

Welcome direction

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Context:

As with elections, SC should have given a deadline for restoration of statehood.

Introduction:

In its conclusion in the judgment that upheld the decision to abrogate the special status of Jammu and Kashmir under Article 370, the Constitution Bench of the Supreme Court expressly directed that the Election Commission of India (ECI) must conduct elections to the Legislative Assembly of J&K by September 30, 2024.

What is welcoming, and what is the issue?

1. It is welcome that the Court has set a deadline to conduct the long-delayed elections in J&K, which has been under spells of Governor's Rule and President's Rule since June 20, 2018, and without a Legislative Assembly.
2. But it is also incongruous that the judgment does not press the government to restore statehood to the bifurcated Union Territory, a promise that has been conveyed by the Solicitor General but has yet to gain fruition.

Direct election and statehood:

1. The Bench remarks that direct elections cannot be put on hold until statehood is restored but it could have directed the Union government to restore statehood and conduct elections by a specified date, as there remains no reason for the continuance of J&K as a Union Territory.
2. Restoration of statehood is an important measure as this guarantees a degree of federal autonomy to the province, that should allow the elected government to be able to better address the concerns of the electorate than depend on the representatives of the Union government.

Conflict prone region and voting behaviour:

1. J&K remains among India's most conflict-prone regions partially due to historical reasons related to integration of the erstwhile princely State into the Indian Union and later due to accumulated grievances over the conduct of democratic processes in the erstwhile State.
2. Even when periodic and regular elections were conducted during the height of the militancy, participation was limited in many parts of the Valley, denoting the disenchantment with the political system.
3. But things took a change for the better since the early-mid 2000s when electoral participation improved, and J&K's citizens began to partake in the democratic process to get their concerns addressed before agitations and protests — including by separatists — over security policies and the later steps taken by the government led to the current state of

affairs.

Local level elections:

1. In the last five and a half years, local government elections have been held with varying levels of participation indicating that the mood in the Valley has been against the measures that have been implemented since 2018.
2. India's unique selling proposition as a leader in the Global South remains its robust conduct of formal democratic process and which in itself is important for conflict resolution in places such as Kashmir.

Conclusion:

Without political processes, a contestation of ideas and a sense that elected representatives can address the grievances of citizens, there cannot be any normalcy.



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