

**MEMORANDUM  
TO  
THE SECRETARY GENERAL OF UNITED NATIONS**

**Date:** August 15, 2019

**To:** Stephane Dujarric  
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Kashmiri Muslims Organizations of USA.

**Re:** Annexation of Kashmir by India  
Looming Danger of Genocide in Indian occupied Kashmir; and  
State sponsored violence against Sikhs in Indian governed Punjab.

**Demands:** RECOMMEND deployment of UN Peacekeeping Force to save Muslims of Kashmir from genocidal violence at the hands of Indian security forces.

ORGANIZE plebiscite in Indian Occupied Kashmir to realize the right of self-determination of the indigenous people of Kashmir.

RECOGNIZE that Sikh community's campaign Khalistan Referendum2020 is a democratic initiative to assess the will of the global Sikh community on the question of right to self-determination for the region of Punjab currently governed by India.

**Highlights:** August 15<sup>th</sup> - the India's 73<sup>rd</sup> Independence Day, is not an Independence Day for Muslims of Indian Occupied Kashmir and Sikhs of Indian governed Punjab. Under Indian rule Kashmir and Punjab- Two Territories -Two Indigenous Peoples (Kashmir Muslims and Sikhs) - One Solution – Right of Self Determination through Referendum - the plight of the peoples and their struggle.

**HUMANITARIAN CRISIS IN KASHMIR AND PUNJAB  
UNDER HINDU NATIONALIST GOVERNMENT OF NARENDRA MODI**

Since coming into power of Narendra Modi, trained and mentored in Hindu Supremacist ideology of Rashtriya Swayamsevak Sangh (RSS), Muslims of Indian occupied Kashmir and Sikhs of Indian governed Punjab have been particularly facing state oppression, violence and denial of fundamental human rights.

The memorandum urges the United Nations to take immediate steps for the safety of Muslims of Kashmir and Sikhs of Punjab, the two indigenous peoples of their respective regions, who are joined by one occupier – India - and whose prosperity and survival lies in the one solution i.e. realization of right of self-determination through referendum.

## **INDIAN OCCUPIED KASHMIR**

The situation of Indian occupied Kashmir has gone from bad to worse due to Indian actions and policy. Recently India has made constitutional amendments (Article 370 and 35A) to engulf and annex Kashmir into India in an attempt to change its status from disputed territory to a part of India. Additionally, India has deployed additional 100,000 security forces in Kashmir making the total number of soldiers in Kashmir to over 700,000 while the Armed Forces Special Powers Act remains in force which gives the security forces wide powers without any accountability. There is also strict censorship to control the spread of news about human rights violations. Internet and mobile service has been suspended in Kashmir. The commander of Indian forces in Kashmir has brazenly threatened in a public statement that he will shoot and kill any and all boys and kids who demonstrate in the streets of Kashmir and pelt stones. Since 1947 people of Indian held region of Jammu and Kashmir has been seeking right of self-determination as agreed upon in UN Resolutions on Kashmir. Instead of holding the plebiscite in Kashmir, India has been holding control by force on Kashmir. For the past more than a decades India has militarized the region heavily and have killed thousands of unarmed civilians, tortured several thousands, forcefully disappeared several thousand as well in the name of suppressing insurgency while in fact the people of Kashmir, who are 90 percent Muslims, only demand plebiscite to determine the status of Kashmir according to the wishes of the people.

Recently Modi regime of India has abrogated Articles 370 and 35A of the Indian Constitution in an attempt to annex Kashmir into Indian territory without seeking and in fact against the will of the people of Kashmir. To suppress the popular movement for independence, India has militarized Kashmir for decades and recently the number of Indian security forces deployed in Kashmir has reached over 700,000. The security forces in Kashmir has been given powers and orders to violently suppress the peaceful movement of the Kashmiri people. After the recent move of Modi government there is broad and strict curfew and imminently looming danger of genocide of Kashmir Muslims at the hands of Indian security forces.

Kashmir is an ethnically diverse Himalayan region, covering around 86,000 sq miles (138 sq km), and famed for the beauty of its lakes, meadows and snow-capped mountains. Even before India and Pakistan won their independence from Britain in August 1947, the area was hotly contested. Under the partition plan provided by the Indian Independence Act, Kashmir was free to accede to either India or Pakistan. The maharaja (local ruler), Hari Singh, initially wanted Kashmir to become independent - but in October 1947 chose to join India against the will of the majority population of Kashmir – the Muslims. The war between India and Pakistan erupted and the matter ended before the United Nations.

Since passing of Resolution 47 on Kashmir, UN has unequivocally called for plebiscite in Kashmir to determine its status according to the wishes of the people of Kashmir.

### **Impacts of Abrogating Article 370 and 35A**

Jettisoning Kashmir's special privileges has long been a part of BJP's Hindu-chauvinist agenda. The downgrading of Kashmir's status from special status under now abrogated Article 370 to Union Territory has important implications.

### **Disenfranchisement of people of Kashmir**



First and foremost, there is no longer a functioning legislature in Jammu and Kashmir and there is no longer a chief minister. Politics in Kashmir have changed overnight. This also means that the state's police will not answer to Kashmir-based politicians; rather, the police will answer to the center.

In India, administrative powers are divided among central government and sub-national units such as states and union territories. The “state” is a subnational Indian constituency with its own elected government (including legislative assembly and Chief Minister) and a limited right to frame its own laws. The governor, who is appointed by the president of India, serves as his or her representative in the state. Union territories, in contrast, are ruled directly by the central government. They are administered by a lieutenant governor, who represents the Indian president and is appointed by the central government. Most union territories (except Delhi and Puducherry) do not have their own legislatures; however, they are represented in the lower house (Lok Sabha) but have no representation in the upper house (Rajya Sabha), with the exception of Delhi and Puducherry. The central government both controls and administers union territories. The new union territory will resemble that of Puducherry and Delhi while Ladakh will resemble the remainder.

### **Demographic Impact**

It is vital for Kashmir to retain its demography for meaningful and truth exercise of the will of the indigenous people. Abrogating Article 35A has paved the way for Indians outside of Kashmir to settle in, buy properties and businesses and become electorates of Kashmir. The Hindu nationalist ruling party BJP has already given call to its workers throughout India to move to Kashmir, buy properties their and marry (fair skinned) Kashmiri girls. With the restriction on Indians to move to Kashmir repealed, in few years even if the plebiscite is held in Kashmir, the results would not be reflective of the will of the indigenous people anymore.

### **Genocide and Gross Human Rights Violations**

Although Kashmir has been heavily militarized by India for decade and human rights violations has been going on, with the Modi government's recent move, there will be surge and looming danger of genocide. Few months ago, the military commander of the Indian forces deployed in Kashmir Lt. General Kanwaljeet Singh Dhillon, Corps Commander of 15<sup>th</sup> (Chinnar) Corps, Srinagar, Kashmir has brazenly threatened in a public statement that he will shoot and kill any and all boys and kids who demonstrate in the streets of Kashmir and pelt stones.

One of the early signs of a coming genocide is violence against women. The leaders of the ruling party of India, the Bhartiya Janata Party (BJP) has already declared an open season for Kashmiri women and expressed their intentions of bringing “Gori Kashmiri Girls” (fair colored Kashmiri girls). See “BJP Bachelors Can Now Marry White-Skinned Kashmiri Women, Says MLA After Article 370 Move” at <https://www.news18.com/news/india/bjp-bachelors-can-now-marry-white-skinned-kashmiri-women-mlas-shocker-on-article-370-2262103.html>

“Kashmiri Muslims in Danger as Hindu Politicians Cancel Their Rights” August 9, 2019 by Barbara Crossette [https://www.passblue.com/2019/08/09/kashmiri-muslims-in-danger-as-hindu-politicians-cancel-their-rights/?utm\\_source=PassBlue+List&utm\\_campaign=6b44012b04-PassBlue\\_Fordham\\_Nov18&utm\\_medium=email&utm\\_term=0\\_4795f55662-6b44012b04-55002405](https://www.passblue.com/2019/08/09/kashmiri-muslims-in-danger-as-hindu-politicians-cancel-their-rights/?utm_source=PassBlue+List&utm_campaign=6b44012b04-PassBlue_Fordham_Nov18&utm_medium=email&utm_term=0_4795f55662-6b44012b04-55002405)

### **Sikhs and Indian Governed Punjab**

The region of Punjab currently governed by India has a majority Sikh population and was a sovereign country till 1849 when it was taken over by the British. Instead of restoring the independent status of Punjab, in August 1947, the Sikh majority region of Punjab was given under India's control resulting in imperfect decolonization for Sikhs, the indigenous people of Punjab.

