



## The Rise of Hindutva and its Impact on the Kashmir Conflict

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Ever since the Hindu nationalist Bharatya Janita Party (BJP) led by Narendra Modi came into power in 2014, India has witnessed a marked increase in communal and religious tensions. The BJP, is the political offshoot of the Rashtriya Swayamsevak Sangh (RSS), an Indian right-wing, Hindu nationalist, paramilitary volunteer organization that seeks to transform India into a 'Hindutva'<sup>1</sup>. Hindutva is a term that refers to an ideology that seeks to establish the supremacy of Hindus and the Hindu way of life. In Hindutva, non-Hindus are considered 'foreign invaders' and therefore should be treated as second class citizens. The BJP galvanized Hindu nationalism on the basis of establishing Hindutva<sup>2</sup>, which led to their electoral success both in 2014 and again recently in May 2019. However, Muslims throughout India were used as a scapegoat for uniting the Hindu vote bank.

As a consequence, the conflict in Kashmir has become the center of communal tensions because the dispute is being used to promote Hindu nationalism. Moreover, the abrogation of Article 370 and 35A was a major party pledge made by the BJP in their election manifesto<sup>3</sup>.

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<sup>1</sup> Krishnan, M. (2018). RSS – India's Hindu nationalists spread their wings far and wide | DW | 09.07.2018. [online] DW.COM. Available at: <https://www.dw.com/en/rss-indias-hindu-nationalists-spread-their-wings-far-and-wide/a-44588126> [Accessed 29 Jul. 2019].

<sup>2</sup> Economic and Political Weekly. (2019). How the BJP Promotes Hindutva through a Nationalist Agenda. [online] Available at: <https://www.epw.in/engage/article/how-bjp-promotes-hindutva-through-nationalist> [Accessed 29 Jul. 2019].

<sup>3</sup> Diwakar, A. (2019). As elections loom, India's Modi vows to end terrorism in Kashmir — with more military force. [online] Public Radio International. Available at: <https://www.pri.org/stories/2019-04-08/elections-loom-indias-modi-vows-end-terrorism-kashmir-more-military-force> [Accessed 29 Jul. 2019].

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## Modi's hard line policy on Kashmir

Prime Minister Modi's hard line on Kashmir suited the BJP in achieving electoral success, but it was at the expense of further alienating the Kashmiri populace from the Indian Union<sup>4</sup>. Rather than initiating dialogue with disgruntled Kashmiris or efforts to bring reconciliation, Modi decided to use excessive brute force to crush any movement seeking fundamental rights in Indian-held Kashmir<sup>5</sup>.

With no alternative forum present for Kashmiris to express their grievances, secessionists groups, including those leaning towards Islamic ideology, started to gain eminence. Victims of this highhandedness used social media to share stories about the brutal policies of the Indian state<sup>6</sup>. This resonated with vast numbers of young Kashmiris. As a consequence, the number and size of such groups skyrocketed<sup>7</sup>.

Resistance to continuous and vicious human rights violations in Kashmir started after the rigged elections of 1987. The situation became so volatile that Hindu Pandits began to emigrate from Jammu and Kashmir<sup>8</sup>. Separatist groups seeking fundamental rights had been active for some years. However, they did not have widespread support in Kashmir.

<sup>4</sup> Deccan Herald. (2019). Kashmir poll turnout worrying. [online] Available at: <https://www.deccanherald.com/opinion/second-edit/kashmir-poll-turnout-worrying-730882.html> [Accessed 29 Jul. 2019].

<sup>5</sup> Diwakar, A. (2019). As elections loom, India's Modi vows to end terrorism in Kashmir — with more military force. [online] Public Radio International. Available at: <https://www.pri.org/stories/2019-04-08/elections-loom-indias-modi-vows-end-terrorism-kashmir-more-military-force> [Accessed 29 Jul. 2019].

