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Use of Rape as Weapon against Women by Indian Forces in Occupied Kashmir: A Securitization Perspective

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ABSTRACT

This article is based on the argument that the Indian forces are using rape as a weapon against women in the disputed territory of Kashmir to eliminate the freedom struggle of Muslim population. According to different surveys and reports, more than 11 thousand women have been gang-raped and molested in occupied Kashmir by the Indian forces. The security forces are continuously exercising this weapon of sexual warfare on women as a punishment. The triggering force behind this tactic of sexual abuse is the ideology of Hindutva. Under this ideology, current Indian regime is trying to change the secular status of India into a Hindu State. The Modi government is supporting communal violence on minorities for its political purposes. So, the minority community in India in general and the Muslims in disputed territory of Kashmir in specific are facing state oppression at large. Minorities like the Muslims and the Christians are being termed as “threatening and hostile other” in India. This study investigates how India is securitizing the Kashmir conflict by enforcing sexual assaults against women through its security forces? Secondly, it also tries to find that answer of why the use of rape and sexual abuse are justified as a potent weapon by Indian forces in occupied Kashmir? A large number of security forces have been deployed in Kashmir to suppress the Kashmiri freedom struggle. The security forces are exercising mass rape as a weapon in Kashmir to curb their right to self-realization. Such growing sexual practices have adverse impacts on the physical and mental health of women. In the end, we conclude that such inhumane policies not only undermine the social fiber of the Kashmiri community but also it will disrupt the peace of the whole of Southeast Asia.

Keywords: *Rape as weapon, Women, Securitization, India, BJP, RSS, Kashmir Muslims*

Introduction

The disputed territory of Kashmir is under the occupation of Indian forces for more than seventy years. Indian forces are exercising the ruthless policies of oppression, torture, and sexual abuse as a weapon of war. Women are becoming victims of gang rape and forced physical abuse. The security forces are practicing the mass rape on Kashmiri women as a punishment to halt their struggle for self-realization (Abid, 2016; Joseph, 2000; Mukherjee, 2014).

The Kashmir conflict is deeply rooted in the colonial history of the sub-continent (Ganguly, 1990). This conflict originated in the time of partition owing to the

manipulations of boundary commission on one side (Ilahi, 2010). Jammu and Kashmir was a princely state. The majority population of the region was Muslim under the rule of a Hindu maharaja named Hari Singh. The disputed region of Kashmir was given autonomy to join any neighboring state independently. It could join either India or Pakistan. On India's insistence, Maharaja finally decided to accede India. The Indian army then controlled the charge of the Kashmir region (Lamb, 1991; Snedden, 2001; Nayar, 2008). On the other side, the designated mechanism of partition for princely states was changed forcibly by the colonial powers for their vested interests. The division of the sub-continent by the British remained a bottleneck between the two neighboring nations Pakistan and India. (Paul, 2010; Indurthy & Haque, 2010; Tavares, 2008). This issue of division has affected the lives of millions in all socio-political, cultural, and economic spheres. This issue is understood in both aspects of territorial claims and human rights violations. India and Pakistan both claim Kashmir as a part of their territory.

The Kashmir issue has led both neighboring countries to fight four wars in 1947, 1965, 1971 and 1999. Apart from this, both countries have developed their nuclear armaments as a deterrence (Ganguly, 2018; Behera, 2016; Jindal, 2003). More than one lac people have been killed in Kashmir by the Indian forces. Both countries claim Kashmir as their territorial integrity. The UN had assured plebiscite for the people of Kashmir where they would avail full autonomy to decide their political future. (Bhat, 2019; Khurshid, 2016; Korbil, 1949). The nature of this conflict is very complex and multidimensional. The population of this region is more diversified in the case of language, ethnicity and religion. The major challenge is the ongoing hostility and distrust between India and Pakistan. This conflict is creating hurdles for creating any positive step towards the solution of the Kashmir conflict (Rizvi, 1994). Indian never wishes to resolve this dispute through political dialogue because it considers that if the issue were resolved then the way for other states to claims freedom from India would be opened. India knows if it gives full autonomy to the Kashmir then other states will also demand their self-rule where the separatist elements are already operating (Mahmood, 2001).

