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A Crossroads of Injustice:

Unveiling Democracy in Kashmir

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Executive Summary

As advocates for the Muslim community, both in the United States and abroad, the Muslim Public Affairs Council (MPAC) urges the American government to work towards ending the injustices faced by Kashmiris in Indian-administered Kashmir at the hands of Indian administration. The Indian government must be held accountable for its historical occupation of and domination over the region, which has effectively blocked all pathways to democracy.

Jammu and Kashmir may have originally been accorded special status when it acceded to India, but true democracy never materialized in the region. Historically, Indian interests interfered in elections, creating mistrust amongst Kashmiris when it comes to political participation - this comes from the very beginning, with the Indian government refusing to hold the plebiscite it agreed to upon Kashmir's accession and commit to in UN Resolution 724. Living in the most militarized region in the world, Kashmiris are discouraged and intimidated from making public political commentary, particularly when it comes to the issue of Kashmiri autonomy. With its lack of commitment to upholding democracy in Kashmir, as well as its enforcement of media censorship and settler colonial projects, the Indian government has cemented itself as an authoritarian power, trampling over the civil rights and liberties of the Kashmiri people. With the abolition of the Jammu and Kashmir Legislative Assembly in 2019, the continued vacancy of the Chief Minister position, and no clear plan for elections for the newly delimited legislature, the territory has been put in further disarray. With the Kashmiri people having no remaining avenues to create legislation or participate in the governance of their home (though Indian-client local politicians have run those systems throughout Kashmir's modern history), India cannot claim its title as the largest democracy in the world. As a major economic and historical partner to the country, the United States has a responsibility to encourage and guide the Indian government in creating a just legislative and oversight structure.

Policy Recommendations

The United States' involvement in Kashmir is crucial given the significant potential that lies in the region's future. As a hotspot in South Asia facing climate change, potential nuclear conflict, and the backsliding of constitutional democracy, involvement in Kashmir would provide the U.S. the rare ability to place itself at the head of combatting all of those issues worldwide. Though acting on Kashmir could stall the burgeoning India-U.S. relationship, the perceived benefits that a strong economic and diplomatic alliance would provide are often exaggerated and built on false assumptions. Both India's loyalty and market capabilities are, at best, questionable, leaving ample room for the United States to actively call on India to enhance democracy in Kashmir without losing out on any significant advantages.

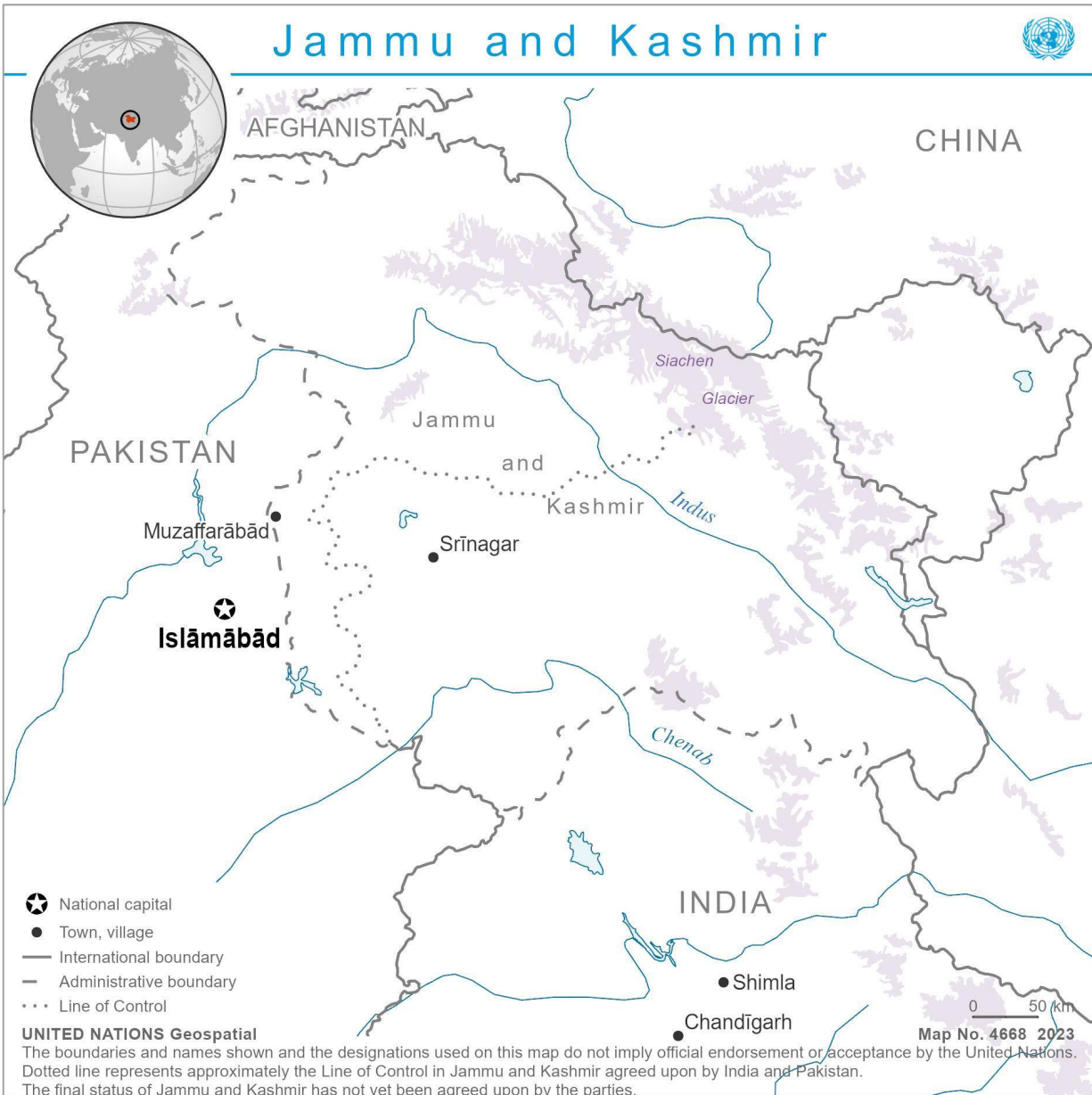
Several asks must be made both by and of the U.S. to progress Kashmir's democratic standing:

- The recognition that democracy is not possible under occupation.

- The establishment of free and fair elections with safeguards in place to protect access to voting and prevent Indian interference and fraud.
- Rollbacks on censorship and the unlawful detention of journalists, scholars, political leaders, and human rights activists must also be called for. A democracy cannot function without a free press and free speech, both of which India actively represses in Kashmir.
- The reinvigoration of both the Kashmiri and Muslim American communities within the United States in advocating for the Kashmiri cause.

Though the American government must tread carefully when balancing its relationship with India and its responsibility to promote democracy through foreign policy, addressing the ongoing injustices in Kashmir and its failing governing structure is integral to safeguarding democracy, not just in the region, but around the world.

Map¹



¹ UN Geospatial. 2023. "Jammu and Kashmir." United Nations. <https://www.un.org/geospatial/content/jammu-and-kashmir-0>.

