



# KASHMIR SINCE THE LOCKDOWN OF AUGUST 2019



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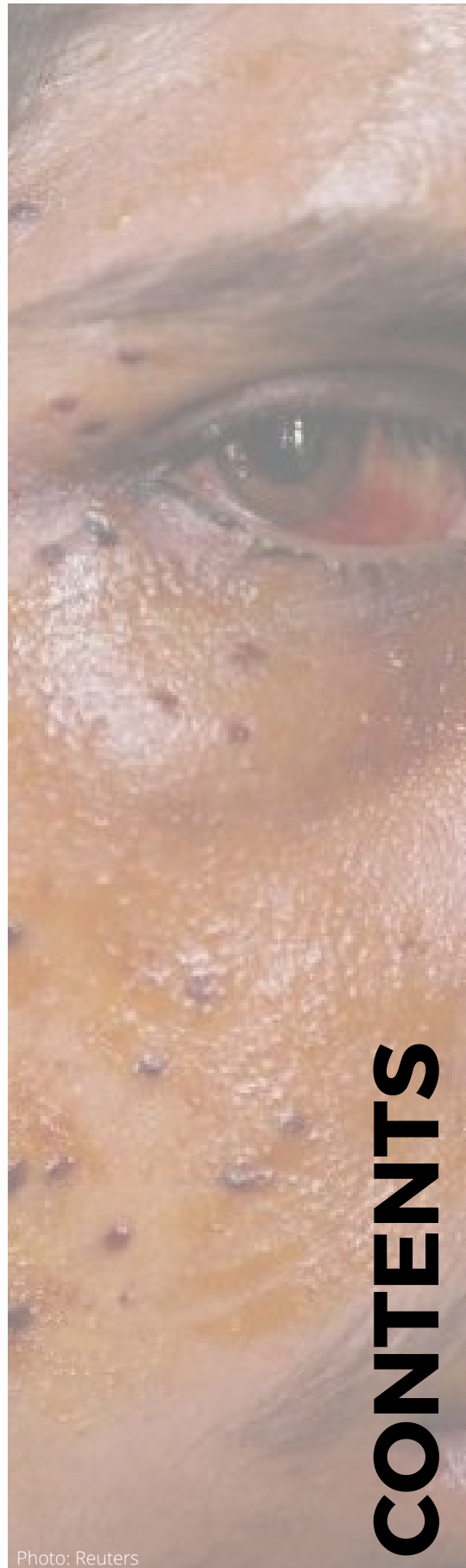


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# EXECUTIVE SUMMARY



Photo by Atul Loke

This brief report tracks the developments in Indian occupied Kashmir since August 5th, 2019 after India unilaterally abrogated Article 370, a special clause in the Indian constitution which guaranteed a semi-autonomous status to the state of Jammu and Kashmir within the Indian republic.

On the eve of August 5th, India shut down all forms of communication, arrested thousands of Kashmiris, enforced a curfew in the region and abrogated Article 370 on the pretext of initiating economic development in the region.

On the first anniversary of the revocation, Kashmir has endured a double lockdown by the government of India, first on the pretext of maintaining law and order and second, containment of COVID-19 has been treated as yet another opportunity to enforce a military lockdown in the region. While the whole world is caught in the grips of this medical emergency, and Kashmiris have been locked inside their homes with limited internet connectivity, the government of India has amended 109 laws and scrapped 29 more in the region.

These laws aim to disempower Kashmiris economically, socially and politically –

- Demographic change through laws on permanent residency for Indian citizens in Kashmir and right to ownership of land.
- Occupation of land for strategic purposes and strengthening of military infrastructure.
- Resource extraction through corporate advancement of key administrative sectors such as departments of forest and electricity.
- Severe clampdown on media in Kashmir by criminalising reportage of key issues such as human rights violations, economic dispossession and tracking of demographic change among others.
- Intensification of Hindutva through control of education policies, clampdown on religious freedom and control of local memory in public spaces.

**This document aims to bring attention to the urgency of action required on the long-drawn occupation of Jammu and Kashmir.**





## HISTORICAL CONTEXT

Kashmir's struggle for freedom predates the formation of modern-day nation-states of India and Pakistan. During the British colonial period, Kashmir was ruled by the repressive Dogra regime, which turned the region into a Hindu supremacist state, and was especially repressive towards its Muslim-majority population. After a number of revolts, in 1931, widespread protests broke out once again against the Dogras, culminating in a people's movement. At the time of the Partition of the Indian subcontinent, the Dogra regime faced a massive rebellion from the Muslims of the region. The ruler quashed the rebellion brutally, killing an estimated 200,000 Muslims in the Jammu region and forcing an equal number to go into exile. As Pashtun tribes from Pakistan came to the aid of the Muslims, the Dogra ruler requested military assistance from the Government of India. In exchange for military assistance, he signed the Treaty of Accession without consulting the people of the region about their political future and the Indian army occupied Kashmir in October 1947. Soon after, the first war broke out between the newly created states of India and Pakistan, with one-third of the territory under Pakistani control and two-thirds under Indian.

