

JAMMU AND KASHMIR

# Statements and reactions to the move by Indian government to revoke Article 370 on J&K special status

Tuesday 6 August 2019, by [Amnesty International](#), [AWP](#), [CFD](#), [CPI \(ML\) Liberation](#), [Gandhi Peace Foundation](#), [HRCP](#), [JKNSF](#), [PCUL \(India\)](#), [PUDR](#), [Radical Socialist \(India\)](#), [Scroll Staff](#) (Date first published: 5 August 2019).

**The Centre on Monday decided to revoke Article 370 of the Indian Constitution, which gave special status to the state of Jammu and Kashmir.**

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## Amnesty International

**Amnesty International cautions Centre on human rights violations in state.** It added that Article 370 was viewed as a necessary component to maintain 'democratic relationship between India and Jammu & Kashmir'.

Amnesty International India on Monday issued a statement against the Centre's decision to revoke the special status granted to Jammu and Kashmir, saying that it could stoke ongoing tension in the state and end up alienating the locals. It also cautioned the government that the developments could increase risk of further human rights violations.

"What J&K has been witnessing over the last few days - the additional deployment of thousands of security forces, a blanket blockade of telephone and internet services, restrictions on peaceful assembly - has already pushed the people of J&K to the edge," Head of Amnesty International India Aakar Patel was quoted as saying. "To make matters worse, key political stakeholders have been placed under house arrest. Important decisions about J&K are being decided by the Parliament

without absolutely any consultation with the people.”

The statement also stated that Article 370 of the Constitution provided special autonomy to the state, which had the freedom to decide over matters apart from foreign affairs, defence and communication. The article was viewed as a necessary component to maintain “democratic relationship between India and Jammu & Kashmir”, it said, adding that the decision to turn the state into a Union Territory would give the Centre an “enhanced role in governance”.

“The revocation of Article 370 is expected to cause unrest and wide scale protests in the state,” the statement read. “So far, the government’s response to dealing with protests in the state has been heavy-handed and have led to gross human rights violations such as blinding, killing and traumatizing people over the past few years.” The organisation said that while the government had the right to maintain public order, people also had the right to demonstrate peacefully.

“An end to the abuses in J&K cannot come without the involvement of its people,” Patel said.

The statement highlighted that blanket or indefinite suspension of communication services in the state were also not adhering to the standards of international human rights as it makes exchange of information difficult, which it pointed out was an important part of the freedom of expression. The suspension of these services would also prevent families and friends from reaching out to one another and apprise them of their situation, which it said could fuel tension and feelings of insecurity.

The Centre on Monday decided to revoke Article 370 of the Indian Constitution, which gave special status to the state of Jammu and Kashmir. Home Minister Amit Shah, who moved the resolution in the Rajya Sabha, also proposed the Jammu and Kashmir Reorganisation Bill under which the state will be turned into a Union Territory with a legislature, similar to Delhi, while the Ladakh region would be converted into a Union Territory without a legislature.

An order from President Ram Nath Kovind also removed provisions under Article 35A of the Jammu and Kashmir Constitution, which allowed the state legislature to define “permanent residents” of the state and restricted outsiders from buying land.

Meanwhile, at least 8,000 paramilitary personnel were deployed to Jammu and Kashmir to reportedly strengthen security across the state. The Indian Army and the Air Force were also put on high alert. A curfew had been put in place in the state from Sunday night onwards and all communication services had been suspended.

## **Scroll Staff**

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<https://scroll.in/latest/932905/j-k-special-status-amnesty-international-cautions-centre-on-human-rights-violations-in-state>

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**PUDR**

**Peoples Union for Democratic Rights**

## **The Long Dark Night in Kashmir**

5<sup>th</sup> August 2019

At the stroke of the midnight hour on 5 August 2019, Jammu and Kashmir was blanketed in a state of siege. 35,000 fresh troops in addition to the existing 6.5 lakhs were present with orders to shoot, curfew, internet and phone shut down, media black out, and all major elected leaders under house arrest. Already, there was escalated aggression over the past week, with reports of military takeover of state institutions and frenzied evacuation of tourists and Amarnath yatis. Schools, universities and hostels were also shut down, and movement across the state restricted. With a complete gag on democratic space, and unprecedented terror among people, Union Home Minister Amit Shah tabled the resolution in Rajya Sabha to revoke autonomy in Jammu and Kashmir.

At 11:15am on 5 August 2019, Amit Shah announced that the President had already passed orders effectively abrogating Article 370, by extending all the provisions of the Constitution to the state of Jammu and Kashmir. Through convoluted and illegal processes and amendments, Amit Shah then moved to introduce the J&K Reorganisation Bill in Parliament among heavy protest and disruption- a power that the Parliament would not have been allowed under the unamended Article 370. The Bill bifurcates the state into two Union Territories: one of Ladakh, and one of Jammu and Kashmir. The UT of Ladakh is under the direct control of the Union Government through the Lt. Governor, while the UT of Jammu and Kashmir has a Legislative Assembly of its own with extremely limited powers, and is overall under the Lt. Governor.

