

Islamabad Papers  
2024

No. 52

**Demographic Engineering:  
A Case Study of Indian  
Occupied Jammu & Kashmir**

Mahwish Hafeez



# **THE INSTITUTE OF STRATEGIC STUDIES ISLAMABAD, PAKISTAN**

---

Registered under Societies Registration Act No. XXI of 1860

---

The Institute of Strategic Studies was founded in 1973. It is a non-profit, autonomous research and analysis centre, designed for promoting an informed public understanding of strategic and related issues, affecting international and regional security.

In addition to publishing a biannual Journal and a monograph series, the ISSI organises multi-stakeholder dialogue, workshops, seminars and conferences on strategic and allied disciplines and issues.

---

## **BOARD OF GOVERNORS**

### **Chairman**

Ambassador Khalid Mahmood

## **MEMBERS**

Ambassador (R) Tehmina Janjua

Former Foreign Secretary

Ambassador (R) Zamir Akram

Former Ambassador

Lt. Gen (Retd) Javed Iqbal Ramday, TI (M)

Former President (NDU)

Dr. Aisha Ghaus Pasha

Former Minister of State for Finance and Revenue

Dr. Muhammad Amjad Saqib

Chairman, Akhuwat

Ambassador (R) Masood Khalid

Former Ambassador

Lt Gen (Retd) Mian Muhammad Hilal Hussain

Former Secretary Defence

Mr. Abid Hassan

Former Operations Advisor, World Bank Group

Mr. Aziz Boolani

CEO of Serena Hotels

Ambassador Amna Baloch

Secretary Foreign Affairs (Ex-officio)

Ambassador Sohail Mahmood

Director General

Institute of Strategic Studies, Islamabad

(Member and Secretary Board of Governors)

**Demographic Engineering:  
A Case Study of Indian Occupied Jammu and  
Kashmir**

**Mahwish Hafeez\***

**December 2024**

---

*\* The author is a Research Fellow, India Study Centre (ISC) at the Institute of Strategic Studies Islamabad (ISSI).*

**Editor-in-Chief:** Ambassador Sohail Mahmood  
Director General, ISSI

**Edited by:** Saira Ijaz

**Composed and Designed by:** Sajawal Khan Afridi

---

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

---

Articles and monographs published by the Institute of Strategic Studies can be reproduced or quoted by acknowledging the source.

Views expressed in the Paper are of the author and do not represent those of the Institute.

## **Abstract**

*The ill-fated day of August 5, 2019, saw the government of Prime Minister Narendra Modi revoking Article 370 of the Indian Constitution, which had guaranteed a special status to the state of Indian Illegally Occupied Jammu and Kashmir (IIOJK). Along with Article 370, Article 35A was also abrogated which gave powers to the legislature of IIOJK to decide who are the state subjects and thus entitled to certain privileges like jobs, scholarship, aid and right to own property. Though the decision of the BJP Government did not come as a surprise given the fact that since 2014, Prime Minister Modi and his rightwing Hindu Bharatiya Janata Party (BJP) had repeatedly expressed their desire of revoking both the Articles. This pledge was reiterated in the party's election manifesto of 2019. However, what was appalling was the tactics that the BJP Government employed to impose its will on the people of IIOJK. Particularly by abrogating Article 35A, the government of India sought to pave the way to bring about demographic change in the occupied territory and turn the Muslim majority into a minority in their own land. This demographic engineering is intended to dilute the popular sentiment and demand of the Kashmiri people for their right to self-determination. For this purpose, a number of schemes have been under the consideration of the current Indian government including granting the state subject's status to the West Pakistan refugees, building Sainik colonies and settling Hindu pandits in gated colonies. Pakistan, being a party to the conflict has been expressing serious concerns over this blatant violation of International law and bilateral agreements. It expects the international community, to play its due role in resolving the conflict according to the relevant UN Security Council resolutions.*

**Keywords:** Jammu and Kashmir, Demographic Change, Article 370, Article 35A, India, Modi.

## Introduction

The Indian occupied State of Jammu and Kashmir, being an unfinished agenda of the partition plan of 1947, remains a disputed territory between India and Pakistan. At the time of the partition, there were a total of 565 princely states in the subcontinent.<sup>1</sup> According to the Partition Plan, the rulers of the princely states had the choice to either join India or Pakistan while taking into consideration the geographical and religious composition of the state. In Jammu and Kashmir, the Maharaja (the ruler) was Hindu whereas the majority of his subjects were Muslims who naturally wished to join Pakistan revolted against him. The Maharaja, in total disregard to the wishes of his people, opted to join India which led to first war between India and Pakistan. Subsequently, India took the matter to the United Nations where it was resolved under UNSC resolution of 21 April 1948, and subsequently reinforced under UNCIP resolution of 3 August 1948 and 5 January 1949, that a plebiscite would be held under the auspices of the United Nations (UN) and the Kashmiri people will be given a choice to either join Pakistan or India.<sup>2</sup> India, in anticipation that the results of any such plebiscite would be in Pakistan's favour, later backtracked from its promises. Disappointed by the failure of UN to implement its own resolutions, the local population of Indian occupied Jammu and Kashmir had chosen to raise its voice against the illegal occupation of their land by India and pursued a consistent path of resistance. Despite using most inhuman means like arbitrary arrests, extrajudicial killings, torture, use of pellet guns on unarmed protesters, and killing thousands of young Kashmiris, India has still not been able to break the will of Kashmiris and dissuade them from pursuing their basic right of self-determination.

Since India has not been able to crush the Kashmiri resistance by force, it is now looking for other means to shrink space for the popular uprising. One of these means is to change the demography of the state of Jammu and Kashmir, particularly, the Kashmir valley. For this purpose, a number of schemes were considered and attempts are being made to implement them as well. However, Article 35A was a legal hurdle in the way of implementation of all such schemes. It was precisely for this reason that

---

<sup>1</sup> Pippa Virdee, *From the Ashes of 1947 – Reimagining Punjab* (Cambridge: Cambridge University Press, 2018), 81.

<sup>2</sup> "Kashmir – The History," Pakistan Mission to United Nations, <https://www.pakun.org/kashmir/history.php>.

the Indian Government not only decided to do away with both Article 370 and 35 A on 5 August, 2019 through a Presidential order, the “Constitution (Application to Jammu and Kashmir) Order, 2019”<sup>3</sup> but also bifurcated the state into two Union Territories, i.e. Jammu and Kashmir and Ladakh. Number of excuses were advanced by the Indian Government for revocation of the two Articles. It raised the slogan of women’s right saying that Kashmiri women, particularly those married to non-Kashmiri could now claim their share in property which was not possible earlier because of Article 370.<sup>4</sup> It also tried to mislead the world and Kashmiri people that revocation of Article 370 and 35 A would usher in a new era of economic development.<sup>5</sup> And, stretching the matter to ridiculous lengths, it even argued that revocation of Article 370 will bring a dawn for the Dalits and the LGBTQ rights.<sup>6</sup> However, behind the façade of rights for women, Dalits or LGBTQ community or economic development, the primary goal of the Indian Government had always been to change demography of IIOJK.

Days before the announcement was made, the Indian Government on the pretext of a possible terror attack, dispatched additional 70,000<sup>7</sup> troops to Kashmir which was already acknowledged as the ‘most militarised zone’ in the world with over 700,000 stationed troops.<sup>8</sup> Knowing well that this decision will result in severe backlash from the people of Kashmir, the Indian Government imposed curfew and a total blackout on all sorts of communications in the state. This curfew and communication blackout

---

<sup>3</sup> “Article 370 Scrapped: Full text of President’s Order,” *Indian Express*, August 5, 2019, <https://indianexpress.com/article/india/article-370-jammu-and-kashmir-removal-full-text-of-presidents-order-5879178/>.

<sup>4</sup> “Indian Men who See New Policy as Chance to Marry Kashmiri Women Accused of Chauvinism,” *Reuters*, August 8, 2019, <https://www.reuters.com/article/us-india-kashmir-women-idUSKCN1UY104>.

<sup>5</sup> “The False Promise of Normalcy and Development in Kashmir,” *Aljazeera*, August 5, 2020, <https://www.aljazeera.com/opinions/2020/8/5/the-false-promise-of-normalcy-and-development-in-kashmir>.

<sup>6</sup> “The False Link Between Article 30 and Queer Rights,” *Wire*, September 6, 2019, <https://thewire.in/lgbtqia/all-you-need-to-know-about-the-false-link-between-article-370-and-queer-rights>

<sup>7</sup> “1.2 Lakh Thermal Wear, 100 Toilets: Extra Forces Face Valley Winter,” *Indian Express*, October 28, 2019, <https://indianexpress.com/article/india/1-2-lakh-thermal-wear-100-toilets-extra-forces-face-valley-winter-6090577/>.

