



Encroachers on their own land: India's transition from military-imperialism to settler colonialism in Kashmir

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Abstract

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This paper examines a period of transition in the approach of the Indian state to Kashmir from roughly 2014 through today, comparing dispossession under earlier practices of military-imperial land seizures and occupation to new regimes of dispossession through state-level bureaucracy, planning schemes and “encroachment” clearance for capital projects. I suggest that this period represents the end of a decades-long transition from an indirect military-imperial occupation to direct settler colonial rule. It also represents a new moment of mass dispossession, toward the eventual goal of merging Kashmir with India and creating a unified Hindu state. Before this transition, most dispossession in Kashmir happened outside legal frameworks, and extrajudicial executions and land seizures were either ignored or denied by the state. The last several years have seen the increasing operationalization of “legal” mechanisms to take land for non-military, “development” projects. I look closely at the afterlives of “encroachment,” a colonial era urban planning designation that has been increasingly deployed by the Indian state in Kashmir to conduct mass evictions. I also look at increases in home demolitions by Indian military forces, theorizing them both as a terror tactic to instill fear and maintain precarity in Indigenous populations as well as a mechanism for land acquisition.

Keywords

Encroachment, occupation, settler colonialism, military-imperialism, home demolition, dispossession, property

Theory and Methodology

Many within Indigenous studies have questioned the utility of the framework of postcolonial and subaltern studies in understanding and analyzing the ongoing coloniality of

places like North America, Australia, and Israel. Jodi Byrd (2011) makes a compelling argument about the ways in which postcoloniality as a project falls apart in the context of the Americas because of the enduring coloniality of North America. She posits that Indigeneity is evacuated through this analysis of texts and suggests that postcolonial theory is better suited for places vacated by European colonists.

In this context, Byrd engages with Gayatri Spivak, positing that Spivak provides a “methodological starting point” through the distinction she draws between “internal colonization,” or the exploitation of marginalized communities within a sovereign polity, and “pure” colonization. Byrd points out that this locates Indigenous peoples as “minorities” within countries such as Australia, Canada, and the United States, and thus erases the rights that they have as separate peoples to self-determination.

India has generally been understood as a place in which “pure” colonization took place and is the place from which postcolonial studies originated. However, Critical Kashmir Studies scholars have also pointed to the fact that the postcolonial framework is unworkable even in its place of origin (Osuri 2017; Kaul 2019). The model of “internal” colonization as applied to Kashmir absolves the Indian state of colonialism, conceding the state’s normative narrative that Kashmir is indeed a part of India, and thus forcing onto Kashmiris membership in a nation that they have long refused. Many have noted the unwillingness of some of the founders of postcolonial and subaltern theory, many of whom are Indian Brahmins, to comment on India’s ongoing colonial project in Kashmir (Dar 2015; Kanjwal 2019). As Hafsa Kanjwal astutely observed, “the critique of the Indian state is invariably couched in the language and imperative of ‘saving Indian democracy’ from itself, of preventing other parts of India from becoming Kashmir” (2019). Kanjwal posits that the violence in Kashmir is epistemological as well as physical, and the discursive erasure of colonization in Kashmir allows Indian liberals and leftists to falsely posit the question of Kashmir as one of governance rather than sovereignty.

Since 2019, Critical Kashmir Studies scholars have eschewed the framework of pure “colonialism,” instead foregrounding “settler colonialism” to explain Indian occupation (Mustaq and Amin 2021; Aamir 2021; Osuri and Zia 2020; Korbel 2020; Kanjwal 2019; Zia 2020). Colonialism is a system of domination in which colonists exploit the land, labor, and resources of Indigenous peoples in order to enrich a far-away polity. Their goal, therefore, is the continued subjugation of the Indigenous population for profit. Settler colonialism, on the other hand, aims to eliminate the Indigenous population, and replace it with a settler class, often employing violent and extra-legal methods of dispossession that are then coded into law (Wolfe 1994). In Patrick Wolfe’s canonical formulation, the primary motivation for elimination of Indigenous peoples under settler colonialism is territorial acquisition; “territoriality is settler colonialism’s specific, irreducible element.”

In this paper, I examine closely the Indian state’s recent move toward settler colonialism, focusing particularly on legal processes and territorial acquisitions. I argue that although Indian colonialism in Kashmir has been both eliminationist and extractive, the Indian state has not until recently advanced plans for replacement or settlement. Historically, most dispossession in Kashmir has happened through military-imperial land seizures and

occupation, largely outside legal frameworks. In recent years, the Indian state has mobilized new, legal technologies of rule inspired by settler colonial policies and ostensibly intended to create demographic change in Kashmir. These processes are not linear, and the Indian government's actions in many ways echo earlier occurrences during the height of the military occupation in the 1990s. However, while the 1990s witnessed eliminationist rhetoric and violence against Kashmiri Muslims, the Indian state in the period from 1989 to 2014 was largely concerned with the violent suppression of uprisings and popular movements, often through extralegal and extrajudicial tactics. Legal measures from 2014 to the present have formalized the ongoing military occupation and laid the groundwork for Indian settlement in the region.

From Colonial to Settler Colonial

For the last three decades, the Indian project in Kashmir has been eliminationist, though prior methods of elimination were largely carried out either in service of the military occupation or intended to make room for Indian tourism. Kashmir has the highest concentration of military personnel per civilian in the world, with over half a million soldiers stationed to police and surveil a population of merely 12 million (Gazia 2021). The military has conducted incalculable injustices, including torture, sexual violence and the destruction of Kashmiri lands and livelihoods. Forced disappearances, mass killings, and large-scale violence and brutality against Kashmiris are a part of the status quo, with an estimated 70,000 people killed and more than 8,000 disappeared since 1990 (Al Jazeera 2019).