Under Indian rule, Sikh people have been suffering since 1947, beginning with the denial of separate religious status of Sikhism and religious identity of its followers, Sikhs have been subjected to genocidal violence, plundering of their river waters, economic exploitation resulting in suicide of more than 60,000 Sikh farmers, snatching and giving away districts and areas with majority Sikh population that has been part of Punjab's territories for centuries.

For decades Sikhs have been demanding right of self-determination, popularly known as "Khalistan". The contemporary movement for Khalistan is envisaged in the democratic initiative of "Referendum2020" [www.referendum2020.org](http://www.referendum2020.org) spearheaded by human rights advocacy group "Sikhs For Justice" (SFJ) [www.sikhsforjustice.org](http://www.sikhsforjustice.org) which seeks to hold unofficial referendum among the global Sikh community in the year 2020 to ascertain the will of the Sikh people on the question of right of self-determination and establishment of Khalistan as an independent country. Despite the incontrovertible fact that "Referendum 2020" is a nonviolent and peaceful initiative which employs an established democratic modus operandi on a political question of public importance, Indian government has been retaliating against SFJ and Referendum2020 campaigners with violence, torture and gagging measures that grossly violate the Universal Declaration of Human Rights.

India has been falsely and baselessly labelling the Referendum 2020 campaign as terrorism and equating the contemporary Khalistan movement with militancy and violence to hoodwink the world into giving India a free pass to suppress the peaceful movement for right of self-determination.

As part of the aforesaid strategy, Indian officials are:

- a) alleging without proof that Referendum 2020 is terrorism despite that the movement seeks for votes and unequivocally condemns use of violence;
- b) baselessly associating unrelated accused persons with Referendum 2020 campaign
- c) routinely throw the allegations that Referendum 2020 is backed by Pakistan's spy agency ISI without giving any shred of evidence;

For peacefully advocating and campaigning for Referendum, till today, more than 150 Sikhs have been detained, tortured and implicated in false criminal charges in Punjab. See <https://indianexpress.com/article/explained/explained-why-punjab-cm-has-written-to-amit-shah-seeking-centres-security-cover-5850605/>

To further curb the freedom of expression under legal cover, on July 10, 2019, Indian government banned the organization SFJ and declared Referendum 2020 as illegal and unlawful in India under Unlawful Activities (Prevention) Act. To further clamp down on Referendum 2020 campaign, while Chief Minister of Punjab has asked for deployment of Army in Punjab, eight other states of India including Haryana, Uttar Pradesh, Rajasthan have been given "special powers" by the Central Government to suppress the Sikhs' peaceful political movement.

All of above reflect a prelude to unleashing of violence and terror by the state of India against Sikhs on the pretext of counter insurgency and counter terrorism while in fact to suppress a political movement for right of self-determination through peaceful means of referendum.

The memorandum is presented by human rights group Sikhs For Justice (SFJ) with the support and collaboration of organizations and individuals of Kashmiri Muslims.

Sikhs for Justice (SFJ) [www.sikhsforjustice.org](http://www.sikhsforjustice.org) a US based human rights organization, believes and adheres to Universal Declaration of Human Rights. SFJ endeavors to create an environment in which minorities - regardless of race, religion, language, gender, or ethnicity – can freely exercise their right to “self-determination” as enshrined in the Universal Declaration of Human Rights and United Nations Covenant on Civil and Political Rights.

On the basis of the above, the Secretary General of the United Nations is urged to

1. RECOMMEND deployment of UN Peacekeeping Force to save Muslims of Kashmir from genocidal violence at the hands of Indian security forces.
2. ORGANIZE Plebiscite in Kashmir as per UN resolutions.
3. RECOGNIZE that Sikh community’s campaign Khalistan Referendum2020 is a democratic initiative to assess the will of the global Sikh community on the question of right to self-determination for Indian governed region of Punjab.

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August 6, 2019 10:25PM EDT

# India: Basic Freedoms at Risk in Kashmir

Free Political Leaders, Restore Communications, Exercise Restraint



Tourists walk past Indian security forces during curfew like restrictions in Jammu, India on Monday, August 5, 2019. An indefinite security lockdown was in place in the Indian-controlled portion of divided Kashmir on Monday. © 2019 AP Photo/Channi Anand

(New York) – **Indian** authorities have adopted measures in anticipation of unrest in Jammu and Kashmir state that raise serious human rights concerns, Human Rights Watch said today. The government announced on August 5, 2019 that it was altering the special constitutional status of the state.

Before making the announcement, the government detained several political leaders, **imposed broad restrictions on freedom of movement**, and banned public meetings. It also shut down the internet, phone services, and educational institutions. The Indian government should take all necessary steps to ensure that security forces act with restraint, Human Rights Watch said.

“The government has a responsibility to ensure security in Kashmir, but that means respecting the human rights of everyone, including protesters,” said Meenakshi Ganguly, South Asia director at Human Rights Watch. “The government got off to a bad start by detaining political leaders, banning public meetings, and shutting down the internet.”

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The government's decision to revoke special status for the state provided under **Article 370 of the Indian constitution** prompted condemnation from political leaders in Kashmir and generated tensions in the state. On August 5, **Home Minister Amit Shah** told **parliament** that “not all the provisions of Article 370 will now be implemented in Jammu and Kashmir.” In effect, these measures eliminate the autonomous status provided to Jammu and Kashmir when it acceded to India seven decades ago and splits the province into two separate territories which will be federally governed, reducing the authority of elected state officials.

Kashmir has witnessed a spike in violent protests and militant attacks in recent years. Indian security forces have often used excessive force to respond to protests, including using **pellet-firing shotguns** as a crowd-control weapon, even though they have caused a large number of protester deaths and injuries. The Indian government should review its crowd-control techniques and rules of engagement, and publicly order the security forces to abide by the United Nations **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**.

Indian troops have seldom been held accountable despite serious allegations of human rights violations including extrajudicial killings, torture, and enforced disappearances. The **Armed Forces Special Powers Act (AFSPA)** gives soldiers effective immunity from prosecution for serious human rights abuses. The government has failed to review or repeal the law, despite repeated recommendations from several government-appointed commissions, UN bodies, and experts, and national and international rights groups. Since the law came into force in Kashmir in 1990, the Indian government has not granted permission to prosecute any security force personnel in civilian courts.

While law enforcement officials have a duty to protect lives and property, they should use nonviolent means as far as possible, only use force when unavoidable and in a proportionate manner, and use lethal force only when absolutely necessary to save lives, Human Rights Watch said.

In July, a **report by the Office of the UN High Commissioner for Human Rights** raised serious concerns about abuses by security forces in Kashmir. Those included the use of excessive force to respond to protests and the detention of protesters, political dissidents, and other activists on vague grounds for long periods, ignoring regular criminal justice safeguards. The Indian government **dismissed the report** as a “false and motivated narrative” that ignored “the core issue of cross-border terrorism.”

The Indian government has also repeatedly imposed internet shutdowns in Kashmir, restricting mobile and broadband internet services. There have already been **53 instances of shutdowns** in the state in 2019, the largest number in the country. In 2017, David Kaye, the UN special rapporteur on freedom of opinion and expression, and Michel Forst, the special rapporteur on human rights defenders, **condemned** the restrictions on the internet and social media services in Jammu and Kashmir, saying they had a “disproportionate impact on the fundamental rights of everyone in Kashmir,” and had the “character of collective punishment.”

