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**AUGUST**

**(Special issue on Article 370)**

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**ASIAN AGE, AUGUST 11, 2019**

**‘It could have been done better... but BJP had put Art. 370 dilution upfront in its manifesto’**

**by Ashwani Kumar.**

The people of Kashmir are bound to feel unhappy and betrayed about this, says Ashwani Kumar.

After the abrogation of Article 370, the Congress finds itself tied in knots over its response. ASHHAR KHAN spoke with Congress leader and former Union law minister Ashwani Kumar on the issue of Article 370 and the Congress. What are your views on the abrogation of Article 370 that has been done by this government? The government has gone in for an audacious gamble with a view to correcting the injustices of the past as claimed by the BJP. I believe that this decision is today a fait accompli and only history will attest to its ultimate wisdom. It is possible that this may improve the situation in Jammu and Kashmir — it is equally possible that this may further complicate the situation. While it is necessary for us to extend to the people of Jammu and Kashmir all the benefits that are available to citizens in the rest of the country, it is equally true that nations don’t live by bread alone. Nations are defined by the emotions of their people, by the historical, geographical and cultural legacies. In this sense, Article 370 represented an assertion of a distinct identity of the people of Kashmir in their legacy, but this could also lead to the emotional alienation of the people in Kashmir. Hopefully, this may also have a positive impact. However, having said that, the BJP claims that since the status quo has not improved the situation in the Valley and the nation wants to have another experiment with Kashmir being more closely integrated with the rest of the nation as this measure promises to do. You have been the law minister of the country and a senior advocate. Do you think the abrogation of Article 370 will withstand judicial scrutiny?

There are some people who are questioning the constitutionality of this decision. Quite clearly, there are some aspects of this decision-making process that lend themselves to a constitutional challenge. But my experience as a lawyer and given the ground realities in Kashmir and the rest of the country today compel me to hold the view that this major political decision taken by the government is not likely to be nullified in any legal challenge. The doctrine of necessity can be invoked by the government in aid of its decision. Certainly the diminution of the status of the state of Jammu and Kashmir to that of a Union territory is something that will not go down well with the people of Kashmir, and this is understandable. The Prime Minister’s statement on Thursday assuring the nation that the state of Jammu and Kashmir will soon be restored to its original status of a state is reassuring. I hope the government at the Centre will live up to these assurances. At the same time, I believe people detained in Kashmir — certainly the leaders of the mainstream political parties should be released before long in order to not give an impression that the state is operating in an oppressive manner.

Do you support the abrogation? There are different voices coming out of the Congress even the Congress Working Committee (CWC) gave a statement?

There is no doubt that the overwhelming public opinion in the country leans in favour of the decision of the government. As I said, there are two aspects of the matter. I have indicated both the perspectives above. I personally think that in moments such as this, on such decisions, our objection can be limited to the manner in which this has been done. Several leaders of your party have come out in support of the decision of the government, while your leaders on the floor of the House have criticised the government. Do you think that the Congress should first have sorted out its internal divisions first?

I believe that the Congress was taken by surprise. There wasn’t enough time for consultations, but certainly for the future, I would suggest that decisions of the party on critical national issues should be taken after the broadest possible and in-depth consultations at all levels to the extent possible. This will ensure a considered and comprehensive point of view is put before the nation. Contradictory noises do not serve the purpose of a meaningful articulation. At the same time, the partymen are entitled to hold individual opinions on critical national issues so that diverse views can be factored in the final decision. Rahul Gandhi has also been suggesting that there should be wider consultations within the party. In these challenging times, we cannot afford leadership by diktat or decisions by fiat.

You have expressed reservations about the manner in which the abrogation was done. Do you think this was the correct way?Well, perhaps this could have been done better. But on the other hand, there is always an argument of confidentiality in these matters. The government’s perspective that certain things had to be taken in the utmost secrecy has some truth to it as well. As a decision of this proportion could not have been made public before it was taken.Many leaders argue that perhaps extensive consultations with stakeholders would have ensured that there is little or no resistance.

On this particular aspect of the matter, I have no hesitation in saying that the BJP had put the dilution of Article 370 upfront in its election manifesto for the past several years. It had gone to the people specifically putting this issue upfront and received a democratic mandate. I think the democratic legitimacy of the right of the BJP to push forward its own electoral agenda or its manifesto agenda cannot be disputed. The arrest of several leaders in the state. Do you agree with it? I think they should have been taken into confidence by the government. I think if the Prime Minister had invited the top national leaders for a cup of tea in his chambers and told them that this is what he was proposing, and he expected them not to make this public, the leaders would have perhaps honoured the Prime Minister’s wishes. Wider consultations with the national leadership would have lent greater democratic legitimacy to the decision. You have been a parliamentarian. In the Rajya Sabha, only one-and-a-half hours were given to the Opposition to bring in amendments. Do you think this could have been done better? It is very difficult for me to comment on this because the manner in which this had to be done — the secrecy surrounding the whole of decision-making was suggestive of the fact that the decision had to be presented as a surprise. That is what the government has done. Certainly, in a democracy this should not happen, but this has happened — this is where we are. You and your party had been in power for long and when you were a minister, was there any discussion about the abrogation of Article 370? No. At least I am not aware of whether there was any discussion about the dilution of or abrogation of Article 370. I don’t think this ever was a part of our political agenda and in fact, in our recent manifesto, we have clearly stated we are opposed to doing away with Article 370. Now do you concede that the country is behind the government in the abrogation of Article 370? There has been a tectonic shift in the political consciousness of this country. There is no doubt about that there is overwhelming support for the measure taken by the Centre in the rest of the country. The people of Kashmir are bound to feel unhappy and betrayed about this.

**ASIAN AGE, AUGUST 12, 2019**

**Ending 370, new UTs: Govt on sound legal footing**

**K N Bhat**

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The Constitution guarantees citizens the right to freely move throughout the territory of India and to settle down in any part of it.

Article 370 of our Constitution was not “removed”, “abrogated”, “scrapped” “deleted” by the presidential notification of August 5, 2019, contrary to what was reported in sections of the media. All that the notification did was to supersede the presidential order of 1954, which brought in Article 35A, among other things. Its formal abrogation was done at the end of the following day. The lag was inevitable due to the need to get extricated from the legal trap of Article 370 that India was led in to.

The normal rule is that every subject of a country residing therein is bound by the Constitution and the laws thereof — no one has the option to opt out. None of the other 560 or so erstwhile maharajas either demanded or was granted such a privilege — but J&K had demanded a special status and was granted one. That gift was Article 370.

Article 306A — later renumbered as 370 — was introduced at a stage when the stupendous job of drafting the country’s Constitution was almost at its fag end (October 17,1949). It contained no specific assurances to J&K — hence in the Constituent Assembly there was hardly any discussion on it. It was like a blank cheque authorising the President of India (which means the Central government) to notify which provisions of our Constitution will apply and with what modifications to one of the states specified in the First Schedule to the Constitution — and whose residents are indisputably “citizens of India”.

Dr B.R. Ambedkar had strongly opposed it, and so he abstained from the day’s proceedings.

Remember — while our Constitution could be altered only through a tedious process of amendment prescribed by the Constitution itself — Article 370 authorised the Central government by executive order to alter or undo any constitutional provision in its application to J&K. The Constitution of India was by and large thus not operative in J&K. After negotiations between the executives of India and of the state, a list of the provisions of the Constitution that would apply to the state and with what changes was prepared; and that was published as the 1954 Presidential Order, By that executive order Article 35A was added to the Indian Constitution.

The Constitution guarantees citizens the right to freely move throughout the territory of India and to settle down in any part of it. This right was denied to Indians in J&K — courtesy Article 35A. Thus Article 370 by itself did no harm — it only permitted harmful decisions to be taken by the executive — headed in 1954 by all-powerful Prime Minister Jawaharlal Nehru (Sardar Vallabhbhai Patel had died in 1950). On August 5 this year, all that was done in the name of President Ram Nath Kovind was to annul the 1954 order by using the same Article 370(1) that was used under the name of President Rajendra Prasad. Thus Article 370 was not dead on August 5 — it was fully alive and had still some job — to undo the initial error of 1949. Clause (3) of that provision permitted the President to order that “370 will cease to be operative” — wholly or partially.

The normal route for deleting any constitutional provision is through an amendment under Article 368; that requires the support of a special two-thirds majority in both Houses of Parliament and may invite other complications. The second route available in the case of Article 370 was through an order under clause (3), as stated earlier. The question is — why was the 370(3) route not adopted on August 5 itself, instead of the half-measure? There were some technical difficulties like the need to have the backing of a recommendation of the Constituent Assembly of J&K (since disbanded) as a pre-condition. The August 5 order has remedied the situation by substituting “Constituent Assembly” with “Legislative Assembly”. As President’s Rule is in force in the state, Parliament takes over the Assembly’s role. Parliament recommended the deletion of Article 370, after which the August 6 presidential order was issued. With that, Article 370 “ceased to operate” — in simple terms it was “declared dead”.

The bifurcation of J&K had not much to do with the deletion of Article 370 — except that the August 5 order made the whole of the Indian Constitution as it is applicable to the state. But for this Articles 2, 3 and 4 of the Constitution that empower Parliament to reorganise states would not have been applicable to Jammu and Kashmir. A lot remains to be done for fully integrating the state with the rest of India and for a smooth transition. Regulating the rush to acquire land and for the setting up of businesses there must be a top priority. J&K so far was just hiding behind the laws relating to permanent residents.

Every Union territory is governed under laws made by Parliament — these laws form the constitution of the UT. Legislators will surely note that the requirements of Ladakh will be different from those of J&K. The temptation to resort to the “cut and paste” technique of drafting laws will lead to disaster. The examples of states like Himachal Pradesh on the restrictions on the sale and purchase of land, and experience from the National Capital Territory of Delhi or Puducherry will be of help in order to avoid conflicts and to achieve a smooth running of the administration. The Government of India can hereafter have no alibi for any failure to deliver what has been promised. Their actions alone will decide whether August 5 and 6 should be celebrated or rued.

**ASIAN AGE, AUGUST 12, 2019**

**Can Delhi deliver vikas to post-370 Kashmir?**

**Parsa Venkateshwar Rao Jr**

The author is a Delhi-based commentator and analyst

The rightness or wrongness of the decision will now depend on what it can accomplish in terms of making Kashmir a normal place.

The legalities, the democratic niceties, political pros and cons regarding the abrogation of Article 370, the bifurcation of Jammu and Kashmir and giving Jammu and Kashmir on one hand and Ladakh on the other Union territory status has now been reduced to a matter of academic debate. The BJP government has accomplished what it has always wanted: take away Article 370, which had given a special status to Jammu and Kashmir.

What is of interest now is the promised effects of the change. The rightness or wrongness of the decision will now depend on what it can accomplish in terms of making Kashmir a normal place. Will private businesses venture into Kashmir — as it is Kashmir that remains the focal point and Jammu will remain in the political shadows? And whether this will make Kashmir a more peaceable place? Of course, the security forces have to remain there in full strength as there is no other way the troublemakers can be held at bay. What then will be the development boom in the presence of these troops?

Alternately, the central government is prepared for the long haul, the troops will be out on the streets for a year or more, and as it is now a UT, the Centre can take all the decisions, leaving nothing to the local administration. The promised elections and the Assembly and the UT government that will emerge from them might remain tame affairs. The Centre is likely to keep a strict vigil on who will contest the elections and who will get elected. There has always been the suspicion that elections in Jammu and Kashmir have been far from transparent, and the image is not likely to change, at least for now. It will be a matter of interest whether the National Conference and the People’s Democratic Party will take part in the elections when they are held. That might leave the field open for the BJP to grow roots. There is also the possibility that elections may be put off for a longer time under the pretext that there is a need for time for the new system to take root. What Prime Minister Narendra Modi is confident of is that when the material well-being of the people in Kashmir is taken care of, then they will strengthen the democratic structures and processes on their own. It is more of a political calculation and less of a pious intention. Political legitimacy will accrue gradually, and the central government is unlikely to show any haste that it has shown in altering the status quo. One of the interesting points in Prime Minister Modi’s televised address to the country on Jammu and Kashmir is that panchayat elections have been held successfully and the elected sarpanches are eager to make the local bodies function effectively. There was a clear hint that in the old system which functioned under the shadow of Article 370 that the sarpanches did not have much scope to work. Now that the Centre is in control, they will be given funds which they can spend for development works on the ground. It is of course futile to argue that Article 370 did not come in the way of a functioning panchayat system.

Mr Modi is depending on these potential improvements in local governance to prove his point that the abrogation of Article 370 and stripping the state of its statehood were meant to make things better for the people, and to use his own phrase, improve the “ease of living”. There will be a section of the people who will cooperate with the Centre and establish themselves in local politics, which was effectively denied to them by parties like the NC and PDP. The question is whether these new players who would be taking their place in the system will gain legitimacy on their own, or will they be suspect in the eyes of the people.

There is little doubt that the people at large are not too fond of the NC or PDP, but that doesn’t mean they will take to the BJP and its collaborators with any great enthusiasm. What the Narendra Modi government may not countenance is the possibility that the people, stepping out of the shadows of the old political parties, are likely to assert their new democratic rights with greater vigour, which might translate into criticism of the government, protests and new demands. The dilemma of the Modi government would be about the degree of political freedom that it would allow the people. The assumption of Prime Minister Modi, Union home minister Amit Shah and the security aides of the government would be that material well-being would serve as a political anodyne, and that there should not be any trouble beyond that. It is but natural that Prime Minister Modi is not reckoning with the unpredictability of political freedom. In the new Jammu and Kashmir, the tussle will be between an administration that wants to assure the “ease of living” and a people who might be looking beyond the “ease of living”. The people in Jammu and Kashmir, like people elsewhere in the country, may not want to remain docile because their material needs have been taken care of. It is also possible that the people in this troubled UT, who have lived with turbulence for too long, might bite the Prime Minister’s bullet of “ease of living” and stay quiet. They might be satisfied with more players from the Valley in the national teams of various games, more people in the national administrative services. The signs of what is happening to the people of Kashmir will have to be seen in what they write in Kashmiri, the language which is known for its biting satire as it does for Sufi outpourings. What happens in the Kashmiri language will be the real barometer of the state of affairs in the minds of the people in the Valley. The people of Jammu will have less to quarrel with the central government because their main quarrel was with the Kashmiris. There was a time when Kashmiris resented the dominance of Jammu through its Dogra rulers, followed by Jammu’s resentment of Kashmiri dominance in the last 70 years. Now that there is no scope of a quarrel with the traditional rivals, the Kashmiris, it would be interesting to know what the people of Jammu will do with their Dogri language.

**HINDUSTAN TIMES, August 21, 2019**

**Kashmir: A bold strategy isn’t always wise**

**By Paul Staniland**

Centralisation, not autonomy, has driven revolts. Delhi’s Kashmir move could make matters worse.

Will revoking articles 370 and 35A bring peace to Kashmir? The government and its supporters have outlined their theory of the case. A new economic order will bring development, transforming the political preferences of Kashmiri Muslims toward India. Law and order will be removed from electoral politics because of Delhi’s control over security forces. The mainstream political parties will be tossed aside in favour of a new generation of Kashmiri loyalists who rise through local politics. As more non-Kashmiris move into the territory, its Muslim majority will fade. And by refusing to involve Pakistan, the government will firewall the internal dynamics of Kashmir from the regional context.

This is a bid to depoliticise Kashmir. The “big question” of Kashmir’s status, the government decrees, is no longer a big question, but instead a settled issue. There is nothing more to discuss, so Kashmiri Muslims should occupy themselves with development.

There are many ironies in this strategy. The first is that it flies in the face of decades of Delhi’s line. Having insisted that normalcy was soon returning to Kashmir, that only a marginal bloc of Kashmiri malcontents was causing trouble, and that sceptics were biased against India, the consensus has now pivoted to the position that seven decades of policy were a hopeless and obvious failure. If one isn’t careful, the switch from “normalcy is around the corner” to “this is an unsustainable disaster” could cause serious whiplash.

The second irony is the broad acceptance, by both proponents and opponents of Article 370, that reducing Kashmir’s autonomy in the past did not end well. The outbreak of insurgency in the late 1980s had key roots in the moves made by Delhi and its favoured political allies in the state to restrict Kashmiri autonomy. Indira Gandhi’s bid for centralised political control over the states in the 1980s and the rigged election of 1987 are widely seen as triggers for the outbreak of militancy, against a backdrop of central intervention from 1953. Security forces have had extensive freedom to act in Kashmir, with little accountability for credible allegations of human rights abuses.

Thus, much of the violence and political dysfunction that made Article 370 allegedly “unsustainable” were in fact results of government policy. It is not obvious that a more ambitious version of this strategy will have radically different results. If 370 was, at this point, mostly symbolic, then its revocation is unlikely to be a game changer. The record of other Indian states makes clear that corruption, inadequate development, discrimination, demands to economically favour local populations, and dynastic politics are not unique to those with special status.

Third, the game plan outlined by Amit Shah and Narendra Modi has striking similarities to past strategies. Previous governments have repeatedly invoked “development”: The 1950s and 1960s, for instance, saw huge infusions of central resources to build industry and economic growth in order to hold Sheikh Abdullah and his loyalists at bay.

Delhi has also long had local allies. It is fascinating to see the National Conference (NC) and Peoples Democratic Party (PDP) now being accused of being bastions of separatism, given their extensive history of junior partnership with Delhi. Indeed, the Bharatiya Janata Party (BJP) allied with the PDP from 2015-2018, and even made development a core part of its message. The “new generation” of Kashmiri pro-India political mobilisation is likely to be an even more exaggerated version of the past – a reliance on localised patronage combined with deference to Delhi on key political

The greatest irony is that this move flies in the face of what has worked to prevent and resolve conflicts elsewhere in India and South Asia. It is extremely rare for excessive autonomy to cause rebellion: Separatist revolts in Baluchistan, East Pakistan, the ethnic peripheries of Myanmar, Bangladesh’s Chittagong Hills Tract, and Tamil areas of Sri Lanka were instead driven by government centralisation. In India, both the Kashmir and Punjab insurgencies had roots in Indira Gandhi’s desire for control.

The Indian government has often recognised the dangers of inadequate autonomy. The linguistic reorganisation and compromises of the 1950s and 1960s were stunningly successful in avoiding the devastating ethno-linguistic conflicts that tore apart Pakistan and Sri Lanka. In the Northeast, states and autonomous districts have been created to foster more, rather than less, autonomy. Article 371A, regarding Nagaland, has not faced the same kinds of attacks as Article 370. Autonomy-enhancing bargains have, despite their flaws, been better than the alternative. During insurgencies in Punjab and Assam, the government sought to put local politicians front-and-centre who could consolidate support for Delhi.

Perhaps everything will be different in the New India. The government has enormous economic resources, security forces, and political support at its disposal. It is certainly possible that Delhi will achieve its goals in Kashmir. And there is undoubtedly important unfinished political business in Kashmir, even if my view of their sources and possible solutions - such as more creative and meaningful forms of autonomy — is different than the government’s.

Regardless of what the future holds, however, the gauzy and triumphalist language around the change in status avoids hard truths that any honest analysis of internal security in South Asia raises. There are good reasons to fear that this move will make things worse, not better. The government’s own lack of confidence is revealed by its detention of politicians and activists, and its decision to deny and attack press reports that inconveniently turn out to be true. Just because a strategy is bold does not mean it is wise.

Paul Staniland is associate professor of political science at the University of Chicago and author of Networks of Rebellion: Explaining Insurgent Cohesion and Collapse (Cornell, 2014).

The views expressed are personal

**HINDUSTAN TIMES, AUGUST 23, 2019**

**What Narendra Modi needs to do next in J&K**

**Lift restrictions, hold polls, restore full statehood, and push development to ensure integration.**

As anticipated, the legitimacy of the Jammu and Kashmir Reorganisation Act, 2019, and the Presidential Order that abrogated the special status of the state have been challenged in the Supreme Court (SC). The outcome of the challenge, including how it impacts the implementation of the framework of transformation envisaged in the impugned legislation, would be known only after the SC concludes its hearings. Meanwhile, the ripple effects of the decision have been felt mostly in the Valley, but more audibly in our immediate neighbourhood.

At the same time, Prime Minister (PM) Narendra Modi, has, while explaining the rationale of his government’s historic steps, assured the restoration of normalcy, early assembly elections and full statehood to J&K. Echoing what home minister Amit Shah said earlier, the PM too declaimed that the articles 370 & 35A had only “given terrorism, separation, nepotism and massive corruption to J&K”. He added that the articles had been used as a weapon by Pakistan. He seems to have forgotten that not so long ago, with his blessings, the Bharatiya Janata Party (BJP) not only hobnobbed with Mehbooba Mufti’s Peoples Democratic Party, which is wedded to articles 370 and 35A, but happily cohabitated with it.

While assorted champions of the special status of J&K, ranging from its former chief ministers (CMs) to separatist leaders to stone-pelting misguided youth to self-styled liberal intellectuals, lament the murder of democracy, the Sangh parivar, the hawk-eyed real estate mafia, the chest-thumping-mustachioed retired generals, and the channel commentariat hail the decision. The hapless people in the Valley, especially widows and children of the victims of the mindless violence and bloodshed that still ravage their land, however, live in perpetual paranoia.

The overwhelming support that the National Democratic Alliance garnered in Parliament reflects the mood of the country, borne out of what was happening in J&K in the last seven decades. For many outside the state, it was a theatre of violence and bloodshed where our soldiers faced stone-pelting mobs and death, fighting the local militant-separatists, the jihadi brigades from across the border, and the Pakistan army.

For them, the Instrument of Accession of J&K with the Union of India and the articles 370 and 35A do not matter much. The Modi-Shah rhetoric — that the two articles of the Constitution were the handiwork and blunder of a sentimental Jawaharlal Nehru under pressure from a dubious Sheikh Abdullah, and this was responsible for the agony in J&K and the bane of India — was persuasive. Even the house arrest of their former CMs and the curfew-like situation in the state did not evoke strong and passionate anti-government sentiments in J&K. The rudderless Opposition parties too failed to outwit the strategic moves of the Centre, and its unrelenting, well-orchestrated visual media blitz. Assuming that the SC would uphold the new framework, would J&K be on the smooth path to integration with the rest of the country, and become a normal state? Would the people, especially in the Valley, accept the change, and reconcile themselves to the new political and economic paradigm, and coalesce into the rest of India? The Centre and its surrogate state government will hold the key to these legitimate concerns. They have to move forward fast, first and foremost with tangible steps to establish their credibility with the people of J&K, the rest of the country, and the world. After having abrogated constitutional guarantees stealthily and undemocratically, it would take some hard convincing of the people who have become cynical about promises held out to them by successive regimes in New Delhi. Removing the restrictions on freedom of movement and expression and other civil liberties without delay should start the process of confidence-building. Free and fair elections to the assembly within the shortest possible time, and installation of an elected government, without recourse to cynical manipulations and horse-trading of the kind orchestrated in Karnataka, would be the obvious next step, and the most important step. The restoration of full statehood should follow. Considering the burden of the backlog of development in J&K, the Union government should provide funds and expertise to the state in order to enable it to catch up with the other states. Though the laws and regulations and socio-economic plans and schemes of the Centre applicable to other states are already in J&K, provisions could be made to suitably modify them in implementation, taking into account the special circumstances of the state. Notwithstanding the grandstanding of industrialists, attracting private capital for productive, employment-generating investments would require prerequisites that have to be painstakingly put in place. Positive discrimination in favour of the state, subject to periodic review, will go a long way in facilitating and accelerating the pace of development. Needless to stress, the responsibility for safeguarding the state against infiltration and threats from across the borders would continue to be with the Union government. If the Union government can tread the path of integration of the state through an open, inclusive development agenda, with the same alacrity with which it changed the constitutional map of J&K, the Modi-Shah combine could script a new welcome chapter in the chequered history of the state.

TKA Nair served as principal secretary and adviser to former Prime Minister Manmohan Singh

**HINDUSTAN TIMES, AUGUST 23, 2019**

**Jammu and Kashmir: Can we as a nation handle the identity issue?**

Development, jobs, peace – things promised by New Delhi to the people of Jammu and Kashmir – important as they, still fall short of addressing the apprehensions of “identity.”

**Sudhi Ranjan Sen**

The curbs on movement of people are being relaxed and connectivity is being restored in Jammu and Kashmir. The newly created Union Territory has been peaceful. The clampdown since August 5 – when Jammu and Kashmir was stripped of its special status - has perhaps helped avoid the agitations, stone-throwing or deaths, which had taken place in 2008, 2010 or 2016. Be that as it may, what happens next is the question that looms before New Delhi and the people at large in India. Having been in and out of Kashmir for some time now, I have a different set of worries and questions. How does New Delhi want to handle the prickly question of “identity” of the people of Jammu and Kashmir and contending and challenging the newly constructed narrow “identity” of what is to be an Indian? Former Prime Minister Atal Behari Vajpayee invoked “insaniayat,” “Jamooriyat,” and “Kashmiriyat” as the defining features of resolution to Kashmir issue.

Addressing the nation on Independence Day from Red Fort, Prime Minister Modi talked about “one nation one constitution.” The Prime Minister also said politics wasn’t the driving force behind the decision. On the contrary, since previous efforts to resolve the continuing violence, agitations, underdevelopment, and the stranglehold of a few in Jammu and Kashmir over resources hadn’t worked, it has been argued that the government was left with only one option – to think differently. In his Independence Day speech, Governor Satya Pal Malik assured the people of J&K that their identity was not at stake following the abrogation of the state’s special status guaranteed under Article 370 of the Constitution. The Governor said “historic changes” will open a new door of development and help various communities promote their languages and cultures in Jammu and Kashmir and Ladakh. Even then, less a week after New Delhi stripped J&K of its special status, senior BJP leader from J&K Nirmal Singh sought restrictions on how much land and how many government jobs “outsiders” could get in the state. On the other hand, Ladakh is happy and yet apprehensive about what “outsiders” would do their “land” and “culture.” Development, jobs, peace – things promised by New Delhi to the people of Jammu and Kashmir – important as they, still fall short of addressing the apprehensions of “identity.” Winning over the hearts and minds of people through jobs, roads, development, etc. is a classic 20th-century political expression. Then, those on the Left sought more equality and those on the opposing side – Right – sought more freedom. The Left focused on better working conditions, equality, and rights, and for those on the Right, it was personal liberty, freer movement of capital, and business, etc. The pre-eminence of “identity” today is largely because globalisation – a freer movement of people and goods and rising economy - is souring. More automation has compounded the situation. Across the world, the middle-income group, in particular, is in a difficult position. As making a living becomes difficult, “outsiders” appear more threatening. India is not new managing contending identities. In the 1950s and 1960s, the founding fathers were extremely wise. Chauvinism over language led to the Bhasa Andolan in then East Pakistan and ultimately led to the birth of Bangladesh. Back home, India handled issues of identity with maturity. Instead of a single national language, India has as many as 22 official languages. Importantly, states in India have been formed on the basis of identity – primarily language. In addition, to accommodate the many identities the Constitution of India has special provisions for the states of Nagaland, Mizoram, Maharashtra, Arunachal Pradesh, Sikkim, Assam, and Gujarat. Despite progress – material and otherwise – the issue of identity, although primordial, remains strong and often emerges as the driving factor. Look around and there are plenty of examples of identity as the driving force – President Xi Jinping’s reference to “hundred years of humiliation,” “making American great again,” and closer to home “Hindu Khatre Mein Hain.” Professor Francis Fukuyama, in his book “Identity”, talks about three distinct sub-sets that go on to make the matrix identity; “the part that craves recognition and dignity,” “the need to be respected as an equal,” and finally “the desire to be recognized as superior.”Apart from the need for recognition and be respected as an equal, both sides seem to be on an unwarranted race of being “superior.” Yet the issue of striking common ground, despite many religions, languages and ethnicity did concern our founding fathers. Describing India, in 1910 Rabindranath Tagore in Bharat Tirtha had written: “No one knows from where and on which invitation, Streams of immigrants gush and ease out into the ocean. Aryans, non-Aryans, Dravidians and Chinese, Shaka, Hun, Pathan and the Mughals -All merged as a single race…..Come O’ Aryan, non-Aryan, Hindu or Muslim, Come O’ Englishman, come O’ Christian. O’ Brahmin, grab others’ hands to waive prejudice. Come O’ condemned, stains of contempt be erased…..Now, on this vast expanse of the great mankind.”

In the coming days, as Jammu and Kashmir pick-up the-pieces, more than development, we are likely to see two different identities contending for supremacy. To clarify, it is not my contention that those in the erstwhile state of Jammu and Kashmir are not part of India. The Indian identity isn’t monolithic, but a collage of many identities. Does the current ascendency of a “hyper-national sentiment” in the country today allow the political leadership to address the issue of the contending identities? The room that political leaders had when India adopted 22 official languages is perhaps not there anymore.

**ASIAN AGE, August 21, 2019**

**To transform J&K, tackle rise in radicalisation**

**Mohan K Tikku**

The writer has reported from Sri Lanka as a foreign correspondent and is the author of After the Fall: Sri Lanka in Victory and War

The real issues are quite different, but nobody seems ready to name the elephant in the room.

Despite the decades of dithering and suffering, successive governments in New Delhi have not been able to develop strategic foresight on Kashmir. (Photo: PTI)

Despite the decades of dithering and suffering, successive governments in New Delhi have not been able to develop strategic foresight on Kashmir. (Photo: PTI)

That there has been no news from Kashmir was assumed by large sections of the people in the country as being “good news” from Kashmir. That may not necessarily be so. Irrespective of whether the foreign media were exaggerating certain incidents, the version put out by government agencies did not tell the full truth either. And worse, there was no way of knowing.

But it should be clear to anyone that information “management” alone cannot win the “war” in Kashmir. The problem is larger, and lies elsewhere. Nor does linking the scrapping of Articles 370 and 35A with the prospect of opening IITs and IIMs in the state do full justice to the realities. Even with these provisions in place, the state has made enormous progress in the field of education since Independence and the accession 72 years ago. Back then, Kashmir used to have just two colleges affiliated to Panjab University as the state did not have a university of its own. Even the matriculation exams used to be conducted by the Punjab Board. Today, the state has over a dozen universities. Srinagar alone has around half-a-dozen of them, besides engineering and medical colleges.

The real issues are quite different, but nobody seems ready to name the elephant in the room. It has to do with the growing clout of the radicals in the Valley under the tutelage of the Wahhabis. The Wahhabis’ engagement in Kashmir did not begin yesterday. It is considerably more than a century old, and is growing. Sir Walter Lawrence, who travelled extensively in the Valley in the 1880s and early 1890s, found many foreign Wahhabi preachers had already arrived on the scene, and a few were active in some villages.

Ever since, it has been steady progress for the Wahhabis. The mainstream political parties never felt persuaded to challenge them, and on occasion even treated them as allies. Those who often bemoan the disappearance of Kashmir’s indigenous “Reshi” culture should look for their answers here. Further, the increased inflow of Gulf money after the oil crisis of the 1970s helped them create an extensive network of madrasas across the Valley. The outcome is a generation of young and not-so-young people who were indoctrinated at these seminaries.

Meanwhile, in the 1980s, Gen. Zia-ul Haq in Pakistan was also getting ready for some action. According to Pakistani researcher Arif Jamal, Gen. Zia one day summoned a few disgruntled Kashmiri youth with militant inclinations to inform them that after the Soviet incursion into Afghanistan, the United States and Saudi Arabia had offered to amply compensate Islamabad for its help in the Afghan war, and Pakistan was inflating the bills. So there need be no shortage of cash. All that they needed to do was to recruit young Kashmiris and provide military training. Perhaps a bit uppity, one of them turned to ask the general as to who would get the maximum funds. Zia’s cryptic reply was — the one who recruits and trains the maximum number.

All through the mid-1980s, while the Congress and the National Conference leaders in Kashmir were fighting like Kilkenny cats, the Wahhabis were working on a parallel strategy. Now, they would contest the forthcoming Assembly elections under the banner of the Muslim United Front, and capture a majority of seats — which they very well could. Their plan — one leader of the movement once explained to me — was to pass a resolution in the Assembly undoing the accession, and then the rest would follow.

It was too close to call! Still, there should have been constitutional ways of dealing with the situation, even if it came to pass. But the state’s Congress and National Conference leaders, too hungry for power and too tired to put up a political fight, decided — with New Delhi’s blessings — to rig the 1987 Assembly elections instead.

Stymied in their plans, the Wahhabis went up another route. With most of the mosques already under their control, they had their microphones blaring one January 1990 night asking the minority Kashmiri Pandits to leave their homes, or face certain death. A few hundred of them were even shot dead in various incidents just to make the point that the radicals meant business. And the message went home loud and clear.

The plan was well thought out. It was felt since the jobs, properties and other economic assets that the Pandits were to leave behind would benefit many among locals, including some “moderates” — they all would develop a vested interest in preserving the new status quo. So there would be little prospect for the Pandits to go back home. And here the radicals indeed had a point. Never mind the pious noises the mainstream leaders in New Delhi keep making about the Pandits’ return from time to time, little has moved on the ground.

On the other hand, the radicals have been quick to use any forum that becomes available to them. Thus, amid crowds protesting over some local issue or shouting “azadi” slogans, one has witnessed an ISIS banner suddenly going up. The state has a job waiting to isolate such elements and show them up for what they are. That is not an easy job at the best of times.

Despite the decades of dithering and suffering, successive governments in New Delhi have not been able to develop strategic foresight on Kashmir. Their decisions were often made on narrow political considerations and with short-term goals in view. The sudden decision to scrap Articles 370 and 35A recently may have been no exception. The challenge in Kashmir — as in dealing with extremist situations elsewhere — is to evolve well-calibrated multi-pronged strategies to tackle the radicals without alienating the ordinary people. Bundling a whole population together is obviously not an efficient and cost-effective way of achieving that goal.

**BUSINESSLINE, AUGUST 7, 2019**

**President declares abrogation of provisions of Article 370**

President Ram Nath Kovind has declared abrogation of the provisions of Article 370 of the Constitution, which gave special status to Jammu and Kashmir. The move came after both houses of Parliament passed a resolution in this regard.

“In exercise of the powers conferred by clause (3) of Article 370 read with clause (1) of Article 370 of the Constitution of India, the President, on the recommendation of Parliament, is pleased to declare that, as from the 6th August, 2019, all clauses of the said article 370 shall cease to be operative...,” an official notification signed by the President late on Tuesday night said. It also said, except the following which shall read as under, namely :— “370. All provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of Jammu and Kashmir notwithstanding anything contrary contained in article 152 or article 308 or any other article of this Constitution or any other provision of the Constitution of Jammu and Kashmir or any law, document, judgement, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument, treaty or agreement as envisaged under Article 363 or otherwise.”

The BJP-led government’s bold move to revoke the special status of Jammu and Kashmir and bifurcate the border state into two Union territories secured Parliament’s approval on Tuesday with the Lok Sabha passing the new measures with an over two-thirds majority. The Rajya Sabha gave its approval to the resolution on Monday. The government had announced on Monday the removal of some provisions of Article 370 to take away Jammu and Kashmir’s special status and proposed bifurcation of the state into two Union territories -- Jammu and Kashmir and Ladakh -- a far-reaching decision that seeks to redraw the map and future of a region at the centre of protracted militancy. With this, the ruling Bharatiya Janata Party (BJP) has fulfilled one of its poll promises within 90 days of the Modi government 2.0 taking charge

**BUSINESSLINE, AUGUST 10, 2019**

**Why Delhi’s Kashmir act hasn’t got the world worked up**

**Paran Balakrishnan**

With no soft-power weapons in its arsenal to counter India, this is making Islamabad jittery

If India is going to get the global thumbs-down for its moves on Kashmir, it doesn’t seem about to happen anytime soon. While Pakistan Prime Minister Imran Khan’s been vehemently denouncing revocation of Kashmir’s special status, insisting he’ll take the issue to the UN, reaction in other world capitals seems, at most, to be a yawn. For now, it’s clear Pakistan doesn’t have any soft-power weapons in its arsenal to counter India. In desperation, Khan’s fallen back on the well-worn diplomatic tactic of downgrading ties and dispatching India’s ambassador home. But it’s business as usual at a different level. For instance, the Pakistanis haven’t stalled work on the Kartarpur Corridor. Even China, Pakistan’s closest ally, focussed on Ladakh where it has territorial claims and occasionally skirmishes with Indian troops. China issued two statements, one saying: “China is always opposed to India’s inclusion of the Chinese Territory in the western sector of the China-India boundary into its administrative jurisdiction.” But when it came to backing Pakistan, Beijing was distinctly droopy-handed, saying, “China is seriously concerned about the current situation in Jammu and Kashmir.” It added mildly India shouldn’t do anything to escalate tensions and urged “dialogue and consultation.”

Even if the Chinese weren’t going to lift a finger to help, Khan might have been justified in casting a hopeful eye towards Washington. After all, he’d just made a successful visit to the US where President Donald Trump had lavished praise on him, along with making a surprise offer to mediate between India and Pakistan. But there too, there wasn’t any move to tick off India. In the UK, where a reaction might have been expected because the South Asian vote counts in many constituencies, the government’s too busy with its own Brexit imbroglio.

So, the British only said: “We are following the developments closely and support calls for the situation to remain calm.” The UN Secretary-General meanwhile, appealed for “maximum restraint”. What about Pakistan’s friends in the Islamic world? Here too, it’s clear nobody’s keen on getting mixed up. Take Saudi Arabia, which a few months ago agreed to offer Pakistan a $6-billion loan to tide it over tough times. On Kashmir, Saudi Arabia fell back on pro-forma language and urged both sides to maintain peace and stability and respect the interests of the region’s people. The UAE, which has strong India economic ties, contented itself with suggesting both sides “overcome this crisis through communication and constructive dialogue.” In fact, the UAE’s India ambassador went so far as to say: “We expect the changes would improve social justice and security and confidence of the people in the local governance and will encourage further stability and peace.”

Behind all this is undoubtedly that India is now a growing power on the world stage. The UAE and India have been building ties and Crown Prince Sheikh Mohamed bin Zayed Al Nahyan was the 2017 Republic Day chief guest. Prime Minister Modi was even given the UAE’s highest civilian honour, the Zayed medal, this year.

Losing friends fast

Pakistan, by contrast, is a country losing friends at high velocity despite its eminently strategic location. Ever since 9/11, the world’s tolerance levels for jihadis have dropped steeply. Even the Americans are painfully aware their so-called ally Pakistan has been playing a double-game, harbouring jihadi groups who launch regular attacks in Afghanistan. But if it was game, set and match to India at the government level, it was a different story in the Western media. The New York Times published a vituperative piece by Pakistani author Mohammad Hanif in which, amongst other things, he said: “The cheerleaders for Prime Minister Narendra Modi are cheering for partition redux, a world-class massacre, ethnic cleansing.” The Guardian in an editorial called New Delhi’s action “abrupt and ruthless” and potentially “incendiary” in the region.

Also, there’s no ignoring the fact details about Kashmir reported in the Western media create poor optics. Leading outlets have reported Internet and phone lines have been down for the week and the top leaders are under arrest, including two ex-chief ministers. Ever since the Kargil attack, India has taken the moral high ground, keeping world opinion firmly on its side. Kargil was followed in 2002 by the attack on Parliament and finally the Mumbai attack in 2008.

But Pakistan has been making a concerted public-relations drive ever since Khan took office. For months, he’s been painting himself as a peacemaker being turned down by a belligerent Indian government. It wouldn’t be smart for India to lose the PR war.

**BUSINESSLINE, AUGUST 11, 2019**

**The case of the Kashmiri Sikhs**

**Khushdeep Kaur Malhotra**

For this predominantly agrarian minority community, the biggest worry is not religious persecution but economic hardship .

On March 20, 2000, armed renegades cold-bloodedly murdered 35 Sikh men in Chitti Singhpora village in South Kashmir on the eve of US President Bill Clinton’s visit to India. A “micro-minority” in Kashmir, the violence was a first for the Sikh community, who have lived for generations alongside their Muslim counterparts in harmony in the Valley.

Although the reasons behind the violence and the identity of the perpetrators remain shrouded in mystery, Kashmiris — both Muslim and Sikh — believe that its intent was to create communal fault lines and drive out the Sikh community. Yet, 19 years later, as they still await justice, the Sikhs have stayed on. As India debates the recent abrogation of Article 370 and the conversion of J&K into a Union Territory, one of the most resounding justifications for this unconstitutional move by the Modi government has been the correction of a historical wrong — the exodus of Kashmir’s other minority community, the Kashmiri Pandits, who left the Valley overnight in January 1990, following violent threats made against Kashmiri minorities.

While shameful and unjust, the displacement of Kashmiri Pandits is not a unique outcome of identity-based violence — violence targeting a particular community on the lines of ethnicity or religion; in India it is, in fact, the norm. Whether one looks at Nellie (Assam), Delhi, Ahmedabad, or Muzaffarnagar (UP), identity-driven conflicts almost always lead to displacement of the violated community. Given this, why is the Kashmiri Sikh case different? How do we understand Kashmiri Sikhs’ decision to continue living in Kashmir?

Now, more than ever, this is an important question to ask, in order to challenge the communal narratives accompanying the Pandit exodus and Kashmiris’ struggle for self-determination, and that one hears resonated in the celebrations following abrogation of Article 370. Using evidence from ethnographic fieldwork completed between March and October 2018, I show that the decision to stay in the Sikh case is driven by a combination of economic necessity, attachment to land, and distrust of India. Furthermore, while harm from violence is a general concern, religious persecution is categorically stated as a non-issue. Despite violence, Sikhs and Muslims continue to cohabit neighbourhoods in close proximity to one another.

The Sikhs of Kashmir

A microcosm of India’s famous “unity in diversity,” the Valley is home to several distinct religious and ethnic communities. While Muslims comprise around 96 per cent of its population, Hindus comprise 2.5 per cent and Sikhs a mere 1 per cent. Predominantly an agrarian community, Sikh households own anywhere between 5-180 kanals (0.5-22.5 acres) of land, on which they grow rice, beans, and vegetables (non-cash crops) in addition to apple orchards and walnut trees (cash crops). The largest of 14 Sikh villages in Anantnag district in South Kashmir, Chitti Singhpora is home to around 400 Sikh households, which form its core, and 30-40 Muslim households, which live along its peripheries.

Never before the target of violence, the Chitti Singhpora attack came as a shock to Sikhs and Muslims alike in the Valley. Believing they were finally the target of militants, Sikh community leaders deliberated migrating en masse like their Pandit counterparts in the immediate aftermath of the massacre.

But 19 years on, with hopes for justice fading and violence on the rise again, the majority of the community still remains rooted because economic prospects outside Kashmir, for a community whose main source of income is its land, are dim. Harjant Singh, a government worker in his fifties, says: “Assi kyun rahe ethe? Saddi compulsion hai… zameena” (Why did we stay here? We are bound…by our land). Pashaura Singh, a young officer in the Finance department, too, explains that Sikh rootedness comes down to two things — land and government jobs. Almost all urban Sikh families have at least one government “mulazim” (employee), making leaving an unfavourable option. Although several families have sold small parcels of land to buy property in the adjoining Jammu region to construct housing if things get too bad, many Sikhs don’t perceive a personal threat from the insurgency. Sikhs insist that it is not religious persecution, but the economic distress resulting from the violence and the frequent shutdowns in the Valley, that will eventually make them leave. Gurpal Singh, a 35-year-old engineer who works as a primary school teacher because engineering positions are hard to come by, and has two young school-age daughters, clarifies, “Jad tak twada income source nahi milega, tussi kithe nahi rehe sakde” (until you have a source of income, you cannot stay anywhere). Gurpal’s family owns about 15 acres of land. But for him, this land is not just an economic asset; it holds meaning. On it, he says, is spilled the blood of seven family members who were killed in the post-partition violence. Importantly, while the older generation cites economic necessity and attachment to their land as reasons to continue living in Kashmir, the younger generation of Sikhs prefer to remain rooted for fear of religious persecution in India. Jaspal, a 19-year-old activist and convener of a group disseminating Sikh political and religious education, explains, “Ethe sanu respect mildi hai” (we feel respected here). Amanpreet, a 20-year-old student and Sikh activist, reciprocates this sentiment. These youngsters’ antagonism towards India stems from the brutal attack in 1984 on the Golden Temple in Punjab to evict Sikh extremists demanding a separate homeland.

The way forward

The politics of the Pandit exodus and the ensuing communal discourses in its aftermath conveniently ignores stories of the other side: minorities who continue living in Kashmir. While their exodus was near-complete, Nishita Trisal documents the experiences of nearly 7,000 Pandit families who did not leave the Valley due to economic constraints or attachment to land. By their own account, these families, like the Sikhs, face no religious persecution, but have little economic opportunity; they are passed over for migrant families who have received generous government support recognising their hardships. Despite Chitti Singhpora, the Sikhs’ biggest worry, too, is not religious persecution but economic hardship. If indeed the abrogation of Article 370 will bring economic gain to Kashmiris, the government’s “development” approach now, must not ignore the economic hardships of micro-minorities like the Sikhs and remaining Pandits (and, of course, the majority Kashmiri Muslim community) at the expense of the migrant Pandit community, which already receives government benefits disproportionately. As it mulls strategies to repatriate migrant Pandits, the government must also acknowledge these clearly articulated concerns and costs of conflict borne by those who have continued living in the Valley despite violence. To prevent further exodus, it must really move beyond communally motivated policy responses that threaten demographic restructuring in the Valley.

The writer is a Ph.D. candidate in Geography and Urban Studies at Temple University. This article is by special arrangement with the Centre for the Advanced Study of India, University of Pennsylvania.

**DECCAN HERALD, AUGUST 7, 2019**

**Dog whistle on Kashmir masquerading as patriotic roar**

**Nilanjan Mukhopadhyay,**

For decades, abrogation of Article 370 of the Constitution which bestowed Special Status to Jammu & Kashmir, was seen as little but a clarion call for the Bharatiya Janata Party (BJP) and its affiliates within the Sangh Parivar. Along with a proclaimed commitment to building a Ram temple in Ayodhya and enacting the Uniform Civil Code, 'complete integration' of J&K formed the troika of contentious issues which could become a reality only after the Hindutva version of Ram Rajya – meaning the party was on the verge of securing a two-thirds majority in both Houses of Parliament – was on the anvil. Till that time, the three slogans were to remain little more than political posters or drum beats to assemble supporters around ideas aimed at 'sorting out', or 'teaching' socio-political homilies, to the 'other'. By staging a constitutional coup as part of a political manoeuvre whose impudence matches demonetisation of high value currency notes, the BJP government has demonstrated that dog-whistle politics remains indispensable to it for retaining political hegemony. Just as this year's Lok Sabha campaign proved, the BJP remains dependent on such politics for its political stranglehold on the nation and not because it delivered a string of utopian promises beginning with the now rarely mentioned, ‘Achhe Din’, or good tidings. The highly-questionable and legally disputable dismemberment of J&K has been greeted with jubilation across the country. The response of several regional Opposition parties who post-haste lined up to applaud the audacity of Modi and Shah demonstrates that few have the political courage to question the spirit of the BJP's majoritarian politics. Ironically many of them of them routinely clamour for Special Status for states where they are politically rooted. Already there is agreement that if people were asked once more to line up before EVMs and vote once again, the BJP tally is highly likely to overtake the record set by Rajiv Gandhi in 1984 – the Congress ended up with a score in excess of 400 despite elections not being held in Assam and Punjab along with the rest of India. Raising fear of the 'other' certainly helps. Rajiv Gandhi secured those numbers by dwelling on the prospect of the borders moving to people's doorsteps. The BJP does it by saying that the time has come when the dominant group must have its say because they care the most for the nation. Unable to build a counter-narrative, Opposition parties must either swim along or risk further marginalisation and desertion from within their ranks. The government's decision – significantly not to be forgotten that it was taken without consultation with the people whose futures would be shaped by it - also demonstrates what was believed for long: The BJP's Kashmir policies did not have betterment of the troubled region and the resolution of conflict as its principal focus. Instead, its politics in 'Muslim' Kashmir is practised with an eye on securing its political constituency in 'Hindu' Jammu and beyond in other states of the Republic. It was said that Modi began his campaign for the 2019 elections the day after the dust settled on the 2014 victory. Likewise, make no mistake, the prime minister has already greatly ratcheted up his political narrative for 2024 and beyond . Worryingly, this indicates that the Modi-Shah combine realise that the economy, already on the downswing, is not going to revive significantly. As a result, people have to be fed a false storyline where necessities and aspirations are to put on the backburner in favour of a bigger 'national project' or cause. It is not just coincidence. Instead, it must be seen as part of a political design that Kashmir's geo-political reconfiguration and recasting of the relationship of its people with the Indian Union was done exactly a week after passage of the Triple Talaq Bill. Of the three contentious pursuits of the Sangh Parivar, abrogation of Article 370 appeared the most unlikely in the immediate context because of international implications, repercussion along the western border, as well as its impact on internal security. That the government chose the least democratic and non-consultative path makes it evident that it was dictated by urgency as well as cold political calculation. The exigency to 'settle' the matter and complete Kashmir's 'integration' could have been hastened by US President Donald Trump's claim that Modi requested him to mediate with Pakistan. On the other hand, the political assessment may have been that after success in securing Parliamentary approval for the Hindutva push on Triple Talaq, restrictive amendments in the Unlawful Activities (Prevention) Act and Right to Information Act, this was the most 'opportune' time to give a massive shove to the party's core agenda. The BJP would also have comprehended that the extent of support for its version of hyper-nationalism was such that most opposition parties would find it tough not to back the government’s move. The BJP leadership would have estimated that it would become doubly easy for the party to portray those opposing the Kashmir move as being against national interest and, as its script goes, in league with enemies of the nation, including terrorists and inimical forces from across the border. Although the Centre's move is being legally challenged – there is also the precedence of –the Supreme Court stating in 2017 that "despite the head note of Article 370, it is not a temporary provision" – the move carries the stamp of finality in the present. This raises fears over what the future portends and poses the question if the move would lead to 'integration' of Kashmir or would this spark 'disintegration' in other troubled regions and among different sections of people. This move of the Centre does not seek to embrace Kashmir and its people. Instead, the rest of India has been made partners in its stifling and the relative disenfranchisement of the people there. This move was made after Kashmiri representatives, cutting across parties, ideologies and degree of loyalty – or disloyalty – to the Union were virtually blinded and strangulated. The government is confident of preventing an outbreak of violence by use of force, already deployed in ample measure in J&K. Time will also determine if India is able to overcome potential cross-border fermentation and possible international isolation. Whether it is successful or not in these endeavours will for the moment remain in the domains of internal security, defence and diplomacy. On the political front, once the shock and awe tactics of the BJP fades and political parties, who have no future save their own demise in cozying up with the BJP, wake up to the enormity of the Modi regime's move, they will have to worry over other unilateral steps that are being possibly contemplated. Self-restraint is never a trait of any authoritarian leader.

(Nilanjan Mukhopadhyay is a Delhi-based writer and author. His latest book is RSS: Icons Of The Indian Right. He has also written Narendra Modi: The Man, The Times (2013))

**DECCAN HERALD , AUGUST 8, 2019**

UN in contact with India, Pakistan: SG's spokespersonhe UN and its leadership is in contact with India and Pakistan at "various levels", with Secretary General Antonio Guterres reiterating his appeal to all parties involved to exercise maximum restraint amidst tensions over Kashmir, the UN chief’s spokesperson has said. The spokesperson was responding to a question as to why Secretary General Antonio Guterres is reluctant to take on the issue of India and Pakistan. "Look, there is no reluctance on the part of the Secretary General. We are very well aware and following the situation with a lot of concern. Contacts are being had at various levels, and we urge all of the parties involved to exercise maximum restraint," Spokesman for the Secretary-General, Stephane Dujarric said at the daily press briefing here on Wednesday. When asked again why wouldn’t Guterres engage with the leaders of India and Pakistan, Dujarric said, "I understand. I'll refer you to my… the last answer I just gave you.” In response to another question, Dujarric confirmed that the UN has received a letter from Pakistan Foreign Minister Shah Mahmood Qureshi, who wrote to the world body on the Kashmir issue. "It was received. It will be circulated as a document of the Security Council, as requested, and we're obviously studying very closely the content of the letter." Dujarric again declined to comment on claims that India's decision to revoke Kashmir’s special status is in violation of UN Security Council resolutions. "I'm not going to comment any further at this point on the situation,” Dujarric said. Responding to questions on the situation in Kashmir, Monica Grayley, spokeswoman for President of the UN General Assembly (PGA) Maria Fernanda Espinosa, said the PGA is currently travelling and is following the situation "as she can" on her trip. "She is looking forward to be briefed by the Secretary General” when she returns to New York. On Tuesday, Dujarric had declined to comment on questions at the daily press briefing that India’s decision to revoke Kashmir’s special status is in violation of Security Council resolutions, reiterating only that the UN chief is following the developments in the region with concern. "I think we've expressed our… we said very clearly that we are following the developments in the region with concern. We… the Secretary General's position at this point is to urge all parties to exercise restraint," Dujarric had said.

**DECCAN HERALD, AUGUST 8, 2019**

**Has 'muscular nationalism' resolved any conflict: PC**

Senior Congress leader and former home minister P Chidambaram on Thursday attacked the government over its actions on Jammu and Kashmir, asking if "muscular nationalism" has resolved any conflict in the world. The Centre revoked Jammu and Kashmir's special status under Article 370 of the Constitution and divided it into two union territories. India scraps Article 370 from Jammu and Kashmir | Follow live updates here Chidambaram also cited former civil servant Shah Faesal's comments on the issue to hit out at the government. "Shah Faesal came first in the Civil Services Examination and joined the IAS. He has called the government's actions on J&K as 'the biggest betrayal'," Chidambaram said in one of a series of tweets. If Shah Faesal thinks so, imagine what millions of ordinary people of J&K think, he said. "Has 'muscular nationalism' resolved any conflict anywhere in the world?" Chidambaram asked.

**DECCAN HERALD, AUGUST 8, 2019**

**Imran dials Boris Johnson, prince Salman on Kashmir .**

Pakistan Prime Minister Imran Khan on Wednesday called his British counterpart Boris Johnson and Saudi crown prince Mohammed bin Salman as part of his government's plan to inform the world leaders about India's decision of revoking Article 370 and and withdrawing the special status of Jammu and Kashmir. The Indian government on Monday revoked Article 370 of the Constitution that gave special status to Jammu and Kashmir and bifurcated the state into two Union Territories - Jammu and Kashmir, and Ladakh. Prime Minister Khan discussed the latest developments in Kashmir in separate telephone calls with the two leaders, an official said. As Khan was personally getting in touch with the world leader, Pakistan Foreign Minister Shah Mehmood and Turkish President Recep Tayyip Erdogan. Pakistan has decided to increase interactions with the international community to highlight the dangers of India's move to revoke the special status of Jammu and Kashmir. It has also decided to take the issue of Indian action in Jammu and Kashmir to the UNSC Day after J&K bifurcation bill passed: Pakistan tests Kashmir waters, India holds response.Delhi chose not to respond Wednesday with sources indicating that it did not want to fall for what it considers a bait, and a desperate bid by Islamabad to internationalise the issue.

A day after Parliament ratified the government’s decision to end the special status of Jammu and Kashmir and bifurcate the state into two Union Territories, Pakistan Wednesday announced it was downgrading diplomatic relations with India, and asked Delhi to withdraw its High Commissioner from Islamabad. Pakistan also said it would not be sending its High Commissioner-designate to India.

Delhi chose not to respond Wednesday with sources indicating that it did not want to fall for what it considers a bait, and a desperate bid by Islamabad to internationalise the issue. India considers its move against Article 370 as an internal matter, and this has been conveyed to the global community.

Islamabad also announced suspension of bilateral trade with India, review of bilateral arrangements, approaching the United Nations, while declaring that it would observe August 14, its independence day, as a Black Day. Sources told that Pakistan’s Foreign Secretary Sohail Mahmood called Indian High Commissioner Ajay Bisaria and conveyed the decision of the Pakistan government.

In a statement, the Pakistan Foreign Ministry said: “Pursuant to the decision of the National Security Committee today, the Government of India has been told to withdraw its High Commissioner to Pakistan. The Indian Government has also been informed that Pakistan will not be sending its High Commissioner-designate to India.” Pakistan’s new High Commissioner Moin-ul-Haq was expected to leave for India this month to take charge, but that has been put off. The decisions were taken at a meeting of the Pakistan National Security Committee in Islamabad, which was chaired by Pakistan’s Prime Minister Imran Khan at his office, and was attended, among others, by the country’s Army chief General Qamar Javed Bajwa, Foreign Minister Shah Mahmood Qureshi, Defence Minister Pervez Khattak, Interior Minister Ijaz Shah, ISI chief Lt Gen Faiz Hameed, Pakistan Army spokesperson Maj Gen Asif Ghafoor and Foreign Secretary Sohail Mahmood. The last time India withdrew its envoy was in December 2001 following the terror attack on Parliament House. High Commissioner Vijay Nambiar was recalled, and Pakistan followed suit by withdrawing High Commissioner Ashraf Jehangir Qazi. The Deputy High Commissioners of both countries held charge for more than a yearIn 2003, India expelled Jalil Abbas Jillani, Pakistan’s acting High Commissioner, from New Delhi, accusing him of espionage. Pakistan retaliated by sending back Indian acting High Commissioner Sudhir Vyas. Full diplomatic relations resumed later in 2003 when Pakistan appointed Aziz Ahmed Khan to Delhi as High Commissioner and India sent Shivshankar Menon to Islamabad.

On Wednesday, the Pakistan NCS called India’s move to revoke Article 370 as “unilateral and illegal” and Imran Khan directed the country’s armed forces to continue vigilance. Sources said the suspension of bilateral trade will have minimal impact since there is very little trade between the two countries. The official bilateral trade is worth $2 billion, although informal trade takes place via Dubai and other Middle-East countries and is estimated to be $6 billion.

According to a recent report by ICRIER, official bilateral trade peaked to about $ 2.5 billion, but fell again after the Uri terror attack, recovered a little only to slump again following the 200 per cent duty imposed on imports from Pakistan after the Pulwama attack. India withdrew the MFN status in February this year after the Pulwama attack. The two countries have cross-LoC trade which may get impacted due to Islamabad’s decision, in effect impacting the people of Kashmir. On the review of bilateral arrangements, India and Pakistan have the Indus Water Treaty which has survived three wars and tense situations since the 1960s. Being the upper riparian state, India in recent years has said that it will use the unutilised water flowing to Pakistan. The two sides also have bilateral arrangements like notification of nuclear installations and exchange of list of prisoners which take place twice every year. These will be reviewed by a special committee comprising Pakistan’s Foreign Minister, Foreign Secretary and the Army chief among others. Sources said Delhi will closely watch the actions taken by Pakistan to review these arrangements, and respond accordingly. “While Pakistan had reached out to the OIC, two members have supported us. We will see how this plays out,” the source said. Maldives became the second OIC country after the UAE to come out in support of India’s Kashmir move, calling it an “internal matter”. The Maldives Foreign Ministry said, “We believe it is the right of every sovereign nation to amend their laws as required.”

In New York, a spokesperson for UN Secretary General Antonio Guterres said the UN chief is following the developments in the region with concern. “I think we’ve expressed our. we said very clearly that we are following the developments in the region with concern. We.the Secretary General’s position at this point is to urge all parties to exercise restraint,” Secretary General’s spokesman Stephane Dujarric told reporters. Asked if the Secretary General has received a letter from Pakistan Foreign Minister Shah Mehmood Qureshi on the issue, Dujarric said he is aware of the press reports that the letter has been sent to the UN chief. “As of a short while ago, we were not able to confirm that the letter had actually been received. Obviously, once it is, it will be looked at and studied and acknowledged.”

**DECCAN HERALD, AUGUST 8, 2019**

**Article 370: Shock and fear prevail in KashmirIn Kashmir, the abrogation is seen as violation of the agreement signed between the state of Jammu and Kashmir and the Union of India in 1950.**

**Zulfikar Majid,**

Four days after Parliament decided to scrap Article 370 of Indian Constitution and bifurcate the state into two Union Territories (Jammu and Kashmir and Ladakh) the Valley continues to remain in the grip of shock and fear, with curfew and information blockade crippling normal life. From Sunday night the authorities snapped internet, mobile connectivity and local cable television networks, putting the Valley into a total information blackout. For the residents in Kashmir, the only access to all these days is through official radio broadcasts and some outstation television channels. Authorities have also placed former chief minister and National Conference (NC) vice president Omar Abdullah, another former CM and PDP President Mehbooba Mufti, Peoples Conference chairman and former BJP ally, Sajjad Lone and Imran Ansari under ‘preventive custody’ A source said that Omar Mehbooba and Lone were taken to government guest houses at Cheshma Shahi in Srinagar and kept in solitary confinement while NC president and Member Parliament Farooq Abdullah has been kept under house arrest. For the fourth consecutive day, the residents continued to remain locked inside their homes with no access to essential supplies like food and medicine. Only reporters of television channels are visible on the streets along with security forces for the last four days. The strict crackdown started in advance to thwart any public protests against the Centre’s unexpected decision to revoke Article 370. In the absence of any communication channels, it took some time for the news of abrogation to reach the Valley. Since the Valley is still reeling from communication blackout, large parts of Kashmir are still unaware about the scrapping of the provision. Reports of stray incidents of stone pelting continue to rock the Valley. In Kashmir, the abrogation is seen as a violation of the agreement signed between the state of Jammu and Kashmir and the Union of India in 1950. According to clause 3 of Article 370, the article shall "cease to be operative or shall be operative only with such exceptions and modifications" as notified by the President of India by public notification. The communication blockade has created chaos throughout the Valley with people worried about the well being of their kith and kin. People are anxiously waiting for the government to remove the communication blockade and allow them to have access to basic facilities. Thousands of outside state labourers were seen rushing out of the Valley through whichever mode of transport available. Jammu and Kashmir governor Satya Pal Malik, however, on Wednesday evening reviewed the law and order scenario in the state and was informed that the overall situation was satisfactory. “The governor reviewed the status of prevailing security and law and order scenario in the state, in the aftermath of developments in Parliament relating to Jammu and Kashmir. He was informed that the overall situation in the state has remained satisfactory in all manners with no untoward incident reported from anywhere. People were seen in markets buying their daily provisions, emergency services in hospitals are functioning, electricity and water supply running satisfactorily and there is sufficient availability of essential supplies,” an official spokesperson said in a statement. The governor directed deputy commissioners of respective districts to depute their staff to visit different localities and take stock of requirements of people and address them swiftly. He reiterated his concern for ensuring the safety of the general public and advised his administration to give due consideration to the genuine needs of people in the current scenario, the spokesperson add.

