

**Resolving the Kashmir Conflict: Humanitarian crisis in Kashmir valley and expectations from
the UK government**

A brief prepared for the UK parliament by Kashmir Reading Room

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Executive Summary

- The Kashmir Reading Room is a group of Kashmiri working professionals that includes lawyers, journalists, academics and activists. Our work covers the legal, political, economic and policy issues surrounding the Kashmir dispute and we advocate for Jammu & Kashmir's right to self-determination as defined in the UN charter.

- The purpose of this brief is to focus on the role of the UK government in the emerging issues in Jammu & Kashmir, post-annexation on 5th August 2019. This report assesses the impact since the Jammu and Kashmir Reorganisation Act, 2019. The report seeks to highlight the security concerns with Pakistan and China, degradation of human rights in Kashmir, lack of access to medical treatment, the internet/communication and the auctioning of natural resources to non-Kashmiris.

- It is our recommendation that an inquiry should be held to ensure that India and Pakistan are held accountable for their actions. It is imperative that efforts be made towards creation of a platform to facilitate the dialogue process for a peaceful settlement of the dispute. It requires the resumption of dialogue process led by legitimate representatives of people of Kashmir valley involving India, Pakistan and the United Nations.

1. The Kashmir Conflict and Recent Crisis in the Vale of Kashmir

1.1. The Historical Trail of the Conflict

- The longest unresolved conflict (72 years) on the agenda of the United Nations.
- The most militarized place on earth, with over 600,000 Indian military and para-military forces.
- This is an international conflict, not bilateral, since it involves Kashmir, Pakistan, India and China. It has the possibility of being a nuclear flashpoint with 3 of the 4 parties possessing nuclear capabilities and a history of war with each other.
- Genocide Watch has issued and reaffirmed a 'Genocide Alert' for Kashmir.
- In the last 30 years alone, more than 95,000 people have been killed, 11204 women have been raped, 6700 bodies unearthed from mass graves and the number of orphaned children is around 100,000.
- The United Nations Security Council passed various resolutions calling India and Pakistan to resolve the matter wrote letters, appointed a military observer group and special representatives¹. However, the lack of India and Pakistan's political will, absence of Kashmiri representatives in the dialogue process, resulted in the humanitarian crisis in Kashmir.

1.2. Abrogation of the Autonomous Status

- On 5th of August 2019, the Indian government unilaterally revoked² the autonomous status of Jammu & Kashmir. This autonomy has been guaranteed under the Instrument of Accession, 1947 that gave India control over communication, defence and foreign affairs³. The British

¹ <https://www.securitycouncilreport.org/un-documents/jammu-and-kashmir/>

² https://www.washingtonpost.com/opinions/global-opinions/indias-repression-in-kashmir-is-not-compatible-with-democracy/2019/10/13/31b5af60-eaba-11e9-9306-47cb0324fd44_story.html

³ <https://www.aljazeera.com/news/2019/08/kashmir-special-status-explained-articles-370-35a-190805054643431.html>

government, through Lord Mountbatten, the governor general of British India, is a signatory to this instrument. Under this arrangement, all other aspects of governance had been retained by Kashmir within its own legislative powers. As such, the Indian government has no right to legislate in matters of the state except on what has been granted under the instrument. This arrangement permitted Kashmir to have a separate constitution, a flag and until 1964 an elected Prime Minister.

- It is imperative to add that the amendment brought about by the Indian government to affect de-operationalisation of Article 370 is a unilateral and unconstitutional action taken without the concern, consent or active participation of the Kashmiri people. In absence of any consent or participation of the Kashmiri people and in absence of any legal right of the Indian government to decide on behalf of the disputed territory of Jammu & Kashmir, this action fails the test of democracy and legislative competence.
- By de-operationalising Article 370 of the Indian Constitution, India has attempted to end the dispute unilaterally⁴. India's actions are in violation of the 4th Geneva Convention, the Shimla Accord 1971 between India and Pakistan and the established international law under the UN charter.

