



FUTURE CONSEQUENCES OF ABOLITION OF ARTICLE 370 OF JAMMU & KASHMIR

Dr Pradip T Wakode

Head, Department of political Science Smt Radhabai Sarada Arts, Commerce & Science College, Anjangaon Surji, Dist Amravati (MS), - 444705

ABSTRACT

The present research paper throws light on consequences of deletion of Article 370 and 35 (a) about Jammu and Kashmir and 35 (a) by the existing Government of Bharatiya Janata Party on August 5, 2019. In the same decision, while terminating the status of Jammu & Kashmir as a constituent state of the Indian federal state into two Union Territory states i.e. Jammu Kashmir and Ladakh, has the existing government complied with the constitutional provisions and code? Likewise, was this decision worthwhile in the current situation? The research article examines a thorough overview of the impact of this decision on the people of Kashmir as well as on India and international affair. The reasons given by the present government in support of this decision i.e. it is because of the repeal of this clause that the people of Jammu and Kashmir would come in the mainstream. Indian National Security Advisor, Shri Ajit Dowl said that the decision was supported by 92 per cent of the people living in Kashmir Valley. The government said that the industrial development of Jammu and Kashmir, the development of the backward classes as well as the Dalits and tribals would take pickup and women would get judicial rights. Jammu and Kashmir will be free from corruption. There will be an increase in the growth rate. The review is conducted in the present article. The findings presented in the research paper presented. Was there really a demand for the people of the country to repeal Article 30 and 35 (a) of Jammu and Kashmir? Or was it the need of the Bharatiya Janata Party and the pro-Hindu organizations that were involved in the government? What are the national benefits of this decision? It has also reviewed the findings regarding the political benefits of the Bharatiya Janata Party.

KEYWORDS :

SUPPORT THE DECISION TAKEN BY THE GOVERNMENT:

The Government of Bharatiya Janata Party led by Shri Narendra Modi, the Prime Minister of India decided to repeal sections 370 and 35 (a) of Kashmir on August 5, 2019. In support of this decision, the present Home Minister of this Government Shri Amit Shah said in Parliament, "We are making a historic decision. That decision could not be taken by governments that have come in the last 70 years." He further said that the past 70 years ago, the state of Jammu and Kashmir was given the status of a separate state under Section 370 was a historical mistake. We are repairing that mistake. In this decision, they divided the state of Jammu & Kashmir by strengthening the status of the constituent state of Jammu & Kashmir. With this decision, Jammu & Kashmir ended as the 29th constituency of the Indian Union. Jammu Kashmir and Ladakh were created as the two Union Territories. Ladakh Union Territory will not have assembly status.

In support of this decision, Shri Amit Shah said that this is an important decision in the interest of the people of Jammu & Kashmir. Particularly, the people of Kashmir valley will come in the mainstream due to this decision. Similarly, according to him, entrepreneurs in Jammu and Kashmir will buy land and set up industries. It will benefit the masses of Jammu and Kashmir; they will get jobs in a large scale. Establishment of various educational institutes will provide better educational facilities to the children. The Right to Information Act will apply. Reservation for the people belong to Scheduled Caste can be taken further. There, women will have the same rights as the other Indian women in the wealth of their father. Corruption of wasting money given to political parties in Jammu & Kashmir, e.g. PDP, the National Conference by the Central Government in the last 70 years would prevent. In this way, this decision is supported by the existing government.

DID CONSTITUTIONAL PROVISIONS & CODE COMPLY WHILE REPEALING ARTICLE 370?

On May 27, 1949, the new Article 307 was added to the Constituent Assembly, which was later referred to as Section 370 (Article 370). Therefore, this state was given special powers than states of India. As a result, no one else outside this state can permanently reside in Jammu & Kashmir and cannot buy property there. This made Jammu & Kashmir a part

of India, but its relationship with India was bridged by the Section 370. It was through this bridge that the national leaders of India tied Jammu and Kashmir as an integral part of India. Because if it were to be repealed permanently, according to the original law, it would have to pass the resolution in the Assembly of Jammu & Kashmir. It was only after this that a constitutional provision was made that Parliament would decide on it. But, has the existing government decided to repeal Article 370 as per the constitutional provision? This important question arises here. But, the Assembly of Jammu & Kashmir did not exist at the time of this decision. Therefore, the question of consent of the Legislative Assembly does not arise. The Central Government has requested Parliament to repeal Article 370 through the Governor of Jammu & Kashmir. The Governor of Constituent State is the representative of the Central Government; s/he does not represent the people of the constituent state. Therefore, the Governor's request to the Central Government is inconsistent with the constitutional provision. Accordingly, the members of Parliament should be given copies of the Bill at least two days before the amendment of the Bill was tabled in Parliament, but only a few minutes before such an important Bill was presented in the Parliament. Therefore, members of the opposition party could not express their strong intellectual views while discussing the Bill. This is contrary to the democracy and the constitutional code. It is not in the constitutional practice to get the bill passed by the ruling party on the strength of its majority. It is harmful to Democracy. This proves that the ruling government did not comply with the constitutional provisions and codes while taking this decision.