There are two main facts behind the revocation of Kashmir's autonomy. Firstly, the Modi government wants to strengthen and implement Hindu Nationalism and secondly, it is trying to bring the influence of its political party to the region of Kashmir. The disputed territory of Kashmir is divided into three main regions i.e., Ladakh, Kashmir and Jammu. The people of Jammu and Ladakh demand the removal of the autonomy of Kashmir as it curtails their political rights. They even demanded their equal contribution in the process of decision-making. These facts have made Kashmir issue even more complicated than before (Punjabi, 2011).

BJP and Hindu Nationalism

The current regime of BJP has enforced communal violence on religious minorities such as the Muslims and the Christians. The government is supporting the policy of repression and torture for its political objectives. The ruling party has directed the state machinery to incite violence against minorities in the disputed region of Kashmir. The minorities are witnessing forced conversions, destruction of religious places, and physical abuses. Besides that, the BJP is supporting Hindu Nationalism and Hindutva ideology. The Hindu Nationalism and Hindutva Ideology both emphasize the idea that Hindus are superior to other communities in India. The BJP

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is adopting the manifesto of right-wing Hindu extremist and fascist party RSS to uphold the supremacy of the Hindu religion in India and to provoke riots against minorities at large (Minority Rights Group International, 2017; Palshikar, 2015; Mukta, 2000).

The Hindutva ideology encompasses all segments of thought and activity of the Whole Being of the Hindu Race. The first basic essential of the Hindutva Ideology is based on geography that claims that any individual would be considered a Hindu who is a primarily the citizen of Hindustan or its ancestors were the natives of this homeland. The second essential of the Hindutva is based on the bond of common blood. The third element of the Hindutva ideology is related to the common culture. The fourth essential is common Hindu laws and rites. These four essentials are being used by the BJP government to securitize the Kashmir issue at a local and international level. The ruling party claims that Hindus are not only the residents of the Indian state but also living in harmony because of having a common motherland. They represent themselves as a symbol of one nation and a “raci-jati”. The Muslims and Christians of South India do not call themselves Hindus. They even don’t prefer to marry Hindus. Other minorities such as muslims and Christians have different ways to celebrate their religious rituals and festivals. The Hindu jurisprudence is entirely different from the Muslims and Christian jurisprudence. Therefore, they cannot be counted in the fold of Hinduism. Muslims and Christians do not follow or believe on the basic essentials of Hindutva such as Sanskrit (language), Rashtra(civilization) and Jati (race) (Savarkar, 1923).

Hindu Nationalism is a fundamental and fascist political faith that believes in the supremacism of the Hindu religion and the ethnic cleansing of other communities. Just as the Nazi Germany did with the Jews, killing them by torture, burning and other physical abuses. The Modi regime wants to constitute the Rama Rajiya which means the formation of the kingdom of their Ram God and the adaption of Hinduism (Frykenberg, 2008). The political influence of the BJP has now extremely surfaced the position of Hindutua Ideology in India. The regime is more desperate to transform the status of India into a Hindu country. This first essential of Hindutva Ideology claims that Hind religion is more superior to all other existing religions in India and this dogma asserts more restrictions on other minorities and their cultural liberties. The BJP regime has propagated the Muslim ethnicity as an ultimate threat to their Hindu religion in India (Farooq & Javaid, 2020). Even in the Ideology of the Hindutva, Muslim are interpreted as foreign invaders and outsiders. This ideology, therefore, demands the rebuilding of the Hindu Rashtra (Vanaik, 2002). The BJP has already planned to establish a uniform civil code in India. It opposes every law and legislation, which grants special provisions to other minorities especially Muslims in Indian Administrative Kashmir (Ogden, 2012). While the government has received maximum support from the opposition parties regarding the imposition of the Uniform Civil Code (UCC). Despite having such criticism, the political leadership of BJP and their functionaries of RSS claim that there should be only one law for all citizens of India that would be based on Hindu religion (Ramachandran, 2020)

