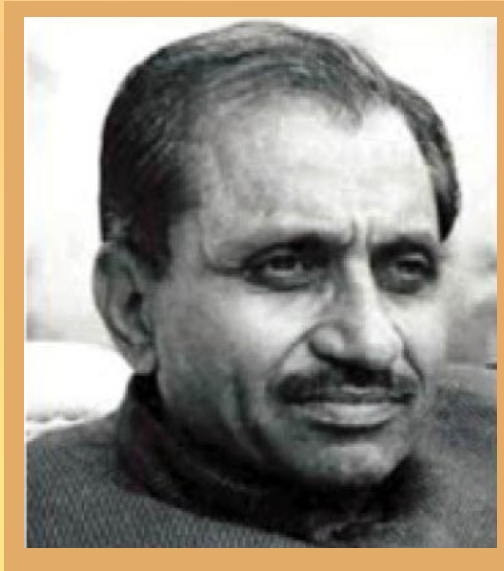


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“There is diversity and plurality in life but we have always attempted to discover the unity behind them.”

-Pt. Deendayal Upadhyaya

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Dr. Anirban Ganguly

Since our last issue, India has irrevocably changed. From Kashmir to Kanyakumari, it is literally one flag that flutters, the Tricolour without reserve, without parallel. The defanging and abrogation of Article 370 and the altering of the status of the region brought to fruition the dream of seeing India integrated from the Himalayas to the Indian Ocean. Through this one act and through the enunciation of his vision for the growth and development of the region, Prime Minister Modi has emerged as the great unifier. He has not only assaulted and decimated the entrenched shibboleth of 370 being sacrosanct and inviolable but elicited support from a wide spectrum of the political class with a number of parties coming out in support of the move.

The other dimension of the Article 370 narrative, that it was a discriminatory provision, that it was a divisive provision, that it was a provision which has stymied the growth of the region disallowing its rise to its full potential has now come to the fore. Because of this discriminatory provision over the years, the people of the region were denied the benefits of a number of central legislation, the

Unity of India & a new dawn

Scheduled Tribes which formed 10% of the state's population were denied political rights and representations in the Assembly, women who were permanent residents of the state but chose to marry outside it forfeited their rights in the state, those Hindus who came as refugees to the region from West Pakistan continued to be treated as refugees and were denied basic political rights, members of the Valmiki community – Safai Karmacharis - who had been living and working in the state continued to be denied basic opportunities and scope of growth, education stagnated, industry stayed away allowing the forces of separatism and terrorism and a few families to control the political narrative and to reinforce the two-nation theory in essence. It is strange that those elements who are now accusing the Modi government of a 'crackdown' or those Gandhians who are now suddenly shedding tears over the abrogation of 370 never looked at this dimension and have never spoken for those who have faced political and social discrimination all these years for it.

Abrogation of 370 was a dream for which Dr Syama Prasad Mookerjee, one of the most illustrious sons of India had sacrificed himself. Dr Mookerjee had clearly foreseen how the continuance of Article 370 would in fact introduce separatism in the region and prevent the area from integrating with India and from equally developing as any other part. He had given the clarion call of "Ek Desh Me Do Vidhan, Do Nishan, Do Pradhan Nahi Challenge, Nahi Challenge" (Two Constitutions, Two Emblems, Two Heads, are not acceptable in one country).

Though a Member of Parliament from South Kolkata, in free India's first Lok Sabha, it did not matter to Dr Mookerjee that Kashmir was far beyond his sphere of politics. His approach and vision was always national, he identified with and had internalised India's unity and driven by an unalterable sense of India's greatness and unity, he took it upon himself to lend his weight to the Praja Parishad's effort for the greater integration of Jammu & Kashmir with India. His attitude was never one of triumphalism, he was inspired by the belief that equal opportunities and benefit of citizenship must reach all Indians.

When one saw the Tricolour finally flutter on the Secretariat in Srinagar sans the state flag, one almost heard an echo of Syama Prasad's riposte to Sheikh Abdullah who had said, in a cavalier manner, that "we will treat both flags equally", Dr Mookerjee had then replied, "You cannot do it. It is not a question of fifty, fifty. It is not a question of parity. It is the question of one flag for the whole of India, India that includes Kashmir."

It is truly a new dawn for the people of the region, a dawn with new promises and limitless opportunities.

Salient Points of PM's address to the Nation from the ramparts of the Red Fort on the 73rd Independence Day on 15th August 2019



- » Today is also the festival of Raksha Bandhan. This centuries-old tradition expresses the love of brother and sister. I extend my best wishes to all the countrymen and all the brothers and sisters on this auspicious festival of Raksha Bandhan.
- » May this festival filled with affection fulfil the hopes, aspirations and dreams of all our brothers and sisters, and bring affection in their lives.
- » Today, while the country is celebrating the festival of independence, people in several parts of the country are facing difficulties due to floods and heavy rainfall. Many have lost their dear ones. I express my condolences to them.
- » The State Governments, the Central Government and other organizations like NDRF are striving day and night to ease the hardships and bring the situation under control.
- » Today, when we are celebrating this auspicious day of Independence, I pay my respects to all those who gave up their lives, who spent their youth in prisons, who embraced the gallows, who instilled the spirit of non-violence through Satyagraha for the freedom of the country.
- » The country gained independence under the leadership of Bapu. Similarly, in the years since independence numerous people have contributed for the peace, prosperity and security of the country.

- » Today, I also salute the people who have contributed to fulfil the hopes and aspirations of the people, for the development, peace and prosperity of Independent India.
- » After the formation of the new government, I am humbled once again with the opportunity to interact with you. It has not even been 10 weeks since the formation of this new Government. But even in a short ten-week period, efforts have been made in all fields and in every direction, new dimensions have been added.
- » People have entrusted us to serve them so that they can achieve their hopes, expectations and aspirations. We are dedicated to your service with complete devotion, without wasting even a single moment.
- » To revoke Article 370 and 35A within 10 weeks is a significant step towards fulfilling the dream of Sardar Vallabh Bhai Patel.
- » In just ten weeks, we made big ticket decisions like bringing about a law against Triple Talaq to protect the rights of our Muslim women, making major amendments in laws to counter terrorism and to make it more stringent and powerful; transfer of approximately 90,000 crores of rupees to the bank accounts of farmers who are beneficiaries of PM Kisan Samman Nidhi Yojana.
- » Our brothers and sisters from the farming community, our small entrepreneurs could never believe that they will ever be able to avail of pension schemes and live a dignified life even after they attain 60 Years, when they are physically weak and need some support. We have implemented a Pension Scheme to meet these needs.
- » Water crisis is a big concern these days. It is being predicted that an impending water crisis is staring us in the face.
- » Anticipating such a situation, we have announced the formation of a new dedicated Ministry of Jal Shakti where the Centre and States will together develop schemes and policies to address issues of water crisis.
- » Our country needs doctors in huge numbers along with robust health facilities. To fulfil this requirement we need new laws, upgraded infrastructure, new thinking and create new opportunities to motivate the youth to take up the medical profession. In view of this, we have formulated laws and taken important steps to bring transparency in Medical Education.
- » Now a days we come across incidents of child rights violation all over the world and India will not leave her children vulnerable. A much warranted stringent law to protect child rights was needed and has been enacted.
- » Brothers and sisters, you gave me an opportunity to serve you all for five years from 2014-2019. We took cognizance of the struggles faced by the common man to avail the basic facilities. Over the past five years, our government has been striving to provide the facilities to meet the daily needs of the common man.
- » Special efforts have been made to facilitate those living in villages, and those who are poor, marginalized, victimized, exploited, deprived and tribals. We are working relentlessly in this direction to bring the nation back on track towards development. But times change. While 2014-2019 was a period of fulfilling your basic needs, the years from 2019 and beyond will see your aspirations and dreams getting fulfilled.

Salient Points of PM's address to the Nation on 19 August 2019

- » As a country and as a family, you and us, together we took a historic decision. A system which denied due rights to our brothers and sisters of Jammu, Kashmir and Ladakh; a system which was huge hurdle in their development has now been eradicated.
- » A dream which Sardar Vallabhbhai Patel had, a dream which Babasaheb Ambedkar had, the dream shared by Syama Prasad Mukherjee, Atalji and crores of citizens, has now been fulfilled. A new age has begun in Jammu-Kashmir and Ladakh.
- » Now the rights and accountabilities of all the citizens of the country are similar. I congratulate the people Jammu-Kashmir, Ladakh and each and every citizen of the country.
- » Sometimes some things of the social life get so entangled with time that they are considered to be permanent. A sentiment of complacency develops and it is thought that nothing is ever going to change. A similar sentiment prevailed for Article 370.
- » Because of this there was no debate or talk about the damage done to our brothers and sisters, our children in Jammu-Kashmir and Ladakh. Astonishingly, nobody was able to list the benefits that Article 370 delivered to the people of Jammu-Kashmir.
- » Article 370 and 35A has given nothing but secessionism, terrorism, nepotism and widespread corruption on a large scale to Jammu-Kashmir. Both these articles were used as a weapon by Pakistan to flare up the emotions of some people. Due to this more than 42,000 people lost their



lives in the last three decades. The development in Jammu-Kashmir and Ladakh could not be done on levels which the region deserved. After the removal of this flaw in the system, the people of Jammu-Kashmir will not only have a better present but a bright future ahead.

- » Whichever government is in power, it works for the betterment of the country by enacting laws in the Parliament. No matter which party or coalition is in power, this work never stops.
- » There is a lot of debate both inside and outside the Parliament when laws are enacted and made, a lot of debate and brainstorming occurs and serious arguments are put up over its importance and effect. The laws that are enacted after undergoing this process are beneficial for people of the nation. However, it's unfathomable that so many laws are enacted in the Parliament and not enacted in a particular region of the country. Even previous governments who were hailed after enacting just one law couldn't claim that the same law will be

implemented in the Jammu & Kashmir region. More than 1.5 crore people of Jammu & Kashmir were deprived of the benefits of laws that were enacted for the benefit of the people of India. Imagine children in rest of the country have a right to education while children in Jammu & Kashmir were deprived of this right. The daughters of Jammu & Kashmir were deprived of the right that our daughters had in rest of the states. In all the other states, Safai Karamchari Act was enacted for hygiene workers but the workers of Jammu & Kashmir were deprived of this. In other states, strict laws were enacted to stop atrocities on Dalits but no such laws could be implemented in Jammu & Kashmir. To protect the rights of blue-collar workforce, Minimum Wages Act was enacted and implemented in all the other states while such a law is only found on papers in the state of Jammu & Kashmir. In all other states, (our) brothers and sisters from Scheduled Tribes got reservation while contesting elections while such thing is unheard of in the state of Jammu & Kashmir.

- » I am fully confident that, following abrogation of Article 370 and 35-A, Jammu and Kashmir would soon come out of its negative effects.
- » In the new system, the priority of the central government would be to keep state government employees and Jammu and Kashmir police personnel at par with the state government employees and police personnel of other states in terms of facilities.
- » In Union Territories, the government provides many such financial facilities like LTC, House Rent Allowance, Education Allowance for children, Health Schemes etc., most of which are not provided to the employees of Jammu and Kashmir government. Such facilities would soon be provided to the employees of Jammu and Kashmir government and state police personnel

following a review.