<sup>8</sup> Sherry Rehman et al., “Situation Kashmir- India’s Annexation & Poilcy Options for Pakistan,” Policy Feature, *Jinnah Institute*, 15 August, 2019.

which continued for almost 18 months<sup>9</sup> resulted in severe shortage of food items and lifesaving medicines. Additionally, to render Kashmiri people voiceless, while the Hurriyat leadership was already under detention, the leaders of the pro-India political parties were also detained and thus there was no one at the time who could speak on behalf of Kashmiri people. By taking these steps, the Indian Government believed that it would be able to realise its aim of not only changing the demographic structure of the state of Indian Illegally Occupied Jammu and Kashmir by converting its Muslim majority into a minority, but also weaken and ultimately bring to an end the ongoing freedom movement there. Kashmiris, for their part, are fully cognizant of these designs and remain determined to protect their religious and cultural identity.

In view of the situation explained above, this paper raises questions like what are the schemes that the current regime of BJP Government intends to implement to change the demography of Kashmir? What hurdles Prime Minister Modi faced in pursuing his policy, and what are the options for Pakistan?

## **Demographic Engineering: The Framework**

The linkage between demography and war cannot be denied. Population of any given political unit has the choice to either help in defence or become a serious threat for the government. Thus, increase or decline in population has always been a major security issue for any given political unit.

The concept of demographic engineering has been extensively dealt by authors like Theodore P. Wright, Milica Zarkovic Bookman, John McGarry, Myron Weiner and Michael S. Teitelbaum. Theodore P. Wright, Jr. has defined demographic engineering by saying that if “an ethnically distinct ruling elite lacks a majority in the total population, it is likely to become conscious of this defect and begin playing the numbers game to forestall its own displacement.<sup>10</sup>” Bookman goes on to describe six

---

<sup>9</sup> “India: “We are Being Punished by the Law” – Three Years of Abrogation of Article 370 in Jammu & Kashmir,” *Amnesty International*, September 2, 2022, <https://www.amnesty.org/en/documents/asa20/5959/2022/en/>

<sup>10</sup> Milica Zarkovic Bookman, *The Demographic Struggle for Power-The Political Economy of Demographic Engineering in the Modern World* (London: Routledge Taylor & Francis Group, 2013), 32-33.



methods of demographic engineering that include population measurement, pronatalist policies, assimilation, boundary changes, economic pressures, and population transfer to change the relative balance of ethnic groups. She further dwells on different kinds of population transfers. An ethnic group may be relocated in an area so that the strength of the local population diminishes, or transfer may occur to consolidate the presence of a desired group or a group may be forced to leave the area altogether.<sup>11</sup>

John McGarry has also elaborated on the idea of demographic engineering and dwelled upon the state's role in engineering demography for various reasons, one being – managing conflict. He argues that states have a number of techniques at its disposal to bring about demographic changes in a target zone to regulate conflict. Groups that are loyal to the state or state agents are settled in areas that are inhabited by the minorities through incentives whereas groups that are disloyal to the state are either moved to other parts of the state or are expelled from the state altogether. The dislocation of such problematic groups usually takes place under very harsh circumstances.<sup>12</sup>

In both the above mentioned cases, whether state settles its loyal state agents in minorities' areas or minorities are driven out of their areas, it is believed by the state that such move will ensure and enhance security of the state. Loyal agents are settled in target regions with the intention of consolidating state's control of that particular area as well as its resources. These state agents play a vital role in silencing the dissenting voices of the minority community as well as to deter territorial claims or aggression from the neighbouring state. In this connection, agent colonies are made up of soldiers or militant section of the state. In such cases, these settlers stay at a distance from the local population as garrison people. Thus, when it comes to disputed territories, demographic engineering helps state to assert its sovereign rights over the region. Similarly, states may also move indigenous population to other parts with the same purpose, i.e. to counter

---

<sup>11</sup> Bookman, *The Demographic Struggle for Power*.

<sup>12</sup> John McGarry, "Demographic Engineering: The State-Directed Movement of Ethnic Groups as a Technique of Conflict Regulation," *Ethnic and Radical Studies* 21, no. 4, (1998) 615, DOI: 10.1080/014198798329793, <https://www.tandfonline.com/doi/pdf/10.1080/014198798329793?needAccess=true>

the risk of secessionist movements or revolts. At times, state settles its agents with the intention of encouraging intermixing to weaken the demographic strength of a minority for long-term stability and security.

When a state decides to relocate or expel enemy group, it employs direct or indirect coercive measures. State may offer highly subsidised land which might have been confiscated from the enemy groups. Tax breaks and low mortgage can also be attractive for the state agents to settle in a target region. It may apply a set of discriminatory measures to pressurise the target community. At times, state plays an indirect role by employing proxies to inflict violence on enemy group and forcing them to migrate to other parts of the state or leave the state.<sup>13</sup>

McGarry believes that state directed movement of ethnic groups is not a new phenomenon and is linked to the rise of ethnically-based nationalism along with creation of states dominated by particular ethnic groups. Therefore, nationalist ideologies determine which group is state agents and which is state enemy. He further argues that state resorts to such moves when either the state is captured by radical elites or when state security is perceived to be threatened by minority groups. Extreme coercive measures are adopted when a state is ruled by hard-line nationalists. Similarly, state perceives minority group as a threat when either the state authority is rejected by the minority group, or when there is inter-state conflict where a minority group is or believed to be a security risk or when a particular region occupied by a minority group is disputed by a neighbouring country. Hence, state moves its agent to deal with secessionist sentiments / movements and undermine the claims of neighbouring country.<sup>14</sup>

McGarry thus believes that state-directed movement does not produce desired results as it strengthens the group solidarity and minority mobilisation against the majority.<sup>15</sup>

Since India, with all its military might, has failed to crush the will of the Kashmiri people, it has now adopted alternate ways to dominate Kashmir. Hence, bringing about demographic change is one of the measures the Indian Government is adopting to turn the situation to its

---

<sup>13</sup> McGarry, "Demographic Engineering," *Ethnic and Radical Studies*.

<sup>14</sup> McGarry, "Demographic Engineering," *Ethnic and Radical Studies*

<sup>15</sup> McGarry, "Demographic Engineering," *Ethnic and Radical Studies*

advantage. Though, this is not a new idea, but with the rise of rightwing Bharatiya Janata Party (BJP), the efforts to change the demography of Indian occupied Jammu and Kashmir have assumed greater momentum. During its first tenure, 2014-2019, several attempts were made by the ruling class to translate its plans into reality. However, constitutional guarantees in the form of Article 370 and especially 35A proved to be the main stumbling block. Further, stiff resistance to any such move by Kashmiri leadership also hampered BJP's plans. It is also worth mentioning here that since BJP's rise to power, Kashmir has been on constant broil as the BJP government under PM Modi has made absolutely no effort to reach out to the people of the Indian Illegally Occupied Jammu Kashmir (IIOJK) or talk to the leadership. Instead, it has resorted to more inhuman tactics to crush the will of the Kashmiri people — use of pallet guns being a glaring example in this connection.

The results of 17<sup>th</sup> Lok Sabha elections held from 11 April to 19 May 2019, not only brought BJP back to power but also with vast majority (303 seats in a house of 543). With the confidence of winning more seats, BJP, now in even stronger position, felt more confident to push forward its agenda particularly in IIOJK. Subsequently, in a unilateral step, the BJP government announced the revocation of Articles 370 and 35A on 5 August 2019. If India succeeds in changing the demography of the state of Indian Illegally Occupied Jammu and Kashmir, the legal and moral case of Kashmir, the pledges of the United Nations and the international community, and, above all, the sacrifices of 96,308<sup>16</sup> Kashmiris in their struggle for the right to self-determination would go in vain.

## **Demographic Engineering in the Indian Illegally Occupied Jammu and Kashmir**

The State of Jammu and Kashmir comprises of three different regions including Jammu, Laddakh and the Kashmir Valley. Historically speaking, it is said that first attempt to bring about demographic change was made when some 200,000 Muslims were killed by Hindu Maharaja aided by fanatic Hindu groups in Jammu region in October-November 1947. <sup>17</sup> As a result of this massacre, Muslims, who were in majority (61 per cent)

---

<sup>16</sup> *Kashmir Media Service*, <https://kmsnews.org>

<sup>17</sup> Alastair Lamb, *Birth of a Tragedy — Kashmir 1947* (Hertingfordbury: Roxford Books, 1994), 68.

became a minority (30 per cent).<sup>18</sup> Things did not stop there. There are several schemes that the Indian Government had been focusing on to change demography and undermine the ongoing freedom struggle in IIOJK. Elaboration of the Article 370 and 35A, which were abrogated in August 2019 by the Indian government, will help to have understanding of the issue.

