



## **Kashmir: The Desecrated Crown**

20, October, 2019

"Boys and girls can now talk to each other," declared the governor of Jammu and Kashmir (J&K) on October 14. He made the comment while announcing the resumption of post-paid mobile phone services in the valley after a 72-day blockade, imposed on the eve of the Centre's decision to rescind the special constitutional status that was enjoyed by J&K. The governor asserted that the services were discontinued "because terrorists were using them for their activities, mobilisation and indoctrination." The buoyant governor claimed that the situation in the valley was now normal and there had been no violence in the last two months. "Not a single bullet has been fired," he said, adding that there have been no protests either.

However, several civil society fact-finding missions (FFM) to the valley debunked the J&K governor's contention. The latest report, released on October 13, found that instead of resorting to violence, Kashmiris are resisting the arbitrary move of the Centre "through satyagraha or non-violent civil disobedience". "Since the entire leadership is in jail—from mainstream parties to the separatist parties—this satyagraha is being carried out by the people themselves," the report added. "There is some societal coercion, but by and large, this is entirely voluntary. This is not happening on the direction of militants, contrary to the advertisements now being run by government."

The FFM observed that "even those who were earlier with the Indian government are now completely alienated." The report noted that the Centre's promise to integrate the state with the rest of India does not resonate at all with the people of J&K, "(e)specially given that this promise has come with a communication blockade, heavy military presence, severe repression, and the denial of fundamental rights which are in theory available to every Indian citizen."

While the decision to revoke the provisions of the constitution is perceived as a betrayal of the accession accord by almost all Kashmiris, including those who are deemed to be pro-Indian, a sense of euphoria gripped India. It is undeniable that Hindutva supporters under the current prime minister have been successful in garnering popular support in favour of the move that, according to commentator Neera Chandhoke, violated "every code, every principle, every constitutional sanction protecting federalism."

The Hindu nationalist agenda appears to have swallowed up all—the media, professional groups and political parties. As Kashmiris remain confined in what can be compared to a giant open prison, the mainstream media, instead of highlighting the manipulation of the constitution and its safeguards, glorified the military occupation and large-scale internment of the people. Pro-establishment constitutional lawyers were busy conjuring convoluted arguments in defence of the act, and intellectuals offered self-serving explanations that the abrogation would ensure Kashmir's development and was, thus, for the own good of the Kashmiri people.

This is for the first time in the 72 years of the Indian republic that such a change in status, from state to union territory, has taken place. Bizarre as it is, the government of Telangana, a state that secured statehood through mass mobilisation in 2014, supported this demotion. So did Arvind Kejriwal, the chief minister of Delhi, who is battling for the statehood of the territory he rules. It appears that there is little recognition among state governments about how appalling a precedent this relegation has established.

The abrogation move has generated a feeling of long-awaited victory in some quarters. An excited BJP legislator urged fellow Indians to “marry those white women” (of Kashmir) and the BJP-run government of Maharashtra, the richest Indian state, announced that it would buy land and build resorts in the valley.

While the rest of India celebrates the full absorption of Kashmir into the Indian Union, the Kashmiris endure unbearable hardship. Political leaders of the state including those belonging to mainstream parties have been detained and remained incommunicado for unspecified periods. Many are fearful to challenge their detention in High Court, as such an act might result in being charged under the J&K Public Safety Act, a preventive detention law. Allegations are rife that the authorities are exerting pressure on those detained to sign a bond that would effectively entail restrictions to speak freely as well as to their political activities. Taking advantage of a decimated opposition with most political leaders being in custody, the government is busy engineering a “democratic process” by holding elections of the block development councils on October 24. Pundits predict a BJP sweep of the unfair polls.

Children were not spared from the draconian public safety measures. There have been cases in which boys aged between 14 and 16 were held under the Public Safety Act and sent to Uttar Pradesh jails. This has been done in direct violation of the law. In 2012, the J&K assembly passed an amendment to PSA that made it illegal to hold minors (those below the age of 18) under the Act. On October 1, in a submission to the Supreme Court, the state police acknowledged that it had detained 144 children since August 5; lawyers say a number of cases of child detention have gone unrecorded because the police do not acknowledge that the detainees are minors.

It has become extremely difficult to access justice in J&K. The restrictions on the internet, lack of public transport and suspension of services by India Post had made Srinagar courts inaccessible. The situation was further compounded by a strike of the Bar Association of Kashmir to protest the arrests of the presidents of the Bar Association and the High Court Bar. The lawyers claimed that such arrests were meant to intimidate the legal fraternity. The Kashmir Bar Association has a track record of fighting *pro bono* cases involving human rights violations. Lawyers stated that the strike was also in solidarity with the larger civil shutdown to protest the scrapping of Article 370.

The Kashmir clampdown has taken a toll on the academic life of the state. Despite government efforts to resume classes, educational institutions remain shut as students feel threatened by the presence of security forces. Lack of communication impeded the admission efforts of Kashmiri youth in universities across the country and overseas. Weeks ago, professors of six reputed scientific institutions called for the preservation of campus integrity in blockaded J&K. They noted that the Indian government’s support for science and technology becomes merely symbolic without academic freedom and open communication on campuses, which are fundamental to a democratic society.

Healthcare services in the valley are also adversely affected. FFMs and international media have reported mounting and credible evidence of an impending “health care crisis”. The social fabric of Kashmir is under great stress. Prolonged fear and uncertainty, lack of communication with family members and restrictions on civil liberties and freedoms of expression, information, assembly,

movement and religion are taking a huge toll on all Kashmiris. Family members could not wish their loved ones on Eid Day, nor could they observe Ashura in its usual form.

Prime Minister Narendra Modi has claimed that through abrogating the special status of Kashmir, India has regained its rightful crown. His associate Amit Shah bragged about taking a significant step towards achieving "Akhand Bharat" (Undivided India). Little do these leaders understand that regional autonomy is indispensable for India's plural and complex society and any homogenising effort backed by brute force only triggers resentment and resistance that cannot be matched by military measures. Perhaps the time has come for the Indian legislators to reflect on Dr Ambedkar's statement in the Constituent Assembly that "the beauty (of the Constitution) depends on how it is implemented." There is little doubt that by abrogating Article 370, Mr Modi has desecrated the crown he cherishes.

CR Abrar, Executive Director, RMMRU