The BJP government did not circulate the Bills in the House beforehand, and the Speaker Venkaiah Naidu allowed MPs time only until 12:30 pm to propose amendments. It appears that preparations for the move had been underway for months, as the imposition of President's Rule in December 2018 helped facilitate the government's actions today. The people of Kashmir themselves are denied any voice through the unconstitutional capture of state institutions and elected representatives, and the force of sheer state terror.

As the day progressed, the Rajya Sabha has passed the Reorganization Bill, and it is now due to be tabled before the Lok Sabha tomorrow. 8000 fresh paramilitary troops and counting have been moved to Kashmir from the states of UP, Odisha, and Assam; and law and order forces of the entire country have been placed on high alert. By the evening, Mehbooba Mufti and Omar Abdullah have also been taken into preventive detention. The blackout in the Valley prevents any access to information about the conditions of the people on the ground at the moment, and we fear ominous consequences as the BJP government brings its plan for the people of Kashmir into action at gunpoint.

We strongly oppose the move of the BJP government to unilaterally attempt to revoke the autonomy of the state of Jammu and Kashmir, with no regard to the Constitution and the rights it enshrines.

Shahana Bhattacharya and Deppika Tandon

Secretaries

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## **HRCP (Pakistan)**

### **Text of Statement issued by The Human Rights Commission of Pakistan (HRCP)**

Escalating LOC tension harms citizens on both sides

Lahore, 5 August. The Human Rights Commission of Pakistan (HRCP) is deeply alarmed at the decision by the Indian government to revoke the special constitutional status of Jammu and Kashmir. The increased deployment of troops and curfew-like restrictions on citizens are ominous signs of what may come. This could have grave repercussions for Kashmiri citizens on both sides of the Line of Control (LOC), should the escalation turn into armed conflict. The recent increase in exchange of fire along the LOC and the rise in casualties, especially with the use of cluster bombs, whose victims reportedly include children is a matter of grave concern.

With the gathering storm, the physical security and fundamental rights of Kashmiri citizens on both sides of the border are at stake. Their safety and rights must not be barefacedly trampled. Indeed, the need for regional peace and stability has never been greater. The international human rights community, too, must add its voice to those pleading for restraint and for saner voice to prevail [\[1\]](#).

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## **PUCL (India)**

05<sup>th</sup> August, 2019

### **PUCL Statement**

Kashmir: A Coup Against the Constitution and the Kashmiris

The PUCL condemns the abrogation of key portions of Article 370 of the Indian Constitution and the bifurcation of the State of Jammu and Kashmir and taking away its statehood. While the deed by itself is deceitful, the manner in which it was done is even more so. All the constitutional provisions, procedures, safeguards and values have been disregarded. What pains us most is that this change of status of the erstwhile state of Jammu and Kashmir, was carried out with stealth, completely unilaterally, without even talking or consulting the people of Jammu and Kashmir, even as part of Government tokenism.

PUCL, in particular, strongly condemns the planned and sinister manner by which the Government of India has gone about arresting at midnight of Sunday, 4-5<sup>th</sup> August, 2019 important leaders of political parties in Jammu and Kashmir, including former Chief Ministers Omar Abdullah, Mehbooba Mufti and others, soon after airlifting over 35,000 troops and suddenly and abruptly asking all Amarnath Yatris and holiday visitors to leave the state creating acute sense of fear and panic. Simultaneously, the Government in a concerted manner, also shut down all communication and telecom services to and from the valley, effectively ghettoizing the entire state into a state of forced silence, while also imposing curfew in the state preventing movement of people, thereby creating chaos, distress and disruption of normal life. Students from other states were asked to leave Kashmir while Kashmiris outside the state continue to live in panic unable to communicate with their families in the Valley.

The ulterior plan behind such unprecedented action became apparent on Monday, 5<sup>th</sup> August, 2019, with the Government quickly pushing through legislations to abrogate major portion of Art. 370 thereby discontinuing Special Status to J&K and bifurcating the State into two Union territories: Jammu & Kashmir and Ladakh.

It is pertinent to point out that Article 370 of the Constitution of India is a self contained Article. It determined how the Constitution of India would apply to J&K and also specifically provided for the procedure for the abrogation of Article 370 itself.. The President can pass an order under Article 370 (3), removing article 370 only if the Constituent Assembly of Jammu & Kashmir recommended the same.

Since the Constituent Assembly of J&K ceased functioning in 1957, the Supreme Court in its judgement in *SBI vs Santosh Gupta*, (2017)', held that the Article 370 has become permanent unless another Constituent Assembly of J&K was constituted. In order to get over this constitutional roadblock, the present BJP Government adopted a rather devious and unconstitutional route. Article 370 (1) (d) of the Constitution empowers the President, from time to time, to issue notifications modifying the manner in which the constitutional provisions can be made applicable to the State of Jammu and Kashmir. Article 367 of the Constitution of India explains how phrases in the Constitution are to be interpreted. The issue, in case of abrogation of Art. 370, was the need for recommendation of Constituent Assembly of the State'.

