

# *India's Move in Kashmir: More Than 2,000 Rounded Up With No Recourse*

By [Jeffrey Gettleman](#), [Kai Schultz](#), Sameer Yasir and [Suhasini Raj](#)

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NEW DELHI — On Aug. 5, at 1:15 a.m., Asifa Mubeen was woken up by the sound of barking dogs as police officers began pouring into her yard.

Her husband, Mubeen Shah, a wealthy Kashmiri merchant, stepped out onto their bedroom balcony in the night air. The officers shouted that he was under arrest. When he asked to see a warrant, his wife said, the officers told him there wouldn't be one.

“This is different,” they said. “We have orders.”

It was the start of one of the biggest mass arrests of civilian leaders in decades carried out by India, a close American partner that bills itself as one of the world's leading democracies.

Local officials say that at least 2,000 Kashmiris — including business leaders, human rights defenders, elected representatives, teachers, and students as young as 14 — were rounded up by the federal security forces in the days right before and after the Indian government unilaterally stripped away Kashmir's autonomy.



Security forces in Srinagar, Kashmir's largest city, earlier this month. Atul Loke for The New York Times

The detainees have not been able to communicate with their families or meet with lawyers. Their whereabouts remain unknown. Most were taken in the middle of the night, witnesses said.

Critics say that even under India's tough public safety laws this is illegal, and that Prime Minister Narendra Modi is bending the Indian legal system to cut off any possible criticism in Kashmir and go after anyone with a voice — be that a successful merchant like Mr. Shah, a politician or a professor.

“Kashmir is silent as a graveyard,” said Vrinda Grover, a human rights lawyer.

The Indian government isn't sharing what charges the detainees face or how long they will be held. Some were reported to have been flown on secret air force flights to jails in Lucknow, Varanasi and Agra.

On Thursday, the United Nations Human Rights Office said it was “gravely concerned.”

Political analysts say the mass roundup was the final piece of a detailed plan that Mr. Modi's government set into motion last year. This included postponing state elections in Kashmir to create a gap in local leadership. Indian officials then changed India's Constitution and moved to erase Kashmir's autonomy and statehood without any input from Kashmiris — though many lawyers have said that might not be legal, either.

Bringing Kashmir to heel has been a Hindu-nationalist dream. It was India's only Muslim-majority state (it is now to become two federally administered territories) and a place where Pakistan, India's archrival, enjoys some support. Kashmir was an obvious sore for the nationalist political movement that has flourished among India's Hindu majority, powering Mr. Modi's stunning rise.



Prayers for Eid in Srinagar last week. Kashmir was India's only Muslim-majority state, and revoking its special status was a Hindu-nationalist goal for many years. Atul Loke for The New York Times

For decades, Kashmir has been racked by militancy, oppression and unrest. Kashmiris are feeling especially demoralized and cornered now. The fear is that the area is about to ignite; even with phone lines cut, leaders in jail and soldiers on every street, protests are erupting. Some are peaceful. Others descend into stone-pelting clashes.

But the fury is there, always.

“There is only one solution!” the crowds cheer. “Gun solution! Gun solution!”

Mr. Modi's move instantly raised tensions with Pakistan, a Muslim-majority nation that also claims part of Kashmir. Its prime minister, Imran Khan, harshly criticized Mr. Modi on Wednesday, saying he had rebuffed Mr. Khan's requests to talk.

Large numbers of troops have been moving on both sides of the border, fortifying positions in the Himalayan mountains, according to Western intelligence officials.

Both nations are armed with nuclear weapons, and President Trump has urged them to reduce tensions and to avoid tipping the crisis over into war.



Observing India's Independence Day at a Srinagar cricket ground last week. Atul Loke for The New York Times

But Mr. Modi seems intent on digging in, and he has the Indian public firmly behind him. Many Indians see Kashmir as an integral part of India, and this move has stirred up jingoist feelings. Indian news channels have referred to the detainees being flown out of Kashmir as “Pakistani terrorists” or “separatist leaders,” toeing the government line.

The Indian Home Ministry will not answer questions about the mass arrests, including how many people have been taken into custody. The Foreign Ministry won't say why foreign journalists continue to be blocked from setting foot in Kashmir, even when government officials insist the situation is returning to normal.

Mr. Modi has said that the state of Jammu and Kashmir, which includes the war-torn Kashmir Valley, had suffered too long and needed a change. He promised that the new arrangement would improve governance, bring peace and bolster outside investment, which many Kashmiris question, especially now that business leaders have been thrown in jail.

“Who will invest there?” asked Farooq Kathwari, a prominent Kashmiri and the chief executive of Ethan Allen, the American furniture chain.

The way Indian security officials have handled this, he said, “has taken the dignity of the people. They have created a rage, and that rage will get them to do all kinds of things.”



