



ARTICLE 35A OF INDIAN CONSTITUTION AND DAUGHTERS OF JAMMU AND KASHMIR

Yawer Gulzar¹ , Layeeq Ahmad Sheikh²

¹ Senior Research Fellow, Department of Political Science,
School of Social Sciences, University of Hyderabad, (India)

²Senior Research Fellow, Department of Political Science,
School of Social Sciences, University of Hyderabad, (India)

ABSTRACT

At the outset, women constitute half of the world population. The role of women in leading developing nations towards change is indispensable, but they are the major excluded group in almost all aspects of life. Although Government of India has given a greater push to gender mainstreaming by promoting its flagship scheme - Beti Bachao, Beti Padhao. But the women in Jammu and Kashmir (hereafter J&K) have been suffering from boundless injustice since last six decades due to an article introduced insidiously into the Constitution in 1954. Since its inception they have been deprived of equal rights available to all other women and men in India and J&K respectively. Article 35A is a clear violation of the basic structure of our Constitution as it curbs certain basic rights enshrined in the very Preamble of the Constitution. This paper seeks to examine the effects of Article 35A on women of J&K and the how the state government has so far managed to get away with it. It will also study how this Article (Article 35A) violates the gender equality and the basic fundamental rights. Leaders of political parties and separatists groups across the spectra have announced their comic solidarities and warned that interfering with the autonomy of the state will lead to anarchy and violence. It is also important to understand why it is dangerous for the central government to tamper with Article 35A, despite its provisions being discriminatory against women. The special status of the state of J&K is additionally strengthened by stringent J&K state determined citizenship provisions, to which Article 35A gives legal and constitutional legitimacy. It was added to the Constitution as a testimony of the special consideration the Indian government accorded to the permanent residents of J&K.

Key Words: Article 35A, Article 370, Constitution, J&K, Kashmir, Women