

ACROSS THE AISLE



P CHIDAMBARAM

If the precedent is followed, it is only a matter of time before Darjeeling will be carved out as a Union Territory out of West Bengal. The routine will be to ask the state Assembly to "express its views" or impose President's rule and dissolve the Assembly. Other targets that spring to mind are Bastar district, KBK districts of Odisha, hill districts of Manipur and Bodoland in Assam

Not state, just real estate

I HAVE written often on Jammu and Kashmir but today is different. J&K is no longer the same J&K. It is no longer a state. It has been dismembered. There are now two Union Territories — Ladakh and Jammu & Kashmir. Never before under the Constitution of India has a state been reduced to a Union Territory.

On August 5 and 6, 2019, the government succeeded in winning Parliament's approval for three things:

1. Repeal and substitution of Article 370: Article 370 was replaced by invoking clause (1) of Article 370 and amending clause (3) of Article 370. Whether it was a fatal legal error or a over-clever legal stratagem, only time and the courts can tell. Mortals like us can only describe it as a constitutional manoeuvre worthy of the well-known contortionist Sofie Dossi. The new Article 370 with just one clause is no longer a special provision, it simply applies the whole of the Constitution to J&K.

2. Obtaining the views of Parliament on the proposal to dismember the state of Jammu and Kashmir and create two Union Territories: The right to express views had been vested in the Constituent Assembly that had drafted the J&K Constitution. Miraculously, in one stroke, that Constituent Assembly became the Legislative Assembly of J&K and then became Parliament! So, Parliament was passing the Resolution after obtaining the views of Parliament. I suppose there is a metaphysical principle here that

is beyond the comprehension of mortals.

3. Reorganising the state of Jammu and Kashmir and creating two Union Territories: The Jammu & Kashmir (Reorganisation) Bill, 2019, pretended to follow past precedents that had created two states out of one, except that the Bill created two Union Territories out of one state. Naturally, the Treasury Benches did not seem to mind; what came as a surprise was that regional parties that are ruling states — AIADMK, BJD, JD(U), TRS, AAP and YSRCP — did not find anything amiss, and voted in favour. The TMC walked out.

A DANGEROUS PRECEDENT

If the precedent is followed, it is only a matter of time before Darjeeling will be carved out as a Union Territory out of West Bengal. The routine will be to ask the state Assembly to "express its views" or impose President's rule and dissolve the Assembly. Other targets that spring to mind are Bastar district, KBK (Kalahandi-Bolangir-Koraput) districts of Odisha, hill districts of Manipur and Bodoland in Assam.

The more important issues are not the legal questions but the political questions. Before or during the exercise that culminated on August 6, the government did not consult the Legislative Assembly of J&K before the Assembly was dissolved on November 22, 2018. The gov-

ernment did not consult the mainstream political parties or their leaders, four of whom were former chief ministers. The government did not consult the Hurriyat Conference because the Modi government has refused to recognise them or talk to them. Needless to say, the government did not seek the opinion of the people, not even through interlocutors.

The government justified its action as fulfilling the BJP's manifesto promise. That is only partly true. Repeal of Article 370 was indeed a promise of the BJP but, certainly, the BJP did not promise to dismember J&K and create two Union Territories. Even if Ladakh had to be carved out as a Union Territory, the residual state of Jammu & Kashmir could have remained a state. To a pointed question why this was not done, there was no answer.

PEOPLE IGNORED, BUT WILL PREVAIL

The success or failure of the government's extraordinary actions will be decided by the little over 7 million people of the Kashmir Valley — not by the thousands of troops deployed by the government. How will the people of the Valley react to the actions of the government?

■ The repeal of Article 370 will be regarded as a breach of a constitutional guarantee as well as a breach of promise made by Jawaharlal Nehru, Sardar Vallabhbhai Patel (assisted by N Gopalaswami Ayyangar and VP Menon),

Babasaheb Ambedkar and the other makers of the Constitution.

■ The people will also regard the actions as a repudiation of A B Vajpayee's famous statement that a solution to the Kashmir issue will be found within *insaniyat, jamhooriyat and Kashmiriyat*.

