

# **Modi's Kashmir Policies: The Facade of Indian Democracy and Secularism**

**Mahwish Hafeez**



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Registered under societies registration Act No. XXI of 1860

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# **Modi's Kashmir Policies: The Facade of Indian Democracy and Secularism**

**Mahwish Hafeez<sup>\*</sup>**

**November 2020**

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Published by the Director General on behalf of the Institute of Strategic Studies, Islamabad. Publication permitted vide Memo No. 1481-77/1181 dated 7-7-1977. ISSN. 1029-0990

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## **Abstract**

*Considering the multi-religious nature of India polity, it was deemed more appropriate by Indian political leadership at the time of independence that the country adopts secular form of governance so that members of all religions may live with equal rights and dignity. At the same time, there was also a counter view that advocated Hindu nationalism and the dream of making India a Hindu Rashtra (nation). This notion found a glimmer of hope after the rise of Bharatiya Janata Party (BJP) with Narendra Modi ascending to power following the 16th Lok Sabha elections in 2014. Although minorities, particularly Muslims have always been victims of crimes based on hate since India's independence but with Modi assuming power, minorities, particularly Muslims across India have been under extreme repression as lynching by Hindu mobs have become a matter of routine. Illegally Indian Occupied Jammu & Kashmir (IIOJK) due to its Muslim majority character has also seen worst forms of brutality which has increased manifold as BJP emerged victorious in the 17th Lok Sabha election as well with absolute majority in May 2019. Emboldened by the re-election, the Modi government while putting aside the democratic norms, decided to crack down on the Muslim character of the state of Jammu and Kashmir. Not only was the Indian occupied State of Jammu and Kashmir stripped of its special status but it was also illegally bifurcated in contravention to the UN resolutions and Nehru's own promises into two formal Union Territories of India. With this unlawful decision and the brutal suppression of Muslims and other minorities all the claims of India being a secular country have been exposed for the world to see.*

**Keywords:** India, Kashmir, Secularism, Hindu Nationalism, Modi.

## **Introduction**

The word secularism was defined by a British writer, George Jacob Holyoake, in 1851 as a “code of duty pertaining to this life founded on considerations purely human and intended mainly for those who find theology indefinite or inadequate, unreliable or

unbelievable.”<sup>1</sup> For Charles Bradlaugh — a contemporary of Holyoake, secularism was bound to contest theistic belief and that material progress was impossible as long as superstition powerfully manifest itself.<sup>2</sup> Later, Barry Kosmin divided secularism into two types — hard secularism and soft secularism. For Kosmin, “The hard secularist considers religious propositions to be epistemologically illegitimate, warranted by neither reason nor experience” whereas the soft secularism is, “the attainment of absolute truth was impossible and therefore scepticism and tolerance should be the principle and overriding values in the discussion of science and religion.”<sup>3</sup>

In simple words, the word secularism means separation of religious institutions from state institutions. Secularism can be defined as a constitutional principle which guarantees that religious and political institutions are detached into different spheres. Constitution, political authority, laws and policies of the state are justified without any reference to any particular religion.

In recent times, the world has been witness to the rise of religious nationalism across the globe from the US to Turkey and from Latin America to India. Though, being home to a number of religions, India pronounced itself as a secular country at the time of independence. It was proclaimed that people of all religions will be treated equally and there will be no discrimination based on one’s religion. However, a look at the events of last more than seventy years rebuts any such claims. Apart from discrimination against minorities, religion was often used by parties who claimed to be secular like the Indian National Congress for vote bank politics on communal lines. Throughout the history of independent India, there are a number of examples where minorities, particularly Muslims were forced into submitting to the state’s might. Be it the forceful occupation of Muslim majority states like Jammu and Kashmir,

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<sup>1</sup> Sumbul Fatima, “Secularism in India: A Myth or Reality,” *IOSR Journal of Humanities and Social Science*, vol. 22, issue no. 7, ver. 11 (July. 2017).

<sup>2</sup> Azzam Tamini, “The Originis of Arab Secularism,” in *Islam and Secularism in the Middle East*, ed., John L. Esposito and Azzam Tamimi (London: Hurst and Company, 2002), 15.

<sup>3</sup> Fatima, “Secularism in India: A Myth or Reality.”

