



Background guide AIPPM



This document provides all the information for the agenda

Letter from the executive board.



Greetings Members!

It gives us immense pleasure to welcome you to this simulation of AIPPM at KCMUN 2023. We look forward to an enriching and rewarding experience. The agenda for the session being.

Kashish zakir

Chairperson

AIPPM

She is kind as well as Aggressive.



Pradnya shavan
vice chair



Sidharth kohli
rapporteur

This study guide is by no means the end of research, we would very much appreciate if the Parliamentarians are able to find new realms in the agenda and bring it forth in the committee. Such research combined with good argumentation and a solid representation of facts is what makes an excellent performance. In the session, the executive board will encourage you to speak as much as possible, as fluency, diction or oratory skills have very little importance as opposed to the content you deliver. So just research and speak and you are bound to make a lot of sense. We are certain that we will be learning from you immensely and we also hope that you all will have an equally enriching experience. In case of any queries feel free to contact us. We will try our best to answer the questions to the best of our abilities.

We look forward to an exciting and interesting committee, which should certainly be helped by the all-pervasive nature of the issue. Hopefully we, as members of the Executive Board, do also have a chance to gain from being a part of this committee.

Please do not hesitate to contact us regarding any doubts that you may have.

All the Best!

Executive Board





Add a little bit of body All India Political Party Meet is a non-technical but powerful committee. It is a meeting between all the political parties of the nation. Typically called before the session of the Parliament or before the introduction of a bill, this committee aims to arrive at a consensus before the sessions begin. It is a supplementary body to the Parliament without any legislative provisions. The purpose of the meetings was initially to be a forum for unbounded political debate which may not be allowed in the Parliament due to time constraints, but these bodies now aid in providing a better insight into national issues. They help provide a diverse viewpoint before the actual legislative process. AIPPM is all about fired up narratives and impeccable debating.

Agenda : Reviewing the 4 years of the removal of statehood ship in Jammu and Kashmir with special emphasis to abating violence and growth as the union territory.



Introduction

Article 370 was the legal provision with which Kashmir was assured of autonomy. Under Article 370, the President can, with the Constitution (Application to Jammu and Kashmir) Order 1954, decide provisions of the Indian Constitution which could be applied to Jammu and Kashmir with or without modifications this has to be done in conference with authorities in Kashmir. The words “consultation” and “concurrence” that were used in Article 370 demonstrate the intent and the meticulousness of the drafters of the constitution in ensuring the retention of Kashmiri autonomy. This order has been amended from time to time to make more and more provisions of the Indian Constitution applicable to Jammu and Kashmir.

The key feature of Article 370 was that the Central laws passed by the Parliament did not automatically apply to the erstwhile State of J&K, and it was the right of the State Legislature to approve them by passing a parallel act.

- Article 370 is a constitutional provision that gave Jammu and Kashmir its special status.
- The provision was incorporated in Part XXI of the Constitution: Temporary, Transitional and Special Provisions.
- As evident from the title of the Part, it was supposed to be a temporary provision and its applicability was projected to last till the formulation and adoption of the State's constitution.
- It restricted the Parliament's legislative powers with respect to the state of J&K.

Pandit Nehru, on the floor of Lok Sabha on 27th November 1963, said that Article 370 has been eroded and the process of gradual erosion is going on. A year later, the then Home Minister Gulzari Lal Nanda, again on the floor of Lok Sabha on 4 December 1964, said, Article 370 is a tunnel to take the Constitution of India to Jammu and Kashmir. He further said that in the end, only the shell will remain there and it will be bereft of its contents, and it will hardly make any difference whether it is kept or not.

These two statements by two tall leaders of the country speak volumes about the dilution of Article 370 of the Constitution of India just merely after one decade of its enactment. The process had right away started in the year 1950, with the issuance of the Constitutional Application Order 1950, and thereafter, a number of parlances took place between the Centre and the State leadership, which evolved into an agreement known as the Delhi Agreement of 1952, wherein a number of subjects apart from those in the Instrument of Accession were agreed to be made applicable to the State of J&K. Some of them are as under:

- Appointment of the head of State.
- Persons having domicile in the State of J&K shall be Citizens of India.
- Fundamental Rights
- Jurisdiction of Supreme Court
- National Flag
- Financial Integration
- Emergency Powers.

Why Jammu and Kashmir is special?

