

REVOCAATION OF ARTICLE 370:

CORRECTING THE HISTORIC
BLUNDER & PAVING WAY FOR
A BRIGHT FUTURE OF JAMMU
& KASHMIR, AND LADAKH

Article-370

In October 1947, the then Maharaja Hari Singh of Kashmir signed the 'Instrument of Accession', which specified three subjects on which Jammu and Kashmir would transfer its powers to the Government of India: *1. Foreign affairs, 2. Defence and 3. Communications.* In March 1948, the Maharaja appointed an interim Government in the state, with Sheikh Abdullah as the Prime Minister. In July 1949, Sheikh Abdullah and three other colleagues joined the Indian Constituent Assembly and negotiated the special status of J&K, leading to the adoption of Article 370. The controversial provision was drafted by Sheikh Abdullah.

What is Article 35A?

Article 35A gives the Jammu & Kashmir Legislature full discretionary power to decide who the 'permanent residents' of the state are. It gives them special rights and privileges regarding employment with the State Government, acquisition of property in the state, settling in the state, and the right to scholarships and other forms of aid that the state government provides. It also allows the state legislature to impose any restrictions upon persons other than the permanent residents regarding the above. To guarantee these special rights and privileges, the Article says no act of the state legislature that comes under it can be challenged for violating the Constitution or any other laws.

The Jammu & Kashmir Reorganization Bill- 2019

The Jammu & Kashmir Reorganization Bill, 2019 was introduced in Rajya Sabha on August 5, 2019 by the Minister of Home Affairs, Shri Amit Shah. The Bill provides for reorganization of the state of Jammu & Kashmir into the Union Territory of Jammu and Kashmir and Union Territory of Ladakh. The Bill reorganizes the state of Jammu & Kashmir into: (i) the Union Territory of Jammu & Kashmir with a legislature, and (ii) the Union Territory of Ladakh without a legislature. The Union Territory of Ladakh will comprise Kargil and Leh districts, and the Union Territory of Jammu & Kashmir will comprise the remaining territories of the existing state of Jammu & Kashmir.

Lieutenant Governor: The Union Territory of Jammu and Kashmir will be administered by the President, through an administrator appointed by him known as the Lieutenant Governor. Similarly, the Union Territory of Ladakh will be administered by the President, through a Lieutenant Governor appointed by him.

Legislative Assembly of Jammu and Kashmir: The Bill provides for a Legislative Assembly for the Union Territory of Jammu and Kashmir. The total number of seats in the Assembly will be 107. Of these, 24 seats will remain vacant on account of certain areas of Jammu & Kashmir being under the occupation of Pakistan. Further, seats will be reserved in the Assembly for Scheduled Castes and Scheduled Tribes in proportion to their population in the Union Territory of Jammu & Kashmir. In addition, the Lieutenant Governor may nominate two members to the Legislative Assembly to give representation to women, if they are not adequately represented.

The Jammu and Kashmir Reservation (Amendment) Bill, 2019

The Jammu and Kashmir Reservation (Amendment) Bill, 2019, was introduced in Lok Sabha by the Minister of Home Affairs, Mr. Amit Shah on June 24, 2019. The Bill amends the Jammu and Kashmir Reservation Act, 2004 and replaces an Ordinance promulgated on March 1, 2019. The Act provides for reservation in appointment and promotions in state government posts, and admission to professional institutions for certain reserved categories. Professional institutions include government medical colleges, dental colleges, and polytechnics.

Extension of reservation: The Act provides for reservation in appointment and promotions in certain state government posts to persons belonging to socially and educationally backward classes. It defines socially and educationally backward classes to include persons living in areas adjoining the Actual Line of Control. The Bill amends this to include those persons living in areas adjoining the International Border, within the ambit of this reservation. Further, the Act states that any person who has been appointed on the basis of residence in an area adjoining the Line of Control, must serve in such areas for at least seven years. The Bill extends this condition to persons living in areas adjoining the International Border as well.

