

Indian Efforts to Change the Demography of IOK

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Abstract

The Federal Home Minister of the government of Bharatiya Janata Party (BJP), Mr. Rajnath Singh, unveiled a plan in April 2015, to settle tens of thousands of non-Kashmiri Hindus in the Muslim dominated disputed territory of Indian Occupied Kashmir (IOK). BJP has long vowed to settle 200,000 to 300,000 Hindus in IOK. The three disclosed and two undisclosed composite Hindu townships for the non-Kashmiris, to be made on the acquired lands of the farmers would be self-contained and heavily guarded. IOK enjoys an independent constitutional status. Article 370 does not allow non-Kashmiris to own land in Kashmir. Modi is well aware that demographics can reshape politics by redrawing the boundaries of population. The decision is akin with the Israeli style settlements in Palestine. It perpetuates the cycle of vicious and unlawful politics. In an ideologically polarised society, the identity-based animus would further gratify the Indian policy of human rights violations and denial to the right of self-determination. Muslims, by far, are a majority with 68.3 per cent of the total population followed by Hindus and Buddhists in IOK. The power of numbers entrenched in democracy would clearly enjoy alliance with prevalent black laws and gradual erosion of Article 370, if settlements are encouraged. Consequently, it would generate more instability in an effort to incorporate IOK politically, ideologically and territorially. With demographics as a crucial factor in any peace building effort, Indo-Pak peace would face uphill struggle even further.

Keywords: Kashmir, Gated Settlements, Demography, Identity-based Animus, Human Rights Violations, Article 370.

Introduction

Ibn-e-Khuldoon maintained in his theory of 'Rise and Fall' that the growth of dense population is generally favourable to the maintenance

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and increase of imperial power.¹ It is considered as a compelling force in view of classic materialist, idealist and institutions of erstwhile drivers of politics. State's security and war-making capabilities are largely dependent upon the opinion trends of the population along with economic power and military capability. Similarly, if the power dynamics of the world of racial, social, cultural, economic, religious, gender, generational and technological change is considered, the increase and decrease in population will eventually determine the win and loss of the power.

The democracy of majority rule in India aims to gain privilege by the power of numbers in IOK. Soon after the partition of the subcontinent, the Indian Army was granted a temporary admission by the Government of Jammu and Kashmir. It was placed under three restraints by the United Nations Security Council (UNSC) Resolution of April 21, 1948, identified by late Sheikh Abdullah.² This provision has, however, been degenerated into a role of occupation and diversified into civil rights violations of the people of IOK.

The planned permanent settlements of the retired Indian soldiers in Sainik colonies, as a reminiscent of Israeli style strategies, is basically a pursuit of a repressive dream. One such settlement is already operational in Jammu. The Indian autocratic vision of changing the demography is increasingly sorted into its think-alike Hindu community. This has sparked indigenous outrage even after almost seven decades.

The gradual erosion of the Article 370 of the Constitution of India is yet another victim of BJP's Kashmir policy. It gives a special status to IOK. As National Conference (NC) working President, Omar Abdullah, puts it, "the Sainik colony could be a ruse to settle non-state subjects in Kashmir and hence bypass Article 370."³ It gives impetus to the non-

¹Jack A. Goldstone, Eric P. Kaufmann and Monica Duffy Tuft, eds., *Political Demography: How Population Changes Are Reshaping International Security and National Politics* (London: Paradigm Publishers, 2012), 5.

²"Everyone lives in Fear: Patterns of impunity in Jammu & Kashmir," Report, Human Rights Watch. September 11, 2006, www.hrw.org.

³Showkat Motta, "Sainak Colony: Don't we live there already?," *Outlook*, June 27, 2016.

violent mass movement by the *Kashmiris* against the Indian establishment.

The expropriation and seizure of the land by displacing the local population, is politically motivated and reflective of colonial autocracy. It is to swathe both the relics of history and accentuate the vote bank, while violating the international law. Article 49 of the Fourth Geneva Convention clearly says, “the occupying forces shall not deport of its own civilian population into the territory it occupies.”⁴

Ravinder Raina, the BJP Member of the Legislative Assembly, has given a roadmap of draconian surveillance networks, in semblance with the Israeli style checkpoints, to ensure the security of the settlements of displaced Kashmiri Pundits, as the selective Indian citizens in enclosed townships. They would be given separate security zones contrary to the Article 3 of the Constitution of India. The Article bounds the government of Narendra Modi to protect all the communities living in India,⁵ and obligates the government to avoid preferences of one religious or ethnic group over the others. Such a settlement would call for an identity-based animus and extend the difficulties far beyond socio-political boundaries. Kashmir is already simmering because of the decades of militancy and fragile fault lines.