“Kashmiris have endured decades of violence and human rights violations, and are yet to be assured of justice,” Ganguly said. “The government should ensure accountability for past abuses and address grievances instead of silencing opposition voices.”

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**The New York Times**

# Photos Emerge From Kashmir, a Land on Lockdown

Indian photographers managed to work around a communication blockade to publish their images.



By Jeffrey Gettleman

Aug. 9, 2019



Protesters throwing stones in Srinagar, in Indian-controlled Kashmir, on Thursday. Atul Loke for The New York Times

**NEW DELHI** — For most of the past week, the entire Kashmir Valley, home to about eight million people, has been put on virtual house arrest.



Indian soldiers rolled in by the tens of thousands. They barricaded roads, closed schools, took positions on rooftops and cut off the internet, mobile phone service and even landlines, rendering the valley mostly incommunicado. At gunpoint, residents were ordered to stay inside their homes.

The Indian government says these measures, in place since Sunday night, are necessary to keep law and order. Human rights activists have likened them to mass incarceration.

This week, India's Hindu nationalist government jolted the region by erasing the autonomy of the one Muslim-majority state in India, Jammu and Kashmir, which includes the Kashmir Valley. India knew this move would be deeply unpopular in the valley so they chose to lock it down.

Despite the crackdown, protests have erupted. On Friday, the unrest continued, gunshots rang out and foreign journalists continued to be barred from entering Kashmir without permission. These pictures are some of the first images to emerge, taken by Indian photographers who managed to work around the communication blockade and the miles of razor wire to take and publish their images.



The police detaining an activist during a protest against the Indian government in Jammu on Saturday.  
Rakesh Bakshi/Agence France-Presse — Getty Images



Afshana Farooq, 14, was treated in a Srinagar hospital on Friday after being nearly trampled in a stampede when Indian forces opened fire on demonstrators. Atul Loke for The New York Times





A resident looked out a window as soldiers patrolled the street below. Atul Loke for The New York Times

Kashmir is an exquisitely beautiful, staggeringly fertile land. Its meadows are carpeted with wildflowers, its white-toothed mountains push up against a flawless blue sky.

Many Indians consider Kashmir an integral part of India and have wanted to bring it more intimately into the fold. Indian officials say that removing its autonomy and exerting more central government control will cut down on corruption, improve security and lift the local economy.

But many Kashmiris don't want to be part of India at all. They see India as foreign and oppressive and, for decades, have chafed under the country's rule, expressing their frustration in countless ways, from school sit-ins to armed insurgency.





Some Indian news outlets have reported that families in Srinagar are beginning to run out of food. Atul Loke for The New York Times



A woman with her nephew in Srinagar, in Jammu and Kashmir. Indian soldiers have forced most Kashmiris to stay at or near home. Atul Loke for The New York Times





Shops remained shuttered in Srinagar on Saturday. Atul Loke for The New York Times

The one important thing the opposing sides agree on — perhaps the only thing — is that for too long Kashmir has suffered stagnation, hopelessness, squandered potential and endless killing.

Clamping down on millions of people is an extraordinary step for the world's largest democracy. Even on Friday, five days after a curfew was imposed, many people were still marooned in their homes. Some have said they are running out of food. A few cautiously emerged to pray at their neighborhood mosques. Soldiers stared at them from behind metal face masks.

Anybody who can get out is doing exactly that. Soon after the lockdown was imposed, scores of migrant workers from other parts of India rushed bus and train terminals. Getting in is even harder.



Men in Srinagar buying bus tickets to leave Kashmir. Sajjad Hussain/Agence France-Presse — Getty Images





Indian migrant laborers fleeing Kashmir by boarding a train through an emergency window. Jaipal Singh/EPA, via Shutterstock



Srinagar residents on Thursday. Atul Loke for The New York Times

Many Kashmiris were shocked and demoralized by the news that their autonomy had been instantly erased. The Indian government, led by Narendra Modi, made its move on Monday, dismantling an article in the Indian Constitution that guaranteed Kashmiris special land ownership rights and allowed Kashmir to frame its own laws.

That article protected the special status Kashmir enjoyed since it joined India in 1947. Mr. Modi's government also stripped away the statehood of Kashmir and turned it into a federal territory. Mr. Modi's political party has deep roots in a Hindu nationalist ideology, and critics saw this move as another example of his sowing divisions between India's Hindu majority and its Muslim minority.

As tensions have risen in recent days, groups of young men, full of years of pent-up frustration, have squared off with soldiers, hurling rocks and ducking buckshot. Security forces arrested more than 500 people and put them in makeshift detention centers.





Indian security personnel on a street in Srinagar on Friday. Agence France-Presse — Getty Images





A line for gas in Srinagar. Tauseef Mustafa/Agence France-Presse — Getty Images



Indian security personnel patrolling an empty street in Srinagar. Agence France-Presse — Getty Images

Across India, most people supported the move to take away Kashmir's autonomy. Even progressive politicians who usually clash with Mr. Modi backed him on this. But in Pakistan, many people feel Kashmir should be part of their country and are infuriated by India's actions.

Both Pakistan and India have nuclear arms, and they have fought wars over Kashmir. Most seasoned observers think another war is unlikely, but anything that increases tension between Pakistan and India is taken very seriously.





People in New Delhi celebrating the decision to revoke Kashmir's autonomy. Danish Siddiqui/Reuters





Watching a live address by Prime Minister Narendra Modi. Divyakant Solanki/EPA, via Shutterstock



People protesting India's move in Islamabad, Pakistan. Aamir Qureshi/Agence France-Presse — Getty Images

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A version of this article appears in print on Aug. 10, 2019, Section A, Page 5 of the New York edition with the headline: Detaining 8 Million: Life Under Siege in Kashmir



## Kashmiri Muslims in Danger as Hindu Politicians Cancel Their Rights

August 9, 2019 by Barbara Crossette



*Police in Kashmir confronting protesters in December 2018. The new plan by India to take full control of Jammu and Kashmir will remake the map of the Himalayan border areas. Pakistan is working on bringing the highly disputed action by India into the UN Security Council. CREATIVE COMMONS*

It has always been relatively easy for Indian governments from both the political left and right to keep Kashmir from the eyes of the world. At no time has this been more obvious than now. Landlocked, under the guns of half a million Indian troops and paramilitaries, cut off sporadically from all modern communications and portrayed as a nest of Pakistani-backed Islamic terrorists, Kashmiris have suffered in isolation.

Then it got worse. On Aug. 5-6 the Hindu nationalist Bharatiya Janata Party (BJP) administration in Delhi, still fresh from an astounding election victory in May, rammed through two houses of Parliament, without consultation or serious debate, a remaking of the map of Himalayan border areas. The Indian state of Jammu and Kashmir — never recognized in international eyes as legally Indian — was effectively erased from the map of the subcontinent to be divided into two territories under direct control of the central government of India. They became “union territories,” at a loss of political power, state-level government and legislatures.

Ladakh, with its largely Buddhist population, was hived off to become a separate, central government-controlled territory, and its people are reported to be happy about that, since they chafed at living under the larger Jammu and Kashmir state. (No mention seems to have been made of a small border area along the Himalayas claimed by China.) The rest of Jammu and Kashmir, India's only Muslim-majority state, will become the second new union territory.

The Indian government imposed an additional pre-emptive order on the Kashmiri Muslim part of the territory, with Srinagar as its central town and cultural capital. Hindus (or any other non-Kashmiris) would now have the right to own property in territory that had been reserved for the Kashmiri people — not all of them Muslim — since the Indian constitution was promulgated in 1950. Jammu and Kashmir's population is about 14 million, with about half concentrated in and around the Kashmir Valley.

