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The State of Jammu and Kashmir: Problems, aspects and solutions for deeper integration into the Union of India

Научный руководитель – Морозов Николай Владимирович

Mukherjee Soumojit

Студент (специалист)

Национальный исследовательский ядерный университет «МИФИ», Институт финансово-экономической безопасности, Москва, Россия

E-mail: soumojitmukherjee007@gmail.com

"Gar firdaus, ruhe zamin ast, hamin asto, hamin asto, hamin ast" (If there is ever a heaven on earth, it's here, it's here, it's here)

That was the description of Jammu and Kashmir (hereafter J&K) by Mughal Emperor of the Indian subcontinent, Jahangir. 400 years since his golden words, the situation in the region has drastically changed. Sandwiched between two nuclear powers, J&K has become a site of major conflict and crisis. Terrorist attacks, separatist movements and cross border incursions, J&K has had a rough period of transition and integration into the Republic of India, and continues to be a challenge for the Indian government.

Aim

To look at the currently existing dynamic in J&K through historical, socio-economical and political scopes and suggest possible ways of resolving the situation and smoother integration of the region into the Indian Republic.

Historical Context

Instrument of Accession of J&K state to the Union of India [1] was signed on 26th October 1947 by Maharaja Hari Singh and accepted by Lord Mountbatten, Governor General of India on 27th October 1947. The decision of signing the accession itself was a hard one for the Maharaja, since he was a Hindu King of a Muslim majority kingdom, and if it had not been for Pakistan's military intervention in Kashmir [2], the initial decision was to establish the kingdom as an independent entity.

However, J&K was and is the only state in the Union of India which has its special provisions enshrined in the constitution of India, Article 370 [3]. Article 370 gives the state special powers (in some specific areas), a constitution[4] and a state flag. Since then it has been amended by the Delhi Agreement of 1952 and strengthened through subsequent Presidential orders.

The question of integration of J&K was resolved in the preamble of the Constitution of J&K.

Political Context

To understand the issue of Kashmir, there must be an understanding of the political situation in Kashmir. Currently, there are three sides of argumentation on the status of Kashmir. One, that wants Kashmir to stay with India, second, that wants Kashmir to join Pakistan, and third, that wants an independent Kashmir (Azad Kashmir).

In the current political situation, the moderates who want to stay with India are in the majority, yet there are various elements, especially insurgency and militancy from the Pakistan side (The Indian government has classified it as state sponsored terrorism) which continue to destabilise the political scene in the state, creating chaos and instability.

The main reason for disturbance and lack of integration of J&K, is the use of the Armed Forces Special Powers Act (AFSPA) [5] by the Central Government in the region. Although it is albeit a necessary instrument for curbing insurgency and militancy in the region, the record of

human rights violations due to AFSPA and the total body count, (usually shown as collateral damage in the fight against terrorism) is absolutely dismal and continues to be a black spot in the history of the Indian armed forces.

Socio-Economic context

The region of J&K, nestled in the Himalayan mountain range, has often been touted as a majestic place for tourists. Tourism, hence, has been and continues to be a major source of income for the people in the area. However, since the advent of terrorism, insurgency and militancy in the state, tourism has been badly hit, suffering a loss of 3000Cr Rupees or 4 million USD[6]. Other major exports of the state include horticulture, cultivation of fruits and vegetables, especially the famous Kashmir saffron, which brings valuable foreign exchange for the state coffers. Kashmiri textiles and handicrafts are also popular around the world, especially Cashmere and Pashmina garments [7]. However, all these domestic industries have been disturbed due to the ongoing unrests in the region. The economic potential of the state is massive, however, until and unless a stable political and social climate is provided for businesses to grow, much of the economic potential lies in waste.

Major Problems

- 1) Current environment of instability, especially due to militancy, cross border insurgency has made the state unsuitable for any foreseeable economic growth prospects, which in turn causes a negative outlook towards deepened integration with the Republic of India.
- 2) Lack of empathy by the central government for the people in the state has caused rising anger amongst the hopeless youth of the state, who feel that they were born in war, and will die in war.
- 3) Section 370 as a major barrier of administrative duties. Although section 370 was supposed to be a temporary measure in the Indian constitution, due to the dissolving of the constituent assembly of J&K in 1957, before it was able to recommend the President to repeal the article, section 370 has become a permanent article in the Indian constitution.
- 4) AFSPA has created major problems in nurturing trust and harmony between the people of J&K and the Republic of India. Due to the Human Rights Violations of AFSPA, a feeling of hatred and distrust has grown amidst the people of the state.

Possible Solutions

- 1) Repeal of AFSPA, especially from the majority peaceful areas, which are currently protected by J&K police and not the Indian army. Introduce harsher penalties on human rights violation under the purview of local courts.
- 2) Investment in secular education programs in the region, helping students understand the world through a logical and not religious perspective.
- 3) Create provision of either removal or review and amending article 370 of the Indian constitution.
- 4) Create and fulfill outreach programs to reduce the tension fervor in the region towards a peaceful transition and complete integration into the Republic of India.

Источники и литература

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- 4) Constitution of J&K (J&K Legislative Assembly): http://jklegislativeassembly.nic.in/Costitution_of_J&K.pdf
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