Exclusion from reservation: The Act states that any person whose annual income exceeds three lakh rupees or other amount as notified by the state government, would not be included within socially and educationally backward classes. However, this exclusion does not apply to persons living in areas adjoining the Actual Line of Control. The Bill states that in addition, this exclusion will not apply to persons living in areas adjoining the International Border also.

Removal of Article 370

Details of Voting

Rajya Sabha

- In favour---125
- Against---61

Lok Sabha

- In favour---351
- Against---72

Indian Political Parties which Supported and Opposed the Bill

SUPPORTED

BJP
AIADMK
SHIV SENA
TDP
BSP
AAP
BIJU JANATA
DAL
SAD
LJP
NEDA

OPPOSED

INC
PDP
NC
TMC
JD(U)
NCP

International reaction on revoke of article-370

“We were of the view that India and Pakistan should resolve their issues bilaterally. Russia has no role to play in India-Pakistan dispute unless both ask for mediation. During the closed-door event at the United Nations Security Council, we reiterated that Kashmir is an internal issue of India.”

Roman Babushkin, Dy. Chief of Russian Embassy India

“India’s decision (on Jammu and Kashmir) is a sovereign decision which is as per its Constitution. Our position on the issue is totally identical to India’s position.”

Nikolay Kudashev, Russian Envoy to India

“India's decision to revoke Article 370, which gave a special status to Kashmir, was the country's ‘internal matter’”.

Morgan Ortagus, Spokeserson, US Department of State

Statement of USA Embassy in India on the issue

- The developments in Jammu and Kashmir had “broader implications” along with “potential for increased instability in the region”.
- “We welcome Prime Minister Modi’s statement that Jammu and Kashmir will soon return to normal political status.”

“Bangladesh maintains that the abrogation of Article 370 by the Indian Government is an internal issue of India.”

Statement issued by Bangladesh’s Ministry of Foreign Affairs

“India’s action as an “internal” matter. I understand Ladakh will finally become a Union Territory. With over 70% Buddhist it will be the first Indian state with a Buddhist majority. The creation of Ladakh and the consequential restructuring are India's internal matters. I have visited Ladakh and it is worth a visit.”

Ranil Wickremesinghe, Prime Minister of Sri Lanka

“We expect that the changes would improve social justice, security and confidence of the people in the local governance and will encourage further stability and peace.”

Ahmad Al Banna, UAE’s Ambassador to India

View of the UN Security Council

The U.N. Security Council had appreciated India's efforts to restore normalcy in Kashmir. Here are some of the views expressed by the UNSC:

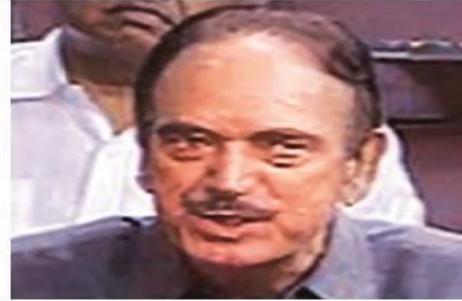
- *The abrogation of Article 370 was done to enhance good governance and socio-economic development in Jammu and Kashmir and that the UNSC consultations had taken note of this.*
- *The Chief Secretary of the Union Territory of Jammu & Kashmir announced a whole set of measures that the government is undertaking to move towards normalcy. We are gratified that the Security Council in its closed consultations appreciated these efforts, acknowledged them and indicated that this was the direction in which they would like the international community to move," .*
- *India was committed to all agreements it had signed on the issue and said India would sit down to talk with Pakistan when the latter's support for terror ceased.*
- *India's commitment to address these issues on the bilateral track has very broad acceptance globally. Sometimes it's best to not touch on every issue.*

Statements of Indian Politicians and Leaders



“AFTER ABROGATION OF ARTICLE 370, J&K WILL TRULY BECOME INTEGRAL PART OF INDIA... TERRORISM CAN'T BE ELIMINATED... TILL IT IS THERE”

