

Introduction to History

Assignment-1

The Government of India revoked the special status granted to the state of Jammu and Kashmir under Article 370 of the Indian Constitution. The article, drafted as a “temporary” recognition, went on stay for over 60 years and stirred several political and social debates in the country.

The article gave special provisions to the state of Jammu and Kashmir including the right to draft its own constitution. It restricted the Indian Parliament's legislative powers in the state of Jammu and Kashmir. The constitution of Jammu and Kashmir references Article 1 of the Indian Constitution which lists J&K as a state and thereby an integral part of the Union of India. However, the challenge to the existence of the article comes out of the need for a uniform civil code.

A few political parties, most important of them being the Bharatiya Janata Party (BJP), one of the two major national political parties in India, had a history of advocating the removal of the special status granted to the state of J&K. In the Lok Sabha general elections of 2014, the BJP, under the leadership of Mr. Narendra Modi had come to power at the center. One of the major promises of the BJP then in its manifesto was to enforce a uniform civil code for the people of India. The BJP was re-elected to power in 2019. On 5 August 2019, Home Minister Amit Shah announced a Presidential order superseding the Constitution Order of 1954 that put in place article 370. This was followed by an introduction of the Jammu and Kashmir Reorganisation Bill, 2019 that saw the state of J&K getting split into the Union Territory of Ladakh and the Union Territory of Jammu and Kashmir. The bill won a majority in both the houses of the parliament and was signed into an Act by the President of India.

The abrogation of the article gives the people of J&K a greater sense of belonging with the people from the rest of the country and provides stronger fundamentals to equality, democracy and liberty in India. The people of Jammu and Kashmir have, for long, remained an underdog amongst the states because an altered set of laws in the state had seen it fall behind in securing mega projects from the Union government including metros and smart city projects. Article 370 had, in the name of securing the interests of the people of Kashmir, cut them off from the progress that the rest of India has seen, be it scientifically or socially.

The constitution of India, by itself guarantees that no citizen would be discriminated against on the basis of their caste, gender, religion, creed, colour or place of birth. It respects all of its citizens to become equal contenders to all the opportunities that lie in the country. The abrogation of an article that challenges this very core value of the constitution was inevitable at some point, be it now or later.

References

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