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**Articles 370 and 371 of the Indian Constitution in the Context of Kashmir**

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**Abstract**

*Occupied Jammu and Kashmir is not the only state in the Indian constitution with special status but in addition to Article 370, there is also an Article 371 in the Indian Constitution which has 10 sub-clauses that give special status to other 9 states and territories. The nature of relations of these states is explained in these clauses of article 371 which is very helpful to understand article 370 of the Indian constitution. As far as Kashmir and Article 370 are concerned, the Indian government of Narendra Modi has axed the Indian position itself as all other states with constitutional guarantees are suspicious about their future in the Indian union. By repealing Article 370, Indian Prime Minister Narendra Modi has brought to an end the false or true annexation of Kashmir with India. Thus, if there was any annexation of Kashmir with India, Indian Prime Minister Narendra Modi had cut down that relation on 5 August 2019. Article 370 is not a myth, it is a historical fact as Article 370 specifies that apart from Foreign Affairs, Defense, Communications and subsidiary matters (matters that were specified in the Instrument of Accession to India), in all other matters and subjects Parliament of India needs the approval of assembly of the people of Kashmir. Thus, Kashmir residents lived under a distinct set of laws, together with those linked to fundamental rights, citizenship, and ownership of property as compared to other citizens of India. Occupied Jammu and Kashmir were the only states to be stripped of its status of special unite of Indian federation. As of August 5, 2019, India had 29 states in principle, but with the repeal of Article 370, there are now 28 states. Prime Minister Narendra Modi's actions regarding Occupied Jammu and Kashmir have raised concerns in these 28 states especially the states with special status like Kashmir. These concerns and reservations will sow the seeds of insincerity in the Indian Union. Expressing concern over national security, the Indian Home Ministry spokesman said separatist activities were on the rise in 200 of the country's 600 districts. Not only separatist movements but racial conflicts and caste disputes have increased after the August 5 action in Kashmir. The main reason for this unrest in India is that the states with special status under article 370 and 371 have started to ponder the federation of India as a union that is established through a system of repression. In the intellectual circles, these development are not normal as intellectuals of India are not happy with the approach of Indian Prime Minister Narendra Modi as they are taking it dangerous for the federation of India that will be left with no confidence of the federating unite.*

**Keywords:** Kashmir, India, Pakistan, Article 370, Article 371

**Introduction**

It is a matter of fact that aggression and oppression with the people of Kashmir have been going on for 73 years but with the latest measures, the Modi government has eroded the confidence of the people of India in their Constitution. August 5, 2019 is being declared as the darkest day of Indian democracy after the issuance of the Presidential Decree about the status of Occupied Jammu and Kashmir and the passing of the Kashmir Bill in the Indian Parliament. These darkest days for the Indian Republic have not come just because of Indian policies for Kashmir but there are many other concerns and conflicts in other states with special status in the Indian union. At the time of the partition of the subcontinent, there were two types of territories in United India; one was British India, which was under direct British control, the other was ruled by kings, maharajas, and the Nizam but tax collectors were under the direct control of the British throne. United India was divided into two parts by the Indian Independent Act of 1947(Sumantra, 2010, p555). The territories of British India were directly divided into two parts, Pakistan and India, but 650 states and territories were given full autonomy and three options. The first was to become an independent country, the second was to

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become part of Pakistan and the third was to become part of India. Section (6A) of the 1947 Act states that princely states must adopt the accession document before they could become part of any country, the terms of this document will be those that the ruler of this state will accept. This accession document will divide the powers between the state and the country. Technically, the accession document was an agreement between two sovereign nations or states that pledged to work together. It was like any kind of agreement reached between the two countries (Carole, 2008, p. 164). Once the agreement reached between the two countries is broken, both sides return to the old position. The repeal of Article 370 must also be viewed in the light of the same international law and Kashmir after the repeal of Article 370 has become once again a princely state with all powers and privileges under international law.

### **Objectives**

To examine the situation that has emerged after August 5, 2019, in Kashmir.

To analyze the situation in India after the removal of article 370 of the Indian constitution.

### **Hypothesis**

The situation in Kashmir after the removal of article 370 has weekend the Indian federation and a wave of uncertainty is damaging the federal structure of the Indian union that can lead towards the balkanization of India in near future.

