



Kashmir-- After Article- 370

(*Implications and Responses*)

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ABSTRACT

The Abrogation of Article 370 and the resultant bifurcation of the State of Jammu and Kashmir through Presidential order in August 2019 provoked a much high level debate and intense critical responses from within India and at international level too. On one hand while some welcomed the move with positive vibes there were others that marked criticisms about the move and the restrictions imposed in the region on communication and civil liberties. A new chapter of discussions were opened at the United Nations Security Council especially by China and Pakistan .The need is to explore the national and global conversations on the issue that have been highlighted backlashing India's image affecting country's narrative in the valley.

Keywords:

Abrogation, revoked, repercussions, prospects, diplomatic, resolution.

The *Paradise on Earth* has been a much topic of debate since Article 370 has been revoked. It was drafted under some unusual circumstance in 1947 by Sheikh Abdullah (the then PM of Jammu and Kashmir). Sheikh Abdullah wanted 'Iron clad Autonomy' for the State which centre did not comply with. Maulana Hasrat Mohin asked in the Constituent Assembly on October 17th 1949 – "Why this discrimination Please? Gopal Swami Ayyanger the Principal drafter of Art 370 argued that ~ for a variety of reasons Kashmir unlike other primarily states was not yet ripe for integration. There was war, ceasefire, unusual turmoil and abnormal conditions where some parts of the territory was in the hands of rebels and enemies. Finally Ayyanger argued that the "will of the people through the Instrument of Accession, the (Jammu and Kashmir) Constituent Assembly will determine the Constitution of the state as well as the sphere of Union Jurisdiction over the state.

In a nutshell it was believed and hoped that as soon as situations become normal, real peace is restored and when people of the state acquiesced to such an arrangement and settlement, Jammu and Kashmir would integrate like other states of the Union. Subsequently even Sardar Vallabh Bhai Patel had a much more pragmatic view regarding integration of the state where he found very little time and large wisdom not to debate and effort much for capricious state leaders and their separatist tendencies.

After years of turbulence, turmoil, uncertainty, separatism and special statehood status there suddenly was a political structural change regarding Kashmir. President Ramnath Kovind issued a Presidential order under Article 370(1) of the Constitution. The clause enables the President to specify matters which are applicable to Jammu and Kashmir. As it can be issued only with the concurrence of Jammu and Kashmir government, Precisely this means that the Governor has given his concurrence for the above matter.

The order effectively states that all the provisions that formed the basis of a separated "Constitution" for of Jammu and Kashmir stands abrogated. Further the order states that all the provisions of India shall apply to J & K to the "Constituent Assembly" in a proviso to Art 370 (3) has been amended to read "Legislative Assembly of the State." Consequently the Jammu and Kashmir Bill has also been accepted the Bill clearly envisages converting Jammu and Kashmir into a Union Territory with a legislature and carves out the third region Ladakh from it to form a Union Territory without a Legislature.

The order has witnessed a number of varied opinions and a much of debate nationally and internationally. Amongst these mixed reactions the act remains a centre of turbulence and peace both.

Repercussions of Abrogation

The abrogation of Article 370 related to Jammu and Kashmir witnessed unprecedented and multivariate repercussions. On one hand it was a signature step towards peace and development while on the other hand it was a giant and drastic step that created disturbance and rejection at various fronts. The strong supporters and favourists to the abrogation has perceived and presumed the act to be step forward leading towards ending separatism, nepotism and corruption and would provide welfare to the people of Jammu and Kashmir. Woman would enjoy greater freedom and rights with all central laws to be implemented to them. There was a presumption trail there would be Financial benefits for Central government employees including Security Forces like LTC HRA and more will be provided to those posted in J&K. Further local youth would receive employment as state and private companies would create jobs for local youth. In addition to it J&K and Ladakh have the potential to become the biggest tourist destination in the world. This would add more of economy to the state as well as nation and would be more internationally highlighted destination. Prospects would be of film industry coming to Jammu and Kashmir to have more prospects and projects with additional Sports Training Institutes and scientific education to be more beneficial and approachable to the state. It is also perceived and expected that several herbal and organic product available and scattered across the whole state of Jammu, Kashmir and Ladakh would be discovered, used and even exported which would be more of an added asset to all.

Challenges Ahead

Abrogation of the Article has also brought about with it several challenges to deal with. The Stigma of it as of a long duration Article has dug its roots in the State with people aspiring it to be an article with a long-lasting identity in Kashmir. Revoking it has developed prospects of swelling up the ranks of Separatists, may feed the rage and increase the distance between. Srinagar and New Delhi it is also feared that there can be a push by the main stream politicians to seek opportunities for the promotion of separatist tendencies, consequently leading to bloodshed, turmoil secessionism demand and also encourage rival countries (Pakistan esp.) to fish in muddied waters. Ladakh too, that has been carved out as a Union Territory with a demographic and commercial change may be affected in its unique ecological and cultural values. This could be a severe set back and blow to the uniqueness of Ladakh. Moreover along with these dire consequences the region would be more prone to international disturbances from China and Pakistan, as a large portion of pasture land is feared to be occupied by military personal. This would definitely affect as a death blow to the farmer community.