The 1989 insurrection against the Indian state marked the birth of the Kashmiri as Terrorist in the eyes of the Indian state. In India's national imaginary, (Muslim) Kashmiris are variously termed "foreigners," "terrorists" and "invaders," while the land of Kashmir is simultaneously "an integral part of India." There is a striking parallel between the Kashmiri subject in India and Joanne Barker's conception of the "Murderable Indian," or an Indigenous person who is depicted as a terrorist when exercising their sovereignty or calling for self-determination (Barker 2021). The identification of peoples as threats to a nation's security then, per Barker's analysis, allows for counterterrorist measures premised on racist ideologies of Indigeneity, and confers the state with the legal ability to surveil and murder Indigenous peoples with impunity. Murder, violence, and land theft are in turn seen as necessary for the state to uphold goals and ideals of democracy, and are therefore widely supported by the nation's citizenry, often including "internally colonized" minority groups.

The Indian national imaginary relies on the construction of a Pakistani (Muslim) "Other" against which Indian (Hindu) self-definitions are built. In recent years, the pursuit of a Hindu nation has furthered the merging of Indian with Hindu. The existence of Muslim-majority Kashmir presents a difficult contradiction that can only be resolved (incompletely) by the creation of a Hindu-dominated or even a Hindu-majority state in Kashmir. The history of the Kashmir conflict is complicated, with the region serving as a colonial holding with no solution, always in limbo, used to wage permanent war against Pakistan. Kashmiris are often

viewed as a political bargaining chip to win votes, by putting down the perceived threat of Muslim militants funded by Pakistan.

The time period from 1990 to 2014 also saw the beginning of violent dispossession methods, that in the period from 2014 to the present has been increasingly coded into law. The acquisition of territory, fundamental to settler colonialism, has been an enduring goal of the Indian state from the start of the military occupation, which has involved the seizure of large swaths of land for “national security.” According to Indian government records in 2015, the armed forces hold approximately 131,840 acres of agricultural, horticultural, forest, and vacant land in Kashmir. However, the true acreage of the land controlled by the military remains in dispute, as large tracts of land are illegally occupied by the military (Nabi and Ye 2015). According to the forestry department, 121,082 acres of forested land alone are occupied by the military. The then ruling People’s Democratic Party claimed in 2018 that the army controlled an additional unauthorized 53,000 acres of land (Indian Express). A 2013 investigation found that most army establishments are in direct violation of the law, and are constructed on ecologically sensitive areas, including agricultural land, green areas, wetlands, and even mountain peaks (Himal 2015).

The environmental destruction that accompanies the occupation also serves to eliminate Indigenous livelihoods and environments, usually in service of the military occupation and the tourism industry. Kashmir’s natural resources are largely under the control of the military or the tourism industry, both of which produce massive amounts of waste, contaminating water bodies and soils in ecologically sensitive areas (Mir 2014). Military firing ranges and leftover unexploded shells have created hazardous conditions for nomadic and pastoral across the region (The Hindu 2021). Additionally, the army controls large portions of Kashmir’s forests, rendering them inaccessible for local people who rely on forest resources for their livelihoods. Ironically, one of the most draconian preventative detention laws in Kashmir, the Public Safety Act (1978), was ostensibly enacted to guard against “timber smuggling,” long a profitable endeavor conducted and mediated by the armed forces and police (Nabi and Ye 2015; Mathur 2012).¹ At the same time, this law, worded intentionally vaguely, is wielded indiscriminately against Indigenous Kashmiris for “act[ing] in any manner prejudicial to the maintenance of public order,” in other words, for engaging in any act that is deemed vaguely threatening to the Indian colonial project.

Meanwhile, as Mona Bhan convincingly articulates, arguments for “conservation” are deployed discursively to seize land intended for the benefit of private tourist businesses (Bhan and Trisal 2017). Bhan provides the example of the Hanjis, a minority community of lake dwellers whose settlements on the Dal Lake were held responsible for the lake’s shrinking water expanse. The Hanjis were termed illegal occupants, and forcibly removed from Dal Lake in order to make room for tourist hotels and developments. Kashmir was thus reinvented as a “paradise” in order to revive the tourism industry following its decline due to the armed insurgency of the 1990s. This was also in line with India’s claims at the time that the armed resistance was defeated—a claim that allowed for the continuation of

¹ Mathur narrates an account of villagers forced to forage for illicit timber and firewood in the forests in order to construct bunkers and build settlements for army personnel.

profit-making in the tourism industry (Bhan and Trisal 2017). At the same time, the military apparatus continued to violently silence popular dissent and conduct large-scale murders, rapes, and disappearances.

While violence against Kashmiris has been an ongoing part of the Indian project, in this paper, I argue that the period from 2014 to the present represents the end of a transition from an indirect military-imperial occupation to direct settler colonial rule. It also represents a new moment of mass dispossession, toward the eventual goal of merging Kashmir with India and creating a unified Hindu state.

In 2014, Kashmir's People's Democratic Party formed a coalition government with the Hindu supremacist Bharatiya Janata Party to gain a parliamentary majority in the state. This coalition government began a process to liberalize and rationalize land ownership, laying the groundwork for the removal of Indigenous Kashmiris and the increasing concentration of land under state and corporate ownership. This process accelerated in 2018, when the central Indian government assumed power in Kashmir following the resignation of the state's then-Chief Minister.

Taking advantage of this moment, the BJP-led central government in August 2019 revoked a clause in the Indian constitution that had until then given Kashmir special status as a semi-autonomous state in the Union. The central government then dissolved the state and suspended its assembly, constitution, and executive bodies. The announcement was rapidly followed by a series of changes to Kashmir's legal structures. Notably, the Indian government's first move following its induction as the ruling body in Kashmir was territorial—they rescinded a law that empowered the state legislature to define “permanent residents” and attach specific privileges to this status, namely the ability to purchase land and property. This law had served as a bulwark against complete occupation by Indian citizens and companies and had maintained a degree of control for Kashmiris over their land. Following the abrogation of this clause, the New Delhi government embarked on a process to change land acquisition rules, facilitating state and corporate land grabs while continuing to open up land for settlement by Indians.

Although outrage has rightfully erupted against the Hindu nationalist BJP for its brutality in Kashmir, violence against Kashmiris has been continuous under multiple ruling parties in India. In the decade preceding the central government takeover of Kashmir, military forces killed an estimated 1,081 Kashmiri civilians in extrajudicial executions (Korbel 2020). Still, the violence against Kashmiris has escalated once more under the BJP, which in 2019 prompted Genocide Watch to issue a genocide alert for Kashmir (Stanton 2019).