**DECCAN HERALD , AUGUST 8, 2019**

**Article 370 fuelled terror: Modi**

**Anand Mishra,**

Prime Minister Narendra Modi on Thursday justified the government’s controversial decision to revoke Article 370, saying the special status to the state encouraged terrorism, separatism, dynastic rule and was an impediment to development. In his address to the nation, broadcast both on TV and radio, Modi said elections to the state would be held soon. Terming the government’s decision to revoke the Article "historic", Modi said, “The dream of Shyama Prasad Mookerjee, Atal Bihari Vajpayee, Sardar Vallabhai Patel and crores of Indians has now been fulfilled.” Stating that no one had been able to speak about the benefits of Article 370 and Article 35A, the prime minister said the two sections only fomented terrorism backed by Pakistan. “These two sections were being used as a weapon by Pakistan to provoke the sentiments of some people against the country and due to it 42,000 innocent persons had to lose their lives,” said the prime minister. Modi said benefits of central laws available to other states were being denied to Jammu and Kashmir due to the two sections. But with the special status gone, Modi said the move would provide a better life to youths in the troubled region, as investments would be stepped up, more job opportunities created and tourism would receive a boost. He also appealed to industrialists to come forward to make investments in the region. Outlining his development plans, he said state government employees including police will soon get benefits on par with employees of other UTs and all vacant posts in Jammu and Kashmir and Ladakh will be filled. Modi assured that the situation will gradually normalise and exhorted them to make a “new Jammu-Kashmir and a new Ladakh” along with a “new India”. “I assure the people of Jammu and Kashmir that you will get a chance to elect your representatives with full honesty and in an atmosphere of total transparency,” Modi said, hinting at holding of assembly elections in Jammu and Kashmir soon.

**DECCAN HERALD, AUGUST 9, 2019**

**Many J&K citizens not impressed with PM's speech**

As Prime Minister Narendra Modi on Thursday strongly defended his government's decision to revoke provisions of Article 370 of the Constitution for Jammu and Kashmir, a section of state residents alleged the way it was done was "extremely undemocratic". Some even claimed that the Centre just wanted to win lands and "not hearts of Kashmiris". From students to professionals, belonging to both Jammu and Kashmir regions, many were apprehensive that taking away of the special status, will render the " ecologically sensitive" province "vulnerable" to be exploited for infrastructure-related activities. "Now, with revoking of the Article, flood gates will be opened for the corporate sector to invest in big projects. It will harm our pristine environment," a Kashmiri journalist, who did not wish to be identified, alleged. Ajaz Ahmed, a physiotherapist who is in his 30s, said, "They only want the land of Kashmir and they do not want to win the hearts of Kashmiris.

"If they wanted to win our trust, they should have taken us into confidence, discussed the pros and cons of the exercise and made us feel secure. Our families are living under siege there. If an emergency arises, our families won't even have access to an ambulance."

**DECCAN HERALD, AUGUST 9, 2019**

**People of J&K will choose who will govern them: Modi**

**Anand Mishra,**

Days after his government stripped Jammu and Kashmir of special status granted under Article 370 and 35A to it, Prime Minister Narendra Modi, reached out to people there assuring that they will have full right to choose their representatives to govern them even in the future. In a much-speculated televised Address to the Nation, Modi said that those provisions did not bring any benefit to people of Jammu and Kashmir and rather damaged them by encouraging terrorism, separatism and dynasty politics in the state. "These two sections were being used as a weapon by Pakistan to provoke the sentiments of some people against the country and due to it 42 thousand innocent persons had to lose their lives," said the Prime Minister. He said the measures taken by his government are aimed at welfare of people and will provide a better life to youths in the troubled region with stepped-up investments, creation of more job opportunities, tourism boost and ensuring that benefits of the central government laws available to other states to Jammu and Kashmir as well, which were hitherto not happening. He also appealed to industrialists to come forward to make investments in the region.

Greeting the people for the upcoming Eid festival, he also indicated that the government may provide some relaxations so that people living in the Muslim dominated state have no inconvenience in celebrating the festival. He said his government is providing support to those citizens of Jammu and Kashmir living outside, who want to go back to their homes. Modi assured that the situation will gradually normalize there and exhorted them to make a “new Jammu-Kashmir and a new Ladakh” along with a “new India”. “Your representative will be chosen by you. They will come from among you. As there used to be MLAs, Council of Ministers in past, they will be in future also in the same manner. As was the practice of you having your Chief Minister earlier, the same will happen in future as well. “I assure the people of Jammu and Kashmir that you will get a chance to elect your representatives with full honesty and in an atmosphere of total transparency,” Modi said hinting at holding of assembly elections in Jammu and Kashmir soon. Making it clear that “freedom from 370 is a reality”, the Prime Minister noted the difficulties being faced by the people of the region after the move as “a handful of people want to spoil the atmosphere there” and greeted people from the region, many of them Muslim, who were given the highest honours in past for foiling the attempts of Pakistan and terrorists in past. The Prime Minister indicated that a new leadership will emerge in the new Kashmir as “dynasty politics going for decades disallowed any opportunity to youths of Jammu and Kashmir to provide leadership. Now my young leaders of Jammu and Kashmir will provide leadership and take Jammu and Kashmir to a new height.” He urged all to come together in the national interest keeping aside who supported the government on the measures or not who voted for or against it in Parliament.

**ECONOMIC TIMES, AUGUST 5, 2019**

**Kashmir in the era of Modi**

**R K Arora & Vinay Kaura**

Finally, the curtain comes down about what would happen in Jammu and Kashmir. Ever since the Central government ordered the heavy deployment of paramilitary forces in the Kashmir valley, there were speculations among journalists, analysts, and security experts regarding the move the Modi government was going to make. Although nobody was sure about what was in the mind of Prime Minister Narendra Modi and his close advisors, however there was a near consensus that Kashmir is at the Centre stage of the government’s agenda and a historic decision was on the cards. The government’s sudden and extraordinary step of revoking Kashmir’s constitutionally guaranteed special status through Article 370 is a testimony to this fact. If all goes as planned, the announcement could define Modi’s legacy as a decisive and bold prime minister. It was unprecedented that the state government had asked Amarnath Yatris and tourists to immediately leave the Valley in the wake of intelligence inputs about terror threats to the pilgrims. The Indian air force and the Indian Army were put on high operational alert. There were a spate of high-level meetings in both Srinagar and New Delhi. The people and the politicians in Kashmir were understandably nervous. Local political heavyweights were put under house arrest and Internet and phone service were cut off.

On August 5, 2019, after attending the meetings of the Cabinet Commmittee on Security as well as the Union Cabinet, the Home Minister, Amit Shah, straightaway moved to Rajya Sabha and put the breaks on all the speculations. He moved a resolution to revoke Article 370, clarifying that all clauses of this arcile would not be applicable in Jammu and Kashmir. It was also announced that Jammu and Kashmir would be bifurcated into two Union Territories – the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh. The Ladakh UT will not have a legislature. Given the internal and external situation at the moment, the idea of dividing the state of Jammu and Kashmir into two distinct territorial entities of Jammu and Kashmir and Ladakh has strong resonance. Although the constitutional process would take its own time, however it makes strategic sense at the moment. Let’s try to understand the reasons.

First, the people of Jammu and Ladakh have always been resentful of the political hegemony of the Kashmir Valley. They are not happy with the manner in which the Kashmir politicians have monopolized the narrative about the state. Now the Jammu and Kashmir region has been given the status of a UT with Assembly and Ladakh has been made a UT, the people living in Jammu and Ladakh regions would be more than happy with their new autonomous status. There may be some critical voices from Jammu demanding more autonomy. However, the BJP will still get a shot in the arm as the people of these regions would remain indebted to the saffron party for a considerable period of time.

Second, making Jammu and Kashmir a Union territory would completely change the way politics is the state. The restive Valley would not only come under direct administrative and legislative control of the Central government, but its politicians would lose their traditional bargaining power. Many in India would rejoice at this prospect.

Third, the Central government would be empowered to make special policies and implement its agenda vis-à-vis the Valley without much constitutional and legal constraints.

Fourth, during the last fortnight, the United States President Donald Trump has twice offered to mediate between India and Pakistan to resolve the Kashmir issue. This is definitely music to the ears of Pakistan’s military establishment. Trump has his own compulsions to offer carrots to Pakistan so that he could ensure the safe exit of American troops from Afghanistan. But New Delhi has always insisted that Kashmir is a bilateral issue between India and Pakistan. Hence, before pressure increases, the Modi government, by changing the territorial status of Jammu and Kashmir, seems to have eliminated the looming danger of immediate external interference. It can also be seen as Modi’s way of telling the whole world that Kashmir issue cannot be exploited to put pressure on India to hold discussion with Pakistan which is not willing to cut its ties with terrorists. Although all the precautions have been taken and systems have been placed to cater to any unwanted outcome arosing out of the situation, Pakistan is likely to attempt to escalate conflict following India’s move to bifurcate the state. But Pakistan would not be in a position to impact the process beyond some public statements or a few cross-border infiltration attempts which could be thwarted by the Indian security forces.

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**ECONOMIC TIMES, AUGUST 5, 2019**

**At last, the once-colonised becomes coloniser**

**Indrajit Hajra**

As a former colonised State, ‘nation-building’ India always harboured the guilty pleasure of wanting to colonise, to be a colonial power – by any other name, of course. On Monday, India’s decades-long occupation of Kashmir – to call it anything else would mean accepting that Indian army presence in the border state has been only to keep the residents of Jammu & Kashmir safe from ‘outsiders’ – culminated in an annexation.

For many ‘proud’ Indians, New Delhi’s unilateral move has the flavour of Vallabhbhai Patel ‘incorporating’ the princely state of Hyderabad in 1948, and GoI ‘freeing’ Goa from Portugal in 1961 — acts historically deemed more ‘decisive’ than the messy ‘accession’ of J&K in 1947, for which the likes of Jawaharlal Nehru are made to hold the can. But the abrogation of Article 370 of the Indian Constitution – or, to be more precise, the use of Clause 3 of Article 370 allowing the President of India to suspend Article 370’s operationability until he or she has a change of mind — is really the de facto evolution of an occupying force into one that has, at last, annexed the occupied territory. If not in letter, then certainly in spirit, India’s much-repeated ‘fondness for federalism’ can be now treated as a joke. The fact that Article 370 has been ‘scrapped’ in stealth, without a fig leaf of any consultation or debate with Kashmiris or other ‘meddlers’, also shows how confident the Government India has become in getting away with imposing its will on another Indian state. New Delhi’s ‘coming of age’ in terms of dealing with contracts, agencies of trust, and ‘memoranda of understanding’ that it doesn’t like – Article 370 essentially being one such MoU — is being heralded as being ‘decisive’. Well, what Home Minister Amit Shah has engineered is, indeed, ‘decisive’ – as any unfortunate action carried out successfully can be. You can’t take over a state, put its leaders under ‘house arrest’, ensure the suspension of all communication – of course, as a precaution to nip any ‘law and order’ situation that may arise because of one’s own underhand action in the bud – without being ‘decisive’. So much for New Delhi’s skills down the years in applying the make-up of trying to win the ‘hearts and minds’ of the Kashmiri people.

An occupying force finds legitimacy in its own actions the way a briber legitimises the bribe by showing ‘decisive’ action: it is the only way that order can be brought. In the face of New Delhi’s untrammelled power, such legitimacy is blind to law — seen and interpreted, in the case of Kashmir, as one made earlier by ‘weak men’ in a moment of ‘weakness’.

But it will not just be the central government which will be selling this dishonest reading of law, of contract, of trust, to its people, but the people of India themselves who will be selling this notion to each other. They will be happy to believe what Shah stated in Parliament on Monday to be the source of Kashmir-related terrorism: Article 370. They will gladly believe in the solution provided to Kashmir-related terrorism: the ‘scrapping’ of Article 370. But let there be no doubt that what has taken place in Kashmir, despite all its local decades-long petty thuggery and victimhood-auctioning, is shameful. It exposes India’s inability to convince a people to accept Kashmir’s ‘Indianness’. It also exposes India seeking a desperate way to deal with such an inability. To repeat oneself, the suspension of J&K’s special status – logical as it is in the scheme of what the situation has been for decades — is nothing short of annexation. And dodge it as much as one may choose to, there is a loaded, ‘dramatic’ word for it: Anschluß, from the German verb, anschließen, to join’ or ‘connect’. As sure as Monday morning in Parliament followed Sunday evening in Srinagar, many people will point out, nitpickingly, that Anschluß refers to the annexation of another country, surely not to the conquest of ‘one’s own territory’. Which, ironically, only makes such an occupation-turned-annexation even more obvious.

**ECONOMIC TIMES, AUGUST 6, 2019**

**Article 370 and 35(A) revoked: How it would change the face of Kashmir**

With the situation now on a knife's edge, here's what the momentous decision will mean for the restive state. Modi government has finally dropped the big Kashmir bomb today, with Home Minister Amit Shah moving to revoke two key constitutional provisions — Article 370 and Article 35(A) — that give the state of Jammu & Kashmir a host of special rights. Some provisions of the Article 370 have been diluted over time. In contrast, the Article 35A till now had remained unchanged. The move came amid mounting tension in the state where the government, in a midnight swoop, had put the top political leadership under detention and restricted their movement. It also suspended telecom/internet services in the state. With the situation now on a knife's edge, here is what the momentous decision would mean for the restive state and for India in general.

What Article 370 means

Under this article, the centre needs the state government's concurrence to apply laws — except in defence, foreign affairs, finance and communications. It means the state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians. As a result of this provision, Indian citizens from other states cannot purchase land or property in Jammu & Kashmir . Under Article 370, the Centre has no power to declare financial emergency under Article 360 in the state. It can declare an emergency in the state only in case of war or external aggression. The Article 370 — which comes under Part XXI of the Constitution, which deals with "Temporary, Transitional and Special provisions" — grants J&K a special autonomous status. Constitutional provisions that are applicable to other Indian states are not applicable to J&K. The provision was drafted in 1947 by Sheikh Abdullah, the then prime minister of J&K appointed by Maharaja Hari Singh and Jawaharlal Nehru. Abdullah had argued that Article 370 should not be placed under temporary provisions; he instead wanted 'iron-clad autonomy' for the state. The centre, however, didn't grant his wish.

What Article 35(A) means

Article 35A allows the state legislature to define the Jammu and Kashmir's permanent residents. The article had been inserted via the Constitution (Application to J&K) Order, 1954. It was issued by the then President Rajendra Prasad under Article 370 on PM Nehru's advice. The state's Constitution, at the time of its adoption in 1956, defined a permanent resident as someone who was a state subject on May 14, 1954, or who has been a resident for 10 years, and has lawfully acquired immovable property. What this clause means is that no outsider can now own property in J&K or get a state job. The article is also known as the Permanent Residents Law. Among other things, it deprives the state's female residents of property rights if/when they marry an 'outsider'. The provision also extends to children born of any such women.

What will happen to J&K now

After Kashmir's special status is gone, people from anywhere in India be able to buy property and permanently settle in the state. This has fuelled fear in the mind of Kashmiris — they think it would lead to the state's demographic transformation from majority Muslim to majority Hindu. A separate Union Territory will be created for Jammu & Kashmir with legislature, Amit Shah has revealed via a notification. "Keeping in view the prevailing internal security situation, fuelled by cross-border terrorism in the existing state of Jammu & Kashmir, a seperate Union Territory is being created", the notification said. Under the notificaiton, the Ladakh region is also being given the status of a Union Terrority, without legislature. "The Ladakh division has a large area but is sparsely populated with a very difficult terrain. There has been a long-pending demand of people of Ladakh to give it a Union Territory status to enable them to realise their aspiration", it said. Following Amit Shah's proposal, President Ram Nath Kovind promulgated Constitution (Application to Jammu and Kashmir) Order, 2019, stating that the provisions of the Indian Constitution will henceforth be applicable to J&K.

The Constitution (Application to Jammu and Kashmir) Order, 2019 comes into force "at once", and shall "supersede the Constitution (Application to Jammu and Kashmir) Order, 1954". The presidential promulgation says: "All the provisions of the Constitution shall apply in relation to the state of Jammu and Kashmir." For the purpose, a clause 4 has been added to Article 367 which will introduced four changes. "The references to the person for the time being recognised by the president on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the state for the time being in office, shall be construed as references to the Governor of Jammu and Kashmir", said the order. It added: "References to the Governor of Jammu and Kashmir shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers". The order further said that in the proviso to clause (3) of Article 370, the expression "Constituent Assembly of the State referred to in clause (2)" shall read "Legislative Assembly of the State".

**ECONOMIC TIMES, AUGUST 8, 2019**

**Former J&K king's son Karan Singh supports Modi govt's decision, says don't agree with blanket condemnation.**

Welcoming bifurcation of Ladakh into a union territory, Singh said he himself proposed bifurcation way back in 1965. Senior Congress leader and former J&K ruler Maharaja Hari Singh's son Karan Singh today said he does not agree with a blanket condemnation of the government's move on Jammu and Kashmir and said that there are several positives in the government's decision. Welcoming bifurcation of Ladakh into a union territory, Singh said he himself proposed bifurcation way back in 1965 when we was the head of the state. He also said that he supports the abrogation of provisions of Article 35A as the issue of gender-discrimination needed to be addressed. He said the delimitation in the state will also ensure a fair division of political power between Jammu and Kashmir. He, however, said two main political parties of Jammu and Kashmir -- the Peoples Democratic Party and National Conference -- should not be termed "anti-national". He urged the government to release the leaders of political parties to start broad-based political dialogue in the state. "The efforts should be that J&K attains a full statehood as soon as possible so that its people can at least enjoy the political rights available to the rest of the country," Singh said.

**ECONOMIC TIMES, AUGUST 8, 2019**

Before abolishing Article 370, Indian Army identified possible trouble spots in Kashmir. The Indian Army also deployed an additional brigade from the northeastern region in Kashmir to strengthen its counter-infiltration grid on the LoC to thwart any attempt made by Pakistan Army to push any infiltrators inside the valley.

NEW DELHI: Days ahead of Modi government that brought a resolution in Parliament to revoke Article 370, Indian Army and other security forces identified the main trouble spots in Kashmir and kicked-off preparations for tackling any possible untoward situation in the Valley post-announcement of the implementation of the decision. The Indian Army also deployed an additional brigade from the northeastern region in Kashmir to strengthen its counter-infiltration grid on the Line of Control (LoC) to thwart any attempt made by Pakistan Army to push any infiltrators inside the valley. "At various locations especially in South Kashmir region, the local commanders had started preparing for dealing with any attempt of creating unrest. At some places, even Army Chief General Bipin Rawat has reviewed the preparedness of the forces to handle the possible trouble," top Army sources told ANI. The sources said that though the local commanders were not informed about the specific decision but were given an idea about a big development likely to take place in relation to the Valley. The Indian Army had shifted an infantry brigade from the eastern command to the LoC in Kashmir before the commencement of annual pilgrimage Amarnath Yatra and the traditional infiltration season in summers. The sources said that the deployments would be enough to tackle the emerging situation in the Valley along with the 45,000 troops of the paramilitary who have been inducted recently to tackle both the Pakistani designs from across the LoC as well as attempts by separatists in the valley to create unrest. The Army has put its Rashtriya Rifles (RR) and regular forces in the valley on high alert to deal with any untoward situation. The sources also informed that there are close to 250 active terrorists in the valley and they would not be allowed to disturb peace in the Valley. The Narendra Modi government has scrapped Article 370 and created Jammu and Kashmir and Ladakh as two new union territories.

**Hindu August 5, 2019**

**President’s Order scraps its predecessor and amends Article 370**

**Krishnadas Rajagopal**

The August 5 notification has been issued under Article 370 of the Constitution.

The President’s notification of the Constitution (Application to Jammu and Kashmir) Order of 2019 of August 5 amends Article 370 of the Indian Constitution and scraps its 65-year-old predecessor, The Constitution (Application to Jammu and Kashmir) Order of May 14, 1954.

By junking the 1954 Order, the notification takes away the special rights and privileges enjoyed by the residents of Kashmir. It has effectively allowed the entire provisions of the Constitution, with all its amendments, exceptions and modifications, to apply to the area of Jammu and Kashmir. This is evident from the text of the August 5, 2019 notification. For one, the 2019 notification “supersedes” the 1954 Order. And two, it declares that “all the provisions of the Constitution, as amended from time to time, shall apply in relation to the State of Jammu and Kashmir”.

The August 5 notification has been issued under Article 370 of the Constitution. In short, the government has employed Article 370, which had once protected the 1954 Order giving special rights to the people of Jammu and Kashmir, to scrap the sexagenarian Order.

So far, the Parliament had only residuary powers of legislation in J&K. This included enacted of laws to prevent terror and secessionist activities, for taxation on foreign and inland travel and on communication. Now, the Centre has proposed the Jammu and Kashmir Reorganisation Bill of 2019, which says the new Union Territory of Jammu and Kashmir would be administered/governed like the Union Territory of Puducherry.

The Bill proposes wide powers to the Lieutenant Governor of the proposed Union Territory of Jammu and Kashmir and makes it the "duty" of the Chief Minister of the Union Territory to “communicate” all administrative decisions and proposals of legislation with the LG. Moreover, all Central laws and State laws of J&K would apply to the new Union Territories of J&K and Ladakh. Assets and liabilities of J&K and Ladakh would be apportioned on the recommendation of a Central Committee within a year. Employees of State public sector undertakings and autonomous bodies would continue in their posts for another year until their allocations are determined. The police and public order is to be with the Centre.

The tabling of the proposed Reorganisation Bill is also proof that the long reign of the 1954 Order has ended. The 1954 Order had introduced a proviso to Article 3, namely that “no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in Parliament without the consent of the Legislature of that State". That power of the State Legislature to give prior consent does not exist anymore. This has provided a free hand to the Centre to table the Reorganisation Bill.

The 1954 Order had also brought into existence Article 35A. This Article gave the State Legislature of Jammu and Kashmir exclusive power to define classes of persons who are/shall be permanent residents of the State; to confer permanent residents special rights and privileges and impose restrictions upon other persons from outside the State; make laws and conditions for State government employment, acquisition of immovable property, settlement rights, scholarships and other forms of aid from the State government.

With the removal of the 1954 Order, the power of the State Legislature ceases to exist and Parliamentary laws, including that of reservation, would apply to Jammu and Kashmir as it does in other parts of the country. The government called this the end of “positive discrimination” and the closing of the “chasm” between residents of J&K and citizens of other parts of the country.

The removal of the 1954 Order further also negates a clause which was added to Article 352. The Order had mandated that no proclamation of Emergency on grounds “only of internal disturbance or imminent danger shall have effect” in the State unless with the concurrence of the State government.

The second part of the August 5, 2019 notification deals with the addition of a new clause to Article 367 which amends the proviso to clause (3) of 370. Article 367 deals with the applicability of the General Clauses Act 1897 to interpret the provisions of the Constitution,.

The August 5 notification amends the expression “Constituent Assembly”, contained in the proviso to clause (3) of Article 370, to mean “Legislative Assembly”.

Clause (3) of Article 370 gives the President power to end the special rights and privileges of the people of Jammu and Kashmir under the 1954 Order. However, the clause carries a rider. That is, the President would have to first get the consent of the Constituent Assembly of J&K before issuing such a notification. This rider or check on the President’s power was intended to give the people of the State a say in their own future.

Now, the Constituent Assembly has ceased to exist since 1956, when it was dissolved. The Assembly, at the time of its dissolution, had said nothing about the abrogation of Article 370. Consequently, Article 370, though it resides among the ‘temporary provisions’ of the Constitution, is deemed have become a permanent feature of the Constitution.

The August 5 notification has tided over this obstacle of a non-existent ‘Constituent Assembly’ by amending the expression in the proviso to ‘Legislative Assembly’. Ideally, any such amendment to the name of the ‘Constituent Assembly’ would require the assent of the Constituent Assembly itself. Besides, an amendment in Article 370 should have undergone the constitutional amendment procedure envisaged under Article 368 of the Constitution.

But the government can, on the other hand, argue that the amendment made in its August 5 notification only applies to Jammu and Kashmir and not the entire Dominion of India, and so, does not require a constitutional amendment. This point of contention may reach the Supreme Court, where several petitions on the constitutionality of Article 35A, and in consequence Article 370, are pending for adjudication.

**Hindu August 5, 2019**

**NATIONAL**

**From the archives: The Hindu’s report on the President’s Order in J&K, 1954**

Unique claim: Rajendra Prasad, India’s first elected President | Photo Credit: The Hindu Archives

President Rajendra Prasad today issued an order under Article 370 of the Constitution extending to the State of Jammu and Kashmir such parts of the Indian Constitution with such modifications as were agreed upon in the Delhi Agreement. Among parts of the Constitution which have been extended to Kashmir now are the ones dealing with fundamental rights, the legislative, executive and judicial organs of the Union and their powers, relations between the Union and the State on finance, trade, commerce and intercourse within the Union and elections to Union bodies.

Work of Constituent Assembly

Three years ago a proclamation was issued for the convening of Constituent Assembly for Jammu and Kashmir to frame a democratic Constitution for the State. The Assembly has now completed the first part of the task and set its final seal of approval on the constitutional relationship between the State and the Indian Union to which it acceded in 1947. The decisions of the Assembly are being implemented by the issue of an Order of the President under Article '370 of the Constitution of India.

Under this article, the President has been authorised to issue, after consulting the State Government, an Order applying the relevant provisions of the Constitution relating to Foreign Affairs, Defence and Communications in regard to which the State had acceded to the Union in 1947.

Further extension of the Union's jurisdiction or the application of other parts of the Constitution to the State was left to be made with the concurrence of the Constituent Assembly. Discussions were Initiated with the State Government in 1950 in regard to the application of provisions relating to other than these three subjects. Agreement on certain broad principles was reached in June 1952 and embodied in what has since been known as the ‘Delhi Agreement’.

As a result of further detailed discussions with the State Government, it was agreed that the Constitution (Application to Jammu and Kashmir), Order issued in I960, should be replaced by a more comprehensive one applying practically all the material parts of the Constitution relating to the Union, including a majority of the subjects included in the Union List. These proposals which have received the concurrence of the Constituent Assembly of the State are embodied in the new Order now issued by the President.

Fundamental rights

Under the new Order Parts I to III, V and XI to XXII of the Constitution of India will be applied to Jammu and Kashmir with appropriate modifications. These relate to citizenship and fundamental rights, the legislative, executive and judicial organs of the Union and their powers, relations between the Union and the State, finance, trade, commerce and intercourse within the Union, elections to the Union, legislative bodies, etc.

The points included in the ‘Delhi Agreement’ of 1952 have been fully covered in the new Order, except in regard to the head of the State, provisions relating to whom will be appropriately embodied in the State Constitution. In view of the special circumstances of the State and in implementation of the 'Delhi Agreement', certain modifications have been made. In applying the parts mentioned above, in order to remove any apprehension that a closer union might prejudicially affect the interests of the permanent residents of the State, the State Legislature has been authorised to make laws safeguarding the interests of the permanent residents of the State in regard to matters like the acquisition of immovable property, settlement in the State and employment under the State Government.

A part of the State territory is now in the occupation of an alien power. In an emergency, the normal practice everywhere is to suspend the operation of safeguards relating to the exercise of fundamental rights, and to entrust the executive Government and the Legislature with plenary power to cope with the situation. It has been not necessary to adopt this drastic step.

Instead the State Legislature has been given power to impose such restrictions on the exercise of the rights relating to freedom of speech, and expression, right to form associations and unions and to move freely within the State as may be necessary to safeguard the security of the State, but this special authority, again, would be available only for a period of five years from the commencement of tha Order. Provision is also being made to safeguard the land reforms effected a few years ago.

The Supreme Court will exercise practically the same jurisdiction in Jammu and Kashmir as in other parts of the country. Besides, being the guarantor of the fundamental rights embodied In the Constitution, the Supreme Court will have original jurisdiction under Article 131 of the Constitution and appellate jurisdiction in regard to civil and criminal cases. It will be the final judicial authority to interpret the Constitution.

The financial relationship as well as the allocation of taxation powers between the Centre and Jammu and Kashmir State will now be the same as those existing between the Central Government and other Part A or Part B States. All the important provisions relating to the freedom of inter-State trade and commerce\* are being applied in full.

As a result, customs duties levied by the State Government are being removed, trade between the State and other parts of the Union will now be free and is bound to expand, and the people of the State relieved of a heavy load of taxation. While the bulk of the Union List will be applicable, there are important exceptions, for example, the State will retain exclusive competence in regard to matters relating to industrial and mineral development, census and company laws. Similarly, powers relating to the constitution and organisation of the State High Court, its powers and jurisdiction are also matters within the exclusive competence of the State. The Concurrent List will not also apply. Again, residuary authority vests in the State. These exceptions mark the special position accorded to the State within the constitutional framework.

**HINDU, AUGUST 06, 2019**

**EDITORIAL**

**Scrapping J&K's special status is the wrong way to an end**

The special status of J&K was never meant to be permanent, but it should not have been scrapped without wider consultations.

Jammu and Kashmir has been a theatre of muscular Hindutva nationalism, in the early decades in script and since 2014 in performance. Adopting a highly militarist approach to separatism, and shunning political process entirely since 2014, the BJP has now delivered on a promise it has long made, by abrogating the special status that Jammu and Kashmir had enjoyed in the Constitution through a combination of executive and parliamentary measures. Additionally, the State is being downgraded and divided into two Union Territories. The mechanism that the government used to railroad its rigid ideological position on Jammu and Kashmir through the Rajya Sabha was both hasty and stealthy. This move will strain India’s social fabric not only in its impact on Jammu and Kashmir but also in the portents it holds for federalism, parliamentary democracy and diversity. The BJP-led government has undermined parliamentary authority in multiple ways since 2014, but the passing of legislation as far-reaching as dismembering a State without prior consultations has set a new low. The founding fathers of the Republic favoured a strong Centre, but they were also prudent in seeking the route of persuasion and accommodation towards linguistic and religious minorities in the interest of national integration. The centralising tendencies increased in the following decades, but Hindu nationalists always argued for stronger unitary provisions and viewed all particular aspirations with suspicion. For them, Jammu and Kashmir’s special constitutional status was an impediment, not an instrument, for the region’s integration with the rest of the country.

The entire exercise of getting Article 370 of the Constitution effectively abrogated has been marked by executive excess. The first step was to declare by a presidential decree that the ‘Governor’ — without regard to the fact that he has no Council of Ministers now to aid and advise him — can speak for the State government and give his concurrence to any modification in the way the Constitution of India applies to Jammu and Kashmir. Second, on the basis of this ‘concurrence’, the latest Presidential Order scraps the previous one of 1954, abrogating the separate Constitution of Jammu and Kashmir. Third, the fact that the State is under President’s Rule has been used to usher in a new dispensation under which Jammu and Kashmir becomes a Union Territory with a legislature and Ladakh another such territory without a legislature. In sum, a purported process to change the constitutional status of a sensitive border State has been achieved without any legislative input or representative contribution from its people. The bifurcation of States in the past cannot be cited as a binding precedent as, under Article 3 of the Constitution, the President seeks the views of the legislature of the States concerned, even if concurrence is not mandatory. In the present scenario, J&K has been represented by an unelected Governor appointed by the Centre, while Parliament has ventured to ratify the conversion of a State into two Union Territories without any recommendation from the State.

**HINDU, AUGUST 06, 2019**

**How Kashmir's Special Status and Article 370 are Being Changed**

**Volume 90%**

If there is a legal challenge to these measures, it would centre around whether such far-reaching steps could be achieved in the absence of a representative government by assuming that its gubernatorial administrator is constitutionally capable of using his consent as that of the entire State. Further, there is a self-enabling aspect to the Presidential Order. It performs a hop-step-and-jump feat. It hops over the requirement of the State government’s consent by declaring that the Governor is the State government. It steps over the need for aid and advice by the ministerial council by saying the Governor’s opinion is enough. And it jumps over the fact that there is no constituent assembly now by merely reading the term as ‘legislative assembly’, and letting Parliament perform the role of the State legislature. Thus the President’s power under Article 370 has been used both to create an enabling provision and to exercise it immediately to modify the Order, thereby dispensing with the role envisaged for the State Assembly. While it is true that in 1961 the Supreme Court upheld the President’s power to ‘modify’ the constitutional provisions in applying them to J&K, it is a moot question whether this can be invoked to make such a radical change: a functioning State has now been downgraded and bifurcated into two Union Territories. It is inconceivable that any State legislature would ever have recommended its own demotion in status.

True, the special status of J&K was meant to end, but only with the concurrence of its people. The Centre’s abrupt move disenfranchised them on a matter that directly affected their life and sentiments. Moreover, that this was done after a massive military build-up and the house arrest of senior political leaders, and the communications shutdown reveals a cynical disregard of democratic norms. It appears that the current government values J&K for its demonstrative impact before the rest of the country, as a place where a strong nation and its strong leader show uncompromising political will. But that may have other unintended consequences. Geographically and metaphorically, Jammu and Kashmir is the crown of secular India — a Muslim majority region in a Hindu majority country. Its people and leaders had chosen secular India over Islamic Pakistan, a fact that Islamists never reconciled with. The BJP’s adventurous route also has as backdrop an impending U.S. withdrawal from Afghanistan that will trigger an unforeseeable churn in Islamist politics in the region. Islamists have always viewed Kashmir as a component of their global grievances. Whatever its intent in enabling the full integration of Jammu and Kashmir with India, Monday’s decision to alter the State’s status could have unintended and dangerous consequences.

**HINDU, AUGUST 6, 2019**

**Fact check: What is true and what isn’t on J&K, Article 370**

**K. Deepalakshmi**

Speaking out: Students and others protesting at Parliament Street here on Monday against the Centre’s move to amend Article 370.

The online discussions mentioned a number of claims regarding the new legislation and the status of Jammu and Kashmir. Here is a fact check on such claims.

A President's Order abrogating certain provisions on Article 370, bifurcation of Jammu and Kashmir into two union territories, and a Bill extending 10 per cent reservation to the economically backward section to the State as well, was widely discussed on social media on Monday.

Opinions and arguments aside, the online discussions mentioned a number of claims regarding the new legislation and the status of Jammu and Kashmir. Here is a fact check on such claims.

Claim: Article 370 has been scrapped.

Not yet. President Ram Nath Kovind promulgated Constitution (Application to Jammu and Kashmir) Order, 2019, which states that provisions of the Indian Constitution are applicable in the State. This effectively takes away the autonomy of the State. However, Article 370 is still in force. In fact, the Presidential Order exercises the powers conferred by clause (1) of Article 370 of the Constitution.

So far, the Parliament had only residuary powers of legislation in J&K such as enacting laws related to anti-terror, taxation on foreign and inland travel, and communication. Now every law enacted by Parliament is applicable in Jammu and Kashmir and Ladakh as well.

Claim: The State had a separate flag

True. Jammu and Kashmir had its own flag since 1952. The protocol mandates unfurling both the national flag as well as the State flag at all public events. After the presidential order, only the national flag will have to be hoisted.

Claim: Jammu and Kashmir had a separate Constitution.

True. Article 370 allowed the state of Jammu and Kashmir to have its own Constitution. Laws passed by the Parliament were applicable in the State, only after the State government gives its concurrence.

In fact, the landmark indirect tax reform, GST, was rolled out on July 1, 2017, across the country, except Jammu and Kashmir. This is because that State Assembly cleared the GST Bill only on July 7, 2017, after a Presidential Order that “…the powers of the State of J&K as per Section 5 of the Constitution of J&K, shall remain intact,” was adopted.

Claim: Kashmiris have dual citizenship. They could visit Pakistan.

Misleading. Kashmiris is a term referred to the ethnic group native to the Kashmir Valley. Over generations, ethnic Kashmiris have migrated to several parts of the world, including Pakistan. India does not allow dual citizenship, including to Indian Kashmiris.

The 'dual citizenship' of Kashmiris is with reference to Article 370 under which they are considered as citizens of India as well as citizens of Kashmir. A non-Kashmiri residing in Kashmir, however, is considered only a citizen of India and the J&K Constitution refers to them as "permanent residents".

As for visiting Pakistan, any Indian with a valid visa can visit the neighbouring country.

Claim: Kashmir is the only place where non-Kashmiris couldn't own land.

False. Article 35A prohibited non-Kashmiris from owning land in the region. However, Jammu and Kashmir is not the only State to have this law. Land laws vary from State to State. For example, in Karnataka, only an agriculturist can purchase agricultural land.

Parts of Assam, Tripura, Himachal Pradesh, Arunachal Pradesh, Nagaland, and Andaman & Nicobar Islands have restrictions on outsiders buying land.

Claim: RTI Act was not applicable in Kashmir

False. Jammu and Kashmir has had a Right to Information Act since 2004, a year before the Central RTI Act came into existence. However, the State didn't approve the Central legislation for a long time. In 2007, the State's RTI Act was amended on the lines of the Central Act; however, activists crticised it for not having the High Court and private bodies under its ambit.

Claim: People of Ladakh cannot elect MLAs anymore

True. With the bifurcation, Ladakh will cease to be a part of Jammu and Kashmir. The region will now be a Union Territory without legislature like Lakshadweep, Dadra and Nagar Haveli, Daman and Diu, Chandigarh, and Andaman and Nicobar Islands. So the Jammu and Kashmir Legislative Assembly will be four seats less. Ladakh will continue to vote in parliamentary elections.

Claim: Duration of J&K Assembly has been curtailed.

True. As per the J&K Constitution, Assembly elections are held in the State once every six years. Now, Assembly elections will be held once in five years, like the rest of India.

Claim: J&K cannot enact separate laws now

False. The presidential order only eliminates the need to pass every Indian law once again in the Jammu and Kashmir Assembly. However, the Assembly can pass Bills and subject to the approval of the Lt. Governor of the Union Territory, it will become a law. Just like other States, the J&K Assembly too can override a Central law by amending it, subject to the approval. For example, Puducherry amended the Prevention of Cruelty to Animals Act, 1960, to allow bullfighting sport Jallikattu in its region.

Claim: Reservations were not applicable in Kashmir.

Misleading. Reservations in the State are governed by the Jammu and Kashmir Reservation Act, 2004. It is this Act that had to be amended to provide 10 per cent reservation to the economically backward class. Unlike the rest of India, reservation is provided only in appointment and admission in professional institutions, to SC, ST and socially-backward classes. There is no reservation for minorities. A recent Ordinance extended the benefits of reservation to people living in Pakistan-occupied Kashmir as well.

Claim: If a woman from J&K marries out of the State, she loses citizenship of the State.

False. According to Article 35-A, a Kashmiri woman loses property rights if she marries a non-Kashmiri. She continues to be a 'Kashmir citizen.' The issue gets complicated with her children. Her children are not considered 'permanent residents', if their father is not one. Even if they live in Kashmir, it is left to the discretion of the Jammu and Kashmir government to grant the 'permanent residents' status.

**HINDU, AUGUST 6, 2019**

**Piecing together Kashmir’s audacious road map**

**Amitabh Mattoo**

The new doctrine will have to persuade Jammu and Kashmir that greater integration with India holds promise

In 1948, the tallest leader of Jammu and Kashmir, Sheikh Abdullah, greeted Prime Minister Jawaharlal Nehru at Lal Chowk, Srinagar, with a couplet from the Sufi poet, Amir Khusro: “Mun tu shudam tu mun shudi,mun tun shudam tu jaan shudi; Taakas na guyad baad azeen, mun deegaram tu deegari (I have become you, and you me, I am the body, you soul; So that no one can say hereafter, that you are someone, and me someone else”). Five years later, Abdullah was dismissed from office and interned on the instructions of Nehru. Since then the body of Kashmir and the soul of the rest of the country have cohabited restlessly.

On Monday, August 5, 2019, the Narendra Modi government made arguably the most audacious decision of its tenure and probably the boldest decision made by any government on Kashmir since Indira Gandhi arrived at a modus vivendi with Sheikh Abdullah in 1975. By moving to revoke the ‘special status’ granted to the State under Article 370, and by reorganising the State into two Union Territories — Jammu and Kashmir and Ladakh —it demonstrated unprecedented chutzpah, but it may have unleashed a chain of events difficult to predict or contain. For one, while even the founding fathers recognised that Article 370 was a transitional or temporary provision, there was a clear subtext; that its revocation would only happen once the acquiescence of the people of the State was obtained.

There is no doubt that the move will be legally challenged on grounds of procedural infirmities and, more substantively, that it undermines the basic feature of the compact between Delhi and Srinagar that was agreed upon in 1947. But beyond the legality, the real test will be on the streets of Srinagar, Jammu and Delhi once the security cordon is lifted from the State. What was unbecoming is the unwillingness to enter into consultation with the mainstream political leaders; in no other State would former Chief Ministers have been dealt with so cavalierly. Similarly, the impression that the move on Article 35A is designed to engineer demographic change rather than to protect the rights of women and other marginal groups of the State, will need to be corrected.

A mirror to geopolitics

The move is clearly embedded in the larger geopolitics of the region and the manner in which regional alliances are marginalising Indian interests in the heartland of the region. With the United States seeking a quick exit from, and willing to let the Inter-Services Intelligence-sponsored Taliban to control Afghanistan (and China deeply embedded in the power play), the heartland of central Asia has rarely been as adverse to Indian interests since 1989, when the Soviet Union withdrew from Afghanistan. Kashmir could, in these circumstances, become even more vulnerable to external elements than it was in the 1990s.

On top of it, the new camaraderie between U.S. President Donald Trump and Pakistan Prime Minister Imran Khan and the repeated ‘offer’ by Mr. Trump to meditate in Kashmir may have precipitated the decision, which would, however, have in any case taken months of preparation. A decision to cancel the Amarnath yatra and take hard decisions, with both domestic and international ramifications, suggests that the government believed that a settlement in Jammu and Kashmir and its ‘pacification’ was vital for India’s national security. This was, of course, a marked departure from recent history.

The Gupkar model

Internally, for nearly 70 years, New Delhi managed Jammu and Kashmir (or more precisely the Kashmir Valley) through Srinagar’s Gupkar Road. Gupkar Road became a metaphor for the Centre’s approach, historically, towards Kashmir. New Delhi’s follies and its firmness; its cleverness and its calculations; its vacillating largesse and its ubiquitous Leviathan-like presence, were part of Gupkar’s landscape and legacy. Gupkar Road is the meandering gateway to the vistas of the Dal Lake, which runs from the desolate offices of the United Nations Military Observer Group in India and Pakistan at Sonwar to the fading charms of erstwhile royal palaces on the banks of the lake. It is here that security agencies are nested in close comfort with the political and business elite, and where interrogation centres have morphed into “haunted” guest houses.

As a model, Gupkar Road reflected itself in a series of policies that had become predictable; a network of patronage and power that had been gamed by friends and adversaries alike. It sustained a politics of entitlement; be it politicians or newspaper editors or bureaucrats who were kept in good humour on the basis of some chimera-like national interest. The Gupkar model, it was obvious, had become redundant and counter-productive and had incentivised bad politics and the attendant rent seeking and other despicable forms of corruption. Now, shorn of its ideological fervour, what is seemingly being put in place is a new audacious plan beyond the constitutional interventions. As a start, the Modi plan is fundamentally about directly reaching out to the people without the mediation of either separatist groups or mainstream politicians.

Grass-root reach

Reaching out to the people is seen as being best done by empowering local democracy to its fullest. In the past, the devolution of powers to the panchayats and urban local bodies carried little popular appeal with elected members of the Legislative Assembly, who saw this as directly eroding their authority and had a vested interest in centralising power. One of the key factors, it may be recalled, behind the Centre’s disconnection with the Mehbooba Mufti government was its continued unwillingness to hold elections to local bodies.

Since the imposition of Governor’s (and now President’s) Rule, the State Administrative Council has acted with remarkable alacrity to devolve powers to panchayati raj institutions in the State. Implementation of important schemes such as the Mahatma Gandhi National Rural Employment Guarantee Act, the Pradhan Mantri Awas Yojana, the Mid-Day Meal scheme, Integrated Child Development Services and social forestry projects has been devolved to the panchayats. The monitoring and supervision of schools and health institutions has also been passed on to the panchayati raj institutions. In addition, panchayats shall also be conducting a quarterly social audit of works and programmes in their area.

Almost in parallel is the Savonarola-like campaign against corruption where no one — powerful or influential — is ‘untouchable’ or beyond the scope of investigation by law enforcement agencies, but directed at the power elite of the State.

Graft crackdown

Corruption is thus being addressed not just at the fringes; but the very core of a rotten system is now being targeted where a few families are seen to have usurped power and economic benefits — not just in Kashmir but in Jammu as well. Indeed, almost every popular survey in Jammu and Kashmir reveals that one of the leading causes of youth angst and alienation was nepotism and corruption among the ruling elite. This anti-corruption drive is accompanied by attempts to fast track development to create institutions of academic and extra-curricular excellence and to generate skilled employment in a manner that the youth are gainfully employed and weaned away from radical thought. This, of course, is easier said than done. In the interim, the new doctrine will have to persuade the majority of the people of Jammu and Kashmir that greater integration with India will provide them with more opportunities, provide more freedom and space, and strengthen their rights much more than the alternatives proposed by other mainstream parties or separatists.

Will the Modi plan lead to greater harmony between New Delhi and Srinagar, bringing enduring peace to the body and the soul? If it does, it will have performed an extraordinary national service and resolved one of New Delhi’s greatest challenges. For the moment, however, we have to live with the uncertainty that is germane to all high-risk, almost adventurous undertakings.

(Amitabh Mattoo is Professor at Jawaharlal Nehru University, New Delhi)

**HINDU, AUGUST 7, 2019**

**Wajahat Habibullah,** a retired civil servant, has served as Chief Information Commissioner and Chairperson of the National Commission for Minorities.

The Centre is riding roughshod over Kashmiri public opinion already beset with disaffection.In the face of a massive security build-up in Kashmir at the close of July, a seasoned journalist conjectured, “This is just the right time when militants and their masters in Rawalpindi could do with a terror attack in Kashmir.” Such were the arguments trotted out by experienced media persons in seeking to account for the extraordinary lock down that had descended on Kashmir throwing its citizens into a panic, with a run on banks, petrol pumps and stores across the Valley. I began receiving phone calls from friends and associates as far as Gopalpora, Mattan and Doabgah and Sopore asking what was happening. My former colleagues in government, some in key positions, had no inkling and made dire predictions.

And then we had the statement of the Home Minister, Amit Shah, in the Rajya Sabha on the morning of Monday August 5, 2019. Under Article 370 of the Constitution of India, the State of Jammu and Kashmir had its own Constitution and its own laws, with the President of India empowered to decide which provisions of the Indian Constitution would be applicable within the State, but only with the assent of the State.

In one fell swoop, the President, Ram Nath Kovind, declared that all provisions of the Indian Constitution shall now apply to the State, thus nullifying Article 370 with the use of that same article thereby ending the special autonomous status of Jammu and Kashmir that it had enjoyed since the promulgation of India’s Constitution. The Jammu and Kashmir Reorganisation Bill 2019 further bifurcates the State of Jammu and Kashmir into two Union Territories, both with a Muslim majority namely: the Union Territory (UT) of J&K and the Union Territory of Ladakh. While the UT of J&K will have a legislature, the Union Territory of Ladakh will be without one. Although in the past UTs have been upgraded to States, never has a State been downgraded, thus bringing to a consummation the process initiated with the accession, although hardly in the manner dreamt.

Article 370 has governed the accession and relationship of the princely State of Jammu and Kashmir with India under the Indian Constitution. As originally envisaged, Article 370 formed the basis of Kashmir’s special and autonomous status. Mainstream political leaders such as Farooq Abdullah, Mehbooba Mufti and others have warned that revoking Article 370 will mean a break in the relationship between the State and India.

A devout Muslim, the then unchallenged Kashmiri leader, Sheikh Abdullah (Baba-i-Qaum to his people), ‘faced a clear choice in 1947; he could join a Muslim nation or he could join a secular state, where Kashmiris would be free to live a life of their own choosing. In making his choice, India’s Prime Minister Jawaharlal Nehru was the Sheikh’s reassurance. Of Kashmiri descent, a heritage that Nehru cherished, Nehru had an inclusive vision of what India was to be’. By contrast, the leader of the newly emerging nation of Muslims, Mohammed Ali Jinnah, was a cold and distant figure, a modernist who could excite awe but little affection. At the time of accession, the portion of the State where Jinnah’s Muslim League had its support lay not in the Kashmir Valley but across the Pir Panjal, in Mirpur and the old Poonch principality of the feudal State of Jammu and Kashmir, an area a large part of which Pakistan occupies today and calls ‘Azad Kashmir’. It is important to remember that the Kashmir freedom movement was a movement to rid Kashmir of despotism, working in tandem with the national movement but not part of it. This was primarily a Kashmiri movement drawing almost universal Kashmiri support in a Muslim majority State where the Kashmiris were the largest single ethnic group. Despite efforts by Maharajah Hari Singh’s Prime Minister Ram Chandra Kak in eliciting the Sheikh’s support for Independence, the latter stood steadfast in his demand for an end to the monarchy.

Visiting Srinagar on June 18- 23, India’s Viceroy Lord Louis Mountbatten urged Hari Singh not to make a declaration of independence. He conveyed Sardar Vallabhbhai Patel’s message that ‘the States Department was prepared to give an assurance that, if Kashmir went to Pakistan, this would not be regarded as unfriendly by Government of India’. It was only when Jammu and Kashmir forces faced an uprising by the Poonch troops of the British Indian Army’s decommissioned Sixth Punjab Regiment (in the border district of Poonch), and then a military rout by invading frontier tribesmen in the State’s border town of Domel on October 22, 1947 that the Maharaja turned in desperation to India.

Pakistan’s lost cause

According to the 1941 Census, 77.11% of the population of Jammu and Kashmir was Muslim, 20.12% Hindu and 1.64% Sikh. Pakistan has argued that the logic of Partition meant that the State had to be a part of Pakistan. But by recourse to an invasion by Pakistan’s frontier tribesmen and the support of the invasion by Pakistan’s armed forces, Pakistan virtually lost its case, certainly in the eyes of Kashmiris. India’s case rested on the public will. Indeed, Sheikh Abdullah spoke for Kashmir at the United Nations in February 1948 as part of a delegation led by N. Gopalaswami Ayyangar firmly declaring, “We shall prefer death rather than join Pakistan. We shall have nothing to do with such a country.” And it was this freedom within the Indian Union that Abdullah sought through the constitutional guarantee of Article 370, which read with Article 369, provided temporary powers to Parliament to make laws for J&K.

Under sub-section 3 of this Article, the President of India can revoke Article 370 only on advice from the Constituent Assembly of Jammu and Kashmir. The Constituent Assembly was dissolved in 1957, and replaced by a Legislative Assembly, which was dismissed last year after the coalition between the Bharatiya Janata Party (BJP) and the Jammu and Kashmir Peoples Democratic Party collapsed and the Governor Satya Pal Malik rejected a bid for an alternative coalition. Importantly, the current Presidential order modifies Article 367 of the Constitution, with “Constituent Assembly” to be read as “Legislative Assembly of the State” and the State government construed as the Governor. This has enabled the President to abrogate Article 370 with the consent of the Governor as consent of the State. The people themselves, who the Constitution is designed to serve, therefore, had no part in this process. The constitutional validity of these amendments are for the Supreme Court to ponder. But the question here is that if these are indeed designed to benefit the people, was it necessary to bring them before Parliament under stealth, with the leaders of mainstream parties, the former Chief Ministers the Abdullahs (father and son), Mehbooba Mufti and the BJP’s ally Sajjad Lone all under house arrest?

Opaque moves

There is little doubt that these are bold constitutional measures described with contrasting adjective or invective, consummating a process that began with the Constitution of India. But if the view of government was simply to rectify a constitutional error or remedy an anachronism as claimed by assiduous government spokesmen, did it not follow that democratic compulsion required that it be placed before the public most affected — the people of J&K, — before being sneaked into Parliament in tight secrecy? This without the knowledge of even the local government amidst security measures unprecedented in their intensity, surpassing even those that the Jagmohan government was forced to take following the outbreak of insurgency in 1989-90? This endeavour has meant riding roughshod over Kashmiri public opinion already beset with widespread disaffection. What it has succeeded in doing is leading to a feeling of betrayal among a section of our people and foreboding among well wishers of Kashmir.

**Hindu August 8, 209**

**The new facts on the ground for Kashmir**

**Luv Puri**

The call for Ladakh to be made a Union Territory gained momentum in the 1990s, particularly in Leh. Picture shows Ladakhis demonstrating to call for an autonomous hill council. India cannot claim the moral high ground any more that it has kept the State’s integrity intact Without going into the moral and legal arguments for or against the scrapping of the special status to Jammu and Kashmir and the decision to reorganise the State into two Union Territories (UTs), a dispassionate analysis of the possible immediate implications of these constitutional changes is needed. Some assertions in support of the changes may partially be true while others may run contrary to the facts. The implicit claim that this would lead to greater counterterrorism preparedness is questionable. The strength of any counterinsurgency grid is largely based on human intelligence coming from the ground. Here, it will be unrealistic to expect that merely changing the administrative and political set-up of the State will lead to more intelligence to the security apparatus; in fact, there is a high possibility of the contrary happening in the short-term on account of the decision’s unpopularity in the Kashmir Valley. India needs to be mindful of the fact that historically, any spike in disaffection in Jammu and Kashmir has facilitated a misadventure by Pakistan. For instance, the maximum dilution of Article 370 took place in the 1960s, including changes concerning the nomenclature of the ‘head of the State’. And this was followed by the infamous ‘Operation Gibraltar’ by Pakistani President Ayub Khan in August 1965.

A self-defeating strategy

The present cycle of violence can be traced back to the rigging of the 1987 Assembly elections and, in this connection, Home Minister Amit Shah is right in citing rigging of successive elections as the primary cause of the mistrust of Kashmiris towards India. But in bringing the State directly under the Centre as a Union Territory, the government may have overlooked the hard lessons learned by India’s intelligence in its nearly 30 years of counterinsurgency operations — relying purely on militaristic tools can be self-defeating.

Further, bifurcating the State and creating a Union Territory of Ladakh mirrors what Pakistan did with Gilgit and Baltistan regions by de facto creating a separate province in 2009. New Delhi has often objected to the Chinese infrastructural projects in the region and also opposed Islamabad’s decision to separate it from the rest of Pakistan-occupied Kashmir. Now, after stripping Jammu and Kashmir of its special status, India cannot claim the moral high ground any more by pointing out unlike Pakistan, it kept the integrity of the State intact.

Ladakh as Union Territory

Though the demand for Union Territory status picked up momentum in Ladakh in the 1990s, its spread was limited to the Leh district of Ladakh. The Shia population of Kargil has consistently opposed such a call as it fears Buddhist domination in the new set-up. Hence, the Centre needs to assure leaders from Kargil that their interests would be safeguarded in the new Union Territory. India would not want to create another zone of disaffection in a strategically important border region of the State where it has already faced Pakistani aggression once. The Centre also needs to take steps to prevent further polarisation within the State. The ruling political elite, particularly from the Kashmir Valley, has remained indifferent to regional and ethnic aspirations, which are inherently political. Factoring in the complex societal landscape of the State and its divergent aspirations, saner proposals have been made before for five-tier devolution of powers — from State-level to regional-level to district-level to block-level to village-level. However, in the absence of any institutional mechanism to address regional and ethnic aspirations, polarisation has continued to increase among different regions, often taking a communal turn. Monday’s decision might polarise the State even further along regional and religious lines.

Mr. Shah made a valid point when he said that political reservation, as enshrined in the Indian Constitution, has been denied to Scheduled Tribes in Jammu and Kashmir even though all political parties have suitably accommodated them in other ways. In the past, there had been several Bills in the Jammu and Kashmir Assembly for political reservation but they were never passed. Around 11.91% of the State’s population is made of Scheduled Tribes, the bulk of them from Gujjar and Bakarwal tribes. Extending political reservation to them will make the State’s political structure more inclusive.

However, Mr. Shah’s claim of widespread poverty in the State, cited as one of the justifications for Monday’s decision, is not backed by facts. Only 10.35% of the State’s population lives below the poverty line, compared to the national average of 21.92%. It needs to be noted that though restrictions on land sale existed, successive State governments had been, on an ad hoc basis, liberally giving land to non-state investors on 99-year leases.

Removal of impediments

Monday’s decision on paper has removed all impediments on sale of land but, in the short term, could lead to an increase in private investment only in Jammu. A prolonged period of peace is needed in other parts of the State to attract investment. Monday’s move has also removed another impediment — children born to women marrying citizens from outside Jammu and Kashmir can now inherit property.

Further, descendants of Partition refugees who migrated from Sialkot, many of whom belong to Scheduled Castes, will now be able to get employment, buy and own land and vote in the new Union Territory. What also needs to be considered is that bifurcation of Jammu and Kashmir may trigger demands for further division of the State which, unless they are categorically rejected, could trigger a long period of instability and turbulence. Separation of ethnically and culturally distinct Ladakh from the rest of Jammu and Kashmir is somewhat less challenging, because of its relatively smaller population. And what about the right to return of Kashmiri Pandits? Monday’s decision is unlikely to alter their present status as the security environment in the Valley is currently not conducive for them to go back.

On the whole, the country needs to be better informed of the implications of the changes on the ground. The road to resolution of the Jammu and Kashmir tangle lies in bringing the policymaking closer to facts, learning from the past and avoiding unrealistic expectations.

Luv Puri is the author of ‘Across the Line of Control: Inside Pakistan administered Jammu and Kashmir’

**HINDU, AUGUST 8, 2019**

**The fragility of India’s federalism**

**Louise Tillin**

The government’s Kashmir move exposes the contingent nature of India’s asymmetric constitutional provisions

The abrogation of Article 370 has exposed ambiguities that have long been evident in India’s federal system. Asymmetric agreements have been negotiated in settlement of a number of regional conflicts in India. Kashmir’s autonomous status was the oldest and — in original conception — the most far-reaching of these provisions. But in practice, there has been a contingency to autonomy provisions, leaving them open to revision by popular majorities at the all-India level.

An altered trajectory

The regionalisation of India’s party system between 1989-2014 contributed to the appearance that deeper federalism and growing regional autonomy vis-à-vis the Central government was an almost inexorable process. However, the rise of the Bharatiya Janata Party (BJP) to national political dominance has altered that trajectory. By abrogating Article 370 and bifurcating Jammu and Kashmir State to create two Union Territories, the BJP has demonstrated the possibility of using the inherent flexibility in the federal order to centralise power and reshape the size, powers and stature of a constituent unit of the Indian Union — the only unit with a Muslim majority population. The constitutionality of the abrogation of Article 370 will be carefully picked over in the months and years to come. But the government’s ability to table and pass legislation with such important consequences for the fabric of federalism — while the elected assembly of Jammu and Kashmir is in abeyance — exposes the fragile set of compromises on which India’s asymmetric federal system rests.

Asymmetric federalism involves the granting of differential rights to certain federal subunits, often in recognition of their distinctive ethnic identity. In the case of Jammu and Kashmir, the negotiation of Article 370 was a transitional and contingent constitutional arrangement agreed in the midst of a continuing conflict while the Indian Constitution was being finalised. Over time, this ‘transitional’ clause had become a semi-permanent institutional compromise, although this was ever an uneasy compromise. Kashmir’s autonomy arrangements had been eroded under successive governments as tensions grew between the desire of Prime Ministers from Jawaharlal Nehru onwards to integrate the State more closely into the Indian Union and the desire of many Kashmiris to preserve a special status for their State. Since 1954, as many as 94 of 97 entries in the Union List and two thirds of constitutional articles have been extended to the State. This process has happened with the approval of the Supreme Court.

Subsequent asymmetric agreements were reached with the Nagas and the Mizos, which are enshrined in Article 371 in the Constitution. When the small State of Sikkim joined the Indian Union in the early 1970s, Article 371F was added to the Constitution. Article 371F allowed for laws that were in place before Sikkim’s accession to remain in place unless amended or repealed by the legislature. Article 371 also contains measures that were intended to promote intra-State equity in Andhra Pradesh, Telangana, Maharashtra, Gujarat and Karnataka.