■ The carving out of Ladakh as a Union Territory (Leh wanted it, Kargil opposed it) will be regarded as an attempt to divide the people of J&K on religious lines.

■ The creation of a Union Territory of Jammu & Kashmir will be regarded as an attempt to humiliate the people of the Valley and diminish their political, economic and legislative rights.

What is clear to me is that in the eyes of the BJP the Kashmir Valley is just a piece of real estate and not the seven million citizens. In the BJP's eyes, the history, language, culture, religion and struggle of the Kashmiris are irrelevant. There are thousands of Kashmiris who, while opposed to violence and secession, had resorted to dissidence or throwing stones. They stood in one column to demand more autonomy. On the next column were the militants and young recruits who took the gun. The most catastrophic consequence will be — god forbid — if the thousands in the first column move to the second. The BJP will realise that the price of real estate is not cheap.

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FIFTH COLUMN



TAVLEEN SINGH

Did Article 370 preserve Kashmiriyat?

OF THE arguments made against the abrogation of Article 370 all of last week by a plethora of Kashmir 'experts', the one that irritated me most was the one about Kashmir 'losing its identity'. Which one? The one in which Hindus and Muslims lived together in total harmony? The one in which Kashmiri Islam was so moderate that unveiled women prayed in mosques? Or the current 'identity' in which Hindus have been ethnically cleansed from the Valley and Islam prevails in its most fanatical form? Having witnessed the changes in Kashmir's identity first hand, let me remind you of them.

The Prime Minister in his speech last Thursday spoke of a time when Kashmir was so popular with Bollywood's filmmakers that almost not a single film was made without a romantic song being shot somewhere in the Valley. He urged filmmakers to return to Kashmir and spoke of how it had 'the potential to become the world's largest tourist destination'. That Kashmir existed once but no longer does. It was destroyed not by political problems and alienation but because of the advent of the new Islam that blew into the Valley in the Eighties, when money started pouring in from Saudi Arabia to groups like the Jamaat-e-Islami.

By 1989 came the armed insurgency and Pakistan got involved. Its Kashmiri agents ensured that the Hizbul Mujahideen stole the struggle for 'azadi' from the secular JKLF so jihadist Islam began to infuse a political movement. Soon Kashmir's Pandits were ethnically cleansed from the Valley and in the streets of Srinagar appeared bearded young men who marched into liquor shops and forcibly closed them down by smashing bottles of liquor on the pavements. Cinemas were forcibly closed and women who did not veil their faces risked having acid thrown at them. A new 'identity' was imposed on Kashmir. Tourists continued to come but the magic of the old Kashmir was gone. Can it return? I am not sure. But, if anything can help bring it back, it is probably the abrogation of Article 370.

Personally, I did not like the manner of its abrogation. I think it is wrong and dangerous to impose political change by locking people up and denying them all means of communication. It should never happen. Not in Kashmir or anywhere else in India because it damages our democracy. But, I also believe that Article 370 was no more than a symbol of Kashmir's special status. In reality Kashmir enjoyed hardly more autonomy than any other Indian state, but because of its supposed special status has been a playground for secessionists and jihadists.

It is not at all surprising that Pakistan is so incensed that Imran Khan virtually warned of nuclear war becoming a real possibility. Pakistan's ambassador to the United Nations appeared on Christiane Amanpour's show to declare that it was the 'human rights' of the Kashmiri people that Pakistan was most concerned about. Ms Amanpour would have done well to ask her about the 'human rights' of the people of Balochistan, but did not. She would have done well to ask about the jihadist groups that have turned Kashmir into a killing field, but did not.

Kashmir's identity today is that of an Islamic state in the making. The young men who now lead the insurgency make this clear every time they make a new ISIS-type recruitment video. India cannot allow an Islamic state. Kashmir cannot either. Its economy is almost entirely based on tourism, and tourists do not flock to jihadist countries no matter how beautiful they are, for the simple reason that religious fanaticism can turn even paradise into a kind of hell.