Regimes of Dispossession

Before the advent of the BJP in Kashmir, most dispossession happened outside legal frameworks, and extrajudicial executions and land seizures were either ignored or denied by the state. The last several years have seen the increasing operationalization of “formal” mechanisms to take land for non-military projects. These new regimes of dispossession are

realized through state-level bureaucracy, planning schemes and “encroachment” clearance for capital projects.

In Kashmir, land is classified as individual private property, state-owned public property or village or forest commons. Nearly half of the state comprises forest land, much of which is occupied by Indigenous nomadic pastoral communities.² Successive colonial regimes have eroded Indigenous land practices, delineating commonly held land as public or private property, thereby dispossessing Indigenous peoples. Poor title documentation under kingships and colonial regimes for nomadic and pastoral communities such as the Gujjars and Bakerwals left these groups particularly vulnerable to eviction (Naqash 2019). Still, in practice, land use is more flexible, and villagers openly farm and cultivate unoccupied state and common lands, usually with the knowledge and tacit approval of state officials (Zargar 2020). Fluid structures governing the possession and use of land allow for changing patterns of land use according to local need.

Before it was completely dismantled by the central Indian government, the state government of Kashmir, often seen by Kashmiris as a co-conspirator with the Indian state, variously defended and eroded village and forest commons. Through the 1990s, when the Indian state took a hardline approach to growing armed resistance and began orchestrating mass killings and dispossessions of Kashmiris, state departments in Kashmir declared several pastures and forests out of bounds and sealed off entrances (Naqash 2019). Authorities displaced Gujjar tribes from their traditional meadows in places like Gulmarg and Pahalgam, clearing prime lands for hotels and the tourism industry (Naqash 2021). Since then, many of these communities have given up their migratory traditions due to their inability to access traditional lands (Naqash 2019).

At the same time, Kashmiri government officials maintained a long-standing and unspoken policy not to report “encroachments” on state or common land in villages. In 2001, the Kashmir state government even moved to officially transfer ownership of state land to its occupants under what was called the Roshni Act, formalizing existing property relations (Hari Om, 2020). Still, state-level agencies, including development authorities, the forest department, and police forces, continued to carry out large-scale evictions in forest lands and tourist-heavy areas (Naqash 2021).

Nevertheless, access to village commons persisted until 2015, when the Kashmiri People's Democratic Party entered into a coalition with the ruling Hindu nationalist Bharatiya Janata Party to form a government in Kashmir. The Indian government took this opportunity to extend its Digital India Land Records Modernisation Programme into Kashmir (Zargar 2020). This program is an effort by the Indian government to resurvey land across the country and standardize ownership to more neatly fit into an individual private property regime, evicting all those newly classified as “encroachers.” The same year, the Indian government approved a plan to build heavily guarded separate townships to house

² According to the Forest Department, 45.89 percent of Jammu Division, 50.97 percent of Kashmir, and 0.06 percent of Ladakh is forest la

displaced Kashmiri Pandits, which many interpreted as a plan to create apartheid conditions similar to those in Gaza (Hari Om 2020).

In 2018, newly appointed BJP governor of Kashmir Satya Pal Malik repealed the Roshni Act, claiming that the act was a ploy to “change the Hindu-majority character of Jammu province” (Zargar 2020).³ Since then, the central government has accelerated its plans to both eliminate Indigenous Kashmiris and prepare the land for Indian settlement.

Kashmiris as Illegal—Elimination of the Native

“There are specific instructions for leaving no stone unturned to *take back* each and every patch of State and *kabcharat*⁴ land from the *encroachers* [emphasis mine].” Pawan Kotwal, just months after India stripped the state of its former semi-autonomous status, ordered the eviction of all “encroachers” on public or common lands in Indian-occupied Kashmir (Verma 2020). Kotwal, an Indian administrator, was recently appointed head of several ministries in the newly-minted Union Territory of Kashmir, including health education, environment, revenue and planning.

The term “encroacher” here is not confined simply to a description of an action, but is deployed as an identity, a marker of personhood. “Encroachment” is a British-era legal term that was initially deployed in the nineteenth century to seize lands to which people were unable to produce paper documentation of ownership as the property of the crown (State Land Encroachments Ordinance 1840). This reclamation of land into the hands of the government then allowed for colonial control over the land, giving colonial officials the ability to collect taxes and profits generated from production.

As Gautam Bham (2014) and Usha Ramanathan (2005) have demonstrated, since the late 1990s in India, the term “encroacher” has increasingly been juxtaposed against categories of rightful occupiers and “honest citizens” in legal judgments, and thus weaponized as a legal technology of dispossession and revocation of urban citizenship. Importantly, this designation is used primarily to clear lands demarcated as “public,” and therefore the property of the Indian state. In Kashmir, this takes on an even more pernicious character, as accusations of “encroachment” foreclose Kashmiri claims to citizenship and belonging on Indian-occupied lands. Kotwal’s directive to “take back” public lands represents a claim that Kashmiri land is in fact the rightful property of the Indian state, of which he is a representative.

In March 2020, Kotwal stated that all of the land has now “been retrieved and illegal entries against this land in revenue records have been expunged” (Zargar 2020). The state also declared that it was in the process of issuing eviction notices to 17,873 “illegal occupants” (Zargar 2020). This is an incomplete count, as a perusal of news reports reveals that a much larger number of people have been dispossessed of their lands and livelihoods

³ The classification of Jammu as historically “Hindu” also serves to further erase the 1947 massacre of Muslims in Jammu, in which tens to hundreds of thousands of people were massacred by extremist Hindu and Sikh paramilitary organizations, the vast majority Muslim.

⁴ Village commons, or grazing land.

(Bhat 2020). These lists have continued expanding, and the Forest Department now claims that 64,000 people are encroaching illegally on forest land (Hussain 2021; J&K Forest Department). In February 2019, in response to a report published by the newly-Indian forest department, the Indian Supreme Court ordered the removal of hundreds of thousands of people, largely tribal and nomadic Gujjar-Bakerwal groups that they determined were living and farming “illegally” in the forest (Parvaiz 2021; The Kashmir Press 2021).