What the BJP Government did was very insidious and cunning. On 5<sup>th</sup> August, 2019, they introduced a 3-step Amendment process. In the first step a Presidential Notification under Article 370 (1)(d) was issued amending Article 367 by introducing a new Sub-clause (4) which stated that the expression "Constituent Assembly" in Article 370(3) shall be read as "Legislative Assembly of the State". The effect was that after this change, Article 370 of the Constitution could be amended removing the necessity to obtain the recommendation of the 'Constituent Assembly'.

Now, since J&K has been under President's Rule since December, 2018, it means that the powers of the State Legislature are being exercised by the President of India. This, in effect, results in a farcical situation in which the President of India has consented to permit himself (as Head of the State Government of J&K) to recommend abrogation of Art. 370 of the Constitution! {{ {In other words, what could not be done directly was done indirectly and the constitutional provisions have been undermined. This is a clear subversion of the constitutional provisions by the BJP Government.} }} What is shocking is the utter contempt that the current dispensation has been exhibiting for constitutional procedures and democratic processes, which actually is a consistent pattern we have witnessed in the recent past with the passing of a slew of legislations which have serious ramifications, as a Money Bill. The change in the status of the erstwhile state of Jammu and Kashmir from a State to a Union Territory is an unethical and undemocratic act. It robs the people of Kashmir the little democratic space they have and will only further alienate the people of Kashmir from the Indian State. The argument that Article 370 is a clause which obstructed the complete integration of Kashmir with the rest of India and prevented development is a totally flawed logic. The unamended Article 370, was put in place to recognise in principle, the distinct identity and autonomy of the Kashmiri people. This was necessitated by the history and the context of accession of Kashmir with India. It is most troubling that political leaders of Kashmir who never

disputed the accession of Kashmir with India and who participated in the Indian democratic process have been placed under preventive detention and were kept completely in the dark when decisions which impacts the state were taken. In this entire exercise the lives, rights, aspirations and hopes of the people of Kashmir are the biggest casualties. PUCL apprehends that there is another insidious dimension in taking away the statehood of the Jammu and Kashmir. It is a ploy to take control of their natural resources, their water, mountains, the hills and fields and forests. It is yet another act to aggrandise and deprive the common Kashmiri and convert the valley into a real estate venture. In the three speeches in the Rajya Sabha made by the Home Minister, he continuously spoke of how the state was in the dark ages and needed to be brought into the main stream with hotels and other people of India having an opportunity to buy land, build houses and live there. Lastly the actions of the BJP government not to have provided with at least two days notice to the MPs to study the Reorganization of Jammu and Kashmir Bill or the President's resolution to repeal Article 370, shows that the BJP not only does not want scrutiny and deliberation, which is the key to any democratic process but also just wants to convert the Parliament to a rubber stamp, which is what the first session of Parliament of the 17<sup>th</sup> Lok Sabha has become. The passage of 32 bills, in haste, without pre-legislative consultation with public or discussions with those to be impacted by the concerned bills or denying the right to send bills to the select committee, not only confirms this but also indicates what await us in the near future.

The PUCL would urge the people of India to see yesterday's process in Parliament as one more effort to repress and subjugate the people of Kashmir and should oppose this decision of the Government peacefully. We would also like our sisters and brothers in Kashmir to know that we are with them and share their loss and grief against this latest attack by the GOI on them.

PUCL demands:

- (1) That the clampdown on telecom services and communication and restrictions on movement be immediately lifted;
- (2) All Political / Opposition leaders be released,
- (3) Normalcy be restored in the Valley.
- (4) All the troops be withdrawn.
- (5) The three legislation introduced on 5<sup>th</sup> August, 2019, viz., the (i) The Constitution (Application to Jammu and Kashmir) Order, 2019 - Presidential order CO 272, (ii) Statutory Resolution introduced in the Rajya Sabha and (iii) The Jammu & Kashmir Reorganisation Bill be rolled back; and
- (6) Undertake any action wrt to Kashmir only after consulting the Kashmiri people.

**Mr. Ravi Kiran Jain,**  
National President, PUCL

**Dr. V. Suresh,**  
National General Secretary, PUCL

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## **CFD (India)**

### **Press Statement of Citizens for Democracy (CFD) on The Kashmir Situation**

CITIZENS FOR DEMOCRACY (CFD)

F-1/A-75, Shalimar Garden Main, Sahibabad (UP-201005)

14<sup>th</sup> August, 2019

Citizens For Democracy (CFD) unequivocally condemns the way the present Central Government has abrogated article 370 of the Constitution of India and has converted a recognized state, i.e. the J&K, into two Union Territories, viz. the J&K (with legislature) and Laddakh without consulting the affected people. The manner in which it is done is totally undemocratic, unconstitutional and a blot on the Indian democracy which claims to be the largest one in the democratic world. Such changes have been brought about in a deceptive manner keeping the entire people of the state under curfew and military force, depriving them of their basic human rights of freedom of expression and movements, placing large number of recognized political leaders of the state under detention, gagging the media, disconnecting phone lines and internet connections, evicting tourists, migrant labour and pilgrims. We still do not know have reliable reports as to what is happening on the ground in the state as only source of information are from government-spokesmen which many people feel suspect. 35 thousand security personnel have been added to 5 lakhs already stationed in the state for several decades. Valley at present resembles an open-air prison.

