

REMOVAL OF KASHMIR’S SPECIAL STATUS

Legal challenges to test move

REUTERS, New Delhi

India’s move on Monday to strip Kashmir of special rights is likely to face legal challenges, constitutional experts and Supreme Court lawyers said, with some questioning the legality of the route used to make the change.

New Delhi’s action also provoked condemnation in Pakistan, which has disputed sovereignty over Kashmir with India for decades. India’s revocation of the Himalayan territory’s special status is a bid to fully integrate its only Muslim-majority state with the rest of the country.

Indian Home Minister Amit Shah said the government would scrap the constitution’s Article 370 that grants special status to Jammu and Kashmir state and allows permanent residents rights to property, state government jobs and college places.

To do so, it used a provision under Article 370 of the constitution that allows the law to be tweaked by a presidential order - provided there is consensus in the constituent assembly of Jammu and Kashmir.



One problem, though, is that the constituent assembly of the state was dissolved in 1956.

The government has tweaked another constitutional article so that a reference in Article 370 to “constituent assembly of the state” becomes “legislative assembly of the state”. The legality of that move, the lawyers said, could be questioned in court.

Furthermore, New Delhi said all the changes were agreed to by the state government. And that, some lawyers say, could be another issue for the government of Prime

Minister Narendra Modi as there currently is no government in Jammu and Kashmir.

For the past year the state has been under presidential rule, after Modi’s Bharatiya Janata Party (BJP) pulled away from an alliance with a local Kashmiri party and dissolved the state assembly.

“If there is president’s rule, then how does that work? Does it fulfil the requirement?” said senior Supreme Court advocate Akhil Sibal. “That to my mind would be the legal faultline.”

Malavika Prasad, a constitutional

lawyer, said: “How did the government of Jammu and Kashmir concur with the changes if the state has been under presidential rule for a year now?”

Shah said earlier on Monday that the changes would pass “every legal scrutiny.” But lawyers said they expect several petitions challenging India’s changes to Article 370. One group of lawyers in New Delhi is already working on a possible petition, an attorney said.

There could also be legal objections to related government legislation concerning the division of Jammu and Kashmir into two entities, including a separate Buddhist-majority but sparsely-populated mountainous territory, Ladakh. That law will rely on the constitutional changes made on Monday.

Critics of Modi’s government and the BJP have accused it of changing the constitution to shift Jammu and Kashmir’s demographics - it is currently majority Muslim - as well as to pander to many in its Hindu nationalist base that have long demanded the right to own property in Kashmir.

Water bankruptcy looms

Researchers warn one in four people worldwide will soon face dangerous water shortages

THOMSON REUTERS FOUNDATION, New York

A quarter of the world’s people are just a few dry spells away from facing dangerous water shortages, a US think tank warned yesterday, with India home to the bulk at risk of running dry.

Seventeen countries face “extremely high water stress” because they consume 80 percent of their available water annually, a situation worsened by more frequent dry shocks tied to climate change, the World Resources Institute (WRI) said.

“We’re currently facing a global water crisis,” said Betsy Otto, director of WRI’s global water program.

New data in WRI’s Aqueduct Water Risk Atlas showed the lion’s share of the most thirsty countries are located in the largely arid Middle East and North Africa region.

Qatar is the most water-stressed country, followed by Israel and Lebanon.

India ranked 13th among “extremely high” water-stressed nations. But with a population of more than 1.3 billion, it has over three times more people than the other 16 countries combined whose agriculture, industry and municipalities depend on

avoiding water “bankruptcy”.

In recent weeks, India’s sixth-largest city, Chennai, was the latest metropolis worldwide to warn its taps could run dry, as reservoir levels plunged.

That followed similar countdowns to water “Day Zero” in South Africa’s Cape Town last year and Brazil’s Sao Paulo in 2015, WRI said.

“We’re likely to see more of these kinds of ‘Day Zeros’ in the future,” said Otto.