- » Friends, very soon the process to fill in the vacancies of central and state government will be initiated in Jammu and Kashmir and Ladakh. This would provide adequate employment opportunities to the local youth. Besides, public sector units of the central government and big private sector companies would also be encouraged to provide new employment opportunities. Apart from the above, Army and para military forces would organize rallies to recruit local youths. The government would also expand Prime Ministers Scholarship Scheme so that more and more students can get its benefit. Jammu and Kashmir also has huge revenue loss. The central government will ensure to minimize its impact.
- » Brothers and sisters, after abrogation of Article 370, the central government has decided to keep the state of Jammu and Kashmir under its administration after putting in a lot of thought process in it. It is essential for you to understand the reasons behind the decision. Ever since the state has been under governor's rule, the administration of Jammu and Kashmir is directly under the central government. As a result the good effect of Good Governance and Development have been observed on the ground. The schemes which earlier remained only in files, have been implemented on ground. Projects pending from decades have been speeded up.
- » We have tried to bring transparency and a new work culture in the Jammu and Kashmir administration. As a result, be it IIT, IIM, AIIMS, various irrigation projects or power projects or the Anti-Corruption Bureau, we have been able to fasten up the work on these projects. Besides, be it the projects of connectivity, roads or new rail lines, modernization of the airport, everything is being accelerated.

Liberating the Kashmir narrative



Dr. Anirban Ganguly

Remembering Dr Syama Prasad Mookerjee, 'our party's first national president who had attained martyrdom for this very demand of removing Article 370', Union Home Minister Amit Shah, while replying to the debate on Jammu & Kashmir Reorganisation Bill in the Rajya Sabha, made a crucial point – he reminded everyone present that, 'In every election manifesto since its founding in 1951 to 2019, my party has reiterated its demand and promise for removing Article 370.' Shah pointed out how since the Jana Sangh days when Syama Prasad Mookerjee had called for the abrogation of this Article – which was temporary in nature – to the present, when Narendra Modi displayed stoic determination to remove it, the stand has been consistent and unwavering. The Jana Sangh's manifesto for the first general elections in 1951-52 spoke of the need to integrate Kashmir with Bharat 'like other acceding states and not [be] given any special position'; this, it argued would 'end the state of uncertainty about Kashmir's future'. Dr Mookerjee clearly saw that with Article 370 in place, separatism and subversion by external elements would receive a headwind. Through the decades, that demand for abrogating 370 was repeatedly raised, discussed and debated by the party and its thousands of workers and leaders – down to 2019 when the promise was reiterated again. BJP's Vision Document for the

2019 general election clearly spoke of the need to remove all obstacles that come in the way of development in Jammu & Kashmir and reiterated "our position since the time of Jana Sangh to the abrogation of Article 370." When he launched the party's campaign for the 2014 elections, in a rally in Jammu in December 2013, Narendra Modi had called for a debate on how Article 370 had prevented the state from achieving its full potential and prevented it from channelising its rich resources towards generating prosperity for its own people. He had argued that by harping ad nauseam on the need for a separate state, the leaders from the Valley had, in fact, only promoted and supported separatism without really working for the welfare of the people. Modi's reiteration was a part of that long continuum and struggle, in which legions of Jana Sangh and RSS karyakartas, cadres and activists kept the debate alive. In 2019, in a little over two months after taking oath for the second time as Prime Minister, Modi kept his promise. BJP's Vision Document of 2019 also

The Jana Sangh's manifesto for the first general elections in 1951-52 spoke of the need to integrate Kashmir with Bharat 'like other acceding states and not [be] given any special position'; this, it argued would 'end the state of uncertainty about Kashmir's future'. Dr Mookerjee clearly saw that with Article 370 in place, separatism and subversion by external elements would receive a headwind.



spoke of the need to work to ‘provide adequate financial resources to all regions of the state’ which Article 370 prevented. The reasons for this demand for abrogation, since the days of the Jana Sangh and later, had to it a clear dimension of development. In one of his letters to Nehru, while discussing Article 370, Dr Mookerjee had pointed out how a sizeable section of Muslims in the state was also demanding that this article be repealed because they wanted greater integration with India. This dimension of development was something that was hardly ever focused upon. Those who wanted to continue their political and ideological monopoly over the people of Kashmir to ensure their prosperity at the cost of theirs – as Amit Shah caustically reminded the House, Article 370 has only benefited three families in the Valley while preventing the fruits of development from reaching the majority – have kept silent

on this dimension of development. The large ‘NGO brigades’ that these political parties have spawned over the years to harangue, hector and badmouth India on the world stage and on multilateral platforms to peddle false narrative of human rights violations in Kashmir, have also tried to obfuscate this development dimension. In his reply, however, Shah resoundingly harped on it, he asked questions which the Congress, the communist parties and the Valley-centric parties should have attempted to answer long back. In this context too, Shah’s reply is historic, it brought forth the reality of Article 370 which was that it was actually detrimental for the people of the state. Shah spoke of how full political rights had not percolated to the people, for the last 70 years, with no Panchayat elections held, thus depriving forty thousand sarpanches – village headmen – from functioning. It was only now,

after President's rule, that elections were held and sarpanches were elected and have been actively pushing the development agenda. This rejuvenation of grassroots democracy in the state was in itself a major blow on separatism. He pointed out how education suffered in J&K since educational institutions from across India could not establish projects there, he spoke of how, since anti-corruption laws were not applicable to the state, the resources sent for its development from the Union government was invariably siphoned off at the altar of corruption, he argued how because of this restrictive Article 370, both poverty and corruption have had a field day in the state. Shah also spoke of how there was a shortage of doctors and quality healthcare in the state because doctors from across the country did not want to come here as they could not have full access to rights here due to the continuation of Article 370. Shah drove home the point of how with the removal of 370, the 10 per cent economic reservation arrangement would automatically apply to the state. More crucially, he also brought home the point that because of this disturbing Article, OBCs of the state have been deprived of reservations, and Dalits and tribals too were denied their share of political reservations. It was a discriminatory Article; it has discriminated

against people of the state, he emphasised, and therefore, it had to go. "We want to embrace the youth of the Valley," Shah reiterated, "We want to work to give them quality education and a promising future, we want to give them quality healthcare and opportunities for their livelihood, the development narrative has percolated across India, we want that narrative to spread all over Jammu & Kashmir, and for that to happen Article 370 needs to go," Shah argued. Directly hitting at the high-priests and mullahs of separatism, who keep provoking and misleading the youth of the Valley, Shah pointed out how those who provoke violence and fan the fires of separatism in the minds of the youth of Kashmir have ensured that their own children are well ensconced in universities and schools in London and America. That is why these separatists are not worried. Shah hit out, "Since they have made comfortable arrangements for their children, but the youth of the Valley continue to suffer from illiteracy and lack of development due to the continuance of Article 370." This development-deprivation dimension of the 370 narrative has always been smothered, especially by those who have a vested interest in perpetuating dynastic and exploitative politics of opportunism and fear in the Valley. But Modi and Shah have brought out the truth of how Article 370 has actually gnawed away at the foundations of the state and restrained the flow of growth, opportunity, equity and justice for its people. The process that began with Dr Mookerjee and intensified over the years has now reached the peak of culmination and realisation under PM Modi, who has emerged as the great unifier. The Kashmir narrative has finally been liberated from the asphyxiating stranglehold of subversion and untruth.

"We want to embrace the youth of the Valley," Shah reiterated, "We want to work to give them quality education and a promising future, we want to give them quality healthcare and opportunities for their livelihood, the development narrative has percolated across India, we want that narrative to spread all over Jammu & Kashmir, and for that to happen Article 370 needs to go," Shah argued.

(The author is Director, Dr. Syama Prasad Mookerjee Research Foundation. The views expressed are personal)

The India-Russia Partnership: “Unleashing the immense energy of private industry”



Amb. Asoke Kumar Mukerji

Since 2000, India-Russia Summits had attempted various means to tap into the potential of this area of the India-Russia partnership. Due to factors such as lack of connectivity, the need to coordinate investment and trade measures, and a comparative absence of the private sector in implementing policy measures, economic cooperation between India and Russia lagged behind the growth of defence, energy and people-to-people cooperation.

In October 2018, the 19th India-Russia Summit had identified the Russian Far East as a catalyst for boosting the special and privileged strategic partnership between the two countries. The objective of focusing on this region, which comprises of 11 of Russia's 22 provinces, was to make it a base for developing India-Russia economic cooperation.

Vladivostok, the primary port of the Russian Far East, has a history of providing Russia with a window to the outside world, much like St Petersburg provided Russia with an opening to Europe. It was from the Russian Far East that the Russian Empire extended across the Bering Straits to Alaska, with Russian traders of the Russian-American Company (RAC) moving

as far south as California. In 1867, due to the adverse economic impact of the Crimean War, Russia sold Alaska for \$7 million to an expanding United States. Russian settlements in California gradually dwindled. Today, only Fort Ross (a shorter name for Rossiya) in the Sonoma County of California remains as a witness to this spread of Russia to North America through peaceful, economic interaction.

The decision to host the landmark 20th India-Russia Summit at Vladivostok served to bring the focus on the Russian Far East at the highest policy making level. Prime Minister Shri Narendra Modi was invited by President Putin to be the Chief Guest at the Eastern Economic Forum to be held at Vladivostok at the same time as the Summit. In April 2019, before the results of the Indian general elections were known, Russia awarded its highest civilian honour, the Order of St Andrew, on Prime Minister Modi.

The Summit was held on 4-5 September 2019. Vladivostok and its surrounding region became the focus of an ambitious joint initiative to energize “strong, multifaceted trade and economic cooperation as the foundation for further expanding the range of India-Russia relations”.

In an assessment of the way forward for revitalizing India-Russia relations published in *The Pioneer* on 20 May 2018, this writer had advocated a five-pronged approach. These were more frequent informal interactions between the



leaders of India and Russia; using the agreement between India and Russia signed at the 2000 Summit for cooperation between states of India and provinces of Russia with a focus on the Russian Far East; integrating an economic dimension into defence and science/technology cooperation; increasing the role of the India-Russia energy partnership to the Russian Far East; and making youth the stakeholders in the future of the India-Russia partnership.

Of these five ideas, four have been implemented with the outcome of the Vladivostok Summit. Underlying this outcome is the obvious level of “trust” between the leaders and people of India and Russia, which is committed to securing strategic autonomy for both countries at a time of major disruptions in international relations. India and Russia declared at Vladivostok that in the process of “successfully coping with the turbulent realities of the contemporary world” they have “never been and will not be susceptible to outside influence”.

Informal Summit Discussions

President Putin accompanied Prime Minister Modi on a tour of the Zvezda ship-building complex near Vladivostok, which enabled the

two leaders to spend two hours together in the informal discussions. This continued a practice initiated with their meeting in Sochi in May 2018. In a major affirmation upholding the rule of international law, in which the United Nations legal architecture plays a central role, India and Russia called for “strengthening” multilateralism and underlined the “primacy of international law”. Russia reiterated its support for India’s permanent membership of the UN Security Council, whose decisions are binding on all member-states of the United Nations.

The opportunities for the two leaders to meet informally in addition to their annual Summit meetings was welcomed. Such informal contacts on the margins of meetings like the G-20 held recently in Japan have enabled wide-ranging exchanges of views on major bilateral and international issues, including the responses of both countries to unilateral sanctions being applied on Russia and Iran. Prime Minister Modi said at the Joint Press Conference with President Putin that he looked forward to more such interactions during 2020, when Russia would chair the Shanghai Cooperation Organization and the BRICS.