Contesting asymmetry

Asymmetric constitutional provisions are a common feature of federalism in diverse societies. Many have argued that India sets an international example for how asymmetric features can help dampen secessionist conflicts by recognising multiple modes of belonging within the Union. Rather than encouraging secessionism, proponents of asymmetric arrangements argue that it is the denial of autonomy that can provide ground for secessionist claims to grow.

However, asymmetric arrangements are often contested by majority national communities and by other regions without special arrangements. The annulment of Article 370 has long been a cause célèbre for Hindu nationalism, but it was striking that it also received wide support from many regional parties in Parliament. The rationale set out by the BJP this week drew on all the textbook critiques of asymmetric arrangements to attract the support of many regional parties to pass the legislation in the Rajya Sabha. These include the argument that asymmetric provisions are discriminatory, for instance, by placing prescriptions on who can own property in particular regions, or because they privilege certain kinds of ‘special’ identities over others. A Telugu Desam Party MP, from India’s first linguistic State Andhra Pradesh, welcomed the fact that India would now be ‘one nation with one flag and one constitution.’ Alternatively, asymmetric status is presented as contributing to secessionist claims, hence the argument that Article 370 is the ‘root cause of terrorism’. Autonomy arrangements are also presented as anti-egalitarian because they prevent the extension of rights in force elsewhere in a country. This last argument underscores the significance of the simultaneous emphasis on extending reservations for Scheduled Castes and Scheduled Tribes in the new Union Territories alongside the abrogation of Article 370. As the Home Minister, Amit Shah, said in the Lok Sabha: “Those who support Article 370 are anti-Dalit, anti-tribal, anti-women.”

A deliberate flexibility

By design, India’s federal institutions place relatively weak checks on the power of a government with a parliamentary majority. As the political scientist, Alfred Stepan, identified, federal systems can be more or less ‘demos constraining’. In those at the more ‘demos constraining’ end of the spectrum, federalism serves to undermine the consolidation of power by national majorities. For instance, the American theorist, William Riker, saw American federalism as a counter-weight to national populism since ‘the populist ideal requires that rulers move swiftly and surely to embody in law the popular decision on an electoral platform’. By contrast, other federal systems, such as India’s, are more ‘demos-enabling’. This means that the design of federalism places fewer checks on the power of national majorities. For instance, the composition of the Rajya Sabha mirrors the composition of the Lok Sabha, rather than providing equal representation to States regardless of size, and the Rajya Sabha has weaker powers than the Lower House. Fewer powers are constitutionally allocated to federal subunits exclusively compared to more demos-constraining federations.

Placing this kind of flexibility in the hands of the Central government was deliberate and designed to enable decisive Central action to protect national integrity in the aftermath of Partition. In the Constituent Assembly, B.R. Ambedkar highlighted the difference between the ‘tight mould’ of other federal systems and the flexibility hard-wired into India’s which would enable it to be both ‘unitary as well as federal’ according to the requirements of time and circumstances. This constitutional permissiveness has been used to do things that have deepened federalism in the past under both Congress and BJP-led governments, such as the creation of new States in response to regional demands from the linguistic reorganisation of States in the 1950s onwards. By granting the Central government the power to create new States or alter State boundaries under Article 3, and not giving State governments a veto over bifurcation, the Constitution enabled the Central government to accommodate linguistic and ethnic diversities in a way that would have been much harder in a more rigid federal system. It also enabled the Central government to adopt asymmetrical measures in the first place without facing a backlash from other regions that might have resented the ‘special’ treatment of minority regions. Until the 2000s, most of these changes were done based on a slow process of consensus building within the regions concerned.

The unknown

By abrogating Article 370, bifurcating Jammu and Kashmir and downgrading the status of the successor units to Union Territories, the government has used the flexibility of the federal provisions of the Constitution to other ends. This is not the first time that a Central government has used its powers to bifurcate a State in the absence of local consensus. This was also seen with the creation of Telangana in 2014. As in the case of Telangana, the creation of the Union Territory of Ladakh does respond to a long-run demand in this region with a substantial Buddhist population. However, the decision to transform the remainder of J&K State into a Union Territory, at the same time as annulling Article 370, is a departure with profound and as yet unknown consequences in Kashmir, and wider implications for Indian federalism.

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**HINDU, AUGUST 8, 2019**

**Downgraded at the stroke of a pen**

**Malavika Prasad**

Jammu and Kashmir (J&K) acceded to India in 1948 on terms recorded in the Instrument of Accession. Picture shows J&K Prime Minister Sheikh Abdullah taking oath as member of Constituent Assembly in June 1949.

The move to convert Jammu and Kashmir into two Union Territories could open a Pandora’s Box. The Indian government’s decision to revoke the special status of Jammu and Kashmir (J&K) raises many constitutional questions. One important question is whether the President had the powers to make all the provisions of India’s Constitution apply to the State. Another is whether the Indian government was authorised to do this in the face of its own obligations to J&K under Article 370. Even assuming for a moment that these questions did not arise, a further question that does crop up is: Did Parliament have the authority to bifurcate J&K into two Union Territories (UTs)?

The last question assumes importance because the conversion of a State governed by an elected legislature into a UT/UTs adversely affects a people who had earlier enjoyed the freedom of full democratic participation. In the case of J&K, the centrally appointed administrator — called the Lieutenant Governor — will now have the power to make a wide range of decisions, as opposed to a regular State Governor, who must act typically on the aid and advice of the State’s Council of Ministers.

Moreover, while the legislature of the UT of J&K — which the reorganisation law states will be akin to Puducherry’s — will have the power to enact laws on matters in the State List and the Concurrent List of the Constitution, Parliament will retain the power to enact overriding laws. Consequently, the arenas open to decision-making by elected representatives will be diminished.

The Delhi parallel

The total reorganisation of a full-fledged State into two UTs is historically unprecedented in India. However, one example here that can be cited is that of Delhi. When the Constitution of India was adopted, Delhi was a ‘Part C’ State administered by the President acting through a Chief Commissioner or Lieutenant Governor. From 1952 to 1956, Delhi had a Legislative Assembly empowered to make laws on all matters in the State List excepting law and order; constitution and powers of municipal corporations and local authorities; and land and buildings in possession of the Central government situated in Delhi. However, in 1956, Delhi and all the other Part C States were divested of their legislative powers and converted into UTs that would now be administered by the President acting through an administrator appointed by her. Within some years, the other UTs were given legislatures, and by 1987, the UTs of Himachal Pradesh, Manipur, Tripura and Goa were even made into States. Only the restoration of a Legislative Assembly in Delhi was stalled, out of concern that Delhi holding legislative powers over matters in the State List would compromise the Union government’s ability to discharge its functions towards the nation in the national capital.

Even when Delhi received partial Statehood in 1992, with full legislative powers on subjects in the State List — except public order, police and land — the elected government in Delhi found its hands tied by the powers of a centrally appointed Lieutenant Governor. This tussle for democratic power in Delhi finally culminated in 2018, when the Supreme Court recognised that the Constitution has sought to create a democratic and representative form of government in Delhi. Only in the exceptional case that the elected government and the Lieutenant Governor differ on matters fundamental to Delhi’s governance could the latter’s decision override democratic will.

Accession after Independence

However, J&K’s entry into the Indian Dominion is not comparable with Delhi’s beginning as a ‘Part C’ State. Delhi was an integral part of India during Independence and later, when the Constitution came into force. J&K on the other hand was a sovereign Princely State at the time of India’s Independence and acceded to the Indian Dominion in 1948 on terms recorded in a treaty — the Instrument of Accession. Article 370 of the Indian Constitution, which accorded a special status to J&K in comparison with other States, was an embodiment of the treaty’s terms.

However, J&K’s special status was not a claim to sovereignty. This is apparent from Section 3 of the Constitution of the State of J&K, 1956, which recognises it as an integral part of India. The special status merely meant that provisions of the Indian Constitution (other than Article 1 defining India as a Union of States; and Article 370 itself) were permitted to be applied to J&K differently from the way they applied to regular States. Such a modified application allowed J&K a higher degree of autonomy.

For instance, while Parliament had exclusive powers to make laws pertaining to States, on all matters not in the State and Concurrent Lists, the residuary power rested with the State legislature in the case of J&K. With this autonomy, the people of J&K on paper had an even larger arena than regular States for enacting laws through democratic participation. Therefore, J&K’s reorganisation into a UT amounts to a more severe curtailment of democratic rights than that of Delhi in 1956.

Not a constitutional amendment

Further, Delhi’s conversion into a UT and the subsequent restoration of its Legislative Assembly were both carried out through constitutional amendments, which cannot easily be amended further. J&K’s conversion into a UT, on the other hand, was effected through a regular law of Parliament, which can easily be amended at the behest of a majoritarian consensus from time to time.

Special status for States is not extraordinary in the Indian Constitution. Several States in India enjoy differential rights in their relationship to the Union by constitutional design, depending on their unique cultural, ethnic and geopolitical compositions. The thinking underlying this arrangement is that the interests of States with stronger intra-group ties or ethnic bases — like Tripura, Arunachal Pradesh, Manipur and Nagaland — are better represented in the Constitution and the structure of the government, if we account for their subjective contexts.

The Constitution of India’s chosen federal principle was to honour these subjective contexts to hold together the diverse Indian States in the Union, as B.R. Ambedkar stated in the Constituent Assembly. Therefore, the evisceration of the right to full democratic participation of an entire section of people, as happened earlier this week in the case of J&K, should make us all wonder: what if more such laws are enacted, disregarding the subjective contexts of our other States and downgrading the States into Union Territories?

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**HINDU, AUGUST 8, 2019**

**Blackout: On Kashmir lockdown**

Dissent does not have to invite measures aimed at throttling information flow

Jammu and Kashmir remains entirely cut off, ironically, as part of the efforts at effecting its “complete integration” with the rest of the country. Rightly or wrongly, the BJP government at the Centre in its wisdom thought that annulling the special status accorded to J&K in the Constitution and demoting and dividing it into two Union Territories were essential steps towards national integration. Information flow to and from J&K has been restricted to almost nil, and media platforms reported on the momentous changes abruptly announced by the Centre without any independent account of the situation on the ground. That the world’s largest democracy could clampdown on information to the public in such a cavalier manner may appear incomprehensible under ordinary circumstances. But then, muzzling voices from J&K was only a corollary to a far more consequential directing of discourse. People in J&K even missed the Prime Minister’s tweet on how the new scheme of things would be helpful for them, as they were, and continue to be, snapped off the Internet. Reporting from conflict zones is not new to Indian media. Journalists have covered riots, insurgencies and wars for decades in the country, and governments have allowed them to do so. By and large, state agencies have even enabled reporting from conflict zones and sites of natural disasters with curfew passes and special communication facilities, though there have been exceptions. Accurate information is always the best counter to misinformation and treacherous rumours.

Information coming out of the State is sparse, costly and hard to gather. The announcement on the withdrawal of the special status of J&K was preceded by a flurry of reporting sourced to government officials that terror threats were the reason for additional troop deployment. The Amarnath yatra was discontinued and the Valley was emptied of tourists owing to these threats. Quite likely, irrespective of the nature of the threat alerts, these measures were linked to the Centre’s decision on removal of the special status. Even before the clampdown on communication facilities, the government had been tight-fisted with information. The same attitude was evident subsequent to other critical decisions it made in recent years: official communication with the public has been strictly a one-way process, through press releases, radio monologues, and social media posts. Parliament, which ended a highly productive session in terms of business transacted, has been reduced to endorsing executive decisions with little meaningful discussions. While these are concerns that the government must address at the earliest, it must start with the immediate removal of all restrictions on movement of people and communication in J&K. Only security concerns under exceptional circumstances, and not aversion to democratic dissent in the normal course, can justify choking the information flow.

**HINDU, AUGUST 8, 2019**

**J&K special status | Home Ministry pulls out original instrument of accession to support Article 370 move**

**Vijaita Singh**

Home Minister Amit Shah speaks during the resolution on Kashmir in the Lok Sabha on August 6, 2019

‘Original Instrument of Accession was studied before decision was taken’

Officials in the Home Ministry fished out original copies of the “Instrument of the Accession” signed with 562 princely states during the time of Independence to make a legal basis for the amendment to Article 370 taking away the special status of Jammu & Kashmir. The copies pulled out from the archival records were matched with the Instrument of Accession signed by Maharaja Hari Singh, the ruler of J&K, with India on October 26, 1947. “We matched the accession document of J&K with that signed with the other princely States, each and every word was the same,” an official said.

According to him, though the legal document was the same, Article 370 was only applied in J&K. “The accession agreement was never an impediment for the merger of other States with India. This is what made it clear that Article 370 could be removed as it was not part of the original agreement,” he said.

The document was to accede in respect of only the following subjects — Defence, Foreign Affairs, Communications and ancillary that included matters related to courts and electtion.

On April 20, 1951, the Maharaja issued a Proclamation constituting a 75-member Constituent Assembly (CA) for the purposes of framing a Constitution for the State. Home Minister Amit Shah has said in both the Houses of Parliament that Article 370 was “originally a temporary provision.” “We have been doing the groundwork for the past two weeks. The move was taken after sound legal scrutiny,” said the official.

On Tuesday night, the President of India declaration that “all clauses of Article 370 shall cease to be operative in the State of Jammu and Kashmir” was notified in the gazette of India. Congress leader Manish Tewari said in the Lok Sabha on Tuesday that after J&K was attacked by the Pakistanis in 1947, Hari Singh sought India’s help.

“After J&K was attacked, Hari Singh decided that his future was in a secular India. He signed the Instrument of Accession, some promises were made...Article 370 and a saparate constitution were part of it.”

Mr. Shah told the Lok Sabha on Tuesday that Article 370(3) provided the President the powers to amend or repeal the Article by issuing a notification, based on a recommendation of the Constituent Assembly of J&K and since it doesn’t exist any more, it would be read as the Legislative Assembly.

He added that since the Legislative Assembly of J&K was dissolved last year, its powers vested in both the Houses of Parliament.

**HINDU, AUGUST 9, 2019**

U.N. chief invokes Shimla Agreement, calls for ‘maximum restraint’ on Kashmir

U.N. chief Antonio Guterres on August 9 urged India and Pakistan to exercise “maximum restraint” and refrain from taking steps that could affect the status of Jammu and Kashmir, as he highlighted the Shimla Agreement which rejects any third-party mediation on the issue.

The Secretary-General’s remarks came after India on August 5 revoked Article 370 to withdraw the special status to Jammu and Kashmir and bifurcated the state into two Union Territories — Jammu and Kashmir and Ladakh. Pakistan termed the Indian action as “unilateral and illegal”, and said it will take the matter to the U.N. Security Council.

“The Secretary-General has been following the situation in Jammu and Kashmir with concern and makes an appeal for maximum restraint,” Guterres’ spokesman Stephane Dujarric said here.

Mr. Dujarric specifically said that the Secretary-General “also recalls the 1972 Agreement on bilateral relations between India and Pakistan, also known as the Shimla Agreement, which states that the final status of Jammu and Kashmir is to be settled by peaceful means” in accordance with the Charter of the United Nations. The Secretary General did not offer his good offices nor did he make any offer to mediate between India and Pakistan on Kashmir. Instead, he referred to the Shimla Agreement, which is a bilateral agreement between India and Pakistan and rejects any third-party mediation in the issue.

Mr. Guterres also called “on all parties to refrain from taking steps” that could affect the status of Jammu and Kashmir.

He said the position of the United Nations on the region was governed by the Charter of the United Nations and is applicable to Security Council resolutions. When asked to be more specific about reference to the UNSC resolutions on Kashmir in the statement, Mr. Dujarric said “I’m not going to go into any more specifics of the statement which also refers to our concern” about reports of restrictions in Kashmir in India.

“So I’ll refer you to the statement,” he said.

Mr. Dujarric reiterated that Guterres and the U.N. Secretariat were following the situation “very closely“.

He said there had been contacts from the U.N. Secretariat both with the Indian and Pakistani authorities and with the Permanent Missions of India and Pakistan. He said there is no plan for the Secretary-General to brief the Security Council on Kashmir.

Reacting to India’s move, Pakistan expelled the Indian envoy and downgraded its diplomatic ties with New Delhi.

India has said that Jammu and Kashmir is an integral part of India and the issue was strictly internal to the country.

**HINDU, AUGUST 9, 2019**

**No policy change on Kashmir, says U.S.**

We want to maintain peace and stability in the region, says White House

The United States on Friday said that there is no change in its policy on Kashmir and called on India and Pakistan to maintain calm and restraint.

“No”, replied State Department Spokesperson Morgan Ortagus when asked by reporters if there has been any change in America’s policy on Kashmir. The U.S. policy has been that Kashmir is a bilateral issue between India and Pakistan and it is up to the two countries to decide on the pace and scope of the talks on the issue.

“And if there was, I certainly wouldn’t be announcing it here, but no, there’s not,” Ms. Ortagus said in response to a follow up question.

She said the United States supports dialogue between India and Pakistan over Kashmir.

“It’s something that we’ve called for calm and restraint by all parties. We want to maintain peace and stability, and we, of course, support direct dialogue between India and Pakistan on Kashmir and other issues of concern,” the U.S. State Department spokesperson said. India had on Monday revoked provisions of Article 370 to take away Jammu and Kashmir’s special status, and bifurcating the state into two union territories -- Jammu and Kashmir, and Ladakh.

Ms. Ortagus said the U.S. was working closely with the two South Asian countries.

We have a lot of engagement with India and Pakistan. Obviously, we just had Prime Minister Khan here, not just because of Kashmir. That’s certainly an incredibly important issue and something that we follow closely. But we have a host of issues that we work with India on quite closely and that we work with Pakistan on quite closely,” she said. U.S. Secretary of State Mike Pompeo had met External Affairs Minister S. Jaishankar in Bangkok last week.

Responding to a question on Pakistan Prime Minister Imran Khan’s allegations of human rights violations in Kashmir, Ms. Ortagus said, “I really don’t want to go beyond what we’ve said, because it’s such a tenuous issue. It’s something that we’re talking to them about quite closely.”

“The United States, whenever it comes to any region in the world where there are tensions, asks for people to observe the rule of law, respect for human rights, respect for international norms. We ask people to maintain peace and security and direct dialogue,” she said.

The State Department spokesperson said the U.S. was closely monitoring the situation in Jammu and Kashmir.

“There are reports, as you’ve mentioned, of detentions and restrictions of residents in Jammu and in Kashmir. And again, that’s why we continue to monitor this very, very closely,” she said.

Ms. Ortagus reiterated earlier statements that the U.S. was not consulted and informed by India about its decision on scrapping articles 370 and 35A of the Indian Constitution.

“There was no heads up given,” she said. Successive U.S. administrations’ policy have been to encourage India and Pakistan to resolve their differences through dialogue. The Trump administration has insisted that Pakistan needs to create conducive conditions for talks by taking irreversible and decisive actions against terrorist and militant groups operating from its soil.

Meanwhile, after Acting Secretary of State for South and Central Asia Alice Wells, another senior U.S. diplomat is heading to India.

The visit was pre-scheduled but it would be used to discuss the current issues, Ms. Ortagus said. “Deputy Secretary of State John J Sullivan will travel to Thimphu, Bhutan, and New Delhi, August 11 through 17th to advance the United States partnership with two nations that are critical to preserving the rules-based order in the Indo-Pacific region,” the US State Department spokesperson said.

In Bhutan, she said, Sullivan will explore expanding and deepening the ties with the government and people of Bhutan.

The deputy secretary will be the highest-level executive branch official from the United States to visit Bhutan in over two decades, Ms. Ortagus added. She said Sullivan will then travel to New Delhi to advance the “broad and multifaceted” US-India Strategic Partnership, which is based on a shared commitment to democratic values, economic growth and rule of law. “There, the deputy secretary will meet Minister of External Affairs S Jaishankar and address the India-US Forum,” Ms. Ortagus said.

**HINDU, AUGUST 9, 2019**

**Forced to leave Srinagar, migrant workers from Bihar face uncertain times**

**Damini Nath**

They are unsure of ever returning to collect their unpaid dues

Told to leave Srinagar by security forces and forced to go by local landlords and employers, a group of migrant workers from Bihar found themselves outside the Jammu railway station on Thursday facing an uncertain two-day journey back home.

Ahead of its announcement revoking Jammu and Kashmir’s special status and carving the State into two Union Territories on Monday, the government had begun moving out tourists, pilgrims and outstation workers. With large parts of Jammu and Kashmir under curfew-like conditions since Monday, the group of workers from West Champaran district of Bihar said they were unsure of ever returning to collect their unpaid dues. Lal Babu Shah went to Srinagar for the first time about a month ago, hoping to stay for four to five months working in construction.

“I used to sell vegetables back at home, but this time the crops had failed, so business was down. I thought I would be able to make some money by working in Srinagar for a few months. I was working in a mosque, laying tiles,” he said. At 3 a.m. the previous morning, the group of about 30 men said they were all asked to leave their accommodation. They then made their way to the bus stand in Srinagar, where long lines for tickets awaited them.

“The bus tickets were being sold in black by the government officials for a higher amount. The private cab operators were demanding ₹2,000 per person for a trip to Jammu that is usually ₹700. Our employers did not even clear our dues because they said the work was incomplete. We were able to scrounge enough for bus tickets. Now, we don’t know how we will buy tickets to Bihar,” said Lalji Kumar.

Spending six months a year in Srinagar working construction jobs, Mr. Kumar said he was able to make ₹60,000 to ₹70,000 a season, the highest rate anywhere in north India. Now, he said he was leaving with ₹3,000 in unpaid wages.

Support to PM

Having gone through a harrowing few days, both men said they supported Prime Minister Narendra Modi’s decisions on Jammu and Kashmir.

“In two years, the way life is in Jammu, that is how we will be able to live in Srinagar,” said Mr. Kumar, adding he was not sure if he would return. For Mohammad Arif, who has been going to work in Srinagar for the past 10 years, this time was different. During the violence and curfew after the killing of Hizbul Mujahideen commander Burhan Wani in 2016, he said the situation for migrant workers was not as bad as now.

“They used to hurl insults at us, but now they are telling Biharis to leave. We heard that some people beat up a Bihari worker in Soura,” he said.

Another member of the group, Bhola, said locals would taunt him by saying “come back with a passport”.

While these workers and others like them worried about how they would be able to get back home, the government has announced special trains for them. Srinagar Deputy Commissioner Shahid Iqbal Choudhary said in a tweet on Thursday that special trains and coaches had been arranged from Udhampur and Jammu “in view of large number of workers including those going home on Eid”, which is on August 12.

**HINDU, AUGUST 9, 2019**

**Kashmir experiencing unprecedented lockdown, 8 million people ‘incarcerated’: Shah Faesal**

The former IAS officer claimed that its the loss of statehood that has hurt people deeply.

J&K People’s Movement president Shah Faesal on Wednesday said Kashmir was experiencing an unprecedented lock-down and the local people were yet to make sense of what had befallen them.

“No violent incident has been officially reported so far. Random incidents of stone throwing were reported from Rambagh, Natipora, Downtown, Kulgam, Anantnag. But, no news of any killings,” said Mr. Faesal through his Twitter account.

“People are in shock, numb...yet to make sense of what befell them. Everyone is mourning what we lost...its the loss of statehood that has hurt people deeply. This is being seen as the biggest betrayal by the Indian state in last 70 years,” he said. “It was not possible to reach Omar Abdullah, Mehbooba Mufti, Sajad Lone or send a message to them. In other districts, curfew is all the more strict. You can say that the entire eight-million population has been incarcerated like never before,” he said. Mr. Faesal said there was no shortage of goods and essentials as of now. Only those having Dish TV could access news. “Many people still have a bleak idea of what happened,” he said.

He said a few leaders who escaped detention had called for calm through TV channels. “It is being said that the government is ready for a casualty figure of 8,000-10,000 thousand. So, sanity demands that we don't give anyone a chance for mass massacre. My appeal has also been that let's stay alive, then we shall fight back,” he said.

Mr. Faesal said the body language of security personnel manning barricades was “extremely harsh” and that people were being bullied. “But, it's extremely heartening that Kashmiris are staying calm,” he said. “At airport, I met crowds of heartbroken youth asking me questions about what should we do now. I said we shall go to Supreme Court together and ask for reversing this injustice. All political parties are together on challenges these unconstitutional laws that have deprived us of our history and identity,” said Mr. Faesal.

Stating that he had no expectation from the international community, he said: “The sad fact of life is that only Narendra Modi and Amit Shah can one day give back to us the wealth that has been stolen from us in broad daylight. But then, what's lost has been lost. Or, perhaps, everything has been lost, except our resolve to fight back. And we shall.”

**HINDU, AUGUST 9, 2019**

**Sitaram Yechury, D. Raja detained at Srinagar airport**

On August 8, Congress leader Ghulam Nabi Azad was detained and sent back to Delhi from Srinagar airport

CPI(M) general secretary Sitaram Yecury on August 9 said he and his CPI counterpart D. Raja were detained at the Srinagar airport and denied entry into the city.

They had gone to Srinagar to meet their party colleagues.

“They showed us a legal order which did not allow any entry into Srinagar. It stated that even escorted movement int the city is not permitted due to security reasons. We are still trying to negotiate with them,” Mr. Yechury told PTI over phone.

Both had written to Jammu and Kashmir Governor Satya Pal Malik on August 8, informing him of their visit and requesting him to facilitate their entry.

“Both of us had written to the Governor requesting him that there should be no hurdles to our visit... despite that we have been detained. I wanted to meet my ailing colleague and our comrades who are here,” said Mr. Yechury. On August 8, Congress leader Ghulam Nabi Azad was detained and sent back to Delhi from the Srinagar airport.

**HINDU, AUGUST 9, 2019**

**Jammu & Kashmir: From a State with autonomy to two Union Territories**

On August 7, 2019 President Ram Nath Kovind declared that the special status given to Jammu & Kashmir under Article 370 and 35A has been abrogated. The NDA government brought in a resolution to revoke the special status granted to the State, in the Rajya Sabha, amid protests from the Opposition. The resolution was passed in both Houses while the State was on lockdown. A Bill bifurcating the State into two Union Territories — Jammu & Kashmir and Ladakh — was also passed. Here is our coverage on the events.

**HINDU, AUGUST 9, 2019**

**Fact check: What is true and what isn’t on J&K, Article 370**

**K. Deepalakshmi**

A President's Order abrogating certain provisions on Article 370, bifurcation of Jammu and Kashmir into two union territories, and a Bill extending 10 per cent reservation to the economically backward section to the State as well, was widely discussed on social media on Monday.

Opinions and arguments aside, the online discussions mentioned a number of claims regarding the new legislation and the status of Jammu and Kashmir. Here is a fact check on such claims.

Claim: Article 370 has been scrapped.

Not yet. President Ram Nath Kovind promulgated Constitution (Application to Jammu and Kashmir) Order, 2019, which states that provisions of the Indian Constitution are applicable in the State. This effectively takes away the autonomy of the State. However, Article 370 is still in force. In fact, the Presidential Order exercises the powers conferred by clause (1) of Article 370 of the Constitution.

So far, the Parliament had only residuary powers of legislation in J&K such as enacting laws related to anti-terror, taxation on foreign and inland travel, and communication. Now every law enacted by Parliament is applicable in Jammu and Kashmir and Ladakh as well.

Claim: The State had a separate flag

True. Jammu and Kashmir had its own flag since 1952. The protocol mandates unfurling both the national flag as well as the State flag at all public events. After the presidential order, only the national flag will have to be hoisted.

Claim: Jammu and Kashmir had a separate Constitution.

True. Article 370 allowed the state of Jammu and Kashmir to have its own Constitution. Laws passed by the Parliament were applicable in the State, only after the State government gives its concurrence.

In fact, the landmark indirect tax reform, GST, was rolled out on July 1, 2017, across the country, except Jammu and Kashmir. This is because that State Assembly cleared the GST Bill only on July 7, 2017, after a Presidential Order that “…the powers of the State of J&K as per Section 5 of the Constitution of J&K, shall remain intact,” was adopted.

Claim: Kashmiris have dual citizenship. They could visit Pakistan.

Misleading. Kashmiris is a term referred to the ethnic group native to the Kashmir Valley. Over generations, ethnic Kashmiris have migrated to several parts of the world, including Pakistan. India does not allow dual citizenship, including to Indian Kashmiris.

The 'dual citizenship' of Kashmiris is with reference to Article 370 under which they are considered as citizens of India as well as citizens of Kashmir. A non-Kashmiri residing in Kashmir, however, is considered only a citizen of India and the J&K Constitution refers to them as "permanent residents".

As for visiting Pakistan, any Indian with a valid visa can visit the neighbouring country.

Claim: Kashmir is the only place where non-Kashmiris couldn't own land.

False. Article 35A prohibited non-Kashmiris from owning land in the region. However, Jammu and Kashmir is not the only State to have this law. Land laws vary from State to State. For example, in Karnataka, only an agriculturist can purchase agricultural land.

Parts of Assam, Tripura, Himachal Pradesh, Arunachal Pradesh, Nagaland, and Andaman & Nicobar Islands have restrictions on outsiders buying land.

Claim: RTI Act was not applicable in Kashmir

False. Jammu and Kashmir has had a Right to Information Act since 2004, a year before the Central RTI Act came into existence. However, the State didn't approve the Central legislation for a long time. In 2007, the State's RTI Act was amended on the lines of the Central Act; however, activists crticised it for not having the High Court and private bodies under its ambit.

Claim: People of Ladakh cannot elect MLAs anymore

True. With the bifurcation, Ladakh will cease to be a part of Jammu and Kashmir. The region will now be a Union Territory without legislature like Lakshadweep, Dadra and Nagar Haveli, Daman and Diu, Chandigarh, and Andaman and Nicobar Islands. So the Jammu and Kashmir Legislative Assembly will be four seats less. Ladakh will continue to vote in parliamentary elections.

Claim: Duration of J&K Assembly has been curtailed.

True. As per the J&K Constitution, Assembly elections are held in the State once every six years. Now, Assembly elections will be held once in five years, like the rest of India.

Claim: J&K cannot enact separate laws now

False. The presidential order only eliminates the need to pass every Indian law once again in the Jammu and Kashmir Assembly. However, the Assembly can pass Bills and subject to the approval of the Lt. Governor of the Union Territory, it will become a law. Just like other States, the J&K Assembly too can override a Central law by amending it, subject to the approval. For example, Puducherry amended the Prevention of Cruelty to Animals Act, 1960, to allow bullfighting sport Jallikattu in its region.

Claim: Reservations were not applicable in Kashmir.

Misleading. Reservations in the State are governed by the Jammu and Kashmir Reservation Act, 2004. It is this Act that had to be amended to provide 10 per cent reservation to the economically backward class. Unlike the rest of India, reservation is provided only in appointment and admission in professional institutions, to SC, ST and socially-backward classes. There is no reservation for minorities. A recent Ordinance extended the benefits of reservation to people living in Pakistan-occupied Kashmir as well.

Claim: If a woman from J&K marries out of the State, she loses citizenship of the State.

False. According to Article 35-A, a Kashmiri woman loses property rights if she marries a non-Kashmiri. She continues to be a 'Kashmir citizen.' The issue gets complicated with her children. Her children are not considered 'permanent residents', if their father is not one. Even if they live in Kashmir, it is left to the discretion of the Jammu and Kashmir government to grant the 'permanent residents' status.

**HINDU, AUGUST 9, 2019**

**Knee-jerk: On Pakistan expelling Indian envoy**

Pakistan must reconsider its decision to downgrade diplomatic ties with India

Pakistan’s decision to expel India’s High Commissioner, snap trade relations and observe August 15 as a black day in supposed solidarity with the people of Jammu & Kashmir is a serious setback for diplomatic relations. Wednesday’s announcements appear to be a knee-jerk reaction to the mounting pressures on the Pakistani establishment to respond to India’s executive-legislative actions that whittle down Article 370. Pakistan has consistently described chief ministers of Jammu & Kashmir as “puppets” and never recognised the legitimacy of the government in Srinagar. Its sudden concerns about India’s actions in its own territory are reflective of muddled confusion. Ironically, this is the first time Islamabad has articulated that Article 370 was aligned with the interests of the Kashmiri people. Every Pakistani government and the country’s permanent establishment have continued to peddle the myth that they could unilaterally alter the status quo in J&K. Now, they feel compelled to respond to the expectations that they have themselves raised in Pakistan Occupied Kashmir. Sections of Indian civil society have legitimate concerns about the actions of the BJP Government in emptying out Article 370 and the continuing lockdown of the Valley, but this does not license Pakistan to interfere in what the MEA correctly described on Thursday as India’s internal matter.

In the days to come, India can expect Pakistan to raise the Kashmir issue at the United Nations, mobilise the Organisation of Islamic Cooperation and send envoys to friendly capitals. India is well placed to deal with Pakistan on the diplomatic front given the changed international context. India’s economic clout has grown enormously in the last couple of decades, and given doubts in the Western world about Pakistan’s overt and covert support to Islamist terror, New Delhi has the space to deal with Islamabad’s efforts to “internationalise” the Kashmir issue. Downgrading diplomatic relations between troubled neighbours is never a good idea. Neither is snapping trade and transport links. India withdrew its High Commissioner to Pakistan after the 2001 Parliament attack, but chose not to send back the Pakistani envoy at the time. However, the Pakistani High Commissioner was expelled by India after the Kaluchak terror strike in 2002. It’s interesting to note that despite all the troubles the two countries have had, High Commissioners have been able to return to their jobs since full diplomatic relations were restored in 1976. In fact, even after the 2001 Parliament attack, India and Pakistan managed to have their High Commissioners back in place by March 2003. Diplomacy is a mechanism to ensure that channels of communication remain open. While India and Pakistan have used back channels in recent years, the presence of seasoned diplomats in Delhi and Islamabad has always benefited the two countries. Pakistan needs to comprehend this.

**HINDU, AUGUST 9, 2019**

**A leaf out of the Chinese playbook**

**Pallavi Aiyar**

India’s actions in Kashmir increasingly show an authoritarian muscularity, reminiscent of its northern neighbour

It has been possible to argue that comparing Asia’s two largest countries, China and India, is akin to holding up an apple to an orange. This is not because the challenges facing them are so very different. Neither China’s authoritarian polity, nor India’s democratic one have prevented large-scale corruption, environmental degradation, yawning inequalities or food contamination scandals from raising their ugly heads on both sides of the border. But what has kept the two from being Himalayan birds of a feather thus far is their markedly divergent temperament and foundational culture.

The potency of this divergence however, is being increasingly diluted, with the Indian state beginning to sound and act like the country it has long had a schizophrenic relationship with. (Modern day India wants to both be China and not-China: a six lane highway-filled, manufacturing powerhouse that is praised for its political openness and liked for its yoga.)

The abrogation of the special status that gave autonomy to Jammu and Kashmir and more crucially, the style in which this was achieved — relying on secrecy, troops, arrests, curfew and a communications shutdown — has brought India closer than ever before to the ‘results oriented,’ actions, unhindered by political debate and democratic niceties, of authoritarian China.

Pacifying restive regions

One obvious commonality between New Delhi and Beijing has been their need to grapple with, and pacify, the restive regions on their peripheries: Kashmir and the Northeast in India, Tibet and Xinjiang in China. All of these regions are home to peoples of a religion that is different from that of the country’s majority: Muslim (Kashmir/Xinjiang), Lama Buddhist (Tibet), Christian (Northeast India). All are home to ethno-nationalist movements demanding independence or greater autonomy.

Both China and India have declared these border areas as “integral” parts of their territory and refuse to countenance the possibility that they might be disputed. (China claims that Tibet has been part of the country for over 700 years.)

People with dissenting interpretations are labelled “splitists” or “separatists”. The periphery is seen as crucial to national security, while being described as backward, in need of development assistance.

In China, the ruling Communist Party of China portrays itself as having ‘liberated’ the people of Tibet and Xinjiang from the backward norms of their religions, ending the feudal dominance of religious leaders, bringing equality to women and economic development to the regions. In fact, many Han Chinese believe that Beijing excessively panders to these provinces by giving them special sops. For example, Tibetans were always excluded from the notorious One Child Policy that restricted most Han families to a single child.

Equality before law, economic development, the empowerment of women: these are all arguments being touted today in favour of ending Jammu and Kashmir’s special status; for anyone familiar with China, they render a strong feeling of déjà vu.

Yet, all this rhetoric skirts the reality of egregious human rights abuses that both countries have used in their nation-building endeavours. Torture, rape, illegal detentions, extra-judicial killings and a militarised environment have ensured that hearts and minds have not been won. A common identity has failed to develop, and as the China case demonstrates, this is not because of too much autonomy.

Dibyesh Anand, Professor of International Relations at the University of Westminster, has argued that both India and China are ‘postcolonial informal empires’, whose anti-imperialist rhetoric disguises their imperialistic attempts to “consolidate and discipline their borderlands.”

But what used to distinguish India from the more common charges of colonialism faced by China was the fact that the people of Jammu and Kashmir had been provided guarantees under Articles 370 and 35A of the Indian Constitution, along with a strong foundation to build a system of local governance. The ban on non-locals buying land, and permanently settling in the State, also prevented demographic engineering like the large-scale Han migration into Tibet and Xinjiang. Independent India’s crowning achievement to date has been the development of institutional mechanisms for negotiating large-scale diversity and accommodating frequent, aggressive disagreements. This is an achievement that deserves as much awe and respect as China’s economic miracle. It might be less shiny and more chaotic, but it is, in its own way, quite spectacular. Debate and contestation are not a discardable option for India but an existential necessity. Historically, India has been a civilisational rather than territorial entity, more metaphysical than geographic. It is a nation held together not by language, religion or geography, but by an idea. Multiplicity is foundational to this idea. It is what has allowed India to persist and flourish as a political unit, despite the once widespread belief in the West that an independent India would inevitably Balkanise.

The new choices that the Indian government is making may well help cover up some of the cracks that its relatively liberal history was unable to weld. It may also fail to do so and lead to complete rupture. But the risk of India forsaking its own sources of strength — pluralism and debate — to emerge as a second rate copy of its muscular, nationalist neighbour to the north is clear.

Pallavi Aiyar is the author of the China memoir, ‘Smoke and Mirrors’

**HINDU, AUGUST 12, 2019**

**Information blackout leads to silence and exaggeration**

**A.S. Panneerselvan**

Journalism, when not fettered, facilitates informed dialogue

In the aftermath of the First World War, sociologist Max Weber told his students that not everyone realises the demanding nature of producing good journalism and that a journalist’s actual responsibility is far greater than that of a scholar’s. The conspicuous absence of reporting from Jammu and Kashmir (J&K) following the vivisection of the State last week helped in realising the full import of Weber’s observation.

Journalism performs many tasks. British journalist George Brock has mandated four irreducible core tasks: verification, bearing witness, sense making, and investigation. However, following the Union Government’s dramatic move to alter the political structure of J&K, Indian journalism was forced to temporarily abandon its ‘bearing-witness’ role and had to resort only to its ‘sense-making’ task. In this newspaper, there was a strongly worded editorial, “Scrapping J&K’s special status is the wrong way to an end;” a series of lead and Op-Ed articles; and an outstanding data story, “J&K’s vital statistics,” which debunked the claims of Home Minister Amit Shah that Article 370 hindered development. It is important to classify these writings within the rubric of the ‘sense-making’ task of journalism. While they were rigorous and insightful, there was a sense of incompleteness because there were no ground reports from Kashmir. A day before the government’s decision, all forms of communications — mobile networks, Internet services, and landline phone connectivity — had been shut down, leaving Kashmir and some districts in Jammu isolated.

Knocking on the judicial doors

Anuradha Bhasin, the Executive Editor of Kashmir Times, later moved the Supreme Court, seeking directions to ensure that media-persons and journalists from the State are able to freely practise their profession. She also challenged the restrictions imposed through the complete shutdown on Internet and telecommunication services and severe curbs on the movement of photojournalists and reporters. Her petition rightly contended: “The information blackout set in motion is a direct and grave violation of the right of the people to know about the decisions that directly impact their lives and their future. The Internet and telecommunication shutdown also means that the media cannot report on the aforesaid developments, and the residents of Kashmir thus don’t get access to information that is otherwise publicly available to the rest of India.”

This newspaper’s Srinagar correspondent, Peerzada Ashiq, documented the gruelling days of blackout in his “Diary of a Kashmir correspondent”. His last despatch prior to the blackout was a report on the house arrest of former Chief Ministers Omar Abdullah and Mehbooba Mufti and other leaders on August 4. Then, there was a complete silence for three days. What emerged clearly from Ms. Bhasin’s petition and the Mr. Ashiq’s diary is that we know very little about the opinion of the people directly affected by the government’s decision.

There are ethical and democratic angles to the task of ‘bearing witness’. Academics Richard Stupart and Katherine Furman explained how we rely on a division of labour to gain knowledge. They contended that no one person can know everything worth knowing; hence we divide the knowledge-producing tasks. “Journalists who venture into sites of conflict and suffering form an important part of our collective knowledge production, and one which [is] important to the rest of us as moral agents,” they argued.

American journalist Roger Cohen’s reflections on the ‘bearing-witness’ task brought out its stupendous role in informing and sensitising people. He wrote: “In the 24/7 howl of partisan pontification, and the scarcely less-constant death knell din surrounding the press, a basic truth gets lost: that to be a journalist is to bear witness... To bear witness means being there — and that’s not free. No search engine gives you the smell of a crime, the tremor in the air, the eyes that smolder, or the cadence of a scream.”

For reasons known only to the state apparatus, it firmly believes that information blackout will lead to a political consensus. But, political processes gain their endurance only when people are active participants. Journalism, when it is not hampered, facilitates informed dialogue and provides a meaningful insight into people’s aspirations. Otherwise, they are left with either a deafening silence or an enervating exaggeration. The state media will not report the observation of David Kaye, the UN’s special rapporteur on freedom of expression: “There’s something about this shutdown that is draconian in a way other shutdowns usually are not.”

**HINDU August 21, 2019**

**Choppy waters lie ahead**

**M.K. Narayanan**

**Anger in Kashmir and adverse global opinion are but expected; policymakers must learn from similar world events**

In a series of swift moves, New Delhi has effectively altered the character of Jammu, Kashmir and Ladakh, setting certain new terms for engagement. Between August 5 and 7, Parliament passed several resolutions; emasculating the special status of Jammu and Kashmir (J&K); making Article 35A a dead letter; abolishing J&K as a State of the Indian Union and replacing it with two separate Union Territories — the Union Territory of J&K and the Union Territory of Ladakh. These provisions were endorsed by both Houses of Parliament with huge majorities.

The dramatic turn of events, and the swiftness with which they were carried out, stunned the nation. Preceding this, Kashmir had come under a blanket of secrecy. The Amarnath yatra as well as other yatras and similar activities were prematurely called off. All non-J&K personnel were asked to leave the State. Communications with the outside world, including the Internet, were disrupted. An unprecedented number of paramilitary personal were inducted into the Kashmir Valley and still remain. All combined, it gave the impression of a total lockdown of a kind and on a scale not previously attempted.

A decline and fall

The change in status of J&K from a princely State (under the tutelage of the British from 1846 to 1947) to a Union Territory now with few legislative powers, mirrors the State’s decline and fall. No special circumstances were mentioned for removing the special status accorded to J&K, enshrined in Article 370 of the Constitution. Article 35A was a casualty of this step. The decision was merely presented as a “fait accompli”. Not explained again was the need to take the step under such a cloak of secrecy. The Prime Minister has since characterised the decision as ‘historic’ and as providing a new beginning for J&K and Ladakh. Further steps have been initiated to complete J&K’s integration with India so as to transform Kashmir from a ‘civilisational backyard’ to a modern State.

It would be an error of judgment, however, to believe that “all is well” in J&K. The nation does confront a situation which could have many, and unintended, consequences. Many ‘-isms’ have, no doubt, collapsed during the past half century and more. Today, communism is a pale shadow of what it was in the 20th Century. Humanism is under threat. Liberal ideas face attacks from all sides. Nationalism is the dominant imperative, and comes in many shades and sizes. India had been slow to adopt nationalism as a creed but is now tilting towards majoritarian nationalism. Whether it would dilute India’s “diversity”, which had always been regarded as the country’s greatest virtue remains to be seen.

Federal imperative

The immediate concern in many quarters, even though it is not being publicly articulated at this time, is whether other “Guarantees” enshrined in the Constitution would wilt under the juggernaut of “majoritarian nationalism”, with the ruling dispensation having an overwhelming majority in Parliament. Whatever might be the demerits of constitutional guarantees such as Article 370 (which aimed to protect J&K’s autonomous status), it cannot be ignored that it was intended to accommodate not only Kashmir’s diversity but also to meet prevailing circumstances at the time of accession. Over time, it helped India put at rest speculation, as far as the world was concerned, about the status of J&K within the Indian Union.

It is imperative to recognise that preservation of the asymmetric character of India’s federal structure necessitates effecting several compromises. It also needs to be recognised that the manner in which India had dealt with such asymmetry in the past is what has made India and the Indian Constitution the envy of the rest of world. Every Article in the Indian Constitution has an appropriate role in sustaining India’s diverse and asymmetric federalism.

The least of our concerns in the coming days, however, may not be the “dumbing-down” of Article 370 and Article 35A. Equally inconsequential may be the sledge-hammer tactics employed to swat remnants of Kashmir’s autonomy. There are far weightier issues that India may have to contend with.

For the present, criticism may be muted regarding the manner in which the changeover in Kashmir was effected. Within Kashmir itself, reeling under a veil of secrecy, it is difficult to gauge the depth of anger and the extent of animosity towards New Delhi. When the current measures are relaxed, a recrudescence of violence in the State can be expected.

Global reactions and lessons

International opinion is unlikely — whatever gloss we may apply — to accept at face value our reasons as to why the steps taken in Kashmir were necessary. Already, voices critical of India’s actions are beginning to be heard. China made its views clear to India’s External Affairs Minister S. Jaishankar on August 12, implicitly rejecting his argument that a bifurcation of J&K and the voiding of Article 370 were India’s internal matters. China also did not heed Mr. Jaishankar’s caution that “the future of India-China relationship will depend on mutual sensitivity”.

Most nations across the world may adopt a similar line, with a few even pontificating that when push comes to shove, India is no different from most other Second and Third World countries, which make and break rules of their own choosing. India could, hence, once again find itself isolated, having to defend its actions in Kashmir in the international fora.

At a time like this, policymakers in India would do well to heed the lessons of history and take suitable prophylactic measures. Without drawing any parallel, one situation that immediately comes to mind is the crisis that ravaged Bosnia in the 1990s, following the break-up of Yugoslavia and the collapse of the post-1945 Communist order. Before the break-up, Muslims, Serbs and Croats lived reasonably amicably in mixed communities. As the war intensified, clashes between different communities increased. Support for, including a supply of arms to, different communities, were forthcoming from nations supporting each group. Pakistan, for instance, was one of the countries that at the time defied the existing United Nations ban on a supply of arms, and airlifted missiles to Bosnian Muslims. What followed was one of the worst carnages in history. We must ensure that nothing of this kind happens here.

Regional concerns

We must also realise that the geo-political situation in our region at this juncture is not entirely in our favour. The power play in Afghanistan, together with the fact that India has been excluded from the talks to deal with Afghanistan’s problems, and that Pakistan and China are playing key roles, has put India on notice. Pakistan is already using its leverage in Afghanistan to regain greater acceptance internationally, specially with the U.S. The nexus between China and Pakistan has, if anything, become stronger.

We can, hence, anticipate a joint effort by Pakistan and China to muddy the waters as far as Kashmir is concerned. Pakistan will almost certainly intensify terror attacks and whip-up local sentiments inside Kashmir. China, which is already concerned about a “rising nationalist India”, is likely to adopt more insidious tactics, aimed at weakening India’s influence across the region. Buoyed by the fact that it possesses one of the most powerful militaries in the world and with growing acceptance of the Belt and Road Initiative, China can be expected to raise the ante on both the border and in the Indian Ocean region.

Given the complex nature of the international situation, India also needs to be on its guard on how the situation in Kashmir might encourage radicalist Islam to exploit the situation. Across both Europe and Asia, widespread concerns exist that radicalised Islamist ideas and concepts thrive in conflict situations. Experts warn of the inherent dangers in such situations, and their recipe is that apart from utmost vigilance devising more inclusive and diversified policies is important to achieve positive results. Policy makers in India would do well to heed these concerns.

One final word. The removal of Article 35A should not result in demographic “aggression” in Kashmir, with outsiders seeking to “çolonise” Kashmir. This could be highly counter-productive. It could also induce fears across the entire Northeast, even though Article 371 still holds sway there. In short, authorities must avoid any kind of ‘colourable exercise of power’ in many other areas as well, including on the language issue.

M.K. Narayanan is a former National Security Adviser and a former Governor of West Bengal

**HINDUSTAN TIMES, AUGUST 5, 2019**

**Kashmir: The decision is a win-win for everyone**

The advisory to various state governments to ensure the safety and security of the residents of Jammu and Kashmir is a step in the right direction. It must now be followed up by a genuine outreach to the people of the state

DS Hooda

The speculation over Jammu and Kashmir is over with the announcement of revocation of Article 370, and the division of the state into two Union Territories. To some, it was evident that the events of the past few days had less to do with an enhanced security threat, but were carried out with a political objective in mind. The discussions over Article 370 has two sides. This subject will now be hotly debated in Parliament, and perhaps, in the Supreme Court. However, the Union government has taken a decision, and the immediate task is to deal with the challenges that this decision will bring.

The first, and most obvious result could be a worsening of the law and order situation in the Kashmir Valley. An immediate parallel could be drawn with the situation that erupted following the killing of militant Burhan Wani in July 2016. However, the difference with 2016 is that the government and security forces are much better prepared today to deal with any disturbance. The scale of the protests in 2016 came as a surprise to the security forces, but the recent pre-emptive deployment of additional forces into Jammu and Kashmir enables the state government to deal appropriately with any situation.

If large-scale protests do erupt, how they are handled will be extremely important. Obviously, a breakdown of law and order cannot be accepted, but the response of the security forces must be measured. Large-scale deaths and injuries to civilians will leave long-term scars, and will make conflict resolution more difficult.

Pakistan can be expected to fish actively in the troubled waters of Kashmir. Buoyed by the recent statements of United States President Donald Trump on mediation, Pakistan will attempt to internationalise the issue of Kashmir. I do not see any great success in Pakistan’s diplomatic efforts, as the world is mostly tired of Islamabad’s duplicity on terrorism, and sees Kashmir as an internal matter of India. Pakistan will undoubtedly step up its support to terror activities in Kashmir. This is perhaps the last chance it has of showing its backing to the cause of azadi (freedom) in Kashmir. If Pakistan does nothing, it could lose credibility not only in Kashmir, but also among terror groups such as the Lashkar-e-Taiba and the Jaish-e-Mohammad that are virtually an arm of the Inter-Services Intelligence. However, there are limits to Pakistan’s response. Hobbled by international pressure and a dire financial situation, Pakistan needs to keep its actions calibrated to ensure that the situation does not escalate to a conventional conflict. The Indian Army’s deployment along the Line of Control in Jammu and Kashmir is extremely robust, and will not allow large-scale infiltration. Notwithstanding this, a major terror incident in Kashmir cannot be ruled out, and it will primarily be the responsibility of intelligence agencies to ensure that there is no repeat of a Pulwama-type attack.

It is also essential to not look at tackling the situation purely through a security approach. If the government’s action aims to find a resolution to the Kashmir conflict, it has to take the local population into confidence. This is perhaps the most difficult task as past activities of the government have only increased suspicion and alienation among the Kashmiris. As long as this alienation is not addressed, long-term solutions will not be forthcoming. In the military, one essential component of a counter-insurgency campaign is winning the “battle of the narrative”. It is the success of our communication strategy that will turn the youth away from the path of extremism towards the benefits of supporting the government’s policies. This aspect has not received enough attention while dealing with Kashmir. It must also be understood that narratives are more than verbal messages; they also need visible actions to show the sincerity of the political leadership in finding a just solution. The decision of the government must not be painted in terms of victory or defeat, but as a win-win for everyone. The advisory to various state governments to ensure the safety and security of the residents of Jammu and Kashmir is a step in the right direction. It must now be followed up by a genuine outreach to the people of the state. The revocation of Article 370 is undoubtedly a momentous step. The strategy that the government adopts to handle its fall out will define the success of this move.

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**HINDUSTAN TIMES, AUGUST 5, 2019**

**Modi redraws the line, etches history with Mission Kashmir**

New geo-political dynamics weighed in the Modi government’s strategic calculus pegged to a distinct possibility of pro-Pakistan Taliban gaining ascendancy in Kabul and its impact on Kashmir

Ramesh Vinayak

Never before since Independence has the India’s Parliament seen such a defining decision that will redraw the nation’s Constitution, map and history – all in a single stroke. Never before since Independence has the Indian Parliament seen such a defining decision that will redraw the nation’s Constitution, map and history – all in a single stroke. The revocation of Article 370 – a controversial corollary of Muslim-majority Jammu and Kashmir’s accession to India in 1947 that granted it special status in the Union – and bifurcation of the state’s three ethnically and geographically distinct regions into two Union territories is inarguably the most audacious, and potentially contentious marker the Centre has ever etched on the border state with far-reaching consequences.

TECTONIC SHIFT AT CENTRE OF CONFLICT

In a larger context, it also marks a tectonic shift in New Delhi’s geo-strategic game plan in a state that has, for more than six decades, been at the centre of conflict marked by three-and-a-half wars – and, at times, a perilous flashpoint – between nuclear-armed India and Pakistan. It signifies the assertion of India’s sovereign writ on a territory that figures in Pakistan’s narrative, and that of Kashmir-based secessionists, as “a disputed territory”.

By clubbing Jammu and the Valley into a Union Territory (UT) with a legislature, and carving out a predominantly-Buddhist Ladakh region as a separate UT without a legislature, the Centre has clinically divested Jammu and Kashmir of its statehood, while reshaping the political map of the state. In effect, it has done away with one of the country’s 29 states, and added two new UTs to the existing seven. The last time the state’s map was redrawn was in 1947-48 when Pakistan annexed almost one-third of it through an armed invasion of tribals. Accordingly a UT status to Jammu and Kashmir regions gives the Centre a direct control in the affairs of the tumultuous territory, notably the Valley, which has long been plagued by a bloody insurgency, and spasms of secessionist sentiments. This, as Lt Gen JS Dhillon (retd), a former commander of the Srinagar-based 15 Corps, says will have “a significant bearing on the handling of security challenges in Kashmir”. Clearly, Narendra Modi 2.0 has invested its political capital, derived from a resounding mandate in the summer elections, into its carefully-crafted Mission Kashmir that will surely define his legacy. Not only has the Modi-Amit Shah duo – the most powerful fulcrum in the history of modern India – lent a practical shape to their party’s long-standing ideological project on finality of J&K’s integration with India, it also marks the government’s bold assertion on Kashmir on the fast-evolving geo-strategic chessboard.

GAME-CHANGING GAMBIT

It is hard not to miss the context of New Delhi’s game-changing gambit: The cosying up of the US with Pakistan, America’s desperation to get out of the Afghanistan quagmire and Donald Trump’s offer on the trot to mediate on Kashmir as a quid pro quo for Islamabad’s help to deliver the Taliban to the negotiating table. The new dynamics, rapidly unfolding in the 21st century version of the Great Game, surely weighed in the Modi government’s strategic calculus pegged to a distinct possibility of pro-Pakistan Taliban gaining ascendancy in Kabul and its impact on Kashmir. But, for now, Modi’s toughest challenge will be dealing with the internal fallout of his decision which is sure to ignite a firestorm in Kashmir, where Article 370 has historically been rooted in public psyche as an article of Kashmiri identity. The surgical strike on the Article 370 has also nullified Article 35 A, which was inserted into the Constitution through a Presidential Order in 1954 and allowed the state government to define its subjects and their special privilege – as a guarantor against invasion on the state’s religious, ethnic and cultural identity. The Valley’s political class as well as public has long treated the Article 370 as a “life-and-death issue” despite its steady erosion over the years and “a bridge between Kashmir and India”. Shah described it as “a temporary constitutional provision” and “a barrier” to the state’s integration with India.

A LULL BEFORE STORM IN KASHMIR VALLEY

With such clashing world views, the Valley, now under an unprecedented security clampdown, will be the ground zero on the impact of the Centre’s ground-shifting decision. But reactions of mainstream Kashmiri politicians, who have long sworn by the Constitution, have been fast and furious, suggesting a gathering storm in the Valley. National Conference leader and former chief minister Omar Abdullah termed the Modi government’s decision as “a great betrayal with the people of Jammu and Kashmir”. “A long and tough fight lies ahead,” he said, underscoring that Kashmir will not take the Centre’s decision lying down.

A far more aggressive reaction came from Mehbooba Mufti, the mercurial face of the People’s Democratic Party and former chief minister who began mobilising all parties in Kashmir in anticipation of the Centre’s decision. Calling the scrapping of the Article 370 “as illegal and unconstitutional that will make India an occupation force in J&K”, she said, “It will have catastrophic consequences”. Strikingly, she has even played the “Muslim-majority” card – seen as a bid to stoke the religious frenzy that is also fraught with the danger of stirring the communal cauldron in Jammu region with a mixed population of Hindus and Muslims. Disquietingly, the Centre’s shake-up seems to have put both mainstream politicians and separatists on the same page. That is evident from the reaction of Syed Ali Geelani, a leading light of the avowedly pro-Pakistan section in the Valley, who called Article 370 a crucial part of Kashmir’s disputed legacy. Considering the history of volatility of Kashmir, even mainstream politicians fear a resurrection of secessionist sentiment that could be the most daunting challenge in stabilising the truncated state. The muscular approach has its limits. It will be critical to reach out to Kashmiris to widen the stakes in peace. Kashmir’s history is replete with the momentous milestones uncannily leading to the road of tumult.

**HINDUSTAN TIMES , AUGUST 5, 2019**

A redrawn landscape: Anticipated impact, unintended consequences

If Kashmiri parties boycott polls, they’ll be marginalised; if they participate, it will mean accepting new realities

Sushant Sareen

In one fell swoop, the Narendra Modi government in its Season 2 has altered the political landscape in the state, sorry Union Territory (UT), of Jammu and Kashmir, and Ladakh. For more than a week, the air was thick with rumours of something big was going to happen. Most people thought it would be abrogation of Article 35A, some believed that the government was going to undo Article 370, and still others were apprehending a trifurcation of the state. No one expected all three to happen in one go. But the government left everyone blindsided by using the provisions of Article 370 to completely defang it, thereby obviating the need for a complicated procedure for a constitutional amendment. And once this was done through the instrumentality of a Presidential Order, it moved for a bifurcation of the erstwhile state, and converted the two new entities into Union territories.

The deed having been done, now everyone is bracing for the fallout of this extremely bold, and, perhaps, a risky gambit. The impact of what happened on August 5 will be felt not just in the erstwhile J&K state, but also on the national politics. Modi has cemented his constituency, and fulfilled one of the core agenda items of the Bharatiya Janata Party’s (BJP) political programme. His stock is sky high, not just among his core constituency, but also among many others on the fence. The Opposition will find it difficult, even politically suicidal, to oppose the bifurcation of the erstwhile state. This is, therefore, a done deal.

But the real challenge for the Modi government will come in J&K. Ladakh will, of course, celebrate its UT status, a long-standing demand, at least, in Leh. How Kargil reacts remains to be seen, but the odds are that it won’t like it. In the newly carved out UT of J&K, it will be the worst of both worlds. The Jammuites will be happy with the UT status, but will be extremely resentful of remaining lumped with Kashmir. The demand for a separate state or UT in Jammu, which will free Jammu from the ‘yoke’ of Kashmir, has been there forever. The new delimitation plan, which is expected to ensure an equal distribution of seats between Jammu and Kashmir regions, will also not assuage the sentiments of the hardline Hindu elements in Jammu. This is because the extra seats in Jammu region are most likely to come from the Muslim-majority districts.

The real concern is how the Valley will react. That it will not take kindly to what has happened is a no-brainer. There is a real possibility of widespread protests and violence as a reaction to the dismemberment of the state and the dilution (virtual death) of Article 370, which many Kashmiris (rightly or wrongly) saw as a marker of their separate identity and of the nominal autonomy that the state enjoyed within the Indian Union.

Worse, Kashmiris fear that not just their identity and culture, but also their majority will be swamped by outsiders who will stream in to settle in the state, thereby changing the demography in the Valley.

Most of these fears are, of course, unfounded. There will be no large scale state-sponsored settlement of outsiders in Kashmir; nor will millions of people stream in to buy properties and settle in the Valley. People migrate to places where there are economic opportunities, which can sustain them. Kashmir doesn’t fit the bill, even less so because for the foreseeable future, things are likely to remain extremely disturbed. This is so because the resentment and alienation against the Indian State could peak in the Valley. It is possible that the kind of lockdown that there is in the Valley might keep a lid on things for now. But this lockdown can’t be forever. As soon as it is lifted, there is likelihood of mass protests and increased terrorist violence. But this would have been factored in by the Centre when it went all in on changing the dynamic in Kashmir. For at least six months, maybe even a year, the UT will remain under central rule. The authorities will be hoping that things will cool down by the time the UT is ready for elections. The dilemma for the mainstream parties is that with their bluff on Article 370 having been called, they are caught between a rock and a hard place. If they boycott the elections, they will become even more marginalized because new people will step in to fill the vacuum, as happened after the local body polls; if they participate, then it will be an acceptance of the new realities. But all of this is what can be anticipated. The worry is about the unintended consequences of the epochal changes that unfolded on Monday. These include not just things that might happen in the Valley, which haven’t been factored in, but also what happens on the regional and international stage, where there is a lot of flux and major realignments are taking place.

