

JAMMU AND KASHMIR

# India Moves to Revoke Kashmir's Special Status Amid Crackdown

Tuesday 6 August 2019, by [CALAMUR Krishnadev](#), [GETTLEMAN Jeffrey](#), [Scroll Staff](#), [YASIR Sameer](#) (Date first published: 5 August 2019).

**An order from President Ram Nath Kovind removed provisions under Article 35A, which provides special treatment to the state, turning Jammu & Kashmir, Ladakh into Union Territories.**

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Union Home Minister Amit Shah on Monday moved a resolution in the Rajya Sabha to revoke Article 370 of the Constitution, which provides special status to Jammu and Kashmir, amid uproar from members of the Opposition. An order from President Ram Nath Kovind also removed provisions under Article 35A of the Jammu and Kashmir Constitution, which allowed the state legislature to define "permanent residents" of the state and restricted outsiders from buying land.

The home minister also proposed the Jammu and Kashmir Reorganisation Bill under which the state will be turned into a Union Territory with a legislature, similar to Delhi, while the Ladakh region will be converted into a Union Territory without a legislature. Shah said all provisions of Article 370 will be considered null and void once the President gives his assent to the proposal.

"Under the umbrella of Article 370 three families looted Jammu and Kashmir for years," ANI quoted the home minister as saying. "Leader of Opposition [Ghulam Nabi Azad] said Article 370 connected Jammu and Kashmir to India, it's not true. Maharaja Hari Singh signed Jammu and Kashmir Instrument of Accession on 27 Oct 1947, Article 370 came in 1954." Shah said that two lieutenant governors had been proposed, one for Jammu and Kashmir and another for Ladakh, adding that there should be no delay in scrapping Article 370.

The home minister said the Congress in 1952 and 1962 had amended Article 370 in a similar way. "So instead of protesting please let me speak and have a discussion, all your doubts and misunderstandings will be cleared, I am ready to answer all your questions," he said.

As soon as he made the announcement, members of the Congress, the Trinamool Congress and the Dravida Munnetra Kazhagam sat on the floor of the House, and People Democratic Party MP MM Fayaz tore his clothes. Fayaz and his party colleague Nazir Ahmad Laway tore copies of Constitution, prompting Chairperson M Venkaiah Naidu to order their removal from the House. They are the only PDP representatives in the Rajya Sabha.

Shah, who received a standing ovation from his party colleagues when he entered the House minutes before proceedings in the Rajya Sabha commenced, termed the move "historical", saying

Article 370 had not allowed integration of Jammu and Kashmir with the country.

Shah's address came hour after the Union Cabinet met in New Delhi amid a security clampdown in Jammu and Kashmir. Ahead of the home minister's proposal to revoke Article 370, senior Congress leader Ghulam Nabi Azad demanded that the lockdown in the state should be discussed in the House.

Former Chief Ministers Omar Abdullah and Mehbooba Mufti were put on house arrest late on Sunday while Congress leader Usman Majid and Communist Party of India (Marxist) leader MY Tarigami said they were being detained. After the home minister's announcement in parliament, Mufti said that it marked the "darkest day in Indian democracy". "Decision of J&K leadership to reject 2 nation theory in 1947 and align with India has backfired," she tweeted. "Unilateral decision of Government of India to scrap Article 370 is illegal and unconstitutional which will make India an occupational force in Jammu and Kashmir."

The developments came after political parties in Jammu and Kashmir met on Sunday evening before a curfew was imposed in Srinagar and a few other parts of the state. The meeting, led by National Conference chief Farooq Abdullah, said that all the political parties in Jammu and Kashmir would be united to protect the special status of Kashmir. He had also appealed to both India and Pakistan to not "take any step that may accelerate the tension between the two countries".

Meanwhile, mobile internet and broadband services had been suspended in the Valley while landlines and local mobile numbers had been blocked in the state.