### **Literature Review**

(Jagmohan. (2019) is a landmark publication to release the Twelfth Edition of My Frozen Turbulence in Kashmir. It is very important work that tells and investigates not only the unrestrained proceedings of the two terms of Governorship of author jag Mohan but also of following changes which emphasize how a disastrous blooper of the actual historic section was committed by India and its leadership that be at the federal Indian Government level by not short-sighted the cautionary signals raised by the author as governor. This new updated Edition displays how the mutual assault of seditious, dissenters and pro-Pakistan elements was confronted, predominantly in the wake of the death of Burhan Wani. It also displays how the disgraceful treacheries of the type of Uri terror outbreak were dispensed with by Narendra Modi and how a Novel Determination was expressed by the Indian prime minister. This work is totally from the views of Indian leadership that is very interesting to analyze realities and myths of the struggle for independence.

(Prabhakara, (2012), discussed the questions of ethnicity, identity, insurgency, and sovereignty in north-eastern India as these are very important in the current situation after removal article 370 these questions are examined in the book "Looking Back into the Future: Identity and Insurgency in Northeast India" by M. S. Prabhakara who is an academic-journalist. There are countless articles position from the author in their larger collective, political, economic, and, above all, historical framework. This collection of articles is the outcome of an extensive journalistic career traversing nearly 50 years in the northeast region and is based on nearby, ground-level knowledge concerning wide-ranging travel and communication with the people. Printed in modest, articulate morphological, this book covers a variety of themes as well as the identity, culture and belief, motherland and language politics; along with the separatism and insurgency. The volume also attains an exclusively dual chronological assessment. While the book includes a lot of historical material outlining the origins of the numerous subjects argued, range from 1974 to 2010. In this way, this book is providing the contemporary bookworm with a series of chronological flashes seized in their imminence. This book is useful for researchers in politics, students, academics those who are interested in northeast India, and also for the policymakers.

### **Methodology**

To conduct the research secondary sources of data are used and the different methods and techniques of research are used during investigation work to explore the part of Kashmir issue after 2019. The investigation systems that have helped in reaching positive decisions to fulfill the gap are mainly historical, correlative, and descriptive methods. The historical research method is used in this work to interpret the political events of Kashmir from august 2019 to date. Correlative and descriptive methods are used to correlate the situation in North East India with Kashmir and describe the facts about the issue. Source of data which includes books, articles, newspapers, and the internet, are used for the collection of data.

### **Kashmir Issue after Removal of Article 370**

Before 1947, Jammu and Kashmir was a separate state ruled by a non-Muslim king and a majority of its subjects were Muslims. Considering the geographical importance of the state, Raja Hari Singh decided to agree with both the countries to remain independent and keep the status quo. Later, India forced Raja Hari Singh to join India and on the advice of Sheikh Abdullah, he signed the accession document on October 26, 1947. And then on October 27, Lord Mountbatten, the Governor-General of India, accepted the document presented by the Indian government. Under the accession document, the Indian Parliament was given powers over matters related to defense, communications, and foreign affairs in occupied Jammu and Kashmir. Raja Hari Singh had made it clear on the occasion that the terms of accession could not be changed without his consent (John, et al. 2015, p 468). The accession document had to be made part of the Indian Constitution to clearly define the powers of the Indian Government and Parliament concerning Kashmir, after which Article 370 was added to the Indian Constitution to recognize the terms of the Accession Document, Which was part of an agreement reached between the two parties. The original draft of Article 370 was prepared by Hari Singh's Sheikh Abdullah government and was negotiated for five months. It finally became part of the Indian Constitution on May 27, 1949, under the name of Article 306 (a). Introducing this article in the Indian Parliament, Gopal Swami Iyengar had said in Parliament that the accession was completed but we had offered a referendum. If the referendum did not ratify the accession, we would not be an obstacle in the way of Kashmiris. On June 16, 1949, Sheikh Abdullah and three of his associates became part of the Indian Parliament, and on October 17, 1949, Article 370 was formally incorporated into the Indian Constitution. On this occasion, Gopal Swami Iyengar reiterated his promise of a referendum (Khan 2019, p. 55). The Modi government has not repealed Article 370 but exposes that India has forcibly annexed Kashmir from Raja Hari Singh. With this move, even in the light of the Indian Constitution, India has now become an occupying force in Jammu and Kashmir. As far as the promise of a referendum is concerned, it was not a kindness of the Indian leadership but a repression of circumstances. The Bharatiya Janata Party (BJP) and other Hindu extremist parties, for their benefit, accuse Jawaharlal Nehru of agreeing to the referendum. The fact of the matter is that India had set up a referendum to seize Muslim states. At that time, the Indian government had decided that wherever there was a question of accession, the unilateral decision of the ruler of the state would not be accepted. In some states the rulers were Muslims but the majority of the subjects were Hindus, so this principle was adopted to usurp the states from the Muslim rulers. There are two special articles in the Indian constitution regarding the status of princely states that had joined the Indian union one 370 for Kashmir and the other 371 for other states and territories. It is very interesting to highlight the relations of these other states and territories with the Indian union.

