

# ALTERING STATUS QUO: THE HINDU EDITORIAL ON JAMMU AND KASHMIR AND STATEHOOD

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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.

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