

Analytical study of the effects of Jammu and Kashmir reorganization bill on Jammu - Kashmir and Ladakh

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ABSTRACT

In this research paper, it has been tried to focus on how the effective implementation of the “Jammu&Kashmir reorganization bill 2019” passed by the Indian parliament will effect the political situation, governance ,social & economic status of the people ,tourist sector, defense sector and how far the situation is going to effect at the global level. After seven decades of independence, India will now boast a single constitution from Kashmir to Kanyakumari, the same law and order and one national flag.After the repeal of Article 370 and Article 35 (A), now all the laws passed by Parliament like Right to Information, Right to Education and implementation of laws like CAG will be equally applicable to the citizens of these areas. Purchasing of property, trade in areas, declaration of financial emergency under Article 360 and directives & orders of Supreme Court directly applicable in these areas that were earlier banned, has also ended.In fact, this restructuring act has changed the geographical and political history of this state on one hand, while on the other hand it has given immense possibilities in the fields of industry, trade, tourism and film sector. This bill led to expansion of voting rights, protection of property rights, abolition of dual citizenship, increase in employment opportunities, change in composition of assembly, increase in private investment, solving displacement problem, increase in voting percentage, etc. This fact will not only strengthen the social, economic and political democracy of the country, but also open doors to immense possibilities of development.Today, the citizens of this region have to understand that every community and every thought in our country has full protection under realm constitution,the political and geographical changes will not affect them. We can hope that this region will also be free from terrorism and will be connected to the main stream of the country and will be able to progress on the path of better future.

KEY WORDS - Article 370, Article 35 (A), Economic development, Same constitution, Extension of right to vote, Investment flow, Democratic soundness, Geographical change.

Introduction- Today the political and geographical history of Kashmir has completely changed. The Central Government and the Indian Parliament have changed the provisions of Article 370 giving special status to Jammu and Kashmir, and this state has been divided into two Union Territories. -Jammu-Kashmir and Ladakh. Similarly, Article 35 (A) has also been abolished.In such a situation, there is a discussion and thinking on this subject that how farwill the implementation of this reorganization bill affect the condition and direction of this region. It is to be known that earlier the Indian Constitution was not in force in this state. Before passing of this bill, Parliament could only legislate on matters related to communication, defense and foreign policy for this region.Apart from this, the responsibilityof making laws related to other matters was solely carried out by state legislative assembly.Now all the laws passed by theParliament will be automatically applied in this region as well. Similarly, the flag of J &Kwhich earlier used to be hoisted along with Indian tricolor has now been removed at the offices of this state. The action plan for J& K and Ladakh is rescheduled and redetermined.Apart from this, the new Act not only eliminates the right of dual citizenship but also protects the civil rights of all the citizens of India like doing business, establishing industries, purchasing property in this area. Now as per the provisions contained in this Act this region has become an important part of the Indian Union in the entire sense.In future this region can be developed himself like other states and union territories.

Review of literature and Scope of Study-- After studying the literature related to the history of Jammu and Kashmir, it is known to us that the Mauryan emperor Ashoka (Kalhan) first ruled this state. This ruler settled a city called "Srinagari" and built a new palace called-‘Ashokeshwar’ (1).Cunningham, in his treatise "Ancient Geography of India", has tried to connect the Pandrayan salt town situated three miles north of Srinagar to Srinagari, built by Ashoka (2).In the seventh century,the Karkotak dynasty was established under the leadership of Durlabhvarman. A ruler named ‘Lalitaditya’ of this dynasty expanded his kingdom to Punjab, Kanoj, Tumar Desh, Dard Desh, Bhutan and Tibet (3).The rule of Utpal dynasty was established in Kashmir in the ninth century. Avantivarman and Shankarvarman are the two famous rulers of this dynasty. After this, Parvatgupta and Lohar dynasty were established here. In 1339, a Muslim general named Shahgir established “Muslim” dynasty here . In 1925, Raja Hari Singh ascended the throne and ruled till 1947.At the time of independence, there were about 500 native princely states in the country. Under the process of merger of native princely states, it was dependent on the princely states whether they join India or Pakistan. In the meantime, there was an attack by kabaeeeli on Kashmir. At last on 26th October1947 Raja Hari Singh, signed the merger document in India named "Jammu Kashmir Instrument of Accession".After that Kashmir

became an integral part of India . A separate constitution and flag was fixed for this state from 17 October 1949 under Section 370. Later, Section 35 (A) was implemented from 14 May 1954 and finally through the Reorganization Act in August 2019, the future of this state Attempting to change.

