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EDITORIAL ANALYSIS

The Diarchy That Would Not End: J&K, Statehood, and the Cost of Delay

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POLITY

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The Diarchy That Would Not End: J&K, Statehood, and the Cost of Delay

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INTERVIEW ANGLE

"If statehood were restored tomorrow, what specific power would the Jammu and Kashmir government gain that it does not already exercise, and would that power actually change a citizen's daily experience of governance?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

A legislature that cannot answer for policing, and a police force that cannot be judged at the ballot box, is not federalism in transition. It is federalism suspended.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Statehood and Union Territory status sit at the centre of the Centre-State relations syllabus, and Jammu and Kashmir since 2019 is the single most examinable live case UPSC has produced on this theme.

GS Paper 2: Indian Constitution, historical underpinnings, evolution, features, amendments; comparison of the Indian constitutional scheme with other countries; separation of powers between various organs; Centre-State relations; **devolution** of powers and finances up to local levels; federalism and its challenges.

For **Prelims**, fix the distinction between Article 3 (Parliament's power to form new states and alter boundaries) and the special procedural requirement that applies when a state's status or territory changes, and the exact composition of executive authority in a Union Territory with a legislature.

CONCEPT	MEANING	WHY UPSC TESTS IT
Union Territory with a legislature	A UT (e.g. Delhi, Puducherry, J&K) that has an elected Assembly, but with subjects and powers narrower than a full state	Tests the gradation between full statehood and a UT without a legislature
Diarchy	Split of executive authority between an elected government and an appointed authority (the Lieutenant Governor) over different subjects	A recurring theme in Centre-State and historical-institutional questions
Article 3	Empowers Parliament to form a new state, alter boundaries, and increase or diminish the area of a state, by simple majority, after the President refers the Bill to the affected state legislature for its views	Frequently tested; note the state's view is sought, not binding
Reorganisation vs restoration	J&K's 2019 change used a J&K-specific Reorganisation Act; statehood restoration would need a fresh Act of Parliament, not an executive order	Tests whether students confuse political announcement with the legal instrument required

BACKGROUND AND CONTEXT

DATE	DEVELOPMENT
5 August 2019	Article 370's special provisions for Jammu and Kashmir effectively revoked by Presidential Order and a resolution of Parliament
31 October 2019	Jammu and Kashmir Reorganisation Act, 2019 takes effect, splitting the state into the Union Territories of Jammu and Kashmir (with a legislature) and Ladakh (without one)
11 December 2023	Supreme Court, in <i>In Re: Article 370 of the Constitution</i> , upholds the abrogation, directs Assembly elections by 30 September 2024 , and directs statehood be restored "at the earliest"
September-October 2024	Jammu and Kashmir Legislative Assembly elections held; an elected government takes office
2024 onward	Elected government functions with police, public order and land administration reserved to the Lieutenant Governor under the Jammu and Kashmir Reorganisation Act
July 2026	Statehood restoration remains announced-but-undated; the editorial under review argues the delay itself has become the governance problem

THE CORE ARGUMENT / ISSUE

The specific powers at stake

Under the Jammu and Kashmir Reorganisation Act, 2019, the Lieutenant Governor, not the elected Council of Ministers, exercises authority over the police, public order, and, with qualifications, land, mirroring the Delhi model rather than a full state. This is the operative core of the “diarchy” critique: a Chief Minister can be held responsible in the next election for health, education, and welfare delivery, but not for the law-and-order outcomes that most shape a citizen’s sense of security and that are, in most states, the first thing a government is judged on.

Why “at the earliest” has stretched

The Supreme Court’s December 2023 direction on elections carried an explicit deadline and was met. Its direction on statehood carried no deadline, and the Union’s own submissions before the Court in 2023 acknowledged statehood would be restored, without committing to when. Two years of elected government under Union Territory status is, on this reading, no longer transition; it is a stable equilibrium that Parliament has not chosen to end.

The security case for delay, stated honestly

Jammu and Kashmir has recorded a marked decline in terror incidents and street unrest since 2019, and the government’s stated position links full statehood, particularly restoration of police powers, to a durable, verified normalcy rather than a calendar date. Handing back police control prematurely, on this view, risks reopening exactly the coordination gaps between security and civil administration that instability in earlier decades exploited.

The reply

Durable normalcy is a legitimate [precondition](#), but an unlisted one cannot be assessed, debated, or held to account, which is the same accountability problem the delay is meant to solve. A benchmarked roadmap, published incident-reduction thresholds, a defined review cadence, converts an indefinite security veto into a reviewable commitment, without forcing an unsafe handover on a fixed date regardless of conditions.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Separate the principle from the sequencing. Almost no serious voice disputes that Jammu and Kashmir should eventually be a full state again; the Union’s own submissions concede the principle. The live dispute is entirely about sequencing and its transparency. When an argument seems to be about “whether”, check first whether it is actually about “when” and “how it will be judged”, because most durable political disputes in India’s federal design are sequencing disputes wearing principle’s clothes. This frame generalises:

statehood for Delhi's full services, the timeline for **delimitation**, GST compensation transition, all recur as sequencing questions rather than yes-or-no questions, and identifying that correctly is what separates a strong Mains answer from a generic one.