Later that same year, the government released a new Srinagar Master Plan for 2035, which envisioned a new urban reality in Srinagar. New imaginaries of a modern, Indian Kashmir leave little space for those who reside there now, re-categorized in the plan as “subjects for relocation” (Das 2020). The 2035 Master Plan demarcated land for the construction of nearly two hundred thousand new houses in place of existing settlements that have been rendered “encroachments.” Historically, municipal planning schemes have frequently been utilized to redraw streets, boundaries, and zones, effectively rendering existing developments that are in violation of these maps illegal. The resulting development plans often lead to the dispossession and displacement of former settlements, paving the way for the creation of a new, rationalized urban landscape that can more easily facilitate the flow of capital.

The plan also stated a goal of generating over a million new jobs, including within a newly imagined “Special Investment Corridor,” which Kashmiris fear are designed to attract Indian settlers (Das 2020). In order to clear urban land for tourism, industry and settlement, local authorities, run by BJP-appointed Indian officials, have rapidly increased the frequency of demolition drives, justified as actions to clear “encroachments” in urban areas. An analysis of news on evictions conducted by government authorities from 2012-2020 revealed that the number of demolition drives increased manifold in recent years, and are largely concentrated in Srinagar, the capital city.⁵

In January 2023, the Indian state announced a series of new “anti-encroachment drives” against beneficiaries of the repealed Roshni Act (Kashmir Walla 2023). Despite assurances from state officials that the order was intended to recover illegally occupied government land from “influential people” for public use, the demolitions have been widely criticized as arbitrary. Demolitions continued in Srinagar, Budgam, Anantnag and Baramulla for two months, claiming structures ranging from the residences of Kashmiri politicians to small, roadside shops. Bulldozers, which have come to symbolize Hindu power exerted against Indian Muslims, have become a regular feature in Kashmiri cities. Adding to the confusion about the targets of the demolitions, even shopkeepers who claim to have been paying rent to the municipality have reportedly been evicted (Kashmir Walla, 2023). While Revenue

⁵ This analysis was limited, as it only covered English-language news sources. While it therefore may not account for all demolitions and bias the data toward reporting from large cities, it is safe to say that demolitions greatly increased in 2020.

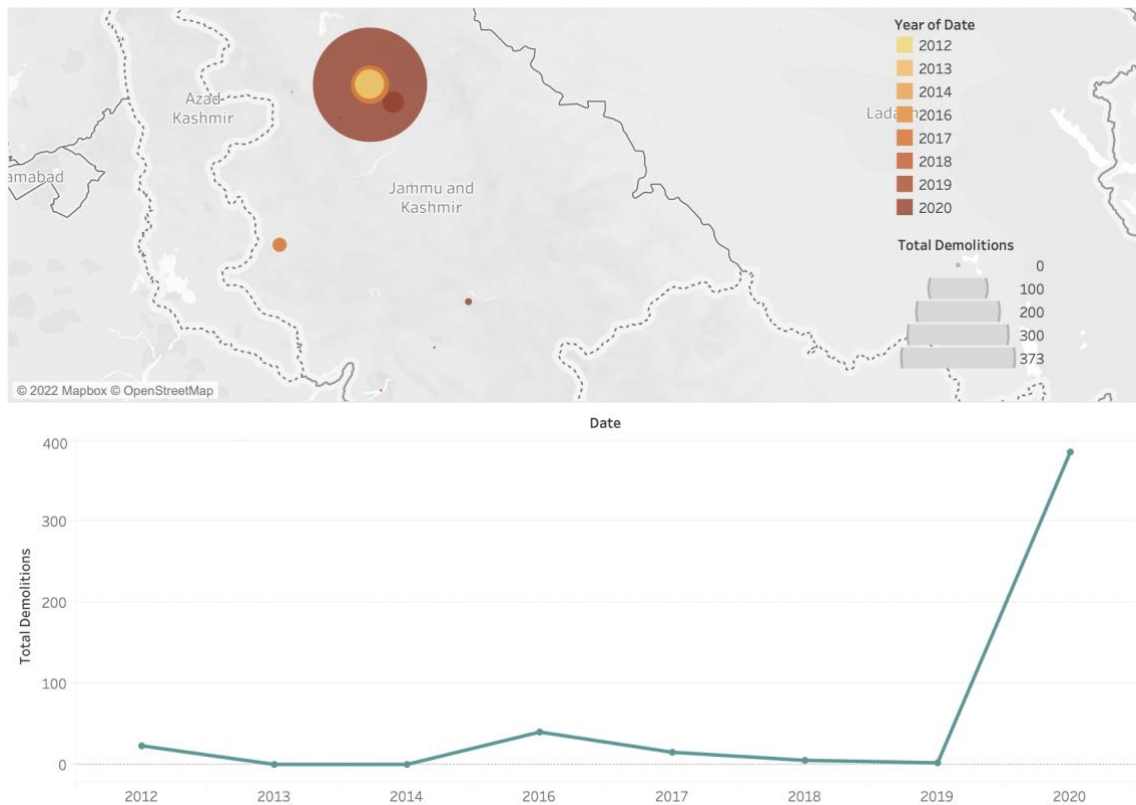


Figure 1

Above: Concentration of Recorded Demolitions
 Below: Demolitions by year

Department officials refute claims that the evictions are arbitrary, they have refused to furnish a full list of “encroachers.” A land survey conducted in 2001 by the Divisional Commissioner of Kashmir, which has since been removed from their website, revealed that the Revenue, Tourism, Forest, and Public Works departments, as well as Dal Lake itself were listed as “encroachers” on state land.

The deployment of the category of “encroacher” in Kashmir has allowed for the mass removal of Kashmiris from their traditional lands and constitutes one dimension of a multipronged process to exert power over Indigenous peoples seen as disposable. The language of “reclamation” for the “public” suggests an understanding that a true Indian (Hindu) public must be taken back from Kashmiri (Muslim) usurpers.