## **Abrogation of Article 370**

Article 370 of Indian Constitution accorded special status - “autonomy” to the state of Jammu and Kashmir. For India, this had been a most controversial Article of the Constitution. As the partition of the subcontinent approached, Indian leaders including M K Gandhi, Jawaharlal Nehru, Sardar Vallabhbhai Patel and VP Menon tried to influence Maharaja Hari Singh as well as Sheikh Abdullah to accede to India against the wishes of his Muslim majority subjects. The Maharaja was assured by none other than Gandhi himself that if he accedes to India, his interests as the head of the state would be protected. The alleged “Instrument of Accession” between the Government of India and Maharaja of Kashmir was followed by number of consultations between the interim government of Jammu and Kashmir and the constituent assembly of India which led to the introduction of Article 370 in 1950 wherein it was agreed that Indian role in the state of Jammu and Kashmir would confine to defence, external affairs and communications, whereas the rest of the matters would be looked after by the state of Jammu and Kashmir.<sup>19</sup> There were number of special features of Article 370 which included (1) Constitution of India would not be applicable to the state and that the state of Jammu and Kashmir would have its own constitution within the Indian Union; (2) Dominion’s Parliament’s legislative powers would confine to defence, external affairs and communication; (3) prior consensus of the state of Jammu and Kashmir was required if more Union powers were to be extended to Kashmir; (4) any such consensus had to be ratified by

---

<sup>18</sup> Shaikh Tajammul-ul-Islam, “Demographic Changes in Kashmir,” *Crescent International*, Sha’ban 4, 1438, <https://crescent.icit-digital.org/articles/demographic-changes-in-kashmir>

<sup>19</sup> Sabur Ali Sayyid, “Towards annexation and Indianization of Kashmir in broad daylight, (Kashmir Institute of International relations, May 2021), <https://www.kiir.org.pk/reports/towards-annexation-indianization-of-kashmir-in-broad-daylight-3292>

constituent assembly; (5) Any such consent by the State Government lasted till the state's constituent assembly was convened. Further, extension of power was not possible once the state constituent assembly finalised powers and got dispersed; and (6) the President of the State had the powers to make an order abrogating or amending it on the recommendations of the State's constituent assembly.<sup>20</sup>

The critics of Article 370 particularly those belonging to the extreme right-wing Rashtriya Swayamsevak Sangh (RSS) or BJP demanded complete integration of the state of Jammu and Kashmir with the Indian Union. Their slogan had been “*Ek Pradhan, Ek Vidhan, Ek Nishan*” meaning “One Prime Minister, One Constitution, and One Flag.”<sup>21</sup>

What followed the introduction of Article 370 and 35A into Indian constitution clearly betrays the fact that India was ever sincere with the Kashmiris. The two Articles were incorporated in the Indian constitution only to buy time as is evident by the subsequent events. From the beginning, Home Minister Sardar Vallabhbhai Patel had serious reservations on the original draft of Article 370 which was later altered by N. Gopaldaswamy Ayyangar without consulting Sheikh Abdullah. Nehru was quoted as saying that “it has been eroded, if I may use the word, and many things have been done in the last few years which have made the relationship of Kashmir with the Union of India very close. There is no doubt that Kashmir is fully integrated ... We feel this process of gradual erosion of Article 370 is going on. Some fresh steps are being taken and in the next month or two they will be completed. We should allow it to go on.”<sup>22</sup>

---

<sup>20</sup> A.G Noorani, “Article 370: Law and Politics,” *Frontline*, vol. 17, issue 19, September 16-29, 2000,

<https://frontline.thehindu.com/static/html/fl1719/17190890.htm>.

<sup>21</sup> Sunanda K Datta-Ray, “BJP Reminds People of ‘Ek Nishan, Ek Vidhan, Ek Pradhan,’” *Free Press Journal*, June 30, 2018,

<https://www.freepressjournal.in/analysis/bjp-reminds-people-of-ek-nishan-ek-vidhan-ek-pradhan>.

<sup>22</sup> Sabur Ali Sayyid, “Towards Annexation & Indianization of Kashmir in Broad Daylight,” (Kashmir Institute of International Relations May 2021), <https://kiir.org.pk/Reports/towards-annexation-indianization-of-kashmir-in-broad-daylight-3292>.

With Article 370, IIOJK had its own Sadr-e-Riyasat (President) and Prime Minister till 1965 when the sixth Amendment to the (Indian Occupied) Jammu and Kashmir constitution was made that lowered the ranks of President and Prime Minister to Governor and Chief Minister respectively. This is termed as the first attack on the special status of IIOJK.<sup>23</sup>

With BJP coming to power again in 2014, there was a constant talk of abrogating Article 370 from the Indian Constitution. <sup>24</sup> By doing so, it hoped to make large number of non-Kashmiri people residents of the state. The reason why BJP could not abrogate this Article during its earlier tenure was the resolve of the Kashmiri people and the Kashmiri leadership who had been reminding India that with the abrogation of Article 370, Kashmir's accession to India will also end. In the words of Farooq Abdullah, President of National Conference, the day India abrogates Article 370, Jammu and Kashmir will become "Azad."<sup>25</sup>

The results of 17<sup>th</sup> Lok Sabha elections, held in 2019, saw Narendra Modi assuming power for second term with landslide victory not seen in decades in India. As a result, he emerged as the most powerful politician. This landslide victory was projected as an overwhelming endorsement by the masses of the policies adopted by the BJP Government. This assumption emboldened the BJP leadership and within months the BJP Government moved to revoke Articles 370 and 35A in complete violation of its own constitution, international law, and bilateral agreements. While revoking Article 370, BJP had argued that the move would usher an era of peace and development and check corruption and militancy.

## Scrapping Article 35A

---

<sup>23</sup> Nisar Ahmad Thakur, "Weaponization of Politics by India in Kashmir – A Divide and Conquer Algorithm that turned Kashmir into a Smoldering vVolcano," Kashmir Institute of International Relations, <https://www.kiir.org.pk/reports/weaponization-of-politics-by-india-in-kashmir-4970>.

<sup>24</sup> Mridu Rai, "History of Betrayals in Kashmir," *Front Line*, August 16, 2019, <https://frontline.thehindu.com/cover-story/kashmir-history-of-betrayals/article29053014.ece>.

<sup>25</sup> "J&K Will be 'Azad' if Article 370, 35A Go: Farooq," *Greater Kashmir*, April 9, 2019, <https://www.greaterkashmir.com/news/front-page-2/jk-will-be-aazad-if-articles-370-35a-go-farooq/>.

Apart from abrogating Article 370, scrapping of Article 35A emerged as another bone of contention. The history of Article 35A or the “Permanent Citizenship” dates back to the Maharaja’s time when in late 1920s, the Kashmiri Pandits had launched a campaign against the policy of recruiting outsiders, particularly from Punjab in the State’s civil service. The movement that lasted for almost six years came to be known as “Kashmir for Kashmiris”. As a result, in 1927, Maharaja Hari Singh introduced “hereditary state subject” status which defined who were, or were not to be considered as state citizen. In 1932, another notification was issued defining state citizens as permanent citizens. Both these notifications ensured that jobs and rights to own property in Jammu and Kashmir were exclusively reserved for the state subjects.<sup>26</sup>

Following the independence of India and alleged signing of Instrument of Accession, Sheikh Abdullah negotiated the future relationship of the occupied state of Jammu and Kashmir with the Indian Union. The negotiations led to the inclusion of Article 370 in the Indian constitution guaranteeing special status for the occupied state. The subsequent Delhi Agreement between Jawaharlal Nehru and Sheikh Abdullah signed in 1952 paved the way for a number of provisions of Indian constitution to be applied on Indian occupied Jammu and Kashmir through a Presidential Order of 1954. Article 35A was also made part of the Indian Constitution as part of the Delhi Agreement. Article 35A was the constitutional guarantee that the demography of the state of Indian occupied Jammu and Kashmir would not be disturbed by any means. When the Indian occupied Jammu and Kashmir framed its state constitution, it upheld the definition of permanent residents defined by Maharaja Hari Singh.<sup>27</sup>

Until recently, Article 35A was not focus of attention as all discourse in India revolved around abrogation of Article 370. Article 35A, which was also known as Permanent Citizens Law, was a provision of the Constitution of India incorporated in 1954 through a Presidential order. Article 35A

---

<sup>26</sup> Aijaz Wani et al, “Article 370 and 35A: Origin, Provisions and Politics of Contestation” in *Society and Politics of Jammu and Kashmir*, edited by Serena Hussain, (Switzerland: Palgrave Macmillan, 2021), 61-64.

<sup>27</sup> “Article 35A of the Constitution – An Overview,” *Lok Sabha Secretariat Intranet*, [https://loksabhadocs.nic.in/Refinput/New\\_Reference\\_Notes/English/Article%2035A%20of%20the%20Constitution-%20An%20overview.pdf](https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Article%2035A%20of%20the%20Constitution-%20An%20overview.pdf).

gave legislature of Indian occupied Jammu and Kashmir complete powers to decide who were or were not permanent residents of the state. People who were not recognised as the permanent residents of the state were not entitled to permanent settlement, acquiring land or immovable property. Non-permanent residents also could not claim government jobs, scholarships or aid that were reserved for the permanent state citizen.

