw more than 3, 40, 000 tourist arrivals in the month of January, February and March).
 - More job and earning opportunities.
 - Film shootings, adventures and religious tourism to grow.
 - PPP models will deliver chances for local entrepreneurs.
 - Rural tourism will grow.
3. Education and Health Backwardness of J&K under article 370
 - Higher education all through the country has seen prosperity but not in J&K.
 - No single private university presently in J&K.
 - 20,000 students from J&K have to go to other parts of India to study.
 - Similarly there are no large hospitals in J&K in the private sector.
 - Patients are forced to travel to Chandigarh, Delhi or Mumbai for specialised treatment.

How will this change after article 370's abrogation

- The sector will flourish through PPP model -no compulsion for students to go outside for education.
 - Large private investment in health and education is expected.
 - World class health care providers to open their licences and health centres to bring top quality health care right at the door steps of the people.
 - This will lead to employment opportunities and growth.
 - J&K can become a medical tourism centre for the Middle East and East Asia.
4. Backwardness of youth of J&K under article 370
 - While the children of the elite and the advantaged study abroad, the children of the

poor in J&K have been denied even a decent education facility.

How will this change now? New dawn for the youth of J&K

- Equal Opportunity for all to be ensured.
 - There will be significant upgrade in education facilities of all, particularly the children of the poor.
 - The emphasis of the government will be education, industrialization and boost to tourism.
5. Deteriorated condition of Women's rights & Children of J&K under article 370
- Women wedding outside the state had no rights on land.
 - Act for Safety of Women from Domestic Violence was not applicable.
 - Right to Education which makes education a Fundamental Right for Children in the age group of 8-14 years was not applicable.
 - Prohibition of Child Marriage Act, Juvenile Justice Act etc. were also not applicable.

How will this change now?

- Property and all other rights of women marrying outside the State will now be fully protected.
 - All women will now hold full and legal rights on land and all other rights.
 - All Central Acts and Laws defending the rights of women and children to be made fully applicable to the State.
 - Right to Education shall be stretched to J&K to guarantee universal education coverage.
 - The Commission for Protection of Child Rights Act, 2005 will now be applicable here and will ensure sufficient protection of women and children rights.
6. Benefits for Scheduled Tribes of J&K under article 370
- In spite of having nearly 12% population, the socioeconomically disadvantaged tribal community (ST) had no political reservation (Gujjars, Bakerwals and others).
 - Tribal/ST Communities residing in forests since generations had no rights or protection.

How will this change now after scrapping of article 370

- STs will now get political representation through reservation in Regional Parliament seats like in the rest of the country.
 - The Scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has now been made applicable.
 - Rights of Tribal/ST Communities living in forests will now be protected.
7. Backwardness in providing benefits to Scheduled Castes and Other Backward Castes of J&K
- The most underprivileged castes (SC) workers were not getting full assistances of reservation especially in promotion like their colleagues in the rest of the country.
 - Sanitation workers in the state were being deprived of citizenship rights.
 - As a consequence they could not get other works compelling them to remain sanitation workers.

How will this change now after abrogation of article 370

- All sanitation workers will now get complete citizenship and other rights and benefits.
 - Manual foraging will stop.
 - National Commission for Sanitation Workers Act, 1993 will now apply.
 - This will expand working conditions of sanitation workers and provide for redressal of grievances.
 - Other Backward Castes in J&K to get full benefits of reservation in employment and education- now like in the rest of the country.
8. Low land rates and restriction to land owners of J&K under article 370
- Land rates all over the country have increased many folds while rates in J&K have not increased as much.
 - Several restrictions on transfer of land existed.

How will this change now? New benefits to land owners

- Any landowner who wishes to sell his land would benefit from increased prices.

- Anyone who does not want to sell his lands will have the full liberty not to part with his land.
 - There will be no change in ownership due to removal of Article 370.
9. Denial of Justice to West Pakistan Refugees (WPRs) of J&K
- Over 20,000 West Pakistan Refugees (WPRs) were previously strangers in their own country.
 - They were deprived of all democratic rights.

How will this change now? West Pakistan refugees will now get justice

- West Pakistan Refugees will now enjoy all democratic rights as residents of the country.
- They will be given citizenship and property rights.

10. Local Self Governing Institutions of J&K under article 370

- The launching of Local Self Governing Institutions was so far irregular and at the urges of the State Government
- For long periods, no elections to Local Self Governing Institutions were held.

How will this change now?

- Now the 73rd & 74th Constitutional Amendment has become applicable.
- Constitutional status has been given to local self-governments in Rural & Urban areas.
- All provisions relating to Panchayats and local self-governments to be fully applicable.
- Panchayats will now get direct funding- people will choose their own developmental priorities.
- This will lead to consolidation of grass roots democracy.

11. Transparency and Accountability in J&K under article 370

- Lack of strong laws led to corruption and poor accountability.
- As a result much of the funding has failed to reach the poor.
- So despite of huge spending, little impact was seen on the ground.

How will this change now?

- Now all anti-corruption central Laws including Whistle Blower Act will be applicable.
- Oversight by all central agencies and watchdogs will ensure reduced corruption.
- Transparency and accountability to increase.
- Funds earmarked for the people will actually reach the beneficiaries.
- Corruption will be controlled.

12. Laws & Amendments in J&K under article 370

- Earlier, the applicability of Central Laws to Jammu and Kashmir (J&K) was limited.
- No Central Act could be made applicable to J&K except through special procedure.
- As a result, many laws could not be applied to J&K thereby depriving the local residents of the benefits of these legislations.

How will this change now?

- 106 people friendly laws and 9 constitutional amendments of the Indian Constitution now to be made applicable.
- So many progressive laws such as Right to Education, Maintenance & Welfare of Parents & Senior Citizens Act, 2001, National Commission for Minority Act and acts for benefit of Women, Disabled children will now be applicable.
- The application of these laws will help the most susceptible sections of the population.

13. Celebrating Unity in Diversity after article 370's abrogation

- There is absolutely no threat to the culture, traditions and religion of Kashmir or any other region.
- People belonging to all faiths reside in J&K.
- Jammu and Kashmir shall continue to be together even after reorganisation and hence no communal angle or attempt to override any cultural or religious group.
- Economic growth, development and generation of more employment to benefit all sections and groups in society
- We are certain to see that the complications which have been thwarting Kashmir from realising its true potential will go away and a new world of opportunities and possibilities will open for the people of J&K.

CONCLUSION

From the above mentioned facts and observation it can be concluded that Kashmir is going on the path of progress and development post article 370's abrogation as far as various central schemes and projects are concerned. However many schemes and projects have been announced and some have been launched and others are yet to be launched, will definitely boost Kashmir valley's horticulture, tourism and other sector of the economy of Jammu and Kashmir. The article 370's abrogation will create new opportunities for the people inside and outside the valley and will subsidise in the economic advancement, growth and development of the region. The new Jammu and Kashmir Reorganization Act and the provisions are in harmony with the provisions of the other Union Territories. It can be seen as a step towards dipping the terrorism and militants in the valley as the region will now be directly controlled by the central government through Lieutenant-Governor and all the central laws will be applicable in the state. A government cannot claim to provide good ascendancy unless it is democratic. Only a representatively elected government can be made accountable, transparent, participatory and responsive. To create an active system of governance, the government must ensure that the voices of the most susceptible and underprivileged societies of the country are heard, especially during decision-making processes. Unfortunately this is not happening at all.

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