• **Former MP Karan Singh, son of Maharaja Hari Singh, wrote in An Examined Life:** “The right-wing seems to resent that J&K carries a special status. That has always surprised me. We are a great country, we should be large-hearted. J&K came to India under complex and difficult circumstances. Now after all these years to ask why it holds a special position is baffling. It will always be special because it was born out of a special historical event and subsequent political developments. In England they have all sorts of governing systems..., we should feel so lucky that J&K, a Muslim-majority state became a part of India despite the religion-led Partition. Cherish that; relish that; honour that.”

• In November 1963, in a debate in Parliament, when HariVishnu Kamath argued that Kashmir was “not fully” integrated, **Nehru asserted** that it was, indeed, “fully integrated” with India. He said: “The House will remember that we have some **restrictions with respect to NEFA and other places; outsiders cannot buy land. This is also in some other districts, the hill districts of Assam.** This is to protect them.”

Looking at these arguments from the past, the people, the local political parties in Jammu and Kashmir and the political parties in India should have been taken into confidence for bringing about an end to legislation that was indeed the bridge between India and the state of Jammu and Kashmir.

The history of Article 370

Article 370 of the Indian constitution gave special status to Jammu and Kashmir, a region located in the northern part of the Indian subcontinent and part of the larger region of Kashmir which has been the subject of a dispute between India, Pakistan and China since 1947. Jammu and Kashmir was administered by India as a state from 17 November 1952 to 31 October 2019, and Article 370 conferred on it the power to have a separate constitution, a state flag, and autonomy of internal administration.

Article 35A of the Indian Constitution is an article that empowers the Jammu and Kashmir states legislature to define “permanent residents”.

- The provision mandates that no act of the state legislature coming under the ambit of Article 35A can be challenged for violating the Indian Constitution or any other law of the land.

Instrument of Accession

- In Kashmir’s Instrument of Accession in Clause 5, Raja Hari Singh, ruler of J&K, explicitly mentioned that the terms of “my Instrument of Accession cannot be varied by any amendment of the Act or of Indian Independence Act unless such amendment is accepted by me by an Instrument supplementary to this Instrument”.
- Clause 7 said “nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution”.
- Originally it was India’s stated policy that wherever there was a dispute on accession, it should be settled in accordance with the wishes of the people rather than a unilateral decision of the ruler of the princely state.
- In India’s acceptance of the IoA, Lord Mountbatten stated that “it is my Government’s wish that as soon as law and order have been restored in Kashmir and her soil is cleared of the invader, the question of the State’s accession be settled by a reference to the people”.

Facts on Article 370

Article 370 – Temporary provisions with respect to the State of Jammu and Kashmir

(1) Notwithstanding anything in this Constitution,

(a) The provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) The power of Parliament to make laws for the said State shall be limited to

1. Those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

2. Such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify
Explanation For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharajas Proclamation dated the fifth day of March 1948 ;

(c) The provisions of Article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph 1 of sub clause (b) shall be issued except in consultation with the Government of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph 2 of sub clause (b) of clause (1) or in the second proviso to sub clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

Rights and privileges under Article 370

- Special Rights and Privileges are given in the following four categories:
- Employment under the state government/State Public Sector Jobs
- Acquisition of immovable property in the state
- Settlement in the state
- Right to scholarships and such other forms of aid as the state government may provide

BEFORE		NOW
● Special powers exercised by J&K		● No special powers now
● Dual citizenship		● Single citizenship
● Separate flag for Jammu & Kashmir		● Tricolour will be the only flag
● Article 360 (Financial Emergency) not applicable		● Article 360 will be applicable
● No reservation for minorities such as Hindus and Sikhs		● Minorities will be eligible for 16% reservation
● Indian citizens from other states cannot buy land or property in J&K		● People from other states will now be able to purchase land or property in J&K
● RTI not applicable		● RTI will be applicable
● Duration of Legislative Assembly for 6 years		● Assembly duration in Union Territory of J&K will be for 5 years
● If a woman from J&K marries out of state, she would lose the citizenship of the state		● If a woman marries out of state or country, she will still retain all her rights and Indian citizenship
● Panchayats did not have any rights		● Panchayats will have the same rights as in other states
● Right to Education (RTE) was not applicable		● Children in the state will benefit from RTE

What happened and why is it important?

Article 370 was drafted in the Indian constitution titled "Temporary, Transitional and Special Provisions". It stated that the Constituent Assembly of Jammu and Kashmir would be empowered to recommend the extent to which the Indian constitution would apply to the state. The state assembly could also abrogate the Article 370 altogether, in which case all of Indian Constitution would have applied to the state.

