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## Internal Impact of Bifurcation of Jammu & Kashmir and Road Ahead.

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1. India being a transformative democracy had J&K left out of it due to imposition of article 370 in the State. On 5<sup>th</sup> August 2019 post the historic abrogation of article 370 by the union of India, the President issued a notification on 31 October 2019, redefining the state of J&K as two UTs, in accordance to the J&K Reorganisation Act, 2019. "The new UT of Ladakh would now consist of two districts of Kargil and Leh, while the rest of the former State of Jammu and Kashmir would now form the new UT of J&K. Historically, in 1947, J&K had 14 districts: Kathua, Jammu, Udhampur, Reasi, Anantnag, Baramulla, Poonch, Mirpur, Muzaffarabad, Leh and Ladakh, Gilgit, Gilgit Wazarat, Chilhas and Tribal Territory. By 2019, they were reorganised into 28 districts. The new districts were Kupwara, Bandipur, Ganderbal, Srinagar, Budgam, Pulwama, Shupian, Kulgam, Rajouri, Ramban, Doda, Kishtivar, Samba and Kargil. The Leh district of the new Union Territory of Ladakh defined in the Jammu and Kashmir Reorganization (Removal of Difficulties) Second Order, 2019, issued by the President of India, includes the areas of the districts of Gilgit, Gilgit Wazarat, Chilhas and Tribal Territory of 1947, in addition to the remaining areas of Leh and Ladakh districts of 1947, after carving out the Kargil District.<sup>1</sup>
2. The international opinion of the neighbourhood, consequent to the decision was on expected lines, in terms of the resentment expressed by China and Pakistan on redefining of the territorial boundaries.<sup>2</sup> This was refuted by the MEA stating that it was China that had illegally occupied the parts of Ladakh which was held with Pakistan.<sup>3</sup> This resonates the resolve exhibited by the Govt of India in expression of intent and resoluteness, to deal with the problem on a permanent basis, for which the foundation was laid on 5<sup>th</sup> Aug 2019 with the abrogation of Article 370.
3. This article attempts to analyse the internal impact of bifurcation of the state of J&K and the likely future. The article is primarily based

on open source media inputs and insights gathered by the author from different sections of the society including the officials and the general public in and outside the valley.

## **PRELUDE TO THE PRESENT SITUATION**

4. The long-drawn armed conflict in Kashmir, since the accession of the state has claimed thousands of lives and in spite of the regular economic packages being announced by the successive governments at the centre, the desired outcome in terms of economic growth is yet to be achieved in the state. Though the seeds of secession were sown in 1930 during the Quit Kashmir movement and formation of national conference which took up the resentment against the rule of Gulab Singh as felt by the Muslim majority population of Kashmir<sup>5</sup> and later on in 1989, when the insurgency was born, as an indigenous movement against the ineffective governance and rule of Sheikh Abdullah. Externally, too, Kashmir became a bone of contention between India and Pakistan post partition which led both the two countries to fight four wars over the valley. The insurgency ruined the normal functioning of the state, and has forced New Delhi to notify the erstwhile state of Jammu and Kashmir (J&K) as a “disturbed area” and invoke the Armed Forces Special Powers Act (AFSPA) to maintain peace. Though New Delhi tried to occasionally reach out to Pakistan and even to Kashmiris over the years, but for some brief periods of hope, peace has not prevailed in the Kashmir Valley. Today, life in Kashmir is slowly and steadily limping towards normalcy in the present blackout of connectivity in terms of social any religious- political trigger including media both internally or externally.