Hyderabad, Junagardh, or the discriminatory treatment that was meted out to the Sikhs. The history of independent India is full of instances where people belonging to minority group's political aspirations were suppressed with brutal force. Despite this, it is with the rise of the Bharatiya Janata Party under the leadership of Narendra Modi that discrimination against minorities, particularly Muslims, has reached a whole new level. Compared to the treatment of Muslim minority in India, repression of Muslims in IIOJK has been beyond brutal. It has particularly seen rise in atrocities committed by the Indian forces besides a sharp decline in the civil and political rights of the Kashmiri people. Such is the gravity of the situation that Muslim majority Jammu & Kashmir today is also on the verge of witnessing a demographic change as Hindus are being encouraged to settle in IIOJK through different laws and schemes. Given this situation, the paper answers the questions like how far India is or has been a secular country, and whether Modi's policies, particularly regarding Kashmir, are in line with the proclaimed secular ethos of the country or otherwise.

## **Indian Secularism**

India is home to a range of religions. From Hinduism to Islam and from Buddhism to Jainism, Christianity, and Judaism, people of all faiths call India their motherland. This multi-ethnic and multi-religious nature of society gave way to conflicts throughout history. Perhaps, to avoid conflicts among different communities of his empire, the Mughal emperor Akbar in 1582 introduced "Din-e-Ilahi" which sought to combine Islam and Hinduism along with Christianity and Jainism so that people of all religions could live a harmonious life.<sup>4</sup>

At the time of independence, again, due to religious and ethnic diversity of India, it was deemed more suitable that the country adopts an "Indian version" of secularism in its policies and state practices. The newly scripted constitution of India did not strictly separate religion from the state, but rather deemed it more

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<sup>4</sup> M. Anusha Angel, "Akbar's Religious Policies," *International Journal of Humanities and Social Science Research*, vol. 4 issue no. 5(September 2018).

appropriate to maintain a principled distance between religion and state.<sup>5</sup> This policy was important to ensure that the minorities of the country lived with dignity, without any prejudice or discrimination based on religion or caste. However, interestingly, while the constitution of India separated religion from the state affairs, it also gives the state reasonable space to interfere in religious matters without any constraints of neutrality. It gives power to the state to take the necessary step if some religious traditions are oppressive or discriminatory. Initially, the word “secular” was not part of the Indian constitution and was added in the preamble of the Constitution of India on December 18, 1976, through the 42nd Amendment. With this amendment, India became a sovereign, socialist, secular [and] democratic republic”.

But throughout the history of independent India, there has also been a counter view — the view of Hindu nationalists. Those advocating Hindu nationalism had been suspicious and viewed Indian secularism as foreign ideas blindly followed by the Congress Party at the time of independence.<sup>6</sup> Their anger was first manifested in the killing of Mahatama Gandhi by an RSS worker Nathuram Godse who thought Gandhi was being too lenient with the minority communities.<sup>7</sup> For the believers of Hindu nationalism, Hinduism is the identity of India and they view India as a majoritarian nation-state.

Kanchan Chandra in her article, “Triumph of Hindu Majoritarianism” has identified four different schools of thought of Hindu nationalists. The first group believes that Hinduism is the largest and oldest religion in India and therefore, even if it is not recognised as an official religion, it should be the most prominent and dominant of all religions. The second school of thought

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<sup>5</sup> Milan Vaishnav, “Religious Nationalism and India’s Future,” in *The BJP in Power: Indian Democracy and Religious Nationalism*, ed., Milan Vaishnav, *Carnegie Endowment For International Peace*, April 4, 2019, [https://carnegieendowment.org/files/BJP\\_In\\_Power\\_final.pdf](https://carnegieendowment.org/files/BJP_In_Power_final.pdf)

<sup>6</sup> Vaishnav, “Religious Nationalism and India’s Future.”

<sup>7</sup> “Nathuram Godse was Nervous, Fearful Going to Gallows, Said Judge Who Heard his Appeal,” *India Today*, May 17, 2019, <https://www.indiatoday.in/india/story/nathuram-godse-was-nervous-fearful-going-to-gallows-said-judge-who-heard-his-appeal-1527184-2019-05-17>

believes that there should be preferential treatment for Hindus and non-Hindus while enjoying all the guarantees provided in the constitution must accept the legal superiority of Hindus. The third school of thought believes that non-Hindus should assimilate in ways that honour Hindu culture to the point of dissolution of their own culture. The fourth school of thought believes that India should be run by religious leaders as a religious theocracy.<sup>8</sup>

It is interesting to note that the idea of a secular India is new as compared to the idea of Hindu nationalism which goes back to the times of Hindu reform movements like Arya Samaj and Brahma Samaj of the 19<sup>th</sup> century which were initiated not only as a genuine reform movement in Hinduism, but also to check the influence of Islam and Christianity on Hinduism. To achieve its goals, Muslims and Christians were deliberately demonized.