Mubeen Shah, a merchant, was arrested on Aug. 5, hours before Kashmir's autonomy was declared to be over. His wife said the police gave no reason for his arrest.

Among the people who were rounded up were Mian Qayoom, president of the Jammu and Kashmir High Court Bar Association; Mohammed Yasin Khan, chairman of the Kashmir Economic Alliance; Raja Muzaffar Bhat, an anticorruption crusader; Fayaz Ahmed Mir, a tractor driver and Arabic scholar; and Mehbooba Mufti, the first woman elected as Kashmir's chief minister.

Shah Faesal, another politician, was arrested at New Delhi's international airport, bags checked, boarding pass in hand, heading for a fellowship at Harvard. Several prominent state politicians have also been put under house arrest; they told Indian news outlets they had been ordered not to engage in any "political activity."

"These detentions are totally illegal and unconstitutional," said Zaffar Shah, a Kashmiri lawyer.

In the case of Mr. Shah, 63, the wealthy merchant, his wife is still stunned about him being taken away. He was "just a business guy," she said, who dealt in Kashmiri curios and carpets and had tried to woo foreign investors to build new electricity plants in Kashmir — exactly what the Modi government has said it wants.

She said some of the state police officers — Kashmiris — seemed reluctant to arrest him, but that dozens of heavily armed federal officers were at their back.

All this was carefully set into motion, analysts said, in three big steps.

Step one came in June 2018, when the Kashmir branch of Mr. Modi's Hindu nationalist Bharatiya Janata Party, known as the B.J.P., abruptly pulled out of a coalition government in the state assembly, leaving the leading Kashmiri political party without a majority. That meant the governor — a central government figure, part of the Modi administration — took over.



Protests in Srinagar last week against India's abolition of Kashmir's autonomy. Atul Loke for The New York Times

Kashmiri politicians started to get nervous. They feared that Mr. Modi was plotting to change Article 370 of India's Constitution, which guaranteed Kashmir special land rights and a fair degree of autonomy to write its own laws. Dismantling this article was a goal stated in Mr. Modi's campaign manifesto.

Article 370 says that any changes to Kashmir's status must be done in consultation with Kashmiri representatives. But Kashmiri politicians knew that if the state continued to be ruled by a governor, without a state assembly, there was a risk that Mr. Modi might make changes without them.

In November 2018, Ms. Mufti, Kashmir's former chief minister, sent a fax to the governor — which she posted on social media — saying she had found enough allies and was ready to form a new government.

But the governor suddenly dissolved the state assembly. That was step two. The governor claimed he hadn't received Ms. Mufti's fax. He called for fresh elections.

That led to step three: the blocking of those elections.

According to an Indian official who said he would face harassment if his name were reported, a team of experienced civil servants appointed by the national election commission recommended that Kashmir hold elections around June.



Rock-throwing protesters in Srinagar last week. Atul Loke for The New York Times

But B.J.P. lawmakers seemed to be stalling, the official said, and came up with some curious reasons: They said that if Kashmir's elections were held in June, militants could hide in the tall summer grass, so November would be better.

The election commission then postponed the elections to later in the year, without setting any date.

That meant there was no functioning state assembly when Mr. Modi revoked Kashmir's autonomy on Aug. 5. His government claimed that in the absence of a state assembly, the central government had the power to do this.

"The government had to engineer some other method to gain the levers of power," said Happymon Jacob, a political scientist in New Delhi. "They simply would not be able to do what they did had there been elections."

The final step was the lockdown.

Shortly after midnight on Aug. 5, just hours before Mr. Modi's government would announce that Kashmir's autonomy was over, the Indian authorities cut internet and phone service and activated thousands of federal security officers.



Protesters blocking a street in Srinagar this week. Atul Loke for The New York Times

As dozens surrounded Mr. Shah, others moved house to house, across the valley, looking for specific people. At least 20 stormed the home of Mr. Bhat, the anticorruption activist, his family said.

Mr. Bhat's family said he had never been arrested before, "not even for one hour."

When his wife, Fozia Kauser, asked why this was happening, the Kashmiri police said they didn't know. Again, they said they had orders.

Human rights activists say the Indian government may be using the Public Safety Act, which allows the authorities to hold suspects without charges for up to two years if they are deemed threats to the state. But there are still rules, including an advisory board review.

A few days after Mr. Shah, the rug and crafts merchant, was arrested, his elder brother, Niaz, tracked him down at a Srinagar jail.

Mubeen Shah asked the guards if he could hug his brother. They said yes.

The next morning, Niaz Shah came back with some spare clothes.

But guards told him his brother was gone, on a military plane to Agra.

Jeffrey Gettleman, Kai Schultz and Suhasini Raj reported from New Delhi, and Sameer Yasir from Srinagar, Kashmir.

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