AMIT SHAH
UNION HOME MINISTER



“IN MY POLITICAL LIFE, I HAD NEVER EVEN IMAGINED THAT THE STATE WHICH IS INDIA'S CROWN, ONE DAY THAT HEAD WILL BE CHOPPED OFF”

GHULAM NABI AZAD
LEADER OF OPPOSITION, RAJYA SABHA



Mehbooba Mufti ✓

@MehboobaMufti



Today marks the darkest day in Indian democracy. Decision of J&K leadership to reject 2 nation theory in 1947 & align with India has backfired. Unilateral decision of GOI to scrap Article 370 is illegal & unconstitutional which will make India an occupational force in J&K.

♥ 18.8K 11:36 AM - Aug 5, 2019



💬 16.2K people are talking about this



Statements of Political Leaders in Favour of Removal of Article 370

“If the Union government does something right, I appreciate it. When they removed Article 370, a lot of my colleagues opposed it. My party lost its way and is not the Congress that was there before. I will not compromise with anyone when it comes to patriotism and self-respect. On this, I support the Government.”

Bhupinder Singh Hooda, INC leader and former Chief Minister Haryana

"As Jammu and Kashmir's Leh-Ladakh has been declared as a separate Union Territory, the demand of the Buddhist community there has now been fulfilled. The BSP welcomes this too. People all over the country, especially the Buddhist followers of Babasaheb Bhimrao Ambedkar, are very happy.”

Mayawati, Bahujan Samaj Party Chief

“India has suffered a huge loss due to terrorism and our party supports this bill, which will pave the way for development of J&K.”

Sushil Kumar Gupta, MP Rajya Sabha-AAP

“In a real sense today, Jammu and Kashmir has become a part of India. My party supports this resolution. We are a regional party, but for us the nation comes first.”

Prasanna Acharya, BJD MP, Rajya Sabha

“Our leader Chandrababu Naidu and our party support the proposed reorganization of the state of Jammu & Kashmir.... Complete integration of J&K into India will be one nation with one flag & one constitution.”

Jayadev Galla, Member of Parliament, TDP

Statements of Political Leaders Against Removal of Article 370

“Today the BJP has murdered the Constitution as well as democracy by scrapping Article 370. The very Article that gave special status to J&K and linked it to the country has today been done away with mercilessly.”

Ghulam Nabi Azad, Leader of Opposition, Rajya Sabha

“What did J&K get for acceding to India? Another partition along communal lines? Our special status isn't a gift bestowed upon us. It's a right guaranteed by the same Parliament. A contract entered into by J&K leadership and India. Today the very same contract has been violated.”

Mehbooba Mufti, Former Chief Minister of Jammu and Kashmir

“We are with the country. But now my question is about the status of Pakistan occupied Kashmir. Government should answer this.”

Akhilesh Yadav, Former CM of UP

“We cannot support this bill. We cannot vote for this bill. They should have spoken to all political parties and the Kashmiris. If you need to arrive at a permanent solution, then you have to talk to all stakeholders.”

Mamata Banerjee, West Bengal Chief Minister

“Would have supported the bill had it not converted a strong state government in two municipalities.”

T R Baalu, DMK leader

“National integration isn’t furthered by unilaterally tearing apart J&K, imprisoning elected representatives and violating our Constitution. This nation is made by its people, not plots of land. This abuse of executive power has grave implications for our national security.”

Rahul Gandhi, INC Leader & Member of Parliament

Prime Minister's address on removal of Article 370

- ❖ The abrogation of Article 370 have brought numerous benefits to Jammu & Kashmir, and Ladakh.
- ❖ Many in Jammu and Kashmir couldn't vote for or contest in local polls for decades.
- ❖ The removal will help improve tourism in the UTs.
- ❖ Dalits did not benefit from reservation due to Article 370.
- ❖ Children in Jammu and Kashmir didn't benefit from RTE due to Article 370.
- ❖ We faced a lot of opposition to the abrogation of Article 370.
- ❖ There will be Jammu and Kashmir Assembly elections soon.
- ❖ Officials will help people celebrate Eid peacefully.
- ❖ State government employees including police will soon get benefits on par with employees of other Union Territories and all vacant posts in Jammu and Kashmir, and Ladakh will be filled, creating employment opportunities.
- ❖ Come, let us all together, build a new Jammu and Kashmir and new Ladakh with the New India.