Sushant Sareen is senior fellow, Observer Research Foundation, New Delhi

**HINDUSTAN TIMES, AUGUST 5, 2019**

**Centre’s decision on Jammu & Kashmir ‘very necessary’ for national interest: RSS**

Mohan Bhagwat and his deputy Suresh Joshi said everyone should rise above their interests and political differences, and welcome and support the decision.

RSS chief Mohan Bhagwat on Monday hailed the Union government’s decisions on Jammu and Kashmir, describing it as “brave” and “very necessary” for the interest of the country, including Jammu and Kashmir. In a joint statement posted on the Twitter handle of the RSS, Bhagwat and his deputy Suresh Joshi said everyone should rise above their interests and political differences, and welcome and support the decision. “We heartily welcome the government’s brave decision. This was very necessary for the interest of the country, including Jammu and Kashmir,” they said. Earlier in the day, Union Home Minister Amit Shah informed the Rajya Sabha that Article 370, which gave Jammu and Kashmir special rights, has been scrapped with the President’s assent and also moved a bill to divide the state into two Union territories.

**HINDUSTAN TIMES , AUGUST 5, 2019**

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**HINDUSTAN TIMES, AUGUST 5, 2019**

**The BJP’s Kashmir move is bold, but has risks**

In a historic and bold move, the Union government has redefined the status of Jammu and Kashmir (J&K). Home minister Amit Shah announced, in Parliament, on Monday, the end of the state’s special status through a Presidential notification. Article 370 and Article 35A have been rendered ineffective. He also introduced a bill to reorganise the state. J&K will now be a Union Territory (UT) with a legislature; Ladakh will be a separate Union Territory without a legislature.

Three distinct strands have dominated the debate on Kashmir. One is the “separatist” strand, which gained currency through the use of terrorism. This school held that J&K must become independent, or merge with Pakistan. India has been correct in resoundingly rejecting this view. J&K has, and will, remain an integral part of the country. The second view, which can be called the “autonomy” approach, sought distinctive treatment. This was based on the special circumstances of J&K’s accession. But this did not really address the increasing alienation in the Valley, or the problem of cross-border terrorism emanating from Pakistan. It also left all sides dissatisfied. Kashmiri political elite felt that the state did not have enough autonomy; many in the rest of the country were resentful that it had more autonomy than other states. Worse, it seemed to come in the way of development of the state in all aspects — social as well as economic.

The third view, represented by the Bharatiya Janata Party (BJP), was the “integrationist” approach. This strand held that giving autonomy to J&K was the original mistake. Not only should special constitutional provisions be removed, the Indian State must assert its authority in full. The BJP weaved this into its manifesto, and won the elections. On Monday, the integrationist approach won. This opens up possibilities. Kashmir, for too long, has been behind the development curve. It has been engulfed by political violence, become a playground for Pakistan’s military and spy agency, and, religious radicalism. Status quo has now been broken — and all observers must concede that status quo was not helping. The application of progressive Indian laws in the state; the creation of mechanisms to implement the Centre’s welfare schemes in the state; the ability of Indians from the rest of the country to invest freely and buy property in Kashmir; and the opening up of economic opportunities will all help in cementing Kashmir with India more substantially. At the same time, the Centre’s moves merit criticism on two counts. The first is due process. The process of revocation of Article 370, which ties the state with India, needed the approval of J&K’s Constituent Assembly. In the absence of such an assembly, it can be removed with the concurrence of the state legislative assembly. But the assembly does not exist at the moment either, and the notification suggests that it was the Governor’s concurrence that was obtained to render the provisions irrelevant. This is clearly not sufficient. The process has been pushed through without consultations with Kashmir’s political leaders, who have been under detention. Further, the reorganisation of states requires the consent of the state assembly concerned. In this case, J&K has been bifurcated, and statehood diluted to UT status, without any deliberations in the assembly. This throws up an important question — Can the end justify the means? Can the Centre undermine the federal structure?

The second concern is the mood on the ground in Kashmir. Like all Indian citizens, Kashmiris seek greater democracy. Elements keen to destabilise India would seek to build a narrative that Delhi is taking away powers from the local level. It is important that the process of turning the state into a UT does not lead to alienation.

The government can mitigate these risks by launching a comprehensive outreach programme to all Kashmiris. While it must remain on guard to ensure Pakistan, and radical militants, do not take advantage of the situation, it should simultaneously engage in dialogue with Kashmiri political actors, civil society, media, citizens and allay their apprehensions. The Centre must show to Kashmiris that its intent of removing the special status is to create more opportunities, and prosperity. Only then will the gamble by Narendra Modi and Amit Shah pay off.

**HINDUSTAN TIMES, AUGUST 5, 2019**

**Article 370 and the backstory on Jammu and Kashmir’s special status**

At present, the J-K does not have an assembly since it was dissolved on November 22, 2018 – months after an alliance between the BJP and the PDP collapsed.

Union home minister Amit Shah on Monday announced the government has scrapped Article 370 of the Constitution, removing a special status given to the state of Jammu and Kashmir almost 70 years ago.

The history

October 26, 1947: The foundation for Article 370 stems from the Instrument of Accession (IOA) signed by the then ruler of Jammu and Kashmir, Raja Hari Singh. The document was part of the formal process by which all princely states in the country declared their consent to be included in the Union of India. In this case, however, J&K negotiated some conditions as part of its entry into India.

As per the IOA, the state gave Union of India the power to legislate only three aspects: external affairs, communications and defence.

October 17, 1949: Article 370 is incorporated in the Indian Constitution, exempting the state of Jammu and Kashmir from Constitution of India. This cements the terms spelt out in the IOA.

Specifically, it allowed J&K to:

\*Have its own Constitution

\*To have a say on legislation covering all issues except defence, foreign affairs and communications -- the three aspects that Raja Hari Singh consented to being subjected to Indian Constitution

This Article was meant to be “temporary” in nature, to be ratified by the State’s Constituent Assembly -- which would draw up the state’s Constitution and finalise the powers of the state and the Union.

1950-1954:

Several Presidential Orders were issued during this period following discussions between the Constituent Assembly of the State and Government of India. The first one was a formal announcement of the applicability of Article 370, while the one that came into force on May 14, 1954 was seen as the most crucial:

\*It extended Indian citizenship to J-K residents

\*It accorded the fundamental rights from Indian Constitution to the people of J&K

\*It extended the jurisdiction of the Supreme Court to the state

\*It announced the adding of Article 35A to Constitution, which gave special privileges to permanent residents by laying down restrictions on the ability of people from outside to purchase immovable property, claim settlement or employment

November 17, 1956: The Constituent Assembly of J&K dissolved, without taking a decision on whether to scrap Article 370.

This left a situation where Article 370 was deemed to have retained a more permanent place in the Constitution, where it is classified under Part XXI that deals with ‘temporary, transitional and special provisions’.

At present

Several court orders have since deemed the Article to be a permanent inclusion in Constitution since the Constituent Assembly did not take a decision on its extension. Legal experts and opposition leaders have maintained that Article 370 can be scrapped only with the consent of the State assembly and a Constitutional amendment.

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**Kashmir: The decision is a win-win for everyone**

The advisory to various state governments to ensure the safety and security of the residents of Jammu and Kashmir is a step in the right direction. It must now be followed up by a genuine outreach to the people of the state

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The speculation over Jammu and Kashmir is over with the announcement of revocation of Article 370, and the division of the state into two Union Territories. To some, it was evident that the events of the past few days had less to do with an enhanced security threat, but were carried out with a political objective in mind. The discussions over Article 370 has two sides. This subject will now be hotly debated in Parliament, and perhaps, in the Supreme Court. However, the Union government has taken a decision, and the immediate task is to deal with the challenges that this decision will bring.

The first, and most obvious result could be a worsening of the law and order situation in the Kashmir Valley. An immediate parallel could be drawn with the situation that erupted following the killing of militant Burhan Wani in July 2016. However, the difference with 2016 is that the government and security forces are much better prepared today to deal with any disturbance. The scale of the protests in 2016 came as a surprise to the security forces, but the recent pre-emptive deployment of additional forces into Jammu and Kashmir enables the state government to deal appropriately with any situation.

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Pakistan can be expected to fish actively in the troubled waters of Kashmir. Buoyed by the recent statements of United States President Donald Trump on mediation, Pakistan will attempt to internationalise the issue of Kashmir. I do not see any great success in Pakistan’s diplomatic efforts, as the world is mostly tired of Islamabad’s duplicity on terrorism, and sees Kashmir as an internal matter of India. Pakistan will undoubtedly step up its support to terror activities in Kashmir. This is perhaps the last chance it has of showing its backing to the cause of azadi (freedom) in Kashmir. If Pakistan does nothing, it could lose credibility not only in Kashmir, but also among terror groups such as the Lashkar-e-Taiba and the Jaish-e-Mohammad that are virtually an arm of the Inter-Services Intelligence. However, there are limits to Pakistan’s response. Hobbled by international pressure and a dire financial situation, Pakistan needs to keep its actions calibrated to ensure that the situation does not escalate to a conventional conflict. The Indian Army’s deployment along the Line of Control in Jammu and Kashmir is extremely robust, and will not allow large-scale infiltration. Notwithstanding this, a major terror incident in Kashmir cannot be ruled out, and it will primarily be the responsibility of intelligence agencies to ensure that there is no repeat of a Pulwama-type attack.

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TECTONIC SHIFT AT CENTRE OF CONFLICT

In a larger context, it also marks a tectonic shift in New Delhi’s geo-strategic game plan in a state that has, for more than six decades, been at the centre of conflict marked by three-and-a-half wars – and, at times, a perilous flashpoint – between nuclear-armed India and Pakistan. It signifies the assertion of India’s sovereign writ on a territory that figures in Pakistan’s narrative, and that of Kashmir-based secessionists, as “a disputed territory”.

By clubbing Jammu and the Valley into a Union Territory (UT) with a legislature, and carving out a predominantly-Buddhist Ladakh region as a separate UT without a legislature, the Centre has clinically divested Jammu and Kashmir of its statehood, while reshaping the political map of the state. In effect, it has done away with one of the country’s 29 states, and added two new UTs to the existing seven. The last time the state’s map was redrawn was in 1947-48 when Pakistan annexed almost one-third of it through an armed invasion of tribals. Accordingly a UT status to Jammu and Kashmir regions gives the Centre a direct control in the affairs of the tumultuous territory, notably the Valley, which has long been plagued by a bloody insurgency, and spasms of secessionist sentiments. This, as Lt Gen JS Dhillon (retd), a former commander of the Srinagar-based 15 Corps, says will have “a significant bearing on the handling of security challenges in Kashmir”. Clearly, Narendra Modi 2.0 has invested its political capital, derived from a resounding mandate in the summer elections, into its carefully-crafted Mission Kashmir that will surely define his legacy. Not only has the Modi-Amit Shah duo – the most powerful fulcrum in the history of modern India – lent a practical shape to their party’s long-standing ideological project on finality of J&K’s integration with India, it also marks the government’s bold assertion on Kashmir on the fast-evolving geo-strategic chessboard.

GAME-CHANGING GAMBIT

It is hard not to miss the context of New Delhi’s game-changing gambit: The cosying up of the US with Pakistan, America’s desperation to get out of the Afghanistan quagmire and Donald Trump’s offer on the trot to mediate on Kashmir as a quid pro quo for Islamabad’s help to deliver the Taliban to the negotiating table. The new dynamics, rapidly unfolding in the 21st century version of the Great Game, surely weighed in the Modi government’s strategic calculus pegged to a distinct possibility of pro-Pakistan Taliban gaining ascendancy in Kabul and its impact on Kashmir. But, for now, Modi’s toughest challenge will be dealing with the internal fallout of his decision which is sure to ignite a firestorm in Kashmir, where Article 370 has historically been rooted in public psyche as an article of Kashmiri identity. The surgical strike on the Article 370 has also nullified Article 35 A, which was inserted into the Constitution through a Presidential Order in 1954 and allowed the state government to define its subjects and their special privilege – as a guarantor against invasion on the state’s religious, ethnic and cultural identity. The Valley’s political class as well as public has long treated the Article 370 as a “life-and-death issue” despite its steady erosion over the years and “a bridge between Kashmir and India”. Shah described it as “a temporary constitutional provision” and “a barrier” to the state’s integration with India.

A LULL BEFORE STORM IN KASHMIR VALLEY

With such clashing world views, the Valley, now under an unprecedented security clampdown, will be the ground zero on the impact of the Centre’s ground-shifting decision. But reactions of mainstream Kashmiri politicians, who have long sworn by the Constitution, have been fast and furious, suggesting a gathering storm in the Valley. National Conference leader and former chief minister Omar Abdullah termed the Modi government’s decision as “a great betrayal with the people of Jammu and Kashmir”. “A long and tough fight lies ahead,” he said, underscoring that Kashmir will not take the Centre’s decision lying down.

A far more aggressive reaction came from Mehbooba Mufti, the mercurial face of the People’s Democratic Party and former chief minister who began mobilising all parties in Kashmir in anticipation of the Centre’s decision. Calling the scrapping of the Article 370 “as illegal and unconstitutional that will make India an occupation force in J&K”, she said, “It will have catastrophic consequences”. Strikingly, she has even played the “Muslim-majority” card – seen as a bid to stoke the religious frenzy that is also fraught with the danger of stirring the communal cauldron in Jammu region with a mixed population of Hindus and Muslims. Disquietingly, the Centre’s shake-up seems to have put both mainstream politicians and separatists on the same page. That is evident from the reaction of Syed Ali Geelani, a leading light of the avowedly pro-Pakistan section in the Valley, who called Article 370 a crucial part of Kashmir’s disputed legacy. Considering the history of volatility of Kashmir, even mainstream politicians fear a resurrection of secessionist sentiment that could be the most daunting challenge in stabilising the truncated state. The muscular approach has its limits. It will be critical to reach out to Kashmiris to widen the stakes in peace. Kashmir’s history is replete with the momentous milestones uncannily leading to the road of tumult.

HINDUSTAN TIMES, AUGUST 5, 2019

Centre’s decision on Jammu & Kashmir ‘very necessary’ for national interest: RSS

Mohan Bhagwat and his deputy Suresh Joshi said everyone should rise above their interests and political differences, and welcome and support the decision.

RSS chief Mohan Bhagwat on Monday hailed the Union government’s decisions on Jammu and Kashmir, describing it as “brave” and “very necessary” for the interest of the country, including Jammu and Kashmir. In a joint statement posted on the Twitter handle of the RSS, Bhagwat and his deputy Suresh Joshi said everyone should rise above their interests and political differences, and welcome and support the decision. “We heartily welcome the government’s brave decision. This was very necessary for the interest of the country, including Jammu and Kashmir,” they said. Earlier in the day, Union Home Minister Amit Shah informed the Rajya Sabha that Article 370, which gave Jammu and Kashmir special rights, has been scrapped with the President’s assent and also moved a bill to divide the state into two Union territories.

**HINDUSTAN TIMES, AUGUST 5, 2019**

**‘Bold step’: BJP veteran LK Advani on Centre abrogating Article 370**

BJP veteran LK Advani said he is happy with the government’s decision to revoke Article 370 and believes that it is a bold step towards “strengthening national integration”.

BJP veteran L K Advani on Monday termed as “historic” the Union government’s move to scrap Article 370 and said it is a “bold step towards strengthening national integration”. Advani, the longest serving BJP president, said the scrapping of Article 370 has been a part of the BJP’s core ideology since the days of Jan Sangh.

“I congratulate Prime Minister Shri Narendra Modi and Home Minister Shri Amit Shah for this historic initiative and pray for peace, prosperity and progress in Jammu, Kashmir and Ladakh,” he said in a statement. He said he is happy with the government’s decision to revoke Article 370 and believes that it is a bold step towards “strengthening national integration”. Earlier in the day, Union Home Minister Amit Shah informed the Rajya Sabha that Article 370, which gave Jammu and Kashmir special rights, has been scrapped with the President’s assent and also moved a bill to divide the state into two Union territories.

**HINDUSTAN TIMES, AUGUST 5, 2019**

**The BJP’s Kashmir move is bold, but has risks**

In a historic and bold move, the Union government has redefined the status of Jammu and Kashmir (J&K). Home minister Amit Shah announced, in Parliament, on Monday, the end of the state’s special status through a Presidential notification. Article 370 and Article 35A have been rendered ineffective. He also introduced a bill to reorganise the state. J&K will now be a Union Territory (UT) with a legislature; Ladakh will be a separate Union Territory without a legislature.

Three distinct strands have dominated the debate on Kashmir. One is the “separatist” strand, which gained currency through the use of terrorism. This school held that J&K must become independent, or merge with Pakistan. India has been correct in resoundingly rejecting this view. J&K has, and will, remain an integral part of the country. The second view, which can be called the “autonomy” approach, sought distinctive treatment. This was based on the special circumstances of J&K’s accession. But this did not really address the increasing alienation in the Valley, or the problem of cross-border terrorism emanating from Pakistan. It also left all sides dissatisfied. Kashmiri political elite felt that the state did not have enough autonomy; many in the rest of the country were resentful that it had more autonomy than other states. Worse, it seemed to come in the way of development of the state in all aspects — social as well as economic.

The third view, represented by the Bharatiya Janata Party (BJP), was the “integrationist” approach. This strand held that giving autonomy to J&K was the original mistake. Not only should special constitutional provisions be removed, the Indian State must assert its authority in full. The BJP weaved this into its manifesto, and won the elections. On Monday, the integrationist approach won. This opens up possibilities. Kashmir, for too long, has been behind the development curve. It has been engulfed by political violence, become a playground for Pakistan’s military and spy agency, and, religious radicalism. Status quo has now been broken — and all observers must concede that status quo was not helping. The application of progressive Indian laws in the state; the creation of mechanisms to implement the Centre’s welfare schemes in the state; the ability of Indians from the rest of the country to invest freely and buy property in Kashmir; and the opening up of economic opportunities will all help in cementing Kashmir with India more substantially. At the same time, the Centre’s moves merit criticism on two counts. The first is due process. The process of revocation of Article 370, which ties the state with India, needed the approval of J&K’s Constituent Assembly. In the absence of such an assembly, it can be removed with the concurrence of the state legislative assembly. But the assembly does not exist at the moment either, and the notification suggests that it was the Governor’s concurrence that was obtained to render the provisions irrelevant. This is clearly not sufficient. The process has been pushed through without consultations with Kashmir’s political leaders, who have been under detention. Further, the reorganisation of states requires the consent of the state assembly concerned. In this case, J&K has been bifurcated, and statehood diluted to UT status, without any deliberations in the assembly. This throws up an important question — Can the end justify the means? Can the Centre undermine the federal structure?

The second concern is the mood on the ground in Kashmir. Like all Indian citizens, Kashmiris seek greater democracy. Elements keen to destabilise India would seek to build a narrative that Delhi is taking away powers from the local level. It is important that the process of turning the state into a UT does not lead to alienation.

The government can mitigate these risks by launching a comprehensive outreach programme to all Kashmiris. While it must remain on guard to ensure Pakistan, and radical militants, do not take advantage of the situation, it should simultaneously engage in dialogue with Kashmiri political actors, civil society, media, citizens and allay their apprehensions. The Centre must show to Kashmiris that its intent of removing the special status is to create more opportunities, and prosperity. Only then will the gamble by Narendra Modi and Amit Shah pay off.

**HINDUSTAN TIMES, AUGUST 5, 2019**

**Article 370 and the backstory on Jammu and Kashmir’s special status**

At present, the J-K does not have an assembly since it was dissolved on November 22, 2018 – months after an alliance between the BJP and the PDP collapsed.

Union home minister Amit Shah on Monday announced the government has scrapped Article 370 of the Constitution, removing a special status given to the state of Jammu and Kashmir almost 70 years ago.

The history

October 26, 1947: The foundation for Article 370 stems from the Instrument of Accession (IOA) signed by the then ruler of Jammu and Kashmir, Raja Hari Singh. The document was part of the formal process by which all princely states in the country declared their consent to be included in the Union of India. In this case, however, J&K negotiated some conditions as part of its entry into India.

As per the IOA, the state gave Union of India the power to legislate only three aspects: external affairs, communications and defence.

October 17, 1949: Article 370 is incorporated in the Indian Constitution, exempting the state of Jammu and Kashmir from Constitution of India. This cements the terms spelt out in the IOA.

Specifically, it allowed J&K to:

\*Have its own Constitution

\*To have a say on legislation covering all issues except defence, foreign affairs and communications -- the three aspects that Raja Hari Singh consented to being subjected to Indian Constitution

This Article was meant to be “temporary” in nature, to be ratified by the State’s Constituent Assembly -- which would draw up the state’s Constitution and finalise the powers of the state and the Union.

1950-1954:

Several Presidential Orders were issued during this period following discussions between the Constituent Assembly of the State and Government of India. The first one was a formal announcement of the applicability of Article 370, while the one that came into force on May 14, 1954 was seen as the most crucial:

\*It extended Indian citizenship to J-K residents

\*It accorded the fundamental rights from Indian Constitution to the people of J&K

\*It extended the jurisdiction of the Supreme Court to the state

\*It announced the adding of Article 35A to Constitution, which gave special privileges to permanent residents by laying down restrictions on the ability of people from outside to purchase immovable property, claim settlement or employment

November 17, 1956: The Constituent Assembly of J&K dissolved, without taking a decision on whether to scrap Article 370.

This left a situation where Article 370 was deemed to have retained a more permanent place in the Constitution, where it is classified under Part XXI that deals with ‘temporary, transitional and special provisions’.

At present

Several court orders have since deemed the Article to be a permanent inclusion in Constitution since the Constituent Assembly did not take a decision on its extension. Legal experts and opposition leaders have maintained that Article 370 can be scrapped only with the consent of the State assembly and a Constitutional amendment.

At present, the state does not have an assembly since it was dissolved on November 22, 2018 – months after an alliance between the BJP and the PDP collapsed.

**HINDUSTAN TIMES, AUGUST 5, 2019**

**PM Modi to address the nation to explain big Kashmir move on Article 370**

Home Minister Amit Shah on Monday introduced a proposal in Rajya Sabha revoking Article 370, that accords special status to Jammu and Kashmir, and dividing the state into two union territories -- J&K and Ladakh.

Prime Minister Narendra Modi is likely to address the nation to explain his government’s huge step to redefine and reorganize the state of Jammu and Kashmir after Parliament gives its approval later this week.

Home Minister Amit Shah on Monday introduced a proposal in Rajya Sabha revoking Article 370, that accords special status to Jammu and Kashmir, and dividing the state into two union territories -- J&K and Ladakh.

As the Home Minister walked into Parliament many cameras zoomed in on the paper he held in his hand and was marked ‘Top secret’. The paper had three sections marked ‘Constitutional’, ‘Political’ and ‘Law and Order’.

Under the ‘Political’ section was an entry ‘address to the nation’ on August 7.

The document also listed speaking to the Governor of the Jammu and Kashmir -- Satyapal Malik -- and Chief Minister’s of various states, including Bihar, Uttar Pradesh, Punjab, West Bengal.

Among other steps listed in the document was Home Secretary’s visit to the Valley and ratcheting up security in several states, including Kerala, West Bengal and Andhra Pradesh.

The Centre’s move to scrap Article 370 was met by vocal opposition from the Congress and the Trinamool among others.

Two PDP members, Nazir Ahmad Laway and Mir Mohammad Fayaz, were very agitated. They were immediately removed from the House by marshals on orders from the Chairman.

Opposing the bills introduced by Amit Shah, Fayaz tore his own kurta while Nazir Ahmad tore up the Indian constitution. The din continued even as the Chair repeatedly appealed members to allow the House to function. Members of many parties including Congress, TMC, PDP, CPI and regional parties staged a sit-in protest in the well of the House. Even as the uproar continued, Leader of Opposition Ghulam Nabi Azad condemned the tearing up of the Constitution, saying “We stand by the Indian Constitution. We will sacrifice our lives for protecting the Constitution.” State leaders Omar Abdullah and Mehbooba Mufti also attacked the Centre over what they called ‘betrayal of the trust of the people’ of the state. “Government of India’s (GoI) unilateral and shocking decisions are a total betrayal of the trust that people of Jammu and Kashmir had reposed in India when they acceded to it in 1947...GoI has resorted to deceit and stealth to lay ground for these disastrous decisions,” Abdullah said in a statement issued after Home minister Amit Shah introduced the resolution in Rajya Sabha.

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**HINDUSTAN TIMES, AUGUST 6, 2019**

**It’s not a surgical strike. It’s an open-heart surgery, and there will be bleeding**

**The BJP thinks that its radical steps are a magic bullet for all of Kashmir’s ills. This is an incorrect assessment**

**Happymon Jacob**

With one stroke of a pen, the Government of India, led by the Bharatiya Janata Party (BJP), has dramatically and radically altered the relationship between the erstwhile princely state of Jammu and Kashmir and the Indian Union, the dynamics of the highly contentious politics in that conflict-ridden state, and the contours of India-Pakistan negotiations on the Kashmir question. While the BJP will politically benefit from this bold move, one will have to wait and see whether it will be able to implement its twin decision to scrap Article 370 and undoing Jammu and Kashmir’s statehood without acrimony, bloodshed and further alienation within the Kashmir Valley. While there was sufficient indication that the BJP might act on its traditional promise of abrogating Article 370, it’s the manner in which it has gone about it is surprising. In one sense, by bifurcating the state into two segments and making them Union Territories, the BJP has gone way beyond its own past rhetoric of merely abrogating Article 370 and trifurcating the state. It’s not a “surgical strike”, it’s an open-heart surgery, and there will be bleeding. The message from Monday’s decisions is loud and clear: New Delhi, from now on, won’t be keen on taking the difficult but democratically prudent path of peace-building in Kashmir, nor would it be willing to keep Kashmir on the negotiating table with Pakistan. So, when the BJP leadership says that a “historic wrong” has been corrected in Kashmir, what it perhaps means is that the integration of J&K into the Indian Union is “now’ complete, notwithstanding the country’s official position on the part currently in Pakistan’s possession. The easy part, of issuing a Presidential Order, and announcing it in the Parliament, while keeping a tight grip on the security situation in the Valley, is over. Now comes the difficult part of justifying the constitutionality of the decision, and this would most definitely lead to a long drawn out legal battle. So, what explains the timing of this radical decision? From a domestic political perspective, the BJP might have correctly calculated that doing so before the assembly elections in the state would enable it to push the decision through, while President’s Rule is still in force. More so, the emerging geopolitical dynamics in Afghanistan, and the resultant United States-Pakistan rapprochement, could have potentially led to more heat on the Kashmir situation in the months ahead. The recent Kashmir tweets by President Donald Trump clearly indicated that. By “integrating J&K fully” into the Indian Union, New Delhi now expects to brazen out any such pressure. To that extent, this is also a message to the international community of how it will regard the former’s opinions on Kashmir from now on -- with indifference.

The international community has seemingly decided to wait and watch, not that the New Delhi of today loses sleep over what the opinion makers of the international community has to say about it. The international community, including the United States, the United Kingdom and the European Union, is likely to adopt a cautious approach to the decision by New Delhi which, strictly speaking, is a domestic issue. Their concerns might only come to the fore if this leads to more violence. The bigger challenge, however, is not legal, but political. Clearly, it’s a major political victory for the BJP, especially given how the several fence-sitting regional parties — including the Aam Aadmi Party, which has been an in-principle supporter of full statehood — went on to support the J&K Reorganisation Bill. The separatist parties in the Valley will increase their political fight against New Delhi. Militancy would once again see a rise in the Valley, with or without support from Pakistan. And terror elements in Pakistan would find Kashmir to be most fertile now more than ever to create trouble. As a result, Kashmir’s streets could witness more violence and anarchy in the days ahead once the curfew if lifted, and the Valley is reconnected to the rest of the world.

More significantly, by “un-making” the J&K state, New Delhi has made the entire pro-India political mainstream in the Valley politically irrelevant, administratively powerless, and worthless from a conflict-resolution perspective. Consider a moment, the combined effect of the disillusionment and alienation of the Kashmiri youth and the irrelevance of the mainstream Kashmiri political class. It is unlikely to be good news. The Indian State might win the day with sheer force, but what of its legitimacy in a state where everyone, including the pro-India parties, would be bitter, angry and desperate? The BJP seems to think that its radical steps vis-à-vis Kashmir is some sort of a magic bullet for all of Kashmir’s ills, and that’s exactly where it may have faulted in its judgement. For one, there are no magic bullets in conflict resolution, and more importantly, minority rights, in this case those of the Kashmiris, can’t be divorced from the inherent workings of a mature democracy.

Happymon Jacob is associate professor of disarmament studies, Jawaharlal Nehru University

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**HIMNDUSTAN TIMES, AUGUST 6, 2019**

**The supremacy of the Indian State and Parliament**

**The opposition’s criticisms do not hold. The government’s move is legally sound. Kashmir is an internal affair.**

**Ram Madhav**

Through a Presidential Order, the Narendra Modi government has taken the teeth out of Article 370. The government used clause 3 of the same article to undo it. Clause 3 empowers President to make any changes to this article by way of a “public notification”. It comes with a proviso that mandates recommendation of the Constituent Assembly of the state for any such action of the President. Opposition parties and some legal minds are raising questions on the basis of this proviso. Two things need to be understood.

Firstly, the Constituent Assembly has taken the form of the state legislature; and when the state is under President’s rule, the powers of the state legislature automatically transfer to the President of India.

Secondly, the governments in the past had affected 44-45 amendments to this article, starting with replacing Maharaja with Sadr-e-Riyasat in 1952. On all these occasions, the same Presidential Order route was adopted. The amendments were subsequently adopted by the state legislature, and incorporated in the state’s constitution. It is the same this time around, too. Some respected members in the House have argued that Kashmir is not purely an internal issue, and it has international ramifications. In 1994, during PV Narasimha Rao’s prime ministership, the Parliament had unanimously declared that the only outstanding issue between India and Pakistan is the status and future of Pakistan occupied Kashmir. If it were an international issue, why was the same argument not invoked in the past when article was amended 45 times? We must overcome this Himalayan confusion that Kashmir is an international issue. We have to confidently say that it is our internal matter. We gave the state an article as a temporary provision some seven decades ago; we amended it several times, and now decided to completely undo it. Everything is the prerogative of the Indian State and Parliament.

Some learned members tried to drag Vallabhbhai Patel into the discussion, implying wrongly that he was instrumental in bringing Article 370. One member went to the extent of saying that Patel wanted Kashmir to be given away to Pakistan. There can’t be a bigger lie than this.

Firstly, Patel had not dealt with the Kashmir matter at all. He was preoccupied with Junagadh and Hyderabad after completing the task of integration of over 535 princely states in the Indian dominion. Legally speaking, Kashmir too should have gone to him. But Prime Minister Jawaharlal Nehru decided that a leader from Madras province, N Gopalaswami Ayyangar, who had worked as the prime minister under the Maharaja of Kashmir, would handle it. Patel was not happy, and conveyed his reservation to Nehru. Nehru replied to Patel on December 27, 1947: “Gopalaswami Ayyangar has been especially asked to help in Kashmir matters. Both for this reason and because of his intimate knowledge and experience of Kashmir, he had to be given full latitude. I really do not know where the States Ministry (Sardar Patel’s ministry) comes into the picture except that it should be kept informed for the steps taken. All this was done at my instance and I do not propose to abdicate my functions in regard to matters for which I consider myself responsible. May I say that the manner of approach to Gopalaswamy was hardly in keeping with the courtesy due to a colleague.”

Upset, Patel decided to resign. Gandhiji intervened. Those Congress leaders invoking Patel’s name must remember that when the question of providing special status to Kashmir came up before the Congress Working Committee in 1948, no leader, except Abul Kalam Azad and Ayyangar, was in favour of it. Nehru was in America. He had to turn to Patel with a request that he should intervene and convince the party organisation. In politics, leaders sometimes follow the orders of their superiors irrespective of their personal views. As it happens now, it happened then also with Patel. Faced with the dilemma of championing a proposal in which his heart wasn’t there, or inviting criticism that he pursued policies against Prime Minister Nehru, Patel opted for the first. He brought back Nehru’s proposal and convinced the organisation to honour it. Patel didn’t live long enough to see the ill-effects of it. But in his absence, Nehru blatantly lied in the Parliament in 1952 when he said: “Sardar Patel was all the time dealing with these matters.” It surprised even Ayyangar. V Shankar, Sardar’s biographer, quotes Ayyangar as bemoaning: “It is an ill-return to the Sardar for the magnanimity he had shown in accepting Panditji’s point of view against his better judgment.” Shankar also writes that Patel was never in agreement with Nehru’s approach and even commented: “Nehru royega” (Nehru will repent).That being the history, efforts to distort it on the sacred floor of the House are most intriguing. “I don’t want future generations to curse me that these people when they got an opportunity, didn’t do it and kept this ulcer in the heart of India,” said Sardar Patel on September 13, 1948, in the context of his bold action in Hyderabad. Narendra Modi and Amit Shah must have thought the same way when they decided to bring in this historic amendment.

Ram Madhav is national general secretary, Bharatiya Janata Party, and director, India Foundation.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**India has succeeded in outflanking Pakistan**

**There is now no scope to discuss the issue of Kashmir with Islamabad in any “comprehensive dialogue”**

**Kanwal Sibal**

A bold and historic decision has been taken by the Narendra Modi government to scrap Article 370/Article 35A, separate Ladakh from Jammu and Kashmir (J&K), and make both of them Union territories (UTs). It would have undoubtedly considered at length its internal and external repercussions. If immediate violence on the ground may be prevented because of large-scale security deployments, the challenge would be to control violent protests once the local forces organise resistance on an Islamic platform, fuelled by propaganda in mosques and instigation from abroad.

Pakistan will do its best to promote clashes between protestors and the security forces so that it can highlight the issue of human rights violations in J&K. Already in July 2018, India had to strongly rebuke the United Nations Human Rights Commission in Geneva for its biased report on human rights violations in Kashmir. We have coped with such partisan attacks since 1990s in much more difficult external circumstances when western human rights organisations were targeting us viciously on the issue, and the US was unsparing in its criticism.

One can expect the Pakistani parliament to pass an all-party resolution condemning and rejecting India’s move. Massive demonstrations in Pakistan against India’s step could take place, but if jihadi organisations are too visible and call for violence against India, Islamabad will have to worry about the impact of this fervour on its commitments to the Financial Action Task Force (FATF) to curb the supporting structures of terrorism on its soil, besides preserving the right atmosphere for receiving the financial bailouts it needs.

Pakistan will surely approach the UN Secretary General and the Security Council on what it will argue are steps that are repugnant to Kashmir’s “disputed” status and are violative of UN Resolutions. It will accuse India of “illegally” integrating Kashmir fully into the Indian Union, violating the rights of Kashmiris, defying the international community, disturbing peace in a sensitive region and creating tensions that could degenerate into a conflict transcending India’s borders. Pakistan may make some propaganda capital for domestic consumption but is unlikely to get any substantial satisfaction.

India has consistently maintained that J&K is an integral part of India; that third parties, including the UN, have no role in J&K (which is why we do not recognise the writ of UNMOGIP on our side in J&K); and that the J&K issue has to be discussed bilaterally between the two countries as per the Simla Agreement. This may not deter the UN Secretary General’s office from issuing some objectionable statement, as it did very recently on “armed conflicts” in Kashmir and the Maoist belt, ignoring altogether the element of terrorism in both cases. We will, of course, reject any such statement if it is issued.

The UN Security Council (UNSC) can hardly take cognisance of Pakistan’s complaint. We may have already briefed the UNSC members, including the P-5, of the purpose of our legislative move. Pakistan is bound by the Simla Agreement, which excludes the jurisdiction of the UN. Former secretary generals have conceded that the UN Resolutions on Kashmir are no longer applicable.

America’s stated official position is that Kashmir is a bilateral issue to be resolved between India and Pakistan, which is also the position of all major countries, including France and the UK. US President Donald Trump has proposed mediation, if both sides want it, but it is American, not UN intervention, that he has in mind. Pakistan will of course seek Trump’s intervention on the ground that the Indian move will interfere with its efforts to midwife the peace process in Afghanistan.

One cannot see the US, Russia, France or the UK agreeing to inscribing the issue on the UNSC agenda and, merits apart, risk severely straining ties with a rising India, and even China giving a thumbs-up and jeopardising the second informal summit between Prime Minister Modi and China’s President Xi Jinping in India later this year.

Beyond all this, Article 370 was introduced after the defunct UN resolutions on J&K, and therefore, the UN has no locus standi in the matter. One may recall that, in 1970, the territory of present day Gilgit-Baltistan was made into a separate administrative unit in Pakistan under the name “Northern Areas”. In January 2019, Pakistan’s Supreme Court passed an order involving Gilgit-Baltistan to which India objected on the ground that the court had no jurisdiction over an area belonging legally to India. At best, Pakistan can lodge a protest to India on changing the legal status of J&K within the Indian Union. Pakistan can activate the Organisation of Islamic Cooperation (OIC) on the issue, especially the OIC Contact Group on Kashmir, but given our vastly improved relations with the Gulf countries in particular, it is unlikely that it will obtain support from the OIC at large. Most importantly, India’s move deflates Imran Khan’s propagandist peace moves towards India. Now, there is no scope for discussing the “outstanding issue” of Kashmir with Pakistan in any “comprehensive” dialogue, which means that the likelihood of any resumption of dialogue to normalise relations has receded further. Pakistan has been outflanked by India. All in all, the Modi government has taken a risky but much needed step in the long- term interest of the country and deserves applause for this.

Kanwal Sibal is former foreign secretary

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Article 370: Going back 72 years in history**

Article 370 was incorporated in the Indian Constitution in 1949, exempting the state of Jammu and Kashmir from the Constitution of India. On a day special status for Jammu & Kashmir ended, a look at the political and social developments through the past seven decades

1947:

British rule in India ends after Partition. Jammu and Kashmir ruler Hari Singh signs the Instrument of Accession of J&K following an attack by a Pakistani army of soldiers and tribesmen that triggers an armed conflict between India and Pakistan

1948:

The war ends with a UN-ordered ceasefire and resolution seeking a plebiscite for the people of Jammu and Kashmir to decide whether to become part of India or Pakistan. It calls on Pakistan to withdraw its troops and a ceasefire comes into force

1949:

Article 370 is incorporated in the Indian Constitution, exempting the state of Jammu and Kashmir from the Constitution of India. This cements the terms spelt out in the Instrument of Accession

1951:

Elections for the constituent assembly of the state are held. India says a referendum is not needed. Sheikh Abdullah is appointed Prime Minister of Jammu and Kashmir but is later dismissed in 1953 and imprisoned

1952:

Discussions culminate in the 1952 Delhi Agreement, a presidential order that extends Indian citizenship to residents of the state but leaves the maharaja’s privileges for residents intact

1957:

Constitution of J&K is adopted and comes into force

1965:

India and Pakistan fight their second war over Kashmir. Fighting ends after the UN calls for a ceasefire

1989:

With Soviet occupation of Afghanistan, weapons make their way into Kashmir and Pakistan’s backing leads to the rise of militancy in the state. Thousands are killed and unrest leads to an exodus of Kashmiri Pandits

1999:

India and Pakistan wage conflict in Kargil on the Line of Control after army identifies infiltrators

2010:

About 120 people are killed after major protests erupt in parts of Kashmir over the death of a 17-year-old in police firing

2015:

PDP joins hands with BJP to form state government

2016:

Death of Hizbul Mujahideen commander Burhan Wani triggers deadly protests, claiming at least 65 lives and injuring thousands

2018:

Jammu and Kashmir put under Governor’s rule in June after BJP pull out from the coalition with PDP. Six months later, President’s Rule is imposed and it is extended till December 2019

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Govt move on J&K special status may face legal hurdles**

The changes, which will be passed by the Lok Sabha tomorrow, could be challenged in court according to experts.

The government may have managed to pass in the Rajya Sabha resolutions and legislations bifurcating Jammu & Kashmir into two Union Territories, and scrapping the special status given to the state and its permanent residents, but the changes, which will be passed by the Lok Sabha on Tuesday, could be challenged in court according to experts.

That’s because the government has used a new presidential order to scrap a 1954 one that gave rise to Article 35A that provides special privileges to the state’s permanent residents, but some legal experts say a constitutional provision cannot be revoked by a presidential order.

The constitution order introduced on Monday changes Article 367 by a presidential order.

Senior Advocate and constitutional expert Jaideep Gupta asked: “Prima facie, the legal question that arises is, can a constitutional provision, article 367, be amended by a presidential order?”.

The order also introduces a new clause that equates the Governor, advised by a council of ministers to the government of the state, and the legislative assembly to the state’s now defunct Constituent Assembly.

This is questionable, Gupta added.

Supreme court advocate Sunil Fernandes echoed this and said “there is a legal flaw in amending article 367”.

According to Fernandes, this could have been done only under Article 368 which allows parliament to modify any provision, even a temporary one.

The government is actually within the law argued noted lawyer Harish Salve. All that has happened is that a 1954 order has been superseded. “There seems to be some misunderstanding that article 35 A was a part of the constitution and that has been done away with, but let me say that 35A was never a part of the constitution,“ said Harish Salve.

Nor, he added, has Article 370 been revoked.

If Salve is right -- and it is a fact that 370 hasn’t been revoked -- then the argument that the basic structure of the Constitution has been changed (and this cannot be done, even by parliament) will not hold, experts said.

The second contentious issue in the constitutional order pertains to the concurrence of the state of Jammu and Kashmir. The new order says it was being passed by the President with the concurrence of the state government . Since the state is under President’s rule right now, the government’s argument is that this means the governor.

Gupta isn’t convinced.

“Under Article 370, a presidential order can be passed after a recommendation by the constituent assembly. Since the constituent assembly for the state of Jammu and Kashmir was wound up in 1957, giving effect to this condition becomes impossibility. A prudent approach is that the functions are transferred to the state assembly. But questions can always be raised that in the absence of a state assembly, can the governor of the state exercise the extraordinary functions like expressing the will of the people? Ordinary functions of the assembly can be exercised by the governor, but on a grave issue like 370, questions can be raised?”

Indeed, can a person widely seen as the Centre’s nominee do this, asked Supreme Court advocate Viplav Sharma.

Adding to the controversy, is also the bill that reorganizes the state of Jammu and Kashmir and bifurcates it in two separate union territories: Ladakh and Jammu and Kashmir. The legality of doing this without the concurrence of an elected state government may also be challenged in court.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Article 370 is history. Lok Sabha also scraps Kashmir special status**

Under Article 370, laws by Parliament do not automatically apply to Jammu and Kashmir, according to conditions under which it acceded to India, something governed by the so-called Instrument of Accession.

The Lok Sabha on Tuesday has vetted the government’s move to immediately scrap Article 370, a historical provision that had extended a special status to Jammu and Kashmir for nearly seven decades, and carve two union territories out of the Himalayan state. The two changes that would bring the state under the direct control of the Centre, the government insists, would help curb terrorism backed by Pakistan and fast track development. The resolution to end special status for Jammu and Kashmir and the bill to split J&K into two centrally-administered territories were passed by more than 351 votes in favour of the motion, 72 against. Shah withdrew a third bill to extend 10 per cent quota in jobs and education for the poor to people in Kashmir, pointing that this reservation would now extend to the people in J&K automatically.

Home Minister Amit Shah who led the government’s move in Parliament, described Article 370 as a provision that had created a barrier between Kashmir and the rest of the country. “This is why everyone keeps on repeating that Kashmir is an integral part of India… Why don’t we say that for Tamil Nadu or Uttar Pradesh.... Because Article 370 created suspicions,” said Shah. Once this law and resolution on Article 370 are passed, this hurdle would disappear, Shah said in his response to a day-long debate in the Lok Sabha on the two provisions. That the proposals would be passed by the Lok Sabha was never in doubt. The BJP-led ruling coalition NDA has an overwhelming majority in the lower house. In the Rajya Sabha where it is still short of majority, the bill was passed by a two-third majority.

In a blog, former Finance Minister Arun Jaitley has suggested the public mood in favour of Prime Minister Narendra Modi’s Kashmir policy had compelled many opposition parties to support the bill.

Shah elaborated this point in Lok Sabha, stressing that expect for a handful of lawmakers, most opposition leaders who demanded continuation of Article 370 did not spell out even one benefit that would accrue on account of this provision. Under Article 370, laws by Parliament do not automatically apply to Jammu and Kashmir, according to conditions under which it acceded to India, something governed by the so-called Instrument of Accession.

Shah said the only purpose that Article 370 served was to keep out 106 laws enacted by Parliament for the benefit of people. Laws such as the one that empowers agencies to investigate corruption, guarantee right to education to children, the one that bans marriage of children or requires the government to take steps for the disabled. Turning to the people of Kashmir, the Home Minister asserted that the government firmly shut the doors on the possibility of talks with the separatist Hurriyat Conference. “But people of the valley are our own. We will embrace them and keep them with love. If they have any doubts about this, we are ready to discuss with them,” Amit Shah said. The home minister also promised that the government was open to revisiting the union territory status for Jammu and Kashmir and restore statehood once normalcy returns. To a demand by a opposition member by Amit Shah spell out a timeline, the home minister reminded the House that former Prime Minister Jawaharlal Nehru had promised that Article 370 was being added as a temporary measure. It has taken 70 years to remove this provision, Shah said, adding that the NDA surely did not have that kind of a time frame in mind.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Imran Khan warns of another Pulwama after Article 370 revocation**

“I can already predict this will happen. They will attempt to place the blame on us again. They may strike us again, and we will strike back,” Imran Khan told Pakistan Parliament on Tuesday.

Pakistan Prime Minister Imran Khan has reacted sharply to the Monday’s developments in Jammu and Kashmir insisting that with an approach like this, “incidents like Pulwama are bound to happen again”, the Dawn reported. “I can already predict this will happen. They will attempt to place the blame on us again. They may strike us again, and we will strike back,” Khan told his country’s Parliament on Tuesday.

“What will happen then? They will attack us and we will respond and the war can go both ways... But if we fight a war till we shed the last drop of our blood, who will win that war? No one will win it and it will have grievous consequences for the entire world. This is not nuclear blackmail,” he added. Addressing a joint session of the National Assembly on Tuesday to discuss the country’s future course of action in the wake of India’s decision to revoke Article 370 of its Constitution, stripping Jammu and Kashmir of its special status, Khan said that his government’s priority was to improve relations with all of Pakistan’s neighbours because it was vital to improve the country’s economic situation.

“When we took up government, our main priority was to address poverty in our country. We reached out to all our neighbours, because without having a semblance of normalcy in ties, we cannot attain stability and alleviate poverty. “All my trips to neighbouring countries were meant for this purpose. I visited Afghanistan, and asked them that we work to address our past differences. I talked to India, telling them if you take one step towards us, we will come two step towards you. I went to Iran (with similar aims) and I visited America.

“When I first reached out to India, they expressed concerns that there were militant outfits operating from Pakistan. I told (Narendra) Modi that after the grave and painful tragedy of the Army Public School massacre, all our political parties had resolved to never let the territory of Pakistan be used for terrorist activities. But I got the feeling that the Indian side was not serious about talks. When we went to Bishkek, my suspicions regarding their unwillingness to speak was strengthened.”

According to the newspaper, the Pakistan Premier said: “I soon realised that India was not interested in talking to us. They took our overtures for peace as weakness, so we stopped extending offers to hold talks. “Then Pulwama happened. Thank God our Air Force responded in the way it did. We shot down their pilot, but returned him immediately to send the message that we did not want war. We resolved that we would not move forward on talks over Kashmir till after the (Indian) elections. The elections happened.

“What happened yesterday has only confirmed my suspicion (about India’s unwillingness to talk). This is not a decision they (the BJP) have taken out of the blue. It was part of their election manifesto all along. It is, in fact, ingrained in their ideology that puts Hindus above all other religions and seeks to establish a state that represses all other religious groups.” “What they did in Kashmir is in accordance with their ideology. They have a racist ideology,” he declared. “They have violated their own country’s and international laws to (uphold) their ideology. “They will now crack down even harder on the Kashmiri people. They will try to suppress the Kashmiri resistance with brute force. I fear that they may initiate ethnic cleansing in Kashmir to wipe out the local population. “With an approach of this nature, incidents like Pulwama are bound to happen again. I can already predict this will happen. They will attempt to place the blame on us again. They may strike us again, and we will strike back. “What will happen then? They will attack us and we will respond and the war can go both ways... But if we fight a war till we shed the last drop of our blood, who will win that war? No one will win it and it will have grievous consequences for the entire world. This is not nuclear blackmail. “We want the global leadership to take note. My party and I are taking the responsibility to approach the leaders of the world and apprise them of what is happening in Kashmir. I know the Western world, and I feel like they are not sufficiently aware of what is happening in Kashmir. I will inform them that what the Indian government is doing in Kashmir and what it is doing to Muslims and minorities in India goes against everything the Western world believes in,” he said.

The joint session of upper and lower houses was summoned by President Arif Alvi to decide Pakistan’s future course of action in the wake of India’s decision to strip Jammu and Kashmir of its special status under Article 370, the paper reported. But the session was disrupted soon after due to protest from opposition lawmakers who pointed out that the resolution, moved by Federal Minister for Parliamentary Affairs Azam Khan Swati condemning India’s “illegal actions” in “occupied Kashmir”, did not specifically mention Article 370 of the Indian constitution.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Will use all options to counter revocation of Article 370: Pakistan**

**India on Monday scrapped Article 370 of the Constitution that gave special status to Jammu and Kashmir and split the state into two union territories – J&K with legislature and Ladakh without legislature, a move sharply rejected by the Pakistan.**

**Imtiaz Ahmed**

Pakistan on Monday rejected the Indian government’s moves to redefine the special status of Jammu and Kashmir, saying no unilateral steps could change the state’s status as an “internationally recognised disputed territory”. India on Monday scrapped Article 370 of the Constitution that gave special status to Jammu and Kashmir and split the state into two union territories – J&K with legislature and Ladakh without legislature.A statement from Pakistan’s Foreign Office spokesman said, “No unilateral step by the Government of India can change this disputed status... As the party to this international dispute, Pakistan will exercise all possible options to counter the illegal steps,” the Pakistan foreign ministry said in a statement. Leaders of Pakistan’s opposition and ruling parties were on the same page in opposing the developments. Opposition Pakistan Muslim League (Nawaz) president Shehbaz Sharif condemned the decision to revoke Article 370 and said it was “unacceptable” and an “act of treason” against the UN. Sharif called on the Pakistani leadership to immediately demand an emergency session of the UN Security Council and to consult with China, Russia, Turkey, Saudi Arabia and other friendly countries on the developments.

Calling the situation a “test for the world community”, he said the right to self-determination was a democratic right of the Kashmiri people. Sharif also called for an emergency meeting of parliamentary leaders to frame a collective plan of action. “This is a matter of Pakistan’s national interest and the entire nation is united on this front,” he said. Firdous Ashiq Awan, special assistant to Prime Minister Imran Khan for information and broadcasting, said Pakistan will continue extending moral, diplomatic and political support to the Kashmiri people until they achieve their right to self-determination. In a series of tweets, she said the world community would have to prove its respect for democracy by supporting the Kashmiris.

Awan repeated Pakistan’s allegation that India had used cluster bombs along the Line of Control, and urged the United Nations (UN) and the international community to take notice of such “blatant atrocities”. The charge has already been denied by India. Opposition Pakistan People’s Party chairman Bilawal Bhutto Zardari too condemned the developments. Article 370 of the Constitution had given Jammu and Kashmir its own constitution and decision-making rights for all matters except for defence, communications and foreign affairs. The law also forbids Indians outside the state from permanently settling, buying land, holding local government jobs and securing education scholarships. These restrictions would go.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Oppose procedure, not talking about its spirit: Mamata on 370 scrapping**

**Mamata Banerjee** has singled out alleged lack of consultation over scraping of Article 370 for Jammu and Kashmir as the reason for her party’s opposition to Centre’s move.

A day after the Centre scrapped Kashmir’s special status under Article 370 of the Constitution, Bengal chief minister Mamata Banerjee broke her silence, saying she was opposed to the Bill because of the procedure followed by the government and was not talking about its spirit. “I am not talking about the spirit of the Bill. My party is opposed to the procedural method followed by the Government. I do not support the bill. You can talk to the people (of Kashmir). They have their opinion,” said Mamata, in her first reaction to the development. Banerjee also demanded the release of Kashmir’s political leaders, including former J&K chief ministers Farooq Abdullah, Omar Abdullah and Mehbooba Mufti.

“I read in the papers that they have been arrested. They are also Kashmiri people. They are not terrorists. They cannot be isolated. We are together on this. This concerns our motherland,” said Banerjee at Kolkata airport before heading to Chennai, to unveil a statue of DMK leader and former Tamil Nadu chief minister M Karunanidhi.. Around the same time, Union Home Minister Amit Shah told Lok Sabha that former J&K CM and the Chairman of National Conference Farooq Abdullah was “completely free” and was “at his house”

“Farooq Sahab is at his house, he is free and not under arrest or under house arrest. It is his choice if wants to come to Parliament,” Shah said while allaying fears that Farooq Abdullah may have been forcibly held on the orders of the Central government. Mamata’s concerns were echoed by Congress leader Rahul Gandhi who alleged that Kashmir’s mainstream political leaders had been jailed at secret locations and this move by the Centre will backfire. “Kashmir’s mainstream political leaders have been jailed at secret locations. This is unconstitutional & undemocratic. It’s also short sighted and foolish because it will allow terrorists to fill the leadership vacuum created by GOI. The imprisoned leaders must be released.” Rahul tweeted.

**HINDUSTAN TIMES, AUGUST 6, 2019**

**Until trust is rebuilt, Kashmir will not become the Union’s territory**

**New Delhi must forge an emotional bond with the Valley, and realise that it, too, is guilty on several counts**

**Harinder Baweja**

The fortunes of an entire state lie changed on a piece of paper. The President of India has signed off on it, and Parliament has endorsed it. Overnight, a state has been bifurcated; its history changed; its geography altered. Jammu and Kashmir is no longer the state of Jammu and Kashmir, the crown on India’s head. It has been cleaved into two neat union territories.

Or not so neat.

By defanging Article 370, which gave the state its special status, the government may have fulfilled a promise it made in its election manifesto, but it may just have ended up giving the Kashmir insurgency a new lease of life. The stealth with which the government went about its move, in fact, points to a festering fault line: it inherently does not trust Kashmiris.

It doesn’t trust the Kashmiris with common liberties. As far as the government is concerned, a Kashmiri with a phone and an Internet connection is a threat, more than four Kashmiris on the street are a threat and so the dramatic move to repeal the status came packaged with Section 144 that prohibits the assembly of people. It also doesn’t trust mainstream politicians; its own allies in the past, and so they must stay confined in a guest house. The problem is that the Kashmiri does not trust New Delhi either. The trust on both sides has eroded over the years, and we saw how it reached breakpoint after the killing of militant commander Burhan Wani in 2016. Precious human lives were lost and hundreds were injured, and many blinded in clashes in which security forces fired pellets to quell enraged youth.

Fearing a repeat of 2016, the Centre has clamped down on Kashmir — even as Jammu and Ladakh rejoice — but the question really is, for how long will the Valley stay under a security blanket? We don’t know what is happening on the ground in Kashmir. People are being allowed to breathe only within the walls of their homes. It would be safe to surmise that the Valley resembles a large open air prison with at least 35,000 more pair of boots. Edgy soldiers must be parading the streets of a place that has now been cleared of all tourists and yatris. The messaging, the signalling is all so anti-Kashmiri: the state has secured those it wanted out and the rest have simply been confined. The confinement could come at a cost. It may swell the ranks of separatists; it may feed the rage and increase the distance between Srinagar and New Delhi. It may even push mainstream politicians such as Omar Abdullah and Mehbooba Mufti to speak a language they haven’t spoken before. The National Conference and the Peoples Democratic Party — who have both allied with the BJP in the past — may now have been pushed so far into a corner they may no longer be the bridge between Kashmir and the Centre. Abdullah has already called the move to alter the special status an “act of aggression” and Mufti has repeated herself by saying that there will be no one to fly the tricolour. The problem is that Delhi will not mind. A process of delimitation will change the contours of political power that will benefit it. It also believes — and home minister Amit Shah articulated as much — that Article 370 is at the root of terrorism in Jammu and Kashmir, and that its removal will end the bloodshed. He may be wrong. Its repeal could lead to more bloodshed and encourage Pakistan to fish in muddied waters. Speaking in Parliament, Shah also said, “We are ready to die for Kashmir.” He and his government need to change not just their phraseology but their approach. It would have been better if he had tweaked his words, just a little, to say, “We are ready to die for Kashmiris.”

Shah believes development is the answer to the Kashmir problem. He may be off the mark here too. He and his government need to forge an emotional bond with the Valley and accept that like previous governments, they too are guilty on several counts. Guilty of believing that the military can solve the problem for them. Guilty of believing that economic packages can help them buy their way out of what is essentially a political problem that needs sustained dialogue. Guilty of believing that the cleaving of a state is a magic bullet that will rid the Valley of an insurgency that is being sustained by locals. There are no short-cuts to the problem, and till real solutions are sought and trust rebuilt, Kashmir will not become the Union’s territory.

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**HINDUSTAN TIMES, AUGUST 6, 2019**

**Why justice matters in Jammu and Kashmir**

**Violations breed alienation and violence. India must address it, by reaching out and recognising the past**

**Harinder Baweja**

Think about it. Why does India get prickly each time allegations of human rights abuse in Jammu and Kashmir are placed at its door? Is it because there is some truth in the allegations? Does India have a lot to hide when it comes to violations committed by its men in uniform? Dismissing an updated report by Office of UN High Commissioner for Human Rights (OHCHR), which faulted both India and Pakistan for not improving the situation in Kashmir, a ministry of external affairs (MEA) spokesperson said last week, “A situation created by years of cross-border terrorist attacks emanating from Pakistan has been analysed without any reference to its causality.” Reflecting India’s indignation at being called out, the spokesperson said, the report “seems to be a contrived effort to create an artificial parity between the world’s largest and most vibrant democracy and a country that openly practices state-sponsored terrorism.” Let us get this out of the way first. Yes, it can be said, with no hesitation at all, that Pakistan has for long sponsored terrorism and will likely continue to practise its “bleed India through a thousand cuts” policy. It has suffered humiliation at the hands of the United Nations Security Council, which recently declared Jaish-e-Mohammad chief, Masood Azhar, a global terrorist. But that tag too is unlikely to lead to the Pakistani deep State severing its ties with the jihadi outfits it sees as “assets.”

But is it enough for India to point to “causality”, without introspecting on the fact that Kashmir has a long litany of documented human rights violations that have gone unpunished? The Valley, in fact, has erupted in anger each time the men in uniform have crossed the line, but justice – that ever so important balm for a population as alienated as Kashmir’s – has mostly stayed elusive. Let’s talk about the two occasions when the Valley boiled over with anger. First, in 2010, Kashmiris took to the streets after the Indian Army, in a fake encounter, killed three civilians and passed them off as infiltrating terrorists. The gross violation was proved beyond a doubt. The unsuspecting civilians had been lured to Machil, a forward sector along the Line of Control, and killed in cold blood. Despite an Army court martial pronouncing five of its men guilty and sentencing them for life, the Armed Forces Tribunal suspended the sentence, arguing that civilians ought not to have been in a forward location, wearing “pathan suits”.

Just like in 2010, when over 100 protesting youth were shot dead, in 2016 too, the civilian toll crossed 100 after stone pelters – angry with the killing of militant commander Burhan Wani – took to the streets. Kashmir gave vent to deep anger and betrayal – not only because Wani was eliminated – but because the trust deficit between the Valley and Delhi had eroded over years, and reached break point. The pellet gun became the symbol of oppression. It blinded, maimed and killed. The OHCHR report that India summarily dismissed, pointed to the basic tenets of injustice: “There is no information about any new investigation into excessive use of force leading to casualties. There is no information on the status of the five investigations launched into extrajudicial executions in 2016… No prosecutions have been reported.”

Kashmiris live with this reality every day. Why must brazen killings go unpunished? More importantly, why lash out at a report that questions excessive use of force? The Kashmiri wound is deep and it has festered for too long. One major step forward would be to reduce the repressive security measures. Instead of negating charges of abuse and human rights violations, India ought to take steps towards setting up a truth and reconciliation commission. Why not encourage public hearings in which victims and their families are encouraged to speak? Reaching out and admitting to violations will help rebuild trust. It is not enough to merely look at figures that point to a reduction in infiltration. The problem now centres around home-grown militants. Violations only fuel the cycle of violence. Admit, address and provide justice, for Kashmir is not a piece of real estate, to be ruled by force.

**HINDUSTAN TIMES, AUGUST 7, 2019**

**By making Ladakh a UT, the NDA has finally restored its dignity**

**The region’s unique geographical location gives India a chance to think about its own ‘Belt and Road’ plan**

**P Stobdan**

By restoring the dignity of Ladakh, which was once compared to other Himalayan kingdoms such as Nepal, Mustang, Bhutan, Sikkim and Monyul, the Indian government has finally done the unthinkable. Ladakh feels liberated after 185 years of slavery and coercion. India’s Kashmir policy was based on Jawaharlal Nehru’s own wistful familial links with the Valley that undercut India’s interests in several ways. India’s Kashmir policy was based on Jawaharlal Nehru’s own wistful familial links with the Valley that undercut India’s interests in several poignant ways.