## **PERCEPTIONS : POST BIFURCATION OF STATE INTO UTs**

5. The abrogation of autonomy enjoyed by the state of J&K under Article 370 had a historic, symbolic and emotional significance for Kashmiris, while the minority population of Jammu, Leh, Ladakh & Kargil clamoured for autonomy which had started in 1949, which ultimately led to the finalisation of Autonomous Hill Council in 1991, a process which was started in 1989, as an alternative to autonomy which required amendments to Article 370, for Ladakh, but could not be implemented as desired. State for the government, gained momentum after the state assembly passed a resolution in Jun 2000, to restore the status of J&K to that of pre 1953. The demand of a directly administered region of Ladakh by the Centre was submitted to the then PM Mr Nehru by Chewang Rigzin, President of Ladakh Buddhist Authority (LBA) stating that they were not bound by the plebiscite and in case the Muslim majority of Kashmir decides to join Pakistan then the Ladakh region be amalgamated with Hindu majority of Jammu to form a separate province, or to join east Punjab and failing all options they would be forced to consider unification with Tibet. Leh as the nerve centre of the Central Asian trade was highlighted.

6. In the valley, after 5 August 2019, people are feeling discontented with regard to perceived threat to identity and cultural issues such as religion, customs, identity, culture, language, land and demographic intrusions to include settlements and colonies for Kashmiri Pandits and ex servicemen in the valley. These views were also stated in the findings of a September 2019 study by the New Delhi-based Concerned Citizens Group (CCG), which says, the abrogation of Article 370 will necessarily bring outsiders to the Valley, because they will be packaged as development projects.<sup>7</sup>

7. In the newly-formed Union Territory of J&K, the central government is trying to formulate new rules that will give domicile rights to residents over land and in government jobs. This has been a response to the perception that the unemployment rate in J&K is higher than the national average. Domicile rights have also been a long-standing demand of the Dogras of Jammu and the Buddhists of Ladakh. While most of the population chooses to remain silent on the issue of domicile rights, a few have expressed their fears that such a move will further limit the employment opportunities for the local youth and also lead to a demographic disruption in the Valley. To quote an example, on 31 December 2019, the J&K High Court invited applications from across the nation for filling 33 vacant non-gazetted posts. The notification was cancelled after opposition parties in Jammu criticised the move and demanded enactment of laws for safeguarding the rights and interests of the youth in J&K. While the notification has since been withdrawn, it has been reported that the Centre is examining other options regarding the issues of opening up jobs, ownership of land, and seats in professional and college education to non-Kashmiris. These arrangements are in line with those in other states like Himachal Pradesh, Uttarakhand and other North eastern states, which are covered under Article 371 of the Constitution.

8. The absence any announced outreach by New Delhi after 5 August 2019, in terms of a time bound revival plan for the UTs has created more confusion and anxiety. As the revocation of Article 370 makes laws of the Union of India automatically applicable in J&K, it also makes the erstwhile laws of state ultra-vires (or they no longer apply). The question is why draconian laws enacted by the erstwhile state assembly such as the Public Safety Act (PSA) are still operative, under which hundreds of youth, civil society members and even former chief ministers are languishing in jails/House arrests. These contradictions have reinforced the belief in the people that the abrogation of Article 370 under the garb of “one constitution, one rule of law,” was to make them second-class citizens and continue the repression of the people as before. The non-release of the detainees who were arrested for alleged offences under the PSA who continue to languish in jails, further adds agony to the affected people.

## **ADMINISTRATIVE CHALLENGES IN THE UTs**

The bifurcation of state was reasoned by the government in order to undertake people friendly political and administrative reforms. It is true that governance and law & order situation in the erstwhile J&K has restricted the growth potential of the state and has alienated the local populace from the central govt. Furthermore, the policy of unconditional appeasement of regional political leaders by a succession of governments at the Centre has protected vested interests, trapping the Valley in an unending cycle of bad governance and corruption. The

present form of administration of the UTs will be akin to other UTs in the country for Jammu & Kashmir while for Ladakh, it will be on the lines of Puducherry. However, the status quo remains for some, like in the case of the apple farmers in particular, who highlighted the misery in selling their produce in the local markets run by the National Agricultural Cooperative Marketing Federation of India Ltd (NAFED). This was attributable to unseasonal snowfall in early November 2019 that destroyed their crops and the militant threats to the labourers and drivers employed in the farming, while it could similarly be argued that a lot of such tax free unregulated income led to the funding of stone palters and anti national activities including illegal mining mafia, cross border trade and timber trade.