The government has claimed that article 370 is at the root of terrorism in the state and its removal will bring peace. Human rights organizations like Citizens For Democracy, P.U.C.L. and others have always been opposed to militancy and terrorism but have time and again stressed that while dealing firmly with militancy, the government must always be human and considerate towards the people and must always follow a policy which will win them away from extremist elements. The present action of the government is likely to swell the ranks of the separatists and may lead to more bloodshed. The lawlessness of the militants cannot be eliminated by a government which itself becomes lawless.

The government's claim that abrogation of article 370 will lead to development of the State is a hoax. People cannot be forced to cooperate in the developmental processes at gunpoint shattering their self respect, dignity and freedoms. History of peoples struggles is proof that when people have an opportunity to choose between 'development with slavery' and 'freedoms with poverty', they prefer the latter. Our own struggle during 'emergency' (June 1975-March-1977) is the standing example. In spite of Mrs. Indira Gandhi's proclamations during emergency that her developmental agenda under 20 Point Programme was more important than freedoms and fundamental rights, Indian people chose the latter.

Citizens For Democracy was founded by Loknayak Jayprakash Narayan in April 1974 for promoting the democratic rights and civil liberties of the people. He always stood for and raised his voice in defence of the democratic rights of the people of Kashmir. CFD is pained to witness the retrograde steps taken by the present government in relation to Jammu & Kashmir. Such steps are negation of what Mahatma Gandhi and Loknayak Jayprakash Narayan strived for and preached. The philosophy of 'force' believed and followed by the present government is a self destructive policy and runs



counter to all that our freedom movement for independence stood for. CFD and other several human rights organizations and human rights activists, who have investigated human rights violations in the valley, have repeatedly emphasized that the people who have distinct language, culture and religion and who have overwhelming majority in the valley -who already feel alienated by repressive policies followed by various governments in the past, cannot be retained in India by force and against their will for an indefinite period. Only way for the government to win them back is to respect their dignity, protect their human rights and persuade them to voluntarily embrace India by a process of emotional integration.

We therefore demand that

(a) Article 370 should be immediately restored,

(b) Jammu, Kashmir and Laddakh should be immediately restored to their original status of 'state- hood';

(c) all political leaders and other activists who have been detained/imprisoned before and after the process of abrogation of article 370 should be forthwith released,

(d) freedoms and fundamental rights of the people of J&K along with their telephone and internet connections should be restored and all restrictions imposed on them during this period should be forthwith removed.

S.R.Hiremath N.D.Pancholi Anil Sinha Arun Majhi  
For and on behalf of Citizens For Democracy  
(M) 9448145930, 9811099532

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## **JKNSF (Kashmir, Pakistan side)**

### **All foreign forces must quit Kashmir!**

Jammu Kashmir National Students Federation's (JKNSF) Statement

August 6, 2019 - Once again the question of Kashmir becomes adornment on the world media as India abolished article 370 and 35A from its constitution that revokes the special status of Kashmir under Indian rule. The article defends state subject rule under which no foreigner can occupy or buy land in Kashmir. With this rule, Kashmir was the only state with such unique status under the Indian constitution. The BJP Home Minister Amit Shah declared Monday morning that Article 370 of the Indian Constitution is dead. Article 35A also goes.

This announcement is shocking once again in the sense of valley. The abrogation of State Subject Rule will worsen the situation in the valley. The fascist regime in power has tried to neutralize the valley's aggression with power and used forces and direct bullets but it failed to conquer the valley. And this step may cause more bloody proxy war.

The Pakistani media and the ruling class is shedding crocodile tears. Media's announcement, talk shows, ruling elites statements are nothing more than the routine crap. These are just adding salt over the injuries of Kashmiri masses. They are pushing own agenda behind the curtain.



We believe neither India nor Pakistan has any right to abrogate State Subject Rule. Kashmir issue can only be resolved under the nation's self-determination, only the Kashmiri people have the right to decide where to move. The episodal drama continues with its ups and downs and will continue until the main stakeholders, the Kashmiri people and working-class interrupts. From Shimla agreement to Pakistan's Karachi agreement, all these so-called rules and agreements were made by imperialists powers without considering the ambitions of Kashmiri people.

On one side India has imposed AFSPA in Kashmir and allowed its armed forces to roam freely and spread violence, even firing the pellet gun bullets upon the innocent Kashmiris. And on the other hand, Pakistan divided its parts by allowing so-called Azad-State in Jammu Kashmir while occupying Gilgit Baltistan (GB) by appointing the political agent as ruler of GB. Pakistan adopted this vulgar policy and by imposing act 74, the whole JK assembly was handed over to the Lent Officers while in GB they leased the land to China and abrogate State Subject Rule. There are gossips that Pakistan is also preparing to merge GB as its territory. The measures had already been taken in the CPEC agreements.

