



ALL INDIA KASHMIRI SAMAJ (AIKS)

ALL INDIA KASHMIRI SAMAJ (REGD.)
(APEX BODY OF INDIAN & OVERSEAS KASHMIRI PANDIT ORGANISATIONS)
House No. 308, (LGF), Ashoka Enclave Part-III, Sector 35
Faridabad Haryana 121003, Telephone: 0129-4061043
Web: www.aiks.org; E-mail: hqaiks@gmail.com

SUBJECT: AIKS HAILS SC VERDICT ON ABROGATION OF ARTICLE- 370,35A

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All India Kashmiri Samaj (AIKS) hails the unanimous judgment delivered by a five-member constitutional bench headed by Chief Justice of India DY Chandrachud on 11th December 2023. The bench in its landmark judgment upheld the constitutional validity of the abrogation of Article 370 and 35A by Indian Parliament on 5th September 2019. The abrogation of the controversial article granting special constitutional status to the state of J&K had taken the state's political class by surprise and had been challenged in the apex court through myriad petitions calling in question its constitutional validity and also President of India's powers to promulgate it through its Order in the absence of the state Constituent Assembly and its concurrence.

There had been a flurry of counter petitions too through Intervention Applications or IA by interest groups and individuals supporting the abrogation of the Article. All India Kashmiri Samaj (AIKS) as apex body of all KP organizations having affiliation arms across Indian and overseas too had filed an IA in the Supreme Court through its Vice President Mrs Alka Lahori Handoo in support of the abrogation of the Article 370 and 35A. A very eminent senior SC Advocate Shri Venket Giri pleaded the case pro bono for the beleaguered community and was ably assisted by young, energetic and budding advocate Shri Anupam Raina. Shri V Giri was allotted a time slot by the constitutional bench headed by CJI on September 01 and 04 to argue the case.

"The judgment vindicates the community's stand that controversial Article-370 and 35A has wronged us more than helping in getting rightful share in state's resources and political and economic space"-- said AIKS President Dr Ramesh Raina. As the judgment was being delivered and streamed live, Dr Raina was on air with various TV channels waxing eloquent on how the 'temporary' constitutional provision has proved a big stumbling block in the way of J&K state's full integration with the Union of India.

It was also an occasion to tell the world that though in actuality the Article had lost much of its teeth and soul through various amendments where a large section of underprivileged people had benefited by myriad SC judgments and state willingly bringing itself within the ambit of Chief Election Commission and many other central bodies, yet state's political had not only milked the maximum electoral gains from the Article but exploited it for their survival; for example National Conference would extract a win out of sure defeat by raising last minute sentimental pitch for safeguarding Article-370 among gullible voters across the state, said Dr Raina.

As the community sat glued to TV screens in anticipation and great hope, it was so gratifying to see Hon'ble CJI demolishing Petitioners arguments one by one offering legal wisdom why their contention was beyond judicial review and how the abrogation upheld all the constitutional parameters; how Accession with the Union of India there was 'no element of sovereignty in the state'; how President's Order was sans any mala-fide intentions. Phew! Red Letter day for the community, as it felt vindicated.

Abrogation of the controversial Article has been the permanent feature of community resolutions and memoranda to the successive governments and international bodies. As first line of victims of government apathy, the community has seen upfront the misuse and abuse of the Article-370, acts of omissions and commissions under its garb and manipulation of elections and also great game of manipulation for kicking us out of our homes and divesting us of our lands and properties and not allowing us to return back.

AIKS wishes to thank Hon CJI and four Justices for delivering a very favourable verdict, also express deep sense of gratitude to Justice Sanjay Kishen Koul for highlighting the plight of displaced community and genocide victims and calling for setting up of Truth and Reconciliation Commission for assuaging their hurt feelings. AIKS also wishes to thank Senior Advocate Shri V.Giri for pleading for the hapless community and Advocate Anupam Raina for extending all the help.

Alka Lahori
Vice President, AIKS

AIKS affiliated Units at:

Inland : Agra, Ahmedabad, Allahabad, Ambala, Amritsar, Bangalore, Bahadurgarh, Baroda, Bhopal, Chandigarh, Dehradun, Delhi, Dharamshala, Faridabad, Ghaziabad, Gurgaon, Gwalior, Hyderabad, Indirapuram, Indore, Jabalpur, Jaipur, Jammu, Jodhpur, Kolkata, Lucknow, Ludhiana, Mumbai, Moradabad, Nagpur, Noida, Panchkula, Pune, Ranchi, Sahibabad, Shimla, Srinagar, Udaipur, Varanasi, Karnal, Tilangana.

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