Introduction

With its own flag, constitution, and administrative oversight, the state of Jammu and Kashmir operated as an anomaly under Indian administration for over 60 years. But in August of 2019, the so-called largest democracy in the world revoked Jammu and Kashmir's special constitutional status, statehood designation, and any sense of autonomy the region had been promised upon its accession to the Indian Union in 1947. The abrogation of Article 370 of the Indian Constitution (which granted Jammu and Kashmir certain autonomies as a state) and the enduring human rights abuses occurring in the Kashmiri Valley prompted global protests and outcries, but injustice in Kashmir did not begin in 2019

India constantly claims the title of "largest democracy in the world," but when it militarily occupies Kashmir and takes every opportunity to deny Kashmiris the right to engage in democratic practices, the international community must recognize that the Indian government hides behind false titles.

It is far too often that Kashmir is viewed simply as a territorial dispute, a conflict zone, or a democratic hiccup. Instead, Kashmir must be viewed as a land under occupation with the potential to display the fallout of some of the world's most pressing issues, from the devastating effects of climate change to the tensions of nuclear conflict - and the United States must act now if it aims to establish both credibility in the region and stability across Asia.

Historical Overview

Before and After Partition

Under British rule, Jammu and Kashmir was created as a princely state, with the British maintaining power indirectly through the maharaja. With a history of being handed from empire to empire, in 1947 it was the Dogra Maharaja Hari Singh who ruled over the majority-Muslim population and was faced with the question of whether it would be Pakistan or India that Kashmir would submit to.² Independence was a possibility, but pressure from both countries, the United Kingdom, and the international community made it almost impossible.

Political action driven by Kashmiris began in 1929 when educated Muslim youth created the Reading Room Party, which evolved into the All Jammu and Kashmir Muslim Conference alongside the secular All Jammu and Kashmir National Conference. The latter was founded by Sheikh Mohammad Abdullah in 1939; Sheikh Abdullah would grow to become the face of Kashmiri politics, and his family remains the face of the Kashmiri political elite to this day.³

² "Kashmir," Encyclopædia Britannica, June 29, 2023, <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent#ref214221>.

³ Surinder Mohan, "Democracy In Jammu And Kashmir 1947–2008," *World Affairs: The Journal of International Issues* 16, no. 3 (2012): 88–117, <https://www.jstor.org/stable/48504940>, 89.

Maharaja Hari Singh, overwhelmed by popular support for native Kashmiri political actors and the power vacuum that resulted from the elapse of British rule in August 1947, was inclined towards establishing an independent Kashmir, until an invasion by Pakistani tribesmen (initiated based on reports of attacks on Muslims in the state and the Maharaja's lack of action) later that year. On October 26, 1947, he signed the Instrument of Accession and the first Indo-Pakistani war was waged for a year and a half before a United Nations ceasefire was drawn. During the war, the United Nations Security Council heard arguments from both countries and recommended a plebiscite in Kashmir to determine which country the region would join - that plebiscite never occurred.

The signed Instrument of Accession, though it acceded Kashmir to India, failed to create a constitutional link between the two bodies, setting the stage for the addition of Article 370 to the Indian Constitution. The expansion of Indian borders to include Kashmir was challenged significantly by Hindu nationalists and Muhammad Ali Jinnah, who proposed the two-nation theory and is considered the founder of Pakistan.⁴ With Kashmiris actively against the decision to join India, a compromise had to be reached, and so in 1950, Article 370 was added to the constitution.⁵ Article 370 allowed for Jammu and Kashmir to have its own constitution, a state flag, and a legislative body that made decisions on all issues aside from foreign affairs, communication, and defense. Also included was Article 35(A), which allowed the state legislature to determine who qualified as a permanent resident and prevent those that did not from owning land in the state.

While Article 370 may appear to have been a generous compromise that allowed a unique state to maintain autonomy while also benefitting from an association with a larger, more powerful nation, in reality, it emphasized the divide between Kashmir and the rest of India. Indians and Hindu nationalists were empowered to advocate against the unequal alienation of Kashmir, claiming that its special status was discriminatory; at the same time, Kashmiris were only met halfway in their calls for autonomy, which increasingly retreated as the Indian government created more restrictions by means of constitutional orders and union laws. From 1954 into the 1970s, 28 constitutional orders and 262 union laws were passed, all with the intent of integrating Kashmir further into India and establishing the same regulations that applied to the rest of the country to the region.⁶

As increasing pressure to reclaim Kashmir grew within India, Sheikh Abdullah, who became Prime Minister of Jammu and Kashmir in 1948, began advocating for independence as the only acceptable path forward for Kashmir. Though he had previously established an understanding with Indian Minister of External Affairs Jawaharlal Nehru on the balance between Kashmir's autonomy and India's administration, this shift in rhetoric pushed New Delhi to allow Kashmiri

⁴ Surinder Mohan, "Democracy In Jammu And Kashmir 1947–2008," *World Affairs: The Journal of International Issues* 16, no. 3 (2012): 88–117, <https://www.jstor.org/stable/48504940>, 90.

⁵ Surinder Mohan, "Democracy In Jammu And Kashmir 1947–2008," *World Affairs: The Journal of International Issues* 16, no. 3 (2012): 88–117, <https://www.jstor.org/stable/48504940>, 92.

⁶ Surinder Mohan, "Democracy In Jammu And Kashmir 1947–2008," *World Affairs: The Journal of International Issues* 16, no. 3 (2012): 88–117, <https://www.jstor.org/stable/48504940>, 99.

Head of State Karan Singh to arrest Abdullah under the Public Safety Act.⁷ It was under Abdullah's successor, Ghulam Mohammad Bakshi, that Kashmir would be formally tied to India through Article 370 and further erosion of autonomy would occur.⁸

The 1950s and '60s saw an increase in political discontent with the Indian government's attempts to insert itself into Kashmir. The region's first major militant group, the Jammu and Kashmir Liberation Front (JKLF) was formed as a means through which young Kashmiris would be able to fight for the state's freedom.⁹ From April to September of 1965, the second Indo-Pakistani war was waged after Pakistan attempted and failed to incite Kashmiri rebellion through Operation Gibraltar. The UN Security Council stepped in and declared a ceasefire to end the war through the Tashkent Declaration.¹⁰

Elections in Jammu and Kashmir had been dominated by the National Congress since the beginning, raising skepticism among the electorate and instilling an initial distrust of democratic processes in a population that had already seen its voice dampened in deciding the fate of the region. Though the 1970s are widely regarded as the peak of free and fair elections in Kashmir, it is the period directly after that reveals the doomed fate of democracy in Kashmir.¹¹

A Turning Point: The 1980s and 90s

The 1983 elections stand out as the beginning of the end of any remaining political efficacy in Kashmir. The election cycle was violent and chaotic: political parties were subject to claims of criminal activity and fraud, and polling was suspended at multiple stations despite almost 70% of the electorate participating.¹²

After the chaos of the election period, Indian Prime Minister Indira Gandhi and the central government expressed ardent dismay at Chief Minister Farooq Abdullah's supposed inability to address political dissent. In 1984, the central government replaced Nehru with Jagmohan Malhotra as governor, instilling uncertainty in the National Conference (which Abdullah led) and spurring the party's split between those in support of Ghulam Mohammad Shah and those supporting Abdullah. Abdullah was then dismissed as head of government; Jagmohan attempted and failed to impose Governor's Rule, and Shah became Chief Minister.¹³ The political instability of 1983 and 1984 symbolized the rampant decline of democratic principles in Kashmir, and when Governor's Rule was imposed again (this time successfully) in 1986 after

⁷ Surinder Mohan, "Democracy In Jammu And Kashmir 1947–2008," *World Affairs: The Journal of International Issues* 16, no. 3 (2012): 88–117, <https://www.jstor.org/stable/48504940>, 97.