In addition, the carnage of the settlement plan approves the purview of apartheid and its definition. Apartheid is explained as, “any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of the racial group or groups... the expropriation of land property belonging to a racial group or groups or to members thereof.”⁶

India’s crimes against humanity in IOK are barefaced and continuing. Article 12 of the International Covenant on Civil and Political Rights (ICCPR) is a flagship human rights treaty. It is being gravely violated by India. India has already ratified the law. Similarly,

⁴ Claude Bruderlein, “Protection, Occupation and International Humanitarian Law and in the OPT,” *Humanitarian Practice Network*, November 2004, odihpn.org

⁵ James Traub, “Is Modi safe for Muslims?,” *Foreign Policy*, June 26, 2015.

⁶ “Collection of International Instruments and Legal Texts Concerning Refugees and others of Concern to UNHCR,” UNHCR, June 2007, 645.

acceded by India itself, a socio-economic customary international law and the International Covenant on Social and Cultural Rights (ICSECSER) also get jeopardised by the Indian atrocities. Both are part of the international law since 1976.⁷

According to the religious community, the composition of the Kashmiri Muslim population is 68.31 per cent as per the statistics from the 2011 Census India Population. An estimated 50,000 to 150,000 Kashmiri Muslims and from 150,000-190,000 Kashmiri Pundits have been displaced during the resistance movement by the freedom fighters since 1989.⁸ How would politically motivated settlements dilute the mistrust between the BJP government and effected Kashmiris under the circumstances? The increase in numbers of Pundits for repatriation from 190,000 to 300,000 by the Modi government (as announced) would significantly destabilise the population configuration.

Instability is a catalyst for migration. It can either be a precipitant or a conditioning factor in India's relations with Pakistan, making the demography equally important in both war and peace. The squeezing of space for Kashmiri Muslims is likely to encourage migration to its neighbourhood area of Azad Jammu and Kashmir (AJK) and Pakistan. Almost 30,000 refugees have already taken refuge in Pakistan Administered Kashmir.⁹ Line of Control (the de facto border), guarded by the military guards on both sides, and is already vulnerable to the eruption of a full-fledged war between the two states of India and Pakistan. How would the illegal settlements in IOK and the resultant migration impact the already fragile relations of India and Pakistan?

Based on literature review, the paper is an endeavour to analyse the gravity of ongoing human tragedy due to India's demographic plans in IOK and its implications. This is first time that Hindu nationalist party is in alliance with the regional party, and is in power in IOK. Its declaration

⁷ International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of December 16, 1966 entry into force January 3, 1976, in accordance with Article 27. www.ohcr.org/Documents

⁸ Shreya Biswas, ed., "Exodus of Kashmiri Pundits: What happened on January 19, 26 years ago?," *India Today*, January 19, 2016.

⁹ "Everyone lives in fear," *Human Rights Watch*, September 11, 2006, www.hrw.org

to build segregated self-contained Hindu settlements is viewed in the backdrop of Christian Leuprecht and Jack A. Goldstone's theories.

Theoretical Placement of the Politics of Demographic Play

Kautilya, a contemporary of Plato, had written in his Arthashastra that “a large population is a source of political, economic and military strength of a nation.”¹⁰ Commented largely as a book of realism, it suggests calculative and sometimes even brutal measures to preserve the interests of the state. Bhargava, a follower of Kautilya, says that “India needs the harsh measures of Kautilya the realist, in order to enjoy the luxury of Ashoka the idealist.”¹¹ The Indian territorial sovereignty, therefore, still derives its nationhood from its ancient history as a birth place of the Indus Valley and Vedic civilisations.

In IOK, India has, so far, ardently followed Kautilya’s ‘science of politics.’ The wound has been festering without a political solution for over 70 years. The conflict is continuously increasing with bitterness and intransigence resulting in a human tragedy. From 1990 till 2000, over 70,000 protestors and troops had been killed and thousands disappeared.¹² More than 100 freedom fighters have been killed since July 2016, and around 1000 injured, and several blinded by the use of pellet guns. As a colonist of today’s world, India is encouraging ‘settlers’ in IOK to further its regional power, deny fundamental rights and accentuate its economic and political influence. It is defying UN resolutions.

Twentieth century is already defined as a century of global and regional intermixing, borne by technological and economic integration. The political and geographical boundaries left from the times of imperialism have impacted in the shape of multiethnic societies with shifting religious and ethnic compositions. They have the problems of governance and stability ever since. The consequent political conundrums, due to ethno-religious population growth and population

¹⁰ Puja Mondal, “Theories of Population; Malthus Theory, Marx’s Theory and Theory of Demographic Transition,” www.yourarticle.library.com

¹¹ “Indian Foreign Policy based on Kautilyan Principles,” *Pakistan Defence*, March 8, 2009.