Some articles were published regarding this title, but there is lot of scope to analyzes this title. That's why the aim of this study to analyzing the provisions made in Article 370 & 35(a) and the changes that has recently due to the possible effects of reorganization bill on this region. It also attempts to explain social, political, economical, demographical and defense related impact of implementing this bill.

Objectives of Research Paper --- For comprehensive and factual analysis of a research paper, the following objectives have been set-

- 1) To analyze the preceding provisions of the Reorganization Act and the provisions contained in the present Act, and
- 2) To discuss the various effects of the implementation of the Reorganization Act 2019.

Hypothesis --- In relation to the analysis of the research paper , it has been determined that "This Reorganization Act will prove to be very important in terms of economic development, strengthening of democracy and strategic security of this region".

Research Methodology --- The research paper is completely based on secondary data. Under it, the study of data and facts, related to various texts, papers, journals, census reports, e- gazette etc has been studied. Internet has also been used for reviewing the study material as required. The study area of this research paper is limited to Jammu - Kashmir and Ladakh. This study is mainly based on historical, descriptive and analytical methods.

Discussion on Research Topic ----- In this research paper, the provision of Article 370 & 35(a) and the provision made in the reorganization bill has been studied. From this study, it is attempted to analyze the impractical implementation of this new act and its effect on economic, political ,geographical and strategic conditions of this region. In fact, since the time of independence, in relation to this zone, the main reason for the dispute has been Article 35 (A), whose base was Article 370, but now that Article 370 has changed, then Article 35 (A) will also be considered void. It is said that Gulab Singh, the ruler of Kashmir, bought Kashmir from the East India Company in 1946 - this agreement is known as the Amritsar Treaty (4). Similarly at the time of the Kabayali invasion, when the merger of this state into India, was announced, at that time the control of Gilgit and Baltistan was established by the invaders. Later, during the Indo-China war in 1962, our dominance over Aksai China also came to an end. In 1965 and 1971, we had to face wars even without wanting. The region has been suffering from terrorism and separatism since the middle of ninth decade. We successfully faced the Cargill war in 1999 and we have also had to face incidents like terrorist attack on the Parliament House and Pulwama - in the same background, the impact of new reorganization act will be studied under different heads---

Analysis of political effects ----The most important fact in this regard is that, before the enactment of this Act, "The state of Jammu and Kashmir has been granted a special status and has been allowed to make the constitution of its state. Many other provisions of the constitution of India also do not apply to this state" (5). but now for all the states of India under the new provisions contained in the present Act, the same constitution will be equally applied. As far as the implementation of the laws passed by Parliament is concerned in this state, it is known to us that till August 2019, the Parliament of India used to make laws only on subjects like defense, foreign and communication and state legislative make laws on other subjects, but now this situation has also changed because under the new Act passed by the Indian Parliament and approved by the President, all the bill will be equally applicable to both new UTs. Earlier, Financial Emergency could not be imposed in this state under Article 360, and under Article 356, Governor's rule would remain in place of this President's rule - but now the constitutional position of this zone in respect of both these articles , will be same as other states and UTs of Indian Union.. Similarly, now the right of dual citizenship to the original inhabitants has also been abolished, " earlier constitution makers decided to provide for a single Indian citizenship but a few special protection in case of Jammu & Kashmir and other tribal areas" (6)- in this context, by this new bill all Indians have been given the status of the single citizenship. The right to vote has also been expanded under the new provisions because earlier people other than the original residents did not have the right to vote in the assembly and local elections, that is, now all the citizens living in this zone can vote in all levels of elections. We will not have to be deprived of fundamental rights and we can say that under the new provisions, not only the number of voters will increase but during the elections is likely to significantly increase in the voter turnout i.e percentage of voting. It is also worth mentioning here that earlier there was a ban on contesting elections for people other than the original residents, but now all the doors have been opened for all citizens for candidature in various elections. Under the provisions contained in this new act, changed the nature of the assemblies of this region. Even then, it will look like a change - when it does not get full state status again. "The total number of seats in the legislative assembly of the union territory Jammu and Kashmir to be filled by person chosen by direct election shall be 107 and there will be no assembly in Ladakh"(7). The Lieutenant Governor will be the constitutional head of this region in place