Lately, the concept of Hindu nationalism or Hindutva was explained by Vinayak Damodar Savarkar in “Hindutva: Who is a Hindu?” According to Savarkar, India culturally is a Hindu country and should be transformed into a Hindu Rashtra.<sup>9</sup> Savarkar believed that native people of the land were the Hindus and the religious minorities came from outside. Therefore, minorities should adhere to Hindu symbols depicting national culture. He suggested that minorities while adhering to the Hindu religion in public, may practice their religion in private. He also believed that those who did not consider India as both fatherland and holy land were not true Indians and therefore Christians and Muslims were not true Indians as their holy land was elsewhere.<sup>10</sup> Groups like Rashtriya Swayamsevak Sangh (RSS), Vishwa Hindu Parishad, Bajrang Dal, Shiv Sena, and some smaller groups are adhering to the concept of

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<sup>8</sup> Kanchan Chandra, "The Triumph of Hindu Majoritarianism — A Requiem Foe an Old Idea of India," *Foreign Affairs*, November/December 2018, <https://www.foreignaffairs.com/articles/india/2018-11-23/triumph-hindu-majoritarianism>

<sup>9</sup> Christophe Jaffrelot, “The Fate of Secularism in India,” in *The BJP in Power: Indian Democracy and Religious Nationalism*, ed., Milan Vaishnav, *Carnegie Endowment For International Peace*, April 4, 2019, [https://carnegieendowment.org/files/BJP\\_In\\_Power\\_final.pdf](https://carnegieendowment.org/files/BJP_In_Power_final.pdf)

<sup>10</sup> Paul Marshall, “Hinduism and Terror,” *Hudson Institute*, June 1, 2004, <https://www.hudson.org/research/4575-hinduism-and-terror>

Hindutva. Collectively, all such groups are known as “Sangh Parivar. The Bharatiya Janata Party (BJP) is the political wing of RSS of which the current Prime Minister of India Narendra Modi is a trained worker.<sup>11</sup>

The RSS — a pro-Hindu social movement was formed at Nagpur in 1925 by Keshav Baliram Hedgewar with a kind of militaristic undertone. It was founded on the lines of fascist movements in Europe. Those who joined RSS took part in daily parades, drills, and salutes so to create a corps of paramilitary zealots. Its constitution was written by Madhav Golwalkar who took inspiration from Nazism, especially Hitler’s treatment of religious minorities.<sup>12</sup> As has been mentioned earlier, the incumbent Prime Minister of India, Narendra Modi, is a trained *Pracharak* (worker) of RSS. Thus, it should not come as a surprise that while he was the Chief Minister of Gujarat, the state witnessed one of the worst riots as Hindu mobs went on a killing rampage. As per unofficial accounts, some 2,000 people, mostly Muslims lost their lives.<sup>13</sup> Modi’s complicity in this unfortunate incident was so obvious that even the government of the United States imposed a visa ban on Modi which was only lifted once he became the Prime Minister of India.<sup>14</sup>

Today, as the world is witness to the rise of Hindu nationalism in India, it is argued that the weak secularism is one of the reasons for the rise of Hindu nationalism in India. Though it was under the leadership of Jawaharlal Nehru that India had its first constitution, the Congress Party itself could not uphold secular credentials and from time to time it also used the religious card to suit its political aspirations. The glaring example in this connection can be Indira Gandhi's support to a Sikh fundamentalist Jarnail Singh

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<sup>11</sup> “The Hindu Hardline RSS who See Modi as Their Own,” *BBC News*, October 22, 2014, <https://www.bbc.com/news/world-asia-india-29593336>

<sup>12</sup> William Dalrymple, “Narendra Modi: Man of the Masses,” *NewStatesman*, May 12, 2014, <http://www.newstatesman.com/politics/2014/05/narendramodi-man-masses>

<sup>13</sup> “We Have No Orders to Save You — State Participation and Complicity in Communal Violence in Gujarat,” *Human Rights Watch*, vol. 14, no. 3(C), April 2002, <https://www.hrw.org/reports/2002/india/index.htm#TopOfPage>

<sup>14</sup> “US Lifts Visa Ban on Modi, Obama Invites Him to Washington,” *Dawn*, May 18, 2014, <https://www.dawn.com/news/1107011>