<sup>6</sup> Narain, A. (2016). Revival of Violence in Kashmir: The Threat to India's Security. [online] <https://www.rsis.edu.sg/>. Available at: [https://www.jstor.org/stable/26351433?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/26351433?seq=1#metadata_info_tab_contents) [Accessed 29 Jul. 2019].

<sup>7</sup> The Express Tribune. (2015). Kashmiris join insurgency against India at highest rate in two decades | The Express Tribune. [online] Available at: <https://tribune.com.pk/story/843452/kashmiris-join-insurgency-against-india-at-highest-rate-in-two-decades/> [Accessed 29 Jul. 2019].

<sup>8</sup> Desk (2016). Exodus of Kashmiri Pandits: What happened on January 19, 26 years ago?. [online] India Today. Available at: <https://www.indiatoday.in/fyi/story/exodus-of-kashmiri-pandits-january-19-jammu-and-kashmir-304487-2016-01-19> [Accessed 29 Jul. 2019].

Continued oppression, especially since 2014, impassioned the Kashmiri people. Support for these groups increased dramatically. Their cause received a fillip when Burhan Wani, a popular freedom fighter from the Hizbul Mujahideen, was killed in an encounter with Indian security personnel. His death sparked massive protests across the Kashmir Valley. A large number of people numbering many thousands attended his funeral. The security situation had greatly deteriorated. True to form, the Central Government imposed curfew in the Kashmir Valley for more than 50 days<sup>9</sup>.

### **Human rights abuses in Indian-held Kashmir**

Since 1987, Kashmir continues to remain one of the most densely militarized regions in the world. In all more than 500,000 military and para-military troops have been deployed there. In recent weeks, this number has grown to 700,000 soldiers, i.e, one soldier for every ten Kashmiri. These large-scale deployments have caused serious difficulties for ordinary citizens. They have had faced countless human rights abuses and humiliation.

Two reports published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), one in July 2018<sup>10</sup>, and the other in July 2019<sup>11</sup>, highlight the mass atrocities committed by Indian security personnel ever since the killing of Burhan Wani in 2016.

Oppressive and brutal tactics include extra judicial killings, enforced disappearances, use of torture, forced confessions, rape, blackmail and harassment. Indian security personnel commonly use these instruments to suppress protestors in the Kashmir Valley<sup>12</sup>.

Quoting the Jammu Kashmir Coalition of Civil Society (JKCCS), the UN OHCHR reported that between 2008 and 2018, more than 1,081 civilians had been killed in extra judicial killings<sup>13</sup>. In

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<sup>9</sup> Deccan Herald. (2016). Curfew lifted from Valley, one killed in clash in Sopore. [online] Available at: <https://www.deccanherald.com/content/567874/curfew-lifted-valley-one-killed.html> [Accessed 29 Jul. 2019].

<sup>10</sup> hrw.org. (2018). India: Act on UN Rights Report on Kashmir. [online] Available at: <https://www.hrw.org/news/2018/06/14/india-act-un-rights-report-kashmir> [Accessed 29 Jul. 2019].

<sup>11</sup> Bachelet, M. (2019). Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019. 2nd ed. [ebook] Geneva: Office of the United Nations High Commissioner for Human Rights, pp.10-29. Available at: [https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf) [Accessed 29 Jul. 2019].

<sup>12</sup> Ibid

<sup>13</sup> ibid

2018 alone, 160 civilians were killed, a figure which is believed to be the highest for a year, in over one decade<sup>14</sup>. Furthermore, the use of pellet firing shotguns has resulted in the blinding of more than 1,200 civilians. India has still not reconsidered changing its crowd control techniques despite the OHCHR's repeated requests to do so.

The use of cordon and search operations, a military strategy that was greatly criticized in the early 1990s, has been re-introduced in Kashmir, since 2017. According to human rights organizations, such operations enable a range of human rights violations, such as physical assault and intimidation, invasion of privacy, collective punishment, unlawful detentions and the destruction of private property.