With the rise of right-wing BJP and Modi assuming power, the fate of Article 35A also became doubtful. It was in 2014 that a right-wing NGO called “We the Citizens” filed a petition against this Article in the Supreme Court of India arguing that Article 35A was unconstitutional.<sup>28</sup> Subsequent to this petition, some more petitions were also filed in individual capacities challenging Article 35A and which were still pending in courts when it was revoked on August 5, 2019.<sup>29</sup>

Those who raised their voice against Article 35A argued that it was a discriminatory and unconstitutional law. They pointed out that Article 35A was made part of the Constitution through a Presidential order “The Constitution (Application to Jammu and Kashmir) Order 1954,” and was never presented before the Parliament.<sup>30</sup> Article 35A did not go through the procedure for constitutional amendments as is laid out by Article 368 of the Indian Constitution which empowers the Parliament to make amendments in the Constitution. It was highlighted by the petitioners that Article 35A was against the spirit of oneness of India. By barring acquisition of property in state, Article 35A was in direct violation of fundamental rights of Indian citizens. Lastly, Article 35A was also criticised for being a gender biased law as any Kashmiri

---

<sup>28</sup> “SC to Hear Challenges against Article 35A: All You Need to Know About it,” *Business Standard*, August 1, 2019, [https://www.business-standard.com/article/current-affairs/sc-to-hear-challenges-against-article-35a-all-you-need-to-know-about-it-119022500465\\_1.html](https://www.business-standard.com/article/current-affairs/sc-to-hear-challenges-against-article-35a-all-you-need-to-know-about-it-119022500465_1.html).

<sup>29</sup> “Petitioners Who Challenged Article 35A Happy Over Change in Property Rights,” *Economic Times*, August 8, 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/petitioners-who-challenged-article-35a-happy-over-changes-in-property-rights/articleshow/70581443.cms?from=mdr>.

<sup>30</sup> Aarti Tikoo Singh, “The Article of Contention: Why Article 35A has always been Controversial,” *Times of India*, August 5, 2019, <https://timesofindia.indiatimes.com/india/why-theres-turmoil-over-article-35a-in-kashmir/articleshow/70526833.cms>.



woman married to a non-permanent resident could not claim her right to property.<sup>31</sup>

All the above-mentioned objections and observations by the critics of Article 35A were strongly contested by Kashmiris. The pro-India leadership in Kashmir strongly believed that Article 35A was one of the guarantees that was given to the State of Jammu and Kashmir by the Indian Union and it was, along with Article 370, the only link between India and the state of Jammu and Kashmir. Scraping of Article 370 or 35A would invalidate Indian control over Jammu and Kashmir. The pro-freedom parties also expressed their deep concern regarding Indian designs. Thus, people and political parties of all colours and hues came together in their opposition to any such move by the Union Government.

It is also interesting to note that in its 2014 election manifesto, BJP did not mention Article 35A.<sup>32</sup> However, in its 2019 election manifesto, BJP did not shy away from announcing in categorical terms its commitment “to annulling Article 35A of the Constitution of India” citing it as discriminatory and an obstacle in the development of Kashmir.<sup>33</sup> With BJP’s sweeping victory in the 2019 elections, it was feared that more aggressive efforts would be made to annul Article 35A which ultimately came true. Now non-Kashmiris are entitled to buy land or permanently settle in IIOJK.

Besides opening floodgates for non-Kashmiri Indians to permanently settle in IIOJK, the revocation of Articles 370 and 35A had severe implications for the Kashmiris. Though BJP claimed to be upholding the rights of Kashmiri women, the results were actually contrary. More than 70 years of conflict and violence resulting in deaths of male family members, many Kashmiri women had to assume the role bread winners for their families. The prolonged blackout of communication was imposed in the wake of revocation of Articles 370

---

<sup>31</sup> “Article 35A Biased against Women: BJP,” *Kashmir News Observer*, September 19, 2017, <https://www.kashmirnewsobserver.com/DisplayNews.aspx?id=9186>.

<sup>32</sup> Bharatiya Janata Party Election Manifesto 2014, [https://www.thehinducentre.com/multimedia/archive/01831/BJP\\_Manifesto\\_1831221a.pdf](https://www.thehinducentre.com/multimedia/archive/01831/BJP_Manifesto_1831221a.pdf).

<sup>33</sup> Bharatiya Janata Party Election Manifesto 2019, <https://images.indianexpress.com/2019/04/bjp-election-2019-english.pdf>.

and 35A. The Kashmiri women entrepreneurs associated with the weaving of carpets, Pashmina shawls, etc. depended on Internet for their business as well as for professional networking. Besides costing them heavy losses in their businesses, this prolonged communication blackout also resulted in feeling of isolation and frustration among Kashmiri women struggling to earn a respectable livelihood for themselves and their families. Secondly, as for the Kashmiri women losing their permanent resident status in case of marrying a non-state subject, it is worth mentioning that the Jammu and Kashmir High Court in its ruling in 2002 had rejected this practice arguing that it violated fundamental rights of the Kashmiri women. Post-August 5, 2019, Kashmiri women also became victim of misogynistic comments where mainland Indian men entertained the idea of marrying white skinned Kashmiri women. In this regard, the statement by Vikram Saini, a BJP lawmaker who said that the party workers were excited as now “they can get married to fair Kashmiri girls” is a prime example.<sup>34</sup> On economic front, the unemployment among the youth of IIOJK stands at 2.6 percent compared to national average of 6.1 percent. The tourism boom that the Indian government so ardently propagates contributes only 7-8 percent of state’s GDP.<sup>35</sup> In the name of development, Kashmir’s apple industry is being mercilessly targeted for the construction of a railway track and road connecting Anantnag-Bijbehara-Pahalgam irrespective of the fact that some 3.5 million people that constitutes 27 percent of the total population of IIOJK is associated with apple farming.<sup>36</sup>

The BJP Government’s decision to revoke Articles 370 and 35A was challenged in the Supreme Court of India which later gave the ruling in favour of the Union Government. Hence, revoking these two Articles, BJP Government has removed that stumbling block which was in the

---

<sup>34</sup> “Now marry fair Kashmiri women”: BJP’s lawmaker Article 370 shocker,” *NDTV*, August 7, 2019, <https://www.ndtv.com/india-news/bjp-lawmaker-vikram-sainis-article-370-shocker-now-marry-fair-kashmiri-women-2081529>.

<sup>35</sup> Sudha Ramachandran, “Jammu and Kashmir: Five Years after the abrogation of its autonomy,” *Diplomat*, August 5, 2024, <https://thediplomat.com/2024/08/jammu-and-kashmir-five-years-after-the-abrogation-of-its-autonomy/>.

<sup>36</sup> “Kashmir’s apple orchards, millions of jobs, face threat from rail link,” *Al Jazeera*, April 10, 2024, <https://www.aljazeera.com/features/2024/4/10/kashmirs-famous-apple-orchards-are-under-attack-from-a-rail>.

way of realising their plan to change the demography of Jammu and Kashmir.

## **Introducing New Domicile Law**

Abrogating Articles 370 and 35A and bifurcating the state into two union territories did not fully serve the purpose to the Modi government for converting the Muslim majority into a minority. Therefore, while the world was busy fighting the Covid 19 pandemic, the BJP Government on 31 March 2020, through an executive order “Jammu and Kashmir Reorganization (adaptation of state laws) Order 2020”, enacted new domicile law.<sup>37</sup>

The clauses regarding domicile defined under Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act say that Indians who have resided in IIOJK for 15 years or students who have spent seven years and appeared for class 10 or 12 examination will now be eligible to be a permanent resident of IIOJK. Similarly, children of central government officials who served in IIOJK for 10 years will also be considered favourably.<sup>38</sup>

Needless to say, that this move by the Indian Government caused great concern among the local Kashmiri population. There was no doubt left in the mind of an ordinary Kashmiri that by introducing new domicile laws, the Indian Government not only wished to bring non-Kashmiris as permanent residents but the privileges like jobs, scholarships, right to own immovable property that earlier only people of the state enjoyed, would now go to non-Kashmiri Indians as well.

Three months later, on 26 June 2020, the BJP Government started issuing domicile certificates to non-Kashmiris. In the first phase, 25,000 people from across India were given domicile certificates. Among the recipients were an Indian Administrative Service (IAS) officer and a

---

<sup>37</sup> “MHA Orders Adaptation of State Laws of J-K, Jobs to be Reserved for “Domicile”, *Business Standard*, April 1, 2020, [https://www.business-standard.com/article/news-ani/mha-orders-adaptation-of-state-laws-of-j-k-jobs-to-be-reserved-for-domicile-120040100621\\_1.html](https://www.business-standard.com/article/news-ani/mha-orders-adaptation-of-state-laws-of-j-k-jobs-to-be-reserved-for-domicile-120040100621_1.html).

<sup>38</sup> MHA Orders Adaptation of State Laws of J-K, Jobs to be Reserved for “Domicile,” *Business Standard*.

bureaucrat from the state of Bihar.<sup>39</sup> The doors of IIOJK were opened for non-Kashmiris and by August 2021, the Indian Government had issued 41.05 lakh domicile certificates.<sup>40</sup> In order to fast track this entire process, the Indian government made it mandatory for the officials dealing to issue certificates within 15 days or face fine of INR 50 thousand. The number of 15 days were later reduced to only 5 working days.<sup>41</sup>

## New Land Laws

On 26 October 2020, Indian Government once again announced new rules for IIOJK. This time, the “Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order” that came into effect with immediate effect <sup>42</sup> repealed 12 laws that were practiced in IIOJK prior to 5 August 2019 and 26 other laws were adapted with changes. The most striking feature of the Order was that the condition of domicile or being permanent resident of IIOJK was removed for purchasing land in IIOJK. Now anyone, from any part of India could buy land and permanently settle in IIOJK. Since the grant of land ownership rights to non-Kashmiri Indians, the property purchase by non-Kashmiri Indians has risen from one in 2020 to 127 in 2022.<sup>43</sup> Through its anti-encroachment drive in 20 districts of IIOJK, land measuring 178005.213 acres in the valley and 25,159.56 acres in Jammu region was identified as state land encroached by the residents of IIOJK.