2. Humanitarian Crisis Since 5th August 2019

2.1. Genocide Alert

- The threat of the current crisis is so severe that Genocide Watch has issued a genocide alert for Indian-administered Kashmir.⁵

2.2. Communication Blackout and Lockdown

- Immediately before the amendment of Article 370, on 5th August 2019, the entire state was placed under lockdown and a complete communication blockade was imposed. The internet

⁴ <https://www.securitycouncilreport.org/un-documents/jammu-and-kashmir/>

⁵ Genocide Watch. 2019. Current Alerts Genocide Watch: India: Kashmir. Available from: <https://www.genocidewatch.com/copy-of-current-genocide-watch-aler>

blackout imposed has been the longest in the history of any democracy⁶ which began on 5th August, 2019. Even as this report is being written, the internet restrictions continue though 2G internet has been permitted since February, 2020.

- Experts from the United Nations have described the communication blackout, which has been in place for 9 months, as a form “of collective punishment for the people of Jammu and Kashmir, without even a pretext of a precipitating offence.”⁷ Patients have been denied medical care, children have been detained and tortured, women have been harassed and sexually assaulted and there has been a tremendous increase in mental health deterioration amongst Kashmiri people.
- The Supreme Court of India has ruled against restoration of normal communication and high-speed internet in Jammu & Kashmir despite the reckless action of the Government of India being in violation of fundamental rights guaranteed by the Indian Constitution and Article 25 of the Universal Declaration of Human Rights. In 1979, India ratified the International Covenant on Civil and Political Rights, which sets forth internationally recognised standards for the protection of freedom of expression.
- In 2016, at the 32nd session of the United Nations General Assembly, a resolution was passed condemning shutdowns that blocked online access and/or dissemination of information. UN representatives have made statements in the last few months reminding India that these communication blockades are a violation of Article 19 of the Universal Declaration of Human Rights.

2.3. Fact-Finding Missions

- Since August 2019, many fact-finding teams of journalists, activists and lawyers have visited Jammu & Kashmir and have reported that the situation is nearing a catastrophe with gross human rights violations, mass detentions and media blackout.⁸

⁶https://www.washingtonpost.com/world/asia_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da_story.html

⁷The Wire. 2019. 'Collective Punishment': UN Experts Slam Kashmir Communication Clampdown. [Online]. [Accessed 30th October 2019]. Available from: <https://thewire.in/rights/collective-punishment-un-experts-slam-kashmir-communication-clampdown>

⁸Report by journalists-

- The information gathered in these fact-finding visits indicates that in the first two weeks since the clampdown began, Indian security forces have abducted young school-age children in night raids. During these night raids, girls in these homes have allegedly been molested and threatened with sexual abuse.⁹
- Reports indicate that loss of life, on the scale seen in 2016, has been prevented. However, as indicated in this report by the Independent,¹⁰ it is important to note that Indian officials have not been issuing death certificates and so the verification of any numbers of dead is not possible. In August last year, a 16-year-old student of class 11, passed away. Indian security forces recorded that the cause of death was an injury by a stone. However, medical reports indicate that he had suffered multiple pellet-gun wounds and a skull injury.¹¹ The boy's family stated that Indian security forces did not allow his body to be buried in their family graveyard.

2.4. Arbitrary Detentions

- The legal system has been crippled¹² with the arrest of hundreds of lawyers by the Indian government in contravention of United Nations Basic Principles of the Role of Lawyers

<https://freespeechcollective.in/2019/09/04/news-behind-the-barbed-wire-kashmir-information-blockade/> ; report by activists-

<https://www.nchro.org/index.php/2019/08/14/kashmir-caged-a-fact-finding-report-by-jean-dreze-kavita-krishnan-maimoona-mollah-and-vimal-bhai/>

Reporters Without Borders (RSF), 2019

<https://rsf.org/en/news/rsf-breaks-silence-forced-journalists-indian-administeredkashmir> ; Rifat Fareed, 2019. "We Risk Everything": Reporting Kashmir Amid Lockdown, Harassment." Al Jazeera, September 1,

<https://www.aljazeera.com/news/2019/08/risk-reporting-kashmir-lockdown-harassment190830075931481.html> ; Scroll, 2019. "Help Us Find our Jailed Editor, Kashmir News Website Appeals," August 28, <https://scroll.in/latest/935374/help-us-find-our-jailed-editor-kashmir-news-website-appeals>

⁹<https://indianculturalforum.in/2019/08/14/kashmir-caged-a-fact-finding-report/>

