

India's top court greenlights New Delhi prolonging Kashmir state-of-siege indefinitely

By Wasantha Rupasinghe
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The Indian government's state-of-siege in disputed Jammu and Kashmir is now in its 48th day.

Since August 5, the region's more than 13 million people have been denied all cellphone and internet access and their movements tightly regulated by tens of thousands of Indian soldiers and paramilitaries. At least four thousand people have been detained, many of them seized in brutal night raids. They are being held under a draconian law that allows persons deemed a "threat" to public safety to be imprisoned without charge for up to two years.

India's Hindu-supremacist Bharatiya Janata Party (BJP) government has imposed this unprecedented security clampdown to suppress mass opposition to the constitutional coup it mounted against Jammu and Kashmir on Aug. 5.

Without warning, let alone public consultation, Indian Prime Minister Narendra Modi, his henchman Home Minister Amit Shah, and India's President Ram Nath Kovind illegally amended India's constitution by executive fiat, eliminating Jammu and Kashmir's unique semi-autonomous status. Subsequently, they rammed through legislation bifurcating what had been India's only Muslim-majority state, and downgraded the two parts into Union Territories. This means they will effectively be under permanent central government trusteeship.

Soon after the state-of-siege began, various groups and individuals, including Anuradha Bhasin, executive editor of the *Kashmir Times*, challenged its constitutionality in the Supreme Court. Lawyers acting for Bhasin argued that the government's communications blackout and severe restrictions on people's movements—much of the Kashmir Valley was subjected to weeks of curfews—made it impossible for a free press to function, in violation of constitutional guarantees.

The Supreme Court repeatedly put off hearing and then ruling on the challenges to the security crackdown, giving the government and military free rein to hold the entire population of Jammu and Kashmir hostage. This included admonishing Bhasin and the others challenging the constitutionality of the state-of-siege to have "faith" in the government and security services' claims "normalcy" would gradually be restored.

However, with the security clampdown approaching its 50th day and critical reports appearing in sections of the international press, India's highest court felt compelled to make a ruling last Monday, Sept. 16.

The ruling reads like it was written by Attorney General K.K. Venugopal, who argued the case on the BJP government's behalf.

Headed by Chief Justice Ranjan Gogoi, the three-judge Supreme Court bench "ordered" the government to "make every effort to make sure normal life is restored. ... People should have access to health care and schools and colleges must function normally."

But then it ruled that this restoration should be on a "selective basis," and keeping in mind "national security" and the "national interest"—which is exactly what the government claims it is doing.

Echoing the BJP government's justification for the state of siege, the court declared, "Everything must be done keeping in mind the needs of national security."

Giving the government and military-intelligence apparatus the green light to continue the repression in Jammu and Kashmir indefinitely, the court set no deadline for when the security crackdown should be lifted, and it specifically refused to order the authorities to end the blanket suspension of cellphone and internet service.

In its ruling, India's highest court claimed the government had "formidable reasons" for its actions, and as evidence pointed to the more than 40,000 people who have been killed in the insurgency against the Indian state that has convulsed Jammu and Kashmir (J&K) since 1989.

Needless to say, the judges said nothing about why this insurgency erupted. Decades of central government violations of Kashmiris' democratic rights and of J&K's special constitutional status culminated in New Delhi rigging the 1987 state elections and violently repressing the mass popular opposition that erupted subsequently.

Monday's ruling is in keeping with the record of India's highest court as a bulwark of reaction. Time and again it has sanctioned sweeping state attacks on democratic rights and the repression of the working class, including abetting the frame-up murder convictions of 13 Maruti Suzuki workers, while whitewashing communal atrocities incited by establishment politicians.

The court's support for the ongoing repression in J&K signals—if there were any doubt—that when the court finally gets to hearing challenges to the constitutionality of the government's abrogation of the now defunct state's special status it will give its stamp of approval.

