

Jammu and Kashmir after Abrogation of Article 370

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Abstract

The architects of the Indian Constitution were eager to make the country sovereign, stable, peaceful, and to protect the human rights of people. Constitutional laws contributed a very pivotal role to take the country's judicial system on right track. The controversial Article 370 provided the Jammu and Kashmir (J&K) state vast powers as an autonomous body which created complex problems including the threat to unity of the country. Therefore, the central government bifurcated the state into two successors 'Union Territories', with additional limited aboriginal administrative powers under the central government. Article 370 was a 'Temporary Provision' and, thus, the move of the government was essential to abrogate, modify and to eliminate it. This article looks into all the development aspects from different sectors in J&K after abrogation of Article 370.

Introduction

Jammu and Kashmir (J&K) has its own distinct and peculiar cultural ethos. It has a predominant place as it shares the international boundary with both, Pakistan and China. It is enriched with the boundless beauty of snow-clad mountains, large natural lakes, forests, rivers and springs. It comprised of three main natural regions, namely, Jammu, Kashmir and Ladakh. However, for administrative purposes, the state was divided into two main divisions, Kashmir with eight districts (including two districts of Ladakh region) and Jammu with six districts.

In 2019, the Government of India invalidated the separate status, or autonomy, granted under Article 370 of the Indian

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Constitution to J&K. Besides the abrogation of Article 370, the government also created two new Union Territories by bifurcation of the state of J&K in — Jammu and Kashmir (with Legislature) and Ladakh (without Legislature). With Article 370's abolition, Article 35A was also made null and void. Article 370 had been an enabling legislation allowing the existence of Article 35A and bolstering its effectiveness. For years, Article 370 and Article 35A held back the erstwhile state from achieving its true potential.

The trends of development activities in J&K have not been encouraging. It has lagged behind most of the other Indian states in regard to the growth of Net State Domestic Product (NSDP) at current prices. The average annual growth of NSDP at current prices during 1980-81 to 1999-2000 was 12.45 per cent for J&K against 15.01 per cent, 14.28 per cent, 14.3 per cent and 13.83 per cent for Andhra Pradesh, Gujarat, Kerala and West Bengal respectively. In the case of the growth of Per Capita Net State Domestic Product at current prices also, the state of Jammu and Kashmir was lagging behind most Indian States. The average annual growth of Per Capita Net State Domestic Product at current prices during 1980-2000 was estimated as 9.63 per cent for Jammu and Kashmir against 12.9 per cent, 12.86 per cent, 11.63 per cent and 11.63 per cent for Andhra Pradesh, Kerala, West Bengal and Gujarat respectively.¹ However, things began to improve following the annulment of Article 370 and the formation of two new union territories. On the third anniversary of the seminal move that paved the way for greater integration of J&K with the Indian Union, here's a look at the radical changes the decision brought in its wake.

Impediments to Growth

The slow growth of the state of J&K can be attributed to various factors. The climate of terrorism in Kashmir during the past decades has been a major factor. Low productivity in agriculture and allied sectors has impeded employment and income generation. Poor industrial infrastructure, along with meagre investment, has left the industrial sector in its infant stage. There has not been any suitable strategy for the potential sectors to achieve higher economic growth. Lack of good governance and good fiscal management has also been responsible for the poor economic growth of the state. Kashmir had been away from mainstream for decades as it was treated differently from other states of India. As

per the provisions of Article 370, the Parliament had the right to enact laws with regard to defence, external affairs, and communication for J&K; but to make laws related to any other subject, the centre had to seek the consent of the state. The Parliament of India could enact laws only on limited subjects in connection with J&K.

Due to Article 370, most of the sections of the Constitution of India did not apply to the state of J&K. The people of other states could not purchase land in J&K. Similarly, the provision of financial emergency as enshrined in Article 360 of the Constitution of India did not apply to J&K. The Central RTI Act also did not apply to Kashmir. The tenure of the Legislative Assembly of J&K was 6 years, whereas the tenure of Legislative Assemblies of other states is 5 years.

Change after the Effective Removal of Article 370 and 35A

Removal of Article 370 and 35A was approved by the Parliament on 05 August 2019. Soon after the issuance of the notification, J&K and Ladakh were reorganised into two separate UTs from 31st October 2019. With this, 170 laws of central government, which were not applicable earlier, have been applied in this region. Now the local residents and the residents of other states enjoy the same rights. Out of the 334 State Laws, 164 laws have been repealed and 167 laws have been adapted, according to the Indian Constitution. For the people living in areas adjoining the international border, a provision of 3 percent reservation in jobs and educational institutions has been affected.