Civilizational Values and Cultural Cooperation

In the joint press conference by the two leaders, President Putin highlighted the deep mutual interest of India and Russia in “each other’s culture, history and moral values.” His references to the contribution to developing greater understanding and awareness of each other by intellectuals and travelers demonstrated the civilizational matrix that imbues the India-Russia partnership. Such individuals include the first Russian traveler to visit India and record his impressions, Afanasiy Nikitin, who landed in India in 1466, more than thirty years before Vasco da Gama is supposed to have “discovered” India for the West, and Nicholas Roerich, who lived and painted in India. On the 150th anniversary of the birth of Mahatma Gandhi, Russia issued a special postage stamp to mark the occasion.

Prime Minister Modi referred to the fact that he was the first Prime Minister of India to travel to the Russian Far East due to the invitation extended by President Putin. In his address to the Eastern Economic Forum, Prime Minister Modi referred to the keep knowledge of Indian culture of Russian writer and philosopher Leo Tolstoy, with whom Mahatma Gandhi had frequent interaction of views. He called for strengthening such bonds as “a shared inspiration of India and Russia” to become greater partners in each other’s progress.

The Summit welcomed the expansion of cultural cooperation between India and Russia to implement this objective. Russia will be the partner country for the 50th International Film Festival to be held in Goa on 20-28 November 2019. There will be greater geographical spread of cultural events being organized in both countries, with an emphasis placed on youth exchanges. Cooperation in higher education was identified as a priority, with proposals to



conclude bilateral agreements on recognition of educational degrees of each other’s institutions.

The development of tourist flows between India and Russia was identified as one way of increasing greater people-to-people contacts and awareness. The focus on the Russian Far East provides an opportunity to use existing air and rail links to promote a “Buddhist Trail” in Russia’s Siberian region, including destinations like Buryatia and Zabaikalski Krai, which are accessible from Irkutsk (the home of the Sukhoi-30MKi aircraft factory). Another dimension for tourist flows into Russia following the Vladivostok Summit would be eco-tourism around Lake Baikal, the largest fresh-water lake in the world, located near Irkutsk.

Energizing Economic Cooperation

The growth of greater public awareness of each other will play a major role in expanding economic relations between India and Russia,

which was the major theme of the 20th Summit. Focusing on the Russian Far East, a major initiative announced by Prime Minister Modi at the Eastern Economic Forum was a line of credit worth \$1 billion by India to the region. The Prime Minister said:

“This is the first time that we are giving a line of credit to a particular region of a country. My Government’s Act East Policy has actively engaged with East Asia. Today’s announcement will prove to be the take-off point of the Act Far East policy and it is my firm belief that this step adds a new dimension to our economic diplomacy. We will be active participants in the development of the regions of our friendly countries according to their priorities.”

In order to channelize India’s focused participation in the development of Russia’s Far East, the Summit took four specific policy decisions. These are:

- i. Negotiating a bilateral inter-governmental agreement on the promotion and protection of mutual investments.
- ii. Discussions followed by negotiations on how to remove or lower non-tariff barriers to trade, including within the framework of a broad Trade Agreement between India and the emerging Eurasian Economic Union.
- iii. Coordinating activities of investment agencies in India and Russia.
- iv. Making the newly established India-Russia Strategic Economic Dialogue, which is led by NITI Aayog on the Indian side, for “cohesive and mutually beneficial cooperation in core sectors”.

Sectors identified for developing joint partnership between Indian and Russian companies through the 50 business contracts concluded during the Prime Minister’s visit

to Vladivostok included pharmaceuticals, agriculture, civil aviation, railways, ship building, space, education and tourism, in addition to the on-going collaboration in the areas of diamond processing and coal mining. It is envisaged in the Summit declaration that “temporary placement of skilled manpower from India” in Russia’s Far East can result from this cooperation.

The states of Uttar Pradesh, Gujarat, Haryana and Goa have been identified to interact with the 11 provinces of Russia’s Far East to provide depth to this process, using the India-Russia Agreement on cooperation between India’s states and Russia’s provinces. The Chief Ministers of the four Indian states accompanied Commerce Minister on a pre-Summit visit to Vladivostok in early August 2019 to get acquainted with their counterparts.

The Vladivostok Summit placed emphasis on the economic dimension of the long-standing science and technology cooperation between India and Russia. It agreed to integrate innovation in high technology products in telecommunications, pharmaceuticals, robotics, artificial intelligence and nanotechnologies into this framework. A special area for developing India-Russia cooperation is in applications of digital technology, and the accompanying issues of cyber security.

Long-Term Energy Cooperation

In civil nuclear energy cooperation, Russia continues to be the only major power partnering with India on the ground through the Kudankulam project in Tamil Nadu in commercializing the use of nuclear energy to meet India’s energy security needs. Prime Minister Modi emphasized the significance of “localization of nuclear power plants” with reference to the new reactors being constructed by Russia at Kudankulam. Such an approach will strengthen India’s manufacturing

and skilled manpower sectors. President Putin indicated that “at least 12 Russian-designed nuclear power plants will be built within the next 20 years” in India. This would provide the basis for an increase in nuclear trade and technological cooperation between Russia and India, including in “joint manufacturing of equipment and fuel.” Russia reiterated its strong support for India’s membership of the Nuclear Suppliers Group.

India and Russia have almost matching investments in each other’s oil and gas sectors. India’s entry into Russian’s Siberian oil and gas fields, especially the Vankor cluster, and her stake in the offshore Sakhalin-1 oilfield in Russia’s Far East, takes her cumulative investments to over \$15 billion since 2001. Russia’s Rosneft-led consortium acquired India’s Essar Oil (since renamed as Nayara Energy) for \$13 billion in 2017. The Summit welcomed a five-year framework for cooperation in Hydrocarbons between India and Russia, as well as mutually beneficial long-term partnerships between India’s Consortium of Oil and Gas Public Sector Undertakings and Russia’s Rosneft, and between Gas Authority of India Limited (GAIL) and Russia’s giant Gazprom, which would see long-term supply of Russian Liquefied Natural Gas (LNG) to India. This cooperation will have a significant impact on India’s economy in terms of predictable pricing and supplies of energy to India.

Joint Manufacturing in Defence Cooperation

The most significant outcome of the Vladivostok Summit was the agreement for manufacturing spares of Russian/Soviet-origin equipment in India. This agreement represents a sustainable solution to a long-standing problem, which has sometimes curtailed the effective deployment of India’s vast inventory of Russian/Soviet origin military equipment in her armed forces, apart from being used as an issue in

the cut-and-thrust of lobbying campaigns by major global arms equipment suppliers eager to enter the Indian market. Under the agreement, Russia will participate through investments in India’s Make in India programme in the defence manufacturing sector. This will result in joint development and production of military equipment, components, and spare parts, as well as after-sales service activities.

Maritime Cooperation

In a broader geo-political framework, the Vladivostok Summit expands the scope of the India-Russia strategic partnership in the Pacific, Arctic and Indian Oceans. The announcement of a new maritime route linking Vladivostok with Chennai will make India and Russia stakeholders in issues concerning freedom of navigation in the South China Sea. The participation of India in the Northern Sea Route will integrate the Arctic region into the India-Russia partnership. A focus on deep sea fishing and deep-sea mining as part of India’s expanding engagement with the Russian Far East will provide opportunities for developing the Blue Economy of the Indian and Pacific Oceans.

Prime Minister Modi referred in his address to the Eastern Economic Forum to “an open and inclusive Indo-Pacific region”, providing a framework for the integration of maritime cooperation between India and Russia. The Summit declaration has proposed consultations on “integration and development initiatives in the greater Eurasian space and in the regions of the Indian and Pacific Oceans”. The new thrust given by the Vladivostok Summit can catalyze the emergence of India as a maritime power in the Indo-Pacific strategic and economic framework.

(The Writer is a former Permanent Representative of India to the United Nations. The views expressed are personal)

Constitutional Integration of Jammu & Kashmir: An end to the anti-Constitution discriminatory Practices in the State



Abhinav Prakash

On 5th August 2019, Home Minister Shri Amit Shah presented the Jammu and Kashmir Reorganisation Bill, 2019 in the Rajya Sabha. With this historic move, the Modi Government has fulfilled not just the promise of its manifesto but a long-standing nationalist demand in India. Let's be clear that among the three major agendas of the BJP i.e. Ram Janmbhoomi Mandir, Uniform Civil Code and Article 370, it was Article 370 that was considered next to impossible. But the ease with which it went down is the testimony to the iron will of the Prime Minister Modi and his Government.

The constitutional integration of the erstwhile state of Jammu and Kashmir was a logical culmination of the accession of the Kingdom of Jammu and Kashmir to India. It must be reminded that the instrument of accession of the Kingdom of Jammu & Kashmir was the same as the instrument of accession signed by other princely states, which had no provision like Article 370 or promise of the plebiscite. Nor was there any promise by the government of India or the Parliament to conduct any plebiscite.

Article 370 was the manifestation of the

majoritarian and communal politics in Jammu & Kashmir and its appeasement by the successive governments in New Delhi. Article 370 privileged the Sunni male population of a few districts of south and central Kashmir over Gorkhas, Sikhs, Dogras, Dalits, Tribals, Buddhists, Shias etc who constitute the diverse population of the erstwhile state of Jammu & Kashmir. It was due to Article 370 of the Indian Constitution that they were all reduced to the second class status in their own land. Dalits were not allowed by law to take up any government jobs but that of a sanitation worker. No matter what their qualifications were, the only job they were eligible for was that of cleaning the drains. These Dalits mainly from the Valmiki community were also denied full property rights and permission to buy land in the cities. While the illegal Rohingya migrants were promptly settled in the cities. This abhorrent enforcement of the caste discrimination and caste-dictated profession was possible only due to the Art 370.

Not only this but the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, National Commission for Safai Karamcharis Act, 1993, The Prohibition Of Employment As Manual Scavengers And Their Rehabilitation Act, 2013 were also not applicable to the state of Jammu & Kashmir. The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 also didn't apply to the state leaving the Dalit and the large population of the mostly Muslim Tribals defenceless against the caste-based discrimination and violence.



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The Hindu and Sikh refugees of the partition and Gorkhas residing in the state for two hundred years were also denied the voting and permanent residency rights while the Muslim refugees from Tibet and Xinjiang of the 1950s were granted citizenship. This blatantly communal discrimination was again possible only due to the Article 370. The sordid saga didn't end even here. The Supreme Court judgement de-criminalising the homosexuality didn't apply to the state of Jammu and Kashmir. It means that the LGBTQ community was still vulnerable to the harassment and could be jailed simply for their sexual orientation. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, The Rights of Persons with Disabilities Act, 2016 were also not applicable to the state leaving the people deprived of the protection and benefits of these laws.

Several minorities notably Hindus and Buddhists suffered from institutional discrimination. The discrimination also extended to regional differences. The culture and language of Ladakh were sought to be subverted using the Article 370 and region was always discriminated against by Srinagar in the developmental work. The funds sent by the centre hardly reached Ladakh and other peripheral parts of the state.

