

NEW EQUALITY, ENDURING CHANGES

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

August 5 marked the first anniversary of the abrogation of the special status of Jammu and Kashmir and conversion of the erstwhile state into two Union Territories — Jammu and Kashmir and Ladakh. But more than all this, it has meant the constitutional mainstreaming of this erstwhile state and an end to the shameful, discriminatory and undemocratic policies pursued by an entrenched elite for seven decades.

In one sudden political strike, executed with surgical precision a year ago, Prime Minister [Narendra Modi](#) and Home Minister Amit Shah abrogated the provisions — [Article 370](#) and [Article 35A](#) — that went against the core values of our Constitution and ensured that finally everyone in Jammu and Kashmir secured the rights and privileges available to citizens all over the country.

Looking at the changes brought about in the past 12 months, it is obvious that the Union government has pulled out all the stops to ensure that everyone living in the two Union Territories would get a sense of the egalitarian principles that are firmly embedded in India's Constitution. These developments extend to a wide range of issues like social and political equality, education, jobs, reservations and other rights enjoyed by the underprivileged in the rest of the country.

It is indeed creditable that the government has ensured that all this has been achieved within a span of 12 months. For the first time after seven decades, the Indian Constitution and all the 890 Central laws are fully applicable to J&K. This has meant the application of 170 more Central laws to J&K, including progressive laws such as the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1954, the Whistle Blowers Protection Act, 2014, the National Commission for Safai Karamcharis Act, 1993, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2007, the National Commission for Minorities Act, and the Right of Children to Free and Compulsory Education Act, 2009.

The question we need to ask is why the leadership of the Congress, Left parties and the state parties did not allow such crucial laws which protect the Dalits and other disadvantaged groups to be implemented in the erstwhile state for all these years. Another discriminatory legal provision, which prevented women in J&K from retaining their rights if they married outside the state, has been put to an end.

The treatment meted out to around 10,000 municipal workers (safai karamcharis) in the erstwhile state was equally shameful. They were denied citizenship, access to education and jobs. Now, the municipal workers have become legitimate domiciles in the Union Territory with access to all rights and privileges and the Dalits and the tribal communities have got their due, as in other states. How could such discrimination happen within the geography of independent, democratic India all these years? What explanation do the Nehru-Gandhis, the Abdullahs, the Muftis, the Congress Party, the communists and their fellow travellers have for this? Why did the communists, the so-called standard-bearers of the working class, not take up the cause of the Dalits and safai karamcharis in J&K?

Apart from these initiatives, the last 12 months have seen several other momentous developments. The first of these is the rehabilitation of the Kashmiri Pandits, who were hounded out of the Valley 30 years ago by militants. The ethnic cleansing of nearly four lakh Kashmiris belonging to the Hindu minority remained a blot on India's secular credentials. In the year gone

by, 4,000 of them have got jobs in the UT and many others are listed for employment. Also, over 20,000 refugees from West Pakistan, who were treated as aliens in their own country and denied all rights, have been given domicile rights and financial assistance of Rs 5.50 lakh per family.

The follow-up after the constitution of the two Union Territories has been swift. Simple rules have been formulated for issuing domicile certificates — this will create a much-needed level-playing field for all residents. The J&K government has also initiated a massive recruitment drive to fill up 10,000 vacancies in the local government; another drive to fill up 25,000 posts is in the pipeline. Also on the anvil are revised rules to enable the hitherto disadvantaged groups like Scheduled Tribes, OBCs and economically weaker sections to get employment.

Other measures which have ensured mainstreaming of the region are the enforcement of the Right to Information Act, 2005, direct supervision of the Central Vigilance Commission with regard to anti-corruption cases and the setting up of the 18th Bench of the Central Administrative Tribunal (CAT) for the UTs of J&K and Ladakh.

The decision to make Ladakh a separate Union Territory has been hailed by the people of the region. It seemed inevitable because of the discrimination suffered by the region at the hands of the political leadership of the erstwhile state. The Union government has initiated innumerable measures to put Ladakh on the road to development. This includes work on massive infrastructure projects in both the UTs.

One year ago, the CPM described the abrogation as “an attack on democracy, secularism and the Constitution”. Equally amusing was the statement of the Congress leader, Rahul Gandhi that “the nation is made by its people, not plots of land”. Really? If so, are not the Kashmiri Pandits, Dalits, tribal folk, municipal workers, people?

As one sees the fundamental changes brought about in the two UTs, they remind us of the monstrous failure of the Congress leadership which lacked the courage and confidence to correct these wrongs and hence chose to tout pusillanimity as an act of great statesmanship. As a result, J&K slipped away from the liberal, secular and democratic traditions that India stood for. But that is now a thing of the past. It is now time to celebrate the new beginning.

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