⁸ Mohamad Junaid, personal interview, June 27, 2023.

⁹ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," *Human Rights Watch*, September 11, 2006, <https://www.hrw.org/report/2006/09/11/everyone-lives-fear/patterns-impunity-jammu-and-kashmir>, 18.

¹⁰ Raikar, S. Pai. "Tashkent Declaration." *Encyclopedia Britannica*, April 1, 2023. <https://www.britannica.com/event/Tashkent-Agreement>.

¹¹ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," *Asian Survey* 37, no. 11 (1997): 1005–30, <https://doi.org/10.2307/2645738>, 1007.

¹² Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1011.

¹³ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1015.

the Congress ended its support for Shah, the back and forth between political alliances and administrative fluctuations could no longer be masqueraded as democracy.

In 1986, the two strongest parties in the state (the Indian National Conference and Jammu & Kashmir National Conference) merged to create a political monopoly through a cartel, fostering great contempt amongst the Kashmiri public due to its predatory behavior.¹⁴ In the 1987 elections, voters were less inclined to vote for the Congress cartel, but due to the considerable number of opposition candidates that split the vote, the cartel won 87% of the seats.¹⁵ The cartel's dominance ignited multiple election fraud allegations, and the inability of the courts to take action on the multiple petitions that were filed was the final straw for faith in democracy in Kashmir.¹⁶ Many militant leaders and sympathizers have claimed that it was this democratic failure that turned them and other Kashmiri youth away from political engagement and towards radicalization due to the belief that only violence and disruption could fight such a corrupt system.¹⁷

On December 8, 1989, the JKLF kidnapped Rubaiya Sayeed, daughter of ethnically Kashmiri Indian Home Minister Mufti Mohammad Sayeed. She was freed following a ransom deal that included the release of five JKLF members from detention, and, after the public mood within Kashmir had shifted dramatically due to the political turmoil of the past decade, crowds celebrated throughout the streets of Srinagar. Support for militants throughout Kashmir grew drastically, prompting New Delhi to dispatch troops into the state in never-before-seen numbers.¹⁸

The increased militarization of Kashmir coupled with Chief Minister Abdullah's resignation in protest of Jagmohan's reappointment to the governorship nearly pushed the state into civil war.¹⁹ Daily protests, extremist kidnappings and threats, and militant attacks against Hindu Pandits plunged the state into violence. By the end of 1990, around 25,000 Hindu Pandit families had left the Valley and made their way to refugee camps in Jammu, where many have remained for years without receiving any sort of government aid.²⁰

India's notorious counter-insurgency laws were implemented that same year in an attempt to curb militant action: the Armed Forces Special Powers Act and Jammu and Kashmir Disturbed Areas Act allowed security agencies to hold Kashmiris in detention and interrogate them without warrants, bail, or even being sentenced.²¹ Numerous operations conducted by security agencies

¹⁴ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1018.

¹⁵ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1019.

¹⁶ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1020.

¹⁷ Sten Widmalm, "The Rise and Fall of Democracy in Jammu and Kashmir," 1021.

¹⁸ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," Human Rights Watch, September 11, 2006,

<https://www.hrw.org/report/2006/09/11/everyone-lives-fear/patterns-impunity-jammu-and-kashmir>, 20.

¹⁹ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 20.

²⁰ Arundhati Roy, *Azadi* (Penguin Canada, 2020), 88.

²¹ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 28.

allowed soldiers and police to destroy and seize civilian property, and citizens were seemingly arrested at random.²²

The 1980s and 90s saw the militarization of Kashmir and the legal institution of government abuse that many have called India out on in the 21st century. But what is labeled as a response to terrorism and violence was, in reality, a failure to address the political needs of Kashmiris. The complete erosion of democracy by constant Indian intrusion on autonomy and the creation of political turmoil set Kashmir up for failure, breeding the militancy and occupation that Kashmir is burdened with to this day.

The 21st Century and the Abrogation of Article 370

In December 2001, an attack on India's parliament killed twelve people — India blamed Pakistani-backed militant groups in Kashmir, and over a million troops were deployed to the border from both sides as tensions between the countries rose.²³ Though peace talks were held after the countries' initial reactions, the attack and heightened global vigilance toward Islamic extremism gave India yet another justification to crack down on any calls for Kashmiri autonomy. Both India and the international community placed pressure on Pakistan to withdraw support for militants in Kashmir — there were 3,500 militants reported to have crossed from Pakistan into Kashmir in 2001, and by 2005 that number decreased to 237.²⁴

Even as India attempted to restore a sense of democracy in Kashmir following its drastic escalation of military activities, Kashmiris boycotted elections and argued that no form of government under India could be seen as representative of Kashmiri will.²⁵ Voter turnout continues to be poor among Kashmiri Muslims, allowing pro-India candidates to ascend to positions of power despite subscribing to ideologies completely opposed by the masses. In 2009, turnout was 61% in Ladakh and 49% in Jammu-Poonch, compared to a meager 26% in Anantang and 25% in Srinagar.²⁶

It was around this time that the generations that grew up through the increasing political disarray and militarization of Kashmir in the '80s and '90s reached political consciousness and created a resurgence in the movement for Kashmiri autonomy.²⁷ As militant groups continued to engage with military forces throughout the Valley, protests and boycotts were organized by enraged civilians, and Hindu nationalism was brought to the forefront of Indian politics, the stage was set for Kashmir's special status to finally be revoked after years of Indian encroachment.

²² Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 22.

²³ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 9.

²⁴ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 24.

²⁵ Meenakshi Ganguly, "Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir," 25.

²⁶ Arpita Anant, "The 2009 National Elections: Signals from the Kashmir Valley," Institute for Defence Studies and Analyses, June 2, 2009,

https://www.idsa.in/idsastrategiccomments/2009nationalelectionsignalsfromthekashmirvalley_aanant_020609.

²⁷ Hoda Katebi, "#BecauseWeveRead x Stand With Kashmir: Sanjay Kak, Hafsa Kanjwal, & Mohamad Junaid on Kashmir," YouTube Video, 1:33:29, 10:58, October 26, 2019, <https://www.youtube.com/watch?v=iLGL-ivoBCA>.