Bhindranwale to defeat her political rival, the Akali Dal – a moderate Sikh political party in Punjab. Bhindranwale even supported Indira Gandhi during her 1980 election campaign, but later, they parted ways and Bhindranwale took to the militant path and was ultimately killed during the infamous “Operation Bluestar” and the subsequent anti-Sikh riots. The infamous riots of 1992 across India following the destruction of the Babri Mosque also took place with the government of Congress Party at the centre. Similarly, the famous Shah Bano case can also be cited as an example in this connection.<sup>15</sup> Besides, since independence, religious issues are used during election season for the sake of vote bank, though using religious issues during election season is prohibited under Section 123 of the Representation of the People Act of 1951.<sup>16</sup> This gave chance to the Hindu nationalists to call out Indian secularism as fake and also ensured more space for their narrative and viewpoint.

Thus, though India takes pride in calling itself a secular and largest democracy of the world, a closer look reveals that India after all was never a secular country in the true spirit of the word. Indian society has always shown strong discrimination not only towards minorities, particularly Muslims, but also towards Dalits who have been suffering under the unjust social system, despite the fact that the architect of the constitution of secular India, Dr. B.R. Ambedkar himself was a Dalit.<sup>17</sup>

With the rise of the Bharatiya Janata Party under the leadership of Modi following the 16th Lok Sabha elections in 2014, there has been a sharp increase in crimes motivated by hate against Dalits, and

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<sup>15</sup> A criminal lawsuit was filed in the Supreme Court of India by a 62 year old Muslim woman Shah Bano after her husband divorced her where she won the right to alimony from her husband. This decision of the court was opposed by Muslim politicians and in an effort to appease them, the then Prime Minister Rajiv Gandhi passed a law “Muslim Women (Protection of Rights on Divorce) Act, 1986. This law nullified the decision of the Supreme Court and restricted the woman’s right to alimony from her former husband to 90 days only. This law was seen as against secularism.

<sup>16</sup> Christophe Jaffrelot, “The Fate of Secularism in India.”

<sup>17</sup> Christophe Jaffrelot, “Dr. Ambedkar and Untouchability – Analysing and Fighting Caste,” (London: Hurst & Company, 2000), 2.

minorities, especially Muslims. Today, lynching of Muslims by Hindu mobs even on mere suspicion of storing or consuming beef has become a norm in India. More recently, Hindu mobs have been beating Muslims forcing them to chant slogans praising Hindu Gods like “Jai Shri Ram” and in most of such cases, the victims have succumbed to their injuries. What is even worst, in one particular case, the accused that were caught on video torturing a Muslim were acquitted due to “lack of evidence”.<sup>18</sup> More recently, the Indian Supreme Court order to grant the entire disputed land of Babri Mosque to a Hindu trust for a temple to be built has come as a major disappointment for the Muslims. It is interesting to note here that BJP had pledged in its election manifesto that if elected to power, it would ensure that Ram Mandir is built at the site of Babri Mosque.<sup>19</sup>

The reflection of intolerance is not only prevalent on the streets, but can now also be seen in the corridors of power. Pragya Thakur, an accused in the 2008 Malegaon (a predominantly Muslim majority area) bomb blast case where seven people lost their lives and around 100 sustained injuries, was not only given a party ticket from Bhopal during the May 2019 Lok Sabha elections but was also later made part of Parliamentary Consultative Committee on defense.<sup>20</sup> Pragya Thakur, who has admitted her role in demolishing Babri Mosque in 1992 has on at least two different occasions not only praised but also called Nathuram Godse a “Desh bhakt” (patriot). Her occasional praises bestowed upon Godse has indeed annoyed many who have been demanding not only her removal from the party but also a legal action against her.<sup>21</sup>

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<sup>18</sup> "Indian Court Acquits Six of Killing Muslim Dairy Farmer in Cow Vigilante Case," *Reuters*, August 14, 2019, <https://www.reuters.com/article/us-india-lynching/indian-court-acquits-six-of-killing-muslim-dairy-farmer-in-cow-vigilante-case-idUSKCN1V41K5>

<sup>19</sup> For full text of BJP election manifesto visit, <https://www.documentcloud.org/documents/5798075-Bjp-Election-2019-Manifesto-English.html>

<sup>20</sup> “Row Over Malegaon Blast Accused Pragya Thakur Name in Defence Panel,” *NDTV*, November 21, 2019, <https://www.ndtv.com/india-news/bjps-pragya-thakur-malegaon-blast-accused-in-parliament-defence-panel-2136096>