10. Interestingly, salaries of all the employees of the UT administration were increased after 5 August 2019, but they need to work responsibly, as the district level and municipal level organisations are replete with cases of corruption and with being a UT, even the fear of the legislator over them has totally vanished". Though the senior administration which apparently is more accountable and answerable is aligned with the main idea of focussed and sustained development. in the absence of a seasoned and disciplined and presently corrupt and inept junior administration staff, it becomes difficult to implement the administrative policies, till such time there is a fill up of vacancies and turnover of all such staff in the government machinery, which apparently would take at least another FY.

## **STATE OF ECONOMY AND EDUCATION**

11. Core sectors of the economy of J&K have witnessed a steady decline after the abrogation of Article 370, due to the communications blockade, curfews, and militant threats, in the past five months alone, the economy of Kashmir lost INR 178.78 billion and more than 90,000 jobs in the sectors of handicraft, tourism and information technology. The horticulture sector is in distress, tourism is in shambles, and students are suffering because of the ongoing internet blockade. This has adversely affected college and university students. College students and research scholars, for instance, have not been able to fill the online forms for competitive exams, scholarship grants and research papers. Most of the hostels in the Kashmir University are shut indefinitely. Internet access to university libraries has been disrupted, increasing the stress levels of students. The students see this as a "deliberate policy of New Delhi" to keep them out of contention for national- and international-level competitions. Some of the respondents also complained that with personal access to internet services cut, they have had to queue for long hours outside district headquarters, the only government offices where public access to internet services is being provided. Besides wasting precious time, each student has had to shell out INR 100 to 200 per online submission at these offices.

## **POLITICAL VOIDS AND TRUST DEFICIT IN VERNACULAR MEDIA**

12. The lockdown and house arrest of all prominent political leadership in the valley have led to a complete void in the political space and zero representation of perceived public opinion at national or state level including the media. This even if it is of dissent, forms the cornerstone of any democracy. The same holds good for the vernacular media which at presently ----- is presumably alienated from the public dissent but functions as a government -----policies, while the general anguish and suffering of the population against the various aspects of administration, while releasing pent up emotions of the public, is a healthy sign of a working and constructive democracy and

forms an assessment tool for the government for policy formulation in future.

## **ROAD AHEAD**

13. The policy of the government of SABKA SAATH AUR SABKA VIKAS need to be amply demonstrated in intent and action for internal development, while simultaneously engaging the international community in reassuring the stated government intent of inclusive and participative development by means of a democratic and federal structure of governance which are synonyms to India as a nation and in order to target the anti national propaganda. The steps not in chronological order are enumerated as under:-

- (a) Revamping the government machinery while retaining the local fervour in filling up of all vacancies, to infuse confidence by promoting meritocracy and accountability in the bureaucracy and building in complete transparency in defining and achieving time bound and stated objectives at all levels of administration.
- (b) Reducing the visible presence of armed forces in the administration, while retaining AFSPA to deal with the ongoing counter proxy war operations by enhancing the visible presence of local government representatives of newly elected panchayat, district and UT level representatives.
- (c) The pending actions of land reforms, state cadre reviews, police and Intelligence reforms and setting up of cooperatives for local eco development and sustenance of prudent and monitored financial institutions development.
- (d) Revival of the lost self-esteem, cultural and religious identity of the Kashmiris, to include Ladakis, Jammu and Leh population by revival of old cultural, economic and social ties with neighbourhood including adjoining states and with the region of Gilgit, Baltistan and Tibet.
- e) Pro active Diplomatic engagements with OIC, SAARC and ASEAN nations especially Muslim countries to include with Pak and China to demonstrate the intent of the government for regional stability, inclusive growth and co-operation. This is important, as we have demonstrated the resolve by means of parliamentary resolutions of integration of POK with the UTs and that of Aksai Chin with the UTs. Therefore, the political signalling should continue for threatening CPEC and the intended integration of POK and Aksai Chin.
- (f) Revival of the political space and the deficit political leadership in the UTs by release of the political detainees in a time bound manner with an assurance that they would not act against the union of India and fill up the political space for the growth of a vibrant and constructive democracy in the region.
- (g) Revival of industry including MSME, start-ups and heavy industries in the UTs with regional support and employment

guarantees and setting up of EEZs in the region for the growth of regional industry and produce .

