

Revoking Article 370: The Kashmiri Perspective

Iqbal Singh Sevea

Summary

On 5 August 2019, the Indian government revoked Article 370 and bifurcated the Jammu and Kashmir into two Union Territories. Jammu and Kashmir thus lost its status as a full state. It is clear from protests that have already erupted and from statements that are emerging that there is a general sense of humiliation and betrayal amongst Kashmiris.

Introduction

On 5 August 2019, the Indian government took two momentous and controversial decisions relating to the state of Jammu and Kashmir. Firstly, it revoked Article 370, which granted Jammu and Kashmir special status within the Indian union. Secondly, it bifurcated the state into two Union Territories, with Ladakh being carved out into a separate unit. This meant that Jammu and Kashmir lost its status as a full state and was now a territory that had its own legislature but was under the direct oversight of the central government. This was the first time in the history of India that a state had been turned into a Union Territory.

Far from being a homogeneous group, the people of Jammu and Kashmir hold differing political visions. The mountainous region of Jammu, which has a large Dogra Hindu population, has been seen as 'pro-India'. The largely Muslim population of the valley of Kashmir, on the other hand, has championed the need for autonomy. There are, however, differing views about what exactly defines autonomy. While mainstream political parties openly support the arrangements provided for under Article 370, there are militant and non-violent movements that demand independence. There are also groups, though fewer in number, who call for the state to be a part of Pakistan. It is, however, clear from protests that have already erupted and from statements that are emerging that there is a general sense of humiliation and betrayal.

The Symbolic Significance of Article 370

It is important to note that the provisions of Article 370 have existed only on paper. Over the decades, a series of presidential orders have allowed India to extend laws, regulations and levels of bureaucracy into Kashmir. Tellingly, in 1965, it was decreed that the central government in New Delhi could dismiss elected state governments in Kashmir and appoint governors.

Even though its provisions had been hollowed out, Article 370 retained symbolic importance. While elsewhere in India it may have been described as a special right granted to Jammu and Kashmir, in the valley it was seen not as something granted but as the contractual terms on the basis of which the state acceded to India. Mainstream politicians were willing to work with New Delhi, and even be complicit in expanding the central

government's authority in the state, as long as they could claim that Article 370 would not be revoked.

Article 370 has also been linked by many to the issue of a unique Kashmiri identity. The fact that the state had its own constitution and flag was seen by many Kashmiris as recognition on the part of the central government that they had a distinct linguistic and ethnic identity. Such an assertion of the link between linguistic identity and statehood is, of course, not unique. A number of states have been carved out across India following demands by linguistic groups. It is thus not surprising that voices coming out of Kashmir are equating the revocation of Article 370 with a loss of Kashmiri identity and pride. The fact that the Indian government also downgraded Jammu and Kashmir from a state to a Union Territory is a further cause of distress.

The Kashmiri Perspective

Apart from the above mentioned constitutional changes, the manner in which the changes were implemented has itself caused consternation among Kashmiris, in particular. Firstly, these changes were effected when Jammu and Kashmir is under Presidential Rule – i.e. it does not have a sitting elected legislative body. Secondly, recognizing that its decision could lead to mass protests and violence in the already volatile region, the Indian government imposed a lockdown on Jammu and Kashmir. Thousands of additional military troops were sent in to the state. For almost a week schools and colleges have been shut, the Internet has been suspended, telephone connections have been down, and severe restrictions imposed on the gathering and movement of people. In addition to this, numerous political figures – including three previous Chief Ministers – have been placed under arrest.

The fact that the political leaders of Jammu and Kashmir were not consulted and that the people of the region were placed under a security lockdown when a decision on the future of the state was announced has led to accusations that democratic rights do not apply to the people of the region. Omar Abdullah, former Chief Minister of the state, has stated that the government revoked Article 370 through “deceit and stealth”. He has further stated that in a meeting with representatives from the Indian government last week, he and other political leaders from the region had been informed that the Indian government had no plans to alter the constitutional status of Jammu and Kashmir.

Mehbooba Mufti, another former Chief Minister, has also described the move by the Indian government as “illegal and unconstitutional”. Indeed, she has gone to the extent of stating that by unilaterally changing the status of Kashmir, India would effectively be an “occupational force”.

On their part, separatist figures have pointed to the revocation of Article 370 as evidence for why Kashmiris need to realise their future beyond India. They have never put any stock in the constitutional guarantees worked out between Hari Singh and the Indian government. In fact, they have repeatedly denounced Article 370 as a ruse and called for separation from India. Anticipating such a move by the Indian government, the key separatist figure, Syed Ali Shah Geelani, had issued a statement on 5 August 2019 in which he called on Kashmiri youth to be prepared for a “long and tough struggle” for their rights.

Conclusion

With the Eid-al-Adha celebrations approaching, the security lockdown in Jammu and Kashmir will probably be relaxed. One can anticipate that there will be protests in the streets of Kashmir. What is clear is that mainstream politicians like Omar Abdullah and Mehbooba Mufti will be increasingly sidelined in the coming days. They will be seen as pro-India figures who were incapable of defending the autonomy and statehood of Jammu and Kashmir. Geelani has already accused them of being complicit in the dilution of Kashmiri rights. It remains to be seen if the separatists will now gain ground.

.....

Associate Professor Iqbal Singh Sevea is a Visiting Associate Professor at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore (NUS). He can be contacted at iqbal@nus.edu.sg. The author bears full responsibility for the facts cited and opinions expressed in this paper.