<sup>21</sup> “Uproar as Pragya Praises Godse Again, This Time in House, Remark Expunged,” *Indian Express*, November 28, 2019, <https://indianexpress.com/article/india/sadhvi-pragya-thakur-godse-parliament-gandhi-6140238/>

To remove any sign of Muslim rule of India, the names of cities that were reminiscent of the Muslim heritage are being changed. The name of Allahabad has been changed to Prayagraj, whereas Faizabad has been renamed as Ayodhya.<sup>22</sup> Similarly, textbooks are being changed removing entire chapters on the Mughal empire.<sup>23</sup> Recently, Tipu Sultan, a legendary freedom fighter who fought valiantly against the British imperialism was also not spared as the state of Karnataka denounced Tipu Sultan's birth celebrations in the state on the application of a BJP MLA.<sup>24</sup> Additionally, a programme by the name of "Ghar Wapsi" has been introduced by extremist Hindus where members of minority groups particularly those belonging to poor class are wooed to profess Hindu religion. These Hindu extremist groups believe that these people were originally Hindus but were misled by other religions.

With this outlook of Indian politics and society, it is not a surprise that today parties who prided themselves in being secular and inclusive have also toed to the soft form of the Hindutva line lest they be seen as appeasing the minorities. The Annual Democracy Index released by Economist showed India a weaker democracy in 2019 than it was in 2018.<sup>25</sup>

## **Indian Secularism and Kashmir**

India, under the leadership of Jawaharlal Nehru who at the time was busy in advocating and promoting secular ideas, occupied the state on October 27, 1947, against the wishes of the Kashmiri people. This very act of occupying the state of Kashmir against the wishes

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<sup>22</sup> "UP Cabinet Approves Renaming of Faizabad as Ayodhya, Allahabad as Prayagraj," *Economic Times*, November 13, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/up-cabinet-approves-renaming-of-faizabad-as-ayodhya-allahabad-as-prayagraj/articleshow/66604547.cms?from=mdr>

<sup>23</sup> "Mughals Slashed Out of Indian History Textbooks," *Express Tribune*, August 8, 2017,

<sup>24</sup> "Yediyurappa Govt Cancels Tipu Jayanti Celebrations in Karnataka, Cites Protests to Call Off Event," *India Today*, July 30, 2019, <https://www.indiatoday.in/india/story/yedirappa-govt-cancels-tipu-jayanti-celebrations-in-karnataka-1575203-2019-07-30>

<sup>25</sup> The Economist Intelligence Unit's Democracy Index, <https://infographics.economist.com/2020/democracy-index-2019/index.html>

of the Kashmiri people went against the very norms of democracy and secularism. Since the ill-fated day of October 27, 1947, when the Indian troops landed in the state, the people of Kashmir have suffered all sorts of humiliations and repression including mass killings, forced disappearances, torture, rape, and the list continues.

Ironically, the leading pro-India politician of the time, Shaikh Abdullah, had advocated the state's accession with India saying, "the real character of the state is revealed in its constitution. The Indian constitution has set before the country the goal of secular democracy based upon justice, freedom, and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India where the large majority of the population are Hindus."<sup>26</sup>

Seven decades down the lane, Kashmir today is not only fighting against brutal state repression, but also against the onslaught launched to destroy their cultural and religious identity.

Throughout the more than seven decades of India's independence and occupation of Kashmir, it is now evident that India was solely interested in occupying the land of Kashmir as it never owned the people of Kashmir. The founders of the secular and democratic India, particularly Jawahar Lal Nehru, made repeated promises that the people of Jammu and Kashmir would be given their right to decide their future only to be hoodwinked later. None of the Indian government over more than seven decades ever made a serious effort to resolve this crisis. Periods of relative calm were misunderstood or portrayed to the world for Kashmiri people's acceptance of accession of their state to India. Periods of unrest were countered by force and announcements of economic packages both of which were of little help. The growing alienation of the Kashmiri people is testament of the fact that Kashmiri people are fighting for their fundamental right of self-determination and not for economic packages.

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<sup>26</sup> Rekha Chowdhary, "*Jammu and Kashmir: 1990 and Beyond – Competitive Politics in the Shadow of Separatism*," SAGE Publications (New Delhi, 2019).