The Article 370 also instituted the gender

apartheid by enabling the infamous article 35-A. Under it, women would lose all her property rights if she were to marry outside the state. No such provisions existed for men marrying outside the state. Such medieval punishment for women exercising their right to marry and gross violation of the basic rights of the children by treating them as 'illegitimate' for inheritance was a blot on the Indian democracy.

But now with the constitutional integration of Jammu and Kashmir and Ladakh, such discriminatory provisions have ceased to exist. Now the full force of the emancipatory Constitution of India applies to the union territories of Jammu & Kashmir and Ladakh bringing the light of the modern law to displace the chaos of the regressive laws based on the foundation of communalism and parochialism. The faux argument by the opposition that Article 370 was needed because Jammu and Kashmir was a Muslim majority state is dangerous and anti-constitution. If the Constitution of India is good for 200 million Muslims in the rest of India, then it is good for 6 million Muslims in Kashmir as well.

(The Writer is an Assistant Professor at the University of Delhi. The views expressed are personal)

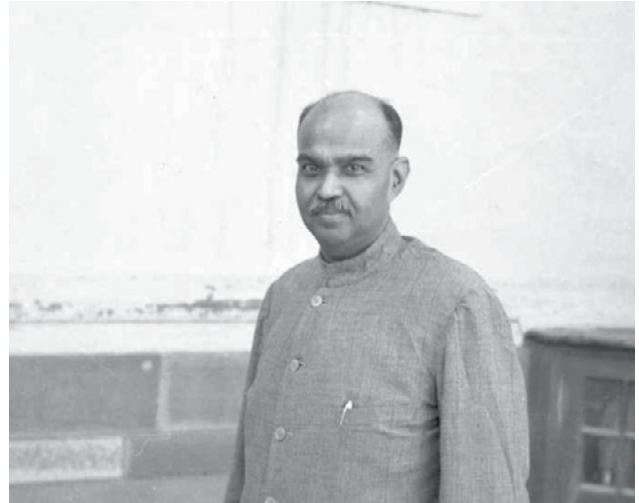
Article 370 and the Constitution Order, 1954: It's Genesis, Substitution & towards complete integration of J&K



Ayush Anand

On 5th of August 2019, India has completed its full integration with Jammu and Kashmir region which was long overdue since its conditional merger with the Union of India. The dream of Dr. S P Mookerjee, who had laid down his life on the path of complete unification of India turns into a reality. The debate over the nature of Instrument of Accession, Article 370 & special status to J&K that it cannot be altered by any means or what would be the method to abrogate it came to an end on the part of the executive and legislature. Now the matter is left for the judiciary to decide upon the constitutionality of this method adopted by the Government, provided that the same is challenged before the Courts.

Therefore, this article attempts to appreciate the legislative history behind these controversial provisions and whether the method adopted by the Government to supersede the earlier Constitutional Order, 1954 (hereinafter referred as C.O. 48) with the new **Constitution Order, 2019 (C.O. 272)** dated 05.08.2019 & **C.O. 273** dated 06.08.2019 is a valid exercise or not. The paper also finds an answer to the question Whether substitution of the Article 370 and bifurcation of the state is legitimate or not?



Constitutional Background:

In its preface of the recent copy of the Constitution dated 31st July, 2018 it has been clarified that “the Constitution applies to the State of Jammu and Kashmir with certain exceptions and modifications as provide in **Article 370 and the Constitution (Application to Jammu and Kashmir) Order, 1954**. This has been included in Appendix I for facility of reference and Appendix II contains re-statement of the exceptions and modifications”. It is also an interesting fact that the bare acts and constitutional books available in Indian market usually don't mention C.O. 48, Article 35A & other special modifications to the constitution of India with respect to Jammu and Kashmir and hence majority of the population is completely unaware of its particularity.

Link: <http://www.legislative.gov.in/sites/default/files/COI-updated-as-31072018.pdf>

The source of **Article 35A** and other major modification of the Constitution of India

with respect to J&K are in ‘**The Constitution (Application to Jammu and Kashmir) Order, 1954**’ (C.O. 48). The C.O. 48 has been issued in exercise of the powers conferred by the clause (1) of Article 370 of the Constitution, wherein the President, **with the concurrence** of the Government of the State of Jammu and Kashmir made this Order. It has been also subsequently modified with new additions in the C.O. 48 till the year 1988 through the same route. The present **Constitution Order, 2019 (C.O. 272)** has also been issued under the same power enshrined under Article 370 itself. If the power exercised by the then Congress Government under Article 370 (1) was valid then what is so special today which makes it unconstitutional in the year 2019. Merely because the power has been exercised to make assimilation of J&K with rest of India more homogenous doesn’t make it unconstitutional. Now, let us delve into the constitutional law and legal positions to negate the argument that this exercise of the government is unconstitutional.

Effectively Article 370 provides competence and restrictions to the Union legislature to make laws with respect to the State of J&K, applicability of certain provisions of the Constitution to J&K and also if any amendment made in the Constitution then it’s extension over the State of J&K. It is provided that this can only be done by a ‘**Presidential Order**’ under **Article 370 (1)(b) (ii)** and under **Article 370 (1)(d)**, if the subject matter of the law falls outside the ambit of matters enumerated in the Instrument of Accession.

It provides that the concurrence of the State Government is essential before issuing such ‘Presidential Order’ over any subject matters not specified in the Instrument of Accession. Readers here may pause & read Article 370 of the Constitution which provides about this ‘Temporary Provisions’ with respect to the State of Jammu and Kashmir for better clarity.

Amending power of the President under Article 370 with respect to State of J&K:

The Instrument of Accession was signed by the Ruler of J&K on 26th October 1947 and the same was accepted by the Governor-General of India on 27th October 1947. Under this instrument only three subjects- external affairs, defense and communications - were surrendered by the State to the Dominion. (Instrument of Accession annexed) (**Indian Constitutional Law, MP Jain, 6th Edition, Pg. 1119**)

Due to these special features not all the provisions of the Constitution of India apply to the State; some of the provisions apply, some do not apply, while others apply in a modified form. Over the time more and more provisions of the Constitution have been applied to it by way of this instrument of Presidential Order. Such Presidential Order doesn’t require any mandate from the Parliament. It requires the Concurrence or Consultation with the State Government and the satisfaction of the President before issuing such order to respect the spirit of the Instrument of Accession.

An amendment made to the constitution does not automatically apply to the State of J&K. It can apply only with the concurrence/consultation of the State Government, and when the President issues an order under Article 370. (**Indian Constitutional Law, MP Jain, 6th Edition, Page 1121**)

Article 370 is a special provision for amending the Constitution in its application to the State of J&K. Article 368 does not curtail the power of the President under Article 370. Even a radical alteration can be made in a constitutional provision in its Application to the State. The Hon’ble Supreme Court has refused to interpret the word ‘modification’ as used in Article 370 (1) in any “narrow or pedantic sense”. (Indian

Constitutional Law, MP Jain, 6th Edition, Pg. 1121)

A 5 Judges bench of the Hon'ble Supreme Court has observed on this point in **Puranlal Lakhanpal v. President of India**, AIR 1961 SC 1519;

"Para 4: There is no reason to limit the word "modifications" as used in Article 370(1) only to such modifications as do not make any "radical transformation". We are therefore of opinion that the President had the power to make the modification which he did in Article 81 of the Constitution."

The above ratio has been again reiterated by another 5 Judges bench of the Hon'ble Supreme Court in Para 15 of **Sampat Prakash v. State of J&K**, AIR 1970 SC 1118.

Article 370 (1) (d) lays down that other provisions of the Constitution can be applied to the State with or without modifications by Order of the President. Such an Order is not to be issued by the President-

- i) Without consulting the State Government if matters to be specified in the Order relate to those mentioned in the Instrument of Accession;
- ii) Without the concurrence of the State Government if the matters to be specified in the Order relate to matters other than those mentioned in the Instrument.

Article 35 A:

It is hereby interesting to mention that the provisions stipulated under Article 370 only envisages for the application of the already existing Articles/provisions of the Constitution with or without exception or modification in the State of J&K. It nowhere provides that a new/de-novo Article can be inserted in the Constitution.

By the C.O. 48 issued under Article 370 (1) of

the Constitution, with concurrence of the State Government, the insertion of the Article 35A in the Constitution is extraordinary and unique. This is an only exception whereby the C.O. 48 inserted a new provision to the Constitution and specifically uses the word 'new article' in the Constitution Order, 1954. This is the main reason behind some people calling it as a 'Constitutional Fraud' committed by the erstwhile Congress Government.

The C.O 48 in its Para 4(j) provides that after Article 35, the following **new article, Article 35A** shall be added.

Effect of Article 35A: This inserted provision in the Constitution gives immunity to any state legislation passed which provides any special rights to the permanent resident of the State even if it is inconsistent with the fundamental rights of other citizens of India. [eg. under Article 15(1), 16(1), 19(1)(e) –(f) etc.]

The permanent residents are such persons as are declared to be so by an existing law of the State or by any future law enacted by the Legislature of the State. And any such law may either confer special rights or privileges or imposes restrictions upon the permanent residents with respect to any or all of the following manner:

- i) Employment under the State Government.
- ii) Acquisition of the immovable property in the State.
- iii) Settlement in the State.
- iv) Right to scholarship and such other forms of aid as the State Government may provide. (**Constitution of India, D DBasu, 8th Edition, Volume III, Page No. 4011**)

It has been argued for decades that because of this limitation under Article 35A, J&K is suffering from economic stagnation and it keeps the citizen of one country in two different Silos

and distinguished from each other.

Supersession of the C.O. 48 by the Presidential Order under Article 370 (1)(d) is a valid exercise within the Constitution:

As already discussed in the above two cited case laws in **Puranlal Lakhanpal** and **Sampat Prakash**; any alteration by way of such Presidential Order under Article 370 (1)(d) will be permissible and if the alteration has been made within the Union List or Concurrent list corresponding with the matters enumerated in the Instrument of Accession then only Consultation of the State Government will be required. Defense and Foreign Affairs is certain heads under which such Order may be notified only after consultation with the State Government.

However, as the C.O. 48 has been notified after the concurrence of the State Government hence the exercise of issuing Constitutional Order 2019 under the Article 370 (1) by the President after concurrence of the State Government to supersede C.O. 48 is a valid exercise. This is again supported by the resolution of the Parliament to this aspect. The concurrence obtained by the Governor of the State in the present case is a valid concurrence and consent of the State Government as per the Constitution of the J&K and as per the ratio decided by the Hon'ble Supreme Court in this aspect.

A 5 Judges bench of the Hon'ble Supreme Court of India in **Mohd. Maqbool Damnoo v. State of J&K, (1972) 1 SCC 536**; has held that Governor is equally and similarly entitled to give concurrence on behalf of the State of J&K as of 'Sadar-i-Riyasat' for the purpose of amendment under Article 370 (1) of the Constitution.

"Para 22. It seems to us that the essential feature of Article 370, sub-clauses 1 (b) and (d) is the necessity of concurrence of the State Government or the consultation of the State Government.

What the State Government is at a particular time has to be determined in the context of the Constitution of Jammu and Kashmir..."

"Para 24. ...We are concerned with the situation where the explanation ceased to operate. It had ceased to operate because there is no longer any Sadar-i-Riyasat of Jammu and Kashmir. **If this meaning is given, it is quite clear that the Governor is competent to give the concurrence stipulated in Article 370 and perform other functions laid down by the Jammu and Kashmir Constitution.**

"Para 25. ...By virtue of this Act, if the Governor is the successor to the Sadar-i-Riyasat, he would be entitled to exercise all the powers of the Sadar-i-Riyasat. There is no doubt that he is the successor.

