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Second Anniversary of Special Status Revocation: J&K

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Why in News

The Forum for Human Rights in J&K (FHRJK) released its report a day ahead of Jammu and Kashmir (J&K) completing two years as Union Territory.

- The report **raised concerns about the militancy** that continues to remain a major challenge in J&K.
- **FHRJK is an independent body** co-chaired by former Supreme Court judge Justice Madan B. Lokur and former Kashmir interlocutor Radha Kumar.



Key Points

- **Background:**

- On 5 August 2019, the government of India revoked the special constitutional status of the erstwhile state of Jammu and Kashmir under Article 370 of the Constitution, and abrogated **Article 35A**.

Article 35A had allowed J&K to define who its 'permanent residents' are and what rights and privileges are attached to such residency.

- The former state was bifurcated into the **Union Territories of Ladakh (without a legislature) and Jammu-Kashmir (with a legislature)**.
- Concurrently, the Indian government imposed a near-total telecommunications lockdown in the region, detained political leaders and dissidents, and enforced **Section 144 of the Indian Penal Code** to prevent violent unrest.

- **Findings from the Report:**

- The reports raised concerns regarding human rights abuses, arbitrary detentions, prohibition on assembly and censorship on local media houses in J&K.
- The government has taken **several positive steps**, but they fell short of expectations.
- It also held that the **counter-insurgency concerns continue** to be given priority over public, civilian and human security.

- **Reasons for Militancy in J&K:**

- Since the **special constitutional position of Jammu and Kashmir (J&K's) under Article 370** was ended and it was divided into two UTs of J&K and Ladakh, a section of people in J&K has been protesting against the decision.

Further, allowing Indian citizens to buy land in Jammu and Kashmir (J&K) without being a domicile, has angered the local people.

- Following this the **militancy in the J&K, aided by cross-border support**, continues to affect the region.

This is coupled with misuse of draconian legislation, such as the **Public Safety Act (PSA)** and the **Unlawful Activities Prevention Act (UAPA)**.

- Furthermore, there are growing fears that the **Taliban takeover of Afghanistan** is likely to further deteriorate the security conditions.

- **Steps Taken by Government & Judiciary:**

- **Promoting Industrial Development:** Recently, the Department for Promotion of Industry and Internal Trade has notified **New Central Sector Scheme** for industrial development of Jammu and Kashmir.
 - The scheme offers four incentives namely:
 - Capital Investment Incentive,
 - Capital Interest subvention,
 - Goods & Service Tax Linked Incentive
 - Working Capital Interest Subvention.
 - The Scheme will help in creation of more employment opportunities and promotion of tourism in the region.
- **AB-PMJAY SEHAT Scheme:** The Scheme provides free of cost insurance cover. It provides financial cover upto Rs. 5 lakh per family on a floater basis to all residents of the UT of J&K.
- **Ceasefire Agreement:** Indian and Pakistani **Directors-General of Military Operations (DGMOs)** agreed for restricted infiltration by armed groups and raised hopes that a wider peace process might follow.
- **Elections in J&K:** The Union government sought to conduct elections in J&K. However, the government held that the elections would be held for a UT assembly. On the contrary, regional parties are of the view that they will participate in the election, after statehood to J&K has been reinstated.
- **Supreme Court Verdict on Internet Shutdown:** The Supreme Court gave a judgement in response to petitions filed, arguing the Internet shutdown and curbing of other civil liberties in the J&K.

The court held that suspension could be done for temporary duration only and the same is subject to judicial review.
- **Special Package for J&K** and Ladakh under Deendayal Antyodaya Yojana-National Rural Livelihood Mission.

Way Forward

- The Human rights forum recommended **release of all remaining political detainees** and **repeal of the PSA** and other **preventive detention legislation**.
- It also called for **involvement of local communities** in facilitating the return of Kashmiri Pandits.
- Peace framework in J&K can be established by implementing the vision of former Prime Minister of India (**Atal Bihari Vajpayee**) - **Kashmiriyat, Insaniyat, Jamhooriyat** (inclusive culture of Kashmir, humanitarianism and democracy) for Kashmir solution.

Source: TH