The world’s water supplies are threatened by many factors, from climate change to mismanagement in the form of water waste and pollution, Washington-based WRI said.

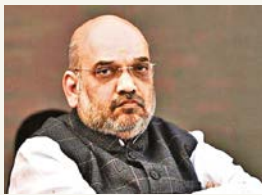
A high reliance on depleting groundwater supplies - difficult to measure and manage because they are buried deep - is an additional concern, Paul Reig, who leads work on the Aqueduct Water Risk Atlas, told journalists.

Nearly a third of the world’s fresh water is groundwater, according to the United States Geological Survey.

“Because we don’t understand (groundwater), and don’t see it, we manage it very poorly,” Reig said.

SCRAPPING OF ARTICLE 370: WHO SAID WHAT

The BJP-led government in India has gained much support for the Jammu and Kashmir Reorganisation Bill, 2019, both from political parties and netizens. Besides its allies, a number of regional parties supported the move. But it has also received some stern rebukes from the Kashmiri leaders as well as from Congress and some left-leaning parties. Here are some key quotes from the parties involved:



“Article 370 was the root of terror in Jammu and Kashmir. It is time for it to go... if it doesn’t go today, we can’t remove terrorism from Jammu and Kashmir.”

Indian Home Minister Amit Shah



“It accurately highlighted the monumental injustices of the past and coherently presented our vision for the sisters and brothers of J&K.”

Indian PM Narendra Modi praising Amit Shah’s argument

“The scrapping of Article 370 has been a part of BJP’s core ideology since the days of Jan Sangh.”

BJP patriarch and former deputy PM LK Advani

“A historical wrong has been undone today. Article 35A came through the back door without following the procedure under Article 368 of the Constitution of India. It had to go.”

Senior BJP leader Arun Jaitley

“It is something the country has been waiting for the last 70 years. Even our manifesto mentioned the need to abrogate Article 370, so it is not something we brought out suddenly like a rabbit from a magic hat.”

Indian finance Minister Nirmala Sitharaman

CONGRESS

“National integration isn’t furthered by unilaterally tearing apart J&K, imprisoning elected representatives and violating our Constitution. This nation is made by its people, not plots of land. This abuse of executive power has grave implications for our national security.”

Congress leader Rahul Gandhi

“This is not the Indian democracy we have cherished for more than seven decades. The assurances that successive rulers of India including those of BJP have given people & leaders of Kashmir and the international community now stand torn into shreds.”

Congress leader Shashi Tharoor

“Momentarily you may think you have scored a victory, but you are wrong and history will prove you to be wrong. Future generations will realize what a grave mistake this house is making today.”

Congress leader and former finance minister P Chidambaram

REGIONAL INDIAN PARTIES

“We have opened the way for Kashmir to become Palestine. I urge you to let go of your ego and embrace Kashmiris.”

Rashtriya Janata Dal leader Manoj Jha

We support the govt on its decisions on Jammu and Kashmir. We hope this will bring peace and development in the state.

Delhi CM and AAP leader Arvind Kejriwal

“Without consulting people of Jammu

and Kashmir, Article 370 has been taken away. Democracy has been murdered. AIADMK is also supporting the decision which is condemnable.”

DMK President MK Stalin

“It is a black day. Indian constitution has been raped by BJP govt. You didn’t consult people of J&K-Ladakh. You dissolved Assembly, you don’t want to hold any election. You’ve taken another

35,000 Army people there. You’re creating another Palestine.”

CP(M) leader TK Rangarajan

“Our party gives complete support. We want that the Bill be passed.”

BSP leader Satish Chandra Mishra

“It is a dark day for Parliamentary democracy, federalism, Constitution, Rajya Sabha, and the idea of India.”

Trinamool Congress leader Derek O’Brien

KASHMIRI LEADERS



Former Jammu and Kashmir chief minister Mehbooba Mufti

“Today marks the darkest day in Indian democracy. Decision of J&K leadership to reject 2 nation theory in 1947 & align with India has backfired. Unilateral decision of GOI to scrap Article 370 is illegal & unconstitutional which will make India an occupational force in J&K.”