¹² Abbas Hassan, “About Burhan Wani,” *Pakistan Today*, January 8, 2016.

shifts have more chances of encouraging ethnic, religious and nationalist violence, value conflict and challenges to the vulnerable rules, while threatening the era of geo-economics even more. The benefits of economic connectivity and regional development get scuttled. Hence, the words of Modi “let us wage war on poverty, let’s wage war on infant mortality, and maternal mortality rates,” when “all of Asia is looking to the twenty first century with hope”¹³ look fake.

Demography: An Instrument of Politics

Historically, there was no cognisance of demography and its political affiliations in about 10 years ago. The impact of demographic trends on international security and on inter-state relations has come to the fore in ways not seen since the aftermath of the WWII. Today, demography dominates the discussion of the long-term fiscal, economic or foreign policy direction of all the states of the world. Its in-depth study has become a compulsion. Furthermore, the third wave of democratisation has also made demography a critical issue in order to study the changes in the distribution of resources and political powers from changes in the absolute and relative sizes of various population subgroups. Shifts in population composition can affect who wins and losses. The proportion of politically active groups that would inhabit their territory would facilitate BJP’s future political alignments. For example, the settlement of Pundits or non-Kashmiris in IOK, would help determine the results of the political battle between the majority Muslims and the minority Hindus. On the other hand, violent conflicts in fragile circumstances could be fuelled for individual games of power politics. Hence, an in-depth study of demography is as much a compulsion for the conflict resolution as the politico-strategic instruments are.

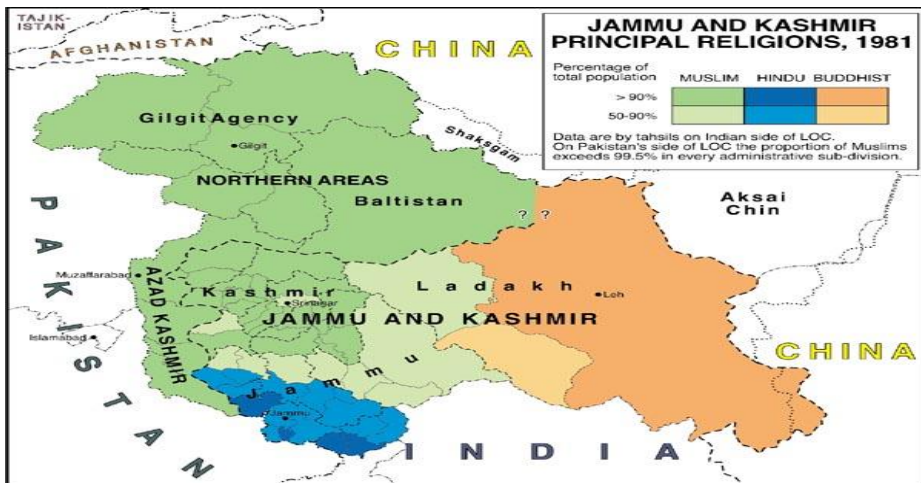
Kashmir: A Composite Muslim State

Looking at the history of demography in Kashmir records, the population of the princely state of Jammu and Kashmir was 2,905,578. Of these 2,154,695 (74.16 per cent) were Muslims, 689,073 (23.72 per cent) were Hindus, 25,828 (0.89 per cent) were Sikhs, and 35,047 (1.21 per cent)

¹³“Modi Continues Tirade against Pakistan over Uri Attack,” *Dawn, Islamabad*, September 25, 2016.

were Buddhists according to the census of 1901. In Jammu alone, the population of Hindus was 60.7 per cent with only 50,000 Hindus, 31.6 per cent were Muslim and 7.8 per cent were others, mostly Sikhs. The 2011 census of India shows the increase in the Muslim population to 75.94 per cent, in a total population of about 4 million of the whole of IOK, and the decrease in Hindu population 22.06 per cent. The two main cities identified were Srinagar, with 208,000 people (78.45 per cent Muslims, 20.7 per cent Hindus and 0.9 per cent others). Hence, according to the historical records, the trends in the increase of the Muslim population have been upward in IOK. This has seen downward swing in the latest studies. For example, Jammu, an erstwhile 62 per cent Muslim majority area, is now reversed to a population of 60 per cent Hindus and Muslims form only 32 per cent of the total population, though it still is a sizable population.¹⁴

Map No.1



Source: <http://kashmirstudygroup.com/awayforward/mapsexplan/religions.html>

Historically, the demographic changes in Jammu mainly got effected after the first Kashmir War (1947-49) and later wars, when a considerable portion of the Muslim population from Jammu migrated to various parts of Pakistan. The vacated spaces were inhabited by the Hindus as per the phased programme of successive Indian governments.

