

Associate Paper

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Kashmir: From Demographic Majority to Political Minority

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Key Points

- Jammu and Kashmir, stripped of statehood by Indian Prime Minister Modi in August 2019, are now a Union Territory.
- Kashmir has suffered a political lockdown since August 2019, followed by a Covid-19 lockdown from March this year.
- An indication of Kashmir's future may be clear with the appointment of Manoj Sinha as Jammu and Kashmir's Lieutenant-Governor.
- In the guise of returning to "normality", the Modi Government has launched an economic snapshot and vision statement to 2030.
- In the longer term, averting a "Muslim problem" in Kashmir and conducting future elections remain issues with which the government must contend.

Summary

The Jammu and Kashmir Reorganisation Bill, enacted on 5 August 2019, moved the states into the Indian Union, removing their autonomy which was guaranteed under the Constitution. The argument made by Prime Minister Modi in a nationwide broadcast on 9 August, stated that the regions' special status granted under Articles 370 and 35A of the Constitution was of no advantage, leaving them subject to terrorism, separatism and large-scale corruption but also, as a result of the loss of independence, to a political shut-down followed by a Covid-19 lock-down.

The situation also raises the prospect of Jammu and Kashmir becoming India's "Muslim problem" as a result of their now changed status in the Indian Union, with different domicile

rules that seek to encourage Hindu residency so as 'to convert a demographic majority into a political minority'. The Citizens Amendment Act and the Nation Register of Citizens, if applied, remain contentious, however.

Kashmir's new Lieutenant-Governor, Manoj Sinha's appointment is a forceful policy statement. His Rashtriya Swayamsevak Sangh (RSS) background states his Hinduisation values, and he is a close acquaintance of Modi's. He is highly-qualified academically and politically, and has been tasked, albeit without any time line, to restore peace, statehood and elections to Jammu and Kashmir. Cementing his aims with a forward view, Modi has outlined what has been described as an Economic Snapshot and Government Vision to 2030 for the region.

The prospect of returning to elections is distant, with the possibility of reform of the process suggesting delays – and not just for the former states of Jammu and Kashmir.

Analysis

Stripped of Statehood

The Jammu and Kashmir Reorganisation Bill 2019, flagged in Prime Minister Modi's first Election Manifesto in 2014 and clearly stated in his [2019 Election Manifesto](#), was promptly acted upon, followed by other nationalist legislation.

Scarcely two months after Modi and his Bharatiya Janata Party's (BJP) emphatic election victory (held in seven phases between 11 April and 19 May 2019), the Modi Government 'unilaterally stripped' Jammu and Kashmir of its 'constitutionally-guaranteed autonomy', enclosing it in the Indian Union under the [Central Government's control](#). This was carried by both Houses of Parliament without prior consultation or organised opposition on 5 August 2019.

Justifying, or perhaps explaining, his actions to his nation, Modi, in a nationwide broadcast on 9 August, [stated](#) that the region's special status granted under Articles 370 and 35A of India's constitution 'gave Jammu and Kashmir nothing but terrorism, separatism, dynasticism and large-scale spread of corruption'. Modi went on to elucidate that eliminating Jammu and Kashmir's constitution left Pakistan without the ability to use the regions' past independence 'as a weapon to incite the people of the region against India', but he assured residents that normality will return gradually. Along with this vague reassurance, he added that 'mainstreaming' of the Kashmiri people with the rest of the nation would expedite development and create new jobs with investment from public and private companies.

He did not, however, refer to the deployment of 'tens of thousands' of troops to the region nor the near total [black-out of communications](#), claims supported widely: the changes were enforced at 'gunpoint', an additional military deposition predated the repeal of Articles 370 and 35A, followed by a curfew and communications blackout. The United Nations Secretary-General, Antonio Guterres, urged restraint, but [expressed](#) concern that clinics, shopping

malls and groceries remained closed, with landlines and the internet down preventing locals' communication with relatives outside with news dependent on limited television and local radio reports.

The Jammu and Kashmir political shut-down with no stakeholder engagement or public participation, followed by the Covid-19 lockdown under an already inadequate medical system, leaves serious concern about a humanitarian crisis of India's ilk. Arguably this has been fuelled by an influx of tourists to remote areas of Kashmir as Modi encourages Indians to holiday domestically, and has supported mass rallies in other Union states, bringing the prospect of a fresh wave of the pandemic, while '[hell-bent on portraying a false sense of normalcy](#)' to media reports, national and international.

Averting a "Muslim problem" in Kashmir?

With Kashmir now open to Hindu citizens, the potential problem for India, that of a Muslim-majority state, may have been averted, at least temporarily. The changes to domicile rules and delimitation (referred to in ***Elections*** below) provide the time for Modi's government, as [succinctly put](#) by Haseeb Drabu, 'to convert a demographic majority into a political minority'.

The use of religion as a requirement for citizenship immediately calls to mind the Citizens Amendment Act, 2019 (CAA), enacted in December 2019, effectively ending India's post-independence status as a secular state, excluding at that time Muslims as migrants in the eastern states if they could not establish citizenship. Uncertainty about future application of the CAA exists. As noted, the government had 'unilaterally dismantled the statehood of India's only Muslim majority-state' less than [six months earlier](#). Crucial to the Supreme Court's decision on the validity of the CAA is Clause 11 of the Indian Constitution, Part II – Citizenship, that permits Parliament to regulate the right of citizenship by law'. The Supreme Court found in its favour, despite the anti-secular element enshrined in the Constitution.

For India's Muslims, and that now includes those of Jammu and Kashmir, what has happened in Assam – denial of citizenship to Muslims unable to establish their entitlement under the CAA, and their likely expulsion from eastern states – rings alarm bells for those in the new Union states.