THE DIAGRAM IN WORDS

Picture a two-lane bridge connecting "Union Territory with a legislature" on one bank to "full statehood" on the other. One lane carries the elected government, moving toward accountability for policing and land that it does not yet hold. The other lane carries the Union's security assessment, moving at its own pace toward a normalcy verdict it alone certifies. The bridge has no visible midpoint markers, no distance signs, so a traveller in either lane cannot tell how much further remains. A benchmarked roadmap is simply the act of painting distance markers on that bridge, converting an invisible, indefinite crossing into a visible, finite one, without changing which bank either lane is heading toward.

WAY FORWARD

- ❶ **Publish a phased roadmap** linking statehood restoration to specific, publicly verifiable security indicators (incident counts, infiltration attempts, stone-pelting incidents), with a defined review date.
- ❷ **Transfer subjects incrementally** rather than as a single police-and-land handover, starting with land administration where the security case is weaker, while public order transitions last.
- ❸ **Institutionalise a Centre-State security review mechanism** with the elected government represented, so that the normalcy assessment is not purely a Union determination.
- ❹ **Legislate rather than merely announce.** Statehood requires a fresh Act of Parliament amending the Reorganisation Act; a political commitment without an introduced Bill has no binding force and should not be mistaken for one.
- ❺ **Extend the same clarity to Ladakh**, whose Union Territory-without-legislature status raises a parallel but distinct set of representation questions the roadmap should address alongside Jammu and Kashmir's.

PYQ LINKAGE AND PRACTICE

UPSC has repeatedly tested the Union's power to reorganise states under Article 3, the special status once available under Article 370, and Centre-State relations more broadly, including through the landmark *S.R. Bommai v. Union of India* (1994) on federalism as a basic feature. The Jammu and Kashmir case since 2019 is the sharpest live illustration of the gap between electoral representation and constitutional power, and answers should cite the December 2023 Supreme Court judgment by name.

Practice question: “The restoration of statehood to Jammu and Kashmir has been affirmed in principle but left undated in practice.” Examine the constitutional mechanism for restoring statehood, and discuss whether an unbenchmarked timeline is compatible with genuine federal accountability. (250 words, 15 marks)

Interview angle: If statehood were restored tomorrow, what specific power would the Jammu and Kashmir government gain that it does not already exercise, and would that power actually change a citizen’s daily experience of governance?

Sources: Indian Express, Supreme Court of India, Ministry of Home Affairs

Source: The Diarchy That Would Not End: J&K, Statehood, and the Cost of Delay — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

• KEY ARGUMENTS AT A GLANCE

An elected Jammu and Kashmir government operating under Union Territory status is not a transitional inconvenience but a standing diarchy that diffuses accountability and denies nearly 14 million citizens the ordinary content of representative government.



SUPPORTING

- Land, police and public order remain with the Lieutenant Governor, so the elected government cannot be judged, or re-elected, on the outcomes that most define daily governance.
- The Union government itself committed to restoring statehood, both before Parliament and before the Supreme Court in the 2023 verdict, making continued delay a promise deferred rather than a position never taken.
- Prolonged Union Territory status normalises a template, elections without full self-government, that weakens the presumption of full statehood as the constitutional default for any future reorganisation.



COUNTER

Security conditions along the Line of Control and residual terror incidents justify a calibrated, security-first sequencing in which the Union retains police and public order until normalcy is durable, not just declared.



WAY FORWARD

Publish a phased, time-bound statehood roadmap tied to specific, publicly verifiable security benchmarks, so that the sequencing is transparent and reviewable rather than open-ended.


MAINS ANSWER FRAMEWORK
QUESTION

An elected government without full statehood is a democracy with an asterisk. Examine this proposition with reference to Jammu and Kashmir since the 2024 Assembly elections, and discuss the constitutional mechanism by which statehood, once revoked, is restored. (250 words)

INTRODUCTION

Jammu and Kashmir has held an elected Legislative Assembly and Chief Minister since October 2024, yet remains constitutionally a Union Territory, with police, public order and land under the Lieutenant Governor rather than the elected government. This split, an elected legislature without a state's full executive competence, is what the reorganisation debate calls a diarchy.

BODY

The 2019 reorganisation under the Jammu and Kashmir Reorganisation Act split the former state into two Union Territories, revoking the special status under the erstwhile Article 370. In its December 2023 judgment in *In Re: Article 370*, the Supreme Court upheld the abrogation but directed the Union to restore statehood "at the earliest" and to hold Assembly elections by September 2024, which were duly held. Statehood, however, was left to executive discretion rather than a fixed timeline. The consequence is a structural accountability gap: an elected government answers to voters for outcomes, policing, order, land use, that it does not control, while the Union, which controls them, faces no electoral answerability in the Union Territory itself.

This is precisely the diarchy model that colonial and early-republican India experimented with and abandoned, because split competence diffuses responsibility rather than sharing it.

CONCLUSION

A security-calibrated glide path to statehood, announced with benchmarks rather than left indefinite, would preserve the Union's legitimate security concerns while restoring the basic constitutional expectation that an elected government governs. The cost of not doing so is not merely symbolic: it is a continuing template in which Union Territory status becomes a durable substitute for statehood rather than a transitional stage toward it.

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