After the election of 2014, BJP became the largest political party in India. The BJP government in India is a staunch supporter of the Rashtriya Swayamsevak Sangh (RSS) which is a right wing Hindu Nationalist and political organization. The

manifesto of this organization is to establish a Hindu Rashtra or a Hindu nation (Jaffrelot, 2007; Palshikar, 2015). Since the birth of Modi's party BJP in 1967, the party is dedicated to fulfil the ideals of the RSS. Before the formation of the central government in India, BJP had campaigned the slogan of Hindu Nationalism in their public speeches and other radical agendas accompanying the removal of the special status of Kashmir, banning the slaughter of cow and the implementation of uniform civil codes in India (Guha, 2010; Ashraf, 2005). Now the current regime of the Indian government is enforcing the ideology of Hindu Nationalism. The rhetoric of this dogma claims that Hindus are inherently more patriotic in India than other minorities especially the Muslims and Christians. The Hindu middle classes perceive minorities as a threat to the national security because they are demanding their autonomy or independence within the Indian union (Banerjee, 1991; Clarke, 2002; Hansen, 1996). The philosophy of Hinduism is hegemonic by nature. The area of South of the Himalayas and the Hindu Kush is undertaken as Akhand Bharat. The notion of Akhand Bharat describes India as the motherland of all Hindus. Vinayak Savarkar Damodar the main proponent of Hindutva ideology was also the staunch supporter of the ideology of Fascism and Nazism. He equalled the majority of Hindus in India with the Nazis in Germany who used to declare themselves as the most superior race on the globe. On the other hand, the Muslim minority of India is understood akin to the Jewish minority in Germany. He opposed the concept of Pan-Islamism and supported the military might and Hindu Nationalism in India (Jan & Nawaz, 2019; Contursi, 1989)

The ruling party BJP has securitized the disputed territory of Kashmir and imposed converted the whole valley into an open jail. The government stressed that if they would not have resolved this issue by force then it would blow up as an existential threat. The ruling party has portrayed the freedom movement in Kashmir on media as a national security threat. To suppress this, it imposed a yearlong lockdown. The security forces are allowed to use rape as a weapon against the Muslim women to stop their struggle for self-determination.

The Indian government is trying to establish a narrative that the increasing population of Muslims in India will be a threat to its national security. The government stressed that the Kashmiri Muslim population is increasing day by day. If the government would not take concrete measures to curtail this problem, it would face issues such as political instability and communal disharmony. Furthermore, the policymakers warned that the increasing Muslim population in Kashmir is a territorial threat to the Indian Union. It will also lead to external threats such as threats from Pakistan and China on the dispute of Kashmir (Bajpai, 1998).

Several communities are demanding economic and political rights in India in general and occupied Kashmir in particular. These minorities are striving hard to get their freedom from the center. Many factions have resorted to violent means to gain independence and maximum political autonomy from the Delhi Raj. Moreover, the government has declared this presence of insurgent elements as a potential threat to its territorial integrity and security of the country (Wojczewski, 2014). Global Risk Atlas has placed India in the High-Risk category on political violence, insurgency and security (Manoharan, 2013). Instead of recognizing their constitutional, socio-political and economic rights, India is using violence to suppress these voices. It has labeled the occupied Kashmir as a hub of militancy (Hussain, 2013). The actual reason for the insurgency is the atrocities of security forces on the Kashmiri people

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who are fighting for their right of self-determination. The Kashmiri people are responding with an uprising in response to the Indian atrocities (Tremblay, 1996; Haque, 1991).

The Modi government has re-aligned the secular status of India to a Hindu India. Inspired by the RSS fascist ideology, Modi is trying removing the secular identity with a Hindu state. His government states that secular laws are privileging the interests of minorities over Hindus. The BJP has abrogated the Article 370 and removed the special status of disputed territory. It has opened the Kashmir valley for the Indian Hindu settlers and trying to change the demographic status of occupied territory. The BJP and its likeminded organizations like Rashtriya Swayamsevak Sangh (RSS), Bajrang Dal and Vishwa Hindu Parishad (VHP) have planned to convert the Indian state into a Hindu Rashtra. The disadvantaged minorities such as the Christian and the Muslim are being forced to become Hindu (Jaffrelot, 1996; Kim, 2017; Katju, 2015). Basru