The use of draconian laws such as the Armed Forces Jammu & Kashmir Special Powers Act 1990 (AFSPA)<sup>15</sup>, and the Jammu & Kashmir Public Safety Act 1978 (PSA)<sup>16</sup>, allowed Indian security forces to carry out human rights violations with impunity. Furthermore, legal immunity granted to Indian security personnel through special provisions provided by AFSPA and PSA are the biggest obstacles to ensuring accountability and preventing the abuse of power in Indian-held Kashmir. For example, Section 7 of the AFSPA prevents the prosecution of security personnel until and unless the Central Government of India grants permission to prosecute<sup>17</sup>. It has been three decades since the AFSPA was enforced in Indian-held Kashmir, but not a single case of prosecution was granted by the Central Government<sup>18</sup>. However, the Indian Army did conduct some military trials, but was extremely reluctant to release details of the trials. Reports regarding

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<sup>14</sup> *ibid*

<sup>15</sup> Satp.org. (1990). The Armed Forces (Jammu & Kashmir) Special Power Act, 1990. [online] Available at: [https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordinances/J&K\\_Specialpoweract.htm](https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordinances/J&K_Specialpoweract.htm) [Accessed 29 Jul. 2019].

<sup>16</sup> Jammu & Kashmir Public Safety Act 1978. (1978). [ebook] The Jammu and Kashmir Government Gazette. Available at: <http://policehumanrightsresources.org/wp-content/uploads/2016/02/Jammu-and-Kashmir-Public-Safety-Act-1978.pdf> [Accessed 29 Jul. 2019].

<sup>17</sup> Satp.org. (1990). The Armed Forces (Jammu & Kashmir) Special Power Act, 1990. [online] Available at: [https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordinances/J&K\\_Specialpoweract.htm](https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordinances/J&K_Specialpoweract.htm) [Accessed 29 Jul. 2019].

<sup>18</sup> Bachelet, M. (2019). Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019. 2nd ed. [ebook] Geneva: Office of the United Nations High Commissioner for Human Rights, pp.10-29. Available at: [https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf) [Accessed 29 Jul. 2019].

soldiers who were found guilty of committing violations being acquitted by military tribunal further aggravated the situation.

Similarly, the PSA is also being used as a tool by Indian security personnel to persecute and abuse Kashmiri separatists who oppose the Indian-state narrative. This act, allows Indian security personnel to arrest any individual for up to two years without any trial, for the purposes of maintaining ‘law and order’. According to Aaker Patel, who is the head of Amnesty International India, described the PSA as a “lawless law” and believes it is one of the major contributing factors that has aggravated tensions between the Indian-state and the local populace<sup>19</sup>.

Therefore, the use of these two laws has served neither India’s cause in Kashmir nor its larger national interests. Instead, they have triggered an unprecedented insurgency which has now widespread support among the Kashmiri locals, an important feature which was not present during past insurgency campaigns.

### **Pulwama attack and the internationalization of the Kashmir conflict**

On 14 February 2019, a Kashmiri local called Adil Ahmed Dar, who had recently joined the Jaish-e-Muhammad (JEM), targeted a convoy carrying security personnel from the Central Reserve Police Force (CRPF), in a suicide attack. The attack killed more than 40 CRPF soldiers and critically wounded several others. In response to the attack, India blamed Pakistan for aiding and abetting militant groups inside India and claimed that Pakistan was solely responsible for this attack<sup>20</sup>. Nationalist (Hindutva) rhetoric was on the rise, as the incident occurred months before the Indian election. War mongering news channels of the Indian media called for blood, and urged the Modi government to initiate a “decisive battle” against Pakistan to resolve once and for all, what they claimed, was the issue of terrorism<sup>21</sup>.