---

<sup>39</sup> “IAS Officer from Bihar Among 25,000 Granted Domicile Certificates in J&K,” *Greater Kashmir*, June 27, 2020, <https://www.greaterkashmir.com/todays-paper/ias-officer-from-bihar-among-25000-granted-domicile-certificates-in-jk>.

<sup>40</sup> “J&K Govt Issued 41.05 Lakh Domicile Certificates in Two Years,” *Outlook*, August 3, 2021, <https://www.outlookindia.com/website/story/india-news-jk-govt-issued-4105-lakh-domicile-certificates-in-two-years/390368>.

<sup>41</sup> “Govt reduces time –limit for issuing domicile certificates from 15 days to 5 working days”, *Kashmir Press*, August 25, 2020, <https://thekashmirpress.com/2020/08/25/govt-reduces-time-limit-for-issuing-domicile-certificates-from-15-days-to-5-working-days/>.

<sup>42</sup> Vijaita Singh, “The Hindu Explains Who Can Buy or Sell Land in J&K, and What are the Other Rules Governing It?,” *Hindu*, November 1, 2020, <https://www.thehindu.com/news/national/the-hindu-explains-who-can-buy-or-sell-land-in-jk-and-what-are-the-other-rules-governing-it/article61942423.ece>.

<sup>43</sup> Shazia Khawaja and Mehr un Nisa, “Human Rights Report – June-August 2023,” Kashmir Institute of International Relations, <https://www.kiir.org.pk/reports/humman-rights-report-7069>.

In reality, the residents had owned this land and properties under Big Landed Estate Abolition Act, JK State Land Vesting of Ownership Act 2001, Jammu and Kashmir Common Lands (Regulation) Act, 1956 and other laws introduced by former State governments. The aim of this anti-encroachment drive was to dislodge the Muslim population of IIOJK and further disempower them. India also intends to create private land banks under central government's New Central Sector Scheme for industrial development.<sup>44</sup> Additionally, an estimated 70 hectares of land has also been marked as strategic area to be used by the Indian armed forces.<sup>45</sup>

Once again, the Kashmiri people and their political leadership condemned the move in strongest possible terms. Former NC Chief Minister, Dr Farooq Abdullah termed the Home Ministry order a "huge betrayal," and said that the "grossly unconstitutional move" was a massive assault on the rights of the people of Jammu, Kashmir and Ladakh.<sup>46</sup>

Similarly, former PDP Chief Minister Mehbooba Mufti while criticising the move tweeted "JK admin's new policy enabling conversion of agricultural land to non-agricultural purposes reveals their nefarious designs of engineering demographic changes."<sup>47</sup>

## **Delimitation Commission**

Besides working to reduce Muslim majority into minority, the BJP Government simultaneously planned to disempower the Kashmiri

---

<sup>44</sup> "The Great Land Grab — Disempowering People in Indian Occupied Jammu and Kashmir," (Legal Forum for Kashmir - LFK.), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.lfkashmir.com/wp-content/uploads/2023/02/LFK-Factsheet-The-Great-Land-Grab.pdf.

<sup>45</sup> Shazia Khawaja and Mehr un Nisa, "Human Rights Report –June – August 2023,"

<sup>46</sup> "12 Laws Repealed, 14 Amended – What Exactly Changes Under New Land Orders in J&K," *Print*, October 29, 2020, <https://theprint.in/judiciary/12-laws-repealed-14-amended-what-exactly-changes-under-new-land-orders-in-jk/533038/>.

<sup>47</sup> "New Agriculture Land Conversion Laws have Nefarious Designs: Mehbooba Mufti," *ETV Bharat*, December 17, 2021, <https://www.etvbharat.com/english/national/bharat/new-agricultural-land-conversion-laws-have-nefarious-designs-mehbooba-mufti/na20211217212925466>.

Muslims politically. For this purpose, a three-member delimitation commission was formed on 6 March 2020.<sup>48</sup>

As was the case with all other steps Indian Government had been taking starting from August 2019, the Delimitation Commission for IIOJK was also in complete violation of not only the International Law but also the UN Security Council Resolutions — particularly Resolution 38 which categorically bars any material change in the region while the matter is still pending with the UN for resolution.<sup>49</sup> Additionally, India's move of August 2019 had been challenged in the Supreme Court and the final verdict was still awaited at the time this commission was formed. Therefore, any move taken in continuation of 5 August 2019 presidential order was only meant to undermine court proceedings.

The Delimitation Commission submitted its final report on 5 May 2022.<sup>50</sup> The Commission suggested to increase six seats in Hindu majority area of Jammu, whereas only one seat was increased for the Muslim majority area of Kashmir Valley. <sup>51</sup>

The recommendations of the Delimitation Commission were strongly rejected by regional parties irrespective of their ideology. It is believed that the whole exercise was conducted to place BJP in a stronger position in the region.<sup>52</sup> It was also felt that for the past more than seventy years, IIOJK had been ruled by a Muslim Chief Minister and for BJP, it was time that

---

<sup>48</sup> “Delimitation Commission for J&K, Assam, Manipur, Arunachal, Nagaland formed,” *Week*, March 7, 2020, <https://www.theweek.in/news/india/2020/03/07/delimitation-commission-for-jk-assam-manipur-arunachal-nagaland-formed.html>.

<sup>49</sup> “Resolution 38 (1948) / [adopted by the Security Council at its 229th meeting], of 17 January 1948,” United Nations Digital Library, <https://digitalibrary.un.org/record/111953?ln=en>.

<sup>50</sup> “Final Report on Controversial Plan to Redraw J&K Seats Out. Details Here,” *NDTV*, May 5, 2022, <https://www.ndtv.com/india-news/jammu-and-kashmir-delimitation-final-report-on-controversial-plan-to-redraw-j-k-seats-out-2948172>.

<sup>51</sup> “Delimitation Commission Submits Report: Recommends 43 Assembly Seats for Jammu, 47 for Kashmir,” *Greater Kashmir*, May 5, 2022, <https://www.greaterkashmir.com/india/delimitation-commission-submits-report-recommends-43-assembly-seats-for-jammu-47-for-kashmir>.

<sup>52</sup> “Final Report on Controversial Plan to Redraw J&K Seats Out. Details Here,” *NDTV*.

the occupied region be ruled by a Hindu (Dogra) Chief Minister.<sup>53</sup> In a very encouraging move, the Independent Permanent Human Rights Commission (IPHRC) of the Organisation of Islamic Cooperation also came forward in its condemnation of policies conducted by India and saw the Delimitation Commission report as “a nefarious attempt to alter the electoral demographics and dynamics in a manner that could influence sham electoral results to install puppet regimes of its choice.”<sup>54</sup>

## **Granting Voting Rights to Non-Kashmiris**

The strong resistance by the regional parties and strong worded condemnation by IPHRC did not deter India from taking yet another step to push the Kashmiri Muslims to the wall. In August 2022, the Chief Electoral Officer announced that security forces stationed in IIOJK and people from other states of India currently working in IIOJK would be allowed to cast votes in local elections and as a result, IIOJK will get additional around 2.5 million voters.<sup>55</sup> This was done after the special summary revision of electoral rolls held for the first time since India abrogated Articles 370 and 35A. This move removed any doubt (if there ever was) regarding Indian intentions of not only changing the demography of IIOJK but at the same time politically disempowering the Kashmiri Muslims. The sharp reaction by the Kashmiris, however, later forced India to withdraw this law.<sup>56</sup>

Apart from abrogating and introducing laws, Indian Government had been working on certain other plans to put the process of demographic

---

<sup>53</sup> Shazia Khawaja and Mehr-un-Nisa, “Human Rights Report, June-August 2023.”

<sup>54</sup> “OIC-IPHRC Strongly Condemns and Rejects The Indian Government’s Illegal ‘Delimitation’ Of Electoral Constituencies In Indian Occupied Jammu And Kashmir (Iojk) As Flagrant Violation Of International Human Rights And Humanitarian Laws.,” *Independent Permanent Human Rights Commission (IPHRC) of the Organisation of Islamic Cooperation (OIC)*, May 12, 2022, <https://oic-iphrc.org/home/article/526>.

<sup>55</sup> “Uproar in Kashmir as India Allows Voting Rights to Non-Locals,” *AlJazeera*, August 19, 2022, <https://www.aljazeera.com/news/2022/8/19/uproar-in-kashmir-as-india-allows-voting-rights-to-non-locals>.

<sup>56</sup> “India Axes Rule on Kashmir Voting Rights after Political Parties’ Outcry,” *Reuters*, October 13, 2022, <https://www.reuters.com/world/india/india-axes-rule-kashmir-voting-rights-after-political-parties-outcry-2022-10-13/>.

change in motion. Following are some of the plans that the Indian Government had been contemplating prior to 5 August 2019 in order to bring about the demographic change in Kashmir.