The securitization of Kashmir and Use of rape as a weapon

The BJP government has securitized the issue of Kashmir on a national level and international levels. On August 05, 2019, the Indian government revoked Articles 35A and 370 by using its military forces and imposed a strict lockdown. Both articles 35A and 370 guaranteed the provision of special status to the disputed area of Kashmir (Lalwani & Gayner, 2020). The security forces are excessively violating human rights through mass killings and torture and the use of rape as a weapon of war. The government has further asserted that the autonomy was removed solely for development purposes and to curb the influence of terrorism and nepotism (Zia, 2020). The security forces are excessively using massive rapes in Kashmir since 1990. The civilians are being accused of being sympathizers of insurgents. The accused are raped and tortured as a punishment by the Indian forces. The security forces are targeting especially women for sexual assaults and physical abuse (Asia Watch & Physicians for Human Rights, 1993). As they know that the honor of this patriarchal society is related to the sexuality of the women. It means that the rape of a woman is linked with the disgrace of a man in the community. Many women have preferred death instead of being raped by the security forces in Kashmir. The victim has to suffer emotionally and psychologically traumas throughout her life (Sidhu, 2018). As the notions of honor and shame have a strong resonance in Asian patriarchal culture. These values are firmly normalized in society as a part of the culture. Even such assumptions about honor and shame exist in the religious dogmas of the community residing in the disputed region of Kashmir (Singh & Butalia, 2012). This society does not accept the raped woman as their part of the honor. So, the women ultimately have to lead a life of shame and dishonor in isolation (Qayoom, 2014).

The existence of black laws such as Armed Forces Special Powers Act (AFSPA) provided additional powers to the Indian forces. The government has always legitimized this law as an emergency rule of the law. The law was enforced in 1991 to combat the insurgent elements in the disturbed areas. This law denies the ethos of democracy as it supports the use of violence on its people to create fear and panic. The security forces are exercising rape and penetration under the umbrella of the AFSPA weaken the freedom movement in occupied Kashmir. This act has provided

security assurance to those security personnel who committed massive rapes and sexual abuses (Ranjan, 2015; Bhattacharyya, 2018, Bhattacharyy, 2016; Kamboj, 2004). This law has promoted the culture of sexual violence in Kashmir. The media is even paying no attention to the atrocities of the security forces. The most inhumane practice of sexual violence was carried out by Indian forces in the villages of phospora and kunan on 23 February 1991. More than a hundred women became the subject of gang rape and molestation. The army leadership marked these allegation as fake and bogus whereas the victims of this atrocity are still struggling to get justice from the Indian courts (Krishnan, 2017; Jamwal, 2013; Chakravarti, 2020). Later on, the High Court of India ordered that the government should compensate the rape victims. The government challenged the decision of the High Court on the rule of issuing compensations (Hindu, 2016). The AFSPA is still enforced as an effective deterrent. India is facing internal security threats including proxy wars, rising insurgency and state riots which are mainly due to the failure of the Indian political system. The state machinery is putting its focus on the arrests of the suspects cases instead of finding any right political solution. The AFSPA has not resulted in any viable solution to the country's problems for decades. It has not brought the citizens of Kashmir into the national mainstream but created a sense of social stratification and alienation (Raina, 2016; Duschinski, 2009).

The Kashmiris are unfortunately facing such human rights violations for seven decades. The security forces are provided immunity by the government in the form of the Public Safety Act (PSA) and Armed Forces Special Powers Act (AFSPA) to commit human rights violations including forced disappearances, gang rapes, torture, and political repression (Nabeel, 2006).

The legal system is so weak that it cannot guarantee the safety of the women from sexual violence and extra-judicial killings in the occupied Kashmir. The ruling party is supporting the policy of repression and torture through its security forces. Therefore, both men and women are afraid to inform the identity of the perpetrators. If any individual reports incident of human rights violations he will likely to be murdered by the security forces. This constant fear of death and rape work as a deterrent to the people of Kashmir and they do not come forward to inform the ongoing pathetic reality (Vanniasinkam, 2010). According to the survey of Jammu and Kashmir Coalition of Civil Society (JKCCS), the security forces have killed 1081 civilians of Kashmir between 2008 and 2018. The military establishment has fashioned a channel of AFSPA to avoid its soldiers from accountability who are violating human rights in Kashmir (United Nations Human Rights Office of the High Commissioner, 2019). India is defending this law as a protector from internal