¹⁰<https://www.independent.co.uk/news/world/asia/kashmir-india-death-certificates-jammu-protests-violence-modi-a9079371.html>

¹¹<https://www.aljazeera.com/news/2019/09/kashmiri-teenager-dies-pellet-tear-gas-shell-wounds-hospital-190904181621345.html>

¹²Vineet Khare, 2019. "Kashmir's Crippled Courts Leave Detainees in Limbo" BBC, October 3, <https://www.bbc.com/news/world-asia-india-49848899> ; may also see 62 FrenyManecksha. 2019. "In Kashmir, the Justice System Is in Limbo." The Wire, November 4. <https://thewire.in/law/kashmir-justice-system-limbo>

(1990).¹³ Hundreds of Kashmiri lawyers have been arrested including the President of the High Court Bar Association of Jammu and Kashmir, Mian Abdul Qayoom. There is no charge against him and yet the High Court rejected his petition based on his “ideological differences” with India’s ruling government.

- In this regard, Chair of the Bar Council, Richard Atkins QC, and Chair of the Bar Human Rights Committee of England and Wales, Schona Jolly QC, wrote¹⁴ to India’s Prime Minister expressing serious concern over the effective suspension of Habeus Corpus.¹⁵
- In November 2019, the Centre informed the upper house of the Indian Parliament that a total of 5151 people have been detained since August.¹⁶ Whereas other reports indicate towards a detention of around 13,000 boys, some as young as the age of 14.¹⁷The policies implemented here are similar in function and execution, as those employed by Israel in Palestine.

2.5. Freedom of Press

- There have been numerous attempts to muzzle freedom of the press including charging journalists with terrorism for reporting on the developments in Kashmir. Two laws, in particular are used to this end.
- The first is the UAPA (Unlawful Activities Prevention Act) under which dissenting individuals can be declared terrorists without trial for up to 2 years. The law was originally intended for acts of terrorism but in its current form and implementation, it allows for arrest and custody of people who are protesting the policies of the government, without having to substantiate

¹³Arrests include former bar council president, Nazir Ahmad Ronga, Abdul Salam Rather (President, Baramulla District Bar Association) and FayadSodagar (President, Anantnag District Bar Association).

¹⁴<http://www.barhumanrights.org.uk/wp-content/uploads/2019/11/191121-BC-and-BHRC-letter-to-Prime-Minister-of-India-re-Kashmir.pdf>

¹⁵Wire, 2019. “Over 250 Habeas Corpus Petitions in J&K High Court Since August 5,” September 20, <https://thewire.in/law/over-250-habeas-corpus-petitions-in-jk-high-court-since-august-5>

¹⁶<https://thewire.in/government/jammu-and-kashmir-detentions-parliament>

¹⁷The Telegraph. 2019. Young boys tortured in Kashmir clampdown as new figures show 13,000 teenagers arrested. Available from: <https://www.telegraph.co.uk/news/2019/09/25/young-boys-tortured-kashmir-clampdown-new-figures-show-13000/>

any allegations. The final adjudication of guilt or innocence is years away, but in the meantime, long incarceration, lack of procedural rights such as bail, and the ignominy of being branded a terrorist, effectively punish a person through the process itself.

- Three journalists have been booked under UAPA in the last month. Under this law, journalist Aasif Sultan has been wrongfully imprisoned since August 2018, for reporting on rebels in Kashmir. Last month three journalists were charged under the same law - Masrat Zahra, Gowhar Geelani and Peerzada Ashiq in April 2020.¹⁸
- The Public Safety Act is another law that is abused by the authorities to keep Kashmiris in administrative detention with no recourse to lawyers. This law was originally intended to curb timber smuggling but it is now deployed in Kashmir to keep people out of circulation. Journalist Qazi Shibli was arrested under the Public Safety Act and lodged in jail for 9 months, thousands of miles from home till his release on 13 April 2020.¹⁹
- Journalists in Jammu & Kashmir are routinely assaulted, offended and summoned for doing their job as reporters.²⁰