First, on October 26, 1947, when the brief subjugation-links with the Maharaja of Kashmir had elapsed, the people of Ladakh persistently resisted being a part of the Jammu and Kashmir’s (J&K) unitary framework. But Nehru refused to heed; instead, left Ladakh to the mercy of Kashmiris despite its territorial incompatibility. Sheikh Abdullah had no links with Ladakh whatsoever.

Second, Ladakh was made to suffer on demographic deficiency (low weight in electoral politics), often used as an alibi for the neglect. At the same time, New Delhi chose to turn a blind eye to the Kashmiri practice of sabre-rattling. In fact, as early as in 1950, father of Madeleine Albright, Joseph Korbel, who was then a United Nations observer, noted how Kashmiris were playing trickery on the people of Ladakh, if not frightening them to surrender under their control. Despite Kashmir’s dire record of tricks and mischief, the Indian leadership was hell bent on appeasing the Valley. The results of that policy had long become untenable. In the late 1970s, Sheikh Abdullah even launched a nefarious “Greater Kashmir” concept to obliterate the identity of Ladakh.

Third, the territorial reality was that 82% of J&K was neither Jammu, nor Kashmir; it was Ladakh and Gilgit-Baltistan. Why would 15% people rule the rest of 85%? It was a flawed arrangement, anyway.

Fourth, Ladakh remained critical for India’s national security. Imagine, without Ladakh, the China’s People’s Liberation Army would be sitting on the southern foothills of the Himalayas. It has been self-harming to have ignored Ladakh thus far, even failing to underpin its strategic value for gaining direct access to the Tarim Basin and the Tibetan Plateau. It has cost the nation heavily thus far, while keeping such a vast strategic frontier area in the hands of separatist-oriented Valley leadership.

Fifth, India’s fallacious old-fashion statecraft failed to check both China and Pakistan from eating into the state’s territory. Over 55% of the state’s 222,236 sq km of J&K was occupied either by China or Pakistan. Also, India’s tagging of Ladakh to J&K underscores its lack of strategic clarity. Further, the constitutional arrangement sought for J&K essentially contained the seeds needed for India’s own destruction. The cumulative impact of those missteps has been getting clearer by the day.

Sixth, the myth of J&K had long outlived its historical inviolability. It was never a functional state and has cost the country heavily. In any case, with Kashmir having bogged down in separatist mode, Ladakh risked sliding into disarray amid simmering anger among the people. The situation had become untenable in the post-Burhan Wani incident in July 2016 due to pro-Azadi protests, hartals and shutdowns spread to other parts of the state. It is certainly not a good statecraft if demographic scarcity becomes a liability, leaving Ladakh’s vast borderland vulnerable to enemy encroachment. Seventh, Ladakh’s economic potentials have not even been thought of. Its colossal Indus water resources of Zanskar, Suru, Dras, Shayok tributaries only benefit Pakistani farmers in Punjab and Sind. India did nothing to harness the water flow. Only 5% of Ladakh’s arid land is irrigated. If Article 370 impedes outside investments, the only economic source of tourism remains hostage to instability in the Valley. Poor connectivity, in any case, limited the flow of tourists to Ladakh. The nation was ought to rethink its J&K policy realistically, and in tune with the changed circumstances. New Delhi has been grossly ignoring the Ladakh’s Union Territory (UT) demand for too long, predating even the Telangana movement. In fact, for the seven decades, the people of Ladakh stood united in demanding a UT status. To be fair, the Bharatiya Janata Party promised to fulfil their aspiration in 2014. Significance of reordering J&K is enormous. Clearly, it was not a choice, but a necessity, for there are far bigger imperatives on the strategic front for India. The Chinese forays into Gilgit-Baltistan, albeit under the China–Pakistan Economic Corridor (CPEC) pretext, may not be without its historical claim over the region since the Tang Dynasty. China’s eventual control over Pakistan occupied Kashmir would have direct consequences for Ladakh. Why should we allow J&K to become a trilateral problem?

Ladakh’s unique geographical location should offer India a huge counter-offensive potential in terms of leveraging connectivity to the Eurasian region and China. The best way to blunt the CPEC is to think about India’s own “Belt and Road” idea. Narendra Modi should offer Xi Jinping an alternative energy corridor originating from an Indian port running across Ladakh to China. Why not use the Aksai Chin highway jointly? The proposal could spring multiple advantages, ranging from attracting Chinese investments, earning transits fees, to nudging Beijing to depend on India, thereby buying guarantee against any Chinese misadventure across the Line of Actual Control. China stands to gain from a more reliable economic corridor through India than risking investments in terrorism-plagued Pakistan. A fresh thinking was also needed to draw on the growing opportunities for uplifting the Himalayan region in terms of promoting sustainable economy and tourism, besides environmental protection. It is time for the government to set up a Himalayan authority. Some beginning seems to have been made when the chief ministers of eight Himalayan states met recently in Mussoorie. But for that to happen, the resetting of J&K was an imperative. The separation of Ladakh from J&K could now become the kernel in India’s long-term domestic and foreign policies. It would be a coup de maître to deal with multiple challenges.

P Stobdan, a former diplomat, is from Ladakh

**HINDUSTAN TIMES, AUGUST, 7, 2019**

**Article 370 not part of ‘basic structure’**

**Thus abrogation of Article 370 did not require a constitutional amendment and the contention that it is unconstitutional is fallacious.**

**Soli J Sorabjee**

The integration of Jammu and Kashmir into the Union of India generated a lively and heated controversy in Parliament, news channels and the press. The J&K Reorganization Bill and the resolutions moved by Amit Shah have been passed in both the Houses. The result is that Jammu and Kashmir now has no special status and all laws applicable to people of India including fundamental rights guaranteed by Part III of the Constitution shall be available to people of J&K. In short, J&K is now constitutionally recognized as an integral part of India.

Article 370, as its marginal note stated, was a “temporary provision with respect to the State of Jammu and Kashmir”. Thus Article 370 cannot be regarded as an essential feature of the Constitution and comprising its basic structure. Thus abrogation of Article 370 did not require a constitutional amendment and the contention that it is unconstitutional is fallacious.

There are many pros and cons about the integration of Jammu and Kashmir. The main argument in Parliament was that Article 370 was a constitutional blunder, a historical mistake and Article 35-A entered the Constitution secretly by the back door. The other favourable points are that people from other states can buy land in Kashmir which they could not do before. RTI which was not applicable before cannot now be denied.There will be no separate flag for J&K, but only one flag, the Indian tricolor. To my mind, the greatest benefit, though is that the people of J&K can exercise the fundamental rights guaranteed by Part II of the Constitution by moving the Supreme Court directly in appropriate cases and obtain relief which may be granted to any Indian citizen.

The opposition has condemned the legislation as murder of democracy and betrayal of the people of J&K. In my opinion the charge is exaggerated and not tenable. However, there is substance in the contention that there should have been wider consultation, a genuine effort to win the hearts and minds of Kashmiris and dispel their apprehensions. A law is more readily accepted after a full and frank discussion about the necessity for it and its remedial purpose. What has gravely disturbed me is placing PDP chief Mehbooba Mufti and National Conference vice-president Omar Abdullah under house arrest around midnight on Sunday, and later, under preventive detention on Monday when they were taken to different locations. Till the moment of writing it appears that while Mehbooba was taken to the Hari Niwas Guest House, Omar’s location is not known. Veteran leader Farooq Abdullah says he has been detained in his own house. The Home Minister’s statement that Farooq Abdullah has not been detained has been emphatically contradicted by the latter. Preventive detention is obnoxious and is a negation of the rule of law. In a democratic state professing the rule of law, a person can be arrested or detained if he has committed a crime or indulged in wrongdoing as judicially determined. However, preventive detention can be resorted to in clear and exceptional cases of grave and reprehensible activities which will disrupt public order. The decision to place a person under preventive detention must be based on cogent and credible materials and after full application of mind. Preventive detention cannot be resorted to punish dissenters and to curb dissent. I sincerely hope the authorities will terminate preventive detention of political leaders and not further alienate the people of Kashmir. A question asked is will this issue reach the courts? So long as we are not prepared to act on the Shakespearean quip: “the first thing we do is to kill all the lawyers”, these issues will flood the courts. And there will be an interesting plethora of cases. But will that restore peace in Kashmir? I am not an astrologer and will not dare to prophesie.

(The author is a former Attorney General for India)

**HINDUSTAN TIMES, AUGUST7, 2019**

**India’s decision to make Ladakh UT unacceptable, says China**

**Sutirtho Patranobis**

Beijing China said on Tuesday that India should avoid “unilateral actions” in Jammu and Kashmir that could spark tensions in the region even as it described New Delhi’s decision to make Ladakh a union territory as “unacceptable”. In a swift response, India’s external affairs ministry rejected the Chinese criticism and said the proposal for a new union territory of Ladkah was an “internal matter”. It pointed out the two sides have agreed to maintain peace along their disputed border until a mutually acceptable solution is found. Beijing’s strong response came a day after the Indian government revoked the special status of Jammu and Kashmir and proposed splitting the state into two separate union territories of Jammu and Kashmir and Ladakh. China hadn’t immediately responded to the move on Monday, though it was expected to do so for two reasons – its close ally Pakistan is deeply invested in Kashmir, and part of the disputed Sino-India boundary in Aksai Chin lies in Ladakh. The Chinese foreign ministry issued two statements in Mandarin on the issue on Tuesday. “We urge India to be cautious in its words and deeds on the border issue, strictly abide by the relevant agreements reached between the two sides, and avoid taking actions that further complicate the border issue,” said a statement published on the foreign ministry’s website, referring to protracted negotiations between the two sides on the disputed border. “China has always opposed India’s inclusion of Chinese territory in India’s administrative jurisdiction in the western part of the Sino-Indian border. This position is firm, consistent and has never changed,” the statement added in a reference to the area in Ladakh that New Delhi claims but is controlled by Beijing. “In recent days, the Indian side has continued to undermine China’s territorial sovereignty by unilaterally amending its domestic laws. This practice is unacceptable and will not produce any effect,” the statement said. In a separate statement on India revoking Kashmir’s special status and exchanges of fire between Indian and Pakistani troops on the Line of Control, the foreign ministry described the situation as very tense. The statement also referred to India despatching a large number of troops to the region and said: “China is seriously concerned about the current situation in Kashmir. China’s position on the Kashmir issue is clear and consistent. This issue is a legacy of history between India and Pakistan, which is also the consensus of the international community.” It added, “The parties concerned should exercise restraint and act with caution, especially to avoid actions that unilaterally change the status quo and exacerbate the tension. We call on the two sides to peacefully resolve relevant disputes through dialogue and consultation and safeguard regional peace and stability.”

Responding to China’s criticism, external affairs ministry spokesperson Raveesh Kumar said the bill introduced in India’s Parliament for creating a new union territory of Ladakh was “an internal matter concerning the territory of India”. “India does not comment on the internal affairs of other countries and similarly expects other countries to do likewise,” he said. Kumar noted New Delhi and Beijing had agreed to find a “fair, reasonable and mutually acceptable settlement” of the border dispute on the basis of “Political Parameters and Guiding Principles for the Settlement of India-China Boundary Question”. He added both sides had agreed to maintain peace and tranquillity in border areas till such a settlement is reached. Home minister Amit Shah told the Lok Sabha that Pakistan-occupied Kashmir (PoK) and Aksai Chin too are part of Jammu and Kashmir and that “we are ready to give our lives for it”. Moving a resolution for revoking provisions of Article 370, Shah said there was a long-standing demand for giving union territory status to Ladakh. “Kashmir is an integral part of India, there is no doubt about it. When I say Jammu and Kashmir, I include PoK and Aksai Chin, both are included in the territorial boundaries of Jammu and Kashmir,” he said. “Ladakh, including Aksai Chin, will be a union territory.”

Responding to a query whether the new provisions would include PoK, Shah said, “We will give our lives for it.” Aksai Chin is a vast area of Ladakh currently under Chinese occupation. Hu Shisheng, a leading Chinese expert on India, said one reason behind New Delhi’s decision to divide Kashmir into two union territories was to separate two major disputes – one with Pakistan and another with China. The director of the Institute of South and Southeast Asian and Oceania Studies at the China Institutes of Contemporary International Relations said the move was aimed at separating “the two most ticklish disputes in the world from each other” and “to try to settle the Kashmir dispute unilaterally”. Late on Tuesday, two groups of 85 Indian pilgrims set to travel to Kailash Mansarovar said they were yet to be issued visas by the Chinese embassy. However, a senior Chinese official described the reports as a “rumour”. People familiar with developments said the visas were being processed and the pilgrims would leave once they were granted.

**HINDUSTAN TIMES, AUGUST 7, 2019**

**Article 370 scrapped, RSS says integration finally complete**

The RSS has over the year campaigned relentlessly for the abrogation of Article 370 and has passed resolutions to the effect.

The Rashtriya Swayamsevak Sangh on Tuesday night said the move to scrap Article 370 has paved the way for the implementation of the Constitution equally in Jammu and Kashmir, as it is in the rest of the country, the way it was intended by the makers of the Constitution. The RSS has over the year campaigned relentlessly for the abrogation of Article 370 and has passed resolutions to the effect. In a statement, the general secretary of the RSS, Suresh Bhaiyyaji Joshi, said the Sangh welcomes and appreciate the “bold and historical decision” of the BJP-led union government for restructuring Jammu and Kashmir and getting it passed in both Houses of Parliament.

“…From the beginning, it was the intent of the Constitution makers, that the Constitution of India should be equally applicable to all the states of India. Due to the immediate special circumstances, the provisional provision of Article 370 was added to the Indian Constitution,” he said. Lauding the government’s efforts, Joshi said the decision to scrap Article 370 “has fulfilled this desire of the Constitution makers and from the constitutional point of view, the state of Jammu and Kashmir is also similar to all the states of India.”

On Tuesday Parliament passed the Jammu and Kashmir Reorganisational Bill, 2019, which designates Ladakh as a union territory without legislature and Jammu and Kashmir as UT with an assembly. Bifurcation of the state, with Ladakh being a UT has been a long standing demand of the Sangh, which is the ideological fount of the ruling BJP. “With the restructuring of the state, the long-standing desire of the people of the Ladakh region was completed,” he said adding that this move will pave the way for integrated development of the region. He also made a reference to Shyama Prasad Mookerjee and the Praja Parishad movement that was started under the leadership of Premnath Dogra who campaigned for the removal of the constitutional anomalies generated by the “misuse of Article 370”. “All the citizens should rise above their narrow interests and political differences to establish the supremacy of the constitution and its core spirit, and to congratulate this initiative which reinforces the national unity and integrity,” Joshi said.

**HINDUSTAN TIMES, AUGUST 7, 2019**

**The abdication of the Opposition**

By failing to fulfil their responsibility in Parliament, non-NDA parties have let down democracy

When a political party has just won an electoral majority, it can be expected that it would use its numerical advantage to push through its legislative agenda. When the victory has been accompanied with the rout of other parties at the polls, the incumbent has an additional political and psychological edge. And, so, it is understandable that the Bharatiya Janata Party (BJP) has been able to convert its 2019 Lok Sabha victory into policy victories in the current session of Parliament, including on its constitutional moves on Jammu and Kashmir. But this still does not explain, or justify, the utter abdication of responsibility by the Opposition parties. This abdication has taken two forms: the lack of clarity in its ranks on key policy matters being discussed in Parliament; and the inability to put up a democratic fight even in a chamber where they, collectively, outnumber the BJP. Take the first. On the government’s move to render Article 370 ineffective, bifurcate Jammu and Kashmir (J&K), and reduce the state to a Union Territory, the Congress response has been marked by complete incoherence and confusion. Rahul Gandhi took over 24 hours to put out his first critical tweet. Even as the leader of the party in the Rajya Sabha, Ghulam Nabi Azad, slammed the government, the chief whip of the Congress in the same House, Bhubaneswar Kalita, resigned, protesting, in principle, against the party’s stance. Adhir Ranjan Choudhary, the leader of the Congress in the Lok Sabha, suggested that Kashmir was actually an international — and not just an internal — issue, prompting Home Minister Amit Shah to ask if this was the party’s official stance. On the other hand, some other senior leaders like Janardhan Dwivedi backed the government. Do not be surprised if the Congress workers on the ground, let alone citizens, have no clue what the party actually believes in. The incoherence is supplemented by the lack of unity and floor strategy. During the vote on the triple talaq bill, for instance, all Congress members did not turn up to vote. On Kashmir, the opposition fractured entirely, with parties as critical of the BJP as Bahujan Samaj Party and Aam Aadmi Party backing the government. A range of other regional parties — the Telangana Rashtra Samithi, YSR Congress Party, and Biju Janata Dal — have been supportive of the government, helping it gain numbers in the Rajya Sabha. And every other day, a member or two resigns from the Opposition benches, paving the way for fresh elections from states, which, in turn, helps swell BJP numbers. Put it all together, and it clear that not only was the Opposition trounced in the election, but it has also lost the will to fight. This bodes ill for democracy.

(The author is a former Attorney General for India)

**HINDUSTAN TIMES, AUGUST 7, 2019**

**India’s decision to make Ladakh UT unacceptable, says China**

**Sutirtho Patranobis**

Beijing China said on Tuesday that India should avoid “unilateral actions” in Jammu and Kashmir that could spark tensions in the region even as it described New Delhi’s decision to make Ladakh a union territory as “unacceptable”. In a swift response, India’s external affairs ministry rejected the Chinese criticism and said the proposal for a new union territory of Ladkah was an “internal matter”. It pointed out the two sides have agreed to maintain peace along their disputed border until a mutually acceptable solution is found. Beijing’s strong response came a day after the Indian government revoked the special status of Jammu and Kashmir and proposed splitting the state into two separate union territories of Jammu and Kashmir and Ladakh. China hadn’t immediately responded to the move on Monday, though it was expected to do so for two reasons – its close ally Pakistan is deeply invested in Kashmir, and part of the disputed Sino-India boundary in Aksai Chin lies in Ladakh. The Chinese foreign ministry issued two statements in Mandarin on the issue on Tuesday. “We urge India to be cautious in its words and deeds on the border issue, strictly abide by the relevant agreements reached between the two sides, and avoid taking actions that further complicate the border issue,” said a statement published on the foreign ministry’s website, referring to protracted negotiations between the two sides on the disputed border. “China has always opposed India’s inclusion of Chinese territory in India’s administrative jurisdiction in the western part of the Sino-Indian border. This position is firm, consistent and has never changed,” the statement added in a reference to the area in Ladakh that New Delhi claims but is controlled by Beijing. “In recent days, the Indian side has continued to undermine China’s territorial sovereignty by unilaterally amending its domestic laws. This practice is unacceptable and will not produce any effect,” the statement said. In a separate statement on India revoking Kashmir’s special status and exchanges of fire between Indian and Pakistani troops on the Line of Control, the foreign ministry described the situation as very tense. The statement also referred to India despatching a large number of troops to the region and said: “China is seriously concerned about the current situation in Kashmir. China’s position on the Kashmir issue is clear and consistent. This issue is a legacy of history between India and Pakistan, which is also the consensus of the international community.” It added, “The parties concerned should exercise restraint and act with caution, especially to avoid actions that unilaterally change the status quo and exacerbate the tension. We call on the two sides to peacefully resolve relevant disputes through dialogue and consultation and safeguard regional peace and stability.”

Responding to China’s criticism, external affairs ministry spokesperson Raveesh Kumar said the bill introduced in India’s Parliament for creating a new union territory of Ladakh was “an internal matter concerning the territory of India”. “India does not comment on the internal affairs of other countries and similarly expects other countries to do likewise,” he said. Kumar noted New Delhi and Beijing had agreed to find a “fair, reasonable and mutually acceptable settlement” of the border dispute on the basis of “Political Parameters and Guiding Principles for the Settlement of India-China Boundary Question”. He added both sides had agreed to maintain peace and tranquillity in border areas till such a settlement is reached. Home minister Amit Shah told the Lok Sabha that Pakistan-occupied Kashmir (PoK) and Aksai Chin too are part of Jammu and Kashmir and that “we are ready to give our lives for it”. Moving a resolution for revoking provisions of Article 370, Shah said there was a long-standing demand for giving union territory status to Ladakh. “Kashmir is an integral part of India, there is no doubt about it. When I say Jammu and Kashmir, I include PoK and Aksai Chin, both are included in the territorial boundaries of Jammu and Kashmir,” he said. “Ladakh, including Aksai Chin, will be a union territory.”

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**HINDUSTAN TIMES, AUGUST 7, 2019**

**We will go to court against govt’s move on J&K: Farooq Abdullah**

In his first remarks since the Union government on Monday revoked provisions of Article 370 to take away the state’s special status, and proposed its bifurcation into the Union territories of Jammu and Kashmir, and Ladakh, Abdullah said a “dictatorial” authority has been invoked and not a “democratic” one. Comparing the revocation of Article 370 by the Centre as a “body being carved”, National Conference chief Farooq Abdullah on Tuesday said they will fight and go to court against the Prime Minister Narendra Modi government’s decision. In his first remarks since the Union government on Monday revoked provisions of Article 370 to take away the state’s special status, and proposed its bifurcation into the Union territories of Jammu and Kashmir, and Ladakh, Abdullah said a “dictatorial” authority has been invoked and not a “democratic” one. Talking to TV channels in Srinagar, Abdullah said, “As soon as the gates will open, our people will be out, we will fight, we’ll go to the court. We’re not gun-runners, grenade-throwers, stone-throwers, we believe in peaceful resolution of things. They want to murder us, we are ready, my chest is ready, fire here, not into my back,” the 81-year-old said. He also contested home minister Amit Shah’s assertion that he was neither under detention nor arrest and was at his home out of his own will. “I heard the statement of the home minister that Farooq Abdullah is free and is staying in the house out of his own will. I thought how can he be lying when a DSP has been placed outside my house and no one can come in and no one can go out,” he said. Abdullah said after “dividing the regions, are they going to divide people’s hearts also. Are they going to put Muslims one side, Hindus one side, Buddhists one side? Is that what they want? Is this what India is. My India is for all, everyone who believes in a secular nation, who believes in unity.”

**HINDUSTAN TIMES, AUGUST 7, 2019**

**Article 370: Following closely, says UK, calls for calm**

A demonstration was held on Monday outside the Indian high commission organised by groups including the South Asia Solidarity Group to protest against the moves initiated by home minister Amit Shah. Other UK-based groups hailed or criticised the changes.

Prasun Sonwalkar

The Boris Johnson government on Tuesday said it is following developments in New Delhi related to Jammu and Kashmir closely, while a senior ruling Conservative MP expressed “strong support” to revocation of Article 370 in the state. A spokesperson for the Foreign and Commonwealth Office said: “We are following developments closely and support calls for the situation to remain calm.” A demonstration was held on Monday outside the Indian high commission organised by groups including the South Asia Solidarity Group to protest against the moves initiated by home minister Amit Shah. Other UK-based groups hailed or criticised the changes.

Bob Blackman, Conservative MP from Harrow East, said: “I strongly support the revocation of Article 370. Jammu and Kashmir has always been an integral part of India and A370 has always been anomaly: it has held the area back by starving it of investment, through the prevention of external ownership of land”. “Kashmiri Pandits must be guaranteed right of return after they were the victims of ethnic cleansing and this move should prevent any other minority groups being forced to leave the Kashmir Valley,” he added. Blackman, who has supported Modi during his tenure as the chief minister of Gujarat and subsequently as prime minister, has often defended India’s official position on sensitive issues such as Jammu and Kashmir in the British parliament. He said: “The valley provides excellent opportunities for agricultural and cultural handicraft exports, the development of hydro-electric power and tourism. Most important, however, is clearing the area of terrorists – high security is paramount”.

“Narendra Modi has again shown proper and strong leadership in honouring the manifesto of the BJP – now is the time to properly integrate Jammu and Kashmir into the Indian constitution.”The United Kashmir Peoples National Party criticised the changes announced by home minister Amit Shah, while the Indo-European Kashmir Forum focused on issues related to Kashmiri Pandits hailed the developments. There is a history of militant groups linked to Jammu and Kashmir based in the UK, and developments in the state and in Pakistan-Occupied Kashmir resonating in the UK, which is home to a large community of people with origins on both sides of the state.

**HINDUSTAN TIMES 7, 2019**

**PIL filed in SC over presidential order passed in RS to nullify Article 35A**

The petitioner, M L Sharma, has made a name for himself by filing Public Interest Litigations (PILs) in several cases.

A petition challenging the presidential order that paved the way for scrapping Article 35-A, and effectively revoking Article 370 of the Constitution was filed in the Supreme Court on Tuesday by advocate M L Sharma, who has made a name for himself by filing Public Interest Litigations (PILs) in several cases. Sharma’s petition came on the day the Lok Sabha passed resolutions and legislations bifurcating Jammu and Kashmir into two Union Territories and scrapped the special status given to the state of Jammu and Kashmir under the constituition, and a day after the Rajya Sabha passed the same. Sharma said he would mention his petition before the court seeking early hearing of his case on Wednesday. The petition seeks quashing of the August 5 presidential order “for amending article 367 of the Constitution of India” on the grounds that it is “ illegal, unconstitutional, void ab initio and ultra vires to the Constituition”.

The presidential order superseded the presidential order of 1954, which resulted in Article 35-A. It also said the governor was a substitute for the legislative assembly of the J&K (which is currently under president’s rule and doesn’t have an assembly). The government used the second provision to tweak Article 370 and remove all its provisions bar one which essentially says the Constitution applies to J&K. Sharma in his petition claims the presidential order is illegal as it has been passed without the consent of the state assembly.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Work on Kartarpur Corridor to continue as planned: Pakistan**

After the diplomatic ties with India were downgraded , Pakistan decided that the work on the Kartarpur corridor would continue as planned.

Work on the Kartarpur Corridor would continue as planned, said Pakistan after it made the unilateral decision to downgrade diplomatic ties with India in the wake of Prime Minister Narendra Modi-led government abrogating Article 370.

The announcement was made by the Pakistani Foreign Office on Thursday.

After a resolution was passed in both houses of Parliament, India repealed Article 370 which stripped Jammu and Kashmir of its special status. The government also bifurcated the state into two Union Territories -- Jammu and Kashmir and Ladakh. India has maintained that its latest decisions on Jammu and Kashmir are entirely its internal affair. Even then, following a National Council meeting chaired by Pakistani Prime Minister Imran Khan on Wednesday, Islamabad decided to downgrade diplomatic ties with New Delhi. Pakistan has also told India to call back its High Commissioner to Islamabad, Ajay Bisaria, adding that it would not be sending its high commissioner-designate to India, Moin-ul-Haq. Furthermore, Islamabad on Wednesday announced to suspended bilateral trade with India and the Samjhauta Express train service that operates between India and Pakistan. The Pakistani airspace has also been partially shutdown. India has asked Pakistan to review its steps so that normal channels for diplomatic communications are preserved.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**J&K move: The real test begins now**

**India will need to display political will to tackle Pakistan — which is emboldened by US support.**

**Brahma Chellaney**

A final deal between the United States (US) and the Pakistan-reared Afghan Taliban appears imminent, with the Taliban saying major differences have been resolved. Pakistan’s key role in this process, and in the implementation of the deal that emerges, has emboldened it to downgrade diplomatic relations, and suspend bilateral trade with India — actions that New Delhi itself should have taken long ago against its terrorism-exporting neighbour.

In fact, US President Donald Trump’s looming Faustian bargain with the Taliban was an important factor behind India’s change of the constitutional status of Jammu and Kashmir (J&K). A resurgent Pakistan-Taliban duo controlling Afghanistan would spell greater trouble for J&K, including increased cross-border entry of armed jihadists.

Jammu and Kashmir’s reorganisation effectively compartmentalises India’s territorial disputes with Pakistan and China centred in that region. China’s protests that India’s inclusion of the China-held Ladakhi areas in the new Ladakh Union Territory “hurts Chinese sovereignty” underscores that there will be no let up in incursions. In recent years, China — which occupies the Switzerland-size Aksai Chin Plateau, and lays claim to several other Ladakh areas — has stepped up its military forays and incursions into Ladakh’s Demchok, Chumar, Pangong Tso, Spanggur Gap, and the Trig Heights. The immediate trigger for rejigging the constitutional status of J&K was Trump’s Af-Pak gambit. The US president has beseeched Pakistan to “extricate” them from Afghanistan. The paradox is that the US is stuck in the longest war in its history because of Pakistan, which harbours the Taliban’s command-and-control base. Yet Trump, after accusing Pakistan of “lies and deceit”, is now appeasing it, including by slightly reopening the military-aid spigot, and offering twice to mediate the Kashmir conflict, even though such an offer is a red rag to the Indian bull.

It is against this background that, to level the field, J&K’s special powers and privileges were revoked, Ladakh was carved out as a separate entity, and the misogynist Article 35A was repealed. For India, three decades of a Pakistan-backed Islamist insurrection in the Kashmir Valley made the status quo no longer sustainable. Armed jihadists today call the shots in the Valley, from where the virtually entire indigenous minority — the Kashmiri Pandits — were driven out in one of modern history’s most successful and swiftest ethnic-cleansing operations.

Even if India had maintained J&K’s special constitutional status, Pakistan would have continued its low-intensity asymmetric warfare. After all, Pakistan is a revisionist State that seeks to redraw borders in blood. Yet Pakistan, far from granting autonomy or special status to the two parts of J&K it holds (the sprawling Gilgit-Baltistan, and the so-called Azad Kashmir), has treated them as its colonies, recklessly exploiting their mineral and water wealth, and transforming their ethnic and linguistic identities through demographic change.

Today, nothing is encouraging Pakistan more than Trump’s turning to it to “help us out” in Afghanistan. Pakistan’s brutal proxies have compelled the US to negotiate the terms of its Afghanistan surrender and seek Pakistani support for a face-saving exit. Just days after the US reached a tentative deal with the Taliban in late January, a suicide bombing claimed by a Pakistan-based terrorist group killed 41 Indian paramilitary soldiers. Now, with a final deal in the offing and the elected Afghan government sidelined, a scofflaw Pakistan has sought to turn the tables on India by ironically lecturing it on international law and expelling the Indian envoy, even as India still treats Pakistan as a terrorist state only in rhetoric, not in actual policy terms. It will not be long before Pakistan’s roguish military also ups the ante against India, either directly or via its non-uniformed soldiers — the terrorist proxies.

India, through the J&K constitutional change, has pre-emptively sought to safeguard its security before America hands Afghanistan back to the same terrorist militia it removed from power in 2001. But India has a history of losing the advantage after a potentially game-changing move. After Balakot, Pakistan was quick to neutralise India’s advantage with a daring aerial blitz that crossed a red line by targeting Indian military sites. Yet Pakistan escaped scot-free. India’s real test begins now after the bold, legacy-shaping J&K action. Indeed, the government needs to tackle head on the protracted proxy war of a renegade neighbour that, far from becoming diplomatically isolated as sought by India, has been emboldened by Trump’s gambit.

Does India have the political will to impose costs in a manner to make them increasingly unbearable for Pakistan?

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Kashmir in shock, life takes a hit**

**An eerie silence hangs over the city, punctuated by sporadic bursts of gunfire and the rumbling of armoured vehicles moving through near-empty streets.**

**Mir Ehsan and Ashiq Hussain**

On Wednesday evening, Aijaz Ahmad Mir’s three-year-old son suddenly fell ill, forcing him and his wife to put the boy in a car and drive to the nearest doctor. Little did they know that just a few hundred metres away from their home in downtown Srinagar, clashes had broken out between security forces and locals angry at the government’s decision to effectively scrap Article 370 and bifurcate the border state. As stones rained down on the family, Mir abandoned the car and escaped with his family. They walked the rest of the way to the hospital, five kilometers away. “In absence of any communication, we were stuck in the clashes. It was a night I never want to face again. There was chaos all around. It was a miracle that I could save my wife and son,” he said. Mir’s home town of Srinagar has been under complete lockdown for the past four days. An eerie silence hangs over the city, punctuated by sporadic bursts of gunfire and the rumbling of armoured vehicles moving through near-empty streets. Thousands of police, army and paramilitary forces march through the city at regular intervals. People and media personnel have been barred from main thoroughfares and the administration has given passes to only select government officials. All forms of communication networks, including landlines and mobile phones, have been snapped. Local authorities have not declared a curfew, but instead, clamped down on non-essential travel and gatherings of four or more, effectively keeping restive people in their homes. The communications blackout was clamped hours before the government moved on Monday to effectively nullify Article 370, which accorded special status to the border state, and divide the state into two Union Territories – Jammu and Kashmir with a legislative assembly, and Ladakh without one. Since then, the suspension of mainstream news distribution has stoked rumours and apprehension. This has hit hard people with medical conditions in the family, such as Mohsin Ahmad, a resident of north Kashmir’s Baramulla. Forty-five-year-old Ahmad has been stuck in Srinagar for the past three days, and has no idea how his family members and kids are doing back in Baramulla. “My father is a heart patient who needs constant care. I don’t know whether they have managed to get his medicines or not,” he said. The city’s premier hospital –Shri Maharaja Hari Singh hospital (SMHS) – remains cut off. The administration had already discharged half of the patients and most of the wards wear a deserted look. According to doctors, 10 people with different injuries were brought to hospital from various parts of the city. The hospital administration refused to speak to the press. “It took me three hours to cover 10 kilometres distance from Nishat [on the eastern outskirts of Srinagar] to the hospital. I had to beg the police to leave us towards hospital as my wife was not feeling well,’’ said Shabir Ahmad. “Even as my wife has been discharged, I can’t go home as there is neither ambulance nor any other means of transport. I am 55, I have never witnessed such a situation,’’ he added. The government has insisted that the ground situation remains peaceful even as it has refused to clarify when the restrictions will be lifted. On Wednesday, National Security Adviser Ajit Doval chaired a high-level meeting in Srinagar and was briefed about the ongoing situation. Doval also met governor Satya Pal Malik, who reviewed the law and order scenario in the state and was informed by state officials that the overall situation was “satisfactory”. He also interacted with locals. “Everything will be alright. Your safety and security is our responsibility,” Doval told people in Shopian district. But many Kashmiris say their lives have been upended. Tanveer Ahmad, a resident of the old city of Srinagar, said he had never imagined that mainstream politicians and former chief ministers – National Conference leaders Farooq and Omar Abdullah and Peoples Democratic Party leader Mehbooba Mufti -- will be detained some day. “They (mainstream leaders) were the voices of India in Kashmir; they too have been put behind bars. India has lost trust in the Valley.’’ More than 100 mainstream leaders have been detained or put under preventive arrest, said a government official on condition of anonymity. The family members of Mufti’s confidante and PDP leader Waheed ur Rehman Parra allege that he has been charged under the stringent Public Safety Act. The communications blockade has led to an information vacuum. “Journalists are not able to file their stories, contact offices or their editors. The local administration has not issued any passes to journalists,’’ said Ishfaq Tantray, general secretary of the Press Club of Kashmir. Hours before the clampdown on Sunday night, deputy commissioner of Srinagar, Shahid Choudhary, had said that passes would be distributed when restrictions are enforced. But now, he is not sure. “We don’t know whether we can issue passes or not,” said Choudhary. Within each neighbourhood, large coils of razor wire cut off areas and puncture the festive air of Eid next week. Soldiers man checkpoints about every 100 metres on main roads and only people in essential jobs are allowed to leave their homes. Within neighbourhoods, some residents walk along small lanes while young children ride on scooters to rid themselves of boredom. Most shops are closed. Arshia Ahmad, a state government officer who lives in the downtown Srinagar area said, “My entire family and relatives are in shock. We don’t know what to do now. For us, it seems everything is over.”

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Resign from Rajya Sabha, Mehbooba Mufti told her MPs**

The Peoples Democratic Party, which was in an alliance with the BJP till the latter withdrew support in June 2018, has two members in the Upper House. Former chief minister Mehbooba Mufti wants her two members of Parliament to resign from the Rajya Sabha, HT has learnt. “While she was being shifted from her home to a guest house where she is under arrest, she passed a message saying resign or face expulsion,” an aide to the former CM said. HT couldn’t independently confirm this.

The Peoples Democratic Party, which was in an alliance with the BJP till the latter withdrew support in June 2018, has two members in the Upper House. Mir Fayaz and Nazir Ahmed Laway tore up the Constitution in the Rajya Sabha, soon after the government introduced the move in Rajya Sabha. Fayaz said they were considering resigning but wanted to get in touch with the PDP leadership. “We have not been able to speak to anybody because communication lines are down. We will have a discussion.. and take a call,” he said.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**‘Refrain from retaliatory aggression’, US lawmakers send message to Pakistan**

**The House and Senate foreign affairs committees are powerful congressional bodies with their influence on US foreign policy drawing from their control of the budget of the state department and all its senior-level appointments.**

**Yashwant Raj**

Two powerful US lawmakers on Wednesday called upon India to protect the constitutional and democratic rights of “all its citizens” in a reference to Kashmir developments and the Trump administration reiterated once again it was “closely following” the rollout of the legislative changes in the state and “continued to be concerned” over arrests and detentions there.

Also on Wednesday, another, and a larger, group of 15 lawmakers urged Secretary of State Mike Pompeo to publicly condemn the criminal charges and raids against lawyers Anand Grover and Indira Jaising in a significant reversal for India on Capitol Hill, where it has enjoyed unstinting support in recent years. “When was the last time you saw a critical statement from lawmakers on India,” a congressional aide asked to illustrate the point. And two of them on the same day.

“As the world’s largest democracy, India has an opportunity to demonstrate for all its citizens the importance of protecting and promoting equal rights, including freedom of assembly, access to information, and equal protections under the law,” said House Foreign Affairs Committee chairman Eliot Engel and Senate Foreign Relations committee chairman Robert Menendez in a joint statement regarding Kashmir. They are both Democrats and have been long-time, leading supporters of ties with India. The House and Senate foreign affairs committees are powerful congressional bodies with their influence on US foreign policy drawing from their control of the budget of the state department and all its senior-level appointments. As chairman and ranking member in their respective committees, Engel and Menendez have been close and cherished India allies. Menendez, for instance, has supported CAATSA (Countering American Adversaries Through Sanctions Act) waiver for India’s planned purchase of Russian S-400s. They sought to strike a balance at the same time by telling Pakistan to “refrain from any retaliatory aggression—including support for infiltrations across the Line of Control—and take demonstrable action against the terrorist infrastructure on Pakistan’s soil”. But Pakistan is used to that language. It heard another version of it from the Trump administration once again on Wednesday. “We call on all parties to maintain peace and stability along the Line of Control, including taking firm and resolute steps to combat cross-border terrorism,” said a state department spokesperson. But the official also reiterated, for New Delhi notice and attention, the continued close attention from the United States to developments in the state, taking “note” of the “broader implications of these developments, including the potential for increased instability in the region”. The US calls for calm and restraint by all parties, the official added. The Trump administration has been calibrating its response to Kashmir developments with an eye on the president’s topmost priority for the region, which is to end America’s longest war ever, Afghanistan. It has offered Pakistan an opportunity to repair ties — not “reset”, which is a term used by the US for more ambitious relationships, according to senior American diplomats — by using its leverage to persuade the Taliban to joint the peace process that is said to be poised at a crucial stage at the moment. But the two congressional pushbacks are likely to be seen as a new challenge in New Delhi. Engel and Menendez, who issued the Kashmir statement, have been reliable India supporters. And if their statement was not chastening enough, the second, moved by Representative Jamie Raskin should.

Raskin has been a supporter of ties with India. And his initiative has been endorsed by powerful congressional figures such as Elijah Cummings, chairman of the House oversight committee who has been embroiled in the one of the most explosive of President Trump’s fights with Democrats. Also among the signatories is Pramila Jayapal, the Indian-American lawmaker who is emerging as one of the leading lights of the progressive wing of the Democratic party. Raskin’s letter is focussed on the CBI’s June 13 case against the Lawyers’ Collective, a non-governmental body founded in 1981 by Grover and Jaising. “The protection of human rights and fundamental freedoms must be a cornerstone of US foreign policy, including with our closest partners. We urge you to make a strong public statement addressing the Government of India’s dangerous moves to constrain freedom of expression, association, and speech. “We also urge you to raise Mr. Grover and Ms. Jaising’s case with the Government of India prior to the expiration of the stay on August 19.”

**HINDUSTAN TIMES, AUGUST 8, 2019**

**PM may address nation on Centre’s J-K move to scrap Article 370 today: Report**

Parliament on Tuesday approved a resolution abrogating special status accorded to Jammu and Kashmir under Article 370 of the Constitution. It also cleared a bill to split the state into two union territories of Jammu and Kashmir and Ladakh. Prime Minister Narendra Modi is likely to address the nation on Thursday during which he is expected to explain government’s decisions on abrogating special status to Jammu and Kashmir and splitting the state into two union territories, sources have said. The last time he addressed the nation was on March 27 during the Lok Sabha elections when he announced that India had demonstrated anti-satellite missile (A-Sat) capability by shooting down a live satellite. Parliament on Tuesday approved a resolution abrogating special status accorded to Jammu and Kashmir under Article 370 of the Constitution. It also cleared a bill to split the state into two union territories of Jammu and Kashmir and Ladakh. The proposed address comes days before the prime minister’s customary address to the nation on Independence Day from the ramparts of Red Fort.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Pakistan PM Imran Khan dials Boris Johnson, prince Salman on Kashmir**

The Indian government on Monday revoked Article 370 of the Constitution that gave special status to Jammu and Kashmir and bifurcated the state into two Union Territories - Jammu and Kashmir, and Ladakh.

Pakistan Prime Minister Imran Khan on Wednesday called his British counterpart Boris Johnson and Saudi crown prince Mohammed bin Salman as part of his government’s plan to inform the world leaders about India’s decision of revoking Article 370 and withdrawing the special status of Jammu and Kashmir. The Indian government on Monday revoked Article 370 of the Constitution that gave special status to Jammu and Kashmir and bifurcated the state into two Union Territories - Jammu and Kashmir, and Ladakh.

Prime Minister Khan discussed the latest developments in Kashmir in separate telephone calls with the two leaders, an official said. As Khan was personally getting in touch with the world leader, Pakistan Foreign Minister Shah Mehmood Qureshi is set to visit China to discuss the situation in Kashmir and ties with India, the official said. Prime Minister Khan on Monday called Malaysian leader Mahatir Mohammed and Turkish President Recep Tayyip Erdogan. Pakistan has decided to increase interactions with the international community to highlight the dangers of India’s move to revoke the special status of Jammu and Kashmir. It has also decided to take the issue of Indian action in Jammu and Kashmir to the UNSC.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Scrapping 370 shows intent. Real battle ahead’: Kashmiri activist**

Hindustan Times spoke to Kashmiri activist Sushil Pandit on the abrogation of Article 370. Sushil Pandit welcomed the move and said that they had given up hope of this happening. He however added that they can’t dub this as victory yet and the battle is yet to be fought for them. Pandit also warned against turning jihadis into patriots which he says has become a trend in the valley.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**370 Axed I ‘May be months before Kashmiri Pandits can go home’: Sushil Pandit**

After the abrogation of Article 370, Kashmiri activist Sushil Pandit said that Kashmiri Pandits are raring to return to their homes and welcomed the heavy security deployment by the government in the region. He also lauded the government for the way the entire decision was made & executed and said that it could not have .

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Revocation of Article 370 could trigger a sense of betrayal in Kashmir**

**If the intention was to remedy a constitutional error, the people most affected should have been consulted first.**

**Wajahat Habibullah**

In one fell swoop, President of India Ram Nath Kovind declared that all provisions of the Constitution shall now apply to the state of Jammu and Kashmir (J&K), thus nullifying Article 370 using the same article — and ending the special autonomous status that the state had enjoyed since the promulgation of the Constitution. Under Article 370, J&K had its own constitution, with the President of India empowered to decide which provisions of the Indian Constitution would be applicable within the state — but only with the assent of the state. The Jammu and Kashmir Reorganisation Bill 2019 bifurcates the state into the Union territories (UTs) of J&K, and of Ladakh. While the UT of J&K will have a legislature, the UT of Ladakh will be without one. While UTs have, in the past, been upgraded to states, never has a state been so downgraded, thus consummating the accession of J&K to India in a manner different to its inception. Article 370 has governed the accession and relationship of the princely state of J&K with India under the Indian Constitution. Mainstream political leaders from Kashmir have warned that revoking the Article will mean breaking that relationship. The separatists have been dismissive, holding that it had already been rendered meaningless through repeated amendments, thus sparking conflagration.

A devout Muslim, the unchallenged Kashmiri leader of the time, Sheikh Abdullah (Baba-i-Qaum — father of the community/nation— to his people) faced a clear choice in 1947; he could join a Muslim nation, or choose a secular one, in which Kashmiris would be secure in their distinct identity. The Kashmir freedom movement aimed to rid Kashmir of despotism; it worked parallel to the national movement, but was not part of it. Despite efforts by Hari Singh’s prime minister, Ramchandra Kak, in eliciting the Sheikh’s support for Independence, the latter stood steadfast in his demand for an end to the monarchy. Visiting Srinagar between June 18 and 23, 1947, India’s then Viceroy, Louis Mountbatten urged Singh not to make a declaration of Independence. He conveyed Vallabbhai Patel’s message that “the States Department were prepared to give an assurance that, if Kashmir went to Pakistan, this would not be regarded as unfriendly by Government of India”. But then, the state faced an uprising by Poonchi troops of the British Indian Army’s decommissioned Sixth Punjab Regiment, followed by a military rout of state forces by frontier tribesmen on October 22, 1947. The Maharaja turned in desperation to India. According to the 1941 census, 77.11% of the state’s population was Muslim, 20.12% Hindu, and 1.64% Sikh, which made Pakistan claim the state. But by taking recourse to a military invasion by tribesmen, it virtually lost its case, certainly in the eyes of Kashmiris standing against them. India’s case, however, rested on the public will. The Sheikh declared on record that, of the options before him, true freedom was to be had only within the Indian Union. The constitutional guarantee for this was actuated by Article 370, which, when read with Article 369, provided temporary powers to Parliament to make laws for the state.

Under subsection 3 of this Article, the president can revoke 370 only on the advice of the Constituent Assembly (CA) of the state. The CA was dissolved in 1957, and replaced with a Legislative Assembly — which was dismissed last year, after the Bharatiya Janata Party-Peoples Democratic Party coalition collapsed.

Importantly, the current Presidential Order modifies Article 367, with “Constituent Assembly” to be read as “Legislative Assembly of the State” and the state government construed as the governor. This has enabled the president to abrogate Article 370, with the consent of the governor deemed the consent of the state. The constitutional validity of these measures are for the apex court to ponder. But if it is claimed that these measures are indeed designed to benefit the people, why then was it necessary to bring them before Parliament so surreptitiously, with the leaders of mainstream parties under house arrest, and Kashmir in lockdown?

If the government wanted to rectify a constitutional error, or remedy an anachronism, as claimed, did it not follow that the democratic compulsion demanded placing the proposal before the public which is the most affected — the people of J&K — before brining it to Parliament? Instead, Kashmir reeled under unprecedentedly intense security measures. We must conclude that it was, therefore, common knowledge that such an endeavour meant riding roughshod over Kashmiri public opinion already beset with widespread disaffection. If it is believed that placing the remaining of the state under the Union government will help effectively address the ongoing violence, this is contrary to the conclusions based on experience. A study by the Narasimha Rao government brought governor’s rule (1990-96) to an end, in realisation that without the support of the public, which the governor’s rule had failed to win despite studied effort by a series of outstanding governors, battles could be won but not the war. The present initiative will only lead to a feeling of betrayal among a section of our people, and a foreboding of worse to come.

Wajahat Habibullah , a retired civil servant, has served as Chief Information Commissioner, and Chairperson of the National Commission for Minorities

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Pakistan’s response will yield it little diplomatically**

It may resort to terror to draw attention to Kashmir. India must be prepared

The Pakistan government was under mounting pressure to respond to India’s decision to revoke Jammu and Kashmir’s special status. Following a meeting of the country’s top leadership, Islamabad announced it was expelling the Indian ambassador as part of the downgrading of diplomatic ties, and snapping bilateral trade. On Wednesday, Pakistan had closed a corridor of its air space which will affect Air India flights. A day later, it stopped the Samjhauta Express on their side at the Wagah border, citing security concerns. Islamabad said all bilateral arrangements would be reviewed, and the Kashmir issue would be taken to the United Nations (UN). The measures have had little impact on New Delhi, which has only called on Islamabad to review its decisions, and reiterated the changes in Kashmir are an internal matter. Bilateral diplomatic contacts have been minimal over the past few years. India’s trade with Pakistan accounts for about 0.3% of its total trade. Pakistan’s first two steps — expelling the Indian envoy and snapping trade — are unlikely to make a difference to the current stalemate. The two sides have sparred repeatedly at the UN on a range of issues, including Kashmir. A continuation of this trend is unlikely to lead to a change on the ground, especially when Pakistan enjoys little support globally because of its continued use of terrorism as an instrument of State. The international community, barring a few close friends of Pakistan such as Turkey and Saudi Arabia, has responded coolly to overtures on the Kashmir issue. Other nations have indicated they are not opposed to the Indian position that the decisions of August 5 are an internal matter. The fear, however, is that a desperate Pakistan, especially when it believes it is needed for finding a solution in Afghanistan, could again resort to the use of terror to force the world community to heed its demands. India must be prepared for just such an eventuality.

**HINDUSTAN TIMES, AUGUST 8, 2019**

**Samjhauta Express reaches Attari after Pak minister claimed services suspended.**

Samjhauta Express crossed Pakistan border to reach India after it was delayed at Wagah in Pakistan for several hours this morning. Samjhauta Express that runs between Attari in India and Wagah in Pakistan, reached Attari railway station in Amritsar hours behind schedule, only after India sent a railway engine and a crew to bring it home from Wagah station in Pakistan. The train was stranded at Wagah railway station for a few hours since 9:30 am Thursday morning as its Pakistani crew refused to enter Indian territory amidst growing tension between the neighbours over the state of Jammu and Kashmir. Around 110 passengers on board the train will head for New Delhi after the completion of immigration process at Attari.

Earlier in the day, confusion reigned supreme as Pakistan railway minister claimed to have ‘shut down’ the Samjhauta Express train service between the two countries; this was denied by Indian railway ministry which attributed the delay in train’s arrival to “concerns regarding security of the train’s crew and guard”. Indian government also made it clear that they had not received any formal notification of suspension of Samjhauta Express from Islamabad.

“#Samjhautaexpress. Train will run. Train is being moved from Wagah and it will come to Attari,” said an official tweet from Indian railway ministry. Samjhauta Express plies twice a week. Reuters had earlier quoted Pakistan Minister Sheikh Rasheed as saying, “We have decided to shut down Samjhauta Express,” he was further quoted suggesting the services will not be resumed any time soon, “As long as I am railways minister, Samjhauta Express can’t operate,”

Before Pakistan Minister’s tweet surfaced, an Indian Railway official, Deepak Kumar had said, “Pakistan had raised issues regarding security of the train’s crew and guard. We have told them that the situation this side was perfectly normal.”

Station master of Attari railway station close to border with Pakistan, Arvind Kunar Gupta elaborated further, “We got a message from Pakistan railways that the crew members and guards of Samjhauta Express refused to take the train into Indian territory. They allowed us to send our driver and staff to take the train from Wagah.” A train engine along with a driver and other necessary staff was sent from Amritsar to bring the Samjhauta Express-- stuck at Wagah since 9:30 am—home. The move comes after Indian Parliament okayed scrapping of Article 370 in Jammu and Kashmir and dividing the state into two Union Territories. This was strongly criticised by Pakistan, which held a special session of its Parliament to condemn the issue and later decided to downgrade ties with New Delhi.

**HINDUSTAN TIMES, AUGUST8, 2019**

**Jammu and Kashmir situation is serious’: UK PM Boris Johnson**

**A Downing Street spokesperson said Johnson discussed the situation during a telephone conversation with the Pakistan Prime Minister Imran Khan.**

**Prasun Sonwalkar**

UK Prime Minister Boris Johnson has described the situation in Jammu and Kashmir as “serious”, while foreign secretary Dominic Raab spoke to external affairs minister S Jaishankar and conveyed London’s concerns over the developments.

A Downing Street spokesperson said Johnson discussed the situation during a telephone conversation with the Pakistan Prime Minister Imran Khan on Wednesday. “The Prime Minister received a call from Prime Minister Imran Khan of Pakistan to congratulate him on his new role. The leaders discussed the serious situation in Kashmir and agreed on the importance of maintaining dialogue. And they underlined their continued commitment to the bilateral relationship between the UK and Pakistan,” the spokesperson added.

Raab, who has been on a tour of the US, told a television channel that he had spoken to Jaishankar and called for calm. The Foreign Office issued a similar statement soon after the developments unfolded in India’s Parliament this week. A Foreign Office spokesperson said: “We are following developments closely and support calls for the situation to remain calm.” There have been some demonstrations in London against the Indian government’s decision to revoke Article 370 in Jammu and Kashmir and divide the state into two union territories. The Foreign Office advised Britons against all travel to Jammu and Kashmir with the exception of travel within the city of Jammu, travel by air to the city of Jammu, and travel within the region of Ladakh.

The advisory is also against all but essential travel to the city of Srinagar and travel between the cities of Jammu and Srinagar on the Jammu-Srinagar national highway. The tourist destinations of Pahalgam, Gulmarg and Sonmarg fall within the areas to where the advice is against all travel.

**HINDUSTAN TIMES, AUGUST 9, 2019**

**Navy sounds alert along coastline to prevent terror attack from Pak via sea**

**Indian Navy has asked the government to immediately fit fishing boats under 20-meters of height with the “Friend or Foe” tracking system that will allow quick and convenient identification of boats.**

**Sudhi Ranjan Sen**

Indian Navy is on high alert in anticipation of a possible terror strike through 7514 km coastline in the wake of Parliament stripping Jammu and Kashmir of its special status and splitting the state into two Union Territories, senior officials who didn’t want to be named said.

“We are on a state of heightened alert on the eastern and western seaboards,” the official said. In addition, surveillance through radars along the coast and assets have been positioned at critical points to keep a watch, the officer said.

Indian intelligence has reported movement of terrorist like Rauf Azhgar, brother of terror group Jaish-e-Mohammed Masood Azhar, to Pakistan-occupied Kashmir in recent days.

Article 370 scrapped: UN chief says Kashmir issue needs to be resolved bilaterally. Rauf Azghar’s shifting closer to the border between the two neighbours ties in with reports emanating from Pakistan-occupied Kashmir about a large number of Jaish recruits shifting from its camps in Punjab towards the border. The agencies have also warned about a possible terror attack in the hinterland outside of J&K. Officials also point to Pakistan Army chief Qamar Javed Bajwa statement, reacting to India scrapping Kashmir’s special status, pledging that the army was “prepared and shall go to any extent to fulfill its obligations” to people of Kashmir.

India already has a functional chain of coastal radars and Joint Operations Center (JOC) that are connected to the Gurugram-based Information Management and Analysis Center (IMAC).

In 2008, 10 Pakistan-based terrorists had slipped into Mumbai killing 163 people including foreigners and injured 300 people in terror attacks that targeted hotels, railway station and even a hospital. Separately, the Navy has also asked the government to immediately fit the “friend or foe” tracking system on fishing boats that are smaller than 20 meters. India has 2.5 lakh such fishing boats. In 2008, Pakistani terrorists had hijacked an Indian boat in the mid- sea to reach Mumbai shore undetected.

**HINDUSTAN TIMES, AUGUST 9, 2019**

**‘Use rational pathways’: Taliban weighs in India-Pak row over Article 370**

**Taliban spokesperson Zabihullah Mujahid has urged both countries to “ refrain from taking steps that could pave a way for violence and complications in the region and usurp the rights of Kashmiris.”**

**Shishir Gupta**

Pakistan Prime Minister Imran Khan government’s efforts to internationalize the revoking of Articles 370 and 35-A by India were dampened yet again with the Taliban advocating restraint to both India and Pakistan and completely rejecting any linkage between Afghanistan and Kashmir.

While Pakistan Army has said that it was prepared to go to any lengths to fulfil what it calls its “Kashmir obligations”, Taliban spokesperson Zabihullah Mujahid has urged both countries to “ refrain from taking steps that could pave a way for violence and complications in the region and usurp the rights of Kashmiris.”

“Having gained bitter experiences from war and conflict, we urge peace and use of rational pathways to solve regional issues,” the spokesman said.

While India has stood for peace and stability in Afghanistan with an inclusive dialogue with all parties concerned to resolve outstanding issues in that country, Pakistan is often accused of providing sanctuaries to Taliban leadership across the Durand Line, India has only focused on humanitarian aid to Kabul and building up of Afghan Army. The Taliban, however, have taken umbrage at US and other countries to link Kashmir issue with Afghanistan in the context of Pakistan. “ Linking the issue of Kashmir with that of Afghanistan by some parties will not aid in improving the crisis at hand because Afghanistan is not related nor should Afghanistan be turned into theatre of competition between other countries,” Mujahid said.

Friday’s statement by the Taliban advocating peace to India and Pakistan has come as a surprise, particularly since the fundamentalist group has used violence for political gains in Kabul.

**HINDUSTAN TIMES, AUGUST 9, 2019**

After 5-day lockdown, curbs ease in Kashmir for Friday prayers ahead of Eid On Monday, the government moved to end special status to Jammu and Kashmir and turn the state into two union territories – J&K with a legislature and Ladakh without an assembly. Restrictions in the Kashmir Valley were eased after five days of security lockdown to allow people to offer Friday prayers, PTI has reported, quoting officials. Thousands of security personnel remain positioned across the Valley to watch out for any trouble following the Centre’s decision to bifurcate Jammu and Kashmir into two union territories and scrap Articles 370 and 35-A that gave special status to the state and its permanent residents, special privileges.

No Friday congregation, however, will be allowed at the historic Jama Masjid in Srinagar. A video tweeted by ANI, showed people queuing up outside banks on Friday but the movement of the people remained thin, while a few shops mostly selling vegetables and medicines opened. On Monday, the government moved to end special status to Jammu and Kashmir and turn the state into two union territories – J&K with a legislature and Ladakh without an assembly. By Tuesday, both Houses of Parliament had passed the changes.

The move reportedly comes after National Security Advisor Ajit Doval directed authorities to ensure that no person in the Valley was harassed. The officials, according to PTI, clarified that people will be allowed to offer prayers in mosques in their locality. The government officials will reach out to people in every “nook and corner” of each district to ensure that the locals have adequate supply of various commodities ahead of Eid al-Adha, news agency ANI reported, quoting Divisional Commissioner, Kashmir Zone Basheer Ahmad Khan on Friday.

“With regard of supplies of various commodities in view of the forthcoming Eid festival, instead of people coming out to shops, departments will reach out to the public to every nook and corner of each district,” Khan said. Giving details about Haj pilgrimage, he added, “Haj pilgrimage is about to culminate in a few days. Details of pilgrims who are coming back will be conveyed by State Haj Office Department to concerned Deputy Commissioners who will issue passes in respect of those pilgrims and to their families.”

Vulnerable areas are being monitored closely, said Deputy Commissioner of Udhampur Piyush Singla adding that “Section 144 is still imposed, but with some exceptions in certain areas. Security plan is in place..Markets are also open from 11 AM to 5 PM”. Many regional political leaders, including former Chief Ministers Mehbooba Mufti and Omar Abdullah, remain in custody as the government tries to avoid protests or rallies Prime Minister Narendra Modi, in a special address to the nation on Thursday, said that people will “not face difficulties” celebrating Eid and also assured the people of the region that the situation will normalise soon. He also hinted at the possibility of Jammu and Kashmir regaining statehood under more conducive conditions. “A new age has dawned on Jammu and Kashmir,” he said.

**HINDUSTAN TIMES, AUGUST 9, 2019**

**J&K move can trigger Pulwama-like incidents: Pakistan PM Imran Khan**

**Imaran Khan’s remarks during a special joint session of Pakistan Parliament that was convened to discuss the situation in Kashmir came hours after Pakistan Army chief Gen Qamar Bajwa said his force would “go to any extent” to support the Kashmiri people.**

**Imtiaz Ahmad**

Islamabad Prime Minister Imran Khan on Tuesday said India’s decision to revoke the special status of Jammu and Kashmir could lead to “Pulwama-like incidents”, even trigger a conventional war between India and Pakistan. Khan’s remarks during a special joint session of Parliament that was convened to discuss the situation in Kashmir came hours after Pakistan Army chief Gen Qamar Bajwa said his force would “go to any extent” to support the Kashmiri people. The premier accused India’s Bharatiya Janata Party (BJP) government of having a “racist ideology” and said the move to change the status of Kashmir would have wide-ranging repercussions. He referred to the risk of a possible conflict between two nuclear-armed nations and said it would have implications for the world.

“They changed the law and annexed Kashmir. The question is whether the Kashmiri people...will decide their struggle has ended. The struggle will become stronger and go to another level,” Khan said, speaking in Urdu. “When they crush (the Kashmiris), there could be a Pulwama-like incident, I predict it today. Then (India) will say terrorism came from Pakistan while everyone knows Pakistan had nothing to do with Pulwama,” he said, referring to the February 14 bombing by a Jaish-e-Mohammed suicide attacker that killed 40 Indian troops and triggered a stand-off between the two countries.