¹⁴ “Jammu and Kashmir: Distribution of Religions,” www.kashmirstudygroup.com

Except for Poonch, Rajori and Doda, all other seven districts have Hindu majority areas.¹⁵

Demographic Engineering

Since then, the population factor has been manipulated in Jammu and Kashmir periodically. The Kashmiri Pundits, the only Hindus of the Kashmir valley, who maintained 4-5 per cent of the Kashmir valley, started leaving the valley in much large numbers in the wake of resistance movement in 1990, which started as a result of rigging in 1987 elections. The exodus is referred to as from 150,000 to 190,000 people from the total population of 200 thousand.¹⁶ The Indian Central government is now building colonies for Hindu Pundits in the Valley and each Pundit family is allocated with 2 million Indian Rupees (INR) for its rehabilitation.¹⁷

Earlier, in mid 1990s, the government allocated some INR 3 billion to rehabilitate the Pundits, but the project could not take off because the Pundits were not interested. Similarly, Modi's government is rolling out a project of US\$ 6 billion for their resettlement, whereas, its coalition in Jammu and Kashmir, Peoples Democratic Party (PDP) is distancing itself publicly only.¹⁸ Most of the Pundits are currently settled in Delhi, Doda, Mumbai and other parts of Maharashtra, which are economically more enterprising. Historically, the Kashmiri Pundits were appointed by the Dogras to prominent places as an influential class at the time of partition in spite of comprising less than five per cent of the population of the Kashmir Valley.

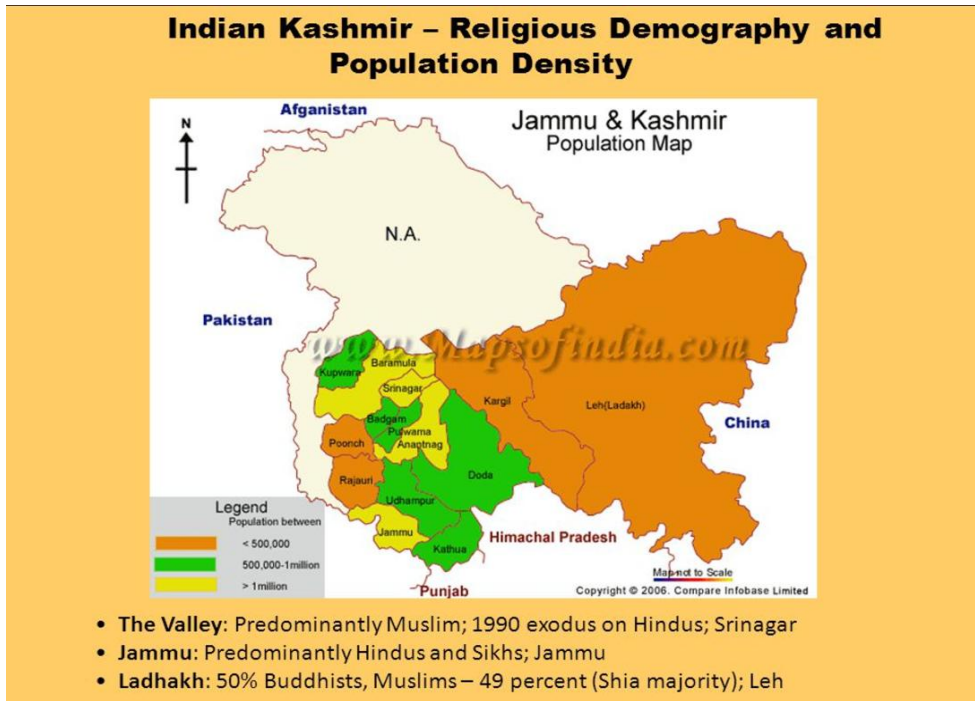
¹⁵ "Kashmir Documentation: Pundits in Exile," Panun Kashmir (PK), 2010.

¹⁶ Tariq Mahmud, "The Resettlement of the Kashmiri Pandits: The Larger Picture," *Express Tribune*, May 19, 2015.

¹⁷ "Three Sites Identified in Valley to Make Colonies for the Pundits," *Hindustan Times*, May 15, 2016.

¹⁸ Mahmud, "The Resettlement of the Kashmiri Pandits."