After the state constituent assembly was convened, it recommended the provisions of the Indian constitution that should apply to the state, based on which 1954 Presidential Order was issued. Since the state constituent assembly dissolved itself without recommending the abrogation of Article 370, the article was deemed to have become a permanent feature of the Indian Constitution.

On 5 August 2019, the Government of India issued a Presidential Order superseding the 1954 order, and making all the provisions of the Indian constitution applicable to Jammu and Kashmir. The order was based on the resolution passed in both houses of India's parliament with two-thirds majority.

A further order on 6 August made all the clauses of Article 370 except clause 1 to be inoperative.

In addition, the Jammu and Kashmir Reorganisation Act, 2019 was passed by the parliament, enacting the division of the state of Jammu and Kashmir into two union territories to be called Union Territory of Jammu and Kashmir and Union Territory of Ladakh. The reorganisation took place on 31 October 2019.

A total of 23 petitions were presented to the Supreme Court of India, challenging the central government's decision to abrogate Article 370 of the Constitution, which has constituted a five judge bench for the same.

Unconstitutionality behind the abrogation of art.370

- Home minister Amit Shah stated that the matter of the statehood ship of JK was *internal* . Which was further questioned by Adhir Ranjan Chaudhary in the house.

- Since the statehood ship of JK was an agreement between two sovereigns in past(princely state of JK under Maharaja Hari Singh and Indian government), during the Deliberations in Supreme court: Kapil Sibal mentioned:- Art. 370 can't be abrogated as Jk constituent assembly never recommended it.

- The court further asked whether article 370, which gave special status to JK is being equated to the basic structure of the constitution?

Kapil Sibal argued that unlike the cash in some princely states, the government of India did not take over JK.

If the government wanted to take over JK they could have done it as a political act, but how do they do it from within a constitutional structure?

- Kapil Sibal: the govt. On August 5, 2019 circumvented the residuary power of the state by inserting art. 367 (4)(d) which replaced the expression "constituent assembly of the state" in

the provision to art. 370(3), with "legislative assembly" of the state.

- The UNSC doesn't favour the proposal of revoking art.370. The Un was monitoring the statehood ship of JK since 1948 under the theme "India-Pakistan question" and was not even apprised.

The Union Territory of Jammu and Kashmir

- The Jammu and Kashmir Legislative Assembly to **have a tenure of five years** unless it's dissolved earlier by the L-G.
- **Provisions contained under Article 239a of the constitution, that are applicable to Puducherry** shall be applicable here as well.
- This allows the Union Territory of Jammu and Kashmir to function as a legislative assembly under an administrator appointed under the said Article. In this case, it will be the LG.
- The **delimitation of constituencies following the bifurcation may be determined by the Election Commission.**
- The constituencies to be re-organised through a de-limitation exercise under the 2002 Act of Parliament.
- For the purpose of delimitation, the 2011 census figures are to be taken as the benchmark.
- The number of seats in the Legislative Assembly of Jammu and Kashmir shall be **increased from 107 to 114.**
- The state assembly currently has 111 seats, of which 46 are in the Valley, 37 in Jammu and the remaining **four are in the Ladakh division.**
- Of these, 24 seats would be deemed to be vacant till the time Pakistan-Occupied Kashmir comes under the jurisdiction of the Indian state.
- With this, the **existing legislative council in Jammu and Kashmir stands abolished.** “Every member thereof ceases to be such

member and all bills pending in the Legislative Council shall lapse.”

- **Four sitting members of the council of states (Rajya Sabha)** representing the existing state of Jammu and Kashmir shall be deemed to have been elected to **fill the seats allocated to the Union Territory of Jammu and Kashmir**. Their term of office remaining unaltered.

- The **High Court** of the existing state of Jammu and Kashmir is the common [High Court](#) of the two Union Territories.

- The new Assembly shall have **reservations** for Scheduled Caste and Tribes as in other parts of the state.

Does Returning to popular rule in J&K and restoring its statehood should be priority ?

The Centre's stand that **it is unable to commit itself to a timeline for restoration of Statehood for Jammu and Kashmir (J&K)** is quite disappointing. Four years after the **State's status was downgraded to that of a Union Territory**, all that the Union government can say about it now is that the status as a Union Territory is temporary and that it is taking steps towards making J&K a complete State. When queried by the Supreme Court Bench, which is hearing the **challenge to the abrogation of J&K's special status under Article 370** of the Constitution, about a timeline for the return of Statehood, the Solicitor-General said he was unable to give an exact time period. It is true that the State had faced disturbances for decades, but whether it can still be cited as the reason for the delay in restoration of statehood is a relevant question to raise. Alongside the President's declaration of Article 370 as inoperative and the application of the whole of the Constitution to J&K, the State was reorganised into two Union Territories — Jammu and Kashmir, with a Legislative Assembly, and Ladakh, without an Assembly. The Centre favours holding of panchayat and municipal elections as well as polls to the Assembly. The Election Commission of India and the State's Election Commission will have to take a call soon, as even the work of updating the electoral rolls is said to be nearing completion.