In the eyes of the Indian state, all Kashmiris are encroachers, or illegal occupants of Indian land. Never having been fully recognized (or recognizing themselves) as members of the Indian (Hindu) nation, Kashmiris represent an omnipresent threat to the imagination of Indian and Hindu nationhood. This threat serves to legitimize continued violence and dispossession of both Kashmiris and Indian Muslims. It also drives continued motivation to dispossess and eliminate Kashmiris, thus reclaiming Kashmiri land as Indian.

Gujjars and Bakarwals, who were often the target of the language of “encroachment” even prior to 2018, continue to face the brunt of the evictions, as access to traditional pastures and forests has once more been revoked in recent years (Naqash 2021). The re-

classification of Kashmiri land as Indian land through the discursive deployment of “encroachment” thus underwrites ongoing, and often extralegal seizure of land by the state, corporations, and the military, who are not classified as “encroachers.”

The leveling of “encroachments” is just one in a set of strategies to render select Kashmiri practices illegal to seize land for capital-imperial development projects. Since the annexation of Kashmir into the Indian state in 2019, India has continued to legislate new means of dispossession, rendering Kashmiris increasingly “illegal” on their own lands.

Home demolitions by Indian military forces have also increased in recent years and are used both as a terror tactic to instill fear and maintain precarity in Indigenous populations, a mechanism for land acquisition, and a technology of dispossession, aimed at the elimination of Indigenous peoples from Kashmir (Naqash 2019). Indian armed forces routinely destroy buildings in which they claim or suspect militants are hiding, often alongside neighboring properties. Home destruction as a method of collective punishment was common during the armed insurgency in the 1990s, during which entire neighborhoods and villages were destroyed by the Indian armed forces in a brutal attempt to crush dissent (Bhat 2020). According to data collected by the Jammu Kashmir Coalition of Civil Society (JKCCS), over 14,000 structures were destroyed in this period, including homes, shops, schools and hospitals (The Frontier Post 2022). Most of this was done with complete impunity for the Indian armed forces. An “emergency” provision that has remained in place for over three decades, the Armed Forces Special Powers Act (AFSPA) enacted in 1990 gave military forces sweeping authority to kill and arrest civilian populations, as well as seize and destroy property based entirely on their judgment.

Since 2016, there has been another increase in the frequency of home demolitions, with the army reportedly even forcing families to burn down their own homes (Naqash 2019). From 2016-20, the JKCCS recorded 255 home demolitions, and an additional 135 in 2021 alone (The Frontier Post 2022). However, these are likely massive undercounts. An investigation by the data journal IndiaSpend revealed that 105 homes were destroyed in the Pulwama district alone between 2015 and 2018, increasing each year over that period (Parvaiz 2018). During the lockdown and communications blockade in 2019 and 2020, civil society organizations were unable to track home demolitions, and the Indian state was able to act with even greater impunity (Parvaiz 2018).⁶

Land Grabs and the Creation of Indian Kashmir—Replacement of the Native

Elimination has long been a goal of Indian state policy in Kashmir, demonstrated clearly through forced disappearances, encounter killings, and the discovery of mass unmarked graves. Since 2014, policies of elimination have been accompanied by policies of replacement, marking what many have termed a transition from colonialism to settler colonialism. Increasingly, the Indian government is moving to subsume previously extralegal

⁶ According to data from the Kashmir Media Service, there have been a total of 110,475 structures destroyed since 1990, and at least 4,370 since the BJP assumed power in 2015 (Kashmir Media Service 2022).

military actions within the legal framework of the newly designated Union Territory. Settlement requires the mass acquisition of territory alongside the removal of Indigenous peoples. Over the past few years, the Indian state has passed new legislation in order to facilitate the acquisition of land in Kashmir—by the military, private companies, and Indian citizens.

The annexation of Kashmir marked the first step in this process, through which the Indian state is able to declare all lands held by the erstwhile state as its own property. Further land expropriation has largely been mediated through the military, the largest owner of public land in the region. In 2018, the then Indian-controlled government of Kashmir began to gift large stretches of forest land to the army, eventually giving up a total of 600 acres (Parvaiz 2019). The army has also started to purchase land that it is occupying illegally, further formalizing its occupation (BS Web Team & PTI 2020). Further expanding its powers of territorial acquisition, in July 2020, the Indian government authorized military personnel to declare any swath of land a “strategic area,” and seize it for military operations and training, without approval from civilian governing bodies (Javeed 2020).

In an escalation of existing policy, the Kashmir police announced in March 2022 that they would begin seizing the homes of people believed to be sheltering “militants or their associates” (Scroll.in, 2022). Already tenuous accusations of militancy render Kashmiri boys and men universally under suspicion of being militants or harboring sympathies with militants, activities punishable by preventative detention without trial and, in many cases, extralegal execution. The added declaration of the sheltering of militants as illegal and punishable by dispossession renders nearly all daily activities and practices of friendship and kinship among the Kashmiri people threatening to their lives, livelihoods and homes. This combination of laws gives the Indian state the means to selectively demolish and seize property from Kashmiris, largely within legal structures.

The settler colonial project in Kashmir is not solely motivated by the desire to create a Hindu-dominated nation, but is also subject to the logics of capital. Formal processes of land records and planning have allowed for the courting of foreign monies and have rendered Kashmiri land legible for investors and multinational corporations. The perception of Kashmir as a safe place for investment, tourism, and resource extraction has long been a goal of the Indian state, which has accelerated following the abrogation of Article 370.

The sheer number of development projects approved in just two months in 2019 was higher than the total number approved in the entire previous year. Since 2019, the Indian state has demarcated more than 15,000 acres of “land banks” intended to generate infrastructure investment by outside companies (Parvaiz 2021). New land laws have opened the purchase of government land for industrial and commercial purposes to anyone (Shuja-ul-Haq 2020). A classically colonial strategy, the declaration of land as “public” or “state-held” then allows for its selective dispensation to various interest groups (Greer 2018). Under these new rules, the government has begun the process of approving development projects, including drilling, mining, and real estate development. In 2019, while Kashmir was under a media and communications blockade, the Indian government held an online auction for the rights to mineral and resource extraction in Kashmir. The majority of contracts were awarded

to non-local corporations, many of whom have since started mining operations for sand, coal, marble and limestone without the mandatory environmental clearance (Stand with Kashmir 2021). In January 2020, the government held a "Global Investors' Summit" showcasing opportunities for investment in cement, education, industry, and tourism in the newly created Union Territory.