Human Rights Violations	
Jan. 1989 to June 30, 2016	
Total Killings	94,391
Custodial Killings	7,058
Civilians Arrested	135,052
Structures Arsoned/ Destroyed	106,071
Women Widowed	22,816
Children Orphaned	107,569
Women Gang-raped/ Molested	10,193

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and external security threats. The UN experts have criticized AFSPA because of the worsening situation of human rights in Kashmir by the security forces. Rashida Manjoo a UN Special Rapporteur on violence against women called for the repeal of this law. She claimed that AFSPA is eroding the fundamental human rights of women including freedom of safety, movement, bodily integrity rights, and peaceful assembly (Amnesty International India, 2013).

In India, there are different ethnicities and each ethnicity has its own values and cultural norms like Muslims, Christians, Sikhs and Hindus. The Indian Hindus emphasize that the minority community of India has foreign roots in their culture. The other minorities do not have any right here (Talbot, 1995). The minority community especially Muslims of India is under constant threat and fear because of the communal riots and violence led by the religious extremists of BJP. The Hindu mobs are displacing the Muslim communities to the areas where the majority of Hindus reside. Thousands of Muslims were murdered by the Hindu extremists. Even Narendra Modi himself remarked anti-Muslim in his statements and interviews (Human Rights Watch, 2020). The BJP regime has politicized the Muslim community as a security threat to their national sovereignty. The government argued that the removal of the Kashmir special status was solely done for security purposes (Kronstadt, 2018) While the rape and sexual abuse of women by the security forces highlight the insecurities of Kashmiri women (Kazi, 2009).

Thousands of men have been displaced forcefully from their homes by the security forces. This phenomenon of enforced disappearances has destroyed the lives of thousands of women in Kashmir. These half widows are unsure whether their husbands are alive or dead. The women are economically dependent on their husbands. In the absence of their husbands they have to find any means of income for their survival which pave way to their insecurities in the society. The security forces target them as a sexual object in a systematic way. In this way, women are facing not only an economic crisis but also physiological and mental health problems (Mir, 2016).

For the last seventy-three years, Kashmir is being made the largest jail by the security forces. The government is suppressing their struggle for independence by imposing more than 80, 0000 security forces. The security forces are violating human rights and UN international covenants which ensure the safety of women rights. They are practicing the tool of rape and forced molestation on women as a weapon of war. Around 11,178 cases of rape and sexual abuse were reported between January 1989 to January 31, 2020. Women have always been the victims of such physical sexual abuses. Such policies of rape and torture are carried out systematically by the security forces. They are involved in gang rapes and individual rape under the guise of their draconian laws. In Indian occupied Kashmir the women are being raped in their homes by the security forces when the male members of their family are not present at home. The parliamentarian members justify such cruel and inhuman activities vital for the national security of India. The government is backing the strict lockdown with a fear that they may again protest for their prior constitutional autonomy which will clap down the Narendra Modi's government in India. Thousands of Kashmiris have been detained by the security forces to block their freedom of expression. The internet facilities are blocked in Kashmir so they cannot protest their struggle for freedom on social media platforms (Robinson,

2020; Khan, 2020). The BJP government has justified this communication blackout and military oppression as a security step to reduce the chances of retaliation and terror attack (Jacob, 2020). Besides the Indian Union Home minister Amit Shah agreed on the fact that the facility of internet is the basic necessity of the contemporary era. However, they imposed ban on the internet by declaring it a national security necessity (Outlook, 2019). This systematic move was enforced by the government to sponsor discriminatory steps against Kashmiri Muslims and to marginalize them. Moreover, this move will pave way for the ethnic cleansing of the Kashmiri Muslims through genocide (Global Village Space, 2019). This move to revoke the status of Kashmir illustrates not only the manifestation of ethnic nationalism but also an attempt to change the current demography of Kashmir (Vaishnav, 2019). Besides the security forces are committing the sexual violence on Kashmiri young girls and women. The rape culture is imposed by the military through the search operations and raids in their homes. Here the body of the woman is perceived as the battleground by the military and other security forces. Such horrific practices of rape are being carried out by the army since 1990s (Tribune, 2020). The security forces are using rape as a military tactic and as a cultural weapon in Kashmir. The security forces even confess that they are ordered by high command to carry on human rights violations including rape and torture (Hasnat & Awan, 2020). Despite the fact that India is a member of several human rights' international organizations such as the Convention on the Elimination of All Forms of Discrimination against Women where all these violations are considered as a war crime however these memberships have not been effective to stop India from committing these atrocities against women in occupied Kashmir (Shamim, 2019).