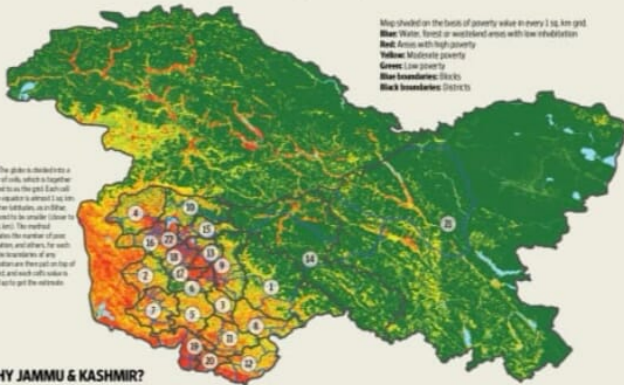
Given the government's claim that the situation is quite normal and that terrorism, infiltration and incidents of stone-throwing have all substantially come down, it is difficult to account for any further delay in the holding of elections. However, the picture of normality portrayed by the government should not, and is unlikely to, influence the adjudication

of the constitutional issues arising from the manner in which the abrogation of special status was achieved. As the Chief Justice of India, Justice D.Y. Chandrachud, observed during the proceedings, the development work the government says it has undertaken after August 2019 is not relevant to the constitutional challenge. Any positive change brought about by the administration in the ground situation should be a pointer to the need for early elections and the restoration of popular government as well as Statehood, and should not be used to demonstrate the correctness of the government's actions in 2019. To be fair, the hearing before a Constitution Bench, which has gone on for 14 days so far, has been quite rigorous in its focus on the constitutional and historical issues that will ultimately determine the validity of the manner in which the State's status was altered and its territory reorganised.

Violence and growth post abrogation

POVERTY GRID: JAMMU & KASHMIR

Jammu and Kashmir has a poverty rate of 10%, which is not high relative to other states, but there are chunks of poor population across the state. The eastern part accounts for a large part of the state's poor population, with three districts, Jammu, Kupwara and Anantnag, accounting for one-third of the total



WHY JAMMU & KASHMIR?

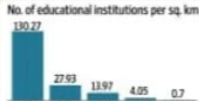
- Political turmoil in the state not only shattered the peace, but also retarded growth and development
- The development process largely suffered due to inadequacy of resources and steep rise in expenditure during the years of turmoil
- Economic growth of the state has not been impressive. Per capita income (at current prices) increased by 12% per annum compared to the national growth of 14% per annum
- Poverty reduction in the state had been very slow. From 12% in 2004-05, the poverty rate came down by only about 3 percentage points to 10.2% in 2011-12
- Can macro-measurement of poverty make a difference?

KEY RESULTS

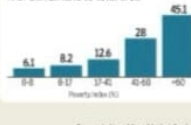
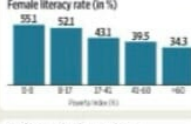
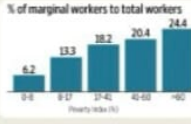
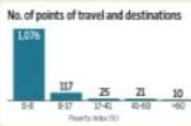
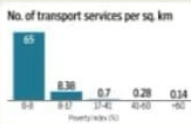
- Fewer educational institutions and transport services in areas where poverty rate is high
- Tourism is one of the biggest contributors to the state's economy. More tourism-related locations exist in areas where poverty rate is high
- Higher poverty zones are characterized with a large proportion of marginal workers and somewhat lower female literacy rates
- Barren land is a significant correlate of poverty. In the high poverty zones a large part of the land is barren
- Though we are unable to validate the results, Pakistan Occupied Kashmir has a far greater incidence of poverty than the rest of Kashmir

SPATIAL POVERTY INDEX

The poorer the area (say, with index value 30+), the less is the consumption of energy, roads and space



POVERTY DISTRIBUTION - district level



Graphic by Sarvesh Sharma/Mint

Note: As per Tendulkar committee's poverty definition for 2001-12.

Source: Indicus MIRA Market Analysis

- Even after the abrogation of Article 370, Jammu and Kashmir has witnessed violence, but there has also been a focus on growth and development in the region. The government has implemented various initiatives to promote infrastructure development, employment opportunities, and tourism.