Excerpts from Home Minister Shri Amit Shah's Speech in Rajya Sabha

- We are adopting the same path as adopted by the Congress in 1952 and 1962 by amending the provisions of Article 370 the same way through a notification.
- The Union Territory of Ladakh was a long pending demand of the people of the region and the decision was aimed at fulfilling the aspiration of the local population.
- The provision did not allow full implementation of democracy and created conducive conditions for corruption.
- Ayushman Bharat scheme is there but where are the hospitals? Where are doctors and nurses (in Kashmir)? Those supporting Article 35A please tell me which famous doctor will go and live there and practice. He can't own land or house nor can his children vote,"
- Private education organizations have stayed away from Jammu and Kashmir as no professor or educationist would like to go there.
- Opposition claims that the government was indulging 'politics of religion'. But let me be very clear that we don't believe in politics of religion. And what vote bank politics are you talking about? Only Muslims live in Kashmir? What do you want to say? Muslims, Hindus, Sikhs, Jains, Buddhists all live there. If Article 370 is good, it is good for all, if it is bad, then it is bad for all.

Excerpts from Home Minister Shri Amit Shah's Speech in Lok Sabha

- Over 41,500 people lost their lives in Jammu & Kashmir due to militancy since 1989.
- Scrapping of Article 370 is not a historical blunder but in fact the Modi Government is "rectifying the historical blunder".
- Law and order situation in J&K has not deteriorated; all actions taken were precautionary.
- Article 370 was creating doubts over Jammu & Kashmir's relations with India.
- India will continue to lay claim over Pakistan-occupied Kashmir.
- When normalcy returns to Jammu & Kashmir, Govt. will have no hesitation in restoring its full statehood.
- Modi Government has no intention to remove Article 371 which gives certain special rights to some Northeast states.
- Who divided the country on the basis of religion. Who planted the seed of distrust in the minds of the people in J&K? It was the Congress.
- Article 356 (President's Rule) has been imposed 132 times out of which Congress has authorised it 93 times. We have never used Article 356 for political purposes to dismiss state governments but Congress has.

Benefits to Jammu and Kashmir and Ladakh due to removal of Article 370 and 35A and reorganization of the state

- People of Jammu & Kashmir, and Ladakh will enjoy the same rights and privileges as their fellow citizens enjoy in the rest of the country.
- “Open minds and open markets” will ensure that the youth of the region will be put on the path of greater progress.
- Integration gives a boost to investment, innovation and income.
- Better connectivity, linkages and better investment will help products of Jammu and Kashmir reach across the country and the world, leading to a cycle of growth and prosperity to the common man in the region.
- Better avenues of education like IIT, IIM, AIIMS, etc will not only give more educational opportunities to the youth but also give the region better workforce.

Application of Laws and Promotion of Industries and Employment as a Result of the removal of Article 370

- Right to Information
- Right to Education
- Jurisdiction of CAG
- All Indian laws and legislations passed by the Parliament of India
- Rights to Panchayats in Kashmir.
- Minorities in Kashmir (Hindus and Sikhs) get 16% reservation.
- Indians in other states can buy or own land in Kashmir as Kashmiri can buy land at any place in India.
- Establishment of private industries as now they can acquire own land to establish factories and offices. This will lead to meaningful employment of the youth in the region.

Entrepreneurs' and Industrialists' Response to Abrogation of Article 370

“We have shopping centers in Jammu and what we’ve seen is, as soon as there is a spark of any violence or disturbance, it is the shopping centers that are shut first. After this move (revoking Article 35A), Jammu will hopefully get a fresher life.”