Underlying and motivating the BJP's actions was the longstanding goal of Hindu nationalists to change the ethnic-religious composition of Kashmir by fostering the growth of what would eventually be a Hindu majority, as there is in the Jammu sector. Kashmiris see themselves as unique, Sufi-inspired Muslims, different from other Muslim communities in India. They lived in what the more romantic of the British who summered there on elegant houseboats called the Vale of Kashmir.

Pakistan, which has disputed India's claims on Kashmir for decades and is still a party to 1948 Security Council resolutions that have never been rescinded, is working on a response to the Indian moves and strategizing over how to bring the United Nations back into dealing with the crisis.

A letter from the Pakistan foreign minister, Shah Mahmood Qureshi, to Secretary-General António Guterres on Aug. 6, which is now [online](#), asked that India's actions be brought to the Security Council's attention. (UN document A/73/974-S/2019/635)

[Update, Aug. 12: Pakistan said on Saturday that it had gained China's support to take a motion to the UN Security Council on the Indian decision to change the status of Jammu and Kashmir, according to Reuters news agency.]

Stripping the Jammu and Kashmir region of rights that had been enshrined in Articles 370 and 35A of the Indian constitution has brought a round of criticism from prominent Indian commentators and some media organizations. They question how the Modi government can square this policy with its claims to being the world's

ous democracy. Blame for the draconian decision is placed on Amit Shah, the new home minister under Prime Minister Narendra Modi. Shah, a tough u nationalist opposed to immigration, who has been quoted calling migrants from Bangladesh “termites.”

er editor of The Hindu and a founding editor of The Wire, wrote on Aug. 6:



“That Shah’s bombshells were accompanied by the kind of measures one normally associates with a police state — the stealthy introduction of major constitutional changes, the lack of adequate time for debate, the late night arrest of mainstream political leaders in Kashmir, the prohibition of public gatherings, the shutdown of internet services and even landlines — adds the sort of odour one normally associates with coups. The message is clear: there will be no room in Kashmir for free politics of the kind every integral part of India takes for granted.”

By Aug. 8, reports in the Indian media emerged of hundreds of detentions and Kashmiri families running out of food. Most journalists have been barred from entering or working in Kashmir.

Varadarajan, commenting on the trajectory of the second term of the Modi government, which first came to power in 2014, defeating a weakened Congress party, wrote: “Make no mistake about this — what Amit Shah and Narendra Modi have unveiled on Monday is not just an assault on the unique place that Jammu and Kashmir enjoys in India but on the very federal structure of the Indian constitution. If they spent their first term in office undermining a whole host of institutions, Modi 2.0 will target the one institution that was still somewhat intact — federalism.”

Hafsa Kanjwal is an assistant professor of South Asian history at Lafayette College in Easton, Pa., and an expert on Kashmiri history and politics. She said in an interview with PassBlue that it is important to keep the focus on the constitutional issue and not leave the impression that the current Kashmir crisis is reflective solely of a Hindu-Muslim divide.

“The constitutional issue is important for international observers, human rights organizations, international jurists, other countries or the UN to highlight the unconstitutionality [of India’s action] on an international level,” she said. “It also is important to those Indians who care about the law and the constitution. It gives them a talking point to take this issue forward without necessarily having to show [support] for the Kashmiris or their aspirations.”

Kanjwal added that some Indian lawyers are already issuing statements arguing that India’s actions are illegal and violate international norms. Lining up international legal experts with Indian lawyers to speak with a single voice can provide cover when “an individual voice can be completely trolled,” she said. International voices are just beginning to be heard.





*Narendra Modi, prime minister of India. His act of stripping Jammu and Kashmir of its regional rights is hard to reconcile with India's claim to being the world's most populous democracy, critics say. CREATIVE COMMONS*

Pakistan — nuclear armed, as is India — reacted first, as would be expected. Prime Minister Imran Khan, a former world-famous cricketer who led a new party of his own creation, Pakistan Tehreek-e-Insaf (Pakistan Movement for Justice) to victory in a national election a year ago, has made several overtures to India since taking office, but there has been no reciprocation. In February this year, relations were set back further when a Kashmiri suicide bomber killed about 40 Indian troops in a military convoy on the Srinagar-Jammu highway in Pulwama district.

India retaliated 12 days later with an airstrike that went wrong when an Indian plane was shot down and the pilot captured. Khan returned the pilot to India unharmed. In July, the Pakistanis arrested Hafiz Saeed, the founder of Lashkar-e-Taiba, the terrorist group that carried out the deadly attacks in Mumbai in 2008. He had been living more or less openly in Pakistan. More recently, Pakistan began restoring an ancient Hindu temple that had fallen into ruins over more than 70 years.

Such gestures are now on hold, however, after India's unilateral action on Kashmir. Pakistan has cut trade ties with India and sent the Indian high commissioner (ambassador) home.

The Pakistani government is now considering how to get the Indian moves on Kashmir onto the UN Security Council agenda, a difficulty because of the veto power of Russia, which often supports India; and China, which has not showed its hand, and the apparent indifference of the United States. The two top Democratic members of the US Congress on foreign affairs, Eliot Engel in the House of Representatives and Senator Bob Menendez in the Senate, issued a bland statement that said, in its totality:

“As the world's largest democracy, India has an opportunity to demonstrate for all its citizens the importance of protecting and promoting equal rights including freedom of assembly, access to information and equal protections under the law. Transparency and political participation are the cornerstones of representative democracies, and we hope the Indian government will abide by these principles in Jammu and Kashmir. And at the same time Pakistan must refrain from any retaliatory aggression — including support for infiltrations across the Line of Control — and take demonstrable action against the terrorist infrastructure on Pakistan's soil.”



Kashmir has some points on its side at the UN. When British Colonial India was divided into the modern nations of India and Pakistan, Kashmir's future was left to its people. On one side, a Hindu Maharaja was the titular ruler of a largely Muslim population and the final status of his "princely state," as it was called, was to be decided by the people who lived there. No border was fixed in that region between India and Pakistan.

Kashmir escaped the horrific violence that claimed at least a million lives in other areas of India proper as Muslims fled to the newly created Pakistan and most of the Hindus returned through chaos and violence to India. The Line of Control became a de facto border that has remained so since.

Security Council Resolution 38 in January 1948 asked the Council president to open direct talks between India and Pakistan. In the interim, it requested both of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon."

That resolution has never been revoked and remains on the books, as Secretary-General Guterres reiterated in a statement on Aug. 8, saying:

"The Secretary-General has been following the situation in Jammu and Kashmir with concern and makes an appeal for maximum restraint. The position of the United Nations on this region is governed by the Charter of the United Nations and applicable Security Council resolutions.

"The Secretary-General also recalls the 1972 Agreement on bilateral relations between India and Pakistan, also known as the Simla Agreement, which states that the final status of Jammu and Kashmir is to be settled by peaceful means, in accordance with the Charter of the United Nations.

"The Secretary-General is also concerned over reports of restrictions on the Indian-side of Kashmir, which could exacerbate the human rights situation in the region. The Secretary-General calls on all parties to refrain from taking steps that could affect the status of Jammu and Kashmir."

In an interview with PassBlue, Maleeha Lodhi, Pakistan's ambassador to the UN, indicated that her government's position has consistently been and will remain that India's changes in the status of Kashmir violate that fundamental Security Council resolution.

"The resolution talks about that no country can bring about a material change in the situation, and there are no statute of limitations on Security Council resolutions," she said.

There is also the presence of a [UN monitoring mission](#), however small, on the Pakistani-India line that attests to the continuing role of the UN there. Replying to a question from PassBlue about the future of that mission, the United Nations Military Observer Group in India and Pakistan, known as Unmogip, a UN peacekeeping spokesman said in an email, "The mandate of UNMOGIP as established by the Security Council remains unchanged and UNMOGIP continues to implement its mandate."

Ambassador Lodhi said that amid all the discussions of legal and constitutional issues, however, what is often lost is the plight of the people of Kashmir.

Shiraz Sidhva, an Indian journalist who reported extensively on Kashmir for the Indian press and the Financial Times in the 1990s, remembers those days.