Map No.2



Source: Presentation published by Rodney Watson, slideplayer.com

Modi's plan is more ideologically driven to deepen its heels in IOK. He is planning to repatriate 300,000 Pundits to the war-torn Kashmir. The number itself exceeds with 100,000 more Pundits. Would Modi be able to ensure BJP politicians a victory by this demographic engineering? Kashmir is more bonded to *Kashmiriat*. Even during the crisis of Ayodhya Mosque and the Gujrat riots in 2002, both the communities co-existed peacefully. Separate townships do not sink in well with the desire of *Kashmiris*. It is more an analogous of Israeli settlements.

During one year of coalition between PDP and BJP, after the elections of 2014, BJP won only 25 and PDP only 28 seats out of 87 members Legislative Assembly. The Hindus who were only a majority in the southern area around Jammu, and were a significant minority in the west, in Srinagar, and in the centre of the Valley of Kashmir, are being settled through demographic engineering, to pave the way for its one

third majority in the law making machine, for 2020 elections. Modi is trying to unleash several other measures also to alter the ratio of population to abate the rights of *Kashmiris*. West Pakistan refugees are also being recruited in the IOK quota of the Indian Armed Forces.

Modi's Industrial Policy approved in March 2016, during the Governor's rule, had run into controversy. It allowed the non-state subjects to get land on lease for 90 years for setting up industries anywhere in Jammu and Kashmir. It was aimed at delimiting the thorough Muslim region of the Valley. It would have created Hindu constituencies by housing migrant labourers. The shifting of labour class would cause the transfer of comparatively poor class in an effort of demographic arm-twisting. The average wage for labourers according to Indian labour law is US\$2-3 per day and for less-trained support staff is US\$5-8 per day. With consumer prices in India accelerating with 6.07 per cent year-on-year in July 2016, the burden of poverty would have increased even further in the state.¹⁹ However, the dilution of the state with such policies came under the severe criticism of the opposition. The government had to decide to revisit the policy. Nonetheless, according to the amendments introduced, only the private promoters from the state including the local industrial associations would be allowed to develop the industrial parks in tandem with the constitution of Jammu and Kashmir.²⁰ India still has the leverage to impose the Industrial Policy partially in tandem with the government of IOK.

Earlier this year, a Geospatial Information Regulation Bill was proposed by the Indian Home Ministry to penalise a INR100 billion fine on anyone, who would disagree and distribute any other map of India than officially accepted by the Government of India.²¹ This allows the Indian government to reprimand both individuals and organisations who would depict Jammu and Kashmir as a disputed territory as per the UNSC resolutions.²² It inflicts non-democratic restrictions by bringing back the days of license regime, for example, the businessmen of IOK

¹⁹ "Minimum Wages India 2016-Current Minimum Wage Rate India," *Paycheck.in*, www.paycheck.in

²⁰ Muddassar Ali, "Industrial Policy: Government Roles Back Controversial Clause," *Greater Kashmir*, January 21, 2016.

²¹ The Geospatial Information Regulation Bill 2016 (Draft), www.prsindia.org

²² The Geospatial Information Regulation Bill 2016.

would require permission from the Central Government of India for the initiation of any business or trade. Licenses will be given to only a select few. The Bill also endangers intra-Kashmir trade, which is a vital component of the peace process between India and Pakistan.

The ageing population has its own dynamics. The settlements of the retired armed personnel and Pundits would not only increase the religious tension. The socio-economic schisms would also encumber the Kashmiri population. This would have its repercussions on the productivity of the state. Since they are no more a part of the workforce, the dependency number of the retired population is increased while exacerbating the economic burden. Furthermore, their vulnerability to disasters, armed conflicts and systems of political and economic oppression increases. Consequently, the population in general becomes powerless to improve its circumstances as their resources get exhausted with the passage of time while permeating pessimism from poverty.

At the socio-structural level, the religious, ethnic and societal relationships become dysfunctional. The artificial change of demography paralyses self-esteem and desire for identity, which could have a daunting effect on the bond of the population through *Kashmiriat*. Hence, increase in the labour population of IOK would not only undermine the development prospects for Kashmir, but would also assault the social ethos. Furthermore, religious identity is being agitated by giving special concessions for the expansion in number of Hindu pilgrims for Amarnath Yatra.²³

Modi's Strategy Towards Population Engineering

BJP was able to bag all the seats in Jammu in 2014 elections, by adopting two-pronged strategy:

a) Rashtriya Swayemsavek Sangh (RSS), a right-wing nationalist social militant group of BJP has been able to hold back Muslims by promoting right-wing violent policies of *Hindutva*. The people of Jammu are now on the verge of having their own separate identity.

