**Reversing Article 370**

Ershad Mahmud

Thursday, Aug 03, 2023

The Supreme Court of India, under the leadership of Chief Justice DY Chandrachud, has commenced daily hearings on petitions concerning the legality of the BJP government’s decision to revoke the special status of Indian-held Jammu and Kashmir.

This hearing process began on August 2. Simultaneously, the people of Kashmir are marking the fourth anniversary of the abrogation of Article 370.

This development has sparked renewed hope that the Supreme Court of India might overturn the BJP’s decision and reinstate statehood and Articles 370 and 35A. These constitutional amendments were promulgated without seeking the consent of the Jammu and Kashmir Legislative Assembly.

Some legal experts contend that these constitutional articles were irrevocable as they were enacted by the J&K Constituent Assembly, which has since been dissolved. Consequently, there is a belief that the Supreme Court may invalidate these amendments and restore Jammu and Kashmir’s lost statehood, granting it autonomous status.

In the event of such a scenario, the next steps could involve the resumption of diplomatic relations and trade ties between Pakistan and India. Efforts have been ongoing for some time by Arab friends of both countries to reconcile and revive relations, which had been frozen in response to India’s unilateral actions in Kashmir four years ago.

The sudden commencement of the Supreme Court hearings might be connected to the backchannel discussions facilitated by the Arab friends, with support from the US, aimed at finding a potential path to de-escalation and dialogue between Pakistan and India.

However, the way the BJP perceives the future of Kashmir presents a gloomy picture, and there is little room for optimism. The steps taken by the BJP government after August 2019 indicate a firm determination to alter the social, political and demographic fabric of occupied Kashmir. There is a widespread belief that if the BJP’s agenda is successful in Kashmir, it could set a precedent for similar actions in other parts of the country, potentially resulting in the dismantling of democratic institutions and the suppression of the press and freedom of expression.

Since August 2019, Indian-held Kashmir has experienced drastic changes impacting all spheres of life. These changes have resulted in the formulation of new rules, laws and policies that seemingly aim to systematically marginalize the local population in various aspects of their lives.

Key areas such as employment, businesses, land ownership, and voting patterns are particularly affected by these measures. The Election Commission of India has already announced granting voting rights to people temporarily residing in the region. This move is expected to add approximately a 30 per cent increase in electoral rolls.

The process of political engineering is being vigorously pursued. New political parties have emerged, apparently designed to divide public opinion and weaken the traditional parties which refuse to compromise their Kashmiri identity and challenge the Hindutva agenda. The formation of the Apni Party in Jammu and Kashmir was intended to present an alternative political option to traditional parties. However, Ghulam Nabi Azad, a former chief minister of J&K and a prominent Congress leader, also established his political party, which did not gain significant public support.

Ghulam Nabi Azad’s entry into the political landscape of Kashmir seems to align with the BJP’s interests, as it may lead to the division of people and weaken local political voices and parties.

Additionally, these parties are given the task to build a counter-narrative that emphasizes development and progress as the primary agenda for the region while sidelining other critical concerns raised by other parties or activists.

The National Conference is mostly silent, and Mehbooba Mufti’s PDP faces internal divisions orchestrated by New Delhi. Mehbooba stands as the only Kashmiri leader openly discussing human rights, demographic changes, and advocating for India-Pakistan dialogue over Kashmir’s future, which doesn’t sit well with New Delhi.

Many pro-Azadi leaders are imprisoned and have been silenced. Yasin Malik and Shabbir Shah face charges related to supporting terrorism and money laundering. Additionally, Mirwaiz Umar Farooq is under house arrest and even denied the opportunity to lead Friday prayers at Srinagar’s historic Jamia Masjid.

There is a political vacuum in Kashmir, presenting an opportunity to form a broad-based political alliance that transcends political and ideological divides. Sooner or later, New Delhi will have to conduct state elections in J&K. While the BJP may struggle to win these elections, their strategy seems aimed at reducing the number of Muslim members in the assembly by dividing the Muslim vote and inappropriately delimiting constituencies.

To counter this, Kashmiri political parties must develop a common minimum agenda to prevent the BJP from winning the elections and thwart its attempts to alter the demography of Kashmir. The People’s Alliance for Gupkar Declaration (PAGD), which comprises NC, PDP, CPI (M), CPI, Awami National Conference, Congress, and other parties, has unanimously decided to oppose voting rights for non-locals in Jammu and Kashmir.

The All Parties Hurriyat Conference has been effectively silenced, with no room for political activities. Recently, mid-level activists convened at a hotel to discuss the political situation, but they were apprehended by the police. Expressing dissent now leads to imprisonment under draconian laws like the Public Safety Act and the anti-terrorist law UAPA, leaving little space for the opposition.

In light of this situation, pro-Hurriyat parties should extend their support to leading Kashmiri political parties and unite in the fight against the legal, political, social, and cultural challenges posed by the BJP. Without such collaboration, Kashmiri political parties may not be able to compete with the BJP’s formidable political and administrative power.

By reviving the political process and working together, pro-Hurriyat politicians will be able to express their dissent and engage in political activities, breaking the prevailing silence and sense of hopelessness.

This is a critical moment that demands thinking beyond individual interests and prioritizing a common cause for the benefit of Kashmir and its people. Setting aside political vested interests in favour of unity will strengthen their collective voice and increase their ability to address the challenges posed by the ruling government.

The writer is a freelance contributor. He tweets @ErshadMahmud and can be reached at: ershad.mahmud@gmail.com