Unfortunately, with the rise of BJP under Narendra Modi, the ongoing repression against the Kashmiri people has increased manifold. Since assuming power, belligerent rhetoric and coercion have been the hallmark of the Modi regime. In its arrogance, the Indian government not only suspended all sorts of dialogue with Pakistan but also with Kashmiri leadership in IloJK. Unlike his predecessor, Atal Bihari Vajpayee who coined the slogans of Insaniyat (humanity), Jamhuriyat (democracy), and Kashmiriyat (Kashmiri ethos)<sup>27</sup> to negotiate with not only Kashmiri leadership but also Pakistan, there has been no political engagement with the Kashmiris or Pakistan since Modi came to power which has further complicated and strained the situation in the Valley. As a result, an increasing number of educated youth are tempted to take up arms against Indian rule. Also, on the Line of Control, the ceasefire violations by India have increased manifold mostly targeting the civilian population.

One of the main slogans of Modi's 2014 election campaign was development and employment opportunities for the youngsters. This same mantra was used to win the hearts of the Kashmiri youth. In this connection, after forming a coalition government with the People's Democratic Party (PDP), the Modi government announced Rs. 80,000 crore package<sup>28</sup> little realising that Kashmir is a political problem and therefore needs a political solution. Hence, despite this massive package, the Kashmiris saw no respite in their troubles.

Modi government sees the issue of Kashmir only through the prism of internal security or law and order. Hence, the pellet guns which were termed as "non-lethal weapon" by India against the unarmed Kashmiri youth have been in use since 2016. This so-called non-lethal weapon has not only wounded 10298 people but 147

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<sup>27</sup> "Jamhooriyat, Insaniyat, Kashmiriyat — How Kashmir Recalls Atal Bihari Vajpayee," *DailyO*, August 16, 2018, <https://www.dailyo.in/politics/atal-bihari-vajpayee-jamhooriyat-insaniyat-kashmiriyat-kashmir/story/1/26102.html>

<sup>28</sup> "Modi Announces Rs.80,000 Crore Package for Jammu and Kashmir," *Hindu*, November 7, 2015, <https://www.thehindu.com/news/national/prime-minister-narendra-modi-announces-rs80000cr-package-for-jk/article7854735.ece>

youth have lost their eyesight for the rest of their lives. Some 215 youngsters lost eyesight in one eye. Even children are not being spared and the youngest child hit by a pellet gun was only an 18-month-old baby girl.<sup>29</sup> Since Modi came to power, the brutalities against hapless Kashmiris had reached such a level that even the world bodies and international communities were forced to take notice. Since 2017, there have been a series of reports released by different forums. The Organisation of Islamic Cooperation released its report of its fact-finding mission to assess the human rights situation in Kashmir in March 2017.<sup>30</sup> The Office of the United Nations High Commissioner for Human Rights released its report on the human rights situation in June 2018,<sup>31</sup> and again on July 8, 2019.<sup>32</sup> Similarly, All-Party Parliamentary Kashmir Group in the UK also released its report in November 2018.<sup>33</sup>

Taking advantage of laws like the Armed Forces Special Powers Act and Public Safety Act that give immunity to security forces, the Indian security forces have been on a killing spree. Since 2016, the Indian army has launched a military operation named “Operation All Out”. This particular operation aims to eliminate militants till everything comes under their control. Search and cordon operations are conducted throughout the Valley. Whenever Indian security forces cordon off any area or house, common people also gather at the site and throw stones at the security forces and chant anti-India slogans. Often, Indian security forces open fire on these stone pelting people which results in civilian casualties and more protests. The images of a young Kashmiri being tied to a bonnet of a military jeep as a human shield is still fresh. Instead of apprehending the

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<sup>29</sup> “Youngest Victim of Pallet Gun Violence in Occupied Kashmir May Lose Her Vision,” *Express Tribune*, October 23, 2019

<sup>30</sup> For full text of the report visit, <http://www.na.gov.pk/uploads/content/OIC%20Report%20on%20Kashmir.pdf>

<sup>31</sup> For full text of the report visit, <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>32</sup> For full text of the report visit, [https://www.ohchr.org/Documents/Countries/PK/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/PK/KashmirUpdateReport_8July2019.pdf)

<sup>33</sup> For full text of the report visit, <http://www.na.gov.pk/uploads/content/All-Party%20Parliamentary%20Group%20on%20Kashmir%20report.pdf>

guilty officer, the Modi government not only defended him but was also awarded a commendation card by none other than the Indian Chief of Army Staff.<sup>34</sup>

As a result of the 17th Lok Sabha elections that were held during April-May, 2019, the BJP government under the leadership of Modi not only once again managed to emerge victoriously but also with an absolute majority. This was seen as an endorsement of his policies during the last five years of his premiership by the people of India. Emboldened, this time around, Modi decided to do what he could not do during his last stint as the Prime Minister. Driven by far-right Hindu chauvinist ideology and the Hindu nationalist mindset the BJP government, fulfilling its long term agenda and showing total disrespect for democratic or secular norms revoked Article 370 and Article 35A of Indian constitution relating to IloJK. BJP did not stop there. The state of illegally Indian occupied Jammu and Kashmir was also bifurcated into two Union territories – the Jammu and Kashmir and Ladakh.<sup>35</sup>