"Para 26. It is true that the Governor is not elected as was the Sadar-i-Riyasat, but the mode of appointment would not make him any the less a successor to the Sadar-i-Riyasat. Both are heads of the State.

Thereafter, concluding in Para 28 and 30 the Hon'ble Supreme Court has refused to entertain such contention that there has been any amendment of Article 370(1) by the backdoor and hold that the Amending Act was validly assented to by the Governor.

One may argue that the Governor should not give such concurrence without the aid and advice of the Council of Minister and in the absence of the legislative assembly. But, these arguments are not sustainable in the light of the provisions stipulated in the Constitution of Jammu and Kashmir. **Section 26 to 28 of the Constitution of J&K** clarifies it and makes 'Sader-i-Riyasat' (now Governor) as head of the state and there is no such stipulation fettering to the power of the head of the state. There is a reason why we have Governor's rule in J&K whereas, President's rule

in rest of the states of India during the absence of assembly.

The Governor of Jammu and Kashmir holds absolute power as a head of state in the absence of the legislature and Council of Ministers and competent to give such concurrence to the President of India to meet any exigencies as a Government of the Jammu & Kashmir. Henceforth, the concurrence given is within the ambit of Constitution of India and J&K both.

After notification of **the Constitution Order, 2019** now entire provision of the Constitution of India is equally applicable to the state of Jammu and Kashmir without any modifications as stipulated under the earlier superseded **C.O. 48**.

Substitution of Article 370:

Thereafter, on 6th August 2019 when Parliament has passed the resolution assuming the capacity of Constituent Assembly of the State, President of India under old Article 370 (3) read with Article 370 (1) declared by **C.O. 273** that all clauses of old **Article 370** shall cease to be operative and substituted it with new Article 370 which makes entire Constitution applicable to J&K without any modification notwithstanding any contrary provisions anywhere.

Before issuing such declaration under old Article 370 (3) the only necessity was the recommendation of the Constituent Assembly of the State shall be necessary before the President issues such a notification. Which is not in existence. Now, in the absence of **Constituent Assembly of the State**, Parliament has duly exercised its power as a successor of it and makes an end to this temporary provision.

But before scrapping old Article 370, the Government has scrapped the mess created by the old Article 370 in the form of **C.O. 48** which also includes **Article 35A**. As the C.O. 48 superseded,

the limitation on the power of Parliament to reorganize the state of Jammu & Kashmir under modified Article 3 also extinguished, hence Parliament became entitled to reorganize the state of J&K and hence the bill was validly introduced and passed in the Parliament. And since now the region is becoming Union Territory hence obviously the Parliament became the legislature of the both UTs in the absence of the legislature and hence equally competent to pass such recommendation in capacity of Constituent Assembly, which is not in existence for decades.

Conclusion:

Therefore, in the light of the above said discussion **C.O. 48** has been validly repealed by way of issuing such superseding Constitutional Order under **Article 370 (1) (d)** of the Constitution of India after concurrence of the State Government (i.e. Governor in the absence of the state assembly) as the subject matter falls outside the ambit of Instrument of Accession. Similarly **C.O. 273** has been validly declared by the President to repeal old Article 370. There is nothing unconstitutional about it and any challenge to this in the Court is bound to fail.

In any case, the decision of both the governments is in favor of the entire State of J&K and India. It may lead us to a favorable outcome in terms of peace and development in the state free from the vice of the terrorism and separatism. The state has already organized its polity with the older system containing Article 35 A and other modified form of Constitution as per **C.O. 48** for last 72 years which has only resulted in grief, lack of development, terrorism and separatism. So, there is nothing wrong on the part of both the governments to try a new political system which is successfully going through rest of the country for last seven decades.

Image: Instrument of Accession of Jammu & Kashmir

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an Accessing State, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air force works, administration of cantonment areas.
3. Arms; fire-arms; ammunition.
4. Explosives.

B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any Accessing State; pilgrimages to places beyond India.
3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of mine railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.
2. Offences against laws with respect to any of the aforesaid matters.
3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Accessing State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

(1191) M-129 State (Imp.)-5-47-200

AGREEMENT BETWEEN THE STATE OF JAMMU AND KASHMIR AND THE DOMINION OF INDIA

WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern, should continue for the time being, between the Dominion of India or any part thereof and the Indian States:

Now therefore it is agreed between the JAMMU AND KASHMIR State and the Dominion of India that:-

1. (1) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof, and the State.
- (2) In particular, and without derogation from the generality of sub-clause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement.
2. Any dispute arising out of this Agreement, or out of the agreements or arrangements hereby continued, shall, unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration according, as far as may be, to the procedure of the Indian Arbitration Act, 1899.
3. Nothing in this Agreement includes the exercise of any paramountcy functions.

[Signature]
 Maharaja Aditya Singh, Jammu and Kashmir State.
[Signature]
 Secretary to the Government of India.

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I, *[Signature]* Maharaja Aditya Singh, Maharaja of Jammu and Kashmir, Ruler of JAMMU AND KASHMIR STATE, do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of JAMMU AND KASHMIR (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to foster my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of August, Nineteen hundred and forty seven. OCTOBER

[Signature]
 Maharaja Aditya Singh, Jammu and Kashmir State.
[Signature]

I do hereby accept this Instrument of Accession.
 Dated this 26th day of August, Nineteen hundred and forty seven.

[Signature]
 (Governor-General of India)

(The Author is Research Associate at SPMRF and practicing Advocate at Supreme Court, The views expressed are personal)

Modi Vision: Doubling Agriculture Export and Doubling Farmers Income



Dr. Parashram J. Patil

India has tremendous potential of agriculture export worldwide which will have an impact on the rural economy. As the Government of India aims to double the farmer's income and give a boost to the agrarian economy, promoting agriculture export is significant. Hence doubling agriculture is one of the key policies of the Modi government. In this context as of now various initiative that have been taken are as follows.

Independent India's First Comprehensive Agriculture Export Policy: India is a major player in agricultural produce and exports. Export policies promote trade activities. Sadly, there were no agri export policies till the recent times. It shows that agricultural export was accidental. India's world agri export share is only 2%. Now for the first time after independence, Modi Government has announced the first comprehensive agriculture export policy. This policy has been drafted with a vision to double the farmers' income and increase exports to 60 billion by 2022. In order to double farmers income, it is imperative to boost export significantly. Hence, this policy is a welcoming step in Indian agricultural economy. It is focused on doubling the farmers' income, making competitive the export prices and creation of a strong crop value chain. It is a major shift from production-income mindset to post production activities.

Ease of Doing Agri business Index: Agriculture and allied sectors are continuously playing important role in Indian economy. India is heavily based and dependent on agriculture for self-consumption and export of agri-produce. However, income generation from agriculture and allied sector are low as compared to other sectors. Lack of agri-business development is the main reasons behind it. Agri-business has the potential to change the game as it plays an important role in the eradication of poverty and pull rural livelihoods upwards.

Ease of Doing Agribusiness Index it is a national index to rank States based on ease of doing agribusinesses. It is a mechanism by which states can be compared using a set of parameters on the grounds of agribusiness development. It is an effort to develop an interpersonal ecosystem in agribusinesses sector in respective States, It will develop healthy competition between the states to create a healthy environment for agribusinesses that will encourage more investment, innovations skills, intellectual property safeguards, etc. Optimum utilization of agricultural resources is thus, possible that will have an impact on farmers income as well as on rural economy.

Transport and Marketing Assistance Scheme (TMA): Boosting agriculture export is a necessity for doubling farmer's income. In this setting, Modi government introduced a new scheme for agriculture export i.e. Transport and Marketing Assistance Scheme (TMA). Under this scheme, financial assistance will be available for transport and marketing of agriculture produce to boost export of agricultural commodities in West Africa,

EU, Gulf, North America, ASEAN, Russia & CIS, Far East, Oceania, China, South America. This scheme, reimburse a certain portion of freight charges and it covers freight and marketing assistance for export by air as well as by sea.

The scope of export for agriculture product from India is very high. India is an agricultural economy and thus has abundant agro products and resources. On the other hand, countries like the US, Canada and Europe imports agro products on a large scale from India, and other Asian countries. Since export destinations are far, hence transportation cost is always making an impact on product costing and ultimately on product competitiveness. Hence, there will be a positive impact of Transport and Marketing Assistance Scheme (TMA) on Indian farm produce, such as Indian agricultural goods will be available in foreign markets, reduce transportation cost of agriculture products, stimulate Indian farm exports, and help to meet India's agri export potential, enable farmers to get the best possible returns, help in brand recognition of Indian product in the world market, expansion of agri trade export basket. TMA would mitigate the hindrance of higher cost of transportation of export of identified agriculture products due to transshipment and help promote brand for Indian agricultural products in the quantified foreign markets.

Agriculture Export Cluster: Doubling agricultural export and farmers income is one of the major agenda of Prime Minister Narendra Modi led Government. In his speech on Independence day, he spoke on mentioned of formation of export clusters in each and every district of India. In order to achieve the objectives of the ambitious agriculture export policy, we need various export promotion strategies. Among those strategies, establishment of export clusters is of prime focus. Every district has some agricultural produce which can be exported with the help of export clusters. It will enhance the involvement of small and marginal farmers in the

export bracket. Through export clusters, they can export their produce and will get good price for it.

Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) Scheme: Indian economy is based on agriculture and more than ten crore families depend solely on farming. Hence it is important to understand the impact of budget on agriculture and allied sectors. This year's financial budget has clear focus on agriculture and allied sectors. It aims to benefit farmers with schemes and subsidies and this will boost the morale of the entire farming sector. Government of India announced Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) Scheme under which they have made provisions of Rs 75000 crores for financial year 2019-20. Small and marginal farmers holding 2 hectares land or less, will receive Rs.6000 per year in 3 instalments. It will provide guaranteed income support of Rs. 500 to needy farmers. This structural financial arrangement for farmers is an advancing step in getting farming sector in an organised form. Farmers could use this additional income for insurance, health, education, storage and agricultural inputs, etc. Indeed it is important to empower small and marginal farmers financially.

Doubling farmer's income is the need of the hour as rural households are dependent on agriculture and allied activities. Inclusive development of rural India is not possible without true empowerment of farmers. Price fluctuations, low income and livelihood dependency are the main causes of agrarian crises, and increase in farmers' income could help solve agrarian crises to a large extent. Farmer's welfare is possible only when there is sharp rise in their income. Hence involvement of small and marginal farmers in agricultural export is significant. They can earn more by linking their product with international market.

(The Writer is a Social Scientist. The views expressed are personal)

Cheer Leaders Politics Boomerang to a Point of No Return



Anugula Rakesh Reddy

Boomerang was an ancient method of hunting among indigenous people of Australia. A specially designed wooden blade with aerodynamic properties would be thrown towards the target only to return after a hit. Eventually boomerang became a popular recreational sport with world competition. Maximum Time Aloft (MTA) is a very popular format of this sport, it merely measures the amount of time lapsed before boomerang returns. Current world record is 3 minutes 49 seconds for the boomerang to return to its sender. If India were to be represented in this competition, it has to be a part of the Gandhi family. Congress went back to Gandhi family in less than seventy days. This is a brand new world record among dynastic political parties.