2018 saw the highest number of people killed in 10 years, the highest number of conflict-related casualties, and the highest number of shutdowns worldwide.²⁸ On December 16, Governor Satya Pal Malik dissolved the state legislative assembly, citing the parties' inability to come together to form a coalition government.²⁹ In reality, the state's political parties had been planning to come together to advocate for the protection of Article 370 amidst calls from the central government to revoke it.

In 2019, the BJP-led government fulfilled its promise and abrogated Articles 370 and 35A of the Indian Constitution, demoting Jammu and Kashmir to Union Territory status through the Jammu and Kashmir Reorganization Act.³⁰ The government had effectively dismantled the final shreds of autonomy (however contrived that autonomy was) exhibited by Kashmiris.

U.S. Intervention and Policy

Throughout the Cold War, the United States developed a relationship with Pakistan as a means of gaining influence in South Asia, where the Soviet Union fostered a relationship with India despite the country's non-alignment stance.³¹ The U.S. entered an arms pact with Pakistan in 1954 and displayed solidarity through its agreement to bring Kashmir as an issue to the Security Council in 1957.³² The American stance on Kashmir, however, has been rife with inconsistency.

The United States fostered its relationship with India following the end of the Cold War when the fall of the Soviet Union diminished the strategic benefits that Pakistan provided the West.³³ The U.S. welcomed economic cooperation with old rivals, including India and China, and the Indian government jumped past its previous economic policies to work with the American government and adopt reforms that were Washington-approved.³⁴

In 1990, Assistant Secretary of State for Near East and South Asia John Kelly claimed that the U.S. considered Kashmir a "disputed territory" in testimony before the House Asia-Pacific sub-committee.³⁵ When threats to use nuclear weapons were raised that year after gunfire exchanges occurred across the Line of Control, President George W. Bush's National Security

²⁸ "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019," OHCHR, July 1, 2019, <https://www.ohchr.org/en/documents/country-reports/update-situation-human-rights-indian-administered-kashmir-and-pakistan>, 3.

²⁹ Hakeem Rashid, "Jammu & Kashmir Governor Dissolves Assembly after Rivals Stake Claim to Govt Formation," *The Economic Times*, November 22, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/jk-assembly-dissolved-amid-claims-for-power/articleshow/66739283.cms?from=mdr>.

³⁰ "Article 370: What Happened with Kashmir and Why It Matters," BBC News, August 5, 2019, <https://www.bbc.com/news/world-asia-india-49234708>.

³¹ Parama Sinha Palit, "The Kashmir Policy of the United States: A Study of the Perceptions, Conflicts and Dilemmas," *Strategic Analysis* 25, no. 6 (September 2001): 781–803, <https://doi.org/10.1080/09700160108458997>.

³² Parama Sinha Palit, "The Kashmir Policy of the United States: A Study of the Perceptions, Conflicts and Dilemmas."

³³ Ershad Mahmud, "Post-Cold War US Kashmir Policy," *Policy Perspectives* 2, no. 1 (April 1, 2005): 83–110, <https://doi.org/10.2307/42909143>, 83.

³⁴ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 84.

³⁵ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 85.

Advisor, Robert M. Gates, was sent to both Islamabad and New Delhi along with Senator Alan Cravaiston to lower the tension.³⁶ Though the threat of war retreated, Pakistan continued to rely on its nuclear capabilities while rising anti-Islamic attitudes in both the U.S. and India allowed Kashmiri autonomy to be framed as a threat.³⁷

The incoming Clinton administration had been warned by President Bush of Kashmir's ability to launch South Asia into war, but the new White House moved beyond Bush's position of vague neutrality. The House of Representatives censured India in 1991 for its human rights violations in Kashmir, Punjab, and Nagaland; diplomats and government officials voiced criticisms regarding India's human rights record; and President Clinton named Kashmir as a dangerous conflict that required international action in an address to the UN General Assembly.³⁸ The administration also established the role of Assistant Secretary of State for South and Central Asian Affairs, appointing Robin Raphel to the position.

American pressure appeared to have gotten through to India, leading to the creation of a human rights commission, the release of certain Kashmiri leaders from detention, and the government inviting Pakistan to hold talks on a variety of issues.³⁹ Assistant Secretary Raphel's visit in 1994 was also given full attention after previously being ignored by Home Minister S. B. Chavan. After a seemingly successful orientation towards addressing the human rights crisis, the creation of the India Interest Group, comprised of 26 American investors that included corporations such as Coca-Cola and General Motors, served as a major block in holding India accountable.⁴⁰ American officials quickly became invested in the economic possibilities that India held, and Kashmir was pushed to the rear of U.S.-India relations. The State Department turned to addressing militant groups as perpetrators of human rights abuses and Ambassador Frank G. Wisner met with the separatist advocates of the Hurriyat Conference to convince them that participating in elections would foster true democracy in Kashmir.⁴¹

With Assistant Secretary Raphel contradicting other American officials in her support for a plebiscite, Kashmiris continued to engage in armed insurgency and the militancy grew out of frustration with mixed messaging.⁴² Following the U.S.'s targeting of the Taliban, India linked Islamic extremism and Taliban insurgency with Kashmiri separatist groups, effectively weaponizing Western rhetoric to end any major foreign support for Kashmiri autonomy.

In May 1999, India accused Pakistan of violating the Line of Control and deployed 80,000 soldiers to the Kargil district, setting off two months of bloody battles.⁴³ The Clinton administration sided decidedly with India, forcing Pakistan to meet all of the country's demands and subsequently solidifying India's ability to be inflexible in its demands of Pakistan.⁴⁴ The

³⁶ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 85-86.

³⁷ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 86.

³⁸ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 87.

³⁹ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 89.

⁴⁰ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 90.

⁴¹ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 91.

⁴² Ershad Mahmud, "Post-Cold War US Kashmir Policy," 92.

⁴³ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 94.

⁴⁴ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 95.

post-9/11 emphasis on Islamic extremism allowed India to further antagonize Kashmiri separatists, though it brought limited success as Pakistan cooperated with the U.S. as it closed in on the Taliban.

Since the War on Terror overtook the United States's strategy in South Asia, Kashmir's position in American policy has taken a significant turn from its initial status as a question of democracy. American priorities in Jammu and Kashmir morphed to become about containing terrorism, addressing religious fundamentalism, curbing nuclear proliferation, expanding economic and trade relationships, and preventing Chinese expansion.⁴⁵ India is seen as a major partner in all of those efforts, increasingly so as Indian-Americans play a large role in advocating on behalf of strengthening American-India relations and China continues to grow its influence in developing nations worldwide. Pakistan maintains a growing relationship with China and, despite supporting the U.S. in several counter-terrorist operations, holds fundamental differences on various issues. With Pakistan serving as the foremost advocate for Kashmir on the international stage (be that out of an obligation for its fellow Muslim-majority states or to serve its own interests), the United States's pro-India agenda prevents any major policy on Kashmir from being put forth, despite the country's repeated claims of commitment to promoting democracy and human rights.

