



# General Assembly

Distr.: General  
5 October 2022

English only

---

## Human Rights Council

### Fifty-first session

12 September–7 October 2022

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by World Muslim Congress, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 August 2022]

---

\* Issued as received, in the language of submission only.



## **Indian settler colonialism strategies and its impacts on Indian Administered Kashmir**

Nehru to Modi every Indian ruler had treated Indian Administered Kashmir as a colony. A case study of the conflict right from military invasion of the territory by India in 1947 to its unlawful integration in 2019 substantiates this widely held view that ever since India gained its control over the territory the successive Indian governments have persistently pursued a settler colonialism framework that sought to;

(A) strengthen New Delhi's control over the territory of Indian Administered Jammu and Kashmir.

(B) take advantage of its resources.

(C) replace the native population with an invasive settler society.

(D) control space, resources and people by occupying their lands

(E) establish an exclusively private property regime.

(F) change the political nature of the Kashmir dispute through demographic changes, political manoeuvrings, and administrative machinations.

(G) deprive its people of the right to self-determination promised to them by the international community.

Though the settler colonialism process in Indian Administered Jammu and Kashmir has been under-way since 1947 but it gathered impetus after the Indian government revoked article 370 and 35 A of the Indian constitution that besides guaranteeing a special status to the region had granted exclusive rights to the state-subjects relating to employment, scholarships and other privileges. The biggest advantage for permanent residents, under the article 35 A, was that only they had the right to own and, therefore, buy, property in the state.

The 5th August 2019 move, rightly censored as an act of colonization, is a watershed moment in the history of Indian Administered Kashmir as it marks the region's transition from Patrick Wolfe's first model to his second model of colonialism. The move, which opened the floodgates for Indian settlers and enabled them to have more capital to take over Kashmiri lands, is a typical example how the Indian state disenfranchised, disempowered and dispossess Kashmiris of their lands.

Since the abrogation of these constitutional provisions the Indian government through a host of settler strategies have tried to obtain and maintain territorial control over the Indian Administered Jammu and Kashmir.

The policies such as (a) Replacement of the indigenous population, (b) land seizer (c) killing, genocide and dehumanization of local people (d) capitalist accumulation and resource extraction (e) demographic change (f) Use and abuse of Military force (g) re-writing history (h) enabling communalism have been dominant features, which define Indian government's Indian Administered Kashmir policy today.

### **Replacement of indigenous population**

An inclusive settler-colonialism drive has been initiated under the garb of the newly introduced domicile law to replace the indigenous population with a new society of settlers. The law has formally paved a way for outsiders to get settled in the state permanently besides enabling them to be the claimants of the already existing jobs in Indian Administered Jammu and Kashmir, where unemployment rate is double than in any other Indian states.

Under the pretext of new law, the outsiders (non-state subjects) who get jobs in the Indian Administered Jammu and Kashmir will also claim the right to purchase land in the state.

## Land Seizure

Since the occupation of Indigenous people's lands has been central to settler-colonial state processes, the new administration in the state has introduced amendments in Control of Building Operations Act, 1988 and the Development Act, 1970 that give sweeping powers to the Indian army to acquire more land in Indian Administered Kashmir. Under the new law, the Indian Army can declare any part of the Indian Administered Jammu and Kashmir including agricultural lands, residential areas and neighbourhoods to be "strategic areas". By virtue of this law the Indian army can take possession of any land of choice in Indian Administered Jammu and Kashmir after declaring it as "strategic".

As per a report over 4.30 lakh kanals of land in the Indian Administered Jammu and Kashmir is already under the illegal occupation of Indian military and paramilitary forces. In 2016 the then Chief Minister of the state Jammu and Kashmir Ms Mehbooba Mufti informed the Legislative Assembly that 51116 kanals of State land in Jammu and 379817 kanals of land in Kashmir and Ladakh were under the unauthorized occupation of the Indian forces.

The amendment in the said laws in other words mean more destruction, plunder of state-land and disempowerment of the local authorities and further erosion of political and economic rights of the native people.