As for the fear that with the abrogation of Article 370 Kashmiris will lose their identity, that really is a stupid fear. India has allowed diversity to flourish to a fault. It is hard to find Indians who do not first identify the state they come from, then their caste and religion before they identify themselves as Indians. Kashmiris can be found in every major tourist destination in India, from the beaches of Goa and Kerala to the high mountain resorts in Himachal Pradesh and Uttarakhand, and nowhere have they shown the smallest sign of losing their 'unique' identity.

The fact that so many have been forced to leave Kashmir for destinations where thousands more tourists go is because Kashmir lost its special magic when the jihadists took over. If they had not taken over and started laying the foundations of an Islamic republic, it is possible that Kashmir would already have become 'the world's largest tourism destination'. To use a sledgehammer to abrogate Article 370 was unwise and risky. But, if it can bring back the magic that Kashmir once had long, long ago, then the risk will be worthwhile.

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Once upon a time there was home



SHALINI LANGER

CAN EVERY house become home? Or do places stop mattering beyond a certain age? As we moved place to place in childhood, staying two years at most in the small towns that father was posted to, home took shape for me mostly as a collage of memories. And memories knew no geographical boundaries, no language barriers, no son-of-the-soil whiff.

I remember a shiny long corridor at one place where my sister and I would play, where she the more intrepid one would catch butterflies and I jealously pretend I was only concerned about the poor winged things. I remember sun-dappled lunches in a huge lawn somewhere, where mother would let loose her long, long hair to dry. I remember dark, dark nights from another place, where we would catch fireflies and then wonder at the horrid smell in our palms. I remember the fascinating green-blue eyes of a girl at a school further south, a first for me (I would know her as a 'Chitpawan Brahmin' much later). I remember my first snow day up north, an impromptu picnic basking school, and chortling later that morning as our wet socks left to dry on the coils of an electric heater by our unsuspecting mother got burnt. I remember a cold morning dragging my very young sister for a long walk to school through a hill town on missing the bus, making a halt at a tea stall. I remember scooter chases by father and his friends through the then largely empty streets of another town, with us children egging them on. I remember the sparkling black stone of the parapet of the poshest apartment complex we had stayed in, deep, deep south.

And yet, in all those years of moving about the country, there was one place that promised a solid certainty: Jammu. Again, in the curious way memory works, it seemed that way despite us spending only around 15 days a year during summer holidays there. The city felt ours to claim not just because of the many aunts, uncles, cousins it held, but also the 'special' place it indisputably occupied in the imagination of the rest of the country. Even if people mistakenly took you for a Kashmiri, and you cor-

rected that error, a certain awareness of history tinged the conversation that followed. As resentments and violence stoked the gulf with Kashmir, one both strained against as well as more closely held on to that umbilical cord. And through it, to the other side of the border, guilty but also fascinated by the violence that bound us all. And what would our present mean without that history? How far can one shed one's roots without being left rootless?

Given the insubstantial time I spent in Jammu, I am perhaps an interloper to comment on the overnight change in its status, from 'special' to one half of a Union Territory. But given it is the city of my ancestors, I retain a right to mourn a sense of loss. Of never seeing Jammu the same way again. Of wondering whether it is the city's resentment towards Kashmir that empowers the government to shut millions of people out, or to stage the charade of passing off five persons eating a meal in a curfew-clamped town, served in incongruously large pots on a deathly quiet street, as "normalcy". Of having to ward away thoughts regarding what drives my RWA, in a Delhi colony miles and miles from J&K and L (the coupling of those three parts seems almost ordained by larger forces), to hold a "tea party" in "celebration" of the death of Article 370, and to recite a reworded *Hanuman Chalisa* where Narendra Modi is Bajrang Bali.

Around the time that "historical wrongs" were being corrected, a lot of other things happened. Another building caught fire in the national capital and another wall collapsed, claiming lives; the financial capital and its surroundings again went under following a burst of rain; an alleged rape victim fighting for her life was flown out on court orders from her state, so as to continue her battle for justice; on the other end of the country, four people died in a dash across 300 km to prove the same citizenship that is being enforced with an iron hand in Kashmir; a woman died in a fire without her parents in Kashmir getting to know till the day after; a 17-year-old drowned reportedly trying to escape security forces while NSA Ajit Doval assured his audience in the Valley that their children would have a future; and I put my son on the Delhi Metro telling him and myself not to think about a "high alert".

