

Modi's Victory and Kashmir's Fate: Challenges and Way Forward

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Indian Prime Minister, Narendra Modi, representing the Hindutva-led Bhartiya Janata Party (BJP), is aiming for another victory in 2024 elections. Narendra Modi has been in power since 2014. Under Modi's rule, there have been some far right, drastic changes in the Indian policies, putting the minorities in a difficult situation.¹ Particularly, in Kashmir, the trajectory of Modi's government has been on the same track, initiating policies that have caused immense difficulty for the Kashmiris.

With the upcoming Indian elections in 2024, there are high speculations of another victory for Modi. Keeping in view the historical record of Modi's policies regarding Kashmir, another term of governance indicates more challenges for the Kashmiris. So far, the world has been a helpless witness to the plight of Kashmiris under Modi. The international bodies have been unable to bring a permanent resolution to the dispute. Pakistan has remained on the verge of a full-scale conflict with India and tensions between the two states have been on a high note under Modi's rule. Kashmir has been a longstanding bone of contention between the two neighbours and Narendra Modi's extremist policies have made the situation worse.

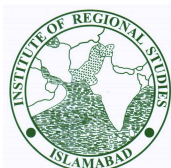
Modi's Policies on Kashmir: Past and Present

After Narendra Modi's rise to power in May 2014, Kashmir Valley experienced large-scale protests termed as uprisings or *third intifada*.² During the election campaign, Modi championed the reintegration of the disputed state of Jammu and Kashmir into the Indian Union promoting a greater hostile stance towards Pakistan. In the upcoming years, primary configuration of right-wing BJP's policy on Kashmir seems to centre on an unyielding forcefulness. Moreover, an unanticipated uprising

occurred in Kashmir Valley in 2016 which despite oppressive Indian measures has failed to diminish so far. On the other hand, the Line of Control (LOC) has also experienced unprecedented ceasefire violations whereas relations between Pakistan and India are dwindling to lowest levels.

India-Pakistan relations have been on a very rough edge since August 2014.³ This unfortunate, declining trajectory began when India cancelled talks with Pakistan on 19th August 2014 primarily due to the intention of the Pakistani High Commissioner to carry out a consultative meeting with the Kashmiri leaders in view of foreign secretaries' talks for resuming formal dialogue.⁴ The power transfer from Congress to BJP in 2014 dissipated fairly positive signs.⁵ Wishing to capitalise on the impetus of a fresh government, Prime Minister Nawaz Sharif eagerly joined Modi's swearing in ceremony. This was taken as a grand initiative all over the world, but it could not live up for more than eight weeks. BJP's stance towards Pakistan as well as dispute over Jammu and Kashmir underwent extreme changes. Since assuming power, the BJP government has utilised coercive diplomacy in addition to aggressive expressions and ceasefire violations of the LOC. Dialogue at official level has been forestalled. Most of all, cross-LoC interaction and Track-II engagement has not been encouraged in the last five years. Moreover, a strict approach has been utilised to deal with Kashmir conflict forestalling political engagement. The BJP cut off all communication, formal as well as informal, with the Kashmiri resistance leadership and depicted no interest at all in political engagement. Kashmiri freedom fighters are being captured and political activities are being repressed by security forces. Absence of engagement and dialogue in Occupied Kashmir has resulted in enhanced dejection and dissatisfaction

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causing a rise in militancy among young individuals. This has resulted in a great spike of violence. At the local level, it is the first time in history that BJP has risen to power in the Indian Occupied Kashmir by becoming partner with People's Democratic Party (PDP). There were promises to create important administrative and political routes to make situation better in disputed region. The BJP as part of the coalition government did its utmost to promote its fascist agenda like erosion of Kashmir's special constitutional status bestowed through article 370 and 35-A.⁶ These disastrous plans further enhanced the scepticism regarding India's intentions and therefore sparked up the resistance movement. Such actions reduced significance of the ceasefire line along the LOC and working boundary separating the state of Jammu and Kashmir.

BJP's official strategy for Kashmir revolves around two primary elements that is providing substantial financial support for infrastructure as well as employment of disproportional force to suppress the local resistance movement. BJP employs draconian laws like the Armed Forces Special Power Act (AFSPA) and Public Safety Act (PSA) which gives total immunity from accountability to security forces, permits forces to suppress resistance while easing personal harassment and blackmailing.⁷ Social media websites and internet facilities are often stalled to constrain public outrage. Since August 2014, formal as well as informal dialogues with relevant stakeholders have been cutdown. Pro-freedom leadership was banned from carrying out political activities. Communication channels with All Parties Hurriyat Conference (APHC) which is a combination of various political parties, were all disrupted. Majority leaders, especially Syed Ali Gilani, Yasir Malik and Mirwaiz Umer Farooq either stayed under house arrest or were imprisoned. Offering Friday prayers was also not allowed, something which was never experienced before.

On 5th August 2019, Modi's government revoked Article 370 of the Indian constitution which divided the state of Kashmir into two separate union territories; Jammu and Kashmir, and Ladakh.⁸ This action finished the region's special status and pushed it directly under the Indian Central

government's jurisdiction. Abrogation of Article 370 further enhanced concerns about its possible effect on region's demographic makeup. The situation was considered akin to Israel's occupation of the Palestinian territory where the demographic balance was changed due to mass migration and settlement of a specific group. This abrogation was considered as an endeavour to turn the historical international dispute over Kashmir to a domestic issue inside India's premises. The government of illegal union territory gave out a huge number of domicile certificates summing up to 3.5 million for outsiders in Jammu and Kashmir.⁹ The new laws for claiming domicile in Indian-Occupied Kashmir let individuals, who had resided in the region for fifteen years or served in varying sectors like universities, banks or other occupations, to turn eligible for attaining domicile. There has been criticism on domicile issuance especially on the significant number of domiciles given to ex-army personnel. This act has aroused suspicions of a full plan to change the demographic makeup of the region and create security threats for locals. Intentions behind these actions have created conspiracy with some claiming that the ruling party, BJP, intends to settle Hindu extremists in Kashmir Valley possibly leading to ethnic cleansing and new conflicts to control Muslim's demographic superiority over the region.