²³ V R Raghavan, ed., "Conflict in Jammu & Kashmir: Impact on Polity, Society and Economy, " Centre for Security Analysis, Chennai, 2012.

b) BJP was successful in luring the Hindus by the promises of rehabilitating Kashmiri Pundits and refugees who had left the state earlier during the uprisings in 1990's.

Modi's government has announced a direct package for Ladakh and is promoting it with an identity of a Buddhist state, predominantly. This would also bring breach in the Kashmir's identity by the use of the policy of 'divide and rule.' Their allegiance is forcibly tied to Delhi. Efforts are also being made to divide the people of Kargil and Daras on sectarian lines. Only the Valley of Kashmir is left with a considerable number of Kashmiri Hindu Pundits identified separately.

Nonetheless, during December 2014 elections, BJP made three concrete promises and settled them with their coalition partner PDP:

a) Three reserved seats for the Kashmiri Pundits out of 46 in the 87 state assembly members. Earlier Muslims had the similar privilege in Jammu, however, was eroded away by the claims of the secular character of India.

b) Out of the 24 seats, currently vacant for the Hindu refugees from 'Pakistan Administered Kashmir,' according to the constitution of IOK, BJP has promised to reserve five seats for Hindus, totalling eight seats for Hindus.

c) BJP government in its manifesto has also planned to give the rights of citizenship to the 500,000 refugees from West Pakistan. About 90 per cent of these refugees are Dalits. This would grant them to even own property in IOK in violation of Article 370. Historically, these were never the state subjects.

If granted, the refugees from Bihar, Rajasthan, Punjab, Gujrat, Bengal and Kerala would also be encouraged to incapacitate Kashmiris. The demands for West Pakistan refugees have already received a boost by the report of the Parliamentary Standing Committee presented on December 22, 2015, while declaring the permanent status for the 'West Pakistani Refugees.' They are already enjoying quotas in the educational centres, armed forces and in the central para-military forces.

Hence, the demographic changes were fully exploited even during the elections of 2014, for the objective of winning the elections. On the other hand, to contravene the *Kashmiri* identity, by luring the ethnic groups separately. The people were made to cast their votes in the presence of more than 7, 00,000 armed personnel. Even the Hindus who had migrated out of Kashmir were brought back on the day of elections with a pretext expressed by Modi himself during his public address, saying “the settlement of the migrants is a major issue in Jammu, where most of them are living.”²⁴

The settlement decision is sternly resented by the *Kashmiri* Muslims. In a joint seminar organised by All Parties Hurriyat Conference (APHC), Mirwaiz-led Hurriyat Forum and Kashmir Liberation Front in Srinagar, the APHC Chairman, Syed Ali Gilani, said that New Delhi wants to make Jammu and Ladakh its own identity. Separate colonies would give an impression to the world that Pundits are insecure and that the Muslims are extremists and communal. The Hurriyat leaders obviously consider it a “move to settle a few million ‘outsiders’ in the Valley in order to bring the ‘Indianness’ and the principal mainstream of patriotic India to the smell of guns in the valley.”²⁵

Earlier, just before the elections, the former Chief Minister of IOK, Omar Abdullah, accused BJP for manipulating the migrant issue. He criticised the manipulation of migrants by BJP for their own advantage by giving them electoral gains. Abdullah also expressed his apprehension on the double registration of the migrants, who have resettled in other parts of the country before 1990. They were brought back for the electoral rolls and were registered as migrant voters. According to Abdullah, this made a difference in pockets or constituencies of Muslim-dominated areas, where a poll boycott was expected to be effective “even a bloc of 2,000-3,000 migrant votes may end up swinging the result.”²⁶

²⁴ Dr. Raja Muhammad Khan, “Indian Manipulation over Kashmiri Identity,” *Hilal*, 53; 2, February 2016.

²⁵ “India Aiming to Make Kashmiri People Economically Dependent,” *Daily Times*, June 14, 2016.

²⁶ Motta, “Sainak Colony.”