Kashmir's Current Status

The Ramifications of Article 370's Abrogation

The Jammu and Kashmir Reorganization Act made several alterations to the governing structure of Jammu and Kashmir. First, Ladakh was split into a separate Union Territory and placed under the direct control of the Indian government. Jammu and Kashmir, in its new status as a Union Territory, was restructured to have a unicameral legislature and be under the jurisdiction of a lieutenant governor with a Council of Ministers chosen from the new legislature.⁴⁶ A Delimitation Commission was created to determine new districts for the legislature,⁴⁷ and though districts had been created by early 2022, no elections have been scheduled.⁴⁸

The only active type of legislative body is the newly created District Development Councils (DCCs), but their role is unclear. DDCs have no constitutional standing, rely on Indian soldiers for enforcement, and function primarily off of patron-client relationships, through which Council members provide administrative services to those that can supply goods and services in

⁴⁵ Ershad Mahmud, "Post-Cold War US Kashmir Policy," 101.

⁴⁶ "The Jammu and Kashmir Reorganisation Bill, 2019," PRS Legislative Research, July 7, 2023, <https://prsindia.org/billtrack/the-jammu-and-kashmir-reorganisation-bill-2019>.

⁴⁷ "Jammu and Kashmir to Get Delimitation Commission," The Hindu, February 17, 2020, <https://www.thehindu.com/news/national/other-states/jammu-and-kashmir-to-get-delimitation-commission/article30846668.ece>.

⁴⁸ "Election Commission Should Tell People Why No Elections in Jammu and Kashmir: Omar Abdullah," The Hindu, June 6, 2023, <https://www.thehindu.com/news/national/other-states/election-commission-should-tell-people-why-no-elections-in-jammu-and-kashmir-omar-abdullah/article66937690.ece>.

return.⁴⁹ DDCs are also primarily made up of BJP members due to Kashmiris' refusal to vote.⁵⁰ Though the original legislature was already primarily dedicated to implementing Indian interests in Jammu and Kashmir (because laws passed by Parliament did not apply to the state), there is no longer any true intention behind elections in Kashmir and ideological connections between candidates and parties have been eliminated as the BJP dominates governance.⁵¹

The Indian government deployed 48,000 troops to Kashmir in 2019 in addition to the 700,000 already occupying the region, utilizing them to prevent Kashmiris from organizing against the central government.⁵² New violative laws and policies were imposed on the territory; collective punishment and mass illegal imprisonment were carried out; and the internet, phones, and cable were shut down for months, all to prevent mass unrest.⁵³ Kashmiri political and civil society leaders were arrested in the aftermath of the abrogation, including former Chief Ministers Mehooba Mufti and Farooq Abdullah.⁵⁴

The international community was most outspoken against the censorship instated by the Indian government across social media and its targeting of journalists and human rights defenders. Foreign journalists have been denied access to the region and Kashmiri scholars, lawyers, and activists have all been subject to raids, arbitrary arrests, and physical abuse.⁵⁵ The initiation of a settler colonial program has also been a growing concern following the Indian government's issue of over 125,000 domicile certificates to primarily Hindu non-Kashmiris.⁵⁶

Though Kashmiris have historically organized against most acts of Indian aggression and encroachment, the communications blackout and increased troop presence made it significantly more difficult to engage in collective action.⁵⁷ Militant groups increased attacks on minority groups, specifically Hindus in the Valley, as a means of protest.⁵⁸

⁴⁹ Mohamad Junaid, personal interview, June 27, 2023.

⁵⁰ Mohamad Junaid, personal interview, June 27, 2023.

⁵¹ Mohamad Junaid, personal interview, June 27, 2023.

⁵² Indrajit Roy, *Passionate Politics: Democracy, Development and India's 2019 General Election* (Manchester: Manchester University Press, 2023).

⁵³ Kashmir Law & Justice Project, Project South, and KSCAN, "Periodic Summary of Critical Developments in the Human Rights Situation in IAK August 4, 2019 to January 31, 2023," Kashmir Law & Justice Project, February 2023, <https://www.kljp.org/articles/periodic-summary-of-critical-developments-in-the-human-rights-situation-in-ia-k-august-4-2019-to-january-31-2023>.

⁵⁴ Indrajit Roy, *Passionate Politics: Democracy, Development and India's 2019 General Election*.

⁵⁵ Kashmir Law & Justice Project, Project South, and KSCAN, "Periodic Summary of Critical Developments in the Human Rights Situation in IAK August 4, 2019 to January 31, 2023."

⁵⁶ Indrajit Roy, *Passionate Politics: Democracy, Development and India's 2019 General Election*.

⁵⁷ Sameer P Lalwani and Gillian Gayner, "India's Kashmir Conundrum: Before and After the Abrogation of Article 370," United States Institute of Peace, August 2020, https://www.usip.org/sites/default/files/2020-08/sr_473-indias_kashmir_conundrum_before_and_after_the_abrogation_of_article_370-sr.pdf, 13.

⁵⁸ Sudha Ramachandran, "South Asia: Afghanistan, Bangladesh, India, Pakistan, Sri Lanka," *Counter Terrorist Trends and Analyses* 15, no. 1 (January 1, 2023): 50–81, 62.

Kashmiri political elites organized into the Jammu and Kashmir Apni Party, which was formed with the primary purpose of advocating for the reinstatement of Article 370.⁵⁹ Though many Kashmiri civilians did not see Article 370 as a major safeguard of Kashmiri autonomy due to the continued overreach of the Indian government, Kashmiri political elites saw it as a protection of their positions of power.⁶⁰

Major land reforms that had been developed since 1947 and played an important role in putting land ownership into the hands of the widely impoverished Muslim population were also reversed by the Indian government. Protections against the exploitation of agricultural land and the transferring of land to non-residents were removed through the abrogation of Article 35A,⁶¹ and combined with new property taxes and the seizure of almost 275,000 acres of land from Kashmiris under claims of state ownership, the population has been physically and financially devastated.⁶²

The COVID-19 pandemic exacerbated the injustices perpetuated by the Indian repression of Kashmiri rights; access to healthcare was severely limited in Kashmir⁶³ and a sense of “double lockdown” was felt as quarantine was imposed during a period of already limited physical, intellectual, and online activity.⁶⁴

The BJP government has exploited Kashmir as a laboratory for the repression tactics it hopes to implement across India with the intention of carrying out its Hindu-nationalist agenda. By demonizing Kashmiri Muslims, the BJP has spurred nationalism throughout the country to boost its political success, leaving other marginalized populations vulnerable to the government’s tried and true methods of oppression.

Current U.S. Policy and Kashmir

With the United States growing its relationship with India—diplomatically, economically, and militarily—Kashmir has yet to be framed as a significant policy issue in the modern day. Directly following the abrogation of Article 370 and India’s subsequent human rights abuses, a number of congressional actions were taken. On October 22, 2019, the House Foreign Affairs Committee held a hearing on human rights in South Asia that focused on Indian activity in

⁵⁹ Sameer P Lalwani and Gillian Gayner, “India’s Kashmir Conundrum: Before and After the Abrogation of Article 370,” 15.

⁶⁰ Aadil Mir, personal interview, June 26, 2023.