“The decisions will have far-reaching and dangerous consequences. . . . A long and tough battle lies ahead. We are ready for that.”

Former Jammu and Kashmir chief minister Omar Abdullah



PAKISTAN

“What they [BJP] did in Kashmir is in accordance with their ideology. They have a racist ideology,”

Pakistan Prime Minister Imran Khan

“Pakistan Army firmly stands by the Kashmiris in their just struggle to the very end. We are prepared and shall go to any extent to fulfil our obligations in this regard.”

Pakistan army chief General Qamar Javed Bajwa

DENGUE FEVER

Philippines declares nat’l epidemic

662 killed this year

AFP, Manila

The Philippines yesterday stood firm on its ban on the world’s first dengue vaccine while declaring a nationwide epidemic from the mosquito-borne disease that it said has killed hundreds this year.

Dengue incidence shot up 98 percent from a year earlier to 146,062 cases from January 1 to July 20, causing 662 deaths, Health Secretary Francisco Duque told a news conference in which he announced a “national dengue epidemic”.

Manila banned the sale, import and distribution of the Dengvaxia vaccine in February following the deaths of several dozen children who were among more than 700,000 people given shots in 2016 and 2017 in a government immunisation campaign.

Duque said Thursday the government is studying an appeal to allow French pharmaceutical firm Sanofi to put the vaccine back in the Philippine market, but ruled out using the drug to combat the ongoing epidemic which has hit small children hard.

The vaccine, now licensed in 20 countries according to the World Health Organization, is approved for use for those aged nine and older.

Duque said the United Nations agency also advised Manila that the vaccine was “not recommended” as a response to an outbreak.

Dengue, or haemorrhagic fever, is the world’s most common mosquito-borne virus and infects an estimated 390 million people in more than 120 countries each year - killing more than 25,000 of them, according to the WHO.

Do not ‘play with fire’

China tells Hong Kong protesters, warns them not to mistake Beijing’s restraint as weakness

REUTERS, Beijing

Protesters in Hong Kong must not “play with fire” and mistake Beijing’s restraint for weakness, China said yesterday in its sharpest rebuke yet of the “criminals” behind demonstrations in the city whom it vowed to bring to justice.

Hong Kong has suffered weeks of sometimes violent protests that began with opposition to a now-suspended extradition law, which would have allowed suspects to be tried in mainland courts.

But the protests have swelled into a broader backlash against the government of the Asian financial hub, fueled by many residents’ fear of eroding freedoms under the increasingly tight control of the Communist Party in Beijing.

“I would like to warn all of the criminals: don’t ever misjudge the situation and mistake our restraint for weakness,” the Chinese government’s Hong Kong and Macau Affairs Office said in a document issued during a briefing in Beijing.

A small group of violent radicals were at the forefront of the protests, with “some kind-hearted citizens who have been misguided and coerced to join,” according



to the document attributed to two officials, Yang Guang and Xu Luying.

It said anti-China forces were the “behind-the-scenes masterminds” who had “openly and brazenly emboldened” the protesters.

China has been quick to label US officials as “black hands” instigating unrest in Hong Kong in an attempt to contain China’s development, but it has not provided any concrete evidence.

The protests are the greatest political threat to Hong Kong’s government since the territory returned to Chinese rule in 1997, and one of the biggest popular challenges to Chinese leader Xi Jinping since he came to power in 2012.

US MISSILE PLANS IN ASIA

Beijing warns of ‘countermeasures’

AFP, Beijing

China warned yesterday it would take unspecified countermeasures if the United States goes ahead with plans to deploy ground-based intermediate-range missiles in the Asia-Pacific region.

The comments come days after US Defense Secretary Mark Esper said Washington was now free to deploy the weapons following its withdrawal last week from the Intermediate-Range Nuclear Forces (INF) treaty with Russia.