2.6. Internet Ban & It's Impact on Health

- Most hospitals host their databases on servers online. Shipping of drugs and instruments, ordering, making payments and subsequent tracking of shipment—all happen online. Pharmacists relying on online delivery systems, baby food supplies and a host of other services that relied on online systems are all affected. The petition refers to machines like MRI and CT scanners that require constant updates from servers, requiring internet connections and highlights the recklessness of the on-going internet blockade - “Instead of effectively providing health and medical services and making sure that no one is allowed to cause hindrance in discharge of such services, the government is itself creating a situation, where access to health and medical care is disturbed and hindered by blocking access of

¹⁸<https://theprint.in/india/jailed-kashmiri-journalist-who-won-us-media-award-was-arrested-after-burhan-wani-profile/281597/>

¹⁹<https://thekashmirwalla.com/2020/04/kashmiri-journalist-qazi-shibli-released-from-jail-after-nine-months/>

²⁰<https://www.aljazeera.com/news/2020/04/kashmir-journalist-charged-anti-national-social-media-posts-200420100952020.html>

hospitals and medical establishments to Information and Communication Technology. Such an action is clearly in violation of the fundamental right of health and medical care which has been recognized and included as a part of right to health as enshrined under Article 21 of the Indian Constitution.”

- Another case highlighted in this petition is that of a patient from Sopore, undergoing tests for cancer. He had undergone a biopsy test on 27th July 2019 from a collection centre in Sopore. He has been unable to receive the report due to lack of internet access in hospitals resulting in delay to a possible treatment. The petition urges that at the very least medical and other essential centres be allowed to resume communication lines.
- A petition filed before the Supreme Court of India, by oncologist Dr. Sameer Kaul highlights the case of Bilquees Majeed Naqash w/o Rafi Kirmani R/o Ellahibagh Srinagar- who was operated for astrocytoma tumour and now requires radiotherapy and chemotherapy treatment. she had not been able to get treatment from her oncologists, without internet access at the hospitals.
- With the COVID-19 pandemic, the situation on the ground has exacerbated. People with symptoms fear visiting doctors since the infection has been stigmatized and criminalised by police. Even doctors are facing harassment at the hands of the Indian Armed Forces. Despite the worsening health crisis, the Indian government has denied a restoration of high-speed internet in the valley. Doctors in Jammu and Kashmir have reported difficulty in accessing updated information due to internet ban.

2.7. Mental Health Crisis

- As a result of prolonged militarized conflict in Kashmir, mental health of people has been in crisis for more than two decades.²¹ This situation has only been worsened by the complete lockdown and communication blockade imposed by the government of India in Kashmir since August 2019.

²¹[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)31939-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)31939-7/fulltext)

- Local medical professionals have reported an increasing rise in suicides and disturbingly high rates of domestic abuse.²² There are fewer than 60 psychiatrists in Kashmir at present. It has been reported in April 2020 that doctors are seeing more than 500 patients a week.²³
- In 2016, a report by ActionAid estimated that in Kashmir, 11.3 percent of the population suffers with mental health issues as compared to a national estimate of 7 percent.²⁴
- According to a 2016 report by Medecins Sans Frontieres, 41 percent people exhibit symptoms of probable depression, 26 percent show symptoms of probable anxiety and 19 percent show symptoms of probable PTSD.²⁵

2.8. Impact on Education

- There are many reported cases of teachers, professors, academics and other members of the educational community being taken prisoner, held in captivity, beaten and tortured and killed in custody by the Indian armed forces.²⁶The report from TRT world highlights how earlier in 2019, a chemistry teacher was killed in police custody.²⁷ The report²⁸ from NDTV, an Indian TV channel, reports how the Indian army admitted to killing of another teacher in 2016 after he was picked up in an overnight raid.
- Schools are regularly within the line of fire by paramilitary even in Srinagar, where often teargas shells are fired into schools and in the schools near the LOC, live ammunition often finds its way in. In 2014, heavy shelling by Indian forces on the Sialkot border villages in Charwar sector caused 120 government schools to shut and caused heightened levels of fear and distress for local communities.²⁹

²² <https://www.nytimes.com/2020/04/26/world/asia/kashmir-india-mental-health-coronavirus.html>

²³ <https://www.nytimes.com/2020/04/26/world/asia/kashmir-india-mental-health-coronavirus.html>

²⁴ <https://www.actionaidindia.org/publications/mental-health-illness-in-the-valley/>