- The unemployment rate is a significant concern in many regions, including Jammu and Kashmir. Efforts have been made to address this issue through various initiatives, such as the Udaan scheme, which aims to provide skill development and employment opportunities for the youth. While progress has been made, there is still work to be done to reduce unemployment and create more job opportunities. Many government departments in J&K have been seen dissolving since the abrogation which raises further concerns.

- On the other hand, the UT has prospered in educational institutions in the region with two

AllMS, 7 medical Colleges, 15 nursing colleges and more for its youth.

- Growth focuses on almost all sectors including its wildlife protection, public welfare facilities, transport facilities, infrastructural development, education, health welfare etc and importantly social harmony which as per the centre depicts -“unprecedented era of peace, progress and prosperity”

- Still many instances of protests and violence can be quoted. Over the past nine months, the twin districts of Poonch and Rajouri have seen heightened terrorist activity, leading to several encounters with security forces.

- The Centre had told Parliament earlier this year that terrorist violence in J&K has reduced significantly after the abrogation of Article 370 in August 2019.The number of terrorist incidents has been reduced during 2020 by 59% as compared to 2019 and 32% up to June, 2021 in

comparison with the corresponding period up to June, 2020,” it said.

**Comparative data for the year 2016, 2017, 2018, 2019, 2020, 2021 & 2022
(upto 31st July, 2022)**



Description	2016	2017	2018	Total	2019	2020	2021	Total	Variation
Militancy related incidents (CID)	223	279	417	919	255	244	228	727	-21%
Law & Order incidents (Zonal Police)	2808	1261	825	4894	584	143	77	804	-600%
Militants killed	150	213	257	620	157	225	182	564	-9%
Civilians killed in terror related incidents	20	51	55	126	44	37	35	116	-10%
SFs Killed	65	49	46	160	69	46	23	138	-14%
Police Personnel Killed	17	31	45	93	11	15	20	46	-51%
Recruitment	95	149	206	450	143	172	136	451	+0.22%
Terrorists arrested (Zonal Figure)	47	84	71	199	49	75	71	195	-0.02%
OGWs/Terror Operatives	68	73	776	917	560	740	670	1970	+114%
Terror Modules Busted	-	-	-	-	07	106	89	202	
Terror Hideouts Busted	-	-	-	-	-	-	35	-	
Ceasefire Violations (CID Fig.)	233	379	382	994	605	937	95	1637	+64%
CASOs	-	2814	3963	-	5117	9519	5403	20039	

Source: JKP and Union Home Ministry

Addressing the Challenges:

Importance of Local Support:

- The support of the local population, particularly the Gurjar-Bakkarwal community, has played a crucial role in countering militancy in the past.
- Efforts should be made to understand and address any grievances or alienation within the community.

Comprehensive Approach:

- Countering militancy requires a "whole of government" approach, recognizing that solutions are not obtained in isolation. It necessitates coordinated efforts in governance, justice, and security sectors to effectively address the multifarious challenges.

Socio-political Factors:

- Examining socio-political drivers, such as gaps in the implementation of the Forest Rights Act and tensions between Gurjar-Bakkarwals and Paharis over reservation issues, can help identify and address root causes of alienation.

Conclusion:

The resurgence of militancy in the Rajouri-Poonch region calls for urgent attention and comprehensive strategies. By engaging with the local population, particularly the Gurjar-Bakkarwals, and addressing socio-political issues, it is possible to overcome the challenges and restore peace in the region. A holistic approach that involves multiple sectors and stakeholders is essential in countering militancy and ensuring long-term stability.

Sub agendas

1. Geographical rationality behind art. 370 and 35A in Jammu and Kashmir.
2. The history of law concerning the statehood ship of jammu and kashmir with special emphasis on the instrument of accession.
3. Deliberations on the post abrogation preservation of Cultural and traditional diversity of Jammu and Kashmir.
4. Acknowledging the union territory as a vast disperse area governed by the centre, post abrogation.
5. Calling attention to the control of law and order in jammu and kashmir as a UT
6. The engagement of Public in social order in the past 4 years of removal of statehood ship in Jammu and Kashmir

7. The status of economic investments in Jammu and Kashmir as a UT.
8. Recognising the standing cross border terrorism in the UT while stressing on the enumeration.
9. Development and establishments of institutions in Jammu and Kashmir in the past 4 years.
10. Deliberations on the Curbs on the Freedom of Press in Jammu and Kashmir.