### **Scroll Staff**

• Scroll. 5 august 2019 · 12:01 pm. Updated · 02:36 pm:

<https://scroll.in/latest/932862/amit-shah-proposes-bill-revoking-article-370-turning-jammu-kashmir-ladakh-into-union-territories>

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## **Modi's Kashmir Decision Is the Latest Step in Undoing Nehru's Vision**

**The Indian government's move to revoke special status for Kashmir is its latest step in reversing what it regards as historic wrongs committed by India's first prime minister.**

No single person is as responsible for the shape and foundation of modern India as Jawaharlal Nehru. In August 1947, Nehru—a Harrow- and Cambridge-educated atheist who was deeply influenced by Fabian socialism—led a newly independent, intensely religious, and poorly educated developing country, and made it in his image.

Nehru's three biggest ideas—a socialist economy based on centralized planning; a secular state where, unlike France, all faiths would be celebrated equally; and the promotion of a scientific temper, which resulted in the creation of world-class educational and research institutions—shaped India's path for the next five decades. A fourth idea was pursued by Nehru, and its consequences are being felt even now: special status for his beloved Kashmir.

India's government announced today that it is revoking Article 370, the constitutional provision that

gave the state of Jammu and Kashmir its special status; downgrading the state's status so that New Delhi has more direct say over how Kashmir is governed; and splitting it so that Ladakh, the mountainous region that borders Tibet, becomes its own union territory. The controversial move will almost certainly result in unrest in Kashmir, where a separatist movement has bedeviled India since the 1980s, and which has been at the heart of multiple wars and armed conflicts with Pakistan. It will also almost certainly be challenged all the way to the Indian Supreme Court, which ruled last year that Article 370 cannot be abrogated.

Whichever way the court ultimately rules, today's announcement by the Indian government is the latest in a series of measures that have attempted to reshape Nehru's vision for India. Under this view, propagated by the ruling Hindu-nationalist Bharatiya Janata Party (BJP) and its supporters, Nehru was far too Western to understand India; his socialist economic policies choked growth for decades; and his views toward India's minorities, especially Muslims, were tantamount to appeasement. In the BJP's vision, much of India's ailments spring from policies adopted during Nehru's premiership, from 1947 to his death in 1964, and so the party is doing its best to reverse them. Kashmir might be the centerpiece of this effort.

In 1947, Britain divided India on the basis of religion: The two Muslim-majority regions that flanked what is today's modern India became a new country, Pakistan (the eastern flank of which became an independent nation, Bangladesh, in 1971). But there was the matter of more than 600 princely states that Britain, the imperial power, said could choose among India, Pakistan, and independence. The overwhelming majority of states picked one of the two countries. Some of the rulers of the states that chose to remain independent were ultimately coerced into joining India or Pakistan. And then there was Kashmir.

Kashmir, from where Nehru's family hailed, had a Hindu king, Hari Singh, and mostly Muslim subjects. Singh opted to remain independent, but quickly found his kingdom overrun by tribesmen from Pakistan. He sought India's help, which Nehru offered on the condition that Kashmir join India. Singh agreed. But Nehru took two additional steps: He promised a plebiscite in Kashmir in the hopes that Kashmiris would overwhelmingly pick India, and he accorded Kashmir special status that ensured, among other things, no one but a resident of the state could buy property there. Since then, India and Pakistan have fought two wars and innumerable skirmishes over Kashmir, which has been the scene of a bloody separatist rebellion that India says is abetted by Pakistan; the plebiscite was never held.

Against this backdrop, Prime Minister Narendra Modi and the BJP maintain that Kashmir is a mess because of Nehru's decision to accord it special status. This, Modi's supporters say, has stifled investment in the state, which lags behind other Indian regions in economic growth. As Arun Jaitley, the former Indian finance minister said on Twitter today: "Separate status led to separatism. No dynamic nation can allow this situation to continue."

But indications are that the BJP, which ironically enjoys the same kind of hefty parliamentary majority that Nehru did, has other plans to remake India—apart from its so far mixed record of reforming the economy. Last week, Parliament banned "instant divorce" for India's Muslims. The step has been long demanded by Muslim women's-rights groups, but critics of the government say they believe it is the first step toward the introduction of a uniform civil code that would reverse the current system, which allows each of India's major faiths to follow religious doctrine on matters such as divorce and inheritance. (Nehru, as an atheist, supported a uniform civil code, but gave in to pressure on personal law at the time from religious minorities.) The issue is fraught because of the BJP's perceived hostility toward India's minorities, especially Muslims: The country's Islamic past, which at its zenith combined India's many faiths, is presented more and more as alien; minorities are forced to praise the Hindu god Ram; Hindu vigilantes, who consider the cow sacred, attack and kill

Muslims they suspect of eating beef.