Knowing well that this decision will invoke a severe reaction from the people of Kashmir, the Modi government rushed 180,000 fresh troops to Kashmir.<sup>36</sup> These troops were in addition to 700,000 troops already stationed there. Curfew was imposed and complete blackout of all sorts of communication was enforced which continued after the lapse of 6 months and later continued on the pretext of Covid-19. Due to continuous curfew and communication blackouts, there have been reports of severe shortage of food and medicines. The shortage of medicines, lack of communication, and restriction of movement has also been resulting in several preventable deaths. The entire Kashmiri leadership, including pro-India leaders, were arrested. Since August 5, some 4000 people that

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<sup>34</sup> Indian Army Chief Defends Use of Human Shield in Kashmir, *Express Tribune*, May 29, 2017, <https://tribune.com.pk/story/1421873/indian-army-chief-defends-use-human-shield-kashmir/>

<sup>35</sup> “Article 370: India Strips Disputed Kashmir of Special Status,” *BBC News*, August 5, 2019, <https://www.bbc.com/news/world-asia-india-49231619>

<sup>36</sup> Sherry Rehman, Hassan Akbar, Salman Zaidi and Fahd Humayun, “Situation Kashmir – India’s Annexation & Policy Options for Pakistan,” Policy Feature, *Jinnah Institute*, August 15, 2019, <https://jinnah-institute.org/publication/situation-kashmir/>

include minors have been taken into custody and are being kept in jails outside the state.

The miseries of the Kashmiri people have further increased as the entire world is grappling with the pandemic of Covid-19 and Illegally Indian occupied Jammu and Kashmir is no exception. The communication blackout and lockdown can prove detrimental to the timely containment of the disease.

Different explanations were offered by the Modi government to justify this step. It was said that this decision will help improve the economic condition of the state as non-state subjects will be more comfortable in buying lands in Kashmir and make investments. While blaming Congress and Nehru for agreeing to grant special status to Kashmir, it was argued by Modi's team that the special status granted to Kashmir was responsible for promoting separatist feeling among the masses resulting in violence. It was also said that the special status was preventing the benefits of laws that are prevalent in the rest of the country for the betterment of people reaching Kashmir. All these claims were rejected by Indian media itself which showed official data establishing that Kashmir's development indicators were far better than India's national average.<sup>37</sup>

Such is the magnitude of human tragedy in Kashmir at the moment that the entire world has not only taken note of it but also demanded India to lift curbs on the movement of people. Over the elections in the US at least three US Presidential candidates namely Bernie Sanders, Elizabeth Warren, and Kamala Harris openly spoke about Kashmir. The German Chancellor Angela Merkel also termed the situation in Kashmir as not good and not sustainable.<sup>38</sup> Sweden also demanded that curfew and restriction on movement be lifted at

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<sup>37</sup> "Fact Checking Amit Shah's Claim that Article 370 and Article 35A Kept Jammu and Kashmir Poor," *Scroll.in*, August 10, 2019, <https://scroll.in/article/933319/fact-checking-amit-shahs-claim-that-article-370-and-article-35a-kept-jammu-and-kashmir-poor>

<sup>38</sup> "Current Situation in Kashmir Not Good and Not Sustainable, Says Angela Merkel," *Hindu*, November 2, 2019, <https://www.thehindu.com/news/national/german-chancellor-angela-merkel-on-jammu-and-kashmir/article29856547.ece>

the earliest.<sup>39</sup> The Foreign Minister of Finland also termed the situation in Kashmir as unsustainable.<sup>40</sup> The OIC, the UN Secretary-General, and United Nations High Commission for Human Rights have all expressed their deep concern regarding the situation in Indian occupied Kashmir. Thus, India while trying to illegally merge Kashmir ended up inviting the world focus on an issue that still awaits implementation of UN Security Council resolutions.