“In the event of any Pulwama-like incident, they will take action and we will respond...It can’t happen that if they attack Pakistan, we won’t respond to it. We will respond...There could be a conventional war,” he added. Pakistan, Khan said, would then have two options – to accept defeat or fight till the last drop of blood. “If we fight till the last drop, what kind of war will it be? It will be a war no one can win, everyone will lose, it will have implications for the world,” he said. Khan accused the Indian government of going against the country’s Constitution, UN Security Council resolutions and the Simla Agreement. Late on Tuesday, Khan created a seven-member team, including the foreign minister, ISI chief and director general of military operations, to make recommendations for Pakistan’s legal and diplomatic response to the developments in Kashmir. He said he had asked US President Donald Trump to mediate on the Kashmir issue after Prime Minister Narendra Modi had spurned several peace overtures from Pakistan. Earlier, a Corps Commanders Conference chaired by the army chief, Gen Qamar Bajwa, at the General Headquaters in Rawalpindi rejected India’s decision to revoke the special status of Kashmir.

“Forum fully supported Government’s rejection of Indian actions regarding Kashmir. Pakistan never recognised the sham Indian efforts to legalise its occupation of Jammu & Kashmir through article 370 or 35-A decades ago; ....efforts which have now been revoked by India itself,” chief military spokesman Maj Gen Asif Ghafoor tweeted.

“Pakistan Army firmly stands by the Kashmiris in their just struggle to the very end. We are prepared and shall go to any extent to fulfil our obligations in this regard,” Bajwa was quoted as saying by Ghafoor in a tweet.

**HINDUSTAN TIMES, AUGUST 9, 2019**

**After Samjhauta, Pakistan suspends Jodhpur-Karachi Thar Link Express**

Pakistan’s railways minister Sheikh Rasheed told reporters that Thar Express train the weekly service running between the towns of Khokrapar in Pakistan and Monabao in India. Pakistan said on Friday it will halt the last train service running to India, after New Delhi revoked special status for its portion of the Kashmir region claimed by both countries.

“We have decided to shut down the Thar Express as well,” Pakistan’s railways minister Sheikh Rasheed told reporters, in reference to the weekly service running between the towns of Khokrapar in Pakistan and Monabao in India. “As long as I am railways minister, no train will operate between Pakistan and India.”

**HINDUSTAN TIMES, AUGUST9, 2019**

**Thank you, Pakistan’: Shiv Sena on Islamabad notching down ties with India**

Early this week, the Centre revoked special status to Jammu and Kashmir accorded under Article 370 of the Constitution and bifurcated the state into two Union Territories -- Jammu and Kashmir, and Ladakh. The Shiv Sena on Friday said Kashmir was now a closed chapter for Pakistan and asserted that Islamabad downgrading diplomatic ties with India post removal of special status for the border state will hurt it more than New Delhi.

Early this week, the Centre revoked special status to Jammu and Kashmir accorded under Article 370 of the Constitution and bifurcated the state into two Union Territories -- Jammu and Kashmir, and Ladakh.

Pakistan on Wednesday expelled Indian High Commissioner Ajay Bisaria as part of its decision to downgrade the diplomatic ties with India over what it called New Delhi’s “unilateral and illegal” move on J&K.

“What more can Pakistan do?” asked the editorial in the Sena mouthpiece `Saamana’, seeking to highlight insignificance of Islamabad’s reaction. “Thanking” Pakistan for downgrading the diplomatic ties with India, the Sena said Islamabad should now accept the Kashmir issue was a closed chapter for them and the only thing left with them is POK which will also be settled soon. Referring to the pro-India banners, including a quote of Sena leader Sanjay Raut, that have appeared in parts of Islamabad, the editorial said the saffron outfit had entered the Pakistan territory and the Indian Army will follow suit.

One of the banners carried a quote of Raut: “Aaj Jammu -Kashmir liya hai, kal Balochistan, PoK lenge. Mujhe vishwas hai desh ke PM Akhand Hindustan ka sapna poora karenge [Today, we took Jammu and Kashmir, tomorrow we will take Balochistan and Pakistan-occupied Kashmir. I am sure Prime Minister Modi will make the dream of undivided India come true].” The Marathi daily said downgrading ties will hurt Pakistan more than India.

It said the Sena has been demanding for several years that the Pakistan High Commission in New Delhi be locked since Kashmiri separatists got all their funding from there. The BJP ally said it was a known fact that sympathisers of Kashmiri militants come to the Pakistan High Commission to plot “anti-India conspiracies”. “If Pakistan had not closed down its embassy (High Commission) in New Delhi, its envoy would have had to flee the country since there was so much anger here. “There is no emotional connect between the two countries now,” the newspaper said. “After the Pathankot terror attack, India had stopped dialogue with Pakistan at political level. After the Pulwama attack, where 40 CRPF jawans were martyred, India conducted air strikes and now it has scrapped Article 370,” it noted. Suspending trade ties and reviewing all “bilateral arrangements” with India will harm Pakistan which should be “thanked” for its decision, the editorial maintained.

Referring to Pakistan Prime Minister Imran Khan’s remarks that there could be “Pulwama-like incidents” after India’s actions on J&K, the Sena said this proved Islamabad was the brain behind the February 14 terror attack.

“Because of this unfortunate incident, India got the political will to remove Article 370,” the editorial said.

**HINDUSTAN TIMES, AUGUST 9, 2019**

**Key events in Kashmir since British rule ended in 1947**

With the end of British colonial rule in August 1947, the Indian subcontinent was divided into India and Pakistan. In October, 1947, first war broke out between Pakistan and India over control of Muslim-majority Kashmir, a Kingdom which was then ruled by Hindu Maharaja Hari Singh.

Some key events in Kashmir:

August 1947: With the end of British colonial rule, the Indian subcontinent is divided into predominantly Hindu India and mainly Muslim Pakistan. A mass migration follows, with Hindus and Muslims moving to their country of choice, and more than a million people are killed in communal violence.

October 1947: India and Pakistan fight their first war over control of Muslim-majority Kashmir, a kingdom ruled by Hindu Maharaja Hari Singh. The war ends in 1948 with a U.N.-brokered cease-fire, leaving Kashmir divided between the nations, with the promise of a U.N.-sponsored referendum.

August 1965: A second war erupts over Kashmir, and India and Pakistan agree to a U.N.-mandated cease-fire in September.

December 1971: The third war between India and Pakistan is fought in East Pakistan, ending with the creation of an independent country, Bangladesh.

May 1974: India detonates a nuclear device in the first confirmed nuclear test by a non-permanent member of the U.N. Security Council.

December 1988: India and Pakistan sign an agreement that neither will attack each other’s nuclear installations or facilities; it takes effect in 1991.

1989: Armed resistance to Indian rule in Kashmir begins. India says Pakistan supports local fighters with weapons and training, which Pakistan denies, saying it only gives local Kashmiris “moral and diplomatic” support.

May 1998: India detonates five nuclear devices and Pakistan responds by detonating six of its own. International sanctions are imposed against both.

December 2001: India masses troops along its western frontier with Pakistan and the Kashmir boundary after blaming Pakistani insurgents for a deadly attack at the Indian Parliament. The standoff ends in October 2002 after international mediation.

November 2008: Gunmen mount an audacious attack in India’s financial capital of Mumbai, killing 166 people. India blames a Pakistan-based militant group.

September 2016: Suspected rebels sneak into an army base in Indian-controlled Kashmir and kill at least 18 soldiers. Indian forces later attack militant bases in Pakistan-controlled Kashmir.

Feb. 14, 2019: A car bombing of a paramilitary convoy in Indian-controlled Kashmir kills 40 Indian soldiers. Militant group Jaish-e-Mohammed, headquartered in Pakistan, claims responsibility. India blames Pakistan and promises a “crushing response.”

Aug. 5-6, 2019: India’s central government changes part of the Indian Constitution and downgrades Jammu and Kashmir from one state to two territories. The changes eliminate Kashmir’s right to its own constitution, limit its decision-making power, and allow non-Kashmiri Indians to settle there.

Aug. 8, 2019: Indian Prime Minister Narendra Modi says his government acted to free Kashmir from “terrorism and separatism.”

**HINDUSTAN TIMES, AUGUST 9, 2019**

**Blog: The ‘price’ of our home in Srinagar...**

**Why don’t we know the measurement of the land on which our great grandparents built a home? Why don’t we have the documents, the drawings that turn lines on paper into a real house?**

**Smriti Kak Ramachandran**

I asked my cousins on the family WhatsApp group, the dimensions of the piece of land our home in Srinagar stood on. Not one in that dozen has an exact idea. They threw guesstimates and we ribbed each other, for none of us knew the correct answer.

Why don’t we know the measurement of the land on which our great grandparents built a home? Why don’t we have the documents, the drawings that turn lines on paper into a real house?

Because for us it wasn’t land, a house, or real estate. It was just home.

Since Monday, I have been inundated with congratulatory messages, with questions about home. While most think scrapping Article 370 means putting us on the next flight home; I have lost count of the number of people who had questions about my “property” in Kashmir. “Is your house there... do you have land...how much land... have you sold it... will you take it back... how big is the house...there must be something...”questions I have no answers to.

For the first time in all these 29 years that we have been away from home, I have been compelled to think of home as real estate. For the first time I am I’m hunting for measurements of the house I still call home.

In that house I grew up in, I heard no conversations about acreage, even when it was burnt down and taken over years after we were forced out in March 1990 at a dreadful hour of the day. I can tell the living room was large; and the room where my grandparents secured in muslin folds their son’s memories, was considerably small. But I don’t know their measurements. I don’t even know if I am going back. Since it is presumed that we are, I cling to hope. And hope is where I stop. I don’t have answers to where we will live if we go back, because our home is no longer ours. I have no answers to whether our neighbours will be happy to have us back. I have no answers to whether there will be peace or the simmering fear and mistrust that preceded the fasaad (turmoil). I don’t know if people will listen to why a mere order on a piece of paper that morphed into a monster over the years, is better scrapped of. I don’t know whether the acrimony between communities will increase, or more blood will flow, or the so-called winning of hearts will ever happen. I don’t have answers to so many questions, just as I don’t have an answer to the value of our home. How does one put a price to a home?

**HINDUSTAN TIMES, AUGUST 9, 2019**

**US says no policy change on Kashmir**

The US policy has been that Kashmir is a bilateral issue between India and Pakistan and it is up to the two countries to decide on the pace and scope of the talks on the issue. The United States on Friday said that there is no change in its policy on Kashmir and called on India and Pakistan to maintain calm and restraint.

“No”, replied State Department Spokesperson Morgan Ortagus when asked by reporters if there has been any change in America’s policy on Kashmir.

The US policy has been that Kashmir is a bilateral issue between India and Pakistan and it is up to the two countries to decide on the pace and scope of the talks on the issue. “And if there was, I certainly wouldn’t be announcing it here, but no, there’s not,” Ortagus said in response to a follow up question. She said the United States supports dialogue between India and Pakistan over Kashmir. “It’s something that we’ve called for calm and restraint by all parties. We want to main peace and stability, and we, of course, support direct dialogue between India and Pakistan on Kashmir and other issues of concern,” the US State Department spokesperson said. India had on Monday revoked provisions of Article 370 to take away Jammu and Kashmir’s special status, and bifurcating the state into two union territories -- Jammu and Kashmir, and Ladakh. Ortagus said the US was working closely with the two South Asian countries. “We have a lot of engagement with India and Pakistan. Obviously, we just had Prime Minister Khan here, not just because of Kashmir. That’s certainly an incredibly important issue and something that we follow closely. But we have a host of issues that we work with India on quite closely and that we work with Pakistan on quite closely,” she said.

US Secretary of State Mike Pompeo had met External Affairs Minister S Jaishankar in Bangkok last week. Responding to a question on Pakistan Prime Minister Imran Khan’s allegations of human rights violations in Kashmir, Ortagus said, “I really don’t want to go beyond what we’ve said, because it’s such a tenuous issue. It’s something that we’re talking to them about quite closely.” “The United States, whenever it comes to any region in the world where there are tensions, asks for people to observe the rule of law, respect for human rights, respect for international norms. We ask people to maintain peace and security and direct dialogue,” she said.

The State Department spokesperson said the US was closely monitoring the situation in Jammu and Kashmir. “There are reports, as you’ve mentioned, of detentions and restrictions of residents in Jammu and in Kashmir. And again, that’s why we continue to monitor this very, very closely,” she said. Ortagus reiterated earlier statements that the US was not consulted and informed by India about its decision on scrapping articles 370 and 35A of the Indian Constitution. “There was no heads up given,” she said.

Successive US administrations’ policy have been to encourage India and Pakistan to resolve their differences through dialogue. The Trump administration has insisted that Pakistan needs to create conducive conditions for talks by taking irreversible and decisive actions against terrorist and militant groups operating from its soil. Meanwhile, after Acting Secretary of State for South and Central Asia Alice Wells, another senior US diplomat is heading to India. The visit was pre-scheduled but it would be used to discuss the current issues, Ortagus said.

“Deputy Secretary of State John J Sullivan will travel to Thimphu, Bhutan, and New Delhi, August 11 through 17th to advance the United States partnership with two nations that are critical to preserving the rules-based order in the Indo-Pacific region,” the US State Department spokesperson said.

In Bhutan, she said, Sullivan will explore expanding and deepening the ties with the government and people of Bhutan. The deputy secretary will be the highest-level executive branch official from the United States to visit Bhutan in over two decades, Ortagus added. She said Sullivan will then travel to New Delhi to advance the “broad and multifaceted” US-India Strategic Partnership, which is based on a shared commitment to democratic values, economic growth and rule of law. “There, the deputy secretary will meet Minister of External Affairs S Jaishankar and address the India-US Forum,” Ortagus said.

**HINDUSTAN TIMES, AUGUST 10, 2019**

**1964: When parties wanted Article 370 abrogated**

On September 12, 1964, Hindustan Times reported that a Bill in the Lok Sabha urged that Article 370 be done away with in the interest of complete integration of the state with the rest of the country.

A clutch of opposition parties have voiced protests against the Centre’s move to revoke the autonomy of Jammu and Kashmir, but news coverage from the archives of 1964 shows Parliament members across party lines demanded the abrogation of the constitutional provisions that gave the state special status in the Union. The Congress Working Committee has accused the Bharatiya Janata Party (BJP) of violating constitutional law, parliamentary procedure and democratic governance in the move to nullify the Constitution’s Article 370 and bifurcating Jammu and Kashmir into two Union Territories.

While some opposition parties, including the Bahujan Samaj Party, backed the move, several others opposed it in Parliament. On September 12, 1964, Hindustan Times reported that a Bill in the Lok Sabha urged that Article 370 be done away with in the interest of complete integration of the state with the rest of the country.

“A unanimous demand for Kashmir’s full integration with India and a firm declaration by overnment about the irrevocability of the State’s accession was made today by members in the Lok Sabha during an inconclusive discussion on a private member’s Bill seeking to abrogate Article 370 of the Constitution,” HT reported in its edition of September 12, 1964.

“The Bill found unexpected support from Congress members who, together with members of the Opposition, pleaded that the time had come to end the uncertainty about the State’s future. One way to do so was to scrap Article 370 which had outlived its utility,” the report added. A day after the National Democratic Alliance (NDA) government moved to withdraw the special status of Jammu and Kashmir, Samajwadi Party president Akhilesh Yadav said nobody knew if it was for the happiness of the people of the state or not. He alleged that the government wanted to “confuse the country”. HT’s archives from November 1964 show that those who supported the demand to abrogate Article 370 included Ram Manohar Lohia, Sarojini Mahishi of the Congress, and Kashmir leaders Abdul Ghani Goni and NH Samnani.

Arguing for the removal of the provision, Lohia said the prime minister should not create uncertainty in the public mind about Kashmir’s future. “That will give rise to a storm which you do not have the strength to face,” he was quoted as saying on September 11. HC Kachwai of the Jana Sangh “deplored the uncertainty over the future of Kashmir created by the retention of special status, and urged immediate abrogation of the article,” according to Lok Sabha proceedings reported by HT on November 21, 1964. The Congress’s SS More called for the unanimous adoption of the Bill to amend the Constitution and said “there was no reason why Kashmir should continue to have a special status which came in the way of its complete and final integration in the country”. The November report said the Bill was debated inconclusively in the Lok Sabha. This past Tuesday, the Lok Sabha effectively revoked Article 370, ending the special status of Jammu and Kashmir, and passed a bill bifurcating it into two Union Territories — J&K and Ladakh — in decisions that seek to assert the supremacy of the Indian Constitution over the state.

Article 370 was nullified through a resolution with 351 members voting in support and 72 against, with one abstaining, after a debate that exposed deep divisions within the Opposition, including the Congress. The bill to create two UTs, redrawing the map of the state, was passed by the House with 370 votes in favour and 70 against.

**HINDUSTAN TIMES, AUGUST 10, 2019**

**Kashmir: The weakening of Indian Federalism**

Amending the Constitution by a Presidential Ordinance to render Article 370 ineffective, and demoting Jammu and Kashmir as well as Ladakh to the status of Union Territories, are the latest in a series of measures taken by the PM which indicate a trend towards less federalism and a stronger central government.

Mark Tully

The manner in which the changes in the status of Kashmir have been brought about raises questions about Indian federalism. What should the relationship be between states and the Union? In establishing that relationship, the Constituent Assembly had to balance between creating a Union with the power to hold the country together in uncertain times, and providing diverse states with sufficient autonomy to preserve their individual identity.

In his magisterial book on the Constitution, the historian Granville Austin described it as a “highly centralized federalism.” I once heard the distinguished civil servant and economist, LK Jha, who became governor of the Reserve Bank of India, call the Constitution “centrist with federal trappings”. But soon after the Constitution was passed, the movement for linguistic states demonstrated that the federalism needed to be strengthened. The language riots in Tamil Nadu were another warning against binding the Union and states too tightly. From the dismissal of the Kerala government in 1959 onwards, prime ministers blatantly flouted the Constitution’s federalism arrangement, by overthrowing state governments to suit their own politics. In 1994, the Supreme Court’s judgment in the case of the dismissal of the Karnataka government put strict limits on that practice.

In his maiden speech in Parliament in 2014, Narendra Modi said he believed in “co-operative federalism”, and he did not believe in “a big brotherly attitude to the states”. But amending the Constitution by a Presidential Ordinance to render Article 370 ineffective, and demoting Jammu and Kashmir as well as Ladakh to the status of Union Territories, are the latest in a series of measures taken by the PM which indicate a trend towards less federalism and a stronger central government. The PM has vigorously promoted his own development programmes. These programmes weaken the state government’s ability to decide their own priorities. Importantly, from a political point of view, voters give credit for the policies to the PM rather than the chief minister. Nitish Kumar, the chief minister of Bihar, who heads a coalition government with the Bharatiya Janata Party, was among the several chief ministers attending a meeting with the Niti Aayog who complained that central government schemes were bleeding states dry, because of the financial contribution they had to make to them.

The Goods and Services Tax (GST) weakens state governments’ ability to control their budgets by taking away from them significant revenue-raising powers. The council, which monitors the tax, is so constituted that it would require a remarkable demonstration of unity among states to veto any suggestion made by the Centre. The PM is also pressing ahead with his “One Nation, One Election” campaign. It seems to me this is a misleading title. What we have here is not one election, but the suggestion that assembly elections should be synchronised to take place at the same time as the general election. There would not be one election, but simultaneous elections. The PM seems to expect that the trend in the central election will be reflected in state elections. There are other complexities as well. If a state government collapses, and a new government can’t be formed, won’t the central government anyhow have to take control until the next general election?

BR Ambedkar, chairman of the committee which drafted the Constitution, regarded it as inevitable that the Centre’s power would grow. In his closing speech in the Constituent Assembly, he said, “Conditions in the modern world are such that centralization of powers is inevitable. The same conditions are sure to operate on the Government of India.” But he also went on to say, “We must resist this tendency to make it (the Government of India) stronger. It cannot chew more than it can digest”.

Ambedkar was a very wise man.

**HINDUSTAN TIMES, AUGUST 10, 2019**

**Article 370 fallout: Marginalisation of the Kashmiri mainstream.**

**Having weakened pro-India politicians, haven’t you only ended up strengthening the extremists?**

**Barkha Dutt**

There can be varied opinions about Article 370 and Article 35A, and their actual value in Jammu and Kashmir. There is no doubt that 35A, for instance, needed, at the very least, an overhaul by the erstwhile state assembly to make it more equitable for women. Similarly, it is pretty indisputable that Article 370 has been hollowed out over the years, chipped away at, bit by bit, till only its skeletal frame was left hanging over the Kashmir Valley like the shadow of a promise from the past. And ironically, it is the Congress, not the Bharatiya Janata Party, that has been primarily responsible for this whittling away of 370. At least 260 of the Indian Constitution’s articles were already applicable to Jammu and Kashmir, in a significant downgrading of powers to an Assembly that once had special legislative rights. In many ways, 370 was mostly a lingering symbol of ethno-nationalism — as was the state’s separate flag and constitution — rather than a substantive mechanism for peace-building and conflict resolution. The corollary is also true. If keeping the special status in place did not make things better on the ground in the Kashmir Valley, its abrupt removal is no guarantee of an improved situation. In fact, serious risk is written into the government decision.

The debate around the disruptive and dramatic decision by the Narendra Modi government is less about the special status going and more about the manner in which it was gotten rid of. Had it been preceded by an open debate in Parliament, before and not after the announcement, and a round of consultations with stakeholders — and had it not been accompanied by a clampdown of information and communication — the perception of forceful unilateralism may have been better addressed. But there is one grave consequence of this week’s tumult, and that is the conclusive marginalisation of Kashmiri politicians who chose allegiance to the Indian Union. In fact, one of the reasons that protests have been muted in the Kashmir Valley so far could be because the separatists are hardly likely to take to the streets in support of a constitutional provision. On the flight back from Srinagar to Delhi, I met with a supporter of the pro-Pakistan Hurriyat Conference representative Syed Ali Shah Geelani. He argued that the last remaining fig leaf for mainstream Kashmiri politicians had now been stripped away. “Where will they hide now; what will they say?” he said.

And that may be the single biggest question to emerge from the debris of the collapse of Article 370. What happens to mainstream politicians in Kashmir? I say Kashmir because while the point is well-taken that the interests of Jammu and Ladakh have often been obscured by the domination of Kashmir, there is no escaping the fact that the problems of identity and insurgency are in the Kashmir Valley. So, when you lock up Omar Abdullah and Mehbooba Mufti, and even Sajad Lone and Imran Ansari, what is the signalling to political workers who have risked threats from militants and often paid with their lives, just to take part in the electoral process?

In his address to the nation, Narendra Modi spoke of how the stranglehold of dynastic politics and family fiefdoms in Jammu and Kashmir had prevented a new generation of leaders from rising. On that, he is right. Jammu and Kashmir has longed for a fresher political paradigm. But how will that be enabled by clamping down on those who have stood for India in the Valley? Shah Faesal, Indian Administrative Service topper-turned-neta told me that the “government wants to engineer a new set of mainstream politicians.” But if you do not weaponise the existing individuals who have stood by the tricolour, and if you take away their legitimacy and authority, it can only discourage all those who contemplate a future for themselves within the Indian mainstream. In Srinagar, the administration insisted that the politicians were more than comfortable — Omar and Mehbooba, they said, were in Hari Niwas Palace, and Sajad Lone and Imran Ansari in Centaur hotel. On background, some officials even suggested that it suited the mainstream leaders to stay out of the public glare at this point. What will they possibly say if asked by people, these officials told me, explaining why the detention made complete sense even for the politicians. But isn’t that the whole point? If elected representatives in Kashmir have to hide and duck the questions of their voters, because they have no good answers on what issues they will now fashion their politics from, it leaves Delhi with a piquant question. What will the Kashmiri mainstream now stand for? And having so summarily weakened them; haven’t you only ended up strengthening the extremists?

Barkha Dutt is an award-winning journalist and author

**HINDUSTAN TIMES, AUGUST 10, 2019**

**On J&K, Modi-Shah have emulated Nehru-Indira**

The abrogation of Article 370, they tell us, is in the best interests of the people of Kashmir, yet those very people are given absolutely no say in how that decision is made. Even former chief ministers are placed under arrest (in a chilling echo of August 1953).

Ramachandra Guha

There are three incontrovertible facts about the modern history of Kashmir. First, Pakistan has consistently promoted violence and terror in the Valley, and in other parts of India as well (using Kashmir as an excuse). Second, those who presume to lead the Kashmiris have shown no sign of remorse or atonement for the ethnic cleansing of the Pandits of the Valley. Third, successive Indian governments (with one exception I shall come to) have fixed elections, furthered corruption, used State power, and, in other ways, promoted undemocratic practices in the Valley.

All these three things are true, independently and simultaneously. Yet those who seek to determine the fate of Kashmiris and Kashmir focus selectively on some, never all, of these truths. Pakistan, for example, focuses on the third truth while suppressing the first and second. Indian hyper-nationalists do the reverse. Thus, those who have so quickly and uncritically applauded the recent abrogation of Article 370 have used the terror promoted by Pakistan, and the persecution of the Pandits as justifications. In fact, the way in which Article 370 was abrogated only confirms and consolidates the third truth about Kashmir. For, what happened last week was merely the most recent of many examples of arbitrary and authoritarian conduct by the Indian State in the Valley. The first major political crime committed in the Valley occurred exactly 66 years ago. In August 1953, the elected chief minister of Jammu and Kashmir, Sheikh Abdullah, was deposed from his position, and sent to prison. For five years he languished in jail, without any charges being brought against him. In 1958, the Sheikh was briefly released, but then jailed again, for a further five years. This time, charges were brought against him, of his being a Pakistani agent. These were both laughable and contemptible, for while the Sheikh wavered between being pro-India and being pro-Azadi, he never remotely had any attachment to the State of Pakistan, because he believed that Hindus and Sikhs had exactly the same rights as Muslims.

It was India’s first Prime Minister, Jawaharlal Nehru, who sanctioned the shameful and illegal arrest of Kashmir’s elected CM. In April 1964, Nehru had a belated change of heart, and released the Sheikh. Tragically, after Nehru’s death, the Sheikh was jailed again, and kept there for another seven years, as ordered first by Lal Bahadur Shastri, and then by Indira Gandhi. He was finally freed in 1972, a broken man, prepared to deal with New Delhi on any terms that New Delhi demanded. In the years that their popularly elected leader was in jail, a deep sense of alienation permeated Jammu and Kashmir. The distrust of New Delhi’s motives grew further in the 1960s and 1970s, as Congress governments at the Centre rigged elections and promoted corruption. A brief window of hope was provided by Prime Minister Morarji Desai of the Janata Party, who in 1978 oversaw the first fair election in the Valley. But then, in 1980, the Congress returned to power, and the mischief began afresh. In 1983, Indira Gandhi used underhand means to unseat an elected state government. Four years later, her son, Rajiv Gandhi, oversaw a blatantly rigged election. The leaders who fought and should have won some seats (had fairness prevailed) in that election went in disgust across the border, from where they began their jihad in 1989.

When Atal Bihari Vajpayee became prime minister in 1998, he had to deal with this long history of alienation and distrust in Kashmir. He sought to overcome it by supervising a free election in the state, by suggesting a bus link between the two divided parts of Kashmir, and by extending a hand of friendship to the people of the Valley. Vajpayee offered humanity, democracy and pluralism as the three pillars of his government’s policy. His approach was in striking contrast to that of previous Congress governments, which had used corruption and factionalism to divide the people, and State power to suppress them. In their own brute use of State power, Narendra Modi and Amit Shah have followed the playbook of Jawaharlal Nehru and Indira Gandhi in Kashmir. The abrogation of Article 370, they tell us, is in the best interests of the people of Kashmir, yet those very people are given absolutely no say in how that decision is made. The government converts the Valley into the largest prison in Indian history, where eight million people are shut up, their landlines and mobiles silenced, their access to food and medicines restricted. Even former chief ministers are placed under arrest (in a chilling echo of August 1953). Thousands of troops are flown in to make an already militarised zone look ever more like an occupied territory. With our fellow Kashmiri citizens denied any sort of voice altogether, Parliament hastily passes a bill that changes their lives forever. What happened in Kashmir last week bodes ill for Indian democracy. Laws outlive themselves, and might have to be modified or changed. However, the people who are to be affected by the change must be trusted, respected, and heard. I wish the President himself had thought a little before signing so blindly on the dotted line. He knew that millions of citizens whom this law would impact had been silenced beforehand. Could he not have returned the order, and asked for a wider consultation in Kashmir, and with Kashmiris, before it was introduced in Parliament?

Those Indians exulting at what just happened in Kashmir might reflect a little on the awful precedent it has set. This abuse of State power to shut up and immobilise citizens could happen next to your district, your province, your leaders, your children. I concur entirely with Pratap Bhanu Mehta when he writes, about the government now in office: “This is a state that will make a mockery of democracy and deliberation. This is a state whose psychological principle is fear. This is a state that will make ordinary citizens cannon fodder for its warped nationalist pretensions”. We have been warned.

Ramachandra Guha is the author of Gandhi: The Years That Changed The World

**HINDUSTAN TIMES, AUGUST 16, 2019**

**Kashmir: Play cards right**

This will ensure that it is treated as a domestic issue by the world

The world has decided to wait and watch when it comes to Kashmir. A good chunk of the international system could even be said to be paying no attention. Pakistan’s hopes of creating a global storm over the Indian government’s ending of Jammu and Kashmir’s special status have fallen flat. China, unsurprisingly, has made the most noise but most of it has been about Ladakh. Now even President Donald Trump’s mediation offer is reportedly “off the table”. The United Nations Security Council told Islamabad it would not allow a discussion on Kashmir. The Islamic world has been silent. The overwhelming sense: a world that has other priorities, does not see Pakistan as a credible complainant and is prepared to take the Modi government at its word when it says both democracy and statehood will be restored.

There has been ample evidence that the world long ago become tired of Kashmir and largely endorsed India’s view that this was a bilateral concern. Pakistan’s own brinkmanship has steadily undermined the credibility of its own arguments, whether through its support for terrorist activity or its willingness to provoke border wars a la Kargil. The decline in militancy in the Kashmir Valley from its height in the late 1980s and the contemporaneous rise in India’s economic and strategic significance has made it all that much harder for Pakistan to find an external audience. This was evident in the aftermath of India’s airstrike on Balakot. The lack of sympathy for a Pakistan that had, ultimately, been bombed on its own soil, was striking.

New Delhi cannot afford to rest on its laurels. Quite a bit of the present international acceptance of events is because Kashmir is relatively quiet. While odd protests can be expected, bloodshed should be avoided as much as possible as that, more than anything else, could swing the international mood from passivity to activism. The government must not lose sight of the need to lift prohibitory orders at the first opportune moment and initiate Kashmir along the complex path to new elections and statehood as soon as possible. Holding to these requirements will be made doubly difficulty by Rawalpindi’s recognition that violence is the best method to undermine the Modi programme.

Terrorist activity, Line of Control fireworks and the funding of mobs are all expected. India should begin the process of vaccinating world opinion to this likelihood even as it continues to wrestle with how to ease the Valley back to a state of quasi normalcy. India took two decades to persuade the world to treat Kashmir as a bilateral issue. If it plays it cards right today, it can ensure Kashmir is treated as a domestic issue within two years.

**HINDUSTAN TIMES, August 21, 2019**

**Kashmir: A bold strategy isn’t always wise**

**By Paul Staniland**

Centralisation, not autonomy, has driven revolts. Delhi’s Kashmir move could make matters worse.

Will revoking articles 370 and 35A bring peace to Kashmir? The government and its supporters have outlined their theory of the case. A new economic order will bring development, transforming the political preferences of Kashmiri Muslims toward India. Law and order will be removed from electoral politics because of Delhi’s control over security forces. The mainstream political parties will be tossed aside in favour of a new generation of Kashmiri loyalists who rise through local politics. As more non-Kashmiris move into the territory, its Muslim majority will fade. And by refusing to involve Pakistan, the government will firewall the internal dynamics of Kashmir from the regional context.

This is a bid to depoliticise Kashmir. The “big question” of Kashmir’s status, the government decrees, is no longer a big question, but instead a settled issue. There is nothing more to discuss, so Kashmiri Muslims should occupy themselves with development.

There are many ironies in this strategy. The first is that it flies in the face of decades of Delhi’s line. Having insisted that normalcy was soon returning to Kashmir, that only a marginal bloc of Kashmiri malcontents was causing trouble, and that sceptics were biased against India, the consensus has now pivoted to the position that seven decades of policy were a hopeless and obvious failure. If one isn’t careful, the switch from “normalcy is around the corner” to “this is an unsustainable disaster” could cause serious whiplash.

The second irony is the broad acceptance, by both proponents and opponents of Article 370, that reducing Kashmir’s autonomy in the past did not end well. The outbreak of insurgency in the late 1980s had key roots in the moves made by Delhi and its favoured political allies in the state to restrict Kashmiri autonomy. Indira Gandhi’s bid for centralised political control over the states in the 1980s and the rigged election of 1987 are widely seen as triggers for the outbreak of militancy, against a backdrop of central intervention from 1953. Security forces have had extensive freedom to act in Kashmir, with little accountability for credible allegations of human rights abuses.

Thus, much of the violence and political dysfunction that made Article 370 allegedly “unsustainable” were in fact results of government policy. It is not obvious that a more ambitious version of this strategy will have radically different results. If 370 was, at this point, mostly symbolic, then its revocation is unlikely to be a game changer. The record of other Indian states makes clear that corruption, inadequate development, discrimination, demands to economically favour local populations, and dynastic politics are not unique to those with special status.

Third, the game plan outlined by Amit Shah and Narendra Modi has striking similarities to past strategies. Previous governments have repeatedly invoked “development”: The 1950s and 1960s, for instance, saw huge infusions of central resources to build industry and economic growth in order to hold Sheikh Abdullah and his loyalists at bay.

Delhi has also long had local allies. It is fascinating to see the National Conference (NC) and Peoples Democratic Party (PDP) now being accused of being bastions of separatism, given their extensive history of junior partnership with Delhi. Indeed, the Bharatiya Janata Party (BJP) allied with the PDP from 2015-2018, and even made development a core part of its message. The “new generation” of Kashmiri pro-India political mobilisation is likely to be an even more exaggerated version of the past – a reliance on localised patronage combined with deference to Delhi on key political

The greatest irony is that this move flies in the face of what has worked to prevent and resolve conflicts elsewhere in India and South Asia. It is extremely rare for excessive autonomy to cause rebellion: Separatist revolts in Baluchistan, East Pakistan, the ethnic peripheries of Myanmar, Bangladesh’s Chittagong Hills Tract, and Tamil areas of Sri Lanka were instead driven by government centralisation. In India, both the Kashmir and Punjab insurgencies had roots in Indira Gandhi’s desire for control.

The Indian government has often recognised the dangers of inadequate autonomy. The linguistic reorganisation and compromises of the 1950s and 1960s were stunningly successful in avoiding the devastating ethno-linguistic conflicts that tore apart Pakistan and Sri Lanka. In the Northeast, states and autonomous districts have been created to foster more, rather than less, autonomy. Article 371A, regarding Nagaland, has not faced the same kinds of attacks as Article 370. Autonomy-enhancing bargains have, despite their flaws, been better than the alternative. During insurgencies in Punjab and Assam, the government sought to put local politicians front-and-centre who could consolidate support for Delhi.

Perhaps everything will be different in the New India. The government has enormous economic resources, security forces, and political support at its disposal. It is certainly possible that Delhi will achieve its goals in Kashmir. And there is undoubtedly important unfinished political business in Kashmir, even if my view of their sources and possible solutions - such as more creative and meaningful forms of autonomy — is different than the government’s.

Regardless of what the future holds, however, the gauzy and triumphalist language around the change in status avoids hard truths that any honest analysis of internal security in South Asia raises. There are good reasons to fear that this move will make things worse, not better. The government’s own lack of confidence is revealed by its detention of politicians and activists, and its decision to deny and attack press reports that inconveniently turn out to be true. Just because a strategy is bold does not mean it is wise.

Paul Staniland is associate professor of political science at the University of Chicago and author of Networks of Rebellion: Explaining Insurgent Cohesion and Collapse (Cornell, 2014).

The views expressed are personal

**Hindustan Times, AUGUST 21, 2019**

**New Delhi must explain to the world its new Kashmir policy | HT editorial**

India needs to make it clear why the older Kashmir policy, built around autonomy and Pakistan, is no longer relevant, and why its new policy deserves a chance to succeed.

The world is nervous, but not yet alarmed, by developments over Kashmir. India needs to ensure these concerns do not go beyond a certain threshold. US President Donald Trump’s communications with Prime Minister Narendra Modi and Pakistani Prime Minister Imran Khan were about lowering the temperature between the two countries. To an extent, this is already a minor victory for New Delhi. Mr Trump’s vainglorious offers to mediate have now been banished into the fantasy world they had come from. The American leader did urge dialogue between the two, something the international community and Pakistan do converge on.

India has to continue to explain to the outside world the rationale for its refusal to resume dialogue. The Modi government’s position is not without merit - dialogue with Pakistan in the past have led to a dead-end, and served only to provide cover for Pakistan to resume terrorist attacks against India. Mr Modi is within his rights to argue dialogue must be conditional on Pakistan’s genuinely ending support for cross-border terrorism. An implicit addendum now is that Islamabad must also come to acquiesce to the changed ground realities in Indian Kashmir. There is zero evidence of Pakistan accepting either stance. Mr Khan’s blood curdling threats against India, if anything, have helped make India’s case that Pakistan is not fit to be an interlocutor for any form of dialogue.

While New Delhi emerged from the informal United Nations Security Council meeting on Kashmir relatively unscathed, the real diplomatic test will come as security restrictions in the Valley are gradually lifted. If protests follow, the government must minimise violence and ensure no bloodshed during this period, even as it moves towards restoring elections and democracy in the Union Territory. This transition will be tricky enough on the domestic front and a blowup on the international front will only complicate matters more. New Delhi has enough friends in the international system to avoid sanctions and withstand any critical resolutions. But a sense of global delegitimisation of India’s actions will make it more difficult to get the Valley residents to at least wait to see if New Delhi fulfils its policy promises.

Mr Trump and other world leaders seem ready to give India some time to roll out its policy. However, New Delhi has done poorly in explaining its policy to international civil society and this is a shortcoming that needs to be addressed. India needs to make it clear why an older Kashmir policy, built around autonomy and Pakistan, is no longer relevant and why its new policy deserves a chance to succeed.

**INDIAN EXPRESS**

**INDIAN EXPRESS, AUGUST 8, 2019**

**Telling Numbers: How J&K fares in key indicators compared to the rest of India.**

As a new chapter opens in the history of Jammu and Kashmir with the state being split into two Union Territories, there have been discussions around how it has fared compared to the rest of India. Here are some selected indicators.

Some selected indicators; figures in square brackets are for All India.

POPULATION PROFILE

Life expectancy at birth 73.5 (2012-16) [68.7]

Sex ratio of total population 972 [991]

(females per 1,000 males)

Sex ratio at birth for children born 921[919]

in the last five years (females per 1,000 males)

Households with electricity (%) 97.4 [88.2]

Households with improved drinking 89.2 [89.9]

water source (%)

Households using improved sanitation facility (%) 52.5 [48.4]

Households using clean fuel for cooking (%) 57.6 [43.8]

LITERACY LEVELS

Literacy Rate (in per cent, 2011) 67.2 [73.0]

Women who are literate (%) 69.0 [68.4]

Men who are literate (%) 87.0 [85.7]

Women with 10 or more years of schooling (%) 37.2 [35.7]

\*Gross Enrolment Ratio (in per cent, 2016-17, Provisional) 73.03 [93.55]

MARRIAGE & FERTILITY

Women age 20-24 years married before age 18 years (%) 8.7 [26.8]

Women age 15-19 years who were already 2.9 [7.9]

mothers or pregnant at the time of the survey (%)

Total fertility rate (children per woman) 2.0 [2.2]

\*Birth rate (per 1,000 population) 15.4 (2017) [20.2]

INFANT & CHILD MORTALITY

Infant mortality rate (IMR) 32 [41]

Under-five mortality rate (U5MR) 38 [50]

WOMEN’S EMPOWERMENT

Currently married women who usually participate 84.0 [84.0]

in household decisions (%)

Women owning a house and/or land 33.3 [38.4]

(alone or jointly with others) (%)

Women having a bank or savings account 60.3 [53.0]

that they themselves use (%)

Women having a mobile phone that they themselves use (%) 54.2 [45.9]

EMPLOYMENT & POVERTY\*

Unemployment rate per 1,000 population 22 (2011-12) [17]

(Usual status), Rural male

Unemployment rate per 1,000 population 30 (2011-12) [17]

(Usual status), Rural female

Unemployment rate per 1,000 population 41 (2011-12) [30]

(Usual status), Urban male

Unemployment rate per 1,000 population 190 (2011-12) [52]

(Usual status), Urban female

Poverty rate 10.35 (2011-12) [21.92]

(percentage, based on MRP consumption)

Source: National Family Health Survey (NFHS-4), 2015-16, except indicators marked with an asterisk (\*). Data marked with an asterisk are from Economic Survey 2018-19 and RBI Handbook of Statistics on Indian States, 2018-19, quoting Census, NITI Aayog, and NSSO data. NFHS-4 is the fourth in the NFHS series, which provides information on population, health and nutrition for India and each state and Union Territory.

**INDIAN EXPRESS, AUGUST 8, 2019**

**Now, win the peace**

**By Tavleen Singh**

In Kashmir, there is a weariness with the old. If the new is rung in, Article 370 could become a fading memory. A pall of despair hung over Srinagar when I was there in May just days before the election results. It should have been high season with houseboats and hotels bursting with visitors, pleasure boats on the Dal Lake and shops filled with the noise of eager shoppers. Instead, on this perfect summer’s day, the city was empty.

And, there was a tension. I felt it even before landing. For the first time in the many times that I have flown into Srinagar, I was ordered by a nervous Vistara flight attendant to pull the window shades down as we landed. She pulled them down for me but I had already seen why. From the air, the airport looks like a military base. Not even at the height of the militancy in the Nineties have I seen it so militarised. On the drive into the city, I noticed that shops on the airport road have been screened off by a thick metal net so they looked as if they were caged. I drove through eerily empty streets to the hotel in which I was staying and found it almost empty. When I asked why, since this was high season, I was told by the hotel manager that people had stopped coming after the Pulwama attack. Before that, he said, there were so many tourists in Srinagar that it was hard to find an empty hotel room or houseboat. Later that day, I met friends and political leaders and everyone confirmed that it was the Pulwama attack and the Balakot strike that had driven visitors away. What saddened me most was that every taxi driver I hired asked if I could find his son a job. The story they told was the same. “I have spent whatever I earned on my son’s computer course.but there are no jobs. He sits at home all day with nothing to do.” So, another lost season is something Srinagar can ill afford.

This was my first visit back since Burhan Wani was killed. The reason why I did not go back, frankly, was because I lost sympathy with Kashmiris when they fell under the thrall of a young man who was so openly a jihadist and whose cause was religious and not political. After Wani was killed, I watched carefully the recruitment videos he posted of himself in military fatigues with other young men in similar uniform carrying automatic weapons. In these videos, this commander of the Hizbul Mujahideen made it absolutely clear that the single purpose of his armed struggle was to turn Kashmir into an Islamic state. I have no sympathy for religious causes. And so, stayed away from Srinagar in those long, horrible months when children and masked men took to the streets to throw stones at our security personnel. If they had done this for a political cause, I would have gone back to understand it better. I sympathised so completely with the political reasons for Kashmiris to be angry with Delhi that I wrote a book on their struggle for basic democratic rights. It came out in 1995 and was called Kashmir: a tragedy of errors. The case that I made in this book was that the insurgency that became manifest with the kidnapping of Mehbooba Mufti’s sister in December 1989 had nothing to do with the historical problem in Kashmir. The historical problem died, in my view, in the Seventies when Bangladesh was created and Zulfiqar Ali Bhutto hanged. Pakistan lost its allure for most Kashmiris. The seal on the end of the historical problem was the peace pact that Indira Gandhi signed with Sheikh Abdullah in 1975. Sadly, it was Mrs Gandhi’s crucial mistake in 1984 that created Kashmir’s current political problem.

My first visit to Srinagar as a reporter was in the summer of 1981 when Sheikh Abdullah made his son Farooq his heir. It was the only time I met the old Sheikh. I did not get a chance to interview him but stood beside him on a hotel balcony in Lal Chowk from where he watched his son standing in an open truck in a procession so huge it seemed that all of Kashmir had come to Srinagar. The procession culminated in Iqbal Park, where the Sheikh declared to thunderous applause from the vast gathering that Farooq would be his heir. I still remember his words. “The crown I place on your head Farooq Abdullah is a crown of thorns.”

Sheikh Abdullah died just months later and in 1983, I was sent to cover this election by M J Akbar who was then editor of The Telegraph. It was the first election I covered on my own so I made it a point to travel to every constituency except, for some reason, Uri. Everywhere, people said they were voting as Indians for the first time. And, voting for the National Conference. They seemed to believe they owed Sheikh Abdullah their vote. So Farooq won in a completely fair election but this was not how it was reported in the national press. The reporters who came from Delhi spent most of their time in the Congress Party office in Nedou’s Hotel in Srinagar. If they traveled at all, they went to Congress meetings and the impression they created in the national newspapers was that Congress would do well. They fooled Mrs Gandhi. So she got rid of Farooq Abdullah’s government in the summer of 1984.

Farooq became a hero. He would have won again easily if he had not been forced into an alliance with Congress in the election that came in 1987. The alliance was a mistake because the opposition space came to be occupied by the Muslim United Front whose candidates believed they lost unfairly. Many were secessionists. Now, they crossed into Pakistan for help and came back as armed insurgents. The militancy began and Delhi’s mistakes continued. In the Eighties and Nineties, I went to Srinagar almost every month. I was there when the Pandits were driven out, when violent jihadists forced cinemas and bars to close and saw first hand how the movement for “azadi” became a jihad. When Narendra Modi became prime minister in 2014, he could have started with a clean slate. But, he seemed undecided about whether to use the jackboot or turn to Atal Bihari Vajpayee’s formula of “insaniyat, jamhooriyat, kashmiriyat”. Now, it appears that he had a plan all along and it was to get rid of Kashmir’s special status. Will this turn out to be yet another mistake? Personally, I believe that it could prevent Kashmir from becoming the Islamic state that the jihadist groups dream of. But, Modi will have to have a strategy ready to win the peace now that he seems to have won the war.

When I was last in Srinagar, I noticed a real weariness with the jihadists. I noticed a real longing for peace and prosperity, and among young men, for jobs. If these things happen it will not be long before Kashmiris lose interest in Article 370. The special status that it supposedly guaranteed was in any case eroded long,long ago.

The writer is contributing editor, The Indian Express

**INDIAN EXPRESS, AUGUST 8, 2019**

**Self flagellation In Pakistan**

**By Khaled Ahmad**

Abrogation of Articles 370, 35A has sparked passionate reaction across the border

India’s revoking of Articles 370 and 35A to absorb the Indian state of Jammu and Kashmir into the Union was not liked by anyone across the world. The most effective objection came from India’s own secularists and liberals who took note of the rise of Hindutva under the BJP government as destructive of the very foundation of India. The main cause of worry for most writers was the possibility of a nuclear war between India and Pakistan.

Pakistan reacted passionately but much of this passion was “political” as the Opposition attacked the government of Prime Minister Imran Khan, rather than India. Army chief General Qamar Javed Bajwa said his army would stand by the government in power, and by the people of Kashmir. Imran Khan convened a joint session of parliament and made a bold statement telling India that if war was to ensue it would be a nuclear war and that “Pakistan was ready for it” — for the rights of the Kashmiris. But the Opposition, mainly the PML(N) of Nawaz Sharif and the PPP of Bilawal Bhutto, was not prepared to give him relief. They attacked him for coming late to the session — as if he didn’t care that the Kashmiris were suffering — and castigated him for the absence of his foreign minister, Shah Mehmood Qureshi.

PM Khan doesn’t grace the parliament too often because of the bad blood between him and the Opposition leaders. When the proceedings started, everything the government benches did was rejected. Khan was uncomfortable and would have left the house, as is his wont, had the occasion not been serious in the eyes of his public following. He once threw up his hands and said, “What would you have me do, attack India?”

On the TV channels it was sheer national self-flagellation. Everyone in the streets who was asked to speak, simply wanted a war in which the Hindus were to be taught a lesson. The common man simply repeated the nationalist mantra of hatred — the same way the supporters of the BJP do in the streets of India. Opposition leaders appearing on TV were anti-government to the extreme. The PML(N) politicians, whose leader Nawaz Sharif had once welcomed the Indian Prime Minister Atal Bihari Vajpayee to Lahore and later welcomed Prime Minister Modi too, now cursed Khan for having welcomed Modi before he had even been elected.

Imran Khan had then said: “Perhaps if the BJP — a right-wing party — wins, some kind of settlement in Kashmir could be reached”. Now the PML(N) was not ready to forgive him. Today, these words were held against him by politicians more interested in ousting the Pakistan government than ousting India from Kashmir. The world outside didn’t like what transpired as expressed by the The New York Times editorial: “The Indian government’s decision to revoke the semi-autonomous status of Kashmir, accompanied by a huge security clampdown, is dangerous and wrong”. Outrageously, the “Arab friends” were unmoved.

Everyone cursed the government for not actively pursuing the UN Security Council, the International Court of Justice, and the Organisation of Islamic Cooperation — as if all these organisations were actually groups of men sitting in a room with doors locked which the government of Pakistan was supposed to simply break down, and tell the shirkers to do the needful to teach India a lesson. Alas, Pakistan’s non-state actors were nowhere to be seen, removed from the battlefront by an international opinion more worried about their global outreach than the Muslims of Kashmir. The outrage over the statement of the ambassador of the UAE, that it was an internal matter of India, was muffled because most of the remittances come from the Pakistanis working there. As realism slowly dawns, Prime Minister Khan should stick to his earlier perception that he could make a deal with the BJP and make that telephone call which was rebuffed earlier. Perhaps, this time, Prime Minister Modi will pick up.

The writer is consulting editor, Newsweek Pakistan

**INDIAN EXPRESS, AUGUST, 9, 2019**

**Where is the promise of dialogue with Kashmir?**

**Jammu and Kashmir: The government may have given up on dialogue in Kashmir. But people of Kashmir must know that there are still people in this country for whom it is an article of faith.**

**Yahwant Sinha**

Article 370 has gone. So has Article 35A. The state of Jammu and Kashmir has ceased to exist. It has been downgraded and split into two union territories, Ladakh and Jammu and Kashmir. The first without a legislature and the second with a legislature; like the city states of Delhi and Puducherry. The decision of the government has been received with wild rejoicing in the the rest of the country while Jammu and Kashmir remains completely shut down and under the heel of the boots of the security forces.

I was approached by a few media persons when these momentous events were unfolding in Parliament on the fateful day of August 5. One of their favourite questions was: The BJP has been committed to abolition of Article 370 from its Jana Sangh days; you were in the BJP until recently, so how can you have reservations now? It was a fair question. I thought about it and this is my explanation. The BJP had no qualms in sacrificing this commitment, along with its stand on the common civil code and the construction of the Ram temple at Ayodhya when it had to form coalition governments with parties opposed to its stand on these three issues. So, there was no question of pursuing them when Atal Bihari Vajpayee was prime minster during 1998 and 2004. What is even more important is the fact that his J&K policy was far, far removed from the present narrow, sectarian and warped view of the BJP. His policy of Insaaniyat, Kashmiriyat and Jamhooriyat stood in direct contradiction to the commitment to abolish Article 370. His approach to have a dialogue with all stakeholders including the Hurriyat, to resolve the problems of the state and bring peace to it and the actual initiation of the dialogue with the Hurriyat leaders by no less a person than the deputy prime minster and home minister of his government, L K Advani, who is now applauding the abolition of Article 370, was proof enough of his new approach. The matter could progress no further because the Vajpayee government was voted out of office in 2004.

What was the policy of the Narendra Modi government in its first incarnation, even if we forget the Vajpayee government’s policy? Modi formed the government in Delhi towards the end of May 2014. Assembly elections were held J&K in November/ December that year. It produced a fractured mandate. The PDP and National Conference were reluctant to come together and form a government. The BJP smelt an opportunity here and decided to form a coalition government with the PDP. Mufti Mohammad Sayeed was alive then. He was a tough negotiator and would not compromise on his core beliefs. There was nothing common between the two parties. In fact, they were poles apart in their ideology. Yet, they came together to form a government on the basis of a written agreement between the two parties on March 1, 2015. Some of the paragraphs of that agreement are worth reproducing here to show how shallow the commitment of the present rulers is to the abolition of Article 370. I may mention that Amit Shah, the current Union Home Minister, was the party president of the BJP then.

I can do no better than produce some of the excerpts from that agreement to make my point, “The PDP and the BJP have entered into a ‘Governance Alliance’ based on an agreement and agenda which is an effort towards seeking a national reconciliation on J&K.”

“In a situation, where socio-political aspirations and grievances of the people have wide ranging differences, economic development on its own can neither bring about peace nor prosperity.”

“While recognising the different positions and appreciating the perceptions of the BJP and PDP have on the constitutional status of J&K considering the political and legislative realities, the present position will be maintained on all constitutional provisions pertaining to J&K including the special status in the Constitution of India.”

“The earlier NDA government led by Atal Bihari Vajpayee initiated a dialogue process with all political groups, including the Hurriyat Conference, in the spirit of “Insaaniyat, Kashmiriyat aur Jamhooriyat”. Following the same principles, the coalition government will facilitate and help initiate a dialogue with all stakeholders, which will include all political groups irrespective of their ideological views and predilections. This dialogue will seek to build a broad based consensus on resolution of all outstanding issues of J&K.” Where are these high-sounding words today? Where is the promise of dialogue? The BJP members loudly asked the Opposition: “Who are these stakeholders?” Why ask them? Ask the government which people/organisations they had in mind when they talked of dialogue with the stakeholders? Where was the commitment of our leaders to the abolition of Article 370 when they promised in the agreement to maintain the “present position” on the special status of J&K in the Constitution? Or is it a commitment which can be jettisoned when it is necessary to do so for the sake of power either at the Centre or in J&K?

Yet, I can understand the position of the party on Article 370, but Article 35A is a recent addition. Bifurcation of the state and reducing its parts to the status of union territories was never part of BJP’s agenda. You expect us to stand and applaud when you jettison your “core beliefs” and again stand up and applaud when you bring them back. Tails I win and heads you lose.

As far as the present government’s commitment to the unity and integrity of the country is concerned, let me remind you that in August 2015, the Modi government concluded, with fanfare, a “framework agreement” with the National Socialist Council of Nagaland (NSCN-IM). Prime Minister Narendra Modi was present in the press conference in which this momentous agreement was announced. The Parliament and the people have not been taken into confidence about the contents of this agreement. But in May 2017, according to media reports, a spokesperson of NSCN-IM is reported to have said, “As of now, the Nagas have agreed to co-exist together under shared sovereignty.”

What is this shared sovereignty? According to some sources, it could mean a separate constitution, a separate flag and many other separate institutions. The talks are still on; the details are fuzzy. But one thing is clear that with the Nagas, the government has no hesitation in discussing the concept of shared sovereignty. I am not against it; I am all for it. My only point is that if we can discuss that with the Nagas why are we coming down so hard on the Kashmiris? The reasons are not far to seek.

My heart goes out to the people of Kashmir today. I would want them to know that there are still at least some of us in India who believe in dialogue and reconciliation. For us, these words are not mere matters of convenience to be used when it suits us and to be discarded when it does not. For us, these are articles of faith. I have been trained in the school of Jayaprakash Narayan. For me, “will, not force is the basis of state”, if I could borrow an expression from political scientist T H Green. And here it is the will of the people of Kashmir which must prevail.

This article first appeared in the August 9, 2019 print edition under the title ‘Once there was a commitment’. The writer is a former Union external affairs and finance minister

**INDIAN EXPRESS, AUGUST 19, 2019**

**After 11-day Kashmir visit, NSA Ajit Doval briefs Amit Shah on ground situation**

The state has remained under an unprecedented communications blackout since August 5, when the Centre moved to end the special status of the state and bifurcated J&K into two Union Territories.

After spending 11 days in Kashmir to ensure smooth implementation of plans following the withdrawal of special status to J&K, National Security Advisor Ajit Doval met Home Minister Amit Shah on Monday and briefed him about the situation on the ground. Home Secretary Rajiv Gauba and Intelligence Bureau chief were also present at the meeting. The meeting comes on a day several government-run schools in Jammu and Kashmir reopened after restrictions were eased in parts of the state. Officials told news agency PTI that arrangements were made for the opening of 190 primary schools in Srinagar. However, not many students were seen inside classrooms despite teachers reporting to work. The state has remained under an unprecedented communications blackout since August 5, when the Centre withdrew the special status of the state and bifurcated J&K into two Union Territories. It also remains to be seen if the matter pertaining to the release of detained leadersis discussed. Besides three former chief ministers (Farooq Abdullah, Omar Abdullah and Mehbooba Mufti) and an IAS topper, the Mayor and Deputy Mayor of Srinagar, and a number of legislators have been detained or kept under house arrest.

Besides, steps to ease communication and internet services should also come up for discussion. While fixed-line telephone connections in some areas of Srinagar and other parts of the Valley including tourist resorts were restored, major telephone exchanges in the region remain shut.

The state has remained under an unprecedented communications blackout since August 5, when the Centre withdrew the special status of the state and bifurcated J&K into two Union Territories. It also remains to be seen if the matter pertaining to the release of detained leadersis discussed. Besides three former chief ministers (Farooq Abdullah, Omar Abdullah and Mehbooba Mufti) and an IAS topper, the Mayor and Deputy Mayor of Srinagar, and a number of legislators have been detained or kept under house arrest. Besides, steps to ease communication and internet services should also come up for discussion. While fixed-line telephone connections in some areas of Srinagar and other parts of the Valley including tourist resorts were restored, major telephone exchanges in the region remain shut.Last week, a senior Home Ministry official had said the removal of restrictions in Jammu and Kashmir would be done only after assessment by local authorities finds it fit to do so.

Even the Supreme Court, describing the situation in Jammu and Kashmir as “very sensitive”, refused to pass any immediate order to the Centre to lift restrictions and stated that reasonable time should be given to the government to ensure normalcy in the region.

**INDIAN EXPRESS, AUGUST 19, 2019**

**Article 370 had become shield for terrorists: Ravi Shankar Prasad**

"The government's decision on Article 370 was taken in the interest of the nation as well as the common people of Jammu and Kashmir," Prasad told reporters on the sidelines of the inauguration of the 17th all India meet of state legal services authorities in Nagpur, Maharashtra. Union Law Minister Ravi Shankar Prasad said on Saturday that Article 370, which gave special status to Jammu and Kashmir, had become a platform to “shield” terrorists and their patrons.

“The government’s decision on Article 370 was taken in the interest of the nation as well as the common people of Jammu and Kashmir,” Prasad told reporters on the sidelines of the inauguration of the 17th all India meet of state legal services authorities in Nagpur, Maharashtra. “We should understand that it was a temporary provision and removed in the interest of the country,” Prasad said. “We always strive for protection of the country and for the people of Jammu and Kashmir. We want Jammu and Kashmir to progress.”

The Centre had on August 5 announced abrogation of provisions of Article 370 and decided to bifurcate the state into Union territories — Jammu and Kashmir, and Ladakh — hours after Kashmir was placed under a total clampdown. “Article 370 had become a platform to shield terrorists and their patrons, but we finished this. It is for the development of Kashmir,” Prasad said. “The Prevention of Corruption Act, Prohibition of Child Marriage Act and law to stop manual scavenging were not applicable there. Which Kashmir was this?” the minister asked.

Prasad said the administration in the state would take a call on further measures after taking into account the situation. On a query over Pakistan Prime Minister Imran Khan’s statement that India is preparing for a Balakot-like strike in Pakistan-occupied Kashmir, Prasad said: “We don’t have to take notice of what they are saying.”

“But a strong reply will be given if any action is taken by Pakistan. Under the leadership of (Prime Minister) Narendra Modi, India is alert about its protection and appropriate reply will given to any terror activities,” he added.

**INDIAN EXPRESS, AUGUST 19, 2019**

**Valley’s new dawn: An era of development and inclusion beckons**

**Ravi Shankar Prasad writes: "There was a thinking in New Delhi that if a few families of J&K are handled well, then problems of the entire state will be taken care of. These few families perpetuated their power, indulged in rank corruption and whenever accountability was sought, they took shelter behind Article 370."**

**Ravi Shankar Prasad**

The writer is Union minister for communications and IT.

Jammu and Kashmir bifurcation, article 370 scrapped, article 370, jammu and kashmir restrictions, restrictions in kashmir valley, restrictions in jammu and kashmir, india news, Indian Express

Who benefited from Article 370? Obviously, the common people of J&K did not. The Shia community, Gujjars, Bakkarwals, Gaddis, other Scheduled Tribes, Scheduled Castes and people living in Ladakh and Kargil did not get any substantial benefit either. (AP Photo)

Article 370 had to go for the benefit of Jammu and Kashmir’s (J&K) common people. We need to applaud the courage of Prime Minister Narendra Modi and the determination of Home Minister Amit Shah, who ensured that a 70-year-old problem became history in less than 70 days of their assuming office.

