

India's Federal Design and the Debate on J&K Statehood Formation

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Statehood Formation Latest News

- The Supreme Court's directive on restoring Jammu and Kashmir's statehood has revived debate on **India's federal design** and the balance between Union authority and State autonomy.

Introduction

- The question of Jammu and Kashmir's statehood has reignited the debate on India's federal design.
- The Supreme Court, while upholding the abrogation of **Article 370** in December 2023, directed the Union Government to restore statehood and conduct Assembly elections.
- Although elections were held in October 2024, no roadmap for restoration has been announced.
- This delay raises larger concerns about the constitutional balance between India's federal spirit and the Union's authority.

Constitutional Framework for State Formation

- The Indian Constitution outlines three processes for creating States: admission, establishment, and formation.
 - **Admission:** Political units like Jammu and Kashmir joined India through the *Instrument of Accession* in 1947.
 - **Establishment:** New territories like **Goa** and **Sikkim** were admitted following acquisition under international law.
 - **Formation:** Most common, this involves reorganising existing States under **Article 3**. Parliament may alter boundaries, merge, divide, or rename States.
- However, while Parliament can reorganise States, it cannot permanently downgrade a State into a Union Territory. This principle underscores the federal foundation of India.

The Federal Character of India

- India's Constitution establishes a **Union of States** rather than a traditional federation.
- The term "Union" was chosen deliberately to ensure indivisibility, reflecting strong central authority alongside federal features.
- Key aspects of India's federal design include:
 - **Indivisibility of the Union:** States cannot secede, ensuring unity.
 - **Bicameralism with Rajya Sabha:** A permanent Upper House ensures continuous State representation at the Union level.
 - **Basic Structure Doctrine:** Federalism has been recognised as part of the Constitution's basic structure, making it immune from dilution.
- Thus, federalism in India balances diversity with unity, providing space for States while keeping the Union intact.

J&K and the Federal Debate

- The 2019 **Jammu and Kashmir Reorganisation Act** converted the State into two Union Territories, J&K and Ladakh.
- While this was upheld as constitutional in 2023, the Court mandated eventual restoration of J&K's statehood.
- Critics argue that the delay undermines federalism by extending Union dominance through the Lieutenant Governor, restricting the powers of elected representatives.
- Proponents, however, argue that given J&K's sensitive security situation, Union control remains essential until stability deepens.

Importance of Restoring Statehood

- Restoration of statehood carries deep constitutional and political significance:
 - **Federal Integrity:** Reaffirming India's commitment to shared governance between the Union and States.

- **Democratic Rights:** Empowering the elected Assembly ensures people's representation and accountability.
- **Balancing Power:** Curtailing the excessive influence of the Lieutenant Governor aligns governance with democratic federalism.
- **Judicial Mandate:** Compliance with the Supreme Court's directive strengthens constitutional trust.
- **Political Stability:** Restoring statehood could reduce alienation in the region and reinforce faith in India's federal compact.

The Larger Federal Design Challenge

- India's federalism is often described as "quasi-federal," combining strong central authority with regional autonomy.
- While this has enabled national unity, it has also led to tensions, especially when Union powers are exercised extensively, such as in J&K.
- The debate underscores a fundamental question: **how should India balance national security concerns with federal principles?** The answer lies in respecting constitutional commitments while pragmatically addressing ground realities.

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