The UNHCR Reports of 2018 and 2019 claim that for the past four decades, the Indian Occupied Kashmir is experiencing widespread and organised human rights abuses. This act has also resulted in strong economic setbacks for population of Jammu and Kashmir with approximately 500,000 people losing their occupation after revocation of its special status.¹⁰ Although Article 370 has been termed by BJP government as a major cause of economic underdevelopment of the state, the reality is more complicated. The alterations caused by abrogation have led to serious challenges affecting not economy but several other aspects also. The restrictions imposed on Kashmiris were contrary to the basic norms of necessity and proportionality as well as a violation of Universal Declaration of Human Rights Article 19 that ensures the right to freedom of expression and opinion.

International reaction and Pakistan's perspective

United Nation Human Rights Council experts voiced their concerns regarding the curfew imposed by the government, communication blockades, employment of force by troops, movement restrictions and detainment of political leaders and defenders of human rights in the region. Cut off in communication and prohibiting peaceful gatherings were considered inconsistent with their basic rights. Moreover, usage of live ammunition on unbridled protestors could violate basic right to life and is allowed only as the last attempt and to protect life. The overall condition was termed as a "collective punishment" for civilians without any ground for breach and the Indian government was pushed to remove the deadly curfew according to Council reports.

Pakistan's Foreign Affairs Ministry rejected the decision by India's Supreme Court declaring it as void of any legal value. Pakistan's caretaker foreign minister, Jalil Abbas Jilani stated that India had no right to give multilateral decisions on the disputed territory's status contrary to the will of Kashmiri population and Pakistan. On 7th August, India's High Commissioner was expelled from Pakistan and Pakistan's own top diplomat from New Delhi was called back.¹¹ So far, diplomatic ties and trade between Pakistan and India have been suspended and are likely to stay mute in the foreseeable future. China declared its support for Pakistan's narrative emphasising its disapproval to establishment of Ladakh as a distinct territory from New Delhi. China presently controls the territory that India considers as an extension of Ladakh. Western countries ever since the 1950s have been careful not to participate in discussions of international law and sovereignty regarding Kashmir but have still encouraged all countries to peacefully resolve the dispute. Revocation of Article 370 enhanced tensions regarding the outbreak of a full-scale conflict between Pakistan and India as both states possess nuclear weapons. Western reaction to abrogation of Kashmir's special status so far has been rather mild. America has urged all sides involved to uphold peace and stability along the Line of Control (LOC).

There were no official statements by the UK or EU. In 2018, the United Nations called for setting up an international commission for inquiry into human rights abuses since 2016 on the either side of the LOC.¹² This proposition was rejected by India.

Future Challenges for Kashmir under Modi:

The BJP government under Narendra Modi seems to be establishing its total dominance over Kashmir.¹³ The idea of India as largest democracy is diminishing under Modi's BJP government since he is militarising the civil society so he could halt their voices for liberation and against his harsh governance.¹⁴ Due to illegal activities of BJP, violence in the valley is the most important indicator that their attitudes are authoritarian. Kashmir has been facing enhanced communal violence since introduction of its controversial policies. Narendra Modi's fascist ideology and policies are turning him as direct descendants of Mussolini and Hitler.¹⁵ The renowned author Arundhati Roy writes that danger from BJP fascist policies surrounds Jammu and Kashmir from several directions. Far-right Hindu Nationalist organization RSS encompasses almost 6000,000 members with ministers of BJP and Modi providing training to volunteer militias that are inspired by Mussolini's black shirts.¹⁶ Since black shirts are the most prominent uniform of Italy's fascist organization, it seems that BJP has attained legal authority under RSS to bring about violence against Dalits and Muslims and disengage the social fabric of Jammu and Kashmir. Such actions and policies by BJP will not just intensify danger in Indian Occupied Kashmir but also risks causing instability in South Asia. Situation since abrogation of Article 370 and 35A has worsened till now through persistent violation of ceasefire by Indian soldiers and targeting of innocent civilian population residing on Pakistani side of border.¹⁷

Way forward

Recent years have shown that there is an increasing confidence in New Delhi of being able to impose all ad-hoc and cruel policy decisions under Modi's extremist regime. According to the Indian



map, the whole of Jammu and Kashmir including parts of AJK is under its governance which has been asserted time and again by Indian defence minister, interior minister, and prime minister. Another term of victory by Narendra Modi indicates a very bleak future for the Muslims in Kashmir. With oppression of Kashmiris on the rise under Narendra Modi, idea of a stable, thriving subcontinent seems delusionary. It is not just the relations between India and Pakistan which will decline further but any goodwill sentiments in hearts of Kashmiris for Pakistan will also erode overtime. To reduce the desperation and misery of Kashmiris, Pakistan should attempt to

engage in dialogue with India. Unless the two sides come on better terms with each other, a hard core, militaristic approach seems the only answer which will eventually be a loss for all parties. Efforts to bring an end to Kashmir conflict in an equitable and fair way must bring the population of Ladakh, Gilgit-Baltistan, AJK and Kashmir valley on board. Pakistan should also try to save Gilgit Baltistan and Azad Kashmir before these regions also become a target of India's greed. However, things will certainly move on a better trajectory if dialogue between the two countries start again.

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