India and Pakistan are no more than the occupying imperialist forces in all terms. But the real questions remain unanswered. What the people of JK and GB want? Are they willing to join India or they favour Pakistan? Or they want a separate and free territory? These are the actual questions, that need to be answered. There are rumours that international imperialist powers-America and China may act as arbitrator in Kashmir issue. Some are hoping it to be a permanent solution for Kashmir issue. But we believe that imperialists have their hidden agendas. Their arbitrary favours their imperialist interests. The entry of international imperialists in the Kashmir issue will create more complexity as they never resolve any issue rather their main aim is to strengthen their hegemony and grab resources.

We reject the abrogation of State Subject Rule. We reject the Karachi agreement. We were never in favour of Shimla agreement that allows both countries to manipulate the seize fire over the Line of Control. We believe that it was the major step taken by both imperialist countries to rule Kashmir with for their interests. We never accepted the rule of Lent Officers.

We demand free and fair self-determination for unionized JK and GB territory. We are filing our case in front of workers and exploited masses of India and Pakistan and to the entire world's proletariat. For Kashmiris, these are troubled times and both imperialists powers are being governed by their imperialist bosses-America and China. We will fight for our rights and believe that the ordinary workers particularly of India and Pakistan and the international working class will join our hand and struggle against this inhuman capitalist system and a socialist victory be ensured.

#### **Demands**

We reject abrogation of article 370 and 35A!

We demand both countries quit Kashmir and call back their armed forces!

We demand to resolve the Kashmir issue by allowing free and fair self-determination and make Kashmiris free to fulfil their desires according to their will!

All foreign forces must quit Kashmir!

No to abrogation of State Subject Rule!

No to imperialist aggression in JK!

No more war!

No more genocide!

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## **Gandhi Peace Foundation (India)**

### **Pushing India into a Blind Alley**

A STATEMENT BY CONCERNED CITIZENS

Released by Kumar Prashant Chairman, Gandhi Peace Foundation

14<sup>th</sup> August 2019

#### **Blind Alley**

Having listened to the debates on Kashmir in the Rajya Sabha and Lok Sabha, the Prime Minister's address to the nation, and having watched subsequent developments in Kashmir, we as citizens of India inspired by the life and work of Mahatma Gandhi feel compelled to state that the government has pushed the country into a blind alley. The gun that was used to silence Kashmir is now being used as a telescope through which to see Kashmir. This is shameful, unfortunate and ominous for India.

A whole state has vanished from the map in broad daylight. The Indian Union had 28 states, now it has 27. This is not a magic show, where a magician shows us, we know, something unreal and illusory. Here we are witnessing something cruel, ugly, undemocratic and seemingly irreversible. It reveals the poverty of our democratic politics.

Even during the Emergency, the Lok Sabha was not humiliated in this manner—the Opposition then ensured that. This time our democracy has plunged to a new low. It is being said that democracy is driven by the majority and a large majority has decided the fate of Kashmir. What is blithely concealed is that a true majority implies a multiplicity of opinions and the presence of contending views. What took place in the Parliament this time was far from an exchange of views or a serious debate. One man shouted, more than three hundred thumped desks, and the rest sat crestfallen, defeated. This is not bahumat or majority, but bahusankhya or majoritarianism—an attempt to rule by numbers. There was no clash of well-thought-out opinions or convincing arguments. You were only offered heads to be counted.

History bequeathed Kashmir to us with a challenge—how to make it a part of our geography. Globally it was a rare example of a state signing a conditional treaty of accession. That is how Kashmir came to us and we accepted it. Article 370 was an instrument of that treaty. In its original conception, as pronounced by Jawaharlal Nehru, it was described as a temporary provision, which would become in the long run redundant. Indeed, that is what it became. Barring those who took advantage of it and those who could not take advantage of Kashmir because of it, there was only a handful of people aware of the existence of Article 370.

Alas, along with the redoubtable challenge Kashmir posed, history also bestowed us with a new combination of amoral politics, an insatiable hunger for power, national and international machinations of communal forces, and imperialist interventions through Pakistan. Kashmir, known as a heaven on earth, came to us enmeshed in hellish complications. And this was at a time when we had just emerged from bloodbath of our own, and struggling to re-assemble a fragmented self. It

was the most delicate moment in the life of newly decolonized India.

We could have closed our doors on Kashmir, but we did not. It was an act of courage, a new political experiment. We have drifted so far from that moment in history that we cannot fully appreciate the subtle balance at which the triumvirate of Jawaharlal Nehru, Vallabhbhai Patel and Sheikh Abdullah arrived. They were the ones who shaped the contours of Kashmir, as we know it today. Of course, there were mistakes and errors of judgment but popular opposition leaders with moral stature—such as Jayaprakash Narayan, Vinoba Bhave and Ram Manohar Lohia—did not allow absolutist measures in Kashmir. And now, we suddenly find, Kashmir has become a mortuary.