Shubhranshu Pani, Managing director-retail services at JLL India

"The region's per capita NSDP at Rs 63,995 stands at about 55% of the national average, and agriculture accounts for 80% of the output. Strong efforts from the Government and industry, including local businesses, are the need of the hour to raise its growth rate and create new opportunities for employment and livelihoods,”

The President designate, Confederation of Indian Industries (CII)

“The group will make several announcements related to investment in the newly formed Union Territories of Jammu and Kashmir, and Ladakh in the upcoming days. Reliance group will set up a special task force focused on making investments in Jammu and Kashmir.”

Mukesh Ambani, Chairman, Reliance group

“It is believed that the repeal of Article 370 will put the dairy sector on a fast growth trajectory. Some benefits following the removal of it, since it will directly come under Centre and there could be more focused approach for dairy and animal husbandry sector. They can look to bring more youth under animal husbandry with increased fund allocation and bring the transformation. We are seeing entrepreneurship and leadership skills getting developed in the women of this region. They can build a strong institution if provided support.”

Mayank Tiwari, former CEO of JKMPCL (AMUL)

Union Minister's Statement on High level delegation of the Ministry of Minority Affairs's visit to Jammu & Kashmir, and Ladakh to Identify the areas for implementation Central Government sponsored scheme

- “Because of Article 370, there were many things which we wanted to do, but could not do. Now it can be done. We aim to open development centers in Jammu & Kashmir, and Ladakh.”
- “Now the Ministry will be active in the entire region -- Leh, Ladakh, Kargil, Jammu and Kashmir. We will make efforts to set up schools colleges, polytechnic, engineering colleges and hospitals. ”

Shri Mukhtar Abbas Naqvi, Union Minister for Minority Affairs

Government's Assurance to People through Governor of Jammu & Kashmir

- ❖ Government announced that over 50,000 vacant government posts will be filled up in the next three months, making it the biggest such drive in the state.
- ❖ "I urge our youth to come forward actively in this recruitment process. This will be the largest single recruitment drive ever in Jammu and Kashmir or Ladakh" said the Hon'ble Governor.
- ❖ NAFED will commit over Rs 5,000 crore for procuring over 50 per cent of apple produce of the state and this will benefit more than seven lakh apple growers.
- ❖ Hon'ble Governor assured the people of the state that their "identity, culture, religion, society, language, heritage, everything will be protected".
- ❖ Internet services will continue to remain suspended for some more time as a security measure.
- ❖ "It was necessary for the government to impose restrictions primarily to ensure that militants are handicapped in their movements and don't succeed to create fear and terror. The results of these restrictions are there for you to see. Not a single person has died so far in police action in the state. In the 2008 agitation, over 50 people died. In the 2010 agitation, over 100 people had died and in 2016 agitation, over 80 people had died," said the Hon'ble Governor.