The government of the BJP has introduced a new domicile law in April 2020 in Kashmir in which the non-Kashmiris will be given the right to residency. The Prime Minister of India Narendra Modi had justified this law as a crucial step for the development of this region. While the experts claim that the permanent settlement of non-Kashmiris in the disputed region of Kashmir will automatically lead to demographic flooding. Sadiq Wahid who is a political analyst in Indian Kashmir briefed Aljazeera "Obviously it is an attempt to change the demographics, not only change but flood it. It will lead to demographic flooding" (Aljazeera, 2020). This law has created a sense of alienation and fear among the locals. As the government is trying to alter the demography of their land. In this way, the government is trying to dilute their religious and ethnic identity (International Crisis Group, 2020). The government even stated that the official language of the Kashmir region would be Hindi instead of Urdu (Sabrangindia, 2020). Urdu is the language that most of the Muslims in India. Furthermore, the names of the departments and official buildings have been changed from the Urdu language to the Hindi language (Ahmad, 2019). India is trying to erase the history of Muslims and experts say that the BJP government is trying to impose its own version of history in Indian Kashmir (Aljazeera, 2020).

The ruling government of BJP has introduced a new slogan of "One Nation, One Market" to incorporate nationalism with the economy. In this way, it is aiming to form a Hindu nation by mixing neo-liberalism and Hindutva. The National Economy Policy was promulgated by the Indian government in 1991, which set India to become a neo-imperial power. Kashmir was considered strategically more vital for this project because of having enormous water resources, minerals, agriculture

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and tourism potential. This shows that India is exploiting the resources of Kashmir behind the agenda of development in Kashmir (Zia, 2020).

Conclusion:

As per the Hindutva Ideology, India is for Hindus. All non-Hindu pollution especially Muslims are external and aggressive other. They needed to be excluded from the Indian territory either through hook or crook. As per the Indian securitization move, Muslims are threat to Indian national security. The current regime through the speech act is getting public support to initiate offense against Muslims in Kashmir and women are being targeted without any discrimination. Indian forces through the use of rape as a strategic weapon against Kashmiri Muslim women are achieving social, political, psychological, economic and military objectives. Strategic mass rape is instilling fear in the population, disintegrate the family structures and community bonds and eventually forcing the population to relocate themselves and achieving the long-aimed objective of demographic change in the disputed territory.

The physical damages caused during rape make them not to become mother again if they are accepted by their husbands or married in future. These stigmatized “impure” women lose their confidence for the rest of life, cannot move around or work freely and ultimately become a burden on relatives. Indian army’s high command has also justified the use of rape as an instrument against Muslim women to break the momentum of freedom movement. The security personnel who are involved in these crimes are never persecuted punished not even tried in the courts of law. Through the speech act against the Muslim population, rape is used as a discursive action to achieve the political aim in the disputed territory. Through the brutal use of force, rape, murder and forced disappearances, the Indian forces are involved in genocide of Kashmiri population. After the revocation of Kashmir’s special status, the whole population is living under the constant threat of persecution, torture and violence. One Indian minister has openly said that now Kashmiri women would be available for our leisure and sex desires. Rape is used to create an atmosphere of terror and ultimately hitting hard on the physical, mental and psychological health of women. The bodies of women have become the real battleground for Indian forces. They are using rape of women as a collective punishment to the whole community. Psychologically, a sense of insecurity is instilled through rape, torture and humiliation among the women. Occupied forces are not only trying to paralyze the women at large but also aim to show their symbolic victory over the male population who is considered as the guardian and protectors of women in the society.

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