It is being said that a handful of people, especially three families, have run regimes of loot and plunder all these years. Perhaps, but why were no legal remedies sought for that? Instead, the entire state has been turned into a prison. Is the government so weak that it cannot take on the might of these three families? Not only the Congress but also Atal Bihari Vajpayee and the present regime have shared power with these families. Does that mean that they too have a share in the loot? In any case, it is doubtful if our political system is capable of running without corruption? Can somebody tell us, how did the ruling party receive the billions of rupees reported by newspapers recently? How is it that the stream of wealth somehow begins to flow towards those in power? Corruption and nepotism are not confined to Kashmir. Mahatma Gandhi rightly called the entire system rotten. We will not be able to lock down Kashmir forever. The doors will surely open, the people will come out, and their anguish will burst forth. Foreign elements will poison their minds with even more vigour. All the leaders of the opposition who were urging the people to maintain peace and abide by the rule of law have been imprisoned. We have burnt all the bridges for a possible dialogue.

The picture is far from bucolic. The leaders of the ruling party are busy displaying their ugly private fantasies and greed in public statements on Kashmir. This naked display of the desire to exploit Kashmir in the guise of investment and development has become disgusting. The Prime Minister is right in saying that celebrations are premature and there is a great deal of work to be done in Kashmir. But how does one trust his words? The Parliament was illuminated with celebratory lights right after the passage of the Bill. What is there to celebrate in the unfortunate step we have taken in our own country, against our own people? Such celebrations only deepens the wounds of the Kashmiris.

Those who truly love India and care about its honour and its sovereignty must step in to compensate for the failure of vision, leadership and integrity. What happened in Parliament is not irrefutable or inevitable. Duly elected lawmakers can reverse last week's decisions. If the Emergency could be overturned, there is no reason why the abrogation of Article 370 cannot be undone, provided enough MPs feel that way. What is harder to undo is the damage done to our democratic political culture. What cannot be bridged is the trust deficit.

We must stand with the Kashmiris in their hour of crisis, which is equally our hour of crisis. Our helpless fellow-citizens who have been imprisoned must know that all right-thinking Indians share their anguish. The government must protect law and order, but it must also allow free expression at every level. That will help us to normalize the situation.

Kumar Prashant, President, Gandhi Peace Foundation, New Delhi

Ramchandra Rahi, President, Gandhi Smarak Nidhi, New Delhi

A. Annamalai, Director, National Gandhi Museum, New Delhi

Dr.Y.P. Anand, Former Chairman, National Gandhi Museum, New Delhi

Dr. Ashis Nandy, Centre for the study of developing societies, New Delhi

Ashok Vajpeyi, Raza Foundation, New Delhi

Satypal Grover, Servants of India Society, New Delhi

Dr. Anand Kumar, New Delhi  
Prof. Apoorvanand, New Delhi  
Dr. Purushottam Agrawal, New Delhi  
Punyaprasoon Vajpeyi, New Delhi  
Vijay Pratap & Ritu, New Delhi  
Prof. Kurban Ali, New Delhi  
Prof. Ananya Vajpeyi, New Delhi  
Atmaram Saraogi, Bengal Sarvodaya Mandal, Kolkata  
Prof. Chamanlal, Honorary Advisor, Bhagat Singh Archives and Resource Centre, New Delhi  
Ms. Shabnam Hashmi, Social Activist  
Gauhar Raza, Former scientist & Poet  
Kapil Shah, Zila Sarvoday Mandal, Vadodara, Gujrat  
Dr. Bharat Shah, Nature Cure, Vadodara, Gujrat  
Dr. Veeral Desai, Vadodara, Gujrat  
Faisal Khan, Khudai Khidmatgar/ NAPM  
Shamsul Islam & Nilima Sharma  
Mahendra Sharma, New Delhi  
Anand Chokhawala, Surat, Gujrat

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## **CPIML Liberation (India)**

**Restore Articles 370 and 35A! Release all opposition leaders in Kashmir! Do not play with Kashmir and the Constitution!**

Dipankar Bhattacharya,  
General Secretary, CPIML Liberation

August 5, 2019 - The Presidential Order abrogating Article 370 and bifurcating the state of Jammu and Kashmir into two Union Territories of Ladakh and Jammu And Kashmir is nothing short of a coup against the Indian Constitution. The Modi Government, in its usual secretive, conspiratorial, and illegal manner, is burning the constitutional and historical bridge that connected Kashmir to the rest of India.

In preparation for this coup, the Modi Government has laid siege to Kashmir for the past week. 35,000 fresh troops have been deployed in the Kashmir Valley, which was already the world's most militarised zone. Warnings issued to tourists and pilgrims to leave the Valley caused panic, even as Kashmiri people have opened their doors to the guests in their state. In addition, Opposition politicians were placed under house arrest overnight, the internet has been shut down, petrol sales have been stopped, and the CRPF has taken over police stations.