"As a young girl holidaying in Kashmir in the 1970s," she wrote to PassBlue in an email, "I remember my surprise that staff at the houseboats and hotels, or the men who took us on pony rides in Gulmarg and Pahalgam had one stock question: 'Are you visiting from India?' 'But we *are* in India, aren't we?' would be my constant and indignant retort. The people of Kashmir were always warm and welcoming to the hordes of Indian tourists who would invade the valley every year, but they never thought of themselves as Indian.

"Years later, when I returned to the valley in 1989, to cover the political turmoil, it struck me how politicians had tried to drive a wedge between the Kashmiri Muslims and Hindu Pandits — and succeeded," she wrote. "The two communities, who had more in common with each other than with Muslims and Hindus in other parts of India, had lived together in harmony for centuries. The Kashmiri Muslims followed Sufism, a gentle, broader style of worship, and most did not align themselves with the Islam in Pakistan, across the border.

"The ending of this religious harmony was one of the biggest tragedies of the crisis that gripped the valley starting in the late 1980s."

*This article has been updated.*

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# Why Kashmir may see increased violence after the revocation of Article 370

Here are the longstanding tensions – and potential new ones.

By Aditi Malik and  
Shivaji Mukherjee  
August 14 at 7:58 AM

On Aug. 8, in a 40-minute address to the nation, Prime Minister Narendra Modi argued that Article 370 of the Indian constitution had [prevented economic development](#) from reaching Kashmir and had stimulated terrorism and corruption.

Three days earlier, Modi's Hindu-nationalist Bharatiya Janata Party (BJP) had announced the abrogation of Article 370, which had accorded the northern state of Jammu and Kashmir (J&K) [special status](#) — including a separate constitution, a state flag and control over internal administrative matters. India also abolished Article 35A, part of Article 370, which stipulated that only permanent residents of J&K could own property in the region.

What could scrapping Article 370 mean for the future of insurgent violence in Kashmir?



Internal conflict in J&K began [in 1989](#) and escalated through the 1990s and [early 2000s](#). More recently, following the 2016 killing of popular rebel leader [Burhan Wani](#), Kashmir has witnessed [an uptick](#) in insurgent violence and a rise in stone-pelting — a [form of protest](#) against Indian security forces.

Here's what you need to know:

## 1. J&K's accession to India in 1947 was hurried and controversial

Prior to the [1947 partition](#), which established India and Pakistan as separate nations, J&K was a Muslim-majority princely state that was subject to indirect, rather than direct, rule under the British.

This status gave the region's Hindu ruler, Maharajah Hari Singh, the power to decide whether the state would accede to India or Pakistan in 1947 — or become independent. An incursion by Pakistani raiders in October 1947 and a subsequent war between the

0/44/2040  
What is Kashmir divided? The Washington Post

two countries resulted in Hari Singh hurriedly acceding to India. While Indian leaders welcomed his decision, Pakistan maintained that Hari Singh was in no position to make this choice on behalf of his people.

This troubled context led the Constituent Assembly of India to enact Article 370 [in 1949](#); when the Indian constitution came into force in 1950, so did Article 370.

India always intended this provision to be temporary — and Hindu nationalist groups have pushed for its revocation [since the 1950s](#). But for Kashmiris, especially Kashmiri Muslims, Article 370 has [long held symbolic value](#) as a guardian of their unique identity within India. It also has provided them with [real benefits](#), including preference in securing local jobs.

## 2. Insurgent violence in Kashmir did not arise overnight

After the 1947-1948 [Indo-Pakistani war](#), the U.N. Security Council adopted [Resolution 47](#) in April 1948. [This resolution held](#) that Pakistan must withdraw its troops from the region, India must reduce its military presence, and India must hold a referendum to allow the Kashmiri people to determine their own fate.

In elections held in Indian-administered Kashmir in 1951, voters supported J&K's union with India. Prime Minister Jawaharlal Nehru of the Congress Party used these results to argue that the will of the Kashmiri people had rendered the referendum question irrelevant. India's Congress government reiterated this position in 1954-1955 when it alleged that [Pakistan had failed to withdraw its troops](#), which was a precondition for the referendum.

State-level elections in Kashmir in 1987 [precipitated insurgent violence](#). The J&K National Conference (JKNC) party, which supported the state's integration with India, was declared victorious. However, [election observers suggested](#) that the Muslim United Front (MUF) coalition, which favored separatism, had won the contest.

In the aftermath of the 1987 elections, numerous young Kashmiri Muslim men [began joining insurgent groups](#), and the government instituted curfews, lockdowns and other forms of repression. In early 1990, Kashmir also witnessed the [mass exodus of the Hindu Pandit community](#), when Muslim militants targeted this local minority.

As homegrown rebel groups such as the Jammu and Kashmir Liberation Front (JKLF) started losing ground to entities supported by the Pakistani army and intelligence — such as the Hizbul-Mujahideen and Jaish-e-Muhammad in the 1990s — the insurgency intensified.

## 3. The marginalization of Kashmiri Muslims could increase violence

Political science research suggests two pathways through which violence in Kashmir could escalate following the revocation of Article 370.

First, [studies indicate that](#) when a national minority in a peripheral region is politically excluded from power, such exclusion can fuel insurgent violence. The [recent house arrests](#) of prominent Kashmiri politicians could further increase Kashmiri Muslims' sense of marginalization, and invigorate rebel groups.

A second way that conflict might escalate is through strengthening nativist sentiments. Scholars call these “sons of the soil” conflicts — when incoming migrants clash with native populations. This type of violence [in India](#) has been tied to [ethnic riots](#) and [insurgencies](#).

With the abrogation of Article 35A, non-Kashmiris now have the right to move into the region and acquire property. The demographic changes from an influx of non-Muslims into the [Muslim-majority Kashmir region](#) of J&K could generate conflict between newcomers and the local population.

#### 4. But job creation and political inclusion could help stabilize the area

In his Aug. 8 address, Modi [promised peace and development](#) for Kashmir and appealed to citizens to invest in the region to boost job growth. Evidence from India's other long-running insurgency — the Maoist conflict, which has also affected states that were [previously under indirect rule](#) — suggests that [generating employment](#) can stanch conflict. But whether India will create enough jobs to stem the deep-seated [grievances](#) of Kashmiri Muslims remains to be seen.

There's another potential pathway to mitigate violence — if younger local leaders can come to replace [dynastic politics](#), which is commonplace in J&K. The two main parties in the region — the JKNC and the J&K People's Democratic Party (JKPDP) — are headed by well-to-do Muslim families who have dominated Kashmiri politics for generations. Modi has implied that repealing Articles 370 and 35A would allow fresh faces to enter the electoral arena.

Changes in local leadership could dampen the sense of exclusion among Kashmiri Muslims and help to restore their faith in Indian democracy. This would entail genuine political representation and transparent and fair elections. However, if the BJP's revocation of Article 370 — which required [approval from J&K's government](#) — is anything to go by, then such political liberalization does not appear to be part of the ruling party's modus operandi.

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*Shivaji Mukherjee is assistant professor of political science at the University of Toronto. He studies civil war, political violence and colonial origins of the Maoist insurgency in South Asia.*

The Washington Post

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## 'Marry fair Kashmiri women now': BJP MLA after Article 370 repeal

In a video clip that has gone viral on the social media, the lawmaker from Khatauli was seen speaking at a function organized on Tuesday to celebrate the revoking of the special status to Jammu and Kashmir.

INDIA Updated: Aug 07, 2019 13:54 IST

ht Indo Asian News Service  
Muzaffarnagar



Vikram Saini said bachelors in BJP were now welcome to go to Kashmir, buy plots of land and get married. (ANI Digi/Twitter)

In a shocking incident, BJP MLA Vikram Saini from Uttar Pradesh's Muzaffarnagar district has stated that party workers were excited over the scrapping of [Article 370](#) as it would now enable them to marry 'gori' (fair) Kashmiri girls. He said bachelors in BJP were now welcome to go to Kashmir, buy plots of land and get married.

