**A Facilitator of Hindutva**

[Abdul Basit Alvi](https://www.nation.com.pk/columnist/abdul-basit-alvi)

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Indian aggression in Jammu and Kashmir has been marred by human rights concerns, encompassing allegations of extrajudicial killings, disappearances, arbitrary detentions, and the excessive use of force by Indian security forces. The Armed Forces Special Powers Act (AFSPA) grants expansive powers to Indian security forces in the region, often criticised for fostering impunity and impeding accountability. These allegations have garnered international attention and censure from human rights organisations, exerting pressure on India to address these concerns and safeguard the well-being of civilians in the conflict zone.
The issue of Indian aggression in Jammu and Kashmir not only strained relations between India and Pakistan but also exerted a far-reaching impact on the broader geopolitical landscape of South Asia. The two nations have engaged in multiple wars and skirmishes over the region, with the specter of armed conflict perennially looming. International efforts, including those by the United Nations, to mediate and find a peaceful resolution to the Kashmir conflict have encountered challenges, particularly due to India’s steadfast stance. The matter continues to destabilise the region and holds broader implications for global security. The history of Indian aggression in Jammu and Kashmir narrates a complex tale of geopolitics, conflicting aspirations, and unresolved disputes. On August 5, 2019, India executed a highly contentious decision that reverberated not only within the nation but also across the international community. Under the leadership of Prime Minister Narendra Modi, the Indian government declared the abrogation of Article 370 of the Indian Constitution, thereby rescinding the special autonomous status granted to Jammu and Kashmir. Following the abrogation, the region underwent substantial changes. The state was restructured into two union territories – Jammu and Kashmir, and Ladakh. The removal of Article 370 resulted in the forfeiture of the special autonomy that had defined the region for decades. While the Indian government pledged economic development, investment, and opportunities, apprehensions arose due to a communication blackout, movement restrictions, and allegations of human rights violations in the aftermath of the decision. These concerns triggered discussions on the delicate balance between security measures and fundamental rights.
In a recent development, the Supreme Court of India has affirmed the controversial decision made by the Hindu extremist Modi government on August 5, 2019, to abrogate Article 370. Simultaneously, the court dismissed petitions advocating for the restoration of the special status of Occupied Kashmir. Chief Justice DY Chandra Chadha, in delivering the verdict, asserted that, following India’s recognition, Jammu and Kashmir lacks internal autonomy, and the application of Article 370 was temporary. According to Articles 1 and 370 of the Constitution, occupied Jammu and Kashmir is an integral part of India. The judgment clarified that the Jammu and Kashmir Assembly did not aim to create a separate entity, and Article 370 does not freeze the integration of Jammu and Kashmir. The court upheld the Modi Government’s decision of August 5, 2019, stating that the President possesses the authority to abrogate any constitutional provision. Supreme Court of India rejected petitions seeking the reinstatement of the special status of Occupied Jammu and Kashmir. Additionally, the court mandated the holding of elections for the Occupied Kashmir Assembly by September 30, 2024. It is noteworthy that the Supreme Court had reserved its decision on September 5 regarding petitions challenging the revocation of Article 370, which granted special status to Occupied Kashmir, by the Modi government. These petitions called for the restoration of Article 370 and the statehood of Occupied Jammu and Kashmir, while also contesting the division of the region into Jammu and Kashmir and Ladakh. The Chief Justice of India, DY Chandrachud, led a 5-member bench that heard the case on a daily basis, spanning 16 days. The recent verdict by the Indian Supreme Court serves as a wakeup call for those who champion the cause of an Independent Kashmir. The Government of India, along with its Supreme Court, is being accused of openly disregarding human rights and steadfastly adhering to the principles of Hindutva ideology. The feasibility of establishing an Independent Kashmir is questionable in the face of India, viewed as an adversary that considers Kashmir an integral part. India, from a security perspective, is unlikely to allow Kashmir to function independently. The alignment of religion, culture, language, and other characteristics with Pakistan makes coexistence with Pakistan the most viable solution. The historical treatment of India towards its neighboring countries and minority groups within its borders is evident. Advocates of an Independent Kashmir need to acknowledge and understand this reality.
Readers, it is essential to emphasise that the courts and judicial systems in civilised societies are expected to uphold human rights and factual accuracy. The undeniable fact is that Kashmir has never been, nor will it be, a legitimate part of India. The recent decision by the Supreme Court is disheartening for human rights advocates, as it appears to grant the Modi government unchecked authority to continue violating human rights in Kashmir. Furthermore, it contradicts United Nations regulations on Kashmir, which unequivocally designate Jammu and Kashmir as a disputed territory and direct India to afford Kashmiris the right to self-determination. The Indian Supreme Court, in this context, seems to align itself with the Hindutva ideology, which aims to suppress the rights of minorities. The international community, led by the United Nations, must intervene to compel India to adhere to UN resolutions, granting the people of Jammu and Kashmir the right to self-determination and putting an end to these repeated actions that defy international norms.