### **Article 371 (a) Nagaland**

Article 371 (a) gives special powers to Nagaland. The state of Nagaland can create administrative and legal mechanisms according to its religious and local customs. Citizens of the state of Nagaland can own land according to their local customs and transfer property according to the same customs. Under the same powers, in January this year, the Chief Minister of Nagaland had written to the Center that the amendment to the Citizenship Act, 1955 could not be applied to Nagaland. Nagalam calls for the inclusion of Naga-majority areas of Manipur, Assam, and Arunachal Pradesh. In 1955, India deployed troops in the area, killing the great freedom fighters of Nagaland. In 1957, an agreement was reached between the Nagaland leaders and the Indian government to give Nagaland the status of a separate independent territory. Immediately after this agreement, a series of violence and riots broke out in Nagaland. Attacks and arson on army convoys, camps, and other government buildings have become routine. On December 1, 1963, the Indian rulers renounced all their claims and declared Nagaland as a province of India, although it was given a special status like Occupied Kashmir to control public sentiment. Article 371A of the Indian Constitution gives special status to the province of Nagaland, while 371G gives special status to Mizoram (Subramanian 2007, p.87). Like in occupied Kashmir, no outsider can buy land in Nagaland and no resources can be transferred in the name of an outsider. Article 371A gives the Nagaland freedom of religious and social rites and no restrictions can be imposed on the ancient traditions of the Nagas. In many places of Nagaland, the flag of Nagaland is hoisted instead of the Indian flag.

The Indian state of Nagaland, which formed a separate army and declared war on the Indian army, announced its secession on 14<sup>th</sup> August 2019 and celebrated Independence Day on August 14

with Pakistan. Kyuko Toko, chairman of the Nationalist Socialist Council of Nagaland (NSCN), and Thuen Galing Moiwah, general secretary, wrote a letter to Prime Minister Narendra Modi, saying that any solution to Naga's political problem would be one of its main problems. There can be no solution without the Naga flag and the constitution (Ezez. 2020). The repeal of Article 370 has endangered the peace process in this state. The Indian government has been slow to take a stand on key issues, raising doubts about whether there will be a political solution. Insurgents in the northwestern state of Nagaland have been fighting for more than 60 years to establish an independent state for 2 million Naga tribesmen. India had twice signed agreements with the Nagas, One with moderate leaders in 1960 who opposed the NCC's violent uprising and the other with the NCC in 1976. The 16-point agreement of 1960 gave Nagas a separate state by cutting them off from the mountainous areas of Assam, while the 1975 Shillong agreement was aimed at quelling the insurgency and outlined the agreement while respecting the wishes of the Naga tribes. Nagaland residents say that Nagaland has never been a part of India because we have our language, our religion, and our own culture. Nagaland is a beautiful mountainous region in northeastern India, and its people live according to ancient tribal customs. According to a traditionalist estimate, 88 percent of Nagaland's population belongs to non-Hindu religions, of which 67 percent are Christians and the rest belong to other religions. According to the 1951 referendum, more than 99 percent of the people of Nagaland voted in favor of secession from India, but India still occupied the country by sending its forces there. The Naga population is not limited to Nagaland but also resides in neighboring states as well as neighboring Myanmar and some Naga rebel groups declared August 14 as their National Independence Day (Tezenlo, 2016, p.6). Niengulo Krome, secretary-general of the Naga People's Rights Organization, said the large turnout was a result of the situation in Kashmir and that it had caused concern among Naga residents. According to the Indian Express, he said: "This time the celebration was historic. Never before has there been such a large-scale public celebration. Earlier this celebration was celebrated in small parts only. The fact that a large number of people came out in support of the Naga movement to celebrate this historic day, which is a clear message from the people that they are tired of the government's policies. The celebration was attended by leaders of all 20 Naga tribes, all major Naga organizations, and Naga student organizations along with Naga women's groups (Nagaland declares independence from Indian Union, hoists the flag, 2020) If it is said that after Kashmiris, if anyone has reminded India of holiday milk, then it is undoubtedly the Naga nation. There are armed groups in Nagaland called "Naga National Council", "National Socialist Council of Nagaland" and "Nagami Federal Army". Because Nagaland is Christian, Christian countries in Europe also support it, especially France and Germany, while the Nagalanders have also announced their exile government from the Netherlands (Franse, 2017, p.207).