India approached the United Nations and pledged to hold a plebiscite whereby Kashmiris would make the decision on their own future. Over the years India

backtracked on its commitment to hold a plebiscite despite the various UN Security Council Resolutions.<sup>1</sup> Instead over the last seven decades, India strengthened its occupation of Kashmir through intense militarization, and hollowing out of Article 370, a clause in the Indian constitution which guaranteed a special status and limited autonomy to Kashmir.

Kashmiris have endured long-drawn state violence over these decades, as human rights bodies have documented **70,000+ killings, 8,000 enforced disappearances, countless cases of sexual violence, thousands of cases of torture**, and arbitrary detention and extrajudicial killings.<sup>2</sup> The impunity with which this violence has been perpetrated is underwritten by laws such as the Armed Forces Special Powers Act (AFSPA) which guarantees Indian army personnel in Kashmir impunity from persecution. Till now, not a single member of the armed forces has been tried in a civilian court for human rights violations.<sup>3</sup>

In the last three decades, **over 700,000 have been deployed in the region, with the highest ratio of armed forces to people**, making it the most militarized region in the world. While wars have been fought over the territory and laws created to criminalize resistance to the occupation, Kashmiris have remained steadfast in their struggle for freedom and self-determination.

## ABROGATION OF ARTICLE 370

In early August 2019, the Indian government suddenly deployed thousands of additional troops in Kashmir, asked all tourists and Hindu pilgrims to leave Kashmir, imposed a curfew, arrested thousands of individuals – activists, lawyers, journalists, political workers and activists -- suspended all forms of communication and barricaded the whole region. On August 5th, as Kashmiris were locked in their homes, the Indian government announced the revocation of Article 370 of the Indian constitution. As has been witnessed time and again, this was yet another decision imposed on Kashmiris against their will which demonstrated India's intention to annex the region, in clear violation of multiple United Nations Security Council resolutions and India's commitments to international law. Since August 5th, India has been passing laws to accelerate a settler-colonial project in the region and ethnic cleansing of Kashmir's Muslim majority. **On August 15, Kashmir was placed on genocide alert by 'Genocide Watch'.<sup>5</sup>**

## DEVELOPMENTS SINCE AUGUST 5, 2019

Since August 5, the Indian government has passed a series of laws on the pretext of initiating "robust development" of the region while the local population has been confined to their houses and the economy has suffered losses worth millions of dollars, now exacerbated by the ongoing lockdown to contain the spread of COVID-19. **These laws are aimed to change the demography of the region**, choke the economy, ensure a pathway for non-Kashmiris to take control of the economy and Kashmir's resources, enable a systematic erasure of Kashmiri history through education policies, and implement a media policy that criminalizes any reportage and documentation of Indian brutalities in the region. The Indian government lists these

developments as "successes" achieved in the region, whereas it is the **onset of a settler-colonial project to dispossess Kashmiris economically, socially, and politically.**



## HUMAN RIGHTS VIOLATIONS

According to JKCCS, a human rights organization based in Kashmir, the first six months of 2020 witnessed 229 killings in different incidents of violence – “the extrajudicial executions of at least 32 civilians in J&K, besides killings of 143 militants and 54 armed forces personnel”.<sup>6</sup> Cordon and Search Operations (CASOs) continued at a steady pace with estimates of about 107 CASOs being conducted in the first six months of 2020, intensifying in April when the lockdown for COVID-19 was enforced.<sup>7</sup> During CASOs and encounters between armed forces and militants, as many as 48 civilian properties were also destroyed, rendering people homeless in the midst of a global medical emergency.<sup>8</sup> Besides these documented instances of human rights violations, concerns have been raised about undocumented instances of violence against civilians due to the communications clampdown.



A 14-year-old boy injured by pellets shot by Indian forces during Friday protests in Srinagar on Sept. 13, 2019

Photo by Atul Loke

## DETENTIONS

An estimated 5000-13,000 Kashmiris have been detained since August 5, 2019. Detainees include political workers, activists, students, business leaders, lawyers, human rights defenders, teachers, and children. Over 144 minors were detained, 34 of whom were slapped with the draconian PSA (Public Safety Act). Many of these detainees were transported to prisons in different parts of India (thousands of miles away from Kashmir) making it impossible for many families to visit.