At the same time, the government has enacted policies to encourage Indian settlement, issuing residence certificates to Indian citizens with government jobs in Kashmir under new domicile rules. Research by Zainab Ramahi and Azadeh Shahshahani revealed that at least 400,000 people have been issued domicile certificates thus far (Ramahi and Shahshahani 2020). These new domicile certificates, which had invoked fears of mass demographic change in Kashmir, have already been superseded by new laws removing all residence-related barriers for land purchase in the state (Shuja-ul-Haq 2020). Many fear that new settlers will be housed in "Israel-like" guarded enclaves, as Indian government officials have openly stated (Essa 2019). Indian officials' stated need for guarded enclaves to protect "Indians" betrays their understanding of Kashmiris as "outsiders."

In India, while Kashmiri Muslims are "outsiders," Kashmiri Hindus are depicted as Indigenous. Hindu pilgrimages to Kashmir, such as the Amarnath Yatra, are heavily promoted throughout the country and offered protection in the form of armed detail. This serves both to reify the danger posed by Kashmiri Muslims and to reinforce the idea of Kashmir as an "integral" part of the Indian (Hindu) nation (Kanjwal 2019).

Postscript

In April 2022, municipal agency-led "encroachment drives" in Jahangirpuri, a Muslim-majority neighborhood in North Delhi, and Khargone city in Madhya Pradesh, stirred outrage, as government bulldozers moved to demolish the houses of those that they declared "rioters" in the aftermath of anti-Muslim pogroms (Mishra 2022; Sheikh 2022). Many decried this as a means for the Hindu nationalist state to clear away any Muslim homes that Hindu rioters failed to demolish. In January 2023, protests erupted over the court-ordered eviction of 50,000 people, most of them Muslim, in Haldwani, Uttarakhand (Ather 2023). While these incidents sparked outrage, they were far from unique. The past two years have seen the deployment of "anti-encroachment" drives against Muslims in Uttar Pradesh, Madhya Pradesh, New Delhi, Gujarat and elsewhere.

"Encroachment," for the Indian state, was here, as in Kashmir, a revocation of the right of Muslims to exist on their own land, and a means of exerting power over populations seen as disposable. Extrajudicial home demolitions during largely state-sponsored riots are thus often followed by "legal" slum clearance programs in an attempt to further marginalize India's minority population. "Encroacher," a term that in the past was most often weaponized against poor slum-dwellers and Indigenous inhabitants of forests, has in recent years come to signify any Muslim who the central government deems dangerous to or in the way of the Hindu nationalist project in India. Space has become a prime battleground for

the Hindu nation—victory over space translates to the removal of Muslims and Muslimness from public space, and therefore public life.

In early May, Indian Home Minister Amit Shah declared the government's intention of implementing the Citizenship Amendment Act, a controversial bill passed amidst mass protests in 2019 that for the first time in India's history explicitly tied citizenship to religion, "after COVID is over" (Mishra 2022). Mirroring strategies put into place in Kashmir, the Indian state in this way further its plan to redefine citizenship and nationhood to explicitly exclude Muslims, a goal that is at the core of the Hindu nationalist project.

Although many have engaged with the "internal colonization" of minorities in post-colonies, including Indian Muslims, "pure" colonization by non-Europeans is not as well understood. Settler colonialism emerged as a frame to engage with colonial structures and territorial conquests that subjugate peoples who cannot be described as "internally" colonized. Critical Kashmir Studies scholars note that Kashmiris are subject to processes similar to those in recognized settler colonial regimes, including the United States, Canada, Australia, and Israel. Indeed, the subjugation of Kashmiris also allows for the subjugation of those internally colonized by India (Indian Muslims); there is an intimate relationship between internal colonialism in India and the Indian colonial project in Kashmir.

Despite the scale of the demolition drives, last year's targeting of Muslim properties for demolition on the pretext of "illegal encroachment" across the country reveals the continued assault on Muslim homes and communities. Measures such as the Citizenship Amendment Act and the National Register of Citizens threaten Muslims' legal status as citizens, while the narrative of "encroachers" seeks to portray Muslims as illegal occupiers of lands that legitimately belong to Hindus. The state's mediation of legality, which can be conferred or taken away by the stroke of a pen, further complicates the situation, as a large percentage of structures are technically illegal. The state's focus on land ownership and control, along with the cultivation of a general fear of public Muslimness, including practices such as *azāan*, prayer, and hijabs in public spaces, reveals an intimate relationship between internal colonialism in India and the Indian colonial project in Kashmir. The subjugation of Kashmiris allows for the subjugation of those internally colonized by India, including Indian Muslims.

References

- Al Jazeera. "The Disappeared of Indian-Administered Kashmir." *Al Jazeera*, 30 Aug. 2019. <https://www.aljazeera.com/videos/2019/8/30/the-disappeared-of-indian-administered-kashmir>.
- Aamir, Omer. "Kashmir Imbroglia: Moving Beyond the Horizon." *SSRN Electronic Journal*, 2021.
- Ather, Sara. "India's bulldozer war on Muslim neighbourhoods." *Middle East Eye*, 6 Feb, 2023. <https://www.middleeasteye.net/opinion/india-muslims-undeclared-war-neighbourhoods>
- Barker, Joanne. *Red Scare: The State's Indigenous Terrorist*. Vol. 14. Univ of California Press, 2021.
- Bhan, Gautam. "The Impoverishment of Poverty: Reflections on Urban Citizenship and Inequality in Contemporary Delhi." *Environment and Urbanization*, vol. 26, no. 2, 2014, pp. 547–560.