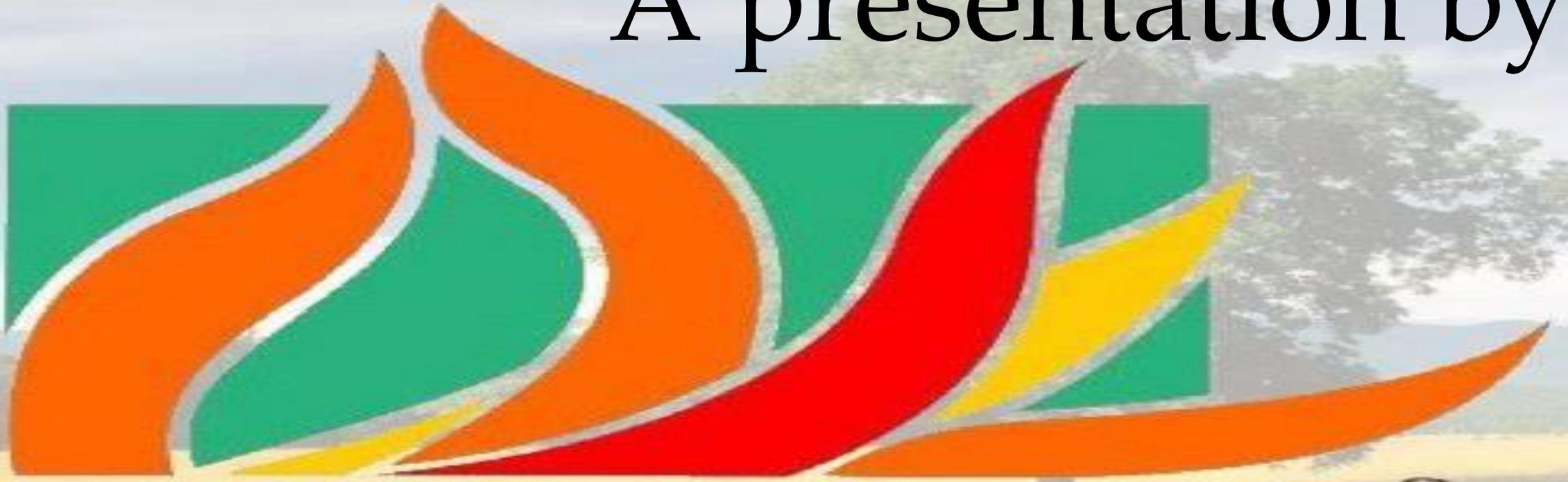
60 days of Development and Peace in Jammu & Kashmir, and Ladakh

- The Jammu and Kashmir administration released funding of Rs 3.5 crore to strengthen the healthcare framework in the Srinagar district.
- The Srinagar administration has authorised funding to the tune of around Rs 3.5 cr. in favour of hospitals and health centres of the district to facilitate procurement of certain smart equipment and machines aimed at strengthening the healthcare in the health centres of the district.
- "The amount released under the Special Area Development Programme or SADP 2019-20 includes 2 crore rupees released in favour of the Chief Medical Officer Srinagar and around 1.5 crore rupees released in favour of the Principal Government Medical College Srinagar.
- The two crore rupees authorised in favour of the Chief Medical Officer Srinagar includes 60 lac for UPHC Batamaloo, 45 lac for UPHC SR Gunj, 37 lac for UPHC Lal Bazar, 33 lac for UPHC Narwara and 25 lac for PHC Habakadal.
- Doctors have successfully performed 10,699 major surgeries including caesarean deliveries.

- Health services were functioning normally in the valley as 10.52 lakh patients visited hospitals in Kashmir for check-ups till 15th September (from 5th August).
- In addition to different kinds of testing machines and medical equipment, the amount will be used to install - for the first time - a smart apparatus enabling smart registration of patients for their seamless utilisation of healthcare services.
- There is no dearth of essential drugs and other medical requirements in the hospitals and 90 per cent of medical shops were open in the valley.
- The Centre is taking care of drinking water, electricity, three months' stock of essential commodities like food grains, LPG cylinders and petrol.
- Similarly, several steps have been taken for ensuring the smooth flow of information including various newspapers that are regularly being published from Srinagar.
- All local dailies from the Jammu Division are also being published and national dailies were being distributed.
- Journalists were given access to use facilities like telephone, Internet connection, computer, printers at the media facilitation centre and passes were also issued to media persons to visit restricted areas.

- Schools, offices and banks were also functioning normally.
- No reported violence after Friday congregational prayers.
- The Centre has introduced Special Market Intervention Price Schemes to ensure that apple growers and farmers were not exploited and received remunerative prices.
- The Jammu and Kashmir High Court and lower courts are also operating normally.
- Pilgrims going on Haj and returning from Haj were specifically facilitated and people associated with providing all these services have free movement.

A presentation by:



पराक्रमयुता प्रज्ञा राष्ट्राभ्युदयसाधिका

Dr. Syama Prasad
Mookerjee Research
Foundation