



International Commission for Human Rights South Asia Centre  
for Peace & Human Rights

International Muslim  
Women's Union

## **PRESS BRIEFING**

### **Indian Conspiracy to Convert Kashmiris Majority State (IOK) into Indian Hindu Majority**

The conflict of Jammu and Kashmir has been a longstanding conflict that jeopardizes the peace, prosperity and development of the entire South Asia and has also caused the killings and other violations of the human rights in Indian Occupied Kashmir (IOK) in greatest number so far. The Universal Declaration of Human Rights adopted on 10th December 1948 seems to be ironic in the context of IOK. The declaration says recognition of the inherent dignity of the equal and inalienable rights of the human family is the foundation of freedom, justice and peace in the world. There are thirty articles in the declaration and all are being violated in Indian Occupied Kashmir by the occupational forces of India with draconian laws in the form of the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) that provides them unbridled powers and unconditional impunity against any criminal proceedings and accountability in the highest militarized zone of the world.

India has a comprehensive policy to diffuse the ongoing widespread freedom movement in IOK through multifarious strategies including the indiscriminate use of force and to completely merge IOK with India by abrogating Article 35- A and causing massive level demographic changes in violation of the International commitments made by India from time to time. Articles 370 and 35 –A are the constitutional guarantees to the people of IOK and even the Indian constitutional experts are of the opinion that these constitutional guarantees cannot be taken away.

India has the ulterior motives to abrogate the article 35- A for bringing demographic changes in IOK and the election campaign of BJP, ruling political party of India, is based on the slogan of “ Abrogation of Article 35 – A” as the leading component in its election campaign across India to further pollute the minds of the people of India with hatred and prejudice against Kashmiris. The Government of Pakistan should take immediate and appropriate diplomatic offensive against this Indian unlawful policies to interfere in the existing legal status of IOK which is a disputed territory under the Resolutions of United Nations and various mutual agreements of India and Pakistan. All the Indian political parties particularly BJP have been using the narrative of “ abrogation of article 35-A to completely merge IOK with India” as the most important slogan of the election campaign to promote its political ideology of Hindutva to cultivate the seeds of hatred and prejudice against the Muslims of India in general and Kashmiris of IOK in particular.

There is a well-founded threat that India may unilaterally abrogate Article 35-A or may influence the Supreme Court in doing so cannot be ruled, but in any case, the result would be disastrous. India has already eroded the Article 370 related to the special status of IOK and now intending to completely abrogate the article 35-A to deprive the Kashmiris from the special economic and cultural protection provided to the Kashmiris by the Dogra Dynasty in 1927 through the State Subject Rules of 1927 that subsequently was adopted by the Government of IOK. These constitutional guarantees are the result of political and

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historical processes to promote and protect the rights of the local state subjects of the erstwhile state of Jammu and Kashmir.

Historically, in 1922, the Jammu and Kashmir's Princely State's Council of Ministers imposed curbs on employment of outsiders in administration, as well as " all grants of land for agricultural and house – building purposes and grant of houses and other state property shall be made to state subjects only. " A notification in April 1927 defined them. Later on, in 1954, in the backdrop of the Delhi Agreement of 1952, the then, President of India issued the Constitution (Application to Jammu and Kashmir) Order 1954. The said order extended a set of constitutional provisions including Part III on the fundamental rights to the state of Jammu and Kashmir. However, this gave rise to an imminent clash between fundamental rights of non-state subjects and the extant state subject notifications of 1927 and 1932 issued by the then ruler of the state Maharaja Hari Singh. Article 35 – A states as follows:

"Saving of laws with respect to permanent residents and their rights." — Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State:

(a) defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir; or

(b) Conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects—

(i) Employment under the State Government;

(ii) Acquisition of immovable property in the State;

(iii) Settlement in the State; or

(iv) Right to scholarships and such other forms of aid as the State Government may provide, shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part."

The Article 35 –A is not a mere executive order under Article 370 but is itself a constitutional provision, a compact record in both the constitutions. No court can ignore this. Under the Indian conspiracy a writ petition has been filed in the Supreme Court of India by an NGO – *We the Citizens* challenging the validity of Article 35-A. This has the backup of the Indian nationalist government. The petition, in the main argues, that Article 35-A is against the " very spirit of oneness of India" as it creates a " class within a class of Indian citizens."

On Kashmir, the contemporary Indian public opinion is monopolized by the majoritarian nationalism of Hindutva, which further relies to a large extent upon the televisual encouragement of violence (fuelling numerous attacks on ordinary Kashmiris in various parts of India by way of collective punishment), a narrow electoral focus, and communalized discourses of competing victimhoods. The Kashmir conflict is not intractable, but addressing it requires attending to the vested interests and entrenched perceptions; it is vital to generate the narrative that it is a very poor statist strategic calculation of national interest that results in the inhibiting of economic relations, prevents better ties, undermines regional security, causes internal breakdowns and communal polarization.

It is abundantly clear that the nationalist government of India is adamant to repeal Article 35-A (including Article 370). The Kashmir issue is linked with it and the Kashmiris individually existence depends on its survival. The Government of Pakistan as the most important party to this conflict should take immediate diplomatic measures to address this important issue and intervene in this unconstitutional act and blatant breach of the spirit of the UN Resolutions on the disputed territory of Jammu and Kashmir that aims to sabotage the

disputed status of IOK and to avoid the effective implementation of the UN resolutions by bringing demographic changes at a large level.

We as NGO community will raise international awareness on this crucial issue by way of getting engaged with all inter-governmental organisations (the United Nations, The European Union and the Organisation of Islamic Co-operation) and non-governmental organization including some of the concerned governments

This is the right time for Pakistan and the international community to take this matter at all the forums with full zeal and commitment. Otherwise, India would successfully attain its core objectives of abrogation of Article 35-A and complete merger of IOK with India. Given the severe situation, when the leading Politicians of India have been using the " Kashmir Card" during the ongoing election campaigns, the situation has become more aggravated and fragile for the people of IOK.