Nehru, whose vision of India was that of a modern, secular nation, wrote more than seven decades ago: “It is science alone that can solve the problems of hunger and poverty, of insanitation and illiteracy, of superstition and deadening custom and tradition, of vast resources running to waste, or a rich country inhabited by starving people.” That view has been cast aside in favor of a more nationalist view of science. In Uttar Pradesh state, which is ruled by a BJP government, cow urine is sold as an elixir [1]. Officials have claimed at scientific congresses that ancient Indians possessed the ability to conduct stem-cell research [2], and cast doubts about Albert Einstein’s theory of relativity. Even as India launches rockets that go to the moon and Mars, it promotes pseudoscience [3].

If Nehru is the man most responsible for the first half century of India’s modern life, then Modi may well be the one most consequential for its next 50 years. Nehru, the elite atheist who willed India into a secular, socialist, scientific republic—one where Kashmir held a special status—built India into what it is today. Modi is transforming it into what he wishes it to be.

## **KRISHNADEV CALAMUR**

*KRISHNADEV CALAMUR is a senior editor at The Atlantic, where he covers global affairs. He is the author of Murder in Mumbai.*

• The Atlantic. AUG 5, 2019:

<https://www.theatlantic.com/international/archive/2019/08/india-moves-revoke-special-status-kashmir/595510/>

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## **India Moves to Revoke Kashmir’s Special Status Amid Crackdown**

SRINAGAR, Kashmir — The Indian government said on Monday that it was removing the special status that has existed for decades in Kashmir, a disputed mountainous region along the India-Pakistan border.

Amit Shah, the home minister, made the announcement revoking Article 370 of the Constitution in the upper house of Parliament on Monday morning, as opposition lawmakers exploded in an uproar.

In anticipation of the announcement, which many analysts predicted could set off rioting and unrest, India had flooded Kashmir with thousands of extra troops. The Indian authorities also evacuated tourists, closed schools and cut off internet service.

For many years, Kashmir has been governed differently than other parts of India, and the government’s decision is widely seen as a blow to Kashmir’s autonomy. India’s governing Bharatiya Janata Party, known as the B.J.P., has deep roots in a Hindu nationalist ideology and one of its campaign promises during the election this year had been removing the special status of Kashmir, which is predominantly Muslim.

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"Today the B.J.P. has murdered the Constitution of India," said Ghulam Nabi Azad, a senior leader of the Indian National Congress, an opposition party.

The Indian government also announced that it would support a parliamentary bill to split the state of Jammu and Kashmir, which includes the Kashmir Valley, into two federal territories — Jammu and Kashmir, which will have a state legislature, and Ladakh, a remote, high-altitude territory, which will be without a legislature.

Mr. Shah said the government had the legal authority to end Kashmir's special status. Some analysts said that was not so clear and that the issue would most likely end up before India's Supreme Court.

A sense of panic has spread across Kashmir as millions of residents woke up Monday to deserted streets. Relatives of Kashmiris who could be reached by phone said that many people were fearful about stepping outside and were waiting in their homes for news about what was going to happen next.

Many Kashmiris had feared that the Indian government, led by Prime Minister Narendra Modi, would either remove their region's special status or turn Kashmir into a federally ruled territory.

Separatist groups, including some that are armed and maintain links to neighboring Pakistan, have been chafing for independence from India for years. Analysts say that any steps that reduce Kashmir's autonomy could demoralize the Kashmir public further and provoke an outburst of serious violence.

Over the last few days, the authorities in Kashmir had been issuing satellite phones to senior police officers so they could communicate in case the cellphone network was disrupted, which happened around midnight going into Monday, according to widespread news reports.

The authorities have also restricted the movements of prominent Kashmiri political leaders, including Omar Abdullah and Mehbooba Mufti, according to many reports in the Indian news media.