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<sup>19</sup> U.S. (2019). India abusing "lawless" detention act in Kashmir: rights group. [online] Available at: <https://www.reuters.com/article/us-india-kashmir-law/india-abusing-lawless-detention-act-in-kashmir-rights-group-idUSKCN1TD12T> [Accessed 29 Jul. 2019].

<sup>20</sup> Abi-Habib, M., Yasir, S. and Kumar, H. (2019). India Blames Pakistan for Attack in Kashmir, Promising a Response. [online] Nytimes.com. Available at: <https://www.nytimes.com/2019/02/15/world/asia/kashmir-attack-pulwama.html> [Accessed 29 Jul. 2019].

<sup>21</sup> Republic World (2019). Biggest Ever Attack On India, 44 Jawans Martyred In Kashmir Attack | The Debate With Arnab Goswami. [video] Available at: <https://www.youtube.com/watch?v=cRbdfSgmFKw> [Accessed 29 Jul. 2019].

On 26 February 2019, India breached Pakistan's recognized international boundary and carried out 'pre-emptive' airstrikes inside Balakot, Pakistan. For an entire day, the Indian media gave false news of a successful operation carried out by the Indian Air Force in which more than "hundreds of terrorists" were killed<sup>22</sup>. Eventually, clarification given by the military spokesperson of the Inter Services Public Relations (ISPR) exposed the Indian lies<sup>23</sup>. This was further confirmed by independent reports from Balakot. The ISPR spokesperson declared that India had committed an act of aggression and warned the Indian side to "wait for our (Pakistani) surprise"<sup>24</sup>. This surprise came a day later, in the form of shooting down an Indian jet in broad daylight when Pakistan counter-attacked and managed to successfully capture an Indian pilot (in Azad Jammu and Kashmir)<sup>25</sup>.

Provoking Pakistan into a counter-attack made India's provocation and breach of Pakistan's territory, the only instance in history when one nuclear power bombed another nuclear power. And, that this was done allegedly to boost the ruling government's chances in the coming elections, is especially reckless and a cause for concern.

In addition, India, inadvertently, internationalized the conflict<sup>26</sup>. The incident once again demonstrated to the world, the gravity of the situation, and how the conflict can escalate into a flashpoint that could spark a nuclear war<sup>27</sup>. It also showed reckless behavior by the Indian leadership.

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<sup>22</sup> India Today. (2019). Balakot camp was sitting duck target for IAF, 350 terrorists killed while sleeping: Sources. [online] Available at: <https://www.indiatoday.in/india/story/balakot-camp-was-sitting-duck-target-for-iaf-350-terrorists-killed-while-sleeping-sources-1465385-2019-02-26> [Accessed 29 Jul. 2019].

<sup>23</sup> SAMAA TV (2019). DG ISPR Major General Asif Ghafoor's Reaction on India's Fake Surgical Strike 2.0 | SAMAA TV. [video] Available at: <https://www.youtube.com/watch?v=OJmz69gtBLo> [Accessed 29 Jul. 2019].

<sup>24</sup> Geo.tv. (2019). Pakistan Army warns India: 'Time to wait for our surprise'. [online] Available at: <https://www.geo.tv/latest/229388-we-will-respond-differently-and-surprise-you-dg-ispr-warns-india> [Accessed 29 Jul. 2019].

<sup>25</sup> Slater, J. and Constable, P. (2019). Pakistan captures Indian pilot after shooting down aircraft, escalating hostilities. [online] The Washington Post. Available at: [https://www.washingtonpost.com/world/asia\\_pacific/pakistan-says-it-has-shot-down-two-indian-jets-in-its-airspace/2019/02/27/054461a2-3a5b-11e9-a2cd-307b06d0257b\\_story.html?utm\\_term=.e4ef18056f02](https://www.washingtonpost.com/world/asia_pacific/pakistan-says-it-has-shot-down-two-indian-jets-in-its-airspace/2019/02/27/054461a2-3a5b-11e9-a2cd-307b06d0257b_story.html?utm_term=.e4ef18056f02) [Accessed 29 Jul. 2019].