The consequent and promised National Register of Citizens (NRC) is another contentious document. When it was first published and applied to Assam, some two million people found their names were [not recorded as citizens](#). The NRC has to date been confined to Assam, but the government has undertaken to apply its list of registered citizens India-wide.

It thus cannot be assumed, that on grounds other than majority, the "Muslim problem" in Jammu and Kashmir has been averted.

Jammu and Kashmir's New Lieutenant-Governor – A View Ahead

Manoj Sinha's appointment is a forceful policy statement. A seasoned politician from Uttar Pradesh, he is a trained Civil Engineer with degrees from the research-orientated Indian Institute of Technology at Varanasi. Sinha has been a Member of Parliament three times. He became MP for the first time in 1996 and then in 1999 and 2014. During his third term in

2014, under newly-elected Prime Minister Modi, he was appointed as the Minister of State for Railways and in 2016 served as the Union Minister of State of the Ministry of Communication.

The biggest message the Centre has signalled through his appointment is that it has a longer view of Kashmir, not only from a security perspective. Restoring peace in the first year after stripping the state's special status was one of priorities of the Prime Minister's speech on 9 August. As the new Union Territory started its second year without special status, sending a politician as the new administrator is much more than symbolism. It [signals](#) the start of the crucial Stage II of the Modi Government's Kashmir strategy — fulfilling the PM's promise that 'once again, we have to make Kashmir a paradise'.

An efficient administrator, Sinha is expected to deliver on what Modi had said in his address to the nation after the scrapping of the regions' special status but, as *The Print* [noted](#), schemes on paper have to be implemented on the ground. Sinha's task, however, appears to be to create the conditions to implement two other aims mentioned by the Prime Minister: restoration of statehood and elections. Mentioned, albeit, without a prospective date for "normalcy" to be returned, and what form that might take.

Economics, Policies and Objectives

The India Brand Equity Foundation (IBEF) in March 2021 put forward an economic snapshot accompanied by key government policies and objectives for Jammu and Kashmir, giving some substance to the Prime Ministers aim to [return to normality](#). Listing exports, labour, handicrafts and policy incentives, IBEF notes that the new Union Territories' 'vibrant floriculture sector' exported 31.45 thousand metric tonnes of flowers during 2018-19, has Asia's largest tulip supply, and an ideal floriculture climate. Added to this is its 'rich labour pool' which, in addition to floriculture also designs and produces traditional textile products, and a 'world-famous handicrafts industry'.

Promotion schemes are underway, with an industrial policy that offers 'attractive incentives' and new land laws to benefit building institutions such as healthcare centres, or higher or specialised education. Among other key government policies in October 2020, the Union Cabinet decided to extend the Market Intervention Scheme (MIS) for procurement of apples in the Union Territory for 2020-21. In January 2021, the Cabinet Committee of Economic Affairs (CCEA) approved a new scheme for industrial development in Jammu and Kashmir with a total outlay of Rs. 28,400 crore rupees (some \$5,188 million) until 2037. This is not a large investment.

Under another set of headings, the government vision out to 2030 is based on modernising the current economy environmentally to address the issue of shrinking natural water resources due to pollution, encroachment and siltation and, in the agricultural sector, to promote organic farming to help control the degradation of natural resources by avoiding the large-scale use of chemicals.

Energy savings are to move Jammu and Kashmir towards self-sufficient in energy supply and reduce its dependence on coal-based power – an unlikely all-India aim at present. Tourism,

already underway, is to provide additional employment in rural areas for those who are dependent on agriculture for income. With tourists, as noted above, the spread of the pandemic is all but ensured at the present time.

The economic snapshot reflects a familiar way of life in the formerly independent states. While the government vision out to 2030 is encouraging, the proposed financial outlay is limited – the economic outcome under a Union government for the local population seems little different and suggests a reliance on Hindu-migrant businesses lifting the economy.

Elections

Two announcements in April 2021 muddy the waters around promised elections. The first by the Jammu and Kashmir Peoples Democratic Party's (PDP) President on 13 April 2021,¹ the second by the former Chief Election Commissioner, T.S. Krishnamurthy, on 27 April. The first, by the PDF President, Mehbooba Mufti, [declared](#) that the Central government 'is not in the mood to conduct elections anytime soon, as it wants to continue direct rule'. That is borne out by the Central Government extending the term of the Delimitation Commission by a further year; it is a panel set up in 2020 to redraw the electoral constituencies of Jammu and Kashmir, and the north-eastern states. The key issue is the timing of future elections. The panel's initial one-year term expired in March 2021, and the Ministry then [issued a statement](#) substituting two years for one year as the term of the J & K Delimitation Commission.

In the second announcement, Krishnamurthy, advocating more widely than the Jammu and Kashmir elections, has pitched for 'single-phase elections and substantially curtailing public campaigning time in future polls' on the basis that digital and media platforms [reduced the former campaign periods](#). Instituting such radical change to the election system, if consultation with all of the states were properly undertaken, could only postpone future elections.

In Conclusion

The lockdowns, the removal of the regions' special status, and new citizenship laws backed by Modi, seen as discriminatory towards Muslims, may have provoked India-wide and international protests, but no back down by the Central Government and the lack of any forecast election date does not bode well for a return to an earlier normality in either Kashmir or Jammu.

¹ The PDP was founded in 1999 by a former Union Home Minister, Mufti Mohammed Sayeed, and first gained power in J & K at Assembly Elections in 2002. The party lost power and regained it in November 2014 with the BJP as its alliance partner, some six months after Modi's first election as Prime Minister. After Sayeed's death in 2016 his daughter, Mehbooba Mufti, succeeded him as party leader and Chief Minister with continued BJP partnership. The coalition, however, did not last a full term when the BJP withdrew its support in June 2018, some 14 months before Modi repealed the states' special status.

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