### ***West Pakistani Refugees***

Settlement of West Pakistan Refugees in Kashmir as state subjects is an ambitious plan of BJP Government. West Pakistan Refugees are Hindus who had migrated to Jammu and Kashmir at the time of partition from the areas that became part of Pakistan, mostly from Pakistan's Punjab province and hence are not ethnically Kashmiris. However, there had been plans to grant these West Pakistani Refugees status of state subjects by the Indian Government. According to official figures, some 5,764 families totalling 47, 215 people had migrated from Pakistan to the Indian Illegally Occupied Jammu and Kashmir in 1947 and since then have been living there.<sup>57</sup> The numbers today are said to be 200,000 people.<sup>58</sup> Since West Pakistan Refugees so far were not considered as state subjects, they did not enjoy rights of property or admissions in state's professional educational institutes. They could not cast their vote in State Assembly elections but could participate in parliamentary elections. These 'West Pakistani Refugees' had demanded that they have been living in Kashmir for the past more than seven decades and hence entitled to be accepted as state subjects and have rights that are endowed upon the state subjects. Promises were made by BJP Government in its previous tenure for granting them citizenship rights which could not be fulfilled. However, in September 2018, identity certificates were issued to the West Pakistan Refugees by the State Government which made it possible for these refugees to be recruited in the central security forces and Army. In addition to it, a one-time financial package of Rs. 5.50 lac (550,000) was also announced by

---

<sup>57</sup> "West Pakistan Refugees Stateless in Jammu and Kashmir Even After 72 Years," *Indian Express*, January 14, 2019,

<http://www.newindianexpress.com/nation/2019/jan/14/west-pakistan-refugees-stateless-in-jk-even-after-72-years-1924810.html>.

<sup>58</sup> Shariq Ahmad Bhat, "Identity Crisis of West Pakistan Refugees in Jammu & Kashmir State," *South Asia Journal*, February 5, 2019,

<http://southasiajournal.net/identity-crisis-of-west-pakistan-refugees-in-jammu-kashmir-state/>.



the State Government.<sup>59</sup> The promise of granting state resident status to West Pakistan Refugees once again found its place in BJP manifesto for the 2019 elections where BJP reiterated its commitment of resettling of West Pakistan Refugees in the state of the Indian Illegally Occupied Jammu and Kashmir. With the scrapping of Article 35A and bifurcation of the state of Jammu and Kashmir into two Union Territories, the West Pakistani Refugees now can settle anywhere in IIOJK. These refugees are now entitled to all those privileges which previously were enjoyed only by permanent residents of the state. In fact, recently, the current Lieutenant Governor Manoj Sinha announced to give ownership rights to West Pakistan refugees over 46,666 Kanals land that was allotted to them prior to the abrogation of Article 370.<sup>60</sup> This promise was finally fulfilled on 30 July 2024 and West Pakistan Refugees have been granted land ownership rights.<sup>61</sup>

### ***Re-settlement of Kashmiri Pandits***

Kashmiri Pandits are Kashmiri Hindus who had been living in the Kashmir valley for centuries. As per one estimate, some 140,000 Pandits were living in Kashmir valley till late 1980s but the number dropped to 19, 865 by 1998 when these Hindu Pandits migrated to other parts of India following the eruption of indigenous armed struggle by the Kashmiris. At present, some 2000-3000 Kashmiri Pandits are living in Kashmir. Interestingly, *Panun Kashmir* (our own Kashmir), a group advocating the cause of Kashmiri Pandits, puts the figure of displaced Pandits at 700,000. This figure included the Pandits who had left the valley over centuries.<sup>62</sup> Whereas

---

<sup>59</sup> “Relief for West Pak Refugees, Issued Identity Certificates,” *Tribune*, September 28, 2018, <https://www.tribuneindia.com/news/jammu-kashmir/relief-for-west-pak-refugees-issued-identity-certificates/659675.html>.

<sup>60</sup> “Centre to grant land ownership rights to West Pakistan refugees in J&K,” *Business Standard*, September 16, 2022, [https://www.business-standard.com/article/current-affairs/j-k-to-grant-land-ownership-rights-to-west-pakistan-refugees-122091600397\\_1.html](https://www.business-standard.com/article/current-affairs/j-k-to-grant-land-ownership-rights-to-west-pakistan-refugees-122091600397_1.html).

<sup>61</sup> “J&K grants land ownership rights to West Pakistan refugees,” *Hindustan Times*, August 1, 2024, <https://www.hindustantimes.com/cities/chandigarh-news/jk-grants-land-ownership-rights-to-westpakistan-refugees-101722452686129.htm>.

<sup>62</sup> Azad Essa, “Kashmiri Pandits : Why We Never Fled Kashmir,” *Aljazeera*, August 21, 2011, <https://www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict/2011/07/201176134818984961.html>.

those who had taken up arms against Indian tyranny argued that this whole exodus was planned and engineered by the then Governor of the State of Indian Illegally Occupied Jammu and Kashmir Jagmohan Malhotra in order to bring bad name to the freedom fighters. Interestingly, former Chief Minister, Dr. Farooq Abdullah too blamed the then Governor of IIOJK Jagmohan Malhotra who had put Kashmiri Pandits in buses promising “we will bring you back in two months because I have to use force on these people [insurgents] and the retaliation might impact you.”<sup>63</sup> It has been more than 30 years that the Kashmiri Pandits could not return to their homes.

In April 2015, the Peoples Democratic Party (PDP) was demanded to earmark land for a separate township for Kashmiri Pandits by none other than the then Home Minister, Rajnath Singh . However, all such demands were brushed aside by Chief Minister Mufti Mohammad Sayyed who categorically said that he would not allow “Israel type settlements” in Kashmir. <sup>64</sup>

The BJP in its 2019 election manifesto also talked about resettling Kashmiri Pandits in Kashmir. Interestingly, even the Kashmiri leaders across the board were completely in favour of the safe return of Kashmiri Pandits to their respective homes. Kashmiris felt that Hindu Pandits were part and parcel of Kashmir which had seen religious harmony for centuries. In fact, Mirwaiz Umar Farooq also held a meeting with Hindu Pandits and assured them that Muslims of the valley were eager to welcome Hindu Pandits back in Kashmir. He assured the Pandits that Kashmir belonged to them as much as it belongs to those who live there. The Pandits also expressed their reservations regarding segregated colonies and expressed desire to live in all-community colonies.<sup>65</sup> Problem arose when Indian

---

<sup>63</sup> “Ex-J&K Guv Jagmohan Put Kashmiri Pandits in Buses, said they’d be Brought Back in 2 Months: Farooq Abdulla,” *India Today*, March 22, 2022, <https://www.indiatoday.in/india/story/jammu-kashmir-governor-jagmohan-kashmiri-pandits-farooq-abdullah-kashmir-files-1928035-2022-03-22>.

<sup>64</sup> “No Israel –Type Settlement: Says Mufti Mohammad Sayeed Rejecting Separate Township for Kashmiri Pandits,” *NDTV*, April 9, 2015, <https://www.ndtv.com/india-news/separate-townships-for-kashmiri-pandits-not-possible-says-mufti-mohammad-sayeed-753491>.

<sup>65</sup> “Mirwaiz Holds Talks with Pandits on Return,” *Hindu*, June 12, 2019, <https://www.thehindu.com/news/cities/kolkata/mirwaiz-holds-talks-with-pandits-on-return/article27821033.ece>.

Government expressed its intention of building separate townships for the Pandits. It was felt by the Kashmiri people that such a move would be a blot on the religious harmony that had existed between the Muslims and Hindus of valley for centuries. They also doubted the Indian Government's intentions of bringing non-state subjects in these colonies in the guise of Hindu Pandits.<sup>66</sup> Now, with Article 35A gone, Indian Government can build as many segregated colonies as it likes and Hindus from other states will be encouraged to settle there so that the Muslim characteristic of the Kashmir valley can be diluted.

### *Sainik Colonies*

Establishing *Sainik* (soldier) colonies is yet another Indian plan to change the demographic structure of the State. Although there is a Sainik Colony in Jammu, the BJP Government also wished to establish Sainik Colony in the valley.

The proposal for the establishment of a Sainik Colony in Kashmir was presented in a meeting of the Rajya Sainik Board (RSB) headed by the then Governor N.N. Vohra in April 2011.<sup>67</sup> This meeting is also said to have been attended by then Chief Minister Omar Abdullah. It is said that three more such meetings were held in the next three years and a requisition for 150 kanals (18.5 acres) of land was given to the Government.<sup>68</sup>

Later, according to reports that appeared in the local Kashmiri media, the Divisional Commissioner Kashmir had agreed to allot 173 kanals of land for the Sainik Colony meant for retired and serving army officers. The documents of 77<sup>th</sup> Rajya Sainik Board meeting that was chaired by Governor N.N Vohra in April of 2015 revealed that the Secretary of the Board was quoted as saying that since the number of applicants had increased, a total of 350 kanals of land was required and, therefore, a revised proposal was forwarded to Divisional Commissioner Kashmir and Home Department that was headed by the then Chief Minister Mufti

---

<sup>66</sup> Altaf Hussain Wani, "Indian Designs to Change Demography in Kashmir," Kashmir Institute of International Relations, Islamabad.