#### **Article 371 (b) Assam**

Article 371 (b) is for Assam, Under this article, the President of India may authorize the Governor of Assam to form a committee of members of the Legislative Assembly elected from the tribal areas. At the same time, Article 244 (a) was added to the Indian Constitution in 1969, which gave Assam the right to form independent counsels. Assam, the largest of the seven states in the southeast and is famous for its dense forests, Brahmaputra valleys, oil reserves, Assamese silk, and tea gardens. It is on the border of Bangladesh and Bhutan, while a narrow strip called "Saliguri" separates all the seven states, including Assam, from India. After the victory in the Anglo-Burmese War of 1824, the area was ceded by the East India Company to Raja Purander Singh in 1833 and taken over after 1838. Initially, Assam was made a part of Bengal. In 1906, it was made a separate province with East Bengal as "Bengal and Assam". In 1937, the Assam Legislative Assembly was formed. At the same time, British traders brought in laborers from Central India and resettled the population of Assam. During the partition, the Sylhet district of Assam was included in East Pakistan (Edward, 2013, p.6). After partition, the Indian government repeatedly divided the province and its tribes to break the power. In 1963, Twinsang was merged into the Naga Hills District to form the 16th Indian state of Nagaland. Then in 1970, on the thrillers of the people of the Meghalaya plateau, an independent state was formed within Assam, which came into being in 1972 under the name of a separate state, Meghalaya. In 1972, Mizoram and Arunachal Pradesh were separated from Assam and made separate states. Thus the great state of Assam came to an end. This clearly shows that the area belongs to different tribes who from time to time demand their independence and sovereignty from India. Since 1970, many organizations have emerged for the independence of Assam, including the United

Liberation Front of Assam (ULFA), the Muslim Liberation Tigers, the Assam Rifles, and the National Democratic Party Front Bodoland. In 1990, the Indian Army launched an operation against these organizations in which 12,000 ULFA fighters were killed and the area remained burning for ten years. The ULFA seeks to establish an independent Assamese state through armed efforts, with popular support. The organization was banned by the Indian government in 1990 (Das 2009, p. 1963). To this day, ethnic riots are on the rise in the region.

**Article 371 (c) Manipur**

Article 371 (c) is for Manipur under which a Hill Area Committee consisting of elected tribal members may be constituted in the hilly areas. What is the problem of Manipur? It may be recalled that the former princely state of Manipur in north-eastern India joined India in 1949 but there has been a separatist movement for decades and like Kashmir, the state of Manipur has a law like AFSPA which has been in force since 1958. Under this act security forces have many special powers, Human rights organizations allege that many people were killed in fake encounters in Manipur between 1979 and 2012. According to it, this includes minors and many women. In 2010-12, the Extra Judicial Victims Family Association, a human rights organization, registered about 1,528 cases in which people were killed in a fake encounter by the Indian Army and state police. In July 2017, India's Supreme Court in a landmark judgment ordered the Central Bureau of Investigation (CBI) to investigate the deaths of 62 people in an alleged fake encounter in the north-eastern state of Manipur. Separatist movements have been gaining momentum in the north-eastern states of India from time to time. Recently, the demand for a separate constitution and a separate flag had gained momentum in Manipur, but this is perhaps the first time that an 'exile government' like Manipur has been announced (Pelly & Singh 2009, p.40). On 29<sup>th</sup> October 2019 Manipur's two deviant leaders, Yambin Baron and Narangbam Samarjit, claim to represent the former Raja of Manipur, Leshamba Sanajuba. Addressing a press conference in London, Yambin Baron called himself the Chief Minister of Manipur State Council while Narangbam Samrajit called himself a self-styled Foreign Minister. Both the deviant leaders claim that their government was formed following the 1947 constitution of Manipur (Ezez. 2019).