## YEAR LONG RESTRICTIONS ON INTERNET AND TELECOMMUNICATIONS

On August 5, the Indian government shut down all forms of communication and imposed an internet blackout for over 175 days, the longest in the world.<sup>9</sup> Data services were resumed almost after a period of six months and that to only at 2G speed, with frequent temporary suspensions in various regions. Restoration of data services occurred under restrictions whereby only websites approved by the government were accessible to users, and use of social media was banned. There have been reports about users being beaten up by armed forces for using VPNs to access non-government approved websites and social media.<sup>10</sup>

Recently, the government announced that 4G internet would not be restored anytime soon in the region.<sup>11</sup> The lack of high-speed connectivity in the region is of paramount detriment to Kashmiris during the present circumstances since critical information and awareness about preventive measures cannot be conveyed in a timely manner. At 2G internet speed, it is cumbersome to download documents and guidelines published by international organizations like the WHO, and impossible to view educational videos around prevention and care. Medical professionals and healthcare workers have time and again pointed out these challenges. **While the Indian government boasts of a new IT policy which includes development of IT parks in the region, the truth is Kashmiris have suffered massive losses in all walks of life due to internet restrictions** – business, education, governance and most importantly, the health sector.

## DEMOGRAPHIC CHANGE

In August of 2019, along with Article 370, Article 35A, which defined permanent residency in the state was also revoked. Previously, only J&K permanent residents could claim residency benefits but now that is extended to Indians that meet a certain criteria, including occupational forces, central government employees and their families. **In May 2020, India specified the processes by which Indian settlers will be able to obtain domicile certificates in J&K.**

These certificates have been mandatory for anyone applying for jobs, or admission to educational institutes in the region and could be extended to land rights, voting rights and other benefits or welfare schemes. As of the end of June, over 4,00,000<sup>12</sup> domicile certificates have already been granted with strict guidelines for local officers to issue these certificates within two weeks or face a penalty.<sup>13</sup> **India is systematically paving the way for settler colonialism by forced demographic change and institutionalizing a system of domination over indigenous populations.** Under international law, (Geneva Convention IV) changing demographics of occupied or disputed territories is illegal, yet, we are witnessing an intensified attempt by the government of India to legalize its settler colonial policies in the region.





## NEW MEDIA POLICY

In June, India released its new media policy, by which it seeks to promote a more “positive” image of the government in Kashmir. **The government has decided to create a special social media unit, increase press conferences, conduct regular media tours, and increase propaganda through various channels.** The order states that it will prepare to correct public “misgivings” about the government, increasingly monitor media for “anti-national activities,” and require security clearance for all journalists. This is yet another aspect of the settler-colonial apparatus to increase surveillance on journalists and media organizations and clampdown on reportage of lived reality and subjugation of local Kashmiris. Over the last one year, there have been numerous cases of journalists being beaten up, surveilled, harassed and charged under draconian laws. On the first anniversary, the government has<sup>14</sup> organized “guided” media tours for media houses to report on the “development” undertaken in the region, while the local population and media houses are under a strict lockdown on the pretext of COVID-19. This raises a question on why “guided tours” by government officers must be organized if India claims to be a democracy with freedom of expression.



Photo by Shahid Tantray

Since August 2019, when the Indian government abrogated Kashmir’s special status under Article 370, journalists in the Valley have faced exceptionally hostile circumstances.

## ENVIRONMENTAL POLICIES

On June 22, the office of the **J&K Forest Department became a government-owned corporation, meaning that the government can now sell publicly owned land to private investors, real-estate developers and corporations—none of whom will be native Kashmiris.** A few days after this announcement, foreign contractors began mineral extraction in Kashmir without any environmental clearance. Local contractors lost out on the bidding process due to internet restrictions.<sup>15</sup> This is a deliberate attempt to cause major economic losses to Kashmiris, as is evident through the record number of environmental clearances<sup>16</sup> that were issued when Kashmir was under a communications blackout and strict curfew to use forest land for “development projects” through large scale deforestation.<sup>17</sup> With the corporate advancement of the environmental administrative body, locals fear an increasing environmental degradation and resource extraction by foreign entities.





## LAND GRABS

Since Aug 5th, the Indian government has passed multiple policies on land rights and land possession, as the striking down of Article 35 now allows non-permanent residents of J&K to engage in purchase and sale of land in the region. The following announcements have been made over the past year :

- A 6,000-acre land bank has been instituted to attract investors and facilitate setting up for multiple ventures to non-Kashmiris<sup>18</sup>. To speed up the process of land registration, various e-initiatives have been launched to attract investors, while the local population has been struggling to access the internet to meet daily needs. In this regard, the government has decided to transfer 1200 acres of land to set up new industrial units in J&K<sup>19</sup>. Rights bodies have warned against this being disastrous for agricultural land holding in the region, given its unique topography.
- On July 17, the Administrative Council approved a new housing policy through which it aims to “promote public-private partnerships” to build about 200,000 new dwellings and “integrated townships”.<sup>20</sup> The timing of this policy raises questions about who these townships and residential units are being built for. Locals fear that this is a move to establish residences for settlers.