<sup>67</sup> Showkat A. Motta, "Sainik Colony Don't We Live There Already?," *Outlook*, June 16, 2016, <https://www.outlookindia.com/magazine/story/sainik-colony-dont-we-live-there-already/297329>.

<sup>68</sup> Motta, "Sainik Colony Don't We Live There Already?"

Mohammad Sayyed. According to reports, at least 26 officers, 125 Junior Commissioned Officers and 900 others with different ranks both serving and retired had applied for plots in this proposed Sainik Colony.<sup>69</sup>

A year later in 2016, BJP's Rajya Sabha member, Tarun Vijay was quoted as saying that Jammu and Kashmir Chief Minister Mehbooba Mufti was his good friend and she would set up Sainik colonies in Kashmir at the right time. He further stated that establishing Sainik Colonies was like planting saffron in Kashmir which would bring fragrance of Indianness to overcome the smell of stone-pelting and guns. He further said that it was the right of soldiers to have a piece of land in valley as they have been shedding their blood.<sup>70</sup> It is also interesting to note that though it is said that the idea of establishing Sainik Colony was first floated by RSS in 2010 following intifada in Kashmir which had started in response to false claims by Indian security forces of killing three infiltrators, whereas in reality all three young men belonged to a nearby village inside Indian Illegally occupied Jammu and Kashmir, Tarun Vijay is said to be the one credited with formally moving the proposal of establishing Sainik colonies in Kashmir valley.<sup>71</sup>

Again these publically expressed intentions caused anger in the valley and all political parties despite their differences became united in their opposition to this move. Leader of the pro-India National Conference Omar Abdullah while denying that he agreed to any such plan during his tenure as Chief Minister of Kashmir is on record saying that "The Sainik Colony could be a ruse to settle non-state subjects in Kashmir and hence bypass Article 370."<sup>72</sup> Fact of the matter is that no government in Kashmir could assent to any such proposal as this would be tantamount to political suicide. As far as Mufti Mohammad Sayyed and later (following Mufti Sayyed's

---

<sup>69</sup> Moazum Mohammad, "Govt 'Denials' on Sainik Colony in Srinagar Exposed," *Kashmir Reader*, August 31, 2015, <https://kashmirreader.com/2015/08/31/govt-denials-on-sainik-colony-in-srinagar-exposed/>.

<sup>70</sup> "Sainik Colonies Would be Like Planting Saffron in Kashmir; It Will Bring Fragrance of Indianess: BJPMP," *Economic Times*, May 10, 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/sainik-colonies-would-be-like-planting-saffron-in-kashmir-it-will-bring-fragrance-of-indianess-bjp-mp/articleshow/52200465.cms>.

<sup>71</sup> Showkat A. Motta, "Sainik Colony Don't We Live There Already?"

<sup>72</sup> Showkat A. Motta, "Sainik Colony Don't We Live There Already?"

death) his daughter Mehbooba Mufti are concerned, since they were ruling the state in alliance with BJP, this situation must have been like walking on tight-rope. Catering to BJP demands would have meant end of their political career. Thus, Mufti Government resorted to various explanations. First, the State Government argued that only soldiers who are state subjects will be accommodated in Sainik Colonies. Later, it retreated and said no such colony was to be set up anywhere in Kashmir and no land was given for any such project.<sup>73</sup> Needless to say, with the revocation of Article 370 and 35A, nothing now can stop the BJP Government from establishing as many or as big Sainik Colonies as it likes.

### **Industrial Policy and Shelters for Homeless**

The new industrial policy passed in March 2016 by the then Governor N. N Vohra is yet another ploy to bring non-state subjects into Kashmir.<sup>74</sup> According to this policy, non-state subjects will be able to get land on lease for up to 90 years to set up industries outside the estate.<sup>75</sup>

There had also been a plan of Indian Government to build shelters for homeless in Indian occupied Jammu and Kashmir under its Nations Urban Livelihood Mission. Using the pretext of humanity, Indian Government intended to bring non-state subjects to Kashmir to settle them there permanently and ultimately change the demography of Kashmir.<sup>76</sup>

In addition to all above-mentioned plans about demographic changes in IIOJK, one cannot forget the fact that Kashmiris are being killed on daily basis. According to Kashmir Media Service, from January 1989 to November 30, 2024, at least 96,382<sup>77</sup> Kashmiris lost their lives whereas some 2.2 million refugees crossed over to Azad Kashmir from the Indian occupied Kashmir since 1949 owing to illegal occupation and Indian

---

<sup>73</sup> Showkat A. Motta, "Sainik Colony Don't We Live There Already?"

<sup>74</sup> "J&K Govt Approve Industrial Policy – 2016," *Times of India*, March 15, 2016, <https://timesofindia.indiatimes.com/good-governance/jammu-kashmir/JK-govt-approves-Industrial-Policy-2016/articleshow/51406079.cms>.

<sup>75</sup> Altaf Hussain Wani, "Indian Designs to Change Demography in Kashmir."

<sup>76</sup> Altaf Hussain Wani, "Indian Designs to Change Demography in Kashmir."

<sup>77</sup> Kashmir Media Service, <https://kmsnews.org/news/>.

repression.<sup>78</sup> These developments also have had an impact on the demographics.

## **Israeli Connection**

With above discussion in mind, it would be interesting to draw some parallels of India's designs of bringing about demographic change in IIOJK with those of Israel's. It is no secret that India and Israel closely collaborate on a range of subjects, particularly in defence field. Israel is one of the largest exporters of arms to India. Further, India and Israel exchange crucial intelligence information. Israel also helps India in its fight against Kashmiri freedom fighters by providing logistic support like specialised surveillance equipment, joint exercises, training to fight urban guerrilla warfare etc.<sup>79</sup> Similarly, Indian designs to bring about demographic changes also seem to be inspired by Israel which has been setting up settlements in occupied Palestinian lands over the past many decades.

Hence, all above measures are being taken by India to fulfil its designs to change demography of Kashmir and to undermine the genuine demand of the Kashmiri people to exercise their right to self-determination. It is said that this tactic was advised to India by the then Israeli Foreign Minister Shimon Peres in May 1993 when he said that only a demographic change in Kashmir will enable India to claim it.<sup>80</sup> At the time of partition, state of Jammu and Kashmir had a Muslim majority constituting 72 per cent, whereas this percentage has gradually declined and now as per 2011 census, Muslim population stands at 68 per cent.

---

<sup>78</sup> "My Govt Looking After 40,000 Refugees: AJK PM," *Dawn*, September 9, 2017, <https://nation.com.pk/09-Sep-2017/my-govt-looking-after-40-000-refugees-ajk-pm>.

<sup>79</sup> Harsh V. Pant, "India-Israel Partnership: Convergence and Constraints," *Middle East Review of International Affairs*, vol.8, no. 4, December (2004), <http://www.mafhoum.com/press7/223P5.htm>.

<sup>80</sup> Shaikh Tajammul-ul- Islam, "Demographic Change in Kashmir."

**Table No. 1**

**Total Population and Percentage of Muslim Population in IIOJK**

Year	1941	1961	1971	1981	2001	2011
Total	2,946,728	3,560,976	4,616,632	5,987,389	10,143,700	12,541,302
Muslims	2,133,611	2,432,067	3,040,129	3,843,451	6,793,240	8,567,485
Hindus	736,865	1,013,193	1,404,292	1,930,448	3,005,349	3,566,674
Muslims (Percentage)	72.41	68.30	65.85	64.19	66.97	68.31
Hindus (Percentage)	25.01	28.45	30.42	32.24	29.63	28.44

**As per Census of India**

*Source: Fahd Nabeel, "Altering Demographics of Indian Held Kashmir," Centre for Strategic and Contemporary Research, January 17, 2017, <https://cscr.pk/explore/themes/politics-governance/altering-demographics-indian-held-kashmir/>.*

**Demographic Change and International Law**

Indian intention to effect demographic changes in the Indian Illegally Occupied Jammu and Kashmir is untenable under International Law. Article 49 (6) of Fourth Geneva Convention clearly states that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."<sup>81</sup> Similarly, Article 8(2) (b)(viii) of the Rome Statute states that "The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" would be considered

---

<sup>81</sup> "Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949," [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf).

as a war crime particularly when it is committed as a plan or policy.<sup>82</sup> If Indian Government is successful in bringing about demographic change in the state, it will undermine the genuine demands and struggle of Kashmiri people in both the cases - be it a plebiscite or status quo is maintained.

It was precisely for these reasons that Pakistan approached the President of the Security Council through a detailed communication dated April 27, 2017.<sup>83</sup> Pakistan has since consistently raised this issue at all relevant forums – including the UN Security Council, OIC and other regional and international platforms. Hence, it is time that international community wakes up to the crimes against humanity that the Indian security forces have been carrying out against the Kashmiri people and the Indian Government that is carrying out plans completely against the international humanitarian law and fall under the category of war crimes.

