**Modis-hindutva-and-human-rights-violations-a-blue-print-for-regional-instability**

From the past century, the secular Congress party of India has been carrying out grave human rights violations in Indian occupied Kashmir (IOK). The recent blow however came on 5th August, 2019 when the religious supremacist Bharatiya Janata Party (BJP) led by Prime Minister Narendra Modi advertently abrogated Article 370 which gave the territory autonomy to have its own flag, assembly and local laws. It seems that the current regime in India is hell bent on changing the status of IOK eventually sparking instability in the region. On ground, Hindutva is being operated very strategically by the BJP while ideologically it is being influenced by the Rashtriya Swayamsevak Sangh (RSS).

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In order to comprehend the wave of populism in India, it is important to understand the supremacist ideas of Hindutva. It is quite surprising to note that the Hindu religion and the Hindutva ideology are two poles apart. While the latter’s genesis can be attributed directly to the RSS, the former is the actual religion-base for all non-majority demographics. Unequivocally, a perfect strategy to spark a conflict in the 21st century on humanitarian grounds.

The proponents of Hindutva aim to establish a Hindu Rashtra (state/nation) or Akhand Bharat (undivided or Greater India) only for the Hindus to live in. Stretching from India to Bangladesh on the east and from Afghanistan to some parts of Pakistan on the west, the idea of a Greater India also incorporates all of Kashmir with the addition of the adjoining areas of Nepal, Burma, Bhutan and Tibet as well. Before his first tenure as Prime Minister, Modi presented a softer version of Akhand Baharat – the Sanskritik Bharat (Cultural India) – propagated through the increasingly aggressive use of information and communication technologies.

The extremist ideology of Hindutva was unleashed against both Muslims and other minorities in general. From the destruction of the Babari Mosque to becoming the Butcher of Gujrat, Modi is known for his atrocious acts. That was the time when the so-called secular India based on a pluralistic society started to be exposed. Human security is ultimately tied with the security of a state and by violating all human rights protocols in Kashmir, the BJP government is threatening the security of its own state thereby causing major instability in the region.

The evidence produced by Human Rights Watch (HRW) speaks volumes when in 2018, the government prosecuted human rights defenders, journalists, lawyers and activists alike. Mob violence against the minorities especially Muslims continues to this day coupled with killings for example 63 people were killed by the state police in Uttar Pradesh from 2016 to 2018. The government in Assam published a draft regarding the registration of citizens which is yet another subtle tactic to identify those who could not produce documents so that they may be deemed as illegal migrants. Freedom of expression in India is also limited. Incidents like a folk singer being arrested by the state police for singing a song against Modi’s fascism in Tamil Nadu or other people being forcefully converted to Hinduism are quite common in India. Even for journalists, India has become a ‘surveillance state’ for they increasingly face pressure to self-censor aggressive campaigns against the government on all platforms out of fear of persecution. In addition, the Unlawful Activities Prevention Act is tacitly used for targeting both the civil society network and the defenders of human rights. For instance, the Maharashtra police detained 10 activists for being members of a Maoist organization in 2017.

Prime Minister Modi has often uttered Islamophobic comments during interviews and other addresses. This articulation functions as a narrative of Hindutva on Muslims; that Muslims are subordinate to Hindus and that there should be an erasure of Indian Muslim histories. It was expected that once Prime Minister Modi came into power, there would be increased marginalization of Muslims and other minorities. In addition to that, the increased use of state sponsored violence was also not surprising.

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The disappearances, torture, rape and molestation of Muslim women is a new-normal. As for the women rights, the controversial Protection of Rights on Marriage Bill 2019 is one such example with numerous other rape cases where countless women from the entertainment industry of India recounted harrowing stories of harassment as a part of the global #MeToo movement. Under Modi’s previous regime, the Dadri mob lynching was the first major incident against a 52 years old Muslim in 2015. Such incidents like blackening the face of Sudheendra Kulkarni as well as the ink attack on the Kashmiri lawmaker speaks volumes about the proliferation of Indian hatred under the aegis of the Hindutva ideology. In 2016, India used pellet guns in Jammu and Kashmir which was termed by the locals as a ‘deadly eye epidemic’. Moreover, an event hosted by Amnesty International was also blocked recently where the organization was to present a report on 210 detainees held in Jammu and Kashmir under the Public Safety Act (PSA).

Since the scrapping of Article 370, IOK is under curfew with no internet or telephone access. 38,000 additional troops have also been stationed there. Not only were the tourists ordered to leave but the Hindu pilgrimage was also cancelled beforehand. The United Nations Security Council (UNSC), after 50 years of deep slumber, initiated a closed meeting on 16th August, two weeks after the Article 370 was abrogated. Members were concerned about the increasing tensions between Pakistan and India and asked both to resort to dialogue to sort out their differences. On the World Humanitarian Day, the BJP government came under severe criticism from Mamata Banerjee for the violation of human rights and the abrogation of Article 370 alike.

The Simla Agreement (1972) has also been unilaterally abrogated by India thereby undermining all international rules and norms. India used the Instrument of Accession in 1947 but Pakistan did not recognize its validity. Consequently, the abrogation of Article 370 is a material breach of the said instrument rendering India a hostile nation.

The unlawful annexation of Kashmir by abusing the laws accounts for Indian lawfare to which the international community and international law must pay heed. Although, Article 42 of the Hague Regulations (1907) explains what the defining parameters of territory under occupation are; however, neither Pakistan nor India are party to the Convention. Hence, the legality of Indian occupation of Kashmir is under question. Moreover, the UNSC not only recognizes Pakistan’s position on Jammu and Kashmir which has declared it a disputed territory but also India’s consequent lack of a legal title to the valley. The Simla Agreement (1972) has also been unilaterally abrogated by India thereby undermining all international rules and norms. India used the Instrument of Accession in 1947 but Pakistan did not recognize its validity. Consequently, the abrogation of Article 370 is a material breach of the said instrument rendering India a hostile nation. In addition, Article 49 of the Geneva Convention IV prohibits India from transferring civilian populations in Jammu and Kashmir which contradicts the abrogation of Article 35A by India which did not allow the permanent settlement of non-Kashmiris.

Hindu nationalism is not only abusing human rights in IOK, but is creating instability for the regional neighbors as well. South Asia has become a flashpoint due to the Kashmir quagmire. The use of phrases like ‘qatal ki raat’ (the night of murder) and ‘mother of nuclear bombs’ in the aftermath of the Pulwama crisis by Prime Minister Modi are cognizant of the fascist, terrorist and extremist tendencies present in the current government.