- The Indian army occupies about 54,000 acres of land in J&K<sup>21</sup>, and recently, the government passed an amendment which allows for the notification of “strategic areas” to facilitate construction by the armed forces.<sup>22</sup> Over the last three decades unbridled occupation of land by the armed forces has had devastating ecological impacts. With this move, it becomes clear that the **government will undertake securitized development at the cost of dislocating indigenous Kashmiris.**



## INTENSIFICATION OF HINDUTVA

A Public Interest Litigation (PIL) was filed on July 4th to make Hindi the official language of Kashmir, where the majority population speaks Kashmiri and Urdu has been the official language of the state.<sup>23</sup>

Such a move is a clear push to wipe out the unique linguistic dynamics of the region and to impose Hindi as a language which the locals are hardly well versed in. In addition to this, the Indian government has initiated a name-changing spree in Kashmir. Recently the Kashmir Public Health Engineering (PHE) Department was renamed as the 'Jal Shakti'<sup>24</sup>(Hindi for water power) department and it was reported that the Sher-e-Kashmir Cricket Stadium would be renamed to 'Sardar Vallabhbhai Patel Stadium' after India's first deputy Prime Minister.<sup>25</sup>In addition to these two examples, there have been **reports that the government of India intends to change names of iconic locations in Kashmir, named after Kashmiri figures to Indian icons.**<sup>26</sup>

There has also been an intensification of narratives on exclusivist histories, propagated by various Hindutva groups of India on social media and elsewhere which situate Kashmiri Hindus as the original "aborigines". Despite Kashmir's multi-ethnic, multi-religious past, Kashmiri Muslims are painted as "foreigners" or "invaders" to the region. In this context, the intensive promotion of pilgrimages like the Amarnath Yatra reinforces the idea of Kashmir being "integral" to India's sacred territoriality as a Hindu Rashtra.

## EDUCATION POLICY

According to the "New Education Policy 2020", the Indian government intends to allot land to private players to set up universities in the region and facilitate the process of obtaining clearances and required approvals.<sup>27</sup> This is yet another move that ensures transfer of decision making processes regarding the region to outsiders, and transformation of knowledge and memory as per the policies of the Indian government. As is evident in the attempts by the Indian government to revise social science textbooks to alter the history of Kashmir and glorify the abrogation of Article 370.<sup>28</sup>

These policies are introduced at a time when Kashmiri students have not gone back to their educational institutions in almost a year now and are forced to make do with education over 2G internet speed.<sup>29</sup>



Photo by Masrat Zahra  
An Indian paramilitary personnel directs a young school girl to take another route during restrictions imposed by Indian authorities in Srinagar, in August 2017.

## ECONOMIC TRANSFORMATION

Multiple changes have been enforced in various public and private sector entities without any inputs from the locals and governance bodies. Despite opposition from various local quarters and employees of the electricity department on increasing tariffs, the government has decided to go ahead with the privatisation of electricity.<sup>30</sup> In the tourism sector, the government floated new guidelines for structural transformation of the houseboat industry at a time when the members of the association cannot get together due to COVID-19 social distancing measures and internet restrictions.<sup>31</sup> Besides these changes, the government of India is planning on holding a “global investors summit” and organizing road shows in various Indian states to attract non-Kashmiri investors.<sup>32</sup>

Meanwhile the local economy in Kashmir has been shattered, as the government has blatantly choked the trade ecosystem of the region, and local traders and businesses, including important industries such as tourism, horticulture, handicrafts, e-commerce, information technology, and others, continue to suffer losses to the tune of \$5.3 billion since August 5 last year.<sup>33</sup> As jobs in the region become available to non-locals, there will be greater competition and locals will be disenfranchised, leading to greater unemployment.

The Indian government has announced and enforced some of these changes as a part of a plan to bring about a complete transformation of Jammu and Kashmir, while locals are being held in an open air-prison of sorts through a complete lockdown, local businesses and industry have been shut since August 5 last year, thousands have been arrested under draconian laws, and all democratic rights of Kashmiris have been trampled upon. These changes are projected as “successful developments” made in the past one year.

On the anniversary of the abrogation of Article 370, the government had planned on organizing “guided media tours” by bureaucrats to adopt the government line. The level of surveillance and repression is at an all time high, with threats of arrest and incarceration for anyone who voices dissent to these new laws and policy changes.

**At this juncture, it is all the more urgent that the international community takes action against the repressive Indian occupation of Kashmir and stands in solidarity with Kashmiris in their struggle for self-determination as their lives are being impacted at an unprecedented scale.**



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