Sonia Gandhi has returned as the President of Congress. Why wouldn't she? The boomerang of Indian National Congress is not entirely unexpected. The so called think tank of the party is just a team of well trained pet army of cheerleaders. Congress today is struck in a trap that it has laid for itself. Many Congress leaders would like the masses to think Rajiv Gandhi as architect of modern India. While this is a propaganda-based narrative that they compulsively built among the cadres, the large malicious footprint that he left on the Congress party has not been discussed enough.

From being a party of 'freedom fighters' to a

refugee camp of quasi liberal individuals, Congress's story is indeed an incredible journey of dilapidation. Today's situation of Congress was a carefully, if not a wisely orchestrated debacle. Rajiv Gandhi's tenure has fundamentally altered the party's character. The team of 'intellectuals' that Rajiv Gandhi built were mere cheerleaders in the guise of politicians. These were members of the same gang, who went to school with the party leader, or shared the same neighborhood as the party leadership. This is so much in contrast to the ideas on which party was initially conceived. This is the same party which had election among stalwart of leaders like Subhash Chandra Bose and Pattabhi Sitaramaiah to choose the Party President. Today, it has reached a stage where it conducts twelve hour meeting among the cheerleaders to decide that they cannot have anyone else other than Gandhi family to lead them.

How can we expect a party that cannot think beyond a family to be playing constructive opposition in a large democracy like ours? The level of intellectual bankruptcy of the opposition was very evident in its behavior at the Parliament when the most Productive Parliament session was in progress. The congress has exposed itself on several occasions in last two months. In a historic circumstance like Kashmir integration and the disation on Article 370, congress is busy peddling fears among minorities, not realising that they are standing along with the enemies of the country. The Congress was use red faced after its Parliamentary leader Adhir Ranjan Chawdhury called Kashmir an 'international' dispute. Did Indira Gandhi take UN permission before signing Indira – Sheikh accord in 1975? A leader, who represents the grand old party of largest democracy, either has no knowledge on history of Kashmir or an

idea about the public pulse on the issue.

In sixty years of the Congress rule, there was never a single attempt to integrate Kashmir with rest of the nation. In fact, there was a conscious effort to keep Kashmir ghettoized and away from the rest of the nation. Generations of Kashmiris remained isolated with no participation in economic growth that the country witnessed in the globalized circumstances. In fact, all the privileges of Kashmir were diluted during Congress tenure. Starting from abrogation of financial independence in 1954 to 1975 Kashmir accord, the nature of special status was weakened in a blatantly deceitful manner keeping the local population in dark. This led to ambiguous and unstable conditions in the valley. Enemies from across the border then exploited these vulnerabilities to manufacture secessionist sentiments. Moreover, Congress has systematically extrapolated the Kashmir issue across the country to garner minority vote bank, the cost of which was paid by innocent Kashmiri youth. With the dawn of the strong decisive Government in Delhi, this status quo has been removed for good, finally.

An opposition party can have different ideology but should not act against the national interest. But congress out of sheer desperation is towing line similar to that of the enemy country. A party, which once had immense competition among talent, has become a household business of one family. However, this case study is important as it has very valuable lessons for many regional parties. There is a pattern which occurs in four stages -

Stage 1 - Subjugate internal talent: At some point all the political parties had leaders who have grown from the grassroots. e.g. the leaders from student wings, people movements etc. In stage 1 all such organic leadership pool will be sidelined, making them feel trivial. A glaring example is the treatment of the former Prime Minister PV Narsimha Rao in late 90s within his own party.

Stage 2 - Cheer for more: Fill the party with

sycophants & yes men and limit the power in the hands of pseudo politicians. The more they cheer, the better they are positioned in power. Example is rise of Lutyen gang in Congress era.

Stage 3 - Total disconnect from common public and their aspirations. Due to lack of voices from the field, party leadership will have no idea of public mood, needs or aspirations. As a result, in this stage, parties tend to talk more about freebies rather than governance. Corruption creeps in within the party, and the leadership remains ignorant. Example - whole mis-governance of UPA was in this stage. It was at this stage that the congress started normalizing corruption at large scale.

Stage 4 - All hail prince: Acknowledging the brewing crisis in the party, a change of guard to new scion will be round the corner. Slowly but affirmatively, the party leadership will be transferred to an undeserving but privileged 'prince'. Already demotivated, the cadre becomes more indolent. Seniors defect from party to join rivals. Those who remain are blind hailers of the prince.

Now, stage 4 is a point-of-no-return for a political party. Once this stage is reached, any change at the steering, will only 'boomerang'. This pattern can be observed in many regional parties siding along with Congress. Starting from Rahul Gandhi in Congress to H.D. Kumaraswamy in Karnataka, all of them have come down to this point of no return. Today, many regional parties are filling their cadres with faithful cheerleaders rather than people with expertise and commitment. The pattern is obvious and driven by greed for power. Congress keeps playing boomerang at stage 4, whereas TDP is already in stage 4. TRS in Telangana is accelerating itself from stage 3 to stage 4. In the temple of democracy it's only voters who show the politicians the place they deserve.

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शाहनीति से बदलेगी जम्मू-कश्मीर की तस्वीर



शिवानन्द द्विवेदी

पांच अगस्त की सुबह एक नए इतिहास के रूप में दर्ज हुई, जब देश के गृहमंत्री अमित शाह ने राज्यसभा में जम्मू-कश्मीर से जुड़ा एक संकल्प पेश किया। इस संकल्प में अनुच्छेद 370 के दो प्रावधानों, अनुच्छेद 370(2) और (3), को हटाने की बात कही गयी थी। साथ ही एक विधेयक भी पेश किया गया, जिसमें जम्मू-कश्मीर राज्य को दो हिस्सों में विभाजित कर उन्हें केन्द्रशासित प्रदेश के रूप में गठित करने की बात की गयी। मोदी सरकार द्वारा पेश विधेयक के अनुसार जम्मू कश्मीर एवं लद्दाख को अलग-अलग केंद्र शासित क्षेत्रों के रूप में करने का प्रस्ताव रखा गया है। प्रथम दृष्टया आ रही जानकारी के अनुसार लद्दाख क्षेत्र का स्वरूप बिना विधायिका वाले केन्द्रशासित प्रदेश की तरह होगा, जबकि जम्मू-कश्मीर केंद्र शासित प्रदेश के पास दिल्ली और पुदुचेरी के तर्ज अपनी विधायिका होगी। कांग्रेस के विरोध के बावजूद राज्य पुनर्गठन से जुड़े इस विधेयक को राज्यसभा में अनेक दलों का समर्थन हासिल हुआ और बड़े अंतर से विधेयक पारित भी हुआ।

इसको यदि ऐतिहासिक और साहसिक फैसला लिखा जा रहा है, तो उसके पर्याप्त कारण हैं। इसमें कोई संदेह नहीं कि अनुच्छेद 370 और 35ए जम्मू-कश्मीर का मसला स्वतंत्र भारत के सर्वाधिक पुराने मसलों में से एक है। अनुच्छेद 370 व 35ए की बहस सात दशकों तक न सिर्फ देश की राजनीति का हिस्सा रही है, बल्कि भारतीय जनसंघ की स्थापना की जड़ें भी इस मुद्दे से जुड़ी हैं। जनसंघ और उसके कोंख से निकली भाजपा के मूल मुद्दों में सर्वाधिक पुराना मुद्दा जम्मू-कश्मीर से अनुच्छेद 370 और 35ए को समाप्त करने का ही रहा है। अगर पचास और साठ के दशक के दौरान भारतीय जनसंघ के प्रस्तावों और संकल्पों का अध्ययन करें तो अनेक बार जम्मू-कश्मीर के एकीकरण और अनुच्छेद 370 को समाप्त करने का

आह्वान दिखता है। जनसंघ के बाद के कालखंड में भी देखें तो देश में शायद ही कोई आम चुनाव हुआ हो, जब भाजपा ने अनुच्छेद 370 को समाप्त करने के अपने संकल्प को घोषणा पत्र में नहीं दोहराया हो।

एक पहलू यह भी है कि जम्मू-कश्मीर में दशकों से आतंकवाद, अलगाववाद तथा अस्थिरता का वातावरण दशकों से बना हुआ है। इसके कारणों की तह टटोलते हुए हमें समझना स्वीकारना होगा कि इतिहास सिर्फ महानताओं की गाथा ही नहीं, बल्कि तमाम भूलों की गवाह भी होती है। आजादी के बाद अनुच्छेद 370 जैसे प्रावधान जम्मू-कश्मीर के साथ चस्पा किये गये। हालांकि, उस दौरान भी इस प्रावधान को अस्थायी एवं 'घिसते-घिसते घिस जाने वाला' बताया गया था। किन्तु बाद के कालखंडों में पैदा हुई परिस्थितियों ने इस अनुच्छेद को महज तीन परिवार की राजनीति का उपकरण बनाकर रख दिया। इस अनुच्छेद की आड़ में वहां के कुछ स्थानीय राजनीतिक दलों ने अपनी सत्ता के हितों को साधने के लिए अलगाववाद और पत्थरबाजी को बढ़ावा दिया।

वर्तमान की मोदी सरकार के साहसिक प्रयासों से अनुच्छेद 370 के अप्रभावी होने का सकारात्मक असर पड़ना स्वाभाविक है। संविधान में अस्थायी प्रावधान के रूप में स्वतंत्रता के बाद जुड़ा यह अनुच्छेद अनेक मामलों में जम्मू-कश्मीर और भारत के अन्य हिस्सों के बीच के दीवार खड़ा करने वाला सिद्ध हुआ है। विदेश, रक्षा और संचार को अपवाद मान लें तो भारत सरकार द्वारा संघ सूचि तथा समवर्ती सूचि के अनेक कानून, नीतियाँ और योजनायें सिर्फ अनुच्छेद 370 की वजह से जम्मू-कश्मीर में लागू नहीं हो पाती। शिक्षा का अधिकार, सीएजी, ओबीसी और एससी-एसटी आरक्षण जैसे अनेक प्रावधान वहां लागू नहीं हैं। भारत के अन्य राज्यों के बीच जिस तरह के अंतर्संबंध हैं, वैसे संबंध जम्मू-कश्मीर का अगर भारत अन्य राज्यों से अगर नहीं है तो इसका कारण भी यह अनुच्छेद है। आज जब इस अनुच्छेद को समाप्त करने का साहसिक और ऐतिहासिक निर्णय भारत-राजपत्र पर राष्ट्रपति के अधिसूचना से हुई है तो अवश्य ही अब जम्मू-कश्मीर को भी वो सारी योजनाओं, नीतियों और प्रावधानों का लाभ मिलेगा, जिससे वहां के गरीब, वंचित, शोषित और दलित लाभान्वित नहीं थे।

खैर, इसके भावी परिणामों और संवैधानिक पहलुओं पर भविष्य

में लंबे समय तक चर्चा होगी। किंतु वर्तमान में सर्वाधिक चर्चा के केंद्र में गृहमंत्री अमित शाह हैं। ऐसा इसलिए भी होना स्वाभाविक है क्योंकि शाह ने गृहमंत्री बनने के शुरुआती दो महीने में ही इस मामले पर निर्णायक रुख लिया है। इसको समझने के लिए हमने अमित शाह की कार्यशैली को समझना होगा। एक सवाल यह भी जेहन में आता है कि गृहमंत्री के रूप में अपने कार्यकाल के शुरुआत में अगर शाह की कार्यशैली यह है तो उनका भावी दृष्टिकोण कैसा हो सकता है ?