²⁵ <https://www.msfindia.in/msf-scientific-survey-45-kashmiri-population-experiencing-mental-distress/>

²⁶ <https://www.aljazeera.com/news/southasia/2019/03/clashes-kashmir-teacher-dies-police-custody-190319133729126.html>

²⁷ <https://www.trtworld.com/opinion/a-teacher-is-killed-in-kashmir-where-is-the-justice-25152>

²⁸ <https://www.ndtv.com/india-news/army-admits-teacher-killed-by-soldiers-says-unacceptable-unjustified-1446197>

²⁹ <http://www.pakistankahudahafiz.com/india-resumes-shelling-ajk-sialkot-villages/>

- An Economic Survey 2017, released by the Chief Economic Advisor of India reported that due to nearly 150 days of forced closure of schools in 2016, students from class 1 to class 9 had to be given mass promotion without exams. After each incident of disturbance, schools and colleges remain shut for months. This has been the case since 2008 when almost every year schools are closed indefinitely. In 2016 schooling for the whole year was conducted only for a total of 3-4 months.³⁰
- The paramilitary forces are routinely accused of directing tear-gas shells into schools and hospitals which there are children inside.³¹ Both schools and universities are damaged. In addition, there have been many attacks of arson on schools and the government is unable to identify who perpetrated the attacks. In 2016 alone, 32 school buildings were burned down by unknown people. Either the Government of India is incompetent, or they are complicit. Here are some reports by BBC and Aljazeera that covered this incident.³²
- In 2016, shelling across the border lead to closure of 25 girls' and 34 boys' schools. On December 16th 2016, a school van was hit by shelling, killing the driver and wounding eight children.³³ On 25th July, 2017, a school building in Poonch was heavily damaged due to shelling. The week before, 25 schools closed³⁴ due to ceasefire violations.³⁵
- Due to continued disruption in communication since August, students have suffered continued loss of education. All public life has been suspended since 5th August, 2019. As such, there are no opportunities for children to pursue their education. Just like in 2016,

³⁰<https://indianexpress.com/article/education/kashmir-unrest-education-sector-badly-affected-says-report/>

³¹<https://www.aljazeera.com/news/2017/04/kashmir-teen-shot-dead-54-students-wounded-clashes-170415190505282.html>

May also see- <https://time.com/4743988/kashmir-jammu-india-pakistan-unrest/>

³²<https://www.aljazeera.com/indepth/features/2016/11/burning-kashmir-schools-161102102009566.html>

Also see- <https://www.bbc.co.uk/news/world-asia-india-37819842>

³³ <https://www.aljazeera.com/news/2016/12/dead-indian-shelling-school-van-kashmir-161216132132004.html>

³⁴ <https://www.outlookindia.com/website/story/pakistan-army-shelled-schools-it-is-not-something-we-would-do-says-indian-army/299788>

³⁵ <https://reliefweb.int/report/pakistan/impact-explosive-violence-students-and-education-kashmir>

tuition centres, schools, universities are all shut, and, in many cases, the educational buildings are taken over by the security forces.³⁶

2.9. Stumbling Economy

- Even before the world economy began reeling under an unprecedented global economic crisis, the local business community in Jammu & Kashmir had suffered severely due to the undemocratic and arbitrary actions of the Indian government. Jammu and Kashmir's economy had suffered a loss of Rs. 17,878.18 crore (nearly 2.4 Billion USD) from August to December 2019.³⁷
- In February 2020, online auctions for mining rights of Kashmir's natural resources (including Sapphire and sand for the provision of aggregate for construction). These auctions were held online in the state for the first time and 100 per cent of these rights were won over by companies from outside the state. It is telling of the Indian government's plans that this auction was held at the time when high-speed internet was banned in Kashmir thereby preventing anyone living in Kashmir from participating in it.³⁸

2.10. Border Violence

- Cross-border shelling between India and Pakistan on the Line of Control (LOC) continues to cause loss of life and damage to infrastructure.³⁹ After consulting the active militant groups in 2003, India and Pakistan signed a cease-fire agreement,⁴⁰ however, both countries ignored this agreement as their other bilateral agreements.