But, we couldn't care less. "We had Kashmir" — and all was well with the world.

Meanwhile, the RWA moved on, to more pressing matters, of "useless" guards, and a police that couldn't stop neighbourhood robberies.

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Write... I am a Miya

GAINED IN TRANSLATION



ABDUL KALAM AZAD
আব্দুল কলাম আজাদ

OVER THE last few months, the controversy on and around Miya poetry has received an overwhelming response from readers, poets, critics, public intellectuals and online trolls. The controversy regarding this new genre of poetry led to the filing of four police complaints in different parts of Assam, which was followed by an outpouring in favour of the poets, poetry and the causes they spoke about. Most important is the support and curiosity from the mainstream Assamese community, whom the bullies wanted to incite against Miya poets. People from the mainstream Assamese communities organised Miya poetry reading and discussion sessions, invited Miya poets to recite and speak while they were hiding from police. However, those in the opposition responded with more virtuosity, sometimes with death and rape threats to the poets.

Miya poetry as a genre started in 2016. But much before that, one night, most probably in the late summer of 2015, I met Shalim M Hussain, one of the finest poets and translators from the region. We were discussing the issues faced by our community, ranging from floods and erosion to identity-based violence, discrimination, oppression and violation of human rights in the process of citizenship contestation and determination. Through the discussion, we resolved to use various art forms to create awareness among the communities.

That night on the terrace of Shalim's apartment in New Delhi's Zakir Nagar, we translated Bob Dylan's *Blowin' in the wind* to the Miya dialect, reflecting the suffering and agony of our community. Soon after, Shalim translated Gil Scott Heron's *The revolution will not be televised* and recited it. He also helped translate a Bengali song on water, sanitation and hygiene to Miya and we started using it in our campaign for development in *char* (river island) areas.

We call ourselves the first generation of progressive and professional social workers, civil rights activists, and writers who have pledged to use the Indian Constitution to defend our rights. We use a number of secular and democratic campaign tools to amplify our voice; poetry, especially performance poetry, is one of them.



CR Sasikumar

In the meantime, the preparation of the National Register of Citizens (NRC) was underway. People from our community hoped the NRC would be a panacea to all our problems. Hundreds and thousands of educated youths volunteered to make the NRC project acceptable among the community and help the poorly lettered collect documents and file their application forms. The NRC authority had already made the legacy data (digitised government records of 1951 NRC and subsequent electoral rolls till 1971) available for the general people. A large number of people of our community, who have been constantly displaced because of annual floods and erosion, ethnic conflicts and forcible eviction by government over the last several decades, had hardly any access to these invaluable documents.

In the last week of April 2016, Dr Hafiz Ahmed, president of Char Chapori Sahitya Parishad and a strong propagator of Assamese language and literature among our community, wrote a poem in English and posted it on Facebook: "*Write/Write Down/I am a Miya/My serial number in the NRC is 200543/I have two children/Another is coming/Next summer/Will you hate him/As you hate me?*"

This poem went viral and other young poets started responding to him through poems. The young poets also started reclaiming "Miya", a slur used against us, as our identity with pride. This chain of Facebook posts continued for days, reiterating the violence, suffering and humiliation expressed by our community.

As time passed, more poets wrote in various languages and dialects, including many Miya dialects. The nomenclature 'Miya Poetry' got generated organically but the poets and their associates have been inspired by the Negritude and Black Arts movements, and queer, feminist and

Dalit literary movements, where the oppressed have reclaimed the identity which was used to dehumanise them.

The trend transcended our community. Poets from the mainstream Assamese community also wrote several poems in solidarity with the Miya poets while some regretted not being poets. Gradually, this became a full-fledged poetry movement and got recognised by other poets, critics and commentators. The quality and soul of these poems are so universal that they started finding prominence on reputed platforms.

