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By

Nazimuddin Farooqi

Fall of Srinagar

Revoking of the Article 370 & 35A

: Jammu & Kashmir stripped of special status

To strip the special status of Jammu & Kashmir, The BJP Government revoked the article 370 & 35A overnight in accordance with the election promise made in its manifesto through a presidential command on 5th August 2019 in both the halls of the parliament through a majority of the voices and it has been converted from a state to a Union Territory. BJP had been working on its special political agenda that focused on the Babri Masjid, Tripple, Talaq, Uniform Civil code and revoking of the Article 370 which gave Jammu & Kashmir a special status.

When BJP received the absolute majority in its second term in parliament in Modi government 2, they acted without wasting any time in the first session of the 17th Lok Sabha itself they implemented their Hindutwa agenda based on bias and hostility which was approved by the parliament after superficial debates. A total of 22 bills have been cleared by the parliament in a period of one and a half month time. Out of them there are three bills that are against the fundamental rights of the minorities and are against the social justice to name them are the Tripple Talaq bill the UAPA and the revoking of the article 370 and 35A of Jammu & Kashmir.

Historic Background:

Kashmir was a Muslim Majority state of a Hindu Raja Hari Singh, at the time of Independence of India some areas and states were declaring independence of their own at that time in the Punch sector of the British Indian army the maintenance troops of Punjab regiment were stationed, between 18th to 23rd of June 1947 The Viceroy of India 'Lord Mountbatten' at the time of his visit to Srinagar said to Raja Hari Singh not to declare his independence separately on 22nd October 1947 informed Raja Hari Singh that he had already spoken to the Home Minister of India Sardar Vallabh Bhai Patel he has to include the Kashmir in the Indian Union by maintaining its special status. At that time when the struggle for a separate Kashmir was on, under the representation of the Shaik Abdullah the then

Prime -Minister of Kashmir Meher Chand Mahajan had supported Shaik Abdullah and was part of the struggle for separate Kashmir. Raja Hari Singh was worried because of the continuous attacks by some of the Kashmiri Tribes on Kashmir. Kashmir had refused to enter into any kind of federation of participation with the Muslim Pakistan including joining its union. In the month of February 1948 a delegation went to United Nations in which Gopala Swamy Iyenger and Shaik Abdullah were leading it Shaik Abdullah had said it very clearly in his speech “ we are going to stay with the Indian Union and had also said that I would prefer death over joining Pakistan.”

To make sure the integration of Kashmir with the Union of India & its regional autonomy the Government of India had introduced article 370 in its constitution under that defense, foreign affairs and communication these three departments will fall under the Government of India, Kashmir will have its own constituent assembly and its president will be given the Status of President of Kashmir. In the year 1957 the Government of India dissolved the constituent assembly of Kashmir and it was degraded to State Legislative Assembly. In the year 1972 the status of the President of the state of Kashmir and this post was revoked by the Supreme Court on the bench of Justice Mohammad Maqbool Damno’s Constituent Bench. The state constitution of the Jammu & Kashmir was accepted as part of the constitution of India and the Indian government was barred from any kind of tampering with it. It is written in the last part of the constitution of Jammu & Kashmir under the Article 370 the Government of India is barred from carrying out any changes in it. Jammu & Kashmir was provided with a temporary constitutional protection under article 370. But according to article 3 of constitution of India any time based on the recommendations from legislature of the Jammu & Kashmir Assembly article 370 and 35A can be revoked. Since there is governor rule in the state of Jammu & Kashmir and the state assembly is suspended the governor has by misusing his powers and by over stepping his authority has requested the president of India that he should act immediately to revoke the article 370, based on this President of India has passed an ordinance and in a matter of hours the article 370 was revoked in the parliament. According to Article 35A the right to buy and sell the immovable property rest solely with the local Kashmiri people the way it is still in force in the 6 other states of the country that has been abolished in Kashmir.

Proportion of Population: In the year 1941 Muslims were 77% in Jammu & Kashmir now they have been reduced to 68% only. In Jammu Hindus are 62.6% Muslims are 33.5% and in Kashmir the Muslims are 96.4% Hindus are 2.5% and others are 1.1%, In Laddakh Hindus 12.1%, Muslims 46.4% and others 41.5% the total population of Jammu & Kashmir is 1Cr 40 Lakhs (1,40,00,000) As the population of Muslims in Kashmir is 96.4% that is on an average 80 Lakh Muslims live in Kashmir.

Proportion of Population in Jammu & Kashmir
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On an average 80 Lakh Muslims live in Kashmir

Year	Hindu %		Muslim %	Others %	Now % Muslims
1941			77%		68%
2019 Jammu	62.6 %		33.5%		
2019 Kashmir	2.5 %		96.4%	1.1%	
2019 Laddakh	12.1%		46.4%	41.5%	

The most worrisome of the things for RSS and BJP was such a big population of Muslims is living in Kashmir with special status with full autonomy and Muslims are enjoying the special privileges for the past 70 years why they should be allowed this. Their hearts are filled with the fire of revenge and finally they have revoked article 370 and abolished Article 35A in a preplanned manner.