**Article 371 (f) Sikkim**

Articles 371 (d) and (e) are for Andhra Pradesh, under which the President of India has special powers over the state government, including employment and education quotas. Article 371 (f) was created for the Sikkim. (Paxton 2016, p 396) Under the same article, Sikkim became an Indian state in 1975. Under this article, elections were to be held in Sikkim every four years which has not taken place to date and the matter is pending in the court. Like the Occupied Kashmir in 1947, the people of Sikkim also refused to join India through a referendum. In 1950, the government of India through Prime Minister Jawaharlal Nehru made Sikkim its taxing state through a coercive pact. Under the agreement, India gained control of Sikkim's defense and foreign affairs, but the state had autonomy in all other matters. In the 1960s and 1970s, the independence movement gained momentum in the state of Sikkim, which was crushed by India with full state power. Then in 1975, India withdrew its army and made Sikkim its regular state 1975, as a result of Indian conspiracy, the Delhi government took over Sikkim and in 1975, India staged a so-called referendum and seized Sikkim by force. It has always been a tragedy for the Indian rulers that they all have wished to dominate their neighbors, especially its small neighbors, with the use of power. According to its long-standing tradition, Sikkim also fell victim to Indian state terrorism when RAW's conspiracies led the then Indian Prime Minister Indira Gandhi to create a small Himalayan state like Sikkim. India has taken over the state and since then this small country has been under the control of Indian forces (Paxton, 2016). China's state-run media, Global Times, said Sikkim's independence could be supported in dealing with India. The article urges the Chinese government to reconsider its position on the Sikkim issue and this is the only way to deter India from provocations while urging China to stop India's growing aggression (China can rethink stance on Sikkim, Bhutan - Global Times, 2017)

**Article 371 (g) Mizoram**

Mizoram became a state of India in 1986 under Article 371 (g). Like Nagaland, Mizoram has local customs and religious powers and changes require the approval of the local assembly. The land of waterfalls, lakes, valleys, and ancient rituals is located along the borders of Nagaland, Burma, and Bangladesh. Mizoram means "Land of Mizo". Like other states, Mizoram was first a part of Assam till 1972 when it was detached from Assam to become a union territory and then in 1987 to become

the 23rd state of India. It is the second least populous state in India. Ninety-five percent of the state's population belongs to various tribes from Southeast Asia. Most of the tribes in India live in this state. And Mizoram is one of the three "Christian-majority" states in India. The main reason for the unrest in the state is the growing influence of Assamese from abroad and the neglect of the local "Mizo" tribes. The tribes living here have demanded secession and independence from the Hamaras, Chakmas, Bruce, Lais, and Ryangs governments. The Mizoram Farmers Liberation Force and the Zumi Revolutionary Movement are major separatist groups ((India-fighting-on-its-ownongoing-separatist-movements-in-the-northeastern-indian, 2018)).

#### **Article 371 (h) Arunachal Pradesh**

Arunachal Pradesh is a Sandwich between Bhutan, India, Burma, and China, the state is known for its snow-capped mountains and beautiful scenery. China claims a large area of the state. After the 1962 war, China occupied the area, but soon after announcing its victory, China retreated to the "McMahon Line", the international border between India and China, but it is still on Chinese maps. In the Chinese map, this area is shown as the southern part of Tibet. The old name of the area was "Northeast Frontier Agency" which was changed to Arunachal Pradesh in 1972 (Subramanian, 2017). In February 1987, it was given the status of a state of India instead of a "Union territory". There are many separatist movements in Arunachal Pradesh that have been trying to seek independence from Indian rule for years. Among them are the National Socialist Council of Nagaland and the Arunachal Dragon Force. These movements want to see the region free and independent. The Arunachal Dragon Force, also known as the "East India Liberation Front", is an armed organization aimed at establishing an independent state, which included Assam with Arunachal Pradesh. India alleges that these organizations have the support of China. Indian troops in the region are at risk of infiltration not only from China they are fighting internal resistance. Special permission is also required to enter Arunachal Pradesh from Assam and other states (Deb, 2006, p107). Article 371 (h) applies to Arunachal Pradesh under which the Governor may suspend the decision of the Chief Minister on law and order matters.