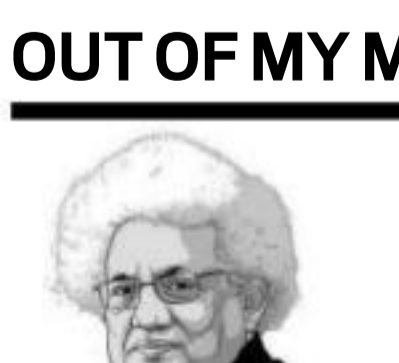
For the first time in the history of our community, we had started telling our own stories and reclaiming the Miya identity to fight against our harassers who were dehumanising us with the same word. They accused us of portraying the whole Assamese society as xenophobic. The fact is we have just analysed our conditions. Forget generalising the Assamese society as 'xenophobic', no Miya poet has ever used the term 'xenophobic' nor any of its variants. The guilt complex of our accusers is so profound that they don't have the patience to examine why we wrote the poems.

Another accusation against us is of weakening the Assamese language when most of our poems are written in Assamese language and a few in Miya dialects. We fail to understand how writing Miya poetry in Assamese could weaken Assamese?

Anyway, the controversy is now dying down gradually. Miya poetry is getting much wider readership and the Miya poets and their associates (like me) have learnt new skills: how to remain calm while facing threats of all sorts, coordinated online bullying, and the anxiety of their loved ones, and to continue to write, promote poetry.

Azad is an Assam-based researcher. Translated from Assamese by him

OUT OF MY MIND



MEGHNAD DESAI

MODI 1.0 was all about economics. Toilets were built, rural areas electrified, houses provided. Bank accounts and digitisation introduced, roads and canals built, ports modernised. Modi 2.0 is all about politics. Narendra Modi wants to reconstruct a new India Post Nehru Gandhi Era. Hence, the removal of Article 370.

Some Gordian knots need to be cut, not unravelled. Jammu and Kashmir is

BJP as party of the 21st century

such a knot, an anomaly in the Indian Constitution. Narendra Modi and Amit Shah have cut the Gordian knot of the Kashmir problem. They have removed Article 370 which was still in the chapter on transitory measures in the Constitution since its introduction way back.

It created an anomaly in the federal structure, Jammu and Kashmir (plus the unmentioned Ladakh) were not fully integrated into India. The accession ceded foreign affairs, defence and communications to the Centre but in all other subjects in the Central and the Concurrent list, the Legislative Assembly had to be consulted by Parliament. J&K could not benefit from Indian laws of non-discrimination against women or reservations. Citizens from the

rest of India had no access to jobs, buying land or investing in business. J&K was and was not a part of India. The only way, internationally acceptable, was to have waited till a plebiscite could be held in both parts of J&K. Not only did Pakistan fail to withdraw its troops as required but it has conceded Gilgit, a part of the original J&K, to China. There is thus no prospect of J&K-wide plebiscite, as required by the UN.

Modi has changed the narrative. Modi 1.0 startled the country with demonetisation. It was (in my view) a great idea but the failure of new currency to be ready on time made its implementation more painful than it needed to be. Modi 2.0 has been much more careful and well-prepared in his super-shock move. Home

Minister Amit Shah has emerged as the indispensable partner Modi needs. The entire operation was kept secret. Troops were moved and tourists removed under the camouflage of military risks. While the reorganisation Bill was listed, the stroke of removing Article 370 was done by the President. This is because whatever other differences, J&K was under President's rule, with the Legislative Assembly dissolved. Parliament had the right to legislate on behalf of J&K. It was a small window but it satisfied the constitutional requirements for removing Article 370.

The bifurcation is a crucial piece of legislation. Ladakh is a vast territory, totally different from the Kashmir Valley and

Jammu. It is sparsely populated but a huge source for solar energy. It will be the first Buddhist-majority Union Territory (UT), a first for India. J&K becomes UT as well but only temporarily. The Ladakh people have welcomed the bifurcation. The Modi-Shah team obtained a two-thirds majority in the Rajya Sabha and a better than 5:1 majority in the Lok Sabha, which would suffice for a constitutional amendment.

The Indian democratic system has voted for a decisive change in the hegemonic party. The first victory of Narendra Modi was treated by the Old Guard as an anomaly. But the second victory has now established the BJP as the governing party of the 21st century. Be ready for Modi 3.0.