

Article 35A: Centre's move for debate stirs hornet's nest

NEW DELHI/SRINAGAR: The Centre's move seeking "larger debate" over Article 35A of the Constitution, which empowers the Jammu and Kashmir legislature to define "permanent residents" of the state and provide special rights and privileges to them, has triggered a political storm with several parties warning against any tinkering of the provision.

National Conference President and [Lok Sabha](#) member Farooq Abdullah on Monday warned of an "uprising" if Article 35A was abrogated. After a meeting of opposition parties at his residence in Srinagar, Abdullah said: "When it will come to that decision, you will see this mass uprising. Don't forget when the Amarnath land row happened in 2008, people rose overnight." His son and former chief minister [Omar Abdullah](#) tweeted: "In order to educate the people of J&K about the implications of striking down 35A, JKNC will organise awareness camps starting August 14."

"Its removal will have grave consequences for people living in Jammu and Ladakh. It's amazing that people who talk about protecting Dogra heritage & culture forget that J&K's state subject laws were Maharaja's decision," he said.

Even at the head of the PDP-BJP alliance government, chief minister [Mehbooba Mufti](#) had recently warned against any tinkering of Article 35A. [Congress](#) warned against any attempt to create new contentious issues in J&K. AICC spokesman Abhishek Singhvi said, "In the current highly fragile deteriorating climate in Jammu & Kashmir where both the state and Central governments appear to be repeatedly failing, it would be most inapposite to initiate a new divisive front. First, let the government do concrete things to restore normalcy and then we can talk of more divisive issues." CPM politburo member [Brinda Karat](#) accused BJP of furthering sectarian politics.

"Rather than settling the prevailing tension in Jammu and Kashmir through political dialogue, BJP is trying to divide the state further by bringing up these issues." A section of BJP has been supportive of the idea as it considers existence of Article 35A a major hurdle in growth of the state. Under the Article, state laws have barred non-residents from purchasing land in the state. The Article came into force through a Presidential order in 1954. It has been challenged in the [Supreme Court](#) by an NGO and Supreme Court lawyer Charu WaliKhanna. Attorney General K K Venugopal told the bench of Chief Justice J S Khehar and Justice D Y Chandrachud last month that the petition involved constitutional issues and required larger debate after which the court referred the matter to a three-judge bench setting six weeks' deadline for final disposal.

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