⁶¹ Shinzani Jain, “From ‘land to the Tiller’ to Land to the Highest Bidder: Land Grabs in Jammu and Kashmir,” LSE International Development, February 15, 2023, <https://blogs.lse.ac.uk/internationaldevelopment/2023/02/15/from-land-to-the-tiller-to-land-to-the-highest-bidder-land-grabs-in-jammu-and-kashmir/>.

⁶² Maknoon Wani, “BJP’s Land Reforms and the Shifting Political Landscape in Kashmir,” Himal Southasian, May 17, 2023, <https://www.himalmag.com/bharatiya-janata-party-land-reforms-anti-encroachment-drives-politics-kashmir/>.

⁶³ Rayan Naqash, “Covid-19 Outbreak in Kashmir: The Indian Government Deploys a Bureaucratic Response to a Public Health Emergency,” The Polis Project, October 25, 2021, <https://www.thepolisproject.com/read/covid-19-outbreak-in-kashmir-the-indian-government-deploys-a-bureaucratic-response-to-a-public-health-emergency/>.

⁶⁴ Indrajit Roy, *Passionate Politics: Democracy, Development and India’s 2019 General Election*.

Kashmir.⁶⁵ The hearing included a panel comprised of then-Assistant Secretary for South and Central Asia Alice Wells, then-Assistant Secretary for Human Rights Robert Destro, and many human rights activists and academics that focused on South Asia. Multiple committee members stepped away from the normally pro-India sentiment observed in Congress and scrutinized the infringements made by the Indian government on human rights in Kashmir. Assistant Secretary Wells clarified during the hearing that the U.S. holds no position on Article 370, but was concerned over the procedural aspects of its revocation and the subsequent measures undertaken in the region that adversely impacted civil society and political figures.

On November 21, 2019, House Resolution 724 was introduced by Representative Rashida Tlaib (D-MI).⁶⁶ The resolution was titled “Condemning the human rights violations taking place in Jammu and Kashmir and supporting Kashmiri self-determination” and expressed support for the Kashmiri autonomy movement while calling on India to adhere to human rights standards. On December 6, 2019, Representative Pramila Jayapal (D-WA) introduced House Resolution 745, entitled “Urging the Republic of India to end the restrictions on communications and mass detentions in Jammu and Kashmir as swiftly as possible and preserve religious freedom for all residents.”⁶⁷ The resolution specifically addressed the human rights abuses being perpetrated against the Kashmiri population through mass detention and the communications blackout. Both resolutions were referred to the House Committee on Foreign Affairs but were not taken any further.

After the immediate fallout of Article 370’s abrogation, American policymakers have been silent on Kashmir. Indian Prime Minister Narendra Modi has visited the United States twice since revoking Article 370: in September of 2019 to attend a rally in Texas with former President Donald Trump⁶⁸ and in June of 2023 after being invited by both Democratic and Republican Congressional leadership to address a joint session of Congress and attend a White House State Dinner.⁶⁹ Six members of Congress boycotted the June visit, citing India’s attempts at restricting religious and political freedom for their opposition to the prime minister’s address.⁷⁰ Among them was Representative Ilhan Omar (D-MN), who also made an unconventional visit to

⁶⁵ U.S. Congress. House of Representatives. Committee on Foreign Affairs. Human Rights in South Asia-Panel I. 116th Cong., October 22, 2019.

⁶⁶ U.S. Congress, House, Condemning the human rights violations taking place in Jammu and Kashmir and supporting Kashmiri self-determination, HR 724, 116th Cong., <https://www.congress.gov/bill/116th-congress/house-resolution/724?q=%7B%22search%22%3A%5B%22kashmir%22%5D%7D&rs=2&r=6>.

⁶⁷ U.S. Congress, House, Urging the Republic of India to end the restrictions on communications and mass detentions in Jammu and Kashmir as swiftly as possible and preserve religious freedom for all residents, HR 745, 116th Cong., <https://www.congress.gov/bill/116th-congress/house-resolution/745?q=%7B%22search%22%3A%5B%22kashmir%22%5D%7D&rs=2&r=7>.

⁶⁸ “Howdy, Modi!”: Trump Hails Indian PM at ‘Historic’ Texas Rally,” BBC News, September 23, 2019, <https://www.bbc.com/news/world-us-canada-49788492>.

⁶⁹ Victoria Kim, “What to Know About Modi’s Visit and U.S.-India Relations,” The New York Times, June 22, 2023, <https://www.nytimes.com/2023/06/22/world/asia/modi-visit-us-india-biden.html>.

⁷⁰ Karoun Demirjian, “Liberal Democrats Boycott Modi’s Speech to Congress,” The New York Times, June 22, 2023, <https://www.nytimes.com/2023/06/22/us/politics/modi-speech-biden-boycott.html>.

Pakistan-Administered Kashmir in 2022 in an attempt to bring Kashmir back into conversations on Capitol Hill.⁷¹

For the past few decades, the United States has looked to India as a potential major ally, particularly for the market it provides as well as the vantage point it would allow in opposition to China. Those perceived benefits trump any motivation for the U.S. to intervene on behalf of Kashmiri interests, but allying with India would do a disservice to the United States in a number of ways.

First and foremost, India has a history of being unreliable when it comes to creating foreign alliances; during the Cold War, India did not align itself but engaged readily with the Soviet Union. At present, India aligns itself with the U.S. as a means to intimidate China, which maintains a strong connection with Pakistan and supports Pakistani interests in Kashmir.⁷² China and India have also exchanged fire several times across their shared border in Ladakh.⁷³ On the other hand, India supports China and Russia through its membership in the Shanghai Cooperation Organization⁷⁴ and continued purchase of Russian oil despite the war in Ukraine.⁷⁵

India's market is also not proven to be a reliable market for the U.S. to engage in. The Indian government touts its large population as the future of innovation and economic growth, but experts are skeptical of the statistics being reported by the Modi government. They also do not consider the rate at which India is growing, both in terms of population and economic power, to be stable. With Modi's policies deterring foreign investors in conjunction with the relatively small amount of wealth produced by formal industry in the country, the U.S. cannot rely on India to provide the economic superiority it seeks.⁷⁶

Beyond India's inability to deliver on market and regional dominance, it is the hypocrisy of supporting Indian interests that the United States cannot uphold. The Biden administration has made protecting democracy in the U.S. one of its primary concerns,⁷⁷ but with Indian democracy

⁷¹ Naqash, Abu Arqam, and Krishna N. Das. "US Congresswoman Visits Pakistani Part of Disputed Kashmir, Draws India's Ire." Reuters, April 21, 2022. <https://www.reuters.com/world/asia-pacific/us-congresswoman-visits-pakistani-part-disputed-kashmir-draws-indias-ire-2022-04-21/>.

⁷² "China, Pakistan Reject 'unilateral Actions' in Kashmir, Back UN Resolution." The Wire, May 7, 2023. <https://thewire.in/diplomacy/china-pakistan-kashmir-unilateral-india>.

⁷³ "India and China Exchange the First Gunshots in 45 Years." The Economist, September 8, 2020. <https://www.economist.com/asia/2020/09/08/india-and-china-exchange-the-first-gunshots-in-45-years>.