<sup>26</sup> M.madhyamam.com. (2019). Modi has ensured that Kashmir is conclusively internationalized: Arundhati Roy. [online] Available at: <https://m.madhyamam.com/en/national/2019/mar/2/modi-has-ensured-kashmir-conclusively-internationalized-arundhati-roy> [Accessed 29 Jul. 2019].

<sup>27</sup> Roy, A. (2019). Kashmir Is Potentially The Flashpoint For A Future Nuclear War. [online] Common Dreams. Available at: <https://www.commondreams.org/views/2019/03/01/kashmir-potentially-flashpoint-future-nuclear-war-0> [Accessed 29 Jul. 2019].

With an Indian pilot in Pakistani custody, better sense prevailed. Prime Minister Imran Khan's gesture to return the captured Indian pilot after three days further deescalated the situation. However, the Indian government with the help of the Indian media<sup>28</sup>, portrayed Wing Commander Abhinandan's release by Pakistan, as a sign of weakness<sup>29</sup>.

Recently, during Prime Minister Imran Khan's visit to the United States, President Trump's statement in which he claimed that Prime Minister Modi had asked him to act as a mediator/arbitrator between India and Pakistan over the Kashmir dispute<sup>30</sup>, created an uproar in India<sup>31</sup>. For Pakistan, this statement at first appeared to be a major diplomatic victory<sup>32</sup>. President Trump's willingness to act as a mediator over the Kashmir dispute demonstrated that the United States realized that the dispute could lead to a major nuclear flashpoint, one that could greatly destabilize the security situation in South East Asia. China too voiced its support for President Trump's offer for acting as a mediator and urged India and Pakistan to settle their differences through dialogue and negotiation<sup>33</sup>.

However, President Trump's statement received an unexpected response from India. India took the pre-emptive step by revoking Article 370 and 35A and converting the disputed region of Kashmir into Union territory. This was a clear attempt to prevent any chances of third-party mediation. On top of that, members of the Indian government also threatened to take back Azad Kashmir and Gilgit Baltistan through the use of force. Such bravado reflects the views of the of the current Indian leadership regarding the recognized rights of the Kashmiri people, on either

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<sup>28</sup> NewsX (2019). Pakistan forced to release IAF Pilot Abhinandan Varthaman; heavy security at Wagah-Attari border. [video] Available at: <https://www.youtube.com/watch?v=75N-gt5Wgas> [Accessed 29 Jul. 2019].

<sup>29</sup> The Economic Times. (2019). Had warned Pakistan of consequences if Abhinandan Varthaman not returned: PM Modi. [online] Available at: <https://economictimes.indiatimes.com/news/elections/lok-sabha/india/had-warned-pakistan-of-consequences-if-iaf-pilot-not-returned-pm-modi/articleshow/68975477.cms> [Accessed 29 Jul. 2019].

<sup>30</sup> Aljazeera.com. (2019). Trump says Modi asked for US mediation on Kashmir, India denies. [online] Available at: <https://www.aljazeera.com/news/2019/07/trump-offers-mediate-india-pakistan-kashmir-190722170422996.html> [Accessed 29 Jul. 2019].

<sup>31</sup> Ratcliffe, R. (2019). Fury in India over Donald Trump's Kashmir claims. [online] The Guardian. Available at: <https://www.theguardian.com/world/2019/jul/23/india-denies-asking-for-donald-trumps-mediation-in-kashmir> [Accessed 29 Jul. 2019].

<sup>32</sup> Wasim, A. (2019). US mediation offer over Kashmir huge diplomatic success: PTI. [online] DAWN.COM. Available at: <https://www.dawn.com/news/1495882/us-mediation-offer-over-kashmir-huge-diplomatic-success-pti> [Accessed 29 Jul. 2019].