#### **Article 371 (i) Goa**

Under Article 371 (i), the State of Goa has the power to make its laws regarding the ownership, purchase, and sale of land (Rajan, Irudaya, & Mohapatra, 2011, p110). How people of Goa are thinking about their future in Indian Union is visible from the letter of the priest of Goa. Goa priest has written a letter threatening the constitution. He also said that many people are living with a sense of insecurity. In the letter, Philip Neri Frau said that people should protect the values of the constitution and the freedom of all religions. Philip has addressed Catholic Christians in Goa and Daman. He said, "Today our constitution is in danger and because of this many people are living in a sense of insecurity". He added "With general elections looming, we must work to protect our Constitution and its values. He also said "There is a growing trend of unconstitutional actions in the country these days. He calls for social cohesion. He requested the people do not monitor their food, clothing, living conditions, and even their prayers." He said "Human rights and democracy are at stake." "Minorities are being threatened for their safety and people are being evicted from their places and homes in the name of development," Two states without special status in Indian constitution but on the path of Kashmir are Meghalaya and Tripura and are discussed below (Correspondent, Special. 2018).

#### **Meghalaya:**

It would not be wrong to call Meghalaya, the "Scotland of the East" between Bangladesh and Assam, and a land of torrential rains, forests, and clouds. Christians are in the majority in this state of India. The state of Meghalaya was formed in 1972 by merging the "Khasi", "Garo" and "Jaintia" districts of Assam. And surprisingly, English became the state language. Even before the British Raj, the Khasi, Garo, and Jaintia tribes had their separate states, which were first made part of Assam and then East Bengal and Assam. But even then, the area remained a "semi-autonomous" state. Khasi and Garo stood in opposition to Indian nationalism. Nationalism and linguistics crisis in other states added fuel to the fire. Fighting between the tribes worsened the situation and various separatist groups (AMLA, HNLC) emerged in Meghalaya (Takne, 2019).

#### **Tripura:**

The Imperial State of Tripura was the important state to join the Government of India in 1949. The state of Tripura is surrounded on three sides by Bangladesh. The history of unrest and rebellion in

Tripura dates back to 1970 when neighboring Bengalis started migrating to the area (Mohan, 1990). Gradually, the Bengalis turned the indigenous peoples and tribes into a minority, which not only damaged the traditions and culture of these tribes but also caused problems in their economic, political and social life. Against the Bengalis from outside, Hatred continued to grow among the people of the state and finally, the people of Tripura also took up arms for their survival. The National Liberation Front of Tripura was formed in March 1989 and the All Tripura Tiger Force in 1990. The sole purpose of setting up these groups was to expel the "Bengali refugees" from the state, but fed up with the bigotry and injustice of the Indian government, these organizations expanded their scope. Hatred continued to grow among the people of the state and finally, the people of Tripura also took up arms for their survival. The Tripura National Volunteers (TNV) was formed to encourage the independence of Tripura from India on December 21, 1978. After it, the National Liberation Front of Tripura (NLFT) was also formed to seek independence from India on March 12, 1989 (Monika, 2009).