“China will not stand idly by and will be forced to take countermeasures should the US deploy intermediate-range ground-based missiles in this part of the world,” said Fu Cong, the director of arms control at the Chinese foreign ministry.

“And we also call on our neighbours, our neighbouring countries, to exercise prudence and not to allow a US deployment of its intermediate-range missiles on (their) territory,” he added, naming Australia, Japan and South Korea.

“That would not serve the national security interest of these countries.” Fu said it was important to recognise that the US is proposing to install the weapons at China’s “doorstep”.

“Especially for a country that has experienced the Cuban missile crisis, I think the American people should understand China’s feelings.”

Australia on Monday ruled out the possibility of the missiles being deployed on its soil, saying Canberra had not even been asked to host them.

South Korea’s defence ministry said it had not had any discussions with the US about the deployment of intermediate missiles.

“We have also not internally reviewed the issue and have no plan to do so,” ministry spokesperson Choi Hyun-soo told reporters.

Iran ‘favours’ talks despite Trump snub

AFP, Tehran

President Hassan Rouhani yesterday said that Iran favours talks with the US if it lifts sanctions against the Islamic republic, despite his top diplomat turning down a meeting with US President Donald Trump.

Rouhani said “peace with Iran is the mother of all peace” and “war with Iran is the mother of all wars” as he defended a landmark 2015 nuclear deal between Iran and world powers.

Tensions between Iran and the US have been rising since Trump unilaterally withdrew the US from the nuclear deal in May 2018 and began imposing sanctions on it as part of a “maximum pressure” campaign.

In response, the US ambassador on disarmament Robert Wood said: “Iran simply needs to make up its mind to decide what it wants to do”.

However Rouhani described as “weird” the US approach of calling for negotiations and then slapping sanctions on Zarif.



A girl releases paper lanterns yesterday on the Motoyasu River facing the gutted Atomic Bomb Dome in remembrance of atomic bomb victims on the 74th anniversary of the bombing of Hiroshima, Japan, in this photo taken by Kyodo.

PHOTO: REUTERS

Taliban warns Afghans against taking part in polls

The Taliban warned Afghans to keep away from election rallies and ordered its fighters to “stand against” the planned September vote. The militants and other insurgent groups conducted frequent attacks during previous elections, and this year’s campaign season has already been rocked by deadly violence. The presidential election is slated for September 28, but the race has got off to a lacklustre start and some candidates have yet to launch their campaigns. Many observers think the poll will be postponed again -- it has already been pushed back twice this year -- to create space for a peace deal to be finalised between the US and the Taliban. In a statement, Ghani’s office said security forces are “fully prepared” to protect Afghans against Taliban threats and would not allow anyone to disrupt polls.

Venezuela accuses US of ‘economic terrorism’

Venezuela’s government yesterday accused the United States of trying to derail political crisis resolution talks with the opposition after President Donald Trump ordered a freeze on its US-based assets. The regime of President Nicolas Maduro, in a foreign ministry statement, denounced the US move as “another serious aggression by the Trump administration through arbitrary economic terrorism against the Venezuelan people.” US national security adviser John Bolton yesterday called for tougher international action against Maduro. “The time for dialogue is over. Now is the time for action,” Bolton said. “Maduro is at the end of his rope,” Bolton said, warning Russia not to provide him with further support.

Korea tests missiles, slams US-S Korea drill

North Korea yesterday threatened to carry out more weapons tests after it fired its fourth pair of projectiles in less than two weeks following the start of joint exercises between the US and the South. The rising temperature on the peninsula threatens to derail putative negotiations between Pyongyang and Washington, with the North saying the combined drills were a “flagrant violation” of the process. Pyongyang has always been infuriated by military exercises between the South and US, seeing them as rehearsals for invasion, but in the past it has tended to avoid carrying out missile tests while the war games were taking place. The speed of its statement Tuesday was also unusual, coming within an hour of the launch, rather than the more normal day later.



SOURCE: AFP