<sup>33</sup> Garrie, A. (2019). China Supports Donald Trump's Kashmir Mediation Offer - Eurasia Future. [online] Eurasia Future. Available at: <https://eurasiafuture.com/2019/07/26/china-supports-donald-trumps-kashmir-mediation-offer/> [Accessed 29 Jul. 2019].

side of the line of control.

### **The end of Indian-held Kashmir's special status and autonomy**

When Maharaja Hari Singh of Jammu and Kashmir agreed to sign the instrument of accession to the Dominion of India, he was given certain assurances that Jammu and Kashmir would be given special status with significant political autonomy. This was done in 1957 through special provisions which came in the form of Article 370 and 35A in the Indian Constitution<sup>34</sup>. Article 370 provided Indian-held Kashmir with its own independent Constitution, and Central Legislative Assembly that was free to make its own laws and regulations. The Central Government was given power to make decisions over matters of defense, foreign policy, communication and economy. In Article 35A, restrictions were placed on the purchase of immovable property for non-Kashmiris, preventing them from contesting elections and obtaining jobs in the local bureaucracy. These two special provisions appeared to give Indian-held Kashmir a special status and significant political autonomy.

However, the Central Government of India could rely on certain legal loopholes to subvert Indian-held Kashmir's autonomy and bypass the State government by imposing direct rule<sup>35</sup>. This has been done through the continuous misuse of Section 92 which allows the Central Government to impose Presidential Rule.

Under normal circumstances, Indian-held Kashmir was led by an elected Council of Ministers appointed by the State Legislative Assembly. The Chief Minister led the Council of Ministers, who in essence became the de facto Chief Executive of the State. However, when Presidential Rule is imposed, both the Council of Ministers and Legislative Assembly are dissolved, paving way for re-election. The powers of the State Legislative Assembly are then transferred to the Center (Indian Parliament). Presidential Rule is only supposed to be imposed when a State

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<sup>34</sup> Mustafa, F. (2019). Understanding Articles 370, 35A. [online] The Indian Express. Available at: <https://indianexpress.com/article/explained/understanding-articles-370-35a-jammu-kashmir-indian-constitution-5610996/> [Accessed 29 Jul. 2019].

<sup>35</sup> NewsClick. (2018). Repeated Misuse of Section 92 in J&K - A Brief History | NewsClick. [online] Available at: <https://www.newsclick.in/repeated-misuse-section-92-jk-brief-history> [Accessed 29 Jul. 2019].



government is unable to effectively perform its duties. However, Section 92 has often been misused by the Central Government of India to get rid of State governments, whose governments are formed by political parties that are opponents of the party in the Central Government.

With Presidential Rule in place, the BJP led government, not only dissolved the State Legislative Assembly of Indian-held Kashmir, but also passed a bill to unilaterally abrogate Article 370 and 35A. It also took the unusual step of bifurcating Kashmir into two Union territories: Jammu & Kashmir and Ladakh. All of this was done under very suspect and feeble legal cover.

According to the ruling government, Article 370 and 35A were only temporary provisions. The High Court of Jammu & Kashmir and the Supreme Court of India had already stated on numerous occasions, that both Article 370 and 35A had acquired permanent status<sup>36</sup>. These articles of the constitution could not be altered without the consent of the State Legislative Assembly. Unrestrained, the BJP led government went ahead and scrapped it. No Kashmiri was consulted or taken into confidence regarding these fundamental changes made to Kashmir's autonomy. Therefore, by abrogating Article 370 and 35A the BJP led government made a mockery of the Indian constitution.

Depriving Kashmir of its special status may make political sense to appease BJP's Hindutva vote bank. However, its aftermath will have serious legal and political consequences for the Indian State in the long term. Soon after revoking Kashmir's special status, the International Commission of Jurists (ICJ), issued a statement condemning the Indian government's decision. In the statement, they said that such a move violates the right of representation and participation guaranteed to the people of Kashmir according to the Indian Constitution and international law<sup>37</sup>.