Article 370 was inserted in the Constitution as a temporary provision under unfair circumstances. More than 560 former princely states became part of India without any provisional arrangement like Article 370. People of all communities with great cultural diversities lived in these territories. Yet, the founding fathers of the Indian Constitution, who were leaders of great wisdom and foresight, did not accord any special provision for these princely states. The only inference one can draw is that, except J&K, all were handled by Sardar Patel and they all are today a proud part of India. J&K was handled by Jawaharlal Nehru, much to the embarrassment of Patel, who, as the deputy prime minister handling the ministry of home and princely states, ought to have handled it as well.

For more than 70 years, the problem of J&K has been lingering. Nearly 42,000 lives have been lost. Kashmiri Pandits were forced to leave their homes at gun-point. The so-called special arrangement led to separatism. Sheikh Abdullah was imprisoned for 11 years by the Congress government at the Centre. Between 1990 and 1996, the Valley remained under curfew on an average 200 days in a year. In retrospect, Nehru’s emotional attachment clouded an objective assessment about J&K.

Who benefited from Article 370? Obviously, the common people of J&K did not. The Shia community, Gujjars, Bakkarwals, Gaddis, other Scheduled Tribes, Scheduled Castes and people living in Ladakh and Kargil did not get any substantial benefit either.

There was a thinking in New Delhi that if a few families of J&K are handled well, then problems of the entire state will be taken care of. These few families perpetuated their power, indulged in rank corruption and whenever accountability was sought, they took shelter behind Article 370. How can anyone justify that the Prevention of Corruption Act — which lays down elaborate legal provisions that insist on criminal accountability against authorities, both political and bureaucratic, for abuse of power and corruption — was not made applicable in the state? Why were laws like the Right to Education, Prohibition of Child Marriage Act, the Right to Information Act and the law prohibiting manual scavenging not made applicable in that state? Article 370 was abused to deny the people of the state free and fair elections. People still remember one of the fairest elections held after a long time was when Atal Bihari Vajpayee was the prime minister.

Most importantly, when many brave Kashmiri Muslims like army officer Ummer Fayaz, rifleman Aurangzeb and many others were killed by terrorists in the most gruesome manner, those speaking aggressively against Article 370 maintained a conspicuous silence.

We need to recall that the constituent assembly of the state of Jammu and Kashmir enacted the constitution of the state in 1956. Under Part II, Article 3, it was specifically provided, “the state of Jammu and Kashmir is and shall be an integral part of the Union of India”. Article 147, under Part XII, provided for the amendment of this constitution, where it was clearly stipulated that no Bill or Amendment inter alia seeking to make any change in the provision of Section 3 (J&K shall be the integral part of Union of India) shall be introduced or moved in either House of the state legislature. Once the constituent assembly of J&K enacted a constitution, which proudly declared the state to be an integral part of India that shall remain unalterable, then in many ways Article 370 lost its relevance.

Article 370 was deliberately kept as a temporary provision and the prime minister rightly observed that those supporting it never had the courage to make it permanent. It is significant that once the Constituent Assembly enacted the Constitution, it served its purpose and any further amendment as per Article 147 of the state constitution was given to the state legislative assembly. In this light, it was perfectly justified to declare by a presidential notification that the expression constituent assembly under Article 370 (3) shall be read as state legislative assembly and since the state was under President’s Rule, its power was constitutionally exercised by the Parliament under Article 356 (1) (b) of the Indian Constitution.

JDuring the debate in the two Houses of Parliament, voices from all the regions of Jammu and Kashmir were heard. This fact also needs to be stressed that the BJP had received a resounding mandate from the people of India on its promise to remove Article 370. The arguments that like Article 370 other special provision dealing with welfare of Northeastern regions and tribal areas may also be removed is completely misplaced. Article 371 (a) to (j) are special provisions and not temporary provisions and will remain. After creation of new states, special provisions have been incorporated for the development of a particular region or for particular tribes. These, being special provisions, are permanent in nature.

There are many cases of young Muslim girls from the Valley getting married to people outside the state and losing all their rights. Recently, I met a young officer of the All India Service from Jammu and she was a Hindu, who told me that she lost all her rights in the state because she married a civil servant from outside her home state. With moist eyes, she expressed her gratitude towards PM Modi for abrogating Article 370.

With the developmental initiatives of the Government of India, BPOs are operating from places like Srinagar, Sopore, Budgam, Bhaderwah and Jammu; 3,158 Common Service Centres are functional in the state, working as a window to deliver digital services to citizens. Whenever I meet them, I see sparks in their eyes. Some of these young boys and girls told me that they should get more opportunities to make a better future for themselves.

Surely, this is a new dawn of development and inclusion for Jammu and Kashmir, which will give a voice to those who were deprived and marginalised. Obviously, the patrons of terrorism and separatism are unhappy but this is not an India where they will find a place.

The writer is Union minister for Law & Justice, Communications and Electronics & IT

**INDIAN EXPRESS, AUGUST 19, 2019**

**Stop terror to start talks’: India to Pak after UNSC meeting on Kashmir**

India asserted that matter related to Article 370 was "entirely an internal matter" and called on Pakistan to "stop terror to start talks". Minutes after the United Nations Security Council (UNSC) held a closed-door meeting on the Kashmir issue, India Friday asserted that matter related to Article 370 was “entirely an internal matter” and called on Pakistan to “stop terror to start talks”.

“Our national position was and remains that matter related to Article 370 of the Indian Constitution is entirely an internal matter of India. We took preventive measures in Kashmir to stop terrorists bleeding our people,” said Syed Akbaruddin, India’s Ambassador and Permanent Representative to the UN Security Council. Defending the revocation of Jammu and Kashmir’s special status enjoyed under Article 370, Akbaruddin said the Indian government’s decision will have no external ramifications and that it was intended to ensure the promotion of good governance and enhancement of socio-economic development in Jammu and Kashmir and Ladakh.

“We’re committed to gradually removing all restrictions. Since the change is internal to India, we have not made any difference to our external orientation. India remains committed to ensure that the situation there (J&K) remains calm and peaceful, he said.

India’s response came hours after China, a permanent member of the security council, said that UNSC members are concerned about the human rights situation in Jammu and Kashmir. The meeting took place after Pakistan, backed by its all-weather ally China, requested “closed consultations” on the issue.

**INDIAN EXPRESS, AUGUST 19, 2019**

**World and Valley**

On J&K, it may be a long diplomatic haul ahead for India at the United Nations. Last week, Delhi fended off a vigorous Chinese attempt at getting the United Nations Security Council to pronounce, after more than five decades, on the situation in Jammu and Kashmir. But it is too early to celebrate. For, Pakistan’s campaign to draw the international community into the Kashmir question has just begun. When the government surprised the nation and the world by revoking the special status of J&K and bifurcated the state into union territories, the internationalisation of the issues was central to Pakistan’s furious response. China has been an eager accomplice. The resolute support from the US and France to the Indian position that the political rearrangement of J&K was an “internal matter” prevented a formal discussion and a potential statement or resolution at the UNSC. Russia, which had exercised its veto in favour of India during the Cold War years when Kashmir was on the UNSC agenda, insisted that the problems between India and Pakistan must be resolved bilaterally. Britain, apparently, tilted towards the Chinese view that the UNSC must issue a statement.

Although the weight of collective opinion at the UNSC was in India’s favour, Delhi knows it has a prolonged diplomatic challenge at hand. Delhi can easily dismiss Islamabad’s claim that the very fact that there were consultations on the Kashmir question at the UNSC is a political triumph for Pakistan. But India can’t ignore Islamabad’s declared intention to keep returning to the UNSC with China’s support. How the UNSC might respond the next time will depend on the ground situation in Kashmir. Any breakdown of law and order in the Kashmir Valley and Delhi’s use of force against civilians will certainly weaken international support for India. Any serious escalation of military tensions with Pakistan on the LoC could be seen as a “threat to international peace and security” and provide the basis for the UNSC’s political intervention. India then faces a three-fold attack from the Pakistan-China strategic axis. Pakistan is likely to unleash its proxies to trigger violence in the Valley. It may also raise the military temperature on the LoC. China has signalled its intent to bring its full weight to bear at the UNSC against India. Delhi may have no time to contemplate a fourth dimension — of Beijing’s potential to open a second military front on its long and contested borders with India. After all, Beijing has accused Delhi of “challenging China’s sovereign interests” by altering the internal political status quo in Kashmir. The accusation might have no basis in reality, but it underlines China’s deepening political hostility towards India. If Delhi can’t afford to underestimate the challenges — domestic, trans-border and international — arising from its Kashmir move, it also knows that failure on any front is not an option.

**INDIAN EXPRESS, AUGUST 20, 2019**

**BHANU PRATAP MEHTA**

**The story of Indian democracy written in blood and betrayal**

BJP thinks it is going to Indianise Kashmir. Instead, we will see, potentially, the Kashmirisation of India.

There are times in the history of a republic when it reduces itself to jackboot. Nothing more and nothing less. We are witnessing that moment in Kashmir. But this moment is also a dry run for the political desecration that may follow in the rest of India. The manner in which the BJP government has changed the status of Jammu and Kashmir by rendering Article 370 ineffective and bifurcating the state is revealing its true character. This is a state for whom the only currency that matters is raw power. This is a state that recognises no constraints of law, liberty and morality. This is a state that will make a mockery of democracy and deliberation. This is a state whose psychological principle is fear. This is a state that will make ordinary citizens cannon fodder for its warped nationalist pretensions.

The narrative supporting a radical move on Kashmir is familiar. Article 35(a) was a discriminatory provision and had to go. Article 370 was not a mechanism for integration but a legal tool for separatism. The Indian state, despite the horrendous violence it has used in the past, has never had the guts to take a strong stand on Kashmir. The radicalisation within Kashmir warrants a crackdown. The treatment meted to Kashmiri Pandits has never been recompensed either through justice or retribution. The international climate is propitious. We can do what China is doing: Remake whole cultures, societies. We can take advantage of the fact that human rights is not even a hypocrisy left in the international system. We can show Pakistan and Taliban their place. Let us do away with our old pusillanimity. Now is the time to seize the moment. Settle this once and for all, if necessary with brute force.

There are kernels of truth to many of these arguments. The status quo was a double whammy: It did nothing to address the well-being of Kashmiris who have now endured two generations of what was effectively military occupation. And it increased the gulf between Kashmir and the rest of the nation. So some movement was inevitable. But the kernel of truth is being deployed with an armoury of evil. The solution being proposed is an annihilation of decency. The fact that these measures had to be done under stealth, with a tight security noose and informational blackout is a measure of the evil of the step taken. This is not the dawn of a new constitutional settlement, designed to elicit free allegiance. It is repression, plain and simple, reminiscent of the Reichstag or Chinese constitutional ideology that sees federalism as an obstacle to a strong state and homogenous culture.

Think of the proposal’s broader ramifications. India has betrayed its own constitutional promises. India has many asymmetric federalism arrangements outside of Kashmir. This act potentially sets the precedent for invalidating all of them. How can we justify offering Nagaland asymmetric federalism but deny it to Kashmir? Its implication is that the government can unilaterally declare any existing state to be a Union Territory. This is a constitutional first. We are simply a union of Union Territories that happen to be a state at the discretion of the Centre.

Let us also not put too fine a point on this. Even if Article 370 were to be scrapped, the proposal to alter Jammu and Kashmir’s status to Union Territory, even if temporarily, is designed to humiliate an already subjugated population. How dare a Muslim dominated state exist in India? Kashmir can now not even be trusted to be a state. The optics of this measure is not integration, it is humiliation, of a piece with subtle and unsubtle reminders to minorities of their place in India.

Let’s take the argument that this pain is worth the price, if it actually solves the problem. But will it? There will be a sullen peace, militarily secured, that we will mistake for victory. The very army, behind whom every patriot now hides, will now potentially be put in even more harm’s way: To be used more and more as the sole basis for keeping India together. And even if we concede to the tragic necessity of force, that force can work only in the context of a larger political and institutional framework that inspires free allegiance, not fear. But even if Kashmir resigns to its fate, pummelled by military might, the prospect of radicalisation in the rest of the country cannot be ruled out. There are already incipient signs of that. The theatre of political violence will shift. In the context of the communally sensitive arc from UP to Bengal and in Kerala, India will seem more fragile.

For, fundamentally, what this change signals is that Indian democracy is failing. It is descending into majoritarianism, the brute power of the vote; it will no longer have the safety valves that allowed inclusion. The feckless abdication of the Opposition will only deepen the sense of alienation. There are no political avenues for protest left. Most of the so-called federal parties turned out to be more cowardly than anyone anticipated; the Congress can never stand for any convictions. Not a single one of us can take any constitutional protections for granted. Parliament is a notice board, not a debating forum.

Let us see what the Supreme Court does, but if its recent track record is anything to go by, it will be more executive minded than the executive. Kashmir is not just about Kashmir: In the context of the UAPA, NRC, communalisation, Ayodhya, it is one more node in a pattern hurtling the Indian state towards a denouement where all of us feel unsafe. Not just Kashmiris, not just minorities, but anyone standing up for constitutional liberty.

The larger worry is the fabric of our culture that is making this possible. There is a propaganda machinery unleashed with the media that builds up a crescendo baying for blood and calls it nationalism. There is the coarsening of human sentiments that makes empathy look worse than violence. There is the sheer political impatience with any alternative. The old Congress system of dealing with these issues appears so decrepit and corrupt that even a total carpet bombing of institutions and morality will be better. There is a kind of cruel aestheticism in our politics where audacious evil will be celebrated for its audacity, and mundane goods will invite contempt because they are mundane.

These proposals are not about solving a problem. What is playing out in Kashmir is the warped psyche of a great civilisation at its insecure worst. The BJP thinks it is going to Indianise Kashmir. But, instead, what we will see is potentially the Kashmirisation of India: The story of Indian democracy written in blood and betrayal.

**INDIAN EXPRESS, AUGUST 20, 2019**

**ARJUN RAM MEGHWAL**

**BR Ambedkar opposed the special status for J&K. He would have agreed with its abrogation now**

From time to time and on various platforms, Ambedkar had opposed the policies of the Nehru government related to Jammu & Kashmir.

On August 6, Article 370 was revoked by the Union government, which provided special status to the erstwhile state of Jammu and Kashmir ( J & K). There have always been scattered opinions in favour of abrogating this provision. At the time of the conception of Article 370 itself, initially brought in as Article 306A, B R Ambedkar had categorically opposed it because it hampered with the unity and integrity of India.

The draft Constitution, which was handed over by Ambedkar, the drafting committee chairman, to Constituent Assembly Chairman Rajendra Prasad on February 21, 1948, did not contain the provision granting special status to J&K. Jawaharlal Nehrustrongly favoured special status as well as Sheikh Abdullah’s prime ministership of the state. During the meeting with Sheikh Abdullah, Ambedkar opposed the provision, which would lead to breaking the fabric of national unity and integrity. He turned down the demand for special status and advised that “You want India to defend Kashmir, feed its people, give Kashmiris equal rights all over India. But you want to deny India and Indians all rights in Kashmir. I am a Law Minister of India, I cannot be a party to such a betrayal of national interests.”

Reacting to Ambedkar’s misgivings, Nehru entrusted his close confidante, N Gopalaswami Ayyangar, Minister without Portfolio in the interim government and former diwan to Maharajah Hari Singh, with the responsibility of preparing a draft for the necessary legislation to grant special status to J&K. On May 27, 1949, Ayyangar introduced a motion which contained an alternative method of selecting the representatives from J&K for the Constituent Assembly. Ayyangar recommended that all four persons from the state be nominated by the ruler on the advice of his prime minister. After a brief debate, the measure was adopted by the members of the Constituent Assembly. The interim government led by Abdullah nominated Mirza Mohammed Afzal Beg, Maulana Mohammed Syed Masoodi and Moti Ram Baigra, in addition to Abdullah himself. Ayyangar came up with the draft of Article 306 A in consultation with these four National Conference leaders.

On October 17, 1949, Nehru was in the US and Ayyangar was entrusted with the motion for the insertion of Article 306A in the constituent assembly. After the introduction of the motion, Maulana Hasrat Mohani tried to oppose the special provision, but he didn’t get much time. The motion was adopted on the same day and Article 306A was renumbered Article 370 at the revision stage. Ambedkar’s opposition to this move is evident from the fact that he had refused even to attend the session that passed the motion.

From time to time and on various platforms, Ambedkar had opposed the policies of the Nehru government related to J&K. In 1951, the election manifesto of the Scheduled Caste Federation, a party formed by Ambedkar stated: “The policies if continued will lead to perpetual enmity between India and Pakistan, and the possibility of war between the two countries.” It was his farsightedness that his words became reality and there have been three wars between India and Pakistan. While criticising the Nehru government on the J&K issue on the floor of the House during the Budget (General) 1952-53 discussion, Ambedkar meticulously made the point confronting the additional Rs 50 crore in the defence budget because of the Kashmir imbroglio. Ayyangar was the defence minister during this time and Ambedkar reminded him that a permanent solution to the Kashmir problem was related to the abrogation of Article 370. Under Nehru’s influence, the government did not pay any heed to this advice. In another instance, during a debate on Article 370, Nehru told the House that it is a temporary provision and its erosion will happen gradually. But Article 370 did not erode. It became stronger, making the lives of common citizens difficult in the erstwhile state of J&K.

Ambedkar realised that J&K’s special status would create another layer of sovereignty within sovereign India, which can be detrimental to the unity and integrity of the Republic. Article 370 led to the creation of a separate flag and separate constitution, which engendered feelings of separatism and regional autonomy, misleading the youths and ultimately gave birth to terrorism, corruption and misgovernance. The state had to face isolation from mainstream development programmes and policies brought in by central governments.

Ambedkar and Syama Prasad Mookerjee were the two non-Congress ministers in the interim government (1947-52) led by Nehru. It is important to note that on the issues related to J&K, the concurrence in the views of both intellectuals is clearly visible. During the first general election (1951-52), the Praja Parishad and Jana Sangh, led by Mookerjee, adopted a stand similar to that of Ambedkar — to bring J&K fully under the Constitution of India by repealing Article 370. In 1964, a few Congress parliamentarians also supported the move to abrogate Article 370.

Now, with the scrapping of Article 370, the country has taken a historic decision and a new era has begun in Jammu, Kashmir and Ladakh. It appears that the measure taken by Narendra Modi to correct a historic blunder is a humble tribute to Babasaheb Bhimrao Ambedkar.

This article first appeared in the August 20 print edition under the title ‘Babasaheb and Article 370’. The writer is Union Minister of State for Parliamentary Affairs and Heavy Industries & Public Enterprises

AUGUST 20, 2019

Coming generations of Kashmiris deserve better. Let’s give peace a chance

A promise of hope, change and transformation. A promise of getting rid of deceit, terror and the power nexus. A promise to give our much beloved motherland, Kashmir, a chance of peace. Will the promises hold?

Is 370 an article of faith or just a number? A privileged identity or a misplaced entitlement. If I leave out the middle number, 30 remains. My age. The years in exile. The age of my mother when she carried me out as an infant from our homeland Kashmir into an unknown land.

As I held her hand in the corridors of a Delhi hospital, I pondered over how it would have been for her to not be able to inform her parents for five months about migrating to Delhi in 1990 with two young daughters and her husband, from our initial transit point of Jammu, after our expulsion from Kashmir. Five months feel all the more arduous when I imagine not speaking to my parents for even a day.

No, we weren’t provided state transport buses to move out of our homeland. And no, we didn’t turn rich overnight. We fled to save our lives from terrorism and religious extremism. Saving lives and staying together as a family through the long period of rebuilding lives from scratch, my mother often says, has been the only virtue of our exile, given that probably many others weren’t even this fortunate. She doesn’t want to talk about our years of struggle, which she faced with grit, patience and determination.

Almost 30 years later, we were trying to connect with her childhood friend, Khalida, in Kashmir. She asked at the hospital if the officials managing the helplines there could possibly help her speak to her friend. I had no answer.

In our first post-displacement visit in 2012, my mother somehow arranged her friend’s contact details and we went to meet Khalida at her home after marriage in the outskirts of Srinagar. For the first few minutes, while hugging each other, they didn’t utter a word. Her friend said, “Ba aesus sochaan agar aseye maelav zaanh, che gachak na mae nafrat karaen” (I often hoped that if we ever met again in life, you shouldn’t have hatred against me), and my mother broke down. She replied, “Che kyazyi karaeye nafrat, yimav kor taeman vuche paanaey hyerum” (why will I hate you, those who were responsible, their actions will be judged by the Supreme Power).

The previous day, my mother had taken us to her former home in Habba Kadal, Srinagar. The place where she grew up with her grandmother, parents, brother and two sisters. Though the new occupants welcomed her, as she hesitatingly made her way upstairs to show us the study, they made it a point to tell her she could roam around “unaccompanied” and may feel free to “steal” small things as the bigger ones would be difficult to take away. I had a lump in my throat. I looked at my mother, she just smiled calmly. She asked if they had retained some of her books/documents/certificates. “We thought you won’t return, so we threw it all away.’’ Neighbours, who had turned encroachers.

Over the past two weeks, friends have messaged to ask about my view on the abrogation of J&K’s special status. Was I happy with the decision? In the almost 30 years of exile, it’s the first time others have sought my view on Kashmir with such eagerness. And I want to tell them — it’s not about us.

My maternal grandparents passed away yearning to return to our homeland. My parents struggled through their youth to raise us and now grapple with health issues, as they put us before themselves. I never got the chance to choose or ask questions, a childhood lost outside our homeland. When I hear the official announcements, there’s no mention of us. But there’s certainly a mention of the Kashmiris living there.

A promise of hope, change and transformation. A promise of getting rid of deceit, terror and the power nexus. A promise to give our much beloved motherland, Kashmir, a chance of peace. Will the promises hold? I don’t know — the same life lesson that I have figured out while making my way through the uncertainties emanating from our displacement from Kashmir. But, what I do hope for is peace. In my birthplace. In my homeland. Kashmir, the place of saints, scholars and mystics.

Let’s give peace a chance. The chance it deserves. I, as a Kashmiri, owe it to the next generation of Kashmiris.

**INDIAN EXPRESS August 21, 2019**

**Protect the LoC as it has, ironically, preserved common political space between India, Pakistan**

**by Ameya Kilara|**

While the constitutional changes to Article 370 are being fiercely contested under Indian and international law, they don’t automatically impact the status of the LoC.

The writer, a lawyer, has worked on dialogue and peacebuilding initiatives in Kashmir. Views are personal

Jammu and Kashmir, Line of Control, India Pakistan LoC, Pakistan, Jammu and Kashmir special status, Article 370, Indian Express

For 72 years, this dynamic has played out at the Line of Control (LoC): When the elephants fight, shelling across the LoC kills, injures and displaces Kashmiri communities.

The events following the August 5 announcement reminded me of a Kashmiri friend saying they are the proverbial grass beneath two elephants. “When two elephants fight, the grass suffers; and, when the same two elephants make love, the grass also suffers.”

For 72 years, this dynamic has played out at the Line of Control (LoC): When the elephants fight, shelling across the LoC kills, injures and displaces Kashmiri communities. When the elephants make peace, as in the Vajpayee-Musharraf era, Kashmiris fear a secret deal that puts a legal gloss on the territorial status quo, converting the LoC into an international boundary overnight, without considering what the Kashmiris themselves want. However, preserving the sanctity of the LoC will prevent the crisis from further unraveling and sustain hopes of finding common ground in an increasingly polarised environment.

Legally, the LoC is a ceasefire line and not an international boundary. Under international law, it is defined and protected by a bilateral treaty, the 1972 Simla Agreement, executed in writing between India and Pakistan following the 1971 war, and subsequently ratified by both parliaments. Records of these negotiations show Prime Minister Indira Gandhi would have preferred to declare the ceasefire line an international boundary and permanently settle the Kashmir question but agreed instead to the LoC at Pakistan’s request. It is also significant that the same agreement largely restored the territorial positions of both countries in Jammu and Kashmir prior to the war.

The language of the agreement and the negotiating history make abundantly clear the intent behind defining the line in this way: The territories on either side of the line remain the subject of a dispute and making arrangements (military or otherwise) at the LoC do not prejudice the final resolution of the conflict. The parties have since reinforced this understanding of the LoC in subsequent compacts such as the Lahore Declaration of 1999, an unpublished ceasefire agreement in 2003, and, a statement from the Indian and Pakistani Directors General of Military Operations in 2018 reiterating their commitment to uphold the 2003 ceasefire understanding in letter and spirit. As with any bilateral treaty, the status or definition of the LoC can be legally altered only with the agreement of India and Pakistan.

While the constitutional changes to Article 370 are being fiercely contested under Indian and international law, they don’t automatically impact the status of the LoC. A domestic law of one country simply cannot amend a bilateral treaty without the consent of the other party. Previous amendments and additions to Article 370, too, haven’t changed the LoC. Last year, Pakistan introduced the Gilgit Baltistan Order 2018, an executive order to begin the integration of Gilgit Baltistan into the federal structure of Pakistan and a step towards making it the country’s fifth province, akin to Punjab or Sindh. While India and Kashmiris on both sides of the LoC opposed the move, there was no suggestion that the LoC should be sacrificed.

It is arguable that the unilateral constitutional changes, like we saw earlier this month, fundamentally violate the letter and spirit of the Simla Agreement. Article 4 (2) of the Simla Agreement states: “Neither side shall seek to alter it (the LoC) unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line.” Such an interpretation would justify internationalising the conflict, violating the ceasefire and in the extreme, direct military action. Indeed, Pakistan briefly threatened to reconsider its adherence to bilateral treaties, including the Simla Agreement, in response to India’s latest move, but has since gone silent on the issue. The reasons are as much political as they are legal. Pakistan realises the Line of Control is the only remaining way for it to retain its claim on Kashmir. India has adopted an identical position for exactly the same reasons. When the Indian home minister was questioned in Parliament about what his changes mean for territory on the Pakistani side, he reiterated with some force India’s claim to all of Kashmir. Diplomatic speak from the Ministry of External Affairs followed to confirm that the changes do not affect either the LoC or the Line of Actual Control, the disputed border with China running through Ladakh.

For all these reasons, many see the LoC as merely perpetuating an indefinite and harmful status quo, preventing a substantive resolution of the conflict. However, given the reality of ever-hardening territorial positions (particularly in India) and increasingly polarised narratives within Jammu and Kashmir, the LoC, ironically, is the only surviving political space where common ground can be found. This is why the much-maligned Four Point Formula, centred around opening up the LoC for trade, travel, religious tourism and people-to-people exchanges, has survived in the imagination of Kashmiris of vastly different political inclinations. It allows the historic identities, cultural and familial ties, and to a limited degree, political aspirations of the people of Jammu and Kashmir to be celebrated without asking either India or Pakistan to climb down from their respective legal and political positions. The governments should preserve the gains made on the LoC rather than using it to settle scores on other issues.

The LoC can be changed in two ways: Bilateral agreement or an all-out war. The former is practically impossible when all diplomatic channels for dialogue are suspended. The latter is unlikely to produce a decisive victor and will inflict untold suffering on Kashmiris. They deserve better from two countries claiming to act in their best interests.

This article first appeared in the print edition on August 21, 2019 under the title ‘Protect the LoC’. The writer, a lawyer, has worked on dialogue and peacebuilding initiatives in Kashmir. Views are personal.

**INDIAN EXPRESS August 21, 2019**

**China’s hypocritical stance at UN against India is a bid to distract from its own troubles in Xinjiang, Hong Kong**

**by Sujan R Chinoy**

It is patently wrong to claim, as vested political interests have done in India, that the scrapping of Article 370 has resulted in the “internationalisation of Jammu & Kashmir” and that the informal discussion by UNSC members is the first of its kind in six decades.

One should recall that in 1965, when China reorganised the erstwhile Tibet region into the Tibet Autonomous Region, giving it a provincial status, India was not apoplectic, like China has been following the designation of Ladakh as a union territory. (Illustration by C R Sasikumar)

On August 16, the 15 members of the United Nations Security Council (UNSC) engaged in closed-door informal consultations in response to a letter written by Pakistan’s Foreign Minister Shah Mahmood Qureshi to the President of the United Nations Security Council (UNSC), backed by a request by Pakistan’s “iron brother” China, on the situation in Jammu and Kashmir (J&K).

A great deal of hullabaloo has been raised about the meeting. However, informal consultations are held in the UNSC all the time. There is no official record of the proceedings nor does the informal exchange result in any outcome document. In this case, the only consensus that had the backing of the majority of members was that India and Pakistan should resolve matters bilaterally. The members of the UNSC did not authorise the rotational president for the month of August, Poland, to issue even informal remarks on their behalf to the mediapersons who stake out the chamber, let alone a UNSC press statement by the president, which needs to be negotiated in a formal meeting and must be based on consensus, at least among the five permanent members. Such a press release or press advisory is not even considered an official document on record.

But for China’s request, even the closed-door informal discussion would not have taken place. China’s attempts to get the president of the UNSC to issue an informal statement to the media, was curiously backed by the UK, perhaps in the hope of scoring some brownie points with the large domestic constituencies of Pakistanis. The UK might also have hoped to curry some favour with China to further its mercantilist interests in the face of an imminent Brexit meltdown.

Pakistan’s Permanent Representative Maleeha Lodhi made a mendacious and propagandist statement to the media making allegations against India, claiming that “the voice of the people of Kashmir was being heard in the UNSC”. Pakistan should first permit the voice of the Baloch people to be heard, along with that of the oppressed in Gilgit-Baltistan.

China’s Permanent Representative Zhang Jun egregiously arrogated to himself the role of the president of the UNSC in an extraordinary breach of traditional practice and protocol, and spuriously claimed that members of the UNSC “had expressed their serious concern concerning the situation in Jammu and Kashmir”. He added that “they are also concerned about the human rights situation there and also, it is the general will of the members that parties concerned should refrain from taking any unilateral action which might further aggravate the tension”. He then went on to repeat the remarks of Chinese state councillor and foreign minister, Wang Yi, that “the Kashmir issue is a dispute left from colonial history. It should be properly and peacefully resolved based on the UN charter, relevant UN Security Council resolutions and bilateral agreements”.

The Indian government’s bold step to revoke the special status of J&K, long overdue, has given Pakistan and its cohorts in J&K a big jolt. It has hurt vested interests in the Valley who, for generations, have siphoned off the wealth of the state and waltzed with separatists at the same time. Prime Minister Narendra Modi emphasised in his Independence Day address that the move to revoke Article 370 will bring development and prosperity to the region. Earlier, the external affairs minister, S Jaishankar, had clearly conveyed, during his visit to Beijing, that the decisions were internal to India and aimed at providing good governance, promoting social justice and ensuring economic development in J&K. He had also pointed out to the Chinese that the constitutional change in India had no bearing on the boundary issue or the Line of Actual Control with China.

While it is a known fact that China treats Pakistan as a quasi-colony and backs it on all matters, its initiative to trigger informal consultations in the UNSC may have a broader rationale. China is facing global censure for its unbridled human rights violations in Xinjiang province, the mass incarceration of Uighurs in so-called re-education camps and the razing of mosques and other historical places that give the Uighurs their distinct identity.

The daily images on television screens around the world of the mass unrest in Hong Kong must be galling for a regime that takes pride in its ability to use force to quash dissent and seeks, with vaulting ambition, to emerge as the number one power in the world. The long-drawn public protests in Hong Kong are a reaction to the progressive erosion of the special status accorded to Hong Kong Special Administrative Region under the terms of its Basic Law, which protects Hong Kong’s capitalist system, the independence of the judiciary and the media.

Apart from its undying commitment to Pakistan, it is to deflect scrutiny of its own actions in Xinjiang and Hong Kong that China would have decided to support Pakistan’s request and also to have its permanent representative masquerade as a spokesman for members of the UNSC.

That China has never commented when Pakistan unilaterally changed the status of regions in PoK exposes its deep bias. Gilgit-Baltistan was re-designated by Pakistan as Northern Areas in 1970. In 1974, Pakistan unilaterally overturned a law of the erstwhile princely state of Jammu and Kashmir prohibiting outsiders from owning property, and encouraged large-scale settlement by Sunnis in predominantly Shia-populated Gilgit-Baltistan. Pakistan once again unilaterally issued the Gilgit-Baltistan Empowerment and Self-Governance Order in 2009, without any consultation with the people.

One should recall that in 1965, when China reorganised the erstwhile Tibet region into the Tibet Autonomous Region, giving it a provincial status, India was not apoplectic, like China has been following the designation of Ladakh as a union territory. That was not necessary since the claims of the two sides and the ground situation remained unchanged, whether then or now. Based on the principle of non-interference in each other’s internal affairs, India has always refrained from making statements concerning the internal situation of China.

It is patently wrong to claim, as vested political interests have done in India, that the scrapping of Article 370 has resulted in the “internationalisation of Jammu & Kashmir” and that the informal discussion by UNSC members is the first of its kind in six decades.

Many sections of the Indian media have erroneously claimed that the last time the UNSC discussed the issue of J&K was in 1965. First, the UNSC does not have any agenda item explicitly termed “Jammu and Kashmir”. The only agenda item on its mandate is “The India Pakistan Question”. Second, UNSC Resolutions 209, 210, 211, 214 and 215 of September 1965 focussed on a ceasefire during the war and demanded that the two sides cooperate with UNMOGIP. Third, the last formal resolution under the agenda item titled “The India Pakistan Question”, was UNSC Resolution 307 of 21 December 1971, which noted India’s unilateral declaration of a ceasefire in the western theatre during that war, Pakistan’s acceptance of it, and, demanded a durable cessation of all hostilities.

It was under Prime Minister Jawaharlal Nehru that India first brought the matter before the UNSC using Article 35 of the UN Charter, in a letter of January 1, 1948, from the Representative of India P P Pillai, addressed to the UNSC president. The agenda item was titled “The Situation in Jammu & Kashmir” until the 230th meeting of the UNSC, held on 20 January 1948. Pakistan too had written a letter dated January 15, 1948, addressed by Pakistan foreign minister, Zafarullah Khan, to the UN secretary general. As a result, the agenda item was re-designated as “The India-Pakistan Question” in the 231st meeting of the UNSC on January 22, 1948, diluting the question of “aggression” that India had taken up. The item has since remained on the agenda of the UNSC.

Pakistan’s communications to UN bodies of matters relating to J&K are not a new development. Every year, Pakistan’s permanent representative to the UN in New York writes to the secretary general requesting that the agenda item “The India Pakistan Question” be retained, lest it is struck off the agenda for lack of any formal action on the subject over the years. Similarly, in Geneva, the Pakistani mission routinely engages in propaganda about alleged human rights violations.

With the exception of Pakistan and a few of its supporters, the global community endorses the bilateral framework for resolution of differences between India and Pakistan. Pakistan will no doubt try to rake up the issue at the October meeting of the Human Rights Committee at the UNHRC, hoping to capitalise on the insidious report prepared in 2018 by former UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, a Pakistan sympathiser.

The informal meeting at the UNSC may have occasioned much jubilation in Pakistan though well-informed Pakistanis must surely know that it is a pyrrhic victory. The global community will no doubt take positive note of the steps being taken by India to restore normalcy in J&K through restoration of landlines, phased lifting of restrictions and the re-opening of government offices and schools. And, as Pakistan remains mired in its medieval ways, the world will soon see visible evidence of rapid development in J&K, which will contrast sharply with the backwardness of Pakistan Occupied Kashmir.

This article first appeared in the print edition on August 21, 2019 under the title ‘China and its quasi-colony’. The writer, a former Indian Ambassador with extensive experience on China, UN and national security issues, is director general of Institute for Defence Studies and Analyses, New Delhi. Views are personal.

**PIONEER, AUGUST 7, 2019**

**China asks India, Pak to avoid actions that exacerbate tensions; Opposes India's move on Ladakh**

Asking India and Pakistan to exercise restraint, China on Tuesday said they should avoid actions that "unilaterally" change the status quo and exacerbate tensions between them as it voiced "serious concern" over the situation in Kashmir. China also expressed its opposition to India's move to create a separate Union Territory of Ladakh. The Indian government on Monday revoked Article 370 which gave special status to Jammu and Kashmir and proposed that the state be bifurcated into two union territories, Jammu and Kashmir, and Ladakh. Asserting that China's position on Kashmir was "clear and consistent", Foreign Ministry spokesperson Hua Chunying said the issue is a legacy of history between India and Pakistan, which is also the consensus of the international community.

Hua, in a written response to queries on exchange of fire along the Line of Control and the Indian government's move to revoke Article 370 which gave special status to Jammu and Kashmir, said China is "seriously concerned" about the current situation in Kashmir. "The parties concerned should exercise restraint and act with caution, especially to avoid actions that unilaterally change the status quo and exacerbate the tension," she added. "We call on the two sides to peacefully resolve relevant disputes through dialogue and consultation and safeguard regional peace and stability," she said.

This is the second statement issued by China on the Kashmir issue in recent weeks. On July 26, China said India and Pakistan should peacefully settle the Kashmir issue and other disputes through dialogue and expressed its support to the international community, including the US, in playing a "constructive role" to improve ties between the two countries. The statement was issued in response to US President Donald Trump's offer to mediate between India and Pakistan to resolve the Kashmir issue during his meeting with Pakistan Prime Minister Imran Khan in Washington. India rejected Trump's offer, saying that Kashmir is a bilateral issue. Over the years, China's official stand on Kashmir has been that it is an issue left over by history and should be properly addressed by India and Pakistan through consultation and negotiations. In a separate statement, the Chinese foreign ministry spokesperson objected to the formation of Ladakh as Union Territory highlighting China's claims over the area. "China always opposes India's inclusion of Chinese territory in the western section of the China-India boundary under its administrative jurisdiction," she said. "This position is firm and consistent and has never changed. The recent unilateral revision of domestic laws by the Indian side continues to undermine China's territorial sovereignty, which is unacceptable and will not have any effect," she added. She urged the Indian side "to be cautious in its words and actions on the boundary issue, strictly abide by the relevant agreements reached between the two sides and avoid any move that further complicates the boundary issue." India and China have 3,488-km long Line of Actual Control (LAC) between them. The two countries have held 21 rounds of Special Representatives talks so far to resolve the boundary dispute.

PIONEER, AUGUST 7, 2019

A tribute to BR Ambedkar

Guru Prakash

The anomalies created due to Article 370 and 35A were erroneous at many levels. The Government’s decision will usher a remarkable transformation in the lives of Dalit, tribal and other backward communities.

One of the most significant points that is lost in the debate over the abrogation of Article 370 of the Constitution of India is the plight of the subalterns in the State of Jammu & Kashmir. The commentariat has missed the impact of removal of Article 370 on the Dalits, Other Backward Classes (OBCs) and tribal communities in the State. The socially, politically and economically disadvantaged sections were bereft of any Constitutional benefits, which were meant for their welfare and development. “You wish India should protect your border, it should build road in your areas, it should supply you food grains and Kashmir should get equal status as India. But the Government of India should have limited powers and Indian people should have no rights in Kashmir. To give consent in your proposal, would be a treacherous thing against the interest of India and I, as the Law Minister of India, will never do”, observed BR Ambedkar on the demand of special status to Jammu & Kashmir. As someone, who dedicated his life for the cause of the Dalits, Babasaheb carefully pre-empted the implications of a distinctive Constitutional status. He never compromised with the national interest and the interests of the community. He was unfortunately overridden by the then rulers, whose only intentions were to seek power at all costs. By revoking Article 370, the Narendra Modi Government has undone years of oppression and institutional discrimination of the socially marginalised sections like the Scheduled Castes, Scheduled Tribes and OBCs.

Coming together of arch-rivals

It was one of the rare occasions where the Bahujan Samaj Party (BSP) solidly stood with the Bharatiya Janata Party (BJP). Affirmative action policies like preferential treatment to the Dalits, tribal and OBC communities became victims of Article 370, which created a permanent roadblock for Central legislations. It is interesting to note that reservation policies were not fully implemented in the entire State of Jammu & Kashmir due to Article 370. Many Valmiki Dalits in Jammu are forced to become sweepers because the State legislation does not recognise their community, whose members are conventionally manual scavengers, as State subjects. The members of the community cannot apply for a Scheduled Caste certificate or a Government job, except for the post of a sweeper. They have been protesting against this since a very long time. According to a news report published by News18 in 2010, one of the Ministers publicly admitted that, “The demands of the Valimikis are genuine. They are not outsiders but adopted ones. Due to Article 370, giving State subject to them is difficult. In order to solve their situation, we will form a committee consisting of all party members, who can solve their plight soon,” said the then Jammu & Kashmir Minister for Relief and Rehabilitation, Raman Bhalla.

“Being denied SC certificate puts them at a disadvantage and they cannot even obtain a loan in the State to pull themselves out of backwardness. Without residential rights to property, they have no collateral to mortgage. Even after living in Jammu & Kashmir for 62 years, the Valmikis do not have a right to vote in panchayat, municipality or State Assembly elections”, observed Pallavi Sareen in one of the articles on the plight of Valmikis in Jammu & Kashmir. This was a gross violation of Constitutional values and spirit. Valmikis in the rest of the country are recognised as SC and are entitled to benefits in State-sponsored education and employment schemes. Can a similar class of citizens be treated differently in the same country? It was a matter of embarrassment as it never caught the attention of intellectuals and activists, who have systematically benefitted from atrocity narrative. The story does not end here. It is surprising that there is no provision of political representation of STs in the State of Jammu & Kashmir. Whereas the Constitution of India has made special arrangements for their equitable representation at critical decision making positions, the tribal communities were still prohibited to enter the legislative chambers of Jammu & Kashmir. With the bifurcation of Ladakh as a separate Union Territory, tribal communities will now get what was due to them since so many decades. The anomalies created due to Article 370 and Article 35A were erroneous at many levels. The Modi Government’s decision will usher a remarkable transformation in the lives of Dalit, tribal and other backward communities of Jammu & Kashmir.

(The writer is Adviser, Dalit Indian Chambers of Commerce and Industry (DICCI) and Assistant Professor at Patna University)

**PIONEER, AUGUST, 9, 2019**

**Pakistan hits back**

Freezing economic ties won’t have much consequence but the cessation of diplomatic ties is not good for both nations

There is no doubt that after the Balakot strikes, which showed how Pakistan’s jihadi adventurism could be curbed while staying well under the nuclear threshold, and now the reorganisation of Jammu and Kashmir, which removes Kashmir as a pre-condition for diplomatic engagement, our western neighbour has to have a new script. Till then, it has to keep up the noise and bluster of aggression, hemmed in as it is by international pressure advising restraint against escalation and the US making its strategic relevance conditional upon helping it swing the Taliban in Afghanistan. It is also true that while both Balakot and the revocation of Article 370 may have seemingly shocked Pakistan, it was implicitly prepared for the boldness of Modi 2.0, its Prime Minister Imran Khan grudgingly admitting that at least he could get Kashmir moving. And now that Modi has indeed moved the cheese in Kashmir, Pakistan has no option but to wipe off the spilt milk. Since there cannot be naked aggression, it has done the next best thing — squeezing diplomatic ties with India, recalling its envoy and sending back ours, shutting down airspace and Samjhauta Express and suspending trade.And contrary to perception, Pakistan isn’t imploding. Yes, its economy is in a bad shape and to that end it has taken steps, no matter how cosmetic, to crack down on terror factories and convince the Financial Action Task Force (FATF), which blacklists IMF and World Bank loans and grants to terror-funding States, that it is making progress. It may have lost its diplomatic edge but not been blunted completely as it has negotiating power with the Taliban. So it would be wrong to assume that it would come around to India’s terms or change tack on Jammu and Kashmir. Yes, India’s latest moves have clearly removed the possibility of talks as a continuing weapon of stalling under the garb of good intention. It has also reclassified the Kashmir issue as not one of aspiration but a creation of Pakistan-exported terror. Yet, robbed of its favourite pitches, Pakistan did counter Balakot robustly, shooting down our aircraft, denying its own F 16 loss and through an aerial dogfight at least showed that it was capable of reciprocal hitback, no matter what the diplomatic consequence. Similarly, even though it knows that raising the UNSC resolution bogey is fruitless, considering it has violated it with its own intrusions, it will make big announcements to take care of domestic imperatives. It is using the same logic to internationalise Kashmir, using its changed status as the raison-d-etre of renewed neighbourly hostilities, challenging India’s “internalisation” with “externalisation” of alarmist impacts. Truth be told, the cessation of bilateral trade ties will hit it more as India has been downgrading volumes consistently, particularly after Balakot, considering trade was being used as a conduit for funding terror operations inside Kashmir. Our export bouquet to Pakistan is really limited considering it has never given us “most favoured nation” status though we had done so in the past. Most of what we sell to Pakistan are agri-products, which can easily be diverted to markets in Southeast Asia. Cross-border volumes shrank as India imposed 200 per cent customs duty on imports after Pulwama. While India’s exports to Pakistan stood at $2 billion, imports were about $500 million per year. Imports from Pakistan declined by 92 per cent to $2.84 million in March this year compared to $34.61 million in March 2018, according to commerce ministry data. Mutual trade makes up for really minuscule proportions for both in world markets. Of course, in a healthy scenario, both countries could have a significant volume of transformative trade in the region, some estimating a $37 billion potential, but that in any case has never been pursued. So there isn’t much to rue either. But yes, a diplomatic freeze doesn’t work any which way. A stalemate does give Pakistan time to recalibrate and reconfigure a new “bleeding cuts” policy. Meanwhile, the Government must take care of engaging with the mature civil society, as also legitimately elected political leaders of the Valley, who have so far invested themselves in our democratic processes, and not leave them out in the cold. Pakistan is precisely looking for this alienated space to occupy and justify its intervention. Given the brutality of the lockdown, with news trickling in of food shortages and pellet gun attacks, the Government shouldn’t compound the local’s sense of being let down. A flashpoint could then become a volcano.

**STATESMAN, AUGUST 8, 2019**

**Pakistan suspends trade with India, expels Indian envoy**

According to reports, Pakistan sources have said that the Government of Pakistan would not send its High Commissioner-designate to India who was to take charge later this month and Pakistan may also ask the Indian High Commissioner to Pakistan Ajay Bisaria to leave Pakistan.

The Imran Khan-led Pakistan government has expelled the Indian envoy and suspended trade with India over the Kashmir (Article 370 revocation) issue, said AFP News Agency quoting the Pakistan government. According to reports, Pakistan sources have said that the Government of Pakistan would not send its High Commissioner-designate to India who was to take charge later this month and Pakistan may also ask the Indian High Commissioner to Pakistan Ajay Bisaria to leave Pakistan.

“We will call back our ambassador from Delhi and send back their envoy,” AFP quoted foreign minister Shah Mehmood Qureshi as saying. Earlier on Wednesday, Pakistan Prime Minister Imran Khan chaired the Pakistan National Security Council (NSC) which decided to downgrade diplomatic ties with India and suspend bilateral trade.

The National Security Council decided the following:

• Downgrading of diplomatic relations with India

• Suspension of bilateral trade with India

• Review of bilateral arrangements

• Matter to be taken to the UN, including the Security Council

• 14th of August to be observed in solidarity with brave Kashmiris

Imran Khan had summoned a second session of the National Security Committee (NSC) within a week after the Indian government’s move to scrap special status to Jammu and Kashmir. The development comes a day after the Indian Parliament had passed the Jammu and Kashmir Reorganisation Bill 2019 to abolish article 370 which granted special status to Jammu and Kashmir and bifurcating it into two Union territories — Jammu and Kashmir and Ladakh. Imran Khan had on Tuesday said that “incidents like Pulwama are bound to happen again” if abrogation of Article 370 and a similar approach is adopted. Khan made this statement while reacting sharply to the abrogation Article 370 by the Indian government on Monday which gave special status to Jammu and Kashmir.

“I can already predict this will happen. They will attempt to place the blame on us again. They may strike us again, and we will strike back,” said Khan while addressing the Parliament on Tuesday.

**STATESMAN, AUGUST 8, 2019**

**Abrogation of Article 370: Pak closes airspace partially after downgrading diplomatic ties with India**

The closing of Pakistan airspace came after Islamabad on Wednesday expelled Indian High Commissioner Ajay Bisaria and suspended trade with India over the revocation of Article 370 in Jammu and Kashmir. Hours after its decision to downgrade diplomatic relations with India in the wake of abrogation of Article 370 in Jammu and Kashmir, Pakistan has closed its airspace partially. According to a report in India Today, three out of 11 routes between India and Pakistan have been closed.

However, according to national carrier Air India, its westbound operations will not be impacted much by Pakistan’s decision to partially close its airspace. “One air corridor has been closed requiring a maximum of 12 minutes diversion. Not really affecting us,” the flag carrier said late on Wednesday. Meanwhile, the aviation security agency Bureau of Civil Aviation Security (BCAS) has asked all airports to step up security in the wake of the recent developments in Jammu and Kashmir. The closing of Pakistan airspace came after Islamabad on Wednesday expelled Indian High Commissioner Ajay Bisaria and suspended trade with India over the revocation of Article 370 in Jammu and Kashmir. The decision was taken at a meeting of National Security Committee (NSC) – the second within a week – presided over by Prime Minister Imran Khan to review the situation following the Indian government’s move on Kashmir. The Pakistan government has termed India’s move as “unilateral and illegal”. As per the Pakistan National Security Council decision, the government has decided to downgrade diplomatic relations with India, suspend bilateral trade with New Delhi, review bilateral arrangements, take up Kashmir matter with the UN and observe August 14 in solidarity with brave Kashmiris. This was the second session of the National Security Committee (NSC) within a week after the Indian government’s move to scrap special status to Jammu and Kashmir. Pakistan had only last month opened its airspace for all civilian traffic, removing the ban on Indian flights that were not allowed to use a majority of its airspace since the Balakot airstrikes in February. Air India was the major victim as several international flights to and from India were affected since the Indian Air Force (IAF) strikes on a Jaish-e-Mohammed (JeM) terror camp in Balakot on February 26. Flights from across the world were either cancelled or rerouted, since the closure was announced on February 27. Pakistan partially opened its airspace, only for the flights bound for the country. Earlier in June, Pakistan had decided in principle to let Prime Minister Narendra Modi fly over its airspace to Bishkek for the SCO Summit. According to reports, India had requested Pakistan to allow the use of their airspace for PM Modi’s special flight. However, in a change of plan, India chose to avoid Pakistan’s airspace and charted the PM’s flight via Oman, Iran and Central Asian countries.

**STATESMAN , AUGUST 8, 2019**

**SC refuses urgent hearing of plea on Kashmir restrictions, detention of political leaders**

Meanwhile, the Supreme Court on Thursday also declined to give an urgent hearing to a mentioning by advocate Manohar Lal Sharma, challenging the scrapping of provisions of Article 370. The Supreme Court on Thursday refused an urgent hearing on a plea filed seeking withdrawal of restrictions in the state of Jammu and Kashmir since August 4 in connection with the Centre’s decision to abrogate Article 370 and bifurcate the state into two Union Territories. The plea, filed by social activist Tehseen Poonawalla had sought the withdrawal of curfew, blocking of phone lines, internet, news channels and other restrictions from Jammu and Kashmir. The petition alleged that the state was witnessing undeclared curfew/restrictions, arbitrary arrests, shutdown of phone services and snapping of internet and blocking of cable TV having news channels. This amounts to suspension of Article 19 and 21 of the Constitution, he contended.

The plea said: “The actions taken by the Union of India pertains to gross abuse of its powers under law, whereby the people of the J&K are suffering on account of unwarranted imposition of undeclared curfew and further emergency like restrictions are being imposed under the garb of Section 144 of the Code of Criminal Procedure, 1973.” The petition contends that this information regarding the lockdown has been confirmed by the fact that the citizens are barred from access to basic healthcare, educational institutions, banks, public offices, food-vegetables and ration supply establishments and all other basic necessities.

The plea claimed that the inhabitants are facing difficulties to access the basic day to day necessities particularly patients, children, women and infants who have literally been arrested in their own houses for no reason. The plea also sought the “immediate release of political leaders from illegal custody”. Political leaders of J-K including former chief ministers Mehbooba Mufti and Omar Abdullah are under house arrest since early Monday morning. Jammu and Kashmir National Conference Chairman Farooq Abdullah also on Tuesday said that he was being “confined to his home” hours after Union Minister Amit Shah told the Lok Sabha that the senior politician “has neither been detained not arrested”.

Meanwhile, indefinite prohibitory orders were imposed on Thursday in Kargil, Drass and Sankoo areas of Jammu and Kashmir to maintain peace and tranquillity, the district administration said. The Kargil District Administration also directed that schools and colleges in the area shall remain closed till further orders. District Magistrate Baseer Ul Haq Choudhary directed that Section 144 of the CrPC that prohibits gathering of more than four people in one place, will not affect Medical and Health services or the Public Works Department. The Kargil district had observed a shutdown to protest the scrapping of Article 370 and bifurcation of the state of Jammu and Kashmir. The call for the shutdown was given by the Joint Action Committee (JAC) Kargil, which met at the office of Kargil Council Chief Executive Councillor Feroz Ahmad Khan on Tuesday.

The Parliament on Tuesday approved a resolution to abrogate special status to Jammu and Kashmir under Article 370 of the Constitution and pass a bill to split the state into two Union Territories – Jammu and Kashmir, and Ladakh. Prior to that, a massive security build-up was witnessed in the valley with over 8000 additional paramilitary troops being airlifted to the state.

All educational institutions have been closed till further orders and all Kashmir University exams have been postponed without specifying the next date. Mobile internet services have been snapped. Meanwhile, the Supreme Court on Thursday also declined to give an urgent hearing to a mentioning by advocate Manohar Lal Sharma, challenging the scrapping of provisions of Article 370. A bench headed by Justice NV Ramana, declining the request to hear the matter urgently, said: “The matter would be placed before the appropriate bench, that is the bench of Chief Justice Ranjan Gogoi, for listing the matter.”

The PIL contends that the gazette notification regarding Article 370 and Article 35A was against the basic spirit of the Constitution and that the government acted in an arbitrary and unconstitutional manner. The petition claims that the President’s order is unconstitutional and the Centre must take the parliamentary route.

**STATESMAN, AUGUST 8, 2019**

**India urges Pak to review decision to downgrade ties, asserts Article 370 a ‘sovereign matter’**

The Pakistan government had on Wednesday expelled Indian High Commissioner Ajay Bisaria and suspended trade with India over the revocation of Article 370 in Jammu and Kashmir.

India on Thursday said that it “regrets” the decision taken by Pakistan on Wednesday to downgrade the diplomatic relations and urged the neighbouring nation to “review the steps taken so that normal channels for diplomatic communications are preserved”. The Pakistan government had on Wednesday expelled Indian High Commissioner Ajay Bisaria and suspended trade with India over the revocation of Article 370 in Jammu and Kashmir. The decision was taken at a meeting of National Security Committee (NSC) – the second within a week – presided over by Prime Minister Imran Khan to review the situation following the Indian government’s move on Kashmir. The Ministry of External Affairs in a statement on Thursday said that it has seen reports that Pakistan has decided to take certain unilateral actions in respect to its bilateral relations with India, which includes downgrading the diplomatic relations.

The Ministery further made it clear that the recent developments pertaining to Article 370 were “entirely the internal affair of India”.

“The Constitution of India was, is and will always be a sovereign matter. Seeking to interfere in that jurisdiction by invoking an alarmist vision of the region will never succeed,” the Government stated firmly. Targeting Pakistan, the Ministry further said that it was “no surprise that such developmental initiatives that could address any disaffection in Jammu and Kashmir should be negatively perceived in Pakistan, a country which has utilized such sentiments to justify its cross-border terrorism”.

As per the Pakistan National Security Council decision, the government has decided to downgrade diplomatic relations with India, suspend bilateral trade with New Delhi, review bilateral arrangements, take up Kashmir matter with the UN and observe August 14 in solidarity with brave Kashmiris. This was the second session of the National Security Committee (NSC) within a week after the Indian government’s move to scrap special status to Jammu and Kashmir. The Parliament on Tuesday approved a resolution abrogating special status to Jammu and Kashmir under Article 370 of the Constitution and a bill for splitting the state into two Union Territories – Jammu and Kashmir, and Ladakh**.**

**STATESMAN, AUGUST 8, 2019**

**Delhi airport on high alert; domestic flyers urged to report 3 hours before departure**

Earlier on Monday, the national capital was on high alert to ensure no untoward incident occurs after the Government decided to revoke Article 370 in Jammu and Kashmir.

The Government has put Delhi’s Indira Gandhi International Airport on high alert in the wake of recent developments in Jammu and Kashmir and the Independence Day celebrations. The Delhi airport operator on Wednesday requested flyers to reach the airport minimum three hours in advance for all domestic flights and four hours in advance for all international flights due to enhanced security arrangements. It further informed that the entry to the meet and greet area will be closed from August 10 to August 20.

Meanwhile, a high-security alert has been issued by the aviation security agency Bureau of Civil Aviation Security (BCAS) at all airports ahead of Independence Day. Pakistan has closed its airspace partially hours after the Imran Khan government decided to downgrade diplomatic relations with India in the wake of abrogation of Article 370 in Jammu and Kashmir. Earlier on Monday, the national capital was on high alert to ensure no untoward incident occurs after the Government decided to revoke Article 370 in Jammu and Kashmir. With the upcoming Independence Day celebrations, the police and security agencies are on an alert. Police officials have been asked to ensure the safety of Kashmiri students residing in the capital. A red alert was also issued for the Delhi Metro network in the wake of the recent developments in the country.

“Security Alert. As advised by security agencies, a red alert has been imposed on the entire DMRC network. Please allow extra time in security checks,” a Delhi Metro Rail Corporation tweet read. The Union Home Ministry has directed the Delhi police to be on maximum alert so as to pre-empt and prevent any breach of security or public order. “Being the national capital, Delhi is always on alert and Delhi Police ensures that no untoward incident takes place. We were already beefing up the security arrangements in view of Independence Day, but after the directions of the Centre we will keep strict vigil,” a senior police official was quoted as saying by IANS.

An advisory for remaining on a high alert mode was issued to all the security forces across the country, including Delhi Police. The Ministry of Home Affairs (MHA) alert is based on general inputs analysed after any important event. The latest directive came after the government abolished Article 370 that gives special status on Jammu and Kashmir and also in view of the upcoming Independence Day celebrations.

**STATESMAN, AUGUST 8, 2019**

**NSA Ajit Doval visits Jammu and Kashmir to take stock of situation**

According to the sources, Doval was in Kashmir to assess the security situation in the state as it was placed under curfew in the wake of the government’s announcement.

National Security Advisor (NSA) Ajit Doval was on Wednesday spotted chatting around and having lunch with the local residents of Shopian in Kashmir in what is being touted as the Centre’s attempt to show that normalcy was slowly returning to the Valley. The move comes after the government revoked Article 370 of the Constitution that gave special status to Jammu and Kashmir. According to the sources, Doval was in Kashmir to assess the security situation in the state as it was placed under curfew in the wake of the government’s announcement. All communication, including the Internet, mobile phones, and landline phones were also snapped. Doval was, on Wednesday, spotted sitting and interacting with a handful of local people outside shuttered down shops in an empty market place in South Kashmir’s Shopian. “The government will make every effort to better the education of the children in the valley. It might not be as good as the private institutes, but you’ll definitely see an improvement,” he told the people.

Earlier, the NSA met Governor Satya Pal Malik at the Raj Bhavan in Srinagar. He also addressed groups of Jammu and Kashmir Police, Central Reserve Police Force and the Indian Army personnel to boost their morale in the state’s altered scenario. The Centre had scrapped Article 370 on Monday, August 5. Article 370 granted special status to Jammu and Kashmir and limited Parliament’s power to make laws concerning the state. It was incorporated in India’s Constitution in October 1949. It also gave power to the state legislature to define Jammu and Kashmir’s residents and their privileges.

Article 35A was proclaimed by President Rajendra Prasad on 14 May 1954 on the advice of the Jawaharlal Nehru government to empower the Jammu and Kashmir legislature to define the permanent residents of the state and their entitlements. It was drawn from the Delhi Agreement of 1952 and from Article 370.

**STATESMAN, AUGUST 9, 2019**

**UN chief asks India, Pak to not change Kashmir status, recalls 1972 Simla Agreement**

The United Nations Charter says that the UN cannot ‘intervene in matters which are essentially within the domestic jurisdiction of any state’. United Nations Secretary-General Antonio Guterres on Thursday came out against changing the status of Jammu and Kashmir and backed Security Council resolutions. One among the UNSC resolutions requires Pakistan to withdraw all its nationals from Kashmir.

“The Secretary-General calls on all parties to refrain from taking steps that could affect the status of Jammu and Kashmir,” Stephane Dujarric, spokesperson for the UN chief was quoted as saying by IANS.

STATESMAN, AUGUST , 9, 2019

Article 370 fallout: Pakistan launches national slogan ‘Say No to India’, bans all cultural exchanges

This is not the first time that a ban on Indian content has been imposed.

Pakistan government has decided to boycott all cultural exchanges with India including all kinds of joint ventures in the entertainment industry of the two countries following India’s move to abrogate Article 370, according to reports on Friday. The national slogan “Say No to India” was launched by the Ministry of Information and Broadcasting on Thursday, Dawn news reported. Firdous Ashiq Awan, Special Assistant to Prime Minister on Information and Broadcasting said, “All kinds of Indian content have been stopped and Pemra (Pakistan Electronic Media Regulatory Authority) has been directed to step up its vigilance in this regard along with actions against the sale of Indian DTH instruments”.