Benefits of Schemes Reaching the Beneficiaries Directly

The following benefits became available to the deprived:

- 4.4 lakh beneficiaries have been verified in J&K under Ayushman Bharat Pradhan Mantri Jan Arogya Scheme. Under this scheme, 1.77 lakh treatments have been authorised in the hospitals of J&K, for which, an amount of Rs. 146 crores have been authorised.²
- J&K is now at the forefront in availing benefits under the PM Kisan Scheme in terms of beneficiary percentage as a ratio of total population. Under this scheme, 12.03 lakh beneficiaries have been included so far.

- Under PM *Awas Yojana* (rural), 1.34 lakh homes have been sanctioned.
- The people of Valmiki community have the right to cast their vote for the first time, now.
- Domicile law has been applied. According to the new definition of domicile, the persons residing in J&K for 15 or more years will be treated as domiciles.
- Displaced refugees from western Pakistan too, have human and civil rights now. The way has been paved for the resettlement of Kashmiri Pandits ousted from the Kashmir Valley in 1990.
- The protection of rights of the women marrying outside J&K, as well as their children, has been ensured.
- For the cultivation of apple, a market intervention scheme has been implemented. Direct Benefit Transfer (DBT) payments and transportation by central procurement agency under the scheme have stabilised the prices of apple.
- Bringing the valley into the mainstream through Employment & Skill Development.

Biggest Recruitment Campaign. The details are:

- 10,000 vacancies have been identified in the first phase of the biggest ever recruitment campaign, out of which, 8575 vacancies have been advertised by the Services Selection Board. As a part of the second phase of recruitment campaign, 12379 posts have been identified. The Government of the Union Territory of Jammu and Kashmir is in the process of referring these vacancies to the recruitment agencies. Prime Minister Modi mentioned the Himayat Scheme in the program 'Mann Ki Baat'.
- Approval has been accorded for training of 90,792 candidates under the Himayat Scheme.³

Social Sector. The details are:

- Back-to-village scheme has been implemented. Gazetted officers have to stay in the Panchayat and Blocks assigned to them, for two days and one night, to understand the problems of people.
- Saffron is traditionally associated with the famous Kashmiri delicacies and its medicinal values are a part of the rich cultural heritage of Kashmir. Kashmiri Kesar has received G.I tag. Now Kashmiri Saffron is reaching even the north-eastern states.
- Ukhu village of Pulwama is all set to receive the tag of 'Pencil Wala Gaon'. 90% of the country's pencil slate is manufactured here and reaches different parts of the country.
- Out of 50 newly sanctioned colleges, 48 colleges have been made operational with around 6,700 students.
- 7 new medical colleges were operated/approved. Also, 5 new nursing colleges were approved.
- Indian winter games were organised at Gulmarg for the first time.

Freedom from Terror onto the Path of Development

After the removal of Article 370, the support base of separatists is diminishing. The security provided to the Hurriyat leaders at government expense has been withdrawn. 82 bank accounts of separatist were frozen.⁴

The government's primary rationale behind the revocation of special status was to 'eliminate the threat of terror'. Data provided by the home ministry shows that terror-related incidents have reduced drastically since the revocation of Article 370. In a written reply in Rajya Sabha, the Home Ministry recently said that compared to 2019, number of terrorist incidents have reduced during 2020 by 59% as compared to 2019 and 32% up to June 2021 in comparison with corresponding period up to June 2020. The incidents of terror have significantly declined and there is a new-found atmosphere of peace and security in the valley.

Yearly Fatalities

Year	Incidents of Killing	Civilians	Security Forces	Terrorists	Not Specified
2000	1,385	641	441	1,708	9
2001	2,084	1,024	628	2,345	14
2002	1,642	837	447	1,758	56
2003	1,427	563	319	1,504	121
2004	1,061	437	318	961	72
2005	1,004	454	220	987	56
2006	694	256	172	607	90
2007	427	127	119	498	0
2008	261	71	85	382	0
2009	208	53	73	247	0
2010	189	34	69	258	0
2011	119	33	31	117	0
2012	70	19	18	84	0
2013	84	19	53	100	0
2014	91	28	47	114	0
2015	86	19	41	115	0
2016	112	14	88	165	0
2017	163	54	83	220	0
2018	206	86	95	271	0
2019	135	42	78	163	0
2020	140	33	56	232	0
2021	153	36	45	193	0
2022	54	11	13	67	0

***Data since 06 March 2000 till 04 April 2022**

Source: Compiled from news reports and are provisional⁵

Industrial Development for Atma Nirbhar J&K

With the motto of *Antyodaya and 'Sabka Sath, Sabka Vikas Aur Sabka Vishwas'*, central government has accelerated the pace of development in J&K, which had been neglected for decades. It is for the first time that under an industrial promotion scheme of Government of India, industrial development will be taken to the block level in J&K. Under the new central scheme, incentives worth Rs 28,400 crores over the next 15 years will open new doors of development in the state. Specifics are:

- Approval of the new central sector scheme of Rs 28,400 crores for J&K - Until now, Rs 1,123.84 crores have been provided under various schemes of the package.
- Central government has opened new avenues for development of J&K. This initiative will provide a major boost to domestic manufacturing of different types of products and services. It will help reduce dependence on imports and will simultaneously increase export capacity. The new scheme has been made attractive for both large and small units of MSME's.
- For the industrial development of J&K under the new central scheme, Rs 28,400 crore will be spent up till 2037. Under this scheme, industries will be promoted and a new chapter of industrialisation will be ushered.
- The scheme is designed for bringing about a massive change in the current industrial eco-system of J&K by focusing especially on employment generation, skill development and sustainable development.
- Apart from employment generation in the primary sector, another 4.5 lakh direct and indirect employment is expected to result from the scheme in agriculture, horticulture, sericulture, fisheries, animal husbandry and dairy industry.
- On the investment made in manufacturing and services sector, a capital investment of Rs 5 crores and 7.5 crores in Zone A and Zone B respectively, will be provided under the scheme.
- For investment in manufacturing and services sector, a capital interest subvention at the annual rate of 6 percent for

a maximum of 7 years, on the loan amount of up to Rs 500 crores, will be provided.

- A 300 percent GST linked incentive, on the eligible value of original investment will be provided for 10 years, on investment in manufacturing and services sector.
- All the existing units will be provided an interest incentive on working capital of up to Rs 1 crore, for a maximum of 5 years at an annual rate of 5 percent. New investment would also be similarly encouraged.
- This is expected to make J&K a preferred destination for investment and conducive for industrial growth.
- It aims to make J&K capable of competing at the national level.

Development of Tourism, Arts and Crafts Sectors. The following initiatives have been taken:

- The new Wool Processing, Handicrafts and Handloom Policy, 2020 has been adopted for promotion and development of Handicrafts and Handloom sector.
- The Government of J&K has approved a new Financial Support Scheme for each Cooperative/Self Help Group in the Handicrafts and Handloom Sector.
- The J&K Government has approved a new Credit Card Scheme for providing a loan to Artisans/Weavers with interest subvention of 7 percent for five years.
- MoU has been signed under 'Samarth Programme' to promote online sale of genuine Handloom and Handicrafts products directly by Artisans/Weavers.
- Under the Central Sector Scheme 'PRASAD', construction of tourist interpretation centre at Dargah Hazratbal has been completed.⁶

Panchayati Raj

The promulgation of Village Panchayat Regulation Act No.1 in 1935 marked the commencement of the unique history of Panchayati Raj in the state. Subsequently, the Act of 1935 was

amended in 1941 to cover a wide range of subjects and to delegate more powers to the Panchayats. Before the Panchayati Raj system could be introduced in the whole country, J&K took a lead by passing the J&K village Panchayat Act of 1958, repealing its earlier Acts. Although the act was passed primarily to make better provisions for the administration of village Panchayats, the manner of its implementation made it open to manipulation by various vested interests. In order to improve the system further, the J&K Panchayati Raj Act 1989 was passed in March 1989. The information collected through informal sources reveals that Panchayats were not at all in a comfortable state of affairs on various counts till 2019. Large numbers of seats were vacant as the number of village headmen became targets of militants and lost their lives. Due to shortage of funds, Panchayats were non-functional and development schemes continue to be implemented by departmental functionaries. Moreover, the delegation of power to Panchayats has not taken place, keeping them in a dysfunctional state.⁷

In the recent budget, the allocation of Rs. 1313 crores to Panchayati Raj institutions and urban local bodies were aimed at strengthening the grass-root democratic setup in the UT. "Rs. 200 crores have been earmarked as Development Fund for 20 District Development Councils (Rs 10 crore for each DDC) and Rs. 71.25 crores for Block Development Councils (Rs. 25 lakh each). Besides, Rs. 357 crores have been kept for Solid Waste Management with the two Municipal Corporations and other ULBs".⁸

Budget 2022-23

The budget 2022-23 is primarily a 'growth-oriented' budget and is in line with the endeavours of the UT government to double its economy in the next few years. The budget envisages inclusive, all-round development in J&K and has also provided resources to realise the vision of developed and prosperous J&K. 2022-2023 budget (Rs 1.12 lakh crores) for J&K caters to the following:

- Good governance, agriculture and horticulture, power sector, rural development, strengthening grass-root democracy, facilitating investment and industrial growth, infrastructure development, improving connectivity, broadening social Inclusion, *Har Ghar Nal Se Jal*, education, youth, tourism and health and medical education sectors have remained the focus areas of the budget 2022-23.⁹