- Bhan, Mona, and Nishita Trisal. "Fluid Landscapes, Sovereign Nature: Conservation and Counterinsurgency in Indian-Controlled Kashmir." *Critique of Anthropology*, Vol. 37, no. 1, 2017, pp. 67–92.
- Bhat, Bisma. "Anxiety Grips Indigenous Nomads over 'Enforced Homelessness' in Kashmir's Jungles." *Free Press Kashmir*, 19 Nov. 2020. <https://freepresskashmir.new>
- BS Web Team & PTI. "After Article 370 Abrogation, Army Seeks to Buy Land for Camps in Kashmir." *Business Standard*, 30 May 2020, https://www.business-standard.com/article/current-affairs/in-a-first-after-article-370-abrogation-army-seeks-to-buy-land-in-kashmir-120053000141_1.html
- Burhan, Bhat. "Kashmir's Displaced Struggle to Survive Amid COVID-19." *The Diplomat*, 9 Dec. 2020. <https://thediplomat.com/2020/05/kashmirs-displaced-struggle-to-survive-amid-covid-19/>
- Byrd, Jodi A. "'Been to the Nation, Lord, but I Couldn't Stay There.'" *The Transit of Empire*, 2011, pp. 117–146.
- Dar, Huma. "Dear Prof. Chatterjee, When Will You Engage with the Discomfort of Indian-Occupied Kashmir?" *Pulse*, September 10, 2015. <https://pulsemedia.org/2015/09/10/dear-prof-chatterjee-when-will-you-engage-with-the-discomfort-of-indian-occupied-kashmir/>
- Das, Evita. "Was Kashmir Being Readied for Demographic Change Even before Article 370 Was Scrapped?" *NewsLaundry*, 2020. <https://www.newslaundry.com/2020/09/07/was-kashmir-being-readied-for-demographic-change-even-before-article-370-was-scrapped>
- Divisional Commissioner of Kashmir. "State Land as on 01.01.2001" <https://web.archive.org/web/20230119190331/https://kashmirdivision.nic.in/PdfDocs/Roshni/SRI-01-01-2001.pdf>
- Essa, Azad. "India Consul General in United States Calls for 'Israeli Model' in Kashmir." *Middle East Eye*, Nov. 2019. <https://www.middleeasteye.net/news/india-consul-general-united-states-calls-israeli-solution-kashmir>
- Gazia, Ifat. "In Kashmir, Military Lockdown and Pandemic Combined Are One Giant Deadly Threat." *The Conversation*, 30 Nov. 2021. <https://theconversation.com/in-kashmir-military-lockdown-and-pandemic-combined-are-one-giant-deadly-threat-142252>
- Greer, Allan. *Property and dispossession: Natives, empires and land in early modern North America*. Cambridge University Press, 2018.
- Hari Om. "Biggest J&K Land Scam: 21 Lakh Acres State, Forest Land Encroached." *Economic Times*, 22 Aug 2020. <https://economictimes.indiatimes.com/news/politics-and-nation/pdp-bjp-speak-in-different-voices-on-separate-township-for-kashmiri-pandits/articleshow/46865187.cms?from=mdr>
- Himal Southasian. "Landscapes of an Occupation." *Himal Southasian*, 24 Aug. 2015, www.himalmag.com/landscapes-of-an-occupation-kashmir/.
- Hussain, Adil. "Better Killed Than Homeless: The Struggle of Forest Dwellers in Indian Controlled Kashmir." *Polis Project*, 2 Mar. 2021. <https://www.thepolisproject.com/read/better-killed-than-homeless-the-struggle-of-forest-dwellers-in-indian-controlled-kashmir/>
- Indian Express. "21,400 Hectares under Illegal Possession of Army in J-K, Says CM Mehbooba Mufti." *The Indian Express*, 10 Jan. 2018, <https://indianexpress.com/article/india/21400-hectares-under-illegal-possession-of-army-in-j-k-says-cm-mehbooba-mufti-5019019/>
- J&K Forest Department. "Division Wise Lists Of Forest Encroachments." <https://jkforest.gov.in/encroach.html>
- Javeed, Auqib. "Why It's Easier For Army To Take Over Land In J&K." *Article 14*, Jul. 2020. <https://www.article-14.com/post/2-legal-tweaks-make-it-easier-for-armed-forces-to-take-over-land-in-j-k>
- Kanjwal, Hafsa. "India's settler-colonial project in Kashmir takes a disturbing turn." *The Washington Post*, 2019

