Controversy Around Art 35A - II

Click here for Part I

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What is the issue?

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- The gender discrimination argument behind repealing Art 35A is justified to a large extent.
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- However, a larger picture reveals that Art 35A is more relevant for the Duggar region of Jammu for a variety of reasons.
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- Repealing it is likely to impact the cultural identity and economic opportunities of communities like the Dogras of the Duggar region.
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What would be the impact?

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- **Identity** - the provisions of the article have their roots in 1927 laws brought by the last Dogra ruler of Jammu and Kashmir, Maharaja Hari Singh.
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- Protecting the Dogras from domination by elite and affluent non-state subjects, mostly from neighbouring Punjab, was the prime motive.
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- Repealing Art 35A would largely impact the identity and interests of the Dogras.
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- **Industry** - Promoting the development of the presently weak Jammu and Kashmir industries is another reason proposed for repealing the law.
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- This is because Art 35A specifies some restrictions on non-permanent residents of the state to carry on business in the state.
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- However, ground realities indicate that geographical location of the state, a limited market, and manufacturing costs and the volatile law and order situation are the real impediments to industrial growth.
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- **Opportunities** - Contrary to the industrial development proposal, opponents feel that repeal of the law would only limit the opportunities.
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- Concessions in recruitment, professional academic courses, scholarships and other financial assistance will become more competitive, depriving many of the advantages at present.
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- Also, influx of “non-subjects” would increase pressure on landholdings, farm activity, etc given the withdrawal of residency restrictions.
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- This may result in shrinking opportunities for the local skilled and unskilled labour, farmers, etc.
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- **Integration** - The introduction of Art 35A safeguarded the rights and the distinct identity of the people of Jammu and Kashmir.
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- This essentially minimised the scope for deprivation and conflicts and thus ensured the peaceful coexistence of the state with the nation.
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- Arguing that removing Art 35A would lead to the integration of Jammu and Kashmir with the rest of India contradicts the above reality.
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- It would rather only make them more insecure and affect the smooth relationship between the state and the nation.
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What is the way forward?

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- Art 35A, to a large extent, has only worked in favour of the people in J&K, preserving their unique social identity.
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- Government can undertake verification of the state subjects to identify those who have become permanent residents through questionable means.
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- Addressing the flaws in Art 35A, rather than repealing the entire law would balance the concerns and opportunities.
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Source: Indian Express

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