- This year, Rs 2,835 crores has been allocated to the agriculture sector and Rs 646 crore to horticulture. The budget aims at doubling the farmers' income in a planned manner. The strategy is to focus on cultivation of high yielding/high density crops, use of modern technology and a host of other measures. Nine lakh farmers are being benefitted by distribution of High Yield Varieties or hybrid seeds. Provision for coverage of 400 hectares under high density apple plantation and 1000 hectares under sub-tropical fruit plants has also been made in the budget.¹⁰
- The allocation of Rs 5,443 crores for the rural sector will give a major fillip to our endeavours of rural development and economy. Under MGNREGA, 426 lakh person days to be generated and more than 14,000 youth will be trained under the Rural Skill Development Programme. Target has been set for constructing 54,000 houses under Pradhan Mantri Awas Yojana during 2022-23. Dedicated focus is being given to connect all Gram Panchayats with the Internet. Under Gram Swaraj Abhiyan, 1500 elected public representatives of Panchayati Raj Institutions will be sent for exposure visits outside Jammu and Kashmir.¹¹
- 500 kindergartens will be established in government schools; 518 Smart Classrooms and 200 Vocational Laboratories are targeted to be established. The aim is to complete 37 Girls Hostel Buildings and 12 KGBV buildings, constructing 7 college buildings, setting up Centres for Invention, Innovation, Incubation and Training (CIIT) in Jammu and Srinagar, giving computer tablets to 8000 meritorious tribal students, besides providing skill training to around 20,000 undergraduate students. A target has also been set up to accomplish 100 percent coverage of pre-matric and post-matric scholarship to tribal students.
- The tourism sector contributed significantly to J&K's economy. Rs. 508 crores tourism budget will enable the sector to grow, thus benefiting the local population. 75 offbeat destinations are being identified and developed, and unexplored areas are also being developed under public-private partnership.

- Keeping in mind the welfare of the tribal community, provision had been made to establish 14 new milk villages, besides constructing 7 transit accommodations for the community. Moreover, 29 Cluster Model Villages were being established which are at different stages of implementation.¹²
- Development of border villages is another important sector that received a dedicated focus in the budget. With allocation of Rs 600 crore for border villages, and Rs 50 crores under the *Samridh Seema Yojana*, special efforts will be made for the development of villages along the borders.
- Under Smart City Mission, 80 projects would be completed and Rs 200 crores had been earmarked for this. “100 electric buses each will ply on the roads of Jammu and Srinagar. 9 major sewerage schemes at an estimated cost of Rs 1131 crores are to be executed and Rs 373 crores will be spent for the revival of Dal and Nagin Lake. Moreover, the balance portion of work on Tawi Barrage costing Rs 73.34 crores is expected to be completed during 2022-23”.¹³
- While maintaining operational focus on the crackdown on terror-machinery, outreach and education reform, efforts are also needed on revival of healthy, democratic, secular, and constructive political processes. It is absolutely essential to provide efficient and corruption-free governance, create employment opportunities for the youth, and unleash measures that give a growth-spurt in the tourism sector. The idea is that people should be made to feel the immediate benefits of the abrogation of Article 370 and full integration with India.

Conclusion

Based on the statistical data, it can be concluded that the security situation in J&K is well within control and has improved. However, it is too soon to assert if absolute peace has been achieved in the UT. In a state that has borne the brunt of insurgency, terrorism and political instability for so long, undoing the wrongs will certainly be a protracted process. Much has been recommended on the road ahead in J&K and development prospects, but the primary focus must be on the empowerment of youth on a war footing and encouraging society to reject the idea

of terrorism being sown from across the border. Through all the actions taken in past 3 years despite the shortcomings, the state has taken steps to improve the situation in all sectors. Development is seen in different sectors, as discussed above. But over a period of time, the socio-economic profile of demography will be improved. However, the state has to make sure that, whatever promises made have to reach the grassroots level.

Endnotes

¹ https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_jandk/sdr_jkexecutive.pdf

² https://www.mha.gov.in/sites/default/files/370Eng_20092021.pdf

³ Ibid

⁴ <https://timesofindia.indiatimes.com/india/two-years-since-article-370-abrogation-what-has-changed-in-jammu-kashmir/articleshow/85057707.cms>

⁵ <https://www.satp.org/datasheet-terrorist-attack/fatalities/india-jammukashmir>

⁶ <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1703792>

⁷ https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_jandk/sdr_jkexecutive.pdf

⁸ <https://www.greaterkashmir.com/front-page-2/rs-112-lakh-crore-budget-2022-23-envisages-jks-inclusive-all-round-development-lg-sinha>

⁹ <https://www.greaterkashmir.com/front-page-2/rs-112-lakh-crore-budget-2022-23-envisages-jks-inclusive-all-round-development-lg-sinha>

¹⁰ <https://www.greaterkashmir.com/front-page-2/rs-112-lakh-crore-budget-2022-23-envisages-jks-inclusive-all-round-development-lg-sinha>

¹¹ Ibid

¹² Ibid

¹³ Ibid