कहा जाता है कि इतिहास अपने आप को दोहराता है। वर्तमान में भी इतिहास खुद को दोहरा रहा है। गुजरात में जब मोदी मुख्यमंत्री हुआ करते थे तब अमित शाह उनकी सरकार में गृह राज्यमंत्री का दायित्व संभाल रहे थे। आज मोदी प्रधानमंत्री हैं और अमित शाह देश के गृहमंत्री की भूमिका संभाल रहे हैं। बेशक शाह को गृहमंत्री बने महज दो महीने पांच दिन हुए हैं, लेकिन इस दौरान उन्होंने सीधे तौर पर जिन मुद्दों को छुआ है, वह गौर करने लायक है। नरेंद्र मोदी के नेतृत्व में दुबारा चुनकर आई इस पूर्ण बहुमत की सरकार का यह पहला संसद सत्र था। इस सत्र में सरकार ने अभूतपूर्व ढंग से विधेयकों को पारित कराया तथा विधायी कार्यों को अमल में लाने में सर्वाधिक सफलता हासिल की। संसद के इस सत्र की एक विशेषता और नजर आती है कि इसमें अमित शाह सर्वाधिक मुखर नजर आये हैं। राष्ट्रीय सुरक्षा, आतंकवाद, अलगाववाद और जम्मू-कश्मीर के मसले पर शाह का दृष्टिकोण इस संसद सत्र में मजबूती के साथ उभर कर आया है।

वैसे तो यह पहले से अनुमान लगाये जा रहे थे कि गृहमंत्री के रूप में आतंकवाद, अलगाववाद और नक्सलवाद जैसी नासूर बनती जा रही समस्याओं को लेकर कठोर नीति पर चलेंगे, किन्तु वे इतनी जल्दी अनुच्छेद 370 जैसे मुद्दे पर चोट करने वाले हैं, इसका अनुमान ठीक-ठीक कोई नहीं लगा सका था। बेशक पत्रकारों और बुद्धिजीवियों को ऐसा लग रहा है कि शाह ने बहुत जल्दी इन मुद्दों पर अपना ध्यान एकाग्रित किया है, किन्तु ठीक से देखें तो वह किसी जल्दीबाजी में नहीं नजर आते।

गुजरात में गृह राज्यमंत्री रहते हुए भी अमित शाह ने जिस विषय को सर्वाधिक उठाया था, वह आंतरिक सुरक्षा, अलगाववाद, उग्रवाद को पोषित करने वाली विचारधाराओं पर सख्ती बरतने का ही था। उस दौरान भी 'उन्होंने राज्य भर में आतंकी नेटवर्कों पर शिकंजा कसने में कोई ढिलाई नहीं बरती, उनके गिरोहों का भंडाफोड़ किया, तटीय सुरक्षा के लिए मजबूत नेटवर्क बिछाया और पुलिस बल का आधुनिकीकरण किया। 2009 में उन्होंने पुलिस विज्ञान तथा आंतरिक सुरक्षा के क्षेत्र में पाठ्यक्रम पढ़ाने तथा उपाधि देने के लिए रक्षा शक्ति विश्वविद्यालय की स्थापना का निर्देश दिया,

जो भारत में अपने प्रकार का पहला विश्वविद्यालय था।

अगर हम अमित शाह के गुजरात में गृह राज्यमंत्री का कार्यकाल बारीकी से देखें तो उनके प्रशासनिक कार्य प्रणाली को ठीक से समझने में आसानी होगी। जैसा कि ऊपर हम इस बात का जिक्र कर रहे थे कि शाह का दृष्टिकोण राष्ट्रीय सुरक्षा को लेकर स्पष्ट है। वे मानवाधिकार की आड़ में फल-फूल रहे अस्थिरता पैदा करने वाले अलगाववादी तत्वों की पहचान करने तथा उनके साथ कठोरता बरतने की हिमायत करने वाले नेता हैं। आज देश के गृहमंत्री बनने के बाद के उनके क्रिया कलापों को देखें तो वे सिलसिलेवार अपनी उसी नीति पर चलते नजर आ रहे हैं। अभी कुछ दिनों पहले संसद में गैर-कानूनी गतिविधियाँ (संशोधन) विधेयक पर चर्चा के दौरान शाह के बयान उनकी उसी मंशा को स्पष्ट करने वाले हैं, जो गुजरात में मंत्री रहते उन्होंने व्यक्त किये थे।

अमित शाह ने आज से एक दशक पूर्व देश की सुरक्षा को लेकर जिन खतरों से आगाह किया था, तब उन खतरों को तत्कालीन यूपीए सरकार ने अनदेखी की थी। उस अनदेखी का परिणाम हुआ कि देश ने अनेक आतंकी हमलों का दंश झेला तथा देश विरोधी तत्वों को अपने स्वयं को मुखर करने का मौका मिला। गुजरात में मंत्री रहते हुए अमित शाह ने 'आतंकवादियों को दंडित करने के लिए कठोर कानूनों' का समर्थन किया और ऐसी किसी भी 'बहस का विरोध किया, जो आतंकवादियों के साथ लड़ाई में सुरक्षा बलों का मनोबल कमजोर करती हो और उन्होंने कहा कि भयावह आतंक को अपनी आंखों से देखने के बाद उससे लड़ने के मुद्दे पर हमारे बीच किसी प्रकार का विवाद नहीं होना चाहिए।' उन्होंने तर्क दिया कि आतंकवाद रोकने के लिए आतंकवादियों के मन में सुरक्षा एजेंसियों और सुरक्षा बलों का भय होना चाहिए।' आज उनकी कार्य प्रणाली को इसी आलोक में देखने की जरूरत है। अमित शाह की कार्यशैली को इतिहास में दर्ज उनकी मंशाओं से समझने की जरूरत है। जम्मू-कश्मीर से जुड़े मसले पर उनका यह कदम भी उनकी दूरगामी सोच और प्रशासनिक अनुभवों का प्रतिफल कहा जा सकता है। निर्णय लेने के मामले में अमित शाह का नजरिया अत्यंत स्पष्ट है। वे मानते हैं कि 'अमुक निर्णय लें या न लें' की फ़िक्र में अधिक समय और ऊर्जा नष्ट करने की बजाय निर्णय लेकर उसे अमल में लाने में अधिक समय और ऊर्जा लगाने में सफलता की संभावना ज्यादा रहती है। जम्मू-कश्मीर से जुड़ा अनुच्छेद-370 के मुद्दे पर भी सरकार ने अगर पहले ही सत्र में यह निर्णय लिया है, तो इसकी पीछे मोदी और शाह की दृढ़ इच्छाशक्ति, दूरदृष्टि तथा कठोर परिश्रम का भरोसा कारण है।

(लेखक डॉ. श्यामा प्रसाद मुकर्जी रिसर्च फाउंडेशन में सीनियर रिसर्च फ़ैलो हैं। ये लेखक के निजी विचार हैं।)

कश्मीर नीति: तब और अब



सन्नी कुमार

कश्मीर की खूबसूरत वादियों के लिए कोई शायर “गर फिरदौस बर रूये ज़मी अस्त/ हमी अस्तो हमी अस्तो हमी अस्त” तो कह सकता है, लेकिन स्वर्ग की यह परिकल्पना यहाँ की राजनीति के लिए नहीं की जा सकती। समय-समय पर डल झील का ठंडा पानी उबाल मारता रहा है। यहाँ की सुरम्य वातावरण के विपरीत यहाँ की राजनीति उलझी रही है। दिलचस्प बात है कि जम्मू एवं कश्मीर की उलझन को दूर करने के लिए जिस समाधान को अपनाया गया उसने उलझन दूर तो नहीं की, लेकिन उसकी जटिलता और बढ़ गई। भारतीय संविधान का अनुच्छेद-370 समाधान का ऐसा ही एक उपाय था जिसके मूल में ‘संतुलन’ स्थापित करना था, लेकिन इसने जम्मू एवं कश्मीर की राजनीति को और असंतुलित ही किया। संविधान के अस्थायी प्रावधान वाले हिस्से में मौजूद इस अनुच्छेद ने राज्य के स्थायी संघर्ष को जन्म दिया। अब जबकि वर्तमान मोदी सरकार द्वारा इस अनुच्छेद को प्रभावशून्य कर दिया गया है तो विपक्ष का कहना है कि इससे जम्मू एवं कश्मीर का ‘संतुलन’ बिगड़ेगा। आखिर ऐसा क्यों है कि एक ही चीज़ किसी के लिए संतुलन बनाने वाली है तो किसी के लिए संतुलन बिगाड़नेवाली? संतुलन की इस कहानी को समझने के लिए हमें अतीत में जाना होगा। जम्मू एवं कश्मीर के लिए अंतिम निर्णय लेने वाले जवाहर लाल नेहरू और उस निर्णय की मुखालफत करते-करते जान दे देने वाले डॉ श्यामा प्रसाद मुखर्जी के ‘संतुलन’ संबंधी दृष्टिकोण को देखना होगा। और ‘संतुलन’ स्थापित करने के नैतिक साहस का भी परीक्षण करना होगा।

नेहरू की भूल और डॉ. मुखर्जी का बलिदान

संतुलन क्या है? क्या कुछ समय के लिए समस्या पर पर्दा डालकर उसके निस्तारित हो जाने का भ्रम उत्पन्न करना संतुलन है या किसी खास पक्ष को अनैतिक ढंग से पोषित करने रहना ताकि व्यक्तिगत आदर्श की छवि कमजोर न हो पाए, यह संतुलन है? या फिर अनिर्णय की स्थिति में रहना संतुलन है? इसी क्रम में कहें तो

फिर जम्मू एवं कश्मीर में संतुलन स्थापित करने का सही अर्थ क्या था? इसके समाधान के लिए हमें ‘दूसरी परंपरा की खोज’ करनी होगी और हजारी प्रसाद द्विवेदी के संतुलन संबंधी सिद्धांत को देखना पड़ेगा। द्विवेदी जी कहते हैं “मेरा मत है कि संतुलित दृष्टि वह नहीं है जो अतिवादियों के बीच एक मध्यम मार्ग खोजती फिरती है, बल्कि वह है जो अतिवादियों की आवेग-तरल विचारधारा का शिकार नहीं हो जाती और किसी पक्ष के उस मूल सत्य को पकड़ सकती है, जिसपर बहुत बल देने और अन्य पक्षों की उपेक्षा करने के कारण उक्त अतिवादी दृष्टि का प्रभाव बढ़ा है। संतुलित दृष्टि सत्यान्वेषी दृष्टि है। वह सभी प्रकार के दुराग्रह और पूर्वाग्रह से मुक्त रहने की और सब तरह के सही विचारों को ग्रहण करने की दृष्टि है।”

द्विवेदी जी के इस कथन को देखें तो इसमें दो सूत्र छिपे हैं। एक तो यह कि संतुलन मध्यम मार्ग जैसा निकासद्वार या बच निकलने का तरीका नहीं है। और दूसरा यह कि किसी एक निर्णय को मानते हुए भी संतुलित रहा जा सकता है। हां, इसके लिए गहरी सत्यनिष्ठा और आत्मविश्वास चाहिए। अब इस निकष पर नेहरू और मुखर्जी को परखते हैं कि वो संतुलन पर कितने खरे उतरते हैं? डॉ. श्यामा प्रसाद मुखर्जी की राय जम्मू एवं कश्मीर को लेकर स्पष्ट थी। उन्होंने ‘एक देश में दो प्रधान, दो निशान, दो विधान नहीं चलेगा’ का नारा दिया। पूरी दृढ़ता के साथ उन्होंने कहा कि ‘कश्मीर भारत का अभिन्न हिस्सा है और इसके साथ शेष भारत की ही तरह व्यवहार करना चाहिए’। इतना ही नहीं कश्मीर को शेष भारत से अलग करने वाले कानून की सविनय अवज्ञा करते हुए जेल गए और षडयंत्र का शिकार होकर शहीद हुए डॉ साहब के मन में कश्मीर को भारत का अभिन्न अंग मानने को लेकर कोई दुविधा नहीं थी। पूरी सत्यनिष्ठा और आत्मविश्वास के साथ वो कश्मीर मुद्दे के समाधान के पक्षधर थे। दूसरी तरफ नेहरू क्या कर रहे थे?