FUTURE RESULTS:

FATAL TO THE FEDERAL SYSTEM:

The manner in which the existing government repealed Article 370 and Section 35 (A), which abolished the status of the state of Jammu & Kashmir as a constituent state and converted it into two Union Territories, is extremely dangerous to the federal system of India. Because, further, the Central Government can alter the territory of any constituent state without the consent of that state or a constituent state may be terminated so that in future there may be a dispute of constituent state against Central Government.

THE PEOPLE OF JAMMU & KASHMIR HAVE LOST THEIR FAITH:

In the last 70 years, the bridge which was created by Article

370 and Section 35 (A) clause between India and Jammu & Kashmir collapsed so, in future, the people of Kashmir valley will alienate from India. Their belief in the Indian administrative system has lost. Because, the manner in which the present government took the decision secretly; the people of Kashmir believe that the ruling government has deceived them. Therefore, bringing them into the mainstream will not be possible.

DANGEROUS TO INDIAN DEMOCRACY:

The decision taken by the ruling government to repeal Article 370 and Section 35 (A) of Jammu & Kashmir without showing any transparency, without following the constitutional provision & code, without taking the opposition party in faith, without giving enough time to discuss it in the House has proved to be deadly to Indian democracy.

INTERNATIONALIZATION OF KASHMIR'S QUESTION:

The problem of Jammu & Kashmir has been limited between India and Pakistan for the last 70 years. The abolition of Article 370 has given Pakistan an opportunity to internationalize the issue.

THE RISK OF WORLD WAR:

People in the world are aware that the problem of Jammu & Kashmir is the most sensitive issue which can be the cause of world war. India and Pakistan are both nuclear armed nations and defense ministers of both the countries have threatened each other for nuclear war. Hence, an atmosphere of fear has created in the world.

VIOLATION OF SIMLA AGREEMENT:

According to the Simla Agreement between India and Pakistan, it was decided to resolve the issue through the discussion between India and Pakistan. The unilateral decision by the ruling government of India gave Pakistan an opportunity to blame India to break the Simla contract.

HUMAN RIGHTS VIOLATION:

Since the decision taken by the present government on Kashmir on August 5, 2019, section 144 has been imposed to control the livelihood of the people of Kashmir. They will neither be able to open shops or go to work nor meet each other. Mobile and internet services are closed; no one can go to their places of worship for prayers; no medical facilities are available if someone becomes ill. If someone dies, not more than four or five persons can gather together for funeral rites. By imposing such strict restrictions on the people of Jammu & Kashmir, their human right is being violated.

CONCLUSION:

The state of Jammu & Kashmir has achieved the status of an independent state under sections 370 and 35 (a) during the last 70 years. This kind of status has also been received by the north-east constituents of the Indian Union. The demand for the elimination of the status of a separate constituency of Jammu & Kashmir has never been demanded by the Indian people through movement or any other way in the last 70 years. But there has always been an urge to cancel the Section 370 of Jammu & Kashmir from the Hinduist parties & organisations such as Bharatiya Janata Party, the Old Jana Sangh and Rashtriya Swayamsevak Sangh, the Hindu Party and the organization. But the above organizations have never demanded to cancel the special status received by some other states. This proves that there is not a Muslim minority in other states, but there is a Muslim majority in Jammu and Kashmir. By hating a particular religion, the abolition of the Article 370 of Jammu & Kashmir has been demanded by the Bharatiya Janata Party and the Rashtriya Swayamsevak Sangh for the last 70 years. But this demand was not fulfilled because Congress and other secular party's governments were ruling at the Center. But in the election of 2014 and 2019, due to the

clear majority of the Bharatiya Janata Party, it abolished Article 370 and Section 35 (A) of Jammu & Kashmir in order to gain political advantage in the upcoming elections. Bharatiya Janata Party will surely get its political benefits. But the nation will have to face its consequences. Jammu & Kashmir was an integral part of India and it will be the same, there is no doubt in the heart of any Indian. But this decision could justify only after taking into consideration the views of the people of Jammu & Kashmir. The present government must reassure the people of Jammu & Kashmir in the future by giving them surety that they have fulfilled the promise given to them.

REFERENCES:

1. Daily Lokmat: Editorial, August 28, 2019
2. Daily Loksatta: Editorial Day, August 6, 2019
3. Daily Loksatta: Editorial Day, August 7, 2019
4. Domel to Kargil: Major Shashikant Giridhar Pitre (Rajahans Publication), Pune.
5. Jammu & Kashmir: Swayatta ki Swatantrya (Freedom or Autonomy), YD Phadke (AksharPrakashan), Mumbai.
6. Iron Man Sardar Valabbhai Patel, B. Krishna (Indus Source Books), Mumbai.