In a video clip that has gone viral on the social media, the lawmaker from Khatauli was seen speaking at a function organized on Tuesday to celebrate the revoking of the special status to Jammu and Kashmir. "The workers are very excited and those who are bachelors, they can get married there. There is no issue now. Earlier, there was a lot of atrocities on women.

"If a woman from Kashmir got married to a man from Uttar Pradesh, her citizenship would be revoked. There was different citizenship for India and Kashmir," Saini said addressing the crowd in Hindi.

"The Muslim workers should celebrate here. Get married there to a fair Kashmiri girl. There should be celebrations. Everyone should celebrate Be it Hindu or Muslims. This is something the entire country should be celebrating," he added.

Later, asked about his statement, the MLA said that he had said nothing objectionable.

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Tuesday. Now, Kashmiris have attained freedom,” Saini added.

First Published: Aug 07, 2019 13:20 IST

## tags

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# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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सं. 2244]

नई दिल्ली, बुधवार, जुलाई 10, 2019/आषाढ़ 19, 1941

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NEW DELHI, WEDNESDAY, JULY 10, 2019/ASHADHA 19, 1941

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 जुलाई, 2019

**का.आ. 2469(अ).**—जबकि सिक्स फॉर जस्टिस (इसके पश्चात एसएफजे के रूप में उल्लिखित) ऐसी गतिविधियों में शामिल है, जो भारत की आंतरिक सुरक्षा और लोक व्यवस्था के लिए हानिकारक हैं और जिसमें देश की शांति, एकता और अखण्डता को भंग करने की क्षमता है।

और जबकि, केन्द्र सरकार का यह मत है कि एसएफजे ऐसी गतिविधियों में शामिल है, जो देश की अखण्डता और सुरक्षा के लिए हानिकारक हैं।

और जबकि, केन्द्र सरकार का यह मत है कि एसएफजे निम्नलिखित ऐसी श्रृंखलाबद्ध विधिविरुद्ध गतिविधियों में शामिल हैं, जो विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 की धारा (2) की उप-धारा (1) के खण्ड (ण) तथा (त) के अंतर्गत आते हैं, कि:-

- (i) एसएफजे भारत की संप्रभुता और क्षेत्रीय अखंडता को भंग करने के उद्देश्य से पंजाब और अन्य जगहों पर राष्ट्र-विरोधी और विध्वंसक गतिविधियों में शामिल है;
- (ii) एसएफजे उग्रवादी संगठनों और कार्यकर्ताओं के निकट संपर्क में है और भारत संघ क्षेत्र से संप्रभु खालिस्तान को अलग करने के लिए पंजाब और अन्य जगहों पर उग्रवाद से जुड़ी हिंसा और आतंकवाद का समर्थन कर रहा है;
- (iii) एसएफजे भारत संघ से भारतीय क्षेत्र के एक हिस्से को अलग करने की गतिविधियों को प्रोत्साहित कर रहा है और उसमें सहायता प्रदान कर रहा है और भारत की संप्रभुता और क्षेत्रीय अखण्डता को भंग करने के इरादे से भारत तथा अन्य जगहों पर इस उद्देश्य के लिए लड़ने वाले अलगाववादी समूहों की सहायता कर रहा है;

और जबकि, केन्द्र सरकार का यह भी मत है कि यदि एसएफजे की गैरकानूनी गतिविधियों को तुरंत रोका और नियंत्रित नहीं किया गया तो, यह संभावना है कि-

- (क) विधि द्वारा स्थापित सरकार को अस्थिर करके, भारत संघ के क्षेत्र से खालिस्तान राष्ट्र को अलग करने के प्रयासों सहित अपनी विध्वंसक गतिविधियों को बढ़ावा देगा;
- (ख) संघ के साथ राज्य के विलय के संबंध में विवाद उत्पन्न करते हुए भारत संघ से खालिस्तान को अलग करने की वकालत करना जारी रखेगा;
- (ग) देश की क्षेत्रीय अखंडता और सुरक्षा के विरुद्ध राष्ट्र-विरोधी और अलगाववादी भावनाओं का प्रचार करेगा;
- (घ) देश में अलगाववादी आंदोलनों को बढ़ाएगा, उग्रवाद का समर्थन करेगा और हिंसा को उकसाता रहेगा।

और जबकि, केन्द्र सरकार का यह भी मत है कि एसएफजे की गतिविधियों को ध्यान में रखते हुए यह आवश्यक है कि एसएफजे को तत्काल प्रभाव से एक विधिविरुद्ध संगम घोषित किया जाए।

अतः, अब विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार सिक्स फॉर जस्टिस (एस.एफ.जे.) को विधिविरुद्ध संगम घोषित करती है और यह निदेश देती है कि यह अधिसूचना, उक्त अधिनियम की धारा 4 के अंतर्गत किए गए किसी भी आदेश के अध्यक्षीन, सरकारी राजपत्र में इसके प्रकाशन की तारीख से पांच वर्षों की अवधि के लिए प्रभावी होगी।

[फा. सं. 17014/18/2019-आईएस-VII]

एस. सी. एल. दास, संयुक्त सचिव

## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

New Delhi, the 10th July, 2019

**S.O. 2469(E).**—Whereas the Sikhs For Justice (hereinafter referred to as the SFJ), has been indulging in activities, which are prejudicial to internal security of India and public order, and have the potential of disrupting peace, the unity and integrity of the country;

And Whereas, the Central Government is of the opinion that the SFJ is indulging in the activities which are prejudicial to the integrity and security of the country;

And Whereas, the Central Government is of the opinion that following unlawful activities indulged by the SFJ falls within the meaning of clauses (o) and (p) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967, namely:-

- (i) SFJ is involved in anti-national and subversive activities in Punjab and elsewhere, intended to disrupt the sovereignty and territorial integrity of India;
- (ii) SFJ is in close touch with the militant outfits and activists, and is supporting violent form of extremism and militancy in Punjab and elsewhere to carve out a sovereign Khalistan out of territory of Union of India;
- (iii) SFJ is encouraging and aiding the activities for secession of a part of the Indian territory from the Union of India and supporting separatist groups fighting for this purpose in India and elsewhere by indulging in activities and articulations intended to disrupt the sovereignty and territorial integrity of India;

And Whereas, the Central Government is further of the opinion that if the unlawful activities of the SFJ are not curbed and controlled immediately, it is likely to-

- (a) escalate its subversive activities including attempts to carve out Khalistan Nation out of the territory of Union of India by destabilising the Government established by law;
- (b) continue advocating the secession of the Khalistan from the Union of India while disputing the accession of State with the Union;
- (c) propagate anti-national and separatist sentiments prejudicial to the territorial integrity and security of the country;
- (d) escalate secessionist movements, supports militancy and incite violence in the country;

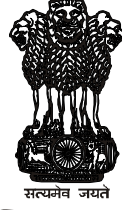
And Whereas, the Central Government is also of the opinion that having regard to the activities of the SFJ, it is necessary to declare the SFJ to be an unlawful association with the immediate effect;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Sikhs For Justice (SFJ) as an unlawful association and directs that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect for a period of five years from the date of its publication in the Official Gazette.