According to the Constitution, no decision regarding redrawing the boundaries of J&K or regarding Articles 370 and 35A can be taken without the consent of the State Assembly. In 2018, the J&K Assembly was dissolved illegally without giving any claimants a chance to form Government. The Central Government then avoided conducting elections to the J&K Assembly together with the Parliamentary elections. The Presidential Order is therefore a coup.

Demonetisation did not solve the problem of corruption and black money - rather it encouraged

corruption and created new miseries for common people. Likewise, these draconian and conspiratorial decisions regarding Jammu and Kashmir, when an elected State Assembly no longer exists will not solve the Kashmir dispute, but will worsen the situation. The intensified militarisation and crackdown on Opposition parties will further alienate the people of Kashmir.

Moreover, this coup will not only affect the situation in Kashmir: it is an attack on the Constitution and will affect the whole of India. With Jammu and Kashmir, with the Citizenship Amendment Bill and NRC, the BJP is dragging India back to the turmoil of the 1940s. J&K is effectively under Emergency - India must wake up and resist this, since the Emergency will soon reach the whole of India.

CPIML stands by the people of Jammu and Kashmir at this time of crisis. The CPIML calls for protest vigils across the country against the Constitutional coup, and demands that the siege on the Kashmir Valley be lifted immediately, Articles 370 and 35A duly restored and all Opposition leaders be released from house arrest.

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## **AWP (Pakistan)**

### **Reaction though its spokesperson**

This is to condemn the move by Indian government to revoke Article 370, which granted special status to Jammu and Kashmir, and also Article 35-A prohibiting property rights for non Kashmiris.

The Indian Home Affairs Minister Amit Anilchandra Shah's statement of objects and reasons to that effect also include separation of Ladakh without legislative status. "The Union territory of Ladakh will be without legislature". The notification says.

Overall India being turned from federal to 'unified'. From secular to 'Hinduised'. From diversity to majoritarian; From universal rights to categorised citizenship. And many other regressive steps.

This is the most serious attack against Kashmiris since it was made part of India in 1948. We are totally oppose to these new wave of suppression of fundamental rights of the people of Kashmir.

Our deepest solidarity with people of Kashmir and their struggle for the rights of self determination including succession.

### **Farooq Tariq**

Spokesperson Awami Workers Party  
Pakistan [2]

### **Kashmir: 'The Pakistan left and Indian left are united in condemning this bill.'**

*Farooq Tariq, spokesperson for the Awami Workers' Party, Pakistan spoke to Green Left Weekly on August 6 about the situation in Kashmir (Susan Price):*

"Yesterday was the darkest day for Kashmir's history, as the bifurcation of Kashmir was made a constitutional step by the Modi government, without any basis, just to promote Hindu chauvinism and the divide. This is an act against the Muslim minority. This was done without any consultation.

“There was no discussion at Kashmir Assembly. There has been a curfew imposed. Most of the activists are in jail. Schools are closed, universities are closed, Section 144 is imposed where this is a curfew. So it is a total suppression by the state on the day when they wanted to present this bill in the parliament.

“The Modi government has done this to promote their own racist agenda. This will not go very far. There will be resistance. There will be a lot of resistance in Kashmir, also in Pakistan there are a lot of voices raised. Within India all the left parties are raising their voices, so a giant struggle is continuing on this issue.

“The Pakistan left and Indian left are united in condemning this bill.

“We demand the release of all the detainees, lifting of the curfew, withdrawal of this bill, and that people listen to what the Kashmiris have to say.

“We support their right of self determination, including the right to secede.

“This is the right of any nation and this has been now curtailed in real terms in India.

“This is an occupation of Kashmir by India, which occurred yesterday.”

**Farooq Tariq [3]**

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## **Radical Socialists (India)**

### **The Scrapping of Articles 370 and 35A - The Stand of the Radical Socialists Group**

We, the Radical Socialists Group resolutely and unequivocally oppose and condemn the effective abrogation of the fundamental meaning and purpose of Article 370 and the overturning of Article 35A. This was carried out through anti-democratic, unconstitutional legal manoeuvrings and accompanied by the deliberate armed intimidation of the people of Kashmir. What has taken place is dishonest and a fraud on both the letter and spirit of the relevant Constitutional provisions.

Abrogation of Article 370 could only have been done with the assent of a reconstituted J&K Constituent Assembly which was dissolved in 1957. So first a Presidential Order impermissibly (without a Constitutional amendment) changes Article 367 so as to shamefully equate the J&K state assembly which has representative authority to the Constituent Assembly which has a superior sovereign authority. Since there is President's Rule in J&K, on the recommendation of the Governor, the President then acts to scrap Articles 370 and 35A. Furthermore, for the first time in the history of independent India, a Reorganisation Bill was presented and passed in the two houses of Parliament to downgrade a region having the status of a state into two bifurcated Union Territories of J&K, which like New Delhi and Puducherry will be allowed to have a legislature, while Ladakh will join the five other Union Territories that have no legislature. This Reorganisation Bill at least would not have gone through if it was not for the pusillanimity of the opposition parties which went along with the BJP.