⁷⁴ Pathi, Krutika. "Group Led by China, Russia Criticizes Global Institutions." AP News, May 5, 2023. <https://apnews.com/article/india-china-russia-sco-shanghai-cooperation-organization-01d474cdd3487d350cf1c8d1a8d938e7>.

⁷⁵ Verma, Nidhi. "India's Russian Oil Buying Scales New Highs in May." Reuters, June 21, 2023. <https://www.reuters.com/business/energy/indias-russian-oil-buying-scales-new-highs-may-trade-2023-06-21/>.

⁷⁶ "America Is Courting India in Part for Its Growing Economic Clout," The Economist, June 13, 2023, <https://www.economist.com/asia/2023/06/13/america-is-courting-india-in-part-for-its-growing-economic-clout>.

⁷⁷ "FACT SHEET: The Biden-Harris Administration Is Taking Action to Restore and Strengthen American Democracy," The White House, July 15, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-the-biden-harris-administration-is-taking-action-to-restore-and-strengthen-american-democracy/>.

backsliding severely under Modi's rule, promoting friendship between the two nations goes against the basic values of freedom and democracy that guide the American government.⁷⁸ Maintaining a selective human rights agenda and ignoring the undemocratic practices of the Indian government do little to support the United States in its attempts to promote democracy across the globe, instead discrediting its actions and undermining American efforts. The U.S.'s unwavering promotion of India as a democracy also worsens the injustices perpetrated against Kashmiris because it legitimizes those actions as being democratic, establishing a dangerous precedent for other governments targeting marginalized populations across the world.

Criticisms of the Kashmiri Cause

There are a number of arguments made by opponents of the Kashmiri movement for self-determination, be it the Indian government and its allies or those that do not find the events in Kashmir pertinent enough to warrant urgent action.

Exodus of Kashmiri Pandits

Kashmiri Pandits are the native Hindus of the Kashmir Valley. They comprise a minority of the population; only around 3,000 remain in the Valley from the original population of 140,000 (out of four million total) prior to 1990.⁷⁹

Following the rampant political corruption and increased militarization of the late 1980s, militant groups began targeting Kashmiri Hindus as a retaliation effort against the Indian state. The idea of migration had already circulated among the community prior to the rise of the militancy as a result of decreased employment opportunities, particularly in government positions, and narratives outside of Kashmir were being spun to increase sympathy for the non-Muslims of the Valley.⁸⁰

During the uprisings of 1989, several Kashmiri Pandits were killed by paramilitary forces on the accusation of being government informants.⁸¹ What followed was the mass migration of Pandits from the Valley into southern Jammu: by 1991, around 25,000 Pandit families had emigrated.⁸² Many Pandit families have since begun lives elsewhere in India or immigrated abroad, but many remain in poorly run refugee camps in Jammu, awaiting government assistance that has yet to arrive.⁸³ Instead of extending aid, the BJP government and Hindutva activists have taken advantage of the Kashmiri Pandit narrative and wielded it as a justification for their treatment of Kashmiris, including the abrogation of Article 370.

⁷⁸ "India: Freedom in the World 2022 Country Report." Freedom House, 2022.
<https://freedomhouse.org/country/india/freedom-world/2022>.

⁷⁹ Essa, Azad. "Kashmiri Pandits: Why We Never Fled Kashmir." News | Al Jazeera, April 7, 2022.
<https://www.aljazeera.com/news/2011/8/2/kashmiri-pandits-why-we-never-fled-kashmir>.

⁸⁰ Ahmad, Khalid Bashir. "Kashmir: Exposing the Myth Behind the Narrative," New Delhi, India: SAGE Publications India Pvt, 2017. 225

⁸¹ Ahmad, Khalid Bashir. "Kashmir: Exposing the Myth Behind the Narrative," 228.

⁸² Arundhati Roy, Azadi, 88.

⁸³ Arundhati Roy, Azadi, 89.

The reality is that the number of Muslims killed by militants is three times that of Pandits.⁸⁴ The militancy's rise, as with many other armed separatist movements, is a symptom of the continued failure of the Indian government to establish any form of democratic government and uphold human and civil rights. With Kashmiris suffering under the combined burden of military occupation and militancy retaliation, the weaponization of Kashmiri Pandits' trauma is an exploitative tactic that aims to take away from the broader narrative of injustice in Kashmir.

Terrorism in the Valley

The Kashmiri Pandit argument, as previously mentioned, fits into a larger antagonization of Kashmiri separatists through the lens of terrorism. Beyond citing militant activity as a reason for the increased militarization of Kashmir, India has appealed to the United States and its ongoing War on Terror to justify its human rights abuses in the Valley.

Notably, the Public Safety Act (PSA) and the Armed Forces Special Powers Act (AFSPA) allow the infringement of basic civil rights based on the potential involvement of individuals in terrorist activity. The PSA mostly targets protests and political dissent, allowing individuals to be detained without judicial review and leading to the detention of individuals for months on end without any action in court.⁸⁵ The AFSPA grants security forces in the region immunity from being prosecuted for their actions by civilian courts unless the Indian government provides permission.⁸⁶

The counter-terrorist argument allows the Indian government to limit restrictions on detention and provide no path for accountability under the facade of protecting civilians, strikingly so as the steam for militant activity has diminished greatly since its peak in the late twentieth century.⁸⁷ That argument has enabled Indian forces to legally arrest journalists, human rights activists, and political leaders in Kashmir, effectively denying Kashmiris their democratic rights to free speech, assembly, and political dissent.

Policy Recommendations

As U.S.-India relations grow and Pakistan and China's roles in the global landscape shift, Kashmir poses not simply the integral question of human rights and democratic values but a major determinant of what part the United States will play in Asia and worldwide. The United States must make major alterations to its current foreign policy in order to uphold the validity of its human rights agenda and succeed in developing its place as the global leader in both democratic and economic development.

Democracy and Kashmir

⁸⁴ Indrajit Roy, *Passionate Politics: Democracy, Development and India's 2019 General Election*.

⁸⁵ OHCHR, "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019," 18.

⁸⁶ OHCHR, "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019," 4.

⁸⁷ Behera, Navnita. 2002. "Kashmir: Redefining the U.S. Role | Brookings." Brookings Institution. <https://www.brookings.edu/articles/kashmir-redefining-the-u-s-role/>.

What must first and foremost be addressed is the inability of democracy to be implemented under occupation. India's undeniable military occupation of Kashmir needs to be recognized, if not in formal policy, then through the lens with which Kashmir and India are viewed by the American government and civil society. Throughout the history of India's administration of Kashmir, the central government makes it clear through its ever-expanding intrusion on the region's autonomy and rejection of international recommendations that democracy was never an option for Kashmiris.