Ms. Mufti, the most recent chief minister of Jammu and Kashmir, said in an interview before Mr. Shah's announcement on Monday that Kashmiri politicians were coming together to defend against any possible moves by India to remove the special laws that grant limited autonomy to Kashmir under the Indian Constitution.

"There will be chaos if our identity is compromised," Ms. Mufti said. "We will go to any extent to preserve that identity guaranteed under the India Constitution."

Security officers have evacuated thousands of tourists, mostly Indians, telling them it was dangerous to be in the valley and that militant groups might be planning an attack.

Janvi Singh, an entrepreneur from Mumbai, saw her vacation suddenly cut short.

She had just arrived at her hotel in Gulmarg, a scenic mountainside town, on Friday when government officials knocked on the door of her room and told her she needed to leave immediately.

"They didn't take no for an answer," Ms. Singh said.

For decades, Kashmir has been plagued by turmoil. When India and Pakistan won independence from Britain in 1947, Kashmir originally opted to remain a small independent state.

But soon after independence, militants from Pakistan invaded Kashmir and Kashmir joined India for

help. India and Pakistan then fought several wars over the area and today most of Kashmir is administered by India, with a smaller slice controlled by Pakistan, which like Kashmir is majority Muslim.

Tensions reached a breaking point in February, when a Kashmiri militant rammed a vehicle filled with explosives into a convoy of Indian paramilitary forces traveling on a highway, killing at least 40 soldiers. A banned terrorist group, Jaish-e-Muhammad, which is based in Pakistan, claimed responsibility.

It was the worst attack in the region in three decades, and set off a tense military standoff between India and Pakistan that culminated in a dogfight between Indian and Pakistani warplanes. Pakistan shot down and captured an Indian pilot, who was soon handed back to India.

Over the last year, activists say, the hunt for separatists has intensified, pulling ordinary Kashmiris into the fold.

Indian Army officials said Friday that they had specific information about a planned attack by Pakistan-based militants on Hindu pilgrims and tourists.

But many Kashmiris were skeptical of those claims and wondered if there was another explanation for the sudden troop buildup in the region, already one of the most heavily militarized areas in the world.

Many residents are now panicking. People are hoarding supplies, causing shortages of medicine and baby food. Many fuel stations ran dry as thousands of people lined up through Friday and Saturday nights to fill their cars with gas.

“All the hotels in Gulmarg are empty,” said Muzamil Ahmad, director of an upscale hotel there.

Germany, one of the few Western countries that had earlier removed restrictions on travel to the region, issued a travel advisory asking its citizens to avoid the valley. Britain, Australia and Israel issued similar warnings.

Along the Line of Control, the name of the disputed border between Pakistan and India, both sides have been building up their troop levels.

On Saturday, Pakistani officials accused India of using cluster bombs along the border that killed two civilians and wounded 11 on the Pakistan side. India denied it used cluster bombs, which have been criticized across the world as being dangerous to civilians.

Prime Minister Imran Khan of Pakistan said on Sunday that the only road to lasting peace in South Asia ran through Kashmir.

“President Trump offered to mediate on Kashmir,” Mr. Khan said on Twitter, referring to his recent meeting with President Trump in Washington. “This is the time to do so as situation deteriorates there and along the LOC with new aggressive actions being taken by Indian occupation forces. This has the potential to blow up into a regional crisis.”

### **Sameer Yasir and Jeffrey Gettleman**

*Sameer Yasir reported from Srinagar, and Jeffrey Gettleman from Lucknow, India.*

- The New York Times. Aug. 5, 2019:

<https://www.nytimes.com/2019/08/05/world/asia/india-pakistan-kashmir-jammu.html>

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## Footnotes

[1] <https://timesofindia.indiatimes.com/city/bareilly/well-promote-cow-urine-as-a-health-giving-drink-say-doctors-at-up-govts-ayurvedic-pharmacy/articleshow/62795369.cms>

[2] <https://blogs.sciencemag.org/pipeline/archives/2019/02/15/indias-disgrace>

[3] ESSF (article 49885), [India: The Modi Government's Pseudoscience Drive Is More Than an Attack on Science](#).