### **Options for Pakistan**

As has been mentioned earlier, Kashmir is the unfinished agenda of the partition plan. Pakistan, being a party to this dispute, has valid and serious concerns regarding Indian plans to change the demography of Indian occupied Kashmir. In this connection, Pakistan has also repeatedly drawn the attention of the international community towards this serious issue. In an interview to International Affairs website, *Pakistan Politico*, former President Azad Jammu and Kashmir Sardar Masood Khan clearly stated that “Demographic changes in IOK are not a secret. Open source data can substantiate them.” He went on to describe different measures that the Indian Government has been taking in this connection.<sup>84</sup> Even pro-India leaders in Indian occupied Jammu and Kashmir had been categorically expressing their dismay at the Indian Government’s intentions. Dr. Farooq Abdullah of the pro-India National Conference stated that India was trying to change the

---

<sup>82</sup> “Rome Statute of the International Criminal Court,” <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>.

<sup>83</sup> For full text of the letter visit, <http://www.mofa.gov.pk/documents/related/Security-Council.pdf>.

<sup>84</sup> Exclusive Interview with the President of Azad Jammu and Kashmir, Sardar Masood Khan,” *Pakistan Politico*, June 9, 2018, <http://pakistanpolitico.com/exclusive-interview-with-the-president-azad-jammu-and-kashmir-sardar-masood-khan/>.



demography of the state and warned that BJP-led Government was “playing with the fire.”<sup>85</sup>

Despite claiming to be world’s largest democracy, the Indian Government under the leadership of Modi has little respect for popular public opinion or basic democratic norms. The decision of the Indian Government to revoke Articles 370 and 35 A in a brazen manner speaks volumes of the highhandedness with which the Kashmiri people are being crushed. This also presents Pakistan a challenging situation. Since 5 August 2019, Pakistan has taken up this issue at every relevant forum. Following are few more steps that Pakistan can take to further the cause of Kashmir globally:

1. Pakistan’s response to the post-5 August 2019 development was firm, mature, and yielded tangible results. There had been a strong message to the world that Pakistan as a nation stands united on the issue of Kashmir. Efforts on the international front also bore fruit as more and more voices were heard in favour of Kashmir. The matter was taken up by the UN Security Council after a gap of 55 years. The OIC in its various Ministerial and Summit Declarations rejected the illegal and unilateral Indian actions and called for their reversal. However, these efforts need to be sustained. There should be no let-up in Pakistan’s diplomatic efforts and it has to make sure that in the face of other emerging issues like Russia-Ukraine war or the crisis in the Middle East the issue of Kashmir is not lost sight of.
2. Countries where governments are not very forthcoming in their support for the Kashmiri people, Pakistan should reach out to the pressure groups. Civil society, NGOs, media and human rights groups in such countries should be taken on-board who in turn can put pressure on their respective governments to take a principled stand on the issue of Kashmir, particularly the human rights issue.
3. Diaspora can play an active role in highlighting the plight of Kashmiri people. Rallies and demonstrations that were held

---

<sup>85</sup> “BJP Trying to Change J&K Demography: Alleges Farooq,” *Greater Kashmir*, April 15, 2019, <https://www.greaterkashmir.com/news/front-page-2/bjp-trying-to-change-jk-demography-alleges-farooq/>.

following 5 August 2019 in the United Kingdom were noticeable and were covered by the international media as well. Diaspora in other countries particularly the United States also need to be mobilised with similar vigour. At the same time, Pakistani diaspora also need to stand together as a nation instead of being divided on political lines.

4. Think Tanks and research community in Pakistan can be very effective in countering the Indian narrative that Kashmir is India's 'integral part' and 'internal matter.' In the same context, global research community could be reached out to lend support to Kashmiris.
5. There had been constant talk of resuming trade relations with India which Pakistan had suspended post 5 August 2019. Pakistan's repeated overtures in this regard without India making conducive environment will harm Pakistan's credibility in the eyes of Kashmiris. Those advocating resuming trade with India must be reminded that it was India which unilaterally suspended cross-LoC trade in April 2019.<sup>86</sup> Earlier, in February 2019, it was India which revoked the MFN status for Pakistan following Pulwama incident<sup>87</sup> besides imposing 200% import duty on Pakistani goods.<sup>88</sup> Pakistan should stand firm on its demand that India reverses its illegal and unilateral steps of August 5, 2019, before relations between the two countries could move towards normalization.

## Conclusion

---

<sup>86</sup> "Suspension of LoC Trade between J&K and PoJK," *Press Information Bureau*, Ministry of Home Affairs, Government of India, April 18, 2019, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=189799>.

<sup>87</sup> "India withdraws Most Favoured Nation status for Pakistan," *Dawn*, February 15, 2019, <https://www.dawn.com/news/1463999>.

<sup>88</sup> "India Raises Customs Duty on All Imports from Pakistan to 200% after withdrawing MFN Status over Pulwama Attack," *Hindustan Times*, February 16, 2019, <https://www.hindustantimes.com/india-news/india-imposes-200-customs-duty-on-all-imports-from-pakistan-after-withdrawing-mfn-status-over-pulwama-attack/story-wo3AlclWWAYcpluwrEwnYP.html>.

Faced with ever growing anger among the Kashmiri people and completely failing to assuage the Kashmiri youth, the Modi Government is now embarking on plans to change the demography of the Kashmir valley. Modi Government feels that by following Israel's footsteps, demographic engineering will make Kashmiris' struggle irrelevant. In this regard, several plans have been under consideration. These include settling non-state subjects in the guise of Sainik Colonies, or setting up gated colony for the Hindu Pandits in the Kashmir Valley.

To deceive the international community, India had been peddling the narrative of 'normalcy' following the abrogation of Articles 370 and 35A. The narrative is far from the truth. In reality, the revocation of Articles 370 and 35A has resulted in increased military presence in IIOJK which in turn has resulted in killing of at least 940 Kashmiris and torture and injury to 2, 449. Additionally, 25,365 Kashmiris were arrested on a range of flimsy grounds.<sup>89</sup> The restrictions on press freedom and civil society further tightened. Continuous surveillance through phones and monitors led to journalists and prominent human rights leaders like Khurram Parvez and Fahad Shah detained under draconian laws like UAPA or PSA. The decline of investment in IIOJK post abrogation of Article 370 from \$102.8 million in 2017-18 to \$46 million in 2021-22 also negates the myth that Article 370 was the main hurdle in the development of the occupied region.

90

In order to realise its designs, India has not shied away from violating international law and the commitments it made to the world body, Pakistan, and the people of Jammu and Kashmir. As has been mentioned earlier, the UN resolution 38 clearly bars any material change on the ground while the matter is under consideration of the Council. Similarly, Simla Agreement signed between India and Pakistan in 1972 clearly states that "Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts determined to the maintenance of peaceful and harmonious relations."<sup>91</sup>

---

<sup>89</sup> "HR Violations in Kashmir," *Kashmir Media Service*,

<sup>90</sup> Nisar Ahmed Thakur, "Illusion of Peace – Unmasking Myth of Normalcy in Indian Occupied Kashmir," *Kashmir Institute of International Relations*, May 31, 2024, <https://www.kiir.org.pk/reports/illusion-of-peace-2213>.

<sup>91</sup> "Agreement on Bilateral Relations between the Government of India and the Government of Pakistan (Simla Agreement) Simla, July 2, 1972," *United Nations*

Neither UN resolutions nor bilateral agreement could stop India from abrogating Articles 370 and 35 A. With the abrogation of Article 370 which guaranteed State's special status within the Union and scrapping of Article 35A which had bestowed certain rights upon the state subjects and barred non-state subjects from permanent settlement, Indian Government feels that now there is no hindrance in realising its designs. Since it has cleared the way for demographic change, it can directly impact the outcome of any plebiscite if and when it is conducted under UN auspices.

Following Israel's footsteps, India believes that by changing the demography of Kashmir, it would be able to render UN resolutions irrelevant and shrink the space for the Kashmiris resisting Indian occupation and struggling for their right to self-determination. Pakistan, being a party to this dispute, has serious concerns regarding Indian intentions of altering the demography of Kashmir. It has been raising this issue at various forums.

Sensing the gravity of the situation, initially, number of world leaders came forward in their condemnation of Indian steps of August 5, 2019 including Malaysian Prime Minister Mahathir Mohammad, President Recep Tayyip Erdogan of Turkiye, and German Chancellor Angela Merkel. Pakistan needs to keep up the ante and keep apprising the international community about Indian designs. Due to growing Indian economy and its perceived role in containing China, the U.S. or other Western countries might not come forward to condemn India. However, Pakistan must continue its diplomatic efforts and keep reminding the West of its advocacy of human rights. It is the responsibility of the international community particularly the United Nations to take note of these developments in Indian Occupied Kashmir and play its due role in safeguarding fundamental rights of the Kashmiri people and implement its own resolutions promising right to self-determination for the people of Jammu and Kashmir. Responsibility of ensuring the rights of Kashmiri people also lies on the shoulders of countries that consider themselves as champions of human rights.

---

*Peacemaker,*

[https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK\\_720702\\_Simla%20Agreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_720702_Simla%20Agreement.pdf).