of Governor. From the Constitutional point of view, except for clause one of Article 370, the other two provisions have been nullified - similarly the status of the special state has now been abolished - this is the first time in the history of independent India that a state should be divided into two separate UTs. Today the political map of India has completely changed. Earlier there were 29 states and 7 UTs in India, now we have 28 states and 9 UTs, if there is delimitation from the point of view of population, then there is also a possibility of increasing the seats in the assembly in this zone.

Analysis of Economical effects ----- Earlier only the original residents of Jammu and Kashmir had the right to buy property in this state and settle here permanently, but the provisions contained in the new Act, now citizens living in other states of the Union of India can also buy property in this state, settle permanently or trade independently. Now the possibilities of private investment will also increase, so that new jobs will also be created automatically. Earlier in Kashmir, trade was mainly limited to small shops, there were no big industries because industrialists could not buy land, even land leases (8). But now whatever increase rate of investment by multinational companies, than the prospects of development will be strengthened and the local economy will also get stronger. Similarly, local industries and products like carpet industry, silk textile industry, copper and silver industry, shawl industry, saffron, apple, walnut, almond, wooden based sports goods, real estate industry, horticulture, food resources and trade of products, there is a strong possibility of its positive impact being reflected on trade and exports (9). Similarly, there is no shortage of natural resources in this region, that's why pharmaceutical industry may also receive new dimension. We should also not forget that in this zone IT industries, leather related industries, electronic industries and fruit based industries have immense potential for development and export of related products.

Impact on the tourism industry ----- New circumstances can prove to be an immense potential in the field of tourism and film industry because it is not only major center for Indian tourism but also known as a global tourist center. Asia's largest tulip garden and the World famous "Dal Lake" is located in this region. Leh, Ladakh, Cargill, Dra's, Srinagar, Vaishnav devi (Katra), Gulmarg, Son Marg, Amarnath, Pahalgam, Patnitop, Khilmarg etc. tourist places covered with religious and natural beauty - always attract Indian and foreign tourists towards this region. It is said that this year about 14.32 million tourists came here for tourism, out of which about 14.24 million Indian tourists and 79.77 thousand foreign tourists visited this region (10). Similarly, in this zone, there is also great potential for rapid development of health tourism and film production industry. There is also a lot of potential in tourism-based employment such as hotel industry, tourism guide, taxi business etc.

Analysis of social effects ----- In the earlier system, it was provided that if the women of the state of Jammu and Kashmir were married to a resident outside this state, her property rights would be terminated and also the children of such couple had to be deprived of citizenship of this state, but under the new Act, all such restrictions have been lifted. The property rights of women and citizenship rights of children have been fully protected now. Similarly, under the earlier prevailing provision, if a Kashmiri girl got married to a Pakistani citizen, her husband would get the citizenship of the state of Jammu and Kashmir but now abolish the provisions contained in section 35 (a) (sections 2 & 3), it will no longer be possible to get citizenship in these cases. We also have to keep in mind that at the time of independence, the king of this province was a Hindu, while most of the population was Muslim, that is, Hindu and Muslim people had a sense of affinity, but after 1990, the migration of Hindus from the valley started and the problem of displacement of Kashmiri Hindus had to face it. The provisions contained in the new Act will solve the problems like displacement, rehabilitation of Hindus will be possible and the people of all sections living in this region will not only get admission in educational institutions but also can get government jobs, that is, socially positive results are expected.