³⁶<https://www.firstpost.com/india/schools-in-kashmir-turn-into-armed-fortresses-as-students-watch-in-muted-horror-2980890.html>

³⁷<https://thewire.in/economy/after-august-5-kashmirs-economy-has-suffered-rs-17878-crore-in-losses>

³⁸<https://kashmirobsvr.net/2020/02/10/in-a-first-outside-companies-earn-100-percent-mining-rights-in-kashmir/>

³⁹<https://www.aljazeera.com/news/2020/04/civilians-killed-india-pakistan-trade-fire-kashmir-200412153620705.html>

⁴⁰<https://www.nytimes.com/2003/11/26/world/indian-and-pakistani-forces-agree-to-cess-fire-in-kashmir.html>

- There are various civilian settlements in the border region and mass migration is not a favourable solution.⁴¹ People of this region have been surviving in a war like situation for decades. In addition to security situation, sexual harassment is a big issue for women in the area.⁴² Border skirmishes challenge India's claim of the Kashmir Conflict being an internal issue.
- India and Pakistan have made nuclear threats to each other and both have a long history of war. Recently tension has risen on the Ladakh side of the region where China is now laying claim over a significant portion of Indian-Administered Kashmir known as Galwan Valley. In an initial unarmed confrontation, the Indian army has officially reported that 20 Indian soldiers were killed.⁴³ The two countries share one of the world's longest unsettled land borders and the India-China border is the world's longest unmarked frontier, stretching about 2,500 miles. Given the nuclear capabilities of both powers, it is clear that a war between the two would be calamitous and would have far reaching implications, both regionally and globally.

3.0 Domicile Law and Demographic Changes

- In May 2020, the Indian Government passed the Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules, 2020, granting rights to eligible classes of Indians to gain a domicile status within the Union Territory of Jammu and Kashmir.
- These rules create a new class of citizens who are now eligible for domicile certificates that is mandatory for admission in schools, it enables them to purchase land and obtain employment opportunities in Jammu and Kashmir. Indian citizens who
 - (a) have resided in Jammu & Kashmir for a period of 15 years, or
 - (b) have studied in Jammu & Kashmir for a period of 7 years, or
 - (c) have parents who have served in Jammu & Kashmir for 10 years

⁴¹<https://www.usip.org/sites/default/files/PW131-Ceasefire-Violations-in-Jammu-and-Kashmir-A-Line-on-Fire.pdf>

⁴²<https://www.nytimes.com/2020/05/15/world/asia/kashmir-pakistan-shelters-assault.html>

⁴³<https://thewire.in/security/indian-army-officers-killed-china-galwan-valley>

- They are now eligible for domicile of Jammu and Kashmir. These rules provide a fast-track procedure for issuance of Kashmiri domicile certificates, within 15 days, to people from any part of India who meet the criteria. The sense of urgency to legalise the region's new status is further underscored in the new rules since non-compliance with the time frame provided attracts a penalty of Rs. 50,000 from the salary of an errant officer.
- There is no space for a diaspora Kashmiri whose parents do not have an existing certificate of permanent residence, to obtain domicile without living in the region for 15 years or serving the Indian government for 10 years⁴⁴. Effectively, the child of an Indian citizen from any part of the country is eligible, even if the child has never lived in Kashmir, but the child of a diasporic Kashmiri may not be eligible if the parent does not possess an existing certificate of residence.
- Only 30% of land in Kashmir is habitable and fit for cultivation. Already as admitted by the pro-India Mehbooba Mufti government – 50,000 acres, or 20,000 hectares of land are under occupation of the Indian army.⁴⁵ So there is very little habitable land to go around for the new domiciles without deforestation in Kashmir. The unplanned influx of Indians has the capacity to cause irrevocable damage to the ecology and livelihood of the people of Kashmir.
- We see this as another step by the Indian administration to alter the demography of the disputed territory. Until now, only Kashmir's legislature had the power to define a "resident" or "state-subject." The Indian Constitution has no provision that authorises the central government to suspend the Constitution of Jammu & Kashmir or alter the existing state-subject law, however, India has abolished the state-subject (citizenship) law in Kashmir unilaterally, thereby removing all restrictions on the purchase of immovable property and employment.
- Through the Jammu and Kashmir Reorganization Order 2020, passed in March 2020, 29 state laws have been repealed and 109 have been amended to remove any restriction on the powers of the Indian government to proceed with this plan. Essentially, this order attempts

⁴⁴ <https://thewire.in/rights/kashmir-domicile-law>

⁴⁵ <https://www.greaterkashmir.com/news/jammu/428000-kanal-land-under-illegal-possession-of-forces-in-jk-cm/>

to settle non-Kashmiris, families of employees of the Indian government and members of the Indian Armed Forces in the disputed territory by overriding all protections in place for the last 72 years that have guaranteed protection to land rights to Kashmiris. This is a forcible demographic change that may even violate the Geneva Convention.