Amendment to the Land Revenue Act on the other hand was tantamount to putting Indian Administered Kashmir on sale. As per the new law anyone from outside Indian Administered Jammu and Kashmir can now buy agricultural land with the government's permission for commercial and other non-agricultural purposes.

"The repeal of the basic land laws and massive amendments to the other laws are widely perceived by locals (Kashmiris) as a conspiracy to push in and implement the agenda of effecting demographic change and disempowering the people of the Indian Administered Jammu and Kashmir".

## Changing demography

Bringing in more settlers from the Indian mainland and getting them settled in the Indian Administered Jammu and Kashmir has been a top priority of the incumbent Indian government but article 35-A, which served as a strong deterrent against bringing a material change in the region for decades, has been the biggest barrier in the BJP's way and thus a bill was brought into parliament in August 2019 to do away this constitutional provision. The revocation of the article paved a way for the government to introduce massive changes in the Indian Administered Jammu and Kashmir's domicile law.

The amendments introduced in the law removed all the barriers that stood in the BJP government's way to achieve its long-cherished goal of turning the Muslim majority state into a minority.

It may be noted that since the day domicile law was changed the authorities in the Indian Administered Jammu and Kashmir had issued domicile certificates to millions of non-Kashmiris. In February this year (2021) the Indian Home Minister G K Reddy, in a written reply to a query, informed the Indian Parliament that the authorities in the Indian Administered Jammu and Kashmir have issued a total of 3,380,234 Domicile Certificates till 25 January 2021.

## Capitalism & Resource Extraction

Along with land grab, capitalist accumulation and resource extraction are other key economic logics of settler-colonial state formations. India has always eyed Indian Administered Kashmir's water resources and its capabilities to generate electricity for the rest of India while depriving Indian Administered Kashmir of the electricity it produces from the region.

After the abrogation of article 370, it was noticed that the Indian capitalists were dominating the locals as rights to important industries, such as mining, were also being given to Indian

companies. Moreover, the Indian capitalists also seek to dominate the travel, tourism, and hotel industries. As more and more economic and employment opportunities are opened up to Indians, Kashmiris will be reduced to mere laborers in their own homeland.

### **Use and abuse of Military force**

Apart from these tactical moves, the Indian state has been using its military might and repressive state apparatus to further its agenda in the Indian Administered Jammu and Kashmir. With over 700,000 Indian forces, Kashmir is already the most militarized region in the world and has seen a further increase in military presence in the post 5th of August 2019. The massive troop concentration and blanket impunity enjoyed by them under black laws has led to widespread deaths and destruction and gross violation of human rights in the territory.

The black laws are being used by the Indian government to further repress Kashmiris and take away their basic rights. Draconian Laws like the Public Safety Act (PSA) and the Unlawful Activities (Prevention) Act (UAPA) on the other hand are meant to further criminalize any and all forms of dissent.

### **Re-writing history**

Renaming every landmark in the Indian Administered Jammu and Kashmir, removing all signs of Islamic and Muslim identity, and changing language and culture is yet another aspect of colonization that seeks to calibrate new ground realities in the Indian Administered Jammu and Kashmir. It is a deliberate dangerous attempt to de-link/disassociate the Kashmiri masses with their ethos, history, and culture. And a deliberate attempt of Indianization of the Indian Administered Jammu and Kashmir.

### **Dehumanization of ingenious people**

The policy of dehumanization of indigenous people on the other hand depicts dark aspects of settler colonialism. Despite Kashmir's multi-ethnic, multi-religious past, the Indian government has always tried to paint Kashmiri Muslims as "foreigners" or "invaders" and brand Kashmiris as "terrorists and traitors" whereas Hindus are depicted as the original aborigines. The negative portrayal of the Kashmiri Muslims has cost them dearly both at home and outside.

### **Enabling "Communalism"**

India over the past several decades has benefitted largely from its divide and rule policy. Creating divisions across religious, sectarian, exploiting ethnic fault-lines, and driving a wedge between the communities of different faith have been the age-old tactics, which the Indian rulers have applied to rupture the multireligious and multiethnic fabric of Kashmiri society. Furthermore, the Indian state agencies are engaged in sowing the seeds of discord between various groups in Kashmir by enabling

---