International Response

The announcement hitherto was accompanied by a series of critical opinions world wide. India embarked on a massive diplomatic outreach to assuage the concerns global community. This diplomatic outreach has 'met with mixed results' with Kashmir attracting negative international attention and denting the image of "Brand India" globally. Kashmir was "Internationalized" as never before with few countries tarnishing the image that plunged the State into a never ending debatable conflict.

Pakistan

Pakistani officials termed this more as "unconstitutional" and thereafter suspended bilateral trade and downgraded diplomatic relations by expelling immediately Indian High Commissioner to Pakistan. Pakistan also delved into activating channels to expose the brutal Indian racist regime and 'Human Rights violation. Moreover Pakistan ardently asked India to 'rescind' the actions it had taken. Islamabad's ambassador to US went for to link Kashmir with US - led peace process in Afghanistan, thereby, stating that Islamabad may be forced to redirect troops from Afghani border to the Kashmir frontier.

China

China called the move "unacceptable" claiming that it would directly 'impede' China's sovereignty. It wanted solution in accordance with the UN Charter. China refer Jammu and Kashmir as a 'disputed territory' or 'India controlled Kashmir'.

Britain

For Britain it was an entirely internal matter of the Government of India. Maldives, Bangladesh too had the same opinion wherein they consider it as a totally a matter of the Indian Government how to deal with the State of Jammu and Kashmir. Countries like Sri Lanka and Nepal too reiterated that status that the change in the Indian Constitution is entirely the domain of the Government of India. British Parliament remained divided on the issue, many calling for moratorium on Govt. of India's decision while others have promised it believing that it would pave the way for economic development in Jammu and Kashmir while other believed removal of Article is an 'orchestrated coup.'

Turkey

With Turkey, there was a doubt that this move was likely to strain tensions between India and Pakistan. Turkey's Foreign Minister called for 'resolution of the problem through dialogue within the framework of relevant UN Resolutions.

Malaysia

Malaysian PM's reaction was to have an active Un role. There was also a reaction that there may be reasons for such a move or action but it is still wrong.

Saudi Arabia

Reiterated its support in favor of India and wanted a peaceful solution of the issue.

UAE

United Arab Emirate stood with India calling these constitutional changes an internal matter of India. On the contrary UAE said that they expect that the changes would improve social justice and security and confidence of the people in local governance and will encourage further stability and peace.

Iran

As far a Iran is considered, it maintained a restrained position on the developments in Jammu and Kashmir. Iranian PM declared that Kashmir does not have a military solution.

Israel

Israel has been supportive of India's move in Kashmir and labelled it as an internal matter. **Bahrain** evidently supported India's stance and called for dialogue as the only means of resolution of issues between India and Pakistan.

Russia

Russia always, supporting India's stance stated that the decision was carried out within the framework of the Indian Constitution. **USA** too argued that the matter was totally internal to India.

European Union

European Union's representative for Foreign Policy Frederica Mogherini in September 2019 called for Kashmiri's rights and freedom and highlighted the need for Indo- Pak dialogue.

Reactions within India

So far, the diplomatic fall out of the none in the Kashmir issue has undoubtedly been internationalized not in the traditional sense whereby resolutions for UN or the multilateral bodies seek a change of the status quo, but in a manner that has kept Kashmir on the spotlight. Despite the repercussion at political level and the constitutional complexity of the decision, most nations have accepted the new reality of Kashmir about with a note of deep concern regarding Human Rights and India's management of the situation.

Press Comments

Across the globe there have been several mixed reactions and extreme critical analysis of Jammu and Kashmir. US media Houses such as 'New York Times', "The Washington Post" and "The Wall Street Journal" have been highly critical of the government's move on Kashmir. Their reports and editorials accused Indian Government of being a threat to the democratic fabric of the country.

UK's "Daily Mail" called 'Kashmir' a disputed territory while BBC reported on the alleged Human Rights Violations, perpetuated by the Indian Army or the detention of political leaders and criminals.

Other news organizations such as Al Jazeera and other media houses in Europe took anti -India stance.

Implications of Article 370

There will be removal of restrictions on industry, private investment that would spur growth of industrialization and especially Handicraft Industry employment leading to prosperity for local youth entrepreneur.

There will be prospects for tourist infrastructural investment. Prospects would be open for large private investment in health and education. Even woman education could gain a boost with full retention of legal rights on land and other rights too. There would be freedom to buy and purchase land in and out of Kashmir. All provisions relating to Panchayats and Local Self Government would be fully applicable.

Transparency and accountability would increase and funds earmarked for the people will actually reach beneficiaries. There would also be 106 people friendly laws and 9 constitutional amendments of the India Constitution now will be made applicable to Kashmir that would help the most vulnerable sections of the population. There would moreover be transparency and accountability with actual beneficiary implications for the people of the state of Jammu and Kashmir. Still the poor state of bilateral relations between the two countries there is no break possibility of any dialogue and likelihood of increased military, agitations and protests ensuring that Kashmir will remain on the global radar for the forceable future.

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