Article 370

Originally, Article 370 gave Jammu and Kashmir complete control over their destiny (except when it comes to matters of defence and diplomacy). Fundamental rights and duties, directive principles of the state policy and even the supremacy of the Indian Supreme Court didn't apply to the state. The state had its own constitution and flag just as Azad Kashmir. Article 35-A was added to the Part III of the Indian Constitution through the constitution order. It confers special rights and privileges for the permanent residents of Jammu and Kashmir. It also imposes restrictions on the people of other states of India to secure employment, residency, and acquisition of immovable property, right to scholarship or any other kind of provision given by the government.²⁷ The draft and the resolution of the Article 370 was prepared by the first Constituent Assembly of Jammu and Kashmir and there is no constitutional procedure to review or revoke the Article.²⁸ The key sticking point of the Article, however, that is the citizens from other parts of India cannot easily migrate to Kashmir nor acquire land in the state. Only 'Permanent Residents' of the state can acquire property.²⁹ The state prides in being unique this way and there is a claim that such uniqueness further breeds separatism. The recent indigenous movement of the third generation of Kashmiris, particularly youth, affirms that Article 370 is sacrosanct for the Kashmiris since it gives them assurance of their identity. The bitter reality for Jammu and Kashmir is that the central government of India is enjoying powers of its pernicious ideology by orchestrating a change in its demography. It is erroneously relating it to the issue of 'integration' and 'assimilation.'

Historically, the Kashmir's Instrument of Accession does not recognise any jurisdiction of the central government except for defence, foreign affairs and communication. It is a provisional accession subjective to the will of the people. The testimony of the Article 370 is being excessively eroded by India since 1950, and has given Supreme Court's jurisdiction over the state. It has made most of the Union laws

²⁷ Prashanth Vaidyaraj, "Article 370: An Objective Appraisal," *Centre Right India*, August 16, 2013.

²⁸ Anuradha Bhasim Jhamwal, "J&K Dangerous Demographics; Linking Article 370 with Pundits Return," *Sabrang*, January 11, 2016.

²⁹ Amitabh Mattoo, "Understanding Article 370," *Hindu*, May 29, 2014.

applicable to the state as a result of the Delhi Agreement in 1952. In 1953, the Article was completely hollowed since the central laws of doing away with the permit system for visitors from other states and the Central greater control over the matters like excise customs and posts and telegraph were introduced. The Indira-Sheikh Agreement of 1975, was perhaps the final halt by Delhi, since the narrative 'special status' was replaced by 'constituent' of India.³⁰

Black Laws

Similarly, civil, political, economic, social and cultural rights of the people are being systematically violated. Demographic shuffle is one of the modes tightly knotted with the aim to downplay the Article on the one hand, and defy the *Kashmiriat* on the other, under the umbrella of the black laws by restricting their integration. The Salvation Movement in Jammu and Kashmir says that "the safety of the *Kashmiris* cannot be guaranteed in the presence of hundreds of thousands of Indian troops and black laws in the territory."³¹ Nonetheless, the essence of *Kashmiriat* is in social consciousness despite ethnic, cultural and religious diversity.

In its latest report on Armed Forces Special Powers Act (AFSPA) in IOK, International Human Rights Watchdog has also severely criticised the impunity given to the Indian armed forces since it enables them to commit atrocious human rights violations without being tried.³² For instance, under The Prevention of Terrorism Act (POTA), any person can be put into prison for not disclosing the information that can prevent an act of terrorism. The grievance of the *Kashmiris* is that instead of confining the role of the military and security forces to external defence, they are being used for domestic repression for the last 20 years.³³

³⁰ Mattoo, "Understanding Article 370."

³¹ "JKSM wants withdrawal of troops, black laws from IoK," *Kashmir Media Service*, March 18, 2014.

³² "Denied: Failures in accountability for Human Rights Violations by Security Force Personnel in Jammu and Kashmir," *Report: Amnesty International*, July 1, 2015. relief.web.int

³³ Muzamil Jalil, "Explained: AFSPA: Disturbed Areas Debate in J&K," *Indian Express*, March 30, 2015.

The resultant insecurity has made both the living of the *Kashmiris* and their pride in *Kashmiriat* vulnerable. Ironically, the average Indian is oblivious of the abject situation, which the *Kashmiris* are mired in.

Hindutva: A Pronounced Politics of BJP in IOK

Hinduism is a fast growing political and cultural force across India as a vital ingredient of nationalism. The current decision of non-Kashmiri settlements in IOK is a sequence of the same vein. The communal heterogeneity is likely to be of great influence for the times till Modi is in power. This would not only transfigure worrisome conjectures for societal scenarios, but also pose threat to India's modern secular democracy. It would insecure the Muslims living in IOK even more.

BJP's demand for a 'secure zone' for Hindu Pundits is more a roadmap for expanding draconian laws and surveillance networks. The Israeli style checkpoints throughout the Kashmir region to ensure the security of the Hindu pundits at the expense of the Muslim residents would be an act of state intimidation over the Kashmiri population.

