

# RUPTURE IN HISTORY, STITCHING A FUTURE

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

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The NDA government's decision to [abrogate the special status](#) to Jammu and Kashmir under Article 370 fulfills a nearly 70-year-old project of Hindutva parties, their promise that they would one day make the "integration" of J&K with the Union of India a reality. The Constitution (Application to Jammu & Kashmir) Order 2019 supersedes the 1954 order, which included Article 35 A, and defined the state's special status. Article 35 A has ceased to exist. Although Article 370 remains, it's effectively dead. The government has simultaneously proposed the bifurcation of the state through the Jammu & Kashmir State Reorganisation Bill 2019, under which it will become two Union Territories, one comprising Ladakh without a legislature, another comprising Jammu & Kashmir, with a legislature.

But the special status guaranteed to Jammu and Kashmir was not a partisan or personal decision of the founding fathers of the Indian republic. It was based in the imperative of nation-building. It was a recognition of the role a Muslim majority state — its unique demography protected by the Constitution — would play in belying the claims on which Partition had taken place, and in strengthening the secular "idea of India". The developments of August 5, 2019, are in no small measure about rewriting history, changing that very demography, and bringing in a new idea of India, with the stamp of [Narendra Modi](#) firmly on it. The changes are no less than historic, they draw an audacious red line over and across the Nehruvian idea of India.

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But what is this new idea of India, and how will it be given shape? What will also go down in history is the manner in which the momentous change in J&K's status has been brought about. There is no parallel in the history of independent India for the secrecy and stealth deployed by the government to bring in something that is politically and communally contentious. To do this at a time when Parliament is in session, to present it as a virtual fait accompli to the House, may be the [BJP](#)'s way of doing business, as it believes it has the mandate. But it goes against every democratic convention and norm.

Curiously, government officials put out the red herring of a purported terror plot emanating from Pakistan to justify the induction of additional troops in the Valley and cancellation of the Amarnath [Yatra](#). As it has turned out, these were law and order measures in anticipation of a backlash to the government's real plans. For the first time since the 1953 arrest of Sheikh Abdullah, the government placed two former chief ministers, both leaders of mainstream political parties, under arrest.

The promise of resolving the Kashmir issue through partnership and dialogue with Kashmiris, articulated by a BJP prime minister, [Atal Bihari Vajpayee](#), and carried forward by a Congress prime minister, [Manmohan Singh](#), was implicit in the PDP-BJP alliance of 2015-2018. It failed, yet as recently as last year, Prime Minister Modi invoked Vajpayee's "insaaniyat, jahmuriyat, Kashmiriyat" credo for resolution in Kashmir. It now seems that he and his trusted lieutenant

believe that the people of Kashmir need not be consulted at all about their political fate, and that the use of force can overcome their opposition.

Now that the die has been cast, how the government proposes to carry this forward from here, how it will deal with the legal and political fallout and the reactions in the Valley, will decide many things for India. If the unkept promise of autonomy in Article 370 was the genesis of the Kashmir problem, the government has significantly departed from that, not just by its definitive move to scrap the constitutional guarantee of that autonomy but by demoting the state into truncated union territories that will now be governed directly by the Union home ministry through an all powerful Lt. Governor, working with an emasculated legislature.

Regional parties, such as AIADMK and TRS, that have supported the government's move, might do well to ask themselves what they would do if the Centre decided that Tamil Nadu, with a traditionally strong regional ethos, be carved up into union territories. But the challenge for the Opposition is also more than a distant thought experiment. It is real and it is already here: A BJP that is bringing its "core issues" — for long relegated to the backburner — to centrestage. A BJP with a mandate that will have its way, few questions asked.

It cannot be the government's intention to keep voices in the Valley suppressed forever. For starters, it must release Omar Abdullah, Mehbooba Mufti and Sajjad Lone, leaders with a following in the Valley and in Jammu too. It must remove restrictions on movement in the Valley, allow telecommunications to be restarted. It must demonstrate that its political confidence to do what it has done in Kashmir does not flow out of the barrel of a gun or a numerical majority alone. There will be other challenges, such as the changing dynamics in the region, especially the deal with Pakistan's help, in Afghanistan between the US and Taliban. This is hard work in progress even though the deed has been done.

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