4.0 UK and India in 2020

- Since the Bhartiya Janta Party (BJP) came into power in 2014, communal riots, constant dehumanization of religious and social minorities, and the imposition of Hindu culture are some of the strategies that have increased at an alarming rate, especially during local elections.⁴⁶ This is a new normal in India, spearheaded by well organised groups like the RSS, VHP, Bajrang Dal, Shiv Sena and many others.⁴⁷ The Freedom house⁴⁸ declared Indian government as "Hindu Nationalist Government " because of the discriminatory policies towards Muslims and other minorities.
- In the large parts of India, unresolved, internal conflicts and border issues with neighbouring countries are a constant threat to India's economic development. They have imposed severe risks and additional costs. Long-standing disputes like the Kashmir Conflict, insurgency movements in the North Eastern states of India, border issues with China and Nepal are increasing India's military budget and decreasing the scope of the bureaucratic and diplomatic role.
- The increase in state violence to suppress the demands for autonomy, equal rights and secession is resulting in massive human rights violations. The aforementioned political and security situation of India accompanied by massive human rights violations gravely threaten the core democratic principles of the United Kingdom. Even the UN has highlighted these concerns in its reports on Kashmir in 2018 and 2019⁴⁹.The European Union also expressed

⁴⁶ <https://www.theguardian.com/world/2020/feb/20/hindu-supremacists-nationalism-tearing-india-apart-modi-bjp-rss-jnu-attacks>

⁴⁷ <https://www.newyorker.com/news/daily-comment/has-narendra-modi-finally-gone-too-far-india-protests>

⁴⁸ https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

⁴⁹ https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf

serious questions about the human rights violations in India and its impact on regional stability.⁵⁰

- There are reports suggesting that the British Government should maintain a good relationship with India⁵¹. The British Council published a vision 2050 document for India and UK in 2015.⁵² This outlined the nature of the UK's bilateral relationship with India and emphasised the point that India has the potential to become a superpower in the future. That said, it is important for the UK government to review its foreign policy and reconsider its engagement with the current Indian government, whose exclusionary policies, disregard for democracy and human rights, are informed by the ideology of Hindutva⁵³.
- The hatred-based policies of the ruling party of India, challenge the core democratic and human rights principles of the UK government which has potential to undermine the British interests in the region and peacebuilding efforts around the globe⁵⁴. The United Kingdom has always respected international human rights and legal treaties which India is constantly rejecting and failing terribly to follow them.

Recommendations

We urge you to remind India, and its supporters, of its responsibilities under the Geneva Conventions, International Human Rights Law, United Nations Convention of the Rights of Child, Convention Against Torture, Genocide Convention, International Covenant on Economic, Social and Cultural Rights, as well as United Nations International Covenant on Civil and Political Rights. Considering the urgency of the matter, the Foreign Affairs committee should:

⁵⁰ [european-parliament-slams-india-over-kashmir-human-rights-violations](#)

⁵¹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1465/146511.htm>

⁵² <https://www.britishcouncil.org/research-policy-insight/insight-articles/india-and-uk-2050-vision>

⁵³ <https://onlinelibrary.wiley.com/doi/abs/10.1111/wusa.12318>

⁵⁴ <https://www.gov.uk/government/publications/conflict-stability-and-security-fund-multilateral-programme-summaries-for-2019-to-2020>

Kashmir Reading Room

- Call upon a hearing to investigate the human rights violations in the Kashmir valley.
- Invite experts on Jammu & Kashmir to testify before the committee the ground situation on Kashmir.
- Invite the representatives of India and Pakistan to clarify the state's position and commitment towards the resolution of the Conflict.