The injustices in Kashmir and the authoritarianism exhibited by the Indian government are major indicators of the global backsliding of democracy and the failure of democratic institutions. It is critical to underline the fact that the military occupation of Kashmir, the targeting of Kashmiri and foreign civilians, and the intrusions made on Kashmir's autonomy were all constitutional acts. Being the largest democracy in the world, India's active prevention of democracy in Kashmir stands out among the global trend of backsliding democracies. Kashmir also lies at the intersection of multiple issues that the world faces, from the effects of climate change on South Asia's water supply (the Indus, Jhelum, and Chenab rivers all flow through Jammu and Kashmir and are the primary sources of water for both India and Pakistan) to the impact of unresolved conflict between nuclear powers. What the future holds for Kashmir is integral to the resolution of varying issues worldwide, and it is beyond time for the U.S. to take a more active role in holding India accountable and fulfilling its commitment to democracy.

Election Integrity

Elections in Kashmir have often been overrun with Indian interference, prompting mass boycotts and a general disregard for government and political processes. Though elected bodies in Kashmir have historically been vehicles for carrying out Indian interests and are subject to corruption, denying Kashmiris the basic right to engage in elections, particularly as elections to the reformed legislature have yet to be scheduled, cannot be tolerated.

The United States must call on India to carry out elections as soon as possible in accordance with international law. Voter intimidation by security forces, the blockage of different Kashmiri parties and leaders from running, and inefficient access to polls and voting information have all been strategies employed by the Indian government in attempts to prevent Kashmiri autonomy from within. At the very least, the United States must call on India and the international community to instate free and fair elections in Kashmir with safeguards in place against the forms of election interference that have often been carried out in Kashmir.

The Free Flow of Information

What has prompted the most backlash from the international community is India's staunch censorship of Kashmiris, but follow-through has been limited. With India detaining both foreign and domestic journalists and activists as well as censoring and targeting online activity that refers to Kashmir, the United States has a responsibility and sound reason to demand that India roll back its censorship.

The United States must call for the release of unlawfully detained journalists and activists. Kashmiri journalists Aasif Sultan and Sajad Gul have been detained by Indian forces under the Public Security Act without formally being charged due to writing about the armed struggle in Kashmir, and when Indian courts ruled that they be granted bail, both were re-arrested.⁸⁸ Most recently, journalist and activist Irfan Mehraj was detained by the National Investigation Agency on charges of conspiracy, sedition, and association with a terrorist organization, among others.⁸⁹ These journalists are only a fraction of individuals detained by security forces without due process.

Censorship has reached beyond Indian borders as well. The Indian government has denied journalists, politicians (including Senator Chris Van Hollen, who serves on the Senate Foreign Relations Committee⁹⁰), and activists abroad access to Kashmir, refusing to grant them visas. Social media giants Facebook, Instagram, and Twitter have all been accused of removing posts and media addressing injustice in Kashmir, often providing false technical justifications or no reason at all for doing so.⁹¹ With all three of those platforms being based in the U.S., the American government has a responsibility to hold them accountable for actively upholding India's attempts at censorship and withholding information on Kashmir. It must also acknowledge that its own citizens are being targeted by the Indian government's attack on civil rights and liberties by calling on India to uphold its commitment to free press and speech.

The American Public's Role

The Kashmiri diaspora in the United States, much like many other immigrant communities, has a history of limited political participation. That behavior is often attributed to the history of trauma and oppression inflicted upon Kashmiris by the Indian government prior to their emigration, but political ignorance in the United States does little to aid the Kashmiri cause. When living in a country that wields such immense economic and political strength, it is essential that Kashmiri-Americans advocate for American action on Kashmir and do not forget their families still living under Indian occupation in the Valley.

Muslim Americans also have an integral role to play; the struggles faced by Kashmiris resonate with many Muslims around the world, making it a collective concern for Muslims in the United States. American Muslims have a responsibility to mobilize around Kashmir and stand in solidarity with their Kashmiri brothers and sisters, which entails actively bringing Kashmir to the

⁸⁸ Tom Barkley, "Kashmir Media at a 'breaking Point' amid Rising Number of Journalist Detentions," Committee to Protect Journalists, May 12, 2022, <https://cpj.org/2022/05/kashmir-media-at-a-breaking-point-amid-rising-number-of-journalist-detentions/>.

⁸⁹ "Irfan Mehraj," USCIRF, <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/irfan-mehraj>.

⁹⁰ Joanna Slater, "U.S. Senator Blocked from Visiting Kashmir as Crackdown Enters Third Month," The Washington Post, October 4, 2019, https://www.washingtonpost.com/world/asia_pacific/us-senator-blocked-from-visiting-kashmir-as-crackdown-enters-third-month/2019/10/04/63790b18-e6bf-11e9-b0a6-3d03721b85ef_story.html.

⁹¹ "E-Occupied: How Social Media Corporations Enable Silence on Kashmir," Stand With Kashmir, September 2021, https://standwithkashmir.org/wp-content/uploads/2021/09/Report_-_Social-Media-Censorship_Sept-2021.pdf, 16.

attention of their communities, organizations, and elected officials. India has also been recognized as a primary exporter of Islamophobia, generating a significant portion of anti-Muslim posts on social media platforms and maintaining strong connections with Israel through the countries' shared repression of Muslim-majority populations on the grounds of ethnonationalism.⁹² That bigotry has manifested into a very real threat, for example, with Norwegian mass killer Anders Breivik citing Hindutva sentiments against Muslims in his manifesto.⁹³ Muslim Americans must act, if not to achieve justice for Kashmir, then for their own safety.

Kashmiri and Muslim Americans have the ability to engage both their congressional representatives as well as civil society organizations focusing on democracy, human rights, and foreign affairs. Showing up for the cause and making specific demands, including the aforementioned recommendations, increases the likelihood of legislative activity and reinvigorating discussions about Kashmir among American lawmakers. But if both communities continue their apathetic and pessimistic approach to government, they cannot expect American policymakers and political actors to make effective progress on the issues they value.

Conclusion

Kashmiris have faced a tumultuous history of occupation and oppression for centuries, but India's position as the largest democracy on earth and its growing presence on the international playing field place Kashmir in a unique position. The history of India's administration of Kashmir clearly negates the narrative that the rebirth of democracy is possible in the region without substantial changes in governance. The international community, and more importantly, the United States, can no longer afford to push Kashmir to the margins of foreign policy at the risk of both endangering Kashmiris and allowing the failure of democracy worldwide to go on unchecked.

As nations face the fallout of climate change, nuclear conflict, and democratic backsliding, facilitating governmental development in Kashmir provides a rare opportunity to be at the forefront of addressing the world's most pressing matters. If the United States aims to succeed as a global leader, it is not too late to fulfill its promise of ensuring that democracy reaches every person worldwide by starting with Kashmir.

⁹² CJ Werleman, "Twitter Hate: 86 Percent of Anti-Muslim Content Comes from US, UK, India," TRT World - Breaking News, Live Coverage, Opinions and Videos, September 15, 2022, <https://www.trtworld.com/opinion/twitter-hate-86-percent-of-anti-muslim-content-comes-from-us-uk-india-60801>.

⁹³ Praveen Swami, "Norwegian Mass Killer's Manifesto Hails Hindutva," The Hindu, December 4, 2021, <https://www.thehindu.com/news/national/norwegian-mass-killers-manifesto-hails-hindutva/article2293829.ece>.

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