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EDITORIAL ANALYSIS

Statehood for Jammu and Kashmir Cannot Wait Forever

 **THE HINDU**

16 July 2026

POLITY

GS2

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THE LIFT LINE

A promise without a date is a promise that can be kept forever in the future and never in the present.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The restoration of statehood to Jammu and Kashmir sits at the crossroads of federalism (<https://ujyari.com/terms/federalism/>), parliamentary procedure and judicial oversight, which makes it a near-perfect GS2 case study. It lets you discuss the reorganisation of states, the transitional nature of Union Territory status, and the limits of a court's ability to enforce an assurance recorded in a judgment. For UPSC, the value is that the issue is procedural and constitutional, not partisan, so an aspirant can argue it cleanly on principle.

The deeper reason it matters is that it forces you to separate two questions that are often blurred. The **abrogation of Article 370** and its constitutional validity is one debate, settled by the Supreme Court in December 2023. The **restoration of statehood** is a distinct debate about democratic representation and the federal compact. Keeping these apart is exactly the kind of analytical discipline examiners reward.

GS Paper 2: Indian Constitution, federalism, [devolution](https://ujyari.com/terms/devolution/) (<https://ujyari.com/terms/devolution/>) of powers; functioning of the executive and legislature; separation of powers; role of the judiciary.

For **Prelims**, hold the specifics: **Article 370** was abrogated on **August 5, 2019**; the **Jammu and Kashmir Reorganisation Act, 2019** split the former state into two Union Territories, namely **Jammu and Kashmir with a legislature** and **Ladakh without a legislature**; elections to the **Jammu and Kashmir Legislative Assembly** were held in **2024**; **Article 3** governs the formation of new states and the alteration of areas, boundaries or names; converting a UT into a state is an act of **Parliament** on the recommendation of the Union executive; the Supreme Court delivered its Article 370 verdict in **December 2023** and recorded the Union's assurance to restore statehood "as soon as possible."

For **Mains**, the argument is that a transitional UT status with no restoration timeline strains the federal and democratic principles the Constitution rests on, and that the assurance recorded by the court should be honoured with a defined roadmap rather than left open-ended.

BACKGROUND AND CONTEXT

Jammu and Kashmir is an integral part of India, and that constitutional fact is not in dispute. What is in dispute is the shape of its governance. When Parliament abrogated Article 370 in August 2019 and passed the Reorganisation Act, it did something unusual in Indian constitutional practice: it downgraded a full state into two Union Territories. The Union's own framing at the time was that this was a **transitional** step, a means of restoring order and normalcy, not a permanent redesign.

When the Supreme Court upheld the abrogation in December 2023, it did not treat UT status as settled. The bench specifically noted the Union's assurance that statehood would be restored "as soon as possible," and it urged that elections be held. Those elections came in 2024, and Jammu and Kashmir now has an elected Assembly. Yet the promise that mattered most for federalism, the return to full statehood, still carries no calendar.

The pattern in Indian history runs the other way. States have been carved out and reorganised, but the movement of a functioning polity from statehood down to Union Territory status, held there indefinitely, has no comfortable precedent. That is what makes the missing timeline so consequential.

THE CORE ARGUMENT / ISSUE

Transitional must mean temporary

The word "transitional" carries a built-in promise: that the arrangement will end. A transition without an endpoint is simply a new permanent state of affairs wearing a temporary label. Once elections have been held and an Assembly is functioning, the strongest justification for continued UT status, the need to restore order, weakens considerably.

Federalism and the depth of representation

Under UT status, an elected Assembly operates with powers materially narrower than those of a full state, with the Union retaining significant control. That gap matters. Federalism is not only about holding elections; it is about the elected tier possessing genuine authority over its own governance. A representative body without the powers of a state delivers a thinner form of democracy than the Constitution envisions for a full state.

DIMENSION	UNION TERRITORY (WITH LEGISLATURE)	FULL STATE
Legislative competence	Narrower, subject to Union control	Full State List powers
Role of Union-appointed administrator	Substantial	Limited to constitutional role
Federal standing	Reduced	Full member of the federal union
Intended duration for J&K	Transitional	Permanent
Instrument to change status	Act of Parliament under Article 3	Established

The court's assurance and its limits

The Supreme Court recorded the Union's assurance but did not, and arguably could not, impose a deadline on a policy decision reserved for Parliament. This is the crux. The restoration of statehood is an **executive and legislative act** carried out by Parliament, not something a court can order into being on a fixed date. That is precisely why the political commitment to a timeline matters so much: judicial enforcement is limited, so the credibility of the promise rests on the government honouring it voluntarily.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Test every "temporary" arrangement in constitutional life by asking for its exit condition. If a measure is justified as transitional, the honest question is: transitional until what, and by when? Where the exit condition is vague or absent, the arrangement tends to harden into permanence by default, not by decision. The transferable rule: in a federal democracy, the burden of proof lies on continuing an extraordinary arrangement, not on ending it, and that burden grows heavier the moment normal democratic processes, such as elections, have resumed. Apply this and the J&K question answers itself: once an Assembly is elected, the case for prolonging UT status must be actively re-justified, and a roadmap becomes the reasonable expectation.

THE DIAGRAM IN WORDS

Article 370 abrogated Aug 2019 -> Reorganisation Act creates two UTs -> framed as transitional -> SC upholds abrogation Dec 2023 and records statehood assurance -> Assembly elections held 2024 -> order-restoration rationale weakens -> yet no timeline set -> transitional risks becoming permanent -> federal and democratic strain

WAY FORWARD

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- ① **Announce a defined roadmap.** The Union should convert the recorded assurance into a public timeline for restoring statehood, so that “as soon as possible” acquires a meaning that can be tested and honoured.
- ② **Sequence the transfer of powers.** Even ahead of full statehood, the elected Assembly’s competence can be progressively widened, aligning practice with the transitional promise rather than freezing it.
- ③ **Use the Article 3 route transparently.** Restoration is a parliamentary act, so the government should bring the enabling legislation in a planned, deliberative manner rather than leaving the timing entirely open.
- ④ **Keep security and statehood on separate tracks.** Continued **vigilance** (<https://ujiyari.com/vocab/vigilance/>) against cross-border terrorism, where India’s stand is one of zero tolerance, does not require the suspension of statehood, and the two questions should be decoupled in policy.

PYQ LINKAGE AND PRACTICE

UPSC has repeatedly examined reorganisation of states, the **asymmetry** (<https://ujiyari.com/terms/asymmetry/>) of Union Territory governance, and the balance between the Union and the units, and it favours questions that test constitutional reasoning over current controversy. The safe approach is to argue from federalism, representation and separation of powers, treating the abrogation itself as settled law. **Practice question:** “The conversion of a state into a Union Territory was described as transitional, yet no timeline governs its reversal. Critically examine the federal and democratic implications of an open-ended transitional arrangement in the case of Jammu and Kashmir.” (15 marks, 250 words)

Sources: *The Hindu* (<https://www.thehindu.com>), *Supreme Court of India* (<https://www.sci.gov.in>), *PRS Legislative Research* (<https://prsindia.org>)

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