Analysis of Geographical Impacts ----- The erstwhile Jammu and Kashmir State has now been divided into two Union Territories - Jammu-Kashmir and Ladakh in geographical terms. It has been decided to merge, Kargil and Leh districts with Ladakh, which means that in terms of area, about 61% of the area will be transferred to Ladakh while the rest will be given to Jammu and Kashmir. If we analyze from the point of view of population, we know that at present the population of Ladakh will be only from 2.75 lakh to three lakh (census 2011 - total population 133487) while the population of Jammu and Kashmir will be up to about 1.25 billion (census 2011 - Total population 12541302) (11), Likewise there is a strong possibility that land in Jammu and Kashmir especially in tourist places like Srinagar, Jammu, Katra, Gulmarg, Sonamarg, Pahalgam, Patnitop the market value of land and property will significantly increase. It is also noteworthy that the right to take decisions regarding land has been reserved with the Legislative Assembly. Similarly, now only 20 districts will remain geographically in Jammu and Kashmir while the remaining 2 districts will be considered as included in Ladakh.

Analysis of Strategic Impacts ----- The comprehensive and positive impact of this Reorganization Act is also reflected on the strategic situation of the country. Defense expert Praveen Sahni believes that "India and China have come face to face directly after making Ladakh a Union Territory because the four valleys of Kashmir, Shaksag, Raskam, Shimshal, and Aksai China are directly under Chinese occupation. China has developed a much stronger infrastructure in these areas than India, while the communication link of India is not very strong" - but we are confident that in these strategic areas, our military and other infrastructure will also be strengthened according to the circumstances. On the other hand, Akshobh Giridharadas, an expert on

Fletcher School of Law and Diplomacy, believes that "Now Pakistan has to rethink its military establishment strategy on the borders with India and Afghanistan." After Kashmir was made a Union Territory, it would be easier to control the intruders, that is, it could be said that by changing military infrastructure in Ladakh under the changed circumstances, we enabled ourselves to keep a tactical perspective by keeping watch on Aksai China and Pakistan Occupied Kashmir.

Analysis of Global Impacts -----After the implementation of this new Reorganization Act and after the duly merger of Jammu and Kashmir with India, the terms of future dialogue between India and Pakistan may change completely, as there is no question of including Kashmir in the agenda of dialogue., that is Kashmir has become a purely internal matter of India. Another important fact is that now like other states of the Indian Union, foreign capital investment will be encouraged in this region and multinational companies will be established. Now issues like "One Belt One Road" can be discussed with China in a meaningful way. On the lines of India, new strategies can also be created to deal with trends like separatism and terrorism globally. This act can also prove to be a "milestone" in terms of protection of human rights and democratic values at the global level.

Control over terrorist activities possible ----- In the last 30 years, about 70 thousand incidents related to terrorism have occurred in this region, in which more than 44 thousand people have been killed and more than 5 thousand soldiers have lost their lives. had to make a sacrifice, but now under the new system, the police and administration will be directly under the control of the Lieutenant Governor and the central government will have direct control over law and order - in these circumstances It will be easy to rein in terrorism. It will now be possible to enact stringent anti-terrorism laws and implement them properly. It is also important to mention here that the orders and instructions issued by the Supreme Court earlier could not be applied directly to this state because the Legislative-Assembly in this regard had the right to make separate laws, but now this obstruction is also abolished by the new act, has occurred.

Overall, it can be said that the implementation of this Reorganization Act is expected to have a wider socio- economic, political, strategic and global impacts, restore the dignity and peace of the ancient dignity of this region, will help in moving forward and on the path of all-round development.

Conclusion -----Finally, we can say that this restructuring act based on the basic framework of autonomy, decentralization and security infrastructure can pave the way for the full-fledged destiny of Jammu - Kashmir and Ladakh. Geographical and historical changes can prove to be a panacea for political stability, economic prosperity, administrative transparency and strategic security. .As the atmosphere of the valley becomes normal, this area will also be connected with the mainstream of the nation and the confused young people will continue to get new energy for positive direction and work. Strong administrative mindset and commitment can bring positive changes in the direction and appearance of this zone. Today we should also brainstorm seriously on how much the Kashmiri people respond to this reorganization act and to what extent they avail of these provisions.. We can also say that the government related to Jammu & Kashmir and has re-planted the development in the region can move on the path of self-sufficiency and our nation will be on the path of true federalism. We can hope that this act passed by the central government will be known for historic understanding and not for historical mistake.

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