**STATESMAN, AUGUST 9, 2019**

**UNSC President refuses to comment on Pakistan’s letter regarding abrogation of Article 370**

During a press briefing, when Wronecka was asked for her reaction on Pakistan’s letter, she said, “no comments”.

UN Security Council President Joanna Wronecka on Thursday refused to comment on Pakistan’s letter to the UN regarding the abrogation of Article 370 by India.

During a press briefing, when Wronecka was asked for her reaction on Pakistan’s letter, she said, “no comments”.

Earlier this month, Pakistan Foreign Minister Shah Mehmood Qureshi had written to UN Secretary-General Antonio Guterres that claimed abrogation of Article 370 in Jammu and Kashmir “violated the UNSC resolution.

**STATESMAN, AUGUST 12, 2019**

**Pak fighting for Kashmir cause at every forum: Qureshi**

Qureshi said the Kashmir issue had been recognized as “disputed” internationally and “it was a common cause which should be above politics and other interests”. Pakistan’s Foreign Minister Shah Mehmood Qureshi on Monday said that the country is fighting “for the cause of Kashmiris” at every platform. Tensions between India and Pakistan have heightened after New Delhi on August 5 revoked special status for Jammu and Kashmir.

Addressing a press conference in Pakistan-occupied Kashmir’s (PoK) capital Muzaffarabad, where he arrived late Sunday to spend the first day of Eid-ul-Adha “in solidarity with the Kashmiris”, Qureshi said the freedom struggle of Kashmiris had reached a “crucial turning point”, Geo News reported.

He said Prime Minister Imran Khan in his wider outreach efforts had contacted world leaders including those of Turkey, Iran, and Indonesia to apprise them of the “unilateral step taken by India to change the status of occupied Kashmir”. Qureshi said the Kashmir issue had been recognized as “disputed” internationally and “it was a common cause which should be above politics and other interests”. The Minister added that Islamabad decided to take the issue of Kashmir again to the UN Security Council, and that China assured to extend full support for this purpose.

He said that the Prime Minister will visit Muzaffarabad on Wednesday on the occasion of Pakistan’s Independence Day, where the latter will address “Azad Jammu and Kashmir (AJK) Legislative Assembly to express solidarity with Kashmiris”.

**STATESMAN, AUGUST 12, 2019**

**Amid cracks in bilateral ties over Kashmir, Indian High Commissioner to Pak returns to Delhi**

Pakistan on Wednesday decided to downgrade diplomatic relations with India over the Kashmir move and expelled Indian High Commissioner Ajay Bisaria. Indian High Commissioner to Pakistan Ajay Bisaria returned to Delhi early on Monday days after he was expelled by the Islamabad government in retaliation to Centre’s revocation of Article 370, that grants special status to Jammu and Kashmir, and the bifurcation of the state into two Union Territories. The Indian Parliament last Tuesday approved a resolution abrogating special status to Jammu and Kashmir under Article 370 of the Constitution and a bill for splitting the state into two Union Territories – Jammu and Kashmir, and Ladakh.

The Pakistan government had termed the Centre’s move as “unilateral and illegal”. As tensions between the two nations escalated once again after Centre scrapped Article 370 of the Constitution, Pakistan on Wednesday decided to downgrade diplomatic relations with India over the Kashmir move. It expelled Indian High Commissioner Ajay Bisaria and suspended trade with India. The decision was taken at a meeting of National Security Committee (NSC) – the second within a week – presided over by Prime Minister Imran Khan to review the situation following the Indian government’s move on Kashmir.

As per the Pakistan National Security Council decision, the government has decided to downgrade diplomatic relations with India, suspend bilateral trade with New Delhi, review bilateral arrangements, take up Kashmir matter with the UN and observe August 14 in solidarity with brave Kashmiris. In a series of retaliatory measures, Islamabad suspended the Samjhauta Express and Thar Express services operating between Pakistan and India. It also stopped the Lahore-Delhi ‘Dosti’ bus service. Meanwhile, India has slammed Pakistan for the unilateral decisions taken in respect to the bilateral relations and urged the neighbouring nation to “review the steps taken so that normal channels for diplomatic communications are preserved”.

**STATESMAN AUGUST, 12, 2019**

**Article 370 fallout: Kashmiri students in AMU to boycott Eid lunch invite from Centre**

According to Kashmiri students, Governor Satya Pal Malik has no sympathy for them and the sanction of Rs 1 lakh and an Eid invite is to buy their consent for the undemocratic means adopted by the Indian government. Nearly 250 Kashmiri students studying at Aligarh Muslim University (AMU) have announced their decision to boycott a lunch invite from the Centre on the occasion of Eid al-Adha on Monday. The students from the Kashmir Valley have also said that they would stay away from any kind of festivity on the campus. The lunch is being organized at the university’s guest house.

In a statement, the Kashmiri students said that they were dismayed by the invite, which has political connotation and “aimed at rubbing salts on their wounds”. “We take this as an opportunity to reject Delhi’s authoritarianism and drama played in Parliament on August 5,” the statement said.

Recently, Jammu and Kashmir Governor Satya Pal Malik had sanctioned Rs 1 lakh each to the designated liaison officers for organizing the Eid festivities for students from J&K who are studying in other states and are unable to come to their homes on the occasion. According to Kashmiri students at the AMU, Malik has no sympathy for them and the sanction of Rs 1 lakh and an Eid invite is to buy their consent for the undemocratic means adopted by the Indian government. “The acceptance of the invitation would be an insult to the courage of our parents who are surviving the massive militarization and absolute clampdown in Jammu and Kashmir,” the statement read.

A senior Kashmiri student said the government never organized any such special meeting for them in the past five years. “Suddenly, they have started showing their concern for Kashmiris,” he said. AMU spokesperson Shafey Kidwai, meanwhile, said he was not aware of the boycott as the university had not received any communication from the Kashmiri students. Governor Satya Pal Malik had last week ordered setting up telephones in Deputy Commissioners’ offices across Kashmir for students studying outside the state to talk to their families back home in the valley. In view of the Eid festival, the Governor issued directions that students from outside J-K who wish to go to their homes for the celebration of Eid may be facilitated.

Even after almost a week of Centre revoking the special status granted to Jammu and Kashmir under Article 370 and bifurcated the state into two Union Territories, Kashmiri students in Delhi are still not able to communicate with their relatives and parents back home. The Union government’s decisions were accompanied by a virtual lockdown of Jammu and Kashmir. A curfew-like situation exists in the state as landline and mobile services have been blocked as has the internet. Terming the situation as “terrifying”, Kashmiri students in the capital expressed their concern. Meanwhile, Jammu and Kashmir witnessed muted Eid celebrations as Muslims offered prayers at local mosques amid heightened security. The Union Home Ministry on Monday said over 10,000 people peacefully offered prayers in mosques across Jammu and Kashmir.

**TELEGRAPH, AUGUST 9, 2019**

**We have all failed Kashmir**

**Pakistan and India have played politics over the region. But have we ever really thought about the Kashmiris?**

**Mehmal Sarfraz**

At a certain point I lost track of youThey make a desolation and call it peace

When you left even the stones were buried:The defenceless would have no weapons

— Agha Shahid Ali, “Farewell”

Kashmir was described as “the country without a post office” by the poet, Agha Shahid Ali. When India revoked most provisions of Article 370, Jammu and Kashmir became one as it lost its identity and its status in one fell swoop. Kashmiris were kept in the dark and cut off from the rest — quite literally — while the Government of India decided to alter its destiny. During a visit to Kabul in 2011, an Afghan colleague had said that most Afghans are suffering from depression due to years of war and chaos. It made me wonder how Kashmiris feel after seven decades of war, militancy and unrest. Kashmir has been a bone of contention between India and Pakistan. We have fought wars over Kashmir. We have played politics over Kashmir. But have we ever really thought about the Kashmiris?

Kashmiris are the ones who have suffered the most. They live in one of the world’s most heavily militarized areas. Their relatives, friends and loved ones have gone missing. They have lost hundreds of thousands of lives. They have seen mass graves. They live under constant fear. They are cannon fodder for two nuclear-armed neighbours. They are the ones who are suffering.

The Narendra Modi government had plans to abrogate Article 370 for a long time now, but not many thought he would do it in the manner it was done. First, there was the ‘threat’ to the Amarnath pilgrims. Then the detentions began. This was followed by a complete blackout. Leaders of mainstream parties were arrested, including two former chief ministers. Kashmir was bleeding while the rest of the world slept.

Pakistan was caught off guard when Modi made his move. A joint session of Parliament was called the next day. The prime minister, Imran Khan, addressed the session where he alleged that the ideology of the Rashtriya Swayamsevak Sangh was divisive. Among other decisions, Pakistan’s National Security Committee decided to downgrade diplomatic ties with India and announced the suspension of bilateral trade. The Indian high commissioner was asked to leave Pakistan and it was also decided that Pakistan’s high commissioner-designate would not be sent to Delhi. While these measures may send a strong message to the world, I don’t think they would make a difference to the sufferings of the people of Kashmir. War is not an option; it never is. Some ministers from the ruling Pakistan Tehreek-e-Insaf have hinted at it but it really isn’t an option, especially for two nuclear-armed states. There will be more engagement on the LoC between the two neighbours. The future looks bleak. What I see ahead is a lot of bloodshed and a lot of violence. When the Kashmiris are finally let out of their homes, when their connection with the outside world is restored, they may react adversely. Prime Minister Modi may think that he has thought this through, but even the best-laid plans can go awry. This generation of Kashmiris may not be amenable to any change. They feel betrayed. Many think that by stripping the state of its special status, India has taken away its identity.

The formula suggested by Pervez Musharraf may have been a viable option for peace but India delayed it and then it was too late as Musharraf was ousted. Now there seems no way out. Maybe there will be a way out eventually. But we cannot be sure. The PTI government in Pakistan is being criticized for not being proactive on Kashmir. Well, the government is more interested in local politics — in arresting leaders of the Pakistan Muslim League (Nawaz). Maryam Nawaz Sharif was arrested yesterday. The former finance minister, Miftah Ismail, was arrested just a day before Maryam’s arrest. The former prime ministers, Shahid Khaqan Abbasi and Nawaz Sharif, are already in jail. The former president, Asif Ali Zardari, is also behind bars. This government wants to obliterate its rivals. It may not have succeeded in convincing the world about the situation in Kashmir but it may convince its followers that ‘corrupt’ leaders are the bane of all problems in Pakistan.

We have all failed Kashmir by playing politics. Kashmir will not wait. It may take matters up in its own hands. These are dark times. May we all see a new, bright day in our lifetime.

**TELEGRAPH, AUGUST 8, 2019**

**Unfamiliar indifference and an unspoken question in Srinagar**

**The decision to abrogate the provision of Article 370 that gave Kashmir its special status has stunned the Valley into silence**

**Muzaffar Raina**

Muzaffar Raina, The Telegraph’s Srinagar-based journalist who covers Jammu and Kashmir, was unable to file any report since Sunday midnight because the regular communication channels were shut down.

Raina despatched three reports on Wednesday by typing them out on his computer, taking screen shots and sending them to New Delhi, from where they were transmitted to Calcutta.

The Kashmir Valley has been unlike its usual self after the Centre announced its decision to strip the state of its special status, its streets betraying surprising indifference. There have been only a few incidents of stone-throwing and fewer signs of public outrage.

But the questions on everyone’s lips are whether this is the lull before the storm and whether Kashmir would ever be the same again. “Kashmir is now formally a colony of India. If they (the Centre) are telling you this will end the conflict, the fact is you have taken the conflict to every home,” an academic earlier associated with Kashmir University said. “There were always fears that India would turn Kashmir into a Palestine and you would be driven out of your homes. There were fears that they would change the demography of this place by letting outsiders settle here. That is now a reality. I dread that the labourers (from other states) who built my house might now come to stake claim to it,” the academic said.

The decision to abrogate the provision of Article 370 that gave Kashmir its special status has stunned the Valley into silence. On Monday, when the decision was announced, there was hardly any stone-throwing at the security forces, a common mode of protest. Such incidents have, however, picked up since. But if the authorities had predicted 10 times more violence than that witnessed after the killing of Hizb commander Burhan Wani in the summer of 2016, it hasn’t been 10 per cent of that. Srinagar’s old city, the epicentre of pro-azadi protests, has been sealed and, virtually, not even a bird is allowed to fly.

On the 10km road from Habak to Lal Chowk, which this correspondent took to reach the city centre, things looked pretty relaxed on Monday, although the road was teeming with the security forces. Markets were shut and hardly any vehicles plied.

At the Kashmir University campus, some boys were playing football. At Nowpara, so-me were playing cricket. At Ashai Bagh, some youths jumped off a bridge to enjoy a swim in the lake while a few others were busy fishing. Perhaps a happy turn of events for the government, perhaps not.

To say people are not outraged at the government’s decision would be mistaken. Deep inside, everybody seems shaken to the core. For most of the azadi-loving people of the state, defending Article 370 has never been the goal. They always wanted something bigger — complete secession. The constitutional provision, nevertheless, gave them a degree of autonomy, which they had always held dear. One reason why Kashmir has not erupted is the unprecedented clampdown. Tens of thousands of security personnel have been deployed to enforce what is for all practical purposes a curfew, but officials won’t call it so — a practice in vogue for years to give the impression that all is well. Kashmir has seen trouble in the past, but never such an information blockade. Phone and Internet services are shut and cable TV services have been suspended.

Another reason behind the apparent calm is the three-year-old iron-fist policy pursued by the government since Burhan’s killing. Most separatists were already behind bars or under house arrest. There is a lot of fatigue because of the countless strikes and protests, and the government seems to have prepared well and timed its moves right. But if there is one discussion that is taking place in every home, outside every shop and among the youth who are seemingly busy fishing, it is about what strategy the people should device to counter the government’s steps. “We should have all been on the roads protesting, but that is what we have been doing all our lives. They (New Delhi) have declared war on us and our reaction has to be calculated,” a youth said at Dalgate. Others echoed him. “I think this decision has destroyed the peace of this place permanently.” Some expressed frustration with Pakistan, asking when it would intervene.

“They call it (Kashmir) their jugular vein. If they don’t act now, when will they?” asked a former bureaucrat who was part of an intense discussion on the lawns of an empty hotel at the famed Boulevard Road. Kashmir had been abuzz with rumours before Monday about something unprecedented being in the works. But the worst the people had expected was the scrapping of Article 35A, which gave the local population exclusive rights over land and jobs.

The announcements that followed took everyone by surprise.

“They have uprooted the entire tree (by abrogating the provision of Article 370 that gave special status to Jammu and Kashmir). Its tremors will be felt for times to come,” a hotelier said. Many fear it will boost radicalisation and give further impetus to the militancy. The administration is urging people to maintain calm but has vowed to crush violence.

“Anybody inciting people to commit acts of violence will be dealt with sternly and nothing will prevent the state from restoring order,” an official spokesperson said. While the curfew is likely to continue, the next major challenge will come on Id-ul-Azha, which falls on August 12. It is not clear whether big congregations will be allowed, but many are expected to use the occasion to show their strength.

**TELEGRAPH , AUGUST 8, 2019**

**Kashmir: Pakistan painting alarming picture, says India**

Steps on Kashmir expected to result in an upswing of economic activity and improvement in the livelihood prospects of all people, says statement

India on Thursday termed Pakistan downgrading diplomatic ties with it as an attempt to present an alarming picture to the world about bilateral relations, and urged Islamabad to review its decision. The external affairs ministry said India regretted the steps announced by Pakistan on Wednesday and asserted that its decision on Jammu and Kashmir is an internal affair.

The ministry said Pakistan negatively perceiving India's development move is not surprising as the neighbouring country has utilised such sentiments to justify cross-border terrorism. "The Constitution of India was, is and will always be a sovereign matter. Seeking to interfere in that jurisdiction by invoking an alarmist vision of the region will never succeed," the ministry said in a statement. India on Monday scrapped the special status to Jammu and Kashmir under Article 370 and also bifurcated the state into two Union Territories -- Jammu and Kashmir, and Ladakh.

Reacting to the decision, Pakistan on Wednesday expelled Indian high commissioner Ajay Bisaria, soon after deciding to downgrade diplomatic ties with India over what it called New Delhi's "unilateral and illegal" move. "Recent decisions by the government and Parliament of India are driven by a commitment to extend to Jammu and Kashmir opportunities for development that were earlier denied by a temporary provision in the Constitution," the ministry said. It said that the intention behind Pakistan's announcement on downgrading diplomatic ties was to present "an alarming picture to the world of our bilateral ties".

"The Government of India regrets the steps announced by Pakistan on Wednesday and would urge that country to review them so that normal channels for diplomatic communications are preserved," the ministry said.

It said India's decisions on Jammu and Kashmir will result in the removal of gender and socio-economic discrimination. "It is also expected to result in an upswing of economic activity and improvement in the livelihood prospects of all people of Jammu and Kashmir," it said.

"It is not surprising that such developmental initiatives that could address any disaffection in Jammu and Kashmir should be negatively perceived in Pakistan, which has utilized such sentiments to justify its cross-border terrorism," it added.

**TELEGRAPH, AUGUST 8, 2019**

**Jammu and Kashmir reorganisation: Reckless assault on federalism and democracy**

The government’s move will provoke further alienation instead of nurturing a sense of belonging to the Indian Union

Sugata Bose

What transpired on August 5, 2019, was much more than the repeal of an article of the Indian Constitution. The autonomy for Jammu and Kashmir enshrined in Article 370 had been already whittled down by successive Congress regimes since 1954. A dead letter for decades, an audacious BJP government has simply given it an unceremonious burial. But it has done much more.

Paying scant regard to the norms of parliamentary democracy, it has heaped humiliation on a regional people and declared its determination to achieve integration through the force of arms. A brazen and reckless assault on federalism and democracy, the government’s move will provoke further alienation instead of nurturing a sense of belonging to the Indian Union. The origins of Article 370 can be found in Article 306A, inserted by the Constituent Assembly as an interim measure in October 1949, limiting the accession of Jammu and Kashmir to defence, foreign affairs and communications.

Following the Delhi Agreement in July 1952 between Jawaharlal Nehru and Sheikh Abdullah on Kashmir’s autonomy, Article 306A was replaced by Article 370 of the Indian Constitution. After Sheikh Abdullah’s imprisonment in August 1953, a Constitutional Order was promulgated by the President of India in 1954 upon the advice of Nehru’s government empowering the central government to legislate on all subjects on the Union list, not only defence, foreign affairs and communication. The 1954 Order also imposed restrictions on fundamental rights and enabled the suspension of the freedom of speech and association on “grounds of security”. In less than two years Article 370 had been reduced to a shadow and a husk of what it was originally meant to be. This has been the background of demands by pro-India Kashmiri parties for restoration of autonomy to its pre-1953 status.

In 1957, the Kashmir government headed by Bakshi Ghulam Muhammed adopted a new state constitution that acknowledged Jammu and Kashmir’s status as “an integral part” of the Indian Union. The following year the central administrative services were brought into Kashmir through a constitutional amendment. Articles 356 and 357 of the Indian Constitution were made applicable to Jammu and Kashmir in 1964-1965 and would be misused in the 1980s to dismiss elected state governments. The state was brought under the purview of Article 249 enabling the central government to legislate even on matters on the provincial list. The governor and chief minister model replaced the more grandiose designations of the early 1950s’ pacts on autonomy. In substantive terms, therefore, the debate between political parties on whether to retain or repeal Article 370 had lost relevance, but it did have a symbolic residual value.

As long as the BJP needed the support of regional allies, the issues of Article 370, Ayodhya and a uniform civil code had been put on the backburner. Now the government appears to have decided that the time has come to throw all caution to the winds. The repeal of an article of the constitution, attenuated though it was over the decades, has been preceded by honing the instruments of repression. The choice of the route of a Presidential Order to effect the change diminishes the stature of India’s parliamentary democracy.

In colonial times our British masters had introduced a central legislature whose members could discuss but not vote on crucial pieces of legislation. Just because Article 370 had been instituted and amended through Presidential Orders in the early years of independence is no justification for following that undemocratic method after nearly seven decades of experience in parliamentary democracy. Why should India’s Parliament be reduced to discussing a fait accompli and rubber-stamping an autocratic decision in 2019?

The BJP government has gratuitously added insult to injury by lowering the political status of the regional people of Jammu, Kashmir and Ladakh. Falling short of the RSS’s pernicious calls in the past to trifurcate the state along religious lines, the government’s arbitrary decision to bifurcate does grievous injury to principles of federalism and democracy. A state aspiring for greater autonomy has been reduced to two Union territories. Genuine unity can never be achieved through forced centralisation and fiats from above. I had argued in a Lok Sabha debate on Kashmir in July 2016 that a free and flexible federal union would be a much stronger and longer-lasting Indian Union — a union that young people in the northern and northeastern extremities of our country would yearn to join and not want to leave.

Vajpayee’s invocation to insaniyat counts for nothing among the current leaders of the BJP. The central government has poured in tens of thousands of security personnel into Kashmir in the last few days in addition to the hundreds of thousands of soldiers already stationed there.

“Kashmir can be conquered by the power of spiritual merit,” Kalhana had written in his twelfth-century chronicle Rajtarangini, “but never by the force of soldiers.”Modi and Shah have no time for that piece of sage advice.

Sugata Bose is Gardiner Professor of Oceanic History and Affairs at Harvard University

**TELEGRAPH, AUGUST 6, 2019**

**Kashmir is now home minister Amit Shah’s backyard**

**Delhi model planned**

**Imran Ahmed Siddiqui**

Law and order and the overall security of the Valley will now be under the direct control of Amit Shah’s home ministry, with Jammu and Kashmir losing not just its special status but its statehood itself.

“As Jammu and Kashmir will become a Union Territory (like Ladakh will too), it will be subject to much more power being wielded by New Delhi,” a Union home ministry official said. “If the bill (to bifurcate Jammu and Kashmir into two Union Territories) is passed in Parliament, which it most likely will, the Centre will call the shots in the region.”

The official said that Delhi, a Union territory with a legislature and a lieutenant governor, would be the model for Jammu and Kashmir, which will retain its legislature while Ladakh will be bereft of one.

In Delhi, a perennial power struggle between the Arvind Kejriwal government and the Centre has often snowballed into serious conflict, especially over their respective control over the civil services. “A similar fate may await Jammu and Kashmir now,” the official said.

He said that Jammu and Kashmir police would now report to the Union home ministry just as Delhi police do. “There will be no interference from local politicians on security matters and in the transfers and postings of police officers,” he said. Ministry sources said the amendment of Article 370 was a “good” move. “Because of this special status, our security and nationalism were being compromised in Kashmir,” an Intelligence Bureau official said.

“It (the removal of the special status) will now prove to be useful diplomatically while dealing with Pakistan over territorial disputes. Besides, it will give all parties a chance to rule the state and help its development.”

The official said Jammu and Kashmir would now prosper economically and socially, and the social amalgamation would reduce the threat of militancy. It will also open the gates for real estate investments in Jammu and Kashmir from across the country. “The special status to Jammu and Kashmir under Article 370 was a temporary provision. There is no unconstitutionality in its removal,” he said. “With today’s development, India is now one from Kashmir to Kanyakumari.” While a presidential order has amended Article 370, the Supreme Court is hearing a petition from a Sangh-backed NGO that has sought the revocation of Article 35A.

The NGO’s grouse is that Article 35A, which gives residents of Jammu and Kashmir exclusive rights over land and government jobs and scholarships, was introduced through a presidential order without Parliament’s approval in 1954.

**TELEGRAH, AUGUST 6, 2019**

**Jawaharlal Nehru's support for Jammu and Kashmir's special status**

**The Centre used presidential orders to dilute Article 370 but most of the changes were made without any confrontation with the state**

**Sanjay K. Jha**

The debate on the continuation or abrogation of Article 370, titled a “temporary” provision in the Indian Constitution, has been going on for decades but it was almost unthinkable that Jammu and Kashmir’s special status could be scrapped in this manner, without the concurrence of the Assembly.

While no political party except those belonging to Jammu and Kashmir — the National Conference and the Peoples Democratic Party (PDP) — ever adopted a rigid approach, there was consensus that the article symbolised the spirit of accommodation and should be continued despite its gradual ineffectiveness.

The government’s sudden decision is bound to hurt as the sense of alienation has increased in the past few years.

Jammu and Kashmir is the only state that had negotiated its terms of association with the Union of India and Maharaja Hari Singh had signed the Accession Treaty with India on October 26, 1947, under unique circumstances as it was not easy for a Muslim-majority state to take this decision. The state acceded to India only in respect to defence, foreign affairs and communications and the sacred commitment manifested itself in the form of Article 370.

Article 370 was finalised after protracted negotiations between Kashmir — led by Sheikh Abdullah — and Delhi from May to October in 1949.

Legal expert A.G. Noorani in his book on Article 370 writes on the basis of documents and negotiations of that time: “Neither side can amend or abrogate it unilaterally, except in accordance with the terms of that provision.”

That India conceded special status for Jammu and Kashmir was clear in the unanimous agreement to allow the state to have its own Constitution. Even the change of nomenclature — from Prime Minister to chief minister of the state — was done only on April 10, 1965, when Kashmir’s Constitution was amended by the Assembly. Even Indian constitutional amendments were applicable to the state only after the Assembly’s approval.

A reply in Parliament on November 27, 1963, by then Prime Minister Jawaharlal Nehru to a question about any plan to repeal Article 370 gives the traditional perspective on the special provision.

Nehru had said: “Article 370 is part of certain transitional provisional arrangements. It is not a permanent part of the Constitution. It is a part as long as it remains so. As a matter of fact, it has been eroded, if I may use the word, and many things have been done in the last few years which have made the relationship of Kashmir with the Union of India very close.”

Nehru continued: “There is no doubt that Kashmir is fully integrated. The fact that there may be some special matters attached to it does not come in the way of integration at all, and I gave as an instance that in Kashmir citizens of India other than those of Kashmir are not allowed to buy land or own property. I think it is a very good rule which should continue, because Kashmir is such a delectable place that moneyed people will buy up all the land there to the misfortune of the people who live there.”

The then home minister, Gulzarilal Nanda, also once said in Parliament that only the shell of Article 370 was there as its contents had already been emptied out.

The central government used presidential orders to dilute the provision but most of the changes were made without any confrontation with the state. But sentiments changed in the Valley post-militancy in the early nineties and the situation came to such a pass that the National Front Government passed a resolution in the Assembly and submitted a memorandum on that basis to the Centre on November 5, 1995, asking for greater autonomy to the state.

That signalled a hurdle in the integration process, reflecting the sense of alienation among the people, which was largely caused by the misadventures of Congress governments at the Centre. The memorandum, apart from other things, asked the word “temporary” to be deleted from the Constitution in the heading of Article 370, to be substituted by the word “special”. This change in ground reality, which has worsened after remarkable normality during the Manmohan Singh regime for some years, heightened the symbolism of Article 370.

The Manmohan Singh government had formed a working group that examined various issues about the state, including the special status under Article 370. While the NC reiterated its demand for greater autonomy before this working group, the PDP — with whom the BJP had aligned to form its first government in the state — called for self-rule, triggering a major controversy.

While the BJP demanded abolition of the provision, the Congress said Article 370 should be treated as a permanent feature of the Constitution.

What that indicated was the reversal of the trend as the rigidity on Article 370 was intimately linked with the ground situation. The last few years have been miserable both in terms of violence and governance and currently there is no elected government either. At this stage, the abrupt decision of scrapping the state’s special status will indisputably be taken as a hostile gesture and only time will tell how this government manages the fallout.

**TELEGRAPH, AUGUST 7, 2019**

**Cloud on Jammu and Kashmir division**

The 2 new Union territories will come under the ministry’s Union territory division headed by a joint secretary

Imran Ahmed Siddiqui

The Union home ministry’s decades-old Jammu and Kashmir division is likely to be shut down as the state has been bifurcated into two Union territories — Jammu and Kashmir and Ladakh. “There is every possibility that the J&K division will be closed as the Jammu and Kashmir Reorganisation Bill, 2019, was passed in the Lok Sabha today,” a ministry official said on Tuesday.

“The two new Union territories will now come under the ministry’s Union territory division headed by a joint secretary,” the official said, adding that more administrative changes were likely.

According to the home ministry’s official website, the Jammu and Kashmir division “deals with constitutional matters including Article 370 of the Constitution of India and general policy matters in respect of J&K and terrorism/militancy in that state”. “It is also responsible for implementation of the Prime Minister’s Package for J&K,” the website says.

The division, headed by a joint secretary, also “deals with the Constitutional provisions with respect to the state of Jammu and Kashmir, administration of the armed forces (J&K) Special Powers Act… and all matters relating to the state of Jammu and Kashmir”. That includes “counter-terrorism within” the state and “coordination” on “subjects/matters specifically allotted” to any other ministry or department such as the “ministry of defence as regards manning and managing the line of control between India and Pakistan, but excluding those with which the ministry of external affairs is concerned”.

The division also coordinates with various ministries and departments, “primarily concerned with development and welfare activities” in the state.

“With J&K now having lost its statehood and also its special status, the two new Union territories will automatically come under the ministry’s Union territory division. No final decision has been taken in this regard but it is most likely that the separate J&K division will be closed down,” the ministry official said. According to the reorganisation bill, Indian Administrative Service (IAS), Indian Police Service (IPS) and other central officers of the Jammu and Kashmir cadre will continue to serve in the new Union territories, while new recruits to the All India Services from Jammu and Kashmir will be allocated the AGMUT (Arunachal Pradesh-Goa-Mizoram and Union Territories) cadre. The bill says provincial service officers of the state services will continue serving in their current positions till a new order is issued by the lieutenant governors of the two new Union territories.

“In future, the All India Service officers to be posted to the Union territory of Jammu and Kashmir or the Union territory of Ladakh, as the case may be, shall be borne on the Arunachal-Goa-Mizoram-Union Territory cadre, and necessary modifications in corresponding cadre allocations rules may be made accordingly, by the central government,” said the bill that Union home minister Amit Shah had introduced in the Rajya Sabha on Monday. The bill said the IAS, IPS and Indian Forest Service cadres for the existing state of Jammu and Kashmir would continue to function in the existing cadres. The lieutenant governor would decide the provisional strength, composition and allocation of officers once the two new Union territories are formed and notified. It added that state government employees will be able to “seek” the “option” of serving in either of the two new Union territories, the transfer “determined” by the lieutenant governor.

According to the bill, Jammu and Kashmir, like Delhi, will become a Union territory with an Assembly, with policing powers shifting to the Union home ministry. Ladakh will be a Union territory without an Assembly and will be run by the Centre.

**TELEGRAPH, AUGUST 10, 2019**

**Amit Shah to state units: Hail Modi and me**

**A buoyant BJP feels the “courageous” decisions on Kashmir will boost the party’s popularity across caste lines**

**J.P. Yadav**

Amit Shah has directed BJP-led state governments and local bodies to pass resolutions felicitating Prime Minister Narendra Modi and himself for their “determination, firmness and courage” in scrapping the Article 370 provision that accorded a special status to Jammu and Kashmir.

Shah, BJP president and Union home minister, has also directed all the party units to hold news conferences and “enthusiastic programmes” to advertise how “Hon’ble Prime Minister Shri Narendra Modi, Home Minister Shri Amit Shah and the Central Government have fulfilled the dream of Dr Syama Prasad Mukherjee”.

“Mukherjee” is a misspelling of “Mookerjee”, which is how the late founder of the Jana Sangh — the BJP’s earlier avatar — spelt his name.

The directives come in a letter sent by the BJP central office to state unit headquarters. This is being seen as part of an effort to reap electoral dividends and further corner the Opposition on the nationalist plank.

Party managers feel the decisions on Kashmir will help the BJP sweep the year-end elections in Maharashtra, Jharkhand and Haryana. “The BJP governed states to pass a resolution felicitating Hon’ble Prime Minister Shri Narendra Modi and Home Minister Shri Amit Shah and the Central Government for repealing Article 370. A copy of the resolution to be sent to Prime Minister’s Office and to the BJP Central Office,” the letter says. It underlines that this is to be done “as per the direction” of Shah.

While the letter does not specifically say the resolution must be passed in the Assembly, party sources said this is what would be done.“The resolutions will be passed by the legislative assemblies,” a BJP politician said. All the BJP-governed local bodies should pass similar resolutions, the letter says. A buoyant BJP feels the “courageous” decisions on Kashmir will boost the party’s popularity across caste lines, help it expand to new areas and cause the Opposition to disintegrate. Senior Assam leader Bhubaneswar Kalita, who was the Congress’s chief whip in the Rajya Sabha, resigned from the House on Monday after airing his opposition to the party’s stand on the amendment of Article 370. He quit the party on Tuesday and joined the BJP on Friday.

Several other Opposition MPs have resigned from the Rajya Sabha and joined the BJP since Modi swept back to power in May. “More Congress leaders will join us over Article 370. The Congress will disintegrate and Amitbhai’s call for a ‘Congress-mukt Bharat’ will be fulfilled soon,” a BJP politician crowed.

The letter to the state units says: “The firm determination, firmness and courage of our Hon’ble Prime Minister and Home Minister has led to this historic otherwise impossible looking task. The entire nation is in a jubilant mood after this historic decision.” It asks the party to tell the people how the “revered leader” Syama Prasad had “sacrificed his life years back with a dream to end Article 370”, and how his dream had now become reality. Revoking Article 370 had been one of the BJP’s three core demands since its Jana Sangh days. Party leaders feel that the ease with which the Modi government has secured this objective, along with Parliament’s endorsement, suggests it could also achieve the two others: a uniform civil code and a Ram temple in Ayodhya. While the Supreme Court is hearing the Ayodhya land dispute, Sangh parivar outfits are gearing to organise a string of events to mobilise the public sentiment in favour of a Ram temple in Ayodhya.

**TELEGRAH, AUGUST 10, 2019**

**Kashmiris betrayed: Historian Irfan Habib**

'It would have been better had a democratically elected state Assembly passed a resolution to scrap these articles'

Historian Irfan Habib has dubbed the scrapping of the Article 370 provision that accorded special status to Jammu and Kashmir as an “act of betrayal against the residents of Kashmir”.

“Feigning danger to Jammu and Kashmir, the central government took this decision without taking Kashmir’s people into confidence,” the 87-year-old professor emeritus of history at Aligarh Muslim University said during a conversation with local reporters on Friday. Habib said the BJP never tired of praising Maharaja Hari Singh, the then ruler of Kashmir who had rejected the complete integration of Jammu and Kashmir with India and got the Constituent Assembly to provide for autonomy for the state.

“The fact remains that the question of abrogating Article 370 would not have arisen had the maharaja agreed to the (then) central government’s wish to treat Jammu and Kashmir like any other state,” he said. “Sardar Vallabhbhai Patel, who was home minister at the time, had genuine reason to agree to the special status for Kashmir.” Habib said the Sangh parivar had begun attacking the Muslims of Kashmir at the time.

“Sangh members used to harass local Muslims and snatch their land. This was the reason that Sardar Patel agreed to the permit system (for entering Kashmir) — to prevent outsiders from grabbing local people’s land,” Habib said.

“Still, the people of the country could easily secure the permit and visit Kashmir. But leaders like Syama Prasad Mookerjee (founder of the Jana Sangh, from which the BJP evolved) were prevented from going there because their intention was not good.”

Habib explained that Article 35A — which granted Jammu and Kashmir residents exclusive rights over land and government jobs and scholarships — had been introduced in 1954 to lure back Kashmiris who had gone over to Pakistan after the Partition. This article has now been revoked along with the amendment of Article 370. “Later, Article 35A was introduced to bring the local residents (Muslims) back to the state. It worked and people did return. These articles (370 and 35A) were incorporated after thorough consultations with the local people,” Habib said. “The agrarian policy of Jammu and Kashmir was the best in the country at that time because the state government had given land to the farmers free of cost. This wouldn’t have been possible under the law of the government of India.”

Habib added: “It would have been better had a democratically elected state Assembly passed a resolution to scrap these articles. Some people have been dubbing the Centre’s decisions as merely wrong — I think the people of the Valley have been ditched.”

**TELEGRAPH , AUGUST 11, 2019**

**The BJP-led government worked overtime to keep journalists in the dark on Kashmir**

While the media found they had been misled, the government patted itself on the back for being secretive

In the run-up to the bolt-from-the-blue move to amend Article 370, scrapping Jammu and Kashmir’s special status, both the government and the Bharatiya Janata Party machinery led by the Union home minister, Amit Shah, worked overtime to ensure that journalists didn’t get a whiff of the plan. Government officials and BJP media managers made it a point to mislead journalists when many smelt something big was cooking. “Are you mad?” was the reaction of a BJP leader close to Shah when one reporter asked about the redrawing of the boundaries in J&K. “This is total nonsense being spread by our opponents,” the leader added. Shah himself met journalists informally and kept insisting that the troop build-up in the Valley was a security decision and had nothing to do with politics. To make sure journos don’t get any hint, BJP media managers engaged in the rare move of calling them up and informing them that the party’s election strategy had been discussed at the emergency party meet over J&K. Party leaders confided that assembly polls would be held in the state in October. With both the government and the party speaking in one voice, most journos ruled out fears of J&K’s special status being scrapped.

When the decision was finally made public on August 5, while the scribes discovered that they had been taken for a ride, the government and BJP managers patted themselves on the back for their ability to maintain secrecy. “Ye hai Modi-Shah”, remarked one senior minister, acknowledging that he too had no inkling about the move.

Crystal ball

When the former finance minister, Yashwant Sinha, predicted in 2017 that the health of the economy was not good, the then FM, Arun Jaitley, reacted angrily, seeing a job applicant in an 80-year-old critic. But the irrepressible Sinha is back again, asserting that every word of his has come true. He has reached an even more disturbing conclusion on this occasion. In an article, Sinha writes, “The problem is, and I am convinced of this now, that nobody in this Government understands economics. It is a case of the blind leading the blind. Winning elections is easy; delivering good governance to the people is quite another matter.” This blanket criticism of the Narendra Modi government and its set of advisers by one of the brightest minds in the BJP is going to create intolerable heartburn in the Establishment. Even though Sinha did not name the incumbent FM, Nirmala Sitharaman, a disgruntled BJP leader retorted, “This was not a critique of the finance minister who hasn’t shown any pretensions of knowing the economy. Sinha has commented on the incompetence of the Union cabinet.”

What is worse, and is sure to send out a wrong signal to the world, is that the former FM unambiguously pointed to data manipulation and said Sitharaman deliberately chose to misrepresent facts in the budget. He also described the economic crisis as “unprecedented”. Will he be proven right again? That could send a shiver down the BJP’s spine.

Different tune

Younger leaders of the Congress got unnerved by the BJP’s massive propaganda on its decision to abrogate segments of Article 370 and divide J&K. Even a veteran like Karan Singh, who has been such a key player in the history of the state, wavered. But it is also true that a number of veteran leaders of the party showed the courage to stick to their guns.

While Ghulam Nabi Azad and P Chidambaram took a strong public stand, Digvijaya Singh went a step further by suggesting a campaign to expose the BJP. Speaking at a book release function in Delhi recently, Singh said: “What would have Mahatma Gandhi done… in a situation that this bill had come and passed? I think he would have taken a march from Lal Qila to Lal Chowk to show solidarity with the Kashmiris. That’s what I would want them [the current leadership] to do.” Such a categorical assertion from Singh came at a time when the Madhya Pradesh chief minister, Kamal Nath, avoided getting into the merit of the decision, only saying that time will tell whether the government was right or wrong. The other senior leader from the state, Jyotiraditya Scindia, supported the Narendra Modi government. Ironically, while Singh is not in the good books of the Nehru-Gandhi family anymore, Kamal Nath and Scindia enjoy their blessings.

**TIMES OF INDIA, AUGUST 5, 2019**

On Monday, August 5, 2019, the Home Minister and Bharatiya Janata Party (BJP) leader Amit Shah announced to revoke the Article 370 which gave 'special' status to the Jammu & Kashmir region. Shah announced that the state will be reorganised geographically. Article 370 of Indian constitution, grants an autonomous status to the state of Jammu and Kashmir. This article aims to provide space, in matters of governance, to the people of Jammu and Kashmir who have always felt vulnerable about their identity and insecure about the future. The article states that the implications of Article 238, which was omitted from the Constitution in 1956 when the states of India were being reorganised, Jammu and Kashmir shall not fall under the category. Article 370 was drafted by Gopalaswami Ayyangar and the original draft states that ‘the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948.’ Under Article 370 the Indian Parliament cannot increase or reduce the borders of the state.

**TIMES OF INDIA, AUGUST 10, 2019**

**Integrating Kashmir? Nullifying Articles 370 and 35A can have effects opposite to those intended**

**Kanti Bajpai**

he nullification of Article 370 of the Constitution resides somewhere between the comic and the tragic. Ironically, the heroes of this government, Syama Prasad Mookerjee and Sardar Patel, sticklers for scrupulous proceduralism, would be appalled at the Modi-Shah shenanigans. But tragicomedy, parliamentary manipulation and token genuflection before political elders has been the trademark of the Modi government: why should Kashmir policy be different?

More important, for now, is the home minister’s claim that nullification of Article 370 will finally bring about the integration of Jammu and Kashmir with the rest of India. This deserves careful assessment. The dubious political engineering of nullification apart, let’s attempt a preliminary analysis of his claim. The integration of J&K with the rest of India has three dimensions: administrative, economic and social-psychological. Will nullifying 370 deepen integration along these dimensions?

First, in so far as J&K and Ladakh have become Union territories, dispensing with 370 means direct rule from New Delhi. Administratively, therefore, the two regions will be more integrated with the central government and by extension, presumably, with the rest of India. However, given the shambolic relationship between the Kejriwal government in Delhi and the central government under Modi over the past four years, it is a fair bet that relations between Srinagar and New Delhi will be turbulent. The sly, sullen resistance of locals and the overbearing nature of a “know-it-all” Centre could be combustible but, in any case, will be all-too-predictably dysfunctional.

Secondly, the home minister hopes nullifying 370 and 35A on land ownership and domicile will encourage greater economic integration. Private companies and PSUs will be moved to invest, primarily in J&K. Apparently, as a result, manufacturing and services will suddenly flourish, and jobs will abound for Kashmiris but also others. Leave aside the Modi government’s abysmal economic record and complete failure at job creation. What would draw anyone to J&K? The state has few natural resources, poor infrastructure and a lack of skilled workers. Like the rest of India, buying land to set up businesses will be extremely difficult given the Land Acquisition Act. Law and order disturbances and terrorism will discourage businesses and labour from moving into the state. Let’s remember that, according to the government’s own data, terrorism in the state has increased in the five years of NDA rule. Will this reduce with nullification or increase?. The only serious economic possibility is creating special fortified zones protected by the police and paramilitaries and propped up by tax and other incentives for outside investors and imported workers. Will this work? The government will no doubt be studying the record of Israeli and Chinese policies in restive areas. A key element is attracting skilled migrants and their families. In no region of India has New Delhi, at least since Partition, actively promoted migration from other states. If the Modi government does so, it will be a first and will reek of internal colonialism.

Thirdly, that nullifying 370 will integrate Kashmiris in the Valley and draw them socially and psychologically closer to the rest of India seems like a fantasy. Article 370 was a promise that the Valley above all would retain its distinctiveness, even as it was part of a secular national life. What Valley Kashmiris are now offered instead is integration with an India increasingly hostile to Muslims – under a Hindu majoritarian party that looks set to rule for the next 30 years and an opposition that is divided, rudderless and cowed. I can quite see why Muslims of the Valley might be cynical about the kind of integration that now confronts them. Let’s not speculate overly on the motives of the Modi government in nullifying 370. The real issue is: when will it learn good governance? In five years, it has damaged foreign policy, the economy, and every major domestic institution. To this melancholy list it has added Kashmir policy.

**TIMES OF INDIA, AUGUST 10, 2019**

**Indira and VP Singh could have buried 370 but they clung to it as a test of secularism**

**Swapan Dasgupta**

n the age of social media, there is at least one parliamentary intervention that attracts exceptional attention. In last week’s Lok Sabha debate on Jammu and Kashmir, that honour was bestowed on Jamyang Tsering Namgyal from Ladakh. What the 34-year-old BJP MP said was less important than the passion of his delivery and, much more important, the fact that he spoke for a region of the erstwhile state whose existence was hitherto barely acknowledged.

In the list of conflict zones that help sustain the ‘conflict resolution’ and human rights industries, Kashmir features prominently. It is flaunted as a symbol of Muslim victimhood and liberal angst, and is important to both jihadis in Pakistan and editorial writers in Manhattan. Their idea of Kashmir is, however, confined to the Kashmir Valley — a zone that contributes three of the 543 parliamentary constituencies. There are three other seats from the other two regions of J&K. Of the six MPs, three supported the Narendra Modi government’s initiative and three opposed it.

It is important to grasp the political geography of J&K for two reasons. First, the Kashmir Valley isn’t the whole of J&K. For every person backing their chants of Azadi with a volley of stones, there are equal numbers willing to wave the Indian tri-colour. Secondly, as the vote in Parliament demonstrated, the mood against persisting with a constitutional status for J&K was overwhelming and bipartisan. Judging by the ecstatic popular response to last Monday’s announcement of the government’s proposal, the supposed sacredness of J&K’s special status was centred on a bubble that was easy to burst. India enthusiastically endorsed the application of the Constitution to the whole country.

The relative ease — although backed by rigorous floor management — with which the new legislation on J&K was secured in Parliament raises the larger question of why it hadn’t been done earlier. Whatever may have been the compulsions of the Constituent Assembly making an exception for J&K, the ‘temporary’ nature of Article 370 was always understood. There were at least two occasions when Article 370 could have been buried. In 1972, in the aftermath of the Pakistan army’s surrender in Dhaka, Indira Gandhi could have made J&K’s accession to India non-negotiable as the price for the return of 93,000 Pakistani soldiers in Indian captivity. Instead, she quite mistakenly — and, ironically, egged on by a fellow Kashmiri Pandit — chose the path of magnanimity. The Simla Agreement, in effect, acknowledged a role for Pakistan in J&K.

Secondly, in 1990, when the Valley was in turmoil and the Hindu minority was subjected to a vicious bout of ethnic cleansing, the time was opportune to review a constitutional arrangement that violated the basic principles on which the Republic had been created. The Indian state became a mute spectator to the exodus of an entire community whose only fault was that they professed a particular religion. The circumstances in 1972 and 1990 were undoubtedly different. In 1972, Indira Gandhi was at the peak of her power and Pakistan was devastated, having lost its eastern wing. In 1990, the governments of V P Singh in Delhi and Benazir Bhutto in Islamabad were fragile and economically vulnerable. However, in India at least, there was a common thread. Both Indira Gandhi and V P Singh would, ideally, have been happy to put J&K on par with the rest of India—not least to bolster themselves politically in the rest of the country. Unfortunately, they clung to a misplaced belief that the special status of J&K was a test of India’s secularism. Enhancing Sheikh Abdullah’s political confidence in India’s bona fides may have contributed to the original decision in 1949. However, in time, autonomy became a red herring since specific guarantees on land rights for state subjects could easily have been accommodated in another clause within Article 371, as has happened in Himachal Pradesh. Instead, Article 370 became a badge of emotional separatism that was deftly used by the regional parties in J&K for their own narrow ends. Far from confronting this frontally, successive governments in Delhi mistakenly equated Article 370 with the larger question of minority rights in India. The same logic that prevented any Muslim personal law reform since 1939 worked to celebrate the principle of differentiated citizenship for Muslims in general and J&K in particular. The Constitution was deemed to be great but so great that some people had to be protected from it. It is to the credit of Modi and Amit Shah that they confronted this political distortion uninhibitedly. Someone had to.

**TIMES OF INDIA, AUGUST 12, 2019**

**Full of sound and fury: Why Islamabad’s histrionics on Kashmir have barely stirred the global community**

**Chidanand Rajghatta**

India’s move to effect legislative and constitutional changes to mainstream the part of Jammu & Kashmir state it administers has driven Pakistan stir crazy on grounds that New Delhi is changing status quo of a disputed territory. This is something Islamabad itself has done periodically, including ceding parts under its occupation to a third party, China. Islamabad’s histrionics have barely stirred the global community beyond expressing hopes that it will not exacerbate the matter.

Even its all-weather patron China and the Muslim ummah it lives off have counselled restraint. The United States, despite being constrained by needing Pakistan for its drawdown in Afghanistan, has implicitly backed India’s right to ring in internal changes that came sans external aggression. Russia has been more explicit in its support, validating changes “carried out within the framework of the Constitution of the Republic of India”. There are several reasons why the world has reacted to Islamabad’s fury with a shrug – and a nod to India, despite New Delhi’s lackadaisical presentation of its case in global forums. Pakistan is seen as revisionist state bent on changing status quo through aggression (four wars) and the use of terrorism that has fundamentally altered the dynamics in the Kashmir Valley. In a world that is seeing a resurgence of nationalism, there is little appetite to endorse separatist movements, least of all one underwritten by religious fundamentalism that has subverted more inclusive sentiment that went by the name Kashmiriyat.

Utterly parlous and barely able to govern itself amid multiple insurgencies on its western borders, Pakistan makes a poor case for Kashmir, particularly given its gratuitous use of terrorism that has affected not just India but the entire region, indeed the entire world. No one has forgotten where Osama bin Laden was finally found. Few countries in the world have settled borders, not even great powers. China is tackling insurgencies with methods that some scholars now believe India’s current ruling dispensation may be tempted to follow. Russia is still dealing with insurrections on its border territories. Even the United Kingdom, nearly a century old now, is finding out that nation building is never complete. The United States, 243 not out, annexed Texas (previously a part of Mexico) in 1845, something the deranged shooter in El Paso apparently forgot when he went on a bloody rampage to protest against the “Hispanic invasion”. Invariably, big powers that offer a democratic playing field are able to defuse insurgencies. That integration has been constantly undermined by Pakistan with its use of religious extremist to fuel violence in the Valley.

For 72 years India has done a poor job of explaining its claims over Jammu & Kashmir, and for that matter the origins of the rump state of Pakistan, an alphabet soup entity that did not exist in history and made no coherent or geographical sense, and hence was mercifully stripped of its eastern wing that became Bangladesh. So confident were India’s founding fathers of the state’s accession to India (beyond the legalities) that they, as Pakistan correctly pointed out, took the matter to the United Nations. What it fails to point out is that the principal Security Council resolution that flowed from this referral enjoins Pakistan to vacate the “Azad” Kashmir it occupied before any referendum could be contemplated. Even the UN now implicitly acknowledges the resolution is infructuous given the cartographic and demographic changes Pakistan has effected . So why does Islamabad persist in pursuing the matter? Because Kashmir is a useful distraction from the more arduous task of governing Pakistan’s restive population. A country that has survived for 72 years despite claiming that Kashmir is its jugular vein has a military that uses the issue as an ATM to withdraw unlimited resources in the name of national security. Left to itself, without infusion of jihadism, the Valley would display the same kind of disaffection that roils many parts of India, a still imperfect Union that is a work in progress. Indeed, that has been the case sporadically over seven decades. Less so now.

Most Western strategists and scholars now understand this, although sections of Western media still need to be disabused of the cliches that pervade their commentary on the issue. Among the more repugnant headlines in recent days was one in the New York Times that spoke of ‘Hindu-led India puts clamp on Muslim Kashmir’. Even allowing for exigencies of headline writing, it gratuitously overlooked the fact that Jammu & Kashmir is a composite entity with a syncretic tradition, as is India as a nation. Are there aberrations that stain it? You bet. As much as in the United States, where on the same day, there was an instance of two white police officers on horseback in Texas leading a black man on a leash. One did not see the headline ‘Racist White Christian-led US still treating Black men like slaves’.

All this does not mean the Modi government has done something right even within the framework of the Indian Constitution. As should happen in any constitutional democracy, the matter has been challenged in court. Meanwhile, the situation in Kashmir Valley (not beyond) will be fraught for several days, perhaps several months. In this time, Pakistan will ramp up its narrative with wilful suppression of history. India on its part needs to tamp down on any triumphalism, come out of self-congratulatory mode, and urgently send out delegations – all party parliamentary and civil society teams, not raging nationalists or Hindutva hotheads – to make its case calmly and logically. To acknowledge that there is disaffection in Kashmir Valley (and not beyond), and that what is happening, temporary curtailment of civil liberties notwithstanding, is part of a ceaseless effort to forge a more equitable Union.

**TRIBUNE, AUGUST 8, 2019**

**Protest in Kargil over govt’s move to make Ladakh a UT**

Protests were held on Thursday in Kargil district over government’s move to created Ladakh a Union Territory. A complete shutdown was observed in Kargil on the third day of scrapping of Article 370 and bifurcation of the state of Jammu and Kashmir. Meanwhile, indefinite prohibitory orders have been imposed in Kargil, Drass and Sankoo areas of Jammu and Kashmir to maintain peace and tranquillity, a release of the district administration said.

The Kargil District Administration also directed that schools and colleges in the area to remain closed till further orders. District Magistrate Baseer Ul Haq Choudhary directed that Section 144 of the CrPC that prohibits gathering of more than four people in one place, will not affect Medical and Health services or the Public Works Department. The call for the shutdown was given by the Joint Action Committee (JAC) Kargil, which met at the office of Kargil Council Chief Executive Councillor Feroz Ahmad Khan on Tuesday.

**TRIBUNE, AUGUST 8, 2019**

**Time will tell where reorganisation takes J&K**

**TKA Nair**

The Union Home Minister’s assurance in the Rajya Sabha that the drastic security measures enforced in the current context would be eased soon might not carry much conviction, especially with the people in Kashmir Valley. The rosy post-reorganisation picture of J&K painted by the minister would most likely prove to be a chimera in the emerging scenario of J&K.

“Revoking Article 370 will end the bloodshed in Kashmir," exulted the Union Home Minister and chief architect of the J&K Reorganisation Bill which seeks to end the special status of J&K in the Union of India. By one bold brush, the state of J&K is effaced from the map of India. And two new union territories have sprung up. The pattern of voting in the Rajya Sabha, where the Bill was introduced and passed the same day and the reported jubilant response from across the country, highlight that the Modi-Shah constitutional strategic strike has been a political masterstroke.

Predictably, with the approval of the Lok Sabha and the assent of the President, the J&K Reorganisation Bill would soon become part of the Indian Constitution. The state of J&K would cease to exist and the two union territories of J&K and Ladakh with different constitutional status would come into being with the attendant legal, administrative and other structural constructs. For obvious reasons, the process would not be a one-time strike but would take months, even years, to get fully operational on the ground. Meanwhile, how would this unprecedented measure impact the polity and lives of the people of J&K and India's relations with its neighbours and the global community? The circumstances leading to the Instrument of Accession of J&K with the Indian Union and the insertion of Articles 370 & 35A in the Indian Constitution have a great bearing on the special status of J&K, the structure of its governance, including its constitution, and the politically emotive issue of its 'autonomy'. On the eve of Indian independence, while most of the princely states acceded to either India or Pakistan, the ruler of J&K — Hari Singh —nurtured ambitions of becoming independent of either. Only after Pakistan-sponsored 'raiders' infiltrated into his kingdom did Hari Singh persuade himself to sign the legally binding Instrument of Accession under the Indian Independence Act 1947. Subsequently, like other Indian states, J&K was represented in the Indian Constituent Assembly and Sheikh Abdullah and three other leaders from J&K were signatories to the original document of our Constitution in which Article 370 was incorporated. Significantly, under the caption, "Temporary provisions with respect to the State of J&K", Article 370 specifically lays down that "This Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he (the President) may specify." The special status of the state of J&K, embedded in the Constitution can be abrogated following the procedure prescribed with the recommendations of the state government. There is no ambiguity about this constitutional provision and the validity of it was examined and settled by the Supreme Court in Mohd Maqbool vs the State of J&K and Puranlal Lakhanpal vs President of India.

For sure, the constitutional validity of the J&K Reorganisation Act would be challenged in the Supreme Court soon after it gets incorporated in the Constitution. At this point in time, it is hazardous to predict what would be the immediate outcome of it, except that the court would issue notice to the Union of India and the challenge would come up for hearing. Whether the apex court would, on hearing the Union of India and its adversary parties, stay the operation of the Act or not would be sheer conjecture, but certainly the constitutional validity of it would be subject to close judicial scrutiny on solid grounds. For obvious reasons, an element of uncertainty would prevail with its predictable impact on the governance of J&K and the lives of its people. With its separatist, militant elements and the fragile border with Pakistan, the socio-political and economic situation in the state would continue to be unsettled causing distress to the people. The presence of a large posse of security forces could possibly enforce some semblance of law and order, but the sense of insecurity would continue to haunt the common people. And the ground situation would be fragile and volatile. Normal political activity would remain suspended, though some of the vocal Kashmiri leaders now under detention might be set free after some time.

The state remains virtually shut out from the rest of the country and the world and the general atmosphere of fear and distrust would provide a fertile ground for rumour-mongering. The Union Home Minister's assurance in the Rajya Sabha that the drastic security measures enforced in the current context would be eased soon might not carry much conviction especially with the people in the Kashmir Valley who are bitterly aware of such broken promises, including, ironically, even those which were enshrined in the Constitution of their state and that of the Indian Union. The very rosy post-reorganisation picture of J&K painted by the Union Home Minister in the Rajya Sabha would most likely prove to be a chimera in the emerging scenario of J&K. The very fundamental long-term objective of the J&K Reorganisation is demographic transformation of the Kashmir Valley. The essence of the special status of J&K guaranteed by Articles 370 & 35A was legal prevention of people from outside Kashmir acquiring property rights, getting jobs and settling down there and virtually overrunning the locals. These prohibitory provisions reflected the the Kashmir Valley people’s long-term, deep-rooted apprehensions which were shared by Hari Singh who signed the Instrument of Accession and those who succeeded him in authority. With the legal prohibitions gone, the possibility of large-scale migration of non-locals motivated by different considerations would be real. The consequent demographic changes would impact the socio-cultural and most significantly, the political landscape of Jammu & Kashmir. A majority of the people of the Kashmir Valley are genuinely apprehensive of this distinct possibility. And in stark contrast, the Jammu region welcomes the proposed dispensation. The people of Ladakh, too, welcome its elevation as a union territory, though without a legislature. For reasons which are not far to seek, people of the rest of India, too, generally welcome the opening up of the Kashmir Valley. For obvious reasons, as J&K continues to be the main centre of Indo-Pak relations, the new enactment would certainly exacerbate the ongoing tension between the two hostile neighbours though it is an internal matter entirely with the jurisdiction of the sovereign state of India. Against the backdrop of the current international diplomatic scenario dominated by major global powers pursuing their narrow national interests, it would add a new dimension to an already complex situation for India. Neither the abrogation of Article 370 nor the creation of new UTs can redraw the boundaries of India and Pakistan.

The reorganisation is undoubtedly a historic step which heralds a new chapter in the chequered annals of the state of Jammu & Kashmir inextricably interwoven with that of India. Only time will tell where it takes the country, specially J&K and its hapless people.

Former Principal Secretary and Adviser to PM Manmohan Singh

**TRIBUNE, AUGUST 8, 2019**

**Suspension of trade ties with India will hit Pak more badly: Experts**

Pakistan’s decision to suspend bilateral trade ties with India would hit the neighbouring country more as they import essential items, according to experts.

India’s exports to Pakistan have already dropped significantly due to strained trade relations after the Pulwama terror attack in February this year. “The suspension of trade relations will hit Pakistan more badly as India is less dependent on Pakistan while the latter is more,” Federation of Indian Export Organisations (FIEO) Director General Ajay Sahai said. India’s export basket for Pakistan has a limited portfolio as Pakistan has not given ‘most favoured nation’ status to New Delhi and such goods have ready market in South Asia and the Middle East. Professor at Indian Institute of Foreign Trade (IIFT) Rakesh Mohan Joshi said that Pakistan’s decision is going to impact its businesses. Pakistan on Wednesday decided to downgrade diplomatic relations with India and suspend bilateral trade after New Delhi revoked the special status of Jammu and Kashmir.

The government on Monday abolished Article 370 of the Constitution that gave special status to Jammu and Kashmir and bifurcated the state into two Union Territories—Jammu and Kashmir, and Ladakh. Trade relations between India and Pakistan were already strained following the Pulwama terror attack as India imposed 200 per cent customs duty on all goods imported from the neighbouring nation. Imports from Pakistan declined by 92 per cent to USD 2.84 million in March this year compared to USD 34.61 million in March 2018, according to the commerce ministry data. India imported goods such as cotton, fresh fruits, cement, petroleum products and mineral ore from Pakistan. During January-March period of 2018-19 fiscal, imports from Pakistan declined by 47 per cent to USD 53.65 million. India’s exports to Pakistan too have dipped by about 32 per cent to USD 171.34 million in March. However, exports had increased by 7.4 per cent to USD 2 billion during 2018-19. The main products being exported by India include organic chemicals; cotton; nuclear reactors, boilers; plastic products; tanning or dyeing extracts; cereals; sugar; coffee, tea; articles of iron and steel; copper and footwear.

India had also revoked the MFN (most favoured nation) status to Pakistan in the aftermath of the terror attack. The country has repealed a security exception clause of the World Trade Organisation (WTO) to withdraw this status. Both the countries are member of this body. India can also restrict trade of certain goods and impose port-related restrictions on Pakistani goods. India had granted the MFN status to Pakistan way back in 1996, but the neighbouring country had not reciprocated. Under the MFN pact, a WTO member country is obliged to treat the other trading nation in a non-discriminatory manner, especially with regard to customs duty and other levies.