By absorbing Jammu, Kashmir and Ladakh into Union territory, India has violated Clause 7 of

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<sup>36</sup> Sinha, B. (2018). Special status to J-K: Article 370 not a temporary provision, says Supreme Court. [online] Hindustan Times. Available at: <https://www.hindustantimes.com/india-news/special-status-to-j-k-article-370-not-a-temporary-provision-says-supreme-court/story-wNb5Bz0EOVIDU4NmRn537J.html> [Accessed 29 Jul. 2019].

<sup>37</sup> Icj.org. (2019). India: Ending autonomy of Jammu and Kashmir fans flames of existing human rights crisis | International Commission of Jurists. [online] Available at: <https://www.icj.org/india-ending-autonomy-of-jammu-and-kashmir-fans-flames-of-existing-human-rights-crisis/> [Accessed 7 Aug. 2019].

the Instrument of Accession signed by Maharaja Hari Singh. This declared that the State could not be compelled to accept any future Constitution of India. Abrogation of these two special provisions also violates the United Nations Security Council (UNSC) Resolutions and the Shimla Agreement of 1972 in which both sides agreed not to unilaterally alter the status quo in the disputed territory.

### **Consequences of abrogating Article 370 and 35A in Kashmir**

The illegal abrogation of Article 370 and 35A, and the bifurcation of the state of Jammu and Kashmir, has confirmed the worst fears of the Kashmiri people. They feel that Modi and his Hindutva gang are determined to change the demographics of their state<sup>38</sup>.

The Central Government has already made certain moves which indicate that such an eventuality is quite possible. Firstly, the Central Government used the state-sanctioned ‘Yatra’ pilgrimage as a pretext to bring in 38,000 additional troops in the Valley and to convert Jammu and Kashmir into a non-negotiable Hindu land<sup>39</sup>. Secondly, all major Kashmiri political stake holders have been systematically arrested<sup>40</sup>, including three former Chief Ministers of Indian-held Kashmir<sup>41</sup>. Lastly, all forms of communication such as the internet, cellular signals, land-lines have been completely shut down. Total curfew has been imposed throughout Indian-held Kashmir ever since the abrogation of Article 370 and 35A bringing life to a standstill for the Kashmiri people.

Communal tensions and the resurgence of militant groups will be an inevitable consequence of the unilateralist approach taken by the Central Indian government. With no political forum available for Kashmiri locals to address their grievances, there will be no option left but to resist

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<sup>38</sup> Timesofindia.indiatimes.com. (2019). BJP ELECTION MANIFESTO 2019. [online] Available at: [https://timesofindia.indiatimes.com/realtime/BJP\\_Election\\_2019\\_english.pdf](https://timesofindia.indiatimes.com/realtime/BJP_Election_2019_english.pdf) [Accessed 7 Aug. 2019].

<sup>39</sup> TRT.com. (2019). How a Hindu pilgrimage became militarised in disputed Kashmir. [online] Available at: <https://www.trtworld.com/magazine/how-a-hindu-pilgrimage-became-militarised-in-disputed-kashmir-28127> [Accessed 29 Jul. 2019].

<sup>40</sup> The Economic Times. (2019). Over 100, including political leaders, arrested in Kashmir: Officials. [online] Available at: <https://economictimes.indiatimes.com/news/politics-and-nation/over-100-including-political-leaders-arrested-in-kashmir-officials/articleshow/70567867.cms> [Accessed 7 Aug. 2019].

<sup>41</sup> Dunya News. (2019). *Ex-occupied Kashmir CMs Mehbooba Mufti, Omar Abdullah arrested after Article 370 scrapped*. [online] Available at: <https://dunyanews.tv/en/Pakistan/503826-Ex-occupied-Kashmir-CMs-Mehbooba-Mufti-Omar-Abdullah-arrested> [Accessed 7 Aug. 2019].

