On India’s Revocation of Jammu & Kashmir’s Autonomous Status

written by Alliance of Middle Eastern Socialists | August 19, 2019

As the Indian government resorts to annexation of the state of Jammu and Kashmir at gunpoint, detaining its political leaders and cutting off all means of communication, we extend our solidarity to the people of Jammu and Kashmir as they struggle for their most basic rights and freedoms.

The people of Kashmir were never given the option of having their own state. Since 1947, their land has been fought over by India and Pakistan and divided between the two. At Independence in August 1947, Jammu and Kashmir was a princely state ruled by Maharaja Hari Singh, and was given the choice to join either India or Pakistan. Since J&K was a Muslim-majority state, many expected it to join Pakistan. On the other hand, the party leading the independence struggle, the Jammu and Kashmir National Conference, was secular and allied to the Indian National Congress. As the Maharaja dithered over the decision, there was a Pakistan-backed invasion of tribesmen from the west in October 1947, and Hari Singh appealed to India to help fight them. India agreed on condition that J&K accede to India, and the Maharaja signed the instrument of accession which on the Indian side was conditional on approval by the people of the state. As fighting continued, the UN Security Council passed a resolution requiring Pakistan to withdraw its forces, India to withdraw most of its forces, and a plebiscite to be held to decide whether Kashmir should join India or Pakistan. However, neither side withdrew their forces, the plebiscite was never held, and the state has remained divided to this day.

In 1952, on the Indian side, Article 370, which specified the conditions on which the state of Jammu and Kashmir (J&K) had acceded to India, was incorporated into the Constitution of India on the recommendation of the Constituent Assembly of Jammu and Kashmir. In 1954, Article 35A was added with the agreement of the J&K Constituent Assembly. Since the Constituent Assembly dissolved itself on 25 January 1957 without recommending revocation of Article 370, it has been deemed to be permanent by the Supreme Court of India.

On 5 August 2019, the Bharatiya Janata Party (BJP) government of India revoked Article 370 of the Indian Constitution, which had given the state of J&K a considerable degree of autonomy, including having its own constitution and its own flag.

The Constitution of India does allow Article 370 to be revoked, but *only* with the prior approval of the Kashmiri people’s elected representatives in J&K’s constituent assembly. Even the approval of J&K’s legislative assembly was not sought because it had been dissolved in November 2018 by the BJP-appointed governor. On August 5, he fraudulently provided consent on behalf of millions of Kashmiris as they were held in captivity in their homes at gunpoint, while elected political leaders, even those who have been in coalitions with the BJP, were detained and all means of communication,

including cellphones, landlines and the internet, were cut off.

The Revocation of Article 370 also involved the scrapping of Article 35A of the Indian constitution, which, crucially, reserved the right to own land and immovable property, as well as the right to vote and contest elections, to seek government employment and obtain state welfare benefits, to permanent residents of the state. Now, J&K has been carved up into two Union Territories ruled directly from Delhi, a move designed to further humiliate the already subjugated population.

This revocation by the Indian government is the most impressive feat yet achieved in the BJP's steady demolition of India's democracy over the past five years. The central government's unilateral abrogation of the terms on which Kashmir acceded to India means that the state is no longer legally linked to India, and India becomes a *foreign* occupying power. Previous governments have been guilty of grievous violations of Article 370 as well as human rights violations in Kashmir, but this is the first time that the Indian military occupation of Kashmir has no legal basis whatsoever.

The excuses provided by Prime Minister Narendra Modi and Home Minister Amit Shah for making this move – to end separatist violence and develop J&K to the level of the rest of India – make no sense. Separatist violence will not be ended by enraging even those Kashmiris who previously wanted to be part of India by demolishing their democratic rights. The economic arguments the Indian government gives are bogus too.

Far from lagging behind the rest of India, Kashmir is ahead of many states in India, including Modi's and BJP president and government minister, Amit Shah's home state of Gujarat. Kashmir has much lower infant and under-five mortality rates, lower percentages of underweight children and women, higher percentages of fully immunised children and girls aged 15-19 with at least 8 years of schooling, and higher life expectancy despite the ongoing conflict. Most strikingly, the poverty ratio in Kashmir is much lower than the national average. This is in large part due to Kashmir's own constitution, under which extensive land reforms were undertaken in the 1950s, drastically reducing the landlessness and rural poverty which haunt the rest of India. Kashmir's special status has been responsible for this reduction in poverty, both by allowing for the land reforms and by preventing non-Kashmiris from acquiring land in Kashmir.

This brings us to the real reasons, political, economic and ideological, why this drastic move has been made by India: it opens the door to a land-grab by settlers from the rest of India, which will also make it possible to change the demography of J&K. Muslim-majority Kashmir has always been a thorn in the flesh of Hindu supremacists, who in 1948 had killed and expelled hundreds of thousands of Muslims in Jammu. The abrogation of Article 370 allows them to 'integrate' J&K into India by changing its ethnic composition. In other words, the intention is to turn Kashmir into a settler-colony like Palestine. It is not a coincidence that India, which from Independence had been a strong supporter of the Palestinian liberation struggle, has under Modi – the first Indian prime minister to visit Israel and literally embrace Israeli prime minister Benjamin Netanyahu – become a staunch ally of Israel.

At the same time, Pakistan-backed Islamic fundamentalists (both armed and unarmed) who call for uniting Kashmir with Pakistan offer an 'alternative' that would be disastrous for women, religious minorities, and the secular majority. They have acted in tandem with the Hindu supremacists to silence progressive voices and undermine democracy in Kashmir.

Meanwhile, the war hysteria whipped up by Hindu supremacists in India and Islamic fundamentalists in Pakistan serves to divert attention from the abysmal failure of both these states to satisfy even the most basic needs of their people, and can lead to an escalation of the armed conflict between them. Russia backs India, China backs Pakistan, and the US calls on India and

Pakistan to remain calm, while Trump's overt racism and anti-Muslim bigotry serves to encourage the same attitudes in India.

At this moment of unprecedented trauma and repression, we, the Alliance of Middle Eastern and North African Socialists, express our wholehearted solidarity with the people of Jammu & Kashmir and reaffirm their fundamental right to determine their own future in their own land. At a time when support for Jammu & Kashmir's freedom is treated as treason in both India and Pakistan, we would especially like to extend our solidarity to socialists and progressives there and their counterparts in India and Pakistan.

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