[F. No. 17014/18/2019-IS.VII]

S. C. L. DAS, Jt. Secy.





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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NEW DELHI, MONDAY, JULY 22, 2019/ASHADHA 31, 1941

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 22 जुलाई, 2019

**का. आ. 2617(अ).**—जबकि, केन्द्र सरकार ने विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सिख्स फॉर जस्टिस (एसएफजे) को दिनांक 10 जुलाई, 2019 के भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित दिनांक 10 जुलाई, 2019 की अधिसूचना सं. का.आ. 2469(अ) के तहत एक विधिविरुद्ध संगम घोषित किया है;

अतः, अब, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 42 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा यह निदेश देती है कि उक्त अधिनियम की धारा 7 और धारा 8 के अंतर्गत उसके द्वारा प्रयोग की जा सकने वाली समस्त शक्तियों का पंजाब, हरियाणा, जम्मू एवं कश्मीर, राजस्थान, उत्तर प्रदेश, उत्तराखण्ड, दिल्ली के राष्ट्रीय राजधानी क्षेत्र की राज्य सरकारों तथा चण्डीगढ़ प्रशासन द्वारा भी उपर्युक्त विधिविरुद्ध संगम के संबंध में प्रयोग किया जाएगा।

[फा. सं. 17014/32/2019-आईएस-VII]

एस.सी.एल. दास, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 22nd July, 2019

**S.O. 2617(E).**—Whereas, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government has declared the Sikhs For Justice (SFJ) to be an unlawful association *vide* notification number S.O. 2469(E) dated 10th July, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 10th July, 2019;

Now, therefore, in exercise of the powers conferred by section 42 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that all powers exercisable by it under section 7 and section 8 of the said Act shall be exercised also by the State Governments of Punjab, Haryana, Jammu and Kashmir, Rajasthan, Uttar Pradesh, Uttarakhand, Government of National Capital Territory of Delhi and Chandigarh Administration in relation to the above said unlawful association.

[F.No.17014/32/2019-IS-VII]

S.C.L. DAS, Jt. Secy.

# Sikh group plans to hold Khalistan referendum polling in Canadian cities in 2020



By Rahul Kalvapalle

National Online Journalist Global News



Sikhs attend a rally calling for a referendum on the creation of a Sikh state called Khalistan, Sept. 9, 2018, in Brampton, Ont.

*Sikhs for Justice*

A prominent pro-separatist Sikh organization says it plans to hold polls in several Canadian cities as part of a worldwide referendum for an independent Sikh nation called Khalistan in India's Punjab state.

ADVERTISEMENT



Sikhs For Justice (SFJ) says it is targeting Toronto, Montreal, Calgary, Edmonton and Vancouver to join some 100 cities worldwide where Sikhs will be polled in a non-binding referendum as part of a campaign dubbed “Referendum 2020.”

The group, which has branches in New York, Toronto and London, says it’s seeking to use the planned November 2020 referendum to assess the appetite for an independent Khalistan, before presenting its case for a binding referendum to the United Nations.

**READ MORE: India could seek extradition of alleged Sikh militant based in Surrey, B.C.**

Foreign Affairs Minister Chrystia Freeland’s office said the Liberal government would not recognize any such referendum.

In a statement, Freeland’s office sought to strike a balance between supporting Canadians’ right to expression and respecting the sovereignty of a country with whom relations were strained following Prime Minister Justin Trudeau’s troubled state visit there in February.

“Canada’s position on a united India has not changed and our government would not recognize such a referendum,” a spokesperson for Freeland told Global News. “Canadians have the right to freedom of expression and speech. Canadians have the right to peacefully express their views.”

Global News has also reached out to Conservative Leader Andrew Scheer and NDP Leader Jagmeet Singh to request comment on how they would handle the matter if they find themselves in the prime minister’s seat come 2020.

**WATCH: Prime Minister Trudeau wraps rocky visit to India**

The issue of Sikh separatism was a major flashpoint of Prime Minister Trudeau’s trip to India, which was marred by Indian allegations of Liberal leniency towards Sikh separatist elements in Canada.

In April, two months after Trudeau’s trip, an Indian diplomat told the United Nations Human Rights Council that Canada needed to prevent people from misusing their right to freedom of expression to “incite violence and glorify terrorists as martyrs.”

**READ MORE: India asks Canada to stop people from misusing freedom of expression to ‘glorify terrorists’**

The statement was made shortly after Indian counter-terrorism officials filed a First Information Report against a Surrey, B.C. man who they accused of plotting to carry out a terrorist attack in Punjab.

Their mention of terrorists being glorified as martyrs could be seen as a reference to posters of Talwinder Singh Parmar — believed to be responsible for the 1985 Air India bombing — being displayed at a Sikh temple in Surrey.



Gurpatwant Singh Pannun, SFJ's legal adviser, said his group is indifferent to how the Canadian and Indian governments view the referendum.

"We're not asking any political party or any Member of Parliament for their support," Pannun told Global News. "This referendum is not for the political leaders, this is for the Punjabi community."

"The [Indian Prime Minister] Narendra Modi government or the Canadian government can agree or not, but we have a right to voice our concerns. We have a right to ask for our rights to self-determination."

Sikh Panth is United & Strong  
To Liberate Punjab From  
#Indian Occupation. Hundreds  
of Sikh Youth Showed Up Today  
At Nagar Kirtan in NY &  
Toronto. All Have One Mission  
To Accomplished – #Referendum 2020@CNNnews18 @abpsanjha  
pic.twitter.com/4vUWpfFHfP

— Sikhs For Justice (@sikhsforjustice) September 10, 2018



An undated photo of Hapreet Singh Nijjar, who India has accused of plotting terrorist activities in Punjab state, posing in front of a poster calling for a 2020 referendum on the creation of Khalistan.

*Sikhs for Justice*

The Indian government has been steadfast in its opposition to the creation of an independent Khalistan, and has been particularly vociferous in trying to curtail SFJ's activities.

In early August, the country's minister of external affairs asked U.K. authorities to deny SFJ permission to hold a gathering in London's Trafalgar Square. The U.K. rebuffed the request, however, and SFJ held an Aug. 12 gathering in which it issued its so-called "London Declaration" demanding a Khalistan referendum.

The Indian Ministry of External Affairs described the campaign as "a separatist activity which impinges on India's territorial integrity" and "seeks to propagate violence, secessionism and hatred."

#### **READ MORE: Pro-separatist Sikh Canadians praise Trudeau, slam Indian government and PM Modi**

India's home minister, whose ministry oversees domestic security, said last month that the Khalistan campaign is being abetted by Pakistani intelligence, according to the Times of India.

The Times of India reported that Indian intelligence officials had identified the Pakistani military officer who they believed to be one of the masterminds of the Referendum 2020 campaign.

The news outlet also reported that it traced documents published on the SFJ website back to a Pakistani website, and that the two sites were hosted by the same virtual server.

#### **WATCH: Andrew Scheer criticizes Prime Minister Justin Trudeau's troubled trip to India**

SFJ denies any links with Pakistani intelligence or involvement in violence.

"We are for ballot, not for bullet," said Pannun. "We condemn all violence whether it's by a state or any particular group."

Despite the denials, Indian authorities blocked access to SFJ's YouTube channel and Facebook page earlier this year. Separately, Pannun's Twitter account was taken down worldwide by the micro-blogging site, prompting him to set up a fresh account in early September.

Pannun urged Canadian political leaders to resist caving into any pressure from the Indian government to stifle the Khalistan movement.

"The United Nations Covenant on Civil and Political Rights gives all people the right to self-determination. The Canadians have given that right openly to the Quebecois, the British have given it to the Scottish," he said.

"They should not [compromise] their principles and human rights values because they're afraid of economic sanctions if they stand with the Sikh community or go against the wishes of the Indian government... that's how India pushed Trudeau by saying that Canada will lose economically if they support the referendum campaign."

#### **REALITY CHECK: India didn't raise tariffs on chickpeas because they're mad at Trudeau**

Pannun said the Khalistan campaign is justified because it seeks simply to re-establish a state that existed from 1799 to 1849, when it was annexed by the British.

"The political leaders in Canada should side with the law, they should side with UN conventions which give all people the right to self-determination," he said.

"Us Sikhs qualify. We were a country before we were annexed by the British in 1849, and we just want to re-establish — per UN norms — our own independent country."

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Sikhs attend a rally calling for a referendum on the creation of a Sikh state called Khalistan, Sept. 9, 2018 in Brampton, Ont.