It is also worth mentioning here that with the abrogation of Article 35A which barred non-state subjects from acquiring property in the state, the BJP government has practically paved the way for bringing about a demographic change in the state by converting the Muslim majority into a minority. In continuation of this policy, the Modi government introduced the “Jammu and Kashmir Reorganisation (an adaptation of state laws) Order 2020”<sup>41</sup> on March 31, 2020, through an executive order. As per this newly introduced domicile law, those who have resided in Illegally Indian occupied Jammu and Kashmir for a period of 15 years and students having spent seven years and appeared in class 10 or 12 examinations, will now be eligible to become a permanent resident of the state. Additionally, children of central government officials, who have served in IloJK for 10 years, will also take benefit from this law. Through this law, the Modi government has removed all hindrances for outsiders to come and settle in IloJK.

In reality, by illegally annexing Kashmir, the Modi government has not only fulfilled its dream of bringing the Muslims of Kashmir under Hindu rule, but has also sent a strong message to the rest of Indian states that any resistance shown by any state to the vision of

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<sup>39</sup> “Sweden Calls for Lifting of Restrictions in Kashmir,” *India Today*, November 28, 2019, <https://www.indiatoday.in/india/story/sweden-india-kashmir-restrictions-article370-anne-linde-1623480-2019-11-28>

<sup>40</sup> “The Situation in Kashmir is not Sustainable : Finland Foreign Minister,” *Times of India*, November 7, 2019, <https://timesofindia.indiatimes.com/india/the-situation-in-kashmir-is-not-sustainable-finland-foreign-minister/articleshow/71950837.cms>

<sup>41</sup> “Amid Coronavirus Lockdown, Govt Comes Up With Domicile Law For Jammu And Kashmir,” *Outlook*, April 1, 2020, <https://www.outlookindia.com/website/story/india-news-amid-coronavirus-lockdown-govt-comes-up-with-domicile-law-for-jammu-and-kashmir/349830>

making India a Hindu country would be dealt with an iron hand in the name of unity. Thus, the “Hindu Rashtra” is in the making and a secular India is already on its deathbed. The political slogan “Hindustan mein rehna hai to Hindu ban kar rehna hoga” (you have to be a Hindu if you want to live in India) is finally becoming a reality.<sup>42</sup>

## Conclusion

For the past seven decades, India has been able to establish a soft image for itself throughout the world. It takes pride in being known as the largest democracy of the world. However, in recent months, this image is taking a sharp turn as the world is witnessing the rise of Hindu nationalism in India. With the rise of Hindu nationalism, the minorities, particularly Muslims have been on the receiving front. The Muslims of Kashmir while braving the worst forms of atrocities are also on the brink of losing their ethnic and religious identity. The National Register of Citizens is another highhanded policy of the Modi government which has left 1.9 million people not only stateless, but they also face the prospect of spending the rest of their lives in detention centres. The latest example in the list of Modi’s anti-Muslim policies is the passage of the Citizenship Amendment Act which seeks to grant Indian citizenship to illegal migrants of all religions except Muslims from Pakistan, Afghanistan, Bangladesh, and Myanmar. The bill has been widely criticized for being discriminatory not only within India, but also across the world for violating secular norms of the constitution of India. Following the passage of this bill, there have been strong protests across India. Chief Ministers of at least five states have also refused to implement this Bill after terming it discriminatory.

International community too is increasingly becoming aware of India’s strides towards Hindutva ideology and consequent impact on minorities, particularly Muslims. Recently, the Organisation of Islamic Cooperation also rejected the unilateral and illegal steps of

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<sup>42</sup> Dibyesh Anand, “Kashmir is a Dress Rehearsal for Hindu Nationalist Fantasies,” *Foreign Policy*, August 8, 2019, <https://foreignpolicy.com/2019/08/08/kashmir-is-a-dress-rehearsal-for-hindu-nationalist-fantasies/>

August 5, 2019 taken by India to change the status of the internationally recognised disputed territory of Indian occupied Jammu and Kashmir.<sup>43</sup> It was during the visit of US President Donald Trump that Delhi saw a communal bloodbath with more than 40 people, mostly Muslims losing their lives. The anti-minority, or rather anti-Muslim wave was also witnessed during the COVID-19 crisis when Muslims were made scapegoats and were blamed for spreading the virus in India. The hate wave against Muslims was so strong that there were even reports that in some cities, Muslim patients were turned away by hospitals and banners were placed outside villages barring Muslims from entering.

Today, India is burning as it takes strides towards becoming a “Hindu Rashtra” little realising that following this path would be self-destructive.

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<sup>43</sup> - “OIC rejects unilateral Indian actions to change disputed status of IIOJ&K,” *News*, November 30, 2020, <https://www.thenews.com.pk/print/751568-oic-rejects-unilateral-indian-actions-to-change-disputed-status-of-iiój-k>



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