The secular character of India and the democracy which is guaranteed for all the sections with their freedom and civil rights are highly appreciable. The secular parties in India have struggled to maintain the constitutional rights and they did not leave any stone unturned to keep that in force.

The legal experts of the country and constitutional experts, former justices, lawyers, consultants, journalists and politicians have described the Monday the 5th of August 2019 as the darkest day in the democratic history India. The senior advocates of supreme court, former home minister Mr. Chidambaram has said the democracy has been assassinated. Manish Tiwari has said in parliament the government is short sighted and biased against the minorities, this is beginning of the making of Hindu Rashtra. All the secular forces have expressed their grief and sadness openly. All the English dailies of the country such as The Hindu, Times of India, Deccan Chronicle, and Hindustan Times etc, have in their editorials openly criticized BJP and RSS for revoking the article 370 in Jammu & Kashmir and termed it as the Bankruptcy of Democracy. Most of them have written that most important pillar of democracy is linguistic, religious, regional, freedom along with the safety of the constitutional rights of the minorities which is being one by one being trampled by the BJP.

There has been an enormous increase in the sense of insecurity among the minorities there was no provision for depriving the minorities with their constitutional rights in the democratic India for the sake of the establishment of the Hindu Rashtra but RSS has blown apart the structure of the constitution of India to gain its vested interests.

Kashmiris have been hit hard on their constitutional rights:

Kashmiris have received heavy blow on their three fundamental rights due to the revoking of the Article 370 by BJP Government. There is militancy in Kashmir for the past 35 years and there are freedom movements almost 65 thousand people have been killed under the hands of the maintenance troops of Indian army, more than 15 thousand police and security forces personnel have lost their lives, 300 hundred Hindus and 150 Sikhs have been killed due to which RSS is boiling from inside.

1. They have been hit as a linguistic minority, 2. Religious minority, 3. Regional and Local Population and National rights as Kashmiris. The way there is protection provided to the locals in the other 6 states of the country only the locals have the right to buy & sell the immovable property likewise Kashmiris too were entitled under Article 35A for the above rights which have been abolished now for Kashmiris only.

They are like any other Indian citizens now, any Indian National can go and buy land in Kashmir now and can do the commerce and trade and can get education, like wise Kashmiris too can buy the properties anywhere in India and can do the trade and commerce anywhere in India and can get education.

Kashmiris have their own language, culture, civilization and customs which are totally different from the Muslims of India. The way due to fall of Hyderabad all government positions in employment were banned for Muslims and by the introduction of the Land Ceiling act the properties of Muslims were snatched and distributed among the people of other neighboring states same operation is being repeated in Kashmir now. All the parliamentary and democratic institutions have stopped working all the social, religious & political leaders of Kashmir have been arrested and locked in prisons and put under house arrest and BJP has abolished the Article 370 and 35A according to how & what they wish one sided without involving the local leaders & representatives which is the soul of any democratic system as there cannot be any democracy without the involvement of the regional and local population who have the full rights over the outsiders they have been totally isolated through this act of the parliament. A state & people with their written constitutional rights have become overnight a population without rights.

Possible Dangers: 1. It is possible that educated and wealthy Kashmiris will migrate to other countries or states of the country, 2. All the state employees will either be suspended or will be transferred to other states of the country as J&K police has been completely stripped of its powers, 3. All the wealthy people of the country will be buying the properties at a very high price killer unique selling propositions companies will be seen in action. 4. The government of India is going to sell all the government owned lands to all big corporate companies for the sake of new housing projects which has already started so that the process of reducing the Kashmiri local population into a minority. 5. The danger is this that the

corporate companies and Israel will be handed over the sensitive areas which will come under the surveillance of the various departments of the Israel. The sharing of the Kashmir has already started. 6. Those poor people who will be left in Kashmir their fate will be that of what is going on with the Palestinians in Palestine. Helpless power less girls and women will be forced to do the flesh trade and prostitution. 7. Those political, social and religious leaders who were struggling for the special status of Kashmir will be locked & sent to far off prisons all over the country for several years to go before they can come out. 8. There is a strong possibility that NRC will be implemented in Kashmir through that millions of Kashmiris will be declared illegal migrants from Pakistan and will be forced to migrate and a human crisis will unfold beyond proportions & no government or country of the world will come forward to help them.

The whole world is just a silent spectator especially Arab Muslim countries not only that several of them have already extended their full support to the Modi government on its action. If at all any of the secular governments come to power in the near or far future they will never ever even dare to reinstate the article 370 again till then there will not be anything left in Kashmir. Now the only option left for the minorities is to resort to peaceful constitutional & democratic means and ways to fight for their rights as long as the legal channels are open and they do not disappear completely.

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