(h) Due attention must be given to address immediate rural economic distress created after the unprecedented, unseasonal snowfall in November. While the farmers were not able to sell their produce to outside markets because of the communications blackout by the government, and because of militant threats, the snowfall caused widespread damage to the crops. To make matters worse, even the government's alternative to rope in NAFED to buy the produce was marred by alleged corruption. The government should immediately compensate all the farmers with a loan waiver and crop insurance, if it is serious about regaining the trust of the people by direct benefit transfers post accurate mapping .

(j) After changing the contours of conflict over Kashmir and the region's political geography, New Delhi has to think beyond its hard policy approach. It will have to come out of the mindset that "he who rides a tiger is afraid to dismount". The Centre should work on perception management through soft measures instead of adopting a hard-line approach. It should not waste any more time to make certain special arrangements for the people of J&K under Article 371 of the Kashmiris have to revisit their centrifugal tendencies like separatism and militancy, and learn from other nation states in the world that are adopting a more integrational approach. The urgent requirement of integrating the population by countering pro-Pakistani propaganda that is only too willing to exploit them emotionally and psychologically to continue to foment trouble in the Valley. For example, in demanding constitutional guarantees that the people of Kashmir must exercise their democratic right to protest but by using the Indian Tricolour instead of waving Pakistan's Parcham-e-Sitara and integrating the local population with the rest of the country. One should not mistake and club the Kashmiri Muslims with that of rest of India and should use the turn of historical events to their advantage by strategically changing the narrative to build nationalism and oneness.

(k) New Delhi should learn from the mistakes of past governments and not selectively address the whims by aiming for peace through the political ambitions of a handful of local political leaders masquerading popular support. The release of the political class, that has lost its dignity as well as their identity in the eyes of the people of Kashmir, will send a positive signal. However, New Delhi must ensure that in the new political process should also nurture all the minorities in the region and the subdued voices from within the Valley .

(l) There is a requirement of respecting the cultural, religious, historical and traditional sentiments of all the facets of the society and regions of the UTs especially the Leh, Ladakh and Jammu & Kashmir region. The same needs to be integrated with the revival of all forms of tourism in the region which would revive the economy and the lost self respect and self esteem of the population which has been trampled upon by successive governments.

(m) The need of addressing the aspirations of the youth including education and historic greatness of the region needs to be undertaken on priority to overcome radicalisation efforts by the adversary. The skill development of the region by getting the best

talent in the country to train the youth for seeking employment and trust by means of employment in the various parts of the country to revive the self esteem.

(n) The Centre must realise that now is the time to renew India's ties with the region by initiating a series of serious and sincere interlocution measures to win over the confidence of the alienated Kashmiris. New Delhi should send a team of interlocutors to listen to common Kashmiris, especially in the rural areas, as well as the students. Such a team of interlocutors must be free of political interference. This will help New Delhi to focus on pressing local issues, nurture new local leadership and loosen the grip of the political elite on the Valley.

## CONCLUSION

15. As stated by the HM in the Lok Sabha on 5<sup>th</sup> Aug 2019, the intent of formation of UTs of Ladakh and J&K was to realise the aspirations of the region, while keeping in mind the prevailing internal situation fuelled by cross border terrorism. Therefore all actions of the central government here on wards will be viewed with caution and suspicion by the local population, while the adversary will leave no stone unturned to exploit the sentiments and the present disconnect of the population, which has being a standard practise over the ages. The task of the present government at the centre becomes even more treacherous, as the stated objectives need to be achieved in the present age of media and international glare. However, a resolute beginning has been made and only time will tell whether the perceived and actual state was same or otherwise.

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