Indian oppression through an armed struggle. One cannot expect the Kashmiri people to sit idle while Modi and his Hindutva gang blatantly try to alter the demographics of Kashmir. Militant secessionist groups, such as the Hizbul Mujahideen, have already released statements calling out for local police men in Indian Occupied Kashmir to join the Kashmiri resistance before the Central Government initiates plans to disarm them<sup>42</sup>.

For India, the situation may be under control temporarily because of the presence of additional troops and constant curfews imposed, but the battle for hearts and minds in Jammu and Kashmir has already been lost.

### **Pakistan's response and the way forward**

Pakistan needs serious introspection regarding its policy on Kashmir. The country has always considered Kashmir as Pakistan's 'jugular vein'. Clearly, Pakistan was unprepared for such a move by India. BJP's ideology and plans to revoke Articles 370 and 35A had been public knowledge. These plans have been a longstanding position of the RSS and BJP, and were also a part of BJP's election manifesto 2019. From the start of the Indian election campaign till the moment the BJP got re-elected with a majority, Pakistan took no preemptive action to raise the matter internationally, which would have created awareness about the destabilizing consequences of such a move.

Now, Pakistan's National Security Council (NSC), has decided on specific action. This includes the downgrading of diplomatic relations with India, suspension of bilateral trade and a review of all previous bilateral arrangements with India. However, it is too early to gauge what kind of effect these actions will have on Indian decisions. Moreover, Pakistan also approached the United Nations Security Council and other world capitals. Clearly, Pakistan does not want escalation and wishes to keep sustained diplomatic pressure on India. Nevertheless, despite rising tensions between India, Pakistan has decided to continue with its plans to open the Kartarpur

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<sup>42</sup> YouTube. (2019). New Audio Message Released by HM Commander Riyaz Naikoo About Current Kashmir Crisis.. [online] Available at: <https://www.youtube.com/watch?v=ERYvKIDeCm8> [Accessed 7 Aug. 2019].

corridor to facilitate the Sikh community.

Pakistan has been highlighting the massive massive human rights violations carried out by Indian security personnel in Kashmir to the international community. These forums include the United Nations, Organization of the Islamic Council, Shanghai Cooperation Organization and the International Court of Justice. The human rights violations carried out by India against Kashmiri locals are atrocious and the international community must no longer remain silent. The two reports published by the OHCHR on human rights violations carried out by the Indian state will substantiate Pakistan's claims against the Indian state. Pakistan must also highlight the rising trend of Hindu religious supremacy in India. Evidently, this rising tide of religiosity has had a direct impact on the Kashmir dispute. Ethnic cleansing of Kashmiri Muslims by Hindus from mainland India is now terrifying possibility which the international community needs to act upon, before it is too late.

India's oppression and brutal repression in Kashmir could rekindle possible militancy in Kashmir. If violence increases, it is for the good of no one. However, the responsibility of any increase in violence would lie entirely on the Indian government and its security apparatus. Pakistan should be prepared against possible Indian designs to use the incident as a pretext to blame Pakistan for cross-border terrorism. We must make clear that the time for scapegoating Pakistan for all the problems in Jammu and Kashmir is over. India and the world cannot ignore the ground realities in Kashmir and the folly of Indian action. To appease the jingoistic and nationalist sentiment among his supporters, Modi might use the Indian military on the LoC for another political gimmick. Therefore, the Pakistani government and military leadership must take all necessary measures to protect its territories and that of Azad Kashmir and Gilgit Baltistan from any Indian aggression or misadventure.

Lastly, the root cause of conflict between India and Pakistan lies in Kashmir. Without its settlement, relations between India and Pakistan will forever remain tense. Tension between nuclear armed nations, with a long boundary, is fraught with danger. The international community must realize it is India that is opposing dialogue, not Pakistan. Moreover, any future conflict between the two countries can lead to unforeseen consequences not just for the region,

but for the entire world.

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