The Chief Minister Mehbooba Mufti has already given an assurance to the Union Home Minister for the acquisition and provision of land at the earliest for composite townships in the Valley. The state government has announced that the composite townships will be self-enclosed units with schools, shopping districts and hospitals. Although, not disclosed yet, but they seemed to be the settlements for Hindus only protected by the massive Indian military presence.³⁴

Demographics vs Peace Building Efforts

Kashmiris are in siege by the presence of occupying forces, black laws, human rights violations, breach of the Indian constitution and the erosion of Article 370. The demographic manipulation is perhaps most savage. The indigenous insurgency started since 1980's has placed the region in the throes of rebellion with more than 1, 00,000 already killed.³⁵ Burhan Wani is not the first Kashmiri who faced extrajudicial killing. Thousands have been killed in their act of extrajudicial killings. The Hindu

³⁴ Shujaat Bukhari, "Our Doors are Open," *Friday Times*, June 3, 2016.

³⁵ Fahad Shah, "Kashmir is Slipping Away from India," *Diplomat*, June 19, 2016.

nationalist government is trying to suppress the public opinion. Even the cardinal UN principle of self-determination is being jeopardised. The UN military Observer Group in New Delhi was made to vacate the official accommodation so that uninterrupted tempering of the demography can be continued.³⁶ Since July 2016, the people of IOK are restricted in a curfew ridden and information blacked out state.

Though, lack of condemnation by the international community is bolstering the Indian brutalities, yet the movement for self-determination has surprised the world. United Nations Charter Article 1 (2) and Article 55, Article 1 of ICCPR, Declaration on the Granting of Independence to Colonial Countries and Peoples 1514 (XV) and Article 15 of the Universal Declaration of Human Rights all recognise the natural right of people for self-determination without any discrimination and prejudice.³⁷ Organisation of Islamic Countries (OIC) has also passed a resolution in favour of the Kashmiri's struggle for freedom in September 2016.

International media and human rights organisations must be given an access to the region so that the inviolability of the rights of the *Kashmiris* is upheld. A proactive emphasises by the UN special envoy is required to revoke the black laws. Demographic displacement through illegal Hindu settlements, and state terrorism must not be allowed under the international law, and till the time the region is disputed.

On the other hand, Pakistan needs to keep the UNSC informed about the human rights violations and pursue the policy of proactive diplomacy. It needs to bring the Muslim world on board more consistently and seek their diplomatic support to pressurise India for the resolution of the Kashmir issue in accordance with the UNSC resolutions. Frequent special conferences on human rights violations and the Kashmir issue must be called to make it more pronounced an agenda for the Foreign Ministries of all the Muslim countries. Pakistan can also use its diaspora to convince the European Union (EU) and the US Congress.

³⁶ Sanjeev Miglani, "India asks UN team on Kashmir to leave Delhi premises," *Reuters*, July 9, 2014.

³⁷ Robert McCorquodale, "Self-Determination: A Human Rights Approach," *The International and Comparative Law Quarterly*, 43, no. 4, October, 1994.

Conclusion

The blend of demographic engineering has placed Muslims, Hindus, Sikhs and Buddhists on the warpath in IOK. It is perhaps the most significant of BJP's manifesto to determine Kashmir as an integral part of India. Contrary to India's ex-BJP Prime Minister, Mr. Vajpayee's approach of empowering regional mainstream parties in IOK, engaging the separatists and involving Pakistan, Modi is shutting Pakistan out by avoiding any dialogue on Kashmir and by Indianising Jammu and Kashmir. He has disengaged with the freedom fighters. His mercantile approach is not apolitical. Modi has often cited the Muslim majority area of Kutch in Gujrat to prove his ethnicity-neutral progress.³⁸ While addressing to the UN General Assembly session on September 26, 2016, Indian External Affairs Minister, Sushma Swaraj, minced no words in defying the UNSC resolutions on Kashmir. The pause of international community on human rights violations in Jammu and Kashmir has emboldened the Indian ruling party of BJP. This is keeping the oldest of all issues amongst the inter-state conflicts politically most dangerous, strategically volatile and demographically unsafe.

BJP's objective to erode the Muslim majority in Jammu and Kashmir sinks deeply in its ideology of *Hindutva*. To erode the Muslim character of Jammu and Kashmir is well documented in its manifesto under the rubric of 'vision document.' It emphasises on ending the 'regional imbalance' in state politics — a code word used for more populous valley and its domination.

BJP's politics is setting the bases for the politics of bigotry and prejudice. The impact would be devastating not only for the people of Kashmir and their *Kashmiriat* as an identity, but would equally plunge the region into destabilisation. It is in fact, frightening for its own identity of secularism by which it has always conflicted with Pakistan's Two Nation Theory.

³⁸ Verghese K. George, "The Final Frontier of Hindutva," *Hindu*, December 20, 2014.