Under Article 371 (j), six backward districts of Hyderabad and Karnataka can form Special Development Boards and they are allotted quotas in jobs and educational institutions. 371 (a) to 371 (g) make it clear that any amendment requires the approval of the relevant State Assembly. The same was written in 370 but the Modi government did not consider the approval of the state assembly necessary but for this, the government of Mehbooba Mufti was sacked and the governor's rule was imposed so that there would be no assembly and no approval was required., The Governor-General of India, Lord Mountbatten, while accepting the Kashmir accession document, had said that as soon as the law and order situation improves, my government will resolve the issue of accession with the opinion of the people. This was reiterated in a 1948 white paper on Kashmir presented by the Indian government. As far as Nehru and Patel are concerned, being a Kashmiri, Nehru wanted Kashmir to be annexed to India while Patel wanted to capture Hyderabad. In a way, the referendum was a sham used by India to usurp Muslim states (Gopal, 2003, p 156). One thing is being said that India did it all of a sudden, those who say so forgot the debate of 2014 and 2016 when the Modi government was weighing to fulfill its election promise, but the Kashmiri leadership staged a successful strike and protest. Pro-India Kashmiri politicians also came in the way, so the BJP broke the alliance with the Mehbooba Mufti government and then did not allow the government to be formed and imposed a governor's rule. The recent move by India is not surprising because it is a result similar to the Musharraf formula that Kashmiris had face. Musharraf's formula also emerged several times and was suppressed. Musharraf's foreign minister also kept claiming to be close to a solution to Kashmir and even after Musharraf's departure he used to proudly say in TV programs that we were close to a solution to Kashmir (Sahagala, 2013, p 260).

#### **Musharraf's formula and Modi policy on Kashmir**

This formula was stated by Pervez Musharraf himself in October 2004. Musharraf believed that Pakistan and Indian-administered Kashmir could be divided into seven parts on geographical, linguistic, and religious grounds. Then the two countries decide which parts they will have and which parts can be given autonomy. Pervez Musharraf used to divide Pakistan-administered Kashmir into two parts, one Azad Kashmir and the other Northern Areas, while he was in favor of making five parts of Indian-administered Kashmir. Musharraf once said that he had asked Indian Prime Minister Manmohan Singh in New York to stop talking about referendums and demarcating the LoC and consider other proposals. He also said that both countries are working in this regard. India was looking ready to follow the scheme of partition of Kashmir based on Musharraf's formula. Musharraf had spoken of division on religious and linguistic grounds. The Modi government is dividing Jammu and Kashmir into three parts but at the same time, Ladakh was separated by keeping Jammu and Kashmir together. The Modi government may divide Kashmir into seven parts in the next phase. If he does it then it will be according to Musharraf but this formula was not approved by the Hurriyat leadership of Kashmir (Lyon, 2008, p 161).

#### **Conclusion**

In the past the governments of India, whether it was of Indian National Congress or Bharatiya Janata Party (BJP)'s governments, have never disturbed the controversial status of Kashmir under articles 35A and 370 of its constitution, it is another matter that the military, police and other types of persecution in the occupied area continued but the special status of Kashmiris was not abolished till 2019. Narendra Modi's government and his Home Minister Amit Shah has turned the status of

Kashmir. India has changed the security paradigm of the South Asian region by lock down Kashmir where people are limited to homes and all institutions have been closed for many months in a continuous period. The world is unaware of the food and health situation. The message of the people of Kashmir for the whole world, including Pakistan, is that oppression and subjugation by the force of the Indian army and fascist regime cannot be able to continue the occupation of Kashmir for a long time. The people of Kashmir set an example for other states in Indian Union and become hopeful for their rights. After it, the situation in the North-Eastern States of India or the "Seven Sisters" is unpredictable for India as these states and Sikkim are a conditional part of India like Kashmir. Looking at the seven sister states and Sikkim these areas have always been either autonomous or ruled by different tribes and kings. On one side of this region is the "Mongol" part of Asia and on the other side is the "Aryan" part of Asia. People here are connected not only ethnically, but also religiously, socially, geographically, and culturally with Southeast Asia, Tibet, and Burma. These states have also expressed a strong reaction against India. For example, in Assam, Manipur, and in the State of Nagaland, separatists and rebels have attacked the convoys of Indian forces and killed many soldiers. The message from northeast India was not different from Kashmir as five separatist and rebel organizations have boycotted the Indian Republic Day on January 26, 2019, and HNLC, KKP, KYKL, NLFT, and PDC were leading separatist organizations. The appeal of these separatist organizations was a complete shutter down against India in Manipur, The State of Nagaland, and Assam on January 26 which was a solidarity message for Kashmir (Debrj, 2020). The United Nations should take note of India's forcible occupation of these areas and provide financial and moral support to the liberation movements in these states.

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