- Kanjwal, Hafsa. "The Violence on Kashmir is Epistemological as It Is Physical," *Jadaliyya*, December 11, 2019. <https://www.jadaliyya.com/Details/40341/The-Violence-on-Kashmir-is-Epistemological-as-it-is-Physical>.
- Kashmir Media Service, 2022. <https://www.kmsnews.org/kms/>
- Kaul, Nitasha. "Kashmir Is Under the Heel of India's Colonialism." *Foreign Policy*, 2019.
- Korbel, Josef. "From Domicile to Dominion: India's Settler Colonial Agenda in Kashmir." *HeinOnline*, 134 Harv. L. Rev. 2530, 2020.
- Mathur, Shubh. "Life and death in the borderlands: Indian sovereignty and military impunity." *Race & Class* Vol. 54.1, 2012. Pp. 33-49.
- Mir, Jamsheed Jameel. "Environmental Security and Sustainability in Kashmir." MPhil Dissertation, Sikkim University, 2014. <http://dspace.cus.ac.in/jspui/handle/1/3191>
- Mishra, Anupam. "Citizenship Amendment Act Will Be Implemented after Pandemic Is over, Says Amit Shah." *India Today*, 5 May 2022. <https://www.indiatoday.in/india/story/home-minister-amit-shah-bengal-visit-citizenship-amendment-act-implementation-covid-pandemic-1945880-2022-05-05>
- Mushtaq, Samreen, and Mudasar Amin. "We Will Memorise Our Home': Exploring Settler Colonialism as an Interpretive Framework for Kashmir." *Third World Quarterly*, vol. 42, no. 12, 2021, pp. 3012–3029.
- Naqash, Rayan. "Breaking People's Will: In Kashmir, Gunfights Leave a Trail of Destroyed Homes and Rising Anger." *Scroll.in*, 10 June 2019. <https://scroll.in/article/894739/breaking-peoples-will-in-kashmir-gunfights-leave-a-trail-of-destroyed-homes-and-rising-anger>
- Naqash, Rayan. "Can the Forest Rights Act Protect Tribal Communities in Jammu from Eviction?" *Scroll.in*, 10 June 2019, <https://scroll.in/article/872826/can-the-forest-rights-act-protect-tribal-communities-in-jammu-from-eviction>
- Naqash, Rayan. "Homelands." *Fifty Two (52)*, 13 Aug. 2021, <https://fiftytwo.in/story/homelands/>
- News Desk. "Eviction drive: More than 20 shops sealed in Srinagar's Aftab Market." *The Kashmir Walla*, 1 Feb. 2023. <https://thekashmirwala.com/eviction-drive-more-than-20-shops-sealed-in-srinagars-aftab-market/>
- News Desk. "Retrieved land will be used in infrastructure for public: Chief Sec J-K." *The Kashmir Walla*. 2 Feb. 2023. <https://thekashmirwala.com/retrieved-land-will-be-used-in-infrastructure-for-public-chief-sec-j-k/>
- Osuri, Goldie, and Ather Zia. "Kashmir and Palestine: Archives of Coloniality and Solidarity." *Identities*, vol. 27, no. 3, 2020, pp. 249–266.
- Osuri, Goldie. "Imperialism, Colonialism and Sovereignty in the (Post)Colony: India and Kashmir." *Third World Quarterly*, vol. 38, no. 11, 2017, pp. 2428–2443.
- Parvaiz, Athar. "Kashmir Ceasefire Comes After 50% Rise In Armed Encounters, Killings During 2015-2017 Over 2012-2014." *Wayback Machine, Indiaspend*, 18 May 2018. <https://web.archive.org/web/20210517233718/https://www.indiaspend.com/kashmir-ceasefire-comes-after-50-rise-in-armed-encounters-killings-during-2015-2017-over-2012-2014>
- Parvaiz, Athar. "Kashmir Forest Dwellers Look to Long-Delayed Law to Stop Evictions." *Reuters*, 15 Jan. 2021. <https://www.reuters.com/article/us-india-landrights-forest-idUSKBN29K02W>
- Parvaiz, Athar. "Indian Government Looks to Acquire Land in Kashmir." *The Third Pole*, 6 Jan. 2021. <https://www.thethirdpole.net/en/regional-cooperation/india-government-land-kashmir/>
- Parvaiz, Athar. "Under President's Rule, J&K Has given up 243 Hectares of Forest Land for Army and Paramilitary Use." *Scroll.in*, 16 Dec. 2019. <https://scroll.in/article/946888/under-presidents-rule-jammu-kashmir-is-axing-1471-trees-in-designated-forests>
- Ramahi, Zainab and Azadeh Shahshahani. "Destroying to Replace: Settler Colonialism from Kashmir to Palestine." *Verso Books*, Aug. 2020.

<https://www.versobooks.com/blogs/4817-destroying-to-replace-settler-colonialism-from-kashmir-to-palestine>

- Ramanathan, Usha. "Demolition drive." *Economic and Political Weekly*, 2005, pp. 2908-2912.
- Scroll.in. "Properties of Those Who Shelter Militants May Be Attached, Warns Srinagar Police." *Scroll.in*, 25 Mar. 2022. <https://scroll.in/latest/1020340/j-k-properties-of-those-who-shelter-militants-may-be-attached-warns-srinagar-police>
- Sheikh, Saaliq. "Muslim properties razed in New Delhi after communal violence". *ABC News*, Apr. 2022. <https://abcnews.go.com/International/wireStory/shops-demolished-indian-capital-communal-violence-84184390>
- Shih, Gerry, and Anant Gupta. "How Bulldozers in India Became a Symbol of Hindu Nationalism." *The Washington Post*, WP Company, 26 Apr. 2022. <https://www.washingtonpost.com/world/2022/04/27/india-hindus-muslims-bulldozers-demolitions/>
- Shuja-ul-Haq. "Explained: Who All Can Buy Land in J&K under New Land Laws." *India Today*, 28 Oct. 2020. <https://www.indiatoday.in/india/story/explained-who-all-can-buy-land-in-j-k-under-new-land-laws-1735985-2020-10-28>
- Stand with Kashmir. "Environmental Colonialism in Jammu and Kashmir." 2021. https://standwithkashmir.org/wp-content/uploads/2021/02/Forest-FB_TWT-version.pdf
- Stanton, Gregory H. "Genocide Alert for Kashmir, India." *Genocidewatch*, 15 Aug. 2019, www.genocidewatch.com/single-post/2019/08/15/genocide-alert-for-kashmir-india.
- The Frontier Post. "Kashmir- Nation's First Love." *The Frontier Post*, 3 Feb. 2022, <https://thefrontierpost.com/kashmir-nations-first-love/>
- The Hindu. "How Tosamaidan Was Reclaimed." Return to Frontpage, *The Hindu*, 4 Dec. 2021, www.thehindu.com/news/national/how-tosamaidan-was-reclaimed/article6455134.ece.
- The Kashmir Press. "As Govt Intensifies Anti-Encroachment Drives, Forest Dwellers Start Seeking Relief under FRA." *The Kashmir Press*, 2 June 2021, www.thekashmirpress.com/2021/06/02/as-govt-intensifies-anti-encroachment-drives-forest-dwellers-start-seeking-relief-under-fra/
- Verma, Mohinder. Govt Decides To Go Whole Hog To Retrieve Encroached Land Across UT, 27 Jan. 2020. <http://www.jammu-kashmir.com/archives/archives2020/kashmir20200127c.html>
- Wolfe, Patrick. "Nation and miscegenation: discursive continuity in the post-Mabo era." *Social Analysis: The International Journal of Social and Cultural Practice* Vol. 36, 1994, pp. 93-152.
- Zargar, Safwat. "In J&K, the Government Is Trying to Recover 1 Lakh Hectares of Encroached Land." *Scroll.in*, 15 Mar. 2020. <https://scroll.in/article/956090/in-j-k-the-government-is-trying-to-recover-1-lakh-hectares-of-encroached-land>
- Zargar, Safwat. "Kashmir: India to 'Reclaim' Encroached Land." *Housing and Land Rights Network*, 2020. <http://www.hlrn.org/activitydetails.php?id=pm5maΛ==>
- Zia, Ather. "The haunting specter of hindu ethnonationalist-neocolonial development in the Indian Occupied Kashmir." *Development*, 2020, pp. 60-66.