नेहरू जम्मू एवं कश्मीर का स्पष्ट राजनीतिक हल तलाशने की बजाय व्यक्तिगत संबद्धता के कारण भावुक दृष्टि से इसे डील कर रहे थे। कश्मीर में हुए घटनाक्रम पर सिलसिलेवार ढंग से नजर डालें तो यह बात स्पष्ट हो जाती है। हम सब जानते हैं कि आजादी के बाद देशी रियासतों को भारत या पाकिस्तान किसी एक डोमिनियन के साथ विलय कर लेने या फिर स्वतंत्र रहने का अधिकार मिला था। देश में उस समय लगभग 500 रियासतें थीं और सरदार पटेल भारत संघ में इन रियासतों के एकीकरण की परियोजना का नेतृत्व कर रहे थे। शेष सभी रियासतों का विलय तो आसानी से हो गया,

कश्मीर को शेष भारत से अलग करने वाले कानून की सविनय अवज्ञा करते हुए जेल गए और षडयंत्र का शिकार होकर शहीद हुए डॉ साहब के मन में कश्मीर को भारत का अभिन्न अंग मानने को लेकर कोई द्विविधा नहीं थी। पूरी सत्यनिष्ठा और आत्मविश्वास के साथ वो कश्मीर मुद्दे के समाधान के पक्षधर थे। दूसरी तरफ नेहरू क्या कर रहे थे?

किंतु जूनागढ़, हैदराबाद तथा कश्मीर अपनी अपनी जटिलताओं के कारण उलझे रहे। इनमें, जूनागढ़ एवं हैदराबाद का विलय तो सरदार पटेल ने सफलतापूर्वक करा लिया, किंतु कश्मीर का मसला स्वयं नेहरू देख रहे थे। नेहरू ने कश्मीर को 'व्यक्तिगत प्रतिष्ठा' से जुड़ा विषय बना लिया इसलिए राजनीतिक रूप से परिपक्व निर्णय, जैसा कि पटेल ने जूनागढ़ और हैदराबाद समेत अन्य सभी रियासतों के लिए लिया, की बजाय भावुक और दोषपूर्ण कदम उठाए।

अब अगर कश्मीर के घटनाक्रम पर नजर डालें तो तत्कालीन कश्मीर के राजा हरि सिंह ने भारत या पाकिस्तान में विलय की बजाय स्वतंत्र रहने का निर्णय लिया। उनका यह निर्णय तब तक ही कायम रह सका जब तक कश्मीर पर पाकिस्तानी हमला नहीं हो गया। इसके बाद राजा हरि सिंह ने अपनी रक्षा के लिए भारत सरकार से मदद मांगी तथा 26 अक्टूबर 1947 को भारत के साथ एकीकरण हेतु 'विलय पत्र' पर हस्ताक्षर किए। 27 अक्टूबर 1947 को तत्कालीन गवर्नर जनरल माउंटबेटन के हस्ताक्षर के साथ ही कश्मीर का शेष भारत के साथ विलय की आधिकारिक प्रक्रिया संपन्न हो गई। इसके बाद भारतीय सेना ने पाकिस्तानी कबायली आक्रमण से कश्मीर की रक्षा की तथा भारत का कश्मीर पर नियंत्रण स्थापित हो गया। यहाँ तक तो मामला ठीक था, लेकिन इसके बाद नेहरू ने कुछ ऐतिहासिक गलतियों की जिसने कश्मीर का रक्तंजित भविष्य तय कर दिया।

इसमें पहली गलती थी एकतरफा युद्ध विराम की घोषणा करना, जिससे कश्मीर के बड़े हिस्से पर पाकिस्तान का आधिपत्य बना ही रह गया, जिसे अभी 'पाक अधिकृत कश्मीर' के नाम से जानते हैं। दूसरी गलती नेहरू ने अपने प्रिय मित्र गवर्नर जनरल माउंटबेटन के कहने पर तब किया जब कश्मीर मसले को संयुक्त राष्ट्र संघ में ले जाकर इसका अंतर्राष्ट्रीयकरण कर दिया। साथ ही तत्कालीन कश्मीर के राजा हरि सिंह से विलय पत्र पर हस्ताक्षर कर देने के

बावजूद नेहरू ने अतिशय भावुकता दिखाते हुए शेख अब्दुल्ला को भी कश्मीर मसले का एक 'पक्ष' बना लिया और समाधान की बजाय समस्या को और उलझा दिया। इतना ही नहीं नेहरू ने अपने संदिग्ध मित्र, जिसे बाद में स्वयं नेहरू ने ही नजरबंद किया, शेख अब्दुल्ला की शह पर कश्मीर में जनमत संग्रह का प्रस्ताव रख दिया। इन सब निर्णयों से क्रमशः यह सिद्ध होता जा रहा था कि कश्मीर की स्थिति शेष भारत से अलग है। अलगाव की पहचान को और स्पष्ट करने के लिए भारतीय संविधान में अनुच्छेद -370 का प्रावधान कर दिया गया, जो जम्मू एवं कश्मीर को अपना 'अलग संविधान' बनाने की इजाजत देता था। यद्यपि यह संविधान में 'अस्थायी प्रावधानों' के अंतर्गत वर्णित था, किंतु इससे कश्मीर रियासत की विशिष्टता का भाव मजबूत होता था। दिलचस्प बात है कि विलय पत्र में इस अनुच्छेद के होने की कोई शर्त नहीं थी और यह प्रावधान विलय के लगभग एक वर्ष के बाद जोड़ा गया। अर्थात् यह विलय के लिए अपरिहार्य नहीं था। सबसे बड़ी बात यह है कि जब शेष सभी रियासतों के विलय में उसके वास्तविक शासकों को ही पक्ष बनाया गया था, तो अनावश्यक रूप से कश्मीर मसले में शेख अब्दुल्ला को महत्व देने की क्या आवश्यकता थी ? यह सिर्फ और सिर्फ नेहरू की अपनी छवि उदात्त बनाने की कोशिश थी अन्यथा क्या अन्य रियासतों के लोकतांत्रिक भावना का ख्याल नहीं रखा गया था ? इतना ही नहीं 1954 में राष्ट्रपतीय आदेश के माध्यम से भारतीय संविधान में अनुच्छेद -35A जोड़ दिया गया, जो कश्मीर को 'स्थायी निवासी' संबंधी विशेष कानून बनाने की छूट देता था। इसी का प्रयोग करते हुए कश्मीर में शेष भारतीयों को बसने, मतदान करने, चुनाव लड़ने इत्यादि जैसे मूलभूत अधिकारों से वंचित कर दिया गया। क्या ये सभी उपाय कश्मीर को अलगाव के लिए प्रोत्साहित नहीं करते थे?

जब समय समय पर किसी स्थान विशेष को शेष भारत से उसके अलग होने की मान्यता को पुष्ट करने का प्रयास किया जाएगा तो इससे 'संतुलन' बनेगा या बिगड़ेगा, इसका अनुमान करना कठिन नहीं है। सत्तर साल का इतिहास इसे सिद्ध भी करता है। वस्तुतः जो प्रयास संतुलन स्थापित करने के लिए किए जा रहे थे वो तुष्टिकरण का मार्ग था। इसे बहुत पहले समाप्त हो जाना चाहिए था। सुखद बात यह है कि वर्तमान प्रधानमंत्री नरेन्द्र मोदी और गृह मंत्री अमित शाह ने कश्मीर मसले में ठीक वही सत्यनिष्ठा और आत्मविश्वास प्रदर्शित किया जो कभी डॉ श्यामा प्रसाद मुखर्जी ने किया था। वैसे तमाम प्रावधान जो अलगाव को मजबूत करते थे उसे समाप्त कर दिया गया। अब उम्मीद कर सकते हैं कि जल्द ही जम्मू एवं कश्मीर अन्य राज्यों की तरह विकास के पथ पर तेजी से अग्रसर होगा।

(लेखक इतिहास के अध्येता हैं। ये लेखक के निजी विचार हैं।)

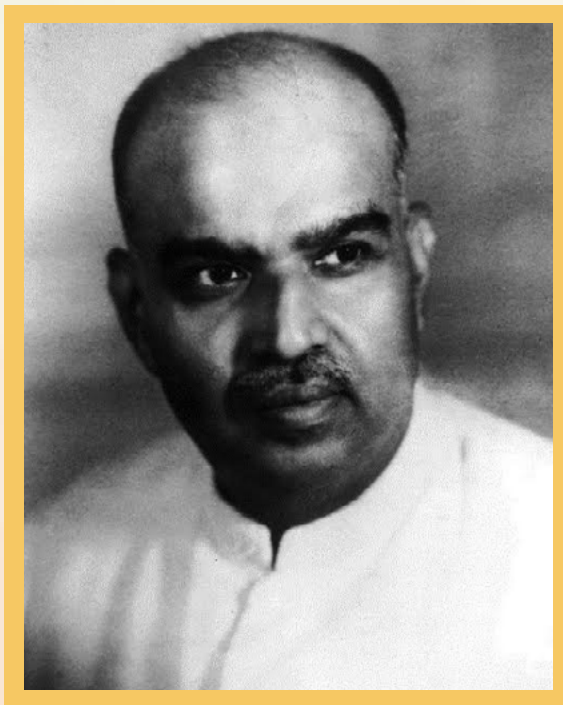
Special Address by Shri Amit Shah, Hon'ble Union Home Minister & National President, BJP on "Abolition of Triple Talaq: correcting a historic wrong" at Delhi on 18 August 2019





Discussion on “Historic Decision to Abrogate Article 370- a Tribute to Dr Syama Prasad Mookerjee & The New Narrative for Jammu & Kashmir & Ladakh” at Kolkata, West Bengal on 14 August 2019





“The dream, of an Indian nationhood which would comprise within itself men and women professing different religion, who regard India as their common motherland, had fired the imagination of generations of political thinkers and workers in this country. I believe that its consummation, if ever be achieved, will be all to the good of our country.”

-Dr. Syama Prasad Mookerjee
Mahakosala Provincial Hindu Sabha Conference,
Raipur, 7th December, 1940

Published By:

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