*Sikhs For Justice*



3. What Does the India Government say now?

2. Who Backs 'Referendum 2020'?

4. Should India be Worried?

1. What is 'Punjab Referendum 2020' and its Objective?

5. The Khalistan Movement, in Brief



Explained in 5 cards

# Referendum 2020, the Campaign to 'Liberate' Punjab

The Quint | Updated: 14.08.18

EXPLAINERS 6 min read



Four men, with the Nishan Sahib (Sikh flag) in their hands flying high, marched on Trafalgar Square in London on Sunday, 12 August this year. They were followed by a ragtag group of secessionists, wearing long beards – holding placards condemning India's treatment of Sikhs – who congregated to once again demand a separate Punjab state.

The “Referendum 2020” rally, organised by Sikhs For Justice (SFJ), is trying to understand if Punjabis across at least 20 countries want a separate state. If they find that they do, they’ll call for a referendum by 2020.

During the event, congregants were confronted by a pro-India group, with its own flags and drums to drown out the call for Punjab’s secession. They put up slogans like, “Sikhs for a United India” and “We stand for one united India”, according to a report in [The Hindu](#).

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## 1. What is ‘Punjab Referendum 2020’ and its Objective?

The [website](#) of the referendum describes it as a campaign to liberate Punjab, "currently occupied by India". They aim to:

- Gauge what the "Punjabi people" think about re-establishing Punjab as a nation state.
- Give the people of Punjab the privilege to decide their future political status.
- Once the consensus around the question of independence is established, the organisation, which has its offices in the United States, Canada, and the



United Kingdom, will present its case to the United Nation and other international bodies.

Referendum 2020 can NOT be stopped!!!

[pic.twitter.com/aKCs5RIWTV](https://pic.twitter.com/aKCs5RIWTV)

— Sikhs For Justice (@sikhsforjustice) August 12, 2018

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**guest\_15646553157**

1 Aug 2019 at 6:28 AM

Point 5 has not been researched properly. Demand for separate Sikh state started in 1947-48. Read about Sikhistan demand. Further, Sant Bhindrawale did not move into Sri Darbar Sahib in 1982. He moved into Sri Akal Takht after the plan for OBS was made. You may cross check this.

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## 2. Who Backs 'Referendum 2020'?

The Indian government has, since the very beginning, accused the Pakistani establishment of supporting the separatist activities in Punjab. First in the 1980s when the movement took a violent route to achieve its objective, and now again when it seeks to establish a separate state through a referendum, Pakistan's name has been brought up.

Even on Sunday, British-Pakistani, Lord Nazir Ahmed, who was in the Labour Party but thrown out for his political views, was among the speakers. Ahmed, who calls himself a sympathiser for Kashmiris and Sikhs, spoke of breaking up Punjab from India, news agency ANI reported.





Historic gathering of Sikh communities in Trafalgar Sq  
[#LondonDeclaration](#) demanding Referendum 2020 - I am proud  
 to support [#Khalistan](#).[#Referendum2020](#)



463 11:39 AM - Aug 12, 2018

388 people are talking about this

Punjab Chief Minister Amarinder Singh said the presence of Pakistani politicians at the rally confirms it was an out-and-out ISI plot which fell through, just as their attempts to create trouble in India have been failing all these years.

*The SFJ is just a group of fringe elements that is playing into the hands of Pakistan's ISI to divide India, but they have failed, and will continue to fail in their nefarious designs.* [f](#) [t](#)

Punjab CM Amarinder Singh as quoted by PTI

Former army chief general JJ Singh had, earlier this month, alleged that the "Referendum 2020" was a [ploy](#) of Pakistani establishments to foment communal tensions in India.



PII had reported that the Richard Nixon administration tried to encourage a separatist movement in Punjab by initiating a “covert action plan” in collusion with General Yahya Khan’s government in Pakistan in 1971.

B Raman, a former top officer of the Research and Analysis Wing, supported this view in [his book](#), *The Kaoboy of R&AW – Down the Memory Lane*. He wrote, "This plan envisaged the encouragement of a separatist movement among the Sikhs for an independent state to be called Khalistan. In 1971, one saw the beginning of a joint covert operation by the US intelligence community and Pakistan's Inter Services Intelligence to create difficulties for India in Punjab."

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### 3. What Does the India Government say now?

Tarun Chugh, BJP's national secretary, termed Referendum 2020 a "useless exercise" by a desperate group of radicals who have no support from Punjabis living across the globe".

He told PTI that the idea of Referendum 2020 was an 'anti-national' proposal designed to break the communal harmony among the people of the community in and outside Punjab.

*Sikhs for Justice (SFJ) mastermind  
Gurpatwant Singh Pannun was  
following the commands of Pakistan*

*based ISI and trying to brainwash and misguide youth to bring back black days in Punjab, but his efforts won't be successful.*

Tarun Chugh

Punjab Chief Minister Amarinder Singh had said there are no takers in Punjab for Referendum 2020. Singh had on Friday dubbed the proposed rally in London on Sunday by Sikhs for Justice (SFJ) as an attempt by a handful of frustrated ISI-backed Sikhs abroad to foment trouble.

"They have been at it for long and have been playing into the hands of the ISI, which has an open agenda to foment trouble in Punjab and India," he had said.

The chief minister said he was not at all worried about the fringe elements or their rally. He said there are no takers for this campaign in the state as people want peace and development.

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## 4. Should India be Worried?

India has repeatedly communicated its apprehensions not just to the United Kingdom, where this rally was organised, but also to Canada, considered a [hotbed](#) of the modern Khalistani movement.

Even before the rally, the Indian government had issued a [demarche](#) to the British government requesting it to deny permission for the rally. The British government, however, had said that they can not ban the rally under their law.

But they did assure India that “any group which spreads hate or deliberately raises community fears

and tensions by bringing disorder and violence to our towns and cities will not be tolerated,” *News18* reported.

A dinner invitation to a convicted terrorist, Jaspal Atwal, during the recent visit of Canadian Prime Minister Justin Trudeau, had caused dismay in India. While Canada has witnessed anti-India protests intermittently, the two primary violent Sikh groups – Babbar Khalsa and the International Sikh Youth Federation – have been [defunct](#) in the country for decades.

Besides this, there is a near non-existent support for any such global movement calling for a separate Punjab in India. Punjab's principal opposition party, the Shiromani Akali Dal (SAD), said that “no Sikh in India had any sympathy for such demonstrations”.

“Sikhs are loyal Indians. They've made more sacrifices for India than any other community,” SAD leader Naresh Gujral was quoted as saying by DNA.

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## 5. The Khalistan Movement, in Brief

The struggle for a separate Punjab state dates back to the Punjabi Suba Movement. The Shiromani Akali Dal (SAD) – a powerful Sikh political outfit – sought a separate province of Punjab, but the State Reorganisation Commission, in its recommendations, rejected the demand. A series of violent protests, however, compelled the then-prime minister Indira Gandhi, in 1966, to trifurcate the state into Haryana, Punjab and the Union Territory of Chandigarh.

However, six years later, when the Congress swept to power, relegating the Akalis to the margins, the SAD went into a huddle to revive its fortunes. The party adopted "The Anandpur Sahib Resolution",



While the resolution didn't help the Akalis gain political mileage, it found an admirer in Jarnail Singh Bhindranwale, who galvanised the Sikhs into action. In an article, published in 2004 in *Outlook India* magazine, Khushwant Singh described how Bhindranwale resorted to using provocative language against the Hindu population.

"He used vituperative language against the Hindus. He exhorted every Sikh to kill 32 Hindus to solve the Hindu-Sikh problem. Anyone who opposed him was put on his hit list and some eliminated," Khushwant wrote. "The list of Bhindranwale's victims, which included both Hindus and Sikhs, was a long one."

In 1982, when Bhindranwale and Harsharan Singh Longowal, then-president of the Akali Dal, launched the Dharam Yudh Morcha or a civil disobedience movement, both took up residence inside the Golden Temple and had to be flushed out by Operation Bluestar, initiated by Indira Gandhi.

*Read the explainer on Operation Bluestar and the Khalistan Movement [here](#).*

*(With inputs from PTI, Hindustan Times, DNA, News18)*

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