In an action that serves to highlight the Modi government's authoritarian mindset, it argued against the court even deigning to hear cases challenging its constitutional coup. It claimed that to do so would have international "repercussions"—a reference to India's dispute with arch-rival Pakistan over control of the former

territory of the British Indian princely state of Jammu and Kashmir.

The same day that India's Supreme Court greenlighted the prolonging of the state of siege in J&K indefinitely, it was revealed that Farooq Abdullah, the elder statesmen of the J&K National Conference, who had been under house arrest since Aug. 5, had now been taken into custody under the notorious Public Safety Act (PSA). This anti-democratic law allows people to be detained without charge for up to two years.

Abdullah's formal detention under the PSA came in response to a Tamil Nadu opposition politician's filing of a case with the Supreme Court requesting the government be ordered to produce the 83-year-old Abdullah, who in addition to being a former J&K Chief Minister is currently a member of the upper house of India's parliament.

Home Minister Amit Shah had tried to claim Abdullah was not being detained. But the court case forced the government's hand.

Abdullah is a longstanding member of the Indian political establishment and has collaborated closely with the BJP in the past. But so terrified is the Modi government of popular opposition and so lacking support among the Kashmiri Muslim population, it has had to detain the senior leaders of the pro-Indian government faction of the Muslim elite, as well as hundreds of cadres of the National Conference and the Peoples Democratic Party.

Indian authorities, with the support of the corporate media, are assiduously promoting the lie the "normalcy" is returning to J&K, but this is belied by the scale of the repression.

Moreover, despite the mass arrests and the deployment of tens of thousands of additional security forces in what was already one of the world's most militarized regions, Kashmiris are staging numerous small scale protests every day.

A recent AFP report quoted a senior government source as saying that Kashmir had seen 722 protests, or an average of more than 17 per day, in the first six weeks since Aug. 5.

During a recent three-day trip to J&K, BBC Indian correspondent Soutik Biswas found seething anger just below the surface. In an article titled "Kashmir: The complicated truth behind its 'normality,'" Biswas cited a local police official who told him: "People are angry, humiliated and adrift. They have no leaders to take orders and cues from. ... This calm looks like a lull before the storm to me. But this time, we don't even know from where the next resistance will arise."

A shopkeeper, Shiraz Ahmed, told him, "A tsunami of protest is coming. There is anger in our minds and burning lava in our hearts. We have been betrayed and hurt by India."

The western imperialist powers have remained conspicuously silent on the brutal repression being enforced by India's military and paramilitary forces in Jammu and Kashmir, even as they denounce Beijing's attempts to undermine Hong Kong's special constitutional status and its threats to send in troops from the mainland to crush the opposition movement.

The US, Japan, France and all the western powers are eagerly courting India, seeking to leverage it as a military-strategic counterweight to a "rising" China. In line with this strategy, the Pentagon has renamed its Pacific Command the Indo-Pacific

Command.

The Modi government, building on the Indo-US "global-strategic partnership" struck by its Congress Party-led predecessor, has integrated India ever more completely into the US military-strategic offensive against China and developed close bilateral and trilateral cooperation with Washington's principal allies in the region, Japan and Australia.

In a display of Washington's support for Modi and his government's assault on Kashmir, US President Donald Trump will appear alongside the Indian Prime Minister at a "Howdy Modi" rally of Indian-Americans to be held in Houston this Sunday. Prominent Democratic Party politicians will also be in attendance.

Washington's support is emboldening the India elite in its drive to "change the rules" of the game with Pakistan, further stoking war tensions in the region. Since launching its assault on Jammu and Kashmir, the BJP government has vowed to have no further discussions about Kashmir with Pakistan, except those concerning India's claim to sovereignty over Pakistan-held Kashmir or in Pakistani parlance, Azad Kashmir.

In a calculated provocation, Indian government officials now routinely talk about realizing their ambition to "take back" Azad Kashmir.

Earlier this month Indian Army Chief Bipin Rawat declared his forces "always ready" to undertake action in Pakistan-held Kashmir, then added, "This has to be done by the government. The other institutions will act as the government directs them in this regard."

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