The Congress (most responsible historically for systematically eroding J&K autonomy) formally

opposed these actions by the current government but with some of its leaders (e.g., Abishek Singhvi and Jyotirmoy Scindia) and members voicing objection to the manner in which this was done but not to the outcome. Only the mainstream left parties immediately organised street protests and called for an all-India day of protest.

Let us be very clear, the main motivation for this sanctioning of a brazen political and military occupation by the BJP government and Sangh is a) first, hatred of Muslims and the fact that this was the only Muslim majority state in the country. b) Second, it expresses the determination to humiliate the Valley population hence the prior sending of 35,000 more troops beyond the more than 650,000 armed personnel already there, along with house arrests of leaders of the mainstream Kashmiri parties, curfew orders and a complete communications lockdown on the whole of the Valley population. c) Third, it is to further advance the project of establishing a Hindu Rashtra. d) Fourth, it is a way of sending a geo-political message to Pakistan, the US and the rest of the world that there is no longer any 'regional dispute' that must be settled bilaterally with Pakistan, let alone that it should feature in any way on the UN or international agenda, humanitarian considerations be damned!

### **What now to expect in the shorter and longer run**

1. The issue will be taken to the Supreme Court (SC) and a Constitution bench will be set up. This bench, given how suborned the SC has now become to the will and power of the Executive, will never have the courage or integrity to even give a stay order temporarily halting and reversing what has been done till a final judgement is reached, let alone be honest and faithful to the precise constitutional provisions regarding these Articles. This bench can be fully expected to endorse by a majority, if not by consensus, the abrogation of 370 and 35A. It is possible, but still unlikely, that there will even be a ruling against the downgrading of status from state to Union Territory in either or both of the cases.
2. A Delimitation Commission is very likely to be set up probably before forthcoming elections to the J&K legislature to gerrymander more assembly and LS seats for the Jammu region so as to enable a majority for the BJP and allies via future elections.
3. Scrapping of 35A was necessary to begin the process of changing the demography of J&K, including of the Valley, so as to eventually render Muslims living there a minority.
4. In the Valley there will be growing anger and deeper and wider public alienation from the rest of India especially among the youth. There will very likely be greater recruitment and support for, as well as collaboration with, cross-border insurgent forces themselves abetted by the Pakistan government. This, and even non-violent mass actions will be taken as an excuse by the Indian government and armed forces for the exercise of greater brutality and repression including use of the newly amended legislations on 'terrorism' and the Unlawful Activities (Prevention) Act or UAPA to arbitrarily and pre-emptively arrest, harass and even torture those deemed as 'suspects'.
5. For all the talk about how development in the region was stalled and can now proceed, in actual fact the Sangh's Hindutva project in the Valley is to 'integrate' it by trying to completely finish off all popular resistance through brutal force and enduring military occupation.
6. The likelihood of cross-border military skirmishes with Pakistan rises significantly as also the possibility of these turning into a conventional war of some scale and degree thereby also raising the chances of a miscalculated or inadvertent nuclear exchange breaking out.
7. The fact that this move by the current government will generate throughout the rest of the country far more public support than opposition, reflects how deep and widespread are the tentacles



today of a hubristic, aggressively muscular Hindu nationalism. None of the opposition parties, including the mainstream electoral Left, have consistently or seriously opposed this anti-secular and anti-democratic way of trying to build a 'strong' India. This way of thinking has become largely hegemonic and requires a long term fight by a new intransigent Left.

## **Our Position**

We warn that the erosion of federalism and state powers more generally, is very much part of the Hindutva project and carries a danger even for those regional forces who think they can grow and expand through their despicable alliances and tacit agreements with the BJP at the Centre.

We call on all progressive-minded people who recognise the Hindutva project for what it is and oppose it, to stand in solidarity with the people of Kashmir. Justice and respect for Kashmiris demands the immediate de-militarisation of the Valley and the complete freedom for them to move around, to voice their legitimate anger at how they have been treated and to democratically protest in whatever way they see fit. It follows that we strongly oppose the kind of exclusivist, culturally racist and militaristic nationalism that is being generated and of course reaffirm the *right to full political self-determination* by the oppressed people of Kashmir.

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## **Footnotes**

[1] [http://www.sacw.net/article14135.html?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+SouthAsiaCitizensWeb+%28South+Asia+Citizens+Wire%29](http://www.sacw.net/article14135.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+SouthAsiaCitizensWeb+%28South+Asia+Citizens+Wire%29)

[2] [https://www.facebook.com/permalink.php?story\\_fbid=10157524162217856&id=651037855](https://www.facebook.com/permalink.php?story_fbid=10157524162217856&id=651037855)

[3] <https://www.greenleft.org.au/content/kashmir-pakistan-left-and-indian-left-are-united-condemning-bill>